



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 10-2

January 18-22, 2010

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BILL INTRODUCTIONS

As of January 22, the 10th day of the 2010 session, 478 bills and 5 joint resolutions had been “dropped in the hoppers.” During the 2009 session, a total of 2,654 measures were introduced. Of these, 751 bills were enacted and became part of the *Laws of Maryland*.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

The use of unauthorized cell phones by inmates is a growing security threat in prisons in Maryland and throughout the country. This week a House committee heard testimony on two bills that address this problem. [HB 78](#), a departmental bill, elevates from a misdemeanor to a felony offenses pertaining to concealing or delivering contraband telecommunication devices and increases the maximum penalties. [HB 61](#) creates the misdemeanor crime of use or possession of a wireless communication device by a prisoner, with a mandatory minimum sentence of a year, without suspension or parole. The bill also makes it a misdemeanor to provide an inmate with a wireless communication device, with a penalty of a fine no greater than \$10,000.

The hallucinogen *Salvia divinorum* is currently not listed on a federal or State drug schedule, and its use, possession, or sale is not prohibited in Maryland. This week a House committee considered [HB 13](#), which makes it a misdemeanor to distribute *Salvia divinorum* to an individual under the age of 21. The bill also prohibits an individual under 21 from possessing the substance, and violators receive a civil citation. A report from the Attorney General detailing a recommended scheme for the regulation of sales of *Salvia divinorum*, including requirements for sellers and the placement of products in stores, is due by December 1. A hearing is yet to be scheduled for companion bill [SB 17](#).

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Testimony was heard this week on [SB 37](#), which prohibits the Department of Natural Resources (DNR) from barring the use of patent tongs and power dredges to catch oysters in State waters. A hearing has not yet

been scheduled for [HB 154](#), which increases the area of the Patuxent River where the use of patent tongs is banned; or [SB 222](#), which prohibits DNR from establishing the location of oyster sanctuaries by regulation instead of statute.

FISCAL MATTERS

The Governor has submitted the \$32.1 billion Budget Bill for the fiscal 2011 budget, [SB 140/HB 150](#), to the General Assembly. The Constitution requires that the budget be balanced and that the General Assembly pass the Budget Bill by the 83rd day, which is April 5 this year, or the Governor must proclaim an extended session if the Budget Bill does not pass by the 90th day. During the extended portion of the session, the General Assembly may deal only with the Budget Bill and with the cost of the extended session. Only in 1992 did the General Assembly not pass the bill by the 90th day requiring an extended session. The General Assembly may reduce the Governor’s proposed amounts for the Executive Branch but may not increase them.

The fiscal 2011 budget is approximately \$300 million less than the fiscal 2010 budget with the \$13.2 billion in General Fund allowance decreasing 2.0% from fiscal 2010. The proposed budget meets the Spending Affordability Committee recommendation for 0.0% budget growth. The proposed budget will leave a \$274 million surplus at the end of fiscal 2011.

There is a net reduction in 140 State employee positions. The Governor is abolishing 187 positions and allowing 47 new positions, including 10 new State police officers. The proposed budget does not provide for State employee cost-of-living increases but assumes State employee furloughs.

The proposed budget assumes no new taxes and is balanced by including transfers from the local income tax revenue fund (\$350 million) to the Education Trust Fund and transfers of special funds for capital projects (\$442 million) and by other special fund transfers and reductions in mandatory spending. The proposed budget also assumes an additional \$389 million in additional federal funds for medical assistance.

Among the highlights are:

- State aid for education is allowed \$5.7 billion, a 3.5% increase. This amount includes \$422 million in federal Recovery Act funds.
- Nonpublic school textbook aid is \$4.4 million.
- State universities and colleges receive \$1.1 billion. The tuition freeze ends with a 3% tuition increase. Community colleges receive \$256.1 million, contingent upon legislation reducing the required appropriation of \$279.2 million. The Joseph A. Sellinger program for State aid for non-public colleges and universities is \$30.0 million, contingent upon legislation reducing the required appropriation of \$52.0 million.
- Medical assistance receives \$6.1 billion, a 3.4% increase. The Developmental Disabilities Administration receives \$763 million.
- The Chesapeake Bay 2010 Trust gets \$20 million.
- The Department of Natural Resources' Fisheries Services is allowed \$32.9 million, an increase of 28.3% over the fiscal 2010 allowance.
- The Job Creation and Recovery Tax Credit, which, if enacted, will provide a \$3,000 tax credit for each unemployed person hired, is allocated \$20 million.
- The Maryland Stem Cell Research Fund is allowed \$12.4 million.
- The Maryland Biotechnology Investment Tax Credit Reserve Fund is allowed \$6 million.
- The county highway user revenues remain at the fiscal 2010 funding level of \$140.5 million, reflecting a reduction of \$238.3 million contingent upon legislation reducing the required appropriation.
- State aid for police protection grants are maintained at \$45.4 million reflecting a reduction of \$19 million contingent upon legislation.

A balanced budget is contingent upon changing the allocation of revenue, reducing required expenditures, and transferring money from special funds to the General Fund, which is done in the Budget Reconciliation and Financing Act ([SB 141/HB 151](#)). The allocation of corporate income tax revenue, traffic violation fine surcharge revenue, and short-term vehicle rental sales tax revenue are among the allocation of revenue changes made in the bill. The bill also reduces required expenditures including school transportation aid, local highway user revenue, local health grants, community colleges aid, nonpublic universities and colleges aid, and Maryland State Arts Council grants.

Among the transfers to the General Fund for fiscal 2010 are:

- \$350 million from the Local Reserve Account for local income tax revenues to the Education Trust Fund;
- \$155 million from the Bay Restoration Fund and about \$40 million from the Heritage Tax Credit Reserve Fund;
- \$85 million from the University System of Maryland; and
- \$134.9 million in Program Open Space funds, \$10.6 million in Rural Legacy Program funds, and \$10 million in agricultural land preservation funds.

Among the authorized transfers to the General Fund for fiscal 2011 are:

- \$45 million from the Bay Restoration Fund;
- \$51.7 million from the University System of Maryland; and
- \$54 million in Program Open Space funds contingent on legislation authorizing of State general obligation bonds in the same amount to be used for Program Open Space, the Rural Legacy Program, and the Maryland Agricultural Land Preservation Foundation.

HEALTH CARE AND HEALTH INSURANCE

Public health bills in both the House and Senate have been introduced that concern the proper disposal of human remains. [HB 12](#), heard on January 20, prohibits individuals from burying or disposing of a body except in a family burial plot or other area allowed by local ordinance, a crematory, a cemetery, or funeral establishment. Violators are guilty of a misdemeanor and are subject to fines and/or imprisonment. [SB 9](#) establishes reporting requirements for individuals with permanent or temporary custody of the deceased; a spouse, parent, or child of the deceased; and a member of the deceased's household. These individuals must provide notice of the death within 24 hours to the proper authorities. The bill will be heard on January 26 by a Senate committee. A recent case in Anne Arundel County has renewed interest in these issues; Maryland does not have any statutes related to the proper disposal of human remains nor the timely notification of the proper individuals. Both pieces of legislation had previously been introduced in 2000.