



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL INTRODUCTIONS

As of Friday, January 29, 895 bills and joint resolutions had been “dropped in the hoppers.” The bill introduction deadline in the Senate is February 5, after which bills are referred to the Senate Rules Committee. The House introduction deadline is February 12, after which bills are referred to the House Rules Committee.

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## ADMINISTRATION LEGISLATION

Each session, the President of the Senate and the Speaker of the House, on behalf of the Governor, sponsor a package of bills known as Administration legislation. In addition to the budget and budget-related legislation ([SB 140/HB 150](#), [SB 141/HB 151](#), [SB 202/HB 171](#) and [SB 142/HB 152](#)), the Governor’s 2010 package includes measures addressing:

- Labor and Employment ([SB 107/HB 91](#), [SB 106/HB 92](#));
- Criminal Procedure ([SB 280](#));
- Education ([SB 275](#), [SB 283](#), [SB 286](#));
- Health Insurance ([SB 279](#));
- Real Property ([SB 276](#));
- Utility Regulation ([SB 277](#), [SB 282](#));
- Environmental Matters ([SB 278](#));
- Tax Credits ([SB 285](#), [SB 287](#), [SB 281](#)); and
- State Government ([SB 284](#)).

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## COURTS AND CIVIL PROCEEDINGS

Only a marriage between a man and a woman is valid in Maryland. Heard in committee this week, [HB 90](#) provides that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in Maryland and that these marriages are against the public policy of this State. Five

states and the District of Columbia authorize same-sex marriage.

A respondent in a petition for relief from domestic violence abuse may consent to waive a temporary protective order hearing or consent to the entry of a final protective order. A House committee heard testimony on [HB 48](#) that requires a judge to advise a respondent of consequences that result from the issuance of a final protective order before the respondent may give either of these consents. The bill also allows a respondent to withdraw consent to the entry of a final protective order at any time before it is entered. No hearing has been scheduled for the companion bill, [SB 329](#).

The Maryland Legal Services Corporation Fund was established in 1998 to finance civil legal services to indigent clients. It is funded in part by surcharges on civil cases filed in circuit court and District Court and by an account made up of interest on lawyer trust accounts (IOLTA). With IOLTA income dramatically reduced due to the weak economy, the Maryland Legal Services Corporation reduced grant awards by an average of 20% in fiscal 2010, after having to use emergency reserves to meet grant obligations for fiscal 2009. To ensure access to civil justice for the indigent, [SB 248/HB 106](#) increase the surcharge on civil cases filed in circuit court from a maximum of \$25 to a maximum of \$70. In District Court, the maximum authorized surcharge is increased from \$5 to \$10 for eviction cases and from \$10 to \$20 for all other civil cases. [HB 106](#) had a hearing this week; [SB 248](#) will be heard next week.

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## EDUCATION

### *Comprehensive Master Plan*

In 2002, the Bridge to Excellence in Public Schools legislation required local school systems to develop five-year comprehensive master plans to describe the goals, objectives, and strategies for use in improving student achievement and meeting State and local performance standards in each segment of the student population. These plans are to be updated annually, and a new five-year plan is due in the fall of 2010.

[SB 74](#) requires local boards of education to continue submitting annual updates to their master plans in 2010 and 2011, but delays the requirement that they submit a new five-year comprehensive master plan until 2012. The delay is proposed out of concern that the reauthorization of the federal Elementary and Secondary Education Act and the national standards movement may change federal education requirements.

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## **ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE**

Several more bills related to oyster harvesting have been introduced. Testimony will be heard on February 10 for [HB 284](#), which gives county oyster committees the power to authorize the use of power dredges to catch oysters in public shellfish fishery areas, and [HB 303](#), a reintroduction from last session that changes the procedure for the Department of Natural Resources to close tidal waters in the State to oyster harvesting. A hearing is scheduled for February 17 on [HB 218](#), which repeals a ban on using certain devices known as “devil catchers” or “devil divers” or similar devices on any oyster dredge boat to steer the dredge to the bottom. A hearing has not been scheduled for [SB 342](#), which creates a citation, hearing, license revocation, and appeals process for a person who is caught unlawfully taking oysters.

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## **FISCAL MATTERS**

The Governor has submitted his \$1.6 billion capital budget to the General Assembly, which includes a net borrowing of \$1.1 billion in general obligation bonds. The budget does not consist of one bill, but of \$1.0 billion in general obligation bond funds in the Maryland Consolidated Capital Bond Loan of 2010 ([SB 142/HB 152](#)), \$149.4 million in bond authorizations from Chapter 485 of 2009, the Maryland Consolidated Capital Bond Loan of 2009, while the remainder consists of funds in the Budget Bill ([SB 140/HB 150](#)) and academic revenue bonds. These figures exclude most transportation projects. The following measures are some of the Governor’s allocations:

- Public school construction receives \$250 million (including \$53.3 million in special funds) in the capital program, with an additional \$6.1 million for the Aging Schools Program and an additional \$4.5 million for the Qualified Zone Academy Bond Program, for a total of \$260.7 million for school construction and renovation;

- State universities and colleges receive \$232.6 million in bond authorizations, including \$34 million for Morgan State University, while community colleges receive \$81.2 million, which includes \$2.5 million for Baltimore City Community College. Some of the State university and college bond authorizations and a portion of the community college capital grant authorizations were made in Chapter 485 of 2009 and are amended by [SB 142/HB 152](#);
- The Community Health Facilities Grant Program, which provides capital funds for mental health, developmental disabilities, and substance abuse community centers, receives \$7.9 million in general obligation bonds;
- Program Open Space receives \$82.8 million, including \$70.2 million in bond authorizations, the Rural Legacy Program receiving an additional \$28.3 million, and Community Parks and Playgrounds an additional \$2.5 million. The capital budget includes \$35.9 million for agricultural land preservation;
- The Department of the Environment receives \$452.1 million for water quality improvement grants and loans in general obligation bonds, general funds, special funds, federal funds, and revenue bonds in both the capital bond bill ([SB 142/HB 152](#)) and the Budget Bill ([SB 140/HB 150](#)). The Enhanced Nutrient Removal Program receives \$275 million for wastewater treatment plants, the Maryland Water Quality Revolving Loan Fund receives \$110 million, the Septic System Upgrade Program receives \$9.0 million, and the Biological Nutrient Removal Program receives \$33.3 million;
- The new Youth Detention Facility at the Baltimore City Detention Center receives \$17.5 million and an additional \$5.5 million is allocated for local detention centers;
- The State Police Hagerstown Barracks and Garage receives \$2.5 million authorized by Chapter 485 of 2009, as amended by [SB 142/HB 152](#);
- The Department of Housing and Community Development receives \$77.7 million for housing programs and neighborhood revitalization. Of this total, the Community Legacy Program receives \$4.6 million, homeless shelters receive \$2 million, and the Neighborhood Business Development Program receives \$7.6 million;
- The Intercounty Connector receives \$126.9 million in [SB 142/HB 152](#) and \$156.9 million in the Budget

Bill in the State Reserve Fund to be transferred to the Maryland Transportation Authority; and

- The Maryland Consolidated Capital Bond Loan of 2010 ([SB 142/HB 152](#)) also includes \$15 million for “Legislative Initiatives,” with the General Assembly determining the specific projects. There is \$197 million in authorizations for the 2011 session, the Maryland Consolidated Capital Bond Loan of 2011, and \$40.2 million in authorizations for the 2012 session, the Maryland Consolidated Capital Bond Loan of 2012.

Under the Maryland Constitution, a bond bill may not pass until the Budget Bill has passed. The General Assembly may increase the authorization for a project or add a project in a bond bill, as well as delete or reduce projects.

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## **GAMING, RACING, AND SPORTS**

### *Video Lottery Terminal – State Legislators – Prohibited Acts*

Legislation passed in 2007 prohibits a member of the General Assembly from being an owner or an employee of any business entity that holds a video lottery operation license. This week, a hearing took place on [HB 8](#), which prohibits a General Assembly member from holding any license related to video lottery terminals, and from performing work or services as an independent contractor for a person, or an agent of a person, that holds any license related to video lottery terminals.

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## **TRANSPORTATION**

### *License Plates*

[HB 164](#), introduced on January 20 and heard in committee on January 28, requires the Motor Vehicle Administration to issue distinctive yellow and red license plates including the letters “DUI” to anyone who is convicted of three or more drunk or drugged driving offenses.

On January 21, a Senate committee heard testimony on [SB 45](#), which adds the phrase “Home of our National Anthem” to Maryland license plates. Currently, 33 states display a state motto on license plates; 5, including Maryland, display the state’s web address; and 12 states display neither.

### *Car Dealership Employee Incentives*

[SB 18](#), dealing with incentive payments for car dealership employees, passed unanimously on third

reading. Amended to become an emergency measure, it repeals a prohibition enacted in 2009 against car manufacturers giving any cash or item valued at more than \$200 directly to an employee, and instead requiring that the manufacturer direct any incentive reward to the employer for distribution in the employee’s regular paycheck. According to floor testimony, the 2009 law had unintended consequences. The fiscal note for [SB 18](#) states that car dealers and employees contacted Legislative Services during the 2009 interim with concerns that manufacturers might terminate incentive programs for dealership employees. [SB 18](#) permits a manufacturer, distributor, or factory branch to give an incentive payment, reimbursement, cash, or gift directly to the employee or to the dealer, with some restrictions.

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## **2010 STATE OF THE STATE ADDRESS**

At noon, on Tuesday, February 2, legislators will gather in the chamber of the House of Delegates to hear Governor O’Malley deliver the State of the State address.