



The Legislative Wrap-Up

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BILL INTRODUCTIONS

Following the expiration of the Senate and House bill introduction deadlines this week, bills may be introduced but are assigned to the Senate or House Rules Committees. Bills referred to the Rules Committees are generally re-referred to the appropriate standing committee if the sponsors of the late-filed bills provide a reasonable explanation as to why the bills were introduced after the bill introduction deadlines. After March 11, the 55th day of the 2011 session, bills may not be introduced without suspension of the Senate or House rules which requires a two-thirds vote of the elected membership of the Senate or the House. As of Friday, February 11, 833 Senate bills and 1,140 House bills have been introduced.

COURTS AND CIVIL PROCEEDINGS

The Religious Freedom and Civil Marriage Protection Act ([SB 116](#)) received testimony this week. Under current State law, only a marriage between a man and a woman is valid in Maryland. [SB 116](#) repeals the reference to a man and a woman and specifies that only a marriage between two individuals who are not otherwise prohibited from marrying is valid in Maryland. Under the bill, an official of a religious institution or body authorized to solemnize marriages is not required to solemnize any marriage in violation of the right to the free exercise of religion. Hearing dates have not been set for identical House bills ([HB 55](#) and [HB 175](#)).

[SB 50](#), which has passed in the Senate, makes a victim of domestic violence eligible to receive an award from the Criminal Injuries Compensation Fund for the reasonable costs of up to 14 days of temporary lodging if the victim is eligible for an award from the fund as the result of an injury from the domestic violence incident and sought temporary lodging to avoid further injury.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Committees heard testimony recently on [SB 171/HB 189](#) that designate several chemical compounds known as synthetic cannabinoids as Schedule I controlled

dangerous substances. Synthetic cannabinoids are chemically engineered substances that are similar to THC, the active ingredient in marijuana. When smoked or ingested they produce a high similar to marijuana. For a drug or substance to be classified as Schedule I, it must have a high potential for abuse and have no currently accepted medical use in the United States, and it must be shown that there is a lack of accepted safety for use of the drug or other substance under medical supervision.

Constituents provided their views on several gun bills before a Senate committee:

- [SB 161](#) requires the Secretary of State Police to disapprove an application for a firearms dealer's license if the applicant intends that a person not qualified for a license or whose license has been revoked or suspended will participate in or hold an interest in the business and establishes recordkeeping and reporting requirements for licensees;
- [SB 162](#) reduces, from 20 to 10, the maximum capacity for ammunition in a detachable magazine for a firearm that can be manufactured, sold, purchased, received, or transferred in the State and similarly reduces the number of rounds of ammunition in a magazine or an assault pistol which, when used by a person in the commission of a felony or crime of violence, results in that person being guilty of a misdemeanor and subject to criminal penalties ([HB 330](#) is similar);
- [SB 173](#), an Administration bill, adds the illegal possession of a regulated firearm by a person previously convicted of a crime of violence or drug crime to the crimes for which an inmate may earn good conduct diminution credits at a rate of 5 days per calendar month, rather than 10 days per calendar month ([HB 172](#) is the companion);
- [SB 174](#), another Administration bill, expands the current misdemeanor prohibition against the use of a handgun or concealable antique firearm in the commission of a crime of violence or felony to apply to any "firearm," without regard to its capability of being concealed ([HB 161](#) is the companion);

- [SB 239](#) establishes enhanced penalties for certain handgun and regulated firearms prohibitions if the weapon is loaded with ammunition at the time of the violation ([HB 252](#) is the companion);
- [SB 240](#) expands prohibitions and restrictions against the use and possession of firearms ([HB 241](#) is the companion); and
- [SB 311](#) prohibits a person from carrying or possessing any firearm, knife, or deadly weapon on the property of a public institution of higher education in the State. Violation is a misdemeanor with a maximum punishment of three years in jail and a \$1,000 fine, but the sentencing for a violation with a handgun must be under the penalty provisions applicable to handgun violations.

ECONOMIC AND BUSINESS ISSUES

The Job Applicant Fairness Act ([SB 132/HB 87](#)), heard in Senate and House committees this week, prohibits employers from using an individual's credit report or history to deny employment to a job applicant, discharge an employee, or determine compensation or other conditions of employment. Similar bills introduced last session received unfavorable committee reports.

EDUCATION

Under current State law, a local jurisdiction must provide at least as much funding per pupil to the local school system as it provided in the previous fiscal year. This is known as "maintenance of effort" (MOE). A county may request a waiver from MOE through the State Board of Education, but if the waiver is not received and the county fails to make MOE, it faces a penalty of withheld funds from State appropriations.

[SB 53/HB 44](#) clarify the MOE waiver request process. The bills also change the date by which a waiver must be requested by a local jurisdiction and require the State Board of Education to consider certain fiscal factors such as inflation rate, tax base, and loss of major employer in the county, among others, when considering granting a waiver to a local government.

ELECTIONS AND ETHICS

Committee hearings have begun in both the Senate and House for 60 bills related to Maryland's election laws. Among the bills that address campaign procedures, [HB 2](#) increases the filing fees for candidates for congressional, State, and local public office and changes the division and distribution of the filing fees. The filing fees and

distribution have not been altered for many years, with the exception of a change in 1990 that eliminated a requirement that write-in candidates pay filing fees. Under current law and [HB 2](#), a candidate can petition for a waiver of a filing fee based on inability to pay the fee.

Other bills expand requirements for voter identification at the polls:

- [HB 118](#) requires that the statewide voter registration application provide the applicant the opportunity to elect to be required to present identification at the polls. If an individual chooses that option, the individual will be required to present specified photo or other identification when seeking to vote or otherwise be referred to vote a provisional ballot; and
- [HB 288](#) requires a voter to present a current government-issued photo identification in order to vote a regular ballot. A voter who does not have the required identification or indicates a change of residence must vote a provisional ballot.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Oysters and Fishing

A bill that revokes a license to catch oysters for anyone caught taking oysters unlawfully was the subject of a recent hearing. [SB 159](#) creates a citation, hearing, license revocation, and appeals process for a person caught unlawfully taking oysters. [HB 273](#) is the companion bill. Other bills related to illegal fishing include [SB 635](#), which creates a similar penalty for unlawfully taking striped bass and crabs, and [SB 655](#), which establishes an enhanced penalty for anyone caught fishing without a license or whose license has been suspended.

Also heard this week was [HB 111](#), a departmental bill that deletes provisions prohibiting the use of specified fishing gear to catch finfish in State tidal waters without a license and the Department of Natural Resources' (DNR) authority to adopt regulations that prohibit a tidal fish licensee from obstructing the cull ring of a hard crab pot at any time in order to catch peeler crabs; and authorizes DNR to adopt regulations governing the manner, methods, and gear for catching and possessing fish.

Septic Systems

[HB 57](#) expands the uses of the Septics Account of the Bay Restoration Fund (BRF) to include providing grants or loans for connecting a property served by a septic system to an existing municipal wastewater facility that

achieves enhanced nutrient removal level treatment. [SB 539](#) is the companion bill. Other bills affecting septic systems include [SB 372/HB 347](#) and [SB 160/HB 177](#).

HEALTH CARE AND HEALTH INSURANCE

Senate and House committees have taken testimony on legislation to require carriers to reimburse ambulance service providers directly:

- [HB 83](#) requires insurers, nonprofit health service plans, and HMOs to *directly* reimburse an ambulance service provider for covered services provided to the insured or other individual covered by the policy or contract. An ambulance service provider is entitled to direct reimbursement regardless of ownership, reason for the response, or network status; and
- [SB 154](#) requires insurers, nonprofit health service plans, and HMOs (carriers) to *directly* reimburse certain ambulance service providers that obtain an assignment of benefits from an insured, subscriber, or enrollee for covered services provided. An ambulance service provider that receives direct reimbursement from a carrier may not balance bill an insured, subscriber, or enrollee, other than to collect (1) any copayment, deductible, or coinsurance amount owed; (2) if Medicare is the primary insurer, any amount not owed by Medicare after coordination of benefits; and (3) any payment or charge for noncovered services. “Ambulance service provider” includes only those providers that are owned, operated, under the jurisdiction of, or contracted with, a political subdivision of the State, or a volunteer fire company or rescue squad.

HUMAN RESOURCES

[SB 585/HB 28](#) and [HB 380](#) prohibit State agencies and local governments from providing undocumented immigrants with federal, State, or local public benefits, with specified exceptions and unless the benefits are required under federal law. The bills require each State unit or political subdivision to verify the lawful presence status of an adult before providing most public benefits and make it a misdemeanor to provide a false, fictitious, or fraudulent statement or affidavit. Required documentation is a valid Maryland driver’s license or identification card issued by the Motor Vehicle Administration, a U.S. military card or military dependent’s identification card, a U.S. merchant marine card, or a Native American tribal document.

STATE GOVERNMENT

Under consideration are a number of bills that add new special State commemorative dates and designations to Maryland law:

- Commemorative months—Sickle Cell Anemia Awareness Month ([HB 80](#)), German-American Heritage Month ([SB 121/HB 142](#)), and Irish-American Heritage Month ([SB 815](#));
- Commemorative days—Ronald Reagan Day ([SB 238/HB 146](#)), Maryland Women’s History Day ([HB 157](#)), American Indian Heritage Day ([HB 186](#)), Earth Hour ([HB 223](#) and [HJ 5](#)), Young Heroes Day ([SB 224/HB 282](#)), and Korean American Day ([SB 150/HB 439](#));
- Commemorative flag days—Flag Display on State House Grounds - Honor and Remember and POW/MIA Flags ([SB 124/HB 96](#)); and
- Commemorative week — Tween/Teen Dating Violence Education and Awareness Week ([SB 667/HB 386](#)).

Additional designations make Grand Prix motor racing the State motor vehicle speed competition in celebration of the inaugural Baltimore Grand Prix ([HB 212](#)) and name Millers Island Lighthouse the State lighthouse ([HB 642](#)).

Companion bills ([SB 351/HB 455](#)) request that the Library of Congress approve the replacement of the statue of the Honorable John Hanson with a statue of Harriet Tubman in the National Statuary Hall Collection in the U.S. Capitol. Each state has provided two statues of deceased persons who have been citizens of the state and determined by the state to be worthy of national commemoration. Charles Carroll is the other Marylander whose statue is in the Hall.

Joint Resolutions ([SJ 3/HJ 8](#)) establish a commission to rename Negro Mountain in Garrett County and Polish Mountain in Allegany County to reflect more accurately the history and culture of the region where they are located.