



THE RASMUSSEN GROUP

GOVERNMENTAL RELATIONS - ISSUE MANAGEMENT

Legislative Wrap-Up*

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BILL INTRODUCTIONS

The bill count for the 2009 session has risen to 638 from the Senate and 639 from the House. To date, there are also six Senate Joint Resolutions and four House Joint Resolutions.

Introduction deadlines are approaching. The Senate deadline is February 6 and the deadline for the House is February 13. After those dates, bills are sent to the Rules Committee for each chamber and then must be referred to a standing committee for consideration.

COURTS AND CIVIL PROCEEDINGS

The Judicial Compensation Commission (JCC) recommendations to increase the salary of each Maryland judge in the Maryland Court of Appeals, Court of Special Appeals, Circuit Court, and District Court by \$39,858 over a four-year period were introduced this session as [SJ 4/HJ 2](#). Receiving a favorable Senate floor vote on Friday, [SB 307](#) freezes the judges' salaries for a year by establishing that, for the 2009 session only, the failure of the General Assembly to pass a joint resolution of the JCC by the fiftieth day of session may not deem the salary increases effective, as current law requires. The bill requires the JCC to meet on September 1, 2009, and every four years thereafter, thus allowing the JCC to recommend salary increases next year for the General Assembly's consideration. The companion bill, [HB 196](#), had a hearing in a House committee this week.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

With the aim of developing policies to ensure that the actual time served by offenders is closer to the length of their sentence, [HB 138](#) establishes a Truth in Sentencing Task Force to examine and report on various issues relating to sentencing, diminution credits, early release, parole, and the impact that the elimination of early releases would have on the ability of prison officials to control inmate behavior. The bill, which had a hearing this week, requires a report by the end of this year.

Committees in both chambers heard testimony last week on [SB 9/HB 8](#) that establish a product that contains Salvia divinorum as a Schedule I controlled dangerous substance, including it in criminal provisions that prohibit the manufacture, sale, possession, use, or distribution of such substances.

Currently a misdemeanor, a subsequent conviction of the crime of possession of child pornography is made a felony under [SB 99/HB 9](#). The bills also expand the list of prohibited actions under the crime and increase the maximum imprisonment penalty.

EDUCATION

This week a Senate committee heard testimony on [SB 140](#) to increase the membership and staffing of the Task Force to Study How to Improve Financial Literacy. The legislation also extends the report date of the Task Force to December 1, 2009. Among its duties, the task force, formed last year, is charged with considering the utility of financial literacy education in primary and secondary education and the problems created for the average

consumer by a lack of financial literacy. The companion bill, [HB 120](#), is scheduled for a hearing next week.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

The disposition of unused balances on gift certificates and gift cards was the topic of committee testimony this week. [HB 126](#) provides that a gift certificate or gift card is presumed to be abandoned if it has been inactive for a period of four years after the date of purchase, or one year after the date of last activity, whichever is later. By March 1 of each year, a person who sells or issues gift certificates must remit 70% of the remaining balance on each gift certificate and gift card presumed abandoned during the previous calendar year to the Comptroller of the State. Notice of the four-year presumption of abandonment must be included on each gift certificate sold or issued.

FISCAL MATTERS

Two tax amnesty bills recently introduced ([HB 108](#) and [SB 552](#)) institute a tax amnesty period from September 1 through October 31, 2009, during which taxpayers paying delinquent taxes have civil penalties waived. In addition to waiving the civil penalties, SB 552 waives one-half of the interest on the unpaid taxes and allows the Comptroller of the State to enter into an agreement with the delinquent taxpayer in which the taxpayer pays the delinquent taxes and interest by December 31, 2010, pursuant to a schedule. SB 552 also excludes from the tax amnesty program taxpayers with more than 500 employees or taxpayers who took advantage of the 2001 Maryland Tax Amnesty Program. The 2001 tax amnesty program raised \$39.4 million.

GAMING, RACING, AND SPORTS

The State Racing Commission is the statewide regulatory and licensing body for the horse racing industry. Additionally, the Commission administers the Maryland-Bred Race Fund and the Maryland Standardbred Race Fund. The *Maryland Horse Racing Act – Sunset Extension*

and *Program Evaluation* ([SB119/HB 60](#)) extends the program evaluation date of the State Racing Commission from 2010 to 2013, and delays the termination date for the Commission until July 1, 2014. A delayed evaluation will allow examination of the Commission's responsibilities in light of the recent and expected changes in Maryland's horse racing industry as a result of financial assistance from video lottery terminal revenues.

HEALTH CARE AND HEALTH INSURANCE

Genetic Testing

Genetic testing was the subject of several bills heard by House committee members last week, with companion measures to be examined by a Senate committee next week. The proposed legislation addresses discrimination based on genetic testing in both disability insurance ([SB2/HB 1](#)) and life insurance or annuity contracts ([SB1/HB 2](#)).

Additional legislation ([SB 57/HB 11](#)) adds further protections for individuals who may be subject to discriminatory actions of health insurance providers based on the results of genetic tests. Specifically, the legislation authorizes an individual who is injured by an insurer's violation of genetic nondiscrimination laws the right to sue for specified equitable relief, damages, attorney's fees, and court costs.

Other measures at the committee step in the legislative process ([SB 54/HB 12](#)) contain prohibitions related to collection and use of a DNA sample from an individual, unless prior written informed consent of the individual or the individual's legal guardian or authorized representative is obtained. The measures also allow for individuals to retain personal property rights of their own DNA samples with the right to sue for actual damages suffered. DNA samples obtained for law enforcement purposes, the statewide DNA database system, paternity tests, emergency medical treatment, and mandatory newborn health screenings are exempted from these provisions.

Rosa's Law

House committee members took testimony recently on Rosa's Law ([HB 20](#)), named for 7-year-old Rosa Marcellino of Edgewater, Maryland. The bill replaces the term "mental retardation" with the term "intellectual disability" throughout State law. All related references are also replaced. Additionally, the bill affects the naming of State facilities and residential centers that include the terms "mentally retarded" or "mental retardation." In 2008, the Virginia legislature passed similar legislation. In 2003, on the national level, the President's Committee on Mental Retardation was renamed the President's Committee on Intellectual Disabilities by executive order.

Athletic Trainers

This week, delegates also discussed The Maryland Athletic Trainers Act. [HB 173](#) requires the State Board of Physicians to license and regulate the practice of athletic training and establishes an Athletic Trainer Advisory Committee within the board. According to the Maryland Athletic Trainers Association, there are 436 certified athletic trainers within the State. At least 46 other states regulate athletic training. The cross-filed measure, [SB 247](#), has a hearing scheduled for February 18.

Insurance Protections

Bills that focus on patient protections related to health insurance reimbursement have been introduced. Among their provisions, the bills address an increase to the medical loss ratio requirements for health benefit plans and Medicare supplement policies, further regulation of out-of-state companies that sell policies in Maryland, and limits on coverage exclusion based on preexisting conditions ([HB 272](#), [HB 39](#), [SB 135/HB 75](#), [HB 32](#), and [SB 79](#)). One of these measures was on the legislature's committee hearing schedule this week and the rest are on the schedule for next week.