



The LEGISLATIVE WRAP-UP

Issue: 99-10

March 15 - 19, 1999

[Next Week](#)

NEXT WEEK

[Budget and Fiscal Matters](#)

Tuesday, March 23 is the 70th day of the 1999 legislative session, also the Committee Reporting Courtesy Date. Each chamber's committees are encouraged to report their own bills by this date.

[Consumer Affairs](#)

BUDGET AND FISCAL MATTERS

[Courts](#)

The House has passed the \$17.5 billion budget, **HB 120**, on to the Senate. After making \$173 million in cuts to the general fund, the proposed fiscal 2000 State budget is now balanced without relying upon revenues from the proposed tobacco tax increase. The budget is also \$63 million under the spending affordability limit and would leave a general fund balance of \$28 million without a tobacco tax increase.

[Criminal Matters and Corrections](#)

[Cultural Affairs](#)

The budget:

- Provides a \$67.3 million increase in funding for the University System of Maryland;
- Provides funding to place a judge at the Baltimore City Central Booking and Intake Facility to alleviate a backlog;
- Except for start-up funding, defers funding for the proposed teacher scholarship program to next year;
- Provides that the part of the revenue from the proposed tobacco tax increase be used for a Health Sciences Facility at the University of Maryland, Baltimore and for a Science Building at Bowie State University, accelerating the proposed building schedule;
- Restricts the use of transportation funds to acquire rights-of-way for the Inter-County Connector, until the route is determined;
- Restricts the use of funds for the Public Safety Training Center to a specific site in Carroll County;
- Phases in the Governor's State employee pay increase of \$1,275 incrementally every three months beginning in July;
- Implements a new pay plan for executive branch employees and asks State agencies to contribute toward the funding of a pay-for-performance employee compensation program; and
- Requires the State Ethics Commission to move to Annapolis.

[Economic Matters](#)

[Education](#)

[Elderly Persons](#)

[Elections](#)

[Environmental Matters](#)

[Family Law](#)

[Health](#)

[Housing](#)

[Insurance](#)

[Legislative Matters](#)

[Transportation](#)

A proposal to provide a tax break to parents of public and private school K-12 students for education-related expenses incurred outside the regular school day or school year was heard in committee this week. Tutors, textbooks, transportation expenses, after-school enrichment programs and some camps, music lessons, and computer equipment are among the eligible expenses. **HB 564** does not include tax breaks for enrollment fees or tuition during the regular school day and school year or for religious instruction or textbooks.

Both chambers have passed legislation, **SB 229** and **HB 177**, that would provide tax relief for restitution and other payments made to Holocaust victims.

The Senate passed a proposal to allow county tax collectors, rather than the clerks of the courts, to

collect recordation taxes beginning in fiscal 2000. Except in Prince George's County, county clerks collect the taxes for the State for a fee. Under **SB 5**, counties that use the county tax collector would avoid the clerk's fees after fiscal 2000. Governor Glendening vetoed similar legislation last year.

CONSUMER AFFAIRS

SB 64, which would require heating, ventilation, air conditioning, and refrigeration companies to be certified in order to operate in Maryland, has passed the Senate.

COURTS

The House has passed **HB 214** which would increase from \$2,500 to \$5,000 the cap on damages a pet owner could collect in court because of injuries to a pet. The bill would also include death of a pet under the same liability provisions.

Bills that died in committee this week include:

HB 623 which would have closed all juvenile court hearings; and

HB 804 and **HB 1105** which would have increased the current \$20 fee to \$100 and \$35, respectively, that could have been set as the annual fee payable by attorneys to the Clients' Security Trust Fund, a fund created in 1965 to repay clients for losses incurred from misuse of client funds by attorneys.

CRIMINAL MATTERS AND CORRECTIONS

HB 496, which would ban assisted suicide, received a favorable House committee vote with proposed amendments, and awaits a floor vote. The measure would make it a felony for a person, including a health care professional, to knowingly aid or contribute to a suicide. The committee amendments would delete provisions concerning the right to injunctive relief to prevent a person from assisting a suicide, the right to take civil action against a person who assists or attempts to assist a suicide, and the revocation or suspension of the license of a health care provider convicted of assisting or attempting to assist a suicide. The amendments would also reduce an offender's maximum jail time from three years to one year. These original provisions remain in the companion, **SB 319**, as passed by the Senate.

The House passed **HB 711**, which would make it a misdemeanor to intentionally harm, disable, or kill an animal used in law enforcement, and would provide a maximum punishment of a \$5,000 fine and three years in jail.

CULTURAL AFFAIRS

HB 928, which would have prohibited the use of live elephants for private and public entertainment purposes in the State, was defeated in committee.

ECONOMIC MATTERS

In response to a package of development incentives put together by the State and Montgomery County, the Marriott Corporation has announced that its headquarters will remain in Montgomery County, with a larger physical plant and additional new employees. Part of the Marriott package included legislation that would allow an enhanced tax credit against State and local property taxes for corporations that substantially expand their businesses in Maryland. The pending legislation, **SB**

779 and **HB 1148**, was heard this week in both Senate and House committees. The bills provide that the total amount of credit claimed by qualifying businesses is 90% of the property tax assessed on the expanded premises and that the credit is available for 12 years. To qualify, a company must meet certain requirements, including obtaining a specified number of square feet of new or expanded office or factory space, retaining a specified number of employees at the site, and hiring a specified number of new full-time employees at the site.

Two bills dealing with economic development incentives in Baltimore City are also beginning to move through the legislative process. **SB 352/HB 559** seek to clarify provisions of a 1996 law that was invalidated last fall by the Baltimore City Circuit Court, and is currently under appeal by the City. Under these proposed measures, if certain requirements are met, the City could exempt from the property tax newly constructed commercial or multifamily residential real property that is located in designated urban renewal areas in the downtown Baltimore area. In order to take advantage of the exemption, a property owner, among other conditions, must enter into an agreement with the City to a payment in lieu of taxes (PILOTS) and have a minimum private capital investment of \$10 million in the project.

EDUCATION

SB 131, which passed the Senate with amendments this week, would establish two scholarship programs. The Maryland Teacher Scholarship program would require recipients to work as school teachers in Maryland for one year for each year the scholarship was awarded. The Maryland HOPE Scholarship Program would require recipients to have an annual total family income of \$80,000 or below, and to work in the State one year for each year the scholarship was awarded. Both programs have requirements regarding eligibility and the amount of awards. The companion, **HB 189**, is still in a House committee.

ELDERLY PERSONS

SB 151, which would have required the Department of Aging to provide senior citizen activities centers with access to the Internet and electronic mail, received an unfavorable committee report.

ELECTIONS

SB 570/HB 809, the Clean Campaign Public Financing Act for Candidates for the General Assembly, would provide for public financing of campaigns using donated funds. **SB 570** has been heard in committee; **HB 809** has received an unfavorable report from a House committee.

Other election bills that have failed in committee include:

- **HB 175**, which would have prohibited the unlimited transfer of campaign funds within a political slate; and
- **HB 241** and **HB 563**, which would have required certain campaign contribution reports to identify contributors by name, address, and, if any, occupation and employer.

HB 951, requiring that certain information be displayed on the checks of political action committees, is on second reading in the House.

ENVIRONMENTAL MATTERS

HB 165, which would prohibit the Department of the Environment from issuing a permit to install, materially alter, or materially extend a sewage sludge storage facility until the facility meets all county zoning and land use requirements, passed the House this week. The companion, **SB 208**, had

already moved to the opposite chamber.

The Senate has passed **SB 509** that would create an emissions test for diesel engine exhaust. The bill was amended in committee to limit the fines associated with it to \$1,000 and to postpone the implementation until July 1, 2000. **HB 590**, the companion, is still in committee.

Testimony was heard this week on **HB 648** which would create new restrictions on the disposal and use of flyash, a byproduct created when coal is burned to produce electric power.

The disposal of the material dredged from the Chesapeake Bay to keep shipping channels open was the topic of another hearing this week. **HB 622, HB 624, HB 756, HB 910, HB 911, HB 954, and HJ 14** all would provide for alternatives to dumping the material in the Chesapeake Bay at Site 104 which is north of the Bay Bridge and parallel to Kent Island.

Testimony has also been given on **SB 498** to require hazardous waste permit renewal applications to be submitted at least one year before the permit expires to allow the Maryland Department of the Environment enough time to process the requests.

HB 17, which would limit the concentration of sulfur in gasoline sold in Maryland to an average of 30 parts per million (ppm) beginning October 1, 2002, has received an unfavorable committee report. **SB 274**, the companion, remains in committee.

HB 93, which would have prohibited the implementation of the Vehicle Emissions Inspection Program (VEIP) dynamometer testing in Calvert County if the County attained national ambient air quality, has received an unfavorable committee report.

FAMILY LAW

The Senate has passed **SB 142** which would establish the Joseph Fund to provide economically disadvantaged individuals with health services, food or shelter assistance, and services to meet the needs of children during leaner economic times when social service programs may have to be reduced or eliminated. Under the amended bill, the Governor would manage the fund and authorize expenditures with advice from an appointed board, and could appropriate up to \$5 million a year to the Fund, except in fiscal 2001 when he could appropriate up to \$10 million. The Fund would also consist of investment earnings and funds from governmental and private sources, although they could not be used until the balance reached \$15 million.

HB 393, which failed in committee, would have made an abuser who killed a person who was eligible for domestic violence relief guilty of first degree murder, provided the abuser had a past pattern of abusing the victim or had shown extreme indifference to human life during the incident.

HEALTH

SB 624, which would require universal newborn hearing screenings, passed the Senate this week; its companion, **HB 884**, received a favorable preliminary floor vote.

The House has passed:

- **HB 40** to repeal the authority of the Health Care Access and Cost Commission to develop a payment system for health care services, but authorizing the Commission to promote the availability of information on practitioner charges and reimburse-ments, as well as information on capitated health care services;
- **HB 978** to disband the Health Care Access and Cost Commission's Advisory Committee on Practice Parameters which is required to develop standardized practice parameters for review

- and approval by the medical community; and
- **HB 995** to integrate, consolidate, and streamline the responsibilities and duties of the Maryland Health Care Access and Cost Commission, the Health Services Cost Review Commission (which would be abolished under this measure), and the State Health Resources Planning Commission under the Maryland Health Care Access and Cost Commission.

HOUSING

HB 288 and **HB 896**, two of the four measures to establish a State Board of Home Inspectors, have received unfavorable committee reports. **SB 517/HB 1009** are pending in committee.

INSURANCE

The House has passed an amended version of **HB 639** which would make payment of claims requirements, currently applicable to insurers and nonprofit health service plans, apply also to health maintenance organizations (HMOs) and Medicaid managed care organizations (MCOs). In addition, the bill would require insurers, nonprofit service plans, HMOs, and MCOs to either pay a claim within 30 days of receipt or send a notice of receipt and status of the claim within two weeks.

Legislation which would restrict insurance carriers from establishing or promoting emergency services that compete with 911 or governmental emergency transport services continues to move through the legislative process. **HB 767** passed second reading with amendments in the House; the amended companion, **SB 618**, has been scheduled for a House committee hearing at the end of the month.

A Senate committee has reported favorably on **SB 594** which would include in the definition of "practice medicine" the determination that a proposed health care service is not medically necessary or medically appropriate for a patient. The companion, **HB 243**, was heard before a House committee this week.

HB 321, which would define and codify the definition of primary care provider, with respect to HMOs, to include nurse practitioners, has been referred to interim study. The Senate has already passed its version of this legislation (**SB 267**).

LEGISLATIVE MATTERS

The ethics bills, **SB 1** and **HB 1**, have passed third reading with amendments in their respective chambers.

SB 25/HB 2, which would prohibit any State official from using the prestige of his office for personal gain or that of another, have passed the Senate and the House, respectively.

TRANSPORTATION

The Senate has overwhelmingly approved **SB 387** which would prohibit the Motor Vehicle Administration (MVA) from disclosing personal information about a driver without the driver's written consent. The prohibition would not apply when certain entities, such as governments, courts, police, and insurance companies, request information. Current law allows drivers to request the MVA to keep personal information, such as name, address, height, race, medical disabilities, social security number, and telephone numbers, private. The companion, **HB 722**, is still pending .

Defeated this week, **HB 900** would have required the MVA to impose on each learners' instructional

permit and provisional drivers' license a restriction that all passengers in the automobile be securely restrained by a seat belt or child safety seat.