



The LEGISLATIVE WRAP-UP

Issue: 99-11

March 22 - 26, 1999

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NEXT WEEK

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Monday, March 29 is the 76th day of the 1999 legislative session, also the "opposite chamber bill crossover date." Each chamber is to send to the other chamber those bills it intends to pass favorably by this date. Opposite chamber bills received after this date are subject to referral to the Rules Committees in each chamber (Senate Rule 32(c), House Courtesy Date).

[Alcoholic Beverages](#)

[Budget and Fiscal Matters](#)

To date, House committees have held public hearings on more than 1,400 bills; Senate committees have held public hearings on more than 1,000 bills.

[Civil Rights](#)

AGRICULTURE

[Consumer Affairs](#)

This week, a Senate committee heard testimony on **HB 67** to increase, from \$50,000 to \$75,000, the amount of State funds that could be contributed to a pollution control project under the Maryland Agricultural Water Quality Cost Share Program.

[Courts](#)

[Criminal Matters and Corrections](#)

HB 374, which would have established a license authorizing the growth, maintenance, and manufacture of industrial hemp for commercial use, received an unfavorable committee vote.

[Economic Matters](#)

ALCOHOLIC BEVERAGES

[Education](#)

Efforts to lower Maryland's drunk driving limits have effectively been killed for this year with the failure of:

[Elections](#)

- **HB 543** which would have required a mandatory minimum fine of \$5,000 for conviction of manslaughter by motor vehicle or vessel while intoxicated;
- **HB 777** which would have increased to one year the suspension of driving privileges for a first offense for refusing to submit to a test for alcohol or a controlled dangerous substance;
- **HB 542** which would have required that a mandatory minimum sentence of 60 days for a conviction of manslaughter or homicide by motor vehicle or vessel while intoxicated; and
- **SB 255** and **SB 127** which would have reduced the alcohol concentration level for driving while intoxicated per se from .10 to .08.

[Environmental Matters](#)

HB 584 and **SB 379**, which are still pending, would require harsher penalties for conviction on a second or subsequent violation of driving while under the influence of drugs and/or alcohol.

[Family Law](#)

BUDGET AND FISCAL MATTERS

[Financial Institutions](#)

The Budget Bill, **HB 120**, now having passed both the Senate and the House, will be considered next week by a conference committee composed of three Senators and three Delegates who must reconcile the differences between the two versions. The Maryland Constitution mandates that the Budget Bill be passed by both chambers by the 83rd day of the session, April 5th this year.

[Health](#)

[Insurance](#)

[Legislative Matters](#)

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Senate amendments reduced the budget by \$164.6 million while the House cut \$173 million. Like

Utilities

the House version, the Senate budget does not depend upon revenues from the proposed cigarette tax increase to meet balanced budget requirements. The Senate kept the first installment of \$54.3 million expected from the tobacco lawsuit settlement in the reserve fund, rather than appropriating it for this budget.

The House has amended and passed **HB 679** to strike the increased State aid for police protection that would have raised the per capita amount paid to counties from \$2.50 to \$3.50 and to Baltimore City from \$.50 to \$1.50. The provision increasing the allocation from \$1,200 to \$1,800 for each municipal sworn officer employed on a full-time basis for qualifying municipalities remains in the bill, with funding beginning in July 2000.

The House has also amended and passed **HB 190**, to increase the cigarette tax rate from \$.36 to \$1.36 per pack over a two-year period. Amendments would delay and reduce the proposed tax on the wholesale price of other tobacco products and delete the provision earmarking revenues from the second \$.50 increase in fiscal 2001 for school construction projects.

HB 667 has also passed the House. This bill would impose Maryland licensing requirements and tobacco taxes on cigarettes sold within the State via the Internet.

The House okayed **HB 298** to give shoppers a sales tax-free week for back-to-school shopping this August. For one week, the 5% State sales tax would not apply to the purchase of clothing priced under \$100, but shoes and accessories, such as jewelry, ties, and scarves, would still be subject to the sales tax. To boost winter tourism, the bill would also designate the last week of January 2000 as free from the State sales and use tax on hotel and motel rooms priced under \$100 per day.

HB 564, the 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, received an unfavorable vote in a House committee this week.

Under **HB 897**, as approved by the House, property owners would be required to pay real property taxes on principal residences in semiannual installments. Counties would be authorized to charge a service fee at the time the second installment is due (December 31), although property owners could pay both installments on or before the first due date (September 30) and avoid the service fee. Currently, homeowners are not required to pay their property taxes in two installments, but may if they wish.

HB 1149, which has passed the House, would establish a new method for computing county income taxes with the goal of simplifying local income tax calculations for the taxpayer. County income tax rates would be based on the taxable income of the taxpayer, instead of using the current piggyback tax rate which is based on State income taxes owed. This modified county tax rate would be determined by taking 5% of a county's current piggyback rate, which ranges from 20% to 60%. Thus, the new tax rate would be between 1% and 3% on Maryland taxable income, depending upon the county.

CIVIL RIGHTS

This week, the House passed an amended version of **HB 315** which would prohibit discrimination based on sexual orientation with regard to public accommodations, housing, and employment. Current law prohibits discrimination in these areas on the basis of race, sex, creed, color, religion, national origin, marital status, and physical or mental handicap.

CONSUMER AFFAIRS

Two bills proposing to regulate telemarketing in the State failed to make it out of the House. **HB**

873, which would have required telemarketing businesses to register with the Division of Consumer Protection, received an unfavorable committee report this week. **HB 666**, which would have placed restrictions on when and how many telephone solicitation calls could be made, was withdrawn.

COURTS

The Senate has passed bills that would protect government agencies, officials, and employees (**SB 232**) and businesses (**SB 554**) that take specified reasonable steps to prevent computer failure from civil liability in year 2000 readiness litigation.

A House committee rejected a proposal to change Maryland's contributory negligence standard to a more plaintiff-friendly comparative negligence standard for awarding damages in personal injury or property damage cases (**HB 551**). Currently, plaintiffs cannot recover damages in such cases if they contributed in any way to the accident. Maryland is one of only four states that have not adopted a comparative negligence standard that would allow damages based on degree of fault, as long as less than 50% of the total negligence is attributable to the plaintiff.

SB 335, which would have required the public defender's office to represent indigent defendants at their bail reviews, was defeated in a Senate committee.

CRIMINAL MATTERS AND CORRECTIONS

HB 1129 has received a favorable preliminary vote. The bill would expand the list of criminals required to provide a DNA sample to the State Police to include those convicted of committing or attempting to commit murder, robbery, or first degree assault. The genetic data is entered into Maryland's DNA registry and the FBI's database, both of which are used to help identify suspects from traces of physical evidence found at crime scenes. Under current Maryland law, only convicted rapists and sexual abusers must provide DNA samples.

Each chamber has passed its own version of legislation that would make it a felony for a person, including a health care provider, to knowingly aid or contribute to a suicide. **SB 319** includes provisions amended out of **HB 496** that would allow family members to bring a civil action against someone who aided or attempted to aid a suicide and would authorize the suspension or revocation of a medical license.

SB 673, which would make the possession of a firearm by a person convicted of a crime of violence a felony rather than a misdemeanor, has passed the Senate.

SB 38, which has also passed the Senate, would exempt full-time assistant deputy sheriffs and part-time sheriffs' deputies from State handgun permit requirements for wearing, carrying, or transporting handguns when they are on active duty, as long as the handgun is authorized, official equipment.

County and municipal law enforcement officers and local appointed officials would gain protection against persons who threaten them while they are performing their official duties under **SB 10**, passed by the Senate. Those who make such threats would be guilty of a misdemeanor and could be fined up to \$2,500 and jailed for up to 3 years. Current law already protects local elected officials from such threats.

The Senate passed **SB 689** which would make it a crime to set up a camera to surreptitiously observe people in their private residences under some conditions. The bill would also prohibit visual surveillance of a person in a rest room, bedroom, or dressing room in a place of public use or accommodation.

Under **SB 244**, passed by the Senate this week, a person may not possess, obtain, or use another's

personal identification information, without the individual's consent, for fraudulent purposes. Possession of the information would be charged as a misdemeanor. Obtaining the information to avoid identification, apprehension, or prosecution, or using the information to obtain something of value, would be charged as a felony. In addition to fines and imprisonment, penalties would include restitution to the victim.

The Senate passed **SB 568** which would prohibit the sale to or possession of laser pointers by minors and ban the public use of laser pointers for all but educational purposes or normal work or trade activities.

Several bills related to guns failed in committee this week, including:

- **SB 210** and **HB 707**, to change from a misdemeanor to a felony the crime of leaving a firearm where a child could gain access to it; and
- **SB 231**, to make it a felony to cause the death of a child as a result of gross negligence.

A House committee rejected bills that would strengthen criminal provisions pertaining to the crime of stalking a law enforcement officer or an officer's family member (**HB 192**) and that would protect access to women's health clinics (**HB 964**).

ECONOMIC MATTERS

Action on the House floor this week resulted in the passage of an amended **HB 1148** to allow enhanced tax credits for businesses that substantially expand in Maryland. The bill authorizes a county or municipal corporation to grant enhanced tax credits against the real and personal property tax imposed on qualifying new or expanded business premises located within its jurisdiction. If an enhanced property tax credit is granted, the qualifying business or its affiliates may also claim an enhanced State tax credit against certain other taxes. A qualifying business must meet employment, square footage, and other requirements within a specified time frame. The bill is part of the incentives package extended to the Marriott Corporation whose chairman has announced that their headquarters will remain in Montgomery County rather than moving to northern Virginia.

The House has also passed **HB 559** in an amended form. This bill would exempt from Baltimore City property tax newly constructed commercial property or multi-family residential real property located in an urban renewal area in Baltimore City, provided that the owner meets certain requirements including investment of private capital, provision of a specified number of new full-time job opportunities, and execution of an agreement with the City for a payment in lieu of taxes (PILOT). The Senate version of the PILOT bill, **SB 352**, has received a favorable committee vote with amendments.

Other economic development proposals have also been given a Senate preliminary vote of approval, including **SB 421** and **SB 419**, the "One Maryland" bills; and **SB 134** and **SB 136**, the Maryland Economic Development Assistance Authority and Fund, and the Maryland Competitive Advantage Financing Fund bills, respectively.

EDUCATION

HB 187, the Maryland Learning Success Program, unanimously passed the House this week. This Program would provide grants to local educational agencies to reduce class sizes for reading instruction in grades 1 and 2.

HB 189, establishing the Maryland Teacher Scholarship Program and the Maryland HOPE Scholarship Program, also passed the House this week. The companion, **SB 131**, passed the Senate last week.

ELECTIONS

SB 345 has passed the Senate with amendments. This bill would prohibit campaign contributions from State-funded entities.

ENVIRONMENTAL MATTERS

SB 582 to prohibit the construction of a water intake system that extends more than 50 feet from the shore in the Potomac River has passed the Senate. The bill would also require the Department of the Environment to study the protection of the river.

The House has approved **HB 622** to involve Kent Island citizens in the placement of material dredged from Chesapeake Bay shipping channels by creating the Kent Island Citizens Oversight Committee to monitor the redeposit of dredge spoils off the shore of the island, as well as to hear citizens' complaints.

HB 648, which would require the evaluation of the environmental impact of a coal combustion flyash disposal site, received an unfavorable committee vote.

SB 274, which proposed to limit the average sulfur content of motor vehicle fuel sold in Maryland, has been referred to interim study.

FAMILY LAW

Introduced as a measure to allow abuse victims who are dating or have been in a dating relationship with an abuser to seek a protective order, an amended **HB 233** passed the House as a greatly expanded measure that would allow virtually anyone to seek a "peace order" for protection against an abuser. A peace order could require the abuser to refrain from committing the abuse, contacting the victim, or entering the victim's residence, workplace, or school.

Unannounced inspections of family day care homes every two years would be required under **HB 299**, passed by the House this week. Current law requires formal inspections every two years; **HB 299** would add a surprise inspection in the alternate year.

The House has passed **HB 184** establishing the Joseph Fund to provide economically disadvantaged individuals with health services, food or shelter assistance, and services to meet the needs of children in an economic downturn. The companion, **SB 142**, passed the Senate last week in different form.

The Senate passed **SB 464** to codify the Governor's Council on Child Abuse and Neglect and expand its duties, as well as the duties of the State Citizens Review Board for Children, to include evaluating how well government agencies are discharging their child protection responsibilities. The bill would also establish State and local child fatality review teams to review unexpected deaths and near deaths.

A Senate committee defeated **SB 407** which would have allowed judges to seize firearms temporarily from suspected abusers at the time of an ex parte order. Current law allows judges to order gun seizure only at a protective order hearing, which follows an ex parte order.

FINANCIAL INSTITUTIONS

A House committee voted to reject **HB 952** which proposed to establish basic, low-cost banking

accounts, geared to low-income individuals. Legislation to establish a task force to review the modernization of credit union law (**SB 102** and **HB 96**) had hearings this week.

HEALTH

HB 1188, seeking to prohibit a hospital from terminating an employee without good cause, was heard in committee this week. Under this measure, an employee could appeal a termination decision to the Department of Health and Mental Hygiene after exhausting all internal grievance procedures.

A hearing was held last week on **SB 714** which would require the Department of Health and Mental Hygiene to provide written notice of health code violations at health care facilities to the individuals (or their legal representatives) who the violations adversely affect.

Other health-related bills that have been approved by the first chamber include:

- **SB 194**, to prohibit partial-birth abortion unless necessary to save the mother's life;
- **SB 624/HB 884**, to require universal newborn hearing screenings;
- **SB 187/HB 296**, to extend by one year the date before which the Department of Health and Mental Hygiene is prohibited from imposing sanctions on small assisted living programs;
- **HB 350**, to require food service facilities to provide a list of additives and allergens used in the preparation of items on the menu; and
- **HB 909**, to authorize hospitals that have transferred outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an offsite facility due to zoning restrictions to elect to have these offsite services subject to the Health Services Cost Review Commission rate regulations.

SB 593, to require the State to apply for the inclusion of assisted living, personal care, respite care, and other services in the home and community based services waiver program under the federal Social Security Act, received a favorable preliminary vote with amendments in the Senate.

SJ 2, which would have established the Task Force on the Quality of Health Care, has received an unfavorable committee report.

INSURANCE

As it passed the Senate, **SB 594** would include in the definition of "practice medicine" the determination that a health care service is not medically necessary or appropriate for a patient. It would also subject medical directors of HMOs and other carriers to the disciplinary authority of the Board of Physician Quality Assurance in matters concerning such a determination. An adopted floor amendment would require a study of the bill's impact on insurance premiums and a review of other states' regulation of this issue.

Also receiving legislative support this week are bills requiring the Department of Health and Mental Hygiene to investigate and respond to consumers' complaints about the quality of HMO health care: **SB 789** received a favorable preliminary vote with amendments from the Senate and **HB 1210** passed the House.

The following bills have failed in committee:

- **SB 261** and **HB 856**, to permit patients to sue managed care companies for damages suffered as a result of adverse health care treatment decisions;
- **SB 579/HB 476**, to develop a universal health plan for eligible State residents;
- **SB 596/HB 626**, to establish uniform statewide premiums for Medicare HMO risk contracts; and

- **HB 833**, to permit consumers to recover costs, attorney fees, and punitive damages when an insurance company refuses to pay a claim for arbitrary reasons.

LEGISLATIVE MATTERS

SB 1, the Senate version of the ethics bill, has passed the House with amendments and **HB 1**, the House version of the ethics bill, has passed the Senate with amendments.

SB 25/HB 2, to prohibit a State official from using the prestige of his office for personal gain, have passed their respective chambers.

SJ 3/HJ 20, to create a Study Commission on Lobbyist Ethics, have also passed their respective chambers.

STATE GOVERNMENT

HB 179, the collective bargaining bill for State employees, has passed the House with amendments that would:

- eliminate the service fee that all personnel in a bargaining unit would have been required to pay to the representing union, whether a member of that union or not;
- remove institutions of higher education from the bill;
- remove provisions concerning grievance procedures, work stoppages because of unsafe working conditions, and disciplinary procedures because these areas are already covered by existing law;
- remove provisions concerning an impasse, allowing existing administrative law procedures to govern;
- change the term "collective bargaining agreement" to "memorandum of understanding"; and
- clarify that a majority of the members of the bargaining unit are needed to ratify a "memorandum of understanding."

The Senate passed **SB 141** concerning State police retirement benefits. Amendments reduce the benefit rate in the bill from 2.75% to 2.5% with eligibility for normal retirement benefits after 22 years. This is an increase from the present 2.2% of average final compensation for the first 25 years of service that is due under existing law. The amendments also provide incremental benefits increases for people retiring before July 1 by a minimum of \$1,200. The Deferred Retirement Option Program (DROP) is modified by reducing the years of service for eligibility from 25 to 22 years and the minimum years of participation from 5 to 3 years.

HJ 1, establishing "Louis L. Goldstein Day," has passed both chambers.

TRANSPORTATION

A measure that would establish the offense of "aggressive driving" has passed the Senate. **SB 710** will prohibit a person from exceeding a maximum speed limit or posted speed limits and violating two or more of the following offenses: running a red light, cutting off other drivers, passing on the right, following too closely, or failing to yield right-of-way. In addition to a fine and/or imprisonment for a violation, five points would be assessed against the individual's license following conviction.

A House committee rejected a bill that was aimed at drivers who prefer traveling in passing lanes. **HB 932** would have prohibited a driver of a vehicle from driving in the far left lane of a roadway

that has two or more lanes of traffic moving in the same direction unless overtaking another vehicle.

HB 140, passed by the House, authorizes a law enforcement agency to issue a citation to the owner of a vehicle reported by a school bus driver for failure to stop for a school bus with flashing warning lights. Owners of vehicles cited may pay a civil penalty, not to exceed \$200, or contest the charge in District Court. Under current law, if the identity of the driver is not established, the law enforcement agency is authorized to issue a warning only.

UTILITIES

Measures that provide for the restructuring of the electric utility industry in Maryland have made it to the floor of their respective chambers. Although **SB 300** and **HB 703** differ on some points, both would begin opening the electric utility market to competition in July 2000. Both bills would guarantee some price cuts for residents and both measures would create a Universal Service Program to help low-income customers pay their bills. Environmental safeguards have been addressed to ensure that federal and State environmental protection standards are not compromised in a competitive electric market.