



# The LEGISLATIVE WRAP-UP

Issue:  
99-13

April 5-9, 1999

## [This Week](#)

## THIS WEEK

## [Next Week](#)

On Thursday, April 8, Governor Glendening signed into law five bills passed by the 1999 General Assembly:

## [Budget and Fiscal Matters](#)

- **SB 300/Chapter 3** and **HB 703/Chapter 4**, Electric Utility Industry Restructuring;
- **SB 344/Chapter 5** and **HB 366/Chapter 6**, Electric and Gas Utility Reform; and
- **SB 8/Chapter 7**, Maryland Higher Education Investment Program - Income Tax Subtraction Modification for Contributions.

## [Consumer Affairs](#)

## [Courts](#)

Since the State Budget Bill, **HB 120**, did not pass the legislature by the constitutionally mandated deadline of seven days before the end of session (April 5), the Governor issued a proclamation extending the 1999 session past the midnight end of the 90-day session on Monday, April 12. A conference committee continues to meet to work out the differences between the Senate and House plans for the State operating budget.

## [Criminal Matters and Corrections](#)

## [Economic Matters](#)

If **HB 120** does not pass by the midnight deadline, the session will be extended for ten days so that the Budget Bill may be passed. However, during the extended session period only the Budget Bill may be considered. Therefore, all other legislation not passed by midnight on Monday will be dead, including the Capital Budget Bill and bond legislation which may not be considered before the State budget is passed.

## [Environmental Matters](#)

## [Family Law](#)

## NEXT WEEK

## [Financial Institutions](#)

If the State Budget Bill comes out of conference committee and passes, the 1999 regular session of the Maryland General Assembly will come to a close on Monday, April 12 at midnight. After adjournment, bills and resolutions that have passed the General Assembly will be presented to Governor Glendening for final consideration. The following dates have been announced for the bill signing ceremonies which are held in the State House:

## [Health](#)

## [Housing](#)

- Tuesday, April 13 - 10:30 a.m. to 12:00 p.m. (traditional Sine Die signing);
- Tuesday, April 27 - 9:30 a.m. to 11:30 a.m.;
- Thursday, May 13 - 9:30 a.m. to 11:30 a.m.; and
- Thursday, May 27 - 9:30 a.m. to 11:30 a.m.

## [Insurance](#)

## [Legislative Matters](#)

## [Sports and Gaming](#)

## [State Government](#)

## BUDGET AND FISCAL MATTERS

Though still being debated on the floor, the Senate has adopted amendments to **HB 190**, the tobacco tax proposal, that reduce the proposed cigarette tax increase from \$1.00 to \$.36 and tie the bill to enactment of **SB 334** or **HB 751**. If the bill is enacted in the current Senate form, the tax on a pack of cigarettes would double from \$.36 to \$.72 beginning in July. Provisions adding a 15% tax on the wholesale price of other tobacco products, such as cigars and smokeless tobacco, beginning July 2000, remain in the bill.

**HB 751** has been reported to the Senate floor in an amended form and is now identical to **SB 334**, which has passed the Senate. The bills establish a Cigarette Restitution Fund with the money to be received through the nationwide tobacco litigation settlement. The Fund would allocate the tobacco settlement money, which the State anticipates to be \$175 million in fiscal 2000, \$224 million in fiscal 2001, \$142 million in fiscal 2002, and \$138 million in fiscal 2003. Before any of the money is spent, it must be included in the annual State budget proposed by the Governor. **SB 334** and **HB 751** also require that at least 50% of the money appropriated each year from the fund be used for:

- reduction of the use of tobacco products by minors;
- implementation of the Southern Maryland Regional Strategy-Action Plan for Agriculture, with an emphasis on alternate crop uses for farmland now used for tobacco;
- public and school education campaign programs to decrease tobacco use with initial emphasis on areas targeted by tobacco manufacturers in marketing and promoting tobacco products;
- smoking cessation programs;
- enforcement of laws regarding tobacco sales;
- the purposes of the Maryland Health Care Foundation;
- primary health care in rural areas and areas targeted by tobacco manufacturers in marketing and promoting tobacco products;
- prevention, treatment, and research concerning cancer, heart disease, lung disease, tobacco use, and tobacco control; and
- substance abuse treatment and prevention programs.

Other provisions require the development of plans and goals for the funded programs and reports. Additionally, the annual budget must include the lesser of \$100 million or 90% of the funds estimated to be available in the fiscal year.

Legislation requiring homeowners to pay real property taxes on principal residences in semiannual installments is now in a Senate committee. If **SB 677/ HB 897** are enacted, 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. The legislation, in effect, would reduce closing costs for home buyers since the tax due at settlement would be for six months rather than for a year.

## CONSUMER AFFAIRS

**HB 960** has passed second reading with amendments in the Senate. The bill prohibits slamming, or the practice of telecommunications providers transferring customer accounts from one company to another without a customer's consent.

A bill to increase the maximum amount that the Home Improvement Commission may award when multiple claims are lodged against a single home improvement contractor, **SB 53**, has passed second reading in the House.

**HB 946**, intended to regulate check cashing service companies through fee limitations and application requirements, has been withdrawn.

## COURTS

A Senate committee is considering **HB 481**, a proposal that would grant defendants qualified immunity from SLAPP suits (Strategic Lawsuits Against Public Participation) and would allow defendants to file a counterclaim and move to dismiss. Supporters contend that SLAPP suits are actions filed to stifle community opposition to business ventures and development.

The Senate and House have passed different versions of bills to protect government agencies, officials, and employees and businesses that take reasonable steps to prevent computer failure from civil liability in year 2000 readiness litigation. With respect to **HB 8/SB 554**, that would limit the liability of businesses, the House version further narrows immunity provisions by exempting products liability actions against a manufacturer for wrongful death or personal injury and claims for workers' compensation benefits. In its versions of two other related measures, **HB 901** and **SB 232**, the House also weakened the immunity provisions for government agencies, officials, and employees by exempting certain actions for wrongful death, personal injury, or property loss as well as workers' compensation benefits claims. The Senate has given preliminary approval to its versions of **HB 8** and **HB 901**.

Both chambers have approved **HB 214**, which would double, to \$5,000, the cap on damages a pet owner could collect in court because of injuries to a pet, and would include the death of a pet under the same liability provisions.

## **CRIMINAL MATTERS AND CORRECTIONS**

The General Assembly has approved **SB 319** to make it a felony for a person, including a health care provider, to knowingly aid or contribute to a suicide, with a maximum penalty of a \$10,000 fine and one year in jail. The bill does not include original provisions that proposed to allow family members to bring civil actions against an individual who aided or attempted to aid a suicide, and to authorize the suspension or revocation of a medical license of a convicted health care provider.

Other bills that have passed the General Assembly include:

- **HB 124**, to allow the Parole Commission to place special conditions on the release of prisoners who have served their sentence, minus any earned diminution credits, rather than limiting only to parolees the imposition of conditions, such as staying away from victims and participating in drug treatment programs;
- **SB 610**, to allow the Department of Public Safety and Correctional Services to post on the Internet the names, offenses, and other personal information of registered Maryland offenders convicted of sex offenses and certain other offenses against children;
- **SB 443/HB 381**, to toughen security guard certification requirements and to require periodic certification renewal;
- **SB 39**, to keep search warrants under seal for 30 days while police investigate child pornography cases;
- **HB 95**, to make it a misdemeanor to set up a camera to surreptitiously observe people in their private residences under certain conditions, or to perform visual surveillance on a person in a rest room, bedroom, or dressing room in a place of public use or accommodation; and
- **HB 692**, to require juvenile justice officials to discuss with alleged juvenile offenders and their parents or guardians information regarding referral of the child by the parents for a mental health and substance abuse screening, and, if the screening shows that the juvenile has problems, for a comprehensive mental health or substance abuse assessment.

Bills that are moving through the conference committee process include:

- **SB 377/HB 232**, to outlaw the "corrections cocktail," a concoction of body fluids maliciously thrown at correctional officers by inmates; and
- **HB 711**, to make it a misdemeanor to intentionally harm, disable, or kill an animal used for law

## ECONOMIC MATTERS

The legislative process is nearing completion for **SB 770/HB 1148** which have passed both chambers in amended form and are ready for gubernatorial action. The bills provide enhanced tax credits for new and expanded businesses in Maryland and are part of the incentive package that helped persuade the Marriott Corporation to remain in Montgomery County, rather than to relocate its headquarters to Northern Virginia.

## ENVIRONMENTAL MATTERS

**HB 622**, passed by both chambers, creates the Kent Island Citizens Oversight Committee to monitor the redeposit of dredge spoils off the shore of the island and to hear citizens' complaints.

Amended by the Senate, **HB 165** now matches **SB 208** which has won approval by both chambers. The bills require that a sewage sludge facility meet all county zoning and land use requirements before receiving a permit for installation, alteration, or extension from the Department of the Environment.

Bills that would permit oyster harvesters to use power dredging equipment in Calvert, Dorchester, and St. Mary's Counties have been returned to the House after having passed the Senate in amended form. **HB 275**, **HB 422**, and **HB 1030** were amended in the Senate to require the establishment of oyster sanctuaries, a study of the impact of the power dredging, and a sunset date of May 31, 2004

**HB 788**, to repeal the termination date for the vehicle emissions inspection program (VEIP), has passed the House. As amended, the bill also would phase in an increase in the emissions-related repair expenditures necessary for a waiver of the program requirements. **SB 696**, now in committee in the House, establishes a different phased-in schedule for a waiver. Another VEIP-related bill, **HB 1038**, presently waiting for Senate approval, exempts from testing a vehicle that is registered to a disabled person and is driven less than 5,000 miles annually.

## FAMILY LAW

Bills are moving through the process that will create a credit against the State income tax for child and dependent care expenses for taxpayers whose federal adjusted gross income is at or below \$40,000, or \$20,000 if married and filing separately. The credit allowed by **SB 631/HB 7** would be in addition to the dependent care subtraction from income that is already available. Under the bills, a qualified taxpayer could claim a credit of 25% of the federal child and dependent care credit or of the State income tax for the taxable year, whichever is less.

Bills that have passed the General Assembly and await the Governor's approval include:

- **HB 233**, to allow virtually anyone to seek a "peace order" for protection against an abuser, which could require the abuser to refrain from committing the abuse, contacting the victim, or entering the victim's residence, workplace, or school;
- **HB 231**, to prohibit District Court commissioners from releasing accused violators of ex parte or protective orders from jail before a trial, although the judge could allow pretrial release under conditions that would assure no risk of flight or danger to another;
- **HB 738**, to allow a judge to include in a temporary ex parte or protective order a provision ordering an accused abuser to stay away from the victim's child care provider while the victim's child is in the provider's care; and
- **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. It would also establish State and local child fatality review teams to review unexpected deaths and near deaths, authorize local governments to establish citizens review panels to assist the Board and Council in review of specific cases, and authorize disclosure of child abuse and neglect records to the Council, Board, and review teams and panels. The companion, **HB 958**, has been approved by the Senate.

## **FINANCIAL INSTITUTIONS**

The General Assembly has passed legislation adopting the recommendations of the Task Force to Study Bank Charter Modernization (**SB 114/HB 50**), and, with the adoption of conference committee reports, also passed **SB 102/HB 96** establishing a 15-member Task Force to Study Modernization of Credit Union Law.

## **HEALTH**

Bills that have passed both chambers and await gubernatorial attention include:

- **SB 187/HB 296**, to extend from July 1, 1999 to July 1, 2000 the date before which the Department of Health and Mental Hygiene cannot impose sanctions on small assisted living programs;
- **HB 350**, to establish a Task Force on Food Allergies and Restaurant Patrons to examine concerns or problems encountered by restaurant patrons who suffer from food allergies;
- **HB 909**, to authorize hospitals that have transferred outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an offsite facility to elect to have these offsite services subject to the Health Services Cost Review Commission's hospital rate setting and Medicaid reimbursement, if certain zoning restriction conditions, accreditation requirements, and timely notification procedures are met;
- **HB 978**, to disband the Health Care Access and Cost Commission's Advisory Committee on Practice Parameters; and
- **HB 40**, to repeal the authority of the Health Care Access and Cost Commission to develop a payment system for health care services. The Commission would be authorized to promote the availability of information on practitioner charges and reimbursements from health insurers or health maintenance organizations.

Health measures in the opposite chamber include:

- **SB 593**, to require the State to apply for the inclusion of assisted living, personal care, respite care, and other services in a Medicaid home and community based services waiver program. Participation would be limited to State general fund support as provided by the Budget Bill and by the proposed requirement that 20% of the assisted living services included in the waiver program be nursing facility beds that have been converted to assisted living beds;
- **SB 714**, to establish the Nursing Home Evaluation System;
- **SB 194**, to prohibit partial birth abortions unless necessary to save the life of the mother (amendments include language specifying that the measure would not interfere with a woman's right to an abortion);
- **HB 994**, to establish the Hospital Capacity and Cost Containment Act; and
- **HB 995**, to integrate the responsibilities and duties of the Health Resources Planning Commission (HRPC), which would be abolished, under the Health Care Access and Cost Commission (HCACC). The new HCACC, supported by a new fund derived from fees paid by hospitals (36%), nursing homes (5%), health insurers (40%), and health care practitioners (19%), would work in coordination with the Department of Health and Mental Hygiene to

provide a streamlined health care regulatory system.

Measures to require universal newborn hearing screenings, **SB 624/HB 884**, have passed the General Assembly in amended form.

## **HOUSING**

**HB 161**, which would require new home builders to disclose information about the presence of hazardous materials on the site of a new home, passed a preliminary floor vote in the Senate.

**HB 108**, a measure that would have required the installation and maintenance of carbon monoxide detectors in new construction has failed. **SB 575/HB 967**, the Maryland Home Builders Registration Act, that would establish the Office of Home Builder Registration in the Department of Labor, Licensing, and Regulation remain in committee.

## **INSURANCE**

A conference committee has been appointed to resolve House and Senate differences on **HB 182**, the Patients' Bill of Rights Act of 1999. The companion, **SB 135**, received a favorable preliminary vote from the House. **HB 639**, making prompt payment and interest on late payment provisions identical for insurers, nonprofit health service plans, health maintenance organizations (HMOs), and Medicaid managed care organizations (MCOs), has received final legislative approval.

Enrolled versions of **SB 618/HB 767** have passed to prohibit health insurance carriers from establishing or promoting an emergency medical transport system that competes with the 911 system for an emergency medical condition. Carriers may utilize transportation outside the 911 system for services that are not in response to an emergency medical condition.

**HB 1210**, establishing an HMO quality assurance unit in the Department of Health and Mental Hygiene to enforce all quality of care requirements and investigate quality of care complaints, passed the Senate in amended form. Similar legislation, **SB 789**, was heard by a House committee this week.

## **LEGISLATIVE MATTERS**

**HB 2**, prohibiting the intentional use by a State official of prestige of office for personal gain or that of another, passed the Senate with amendments that make it identical to the companion, **SB 25**. **SB 25** has passed both chambers and is ready for presentation to the Governor.

**HB 1029**, which has passed both chambers, would require the Joint Committee on Legislative Ethics to maintain a copy of General Assembly members' financial disclosure statements and a record of those individuals who examine those statements. Members would be given a copy of their own statement upon request.

**HJ 20**, to establish a Task Force on Lobbyist Ethics, and its companion, **SJ 3**, are in conference committee.

## **SPORTS AND GAMING**

**SB 104**, to repeal the restrictions on the numbers and types of lotteries that must be conducted for the benefit of the Maryland Stadium Authority, passed both chambers.

**HB 906**, to allow limited Sunday hunting of deer, was defeated in Senate committee.

## **STATE GOVERNMENT**

**HB 191**, concerning retirement benefits for State police personnel, is in conference committee. The companion, **SB 141**, is pending after being amended in the Senate.

**HB 179**, concerning collective bargaining for State employees, has passed third reading in the Senate with amendments. The amendments would prohibit service fees for nonmembers as well as collective bargaining by non-faculty employees of the University System of Maryland. The companion, **SB 129**, died in committee.

**SB 170**, which would create a new Department of Veterans Affairs, has passed the General Assembly. Its companion, **HB 183**, is pending after passing the Senate with amendments.

**HB 403**, concerning disclosure of pension records of elected or appointed officials, has passed the House with amendments which restrict the scope of the bill to Anne Arundel County officials.

**SJ 11**, establishing a Task Force on Regulatory Reform, has passed a preliminary House floor vote.

***PLEASE NOTE: The status of bills is current as of 4:00 p.m., Friday, April 9, 1999.***