



# The LEGISLATIVE WRAP-UP

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### **Budget and Fiscal Matters**

Governor Parris Glendening has submitted a \$19.6 billion State budget for fiscal 2001, which includes the estimated \$815 million budget surplus from the current year's budget. The proposed budget represents a 9 percent increase of \$1.6 billion over the previous year, exceeding the General Assembly's Spending Affordability Committee's guidelines by \$68 million. The bill also includes \$103 million in deficiency appropriations for fiscal 2000, primarily for Medicaid. The Constitution requires that the General Assembly pass the budget bill (**SB150/HB150**) by the 83rd day of the session, April 3. The General Assembly will begin consideration of the proposed budget next week with committee hearings.

Education is a priority in this year's budget with State aid for public schools and libraries totaling \$2.3 billion, a 5 percent increase of \$112 million. In addition, spending for public school construction is set at \$256 million. State support for higher educational institutions would increase 11 percent, bringing the total to \$862 million. The proposed budget includes \$80 million for enhancements to State universities including \$31 million for the University of Maryland College Park's "Flagship Initiative." Community colleges would receive an additional \$22.6 million over last year's funding.

Under the proposed budget, construction projects and the State reserve fund would get the bulk of the \$815 million budget surplus, including:

- \$167 million for public school construction;
- \$153 million for higher education construction;
- \$50 million for the Woodrow Wilson Bridge/Largo Metro; and
- \$400 million for the State Reserve Fund.

Other funding recommendations include:

- \$10 million for after-school programs;
- \$26.9 million for the developmental disabilities waiting list initiative;
- \$58 million for Program Open Space;
- \$155 million for the Department of Juvenile Justice;
- \$10 million for One Maryland programs;
- \$697.4 million for State Highway Administration construction projects; and
- \$441.2 million for transit projects around the State.

Proposed uses of the \$250 million tobacco settlement funds include:

- \$50 million for anti-cancer initiatives;
- \$30 million for anti-smoking education and prevention;
- \$9 million for tobacco crop conversion;
- \$50 million for education initiatives; and
- \$10 million for substance abuse treatment and prevention.

### **Criminal Matters and Corrections**

Judges state-wide could impose a sentence of confinement, including home detention or house arrest, as a condition of probation before judgment and post-conviction probation under **SB 25**, which has passed a preliminary floor vote. Currently judges in only a handful of counties in the State have this authority. A companion bill, **HB 81**, is going to be heard in the House in early February.

**SB 7/HB 89** would require defendants who are convicted of or granted probation before judgment for committing specified crimes involving a sexual offense or exposure to blood or body fluids to furnish, at the crime victim's request, body fluid samples to be tested for contagious diseases or viruses such as HIV, hepatitis, meningitis, mononucleosis, or tuberculosis. **SB 7** will be heard in committee next week.

Bills introduced to create a new crime or increase penalties for an existing crime include:

- **HB 58/SB 13**, to make failure to report a death a misdemeanor with a penalty of up to a year in jail and a \$500 fine;
- **SB 88**, to make it a misdemeanor to knowingly and willfully falsify or conceal a material fact or make a false or fraudulent representation a state legislative committee at a recorded proceeding, with a maximum penalty of a \$1,000 fine and a year in jail;
- **SB 5**, to increase the maximum jail time for the felony of disarming a law enforcement or correctional officer from 10 to 20 years, and to add chemical spray and a baton to the list of weapons included in the provision; and
- **HB 86**, to expand the crime of animal abuse from a misdemeanor to a felony, and to increase the maximum fine from \$1,000 to \$25,000 and the maximum jail time from 90 days to three years.

## **Economic Matters**

A number of proposals to promote Maryland's continued economic prosperity will be considered by the 2000 General Assembly. In one of the most prominent efforts, President Miller and Speaker Taylor have joined with Governor Glendening to formulate a comprehensive State portfolio of enhancements to make Maryland the leading e-commerce and digital state in the nation. The agenda to be presented to this year's General Assembly seeks to protect and expand Maryland businesses, provide security for families, guarantee the right to privacy for consumers, and make Maryland a national leader in delivering government services over the Internet.

While not all of the proposals have been formally introduced at printing time, bills that were available include **SB 3/HB 18** and **SB 142/HB 19**. These measures are model laws from the National Conference of Commissioners on Uniform State Laws, a nonpartisan organization that develops uniform acts and model laws in areas where uniformity among the states is desirable. **SB 3/HB 18**, the Maryland Uniform Electronic Transactions Act (UETA), would permit the use of electronic procedures to comply with current legal requirements for writings, signatures, and retention of records in business, commercial, and governmental transactions. The Act applies only if the parties have expressly agreed to transact business electronically and does not affect the substantive law applicable to a particular transaction. Additionally, a number of areas of law are specifically exempted from UETA. **SB 142/HB 19**, the Maryland Uniform Computer Information Transactions Act (UCITA), provides uniform rules for computer information agreements and guidelines for transacting business through electronic commerce. This bill seeks to address concerns that expansion of the nation's digital economy could be impeded by differences in the commercial laws of each state.

On a related note, a House leadership initiative to strengthen Maryland's position in the highly competitive high technology environment would create a framework for a new Technology and Business Court Division presided over by judges specializing in technology-related legal issues, such as security, patent, and intellectual property (**HB 15**). The technology court would be similar in concept to the existing Family Law Court.

## Education

**SB 24**, which would require student teachers and interns whose program of study requires classroom experience in a public or private school to complete a criminal background disclosure form, received a favorable preliminary vote.

## Environment

Several bills have been introduced that regulate the placement of matter dredged from the shipping channels of the Chesapeake Bay. **SB 26/ HB 40** prohibit the use of the area known as Site 104 as a dumping site before February 2002 and prior to completion of a report by a newly created Oversight Commission on Chesapeake Bay Dumping. **HB 25** also bans use of Site 104 and limits dumping of the dredged material to within a five-mile radius of Pooles Island. **HB 68** expands the area defined as the "deep trough," into which dumping already is prohibited.

## Family Law

Included among the House leadership initiatives is the Working Parents Opportunity Act (**HB 8**), to improve the economic well-being of low-income working parents and their children. Funded through and administered by the Higher Education Commission, the program calls for community colleges to create job training and education programs for eligible parents and set up an outreach program to increase program awareness. An account to help parents pay for expenses under the program, including tuition, supplies, transportation and child care, would also be established. The Governor would be required to appropriate \$9 million for the program in the fiscal 2002 budget and \$17 million in each following fiscal year.

## Health

**HB 2**, Children's Health Program Expansion Act of 2000, has been introduced to provide health insurance coverage for more of Maryland's children. The bill expands the eligibility for the program from 200% to 300% of the federal poverty guidelines. Working parents may receive subsidies to enroll their children in employer health care coverage or, if not applicable, the Act will allow the children to be covered through the existing HealthChoice program.

## Insurance

Several health insurance-related bills on the House leadership agenda include Health Insurance for All Marylanders Act (**HB 3**), Nonprofit Health Entity Responsibility Act of 2000 (**HB 4**) and **HB 6**, which mandates parity of health care benefits for children born with disabilities if rehabilitation services are covered by the policies. Another bill on the agenda, **HB 5**, addresses the regulation of health maintenance organizations (HMOs) and their relationship with downstream risk contractors providing health services to consumers. Reintroduced in the Senate is legislation establishing a cause of action against a health insurance carrier that does not exercise ordinary care when making treatment decisions (**SB 9**).

## State of the State Address

With nearly a billion dollars in surplus to enrich the State coffers, Governor Parris N. Glendening in his 6th State of the State address before the General Assembly pronounced that Maryland both is "prosperous and strong." Legislators were told that, "Because of our work together: Life is better for the people of Maryland; Our children's futures are brighter; Our communities are safer; And our environment is healthier...our economy is booming. More people are working: our unemployment rate is now at an all-time low. Families are earning more: We enjoy the second highest family income in the nation; And fewer people are being left behind: We have the lowest overall poverty rate, and the lowest child poverty rate in the nation."

Glendening, in highlighting his goals for this session and the future, outlined initiatives to fund an

ambitious plan for school construction and modernization and to increase in teachers' salaries. With the State's tobacco settlement money he proposes to support cancer research and treatment as well as the long term elimination of tobacco use and addiction. The Governor's agenda also includes the adoption of mandatory child-proof safety locks on handguns sold in Maryland and an expansion of the current "Smart Growth" environmental protection objectives through the adoption of "Smart Codes" for building and infill development. On a broader note, the Governor said that he has confidence that with the General Assembly " we can--and we will--find the courage and resolve we need to do what is right for our future: To educate all of our children, to ensure strong, thriving communities and a healthy environment throughout Maryland , and to defeat intolerance and bigotry." He concluded by quoting former Florida governor Lawton Chiles, who said in his last Inaugural Address, "I didn't come here to stay; I came to make a difference." The Governor then asked legislators to "all pledge to work together and to make a difference for the people of Maryland."