



The LEGISLATIVE WRAP-UP

Issue: 00-6

February 14 - 18, 2000

[Bill Introductions](#)

Bill Introductions

[Green Bag Delivery](#)

As of Friday, February 18, a total of 2,144 bills and 31 joint resolutions had been introduced for consideration by the 2000 session of the General Assembly of Maryland. These figures include 831 Senate bills and 10 Senate joint resolutions and 1,313 House bills and 21 joint resolutions. Next Friday, February 25, will mark the mid point of the 2000 session.

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Green Bag Delivery

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Green Bag appointments, as required by the Maryland Constitution, were submitted to the Senate on Friday, February 18 (although the official day, the 40th calendar day of session, is Sunday, February 20). The Governor's Appointments Secretary delivers the list of gubernatorial appointments in the official Green Bag of Maryland to the President of the Senate at the morning floor session. The green leather bag, embossed with the Great Seal of Maryland, is modeled on the green bags used by English barristers of old to convey official documents. Except for this annual presentation ceremony, the Green Bag resides at the State Archives.

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Tougher drunk driving measures, **SB 568** and **SB 524**, are scheduled for hearings next week. Under current Maryland law, a person is considered intoxicated per se if the person's blood alcohol content tests at 0.10 percent or higher, and a 0.07 reading is presumed to be driving while under the influence (DUI) of alcohol. **SB 568** would not alter the existing level of DUI at 0.07, but the bill would reduce the driving while intoxicated per se level from 0.10 to 0.08.

[Family Law](#)

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Other legislation, **SB 524/HB 1138**, would address first offenses for a blood-alcohol reading of more than 0.16 at the time of testing, for which a motorist would get a maximum 18-month prison term or a fine of not more than \$1,500 or both. In addition, the motorist's driver's license would be suspended for at least 45 days but for not more than 60 days.

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Civil Rights

A hearing this week was held on **HB 225**, to prohibit race-based traffic stops by law enforcement personnel and to require law enforcement agencies to report annually to the Attorney General on information regarding traffic stops. Information to be reported would include: age, gender, and ethnic group of the person stopped, whether and how a search was conducted, any contraband identified, and whether an arrest was made. Another proposal scheduled for a committee hearing in March, **HB 226**, would provide a civil penalty of up to \$1,000 for a law enforcement officer who uses race or ethnicity as the sole reason to initiate a criminal investigation.

Courts

SB 806/HB 1079 would provide an additional tool to deal with the lead paint crisis in Baltimore

City and throughout the State. The legislation would require manufacturers of lead-based paint to reimburse a person for damages resulting from the presence of lead-based paint in a residential, public, or commercial building. Damages would include those for personal injury and those sustained by the owners of buildings under specified circumstances, as well as damages for expenses incurred to abate lead-based paint by the voluntary actions of owners of buildings. Manufacturers could be held liable based on their "market-share liability" or the percentage of the total damages that equals the manufacturer's share for the market at the time the manufacturer produced lead-based paint and sold that paint in the market. Those who recover damages would not have to demonstrate that an individual manufacturer actually manufactured the paint that caused the damage.

Testimony was heard last week on the House side on the Drug Dealer Liability Act. **SB 484/HB 178** provides that a person who manufactures, distributes, dispenses, brings into, or transports a controlled dangerous substance in the State may be sued for damages in a civil action by anyone who is injured by an individual's use of the substance. Potential plaintiffs, as specified in the bill, would include employers of drug users, medical facilities, insurers, and entities that fund drug treatment or employee assistance programs or otherwise spend money on behalf of individual drug users.

HB 27, to delay the commencement of time limitations for medical malpractice claims until a child reaches the age of 16 if the child is injured before the age of 16, passed its third reading floor vote in the House.

HB 42, to expand the exclusive jurisdiction of the District Court to include cases involving over \$2,500 and up to \$10,000 in controversy, failed in committee.

Criminal Matters and Corrections

A number of bills are in the pipeline to make the Maryland juvenile justice system more responsive to the needs of at-risk children. **SB 821/HB 1082** would require the Department of Juvenile Justice (DJJ) to implement standards for quality of care, staff training and conduct, and other matters related to juvenile detention. Placement of a juvenile in a nonsecure alternative facility would have to be considered before placement in a secure facility. **HB 1087** would authorize a juvenile court to adopt a treatment service plan for a juvenile and require DJJ to ensure that it is implemented within 30 days after disposition of the case. **HB 1088** would establish the State Commission on Juvenile Justice as an independent oversight body to investigate reports of abuse at DJJ facilities and to oversee juvenile justice functions. The bill also sets out a policy that DJJ would be required to adopt for addressing disciplinary actions and grievances within facilities. **HB 1095** would limit to one week the time that a child could be kept in a juvenile detention facility after disposition.

HB 180, to make it a misdemeanor to give illegal drugs to a person without the person's knowledge in order to commit a crime of violence against or sexually abuse the person, was passed by the House on third reading. A person convicted of the crime could earn a maximum penalty of a \$2,500 fine and a year in jail.

HB 81 has passed a preliminary House floor vote in an amended form to allow judges to impose a sentence of custodial confinement as a condition of a suspended sentence, probation before judgment, and post-conviction probation. Custodial confinement would include home detention, inpatient drug or alcohol treatment, and any other similar program with conditions that constitute the equivalent of confinement. The original companion bill, **SB 25**, has been amended in a different form and has passed the Senate.

HB 86, to expand the crime of animal abuse from a misdemeanor to a felony, failed a House committee vote.

Cultural Affairs

HB 252 would create the Maryland Cultural Arts Districts Authority. The Authority would be an independent entity established to enhance community development by creating cultural arts districts in the State. The Authority would be empowered to issue bonds and award grants and loans to support such districts.

Education

SB 789 would prohibit a public college from beginning its regular academic year before Labor Day. Proponents contend that the bill would address the labor needs of Ocean City businesses who lose many of their employees to college before the end of the summer season.

Two bills, **HB 1121** and **HB 832**, would allow voluntary student-led spoken prayers during specified school events including graduation ceremonies.

Environment

HB 823 would create a task force to study the environmental impact of the gas additive MTBE. A common ingredient in the reformulated gas required by the 1990 Clean Air Act, MTBE may be contaminating ground and surface water in the State. A hearing is scheduled for Feb 22.

More bills have been introduced to control the placement of material dredged from the Chesapeake Bay shipping channels:

- **HB 662** would expand the definition of the Deep Trough, into which dumping is prohibited, to include the area known as Site 104 and would require the Administration to prepare a yearly dredged material management plan;
- **HB 731** would create a Task Force to Study the Utilization of Lower Eastern Neck Island as a Depository for Dredge Spoil;
- **HB 1061** would provide a credit against the State income tax for certain expenses relating to research, development, and implementation of beneficial uses of dredged material; and
- **HB 1204** would establish a Dredge Disposal Alternatives Fund to provide financial assistance to develop economically beneficial uses for processed dredged material.

Family Law

Marriages between first cousins would be illegal in Maryland under **HB 459**, scheduled to be heard by a committee next week. **HB 919** would address another marriage-related issue by validating a marriage between two consenting adults and by recognizing a marriage between two consenting adults sanctioned in another state. Bills that failed this week include **SB 143**, that would have allowed a marriage to be performed in any part of the State, no matter in which jurisdiction the marriage license was obtained, and **HB 61**, that would have reduced the time for revocation of an adoption or guardianship from 30 days to 15 days.

Fiscal Matters

For the first time in 1998, the General Assembly expanded the State's earned income credit and permitted refunds under the credit. In 2000, the refund equals 12.5 percent of the federal earned income credit and 15 percent in subsequent years. **SB 240**, heard by a committee this week, would accelerate the phase-in by adopting the 15 percent credit in 2000. Another proposal, **HB 1056**,

would expand the refund from the current 12.5 to 50 percent of the federal earned income credit. A hearing on the bill is scheduled for March 1.

Hearings have been held on **SB 161/HB 132** to exempt from the sales tax telecommunications machinery or equipment sold to a telecommunications provider. The equipment must be related to conducting a telecommunications business which, under the bill, could include among other businesses, paging services, telephone services, Internet services, and cable television providers. Other proposed bills (**SB 701/ HB 794**) would exempt from the sales tax digital telecommunications machinery and equipment purchased by television or radio stations to comply with the federal Telecommunications Act of 1996.

The House approved **HB 170**, which would give Maryland shoppers a sales tax-free week this August for the purchase of clothing priced under \$100. Similar legislation was considered last year. Another measure, **HB 378**, which would permanently exclude from the sales tax clothing costing under \$75, will be heard next week. The Senate has taken testimony on the companion bills, **SB 103** and **SB 221**.

Health

Several proposals from the Task Force on Quality Care in Nursing Homes have been introduced:

- **SB 689/HB 634** would allow sanctions and penalties for deficiencies found in nursing homes, with the fines to be used for quality improvement programs;
- **SB 690/HB 747** would require nursing homes to provide a quality assurance program as a condition of licensure;
- **SB 698/HB 748** would provide for a Quality of Care Oversight Committee to monitor the implementation of the Task Force's recommendations;
- **SB 688/HB 749** would require unannounced inspections of nursing homes four times per year by the Office of Health Care Quality; and
- **SB 794/HB 784** would require minimum staffing levels as a condition of licensure and would improve salaries for nursing home workers.

Other bills aimed at improving the quality of nursing home care include:

- **HB 751**, which would allow patients and families to install electronic monitoring cameras in a nursing home room;
- **SB 662/HB 1153**, the Nursing Home Improvement Act of 2000, which would establish the Long-Term Advisory Panel to improve the quality of nursing care;
- **SB 764/HB 865**, which would assist confused nursing home patients in decision making under the Maryland Long-Term Care Ombudsman Program;
- **HB 930**, which would increase the hourly wage by a minimum of \$2 per hour for certified nursing assistants at nursing homes; and
- **SB 435**, which would provide a Compliance Achievement Award to nursing homes without deficiencies during a 2-year State inspection period, requiring part of the award money be used to retain nursing assistants.

The Internet is affecting health care, as evidenced by two bills this year. **SB 76**, which received an unfavorable report, would have required out-of-state practitioners who practice "telemedicine" to get a special purpose license in the State, as well as require patients to have a referral from their primary care physician to consult with the telemedicine practitioner. **HB 1269** would create a Task Force on Health Care and the Internet to study and make recommendations on the role of the Internet in health care activities.

The purpose of the Governor's Wellmobile Program, **SB 802/HB 433**, would be to provide health

care services to geographically underserved communities and uninsured individuals in the State and also to provide training sites for the University of Maryland School of Nursing, the entity charged to operate the Program. **HB 527** would require funding for a Western Maryland Wellmobile to be administered by the School of Nursing. Money for both initiatives could come in part from the Cigarette Restitution Fund.

SB 743/HB 1205 would establish a Substance Abuse Treatment Outcomes Partnership Fund which would expand substance abuse treatment funding for targeted populations such as prisoners, first time drug offenders, mothers of drug-addicted children, parents of children in need, and foster parents.

In response to the concerns over lead paint, **SB 712/HB 1221** would require children entering public school in Baltimore City to have had a blood test for lead poisoning.

In a concern for patient safety, **SB 28** would prohibit hospitals from reusing disposable or single-use medical devices without obtaining the consent of the patient. The consent or refusal must be documented in the patient's records.

SB 809/HB 1184, the African-American Male Oral Cancer Initiative, would use funds from the Cigarette Restitution Fund to increase prevention, detection, and treatment of oral cancer due to the usage of tobacco products.

SB 653/HB 227 would require students living in on-campus housing at higher education institutions to be immunized for meningococcal (meningitis) disease, due to the increased risk and the severity of the disease. Students or parents could sign a waiver, if they refuse the vaccine.

Insurance

A hearing this week was held on **SB 268** and **HB 393**, requiring health insurance coverage for hearing aids for children. Reported costs for custom-fitted hearing devices can range from \$700 to \$4,000 each. **SB 268**'s companion, **HB 66**, had a hearing earlier in the session.

Other health insurance proposals before committees next week include coverage for morbid obesity (**SB 496**), direct access to certified nurse midwives (**SB 567/HB 669**), revised criteria for in vitro benefits (**SB 516/HB 1031**), and smoking cessation treatment and programs (**SB 518**).

Sports

Recently introduced, the Maryland Racing Facility Redevelopment Act (**SB 813/HB 1180**) would authorize the Maryland Economic Development Corporation to sell bonds, the proceeds of which would go to improve race tracks. Money to repay the bonds would come from the bettors and from an account funded by the State's racing tax. That account would be replenished from State tax and lottery revenues.

HB 398 would expand rights to hunt without a license to include the grandchildren and stepchildren of a landowner. Under current law only the wife, children, and children's spouse of a landowner can hunt without a license.

Transportation

A new offense of aggressive driving would be established under **SB 217**. Aggressive driving would be defined as a person committing two or more traffic violations while speeding. Violators would be subject to a fine of up to \$500 or imprisonment of up to two months. In addition, five points

would be assessed on the violator's driving record.