



The LEGISLATIVE WRAP-UP

Issue: 00-7

February 21 - 25, 2000

[Dates of Interest](#)

[Agriculture](#)

[Consumer Affairs](#)

[Courts](#)

[Criminal Matters and Corrections](#)

[Education](#)

[Environment](#)

[Financial Institutions](#)

[Fiscal Matters](#)

[Health](#)

[Housing](#)

[Sports](#)

[Transportation](#)

Dates of Interest

Friday, February 25, marked the 45th day of the 2000 session. Important deadlines that lie ahead, before the 90-day session concludes on April 10, are:

March 6, the final date for introduction of bills without the suspension of the rules;

March 21, the "committee reporting courtesy date" by which each chamber's committees are to report on the bills in their respective committees;

March 27, the "opposite chamber bill crossover date" by which each chamber is to send to the other those bills it intends to pass favorably; and

April 3, the date by which the budget bill is to be passed by both chambers, as directed by the Maryland Constitution.

Agriculture

Testimony was heard this week on **HB 162** to reduce the number of lots from ten to four that a landowner may exclude from an easement sold under the Maryland Agricultural Land Preservation Program. The bill would also reduce the maximum allowable density from one lot per 20 acres to one lot per 50 acres.

Testimony was also heard on three bills related to industrial hemp which can be used to produce textiles, ropes, cellulose plastics, resins, particle board, paper products, and oil:

- **HB 507** would regulate the growth, maintenance, and commercial use of industrial hemp;
- **HB 637** would require the Department of Agriculture to conduct a study on the feasibility of growing and marketing industrial hemp; and
- **HB 1250** would establish a four-year pilot program using State property to study the growth and marketing of industrial hemp.

Other agriculture-related bills that have testimony scheduled for March 9 are:

- **HB 257**, to prohibit the sale, distribution, or use of nongerminating genetically engineered seed rendered incapable of producing second generation;
- **HB 292**, to require the Department of the Environment to adopt regulations for the safe application on agriculture and other land of the residue generated from the processing of animals, known as animal processing sludge;
- **HB 293**, to establish a moratorium on new swine operations and expansions beyond 250 swine until October 1, 2005, to require the Departments of Agriculture, Environment, and Health and Mental Hygiene to study the impact of large swine operations on rural economy, water quality and human health, and to create a citizens advisory committee; and
- **HB 294**, to create a Small Farm Protection Loan Program in the Department of Agriculture which would make loans at a preferred rate of interest available to farms with a gross annual income of under \$250,000 to finance the implementation of sustainable agriculture techniques.

Consumer Affairs

Maryland may not be among the states that have a statewide database of residential telephone subscribers who have paid a fee to be listed in order to restrict calls from telephone solicitors. **SB 185** was defeated by a committee vote. Its companion, **HB 339**, is scheduled to be heard March 9. **SB 18**, also killed in committee, would have prohibited telephone solicitors from blocking their telephone numbers on caller IDs. **HB 912**, also aimed at prohibiting the blocking of numbers with exemptions for the numbers of victims of domestic violence and organizations that support these victims, is scheduled for a hearing on March 9. **HB 435**, aimed at curbing requests for social security numbers by telephone solicitors, will be heard on the same day.

SB 145 was given committee approval with amendments late in the week and is now on the Senate floor. This bill, as originally drafted, clarified the circumstances under which some businesses could charge late fees if their customers do not pay their bills on time. The amendments add a grace period and a cap on the rate. This legislation would apply to a wide variety of businesses, such as TV companies, rental companies, and health clubs that are not covered under current law. The companion bill is **HB 251**.

Courts

The House has given preliminary approval to slow down and, in some cases, reduce the \$10,000 salary increase for all State judges recommended by the Judicial Compensation Commission under **HJ 5**. The increases will take effect on July 1, 2000, unless the General Assembly acts to reduce the recommendation. The companion resolution is **SJ 3**.

The limit on the liability of county and municipal governments for individual negligence claims against them would increase from \$200,000 to \$300,000 under **HB 947**. The limit for all claims arising from a single occurrence would increase from \$500,000 to \$750,000. The cap on claim amounts has not been changed since 1987, when Maryland's Local Government Tort Claims Act was enacted in response to a nationwide rise in malpractice claims filed during the late 1970s and 1980s. The bill may not be applied to any cause of action arising before the bill's effective date of October 1, 2000.

Criminal Matters and Corrections

Maryland's existing law, under which movement of adult parolees and probationers across state lines is governed, would be repealed and replaced with a newly proposed Interstate Compact for Adult Offender Supervision under **SB 366/HB 330**. Supporters of the new compact believe that the current national system is overwhelmed and outdated. Establishing an interstate compact commission and a State council overseen by the Maryland Division of Parole and Probation would allow greater communication between states and spur the creation of a national database to track offenders throughout the country. The compact, developed under the auspices of the U.S. Department of Justice, must be adopted by at least 35 states.

Burning an American flag on State property would bring a misdemeanor charge under **HB 44**, with a maximum penalty of three years in jail and a \$5,000 fine. Testimony at a committee hearing brought out concerns that the measure would violate free speech rights.

SB 665 and **HB 472** would alter Maryland's wiretapping and electronic surveillance law, allowing the contents of an intercepted communication to be used as evidence in certain proceedings under specified circumstances, including the use of a communication intercepted outside the State in a jurisdiction that allows such interception, even if the interception would be illegal under Maryland law.

HB 67, that would have required a mandatory one-year sentence for a person convicted of assaulting

a police or parole officer, with a maximum sentence of 25 years, failed in committee this week, as did **HB 235**, that would have done the same thing, but would have also prohibited a judge from suspending the one-year mandatory sentence. **SB 336**, companion to **HB 67**, was withdrawn.

Education

Increasing the amount of scholarship money available to prospective teachers in the State was given a boost by the Senate with its third reading approval of **SB 205**, which would raise the amount for students at community colleges from \$1,000 to \$2,000 and at four year institutions from \$3,000 to \$5,000. Also on the legislative agenda in the coming weeks is the Governor's Teachers Salary Challenge Program (**SB 810/HB 1247**) that would provide salary enhancements, through grants to local education agencies, to retain and recruit well-qualified public school teachers. The grants would be awarded based on formulas specified in the bill.

SB 508/HB 228 would allow students to possess portable phones on public school property and use the phones on public school property after school hours with certain prohibitions. **HB 480** would establish the Maryland Educational Opportunity Summer Program which is designed to provide educational enrichment during the summer months. Counties would be authorized to apply to the State to participate and to receive funds for the program and for teachers who would extend their contracts to cover this period.

Environment

Testimony was heard this week on four bills aimed at preserving the health of the Potomac River. **SB 389/HB 64** would create a task force to study the minimum flow levels in the Potomac River as they relate to the support of the plant and aquatic life of the river and issue a report by Dec 31, 2000. **HB 395** would prohibit the construction of a water intake structure in the Potomac River with the capacity to withdraw more than 50 million gallons of water per day, blasting the Potomac riverbed for a water intake structure, or constructing an intake structure unless the structure is at least 30 inches below the surface at the river's historic low flow. **SB 729** similarly prohibits the construction of such a structure until after required studies and reports have been completed.

Financial Institutions

A hearing was held this week on **HB 880**, which would limit fees on automated teller machine (ATM) transactions by individuals using access devices not issued by the ATM operator. The initial maximum fee that could be charged by an ATM operator is \$1 per transaction with a reduction to 50 cents per transaction by October 1, 2002.

Fiscal Matters

HB 170, the sales tax-free week on clothing bill, passed the House and is in a Senate committee along with its companion, **SB 103**. Two bills have been introduced which would exempt bottled water from the sales tax (**SB 408/HB 328**). The House bill has been heard by a committee and the Senate bill is scheduled for a hearing on March 15.

Health

Several bills have been proposed to assist senior citizens without prescription drug coverage:

- **HB 1144** would alter the eligibility requirements for the Maryland Pharmacy Assistance Program to include individuals that are Medicare eligible and not covered by a pharmacy benefit plan and individuals whose family income is at or below 200 percent of the federal poverty level;
- **HB 1330**, the Maryland Senior Prescription Drug Payment Assistance Program, would establish a separate assistance program, funded by the Cigarette Restitution Fund, for low income seniors to provide payment for prescription drugs, until Medicare benefits include the

cost of the drugs or until Medicare health maintenance organizations resume doing business in rural areas;

- **SB 649/HB 1336** would require pharmacies who participate in the Maryland Medical Assistance Program to charge Medicare patients the discounted assistance program fees for at least 3 years or until the addition of prescription drugs to the Medicare program benefits; and
- **SB 855/HB 1350** would pay a subsidy to managed care insurers who provide Medicare plus Choice plans to underserved areas.

HB 1174, the Optometrists - Quality Eye Health Improvement Act, would expand the type of care optometrists may give eye care patients including allowing therapeutically certified optometrists to administer specific pharmaceutical agents, such as drops to treat glaucoma and specified oral medications. This topic has been a controversial issue since the early 1980's.

Bills that would have prohibited smoking at all times on school property (**HB 29**) and at public parks or recreational facilities (**HB 39**) received unfavorable committee reports.

Housing

SB 206, which would provide low interest rate mortgages to public school teachers, has passed third reading on the Senate floor with amendments. The companion bill, **HB 282**, has not been reported out of committee. A provision of the legislation that has generated controversy among rural legislators would require that the homes be located in designated "Smart Growth" areas. These areas counter continuing suburban sprawl by encouraging development in urban and older suburban neighborhoods.

The problem of "flipping," in which houses are bought and resold quickly at a high profit, has resulted in a variety of proposed legislation:

- **HB 96**, which has passed a third reading floor vote, would require all real estate appraisal trainees to be licensed and to be supervised in their work by a licensed or certified appraiser, who must physically inspect the properties the trainee appraises;
- **HB 786** would require all real estate appraisals, not just federally related transactions, to be completed by a licensed appraiser;
- **SB 830/HB 727** would strengthen the powers of the Commissioner of Financial Regulation to investigate the activities of institutions such as banks, credit unions, and mortgage companies and provide increased State funding for staff to conduct the investigations;
- **HB 1044** would prohibit recordation of an instrument that transfers property to or names as a beneficiary an entity that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code, unless the instrument includes or is accompanied by written acceptance by the entity;
- **HB 1196** would more closely regulate home mortgage lenders, prohibiting certain high cost loans and fees, prohibiting coercion of appraisers, and requiring the lenders to report to the Commissioner of Financial Regulation, disclosing interest rates charged broken down by census tract, race, income level, and gender of the borrowers;
- **HB 1337** would also regulate mortgage lenders, regulating how a finder's fee may be charged, as well as requiring a lender to notify and receive approval from the Commissioner of Financial Regulation prior to any change in control or ownership of the lender's business; and
- **HB 1216** would make information on property sales in Baltimore available in a timely manner.

Sports

HB 398, which increased the number of members of a landowner's family who could hunt without a license, was defeated in committee.

Transportation

The Senate unanimously passed **SB 281** that would authorize the Motor Vehicle Administration to issue a new commemorative license plate to honor State agriculture. The bill now goes to the House where the companion bill (**HB 486**) was heard by a committee this week.