



The LEGISLATIVE WRAP-UP

Issue: 00-8

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HB 507, which would have allowed the growth and production of industrial hemp, has been withdrawn.

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Two bills have been introduced that generally prohibit discrimination in the workplace based on genetic testing or information. Heard by a committee this week, **SB 748** would provide that an employer cannot request or require a genetic test of an employee or applicant. A similar bill is pending in the House (**HB 793**) and will have a hearing this month.

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Winning approval on the Senate floor, **SB 145**, as amended, would allow covered businesses to charge late-paying customers up to \$10 per month or up to 10 percent of the overdue amount, whichever is greater, and to impose no more than three monthly late fees for any single payment amount that is past due, or the amount of the late fee may be up to 1.5 percent per month of the payment amount that is past due. This proposal seeks to clarify the circumstances under which specified businesses such as cable TV companies, rental companies, health clubs, and a wide variety of businesses who do not fall under already enacted laws may charge late fees. A recent Court of Appeals decision ruled that these businesses could not levy a monthly late fee of more than a half percent, unless the legislature authorized otherwise. **HB 251** is the companion bill.

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The Senate passed **SB 69**, to increase by one each the number of circuit court judges in Anne Arundel, Baltimore, Montgomery, Prince George's, and Worcester Counties and to add another judge from St. Mary's County to the District Court for District 4. The companion bill is **HB 577**.

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Each chamber passed a different proposal for judicial salary increases this week. The House (**HJ 5**) would slow down and, in some cases, reduce the \$10,000 salary increase for all State judges that was recommended by the Judicial Compensation Commission (JCC). The Senate (**SJ 3**) would award judges a general salary increase in the event that a general salary increase is awarded to State employees in fiscal years 2001 and 2002. Salaries recommended by the JCC take effect automatically on July 1, 2000, unless the recommendation is reduced by both houses of the General Assembly within 50 days following the introduction of the joint resolution or March 10.

Legislators heard testimony recently on bills concerning State funding of court costs. **HB 722** would establish a State funding formula that would increase State grants for local circuit court costs. Currently the State pays about two thirds of the funding for circuit courts. **SB 440/HB 913** would require the State to pay the salaries and fringe benefits of circuit court standing masters and would increase from \$5 to \$15 the State contribution for juror per diem payments.

Criminal Matters and Corrections

Under **SB 559**, murder committed in domestic violence cases would be first degree murder if the murderer had engaged in a past pattern of abuse of the victim, and if circumstances of the death show extreme indifference to human life. Current law allows a charge of second degree murder or

manslaughter in such cases. A person convicted under **SB 559**, which has passed the Senate, could be subject to the death penalty, life imprisonment, or life imprisonment without the possibility of parole.

The House and Senate each passed a different version of a measure to make computer piracy a felony. As passed by the Senate, **SB 200** would make computer crimes that result in an aggregate loss of money, property, or services in the amount of \$5,000 or more a felony, with a maximum penalty of a \$10,000 fine and 15 years in jail. The companion bill, **HB 278**, passed the House in an amended form that increases the minimum aggregate loss to \$10,000 and decreases the maximum jail time to 10 years. Under current law, computer hacking is a misdemeanor, no matter how great the resulting loss. These bills are a part of the Technology 2000 initiatives put forth by the Governor, President, and Speaker.

HB 44, to make burning an American flag on State property a misdemeanor, was killed by a committee.

HB 569, making it a felony for anyone over 16 to wear a mask, hood, or other device to conceal identity, with certain exceptions, also died. A similar bill (**SB 99**) remains in Senate committee.

Economic Development

The Technology 2000 legislation announced in January by Governor Glendening, President Miller, and Speaker Taylor is moving through the process. Several measures are out of committee and on the floor for consideration, while others have passed from the original chamber of introduction to the opposite chamber. The Technology 2000 initiatives are broad based with measures relating to the needs of technology businesses, consumers' right to privacy, protection from digital crime, and making Maryland the number one state in the nation for delivering services over the Internet. The package includes:

- **SB 3/HB 18**, the Maryland Uniform Transaction Act (UETA), a model act drafted to provide uniformity among the states with regard to the use of electronic mediums, not only to comply with current legal requirements for writings, signatures, and retention of records in business, commercial, and governmental transactions, but to provide that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form;
- **SB 196/HB 276**, the eMaryland Initiative, to establish a CEO Board of Advisors for e-Commerce and the "eMaryland" ASP Consortium to assist in the State's efforts in creating the most advanced electronic business environment in the nation and in becoming an international leader in the development of new technologies (An ASP or Application Service Provider is a company that leases software over the Internet);
- **SB 197/HB 274**, the Electronic Government Initiative, to require executive branch agencies to expand the availability of services offered over the Internet from the present 15 percent to 50 percent by 2002, 65 percent by 2003, and 80 percent by 2004 (As amended, the bill includes standards to assure nonvisual access to these services and information);
- **SB 198/HB 275**, the State Information Technology Board (ITB), to restructure the Board to include private sector members with expertise in technology and e-commerce and to require the Board to make recommendations about ASPs and deployment of Internet-based applications and services for State government and educational institutions (ITB was first set up in 1993, expanded in 1999, and has as one of its goals the fostering of a more efficient and citizen-focused government through Internet applications); and
- **SB199/HB 277**, Public Records - Privacy and Data Security, to provide that State agencies only collect relevant data and disclose to the persons from whom data is collected specified information, such as whether the collected information will be made available or shared with any entity other than the official custodian of the record.

Other legislation in the Technology 2000 group addresses electronic commerce and technology and governance of contracts and licensing (**SB 142/HB 19**), restructuring the Maryland Technology

Development Corporation (**HB 1209**), regulation of unsolicited commercial e-mail or "spamming" (**SB 177**), cracking down on child pornography via computers (**HB 583** and **HB 584**), and unauthorized access to computers (**HB 1000**). Still other measures to enhance Maryland's e-commerce environment would institute a framework for a new Technology and Business Court Division in each circuit court to be presided over by specially trained judges (**HB 15**), would require cable operators to open cable Internet access lines to all Internet providers (**SB 505/HB 571**), and would exempt from the sales and use tax certain machinery or equipment that is used in specified telecommunications businesses (**SB 161/HB 132**).

Legislation to extend the prevailing wage law to public school construction projects is on the Senate floor (**SB 202**). Current law applies to construction projects when the State pays 50 percent or more of the costs, but school construction projects are exempt, unless the State pays 75 percent of the cost, which is rare. The companion, **HB 288**, will be heard by a committee next week.

Education

Reported favorably by a committee, **HB 552** would require all counties to keep special education students in school until the end of the school year in which they turn 21. Currently, State and local boards are required to provide free education to a child with a disability through the age of 20. As a course of practice, all school systems provide services to those students through the end of the semester in which they turn 21.

Environment

HB 823, which would create a Task Force on the Environmental Effects of MTBE, a gas additive for octane enhancement, has passed in the House. Amended in committee, this emergency bill now would require the Task Force to also explore alternatives to MTBE, including ethanol, which can be used for the purpose of reformulation of gasoline to reduce air toxic emissions and pollutants that form ground level ozone. The bill would also include as a Task Force member a representative from the ethanol industry.

A related bill, **HJ 13**, requesting the United States Congress to repeal the fuel oxygenate content requirements in the federal Clean Air Act and to encourage reliance instead upon clean-burning, non-oxygenate fuel formulations that meet the air quality standards established in the Clean Air Act, received an unfavorable committee report this week.

Family Law

The House has approved **HB 459** to prohibit marriages in the State between first cousins.

Testimony was heard last week on bills making it easier to keep guns away from people who are subject to domestic violence protective court orders. A court would be authorized to order a suspected abuser to surrender a gun or refrain from possessing a gun as part of an ex parte order under **SB 781/HB 595**. Other proposals, **SB 675/HB 606**, would require a court at subsequent protective order hearings to determine whether there is cause to believe that an alleged abuser possesses a gun and would allow the protective order to require the immediate surrender of any such weapon. Refusal to surrender a weapon would be a misdemeanor. **SB 224** would require a respondent to either an ex parte order or a protective order to surrender any firearms for the duration of the order.

Financial Institutions

Hearings were held this week on companion bills **SB 450/HB 516**, proposals to restrict check cashing fees which are currently unregulated. Under the legislation, check cashing services would be licensed by the Commissioner of Financial Regulation, with maximum fees ranging from 2 percent of face amount of a government issued check to 4 percent for a personal check. Current reported fees are in excess of 20 percent.

Reported unfavorably from committee this week was **SB 460**, which addressed payday loans, a practice which permits individuals to write postdated checks in exchange for cash and subject to interest rates above the State's interest rate cap of 33 percent. The bill would have licensed deferred presentment services, permitted a fee for a deferred presentment service not to exceed 18 percent of the amount paid to the drawer of the check while exempting these services from the State's interest rate limit, and allowed the deferred presentment not to exceed 31 days.

Fiscal Matters

The Governor has submitted his first supplemental budget to the General Assembly. Included in the \$59 million supplemental budget are:

- \$35 million for the Governor's Teacher Salary Challenge contingent upon the enactment of **SB 810/HB 1247**;
- \$19 million in federal funds to expand the Reduction in Class Size Initiative; and
- \$5 million for lead paint programs.

The supplemental budget is an amendment to the budget bill and will be considered by the General Assembly with the budget bill (**SB 150/HB 150**).

In 1999, the General Assembly created a Cigarette Restitution Fund to receive tobacco settlement moneys. A number of bills have been introduced this year concerning the use of these funds including additional funds for juvenile mental health and substance abuse treatment programs (**SB 833**), anti-tobacco programs (**HB 1177**), and smoking cessation programs (**SB 492**). In addition, **SB 669/HB 1179** would provide funding for certain State universities, and **SB 560/HB 1178** would restrict the use of the fund to public health purposes. Other legislation would call for a statewide plan with legislative review on the use of the funds (**HB 1374**).

Health

HB 82, which would have required substance abuse treatment centers for any new or expanding programs to go through an approval process that involved notification of local officials and community associations, received an unfavorable committee report, as did its companion, **SB 29**, earlier in the session.

The Parental Rights Act of 2000 (**HB 891**) has received an unfavorable committee report. The bill, for any minor 15 years old and under, would have required parental consent for medical treatment or advice about abortion, contraception, and sexually transmitted diseases, and allowed a physical examination for evidence and treatment of an alleged rape. Under current law, a minor is any person under the age of 18, and without the minor's consent, a physician cannot give a parent or guardian information about an abortion. Similar bills introduced in past sessions were also killed at the committee stage in the process. On the same topic, **SB 758**, scheduled for a hearing on March 21, would prohibit a physician from performing an abortion on an unmarried minor until 48 hours after the physician has given written notification to the parents or guardians. The bill would also allow the minor to seek a waiver of the notification from a circuit court judge.

Hearings were held last week on **SB 311/HB 363**, emergency bills that would address the current extent and long-term implications of the growing nurse shortage in the State. The legislation would create the Statewide Commission on the Crisis in Nursing which would begin meeting as early as June.

Housing

HB 548, which would increase, from \$50,000 to \$100,000, the amount of total claims against a contractor required before claims would be paid proportionately from the Home Improvement Guaranty Fund, passed third reading in the House.

Sports

Defeated by a committee, **SB 8** would have required a person under 16 to wear a helmet while riding in-line skates.

Transportation

HB 1071 would require drug treatment or education for drivers who have been convicted of homicide by a motor vehicle or vessel while under the influence of drugs. The measure would also require monthly drug testing, and if the driver tests positive for drugs, the person's driver's license would be revoked permanently.

Utilities

This month several measures related to electricity regulation, electric industries, and electric utility restructuring will receive committee scrutiny. When electricity is deregulated on July 1, 2000, sponsors envision that extra protection for the environment and for consumers will be in place. **SB 744** would require at least 1 percent of the electricity sold to Maryland households by 2002 to come from eligible renewable energy resources such as those from solar, wind, or ocean sources. The amount would increase by 0.5 percent annually until the amount reaches 6 percent. **HB 123** would allow a municipal corporation to act as an aggregator that purchases electricity on behalf of consumers. In addition, **SB 66** and **HB 529** would allow counties, as well as municipal corporations, to purchase electricity under specified circumstances. **SB 844** would refine the way the Public Service Commission (PSC) would be required to determine the allocation for the collection of funds from industrial and commercial customers for the universal service program. This program assists low income people in paying their electric bills.

In a related matter, **SB 581/HB 1134** would require the PSC to license natural gas suppliers and to adopt licensing requirements and procedures for gas suppliers that protect consumers and the public interest. Both measures had hearings this week in their respective committees.