



The LEGISLATIVE WRAP-UP

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HB 327 would expand the Poultry Litter Matching Service and the Poultry Litter Transportation Pilot Program created by the Water Quality Improvement Act of 1998 to include livestock manure and eliminate the \$3 per acre cap on the State matching funds. Amended and passed by the House, the bill also would modify the restrictions on commercial fertilizer application to apply only to placement on 10 acres or more annually of private or State land not used for agricultural purposes.

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The bill that would have required the Department of Agriculture to conduct a study on the feasibility of growing and marketing industrial hemp in the State, **HB 637**, received an unfavorable committee report this week.

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Several tough measures aimed at drivers who break the law related to the use of alcohol and drugs have received unfavorable committee votes. Opponents of the proposals remained unconvinced that the laws and procedures currently in place were inadequate to address these problems. Defeated on the House side, **HB 1138** included provisions that would have imposed increased administrative penalties, increased fines and jail time, and driving restrictions on drivers with a blood alcohol content (BAC) over 0.16. The proposal and its Senate counterpart, **SB 524**, were referred to as the "super drunk" drivers bills. Defeated on the Senate side, **SB 568** would have reduced the driving while intoxicated per se BAC level from 0.10 to 0.08.

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Also recently killed by a committee, **HB 1071** would have required a person convicted of homicide by a motor vehicle or vessel while under the influence of drugs to participate in a drug treatment or education program, as well as undergo monthly drug testing through a court ordered center. If the person had tested positive for a controlled dangerous substance, the Motor Vehicle Administration would have permanently revoked the individual's driver's license which could not have been reinstated until the person complied with the court order.

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Additional bills using the tobacco settlement money in the Cigarette Restitution Fund to establish programs in the Department of Health and Mental Hygiene were heard by a committee this week. **SB 896** and **HB 1425** are similar but not identical. Each bill would establish two new spending priorities for the Cigarette Restitution Fund: a tobacco use reduction program and a cancer reduction program. The tobacco use reduction program would sponsor a survey to determine tobacco use in the State, establish a statewide reduction program, and provide grants to the counties and Baltimore City for local programs. The cancer use reduction program would sponsor a cancer survey and an inventory of certain cancer programs, and make grants to certain medical institutions for cancer research, prevention, and treatment.

HB 13, as introduced, would have repealed the inheritance tax as of July 1, 2000. As amended and given approval by the House, the bill now provides that the inheritance tax on direct descendants

would be repealed as of January 1, 2001, with repeal of the tax entirely as of January 1, 2002, when certain probate fees will be increased. The registers' of wills offices are currently funded through probate fees and the retention of a portion of the inheritance tax. Companion legislation, **SB 160**, has not moved out of committee.

The Commuter Benefits Act of 2000, **SB 244/HB 310**, would expand the current tax credits for employer-provided commuter benefits to include a "cash in lieu of parking" program and a "guaranteed ride home" program. The bills would also extend the benefit to certain tax-exempt organizations. Each bill has received a committee hearing. A similar bill, **SB 105**, expanding the tax credit to include a "guaranteed ride home" program or commuter benefits through a licensed taxi service, received an unfavorable report from the Senate committee.

The budget bill, **SB 150**, will be brought to the Senate floor on Monday and debated on Wednesday. On the House side, committee hearings have been completed with decisions to be forthcoming.

Civil Rights

A proposal (**HB 226**) which would prohibit law enforcement officers from using race or ethnicity as the sole reason to initiate an investigation had a committee hearing this week. Violators would be subject to a maximum civil penalty of \$1,000. Still pending in committee is **HB 225**, to prohibit race-based traffic stops and require law enforcement agencies to report information on traffic stops and race to the Attorney General.

Consumer Affairs

Two bills, entitled the Internet Consumer Bill of Rights, have been afforded committee hearings. **SB 505/HB 571** would require cable companies to open their high speed lines to all Internet service providers (ISPs), unless local governments who regulate cable franchises decide otherwise. Among the several arguments put forth by proponents of these bills is the contention that opening the lines will be a boon for consumers who, for a reasonable price, will be able to use cable lines for faster access to the Internet. Opponents argue that market forces will ensure access at affordable prices. Another measure, **HB 986**, also before the House committee would establish a commission to study the issue and require a report to the General Assembly before any decision is made. "Open access" is a very controversial topic, not only in Maryland, but among opposing interests in several jurisdictions across the country.

Courts

Both houses have approved identical amended versions of the Judicial Compensation Commission Report (**SJ 3/HJ 5**) that do not alter judicial salaries, other than to provide judges a general salary increase in the event that a general salary increase is awarded to State employees in fiscal years 2001 and 2002.

HB 178, the Drug Dealer Liability Act, passed third reading on the House floor. The bill, as amended, would allow a parent, legal guardian, child, spouse or sibling of an individual whose death was caused by the individual's use of a controlled dangerous substance to bring a civil action, instead of bringing a wrongful death action, for damages against a person who is convicted of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State the controlled dangerous substance. The companion bill, **SB 484**, remains in Senate committee.

Measures that failed this week include:

- **SB 779**, the Maryland Comparative Negligence Act, that would have allowed recovery of damages in tort cases if the plaintiff's negligence was less than the negligence of the defendant or the combined negligence of all of the defendants. Current law prohibits plaintiffs from recovering damages from other responsible parties if the plaintiff contributed in any way to their damages; and
- **HB 381**, that would have expanded the jurisdiction of the juvenile court to include proceedings involving children who are 14 and older charged with a crime that, if committed by an adult, would be punishable by death or life imprisonment, children who are 16 and 17 charged with certain violent offenses, and children who have previously been convicted as an adult.

Criminal Matters and Corrections

Currently, it is a crime to knowingly harbor a fugitive, i.e. anyone for whom a felony arrest warrant has been issued under Maryland law. **HB 324**, as recently passed by the House, would expand that definition to include an individual covered under a felony warrant whether or not the warrant is issued under State law, thereby including warrants from other jurisdictions outside the State. The crime would remain a misdemeanor, with a maximum penalty of a \$1000 fine and a year in jail.

The introduction of **HB 946**, to make Maryland's assisted suicide law apply only to adults, was prompted by the use of the current law to prosecute a 16-year-old boy charged with assisting in the suicide of his 15-year-old girlfriend by providing the handgun used in a suicide pact. The law, passed in the 1999 legislative session, originally applied to an individual rather than an adult. The bill, which was heard in committee this week, would also remove the provision "knowingly cause, by coercion, duress, or deception another person to commit or attempt to commit suicide" from the prohibitions included in the present law. Assisted suicide is a felony, with a maximum penalty of a fine of \$10,000 and imprisonment for a year.

Several bills that were part of a package aimed at addressing racial disparity in the Maryland criminal justice system failed this week, including:

- **HB 382**, to prohibit confining children in adult prisons or transporting children with adults charged with or convicted of crimes until the child is convicted as an adult;
- **HB 386**, to remove differential sentencing for crimes involving crack cocaine and cocaine;
- **HB 387**, to require a sentencing judge to declare in court the cost of a confinement; and
- **HB 390**, to remove a time limit for the State to prosecute criminal malfeasance, misfeasance, or nonfeasance in office.

SB 99, to make it a felony for anyone over 16 to wear a mask, hood, or other device to conceal identity, with certain exceptions, also died. The companion bill, **HB 569**, was killed last week.

Economic Development

This week, **SB 202**, to require payment of prevailing wages on school construction contracts when the State pays at least 50 percent of the costs, passed the Senate. A House committee heard testimony on the companion, **HB 288**, during the week.

Education

HB 124, to require a child to be at least five years old on or before the first day of school in order to attend public kindergarten, failed in committee.

Environment

Testimony was heard this week on two bills related to the problem of controlling the spread of disease by mosquitos. **SB 709** would require the Department of Agriculture to develop an integrated pest management program to control disease-carrying mosquitos and the Departments of Health and Mental Hygiene, the Environment, and Agriculture would be charged to identify the health threats caused by the infected insects and the pesticides used for mosquito prevention and control. Another proposal, **SB 710** would establish a task force to study mosquito-borne public health hazards and to develop procedures to deal with them. A bill that would have used the State Used Tire Cleanup and Recycling Fund to pay for mosquito control, **HB 799**, has been withdrawn.

HB331, to expand the Brownfields Revitalization Incentive Program, has passed the House and moved to the Senate. Amended, the bill would add financial incentives in the form of grants to property owners for environmental assessment of contaminated industrial property based on a taxing district's order of priority for redevelopment. **SB 513**, which would make similar changes and add low cost loans to the program, as well, has passed the Senate and will move to the other chamber.

HB 64, which would have established a task force to study the minimum flow levels in the Potomac River, received an unfavorable committee report. Its companion bill, **SB 389**, along with two other Potomac River related bills, remains in committee.

The proposal to require labeling crab meat to identify the country or origin, **HB 69**, has been referred to interim study. **HB 30**, which would have made into law regulations prohibiting the possession, transport, and sale of egg-bearing female crabs, has received an unfavorable committee report. A similar bill (**HB 107**) which would have prohibited the possession, transport, or sale of female crabs has been withdrawn.

Financial Institutions

Rejected by a committee this week was **HB 880**, a reintroduced proposal to regulate automated teller machine (ATM) fees.

Health

A hearing was held this week on **HB 632** to establish the Family Caregiver Support Program. The bill would set up a statewide registry of respite care options for family caregivers of persons with special needs who need temporary relief or supportive services.

Medical records privacy would be protected under **SB 371**, which passed a Senate second reading with amendments. The bill would prohibit the sale, rental, or barter of records, except in the transfer of ownership of a medical practice or facility. **SB 371** would also restrict payors using medical care electronic clearinghouses to accepting claims only from accredited clearinghouses. In addition, the bill would establish an Advisory Council on Medical Privacy and Confidentiality to continue studying and making recommendations to the General Assembly regarding privacy issues.

When findings of violations of health regulations are determined or disciplinary action is taken as a result of violations, **SB 761** would require the Secretary of Health and Mental Hygiene to send written notices to interested parties who may have been adversely affected by the actions. Heard in committee recently, the bill would also require payment of the cost of the notices by those who violate the law.

HB 227, the bill to require students living in on-campus housing at higher education institutions to

be immunized for meningitis, was given preliminary approval by the House with an amendment requiring that, if the student is a minor, a parent or guardian must sign the waiver of the immunization. **SB 653**, the companion, has been reported out of committee favorably with amendments.

HB 2, the Children's Health Program Expansion Act, has passed a House second reading with amendments that would further clarify applicant and benefit requirements for the Program. Its companion, **SB 201**, is still in committee.

The bill which would have broadened the practice responsibilities of optometrists, **HB 1174**, has been withdrawn.

In an effort to increase the locations that provide automated external defibrillators (AEDs), **HB 336** would have required AEDs and trained operators at facilities where there are large numbers of people, such as shopping malls, sports stadiums, and concert halls. The bill was defeated in committee, as was **SB 28**, that would have required patient consent for reusing single-use medical devices in a health care setting.

Housing

As approved by the House, **HB 1052** seeks to further protect tenants from lead poisoning. The bill would require property owners to provide a copy of the current verified inspection certificate to the tenants upon execution of a lease or the inception of tenancy. The companion bill, **SB 720**, has been withdrawn.

HB 1044, which 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, such as nonprofit organizations like schools and religious organizations, unless accompanied by written acceptance by the entity, has passed third reading. The companion bill, **SB 878**, is scheduled for a hearing next week.

The Maryland Home Builders Act (**HB 811**) to require home builders to be registered with the State and to post the registration number at each property where the home builder is doing work, has passed the House. An amendment was adopted to exempt certain lenders from registration. The Senate version, **SB 759**, was heard by a committee this week.

The Smart Codes bills have both passed third readings in the Senate. **SB 207**, the Maryland Building Rehabilitation Code, has been amended to change the definition of an existing building to require at least one year of occupancy or an occupancy permit prior to application for a rehabilitation construction permit. Another amendment would add more members to the Maryland Building Rehabilitation Code Advisory Council. **SB 208**, which deals with codes to encourage infill and development in existing neighborhoods, has been amended to delete the requirement that the land be in a priority funding area. An additional amendment clarified that the bill would not interfere with the authority of local jurisdictions, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission to regulate planning, zoning, or subdivision. **HB 284** and **HB 285**, the companion bills, remain in committee.

Insurance

Reviewed in committee was **HB 943** that seeks to establish in law the liability of health insurers and health maintenance organizations under certain circumstances. The bill would establish the basis by which a person may sue a carrier or managed care entity for damages based on failure to exercise ordinary care. The legislation is modeled on a 1997 Texas law. Companion **SB 9** is scheduled for a hearing next week.

The House has passed an amended version of the Nonprofit Health Entity Responsibility Act of 2000 (**HB 4**). Nonprofit hospitals would be required to report their community benefits activities to the Health Services Cost Review Commission. Additionally, nonprofit health service plans, specifically BlueCross BlueShield, would have to file a premium tax exemption report detailing activities in the public interest. The Insurance Commissioner may revoke the tax exemption if the plan is not filed or if a determination is made that the public interest requirement is not being met.

The Senate has passed an amended version of **SB 496** that would mandate health insurance coverage for established surgical treatment of defined morbid obesity when all nonsurgical therapies have been unsuccessful. Also, passed on third reading with amendments, **SB 518** would require coverage for smoking cessation programs including prescribed drug treatment, counseling, or classes. Coverage would not be required for over-the-counter products.

Sports

Recently heard in committee, **SB 630** would allow Canada goose hunting to conform to the longest season that federal migratory bird rules allow. Because of dwindling flocks, the Canada goose hunting season had been subject to a moratorium and a limited six-day hunting season.

Utilities

Recent hearings in the Senate and House examined **SB 445/HB 822** that would change the way electric cooperatives may operate in the State. The measures would enable electric cooperatives to expand beyond supplying electricity into other products and services, provide services to any person within or outside of its present service territory, offer services in partnership with other companies, acquire subsidiaries, and obtain a license as an electricity supplier. Electric cooperatives, first allowed in 1941 to provide electricity in rural areas, are nonprofits formed by members to receive electricity. The cooperatives are required under a 1999 law to deregulate by 2003. The bills would allow the four existing cooperatives organized to do business in the State to expand their customer base with more products and services in order to compete in the market place. Opposition to the bills came from small businesses who testified that the measures would provide an unfair advantage for the cooperatives.