



The LEGISLATIVE WRAP-UP

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Two bills that would have provided tax relief to farmers have each received an unfavorable committee report. **HB 997** would have allowed a subtraction modification under the Maryland individual income tax for 20 percent of the wages received for agricultural work. The bill also provided an individual or corporation a credit against the State income tax for 1 percent of the wages paid for agricultural work. **HB 1002** would have provided an individual and corporate income tax write-off for 100 percent of the expense of purchasing and installing technology-based farm equipment such as computers and global positioning systems.

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The bill to establish a pilot program for growing and processing industrial hemp, **HB 1250**, has passed third reading. It was amended in committee to require a more specific background check procedure for participants in the program. Another measure that would have allowed commercial growth and maintenance of hemp, **HB 507**, was withdrawn, while **HB 637**, which called for a feasibility study, had already received an unfavorable committee report.

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HB 292, which would 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other land of the residue generated from the processing of animals, known as animal processing sludge, also has been withdrawn.

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A measure that would establish a winery special event permit to allow specified Maryland wineries with a Class 4 limited winery license to promote and market their products has passed a third reading with amendments. The permit established under **HB 414** may be issued for an event organized and conducted by a nonprofit organization or government entity in which the sale and promotion of alcoholic beverages is a secondary activity. The holder of the winery license would be allowed to provide wine tasting samples or sell wine by the glass for consumption at the event, as well as sell wine by the bottle for off-site consumption. Only 12 permits, which cost \$25 each, will be allowed to be issued to the license holder in any one year, provided that only one special event permit a year may be issued to a winery for use in the same political subdivision.

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The Senate has passed the budget bill, **SB 150**, on third reading with 326 amendments, reducing the appropriation by \$148.2 million and 226 positions and bringing the proposed budget within spending affordability guidelines. Among the amendments was one that restricts the \$6 million for the purchase of textbooks for nonpublic schools to a maximum distribution of \$60 per eligible student. Another amendment restricts the use of a portion of the Cigarette Restitution Fund money to the purposes established by **SB 896**, including restricting \$17.3 million for tobacco use and prevention programs, \$30.8 million for cancer prevention, identification, and treatment programs, and \$10 million for addictions programs. The Senate deleted the provision to use \$2 million of tobacco settlement funds for in-classroom telephones and also deleted the \$1 million for grants to gun manufacturers to develop personalized handgun technology.

The Budget bill now goes to the House, which has already held hearings on the companion bill, **HB 150**. House committee budget decisions have been made, and the recommended amendments will be on the floor next Monday.

The Board of Revenue Estimates has issued its March revenue estimates, making no adjustments in its previous estimates for fiscal years 2000 and 2001.

A bill (**HB 1423**) to decrease the State gasoline tax from its current level of 23.5 cents per gallon to 18.5 cents per gallon is scheduled for hearing March 23.

Civil Rights

A Senate committee has rejected **SB 748**, which would generally have prohibited employment discrimination based on genetic testing and genetic information. Similar legislation (**HB 793**) had a hearing in the House this week. With regard to discrimination, testimony was also presented on **HB 1161**, to prohibit a State agency from approving financial assistance to any recipient of a State grant, loan, or loan guarantee that engages in discriminatory practices based on physical or mental disability, sex, race, age, color, creed, national origin, sexual orientation, or political or religious opinion or affiliation. The bill also includes sexual orientation among the prohibited forms of discrimination against an employee or applicant for employment by a contractor in State procurement contracts.

A House committee also heard testimony on **HB 47**, which would prohibit discrimination based on sexual orientation in labor and employment, housing, and public accommodations. Similar bills have been introduced in recent years.

Courts

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

The Drug Dealer Liability Act (**SB 484**) passed a preliminary Senate floor vote in an amended form identical to the companion bill (**HB 178**) that passed the House last week. The legislation 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 sue a person who is convicted of knowingly and willfully manufacturing, distributing, dispensing, bringing into, or transporting in the State the controlled dangerous substance.

HB 947, to increase the limit to \$300,000 for an individual claim on the liability of county and municipal governments for negligence claims against them, was withdrawn this week. Also unsuccessful was **HB 1079**, to hold manufacturers of lead-based paint liable for damages in a civil suit based on their "market share liability" or the percentage of the total damages that equals the manufacturer's share of the market at the time the manufacturer produced the paint and sold it in the market. The companion bill, **SB 806**, remains in Senate committee.

Criminal Matters and Corrections

The Office of the State Prosecutor, which conducts criminal investigations of alleged misconduct by public officials and violations of the State elections and public ethics laws, would be abolished under **HB 1188**, heard by a committee this week. An \$866,829 appropriation for the office is included in the FY 2001 State budget.

Legislation to ease the prohibition against using the contents of intercepted communications as evidence gained preliminary approval in the Senate. **SB 665** would allow intercepted communications, including interceptions prohibited under Maryland's Wiretapping and Electronic Surveillance Act, to be used as evidence in a criminal proceeding if the communication was intercepted by at least one of the persons who was a party to the communication and was not a law enforcement agent, and the communication is relevant to a crime at issue in the proceeding, or if the communication were intercepted in another jurisdiction that allows such evidential use.

Measures making it harder to get away with selling drug paraphernalia were heard in committee last week. **HB 1175** would eliminate from the State criminal code certain factors that must be considered in determining whether an object is drug paraphernalia: whether written or oral instructions are provided with the objects concerning their use; whether descriptive materials accompany the objects that explain their use; and whether the owner is a legitimate supplier of the objects, such as a licensed dealer of tobacco products. **HB 1140** would incorporate the sale of drug paraphernalia into the drug-free school zone law, making it a felony to use, deliver, sell, possess or manufacture drug paraphernalia within 1,000 feet of school property, with a maximum penalty of a \$20,000 fine and 20 years in jail for a first offense.

A new misdemeanor crime of homicide by aggressive driving would be established under **SB 430**, which passed a preliminary floor vote in the Senate this week. An individual would be guilty of the offense if, in a single traffic incident, the individual commits at least two out of a list of specified traffic violations and causes the death of another person as a result of the individual's driving. Conviction could bring a maximum penalty of a year in jail, a \$1,000 fine, and an assessment of 12 points on a driving record. **SB 231**, that would have established the misdemeanor crime of negligent homicide, if a driver kills someone because of the negligent operation of a motor vehicle, with a maximum penalty of five years in jail, a \$5,000 fine, and 12 points, was withdrawn.

The proposal to make Maryland's assisted suicide law apply only to adults and to 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 current law (**HB 946**) failed in the House.

Part of a package of bills aimed at addressing racial disparity in the Maryland criminal justice system also failed this week, including:

- **HB 380**, to allow a prisoner serving a jail term that includes a mandatory minimum sentence imposed before July 1, 1999, to request a review of the mandatory minimum sentence;
- **HB 383**, to establish a task force to assess the needs of newly released inmates; and
- **HB 384**, to repeal mandatory sentencing laws for drug-related offenses.

Cultural Affairs

Heard this week was **HB 1030**, prohibiting live elephants from being used for entertainment purposes such as carnivals, circuses, or promotions. Identical bills were introduced in 1998 and 1999 and were killed in committee.

Economic Matters

HB 15, a measure that would establish a new business and technology division in Maryland's circuit court system, has been amended and approved by the House. As amended, the bill calls for a task force to investigate the feasibility of a new division and to report its findings in December. The proposal seeks to enhance economic development by treating business and technology matters efficiently and effectively in the judicial system. **SB 783/HB 972** are aimed at making Maryland's

economic environment more accessible for businesses by consolidating and streamlining several financing programs currently available from the Department of Business and Economic Development.

Education

HB 552 was passed unanimously by the House last week. The bill would require all counties to keep special education students in school until the end of the school year in which they turn 21. A hearing on the bill is scheduled next week in the Senate.

SB 508, which would allow students to possess portable phones on public school property, received an unfavorable committee report this week. No action has been taken on its companion bill, **HB 228**. Also defeated in a Senate committee, **SB 789** would have prohibited a public institution of higher education from starting the school year before Labor Day.

HB 1121, one of two bills which would allow voluntary student-led spoken prayers during specified school events, was withdrawn. The other bill, **HB 832**, is pending in the House committee after a hearing this week.

Environmental Matters

Testimony was heard this week on bills that address the placement of material dredged from the Chesapeake Bay shipping channels. Included were **HB 25**, **HB 40**, **HB 68**, **HB 662**, **HB 731**, **HB 1061**, and **HB 1204**.

Several bills concerning used tires and the State Used Tire Cleanup and Recycling Fund are being considered this session:

- **SB 136**, which would extend the sunset of the Fund and expand its usage to include nutrient removal at publicly owned sewage treatment works and activities related to water quality improvement, has received a favorable committee report;
- **HB 1077** and **SB 663** would transfer the Fund from the Maryland Department of the Environment (MDE) to the Maryland Environmental Service (MES) and limit the uses of the fund to scrap tire recycling projects. **SB 663** received an unfavorable report this week; **HB 1077** remains in committee;
- **HB 799**, which would have allowed money from the Fund to be used for mosquito control, has been withdrawn; and
- **HB 307**, which would prohibit the disposal of scrap tires except in an approved facility and establish penalties for violation, has crossed to the opposite chamber. A hearing is scheduled for March 21.

Family Law

The Foster Parents' Bill of Rights of 2000 (**HB 194**), to improve the treatment of foster parents by social service agencies and the courts in the handling of their foster child's care, placement, and case management, has passed the House. The slightly amended bill adds language that makes it clear that the measure does not create a new cause of action or substantive legal right for foster parents. No action has been taken on the companion bill, **SB 229**.

A measure to require a person seeking a divorce or annulment to swear that all steps necessary to remove any religious barrier to the spouse's remarriage have been taken before the divorce or annulment is granted (**SB 374**) passed a preliminary Senate vote. The companion (**HB 1099**)

remains in committee.

Several bills seeking to make it easier to keep guns out of the hands of people who are subject to domestic violence protective court orders failed this week, including:

- **SB 781**, to authorize the court to order a suspected abuser to surrender a gun or refrain from possessing a gun as part of an ex parte order (companion **HB 595** remains in House committee);
- **SB 675**, to require a court at subsequent protective order hearings to determine whether there is cause to believe that an alleged abuser possesses a gun and to allow the protective order to require the immediate surrender of any such weapon (companion **HB 606** remains in House committee); and
- **SB 224**, to 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 this week were held on companion bills (**SB 816/HB 736**) which address financial exploitation of elderly or vulnerable adults. The proposals would authorize fiduciary institutions to disclose financial records to the local adult protective services program if there is reason to believe the customer is being exploited financially.

Health

In an effort to increase the accessibility to dental care in Maryland, several bills have been introduced this year. **SB 519**, which would provide education loan assistance grants to dentists who agree to treat medical assistance recipients, has passed and is now in the House. The companion bill, **HB 543**, has passed third reading. The proposal contains an amendment regarding the accessibility of a dental practice to underserved medical assistance patients. **SB 691**, passed as amended, would establish retired volunteer dentist and dental hygienist licenses. The licensing fees would be waived and the licensee would provide services, without compensation, for medical assistance patients. Its companion, **HB 1107**, has received a favorable preliminary floor vote. **HB 1169**, with a favorable preliminary floor vote, and **SB 874**, still in committee, would give a property tax credit for dental equipment used to practice dentistry in underserved areas. **SB 875**, still in committee, would provide income tax incentives to dentists who practice in underserved areas. Its companion, **HB 1192**, has received an unfavorable report from committee. Also defeated in committee, **HB 1191**, would have assisted with higher education loan repayment for dentists who agree to practice two years in an underserved area. **HB 1346** would require the Governor to increase State funding to ensure the Maryland Medical Assistance Program's reimbursement of dental care. The bill is still in committee.

A measure (**SB 371**) to protect the confidentiality of medical records and establish an Advisory Council on Medical Privacy and Confidentiality passed the Senate this week. In addition, the two bills which would require students living in on-campus housing at higher education institutions to be immunized for meningitis (**SB 653/HB 227**) have passed both of their respective chambers.

The Governor's Wellmobile Program (**SB 802**) has passed the Senate with an amendment providing that the funding of the Program be provided for in the State budget. The amended companion bill (**HB 433**) is on the House floor and would allow the establishment of a nonprofit corporation to accept grants and donations to assist with the funding of the Program. The Western Maryland Wellmobile bill (**HB 527**) was defeated in committee.

The Statewide Commission on the Crisis in Nursing legislation (**HB 363**) has received a favorable preliminary floor vote from the House. The Senate version (**SB 311**) has passed the Senate with an

amendment which would alter the membership of the Commission and require the Secretary of Health and Mental Hygiene to convene a summit on the nursing shortage crisis.

Legislation proposed by the Task Force on Quality of Care in Nursing Homes and other bills aimed at improving the quality of nursing home care have passed second reading on the Senate floor (**SB 435, SB 688, SB 689, SB 690, SB 698, SB 764**). Another bill, **SB 794**, that addresses staffing in nursing homes, as amended, has also passed a preliminary Senate floor vote. The Nursing Home Improvement Act of 2000 (**SB 662**), which would have created the Long-Term Care Advisory Panel, was defeated in committee.

Other legislation receiving an unfavorable report from committee include:

- **HB 303**, to remove the exemptions that allow smoking in bars, taverns, and clubs;
- **HB 308**, to legalize marijuana for medical use, thereby protecting the patients, physicians, and primary caregivers; and
- **SB 809**, to establish an African American Male Oral Cancer Initiative, using funds from the Cigarette Restitution Fund to increase prevention, detection, and treatment of oral cancer due to the usage of tobacco products. The companion bill, **HB 1184**, is still in committee.

Housing

Action has been taken in the House on several of the "flipping" bills. **HB 1216**, which would make information on property sales in Baltimore available more quickly, passed this week. Its companion, **SB 877**, is still in committee. Passing preliminary approval with amendments was **HB 1337**, which would regulate mortgage lenders more closely by requiring approval of any changes in control or ownership, examinations of the company by the Commissioner of Financial Regulation with certain fees applicable, as well as regulate how a finder's fee may be charged. Its companion, **SB 872**, is scheduled for a hearing next week. **HB 1196**, another bill that would have regulated home mortgage loans by prohibiting certain high cost loans and fees and require reports of lending statistics to the Commissioner of Financial Regulation, failed in committee.

Also failing in committee was **HB 560**, which would have established a Home Improvement Enforcement Fund within the Home Improvement Commission.

Insurance

The House has passed an amended **HB 350** that would revise the mandated benefit for in vitro fertilization coverage. The bill would add coverage for in vitro fertilization services for male factor infertility, reduce the waiting period for coverage from five to two years, allow insurers to limit the number of in vitro fertilization attempts covered, set a maximum lifetime benefit of \$100,000 and include health maintenance organizations under this mandate. Unfavorable House committee reports were issued on bills to mandate health insurance coverage for hearing aids (**HB 26**), hearing aids for children (**HB 66** and **HB 393**), Thin Prep Pap tests (**HB 200**), and smoking cessation coverage (**HB 1125**).

A proposal (**HB 943**) to establish a cause of action for a patient to sue an insurance company or managed care organization for damages based on failure to exercise ordinary care has received an unfavorable House committee vote, as has the companion, **SB 9**.

Sports

SB 630 received an unfavorable report from a committee this week. The bill would have allowed

Canada goose hunting to conform to the longest season that federal migratory bird rules allow.

Transportation

Both the House and Senate have passed measures that will authorize the Motor Vehicle Administration to issue a new license plate designed to honor Maryland agriculture. **HB 486** and **SB 281** started out as companion measures, but both have been amended in their respective chambers.