



The LEGISLATIVE WRAP-UP

Issue: 00-12

March 27 - 31, 2000

[Agriculture](#)

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HB 1250, which establishes a pilot program to study the growth and marketing of industrial hemp, has received a favorable Senate committee report.

[Alcoholic Beverages](#)

Alcoholic Beverages

Killed by a committee, **HB 1334** would have allowed a person who caused a personal injury or the wrongful death of another person to be sued for punitive damages in civil suits if the person had an alcohol concentration of 0.16 or more or had an alcohol concentration of 0.10 or more coupled with other conditions as specified in the bill.

[Budget and Fiscal Matters](#)

Budget and Fiscal Matters

The budget bill (**SB 150**) is being considered by a conference committee composed of Senators and Delegates selected by the President and the Speaker. Among the differences between the Senate and House versions is the plan for using the tobacco settlement funds and the language concerning the State aid for textbooks in nonpublic schools. Under the Maryland Constitution, if the budget bill is not passed by the 83rd day (April 3), the Governor must issue a proclamation extending the session.

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The Senate has passed its version of the \$432.3 million capital bond bill (**SB 225**) as part of a \$460 million bond program. As passed, the bill provides \$24.4 million for health and social projects, \$43.7 million for environmental projects, \$86.9 million for school construction, and \$164.6 million for higher education projects. The Senate has also passed individual bond bills which constitute the rest of the capital program. The House will now consider these measures.

SB 896, the tobacco settlement bill, has passed second reading in the House with amendments. The House tobacco settlement bill, **HB 1425**, has had a hearing in a Senate committee.

The Senate has passed two inheritance tax bills (**HB 13** and **SB 1**), which would eliminate the inheritance tax on property that passes from a decedent to specified descendants. **HB 13**, as passed by the House, would have repealed the inheritance tax in its entirety, but with Senate amendments is identical to **SB 1**.

Each Chamber has passed a "Truth in Taxation" bill (**SB 626/HB 1309**), which would require that real property taxes be based upon the full, 100 percent assessed value of real property, rather than the 40 percent as is presently the case. However, real property tax rates are to be reduced to 40 percent of the current rate so the actual property tax bill would not increase due to the change.

An earned income tax credit bill (**SB 240**), amended by adding additional sponsors, has passed third reading in the Senate and will have a House committee hearing next week. The bill would accelerate the phase-in of earned income tax credit refunds by adopting the 15 percent credit in 2000.

Bottled water sold in one gallon or larger containers would be exempt from the sales tax if the

House agrees with **SB 408**, as passed by the Senate. Flavored and sparkling water would still be subject to the sales tax under the measure.

A clothing sales tax-free week bill, **SB 103**, has passed the Senate. As amended, the sales tax-free week would be in August 2001. The House companion bill (**HB 170**) is still in a Senate committee. The bills which would have exempted from the sales tax clothing costing under \$75 (**SB 221/HB 378**) received unfavorable committee reports.

HB 926, which would exempt from the sales tax tangible personal property or a taxable service used in connection with a film production activity, has received a favorable Senate committee vote as has the companion bill, **SB 192**.

The Maryland Clean Energy Incentive Acts, providing tax incentives for the purchase of energy efficient products, are advancing. **SB 670** has passed with amendments a preliminary Senate floor vote; **HB 20** has passed the House with amendments and is in a Senate committee.

Civil Rights

The House has passed a revised version of **HB 225**, a proposal to address the practice of racial profiling by law enforcement officers during traffic stops. Defined law enforcement agencies on a phased-in basis will be required to collect data on individual traffic stops including driver age, gender, and race or ethnicity. The Maryland Justice Analysis Center based at the University of Maryland College Park will review the compiled data and report annually.

Consumer Affairs

SB 145, allowing late fees to be charged customers of specified businesses, is poised to be approved by the House of Delegates but with amendments from that chamber. This bill, as approved by the Senate, 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. Among the House amendments is one to reduce the \$10 fee to \$5.

Courts

HB 913 passed the House, to require the State to pay the salaries and fringe benefits of circuit court standing masters and to increase from \$5 to \$15 the State contribution for juror per diem payments. **HB 722**, that would have established a State funding formula to increase State grants for local circuit court costs, failed in a House committee.

The House amended and passed **SB 69** to be identical to companion **HB 577**, as it passed the House. Both chambers agreed 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, but disagree as to whether or not to add another judge from St. Mary's County to the District Court for District 4.

Criminal Matters and Corrections

On Monday of this week, the Senate passed and sent to the House an amended Responsible Gun Safety Act of 2000 (**SB 211**). Although provisions to require gun dealers to sell personalized, "smart" guns were deleted, the bill includes requirements for:

- external safety locks on handguns made on or before December 31, 2002, and sold by dealers;
- integrated mechanical safety devices for handguns made after December 31, 2002, and sold by dealers with exceptions for sales to the government, military, or law enforcement and lawful

- out-of-state customers;
- an annual review and report on the status of "smart gun" technology by an expanded (from three to five citizen members) Handgun Roster Board, two of whom must be mechanical or electrical engineers;
- certified safety training courses to be taken by handgun purchasers (passing a test would not be required), with exemptions for certain persons;
- provision of manufacturer-provided shell casings from new handguns by dealers to State police when a gun is sold in the State ("ballistic fingerprints" to help identify guns used later in crimes);
- a Cease Fire Council in the State Police Department to administer grants for innovative gun violence reduction initiatives; and
- a mandatory minimum sentence of five years without parole for illegal possession of a firearm by a person previously convicted of a crime of violence or serious drug offense.

In addition, the bill prohibits a law enforcement agency from disposing of a gun by selling it to the public, and prohibits the purchase or possession of a gun by a person younger than 30 who has been convicted of certain crimes as a juvenile.

A Project Exile measure passed the Senate this week. **SB 303** would require a mandatory minimum jail sentence of five years without parole for illegal possession of a firearm by a person previously convicted of a violent crime or drug offense (also required by **SB 211**). In addition, **SB 303** would prohibit court commissioners from granting bail to a person charged with illegal possession of a firearm, allow the court to set additional conditions for bail, and allow the State to appeal the amount or conditions of bail set by the court.

As introduced, **HB 58** would have made the failure to report a death a misdemeanor. As amended and passed by the House this week, the measure would make it a misdemeanor for an individual to bury or dispose of a human body anywhere other than a family burial plot or other area allowed by a local ordinance, a crematorium, a cemetery, or a funeral establishment, with a maximum penalty of a year in jail and a \$5,000 fine.

The Senate amended and passed **SB 5**, to add chemical spray and a baton to the list of weapons included in the felony of disarming a law enforcement or correctional officer.

SB 200, to strengthen the criminal provisions against computer hacking, was amended and passed in the House in a form identical to the companion bill, **HB 278**, which is under Senate committee consideration.

The House passed **HB 472**, to alter Maryland's wiretapping and electronic surveillance law to allow the contents of a communication intercepted outside the State in a jurisdiction that allows such interception to be used as evidence in certain proceedings under certain circumstances, even if the interception would be illegal under Maryland law.

HB 1088, as amended and passed by the House, would create an independent State Juvenile Justice Disciplinary and Grievance Advisory Commission to inform and advise the Department of Juvenile Justice (DJJ) on issues regarding the care and supervision of children under DJJ's jurisdiction. Within the Commission there would be an advocacy board for each area within the State established by DJJ for the purpose of administering intake, detention, probation, and aftercare for delinquent children. In addition, DJJ would be required to adopt a specified policy for addressing disciplinary actions and grievances within facilities. The bill will be heard by a Senate committee next week.

SB 25, as amended and passed by the House this week, would allow judges to impose a sentence of custodial confinement (including home detention, inpatient drug or alcohol treatment, and any other similar program with conditions that constitute the equivalent of confinement) as a condition of a suspended sentence, probation before judgment, and post-conviction probation. The companion, **HB**

81, reflects the House amendments to [SB 25](#) and remains in a Senate committee.

Economic Matters

Several major bills in the Technology 2000 initiative are advancing through the process as the legislature's work nears completion. Aimed at placing Maryland in the forefront of the country's e-Commerce and technology revolution by developing a comprehensive framework for this effort, these proposals address a number of topics. **SB 196/HB 276**, the eMaryland Initiative bills, are designed to enhance the State's competitiveness in electronic business and technology by establishing a CEO Board of Advisors for e-Commerce and an eMaryland ASP Consortium at the University of Maryland, College Park to promote the deployment of Internet-based technologies. The Electronic Government Initiative bills, **SB 197/HB 274**, would require that 80 percent of the services offered by executive branch agencies be available via the Internet by 2004. These four bills have passed both chambers. **SB 198/HB 275**, that would restructure the State Information Technology Board (ITB) to heighten its effectiveness in fostering a more efficient and citizen-focused government through Internet applications, have passed both chambers as well. **SB 199/HB 277** address public records in relationship to privacy policies and data security by seeking to ensure that the State, in its collection of personal records, makes security and privacy a primary objective. Under the proposal, personal information may not be created unless the need has been clearly established. Personal information must be relevant to the purpose for which it was created, be accurate, and not be obtained through fraudulent means. [SB 199](#) has received a favorable preliminary House floor vote, while [HB 277](#) is in a Senate committee. **HB 1209** has passed both chambers with a slight difference. This bill would change the name of the Maryland Science, Engineering, and Technology Development Corporation to the Maryland Development Corporation (TEDCO) and alter its membership. TEDCO is authorized to make grants to or provide investment equity financing for technology businesses and to fix, revise, and collect royalties for technology developed.

Additional Tech 2000 measures are also moving. Originally drafted to become uniform law among the 50 states, the Maryland Uniform Computer Information Transactions Act or UCITA (**HB 19**) has generated a lot of controversy. The bill, which would regulate computer information agreements and provide guidelines for electronic commerce transactions, has been passed in an amended form by the House and awaits Senate action. House amendments added appropriate consumer protection provisions according to supporters, who believe that the bill is needed to establish the necessary framework for electronic commerce. Opponents contend that more study should be mandated to ensure that consumers are adequately protected in the increasingly complex e-Commerce environment. The other uniform act, known as UETA or the Uniform Electronic Transactions Act, would provide uniformity among the states with regard to the use of electronic mediums to provide that a record or signature may not be denied legal effect or enforceability solely because it is in electronic form. Each of these UETA companion bills, **SB 3/HB 18**, has passed both chambers.

SB 202, which would require that prevailing wages be paid on school construction contracts of \$500,000 or more when the State funds at least 50 percent of the costs, has been approved by the House and is ready for gubernatorial action. Current law requires payment of prevailing wages when the State pays 75 percent or more.

Education

[HB 526](#), a heavily amended Public Charter School Act, passed the House. The bill now authorizes county boards of education to set up public charter schools or to convert public schools to charter status.

[HB 1247](#) passed unanimously in the House, establishing the Public School Funding Enhancement

and Teacher Salary Challenge Act of 2000. The Act offers local boards of education incentives to increase teachers' salaries and provides additional funds for other educational purposes.

Passing the Senate and now ready for the Governor's signature was [HB 552](#), to require all counties to keep special education students in school until the end of the school year in which they turn 21.

Environmental Matters

HB 823, the emergency bill to create a Task Force to Study the Environmental Effects of MTBE, a gasoline additive suspected of polluting ground water, has passed in the Senate with minor amendments related to the composition of the Task Force.

Several other bills of interest are now in the opposite chamber. **HB 395** and **SB 729** would restrict the construction of new water intake pipes in the Potomac River. As amended, **HB 395** is now identical to **SB 729**. Provisions to permit the State Used Tire Cleanup and Recycling Fund to be used for water quality improvement activities have been stricken from **SB 136**. This measure, that would eliminate the sunset provisions applicable to the Fund, now directs money to activities related to scrap tire recycling programs, as specified in current law. Also in the House, **SB 710** would create a task force to study mosquito-borne public health hazards. The effective date has been changed to June 1, 2000, with the final report required by December 1, 2000.

Family Law

The House passed **HB 640**, that would establish a five-year Individual Development Account Demonstration Program to provide matching funds from State and private donations to supplement savings accounts established by working individuals who earn less than 200 percent of the federal poverty level. The State would provide \$2 for each dollar deposited by a participant into an individual development account, up to a maximum of \$1,000 per participant per year for a maximum of three years. The program would be limited to 600 accounts, which could be used for postsecondary and vocational education, home purchase, major home repairs, and qualified business expenses.

Under **SB 728**, passed by the Senate this week, the Department of Human Resources would be required to request, and the Governor to provide in the State budgets for fiscal years 2002, 2003, and 2004, funding for the additional qualified caseworker and casework supervisor positions necessary to attain appropriate caseload-to-staff ratios in child protective services, foster care, kinship care, group care and residential care cases.

The Foster Parents Bill of Rights of 2000 (**SB 229**) passed the Senate in a slightly different form than companion and House approved **HB 194**. The measures aim 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.

The Working Parents Opportunity Act (**HB 8**), a House leadership initiative, failed to gain committee approval. The measure would have required community colleges to create job training and education programs for eligible parents, with an outreach program to increase program awareness. In addition, an account to help parents pay for expenses under the program, including tuition, supplies, transportation and child care, would have been established.

Financial Institutions

Bills to regulate the check cashing industry are proceeding through the legislative process (**SB 450** /**HB 516**). The bills concur that check cashing services would be licensed by the Commissioner of

Financial Regulation, but differ on maximum fees for cashing of personal checks. **HB 516** sets a maximum of 10 percent face value with 6 percent set by **SB 450**.

Moving in the opposite chambers, **SB 816/HB 736**, which address suspected financial exploitation of vulnerable adults by authorizing fiduciary institutions to disclose financial records by reporting to the local adult protective services program. Amendments specify report information, no civil or criminal liability or cause of action for reporting institutions, and no duty to make such a disclosure. **HB 736** has passed second reading in the Senate.

Health

The Children's Health Program Expansion Act of 2000 (**HB 2**), which would expand health insurance coverage for more of Maryland's children, has passed the Senate and, as amended, would retain the original name of Children and Families Health Care Program, allowing for coverage of families whose income is at or below 250 percent of the federal poverty guideline.

The Health Care Workers' Safety Act, which would revise the bloodborne pathogen standard by requiring the Maryland Occupational Safety and Health Advisory Board to develop recommendations that would make the usage of needles and sharp instruments safer, has passed the House (**HB 360**). The companion bill (**SB 553**) has moved through the Senate and passed third reading with amendments in the House.

Other legislation receiving favorable action this week includes:

- **HB 7**, a House leadership initiative which would integrate State child welfare and substance abuse treatment services, has passed the House;
- **HB 227**, which would require vaccination of college students for meningitis, has been reported favorably out of a Senate committee, while the companion, **SB 653**, has passed a third reading House floor vote;
- **HB 433**, the Governor's Wellmobile Program, has passed the House, while the companion, **SB 802**, has passed a third reading House floor vote;
- **HB 543**, which would provide education loan assistance grants to dentists who agree to treat medical assistance recipients, has received a favorable Senate second reading vote;
- **HB 784**, which would address minimum staffing requirements in nursing homes and amended to require the Department of Health and Mental Hygiene to reconvene the Medicaid Nursing Home Reimbursement Study Group, has passed the House;
- **HB 1107**, which would allow for licensing of retired volunteer dentists and dental hygienists, has been given preliminary approval by the Senate, and the companion, **SB 691**, has passed third reading in the House;
- **HB 1184**, has passed the House and, as amended, would establish the Oral Health Program and Prevent Oral Cancer Pilot Program, broadening the original focus of the bill from African American males; and
- **HB 1221**, which would require parents or guardians of children entering public schools in Baltimore City to report results of blood tests for lead poisoning, has passed the House with amendments, while the companion bill, **SB 712**, has received a favorable Senate committee vote.

Failed legislation this week included **HB 1340**, which would have allowed, if approved by local referendum, possession of marijuana and related drug paraphernalia for medical needs. Also killed was the Task Force on Health Care and the Internet bill (**HB 1269**). As well, a proposal that would have increased the coverage of dental services under the Maryland Medical Assistance Program (**HB 1346**) received an unfavorable committee vote.

Housing

The "Smart Code" bills, **HB 284** and **HB 285** are moving in the Senate. The Senate companions (**SB 207** and **SB 208**) have also passed the House with amendments that make them the same as the House versions. Although the Senate had removed the priority funding area requirement in **SB 208**, the House voted to put the provision back in the bill.

HB 727, which would strengthen the Commissioner of Financial Regulation's investigative and enforcement powers related to the activities of institutions such as banks, credit unions, and mortgage companies, has passed the House. The companion bill, **SB 830**, has passed in the Senate with amendments to make the two bills identical.

An amended **HB 1337**, which would provide more regulation of mortgage lenders, passed a final Senate floor vote and now mirrors the companion bill, **SB 872**, which has also passed the Senate.

Another measure approved this week, the Maryland Home Builders Act (**HB 811**) passed the Senate with amendments creating a Home Builder Registration Unit in the Consumer Protection Division, thereby making the bill reflect **SB 380**.

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, has received a favorable report from a Senate committee.

Bills introduced to expand licensing of real estate appraisers have met differing fates this week. **HB 96**, which would require all real estate appraisal trainees to be licensed and to be supervised by a licensed or certified appraiser, has passed the Senate and is ready for the Governor's consideration. Bills that would have required all real estate appraisals to be completed by a licensed appraiser (**SB 876/**[HB 786](#)) failed.

Insurance

The House has passed an amended Health Insurance for All Marylanders Act (**HB 3**) which provides health insurance access to uninsured individuals due to chronic conditions or affordability. The bill creates a program providing premium subsidies to low income adults and establishes a high risk pool to provide coverage for uninsurable individuals in the nongroup market. These programs will be funded by an assessment on the gross revenue of hospitals. The Act repeals the substantial, available, and affordable coverage (SAAC) plan offered to the nongroup market.

Legislation is moving through the chambers to prohibit the practice by managed care companies that requires doctors to participate on multiple provider panels as a condition of employment (**SB 295/**[HB 559](#)). House amendments to both bills clarify that providers may be required to serve on a carrier's Medicaid managed care panel and, before terminating participation on a panel, a provider is to give 90 days' notice.

The House has passed its version (**HB 22**) of a mandated health insurance benefit not to exceed \$250 for a hair prosthesis for hair loss resulting from cancer chemotherapy or radiation treatment. Similar **SB 386**, which originally set a benefit maximum of \$500, has been amended in the House to reflect the \$250 limit.

Transportation

SB 154, as introduced, would have raised the registration fee surcharge for a motor vehicle by \$3 a year to help fund the Maryland Emergency Medical System Operations Fund. Amendments now provide for matching fund loans or grants subsidized by the State. The Fund would assist volunteer

fire, rescue, and ambulance companies with grants for apparatus, communications, and protective equipment, or loans to purchase or refurbish apparatus or upgrading or replacing facilities needed to store equipment, ambulances, and rescue vehicles. The bill is now in the House.

HB 17, that would establish the Regional Air Service Development Program within the Maryland Aviation Administration, passed the House and has been heard by a Senate committee. The proposal, as amended in the House, would seek to support regional air service at up to three airports over the next three years. The bill is designed to foster economic development by investing in air transportation facilities and services linking underserved regions of the State to national and international air transportation systems.