



The LEGISLATIVE WRAP-UP

Sine Die, 2000

[Adjournment
and Bill
Signings](#)

Adjournment and Bill Signings

By the close of business at midnight on April 10, 2000, the General Assembly of Maryland had passed 884 bills and 17 resolutions. 2347 bills and 40 resolutions were introduced during the 90-day session. Passed Senate bills and Senate joint resolutions numbered 366 and 8, respectively, while the passed House count reached 518 bills and 9 joint resolutions. After passage by both chambers in identical form, bills go to the Governor for consideration. Approval by the Governor of joint resolutions is not required.

[Agriculture](#)

[Alcoholic
Beverages](#)

[Budget and
Fiscal Matters](#)

[Civil Rights](#)

[Consumer
Affairs](#)

[Courts](#)

[Criminal
Matters and
Corrections](#)

[Economic
Matters](#)

[Education](#)

[Environment](#)

[Family Law](#)

[Financial
Institutions](#)

[Health](#)

[Housing](#)

[Insurance](#)

[Sports](#)

[State
Government](#)

[Transportation](#)

Under the Maryland Constitution, the Governor has the option of signing, vetoing, or letting legislation become law without his signature. Further, the Constitution specifies that bills must be presented to the Governor by the 20th day after adjournment (April 30, 2000) and that the Governor must act on these bills by the 30th day after presentment (May 30, 2000). Each bill not vetoed becomes law on the effective date specified in the bill. Emergency bills become effective immediately once they are given gubernatorial approval, otherwise June 1 is the earliest date for bills to take effect. Most budget, tax, and revenue bills take effect July 1. October 1 is the normal effective date for other bills. As well, some bills have multiple effective dates as required by the intent of the legislation.

On Tuesday, April 11, Governor Parris N. Glendening signed **SB 211**, the Responsible Gun Safety Act of 2000. The President of the United States, Bill Clinton, joined the President of the Maryland Senate, Thomas V. Mike Miller, Jr., the Speaker of the Maryland House of Delegates, Casper R. Taylor, Jr., and numerous other officials and citizens for the ceremony in the State House rotunda. Additional bill signings are scheduled for Tuesday morning, April 25 - 9:00 to 11:00; Thursday morning, May 11 - 10:00 to 12:00; and Thursday morning, May 18 - 10:00 to 12:00. These signings will be held in the Maryland State House and are open to the public.

Agriculture

Continued concern for the health of the State's water led to the expansion this year of the Poultry Litter Matching Service and the Poultry Litter Transportation Pilot Program created by the Water Quality Improvement Act of 1998. With passage of **HB 327**, all livestock manure would be included in the program designed to help farmers dispose of nutrient rich manure.

Two bills pertaining to the Maryland Agricultural Land Preservation Foundation (MALPF) passed. **HB 301** refined the interaction between MALPF and county government, ensuring that MALPF has development rights information when considering the purchase of an easement; **HB 740** established a task force to study the Foundation. As a result of **HB 1250** (passed), a pilot program would be established to study the growth and marketing of industrial hemp.

Alcoholic Beverages

In order to promote the marketing and sale of Maryland wines, passed legislation would establish a

[Utilities](#)

winery special event permit valid for events held by nonprofit organizations or government entities during which the sale and promotion of alcoholic beverages are secondary activities (**HB 414**).

Several drunk driving measures did not pass this session. A bill that would have reduced the driving while intoxicated per se level from 0.10 to 0.08 (**SB 568**) and others (**SB 524/HB 1138**), that would have addressed first offenses for a blood alcohol concentration (BAC) of more than 0.16 with stiffer penalties and an increased length of time of driver's license suspension, were not approved. Nor was a proposal (**HB 994**) that would have allowed a court to consider as evidence the refusal to submit to a chemical test when the person was suspected of driving under the influence of alcohol or drugs. As well, **HB 1334** (failed) 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 a BAC of 0.16 or more or had a BAC of 0.10 or more coupled with other conditions.

Budget and Fiscal Matters

The General Assembly has passed its \$19.5 billion Budget Bill (**SB 150**) - including two supplemental budgets - with reductions of \$222.5 million. Among the issues resolved in conference committee were the allocation of \$6 million for textbooks for nonpublic schools and the disposition of the tobacco settlement funds in the Cigarette Restitution Fund. The Capital Bond Bill (**SB 225**), as part of the \$460 million bond program for fiscal year 2001, totaled \$428.6 million. Through a combination of operating budget funds, capital bond bill debt, agency bonds, and special funds, the General Assembly allocated:

- \$261 million for public school construction;
- \$385 million for higher education buildings and facilities;
- \$76.9 million for economic development, including smart growth, industrial and commercial redevelopment programs, and the Economic Development Opportunities Fund;
- \$124.3 million for local projects throughout Maryland;
- \$246 million for environmental programs, including those for rural legacy, agricultural land preservation, and water quality; and
- \$651.7 million - plus \$693.4 million in federal funds - for transportation projects.

The tobacco settlement bills, **SB 896/HB 1425**, which detail the use of a portion of the Cigarette Restitution Fund established in 1999, passed in the final hours of the session. Under these bills, part of the funds are marked for a Tobacco Use Prevention and Cessation Program, as well as for a Cancer Prevention, Education, Screening and Treatment Program and a grant program for tobacco-related disease research. Provisions also include requirements for baseline cancer and tobacco use studies and assistance in community health coalitions.

The General Assembly also approved the repeal of the inheritance tax on property passing to spouses and lineal relatives, including parents, children, and grandparents. Also, no tax would be due on property passing to spouses of lineal descendants, stepparents, stepchildren, and siblings of decedents. The tax remains on transfers to other beneficiaries (**HB 13/SB 1**). In 1999, Maryland was one of only 13 states that imposed an inheritance tax.

Additionally, taxpayers may get a break under bills that would exempt clothing priced under \$100 from the sales tax for one week in August 2001 (**SB 103/HB 170**). Other tax credits, incentives, and exemptions given legislative approval during the 2000 session included:

- **SB 192/HB 926**, to exempt from the sales tax tangible personal property or a taxable service used in connection with a film production activity;
- **SB 670/HB 20**, the Maryland Clean Energy Incentive Act, to provide tax incentives for the purchase of energy efficient products such as energy efficient motor vehicles, consumer products, and heating and cooling equipment;

- **SB 244/HB 310**, the Commuter Benefits Act of 2000, to expand the current tax credits for employer-provided commuter benefits to include cash-in-lieu of parking and a guaranteed ride home in an emergency;
- **SB 240**, to accelerate the phase-in of the 15 percent refundable earned income tax credit and to authorize the counties to provide a refundable earned income tax credit (another earned income tax credit bill, **HB 1056**, failed);
- **SB 701/HB 794**, to exempt from the sales tax digital telecommunications machinery and equipment purchased by television or radio stations to comply with the federal Telecommunications Act of 1996; and
- **SB 408**, to exempt bottled water sold in containers of one gallon or more from the sales tax.

Under the Maryland Research and Development Tax Credit bills, the General Assembly created a research and development (R&D) income tax credit program consisting of two parts: a nonincremental credit based on a taxpayer's R&D expenses up to the base amount of Maryland R&D expenses; and a credit based on incremental spending or spending above the base amount (**SB 309/HB 14**). The nonincremental credit is 3 percent of qualifying expenditures, while the incremental credit is 10 percent of qualifying expenditures. The credits, generally applicable to tax years 2000 through 2004, are designed to attract and retain R&D businesses and to encourage investment in R&D activities.

Proposals (**SB 227, SB 228, HB 12, HB 646**) to accelerate the income tax reduction enacted in 1997 did not pass.

Civil Rights

As a substitute for failed **HB 225**, a modified **SB 110** addressed the issue of racial profiling of motorists by law enforcement agencies, but did not meet with full legislative approval before the *sine die* midnight deadline. House legislation (**HB 793**) generally prohibiting discrimination in the workplace based on genetic testing or information also failed, as did a bill from the Senate side on the same subject (**SB 748**). Legislation, considered for a number of sessions, to prohibit discrimination based on sexual orientation in labor and employment, housing, and public accommodations also failed (**HB 47**).

Consumer Affairs

Imposition of late payment fees, nullified by a court ruling last summer, would be allowed under **SB 145** (passed). With the Governor's consent, a wide array of businesses such as TV companies, rental companies, and health clubs could charge late fees as specified in the bill. The Court of Appeals had ruled that under the Maryland Constitution businesses may not levy a monthly late fee of more than a half percent, unless legislation authorizes otherwise.

The complex issues surrounding open access to cable high speed lines generated a lot of discussion this session, but none of the bills was given a green light. **SB 505/HB 571** would have required a cable operator to provide, to any requesting Internet service provider, access to broadband Internet access transport services under specified circumstances. **HB 986** would have set up a study commission to make recommendations on the issue. As well, several proposals related to consumer protection and telemarketing practices were also defeated (**SB 185/HB 339, SB 18, HB 912, and HB 435**).

Courts

The General Assembly approved **SB 355/HB 944**, to require circuit courts statewide to expand the sources from which prospective jurors are selected to include persons 18 or older who have been

issued a driver's license or identification card by the Motor Vehicle Administration. If signed by the Governor, **HB 913** would 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. The passed Judicial Compensation Commission Report (**SJ 3/HJ 5**) provides for unaltered judicial salaries, except for a general salary increase in the event that a general salary increase is awarded to State employees in fiscal years 2001 and 2002. Measures to increase the number of circuit court and District Court judges in certain counties failed (**SB 69** and **HB 577**).

SB 484/HB 178, the Drug Dealer Liability Act, passed. If signed into law, the measure would allow a parent, legal guardian, child, spouse, or sibling of an individual whose death was caused by that 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 a controlled dangerous substance. Failed measures included:

- **HB 27**, to delay the commencement of time limitations for medical malpractice claims until a child reaches the age of 16 if the child is injured before the age of 16;
- **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; and
- **SB 779**, the Maryland Comparative Negligence Act, to allow 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.

Criminal Matters and Corrections

Crimes

After gaining the Governor's signature, **HB 180** would create a new misdemeanor crime of giving illegal drugs to a person without the person's knowledge and then committing a crime of violence against or sexually abusing the person. Violators could receive a fine of up to \$2,500 and up to a year imprisonment. Another successful bill, **HB 324**, would expand the crime of knowingly harboring a fugitive to include harboring a person for whom a felony arrest warrant has been issued in a jurisdiction outside the State. **SB 200/HB 278**, successful measures that were part of the Administration's and legislative leadership's Technology 2000 Initiative, would make computer crimes that result in an aggregate loss of money, property, or services in the amount of \$10,000 or more a felony, with a maximum penalty of a \$10,000 fine and 10 years imprisonment.

Several measures to create new misdemeanor crimes failed, including proposals to establish the crimes of homicide by aggressive driving (**SB 430/HB 417**), of deliberately misleading a State legislative committee or task force at a recorded hearing or other proceeding (**SB 88**), of burning an American flag on State property (**HB 44**), and of burying or disposing 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 (**HB 58**). Other bills that were considered, but not approved included:

- **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;
- **HB 472** and **SB 665**, to expand the use of intercepted communications as evidence in certain legal proceedings;
- **HB 1175**, to make it harder to sell drug paraphernalia;
- **HB 1140**, to increase penalties for selling drug paraphernalia within a drug-free school zone;
- **HB 946**, 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 390**, to remove a time limit for the State to prosecute criminal malfeasance, misfeasance, or nonfeasance in office;
- **HB 86**, to expand the crime of animal abuse from a misdemeanor to a felony;
- **SB 99/HB 569**, to make it a felony for anyone over 16 to wear a mask, hood, or other device to conceal identity, with certain exceptions; and
- **SB 559**, to make murder committed in domestic violence cases 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.

Sentencing

Measures failed that would have expanded statewide the authority of the courts to impose a sentence of custodial confinement as a condition of a suspended sentence, probation before judgment, and post-conviction probation (**SB 25/HB 81**). **HB 67**, which 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, also failed, 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. Other unsuccessful bills would have repealed mandatory sentencing laws for drug-related offenses (**HB 384**); removed differential sentencing for crimes involving crack cocaine and cocaine (**HB 386**); required a sentencing judge to declare in court the cost of a confinement (**HB 387**); and provided a moratorium on executions until the completion of a current State-supported study of the death penalty (**HB 388**).

Juvenile Offenders

A number of bills aiming to improve Maryland's juvenile justice system were unsuccessful this session. These measures address a wide range of issues including confinement of children in adult prisons; discriminatory practices in the system; regulations on detention and facility standards and nonsecure placement alternatives; adoption of a code of conduct for personnel of the Department of Juvenile Justice (DJJ) and for private agencies under contract with DJJ; adoption by courts of juvenile treatment service plans and timely implementation; creation of an independent State Juvenile Justice Disciplinary and Grievance Advisory Commission; reporting and analysis of data on children charged as adults on a regular basis; and limiting the time that a child could be kept in a juvenile detention facility after case disposition (**HB 382**, **HB 385**, **SB 821/HB 1082**, **HB 1087**, **HB 1088**, **HB 1090**, and **HB 1095**).

However, DJJ's budget for fiscal 2001 was increased 15.6 percent over the previous year. Some of the major increases were for improved employee training, more staff for oversight and aftercare programs, enhanced information and tracking technology, more drug testing for probationers, and more probation officers in schools. Money was also targeted toward making improvements at State facilities.

Firearms

As President Clinton watched at the signing ceremony in Annapolis on April 11, Governor Glendening made the Responsible Gun Safety Act of 2000 (**SB 211/ Chapter 2**) a part of Maryland law. The measure 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.

Several Maryland "Project Exile" bills (**SB 303/HB 166**) failed. These measures were generally modeled on the demonstration project in Richmond and Norfolk, Virginia. The bills would have altered prohibitions, penalties, and bail review provisions governing the possession and use of handguns in the State. All offenders of handgun violations would have been subject to mandatory minimum sentences and pretrial releases of persons charged with handgun violations, including illegal possession of a handgun, would have been prohibited. However, the provision, related to the required 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 serious drug offense, was incorporated in **SB 211**, the Gun Safety Act of 2000.

Another failed measure was **SB 234**, to eliminate the requirement of a "good and substantial reason" to be granted a permit to carry a gun, increase the eligibility age from 18 to 21, and require an applicant to have completed a handgun instruction course, pass a firing range test, and be certified by a qualified handgun instructor.

Corrections and Parole

Under a failed **HB 400**, the Parole Commission, rather than the Governor, would have had the authority to parole a prisoner serving a life sentence with the possibility of parole. Other unsuccessful bills included:

- **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
- **SB 366/HB 330**, to adopt a new Interstate Compact for Adult Offender Supervision.

A victims' rights measure (**SB 7/HB 89**) that failed would have established provisions to, at a victim's request, obtain body fluid samples to be tested for contagious diseases or viruses from the individuals charged with, convicted of, or given probation before judgment for specified acts or crimes when the victims are exposed to the body fluids of the offender.

Economic Matters

Bills proposed under the Technology 2000 Initiative are slated to become a part of Maryland law. Unveiled by Governor Glendening, President Miller, and Speaker Taylor at the beginning of the session, these bills, which the General Assembly passed, are designed to make Maryland the leading e-commerce and digital state in the nation. Approved late in the session, the Maryland Uniform Computer Information Transactions Act (UCITA) was drafted as model law by the National Conference of Commissioners on Uniform State Laws to set forth a legal framework for computer

commerce. UCITA is intended to address concerns that expansion of the nation's digital economy could be impeded by extreme differences in the laws of each state and to provide greater legal certainty for the millions of transactions necessary to the continued growth of the digital information industry. As amended, Maryland's UCITA seeks to balance both business and consumer interests involving the use and licensing of computer software, computer data and databases, Internet and online information and certain other computer information and products. The Maryland bills would take effect this October with a Joint Technology Oversight Committee in place to monitor implementation and to recommend any appropriate changes in the law (**SB 142/HB 19**). To date only Virginia has adopted like legislation. However, the Virginia legislation does not take effect until 2001. Other less controversial bills in the Tech 2000 package which passed included:

- the Uniform Electronic Transactions Act (UETA), also drafted as model law, to allow parties that have expressly agreed to electronic business transactions to use electronic procedures to comply with current legal requirements for writings, signatures, and retention of records in business, commercial, and governmental transactions. (under these bills, a record or signature may not be denied legal effect or enforceability solely because it is in electronic form and certain transactions such as those related to wills and other legal documents are excluded) (**SB 3/HB 18**);
- the Maryland Technology Development Corporation (TEDCO), formerly the Maryland Science, Engineering, and Technology Development Corporation, to increase the membership and alter the composition of its Board of Directors (**HB 1209**) (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); and
- the Public Records - Privacy Policies and Data Security measure, to mandate that the State, in its collection of personal records make security and privacy a primary objective, such that personal information may not be created unless the need has been established, must be relevant to the purpose for which it was created, must be accurate, and may not be obtained by fraudulent means (all State agencies would be required to post their privacy policies on their Internet websites 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 other entity other than the official custodian of record) (**SB 199/HB 277**).

Another Tech bill, the eMaryland Initiative, would form a CEO Board of Advisors and an Application Service Provider (ASP) Consortium project at College Park to foster the development of applications such as computerized standard business programs that allow agencies and small businesses to offer their services on-line more efficiently and potentially at a cheaper cost (**SB 196/HB 276**). As well, **HB 275** would restructure the State Information Technology Board to make it more representative of private industry and thus more efficient in today's technological climate. Electronic government in Maryland would be enhanced under **SB 197/HB 274**. These bills call for a phase-in time line for online availability of State services beginning with 50 percent in 2002 and 80 percent by 2004. At present, less than 15 percent of governmental services are offered via the Internet. Legislators also agreed to study the feasibility of establishing a new business and technology division in the judicial system to address these issues more effectively and efficiently (**HB 15**).

The General Assembly passed the much debated legislation to extend the prevailing wage law to public school construction projects (**SB 202**). Maryland's minority business set-aside program was extended for two years, and a report on the study of the program will be due by January 2001 (**SB 808**). As well, numerous financing programs currently available under the Department of Business and Economic Development would be consolidated and streamlined under **SB 783/HB 972**, if the Governor agrees.

On a more local economic note, bills related to the development of the Hippodrome property, seen as the cornerstone of Baltimore City's West Side revitalization effort, also passed. The Hippodrome is slated to open in the fall of 2002 as a state-of-the-art performing arts center capable of handling

420,000 theater patrons annually. **HB 1301** would alter the powers and duties of the Maryland Stadium Authority (MSA) pertaining to the development and construction of the Hippodrome Performing Arts Center. Under a related passed measure, MSA, following the Hippodrome's opening as a functioning theater, would be able to negotiate a payment to Baltimore City in lieu of taxes (**HB 1302**). It is assumed that the payment would be less than the tax, estimated at \$1.2 million, that would be due on a completely renovated theater site.

Education

Of significant concern this session was the shortage of teachers in Maryland's public schools. Passed bills addressed this problem by:

- requiring the State to add 1 percent to salaries for teachers in any public school system that increases teachers pay by 4 percent and provide additional funds for other educational purposes (under this Teacher Salaries Challenge Program, teachers would receive a 10 percent pay raise by the fall of 2001) (**SB 810/HB 1247**);
- allowing retired school principals to be re-employed as principals under certain conditions without losing retirement benefits (**SB 220**); and
- increasing the Maryland Teacher Scholarship Program awards from \$1,000 to \$2,000 for a student in a two-year program and from \$3,000 to \$5,000 for a student in a four-year institution (**SB 205/HB 281**).

In recognition of the importance of early childhood development as a means of enhancing the future of Maryland's children, the General Assembly passed **SB 793/HB 1249** establishing the Judith P. Hoyer Early Child Care and Education Enhancement Program. Named in honor of the deceased wife of Congressman Steny Hoyer, this program is designed to promote school readiness through developing and expanding high quality, comprehensive, full-day early child care and education programs and family support services. Eligible entities may apply for grants under the program slated for funding in fiscal 2001. Related bills would establish a commission to study the costs and availability of funding for early child care and to issue a report in December (**SB 869/HB 1284**).

Older students stand to benefit from passed legislation that would require all counties to keep special education students in school until the end of the school year in which the student turns 21 (**HB 552**). The General Assembly also approved proposals to require public libraries to take steps to keep obscene and pornographic material out of the hands of their patrons who are minors (**SB 522**). As well, **SB 140/HB 11** (passed) would make a number of changes to the Maryland Higher Education Investment Program, including changing the name to the Maryland Prepaid College Trust, and creating the Maryland College Investment Plan. These bills are designed to bolster the efforts of Maryland parents in planning and saving for college expenses. There will also be a new school holiday, President's Day, under **SB 648/HB 415**.

Among failed bills related to education were those to provide State grants to people returning to college for a teacher certificate (**SB 686**); require student teachers and student interns to complete a criminal background disclosure form before entering field placement in a school setting (**SB 24/HB 221**); and require local boards of education to establish full day kindergarten and prekindergarten programs (**HB 1003**). Additionally, **SB 789**, to prohibit a public college from beginning its regular academic year before Labor Day, failed. The Public Charter School Act (failed) has been referred to interim study (**SB 543/HB 526**).

Environment

The health of the State's water was the focus of several proposals that passed this year. With the passage of the emergency bill **HB 823**, a task force will be created to study the environmental effects

of MTBE, a gasoline additive used to reduce emissions and pollutants, but suspected of polluting ground water. A program that provides incentives to clean up contaminated industrial property would be expanded by **HB 331/SB 513**, to allow owners or operators of brownfields sites in locally identified, qualified property who did not knowingly violate laws to participate in the State grant program.

HB 395 and **SB 729**, restricting the construction of new water intake pipes in the Potomac River, passed in different forms. **SB 729** would allow the Secretary of the Environment to issue a construction permit under certain circumstances.

Another bill of interest that passed was **SB 136**, which would extend the State Used Tire Cleanup and Recycling Fund for another four years. The bill limits the fund to \$10 million and reduces the tire recycling fee to 40 cents.

Bills aimed at reducing the amount of nitrogen that enters the Chesapeake Bay failed. **SB 210** and **HB 283** would have required counties to identify sensitive areas where nitrogen removal technology would be required on newly installed septic systems and would have provided a tax credit for the extra costs incurred. Additionally, none of the bills passed that would have restricted dumping of material dredged from the shipping channels of the Chesapeake Bay area known as Site 104 (**SB 26/HB 40, HB 25, HB 68, HB 662, HB 731, HB 1061, HB 1204**).

Family Law

If signed by the Governor, the Welfare Innovation Act of 2000 (passed) would target improving employment opportunities at the county level for welfare recipients (**HB 1160**). On another subject, the General Assembly approved **HB 101** to establish a Domestic Violence Unit Pilot Program Fund to provide grants to county sheriffs' offices or police departments to create separate domestic violence units dedicated to the service of ex parte orders and protective orders and the data entry and data updating of those orders. It has been reported that as many as half the people subject to protective orders in Maryland are not listed in databases the State Police use to conduct background checks for gun purchases, many protective orders are not being logged into computers for several weeks or months, and 86 percent of the protective orders entered into the database have errors. The fiscal 2001 budget includes \$200,000 for the program.

Legislation seeking to make it easier to keep guns out of the hands of people who are subject to domestic violence protective court orders (**SB 781; SB 675; SB 224**) failed. Among other unsuccessful measures related to family law were:

- **HB 8**, the Working Parents Opportunity Act, a House leadership initiative, would have required community colleges to create job training and education programs for eligible parents, with an outreach program to increase program awareness, and would have established an account to help parents pay for expenses under the program;
- **HB 640** would have established an Individual Development Account Demonstration Program to provide matching funds from State and private donations to supplement savings accounts established by workers who earn less than 200 percent of the federal poverty level;
- **HB 61** and **SB 346** would have narrowed the time frame allowed for revocation of consent to adoption and guardianship;
- **HB 983/SB 167** would have expanded eligibility for unemployment benefits to a person who voluntarily leaves employment immediately after the birth or adoption of a child, and who is the primary provider of care for the child;
- **HB 194/SB 229**, the Foster Parents Bill of Rights, would have improved 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; and
- **SB 728**, would have funded additional qualified caseworker and casework supervisor positions

to attain appropriate caseload-to-staff ratios in child protective services, foster care, kinship care, group care, and residential care cases.

The legislature also denied approval to bills related to marriage and divorce law that would have:

- prohibited marriages in the State between first cousins (**HB 459**);
- provided that a marriage between two consenting adults, regardless of gender, is valid in Maryland (**HB 919**);
- allowed a marriage to be performed in any part of the State, no matter in which jurisdiction the marriage license was obtained (**SB 143**); and
- required 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/HB 1099**).

Financial Institutions

Passed legislation (**SB 450/HB 516**) will require regulation of check cashing services by the Commissioner of Financial Regulation. Permitted fees for cashing checks range from the greater of 2 percent of face value or \$3 for government checks to 10 percent of face value or \$5 for personal checks. The passage of **SB 816/HB 736** addresses financial exploitation of elderly or vulnerable adults by permitting 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. The legislature considered but did not approve a bill to regulate ATM fees for certain transactions (**HB 880**).

Health

Nursing Homes

Proposals recommended by the Task Force on Quality Care in Nursing Homes, along with other measures put forth to improve the quality of nursing home care, received favorable action this session. The legislation would allow for inspections of nursing homes (**SB 688/HB 749**), sanctions and penalties for deficiencies (**SB 689/HB 634**), establishment of quality assurance programs (**SB 690/HB 747**), increased staffing requirements (**SB 794/HB 784**), increased advocacy for residents through more support for the long-term care ombudsman program (**SB 764/HB 865**), and the creation of an oversight committee to monitor the implementation of the recommendations (**SB 698/HB 748**).

Legislation that failed this session included **HB 930**, to increase the hourly wage for nursing assistants in nursing homes by a minimum of \$2 an hour; **SB 435**, to create an award for nursing homes with no reported deficiencies during inspections; **HB 751**, to allow electronic monitoring cameras to be installed in nursing home rooms; and **SB 662/HB 1153**, to establish a long-term advisory panel to improve the quality of nursing home care.

Dental Care

In an effort to increase the accessibility of dental care in Maryland, several bills were passed to provide educational loan assistance grants to dentists who agree to treat medical assistance recipients (**SB 519/HB 543**); allow for licensing of retired volunteer dentists and dental hygienists (**SB 691/HB 1107**); and give a property tax credit for dental equipment used to practice dentistry in underserved areas (**SB 874/HB 1169**). Legislation in this category that failed would have increased the coverage of dental services under the Maryland Medical Assistance Program (**HB 1346**); provided income tax incentives to dentists who practice in underserved areas (**SB 875/HB 1192**); and assisted with higher

education loan repayment for dentists who practice in underserved areas (**HB 1191**).

Other Health Care Issues

Increased funding for the treatment of substance abuse was supported by the approval of **HB 7**, a House leadership initiative, to integrate State child welfare and substance abuse treatment services in order to provide coordinated services, efficient funding streams, improved access, and system-wide accountability. Also passed, **SB 743/HB 1205** would set up the Substance Abuse Treatment Outcomes Partnership Fund - S.T.O.P. Fund - to make grants to counties for substance abuse programs.

SB 271 (passed) would prohibit the sale of tobacco products through vending machines, unless the vending machines are operated with tokens or are located in establishments where minors may not enter or in establishments operated by fraternal or veterans organizations.

Continuing concerns related to the provision of health care for children, as well as their parents and other adults, played a part in various bills passed this session. Other initiatives, **SB 863/HB 2**, as passed were retitled the Maryland Health Programs Expansion Act of 2000. These bills would expand health insurance coverage based on family income to an estimated additional 19,000 children, as well as provide coverage to other categories of individuals such as indigents, pregnant women, and immigrants and their children who meet the specified qualifications. A new Children's Environmental Health and Protection Advisory Council under **HB 313** would assist with the study and proposal of regulations regarding lead poisoning and other health issues. On the subject of the hazards of lead paint, **SB 712/HB 1221**, as passed, address the administering of blood tests for lead poisoning to children in areas designated as at risk and the reporting of the results.

Additional approved health legislation, now waiting for the Governor's approval, included:

- **SB 653/HB 227**, to require college students who live in on-campus housing to be vaccinated for meningococcal disease (meningitis);
- **SB 553/HB 360**, the Health Care Workers' Safety Act, to address on-the-job exposure to blood and other dangerous materials by health care workers;
- **SB 802/HB 433**, the Governor's Wellmobile Program, to provide health care services to geographically underserved communities and uninsured individuals;
- **SB 311/HB 363**, to create the Statewide Commission on the Crisis in Nursing to study the current and long-term implications of the growing nurse shortage in the State; and
- **SB 371**, to protect the confidentiality of medical records by prohibiting the sale, rental, or barter of records, except in the transfer of ownership of a medical practice or facility.

Of special interest to senior citizens, **SB 855** (passed) would provide a short-term prescription drug subsidy plan, paying a subsidy to managed care insurers who provide Medicare plus Choice plans to underserved areas and requiring those insurers who participate in the reduced hospital rate program to participate in the drug subsidy plan.

Health legislation that was not approved included:

- **HB 308**, which would have legalized marijuana for medical use;
- **HB 632**, the Maryland Family Caregiver Support Act, which would have set up a statewide registry of respite care options for family caregivers of persons with special needs;
- **HB 1174**, the Optometrists - Quality Eye Health Improvement Act, which would have expanded the type of care optometrists may provide; and
- **SB 76** and **HB 1269**, which would have addressed the usage of the Internet in the delivery of health care or "telemedicine."

Housing

An extension of the Governor's Smart Growth Initiative, several bills passed this session under the terminology "Smart Codes." These include the Maryland Building Rehabilitation Code (**SB 207/HB 284**), which would allow for a statewide rehabilitation code to spur redevelopment of existing communities, as well as **HB 285**, which would encourage infill and development in existing neighborhoods. The bills would provide funding incentives, if adopted without amendments by local jurisdictions.

Legislation amending the Maryland Home Improvement Commission law also has passed. **HB 548** 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. A failed bill, **HB 560**, would have created a Home Improvement Enforcement Fund from collected fines to assist in enforcing home improvement regulations.

Given gubernatorial approval, home builders will be required to register beginning next January with the State via a Home Builder Registration Unit in the Consumer Protection Division of the Attorney General's office. **SB 380/HB 811** aim to protect consumers by requiring a builder to post his registration number at each property where the home builder is doing work. As well, lenders would be exempt from paying the registration, if the lender is stepping in to complete an unfinished building project.

To assist the State's efforts to recruit and retain teachers, **SB 206**, as passed, would provide low-interest rate mortgages to teachers who, as first time home buyers, agree to teach in Maryland for at least three years and purchase property in priority funding areas.

Lead paint was an important issue this session. A bill (**HB 1052**) now on the Governor's desk would seek to protect tenants from lead poisoning by requiring property owners to provide a copy of the current verified inspection certificate to tenants upon execution of a lease or the inception of tenancy. The legislature also addressed the problem of "flipping" in which houses are bought and resold quickly at a high profit. As a result, several bills were passed which will more closely regulate the mortgage business:

- **HB 96** would require all real estate appraisal trainees to be licensed and supervised in their work by a licensed or certified 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; and
- **SB 872/HB 1337** would more closely regulate mortgage lenders, setting up an examination schedule and providing the Commissioner of Financial Regulation with the power to impose civil penalties for violations.

Legislation related to "flipping" that failed included:

- **SB 876/HB 786**, which would have required all real estate appraisals to be completed by a licensed appraiser;
- **SB 878/HB 1044**, which would have prohibited 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**, which would have more closely regulated home mortgage lenders by prohibiting certain high cost loans and fees, as well as coercion of appraisers; and
- **SB 877/HB 1216**, which would have made information on property sales in Baltimore

available in a more timely manner.

Insurance

Both chambers approved conference committee amendments to **SB 497/HB 5**, proposals regulating health insurance carriers' contracts with intermediary health care providers and the responsibility of health insurers and HMOs for downstream risk. Passed **SB 903**, introduced as a result of a Court of Appeals' opinion, would codify a practice of HMOs authorizing, in general subrogation clauses in HMO contracts, repayment of medical expenses that members may later collect in legal settlements; the legislation is retroactive to 1976 when HMOs were first authorized.

SB 386/HB 22, as passed, would provide for a health insurance benefit up to \$350 for hair prostheses prescribed due to hair loss attributed to cancer treatment. Other passed mandated insurance benefits are habilitative services for children (**HB 6**), revisions to the current in vitro fertilization (IVF) mandate including coverage for male factor infertility and reducing required duration for either spouse's infertility from five years to two years for IVF eligibility (**SB 516/HB 350**), and direct access to nurse midwives (**SB 567/HB 669**).

Additionally, **SB 295/HB 559** (passed) would prohibit health carriers and HMOs from requiring health care providers to serve on multiple provider panels; however, providers may be required to serve on a carrier's Medicaid managed care panel. The Injured Workers Insurance Fund (IWIF) administers workers compensation for the State and provides workers comp insurance to firms unable to procure insurance in the private market. With passage of **SB 881/HB 980**, the IWIF would be subject to specified examination, regulation, and compliance provisions of the Insurance Article.

Failed legislation included the Health Insurance for All Marylanders Act (**HB 3**), Nonprofit Health Insurance Responsibility Act of 2000 (**HB 4**), and the measure that would have required insurance coverage for morbid obesity (**SB 496**).

Sports

Passing the General Assembly was **SB 813**, the Racing Act of 2000, which would establish a Maryland Racing Facility Redevelopment Program in the State Racing Commission to assist horse racing facilities with capital improvements. The bill provides for the financing of the program and includes among its provisions a one-time distribution of \$10 million to increase purses.

SB 8 (failed) would have required children under the age of 16 to wear protective headgear while using in-line roller skates.

State Government

The General Assembly approved **HB 974**, an ethics reform bill which would require specified lobbyists to file reports disclosing certain business transactions involving the exchange of value of \$1,000 or more for a single transaction or \$5,000 or more for a series of transactions that occurred in the previous six months. The required disclosures involve transactions with top State officials including legislators, the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, State Treasurer, and Secretaries of Departments. Transactions involving spouses must also be reported, as well as transactions involving business entities in which one of these individuals participates as a proprietor or partner or has an ownership interest of at least 30 percent. A report is expected by November 1, 2000, from the 1999 Study Commission on Lobbyist Ethics with recommendations for additional legislation.

The General Assembly also passed **SB 204/HB 286**, which would change the Office of State Planning to the Department of State Planning, making it a principal department of State government. **SB 854** (passed) would create the Commission to Coordinate the Study, Commemoration, and Impact of Slavery's History and Legacy in Maryland. Also approved was **HB 37** to prohibit the use of Social Security numbers on the identification cards of employees of State and local governments, including those employed by local school systems and public colleges and universities. As a result of **SB 264**, the State will observe a moment of silence on Memorial Day each year to honor Marylanders who have served and died in the Armed Forces. Also, two joint resolutions won support: **HJ 3** set aside the third Friday in September as POW/MIA Recognition Day, and **SJ 12** would designate March 10 as Harriet Tubman Day.

Among bills that failed were **SB 741/HB 1228**, that sought to provide greater access to government services and the courts for non-English speaking people by requiring translation of public documents, among other methods. Also failing were bills to create a State "Juneteenth" holiday (**SB 615**) and Women's History Month (**SB 294/HB 88**). On the lighter side, **HB 102** (failed) would have designated the Patuxent River Agate as the State gem, and **HB 468** (failed) would have named chromite as the State mineral.

Transportation

Among the bills that were approved and sent to the Governor were measures that would:

- establish the Regional Air Service Development Program within the Maryland Aviation Administration to foster economic development by linking small regional airports in underserved regions of the State to Baltimore Washington International Airport (**HB 17**);
- authorize the Motor Vehicle Administration to issue a new commemorative license plate to honor State agriculture (**SB 281/HB 486**);
- establish a grant program to assist law enforcement agencies in addressing the problem of drivers who fail to stop for school vehicles (**HB 104**); and
- allow a credit against the State income tax for employers who provide cash in lieu of parking fees, as well as establish a guaranteed ride home program to provide immediate transportation for employees who become ill or have a personal emergency (**SB 244/HB 310**).

SB 237, as originally introduced, would have reorganized the docking pilots profession by putting it under the authority of the Board of Bay Pilots. As amended, the bill would establish a separate board for docking masters under the Department of Labor, Licensing, and Regulation. A separate association, which will be exactly like the current Bay Pilots' Association, would be established to collect and distribute licensing fees. Licensing requirements would include performing 250 berthings in the Port of Baltimore with 25 percent of those being completed at night. The bill also establishes a joint oversight committee to study issues affecting the Port that will report back to the legislature.

Unsuccessful proposals included a bill related to use of cellular phones in motor vehicles (**HB 43**), and others that would have placed additional restrictions on provisional drivers (**SB 152, HB 127, HB 125**). A proposal that would have required drug treatment or education for drivers who had been convicted of homicide by a motor vehicle or vessel while under the influence of drugs (**HB 1071**) failed, as did the bill that would have created a new offense of "aggressive driving" (**SB 217**).

Concern for the funding of mass transit projects prompted the introduction of **SB 286/HB 1** (failed) that would have required the Comptroller to distribute 20 percent of the sales and use tax revenue to a new Mass Transit Account in the Transportation Trust Fund. The Mass Transit Account would only have been used to fund capital and operating expenses of mass transit projects, but the account would not have been the sole source of funding for such projects.

Utilities

SB 581/HB 1134 (passed) would require the Public Service Commission to adopt licensing requirements and procedures for natural gas suppliers that protect consumers and the public interest. The General Assembly did not approve: **SB 744** to require at least 1 percent of the electricity sold in Maryland households by 2002 to come from eligible renewable energy resources such as solar, wind, or ocean sources; **HB 123** to allow a municipal corporation to act as an aggregator that purchases electricity on behalf of consumers; **SB 66** and **HB 529** to allow counties, as well as municipal corporations, to act as aggregators under specified circumstances; and **SB 844** to refine the way the Public Service Commission would have been required to determine the allocation of the collection of funds from industrial and commercial customers for the universal service program, that assists low income people in paying their electric bills.