



The LEGISLATIVE WRAP-UP

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[State Of The State](#)

STATE OF THE STATE

On Wednesday, Governor Parris N. Glendening delivered his annual State of the State address before Senate and House lawmakers assembled in a joint session. The Governor's agenda centered on three major areas:

- Education with particular emphasis on higher education and making universal access a realistic but future goal which will be aided this year by a major monetary investment;
- Environmental protection with new initiatives and increased funding to extend the reach and impact of the "Smart Growth" program through the creation of a Governor's Office on Smart Growth, enhancement of public transportation capabilities, establishment of a "Community Legacy" program with more money for revitalization of targeted neighborhoods, provision of additional funds to restore and create parks and playgrounds in Maryland communities, and a "GreenPrint" program to enhance land preservation, to link open space throughout the State, and to preserve endangered species and the Chesapeake Bay; and
- Justice, fairness and inclusion efforts specifically aimed at ending racial profiling, updating the State's Minority Business programs, extending collective bargaining to university employees, and supporting legislation to ban discrimination based on sexual orientation in Maryland.

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COURTS AND CIVIL PROCEEDINGS

SB 78, to require a public defender to represent indigent defendants during bail review hearings, revives a failed 2000 session bill that aimed to decrease pretrial detention facility populations and reduce court congestion by decreasing the time during which cases remain unresolved.

CRIMINAL MATTERS AND CORRECTIONS

HB 7, a House leadership initiative, establishes 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. Commission monitors will review disciplinary actions on juveniles in custody, as well as any grievances filed by them or on their behalf, to determine whether there is a pattern of abuse, neglect, or other systemic failings. Area Advocacy Boards are established within the Commission for each area of the State. The bill also requires DJJ to adopt a specified policy for addressing disciplinary actions and grievances within facilities.

HB 102 seeks to abolish the death penalty in Maryland.

SB 134 creates a procedure for the civil commitment of certain convicted sexually violent offenders after they have served their jail time. If the Attorney General proves in a circuit court trial that the prisoner is a sexually violent predator, the prisoner would be placed in the custody of the Department of Health and Mental Hygiene for control, care, and treatment at a State facility until no longer a danger to the general population.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

A well-attended 2001 Legislative Summit on Tourism convened this week to address ways to sustain and promote this growing and lucrative industry in Maryland. Led by Speaker Taylor, conference speakers included President Miller and Lieutenant Governor Townsend, along with a number of legislators, State tourism and economic development officials, and national, State, and local representatives from the hotel and hospitality fields. Speaker Taylor and members of the House leadership have also proposed legislation to merge the various segments of the State's tourism-related efforts into one cohesive cabinet-level Department of Tourism. Funding for tourism, which has an annual economic impact of approximately \$7 billion, would be raised to promote and market this State resource (**HB 9**).

Legislation (**HB 14**) that aims to take another step forward in the e-commerce revolution sets up a three-part approach to protect consumer privacy on the Internet by:

- prohibiting merchants who collect information from consumers on-line from using the information, unless they obtain specific permission from the consumer in an "opt-in provision";
- establishing an Online Consumer Advocacy Unit within the Attorney General's Office to oversee consumer protections; and
- establishing a Task Force to Study Privacy Issues Related to Information Technology to complete a comprehensive study of key consumer privacy issues, including all existing State laws and policies concerning the collection, distribution, and security of personal information.

EDUCATION

Recently introduced bills include **HB 1**, the Targeted Education Funding Act of 2001, which provides increased funding for K-12 education, including enhanced funding for special education and special education transportation. The legislation also provides an enhanced funding allocation to jurisdictions known as the "One Maryland" areas that have disproportionately less economic development than the rest of the State.

The Public School Charter Act of 2001, **HB 29**, authorizes county boards of education to charter public charter schools in the State. Introduced last year, the proposal was referred for interim study.

HB 130 requires the State Board of Education to establish a gun safety program for students in kindergarten through 6th grade. County school boards would implement the program, and the State Board, with assistance from law enforcement officials, the Department of Natural Resources, and the State Police, would develop guidelines and curricula.

ENVIRONMENTAL MATTERS

Overflows of old sewer systems around the State in recent months have discharged millions of gallons of raw sewage into the Bay's tributaries. The high cost to local governments to replace the old systems has led to the introduction of **SB 174/HB 12**. This emergency bill creates a task force to study the costs of upgrading aging sewerage systems in the State and explore methods of funding.

HB 104 establishes a task force to study radium contamination in private wells, its removal, and the means of reducing the financial cost of testing for it by private citizens.

HB 72 restricts the disposal of material dredged from Chesapeake Bay shipping channels by altering the definition of "deep trough", where dredged material is prohibited from being dumped, to include any region that is within the area of the Bay known as Site 104.

FAMILY LAW

SB 32 and **SB 82/HB 74**, known as "safe haven" measures for abandoned babies, establish procedures a parent can follow to relinquish a newborn while retaining complete anonymity and no criminal liability. The bills provide for the possibility of reunification before parental rights are terminated.

FISCAL MATTERS

Governor Parris Glendening submitted a \$21.3 billion budget bill (**SB 125/ HB 150**) for Fiscal Year 2002 to the General Assembly. The proposed budget represents a 7% increase over the current FY 2001 budget. The Constitution requires that the General Assembly pass the Budget Bill by the 83rd day, which is April 2 this year. The legislature may reduce the Governor's proposed amounts but may not increase them. The budget committees' hearings start next week.

Education is again a priority in the proposed budget with a total \$2.6 billion allocation, an 8.6% increase. Aid for elementary and secondary schools increases by \$203 million, including \$30 million for the Early Childhood Education Initiative and \$50.2 million for the Teacher Salary Challenge Program. State support for higher educational institutions increases by \$159 million, totaling \$1.3 billion. Out of \$245.5 million proposed for public school construction this session, the Budget Bill includes \$123.7 million. The Governor is proposing \$354.8 million for construction at the State's colleges and universities of which \$244.3 million is in the Budget Bill.

Smart Growth initiatives are another priority in the proposed budget. New proposals include: "GreenPrint," slated to receive \$40 million to preserve ecologically valuable land; "Community Legacy," to receive \$13 million; and "Community Parks & Playgrounds," to receive \$15 million. The established program "Rural Legacy" receives \$13.6 million in capital funds in the operating budget and \$25 million in the Capital Bond Bill.

Among the Governor's proposals using the State's \$375 million surplus, along with an additional \$557 million from reserves, are capital projects (\$604 million), the Woodrow Wilson Bridge and Largo Metrorail extension (\$45 million), transit enhancements (\$39 million), and a mandated payment to the "Rainy Day" Fund (\$142 million).

The Governor's budget also includes an \$82.9 million increase for mass transit as part of a 6-year \$750 million transit initiative and a \$22 million increase in funding for drug abuse treatment programs.

Under **HB 11**, for Maryland corporate income tax purposes a manufacturing corporation's income that is taxable in Maryland would be determined by using a single sales factor apportionment formula that is determined by the ratio of Maryland sales to worldwide sales. Currently, a corporation's income that is taxable in Maryland is determined by using a 3-factor apportionment formula which takes into account the corporation's annual payroll in Maryland, the value of its property in Maryland, and twice its sales factor in Maryland and dividing the sum by four.

HEALTH CARE AND INSURANCE

SB 180/HB 4, Maryland Office of Women's Health - Women's Health Care Grant Fund, provides a centralized office to coordinate public health care programs and initiatives for women in all phases of their lives.

Legislation also introduced this week, **HB 5**, expands health insurance coverage for low-income

working parents with children who are participants in the Maryland Children's Health Insurance Program (CHIP) or the Maryland Medical Assistance Program.

HB 6 proposes a Pharmacy Discount Program within Medicaid for eligible uninsured individuals up to 300% of the federal poverty level and for all Medicare enrollees to expand their access to low cost prescription drugs. This prescription drug access through Medicaid, however, will require federal approval. Other bills introduced regarding prescription drug benefits include **HB 30**, allowing an income tax credit for uncompensated prescription drug benefits for individuals over age 62, and **SB 126**, providing discounted drugs to Medicare beneficiaries based on Medicaid prescription drug rates.

LEGISLATIVE MATTERS

Bills that resulted from the efforts of the Commission on Lobbyist Ethics, established last year, entered the first round of the legislative process this week. **SB 75/HB 2**, as heard by both Senate and House committees, adopt several of the Commission's proposals, including giving broad regulatory and enforcement powers to the State Ethics Commission and increasing reporting requirements for lobbyists.

TRANSPORTATION

Maryland stands to lose millions of dollars in federal highway funds if the State does not strengthen its drunk driving laws. A number of measures address this issue:

- **SB 108, HB 42, and HB 3** reduce the driving while intoxicated per se level from 0.10 to 0.08;
- **SB 4** allows a court to consider in its deliberations a person's refusal to take a blood alcohol test after being detained for drunk or drugged driving;
- **HB 47** increases the length of time a driver's license is suspended for those who refuse to take a blood alcohol test from 120 days to 180 days for a first offense and from 1 year to 2 years for a second or subsequent offense; and
- **SB 55** requires the Motor Vehicle Administration to impose on licensees under the age of 21 years an alcohol restriction that prohibits the licensees from driving or attempting to drive a motor vehicle while having alcohol in their blood.

Two measures have been introduced that address the use of cell phones while driving. **HB 89** prohibits a driver of a moving motor vehicle from using a hand-held telephone. **SB 23** prohibits a driver from using a hand-held telephone while the vehicle is being driven on a highway and is traveling at a speed greater than 10 miles per hour. A violation of either bill results in a fine of not more than \$500.

UTILITIES

SB 77 allows a county or municipal corporation to act as an aggregator to purchase electricity or gas on behalf of consumers residing in its jurisdiction. Under current law, a county or municipality cannot act as an aggregator, unless the Public Service Commission (PSC) determines that there is not sufficient competition within the boundaries of the county or municipal corporation.

Other legislation gives the PSC the authority to act for the United States Secretary of Transportation to implement federal laws relating to the inspection of oil pipelines within Maryland's borders. **SB 117** also allows the PSC to impose civil penalties for violations.