



The LEGISLATIVE WRAP-UP

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COURTS AND CIVIL PROCEEDINGS

SB 78, to require the Office of the Public Defender (OPD) to provide legal representation to indigent defendants during bail review hearings, was heard by a committee this week. Proponents claimed the measure would speed up the process and save money by allowing earlier preparation of cases by public defenders for trial at an earlier date and by getting non-violent offenders out of jail pending trial. Currently, only three counties and Baltimore City provide such representation. The bill is contingent on funding in the FY 2002 budget and requires a biennial statistical report by the OPD.

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A moratorium on the use of the death penalty has been proposed in **SB 316**. It would continue until completion of a study, expected in 2002, commissioned by the Governor to examine the system for evidence of racial bias, and consideration of the study by the General Assembly during the 2003 session. Four people could face execution this year in Maryland.

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Testimony will be heard next week on:

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- **SB 134**, to create a procedure for the civil commitment of certain sexually violent offenders after they have served their jail time; and
- **SB 214**, to require the Department of Public Safety and Correctional Services to put the names, photographs, and other information about sexual offenders on the Internet. The Department, with authority granted by law 2 years ago, expects to have names of sex offenders on the Internet by early 2002, if funding for the project is approved this session.

EDUCATION

Committee hearings were held recently on the following bills:

- **HB 45** limits the amount of credit that a credit card issuer may extend a college student under age 23, unless a parent or guardian assumes joint liability. The limit is the greater of either 20% of the student's annual gross income, or \$500 times the number of full years the student's account has been open, up to \$2,000. A credit card may not be issued to a student under age 23 with no annual income if that student already has a credit card account.
- **HB 35** establishes the Maryland Public School Supplemental Construction and Capital Improvement Fund to funnel one-third of the net revenues from lottery games that now go into the State's general fund into a special account to help pay for school construction. The money would be allocated to Baltimore City and the counties based on the percentage of lottery tickets sold in the city or in each county. Jurisdictions would be able to use these lottery funds to meet the local matching funds requirement for school construction. In some of the less affluent areas, meeting the local match has been a concern.

Testimony has also been heard on **HB 117** that proposes, between September 1 and October 31 of each year, that half the money left over after the Maryland Science and Technology Scholarships are awarded would go to students with a 3.0 or better average who are in their final year at a Maryland college. The other half of remaining scholarship money would go to students accepted but not yet enrolled at a Maryland college. A scholarship recipient must be a Maryland resident and agree to work one year in Maryland for each year the scholarship is received.

Committee hearings on two resolutions drew a number of people to Annapolis this week. **SJ 5** and **HJ 3** designate April 24 as the Maryland Day of Remembrance of the Armenian Genocide of 1915-1923. Local boards of education are encouraged to develop programs that focus on human rights, with specific attention given to the Armenian genocide.

FAMILY LAW

A House committee heard testimony this week on:

- **HB 20**, to give counties the authority to reduce marriage license fees for couples who complete a premarital preparation course;
- **HB 23**, to change from a misdemeanor to a felony a subsequent violation of a civil ex parte or protective order, increasing the maximum fine from \$2,500 to \$10,000, and increasing the maximum jail time from 1 year to 5 years; and
- **HB 135**, to authorize a sitting or retired judge or justice from any court in the United States to perform a civil wedding ceremony in Maryland. Currently only a clerk or deputy clerk of the circuit court or a minister may perform wedding ceremonies.

FISCAL MATTERS

To eliminate confusion concerning the refundability of the income tax credit on long-term care insurance premiums permitted by a law enacted last year, **SB 148/HB 280** state that this income tax credit may not exceed any Maryland income tax and that any excess credit may not be carried forward to any future tax years. **SB 148** has passed the Senate, while **HB 280** is still in committee.

Senate and House committee hearings on the Budget Bill (**HB 150**) are underway.

HEALTH CARE AND INSURANCE

Reintroduced from the 2000 session, **SJ 8**, "Health Care for All Marylanders," encourages a public-private partnership in developing health care coverage for all Marylanders and proposes the establishment of a Panel on Comprehensive Health Care to make recommendations to the General Assembly and the Governor.

Hearings were held this week on several issues which have been before the legislature in previous sessions. A House committee reviewed **HB 15** that proposes a process to monitor the community benefit activities of nonprofit health benefit plans and hospitals in the State. **HB 223** establishes that a carrier or managed care entity has the duty to exercise ordinary care when making health care decisions and is liable for any damages to an insured or enrollee if a failure to do so.

LEGISLATIVE MATTERS

HB 2 that amends and expands provisions of the Maryland Public Ethics Law applicable to regulated lobbyists and lobbying activities passed the House on Thursday. The bill addresses five areas: administration and enforcement of regulation; registration; reporting of activities; prohibited practices; and political campaign activity and reports of contributions. Among the bill's several proposals, present law would be changed to authorize the State Ethics Commission to directly impose an administrative fine of up to \$5,000 for each violation of the lobbyist regulation provisions and to suspend for up to three years or revoke the registration of a lobbyist under certain circumstances. Other changes require the Ethics Commission to develop procedures for various lobbyist reports to be filed electronically and made available on the Internet. **HB 2** also includes strong reporting requirements.

STATE GOVERNMENT

This week five elementary school students from Westernport, accompanied by their families and school officials, testified before a committee in favor of establishing the calico cat as Maryland's State feline. The students, who had been to Annapolis last session to study the legislative process, decided to request the introduction of **HB 157** for several reasons. The students argued that cats not only help to keep Maryland's rodent population down and that stroking a cat is known to lower blood pressure, but that calico cats in particular, like several other symbols such as the Maryland's State bird, butterfly, and flower, share the colors found in the State flag. The students also pointed out that there are more cat owners than dog owners. Currently, only Maine (Maine Coon Cat) and Massachusetts (Tabby Cat) have designated State cats. The Tabby Cat was chosen by Massachusetts in response to the wishes of that state's schoolchildren.

Other 2001 bills that propose to add symbols to the State code are **HB 290**, to designate the Patuxent River Agate as the State gem, and **SB 358**, to add the pinxterbloom azalea (*Rhododendron periclymenoides*) as the State shrub.

TRANSPORTATION

SB 292 would increase the registration surcharge fee of \$8 for a motor vehicle by \$3 a year to help fund the Maryland Emergency Medical System Operations Fund. The money in the Fund is used solely for medically oriented functions of the Department of State Police, the Maryland Institute for Emergency Medical Services Systems, grants to counties for local fire departments as well as for other emergency service programs. The bill is scheduled for a hearing on February 14.

SB 29 would impose a statewide prohibition against an alcoholic beverages licensee from selling alcoholic beverages from a drive-through window for off-premises consumption. The bill would not apply to existing businesses or the transfer of an existing license that already has a drive-through facility. The bill has passed the Senate.

UTILITIES

SB 246/HB 137 would establish a task force to study ways to increase competition among telecommunications service providers. The task force, which would also encourage and monitor competition in the telecommunications industry, would be staffed by the Public Service Commission. **HB 137** was heard in committee this week, while the companion measure, **SB 246**, is scheduled for a hearing February 14.