



The LEGISLATIVE WRAP-UP

Issue: 01-6

February 12-16, 2001

[Green Bag Appointments](#)

[Civil Rights](#)

[Courts](#)

[Criminal Matters And Corrections](#)

[Economic, Business, And Consumer Issues](#)

[Education](#)

[Environmental Matters](#)

[Family Law](#)

[Fiscal Matters](#)

[Gaming](#)

[Health Care And Insurance](#)

[Transportation](#)

To date 1,328 bills have been introduced in the House, and House committees have scheduled public hearings for 895 bills. The Senate has introduced 835 bills, and Senate committees have scheduled hearings for 543 bills.

GREEN BAG APPOINTMENTS

Green Bag appointments were submitted today. The list of gubernatorial appointments was delivered in the official Green Bag of Maryland to the President of the Senate at this morning's session. The green leather bag, embossed with the Maryland Great Seal, is modeled on the green bags used by English barristers of old to convey official documents. Except for this annual presentation ceremony, the Green Bag resides in the State Archives. Article II, Section 13 of the Constitution of Maryland requires the Governor to submit nominations of civil officers to the Senate within 40 days of the beginning of each regular session, though it is silent about the Green Bag.

CIVIL RIGHTS

An amended **HB 18**, prohibiting employment discrimination based on an individual's genetic information, has passed the House. Testimony was presented this week on bills addressing police traffic stops and racial profiling (**HB 303**) and law enforcement officers who engage in racial profiling (**HB 573**). **SB 208** concerning race-based traffic stops will be heard in March.

COURTS

Judges' power to cut the sentences they impose would be expanded under **HB 831**. Current court rules require an inmate to file a request for reconsideration of a sentence within 90 days of sentencing. **HB 831** authorizes a judge to reconsider a prison sentence of 10 or more years if a prisoner can show that the law or policy affecting the original sentence has changed, even if a motion requesting reconsideration was not filed within 90 days of sentencing. **SB 632/HB 62** would restrict judges' current power to reconsider sentences to within one year after a request is filed under the current 90 day deadline. Hearings on the House bills are scheduled for March 13. **SB 78**, to require the Office of the Public Defender to provide legal representation to indigent defendants during bail review hearings, passed the Senate. House companion, **HB 703**, will be heard in March.

CRIMINAL MATTERS AND CORRECTIONS

Effective and timely disposition of juvenile justice matters continues to be of concern to the General Assembly. A House committee heard testimony this week on two bills to keep youthful offenders from being housed needlessly with hardened criminals. **HB 101** expands the jurisdiction of the juvenile court to include 16 and 17 year old children who are alleged to have committed a violent crime, children 14 and older charged with a capital crime, and children who have previously been convicted as an adult. The bill also creates a rebuttable presumption that such children are unfit subjects for juvenile rehabilitative measures and thus are subject to a waiver to adult court at a waiver

hearing to be held no more than 15 days after a petition is granted for continued detention. Juveniles are detained in a juvenile facility until and unless they are waived to adult court.

Also **HB 294**, introduced on behalf of the Commission on Juvenile Justice Jurisdiction, establishes time frames for the processing of transfer hearings in which juveniles charged with a criminal offense in the District Court or a circuit court may be transferred to juvenile court. Under the bill a transfer decision must be made within 10 days of a transfer hearing. If a juvenile must remain in custody while awaiting a transfer decision, the transfer hearing must be held within 30 days after the charging document is filed. Further, a hearing on a motion that a juvenile be held in a juvenile facility pending a transfer determination must be held no later than the next court day following the motion, unless extended for good cause. **SB 353**, the companion, will be heard in committee next month.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

There are numerous bills that seek to promote the development of technology-related businesses in the State. Those that have had hearings on the House side include **HB 427** creating the Maryland Technology Incubator Program to promote entrepreneurship and job creation in technology-related industries with required funding of \$10 million in the fiscal 2003 budget. The Maryland Technology Development Corporation (TEDCO) will award matching grants to establish and operate incubators throughout the State to local governments, their designees such as colleges and universities, or nonprofit entities acting as incubators. Incubator programs primarily serve small businesses and provide technical and material assistance such as flexible and often below-market rate leases with the goal that these businesses will graduate from the incubator and have a chance to stay in business longer. Companion **SB 387** is scheduled for a hearing at the end of the month.

Also heard, **HJ 8**, urges the Maryland Economic Development Commission and the Maryland Department of Business and Economic Development (DBED) to complete a study, by November 15, 2001, on the feasibility of modifying existing programs and creating a State-sponsored venture capital program for biotechnology, in consultation with the Maryland Bioscience Alliance and the University of Maryland Biotechnology Institute. The study would focus on making venture capital available in all regions of the State where existing and newly formed biotech research and industry centers are located. Companion, **SJ 11**, will be heard at the end of this month.

Also heard by committees were other proposals related to encouraging the growth of small businesses, as well as providing assistance to Maryland's nonprofit organizations, estimated to number about 5,000:

- **HB 464** repeals the termination of the Maryland Competitive Advantage Financing Fund (MCFF), extends the initial loan term for a business to three years, and modifies the requirements that loan applicants must meet. MCAFF was created in 1999 to provide loans to small businesses that are unable to borrow from traditional lenders.
- **SB 333/HB 386** calls for a Maryland Nonprofit Sector Development Center Program in the Department of Business and Economic Development (DBED) to assist the development of nonprofit organizations in all aspects of nonprofit management including individual consultation and technical assistance, training, and the operation of a technical information and data exchange.

EDUCATION

A House committee reported unfavorably on **HB 45** that proposed a cap on the credit extended to college students by credit card issuers. Companion **SB 470** has a hearing next week.

HB 67, repealing the State prohibition on portable pagers and cell phones in public schools, passed

the House. The amended bill includes a statement that it is the wish of the General Assembly that local education agencies work with the State Department of Education in developing a local policy involving pager and cell phone use in public schools during school hours.

Killed in committee was **HB 94** designed to help combat the teacher shortage by allowing retired professionals to become teachers through a shortened certification process.

HB 875 requires the Maryland Higher Education Commission to establish written guidelines for the solicitation by credit card issuers on higher education campuses. A hearing is scheduled later this month.

ENVIRONMENTAL MATTERS

SB 174, the emergency bill that creates a task force to study the costs of upgrading aging sewerage systems in the State, has passed third reading. Amendments expanded the size of the task force that will be staffed by the Department of the Environment. The companion measure, **HB 12**, remains in committee.

Testimony will be heard February 22 on **HB 728** that requires the Department of Natural Resources to establish a program to control the population of nonnative mute swans. These swans have forced native birds out of areas where waterfowl naturally congregate and have caused ecological damage to areas of the Chesapeake Bay.

FAMILY LAW

Testimony was offered this week on **HB 378**, to create a 5-year Individual Development Account Demonstration Program for up to 800 low-income working individuals that would allow participants to save for educational or business expenses or home purchase or repairs. Under the program, a participant contracts with a service provider to open and manage a savings account for no more than three years and makes monthly deposits to be used for specific purchase goals. Every dollar saved is matched with \$2 from the State, up to a maximum of \$1,000 per account annually. Service providers are public entities or non-profit organizations that are selected to serve as intermediaries between account holders and financial institutions, recruit and select program participants, maintain matching funds, foster independence, and assist, educate, and support the success of participants. Technical assistance organizations will provide overall program management and funds may also be obtained from private donors. A Senate hearing on the program (**SB 311**) is scheduled for February 28.

Bills under consideration this session to enhance enforcement of child support include:

- **SB 502/HB 555** (hearings next week), to create a pilot program in Anne Arundel and Baltimore Counties to attach, under certain circumstances and with notice to the violator, an immobilizing clamp, called a boot, to cars owned by child support violators who are more than 60 days in arrears. To have the boot removed, violators must pay administrative fees and negotiate a specified settlement with the local county support enforcement agency;
- **SB 158** (passed the Senate) and **HB 65** (hearing next week), with generally similar provisions, to require a child support order to remain in effect until a child marries or turns 18, whichever comes first, and, for a child who is aged 18, until the child marries, graduates, or is no longer enrolled in a secondary school, or turns 19, whichever occurs first;
- **HB 556** (hearing next week), to suspend or deny a license to boat, fish, hunt, or recreate in any other way that requires a license to a person who is more than 120 days in arrears in child support payments;
- **HB 154** (passed the House), to prohibit a parent from inheriting from a minor child's estate if the parent abandoned the child or failed to pay any court ordered child support for at least three consecutive years immediately preceding the death of the child; and

- **SB 760/HB 883** (hearings the end of this month), to reduce temporary cash assistance by a maximum of 25% for noncooperation with the local child support enforcement office. These bills also include changes to current law related to child support payments to families receiving temporary public assistance.

FISCAL MATTERS

The proposed constitutional amendment, **SB 245**, allowing the General Assembly to increase and make additional appropriations to the Executive Department has been amended and remains on the Senate floor for further consideration. The amendments make the veto override session optional rather than mandatory and clarify that the General Assembly may not increase the total allowance for the Executive Department as submitted by the Governor. Companion legislation **HB 1024**, has been introduced in the House.

Several bills concerning the disposition of contraband tobacco products seized by the State have had public hearings. Current State law requires the Comptroller to sell contraband tobacco products that are seized and forfeited:

- **HB 287** creates the Youth Tobacco Use Prevention and Cessation Fund and the Cancer Prevention, Education, Screening, and Treatment Fund and requires that the proceeds from the sale of contraband tobacco products be deposited in these funds;
- **SB 199/HB 308** require that contraband tobacco products be destroyed; and
- **SB 192/HB 21** require that the Comptroller shall dispose of and destroy the contraband tobacco products in the manner the Comptroller determines.

GAMING

Introduced this week was **HB 1170** a constitutional amendment which, if passed, would be submitted to the voters next year. Under the bill, the State Lottery Commission would regulate the operation of video slot machines at no more than four facilities in four different regions of the State. Applicants for a video slot machine license must either hold a Maryland racetrack license or operate a tourist destination in the State. The bill also mandates that at least two of the licenses are to be issued to holders of Maryland racetrack license. One half of the net proceeds shall be used for public schools and public libraries. Similar legislation in 1998 died in committee.

HEALTH CARE AND INSURANCE

Prescription drug coverage for Maryland's citizens was the subject of a Senate hearing this week with several initiatives presented. Options discussed included Medicare beneficiaries paying for prescriptions at Medicaid prices (**SB 126**), expanded funding through the Maryland Health Care Foundation to facilitate free or subsidized prescription drugs (**SB 236** and **SB 268**), and establishment of a Catastrophic Pharmaceutical Expense Program (**SB 239**). Also considered was **SB 181** increasing from 90 to 100 days the supply for maintenance drug prescriptions that an insured individual can receive.

A number of bills have been introduced this session proposing new mandated health insurance coverage. Being considered are coverage for hearing aids and related treatment for children (**SB 615/HB 160**), colorectal cancer screening (**SB 100/HB 190**), prosthesis for hair loss due to alopecia (**SB 375/HB 50**), morbid obesity (**SB 522/HB 675**), and durable medical equipment (**HB 457**). A House committee held hearings on several of its chamber's proposals this week and the Senate has hearings scheduled later this session on its bills. The House has passed an amended version of **HB 15**

dealing with nonprofit health entity accountability. The bill coordinates and provides incentives for the community benefit activities of nonprofit health entities.

TRANSPORTATION

In light of recent accidents in the State that have resulted in the death of pedestrians, measures have been introduced to increase the penalties for drivers who fail to remain at the scene of an accident. **SB 612/HB 749** will make it a felony for a person involved in a vehicular accident resulting in bodily injury or death of another to leave the scene of the accident. Penalties on conviction, when bodily injury is the result, are imprisonment for not more than two years or a fine of not more than \$6,000 or both and, when the result is the death of another, imprisonment for not more than 10 years or a fine of not more than \$10,000 or both. A reintroduction from last session, **SB 648** establishes the crime of homicide by aggressive driving for a person who, while driving a motor vehicle during a single traffic incident, commits two or more motor vehicle violations and causes the death of another person as a result of the person's negligent driving of the motor vehicle. A person convicted of this crime is guilty of a misdemeanor and subject to imprisonment not to exceed three years or a fine of not more than \$5,000 or both.

In response to requests from local governments to help finance transit-related parking facilities, **SB 201/HB 334** authorize the Maryland Transportation Authority (MdTA) to finance, construct, operate, maintain, and repair vehicle parking facilities in priority funding areas (PFAs). PFAs are designated revitalization neighborhoods, enterprise zones, certified heritage areas, areas located between Interstate 495 and the District of Columbia, and areas between Interstate 695 and Baltimore City. Currently, MdTA is authorized to finance, construct, operate, and repair Maryland's toll facilities, including highways, bridges, and tunnels, and other transportation facility projects. It also finances improvements at BWI airport, but is restricted from financing parking facilities that are not on State-owned property. Both bills have been heard by committees.

SB 43 will change the name of the Mass Transit Administration (MTA), which operates under the Maryland Department of Transportation, to the Maryland Transit Administration. The bill, as amended, specifies that the MTA only use existing resources to make the name change and without additional expenditures from the Transportation Trust Fund. The measure has passed the Senate.