



The LEGISLATIVE WRAP-UP

Issue: 01-7

February 19-23, 2001

[Criminal Matters And Corrections](#)

CRIMINAL MATTERS AND CORRECTIONS

The House passed **HB 249** to expand the circumstances under which a law enforcement officer may intercept or tape an oral communication. As amended the bill allows an interception to be made when the officer lawfully detains a vehicle during a criminal investigation, not just for a traffic violation as in current law, when certain conditions are met. The law enforcement officer must be a party to the oral communication, must be identified as a law enforcement officer to the other parties to the communication prior to interception, and must inform all other parties to the communication of the interception at the beginning of the communication. Finally, the oral interception must be made as part of a video tape recording. **HB 249** also adds that, if all these conditions are met, an interception is lawful even if a person becomes a party to the communication after the law enforcement officer is identified or after the officer informs the original parties of the interception.

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

[Education](#)

[Environmental Matters](#)

[Family Law](#)

[Fiscal Matters](#)

HB 567 prohibits a person from owning, possessing, or harboring a pit bull in the State. The prohibition is not applicable until October 1, 2001, which is the bill's effective date. A hearing has been scheduled for March 16.

[Health Care And Insurance](#)

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

Testimony has been taken on a number of bills addressing protection of individuals' privacy with specific emphasis on safeguards related to electronic transactions:

- **HB 14** prohibits a merchant from collecting, maintaining, selling, or distributing records of an individual's personal information unless the merchant notifies the individual, the individual affirmatively consents, and in specified cases, the merchant provides a simple on-line method to revoke consent. The bill also establishes an On-line Consumer Advocacy Unit in the Office of the Attorney General and a one-year task force to study privacy issues including the study of all existing State laws and policies concerning the collection, distribution, and security of personal information;
- **SB 219** requires a merchant who engages in electronic commerce to provide a consumer notice of the types of personal information to be collected and retained, how the information will be used, and whether the information will be disclosed. The merchant must also provide a conspicuous, explicit method on the Internet site for the consumer to prohibit the collection, use, or disclosure of the information; and
- **SB 363** establishes a Transaction, Education, Advocacy, and Mediation Unit in the Office of the Attorney General with responsibility to protect the privacy of individuals' personal information and to protect the public from unlawful conduct or practices in electronic transactions.

[Legislative Matters](#)

[State Government](#)

[Transportation](#)

Other proposals related to electronic signatures, records, and electronic contracts, recently heard by committees, make adjustments in legislation passed last session:

- **SB 397/HB 519** modify the Maryland Uniform Electronic Transactions Act (Md. UETA) by making this law consistent with the federally enacted Electronic Signatures in Global and National Commerce Act (E-Sign) that was passed after Md. UETA. E-Sign and UETA provide for the validity of electronic signatures and records, and specify areas of law in which electronic signatures and records would not be permitted; and
- **SB 398/HB 520** modify the Maryland Uniform Computer Information Transactions Act (UCITA) that is a commercial contract statute that provides substantive rules governing electronic commerce contracts and licenses for computer information or programs. The bills exempt open source software from the implied warranty of merchantability applicable under UCITA. Open source software does not carry a fee for the right to the source code, to make copies, to modify, and to distribute the computer program. The intent of the bills is to encourage the development and use of open source software.

Legislators will hear testimony next week on **HB 893** related to the use of Social Security numbers. Unless the use of a Social Security number is required by law, this bill prohibits a person from: (1) requesting or requiring an individual to provide the individual's Social Security number; (2) selling or purchasing an individual's Social Security number; or (3) refusing to do business with an individual because the individual has refused to provide the individual's Social Security number.

EDUCATION

Legislation authorizing the establishment of charter schools had a public hearing this week. **SB 604** establishes a Maryland Charter School Program in which the chartering authority is the local board of education in the county where the charter school will be located. If the application is denied, the decision can be appealed to the State Board of Education. Provisions for schools chartered under this bill include requirements that the school be open to all students on a space-available basis, nonsectarian, and tuition-free. **SB 721** establishes a public school charter program with chartering authority granted to local boards of education and institutions of higher education. Local boards are required to provide the same level of funding to public charter schools that is provided to traditional public schools, and the charter schools can negotiate for additional funding.

SB 171 requires that a county school superintendent allow a student whose parent or guardian resides in another school district to attend the local public school system, if the student is living with a relative within the school district due to serious family hardship that is verified through a sworn affidavit. The bill also allows the county receiving the student to collect payment from the county transferring the student.

Another bill, **SB 435**, requires local boards of education to adopt policies that prohibit students from being the targets of commercial advertising while in school and policies that encourage a reduction in student consumption of minimally nutritional foods while on school premises. Other provisions prohibit student access to vending machines during the school day and posting commercial advertisements inside or outside school buses and providing students' personal information to vendors. A county board or school is not allowed to enter into an agreement for the exclusive use of vending machines and products sold in vending machines.

Legislation changing the name of Salisbury State University to Salisbury University has passed the Senate (**SB 68**). Companion legislation has been heard in committee (**HB 438**). The name change is designed to boost private fund raising and provide greater recognition of the University's academic reputation.

Scheduled for a hearing in the Senate, **SB 754** requires Maryland public schools to teach character education - honesty, respect, responsibility, fairness, caring, and citizenship. The purpose is to improve the learning environment, promote student achievement, reduce discipline problems, and

develop civic-minded students of high character.

ENVIRONMENTAL MATTERS

Several bills have been introduced to limit the deposit of material dredged from Chesapeake Bay shipping channels. **SB 830/HB 1317** would prohibit open bay dumping of the material after 2010, except for beneficial purposes as defined in the bill. A Senate committee has scheduled a hearing for **SB 830**. The following House bills will be heard in committee next week:

- **HB 72** alters the definition of "deep trough," where dumping of dredged material is already prohibited, to include any region that is within the area of the Chesapeake Bay known as Site 104;
- **HB 402** limits the deposit of dredged spoil near the Cox Creek site in Anne Arundel County. Companion legislation, **SB 480**, remains in committee;
- **HB 527** establishes an oversight committee to monitor the Cox Creek site;
- **HB 1254** permits dredge spoil from certain sites to be deposited on historical natural islands and requires the Maryland Department of Transportation to use specified spoil to restore eroded shorelines or as a mineral resource; and
- **HJ 22** urges that open water dumping of dredge material into the Chesapeake Bay and its tributaries should be prohibited unless the dredge material will be used to restore natural islands or wetlands.

Construction of waste transfer stations is being considered this year. Testimony was heard this week on **HB 1154**, that prohibits the construction or operation of a waste transfer station within three miles of an institution of higher education in Prince George's County. **SB 8** calls for the same prohibition within three miles of any institution of higher education in the State. **SB 86**, requiring an applicant for a transfer station permit to notify specified members of the General Assembly, and **SB 121**, requiring a county to amend its solid waste plan to include the transfer station before a permit for one can be issued by the Secretary of Environment, have both crossed to the opposite chamber.

FAMILY LAW

In the last two weeks, testimony was presented in both chambers by proponents and opponents of legislation (**SB 32/HB 252**, **SB 82**, **SB 704/HB 363**, **HB 173**, **HB 312**, and **HB 515**) to grant criminal and civil immunity and complete anonymity to a parent, or under some of the measures a person authorized by the parent or a legal guardian, who abandons a newborn in a so-called "safe haven" such as a hospital or police station within 72 hours of the child's birth. Although the goal of saving lives of infants was unanimously praised, concerns were raised about the rights of the other parent of the newborn and the rights of adoptees to know their medical and personal history.

FISCAL MATTERS

Hearings on the Budget Bill, **HB 150**, conclude next week with the bill expected to be considered by the full House the week of March 12. The Senate amended and approved on second reading **SB 245**, the constitutional amendment concerning the General Assembly's budgetary powers. The House version, **HB 1024**, is not scheduled for a hearing yet.

Legislation, **SB 192**, concerning contraband cigarettes received preliminary approval in the Senate after the adoption of amendments that require the destruction of contraband cigarettes. Another Senate bill on the subject, **SB 199**, received an unfavorable report from committee, and similar bills in the House remain in committee (**HB 21**, **HB 287**, and **HB 308**).

A House committee held a public hearing on **HB 280**, that eliminates confusion concerning the

refundability of the income tax credit on long-term care insurance premiums enacted last year. The Senate bill, **SB 148**, is now in the House.

HEALTH CARE AND INSURANCE

Legislation under consideration to improve the quality of life of nursing home residents includes a measure passed by the Senate, **SB 156**, that will increase the amount of the personal needs allowance for a resident who is a recipient of medical assistance. **HB 433**, to permit a resident or representative to install electronic monitoring cameras in a nursing home room to prevent abuse of the patients, recently had a committee hearing. The bill, which has gained national attention, also provides for penalties and fines for noncompliance by the nursing home or for tampering with a monitoring device. Similar legislation died in committee last session.

Other health legislation seeing action this week:

- **HB 4**, creating the Maryland Office of Women's Health, awaits a preliminary vote on the House floor. Adopted committee amendments make changes in the scope and organization of the Office. Companion, **SB 180**, is still in committee;
- **HB 282**, creating a hearing aid loan bank program in the Department of Education, has passed the House with amendments changing the age requirement to children under three instead of four. A companion bill, **SB 281**, has a hearing scheduled for next week; and
- **SB 100**, mandating health insurance coverage for colorectal cancer screening, passed the Senate. Companion **HB 160** remains in committee.

LEGISLATIVE MATTERS

Both the Senate and House have passed slightly differing versions of measures that will regulate registered lobbyists. The bills, **SB 75** and **HB 2**, provide, under the auspices of the State Ethics Commission, very strong rules and reporting and disclosure requirements, as well as increased penalties and enforcement procedures.

STATE GOVERNMENT

On Friday, the House passed the proposal to establish a new State symbol. If the Senate agrees, the calico cat will be Maryland's State cat (**HB 157**). The idea came from a group of elementary school students from western Maryland.

TRANSPORTATION

A measure (**HB 89**) that would have prohibited a driver of a moving motor vehicle from using a hand-held telephone was killed in committee this week. A similar bill still in committee, **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.

Over 30 bills related to drunk driving have been heard by committees this week. A number of these measures have been introduced without success in prior years. However, legislation to make a .08 blood alcohol concentration (BAC) level the legal standard for a drunk driving offense in Maryland may pass this session. Current federal requirements make federal transportation grants available to states that adopt a .08 BAC level and allow withholding of a percentage of federal highway funds for failure to enact .08 as the legal standard. Other bills related to repeat offenders and prohibiting open containers if passed would alter the use of some federal highway funds in Maryland, but not affect the total funding. Numerous bills currently under consideration include:

- **SB 108** and **HB 3**, reducing the BAC level from 0.10 to 0.08;
- **SB 4/HB 338**, **HB 47**, **HB 1052**, **HB 834**, and **SB 474**, addressing requirements related to blood alcohol tests;
- **HB 36**, **HB 509**, and **SB 703** (**SB 55** has passed the Senate, **HB 64** and **HB 699** have failed), increasing sanctions and altering record-keeping responsibilities for drivers under 21 years;
- **HB 76**, **HB 777**, **SB 30**, and **SB 179**, prohibiting open containers in vehicles;
- **HB 36**, **HB 337**, **HB 669**, **HB 674**, **HB 836**, **SB 525/ HB 1048**, **SB 119**, and **SB 178**, tightening penalties for repeat offenders including increased use of the Ignition Interlock Program;
- **HB 977**, **HB 1052**, and **SB 474**, raising penalties for "super drunk" drivers;
- **HB 169**, **HB 170**, and **HB 737** (Companion **SB 759** is scheduled for a hearing next week), altering penalties for crimes of manslaughter, homicide, or life-threatening injury related to drunk driving; and
- **HB 63**, **HB 69**, **HB 261**, **SB 141**, **HB 1052**, and **SB 474** changing administrative procedures related to treatment programs, arrest and detention, expungement of records, and assistance to law enforcement efforts, as well as altering the meaning of the plea of *nolo contendere*.