



The LEGISLATIVE WRAP-UP

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[Agriculture/
Seafood
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AGRICULTURE/SEAFOOD INDUSTRY

Testimony was heard this week on **SB 514/HB 772** that require everyone 16 years of age and older to have a recreational crabbing license to catch crabs in the Chesapeake Bay or its tidal tributaries. Sponsors say that records from the \$5.00 license fee will help establish better estimates of annual crab catches.

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COURTS AND CIVIL PROCEEDINGS

Four bills to implement DNA testing in capital and other crimes were heard by a committee last week. **SB 15** and **SB 84** authorize a convicted felon to petition for post-conviction DNA testing of evidence in the State's possession that is related to the conviction. The bills also specify the related court findings under which the court must order DNA testing. **SB 694** allows a defendant convicted in circuit court of a crime punishable by more than a year in jail to file a motion for a new trial or resentencing if the motion is based on DNA or other "scientific identification testing" and the results of the testing could show that the defendant was wrongfully convicted or sentenced. **SB 699** authorizes a person sentenced to death to file a petition for post-conviction DNA testing of evidence in the State's possession that is related to the conviction and specifies under what conditions the court must order the DNA testing.

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CRIMINAL MATTERS AND CORRECTIONS

An amended **HB 294** passed the House to establish time frames for the processing of transfer hearings in which juveniles charged with criminal offenses in District Court or a circuit court may be transferred to a juvenile court. The companion bill (**SB 353**) will be heard on the Senate side next week.

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Other juvenile justice reform bills heard by a committee this week include **HB 7**, to establish an independent State Juvenile Justice Disciplinary and Grievance Advisory Commission to inform and advise the Department of Juvenile Justice (DJJ), and **HB 474**, to require DJJ to adopt a code of conduct and specified regulations related to its facilities, services, and standards. Also heard was **HB 322**, to limit the time a child may be held in a detention facility after having been adjudicated delinquent. Current law does not provide a time limit. A hearing is scheduled next week for the companion, **SB 537**, on the independent Advisory Commission.

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EDUCATION

Passing the Senate was **SB 124**, the John Joseph Price Gun Safety Program, establishing a gun safety program as part of health education in grades K-12. Similar legislation remains in committee (**SB 446/HB 130** and **HB 390**).

The House and Senate have both passed and sent to the opposite chamber legislation (**SB 206/HB 299**) expanding the Maryland Teacher Scholarship Program to include part-time graduate students

who do not hold a Maryland teacher's certificate. Recipients must maintain a 3.0 average and agree to work in a public school for one year for each year the \$2,500 scholarship is received. Also receiving preliminary approval in the Senate, **SB 213** increases the number of students eligible for a HOPE Scholarship or a Community College Transfer Scholarship by increasing the maximum total family income that is allowed for a recipient from \$80,000 to \$95,000. Companion **HB 329** was heard last month.

ENVIRONMENTAL MATTERS

Testimony has been heard on **HB 726** that would increase from \$14 to \$20 the maximum fee that may be established for vehicle inspection and testing under the Vehicle Emissions Inspection Program. Testimony also was taken on several bills to limit the placement of material dredged from the shipping channels of the Chesapeake Bay. Those included were: **HB 72**, **HB 402**, **HB 527**, **HB 1254**, **HB 1317**, and **HJ 22**. A hearing is scheduled for **SB 830**, on the same subject, on March 14. **HB 104**, which would have created a task force to study radium contamination in private wells, has received an unfavorable report.

FAMILY LAW

Testimony was heard last week on **HB 723**, to require a health care provider or facility providing in vitro or assisted reproductive services to require a written advance directive for the disposition of cryopreserved eggs, sperm, or embryos. The health care provider or facility is not civilly or criminally liable for a disposition of frozen eggs, sperm, or embryos that is carried out in accordance with an advance directive that complies with the bill's requirements.

Establishment of a mother's right to breast-feed her child in any public or private location in which they are authorized to be (**SB 434**) was debated before a committee last week. Restricting or limiting that right is prohibited under the measure. The companion bill, **HB 641**, had a hearing on Thursday. Bills that failed a committee vote this week include:

- **HB 23**, to change from a misdemeanor to a felony a subsequent violation of a civil ex parte or protective order and to increase penalties;
- **HB 555**, to create a pilot program to attach, under certain circumstances, a boot to cars owned by child support violators (companion, **SB 502**, remains in committee after a hearing last week); and
- **HB 556**, to suspend or deny a license to boat, fish, or 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.

FINANCIAL INSTITUTIONS

Recent Senate committee hearings were held on several proposals related to banking services and check cashing services. Among the bills, **SB 601** authorizes deferred presentment services, commonly referred to as pay day loans, to operate in the State and requires them to be licensed by the Commissioner of Financial Regulation. Companion **HB 536** receives a hearing next week.

SB 683 requires the Commissioner of Financial Regulation to certify a banking institution as eligible as a depository for State money, if the institution offers or maintains "basic banking accounts" at each branch in the State. Under the bill's provisions, the initial deposit in such an account could not exceed \$25 and the institution may not require a minimum balance or charge more than \$3 per month to maintain the account. Companion **HB 821** will be heard next week. **SB 725** amends the check cashing services law enacted in 2000 to permit a licensed check cashing service to charge a fee to verify checking account information. These fees could not exceed \$4 for checks up to \$100 or

\$5 for checks more than \$100.

FISCAL MATTERS

House hearings on **HB 150**, the Budget Bill, have concluded, and the House committee is making its decisions on reductions to the bill. The Senate committee that deals with the State budget will start making its decisions next week. **HB 150** will be brought to the House floor on March 12.

SB 245, the proposed constitutional amendment to give the General Assembly enhanced budgetary powers, failed on the Senate floor when the bill did not receive the necessary three-fifths majority on third reading.

Two bills related to taxes, **HB 696** and **HB 1125**, are under discussion. **HB 696** makes permanent a 1998 change to the way the boat excise tax is determined. Under the 1998 law, the boat excise tax is calculated on the purchase price of a boat less the value of a trade-in. Before 1998, the tax had been calculated on the purchase price including the value of a trade-in. The 1998 law is scheduled to sunset this year. **HB 1125** imposes a \$.50 per round tax on ammunition and a \$5 per round tax on antipersonnel ammunition in addition to the sales tax.

A tax amnesty bill, **HB 828**, requires the Comptroller to declare a tax amnesty period from September 1, 2001, through October 31, 2001, for delinquent taxpayers. The amnesty waives civil penalties associated with delinquencies for income, sales and use, admissions and amusement, and withholding taxes that are paid during the amnesty period. Revenue recovered during the period would be distributed to local governments, the Comptroller's office, the Transportation Trust Fund, a special fund to provide aid to volunteer fire departments for capital projects, the counties for additional school transportation aid, and local subdivisions to improve wastewater treatment facilities. The bill, which was heard this week, also increases the penalty for tax delinquency. There was a prior tax amnesty period in 1987.

HEALTH CARE AND INSURANCE

HB 362, requiring the Insurance Commissioner to adopt regulations regarding the privacy of consumer financial and health information, has passed in the House. The bill would bring Maryland in line with the federal Financial Services Modernization Act of 1999 (GrammLeach-Bliley), as well as follow National Association of Insurance Commissioners model regulations. Other provisions would also require the Insurance Commissioner to establish regulations related to engaging or participating in the insurance business by certain individuals who are otherwise forbidden under federal law to do so because of certain convictions.

Testimony was taken this week on other legislation that its many proponents argue is aimed at protecting individuals' health rights and safety. **HB 686** makes a determination of whether a health care service is medically necessary or is not a part of the definition of the "practice of medicine," which is not currently in the law. This then would make medical directors of HMOs liable in cases of medical malpractice and subject to discipline action from the Board of Physician Quality Assurance. **SB 34**, with identical provisions, has passed the Senate. Similar proposals in the last two sessions have failed. Other bills that address patient safety will have hearings in two weeks. **HB 1274** requires the Maryland Health Care Commission to develop a plan to reduce preventable medical errors in the State. With the same goal, **HB 1376** requires the Commission to establish a Patient Safety Information Collection Program. Part of the program would involve a reporting of all errors occurring in the State with the goal of improving overall health care. Similarly, **HB 1307** would require pharmacies to report any errors in the dispensation of prescription drugs to the consumer, the health care provider, and the Board of Pharmacy.

Additional health legislation seeing action this week includes:

- **SB 96**, approved by the Senate, to allow the recipient of an award from the Maryland State Nursing Scholarship Program to also receive a Senatorial Scholarship, a Delegate Scholarship, or a Distinguished Scholar Award;
- **HB 5**, heard by a committee, to expand 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 (similar legislation, **SB 743**, will have a hearing next week);
- **SB 705/HB 940**, heard by committees, to legalize marijuana for medical use;
- **HB 1216**, heard by a committee, to provide low interest mortgage loans to nurses who work in a hospital in Maryland if the nurse purchases a home in a priority funding area, is a first-time home buyer, and continues working at the hospital for at least 3 years;
- **SJ 8**, reported unfavorably by a committee, entitled the "Health Care for All Marylanders" to establish a Panel on Comprehensive Health Care to study providing affordable, quality health care coverage; and
- **HB 236**, withdrawn by sponsor, to require nursing homes with more than 50% turnover of direct care nursing staff in any calendar year to establish a program to improve staff retention.

SPORTS AND GAMING

Heard in House committee this week was **HB 865** providing for the regulation of athletic trainers by the State Board of Physical Therapy Examiners in the Department of Health and Mental Hygiene. The bill establishes an Athletic Trainer Advisory Committee to develop and recommend regulations, a code of ethics, and licensure requirements and to maintain a list of licensed trainers. The bill provides exemptions from the examination requirements for some individuals.

TRANSPORTATION

This past week action was taken on several measures related to drunk driving. Federal funds are available to states that enact legislation that meets federal requirements for a .08 bloodalcohol content (BAC) threshold, tighter penalties for repeat offenders, and prohibition of open containers in vehicles. In this respect, the House passed on second reading **HB 3**, to lower the BAC threshold from .10 to .08. With regard to other facets of drunk driving issues, the House approved a bill to allow 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 338**, and another, **HB 337**, to authorize the Motor Vehicle Administration (MVA), under certain circumstances, to modify a driver's license suspension for participants in the Ignition Interlock Program. Additionally, the House has given preliminary approval to **HB 261**, that prohibits the expungement of criminal records based upon the entry of a probation before judgment if the charge was homicide or life threatening injury by motor vehicle or vessel while intoxicated or under the influence of alcohol, drugs, or a controlled dangerous substance.

Previously, the Senate had passed **SB 55** to require the MVA to impose on each licensee under the age of 21 an alcohol restriction that prohibits the licensee from driving or attempting to drive while having alcohol in the licensee's blood.

Reported unfavorably by a House committee this week were other measures that addressed refusal to take a BAC test, increased sanctions for drivers under 21 years, tighter penalties for repeat offenders, prohibition of open containers in vehicles, and altered penalties for manslaughter, homicide or life-threatening injury related to drunk driving (**HB 36**, **HB 47**, **HB 169**, **HB 170**, **HB 737**, **HB 977**, and **HB 1052**). However, the Senate has not acted on a number of its bills on these complicated subjects and quite a few measures remain under consideration in the House, as well (**SB 4**, **SB 30**, **SB 108**,

SB 119, SB 178, SB 179, SB 474, SB 525, SB 703, SB 759, HB 509, HB 669, HB 674, HB 834, HB 836, and HB 1048).

Drunk and drugged driving bills that would have changed administrative procedures related to treatment programs (**HB 63**) and arrest and detention (**HB 69**) were killed in committee. Also killed in committee was **SB 141**, that would have established a Law Enforcement Drunk and Drugged Driving Prevention Fund to assist law enforcement agencies in acquiring equipment to aid in the prevention of drunk and drugged driving.

Motorcycle enthusiasts were in Annapolis in support of **SB 197**, that would have repealed the mandatory use of motorcycle helmets for all individuals with the exception of minors. The measure was narrowly defeated on the Senate floor; therefore, current law prevails which requires anyone riding or operating a motorcycle to wear a helmet that meets standards established by the MVA.

The definition of a child automobile safety seat would be expanded to include a child booster seat under **SB 359/HB 700** that would also require children 8 years old and younger, weighing 80 pounds or less, to be secured in a child safety seat when traveling in a motor vehicle. Under current law, a child must be in a child safety seat if the child is less than 4 years old, regardless of weight, or if the child weighs 40 pounds or less, regardless of age. The Senate version is on the Senate floor, and the House bill remains in committee.

A new offense of aggressive driving would be established under **SB 113/HB 485**. Aggressive driving would be defined as a person who exceeds the speed limit and also commits two or more specified offenses at the same time or during a single and continuous period of driving. Violators would be imprisonment of up to two months. In addition, five points would be assessed on the violator's driving record.

UTILITIES

SB 505/HB 1078 provides a cost recovery mechanism for carriers providing wireless enhanced 911 service to a county requesting the enhanced service. Currently, every telephone account with a provider, both land-based and wireless, pays a 10 cent 911 fee and an additional charge of up to 50 cents imposed by the county. The additional charge is distributed back to the county to help defray the operating costs of the 911 systems. For wireless service, the bills will apply the additional charge imposed by a county on each telephone number, rather than each account, thus increasing the base.

NEXT WEEK

Monday, March 5, is the 55th day which, under the Maryland Constitution, is the final date for the introduction of bills without suspension of the rules. A motion to suspend the rules requires the concurrence of at least two-thirds of the members of a chamber. To date, 2,352 bills and joint resolutions have been introduced. Of these, 884 are Senate bills and 16 are Senate resolutions. House bills number 1,427 and House resolutions stand at 25.