



The LEGISLATIVE WRAP-UP

Issue: 01-10

March 12-16, 2001

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REPORTING DATES

[Agriculture/Seafood Industry](#)

March 20 and March 26 mark important bill progression dates on the 2001 session calendar. March 20, the 70th day of session, is the "committee reporting courtesy date" by which each chamber's committees are encouraged to report their own bills. March 26, the 76th day of session, is the "opposite chamber bill crossover date" by which each chamber is to send to the other chamber those bills it intends to pass favorably. Bills sent after the 76th day are subject to referral to each chamber's Rules Committees.

[Civil Rights](#)

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To date 2398 bills and resolutions have been introduced. Of these, 1482 are House measures and 916 are Senate measures. A total of 431 bills have been defeated either by committee or floor action or withdrawn by sponsors. No legislation has yet passed both chambers.

[Criminal Matters And Corrections](#)

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AGRICULTURE/SEAFOOD INDUSTRY

Fish that have been genetically altered and certain nonnative species of crabs would both be banned or restricted with the passage of two bills. **HB 189**, prohibiting for five years the introduction of any species that has been genetically altered into any waterway of the State that flows into any other body of water, has passed the House. **HB 319**, authorizing the Department of Natural Resources to adopt regulations to limit or prohibit the importation, use, catching, or possessing of nonnative crab species (green crab, Japanese shore crab, and Chinese mitten crab) that have been determined to be harmful to the ecology and natural resources of the State, has crossed over to the opposite chamber. Testimony will be heard on March 20.

[Education](#)

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Genetically altered seed is also of concern this session. Testimony has been heard on **HB 175** that prohibits the sale, distribution, or use of nongerminating genetically engineered seed rendered incapable of producing second generation seed by terminator gene technology. Other pending legislation, **SB 692/HB 740**, requires the Secretary of Agriculture to report annually on antibiotics and hormones used in raising animals in Maryland for human consumption.

[Financial Institutions](#)

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CIVIL RIGHTS

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A Senate committee held a hearing this week on **SB 2**, prohibiting discrimination in employment based on genetic information. The House version of this legislation (**HB 18**) is in the Senate. **SB 208**, requiring law enforcement agencies to adopt policies against racial profiling as well as collection and analysis of data on traffic stops, was reviewed by a Senate committee. The House has already agreed on an amended bill on the same subject (**HB 303**). Also before a Senate committee this week was the Antidiscrimination Act of 2001 (**SB 205**), prohibiting discrimination based on sexual orientation with regard to public accommodations, housing, and employment. The companion **HB 307** has been heard by a House committee.

[State Government](#)

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COURTS

House and Senate committees held hearings this week on companion bills (**SB 362/HB 62**) to restrict sentencing judges' power to reconsider sentences to within one year, after a request is filed under the current 90-day deadline. Under current court rule, Maryland judges may lower a sentence at any time, for any reason. Testimony revealed that most other states impose restrictions on when a judge may reduce a sentence or in what kind of cases.

CRIMINAL MATTERS AND CORRECTIONS

Juvenile justice reform measures that passed this week in their chambers of origin include:

- **HB 474**, to require the Department of Juvenile Justice (DJJ) to adopt a code of conduct for its employees, and to adopt regulations requiring specified services and programs, standards for juvenile detention facilities, and for nonsecure alternatives for the placement of committed children;
- **HB 322**, to limit the time a child may be held in a detention facility after having been adjudicated delinquent to not more than 15 days after court-ordered placement in a commitment program, and to provide for holding for longer periods under certain circumstances; and
- **SB 353**, to establish 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 a juvenile court. (Companion bill **HB 294** passed the House in a similar amended version earlier this month.)

The Senate passed **SB 439** to prohibit a three-judge sentence review panel from decreasing a mandatory minimum sentence for crimes involving the use of handguns or assault pistols in a felony or crime of violence. Currently, a mandatory minimum sentence may be decreased only if the panel's decision is unanimous.

Companion bills (**SB 134/HB 450**), creating a procedure for the civil commitment of certain convicted sexually violent offenders after they have served their jail time, were defeated in committee this week.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

The House has approved **HB 464** that makes adjustments to the Maryland Competitive Advantage Financing Fund, first established by the General Assembly two years ago to benefit small business owners who are unable to borrow from traditional lenders. Tracking legislation passed in Rhode Island in 1996, **SB 586**, as approved by the Senate on second reading, authorizes the establishment of arts and entertainment districts in Smart Growth priority funding areas in counties and municipalities. The designation of a district would trigger tax benefits designed to encourage the development of the arts, while at the same time promoting smart growth and economic development. Companion **HB 691** remains in committee.

EDUCATION

Heard in committee this week, **HB 518** authorizes local boards of education and local school employee organizations to negotiate over mutually agreeable matters, in addition to salaries, wages, hours, and other working conditions now subject to collective bargaining. The bill also extends collective bargaining rights to include school support staff on the Eastern Shore. Next week a Senate committee will hear testimony on companion bill **SB 378** and another collective bargaining proposal, **SB 749**, that removes the exemptions applicable to public school employees on the Eastern Shore. A House committee took testimony on legislation that establishes a phased-in age requirement that five-year-old children must meet to enter kindergarten, beginning with November

30 for this year and ending with the first day of school in 2004 (**HB 557**).

The family income threshold for the Maryland HOPE Scholarship and HOPE Community College Transfer Scholarship will be raised from \$80,000 to \$95,000 under **HB 329**, as passed by the House. Companion bill **SB 213** passed the Senate last week.

The Senate amended and passed legislation authorizing the establishment of charter schools. **SB 604** establishes a Maryland Charter School Program in which the primary chartering authority is the local board of education where the charter school will be located. Provisions for schools chartered under this bill include requirements that the school be open to all students on a space-available, nonsectarian, and tuition-free basis. Another charter school bill, **HB 29**, remains in committee, but **SB 721** has received an unfavorable committee vote. Also failing in committee, **HB 1156** would have required all public elementary and secondary school students to be present and participate in opening exercises each school morning and meditate silently for one minute. After a lengthy discussion, **SB 435**, to require county school boards to adopt policies to prohibit students from being targets of commercial advertising and to address vending machines in schools, failed on the Senate floor.

ENVIRONMENTAL MATTERS

Bills that passed third reading this week include **HB 527**, that creates an oversight committee to monitor the redeposit of dredged material into Cox Creek, and **HB 728**, that requires the Department of Natural Resources (DNR) to establish a program to control the population of mute swans that are causing ecological damage to areas of the Chesapeake Bay and have forced other birds out of areas where local waterfowl naturally congregate.

Testimony has been heard on **HB 1005**, requiring DNR, in consultation with the Wildlife Advisory Commission, to develop and implement a plan to manage the deer population in Maryland. A committee also listened to a discussion on **SB 744**, requiring community water systems that serve a population of at least 10,000 individuals to develop and implement a water conservation plan as a condition of receiving a new or amended water appropriation permit or renewing an existing permit.

HB 726, that would have raised the maximum fee that could be charged for the State vehicle emission inspection testing from \$14 to \$20, has received an unfavorable report. **HB 99**, that would have included the State's coastal bays in the Chesapeake Bay Critical Area, has been withdrawn by its sponsor.

FAMILY LAW

The House passed on a preliminary floor vote **HB 252** that grants criminal and civil immunity and complete anonymity to a person who leaves, with the intent to abandon, an unharmed newborn with a hospital, law enforcement, social services, or fire and rescue employee within three days of the newborn's birth. Among the other "safe haven" bills, **HB 312**, **HB 363**, and **HB 515** were killed in a House committee, and **SB 32**, **SB 82**, and **SB 704** remain in a Senate committee.

The Senate passed **SB 434**, to establish the right of a mother to breast-feed her child in any public or private place in which their presence is authorized and to prohibit any restriction or limitation of that right. Companion bill **HB 641** failed a House committee vote.

A child is deemed "in need of assistance" when the child's parents are unable or unwilling to give proper care and attention to the child or the child's problems, according to current law. The law also specifies that furnishing nonmedical remedial care and treatment recognized by State law may not be considered in and of itself improper care and attention that would identify a child as a "child in need of assistance" (CINA). **HB 501** repeals this exemption, thus allowing court intervention and the

possibility of civil and criminal penalties against parents who practice faith-based healing in lieu of medical treatment for their children. **SB 660/HB 754** also repeal the exemption for nonmedical remedial care in CINA provisions, as well as generally revise CINA provisions and separate them from "child in need of supervision" (CINS) provisions. The House passed **HB 754** on second reading this week. **SB 660** and **HB 501** have had committee hearings.

HB 65 passed the House to require a child support order to remain in effect until a child marries, turns 18, or becomes emancipated, whichever comes first, and, for a child who is aged 18 and enrolled full-time in a secondary school, until the child marries, graduates or is no longer enrolled, turns 19, or becomes emancipated. A similar bill (**SB 158**) passed the Senate last month.

HB 723, authorizing 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, was voted down in committee. Two measures to enhance enforcement of child support also died in committee. **SB 502** would have created a pilot program to attach, under certain circumstances, a boot to cars owned by child support violators. Companion bill **HB 555** was defeated last month. **SB 760** would have reduced temporary cash assistance by a maximum of 25% for noncooperation with the local child support enforcement office. Companion bill **HB 883** remains in House committee.

FINANCIAL INSTITUTIONS

Senate and House committees rejected legislative proposals (**SB 601/HB 536**) to license payday lenders through the Commissioner of Financial Regulation. Also receiving unfavorable votes at the committee level in both chambers were **SB 683/HB 821**, proposals to certify banking institutions as eligible depositories for State funds if basic bank accounts are offered by the institutions.

FISCAL MATTERS

The House has passed the Budget Bill, **HB 150**, reducing the Governor's proposed appropriations for fiscal year 2002 by \$238.9 million, or approximately \$11 million below the General Assembly's spending affordability limit. The House adopted all proposed committee amendments but one, rejecting an amendment that would have reduced funds by \$2 million for the nursing home reimbursement formula enhancements in the medical assistance program.

Among the approved reductions were \$30 million from the Governor's \$82.9 million transit initiative, the entire \$8 million for the grant to nonpublic schools for textbooks, \$5 million from the \$40 million GreenPrint initiative, and \$4 million from the proposed \$15 million Community Legacy program. The House also reduced the appropriation for four-year State universities and colleges by \$60.5 million and the appropriation for the judiciary by \$33.6 million.

Language was added to the Budget Bill restricting \$1 million of the appropriation for Cheltenham Youth Facility to community-based interventions, and further stating that future savings from the downsizing of Cheltenham be used for community-based diversion initiatives. Because of concerns about the presence of radium in well water, the House also directed the Department of Housing and Community Development (DHCD) to report on creating a radium filtration system grant and loan program to help homeowners offset the cost of adding such a system. Further, the Secretary of DHCD may not expend \$250,000 from his office's budget until the department prepares a report detailing plans to market its rental housing, special loans, and homeownership programs.

In its March projection, the Board of Revenue Estimates has lowered its fiscal year 2002 income tax revenue estimates by \$50.2 million. Estimates for other revenue sources, including the sales tax, remain unchanged.

HEALTH CARE AND INSURANCE

Passed by the Senate on a preliminary floor vote this week, a heavily amended **SB 236** addresses the lack of prescription coverage for Maryland's citizens by expanding their access to free or subsidized prescribed drugs. Components of the revised proposal include:

- expanding eligibility for the Maryland Pharmacy Assistance Program and the Short-Term Prescription Drug Subsidy Plan;
- requiring the Department of Health and Mental Hygiene to request a federal waiver to implement the bill's Maryland Pharmacy Discount program to allow all Medicare enrollees and other eligible individuals with annual household incomes of up to 300% of the federal poverty guidelines to receive a discount on prescription drugs, and if federal approval is received, implementation dependent upon approval by the General Assembly;
- expanding statewide Maryland Health Care Foundation's current pilot programs to facilitate access to free prescription drugs;
- designating the Department of Aging as the central point of referral to the available forms of assistance to access prescription drugs; and
- requiring a study of the feasibility of providing a tax credit for catastrophic out-of-pocket prescription drug expenses.

Some of the provisions and programs enumerated in the bill are contingent on the enactment of pending tax amnesty legislation, **HB 828**, and resulting revenues.

Prescription drug-related bills withdrawn in the Senate are **SB 126**, **SB 239**, **SB 268**, **SB 780**, **SB 846**, and **SB 855**.

HB 687, an expansion of last year's enacted Short-Term Prescription Drug Subsidy Plan to include residents in central Maryland, was the subject of a House committee hearing. Other prescription assistance-related measures are still pending in committee (**HB 6**, **HB 1232**, and **HJ 10**).

Legislation seeking to make changes to registration requirements under the definition of massage therapy is moving through the process:

- **HB 1002**, as heard by a committee, creates a separate registration requirement for energy therapy practitioners by the State Board of Chiropractic Examiners. Currently, energy therapy is included in the definition of massage therapy, that requires additional training than that required for energy therapy alone;
- **SB 194**, as amended and passed by the Senate, exempts non-therapeutic massage that deals with the human energy field from the massage therapy registration requirements; and
- **HB 289**, as amended and approved by the House, repeals the exemption from registration requirements for individuals who practice massage therapy and non-therapeutic massage in health clubs and certain beauty salons, and exempts the practice of energy therapy from the massage therapy requirements.

SB 582 would have exempted reflexology from the current law that governs the practice of massage therapy, but was killed by a committee.

The continued shortage of nurses in Maryland has generated several proposals this session. The Senate has approved an amended **SB 618**, to increase award amounts for nursing scholarships under the Economic Development Student Assistance Grants. **HB 727**, another nursing bill, to allow students to receive awards from several scholarship funds, has passed the House. Its companion, **SB 96**, passed the Senate earlier. Senate bills (**SB 24**, **SB 153**, **SB 154**, and **SB 297**) to provide income tax incentives for nurses and nursing assistants to encourage retention have been referred to interim study.

SPORTS AND GAMING

HB 1170, a proposed constitutional amendment heard by a committee this week, allows the State Lottery Commission to regulate the operation of video slot machines at no more than four facilities in four different regions of the State. An applicant for a video slot machine license must hold either a Maryland racetrack license or operate a tourist destination in the State. A portion of the net proceeds will be used to support public schools and public libraries. Passing second reading in the Senate was **SB 17**, prohibiting persons under 16 from riding scooters and in line skates without a helmet on any highway, bicycle way, sidewalk, or other property open to the public or used by the public for pedestrian or vehicular traffic.

STATE GOVERNMENT

The raven won't join the oriole as the second State bird (**HB 1372**), nor will there be a State gem (**HB 290**) this year. Both bills were killed in committee, as was the bill to eliminate *Maryland, My Maryland* as the State song (**HB 1057**). However, legislation approved by the House to designate the calico cat as Maryland's State cat (**HB 157**) will have a hearing in the Senate next week, and the proposal to adopt the pinxterbloom azalea as the State shrub (**SB 358**) was aired this week in a Senate committee.

If the following measures are successful, there will be several new agencies and programs within State government:

- **HB 9**, as approved by the House, combines several existing State entities to form a cabinet-level Department of Tourism responsible for stimulating development of tourism-related businesses, recreational areas and facilities, amateur and professional sports, and the arts, as well as for increasing awareness of the State's heritage and historical development and promoting the State through advertising;
- **SB 204**, as approved by the Senate, sets up a centralized Office of Smart Growth to articulate, coordinate, and implement policies related to the concept of Smart Growth initiatives, first passed by the legislature in 1997. (Companion **HB 302** has not been reported out of committee.);
- **HB 301**, as approved by the Senate on a preliminary vote, creates a new Community Legacy Program in the Department of Housing and Community Development to fill in the funding gaps in existing programs that revitalize targeted neighborhoods. (This program, under the Smart Growth and Neighborhood Conservation umbrella, is modeled after Smart Growth's Rural Legacy Program, that provides funds to local governments and land trusts to purchase conservation easements. Companion **SB 202** remains in committee.); and
- **SB 407**, as passed by the Senate, establishes a separate Office for the Deaf and Hard of Hearing to coordinate services and provide information to these Marylanders who are currently included in the Governor's Office for Individuals with Disabilities. (Companion **HB 1187** has had a House committee hearing.)

SB 210/HB 306, approved by their original chambers, increase the required percentage of minority participation in State procurement activities from the present 14% to 25%.

TRANSPORTATION

The Maryland Department of Transportation (MDOT) is seeking to stiffen the penalties for drivers and owners of commercial motor vehicles when either the driver or owner is convicted of safety violations related to an accident that causes serious injury or death. **HB 987**, heard by a committee this week, increases the penalties for violations by commercial vehicle drivers. The bill also

authorizes motor carriers to be charged if they require or permit drivers to commit violations of the Maryland Vehicle Law or the Code of Federal Regulations such as driving under the influence of alcohol or drugs or operating a commercial motor vehicle in an unsafe condition. For example, penalties for a violation that results in the death of another person can rise to a \$10,000 fine or imprisonment for up to ten years or both for a driver, and to a fine of \$50,000 for a motor carrier.

As amended and approved by the Senate, **SB 359**, will alter the definition of a child automobile safety seat to include a child booster seat. The bill also requires 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. For the first 6 months after this act takes effect on October 1, 2001, only a warning may be issued for a violation. Thereafter, a violator is subject to a fine of \$25. The amended companion bill (**HB 700**) was returned to committee from the House floor.

Construction of sound barriers to block the noise of highway traffic is addressed by **HB 1211**, pending in committee, that requires the State Highway Administration (SHA) to include sound barriers in the six-year Consolidated Transportation Program and to erect sound barriers at the time of construction or reconstruction of a highway under specified circumstances. Two measures on the same issue have been withdrawn by their sponsor. **HB 355** would have established a task force to study SHA's sound barrier policy and prohibited spending State funds on sound barriers until the task force completed a report by the end of the year. **HB 1212** would have prohibited SHA from constructing sound barriers, if the cost of construction exceeded \$10,000 for each residence that would benefit from a sound barrier.