



The LEGISLATIVE WRAP-UP

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AGRICULTURE/SEAFOOD INDUSTRY

Amended and passed by the Senate, **SB 514** creates a recreational crabbing license based on the equipment used. The bill requires a recreational crabbing license for individuals using a trotline, more than five collapsible traps or net rings, or more than a combination of five collapsible traps and net rings. The proposal limits the length of trotline and the number of traps or rings that recreational licensed individuals may use, and sets per person and per boat catch limits. The bill also sets catch limits for recreational crabbers not required to be licensed.

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Proposed legislation requiring the Secretary of Agriculture to report annually on the use of antibiotics and hormones used in raising animals for human consumption has been referred to interim study by a House committee (**HB 740**). The companion, as amended by a Senate committee, failed on the Senate floor (**SB 692**). **HB 175**, prohibiting the sale, distribution, or use of nongerminating genetically engineered seed rendered incapable of producing second generation seed by terminator gene technology, received an unfavorable committee vote.

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CIVIL RIGHTS

An amended **SB 2**, making it an unlawful employment practice for an employer to use genetic information to refuse to hire an individual or otherwise discriminate against an individual based on genetic information, passed the Senate. The bill corresponds to **HB 18** that passed the House earlier this session. The Senate also amended and approved **SB 208**, requiring law enforcement agencies to adopt policies against racial profiling, as well as collect and analyze of data on traffic stops. To assist local law enforcement agencies in collecting traffic stop data and required reports, the proposal requires the Governor to provide budget funding. Companion **HB 303** passed the House earlier this month.

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A Senate committee has reported favorably to the floor an amended **SB 205**, the Antidiscrimination Act of 2001, prohibiting discrimination based on sexual orientation. Included in the controversial bill's amendments is clarification that the legislation may not be construed to authorize or validate same sex marriage or to require or prohibit an employer from offering health insurance benefits to unmarried domestic partners.

COURTS AND CIVIL PROCEEDINGS

The judiciary's request (**SB 519**) to increase the number of circuit court judgeships in six counties and Baltimore City and the number of District Court judgeships in five districts was trimmed and passed on a Senate preliminary floor vote. The amended bill provides no new circuit court judgeships and adds one District Court judgeship in each of districts 1, 2, 4, and 5, with additional apportionment requirements for districts 2 and 4.

A measure to restrict sentencing judges' power to reconsider sentences to within one year, after a request is filed under the current 90-day deadline (**HB 62**), failed in committee. Also voted down by

a House committee, **HB 831** would have authorized a judge to reconsider a prison sentence of ten or more years if a prisoner could show that the law or policy affecting the original sentence had changed, even if a motion requesting reconsideration had not been filed within 90 days of sentencing. **HB 1350**, as passed in the House, requires the annual report of the State Commission on Criminal Sentencing Policy to include information on sentences resulting from crimes of violence, categorized by offense and by judicial circuit, that have been reconsidered and changed by a judge.

The House approved an amended **HB 716**, to require the Administrative Office of the Courts, starting in FY 2003 and to the extent provided in the State budget, to pay the salary of one law clerk for each circuit court judge and to pay rent to counties for courthouse space for clerks of the circuit court. Currently, local governments pay these costs. Companion bill **SB 656** passed second reading in the Senate with amendments that eliminate provisions for State payment of rent for court clerk office space, and State payment of circuit court judge law clerk salaries would begin in FY 2002.

The Senate passed **SB 657** (proposed constitutional amendment) and **SB 658** (implementing law), to authorize District Court commissioners to issue civil ex parte domestic violence and peace orders when the District Courts are closed, affording 24 hours/7 days a week coverage for these cases.

The Senate amended and passed on second reading **SB 694**, to allow a defendant convicted of manslaughter, murder, or first or second degree rape or other sexual offense to petition for DNA testing of scientific identification evidence in the State's possession that is related to the conviction. The court must order the DNA testing if certain conditions exist. If results of the testing are favorable to the petitioner, a postconviction proceeding to set aside or correct the sentence must be opened. Other measures to implement DNA testing of individuals convicted of crimes failed in a Senate committee this week, including **SB 15** and **SB 84** (petition by convicted felon) and **SB 699** (petition by person sentenced to death).

An attempt to change the standard used to determine damages in personal injury cases from contributory negligence to comparative negligence (**SB 483**) was thwarted in a Senate committee this week. Maryland is one of only four states that use the contributory negligence standard, where injured persons can be barred from collecting damages if they contribute in any way to their accidents. The comparative negligence standard allows a jury to weigh how much a defendant and a plaintiff contributed to an accident and set damages accordingly, provided the plaintiff's negligence is less than the combined negligence of the defendants.

CRIMINAL MATTERS AND CORRECTIONS

A "Project Exile" bill for firearms offenses (**SB 475**) passed the Senate. The bill creates the felony crime of possessing and intending to use, displaying in a threatening manner, or attempting to use a firearm on public school property, with a penalty of a mandatory minimum, nonparolable sentence of five years and a maximum sentence of 20 years. The same penalty applies to a person with a prior conviction of a crime of violence who is caught with a handgun. Possession of a handgun by a person with a previous felony conviction is a misdemeanor punishable by a mandatory minimum, nonparolable sentence of two years and a maximum sentence of ten years. The bill further restricts pretrial release of persons charged with handgun violations or crimes of violence and allows the State to appeal the amount and conditions of bail that are set by a District Court or a circuit court that the State believes are insufficient. The companion bill **HB 622** failed in a House committee this week.

After adding an exemption for properly conducted research, the Senate passed on second reading **SB 356**, to toughen animal cruelty prohibitions and penalties. The bill makes it a felony to intentionally harm an animal or police animal in specific ways or to participate in specific ways in a dogfight or cockfight. An attempt to ban pit bulls in the State (**HB 567**) was withdrawn this week.

Also withdrawn was **SB 758**, to strip last year's gun safety law of its ballistics "fingerprint" requirement that gives police a tool to track weapons used in crime. Other measures that failed this week include:

- **HB 101**, to expand the jurisdiction of the juvenile court to include 16 and 17 year old children who allegedly committed a violent crime, children 14 and older charged with a capital crime, and children previously convicted as adults, with a rebuttable presumption that such children are unfit subjects for juvenile rehabilitative measures and thus subject to a waiver to adult court; and
- **SB 214**, to require the Department of Public Safety and Correctional Services to put the names and photographs of sexual offenders on the Internet.

EDUCATION

Passing third reading in the Senate, **SJ 9** urges local boards of education to develop and install curriculum designed to instill a sense of patriotism and awareness of the great sacrifices made by the veterans of the United States armed forces to preserve and promote liberty and democratic values. Another measure, **SB 754**, requiring local boards of education to establish a program of character education, received an unfavorable committee vote.

SJ 5, designating April 24 a Maryland Day of Remembrance of the Armenian Genocide, passed second reading in the Senate. An amendment removed the provision encouraging Maryland public schools to develop programs focusing on human rights with specific attention given to the Armenian genocide.

ELECTIONS

Two bills, introduced just this week, incorporate recommendations from a State task force on elections appointed in the aftermath of last November's presidential election. **HB 1457** authorizes the State Board of Elections, after consulting with local officials, to select a single statewide voting system. The second bill, **HB 1458**, addresses several issues:

- implementation of a process to add voters moving from one county to another to the appropriate county voter registry;
- adoption of a provisional ballot for use on election day by individuals who complete a temporary certification of registration and a process to validate those ballots for counting;
- development of the statewide voter registration application; and
- adoption of enhanced administrative voter registration procedures by the Motor Vehicle Administration.

The Senate version of a proposal to provide a public campaign financing option for candidates seeking election to the General Assembly was killed in a Senate committee (**SB 360**), thus making it unlikely that the House version, **HB 1248**, will win approval this session.

ENVIRONMENTAL MATTERS

Both chambers passed bills restricting the deposit of material dredged from the shipping channels of the Chesapeake Bay. **SB 830/HB 1317** prohibit open bay dumping of the material after 2010, except for beneficial purposes. The House added clarifying amendments to its version. Other action on dredging related bills included unfavorable committee votes for **HB 72**, altering the definition of deep trough, where dumping is already prohibited, to include any region that is within the area of the Chesapeake Bay known as Site 104; and **HB 402**, limiting the deposit of dredged spoil near Cox Creek in Anne Arundel County.

After adopting committee amendments, the Senate approved on second reading **SB 744** that requires 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 111, restricting disposing of a cathode ray tube (CRT) from a computer monitor or television and requiring the development of a method for the management and recycling of used CRTs, received an unfavorable committee vote.

FAMILY LAW

The House passed the Maryland Individual Development Account Act (**HB 378**), to create a 5-year demonstration program that allows up to 800 low-income working participants to save for educational or business expenses or home purchase or repairs. 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.

Just two "safe haven" measures for abandoned infants remain alive: **SB 82** gained preliminary Senate approval this week, and **HB 252** passed the House last week. **SB 82** sets out the procedures a parent can follow to relinquish a newborn to a hospital, while retaining complete anonymity and no criminal liability. Also granting anonymity to the parent, **HB 252** stresses the immunity from liability and prosecution of both the abandoning parent and the hospital, law enforcement, social services, or fire and rescue employee who receives the infant. Failed "safe haven" bills include **SB 32**, **SB 704/HB 363**, **HB 74**, **HB 312**, and **HB 515**.

SB 660 passed second reading in the Senate, generally revising child in need of assistance (CINA) provisions and separating them from child in need of supervision (CINS) provisions. The bill also allows nonmedical remedial care and treatment for children, in lieu of medical treatment, to be considered improper care and attention that would allow court intervention and the possibility of civil and criminal penalties against parents who practice faith-based healing. Companion bill **HB 754** passed the House last week.

FISCAL MATTERS

The Senate has passed the Budget Bill, **HB 150**, on third reading after reducing the Governor's proposed appropriations by \$341.9 million, approximately \$40 million below the spending affordability guidelines. All of the committee amendments were adopted. The House did not agree to any of the Senate amendments and a conference committee will meet to resolve the differences. The Budget Bill must pass by April 2, the 83rd day of the 90 day session or the Governor must extend the session during which nothing other than the budget and the cost of the extended session may be considered.

Among the major reductions made by the Senate are:

- \$39.9 million from the judiciary;
- \$50 million from the transit initiative with a provision that operating expenditures may increase up to \$18.2 million to the extent transportation trust fund revenues exceed projections;
- \$20.85 million from the GreenPrint program;
- \$7.6 million from the Community Parks and Playgrounds program;
- \$7.5 million from the Community Legacy program; and
- \$73.1 million from four-year state university and colleges.

The Senate restored \$5 million of the original \$8 million for the non-public school textbook proposal.

Each chamber is moving an earned income credit bill. As amended and passed on second reading, **SB 166** increases the refund percentage for the earned income credit from the current 15% of the federal earned income credit to 20% over a five year period, while **HB 222**, as amended and approved by the House, increases the percentage from 15 to 20% over a two-year period.

HB 11, altering the corporate income tax for manufacturing corporations, has passed third reading with amendments in the House. An amended **SB 512**, which exempts motor oil used in farm equipment from the sales tax, passed third reading in the Senate. Senate amendments removed an exemption for tangible personal property used in fencing.

Bills (**SB 456/HB 920**) to allow the Department of Economic and Employment Development to increase the maximum \$3 million cap for one component of the research and development tax credit by the amount of the unused portion of the other component, if the first has attained its \$3 million cap, have passed in their own chambers. Other tax break legislation for biotechnology and Internet infrastructure companies is headed for interim study in the Senate, while a House committee voted the bills down. **SB 801/HB 1098** would have created the Maryland Biotechnology Tax Benefit Certificate Program and **SB 792/HB 1137** would have provided a sales tax exemption for specified biotechnology and Internet equipment. A proposed constitutional amendment, **SB 790**, which would have returned any unappropriated surplus back to the taxpayers, received an unfavorable report from a Senate committee.

HEALTH CARE AND INSURANCE

Legislation seeing action this week included **HB 547** that increases award amounts for nursing scholarships under the Economic Development Student Assistance Grants. The bill, as amended and passed in the House, conforms to a similar bill, **SB 618**, already approved by the Senate and under review in the House. **SB 496**, one of several Senate bills to provide income tax incentives for nurses and nursing assistants, now joins similar bills in being referred to interim study. **SB 743**, the Health Insurance Expansion Initiative of 2001, received an unfavorable committee report. The bill would have expanded health insurance coverage for low-income working parents under the Maryland Medical Assistance Program, and would have created the Low-Income Employee Private Insurance Assistance Program to assist employees with their portion of the employer health insurance coverage premiums.

The Senate has passed an amended **SB 236**, the Maryland Prescription Drugs Access Enhancement Act of 2001, addressing the lack of this type of health coverage for senior citizens and low-income individuals. The House has approved an amended **HB 6**, also expanding access to prescription drug coverage for seniors and low-income individuals. The House initiative expands and enhances the Short-Term Prescription Drug Subsidy Program, enacted during the 2000 session, and extends access to the Medbank Program statewide. The bill also creates the Maryland Pharmacy Discount Program with the State's Medical Assistance Program dependent upon a waiver from the federal government. The measure establishes an alternate pharmacy discount plan, if the waiver is not authorized.

Both the Senate and House have approved in their respective chambers amended mandated health insurance benefit bills. **SB 522/HB 675** provide benefit coverage for recognized surgical treatment for defined morbid obesity. **HB 190** implements health insurance coverage for colorectal cancer screening. **SB 615**, passed on a second reading Senate vote, provides hearing aid coverage for children that, as amended, may be limited to \$1,400 per individual hearing aid during a 36-month period.

INSURANCE

Receiving an unfavorable vote in committee this week, **HB 1319** proposed limiting the differences in rates that could be charged in different parts of the State for private auto insurance. A related bill prohibiting geographic territorial rating for motor vehicle liability insurance also received an unfavorable vote (**HB 1292**).

LEGISLATIVE MATTERS

Legislation, incorporating the recommendations of a General Assembly commission on lobbyists, has been passed by both chambers. Testimony has been taken by a House committee on **SB 75**, while **HB 2** waits for a hearing date in the Senate. The bills increase training and reporting requirements for lobbyists and give broad regulatory and enforcement authority to the State Ethics Commission.

SPORTS AND GAMING

Passing third 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 for pedestrian or vehicular traffic.

The Chesapeake Regional Olympic Games Authority Act is moving toward passage. The House has passed **HB 586**, and the Senate has passed **SB 775** on second reading. Technical amendments were adopted by both chambers. The bills require the Governor on behalf of the State to enter into an interstate compact with the City of Baltimore, the Commonwealth of Virginia, and the District of Columbia to create the authority to oversee the conduct of the 2012 Olympic Games.

The Maryland Athletic Trainers Act, **HB 865**, requiring individuals to be licensed as athletic trainers before providing trainer services in the State, failed in committee.

HB 1449, implementing legislation for a proposed constitutional amendment (**HB 1170**) that permits video lottery terminals in the State, received a committee hearing this week.

HB 1449, contingent on the passage of **HB 1170** and its ratification by the voters of the State, authorizes the operation of video slot machines at no more than four facilities in four different regions of the State. A portion of the net proceeds will be used to support public schools and public libraries.

TRANSPORTATION

A measure that was intended to help keep the Emergency Medical Services Operations Fund (EMSOF) solvent received an unfavorable report in committee. **HB 833** would have required an additional \$20 surcharge to any fine levied in a traffic case wherein points would have been assessed. The surcharges would then have gone into the fund each year. **HB 1148**, as amended and approved by the House, increases from \$8 to \$11 per year the surcharge used to help fund the EMSOF that is paid by owners of motor vehicles when registering their vehicles. The amendments create a panel to conduct a study of the potential funding needs of the network of trauma centers that participate in the State's Emergency Medical System, but do not receive funding under the EMSOF.

The availability and use of federal funds related to passage of drunk driving legislation have caused a lot of discussion this session. However, despite the potential for alteration of the use of federal funds without enactment of legislation aimed at repeat offenders, a House committee voted unfavorably on **HB 836**, **HB 674**, and **HB 1048**, whose companion measure, **SB 525**, is pending

before the same committee and thus unlikely to pass. Previously, other proposals, that were tied to federal funding use and that would have prohibited open containers in vehicles, were withdrawn or killed in a committee (**SB 30**, **SB 179**, **HB 76**, and **HB 777**). On the other hand, bills (**SB 108** and **HB 3**) to make a .08 blood alcohol concentration (BAC) level the legal standard for a drunk driving offense are still pending before opposite chamber committees. Federal transportation grants and withholding of federal highway funds are tied to this standard.

Concern that certain regional fuel providers are selling motor fuel below cost and putting competitive price pressure on independent service stations prompted the House to pass **HB 736**. The bill prohibits retail service stations from selling motor fuel below a specified cost with certain exceptions and requires the State Comptroller to issue a stop sale notice. The Comptroller may suspend or revoke the offending station's certificate of registration. The companion measure (**SB 687**) has passed second reading in the Senate. Legislation was considered last session on the same issue, but was unsuccessful.

The House sent **HB 700** back to its committee, which effectively kills the measure for this session. The proposal would have required children, 8 years old and younger, weighing 80 pounds or less, to be secured in child safety seats, known as booster seats for this age and weight group, when traveling in a motor vehicle. The Senate passed its amended version, **SB 359**, that is scheduled for a hearing today before the same House committee.

A House committee reported unfavorably on **HB 749**, that would have made 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.

UTILITIES

Voted unfavorably in their respective committees, **SB 688/HB 1322** would have required electric and residential gas customers to contribute to an Energy-Saving Investment Fund to be used for financing programs to promote energy conservation.