



The LEGISLATIVE WRAP-UP

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The 2001 session of the General Assembly is expected to officially come to an end on Sine Die, Monday, April 9, at midnight. Next week, the last full week of the 2001 session, many bills will pass and ultimately become a part of the laws of Maryland. The Governor has until May 29 to complete his deliberations. If the Governor does not veto a bill, it becomes law. Bills that do not win legislative approval by the close of business on April 9 must be reintroduced at another session in order to be given further consideration.

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Both chambers have approved **HB 319**. The bill authorizes 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) which have been determined to be harmful to the ecology and natural resources of the State. Another issue that has generated a lot of discussion in Annapolis deals with establishing a recreational crabbing licensing process. **HB 772** has passed in the House. As amended, it differs from **SB 514** by allowing larger catches and more crabbing gear. The Senate version is before a House committee today.

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CIVIL RIGHTS

After extended debate, the Senate passed an amended **SB 205**, the Antidiscrimination Act of 2001, prohibiting discrimination based on sexual orientation. Bill amendments exempt religious groups, Boy Scouts, and Girl Scouts from provisions relating to employment discrimination and clarify that this legislation does not authorize same sex marriages or require or prohibit health insurance benefits for unmarried domestic partners. This week the House version with similar amendments, **HB 307**, passed the House. As well, legislation dealing with racial profiling and traffic stops (**SB 208**) and prohibiting the use of genetic information in the workplace (**SB 2**) moved closer to passage after committee hearings in the House.

COURTS AND CIVIL PROCEEDINGS

The House was more generous in its response to the Judiciary's request for additional judges than the Senate. **HB 658**, as passed by the House, increases the number of circuit court judgeships by two in Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City and by one in Calvert and Worcester Counties. Companion **SB 519**, as passed by the Senate, provides no new circuit court judgeships. Both bills add one District Court judgeship in each of districts 1, 2, 4, and 5. **HB 658** also adds one District Court judgeship in district 6 (Montgomery County), if the pending measures to transfer jurisdiction over juvenile causes in Montgomery County from the District Court to the circuit court (**SB 659/HB 766**) fail. **SB 659** and **HB 766** have each passed in their original chambers, but **SB 659** was amended to add only three circuit court judgeships in Montgomery County (effective March 1, 2002), rather than four (effective July 1 this year) as provided by the House. The Senate measure also decreases the number of Montgomery County District Court judgeships by two,

a provision left out of **HB 766**.

CRIMINAL MATTERS AND CORRECTIONS

HB 102 that would have repealed the death penalty failed in a House committee last week. However, a proposal to institute a two-year moratorium on the use of the death penalty passed the full House. **HB 563** halts executions until completion of a University of Maryland study commissioned by the Governor, to examine the system for evidence of racial bias, and consideration of the study by the General Assembly during the 2003 session. A prosecutor could still seek the death penalty while the moratorium is in effect.

The House also passed **HB 649**, to toughen animal cruelty prohibitions and penalties by making 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. Companion **SB 356** passed the Senate in largely the same form, except for the addition of a provision to expand District Court jurisdiction to run concurrently with that of the circuit court in felony cases involving cruelty to animals.

Currently, it is a separate misdemeanor to wear bulletproof body armor (BBA) in the commission of a crime of violence. **SB 282** passed the Senate this week, adding as a separate misdemeanor wearing BBA during and in relation to a drug trafficking crime. **HB 305**, as passed by the House, contains this same provision and also prohibits anyone previously convicted of a crime of violence or a drug trafficking crime from using, possessing, or purchasing BBA. Such a person may, however, petition the State Police for a permit to use, possess, or purchase BBA. **SB 209**, as amended in the Senate, goes several steps further and prohibits anyone previously convicted of a felony from using, possessing, or purchasing BBA, with similar petition provisions.

Convicted child sexual offenders are subject to harsher sentencing restrictions under the "Christopher's Laws" approved by the Senate and scheduled for a hearing in the House next week:

- **SB 673** allows judges to impose life sentences without the possibility of parole for offenders convicted of rape or a first or second degree sexual offense against a child under 16 and who have a previous conviction for one of those crimes;
- **SB 674** denies good behavior credits or parole for offenders convicted of rape or a first or second degree sexual offense against a child under the age of 16; and
- **SB 678** prohibits a prosecutor from entering into a plea bargain that would result in a nolle prosequi or placement on the stet docket for charges of certain sexual offenses against a child under 16 and denies good behavior credits to certain child sexual offenders; and
- **SB 672** requires the State to post on the Internet the name, address, and other identifying information of each person registered on the State's sexual offender registry. Currently, posting is authorized but not required.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

Senate and House bills authorizing arts and entertainment districts in counties and municipalities have been approved by each chamber and sent to the other for consideration. The districts, within which certain tax benefits apply, must be located in Smart Growth priority funding areas and neighborhoods designated under the Neighborhood Business Development Program (**SB 586/HB 691**).

The bills that create the Maryland Technology Incubator Program, **SB 387/HB 427**, are in opposite chamber committees. As administered by the Maryland Technology Development Corporation (TEDCO), the Program will provide financial and other assistance to technology businesses in their beginning years in order to give these endeavors a better chance to survive and grow in the long run. Specified State agencies under **SJ 11**, as passed by the Senate and under consideration by a House

committee, are urged to complete by this November a study that addresses the creation of a State-sponsored venture capital fund for biotechnology businesses. Unsuccessful this session were bills to establish a State program to assist in the development of nonprofit organizations in Maryland.

Senate legislation, **SB 486**, that supporters say clarifies current practices of the Maryland Economic Development Commission (MEDCO) to finance and develop property and that opponents contend unduly expands MEDCO's authority was passed by the Senate late in the week. The House bill, **HB 790**, passed that chamber late last week. MEDCO was established in 1984 as a tax exempt instrumentality to enable the State to develop property for economic purposes with the aim of improving Maryland's business environment.

If approved, **SB 363/HB 14** will set up an Electronic Transaction Education, Advocacy, and Mediation Unit within the Office of the Attorney General to deal with the use or retention of personal information and unlawful conduct or practices in electronic transactions. Both amended bills, currently before opposite chamber committees, do not contain the original provisions related to merchants collecting or selling personal information obtained from electronic commerce transactions. Another measure on Internet collection of information, **SB 219**, was defeated in committee earlier, as was **HB 893**, that related to the use of Social Security numbers.

The Uniform Electronic Transactions Act (UETA) that passed last year provides for the validity of certain electronic signatures and records. **HB 519**, as approved today by the General Assembly, adjusts UETA to comply with federal law. The Senate bill, **SB 397**, is in a House committee.

EDUCATION

HB 518 passed the House this week and is scheduled for a Senate committee hearing next week. The bill authorizes local boards of education and local school employee organizations to negotiate over mutually agreeable matters other than salaries, wages, hours, and other working conditions, allowing for the potential expansion of items subject to collective bargaining.

Reaching the floor with amendments, **HB 791**, the Firearms Accident Prevention Program was then recommitted to committee. Earlier this session the John Joseph Price Gun Safety Education Program bill, **SB 124**, passed the Senate and recently was heard by a House committee. Other gun safety education bills (**HB 130** and **HB 390**) received unfavorable votes in committee and one, **SB 446**, has not been voted on.

ELECTIONS

After much debate, the House passed an amended **HB 495** that permits an individual to qualify to register to vote after completing the sentence imposed for a conviction of theft or other infamous crime. An infamous crime is a felony, treason, perjury, or any crime involving an element of deceit, fraud, or corruption. Current law disenfranchises a felon after the second conviction.

Under **HB 1248**, as approved by the House, a Study Commission on Public Funding of Campaigns will report its recommendations to the Governor and the General Assembly in December. The bill originally created a system of public funding of legislative campaigns, but was amended to begin with a general examination of statewide and legislative campaigns and contributions, as well as publicly financed campaigns.

ENVIRONMENT

The bill that establishes the GreenPrint Program within the Department of Natural Resources, **HB 1379**, has crossed over to the Senate. The program creates a statewide green infrastructure network

by the acquisition of property and property interests, including easements, in a manner that compliments already existing conservation programs. As amended, the bill sets limits on how funds budgeted for the program may be spent and requires approval of local governments for property acquisition.

Legislation is being considered that will increase the opportunities for public participation for air quality control permits issued by the Department of the Environment. **HB 1427**, which expands standing in the judicial review process to conform to federal law, has moved to the Senate where a committee hearing is scheduled for April 3.

One of the bills concerned with the placement of waste transfer stations has passed third reading in its original chamber. As amended, **HB 1154** prohibits the placement of a waste transfer station within two miles of Bowie State University. However, two Senate measures received unfavorable House committee votes this week. **SB 86** would have required an applicant for a transfer station permit to provide notice of the application by certified mail to the members of the legislative district where the transfer station was to be located, and **SB 121** would have prohibited the Secretary of the Environment from issuing a permit for a transfer station before the county in which the transfer station is proposed had amended its solid waste plan. Another bill pertaining to the placement of waste transfer stations, **SB 8**, remains in a Senate committee after a recent hearing.

A bill that creates the Cox Creek Citizen Oversight Committee to monitor the deposit of dredge spoil in the Cox Creek area, **HB 527** has passed both houses and now will go to the Governor. Two other dredging related measures, **HB 1254** limiting the use of dredge spoil to restoring natural islands and other beneficial purposes, and the similar **HJ 22** received unfavorable committee reports, as did **HB 1005**, which would have required the Secretary of Natural Resources to create, adopt, and implement a deer management plan by October 1, 2001.

FAMILY LAW

The Senate amended and passed **SB 311**, to create a five-year demonstration program that allows up to 800 low-income working participants to save for post-secondary educational expenses other than tuition, business expenses, or purchase of a home. A companion bill that passed the House (**HB 378**) additionally includes post-secondary tuition expenses and home repairs as permitted uses for the savings. Notwithstanding various other Senate amendments, under both measures 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.

A House committee killed **HB 883**, to reduce temporary cash assistance by a maximum of 25% for noncooperation with the local child support enforcement office. Companion **SB 760** died earlier in a Senate committee.

FINANCIAL INSTITUTIONS

The Senate has passed an amended **SB 882** that restricts Maryland's check cashing outlets from assisting out-of-state financial institutions in making payday loans in the State. The bill also creates a Short-Term Consumer Loan Study Commission to determine the need for these types of loans and the reasons why traditional lenders may not be meeting the need. The commission will also evaluate alternatives to meet the need for short-term consumer loans and make recommendations, including proposed legislation, to the General Assembly. The Senate version is generally similar to an amended **HB 973**, that was reviewed by a Senate committee this week. Bills (**SB 601/HB 536**) regulating payday lending received unfavorable committee votes earlier in the session.

FISCAL MATTERS

Each House has passed with amendments its version of the Maryland Consolidated Capital Bond Bill (**SB 235/HB 255**) as part of the \$475 million general obligation bond bill package. The other local initiative bond bills that are a part of this package have also been brought to the floor in each chamber. No bond bill may pass until the General Assembly has passed the Budget Bill.

The House capital budget spending plan provides for a \$437.8 million Maryland Consolidated Capital Bond Bill (**HB 255**) and \$37.1 million in other bond bills. The Senate capital budget spending plan provides for a \$446.2 million Maryland Consolidated Capital Bond Bill (**SB 235**) and \$28.8 million in other bond bills. The House capital bond bill has \$38.15 million for conservation and environmental purposes, while the Senate bill has \$46.15 million. Each bill provides \$111.1 million for public school construction, approximately \$130 million for State university and community college facilities, and \$58 million for public safety purposes. Additional allocations of \$123.5 million for public school construction and \$45 million for facilities at State university and community colleges are in the Budget Bill.

The Budget Bill, **HB 150**, is in conference committee. The Constitution requires that it be passed by the 83rd day, April 2. If the 83rd day deadline for passage is not met, the Governor is required to issue a proclamation extending the session until the measure is approved.

Legislation related to tax incentives and other forms of relief are also moving through the process as the deadline for adjournment gets closer. A bill providing a tax credit for new and rehabilitated "green" buildings and for the installation of nitrogen removal technology in on-site sewerage disposal systems, **HB 8**, has passed the House with amendments. Among other changes, the amendments provide that only new "green" buildings built on qualified brownfields sites and in priority funding areas are eligible for the tax credits. Additionally, the buildings may not be built on a wetlands area. The earned income credit bills, **SB 166/HB 222**, have passed their respective chambers and each is in committee on the other side. The manufacturing corporation income tax bills are both moving: **HB 11** is in a Senate committee, while **SB 701** is in a House committee. **SB 512**, adding motor oil used in farm equipment to items exempt from the sales tax, has passed the Senate and is before a House committee. **HB 696**, continuing the deduction of the value of a trade-in vessel from the boat excise tax, has passed the House and is in a Senate committee. **SB 148/HB 280**, clarifying that refunds for the long term care insurance tax credit cannot exceed an individual's income tax liability, have each passed their own chambers and are before committees on the other side.

HEALTH CARE AND INSURANCE

Passed with amendments by the House, **HB 1042** establishes the Maryland Health Insurance and Assistance Fund, as an independent unit in State government, to be the insurer of last resort for the medically uninsurable and low-income individuals. The Fund's legislated revenue sources include public or charitable assets from the conversion of a nonprofit health service plan or nonprofit HMO. The bill has a Senate committee hearing next week.

A House committee has reviewed the Senate's proposal (**SB 236**) to provide expanded prescription drug coverage for Maryland's senior citizens and low-income residents. The House proposal addressing this issue, (**HB 6**), was amended to match **SB 236** and approved on a Senate preliminary vote. The Senate and House versions differ in the scope of the programs to implement additional prescription drug coverage and funding sources. Currently there is no appropriation in the Governor's FY 2002 budget for these initiatives.

Amended legislation aimed at relieving the nursing shortage, **HB 316** exempts retired health care practitioners from reemployment earnings limitations if they are reemployed on a contractual basis by the Department of Health and Mental Hygiene. An emergency measure, the bill passed the House

and had a Senate committee hearing this week. A similar bill, **HB 708**, that exempts only specified nurses and nursing assistants, failed in committee. Other legislation relating to financial assistance for nursing students continues to move forward in the opposite chamber. **SB 96/HB 727** will allow the recipient of an award from the Maryland Economic Development Student Assistance Grants Program to also receive a Senatorial Scholarship, a Delegate Scholarship, or a Distinguished Scholar Award.

In an effort to recruit and retain community providers for the developmentally disabled, **SB 432/ HB 922** have passed in their respective chambers with amendments that make them identical. The bills require the Department of Health and Mental Hygiene to determine the reimbursement rate disparity between the community providers and employees in State residential centers. The disparity would then be reduced over a period of five years until eliminated.

Passing the House with a hearing scheduled for next week in the Senate, **HB 473** would allow HMO patients to select a nurse practitioner as a primary care provider. Amendments to the bill require an HMO to individually credential each nurse practitioner and limit the number of nurse practitioners who could serve on a provider panel, and also clarify that an HMO is not required to include nurse practitioners on a provider panel. Similar legislation failed in past sessions.

Other health legislation seeing action this week, **HB 1274**, the Patients' Safety Act of 2001, has passed the House with a hearing scheduled for next week in the Senate. As amended, it would require the Maryland Health Care Commission to study and report on the feasibility of developing a system to reduce preventable medical errors in the State, including but not limited to a system of reporting all incidences. Similar legislation, **HB 1376**, which would have required the implementation of a reporting system, failed in committee.

The Senate amended and passed **SB 281**, to create a hearing aid loan bank program for children under the age of three in the State Department of Education. As amended, the bill requires an annual report and a mandatory appropriation from the Governor, as well as provides a termination date for the program. The companion bill, **HB 282**, has already passed the House and is waiting for Senate action. Other measures related to hearing aids for children are scheduled for committee hearings in the opposite chambers. **SB 615/HB 160** require hearing aid coverage of up to \$1,400 per individual hearing aid during a 36-month period for covered children.

SB 735 has been killed by a committee. The measure would have made it easier for more hospitals to offer cardiac surgery services.

HOUSING

The General Assembly has approved a bill that allows the Department of Housing and Community Development to provide financing for demolition of vacant or dilapidated property adjacent to a project financed under the Rental Housing Production Program and the Maryland Home Financing Program (**HB 207**). The "lot consolidation" and demolition allowances seek to provide more open space and increase rehabilitation development, especially in urban communities.

Several bills were introduced this session in an effort to license home inspectors. **HB 379**, as it passed in the House and was reported favorably to the floor by a Senate committee this week, would expand the duties of the State Commission of Real Estate Appraisers to include licensing and regulation of home inspectors. Similar legislation, killed in committee this session, included **HB 125**, which would have required registration of home inspectors with the Department of Labor, Licensing, and Regulation, and **HB 126**, which would have created a State Board of Home Inspectors. In previous sessions, bills regarding the licensing of home inspectors have failed.

SPORTS AND GAMING

Opposite chamber committees held hearings on **SB 775/HB 586** this week. This legislation creates the Chesapeake Regional Olympic Authority Act to oversee the conduct of the 2012 Olympic Games.

STATE GOVERNMENT

After much discussion, the proposals that alter the goal for the percentage of the total dollar value of State procurement contracts with minority business enterprises (MBE) and extend the Minority Business Enterprise Program to July 1, 2006 are continuing to move toward approval in the opposite chambers (**SB 210/HB 306**). The House version is on the Senate floor with a preliminary favorable vote, while the Senate version was reviewed by a House committee at the end of the week.

The Department of Human Resources (DHR) will be required to survey State departments, agencies, and programs to determine the need for interpretation and translation services based on current requests for services from individuals with limited English proficiency. DHR must report its findings to the legislature by November 2001. As originally drafted, **SB 542** would have required by 2002 the provision of interpreters and translation of State forms and documents ordinarily provided to the public into any language spoken by 3% of the State population, or by 3% of the population within the geographic jurisdiction of a State agency's local office. The bill was on the list for a House committee hearing on Friday.

A number of bills related to agencies in the executive branch of State government have passed their chambers of origin and are under consideration in the other chamber: **HB 9** combines several existing agencies to form a new Department of Tourism; **SB 204/HB 302** establish an Office of Smart Growth; **SB 202/HB 301** create a Community Legacy Program in the Department of Housing and Community Development; and **SB 407/HB 1187** set up a separate Office for the Deaf and Hard of Hearing. On the legislative side, **HB 1447** establishes in law a Joint (Senate and House) Committee on Technology. The Committee incorporates an existing committee that was subject to a sunset provision.

TRANSPORTATION

Companion measures that will increase the motor vehicle registration surcharge from \$8 to \$11 per year have each passed in their respective chambers. Under **SB 292/HB 1148**, the surcharge will be used to fund the Maryland Emergency Medical System Operations Fund (MEMSOF). As amended, both measures establish a panel to study the potential funding needs of the network of trauma centers that participate in the State's Emergency Medical Services System, but that do not currently receive funding from MEMSOF.

As amended and passed by the House, **HB 1105** alters the laws concerning access to the records of the Maryland Transportation Authority (Authority) and the Mass Transit Administration (Administration). The bill expands the types of records to which inspection is generally denied to include information obtained from a transaction system associated with an electronic toll collection system. It further expands the classes of persons to whom inspections may be permitted, and it allows the employees or agents of the Authority to access the records in any investigation relating to a violation of speed limitations. A custodian shall deny inspection of all records of persons or vehicles created, generated, obtained by, or submitted to the Administration, its agents, or employees in connection with the use or purchase of any goods or services provided by the Administration. Inspection of the records shall be permitted by an individual named in the record or by the attorney of record of an individual named in the record.