



The LEGISLATIVE WRAP-UP

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Seafood
Industry](#)

AGRICULTURE/SEAFOOD INDUSTRY

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The bill which prohibits for five years the introduction of transgenic species or any genetically altered species into any waterway of the State that flows into any other body of water, **HB 189**, has passed both chambers.

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Moving toward passage in the House is **SB 205**, the Antidiscrimination Act of 2001, prohibiting discrimination based on sexual orientation. **SB 208/HB 303**, requiring law enforcement agencies in the State to adopt a policy against race-based traffic stops and establishing a reporting program on specified traffic stops, have passed. **HB 18**, prohibiting employment discrimination based on genetic information, has received final legislative approval. Companion **SB 2** is waiting for the same action on the House floor.

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The House gave preliminary approval to **SB 519**, after returning to the bill a provision that the Senate eliminated for new circuit court judgeships for Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City. The bill also provides for an additional District Court judgeship in each of districts 1, 2, 4, and 5, as well as one in district 6, if jurisdiction over juvenile causes is not transferred to the circuit court in that district. Another measure, **SB 659**, that also passed a preliminary House floor vote, accomplishes this jurisdiction transfer. However, Senate amendments to **SB 659** were eliminated by the House, so that three additional circuit court judgeships were changed back to four, and a decrease in the number of Montgomery County (district 6) judgeships was eliminated. The State will be required to pay the salary of one law clerk for each circuit court judge under **SB 656**, as passed by the Senate last week. The House this week gave preliminary approval to that bill after reinstating a provision, previously deleted by the Senate, to require the State to pay rent to counties for courthouse space for clerks of the circuit court.

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CRIMINAL MATTERS AND CORRECTIONS

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The General Assembly passed **SB 1** that creates the 26th new article of the Annotated Code of Maryland. The Criminal Procedure Article revises, restates, and recodifies in a nonsubstantive way current laws relating to various criminal procedure matters. Topics covered include: arrest; pretrial release, trial, and sentencing; postconviction and sentence review; extradition; criminal records; rights of victims and witnesses; incompetency and criminal responsibility in criminal cases; and seizure and forfeiture of property involved in certain crimes.

Given final legislative approval, **HB 649** toughens 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. The bill also expands District Court jurisdiction to run concurrently with that of the circuit court in felony cases involving cruelty to animals.

The General Assembly also approved **HB 294**, 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. The House amended and preliminarily approved companion **SB 353**.

The House amended and passed **SB 209** in a form identical to **HB 305**, that it passed last week. The bill adds wearing bulletproof body armor (BBA) during and in relation to a drug trafficking crime as a separate misdemeanor and prohibits anyone previously convicted of a crime of violence or a drug trafficking crime from using, possessing, or purchasing BBA. Agreement on the final form must be reached for passage.

Early last week, a Senate committee received **HB 563**, to institute a 2-year death penalty moratorium that would end in the fall of 2002 after completion of a study to determine the influence of racial bias on the use of capital punishment. This week, the committee acted on companion **SB 316**, sending it to the floor after amending the legislation to decrease the duration of the moratorium to one year and calling for the study to be completed by December 2001. The Senate then approved passage of the bill on a preliminary vote.

A "Project Exile" bill for firearms offenses (**SB 475**) failed in a House committee that earlier killed companion **HB 622**. The bill would have toughened prohibitions, set mandatory minimum penalties, restricted pretrial release, and allowed the State to appeal bail provisions set by a court.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

Bills that adjust current Maryland law concerning the validity of electronic signatures and records (**SB 397/HB 519**), as well as the rules governing electronic commerce contracts and licenses for computer information and programs (**SB 398/HB 520**), have passed. The legislature also approved, within the Office of the Attorney General, a new Electronic Transaction, Education, Advocacy, and Mediation Unit to serve Maryland citizens (**SB 363**). **HB 14**, with the same intent, was originally much broader in scope, containing provisions prohibiting the collection and use by merchants of personal information in consumer electronic commerce transactions, unless the consumer consented. The House bill is moving toward final passage. Another measure that was unsuccessful, **SB 219**, also prohibited merchants from collecting or maintaining an individual's personal information in consumer electronic transactions unless specified criteria were met.

EDUCATION

Legislation relating to teacher and HOPE scholarship programs passed the General Assembly this week:

- **SB 206/HB 299** expands the existing 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; and
- **SB 213/HB 329** 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.

Two proposals permitting the establishment of charter schools by local school boards are under active consideration. The House amended and passed on second reading **HB 29**, that permits local boards of education to authorize the establishment of public charter schools by staff of public schools, parents or guardians of students who attend public schools, or public institutions of higher education. Amended language allows a charter school to charge tuition if the county board of

education approves. Senate legislation, **SB 604**, that establishes the Maryland Public Charter School Program is now in a House committee. The Senate bill authorizes local boards of education and also, under specified circumstances, the Maryland Board of Education to establish charter schools.

Following the adoption of numerous amendments and extended debate on the Senate floor, **SB 207**, authorizing collective bargaining for employees at St. Mary's College, Morgan State University, Baltimore City Community College, and the University System of Maryland, passed the Senate. The collective bargaining provisions do not cover faculty, administrators, teaching assistants, contractual employees, and others. As amended, the bill establishes a Higher Education Labor Relations Board and gives the presidents of University System of Maryland, rather than the governing boards, authority to appoint collective bargaining representatives for the institutions. The governing boards for St. Mary's College, Morgan State University, and Baltimore City Community College appoint the collective bargaining representatives for their institutions.

Scheduled for a Senate committee hearing this week, **HB 518**, as passed by the House, authorizes local boards of education and local school employee organizations to negotiate mutually agreeable matters, in addition to the currently negotiable salaries, wages, hours, and other working conditions. The bill also extends collective bargaining rights to include school support staff on the Eastern Shore. Amendments retain the authority to determine whether a matter is a permissive subject for bargaining with the State Board of Education and prohibit class size, student calendar, student school day, and student placement from being bargainable. Companion bill **SB 378** is pending in a House committee.

For the second time this session a House committee reported out the gun safety education bill, **HB 791**, and this time the full House accepted the committee's amendments and approved the measure. As amended, the bill requires the State Board of Education to establish policy and guidelines for firearms safety and accident prevention programs in kindergarten through 12th grade in the public schools to be implemented by each county board. Programs for grades 7 through 12 could include firearm safety and accident prevention or hunter safety, or both. The bill prohibits the display or handling of firearms or ammunition on school property, but students in grades 7 through 12 could see and handle firearms at an established sport shooting range.

ELECTIONS

Among the bills related to the administration of elections and campaigns that have passed so far this session are **SB 36** related to the payment of campaign expenses, and **SB 63**, related to the timely filing deadline for campaign finance reports. Other approved bills in this category address technical refinements pertaining to referendum petitions and ballot questions (**HB 123**), absentee voting (**HB 196**), political action committee contributions (**SB 518/HB 778**), filing additional campaign fund reports (**SB 66**), closure of campaign accounts (**SB 67**), appointment of minors as election judges (**SB 312**), and campaign loans by a candidate or the candidates's spouse (**SB 708**).

The Senate has not yet made a decision on the House-approved Study Commission on Public Funding of Campaigns (**HB 1248**), nor on the bills, as passed by the House, that would establish a statewide voting system and strengthen provisions related to voter registration matters (**HB 1457** and **HB 1458**). The controversial measure concerning the restoration of the voting rights of felons who have served their sentences has been amended and reported to the Senate floor (**HB 495**).

ENVIRONMENTAL MATTERS

Testimony was heard this week on the water conservation act, **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.

A bill that prohibits open bay dumping of material dredged from the shipping channels of the Chesapeake Bay except for beneficial purposes, **HB 1317**, has passed both chambers. The crossfiled **SB 830**, amended in committee to contain the same provisions, has passed second reading in the House.

FAMILY LAW

The General Assembly approved **HB 20**, giving counties the authority to reduce marriage license fees for couples who complete a premarital preparation course conducted by a licensed clinical professional counselor, clinical marriage and family therapist, psychologist, social worker, a relevantly trained church representative, or other county-approved qualified provider.

The House passed **SB 311** on second reading, to create a 5-year demonstration program that allows up to 800 low-income working participants to save for post-secondary educational expenses other than tuition, business expenses, purchase of a home, or home repairs under certain circumstances. The home repair provision had earlier been amended out by the Senate. Every dollar saved is matched with \$1 from the State, up to a maximum of \$1,000 per account annually for a maximum of three years.

SB 660 passed unamended in the House on second reading, 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.

FINANCIAL INSTITUTIONS

SB 377/HB 399 have passed, reforming the State's credit union laws. The bills are based on recommendations of the legislatively established Task Force to Study the Modernization of Credit Union Law. **HB 973**, as passed by the General Assembly, 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 for these types of loans, as well as to evaluate alternatives to meet the need for short-term consumer loans. The companion measure, **SB 882**, also cleared both chambers for final passage.

FISCAL MATTERS

The Budget Bill, **HB 150**, has passed the General Assembly. As enacted the bill appropriates \$21.17 billion for fiscal year 2002, including \$3.4 billion in aid to education and libraries, \$133.7 million for public school construction, \$2.9 billion for colleges and universities, and \$2.8 billion for medical assistance. The Governor's second supplemental budget included \$10 million for public school construction, \$2.1 million for grants to local governments for standard statewide voting technology, \$6.5 million for a prescription drug programs, \$686,000 for data collection by police departments in connection with race-based traffic stops contingent upon passage of **SB 208/HB 303**, and \$30 million in additional funding for mental health programs and private psychiatric hospital provider reimbursements contingent upon the passage of the tax amnesty bill, **HB 828**. The General Assembly approved the legislation related to race-based traffic stops, but the amnesty measure at this point in the session has just passed a preliminary vote in the House.

The legislature reduced the Governor's proposed budget--including the supplemental budgets--by

\$301.4 million, ensuring that spending affordability recommendations are met. Reductions in the Governor's proposals include the:

- transit initiative by \$35.4 million, although this may be increased by \$5 million if Transportation Trust Fund revenues exceed projections;
- GreenPrint Program by \$35 million in capital funds, leaving \$5 million in capital funds and \$850,000 in operating funds, although money may be added to the capital bond bill;
- Community Parks and Playgrounds Program by \$4 million, leaving \$11 million in capital funds and \$450,000 in operating funds;
- Community Legacy program by \$4 million in capital funds and \$1 million in operating funds, leaving an appropriation of \$9 million in capital funds and \$1 million in operating funds; and
- nonpublic school textbook grant program by \$3 million, leaving \$5 million.

The House capital bond bill, **HB 255**, is in conference committee. The other local initiative bond bills that are a part of the capital bond program await agreement on **HB 255** before final votes are taken.

Legislation already approved by the General Assembly includes:

- **SB 148/HB 280**, concerning refunds for the long term-care insurance tax credit;
- **HB 696**, continuing the deduction of the value of a trade-in vessel from the boat excise tax;
- **HB 11**, using the single sales factor to determine the corporate income tax for manufacturing corporations; and
- **SB 456/HB 920**, allowing 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.

HEALTH CARE AND INSURANCE

Bills to create a hearing aid loan bank program for children under the age of three in the State Department of Education continue to move. **SB 281/HB 282**, amended in the opposite chamber to be identical, are pending final approval. Also nearing final consideration, **HB 289**, to repeal the exemption from registration requirements for individuals who practice massage therapy and non-therapeutic massage in health clubs and certain beauty salons, has been amended to take out the exemption for energy therapy providers.

Legislation providing financial assistance for nursing students has passed the General Assembly. **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. Also on its way to the Governor, **SB 618**, as amended and passed by the House, increases award amounts for nursing scholarships under the Economic Development Student Assistance Grants Program. A similar bill, **HB 547**, is still before a Senate committee.

Receiving an unfavorable committee report in the House, **SB 34** would have altered the definition of the practice of medicine to include a determination of whether a health care service is medically necessary or not. This then would have made medical directors of HMOs liable in cases of medical malpractice and subject to discipline action from the Board of Physician Quality Assurance. A similar bill, **HB 686**, was never reported out of a House committee. Final passage of **HB 15** establishes a process to monitor the community benefit activities of the State's nonprofit health service plans and hospitals.

The House and Senate have passed differing plans to address extending access to prescription drugs for Maryland's senior citizens and low-income residents (**SB 236** and **HB 6**). Adopted budget language makes supplemental appropriation of \$6.5 million for prescription drug coverage contingent

on enactment of legislation.

LEGISLATIVE MATTERS

A conference committee will most likely resolve the differences that remain between the Senate and House regarding the legislation that makes major changes in the Maryland Public Ethics Law as it relates to regulated lobbyists and their activities (**SB 75** and **HB 2**). The main difference between the two bills is that the Senate version would allow lobbyists to serve on State boards and commissions, provided there was no conflict of interest, while the House version prohibits service.

SPORTS AND GAMING

The Chesapeake Regional Olympic Games Authority Act, **SB 775/HB 586** passed the legislature. 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, if the region is successful in its bid for the games.

STATE GOVERNMENT

The General Assembly has passed the Governor's proposal to set up a centralized Office of Smart Growth to act as a clearinghouse for procedures and policies related to the implementation of Smart Growth, one of the Governor's signature issues (**SB 204/HB 302**). Legislators also approved the creation of a new Smart Growth initiative in the Department of Housing and Community Development called the Community Legacy Program to fill in funding gaps in existing programs that target revitalization of neighborhoods (**SB 202/HB 301**).

As amended and preliminarily approved by the Senate, the bill that would have formed a new Department of Tourism (**HB 9**) now reflects the language in **SB 617**, as that bill passed the Senate. The legislation increases the current annual general fund appropriation for the Maryland Tourism Development Board Fund from the current \$6 million to \$8.5 million in fiscal 2003 and each subsequent year, expands the membership of the board to include additional private sector business community members, and mandates that the Governor include in the budget funding for the Office of Tourism Development not less than the 2001 fiscal appropriation.

Another bill related to the organization of State government that passed this week would establish an Office of the Deaf and Hard of Hearing and an Advisory Council for the Deaf and Hard of Hearing (**SB 407**). Companion **HB 1187** is nearing final passage, as well. However, there is no appropriation in the State budget to fund the office. Currently, the needs of this community are served from the Governor's Office for Individuals with Disabilities.

The General Assembly approved the extension of the State's Minority Business Enterprise (MBE) Program until July 1, 2006, and increased the MBE participation goal for State procurement activities from 14% to 25% (**SB 210/HB 306**). The bills also establish a goal for African American-owned businesses at 7% and at 10% for businesses owned by women. Several studies related to participation in the program are required.

Maryland will honor the calico cat with the designation of State cat under legislation passed at the end of the week. The idea for **HB 157** came from elementary students from western Maryland. After much discussion on the floor of the House, **HJ 3**, declaring April 24 as a Maryland Day of Remembrance of the Armenian Genocide, passed with amendments. Neither this bill nor **SJ 5**, as approved by the Senate, contains the original provision encouraging the public schools to develop programs that focus on human rights with specific attention given to the Armenian genocide.

TRANSPORTATION

The General Assembly passed **SB 687/HB 736** prohibiting retail service stations from selling motor fuel below a specified cost with certain exceptions and requiring the State Comptroller to issue a stop sale notice. The legislature also agree this week to increase the motor vehicle registration surcharge from \$8 to \$11 per year to support the Maryland Emergency Medical System Operations Fund (MEMSOF). The legislation (**SB 292/HB 1148**) takes effect on July 1, 2001.

Several measures related to drunk driving passed the General Assembly this week:

- **HB 3**, making a .08 blood alcohol concentration (BAC) level the legal standard for a drunk driving offense. Federal transportation grants and withholding of federal highway funds are tied to this standard. **SB 108** on the same subject will win legislative approval, pending a final House vote;
- **HB 261**, prohibiting 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;
- **HB 337**, authorizing the Motor Vehicle Administration (MVA), under certain circumstances, to modify a driver's license suspension for participants in the Ignition Interlock Program; and
- **HB 338**, allowing 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. A final House vote, and subsequent legislative approval, is pending for **SB 4**.

A Senate committee is considering **HB 669** that repeals the authority of the Motor Vehicle Administration (MVA) to reduce the period of a driver's license suspension for certain alcohol and drug related offenses and authorizes the MVA to issue restrictive license to participants in an Ignition Interlock Program. Scheduled for a final House vote, **SB 55** requires 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.

NOTE:

The status of legislation is current as of 2:00 p.m. on Friday, April 6. Both the Senate of Maryland and the House of Delegates have scheduled Friday evening floor sessions.