



# The LEGISLATIVE WRAP-UP

Issue: 01-14

Sine Die, 2001

[Passage Of Bills](#)

## PASSAGE OF BILLS

[Agriculture/Seafood Industry](#)

At midnight on *sine die* April 9, 2001, the 2001 session of the General Assembly of Maryland came to an end. During the 90-day session, legislators considered 2,365 bills and 43 joint resolutions for a total of 2,408 introductions. At adjournment, 927 bills and 14 joint resolutions received final approval.

[Civil Rights](#)

[Courts And Civil Proceedings](#)

With the exception of the Budget Bill, all legislation passed during a session must be presented to the Governor no later than 20 days (April 29) after adjournment, and the Governor has until the 30th day (May 29) after presentment to sign or veto bills. In Maryland, legislation approved by the General Assembly becomes law unless the Governor exercises his veto power; however, it is customary for the Governor to sign or veto legislation, rather than permit bills to become law without his signature.

[Criminal Matters And Corrections](#)

The first bill signing ceremony was held on Tuesday, April 10. Other bill signings have been scheduled for April 20, May 15, and May 18. Several days before each ceremony, the Governor's office releases the list of bills to be signed and also posts the list on the Governor's website. All of the ceremonies are held in the State House. When bills are signed, each receives a chapter number in the order in which each is signed.

[Economic, Business, And Consumer Issues](#)

[Education](#)

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## AGRICULTURE/SEAFOOD INDUSTRY

[Environmental Matters](#)

The General Assembly took steps this session to protect the Chesapeake Bay's crab population and limit the harm to the ecology caused by nonnative species. **SB 514/HB 722** establish a recreational crabbing license for individuals 16 years old or older using up to 1,200 feet of trotline, and between 10 and 30 collapsible traps or net rings. The legislation creates a boat license and sets catch limits as well, but allows private property owners to use up to two crab pots from the shoreline. Unlicensed recreational crabbers are limited to two dozen hard crabs per day and four dozen per boat. Licensed recreational crabbers may catch up to a bushel per person and two bushels per boat.

[Family Law](#)

[Financial Institutions](#)

[Fiscal Matters](#)

Proposals that passed related to nonnative species were:

[Health Care And Insurance](#)

[Housing](#)

- **HB 319/Chapter 100**, authorizing the Maryland Department of Natural Resources (DNR) 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 are determined to be harmful to the ecology and natural resources of the State;
- **HB 189/Chapter 54**, prohibiting 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; and
- **HB 728**, directing DNR to create a program to control the population of mute swans, a nonnative species that is causing ecological damage to areas of the Chesapeake Bay. The new law authorizes DNR to include a managed harvest in the program.

Bond legislation approved by the legislature, **SB 532/HB 1193**, authorizes the State to issue \$5

million in bonds per year for six years with the proceeds to be used to assist in implementing the Southern Maryland Regional Strategy-Action Plan for Agriculture. This plan is the tobacco buyout program and related programs to preserve agriculture land and develop alternative farming uses for agricultural land.

The proposal to require the Department of Agriculture to report annually on the use of antibiotics and hormones given to animals raised to be used for human consumption was referred to interim study (**HB 740**).

## **CIVIL RIGHTS**

In an effort to address concerns regarding racial profiling, **SB 208/HB 303** require each law enforcement agency in the State to adopt a policy against race-based traffic stops and establish a reporting program on traffic stops to include, among other information, race or ethnicity of the driver. With the passage of the Antidiscrimination Act of 2001 (**SB 205**), discrimination based on sexual orientation is prohibited in Maryland in public accommodations, labor and employment, and housing.

The Governor has signed into law **SB 2/Chapter 11** and **HB 18/Chapter 12** providing that it is an unlawful employment practice for an employer to fail or refuse to hire an individual, or otherwise discriminate against an individual, based on genetic information.

## **COURTS AND CIVIL PROCEEDINGS**

In action that occurred late on the last day of the session, the chambers concurred on legislation that allows a defendant convicted of manslaughter, murder, or first or second degree rape or sexual offense to petition for DNA testing of scientific identification evidence in the State's possession that is related to the conviction (**SB 694**). 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 legislation requires the State to employ one law clerk for each circuit court judge, as funded through the budget of the Administrative Office of the Courts beginning in FY 2003, under **HB 716** (passed). A provision to require the State to pay rent to the counties for courthouse space for clerks of the circuit court was deleted before passage. **SB 659** (passed) transfers jurisdiction over juvenile causes in Montgomery County from the District Court to the circuit court, decreases the number of Montgomery County District Court judgeships by two, and adds three circuit court judgeships in the county, effective March 1, 2002. Legislation requested by the Judiciary that failed to pass this session included:

- **SB 519**, providing two new circuit court judgeships each for Anne Arundel, Baltimore, Montgomery, and Prince George's Counties and Baltimore City and an additional District Court judgeship in each of districts 1, 2, 4, and 5; and
- **SB 657** (constitutional amendment) and **SB 658** (implementing law), authorizing District Court commissioners to issue civil ex parte domestic violence and peace orders when the District Courts are closed.

Unsuccessful measures concerning the power of judges to reconsider the sentences they impose included:

- **SB 632/HB 62**, to restrict the power to within one year, after a request is filed under the current 90-day deadline;
- **HB 1350**, to require the annual report of the State Commission on Criminal Sentencing Policy to include information on sentences resulting from crimes of violence that have been

- reconsidered and changed by a judge and categorized by offense and by judicial circuit; and
- **HB 831**, to authorize 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.

Also unsuccessful were **SB 78**, to require the Office of the Public Defender to provide legal representation to indigent defendants during bail review hearings, and **SB 483**, to change the standard used to determine damages in personal injury cases from contributory negligence (injured persons can be barred from collecting damages if they contributed in any way to their accidents) to comparative negligence (a jury may 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). The bills that would have given business owners and operators immunity from civil suit when they used deadly force or force likely to cause death to defend their business against a person who unlawfully and forcibly entered the business premises were not successful (**SB 901/HB 1462**). The bills were retroactive to apply to a shooting incident that occurred last month.

## **CRIMINAL MATTERS AND CORRECTIONS**

The Governor has signed **SB 1/Chapter 10** to create the 26th new article of the Annotated Code of Maryland, the Criminal Procedure Article, by revising, restating and recodifying in a nonsubstantive manner current laws relating to various criminal procedure matters.

**HB 249** (failed) would have allowed a law enforcement officer to intercept an oral communication as part of a video tape recording when the officer lawfully detains a vehicle during a criminal investigation when certain conditions are met.

### *Juvenile Justice*

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 are established under **SB 353/HB 294** (passed). A transfer decision must be made within ten days of a transfer hearing, and, if a juvenile must remain in custody while awaiting a transfer decision, the transfer hearing must be held within 30 days after the charging document is filed. Also, a hearing on a motion that a juvenile be held in a juvenile facility pending a transfer determination must be held no later than the next court day following the motion, unless extended for good cause.

A House leadership agenda item to establish an independent State Juvenile Justice Disciplinary and Grievance Advisory Commission to inform and advise the Department of Juvenile Justice (DJJ) and to require DJJ to adopt a specified policy for addressing disciplinary actions and grievances within facilities (**SB 537/HB 7**) failed. Other failed measures include:

- **HB 474**, to require DJJ to adopt a code of conduct and specified regulations related to its facilities, services, and standards;
- **HB 322**, to limit the time a child may be held in a detention facility after having been adjudicated delinquent; and
- **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.

## *Crimes*

Animal cruelty prohibitions and penalties were toughened under **SB 356/HB 649** (passed) 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, and to expand District Court jurisdiction to run concurrently with that of the circuit court in felony cases involving cruelty to animals. **HB 567**, to ban pit bulls in the State, failed.

**SB 209/HB 305** (passed) add as a separate misdemeanor the wearing of bulletproof body armor (BBA) during and in relation to a drug trafficking crime and prohibit anyone previously convicted of a crime of violence or a drug trafficking crime from using, possessing, or purchasing BBA.

## *Guns*

"Project Exile" bills for firearms offenses (**SB 475/HB 622**) failed. They aimed to toughen prohibitions, set mandatory minimum penalties, restrict pretrial release, and allow the State to appeal bail provisions set by a court. **HB 185** (failed) would have stripped Maryland's new gun safety law that passed last session of its ballistics fingerprint requirement that gives police a tool to track weapons used in crime.

## *Sentencing*

Very controversial proposals to institute a moratorium on the use of the death penalty for two years (**HB 563**) or for one year (**SB 316**), pending completion of a University of Maryland study to determine the influence of racial bias on the use of capital punishment, died in the Senate. **HB 102**, to abolish the death penalty, died in the House. Other failed bills include:

- **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;
- **SB 673**, **SB 674**, and **SB 678** (Christopher's laws), to subject convicted child sexual offenders to harsher sentencing restrictions;
- **SB 134/HB 450**, to create a procedure for the civil commitment of certain convicted sexually violent offenders after they have served their jail time; and
- **SB 672** (also a "Christopher's law") and **SB 214**, to require 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 (**SB 214** requires photographs as well).

## **ECONOMIC, BUSINESS, AND CONSUMER ISSUES**

The General Assembly sent the Governor several proposals designed to help small businesses grow. **HB 464** (passed) repeals the sunset of the Maryland Competitive Advantage Financing Fund, first established two years ago to benefit small business owners who are unable to borrow from traditional lenders. The measure also extends the length of time that loans may be offered and modifies the requirements that loan applicants must meet. Other bills passed that expand the scope of the Maryland Small Business Development Financing Authority (MSBDFA) to include assisting small businesses that are unable to obtain adequate business financing on reasonable terms because they do not meet financial institutions' credit criteria. (**SB 789/HB 945**). MSBDFA's eligibility was originally directed toward applicants who were not able to obtain business financing through normal lending channels because of a physical handicap, membership in a group traditionally denied normal economic or financial resources, or possession of other social or economic impediments beyond the applicant's control.

On another tack but contributing toward the same goal, the General Assembly created a Skills-Based Training Employment Promotion (STEP) Pilot Program to assist low-income individuals with dependent children to become skilled employees in areas of State or local workforce shortage (**SB 367/HB 13**).

Consideration of Maryland's rapidly developing high technology business environment resulted in the approval of a new Maryland Technology Incubator Program, administered by the Maryland Technology Development Corporation (TEDCO), to provide financial and other assistance to technology businesses to give them a boost in their beginning years (**SB 387/HB 427**). Resolutions did not pass to study the feasibility of modifying existing programs and creating a State-sponsored venture capital program for biotechnology (**SJ 11/ HJ 8**).

In another effort to promote economic opportunities, as well as to encourage cultural activities, the legislature authorized a process to establish arts and entertainment districts in counties and municipalities. **SB 586** allows enterprises within the districts to qualify for certain tax breaks. As well, enterprises within districts and projects that promote the development of districts are eligible for financial assistance from the Maryland Economic Development Assistance Fund. Districts must be in Smart Growth priority funding areas and in neighborhoods designated under the Neighborhood Business Development Program.

The controversial legislation that clarified current practices of the Maryland Economic Development Commission (MEDCO) to finance and develop property passed (**SB 486/HB 790**). 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 climate. The Governor signed legislation, **SB 264**, that validates earlier law, first passed in 1998 and again in 2000 then subsequently challenged in court, addressing protection for directors of investment companies retroactive to January 1998.

Legislative activity related to electronic commerce and its many ramifications led to the passage of several measures. The Attorney General's office will have a new Electronic Transaction Education, Advocacy, and Mediation Unit to deal with the use or retention of personal information and unlawful conduct or practices in electronic transactions (**SB 363/HB 14**). As originally introduced, **HB 14** and another bill, **SB 219** that failed, included provisions that sought to provide additional mechanisms to help protect personal information on the Internet. Passed legislation concerning the validity of electronic signatures and records (**SB 397/HB 519**) adjusts current Maryland law known as the Uniform Electronic Transactions Act (UETA) to comply with federal statutes. An exemption for open source software under certain provisions of Maryland's Uniform Computer Information Transactions Act or UCITA also passed (**SB 398/HB 520**).

Bills prohibiting a person engaged in telephone solicitation from blocking or otherwise preventing or controlling the transmission of information that identifies the solicitor to the recipient of the call passed. Violators are subject to a fine of \$1,000 for a first offense and \$5,000 for each subsequent offense. **SB 79/HB 581** exempt units of federal, State, or local government.

## **EDUCATION**

Education-related legislation approved and sent to the Governor includes:

- **SB 719**, the Education Finance, Equity, and Excellence Act of 2001, continues until fiscal year 2003 required funding for various educational programs including special education, Judith P. Hoyer early child care program, teacher salary challenge, teacher mentoring, and academic intervention.
- **HB 791** and **SB 124**, amended to become identical as the Firearms Safety and Accident Prevention Education Program, requiring public schools in Maryland to teach gun safety

courses to students from kindergarten through 12th grade. Local school systems would determine the content of the courses with students in kindergarten through 6th grade addressing firearm safety and accident prevention and students in grades 7 through 12 receiving a program of firearms safety or hunter safety;

- **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. The collective bargaining provisions do not cover faculty, administrators, teaching assistants, contractual employees, and others;
- **SB 206/HB 299**, expanding the existing Maryland Teacher Scholarship Program to include part-time graduate students who do not hold a Maryland teacher's certificate;
- **SB 213/HB 329**, increasing the number of students eligible for a HOPE Scholarship or Community College Transfer Scholarship by raising the maximum total family income that is allowed for a recipient from \$80,000 to \$95,000;
- **HB 67**, removing the prohibition of pagers and cell phones on public school property except in Baltimore City, and Baltimore, Caroline, Dorchester, Somerset, Talbot, Wicomico, and Worcester Counties; and
- **SB 68/HB 438**, changing the name of Salisbury State University to Salisbury University.

Two bills, failing to move out of conference committee, dealt with the establishment of charter schools by local school boards. **HB 29** would have permitted local boards of education to authorize the establishment of public charter schools by the staff of public schools, parents, or guardians of students who attend public schools, and **SB 604** would have established the Maryland Public Charter School Program.

Other proposals that did not pass this session included:

- **SB 378/HB 518**, authorizing 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;
- **HB 1090**, requiring county boards of education to establish full day kindergarten programs by the 2006-2007 school year;
- **SB 435**, requiring county school boards to adopt policies to prohibit students from being targets of commercial advertising and to address vending machines in schools;
- **HB 875**, requiring the Maryland Higher Education Commission to establish and regularly update guidelines concerning the solicitation of students by credit card companies; and
- **SJ 9**, urging local boards of education to develop and implement curriculum designed to develop a sense of patriotism and awareness of the great sacrifices made by the veterans of the United States.

Referred to interim study, **SB 171** would allow children living legally with grandparents or with other relatives in kinship care to attend school in the district in which they are living.

## **ELECTIONS**

Following last November's presidential election, a Maryland task force was formed to examine this State's election laws. As a result of the study and the concerns of individual legislators, a number of bills were introduced to make administrative adjustments and refinements. On April 10, Governor Glendening signed several of these measures into law (**SB 36/Chapter 14**, **SB 63/Chapter 17**, **SB 66/Chapter 18**, **SB 67/Chapter 19**, **SB 708/Chapter 38**, and **HB 123/Chapter 49**). Others that passed with statewide significance are still in the gubernatorial pipeline (**SB 312**, **SB 518/HB 778**, and **HB 196**).

Near the end of the session, the General Assembly approved major legislation to set up a uniform system of voting for Maryland (**SB 833/HB 1457**) and establish universal voter registration and

balloting procedures (**SB 740/HB 1458**). Under **SB 833/HB 1457**, as amended and passed, the State board of elections, in consultation with the local boards, will select and certify a uniform voting system for voting in polling places and a uniform system for absentee voting. Each county is to pay one-half of the cost of acquiring and operating the systems based on the county's voting age population. However, counties that purchased systems in the last ten years and before December 31, 2000, are not required to implement the new systems until July 1, 2006, or to pay for the cost until the systems are actually implemented. Also, counties that have implemented the systems will receive 50% of any available federal funds, based on the voting age population in each county. As well, in answer to a specific concern, the new statewide systems must be capable of creating a paper trail of all votes cast for auditing purposes. **SB 740/HB 1458**, as amended and passed, address the use of provisional ballots on election day, development of an application for statewide voter registration, and other administrative procedures with statewide implications.

In the waning hours of the 2001 session, the body agreed to amend **HB 495**, that originally addressed the voting rights of convicted felons who had served their sentences, to create instead a task force to study the issue and report to the legislature. Final approval was not given to the bill that would have set up a commission to study public financing of statewide and legislative campaigns in Maryland (**HB 1428**).

## **ENVIRONMENTAL MATTERS**

Concerned about the health of the Chesapeake Bay, the General Assembly passed bills to limit open water dumping and monitor sewage overflows in the waters of the State. **HB 1317/SB 830** prohibit material dredged from the shipping channels of the Bay from being dumped in the open waters of the bay except for beneficial purposes. **HB 276** and **SB 418** require the owner or operator of any sanitary sewer system, combined sewer system, or wastewater treatment plant to report to the Department of the Environment any sewer overflow or treatment plant bypass that results in the direct or potential discharge of raw or diluted sewage into the surface waters or ground waters of the State. The cost to upgrade aging sewerage systems and methods for funding the projects were the focus of a task force that would have been created by **HB 12/SB 174**, but both bills failed. A similar task force, whose reporting date is Dec.1, 2001, has been created by the Governor's Executive Order 01.01.2001.03.

The GreenPrint program that will create an infrastructure of undeveloped land throughout the State was established by **HB 1379** (passed). The Department of Natural Resources will identify, purchase, and also provide grants to local governments for purchase of land and land rights. Although several bills were introduced concerning the permitting and placement of waste transfer stations, only one passed, **HB 1154**, that prohibits the operation of a waste transfer station within two miles of Bowie State University.

If the Governor agrees, beginning in October 2002, the marketing of fever thermometers containing mercury will be permitted only by prescription. **HB 75** also restricts the use of elemental or chemical mercury in schools and requires the Department of the Environment to implement a public education and outreach program. In addition, the measure requires State agencies to give preference to products and equipment that are mercury free or contain the least amount of mercury necessary to meet performance standards.

**HB 104** would have created a task force to study radium contamination in private wells. The bill failed, but language added to the budget calls for the Department of Housing and Community Development to prepare a report on the creation of a sliding-scale grant and loan program for the purchase of radium filtration systems.

Legislation to increase the opportunities for public participation for air quality control permits issued by the Department of the Environment and expand standing in the judicial review process to conform

to federal law (**HB 1427**) did not pass.

## FAMILY LAW

**SB 311/HB 378** passed, creating 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, purchase of a home, or home repairs under certain circumstances. 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.

Counties have 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, or social worker, a relevantly trained church representative, or other county-approved qualified provider under **HB 20** (passed). **HB 135**, to allow specified judges to perform a civil wedding ceremony in the State, died in the final minutes before *sine die*.

### *Children*

Maryland's child in need of assistance (CINA) laws are generally revised and separated from child in need of supervision (CINS) laws under **SB 660** (passed). 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. **HB 154** (passed) prohibits a parent from inheriting from a minor child's estate when the parent abandons or fails to contribute to the support of the child for at least three consecutive years immediately preceding the death of the child or for the life of the child, whichever is less. The same circumstances make the parent of the deceased minor child ineligible to be granted letters of administration or to be appointed as successor personal representative or a special administrator.

Eight safe haven measures for abandoned infants were introduced this session to grant criminal and civil immunity and complete anonymity to a person who abandons a newborn in a safe haven such as a hospital or police station within 72 hours of the child's birth (**SB 82 /HB 74**, **SB 32 /HB 252**, **SB 704/HB 363**, **HB 312**, and **HB 515**). All failed, with **SB 82** left hanging in a conference committee at *sine die*.

Companion bills (**SB 158/HB 65**), that allow children to receive child support throughout their high school education even if they are over the age of 18, both died in conference committees. Other child support bills that failed include:

- **SB 502/HB 555**, to create a pilot program to attach, under certain circumstances, a boot to cars owned by child support violators;
- **SB 760/HB 883**, to reduce temporary cash assistance by a maximum of 25% for noncooperation with the local child support enforcement office; and
- **HB 556**, to suspend or deny a license to boat, fish, hunt, or recreate in any other way that requires a license to a person who is more than 120 days in arrears in child support payments.

**SB 434**, establishing the right of a mother to breast-feed her child in any public or private place in which their presence is authorized and prohibiting any restriction or limitation of that right, died in a House committee. **HB 723**, to require a health care provider or facility providing in vitro or assisted reproductive services to require a written advance directive for the disposition of cryopreserved eggs, sperm, or embryos, also failed.

## FINANCIAL INSTITUTIONS

**SB 377/HB 399** reform the State's regulation of credit unions, the first review and modernization of these laws in over 70 years. Enrolled **SB 882/HB 973** restrict Maryland's check-cashing outlets from assisting out-of-state financial institutions in making payday loans in the State. The bills create a 14-member Short-Term Consumer Loan Study Commission to determine the need for these type of loans and the reasons why traditional lenders may not be meeting the need for these type of loans, as well as evaluate alternatives to meet these short-term needs with recommendations to the General Assembly. Attempts to license payday lenders were rejected (**SB 601/HB 536**).

## **FISCAL MATTERS**

The General Assembly passed the Budget Bill, **HB 150**, appropriating \$21.17 billion for State programs for fiscal year 2002. Among the programs the State operating budget funds are:

- \$3.4 billion in aid to education and libraries;
- \$133.7 million for public school construction;
- \$2.9 billion for colleges and universities;
- \$2.8 billion for medical assistance;
- \$2.1 million for grants to local governments for standard statewide voting technology;
- \$6.5 million for 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** (both bills were approved); 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** (which passed).

Legislative reductions in the Governor's proposals decreased 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;
- 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.

As passed, **HB 255**, the \$470.2 million Maryland Consolidated Capital Bond Loan, as part of the \$505 million bond bill package, includes \$24 million for health and social projects, \$71 million for environmental projects (including \$30 million for the new GreenPrint program and \$16 million for the Rural Legacy program), \$58 million for public safety projects, \$111.1 million for public school construction, and \$124.4 million for public higher educational facilities. The General Assembly has passed an additional \$34.7 million in other bond bills, including local initiatives, as part of the package.

As passed by the General Assembly, **HB 828**, the tax amnesty bill, waives civil penalties associated with delinquencies for income taxes, the sales and use tax, the admissions and amusement tax, and the withholding tax for delinquent taxpayers. Revenue would be distributed as follows: the first \$2 million to the Comptroller for publicity concerning the tax amnesty program and for additional personnel; the next \$30 million to the General Fund; the next \$8 million in education grants to selected counties and Baltimore City; the next \$10 million to a special fund to provide aid to volunteer fire departments for capital projects; and any remaining revenues to a Maryland Tax Amnesty Reserve Fund to be retained for future expenditures.

Other tax-related legislation passing the General Assembly included:

- **HB 11** and **SB 701**, changing Maryland corporate tax law so that a manufacturer's income tax is based on a single sales factor of in-State sales. The bills also require a manufacturing corporation to report the difference in taxes owed as a result of this change and to include other information about corporate sales, taxable income and property held;
- **SB 745/HB 8**, providing income tax credits for the construction or rehabilitation of green buildings, i.e. buildings that meet energy efficiency and environmental requirements of the Maryland Energy Administration. Installation costs of certain alternative energy sources used to power such buildings are also eligible for a tax credit. Nonresidential and multi-family residential buildings over a certain size are eligible. Buildings must be in either a priority funding area or in a qualified brownfields site;
- **SB 456/HB 920**, allowing the Department of Business and Economic 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;
- **SB 148/HB 280**, concerning refunds for the long-term care insurance tax credit;
- **SB 166/HB 222**, increasing the refund percentage for the earned income credit from the current 15% of the federal earned income credit to 20% over a four-year period;
- **SB 613**, making permanent a 1998 law providing a work-based learning tax credit for approved structured programs. Heavily amended, the bill as introduced established a work-based learning tax credit for the construction industry;
- **SB 455**, creating an income tax credit for individuals for tuition and other expenses for an approved industry certificate program providing training in disciplines and skills in short supply and critical to Maryland's Economic Development Strategy; and
- **HB 696**, making permanent a 1998 law changing the manner in which the boat excise tax is calculated. Under this law, the boat excise tax is calculated on the purchase price of a boat less the value of a trade-in.

Among bills considered, but failing to gain approval, were:

- **SB 245/HB 1024**, proposed constitutional amendments, to enhance the General Assembly's budgetary authority. The Senate bill failed to get the necessary three-fifths vote in that chamber, and the House version died in committee;
- **SB 790**, to return any unappropriated surplus back to the taxpayers;
- **HB 21, HB 287, HB 308, SB 192, and SB 199**, to change the disposal method of contraband cigarettes;
- **SB 596/HB 1177**, to create a new property tax disparity grant program for those counties whose per capita property tax yield raises less than 85% of the statewide average; and
- **SB 512**, to exempt from the sales tax motor oil used in farm equipment.

## **HEALTH CARE AND INSURANCE**

Enrolled versions of the Senior Prescription Drug Act (**SB 236/HB 6**) passed prior to *sine die*. Designed to provide a short-term response primarily to Maryland's seniors with no prescription drug coverage, the programs created or enhanced by the legislation include the:

- Maryland Pharmacy Discount Program, pursuant to a federal waiver, offering drug discounts to Medicare recipients with no other prescription coverage;
- Short-Term Prescription Drug Subsidy Plan, expanded statewide, increasing participation to 30,000 Medicare recipients whose annual income is less than 300% of the poverty level with no other prescription coverage. The plan has a monthly premium of \$10 and copayments ranging from \$10 to \$35 per prescription to a maximum annual benefit of \$1,000 per

individual; and

- Medbank Program, expanded statewide, assisting eligible Marylanders in accessing pharmaceutical companies' drug assistance programs.

As passed, **HB 1042** establishes the Maryland Health Care Trust, designed to accept and retain money for future expenditures to implement enactments of the General Assembly that improve the health status of the State's residents. Specifically, the Trust consists of assets received by the Maryland Health Care Foundation as a result of the acquisition of a nonprofit health service plan or nonprofit health maintenance organization, such as CareFirst Blue Cross Blue Shield, as approved by the Maryland Insurance Administration.

Final passage of **HB 15** establishes a process to monitor the community benefit activities of the State's nonprofit health service plans and hospitals. Mandated health insurance benefits passed this session include coverage for hearing aids for children (**SB 615/HB 160**), treatment of morbid obesity (**SB 522/HB 675**), and colorectal cancer screening (**SB 100/HB 190**).

Other health legislation this session approved by the General Assembly includes:

- **SB 432/HB 922**, requiring the Department of Health and Mental Hygiene to determine the reimbursement rate disparity between community providers for the developmentally disabled and employees in State residential centers and then reduce it over a period of five years until eliminated;
- **SB 281/HB 282**, creating a hearing aid loan bank program, for a period of less than three years, under the State Department of Education for children under three;
- **HB 1274**, the Patients' Safety Act of 2001, requiring 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;
- **SB 194**, exempting from the definition of massage therapy, non-therapeutic massage that deals with the human energy field; and
- **HB 289**, repealing the exemption from registration requirements for individuals who practice massage therapy and non-therapeutic massage in health clubs and certain beauty salons.

Also approved, **HB 362** will bring Maryland in line with the federal Financial Services Modernization Act of 1999 (Gramm-Leach-Bliley), as well as follow National Association of Insurance Commissioners model regulations by requiring the Insurance Commissioner to adopt regulations regarding the privacy of consumer financial and health information. Other provisions also require the Insurance Commissioner to establish regulations related to engaging or participating in the insurance business by certain individuals who are otherwise forbidden under federal law to do so because of certain convictions. Regulations adopted may not take effect before January 1, 2002.

Legislation related to nursing and the nursing shortage also saw action this session. Bills that passed include those expanding financial assistance opportunities for nursing students (**SB 96 /HB 727**, **SB 618**, and **HB 547**), as well as the highly debated bill to allow HMO patients to select a nurse practitioner as a primary care provider (**HB 473**). Bills that would have provided various income tax incentives to nurses (**SB 24**, **SB 153**, **SB 154**, **SB 297**, and **SB 496**) were referred to interim study. Not receiving favorable action, **HB 316** and **HB 708** would have allowed retired health care practitioners, nurses, and nursing assistants to be reemployed on a contractual basis without pension reemployment earnings limitations. Other failed bills included **HB 1216**, to provide low interest mortgage loans to nurses, **HB 753**, to expand the eligibility requirements for nursing students under the Maryland HOPE scholarship, and **HB 236**, to require nursing homes with more than 50% turnover of direct care nursing staff in any calendar year to establish a program to improve staff retention.

Additional health legislation that did not pass this session included:

- **HB 5** and **SB 743**, that would have expanded health insurance coverage for low-income working parents under the Maryland Medical Assistance Program;
- **SJ 8**, Health Care for All Marylanders, that would have encouraged a public-private partnership in developing health care coverage for all Marylanders;
- **SB 180/HB 4**, that would have created the Maryland Office of Women's Health to provide a centralized office to coordinate public health care programs and initiatives for women in all phases of their lives;
- **SB 34** and **HB 686**, that 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;
- **SB 735/HB 1132**, that would have made it easier for hospitals to start offering cardiac surgery services by removing the certificate of need (CON) requirement from the licensing of open-heart surgery programs by the Department of Health and Mental Hygiene;
- **HB 433**, that would have permitted a resident or representative to install electronic monitoring cameras in a nursing home room to prevent abuse of the patients, was referred to interim study; and
- **SB 156**, that would have increased the amount of the personal needs allowance for a nursing home resident who is a recipient of medical assistance.

**SB 705/HB 940** would have legalized marijuana for medical use, but also failed. Patients would have been allowed to acquire, possess, grow, or transport marijuana or drug paraphernalia used to administer the marijuana; physicians who make authorizations and recommendations for the medical usage of marijuana would have been protected; and primary caregivers who manage the care of the patients would also have been protected. This is the second year this legislation has failed in the General Assembly. **HB 1451** (failed), a bill introduced in case of the failure of the medical marijuana bills, would have allowed for a county or municipal corporation to enact a local law authorizing the possession and use of marijuana for medical conditions if it passed a referendum vote in a special or general election.

## HOUSING

Legislation has passed to license and regulate home inspectors. **HB 379** expands the duties of the State Commission of Real Estate Appraisers, making it the State Commission of Real Estate Appraisers and Home Inspectors. The bill aims to protect consumers by regulating home inspectors, establishing standards of business and codes of practice, requiring licensing and application fees, creating a hearing board, and establishing penalties for violations of provisions.

Signed into law by the Governor, **HB 207/Chapter 57** 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. The lot consolidation and demolition allowances seek to provide more open space, as well as increase rehabilitation development, especially in urban communities.

The General Assembly passed legislation that requires a medical laboratory, office, or other facility that obtains blood for a lead level analysis from a child to provide requested information, including the child's address, to the Maryland Department of Environment (MDE). Other provisions of **HB 1163** allow that the risk reduction standard upon tenant turnover could be met by passing the lead dust test provided that any chipping, peeling, or flaking paint has been removed or repainted on the exterior painted surfaces of the residential building and the interior painted surfaces of the rental dwelling unit itself. The bill also adds a nineteenth member to the Lead Poisoning Prevention Commission and allows MDE to grant limited penalty waivers for owners who immediately register their properties and bring 65% of their affected properties into compliance with the full risk reduction requirements.

## LEGISLATIVE MATTERS

The reform of Maryland's Public Ethics Law, as it governs regulated lobbyists, passed, marking the first time that this law has been significantly altered since it was enacted in 1979 (**HB 2**). Acting on the recommendations of a legislatively appointed study commission on lobbyists ethics, the General Assembly approved provisions that require training, electronic filing and on-line availability for public inspection of reports, and tighter reporting rules governing political campaign activity and reports of contributions. The State Ethics Commission's enhanced administrative and enforcement responsibilities include authorization to impose fines directly and to suspend or revoke a lobbyist's registration for violations of the law.

**HB 2** also increases the maximum fine for a misdemeanor conviction from \$1000 to \$10,000 and extends the statute of limitation for prosecution of a criminal violation from one year to two. There is a new procedure that requires lobbyists to report to a legislative unit invitations for a meal or reception at least five days before the event and to report within 14 days the total cost of the meal or reception, the identity of any contributing sponsor, and the amount of the contribution made by a sponsor. The date and location of the meal or reception and the invited legislative unit will be published on a weekly basis by the Department of Legislative Services.

Legislators were unable to agree on language to set up a new Joint Committee on Technology to replace the existing Joint Technology Oversight Committee that will expire on June 30, 2005 (**HB 1447**).

## SPORTS AND GAMING

Among the first bills signed into law, **SB 775/Chapter 8** and **HB 586/Chapter 9**, the Chesapeake Regional Olympic Games Authority Act, establish an interstate compact with the Commonwealth of Virginia, the District of Columbia, and the City of Baltimore to oversee the conduct of the 2012 Olympic Games.

Other legislation sent to the Governor includes **SB 17** that prohibits a person under 16 from riding scooters or in-line skates without wearing a protective helmet.

Racing related legislation that passed this session includes:

- **HB 1269**, altering the Horseman's Assistance Fund Inc. provisions by establishing the Maryland Standardbred Horseman's Assistance Fund Inc. as a separate fund. The funds provide charitable benefits to those who work at the tracks; and
- **SB 764/HB 908**, requiring that lottery revenues be distributed to the Horse Racing Special Fund to replace payments made to the Racing Facility Redevelopment Bond Fund under the Racing Act of 2000.

Another racing bill considered, but failing to pass, was **SB 765**, that would have extended the provision providing for a \$10 million distribution of net lottery revenues over a certain amount to a special fund to increase purses at tracks.

Proposed constitutional amendment, **HB 1170**, authorizing the operation of video slot machines at no more than four facilities in four different regions of the State, did not move this session. Implementing legislation, **HB 1449**, remained in committee also.

## STATE GOVERNMENT

## *Commemorative Bills*

April 24 was designated as the Maryland Day of Remembrance of the Armenian Genocide by **HJ 3**. From 1915-1923, 60% of the Armenians, approximately 1.5 million people, living in the Ottoman Empire (present day Turkey) were killed by that government. Most major nations, including the United States, France, Russia, Israel, and the European Parliament, have recognized the genocide. **HJ 3** was amended to delete the original provision that encouraged Maryland's public schools to follow the lead of five other states in developing educational programs in public schools that focus on human rights abuses, including the Armenian Genocide.

The month of March was approved as Women's History Month by **HB 647**. **SJ 4** recognizes and memorializes the deaths of 17 American Navy personnel, including three Marylanders, who died in the attack on the U.S.S. Cole, October 12, 2000. **SJ 16**, to designate as June 19, 2001, as Juneteenth National Freedom Day, did not pass.

If the Governor agrees, the calico cat may become Maryland's State cat, the only new symbol approved during the 2001 session (**HB 157**). Other bills that did not pass would have established a new State bird (**HB 1372**), a new State gem (**HB 290**), a new State shrub (**SB 358**), and abolished Maryland, My Maryland! as the State song (**HB 1057**).

The bill requiring the United States flag, the State flag, and the POW/MIA flag to be flown year-round at each rest area, welcome center, and exhibit center within interstate and State highway rights-of-way passed (**HB 51**), but time ran out on the bill that would have required that the POW/MIA flag be flown from the State House on appropriate national holidays (**HB 24**).

## *State Agencies and Programs*

The legislature approved proposals to establish a new Office of Smart Growth (**SB 204/HB 302**) to coordinate those policies and a new Community Legacy Program (**SB 202/HB 301**), also under the Smart Growth rubric, to encourage the revitalization of Maryland's neighborhoods. Enhanced funding and membership for the Maryland Tourism Development Board and Fund were okayed to heighten the State's tourism efforts (**SB 617/HB 9**). The House measure, as first passed by that chamber, would have established a separate Department of Tourism, but was amended to reflect the language of the Senate measure.

The overall goal for the total dollar value of State procurement contracts with minority business enterprises was increased from 14% to 25% by the passage of **SB 210/HB 306**, that also extended the Minority Business Enterprise Program's sunset date to July 1, 2006.

The legislature also sanctioned a new Office for the Deaf and Hard of Hearing (**SB 407/HB 1187**). Another approved measure identifies individuals who are deaf or hard of hearing as a cultural minority with specialized communication needs, and establishes that American Sign Language is a recognized form of communication and a fully developed language for such individuals (**SB 876**).

To assure equal access to public services for individuals with limited English proficiency, the Department of Human Resources is directed to develop a State agency survey to determine and report to the General Assembly on the need for interpretation and translation services based on current requests for services from individuals with limited English proficiency (**SB 542/HB 1160**).

## **TRANSPORTATION**

### *Drunk Driving Issues*

The General Assembly has given final approval, and the Governor has signed a number of bills that

will toughen Maryland's drunken driving laws. Enacted law (**HB 3/Chapter 5** and **SB 108/Chapter 4**) that makes a .08 blood alcohol concentration (BAC) level the legal standard for a drunk driving offense in Maryland, also will keep the State from losing millions of dollars in federal highway funds. Current federal requirements make federal transportation grants available to states that adopt a .08 BAC level and allow withholding of a percentage of federal highway funds for states that do not.

Additional enacted laws concerning drunk driving include:

- **HB 261/Chapter 7**, 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/Chapter 3**, tightening the penalties for repeat offenders including increased use of the Ignition Interlock Program (Companion **HB 669** that passed has not been signed);
- **SB 4/Chapter 1/HB 338/Chapter 2**, 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; and
- **SB 55/Chapter 6**, requiring 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.

Bills did not pass that related to drunk drivers who are repeat offenders (**HB 836**, **HB 674**, and **HB 1048/SB 525**) and prohibited open containers of alcoholic beverages in vehicles (**SB 30**, **SB 179**, **HB 76**, and **HB 777**). The failure of these measures will alter the use of some federal highway funds in Maryland, but not affect the total funding.

#### *Transportation Issues, Safety Concerns, and Penalties*

The Mass Transit Initiative, that originated with the Governor, would have increased the amount of revenues dedicated to the Transportation Trust Fund by \$750 million over six years beginning in fiscal year 2002. Agreement was reached to scale back the initiative to \$500 million and the bills that address the distribution and use of the Transportation Trust Fund (**SB 200/HB 309**) were amended and approved to reflect the agreement for the lesser funding level and with altered funding sources.

Other approved proposals, related to transportation that received attention this session, include:

- **SB 292/Chapter 33/HB 1148**, increasing the motor vehicle registration surcharge from \$8 to \$11 per year which will be used to fund the Maryland Emergency Medical System Operations Fund;
- **HB 1105**, altering the laws concerning access to the records of the Maryland Transportation Authority and the Mass Transit Administration by expanding the types of records to which inspection is generally denied and expanding the classes of persons to whom inspections may be permitted;
- **SB 687**, 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;
- **SB 201/HB 334**, authorizing the Maryland Transportation Authority to finance, construct, operate, maintain, and repair transit-related parking facilities in priority funding areas;
- **SB 43**, changing the name of the Mass Transit Administration, which operates under the Maryland Department of Transportation, to the Maryland Transit Administration; and
- **HB 10/SB 341**, requesting the Virginia-Maryland-District of Columbia Joint Legislative Commission on Interstate Transportation to study the creation of a regional transportation authority and submit its findings and recommendations to the legislatures and governors of Maryland and Virginia, prior to the 2002 Virginia and Maryland legislative sessions. The measure was amended to clarify that the commission is not to consider aviation issues.

The question of child safety in vehicles was also discussed this session. **SB 359/HB 700** (failed) would have required children, eight 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. Under current law, a child must be secured in a safety seat, if the child is under four, regardless of weight, or weighs 40 pounds or less, regardless of age.

Other measures that failed included:

- **HB 89**, that would have prohibited a driver of a moving vehicle from using a hand-held telephone;
- **SB 23**, that would have prohibited a driver from using a hand-held telephone while the vehicle is being driven on a highway and is traveling at a speed greater than 10 miles per hour; and
- **SB 5**, that would have limited the number of passengers under the age of 21 to two, in a motor vehicle driven by a provisional license holder under the age of 18.

Motorcycle enthusiasts were disappointed when a bill (**SB 197**) to repeal the mandatory use of motorcycle helmets was narrowly defeated on the Senate floor. **HB 987** (failed) would have stiffened the penalties for drivers and owners of commercial motor vehicles when either the driver or owner was convicted of a safety violation relating to an accident that caused serious injury or death. **SB 612/HB 749** (failed) 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. **SB 648** (failed) would have established the crime of homicide by aggressive driving for a person who, while driving a motor vehicle during a single traffic incident, committed two or more motor vehicle violations and caused the death of another person as a result of the person's negligent driving.

## UTILITIES

Legislation that passed gives the Public Service Commission (PSC) the authority to act for the United States Secretary of Transportation to implement federal laws relating to the inspection of oil pipelines within Maryland's borders. **SB 117** also allows the PSC to impose civil penalties for violations.

Measures that would have made changes to Maryland's 1999 electric deregulation law all received unfavorable committee reports. **SB 777/HB 1022** would have required functional, operational, structural, and legal separation between an electric company's regulated businesses and its nonregulated businesses or affiliates. **SB 688/HB 1322** would have required electric and residential gas customers to contribute to an Energy-Savings Investment Fund to be used for financing programs to promote energy conservation. **SB 767** would have established a clean energy portfolio standard, phased in over a six-year period, that would have required a percentage of electricity in each retail electricity product sold in the State to be derived from clean renewable energy resources such as those from solar, wind, biomass, methane from landfills or wastewater treatment plants, geothermal, or ocean sources.

Referred to interim study, **SB 77** would have allowed a county or municipal corporation to act as an aggregator to purchase electricity or gas on behalf of consumers residing in its jurisdiction. Withdrawn from their respective committees, **SB 246/HB 137** would have established a task force to study ways to increase competition among telecommunications service providers.