



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 02-7

February 18-22, 2002

THIS WEEK

On Friday, February 22, the Legislative Districting Plan of 2002, proposed by Governor Parris Glendening and introduced as [SJ 3/HJ 3](#), became effective. The plan redraws the lines of the State's 47 legislative districts from which candidates will run in the September primaries and the November general election. The district lines will remain in effect until a new plan is mandated in 2012, following the United States decennial census of 2010.

At the midpoint of the 2002 session, bill totals reached 869 in the Senate and 1383 in the House. To date there are 19 Senate resolutions and 36 House resolutions. March 4, the 55th day, is the final date to introduce bills without a suspension of the Senate and House Rules.

NEW LEGISLATOR

Susan C. Lee, representing Montgomery County's Legislative District 16, took office on Thursday, February 21. Delegate Lee will serve the remaining months of the term vacated by former Delegate Nancy K. Kopp, now the State Treasurer. Delegate Lee, an attorney, has been assigned to the Judiciary Committee.

AGRICULTURE/SEAFOOD INDUSTRY

Concern that new regulations proposed by the Maryland Department of Natural Resources (DNR) will have an adverse impact on the crabbing industry because they are stricter than those of Virginia has led to the introduction of several bills. [SB 717/HB 1321](#) prohibit DNR from adopting regulations establishing size limits for hard crabs that are different from regulations in other jurisdictions where the same stock of blue crab is harvested. Other legislation, [HB 1276](#), sets specific size limits based on those being considered for adoption in the state of Virginia. Testimony will be heard on [SB 717](#) on March 5.

COURTS AND CIVIL PROCEEDINGS

The Senate passed a proposed constitutional amendment ([SB 500](#)) and implementing bill ([SB 501](#)) that authorize District Court commissioners to issue interim civil orders for protection against domestic violence when the District Courts are closed, assuring access to these protections 24 hours a day, 7 days a week. A House committee heard testimony on the companion bills ([HB 6](#) and [HB 663](#)) last week. To take effect, a proposed amendment to the Maryland Constitution must be approved by the voters at the November general election.

CRIMINAL MATTERS AND CORRECTIONS

The House approved [HB 445](#), which requires the State to preserve DNA evidence collected for a case that ends in a conviction for manslaughter, murder, rape, or a first or second degree sexual offense for the length of time the convicted individual remains incarcerated. The current retention requirement is 3 years. The bill responds to an amended court rule that allows a motion for a new trial to be filed at any time, if the motion is based on DNA identification testing or other generally accepted scientific techniques that would show the defendant's innocence. A Senate committee heard testimony on the companion bill, [SB 219](#), this week.

The House passed [HB 77](#) to amend Maryland's "Megan's Law" by broadening the definitions of "sexually violent offense" and "sexually violent predator," and by requiring lifetime registration for an expanded group of sexual offenders. The bill was introduced to avoid the loss of federal money because of noncompliance with federal law. Three bills identical to [HB 77](#) were also introduced, and of those, [SB 55](#) and [SB 56](#) were withdrawn. The third, [SB 52](#), passed the Senate after amendments were added to delete the definition alterations and to narrow the expanded group of sexual offenders required to register for the rest of their lives. The bill also sets out conditions under which a person is no longer subject to registration.

An inmate who lewdly, lasciviously, and indecently exposes himself or herself in the presence of a corrections officer or employee is committing a misdemeanor under the provisions of [HB 232](#), passed by the House this week. The inmate could earn a maximum penalty of 3 additional years in jail and a \$1,000 fine.

[HB 407](#), requiring police to videotape the questioning of, or statement by, a person arrested or held for questioning in the investigation of a crime of violence, if the person waives the right to have an attorney present, was withdrawn this week.

EDUCATION

Recently introduced is [SB 856/HB 1329](#) the Adequate and Equitable Funding for Public Schools Act. This bill is the result of recommendations of the Commission on Education Finance, Equity, and Excellence, popularly known as the Thornton Commission. The Thornton Commission spent 2 years studying Maryland's system of school financing, seeking to reduce inequities among the 24 public school systems and ensure that each has enough money to meet State student achievement standards. Under the plan, the \$2.9 billion the State is spending on public schools this year would increase by almost 10% next year. The total proposed increase of \$1.1 billion in State spending would be phased in over 5 years.

Passing third reading in the House is [HB 15](#), altering the qualification for the \$1,000 teacher salary-signing bonus by requiring a new teacher to have a college grade point average of at least 3.5 on a 4.0 scale. Current law provides the bonus to new teachers who graduate in the top 10% of their class. Recipients of the bonus must teach in a public school in Maryland for a minimum of 3 years.

ENVIRONMENTAL MATTERS

Testimony has been heard on 2 bills that provide an income tax credit for replacing or modifying septic tanks. [HB 8](#) allows an individual repairing, replacing, or modifying an existing on-site sewerage disposal system to claim a credit against the State income tax for 70% of the cost of purchasing and installing nitrogen removal technology, subject to a \$4,900 limitation on the amount of credit for any system. The bill limits to \$1.5 million the total amount of credits that the Department of the Environment may approve for any taxable year. [SB 77](#)

extends the credit to corporations and does not include the \$1.5 million limit.

Extensive floor debate in the Senate this week did not resolve the controversy over an amendment to [SB 326](#), a bill that provides for more State oversight regarding variances to the Chesapeake Bay Critical Area Protection Program. Senators will take up the measure again next Wednesday. At issue is the amendment to require local jurisdictions to consider the reasonable use of the part of the parcel or lot for which the variance is requested under specified circumstances. The House bill on the same subject, [HB 528](#), was heard by a committee this week.

FAMILY LAW

The Senate passed legislation giving a sitting or retired judge or justice from any court in the United States the authority to perform a civil wedding ceremony in Maryland ([SB 404](#)). The companion bill ([HB 106](#)) passed the House earlier this month.

Companion bills [SB 387](#) and [HB 495](#) propose to extend for 3 more years a pilot privatization program that provides for competing child support enforcement programs. One program is operated in Baltimore City and Queen Anne's County by a private business, and another program is operated by the State Department of Human Resources in Calvert, Howard, Montgomery, and Washington Counties using innovative methods to improve the morale and performance of State employees. The goal of the privatization experiment, which is in its sixth year, is to provide a basis on which the State can determine which strategy works best. A recent study analyzing the performance of the experiment's participants was discussed at the bills' hearings.

FINANCIAL INSTITUTIONS

[HB 649](#), a proposal that clarifies that in general, only the State and not local governments, may enact legislation dealing with extensions of credit by financial institutions, was the subject of a hearing this week. The companion bill, [SB 499](#), will have a hearing next month.

FISCAL MATTERS

[SB 496/](#)[HB 759](#) will limit the Maryland Heritage Structure Rehabilitation Tax Credit to \$1 million for a commercial rehabilitation project and \$25 million for all commercial rehabilitation projects for a calendar year; will require that commercial rehabilitation projects be approved by the Director of the Maryland Historical Trust; and, except for Maryland Stadium Authority projects, will prohibit commercial rehabilitation projects from receiving any other State assistance. The bill repeals the tax credit refundability provision in existing law for commercial projects, with a limited exception.

The Senate adopted amendments and gave preliminary approval to [SB 208](#), which repeals the authority of municipalities and counties to appeal a real property tax assessment outside of the three-year assessment cycle. The amendments make the bill an emergency bill, effective upon approval by the Governor, and add clarifying language stating that only Department of Assessments and Taxation supervisors may annually correct the value of improperly valued and “escaped” property. If amended, the bill will also repeal obsolete language. The companion bill, [HB 892](#), is scheduled for a hearing in March.

HEALTH CARE AND INSURANCE

Citizens testified this week on bills to change the Board of Physician Quality Assurance procedure for physician discipline in Maryland. [SB 613](#) and [HB 846](#) repeal the requirement that the board use the Medical and Chirurgical Faculty (MedChi) for peer review services, and collect and transfer to MedChi \$50 per licensee for the service. Instead, the board may contract with another entity and pay for the service from the board’s funds. The new provisions stem from several recommendations made in the *Sunset Review of the Board of Physician Quality Assurance* (October 2001).

The House passed [HB 420](#) creating an Asthma Control Program in the Department of Health and Mental Hygiene (DHMH). The department would develop and implement a statewide asthma intervention program and an asthma surveillance system. DHMH has already received a 3-year federal grant to develop the program from the Centers for Disease Control and Prevention.

Withdrawn this week, [HB 87](#), would have amended the public records law to deny inspection of autopsy reports except by government agencies, next of kin, a health

care provider of the deceased, or a person authorized by regulation.

Bills to establish regulatory oversight of Maryland crematories with penalties for violators are in the spotlight because of the ongoing publicity concerning abuses in Georgia. [HB 326](#) is slated for a hearing in March. [SB 143](#) may be reconsidered by the committee that defeated the measure earlier this month.

Several CareFirst conversion-related bills were considered by a House committee this week. [HB 141](#) provides that, in a case of an acquisition of a nonprofit health entity, the acquisition is not in the public interest unless appropriate steps have been taken to ensure that the officers, directors, or trustees of the nonprofit health entity do not profit from the acquisition. [HB 448](#) requires that the asset distribution in a nonprofit conversion not include stock. The bill attempts to alleviate any potential conflict of interest for the State that may arise from the Maryland Health Care Trust’s possession of stock in a health entity, since the State conducts business with a variety of health entities.

Bills addressing the current law regulating nonprofit health service plans were also heard by a House committee. Proposals considered included specifying the maximum compensation of board members and officers of these plans ([HB 628](#)) or authorizing the Insurance Commissioner to regulate compensation for such individuals, as well as requiring compensation information to be reported to the Commissioner ([HB 799](#)). [HB 231](#) requires a nonprofit health service plan to participate in the Maryland Medicaid program as a managed care organization in order to satisfy the public service requirement necessary under the premium tax exemption. During calendar year 2000, CareFirst received an insurance premium tax exemption of approximately \$16.6 million.

SPORTS AND GAMING

Amended and passed by the House, [HB 9](#) expands the deer-hunting season from 13 to at least 21 days, including the first Sunday of the season. The Sunday hunting provision does not apply to “urban management regions” identified in the bill as Anne Arundel, Baltimore, Howard, Montgomery, and Prince George’s Counties, Baltimore City and Frederick City and part of Frederick County. In those regions where the deer population is in excess of the carrying capacity, the DNR may allow the harvesting of excess deer by such

methods as capture and euthanasia, bait, lethal darts, or professional sharpshooters.

Also passing second reading was [HB 10](#), the Black Bear Management Permit Program. The measure, as amended, requires DNR to issue a permit to kill a black bear if the following can be demonstrated:

- damage to property or crop caused by bears on the property; or
- a threat of harm to people or animals on the property; and
- the use of preventive measures to minimize the risk of black bear activity on the property.

Additionally, DNR may authorize a harvest on another site that is near permitted property. Currently, a person can kill a bear only if the animal is a threat to people or livestock. The Senate heard public commentary on the companion bill, [SB 363](#), last week.

STATE GOVERNMENT

Legislation to amend provisions relating to Maryland's public records law grew out of complaints about the timely accessibility of records. [HB 1024](#), which also incorporates several Attorney General opinions and court rulings that reflect current practice, seeks to speed up inquiries by allowing specific types of public records to be made available to any applicant immediately upon request, and requiring that a list of such records be maintained. A written application to inspect immediately accessible records would not be necessary. The bill restricts a custodian's determination of whether to grant an application to review other public records, and sets criteria for determining whether disclosure would be contrary to the public interest. The bill also codifies provisions related to reasonable inspection fees. The legislation was originally introduced during the 2001 session.

Committees from both sides of the aisle have heard testimony on most of the bills included in a package of measures designed to delineate public policy and governmental powers in matters related to acts of terrorism or a major disaster. The bills, which grew out of a Anti-Terrorism Workgroup established by the Governor, the President, and the Speaker, address catastrophic health emergencies ([SB 234/HB 296](#)), gubernatorial emergency powers ([SB 235/HB 303](#)),

infectious diseases and administrative search authority ([SB 236/HB 304](#)), the Maryland Emergency Management Assistance Compact ([SB 239/HB 293](#)), and the Maryland Security Council ([SB 242/HB 305](#)). Maryland National Guard Readiness Act bills have also been heard by a committee ([SB 238/HB 292](#)).

Four additional bills in the package are also moving through the process. The Maryland Security Protection Act ([SB 639/HB 1036](#)) bolsters State security by: prohibiting price gouging during a state of emergency; adding crimes relating to terrorism and identification fraud and increasing penalties for related offenses; and expanding coverage of the Wiretap Act. The bills also expand the territorial limits of the Maryland Transportation Authority; authorize the use of security ID badges in airports; and restrict the issuance of identification cards and driver's licenses to non-U.S. citizens. The other two bills, [SB 240/HB 297](#), both entitled "Access to Records – Public Security Documents," authorize a custodian to deny access to a public record if such access would endanger the public.

Additional proposals, resulting from the tragic events of last September, make substantive changes in State laws. The Antiterrorism Act of 2002 adds a new subtitle, "Terrorism," to the Criminal Law Article ([HB 373](#)). Companion bills, [SB 380/HB 74](#), relate to wiretaps and electronic surveillance of terrorist organizations, and a Senate bill addresses crimes and penalties for making terroristic threats ([SB 76](#)). Other measures designate the Lieutenant Governor as the State Coordinator for anti-terrorism efforts ([HB 1070](#)), and designate biological terrorism as a crime ([HB 983](#)). The Chemical Terrorism Protection Act of 2002 ([SB 630/HB 1343](#)), the Chemical Security Act ([HB 1052](#)), and the Hazardous Material Facilities-Risk Analysis proposal ([HB 1055](#)), target environmental terrorism.

On a lighter note, if [HB 1326](#) is enacted, the Maryland apple-oatmeal cookie would join the list of statutory State symbols. Sponsors have introduced the bill to pay tribute to farming, an important part of Maryland's economy, and specifically to recognize apples and cereal grass, from which oatmeal is made, as Maryland crops. [SB 19](#), which changes the words of the State song was heard by a committee late last week, and [HB 439](#), making walking the State exercise, was the subject of public testimony this week.

UTILITIES

Several bills related to competition in the telecommunications industry are scheduled for hearings next week:

- [HB 109](#) amends current law authorizing the Public Service Commission (PSC) to adopt alternative forms of regulations for telephone companies, only if the PSC concludes that a local telephone market is fully and irreversibly open to competition;
- [HB 110](#) prohibits a carrier from impeding the development of competition in any telecommunications service market and includes stiff monetary penalties for violators; and
- [HB 1164](#) establishes a telecommunications carrier code of conduct against knowingly impeding the development of competition and requires the PSC to adopt regulations implementing the code of conduct.

NEXT WEEK

The number of bills scheduled for public hearings and committee voting sessions will increase in the coming weeks since the Committee Reporting Courtesy Date, the 70th day of session, is a little more than three weeks away. By that date, March 19, committees are to report their own bills. A week later, on March 25, each chamber is to send to the other chamber those bills it intends to pass favorably. This date, the 76th day, is the Opposite Chamber Bill Crossover Date.

