



The Legislative Wrap-Up

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AGRICULTURE/SEAFOOD INDUSTRY

Several legislative recommendations of the Task Force to Study the Maryland Agricultural Land Preservation Foundation received public hearings in the House this week:

- **HB 810** re-establishes the task force in order to complete development of its recommendations for the next legislative session. The task force, created in 1997, was terminated last year. (The companion measure, **SB 544**, passed 2nd reading this week);
- **HB 998** permits the Maryland Agricultural Land Preservation Foundation (MALPF) to allow nonagricultural use of farmland in the MALPF program, if the use does not negatively impact future agricultural and forestry use of the land, and the use is consistent with the legislative intent of farmland preservation. (The companion bill, **SB 435**, was heard by a committee last week);
- **HB 999** provides that application deadlines to sell an easement to MALPF be dates determined by MALPF, instead of the current statutory deadline of July 1. (The companion bill, **SB 391**, passed 2nd reading this week); and
- **HJ 22** proposes a statewide goal to preserve 1.1 million acres of agricultural land by 2022. Although approximately 35% of Maryland's land area is in farmland, an estimated 18,000 acres is converted to nonagricultural use annually. (The companion bill, **SJ 10**, passed 2nd reading this week)

Additionally, the committee heard testimony on proposals to allow a landowner who has an easement under MALPF to operate a dog kennel (**HB 722**) and to request the release of 1 acre to build a house under certain conditions (**HB 1000**).

Another task force bill, just introduced this week, amends current law to protect the State's investment in easements on recently subdivided parcels. Under the provisions of **HB 1384**, MALPF will evaluate the potential impact of development on land withheld or subdivided from the offered easement before accepting the property for the preservation program. The concern is that development on the withheld land may compromise agricultural production on the potential easement.

Testimony was also offered recently on **HB 662**, which creates a Task Force to Study the Economic Development of the Maryland Seafood Industry. The task force will seek to expand local and national markets for Maryland seafood and find innovative methods of producing seafood such as aquaculture. A report is due by September 30, 2004.

COURTS AND CIVIL PROCEEDINGS

The Senate approved their amended resolution (**SJ 5**) to retain the current salaries of the State's judges, thereby declining to approve the 5% across-the-board pay raise originally proposed by the Judicial Compensation Commission (JCC) in **SJ 5**. The House has approved their resolution on 2nd reading (**HJ 5**). The JCC recommendations automatically take effect 50 days after introduction, unless both chambers amend the resolutions to decrease the salaries. This year's deadline is March 7. The General Assembly may not amend the resolutions to increase the salaries.

The House passed a constitutional amendment (**HB 6**) and gave preliminary approval to an implementing bill (**HB 663**) that authorize District Court commissioners to issue interim civil orders for protection against domestic violence when the District Court is closed. Companion bills **SB 500** and **SB 501** passed the Senate last week. Both sets of bills provide domestic violence victims access to relief 24 hours a day, 7 days a week. However, the bills are no longer identical since the House added to its version some protections for the alleged abuser.

A Senate committee defeated [SB 198](#), a measure to allow more than 6 jurors to serve in a civil trial, eliminating the concept of “alternate jurors.” The companion bill, [HB 113](#), failed last month.

Late last week, a House committee considered a number of court issues, including:

- [HB 1165](#), which authorizes the Court of Special Appeals to hold sessions at the law schools of the University of Maryland and the University of Baltimore, giving students “real world” experience and allowing the public to watch the courts in action;
- [HB 689](#), which creates 4 new District Court judgeships, one each in Baltimore City; Prince George’s County; the district that includes Dorchester, Wicomico, Worcester, and Somerset Counties; and the district that includes Charles, St. Mary’s, and Calvert Counties; and
- [HB 603](#), which guarantees that a party in a civil suit may not be excluded from the courtroom because of the party’s physical or mental disability, medical condition, physical appearance resulting from an injury, incapacity to comprehend the proceedings, or inability to communicate or participate in the trial. The bill responds to a recent court decision that held that a severely disabled medical malpractice victim could be involuntarily excluded from the liability phase of his trial because he could not assist his counsel and his presence could prejudice the jury.

CRIMINAL MATTERS AND CORRECTIONS

The House approved [HB 451](#), which expands the current hate crime law relating to the destruction, damage, or defacement of real or personal property, to include publicly or privately owned statues, monuments, or memorials.

[SB 211](#), as passed by the Senate, prohibits a principal, vice-principal, teacher, or counselor at any public or private school from engaging in sex with a student enrolled at the educator’s school, even when such activity occurs away from the school grounds. Violators would be guilty of a misdemeanor fourth-degree sex offense and would face a maximum punishment of a year in jail and a \$1,000 fine. A similar bill with a

broader application, [HB 391](#), failed in a House committee this week. The measure would have made it a felony for a person in a position of authority to engage in sex with a minor, with a maximum penalty of 10 years in jail and a \$10,000 fine.

Testimony was heard last week on a bill ([SB 486](#)) to expand the list of criminals required to submit a DNA sample to State Police for entry into a statewide database to include all convicted felons. Current law requires samples only from persons convicted of child abuse, rape, sexual offenses, murder, robbery or assault. ([HB 136](#), a bill with similar provisions, was withdrawn this week.) [SB 486](#) also establishes a fund to help local police departments purchase DNA technology equipment. The cost to implement the bill for FY 2003 is estimated at \$1.6 million. Proponents consider State funding unlikely, but are pushing for passage of the bill anyway, in the hope that federal funding might be obtained.

EDUCATION

The Senate and House amended and passed [SB 237/HB 300](#), expanding eligibility of the Edward T. Conroy Scholarship Program to include the children or the surviving spouse of Maryland residents killed in the terrorist attacks of September 11, 2002. As amended, the bills limit the amount of the scholarship when combined with any other scholarship that is based on the student’s status as a spouse or child of victims of the September 11 attacks. A House committee rejected similar bills, [HB 57](#) and [HB 623](#).

ELECTIONS

Several bills considered this week make changes to Maryland’s election laws. Legislation related to campaign reporting and financing procedures would:

- require State officeholders in early January, following the convening of the legislative session, to file an extra financial statement concerning contributions and fund transfers, if the amounts exceed \$5,000 since the last report ([SB 445 /HB 383](#));
- establish a Study Commission on Public Funding of Campaigns to make recommendations for the 2003 session. (Currently, public funding applies to campaigns

for Governor and Lieutenant Governor, but not for legislative campaigns.) (SB 471 /HB 538);

- remove the current \$100 limit per transaction for credit card campaign contributions, eliminating the requirement that contributions in excess of \$100 be made by check (HB 681);
- require that campaign reports contain the name, address, employer and occupation of anyone who contributes over \$250 in a four-year election cycle (SB 339/HB 912);
- provide that continuing political committees affiliated with a member of the General Assembly or any other person elected to statewide office may not carry over, from one election cycle to another, campaign funds in excess of the greater of \$10,000 or 10% of the aggregate contributions received during the preceding four-year election cycle (SB 587);
- alter the date of the annual campaign finance report from November to the third Wednesday in January, and also repeal other filing requirements for political committees and annual reports (SB 721);
- authorize counties to regulate campaign finance under specified circumstances (HB 1201);
- specify the circumstances under which an employee union or other membership entity that collects contributions for its affiliated political action committees through employer payroll deductions would send designated contributions to its State or local chapter and transfer such contributions to its affiliated political action committee (HB 1249); and
- prohibit a candidate or a candidate's committee from receiving contributions from a political action committee in excess of 20% of the candidate's aggregate campaign finance contributions and transfers. The proposal provides a penalty and also authorizes the State Board of Elections, represented by the State Prosecutor, to institute a civil action against violators (SB 74).

- require local boards of elections, on request by a voter who used a provisional ballot, to send written confirmation of whether the ballot cast was accepted or rejected and to provide an explanation in the case of a rejected ballot (HB 871).
- specify the circumstances under which a temporary certificate of registration may be issued for the purpose of voting by a provisional ballot and would alter the application process for a temporary certificate of registration (HB 1046);
- require a county board of elections to designate at least one polling place on the campus of an institution of higher education in each precinct in which an institution of higher education is located (HB 1371);
- require a chief election official to seek legal advice before determining the sufficiency of a petition (SB 870); and
- make it a misdemeanor with a fine not exceeding \$5,000 to sell, distribute, or use or allow the sale, distribution, or use for profit of a voter registration list (HB 729).

SB 1, the Election Law Article, revises, restates, and recodifies without substantive change current laws relating to various election law matters. The bill, recently reported favorably out of committee, would be the 27th revised article to become law under the statutory revision process begun by the General Assembly in 1973.

HB 535, which allows individuals who have been convicted more than once of theft or other infamous crimes to register to vote after completing their entire court-ordered sentences, was before a committee on Wednesday. The companion bill is SB 184.

Several bills amend provisions of the Maryland Constitution related to the legislative redistricting process. One measure exempts incumbent Senators and Delegates from the residency requirements of the State Legislative Districting Plan for the period between the adoption of the plan and the date of the first election following adoption, if an incumbent's previous district had been altered by the plan (HB 688). Other proposals establish single-member legislative districts for the House of Delegates (SB 675/HB 870). HB 1314 alters

Other election law revisions addressed by 2002 legislation would:

the process of legislative districting and apportionment in the State by establishing a Redistricting Commission. Two resolutions ([SJ 12/HJ 20](#)) would have established an alternative Legislative Districting Plan of 2002 to the Plan ([SJ 3/HJ 3](#)) that became effective on the 45th day of this session.

ENVIRONMENTAL MATTERS

Public comments were taken this week on bills that require the Department of the Environment to issue, no later than October 1, 2003, guidelines on best management practices for improving water conservation and efficiency in water and wastewater use, treatment, storage, and transmission in public water systems and sewage treatment plants [SB 549/HB 693](#). These bills further require public water systems serving at least 10,000 individuals and sewage treatment plants discharging at least 1 million gallons per day to develop a plan to include a description of water conservation practices when applying for a new or expanded water appropriation or wastewater discharge permit.

Other measures before committee include [HB 294](#), which increases the maximum penalties for violations of sediment control, stormwater management, water pollution, water appropriation and use, waterway construction and obstruction, and nontidal and tidal wetlands provisions; and [HB 295](#), which increases the maximum penalty for violation of laws relating to air quality. The companion bills, [SB 241](#) and [SB 245](#), are still in committee.

After two weeks of floor debate in the Senate, [SB 326](#), a bill that provides for more State oversight regarding variances to the Chesapeake Bay Critical Area Protection Program, received preliminary approval. A committee heard the House bill on the same subject ([HB 528](#)) last week.

FAMILY LAW

The House gave preliminary approval to [HB 602](#), a “safe haven” bill that, as amended, provides for a grant of immunity from criminal prosecution and complete anonymity to a person who leaves a newborn with a responsible person within 72 hours of the child’s birth and has no intent to return for the child. The person with whom a newborn is left must, within 3 days, take the child to a hospital, law enforcement agency, local department of social services, or fire and rescue

company. The companion bill, [SB 688](#), and another similar “safe haven” bill, [SB 3](#), were discussed at a Senate committee hearing earlier this week.

FISCAL MATTERS

[HB 607](#), which increases alcoholic beverage taxes, is scheduled for a hearing in the middle of March. The tax on beer would increase from 9 to 18 cents per gallon; the tax on wine, from 40 to 80 cents per gallon; and the tax on distilled spirits, from \$1.50 to \$3 per gallon. The additional tax on distilled spirits over 100 proof also increases. The added revenue will be distributed to a special fund for addiction treatment and prevention services in the Alcohol and Drug Abuse Administration.

Scheduled for committee hearings next week, [SB 431](#) creates the Maryland Biotechnology Tax Benefit Certificate Program within the Department of Business and Economic Development (DBED). The bill permits a biotechnology company, if approved by DBED, to sell tax breaks for unused research and development credits and unused net operating losses. The maximum lifetime benefit per company is \$4 million and the overall benefit allowed for all companies in any year is \$20 million.

The Senate approved legislation eliminating local government appeals on property tax assessments outside the 3-year assessment cycle ([SB 208](#)). The House has scheduled a hearing on its version of the bill ([HB 892](#)). [HB 988](#), which would increase the cigarette tax to \$1.36 per pack from 66 cents per pack, will have a hearing on March 14. [SB 343](#), the companion bill, was aired last month.

[SB 828/HB 1274](#), the Budget Financing Act of 2002, which will change provisions of law to increase General Fund revenues, had hearings in the Senate and the House this week. The bills reduce lottery agent commissions, the motor fuel tax discount, the sales and use tax vendor credit, the tobacco tax stamp vendor discount, and the vehicle excise tax credit. Additionally, the measures alter the effect on Maryland taxes of various federal tax law changes, and reverse provisions of the Mass Transit Initiative of 2001 which transferred general funds to the Transportation Trust Fund (TTF). Senate and House committees continue their efforts to reconcile the budget recommendations with projected revenues, in order to meet the balanced budget requirements of the Maryland Constitution.

HEALTH CARE AND INSURANCE

This week, the House passed [HB 210](#) to change the age at which a minor may donate blood without a parent's consent from 17 to 16, and the Senate approved [SB 289](#) to extend the termination date from 2002 to 2005 for the Community Services Reimbursement Rate Commission. The commission studies and makes recommendations regarding rate system issues for the Mental Hygiene Administration. (The companion bill is [HB 454](#).) The measure to outlaw smoking in all bars, taverns, or clubs, including bars in hotels, motels, and restaurants, received an unfavorable report in committee this week ([HB 29](#)).

Several bills addressing prescription drug coverage were before committees for hearings this week. [SB 550/HB 1186](#), The Fair Market Drug Pricing Act, modifies the Maryland Pharmacy Discount Program (MPDP) enacted in 2001. Dependent on federal approval of the pharmacy discount program, the bills expand the MPDP to cover individuals whose annual household income is at or below 300% of federal poverty level (FPL) guidelines. Should federal approval not be received, the bill permits the Department of Health and Mental Hygiene (DHMH) to negotiate with drug manufacturers to obtain prescription drug discounts or rebates.

[HB 1227](#) establishes the Citizens' Prescription Drug Benefit Program in the Department of Budget and Management (DBM). The purpose of the program is to aggregate the purchasing power of the State Employee Health Benefits Plan, the DHMH, employer groups, health insurance carriers, and eligible individuals, under one entity in order to obtain volume discounts on the cost of prescription drugs on behalf of State residents, businesses, and the State. The State Employee Health Benefits Plan, DHMH, and Medicaid managed care organizations (MCOs), must participate in the program. State residents, large employers, and insurance carriers may participate. [SB 434](#) authorizes the Secretary of Health and Mental Hygiene to negotiate discount prices or rebates for prescription drugs from drug manufacturers and labelers.

Marylanders also testified this week on bills regarding insurance policies and credit history. [HB 37](#) extends to June 30, 2004, the sunset date on 1998 legislation that prohibits insurers from refusing to underwrite a private passenger motor vehicle insurance risk solely because of the credit history of the applicant or named insured. [HB 521](#) prohibits an insurer from refusing to underwrite a property and casualty insurance risk, or increase the

premium, because of the credit history of the applicant or named insured.

STATE GOVERNMENT

[HB 480](#), which generated opposing testimony this week, establishes "competitive best value contracting" as a method of procurement for construction contracts over \$2,500,000 by a primary procurement unit of the State. The proposal also establishes that it is the policy of the State to use, to the greatest extent possible, competitive best value contracting for construction procurement.

The House passed [HB 341](#), which provides Maryland National Guard members who are ordered into active service in response to the September 11, 2001 terrorist attacks, with a service bar to be worn on their uniforms in recognition of their service.

TRANSPORTATION

A hearing was held this week on [SB 28](#); the bill prohibits the use of traffic control signal monitoring systems except in school zones, at railroad crossings, or when a law enforcement officer is present and a citation is issued at the general time and place of the violation.

Measures under consideration to toughen penalties against repeat drunk or drugged drivers include the following bills:

- [SB 352/HB 4](#), which significantly increase penalties for repeat offenders and increase the use of the Ignition Interlock Program for such individuals;
- [SB 24](#), which suspends for 1 year the driver's license of a person who is convicted of a second or subsequent alcohol and/or drug related driving offense and requires mandatory impoundment or immobilization of a vehicle used in the commission of such an offense under certain circumstances;
- [SB 570](#), which alters the definition of "ignition interlock system" to include a requirement that the systems be capable of periodically testing the blood alcohol level of the driver of a motor vehicle while the motor vehicle is in use, and mandates increased use of ignition interlock

systems for offenders convicted for third or subsequent violations; and

- [HB 1061](#), which requires a person convicted of drunk or drugged driving 3 or more times to participate in the Ignition Interlock Program for up to 3 years and adds community service as a sentence option for third convictions.

Other proposals to deter the often tragic results of drunk driving target vehicle impoundment:

- [HB 60](#), which requires law enforcement agencies to arrange for the removal and impoundment of a vehicle driven by a person arrested for operating a motor vehicle while under the influence of alcohol or impaired by alcohol or drugs; and
- [SB 389/HB 47](#) (John's Law bills), which require anyone who takes custody of a suspected drunk or drugged driver to acknowledge in writing that they will be held liable for allowing the original driver to operate a motor vehicle while that driver remains under the influence of alcohol and/or drugs.

Other legislation related to drunk and drugged drivers includes:

- [HB 581](#), which increases the period of suspension of a driver's license for the licensee's refusal to submit to a test of blood or breath for alcohol and /or drugs;
- [SB 638](#), which raises the penalties for "super drunk" drivers and allows restrictive licenses to be issued under certain circumstances, if the individual uses the Ignition Interlock System.
- [HB 818](#), which makes a number of substantive changes to various provisions of law dealing with alcohol and drug-related driving offenses including raising the penalties for "super drunk" drivers and repealing the right to refuse to submit to a blood alcohol test if detained and directed to do so by a law enforcement officer; and
- [SB 21/HB 3](#) and [SB 23](#), which relate to prohibiting open containers of alcoholic beverages in motor vehicles and restricting

consumption of alcoholic beverages in motor vehicles.

[SB 527](#) prohibits a licensed driver under the age of 18 from driving with a passenger under the age of 18 (except specified relatives) for 180 days after the driver's license is issued. A police officer may only enforce this provision as a secondary violation (i.e., it cannot be the primary cause for stopping a motorist). The bill provides this will be a moving violation for which an individual may be assessed one point upon conviction.

