



The Legislative Wrap-Up

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AGRICULTURE/SEAFOOD INDUSTRY

This week, the House passed [HB 810](#), which re-establishes the Task Force to Study the Maryland Agricultural Land Preservation Foundation (MALPF). The task force will study and make recommendations by June 1, 2004, to strengthen the State's agricultural preservation program. A House committee will hear testimony on the crossfiled bill, [SB 544](#), on March 26.

Also this week, based on an earlier recommendation of the task force, the House passed [HB 998](#), allowing nonagricultural use of farmland in the MALPF program, if the use does not negatively impact the land's future agricultural use. The companion bill, [SB 435](#), received an unfavorable committee vote. Other companion measures [SB 391/HB 999](#), which make changes in application deadlines to sell easements, have passed their respective chambers.

CIVIL RIGHTS

A bill ([SB 484](#)) that prohibits discriminatory practices in the sale or rental of a dwelling due to a person's source of income had a Senate hearing this week. Its companion, [HB 990](#), was the subject of a House hearing last week.

COURTS AND CIVIL PROCEEDINGS

A Senate committee defeated a bail reform measure ([SB 432](#)) that would have required a judge to allow an eligible defendant to post a bail bond by paying directly to the court a refundable deposit of \$25 or 10% of the full bail amount, whichever is greater.

CRIMINAL MATTERS AND CORRECTIONS

Measures to prohibit a law enforcement officer from requiring an alleged sexual offense victim to submit to a

lie detector test ([SB 221/HB 248](#)) failed committee votes taken this week.

A House committee defeated [HB 876](#), which would have added the crime of "sexual abuse of a child" to the list of crimes of violence for which enhanced penalties must be applied for repeat offenders. The Senate heard testimony on [SB 801](#) this week, a bill to subject a person to a sentence of life in prison without the possibility of parole if the person is found guilty of a subsequent offense of any of the following crimes involving a child under the age of 16 years: rape in the first or second degree or sexual offense in the first or second degree.

EDUCATION

The Senate passed [SB 734](#) this week. This bill allows a part-time undergraduate student to receive or renew a scholarship award from the Maryland Teacher Scholarship Program. Annual awards for part-time undergraduate students are \$2,000 at two-year institutions and \$2,500 for students attending four-year institutions.

Passing a House preliminary vote, [HJ 9](#) urges boards of education to develop and institute a curriculum on or before Veterans Day or Memorial Day to instill patriotism and awareness of the great sacrifices made by veterans. The companion bill, [SJ 2](#), passed the Senate in January.

The Senate approved [SB 213](#), the Public Charter School Act of 2002. The measure establishes a program with primary chartering authority granted to local boards of education and secondary chartering authority granted to the State Board of Education. An application to establish a public charter school must be submitted to the local board of education in the jurisdiction in which the charter school will be located. If the local board of education denies the application, the applicant can appeal the decision to the State Board of Education. [SB 401](#), another public charter school initiative, was withdrawn this week.

Bills that failed in committee include:

- [HB 157](#), establishing the Teacher Professional Development School State Aid Pilot Program;
- [HJ 16](#), requesting legislators to visit middle and high schools following the end of each session to enhance student understanding of government and citizenship;
- [HB 332](#), exempting the child of a Maryland citizen who is an active member of the National Guard and reserve duty from tuition and fees at state colleges and universities;
- [HB 1074](#), limiting to the rate of inflation from the preceding calendar year the annual increases in tuition and mandatory fees charged to resident undergraduate and graduate students at the University of Maryland College Park; and
- [HB 1204](#), prohibiting the Board of Regents from appointing a current or former Governor as the Chancellor of the University System of Maryland under certain circumstances.

Two bills designed to limit students' exposure to advertisements and junk food in schools were heard by a committee this week. [SB 679](#) requires local boards of education to adopt policies that limit commercialism in public schools. Commercial advertisements on the exterior or interior of school buses would be prohibited, as would contracts for electronic products or services that require dissemination of advertising to students, except in specified circumstances. The bill eliminates the provision of student personal information for marketing purposes, and restricts the level of advertising in public school curriculum materials.

[SB 680](#) requires local boards of education to adopt a policy regarding vending machines and contracts with companies that supply vending machines. The policies must encourage a reduction in student consumption of food of minimal nutritional value and prohibit student access to vending machines that contain foods of minimal nutritional value until the last lunch period in a school day. The bill also places limitations and restrictions on the contracting authority of schools.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

The Senate has passed a proposal that will permit the purchase, for personal consumption, of wine via mail or the Internet. [SB 494](#) creates a direct wine seller's permit for out-of-state wine sellers whose brands are not distributed by any Maryland licensed wholesaler. Buyers must be 21 years old, a Maryland resident, not hold a Maryland alcoholic beverage license, and use the purchased wine for personal consumption and not for commercial purposes. The companion bill, [HB 811](#), remains in committee.

ELECTIONS

Both chambers have approved their bills ([SB 471](#) and [HB 538](#)) to establish a new Study Commission on Public Funding of Campaigns in Maryland. The House has also approved [HB 1249](#) related to administrative procedures for contributions to political action committees made through employer payroll deductions.

The Senate also passed [SB 721](#) related to mandated filing dates for campaign finance reports. Another bill ([SB 445](#)) related to filing deadlines failed in committee, as did [HB 681](#) that would have altered the limitation on the amount of contributions that may be made by credit card to candidates and political committees.

ENVIRONMENTAL MATTERS

This week the Senate approved [SB 246](#). Amended on the floor, the bill now prohibits the Department of the Environment from adopting primary drinking water regulations that are less stringent than the national standards in effect in January 2002. The crossfiled bill, [HB 302](#), received an unfavorable committee report. Related legislation in the House has been reported to the House floor with committee amendments ([HB 350](#)).

Bills aimed at protecting the environment through the establishment of fees and penalties also received unfavorable reports:

- [SB 241/HB 294](#) would have established penalties for violations of sediment control, stormwater management, water pollution, water appropriation and use, waterway construction and obstruction, and nontidal and tidal wetlands

provisions. (The companion bill, [SB 241](#), remains in committee); and

- [SB 243/HB 299](#) would have established the State Solid Waste Management Fund to be used for statewide and regional recycling initiatives of the department, and solid waste program activities relating to inspections, permitting, public education, and recycling programs. (The companion bill, [SB 243](#), remains in committee.)

The House adopted amendments to and passed [HB 536](#), prohibiting the use of dredges and rakes in certain protected submerged aquatic vegetation beds. The House version no longer contains provisions that establish new requirements for the identification and delineation of submerged aquatic vegetation areas and is no longer identical to [SB 195](#), now in the House.

FAMILY LAW

A committee voted unfavorably on identical bills ([HB 477](#) and [HB 1008](#)) seeking to criminalize the willful and knowing failure of a health practitioner, police officer, educator, or human services worker to provide a required notice or make a required report when he or she, acting in a professional capacity, has reason to believe a child may have been subject to abuse or neglect. The bills provide a maximum penalty of a \$1,000 fine for the misdemeanor. Maryland is one of 5 states that do not criminalize such failure to report suspected child abuse or neglect.

Testimony has been heard on [SB 654](#) and [HB 963](#), companion bills that seek to extend child support for a child who is 18 years old, is a full-time secondary school student, and resides with the custodial parent. Under the bills, a court could order continuation of support until the child marries, dies, is emancipated, graduates from or is no longer enrolled in secondary school, or becomes 19, whichever occurs first.

FISCAL MATTERS

Sent to the Senate floor with 398 committee amendments, the Budget Bill, [SB 175](#), received preliminary approval on Friday. The committee's recommendations reduce the Governor's proposed budget for fiscal year 2003 by \$476.9 million. All of the amendments were adopted, as were 3 floor amendments.

As approved, the Budget Bill is \$116.8 million below the State's spending affordability guidelines, reflecting a growth rate of 3.1%, as opposed to the spending affordability guidelines growth rate of 3.95%.

Among the reductions are:

- \$21.5 million from the Judiciary's proposed budget;
- \$14.1 million from the Department of Budget and Management information technology budget;
- \$42.2 million from statewide information technology development;
- \$1 million from the nonpublic school textbook aid program (funding for this program was made contingent upon funding to implement the recommendations of the Thornton Commission on Education, Finance, Equity, and Excellence);
- \$39.2 million from the Outdoor Recreation Land Loan programs including \$6.4 million from Rural Legacy and \$32 million from Program Open Space;
- \$37.1 million from State universities and colleges;
- \$16.4 million from community college aid;
- \$25 million from the 2% cost-of-living-adjustment for State employees;
- \$1.7 million from the Maryland House of Corrections for utilities; and
- \$7 million from the Community Legacy Program.

On Friday, a key component of enacting a balanced budget, [SB 323](#), the Budget Reconciliation Act of 2002, was also amended and approved on second reading. To balance the FY2003 budget, the bill provides revenue to the General Fund by transferring money from special funds to the General Fund, redirecting revenue from selected special funds to the General Fund, and making other changes to the law to increase revenue and decrease expenditures.

The adopted amendments to the original reconciliation bill, as submitted by the Governor, will:

- maintain the final 2% income tax reduction;
- delete the transfer of \$50 million from the Insured Division of the Maryland Automobile Insurance Fund to the General Fund;
- delete the transfer of \$5 million from the Emergency Medical System Operations Fund to the General Fund;
- reallocate 50% of the State transfer tax to the General Fund;
- reduce the credits paid to vendors for collecting the sales and excise taxes; and
- reduce the period of inactivity before which property may be considered to be abandoned.

As amended, the bill provides \$339.7 million for the General Fund for fiscal year 2003.

A Senate committee heard testimony on a proposed constitutional amendment related to the budget process. [SB 476](#) authorizes the General Assembly to increase or add items to the Executive Department in the Budget Bill, subject to gubernatorial veto. However, the total allowance for the Executive Department in the Budget Bill, as submitted by the Governor, could not be increased by legislative changes. If the Governor vetoed an increase in appropriation or a new item, the General Assembly is authorized to convene a special session to consider overriding the vetoes. Currently, the General Assembly may only delete or reduce items for the Executive Department, but may increase or decrease items for the Legislative and Judicial Departments, and the Governor has no veto over any portion of the Budget Bill.

[SB 431](#), to create the Maryland Biotechnology Tax Benefit Certificate Program was withdrawn. With State approval, a biotechnology company would have been permitted to sell tax breaks concerning unused research and development credits and unused net operating losses.

HEALTH CARE AND INSURANCE

The bill to provide regulatory oversight of Maryland crematories ([HB 326](#)) has passed in the House. It requires licensing of crematories with either the Office of Cemetery Oversight or the State Board of Morticians and provides civil and criminal penalties for violators. Hearings on health bills this week included [HB 917](#) to protect human research subjects by requiring approval by an institutional review board and written consent of the subject and/or a parent or guardian. The bill does not apply to research that is exempt from federal regulations on the protection of human subjects. Also heard, [HB 930](#) requires hospitals that provide emergency care to rape survivors to develop a protocol to provide information about emergency contraception. Last session, similar legislation failed in committee.

A bill to expand the number of hospitals that provide open-heart surgery ([HB 909](#)) has failed in committee. The bill would have changed the requirements for approval of a certificate of need. Similar legislation failed last session.

Bills regarding the proposed CareFirst conversion were subject to committee review and floor deliberations this week. The House passed [HB 448](#) requiring that all distributions from the acquisition of a nonprofit health entity be in cash. Reported favorably by a Senate committee, emergency legislation, [SB 487](#) alters current law by prohibiting the appropriate State regulating entity from approving an application for acquisition of a nonprofit health entity unless the regulating entity finds that the acquisition is in the public interest. Currently, the regulating entity is required to approve an acquisition, unless it finds the acquisition is not in the public interest. The House has already passed its version of this legislation ([HB 2](#)).

Also addressing the issue of public interest is [SB 592](#), which provides that the acquisition of a nonprofit health entity is not in the public interest if an officer, director, or trustee of the nonprofit health entity receives any immediate or future remuneration of any kind as the result of the acquisition. In addition, under this measure an acquisition is not in the public interest if an agreement or contract for the acquisition includes a provision or other requirement that the nonprofit health entity is required to make a payment if the agreement or contract is broken by the nonprofit health entity.

Passed on second reading by the House, an amended [HB 1228](#) establishes the Maryland Health Insurance Plan, a

high-risk pool that will provide comprehensive health benefits to individuals who are unable to purchase insurance due to preexisting medical conditions. The bill extends the renamed Senior Prescription Drug Program until 2005.

Hearings held this week on the regulation of nonprofit health service plans include the following proposals:

- **SB 410**, requiring a nonprofit health service plan that insures 10,000 or more covered lives to operate a Medicaid managed care organization (MCO) that provides services to enrollees in each county of the State in order to maintain its 2% premium tax exemption; and
- **SB 411**, requiring the Insurance Commissioner, in consultation with the Legislative Auditor, to contract by August 1, 2002 with an independent consultant that has expertise in health care economics to perform a five-year retrospective financial audit to determine the value of public benefits received by certain nonprofit health service plans in the State.

SPORTS AND GAMING

Passing the House, **HB 69** allows persons owning riparian property adjacent to the tidal waters of the Potomac in Maryland and Virginia to license State shoreline to establish offshore stationary blinds or blind sites for hunting wild waterfowl. The bill also allows owners of property in Maryland, Virginia, or West Virginia that is adjacent to the nontidal waters of the Potomac to license State island shoreline, but not State mainland shoreline. A narrower Senate bill, **SB 18**, passed the Senate in February. Both bills seek to correct inequities in current law.

After considerable debate, **SB 599** passed second reading in the Senate. The bill simplifies the hunting license and stamp structure within the Department of Natural Resources by reducing the number of licenses and stamps available. At present, a hunter in Maryland must select from 16 different licenses, stamps, and permits. Under this bill the number would be reduced to 7. This bill also increases fees for the first time since 1989.

A House committee voted unfavorably on **HB 412**, which required any entity sponsoring sports programs for children ages 5 through 18 to recommend that

children participating in specific sports wear mouth guards during play. Also receiving an unfavorable committee vote was **HB 374**, which would have replaced the current Maryland Sports Agents Act with the Maryland Uniform Athlete Agent Act.

Heard this week was a proposed constitutional amendment, **HB 732**, regulating the operation of video lottery terminals (VLTs) by the State Lottery Commission. VLTs are not currently authorized for use in Maryland. The measure provides that the VLTs may be offered for public use under restricted circumstances in the State only by a business licensed by the Commission with licenses limited to locations in 4 different areas of the State. A portion of the proceeds will support education and library programs.

STATE GOVERNMENT

As the week came to a close, several measures related to State emergency security procedures had passed from one chamber to the other or were nearing that goal. The House approved **HB 305**, establishing the Maryland Security Council to assist the Governor in maintaining an adequate and coordinated strategy for detecting, preventing, and preparing for, as well as responding to and recovering from, an emergency. The companion bill is **SB 242**. The Senate approved **SB 239** authorizing the Maryland Emergency Management Assistance Compact (MEMAC), a mechanism providing mutual assistance in managing an emergency among subscribing local jurisdictions. The House bill, **HB 293**, passed earlier.

The Senate passed **SB 236**, authorizing the Secretary of Agriculture, or the Secretary's designee, to apply to a judge for an administrative search warrant to make a lawful inspection to determine compliance with the laws relating to regulation and prevention of infectious and contagious livestock and poultry diseases. The companion is **HB 304**.

Also progressing with preliminary approval, **HB 303** enables the Governor to assume immediately emergency powers in the event of a threat or occurrence of any enemy attack, act of terrorism, or public health catastrophe. The Senate bill on this topic, **SB 235**, has been reported favorably by a committee.

Moving to the floor with favorable committee action, **HB 296**, delineates the powers of the Governor and the Secretary of Health and Mental Hygiene related to catastrophic health emergencies. **SB 234** is the

companion bill. Several bills ([SB 380](#), [HB 983](#), and [HB 1070](#)) aimed at addressing aspects of State security related to terrorism were not approved by committees.

[SB 240](#), which denies access to records if access would endanger the public, was reported favorably to the Senate floor. A committee took testimony on the House bill ([HB 297](#)) this week. [SB 720](#), related to denial of access to State records related to public safety, was withdrawn, but the public testified on the companion bill, [HB 916](#), this week.

On the Senate floor, the Maryland National Guard Readiness Act ([SB 238](#)), provides State death benefits of \$100,000 to the surviving spouse, children, or dependent parents of Maryland National Guard members killed in the performance of their duties. The bill applies retroactively to members of the Maryland National Guard who died in the performance of their duties on or after September 11, 2001. The proposal also adopts reemployment rights and civil protections, as specified under federal law, for Maryland Guard members. The companion bill is [HB 292](#).

Continuing to move through the process are other proposals related to dates of commemoration and honorary designations. [HJ 13](#), as approved by the House, designates September 11 as "Maryland Day of Remembrance of the September 11, 2001 Terrorist Attacks" and encourages parents and educators, on September 11 and throughout the year, to teach their children and students that the ideal of liberty in the United States, which the terrorists attempted to destroy on September 11, 2001, remains unscathed. The Senate approved [SJ 1](#), which also designates September 11 as a day of remembrance to honor America's firefighters, police officers, and citizens involved in the World Trade Center and Pentagon tragedies, as well as those aboard United Airlines flight 93 that crashed in Pennsylvania.

Senate and House resolutions ([SJ 4](#) and [HJ 4](#)), honoring the heritage of American Indians have been passed by their original chambers. The House approved [HJ 8](#), memorializing fallen firefighters, and [HJ 15](#), designating May 19, 2002 through June 14, 2002 as Maryland's "Salute to the Services," and calling upon tourism businesses in the State to provide travel-related discounts to military, fire and emergency services, police, and hazardous material safety personnel.

This week, the Senate passed [SB 265](#), mandating greater access to State services for Marylanders who have limited English proficiency. State agencies will be

required to provide oral services such as interpreters for these individuals and translate vital governmental documents. Compliance will be phased in over the next few years. [HB 1174](#) is the House bill.

Bills to make walking the State exercise ([HB 439](#)), to change the words of the State song ([SB 19](#)), and to establish the Patuxent River Agate as the State gem received unfavorable committee reports. The proposal to adopt the apple oatmeal cookie as the State cookie ([HB 1326](#)) had a hearing this week.

TRANSPORTATION

The House passed a measure that has been controversial in past sessions, but that is expected to capture some federal funds. [HB 3](#) prohibits open containers of alcohol in the passenger area of a motor vehicle. As amended, the offense was reduced from a criminal one to a civil citation that carries a \$25 fine, rather than a \$500 fine as originally proposed. [SB 23](#) and [SB 21](#), two other open container measures, are still pending in a Senate committee.

Legislation increasing penalties for a driver convicted of leaving the scene of an accident that results in serious bodily injury or death passed the House this week. Amendments to [HB 256](#) limit the increased penalties to convicted drivers who knew or should have known that serious injury or death might result and who were involved in an accident that actually resulted in serious injury or death. Penalties, if the accident results in death, are increased to not more than 10 years in jail or a fine of not more than \$10,000 or both. If the accident results in serious bodily injury, the maximum penalty is 5 years in jail and a \$5,000 fine. Currently the maximum penalty for an accident resulting in any level of bodily injury is 1 year in jail and a \$3,000 fine, and the maximum penalty when death results is 5 years in jail and a \$5,000 fine. Companion legislation, [SB 345](#), is pending.

NEXT WEEK

In recent years, the Senate and the House have established "courtesy dates" that have evolved into key legislative deadlines. Next week, March 19, as the 70th day of the 2002 session, is the committee reporting courtesy date. Each chamber's committees are to report their own bills by this date. Three full weeks remain in the 2002 session. Monday, April 8, is *sine die*.

