



The Legislative Wrap-Up

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AGRICULTURE/SEAFOOD INDUSTRY

[HB 662](#) creates a task force to study seafood and aquaculture industries. As amended and passed by the House, the membership and scope of the task force will include two workgroups, one to study and develop methods of expanding markets for Maryland seafood and the second to study the economic viability and development of the aquaculture industry. A report is due in 2004.

Bills creating a Marine Fisheries Commission ([HB 331](#)) and a Wildlife Inland Fisheries Commission ([HB 664](#)), as independent State agencies, were referred to interim study. [SB 817](#), the companion bill to [HB 664](#), was withdrawn.

CIVIL RIGHTS

Committees have rejected bills ([SB 484/HB 990](#)) that would have prohibited housing discrimination based on an individual's source of income.

Also receiving an unfavorable committee vote, [HB 1099](#) would have prohibited a law enforcement officer from engaging in "racial profiling" and imposed penalties. Legislation enacted in 2001 requires law enforcement agencies in the State to adopt policies to prohibit race-based traffic stops. In addition to reporting requirements relating to racial profiling, law enforcement agencies are required to adopt a policy against race-based traffic stops to be used to promote nondiscriminatory law enforcement and in the training and counseling of officers.

COURTS AND CIVIL PROCEEDINGS

[SB 197](#), approved by the Senate, requires the State to pay rent to counties for courthouse space for clerks of the circuit court, beginning in FY 2004. Counties, currently bearing this cost, must spend the resulting savings on circuit courts or related public safety purposes and prepare expenditure reports for 8 years. (The companion bill, [HB 825](#), has not moved.)

House and Senate committees have both now defeated bail reform legislation ([HB 792](#) and [SB 432](#)) that would have required a judge to allow an eligible defendant to post a bail bond by paying directly to the court the greater of a refundable deposit of \$25 or 10% of the full bail amount. Withdrawn by its sponsor, [SB 9](#) would have required, contingent on State funding, the public defender to represent indigent defendants at bail review hearings and to report on the initiative.

CRIMINAL MATTERS AND CORRECTIONS

The Senate approved [SB 486](#), which expands the list of criminals required to submit a DNA sample to State Police for entry into a statewide database to include all convicted felons. The bill also establishes a fund, consisting of grants from private entities or federal agencies, to help the State Police and local police departments purchase DNA technology equipment.

Amendments to [SB 486](#) include provisions of [HB 445](#), which passed the House, to require the State to preserve DNA evidence collected for a case that ended 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. (One companion bill, [SB 219](#), died in committee and the other, [HB 1053](#), remains in a House committee.)

With Senate preliminary approval this week, "Christopher's Laws," if successful in the other chamber, will:

- prohibit a prosecutor from entering into a plea bargain that would result in a *nolle prosequi* or placement on the stet docket for charges of certain sexual offenses against a child under 16 and deny good behavior credits to certain child sexual offenders ([SB 799](#)); and
- deny good behavior credits or parole for offenders convicted of rape or first or second-degree sexual offense against a child under 16 ([SB 800](#)).

Another Christopher bill, with final approval by the Senate, allows a judge to impose a life sentence without the possibility of parole for offenders who are convicted of rape or first or second degree sexual offense against a child under 16 and who have a previous conviction for one of those crimes ([SB 801](#)).

Handgun-related bills defeated this week by a House committee include:

- [HB 543](#), the Gun Accountability Act of 2002, to require handgun purchasers to be licensed through the State Police, a process that would include fingerprinting and completion of a firearm safety course. (There has been no action in the Senate on similar bills, [SB 222](#) and [SB 224](#));
- [HB 542](#), the Gun Safety Act of 2002, to increase penalties for storing or leaving a loaded gun within a child's reach, to require reporting of stolen or lost handguns within 48 hours, and to require a firearm purchaser to demonstrate competency by completing a certified firearms safety training course. (There has been no action in the Senate on the companion bill, [SB 223](#));
- [HB 605](#), to alter the requirements for obtaining a permit to carry a handgun, including eliminating the requirement that applicants must show "good and substantial reason," and to alter fees, fines, and renewal cycles relating to handgun permits; and
- [HB 318](#), to make certain handgun possession crimes automatic felonies, with mandatory minimum nonparolable penalties, to alter penalties for certain handgun possession crimes, to restrict and set conditions for pretrial release, and to allow the State to appeal amounts and conditions of bail it considers insufficient.

Two proposals concerning the death penalty were rejected by a House committee. [HB 832](#) would have added murder committed in violation of a protective order as an aggravating circumstance that could be used to impose the death penalty for murder in the first degree. [HB 972](#) would have changed the standard of proof used in weighing aggravating circumstances against mitigating circumstances during the sentencing portion of a capital case from the preponderance of evidence standard to the higher standard of beyond a

reasonable doubt. A similar bill ([SB 629](#)) is under consideration in a Senate committee.

A measure to prohibit the State or a local government from receiving a commission or other revenue from contracts that provide telephone service for inmates ([HB 839](#)) failed a House committee vote.

The House passed [HB 971](#), which codifies provisions relating to the existing independent juvenile justice monitor program in the Office for Children, Youth, and Families (OCYF). The program was established through a memorandum of agreement between the Department of Juvenile Justice (DJJ) and the OCYF and has been operating since September 2000.

The Office of the Independent Juvenile Justice Monitor must evaluate the child advocacy grievance process, the monitoring and internal investigation process of the DJJ, the treatment of and services to youth, and the physical conditions of and staffing at residential facilities. It must also review reports of disciplinary actions, grievances, and grievance dispositions from each facility, and may participate in investigations concerning any allegation of abuse or neglect within any assigned facility.

A Senate committee defeated [SB 333](#), legislation in the same vein that would have established an independent State Juvenile Justice Disciplinary and Grievance Advisory Commission to inform and advise the DJJ on issues regarding the care and supervision of children under DJJ's jurisdiction. A similar bill ([HB 967](#)) awaits House committee action.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

TEDCO, or the Maryland Technology Development Corporation, as established in 1998, fosters the development of Maryland's technology economy in order to create and sustain businesses in that field. [SB 307/HB 405](#), approved by their respective chambers, adjusts the legal authority of TEDCO to allow it to become competitive on a broader basis for federal funds. Current law does not allow TEDCO to receive certain federal funds that are available to nonprofit or for-profit organizations.

[SB 251](#), scheduled for a hearing next week by House members, addresses the rights of innkeepers to remove patrons or refuse to serve them. The bill specifically targets under-aged customers. Amendments provide for

an advance, but refundable, deposit for patrons between the ages of 18 and 21. ([HB 308](#) is the original companion bill.)

Marylanders who want to purchase, for their own consumption, wine via mail or the Internet may get a boost if [SB 494](#) or [HB 811](#) pass this session. These bills have recently moved over to the opposite chamber. The Senate bill has a scheduled hearing next week.

EDUCATION

The House passed legislation relating to charter schools this week. [HB 131](#), now in the Senate, enables local school boards to grant charters that establish public charter schools. Adopted amendments remove provisions that limit charter school eligibility to schools identified as a reconstitution schools. A Senate charter school bill, [SB 213](#), is scheduled for a hearing in the House next week.

The Senate passed unanimously [SB 226](#) mandating that specifications used in all grants and procurement contracts for technology-based instructional products require equivalent access for students with disabilities, including blindness, in accordance with the technical standards for electronic and information technology issued under the Federal Rehabilitation Act of 1973.

[SJ 13](#), as passed by the Senate, encourages local boards of education to develop character education programs that include discussions of the following traits: trustworthiness, respect, responsibility, fairness, caring and citizenship.

The Senate amended and gave preliminary approval to a bill ([SB 233](#)) that authorizes local boards of education and local school employee organizations representing certificated and noncertificated school personnel to negotiate over mutually agreeable matters other than salaries, wages, hours, and working conditions. Public school employees may not negotiate the school calendar, the maximum number of students assigned to class, or any matter that is precluded by applicable law. (The companion bill, [HB 290](#), remains in committee.) Another collective bargaining bill, [SB 585](#) was rejected by the Senate committee.

Among other bills failing in committee:

- [SB 452](#) would have raised the age of compulsory school attendance from 16 to 18,

unless a student under 18 has received a high school diploma;

- [SB 634](#) would have required the Maryland State Department of Education to adopt regulations to modify the Maryland School Performance Assessment Program to conform to the federal No Child Left Behind Act of 2001 by the dates specified under federal law; and
- [SB 635](#) would have required public schools to obtain permission from a parent or guardian before the student could participate in the Maryland Adolescent Survey.

ELECTIONS

As approved by the House this week, [HB 535](#) will allow individuals, who are convicted more than once of certain felonies and crimes, to register to vote when they have completed their court-ordered sentences including probation, parole, community service, restitutions, and fines and when at least 3 years have elapsed since the completion of all of those requirements. Current law prohibits repeat offenders from voting without a gubernatorial pardon. (The Senate measure is [SB 184](#).)

Bills that have passed the first chamber and are waiting action in the second include proposals to initiate a January filing of legislative campaign finance statements ([SB 721](#) and [HB 383](#)) and others to establish a Commission on Public Funding of Campaigns for legislative races ([SB 471](#) and [HB 538](#)), as well as measures to clarify procedural matters related to provisional balloting ([HB 871](#)), temporary certificates of registration ([HB 1046](#)), and PAC contributions through payroll deductions ([HB 1249](#)).

The statutory revision bill that recodifies, without substantive change, State election laws into a new article of the *Annotated Code of Maryland* will be aired before a Senate committee next week ([SB 1](#)).

Measures that were not successful this session related to requiring additional campaign contributor information ([HB 912](#)), limiting carry over campaign funds from one election cycle to another ([SB 587](#)), authorizing counties to regulate campaign finance ([HB 1201](#)), mandating that election officials get legal advice before determining the sufficiency of a petition ([SB 870](#)), setting up polling places on college campuses ([HB 1371](#)), and prohibiting the sale of voter registration data ([HB 729](#)).

FAMILY LAW

The Senate gave preliminary approval to [SB 657](#), legislation seeking to extend child support for a child who is 18 years old and a full-time secondary school student, until the earlier of when the child dies, marries, is emancipated, graduates, is no longer enrolled in secondary school, or turns 19. The companion bill, [HB 993](#), was amended in committee and reported out favorably.

The Senate passed [SB 3](#), a version of the Safe Haven Act, that provides immunity from civil liability or criminal prosecution and complete anonymity to a person who abandons a newborn in a hospital within 72 hours of the child's birth. The bill provides procedures that the hospital and local social services department must follow, and provides civil immunity to the hospital and its employees. A similar bill ([SB 688](#)) failed in committee.

“Safe haven” legislation that passed earlier this month in the House grants immunity from criminal prosecution to a person who leaves a newborn with a responsible person within 72 hours of the child's birth, with no intent to return for it. 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 ([HB 602](#)).

FINANCIAL INSTITUTIONS

Passed by the Senate, [SJ 7](#) urges the Maryland Congressional Delegation to enact legislation that would prohibit an insured depository institution from making a payday loan either directly or through an agent or affiliate.

FISCAL MATTERS

The Senate completed its work on the Budget Bill ([SB 175](#)) and sent the legislation to the House. The full House will consider the House committee's recommendations in a Saturday floor session, as the April 1 deadline for passing the budget approaches. Once the House comes to an agreement, differences between the two chambers must be reconciled in a conference committee before the budget becomes law.

A key component of the General Assembly's work to reach a FY 2003 balanced budget, the Budget

Reconciliation and Financing Act of 2002 ([SB 323](#)) has been reported to the House floor with amendments. This measure transfers money from special funds to the General Fund, redirects revenue from selected special funds to the General Fund, and makes other changes to the law to increase revenue and decrease expenditures.

Two measures related to the State's current budget approval process and fiscal structure were the subject of floor discussion this week:

- [SB 476](#), a proposed constitutional amendment, failed by a close vote, but would have given the General Assembly authority to increase or add items to the Executive Department in the Budget Bill, subject to a veto by the Governor of the increases or additions; and
- [HB 1](#), as passed by the House, establishes a Commission on Maryland's Fiscal Structure, to review and evaluate the State's current budget and fiscal structure, to address the funding sources for educational, transportation, and health care needs, and to address inefficiencies and improvements in State government services and operations. A report is due this December.

Committee hearings were held recently on proposed tax increases on alcoholic beverages ([HB 607](#)), and on cigarettes ([HB 988](#)). (The companion cigarette tax bill, [SB 343](#), had a hearing last month.)

Legislation ([SB 29](#) and [SB 520](#)) instituting a sales tax free back-to-school week was defeated in committee this week. Several related measures remain in committee ([HB 20](#) and [HB 103](#)) and others have been withdrawn ([HB 75](#) and [HB 76](#)).

Among the bills that are still pending but moving are:

- [SB 496](#), which limits the Maryland Heritage Structure Rehabilitation Tax Credit. (The companion bill is [HB 759](#));
- [HB 1073](#), which requires county or municipal governments that grant franchises for cable television to offer property tax credits or other appropriate incentives to technology companies that either invest in or offer bundled technology services at discounted rates in technology empowerment zones; and

- [HB 892](#), which concerns appeals outside the assessment cycle. (The companion bill is [SB 208](#)).

HEALTH CARE AND INSURANCE

Bills related to mental health care continue to advance through the process:

- [SB 612](#), with a favorable preliminary floor vote, allows hospitals with off-site community-based mental health services to be reimbursed under the Medical Assistance Program. (The companion bill, [HB 862](#), is still in committee); and
- [SB 10](#), reported favorably out of committee with amendments, increases rates for community mental health services providers with annual adjustments based on the Consumer Price Index. By imposing an insurance premium tax on HMOs, amendments create a 4-year Maryland Public Mental Health System Fund to close the deficit incurred prior to fiscal year 2003, and to cover the rate increases for mental health providers.

Other legislation making progress this week includes:

- [HB 846](#), the Board of Physician Quality Assurance sunset bill, as amended by a committee, reinstates the use of the Medical and Chirurgical Faculty (MedChi) for investigations and peer review services of physicians. The Board may contract with a nonprofit entity if it determines, after providing notice and time for comment, that MedChi is not adequately performing its peer review duties. (On the Senate side, [SB 613](#) is still in committee);
- [HB 533](#), as approved by the House, revises the Maryland Physician Assistants Act to clarify the scope of practice of physician assistants to include medication orders and change the supervisory requirements to allow more flexibility; and
- [SB 537](#), as passed by the Senate, protects nurses from involuntary overtime and establishes the rights of nurses in the workplace. The bill addresses Maryland's nursing shortage and the

resulting working conditions. Similar legislation last session failed.

There was further legislative action this week in both chambers in response to the CareFirst proposed conversion and acquisition. The Senate passed [SB 487](#), which 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. The companion bill, [HB 2](#), will have a Senate hearing next week.

Given a favorable Senate preliminary floor vote, [SB 592](#) also deals with the acquisition of a nonprofit health entity and the public. [SB 880](#), heard by a Senate committee this week, prohibits a nonprofit health service plan from being acquired. The companion bill, [HB 1254](#), has already had a House hearing.

Amended and passed by the House, [HB 141](#) prohibits officers, directors, trustees, and employees of a nonprofit health service plan from personally profiting from the acquisition or proposed acquisition in the form of any compensation arrangement other than a salary in exchange for future services to the acquiring company.

The House passed [HB 1228](#), the Health Insurance Safety Net Act of 2002 that includes provisions establishing the Maryland Health Insurance Plan and extends until 2005 the senior drug prescription program.

Amended and approved in the House, [HB 738](#) modifies the State-mandated insurance coverage for in-vitro fertilization and [HB 896](#) mandates residential crisis services for mental illness if medically necessary. The mandated insurance benefits proposal for vaccine coverage against meningococcal disease for residential college students was rejected by a House committee ([HB 1129](#)).

HOUSING

Recent committee testimony relayed information about legislation related to lead paint abatement in housing:

- [HB 1154](#) amends the Lead Paint Poisoning Prevention Program in the Maryland Department of the Environment (MDE) by expanding the requirements for owners of affected properties, requiring lead reduction by an owner that receives a lead-hazard violation notice,

expanding the existing rental subsidy to owner-occupied properties, requiring inspections to include lead-contaminated dust testing, and mandating that procedures and standards be based on federal guidelines;

- [HB 1167](#) exempts from risk reduction standards for lead poisoning the outside surfaces of a property if an inspection report from an MDE accredited inspector states that the surfaces have been tested and are lead-free; and
- [HB 1411](#) reduces the frequency of inspections of properties under MDE's Lead Program to the later of every 2 years or at each change in occupancy.

[HB 1179](#), which would have expanded the criteria for grants from the Lead Hazard Reduction Grant Program in the Department of Housing and Community Development (DHCD), was withdrawn.

STATE GOVERNMENT

Most of the emergency proposals related to the State's preparedness to prevent terrorist activity and to respond to an attack or a major disaster have moved from one chamber to the other. These bills address gubernatorial emergency powers, catastrophic health emergencies, and infectious and contagious livestock and poultry diseases ([SB 235/HB 303](#); [SB 234/ HB 296](#); and [SB 236/HB 304](#)).

Other bills in the Anti-Terrorism package establish a Maryland Security Council, an emergency assistance compact among local jurisdictions, and take steps related to Maryland National Guard readiness ([SB 242/HB 305](#); [SB 239/HB 293](#); and [SB 238](#)).

Additionally, both chambers have approved the measure to deny access to certain public records if access would endanger the public ([SB 240/HB 297](#)). The Senate has passed an amended the Maryland Security Protection Act which contains provisions dealing with wiretaps and protection of nuclear power plants, as well enhancement of the authority of the Maryland Transportation Authority Police, the Maryland Aviation Administration, and the Motor Vehicle Administration ([SB 639](#)). The House bill is nearing approval on the House floor ([HB 1036](#)).

A Senate Committee did not agree to reorganize the Office of Administrative Hearings (OAH) proposed under [SB 393](#). The House bill, [HB 206](#), has not moved from its assigned committee.

SPORTS AND GAMING

Passing the House, [HB 719](#) modifies the fees for nonresident hunting licenses and establishes a new category of specified deer hunting stamps for nonresidents. At the end of a fiscal year any unspent or unencumbered fees revert to the State. Passing the Senate, [SB 813](#), increases Maryland fishing licenses by an extra 50 cents. The bill also establishes a nonresident short-term license valid for 3 days.

The House gave preliminary approval to [SB 93](#), a bill that authorizes the Lottery Commission to enter into agreements to participate in multi-jurisdictional lotteries with political entities outside the United States or with private licensees of a state or country. Currently, the Lottery can enter into an agreement to operate a multi-state lottery with any other political entity outside the State. This legislation provides the opportunity to increase sales and revenues of the Lottery Commission by allowing the sale of more games that involve other states and/or other countries.

The proposed constitutional amendment, [HB 732](#), authorizing the operation of video lottery terminals under the regulation of the State Lottery Commission was rejected in committee

TRANSPORTATION

The Senate has agreed to tougher penalties for repeat drunk or drugged drivers. [SB 352](#) will increase the penalties for repeat offenders and increase the use of the Ignition Interlock Program for these individuals. (A companion measure, [HB 4](#), is still pending in committee.)

The Senate also passed its version of the open container bill. [SB 21](#), as amended is now identical to [HB 3](#), which is under Senate consideration. If this legislation is enacted, open alcoholic beverage containers will be prohibited in passenger areas of motor vehicles.

The Senate amended and passed legislation increasing penalties for a driver convicted of leaving the scene of an accident that results in serious bodily injury or death.

[SB 345/HB 256](#) are now in opposite chambers in identical form.

This week, the Senate also approved child booster seat legislation, which requires a person transporting any child under 40 pounds or any child 6 years old or younger, to secure the child in a child safety seat according to the child safety seat and vehicle manufacturers' instructions ([SB 802](#)). The bill clarifies that using a seat belt or combination seat belt-shoulder harness alone is not a child safety seat. (The companion measure, [HB 699](#), is still pending in its committee.)

Resolutions ([SJ 8 /HJ 10](#)) passed in their respective chambers urging the Governor to instruct the Secretary of the Department of Transportation to restart and bring to a conclusion the environmental impact statement process to study the Intercounty Connector (ICC), a limited-access, east-west, highway to facilitate access between Montgomery and Prince George's Counties, the Greater Baltimore area, and other locations throughout the State of Maryland.

Citizens turned out to testify this week on [HB 1431](#) that creates a task force to evaluate the development and construction of a magnetic levitation (Maglev) transportation system. Among other things the bill directs the task force to examine alternative funding mechanisms and the public/private partnership potential for the design, construction, ownership, operation, and funding of the Maglev system. A report is due by December 1 of this year.

There will be no restrictions on the use of a hand-held cell phone by a driver of a motor vehicle that is in motion. Defeated for the third year, [HB 31](#) would have allowed exceptions in emergency situations.

Committee also rejected measures that would have authorized local governments and the State to issue citations or warnings to vehicle owners for speeding based on evidence collected by speed monitoring systems ([SB 565](#) and [HB 140](#)).

Other bills that involved the use of monitoring systems were defeated earlier. [HB 35](#) would have created a task force to evaluate signal monitoring systems, commonly known as red light cameras, and [SB 28](#) would have eliminated red light cameras except in a school zone, at a railroad crossing, or when a law enforcement officer was present.