



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## 2002 SESSION STATISTICS

During the 2002 session, members of the General Assembly introduced 2,365 bills and 62 joint resolutions. 792 bills passed and 25 joint resolutions were approved. The first bill signing took place on April 9. Additional signings are scheduled for Thursday, April 25, 2002 (10:00 a.m. to 12:00 noon), Monday, May 6, 2002 (10:00 a.m. to 12:00 noon), and Thursday, May 16, 2002 (10:00 a.m. to 12:30 p.m.). Bill signing ceremonies take place in the State House. The Governor has until May 28 to sign or veto legislation. Under the Maryland Constitution, bills that are not signed or vetoed become law, but in practice, this is unusual. Because it is the last year of the four-year term, the legislature, which convenes in January 2003, will not have the authority under the Maryland Constitution to override vetoed bills from the 2002 session.

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## AGRICULTURE/SEAFOOD INDUSTRY

The General Assembly affirmed its commitment to the preservation of the State's farmland under [SJ 10/HJ 22](#). The measures establish a statewide goal to double the existing number of acres of preserved productive agricultural land by 2022. Other initiatives of the Task Force to Study the Maryland Agricultural Land Preservation Foundation (MALPF), which are ready for the Governor's signature, would re-establish the task force in order to complete development of its recommendations for the next legislative session ([SB 544/HB 810](#)) and remove the statutory deadline of July 1 for applications to sell easements ([SB 391/HB 999](#)). Unsuccessful recommendations would have allowed nonagricultural use of farmland in the program ([SB 435/HB 998](#)), and [HB 1384](#), which related to subdivision of land. Recognizing the importance of oysters to the health of the Chesapeake Bay and its tributaries as well as to the seafood industry, the legislature established a penalty for taking oysters from an oyster sanctuary or reserve ([HB 469](#)) and directed the Department of Natural Resources (DNR) to conduct a study of nonnative and native oysters ([SB 493/HB 353](#)). A task force will study

the economic development of the Maryland seafood and aquaculture industries ([HB 662](#)).

Bills that would have created a Marine and Estuarine Fisheries Commission ([HB 331](#)) and a Wildlife and Inland Fisheries Commission ([HB 664](#)) were referred for study during the interim.

Attempts to restrict DNR's ability to limit the size of the crabs caught in the State failed ([HB 747](#), [HB 1276](#), [SB 717/HB 1321](#)), as did attempts to modify the requirements of the nutrient management program for farmland ([SB 303/HB 984](#)).

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## CIVIL RIGHTS

No final action was taken on [HB 67](#), which would have prohibited an insurer or employer from refusing to provide workers' compensation for a covered employee, or from reducing a covered employee's compensation, because of an employee's genetic information.

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## COURTS AND CIVIL PROCEEDINGS

A 5% across-the-board pay raise for the State's judges, proposed by the Judicial Compensation Commission ([SJ 5/HJ 5](#)), was rejected by the General Assembly. Judges will retain their current salaries.

The District Court's jurisdiction was expanded under [HB 70](#) as passed. The bill increases the maximum amount of a suit that is allowed in a District Court small claims action from \$2,500 to \$5,000.

Successful Maryland Judicial Conference recommendations included a bill that requires the State to pay rent to counties for courthouse space for clerks of the circuit court beginning in FY 2004 ([SB 197](#)), and the constitutional amendment ([HB 6](#)) and implementing bills ([SB 501/HB 663](#)) that authorize District Court commissioners to issue interim civil orders for protection against domestic violence on the days and hours when the District Court is closed.

Unsuccessful Judicial Conference initiatives included [SB 198/HB 113](#), to allow more than 6 jurors to serve in a civil trial, eliminating the concept of “alternate jurors,” and [HB 320](#), to expand the requirement of providing interpreters in court proceedings to include civil as well as criminal cases.

Other measures that were defeated this session included:

- [SB 432/HB 792](#), which 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;
- [SB 9](#), which would have required, contingent on State funding, the public defender to represent indigent defendants at bail review hearings and prepare a biennial report on the effects of the initiative;
- [SB 334](#), [SB 73/HB 160](#), which would have limited judicial reconsideration of criminal sentences to 1 year after a defendant’s motion for sentence revision, except in cases involving an illegal sentence, fraud, mistake, or irregularity; and
- [HB 603](#), which would have guaranteed that a party in a civil suit cannot 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.

Three “Christopher’s Laws” ([SB 796](#), [SB 799](#), and [SB 800](#)), under which convicted child sexual offenders would be subject to harsher sentencing restrictions, failed in the House. Another proposal, [SB 801](#), was amended and passed to expand the punishment for first degree rape or first degree sexual offense to life without the possibility of parole, if the offender had been previously convicted of either of those two crimes. [HB 1147](#), as passed, increases the maximum penalty to life imprisonment for second degree rape, attempted second degree rape, second degree sexual offense, attempted second degree sexual offense, and third degree sexual offense when the offender has been previously convicted of first or second degree rape or a first or second degree sexual offense.

[SB 747](#) and [HB 854](#), both passed, clarify and restrict the application of diminution credits to sentences of inmates whose program of mandatory supervision is revoked and who committed a violent crime while on mandatory supervision. The bills call for the establishment of a workgroup to study and make recommendations on the calculation of diminution credits for a new sentence for a crime committed while an inmate was on mandatory supervision; expansion of restrictions based on all crimes, not just violent crimes, committed while on mandatory supervision; and other related issues.

The list of criminals required to submit a DNA sample to the State Police for entry into a statewide database is expanded under [SB 486/HB 1053](#), as passed, to include all convicted felons and those convicted of breaking and entering misdemeanors. The bills also 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 offender remains incarcerated. In addition, a fund is established, consisting of grants from private entities or federal agencies, to help the State Police and local police departments purchase DNA technology equipment.

Two bills passed, [SB 429](#) and [HB 232](#), which make it a misdemeanor crime for an inmate to lewdly, lasciviously, and indecently expose himself or herself to a corrections officer or employee with the intent to annoy, abuse, torment, harass, or embarrass.

Provisions relating to the existing independent juvenile justice monitor program in the Office for Children, Youth, and Families (OCYF) are codified under the provisions of [HB 971](#), as sent to the Governor. The Office of the Independent Monitor must evaluate the

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## **CRIMINAL MATTERS AND CORRECTIONS**

Seeking to avoid the loss of federal money because of noncompliance with federal laws, the legislature passed [SB 52](#), [SB 577](#), and [HB 77](#) to amend Maryland’s “Megan’s Law.” [SB 52](#) expands the group of sexual offenders required to register with the Crimes Against Children and Sexual Offender Registry for the rest of their lives and sets out conditions under which a person no longer is subject to registration. [SB 577](#) and [HB 77](#) also expand the group of offenders on the lifetime registry. In addition, they broaden the definitions of “sexually violent offense” and “sexually violent predator” and set out procedures that must be followed when a registered sex offender is enrolled or employed at an institution of higher education.

child advocacy grievance process, the monitoring process of the Department of Juvenile Justice (DJJ), the treatment of and services to youth, the physical conditions of residential facilities, and the adequacy of staffing. It must also review reports of disciplinary actions, grievances, and grievance dispositions and all incident reports from each facility.

Bills concerning death penalty issues were unsuccessful this session. [HB 972](#) and [SB 629](#) would have raised the standard of proof used in weighing aggravating circumstances against mitigating circumstances during the sentencing portion of a capital case, and [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 first degree murder.

Legislation introduced this session to support the use of marijuana for medical purposes ([HB 24](#), [HB 504](#), [HB 1072](#), and [HB 1222](#)) was defeated. All of the gun-related bills were unsuccessful, including the Gun Accountability Act of 2002 ([SB 222](#), [SB 224/HB 543](#)), the Gun Safety Act of 2002 ([SB 223/HB 542](#)), the Citizens' Protection Act of 2002 ([HB 605](#)), and others ([SB 33](#), [SB 892/HB 1367](#), and [SB 893/HB 1368](#)).

Other failed measures included:

- [SB 212/HB 1067](#), to expand the application of "rape shield laws" that limit the evidentiary use of a victim's prior sexual history;
- [HB 451](#), to expand 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;
- [HB 407](#), to require 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;
- [SB 211](#) and [HB 391](#), to prohibit persons in positions of authority from engaging in sex with a minor; and
- [SB 221/HB 248](#), to prohibit a law enforcement officer from requiring an alleged sexual offense victim to submit to a lie detector test.

## ECONOMIC, BUSINESS, AND CONSUMER ISSUES

In response to a pending civil right complaint against certain Maryland resort hotels who deny under-aged customers access to rooms unless accompanied by an adult, legislation, as amended and approved, specifies the rights of innkeepers with at least 4 rooms to rent, to remove or refuse to serve patrons. Provisions related to young guests require a parent or guardian of a minor guest to accept liability for the minor's lodging costs and any damages the minor causes, and to provide a valid credit card or make a refundable advance deposit of up to \$500. An innkeeper may also refuse rooms or services to an individual, or remove an individual from a lodging establishment, who is reasonably suspected of using the establishment for the consumption of alcohol by someone under the age of 21 ([SB 251](#)).

Several pieces of legislation related to consumer issues will reach the Governor's desk this month. If he agrees, Marylanders will be able to purchase, for personal consumption, wine via mail or the Internet. [SB 494/HB 811](#) create a direct wine seller's permit for out-of-state wine sellers whose brands are not distributed by any Maryland licensed wholesaler. A buyer must be 21 years old, a Maryland resident, use the wine for personal consumption and not for commercial purposes, and may not hold a Maryland alcoholic beverage license.

Under the approved Maryland Service Contracts and Consumer Products Guaranty Act, standard contract provisions and obligations are specified for merchants who provide service contracts for goods such as appliances, electronics, lawn and garden equipment, and computers ([SB 543/HB 863](#)). Other passed legislation prohibits a household goods mover from enforcing or threatening to enforce a carrier's lien against a consumer's household goods when providing moving services within the State. The bills also prohibit a household goods mover from refusing to deliver a consumer's household goods for a move within the State ([SB 578/HB 794](#)).

[SB 25](#), as passed, prohibits the printing on a receipt of more than the last eight digits of a credit card number or other payment device number, and establishes a \$25 penalty for each violation.

Through conference committees the Senate and House resolved the differences in [SB 559](#) and [HB 358](#), dealing with various aspects of the crime of identity theft. The measures, now identical, make certain components of

this type of crime a felony with jail time of up to 5 years or a fine not exceeding \$5,000 or both. The bills also give the State Police and other law enforcement officers expanded authority under certain circumstances.

As passed, [SB 538](#) specifically delineates the circumstances under which unauthorized, misleading, or false commercial electronic mail is prohibited. The bill applies to commercial e-mail messages that are sent from a computer located in Maryland to an electronic mail address that the sender knows or has reason to know is held by a resident of the State. Under current Maryland law, no provision specifically prohibits the transmission of misleading e-mail. However, unfair or deceptive trade practices are covered by the Maryland Consumer Protection Act.

This session the legislature agreed to adjust the legal authority of the Maryland Technology Development Corporation (TEDCO) to allow the entity to become competitive on a broader basis for certain federal funds that are available to nonprofit and for-profit organizations ([SB 307/HB 405](#)). TEDCO fosters the development of an economic environment that will create and sustain businesses in the field of technology including incubators that nurture technology enterprises.

The Senate and House also agreed to pass legislation related to unemployment insurance. With final approval, [HB 714](#) increases maximum weekly unemployment benefit amounts from \$280 to \$310, but voids the increase if it triggers the required payment by retailers of a surtax charge when the State's unemployment insurance trust fund falls below a specified level. The bill also alters the computation for partial benefits and applies to claims after January 5, 2003.

Failed measures included a bill that would have repealed the Maryland Development Corporation's (MEDCO) authority to acquire property or rights or easements by condemnation ([HB 71](#)), and another bill whose provisions would have amended the State's Minority Business Enterprise law to include nonminority males in an expanded definition of socially disadvantaged individuals ([HB 1150](#)).

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## EDUCATION

[SB 856](#), the Bridge to Excellence in Public Schools Act, passed, incorporating the recommendations of the Commission on Education Finance, Equity, and Excellence, i.e. the Thornton Commission. The Act

provides over \$78 million in additional educational funding and \$24 million to the general fund in fiscal 2003. The funding will be financed through an increase of 34 cents in the State tax on cigarettes. In fiscal 2004, a limited phase-in of the education funding formulas, created under the bill, begins and continues through fiscal 2008 when the full phase-in of approximately \$1.3 billion in new education funding is scheduled to be in place. One added provision requires the General Assembly in 2004 to affirm that the additional aid is within the State's fiscal resources before implementing additional aid in 2005.

In an effort to equalize educational opportunities, the Foundation Program, formerly the Basic Current Expense Program, distributes aid according to local wealth. [SB 856](#) also addresses a number of issues related to local and State accountability, including requiring each school system to develop a comprehensive master plan that will be used to improve performance in every segment of the student population. Among other policy changes, by 2007-2008 every school system must provide full-day kindergarten for all students

Other approved legislation included:

- [HB 7](#), establishing a pilot program to provide grants for the instruction and training of principals;
- [HB 15](#), changing the requirements for the \$1,000 salary signing bonus paid to newly hired teachers from those who graduated in the top 10% of their classes to graduates with a 3.5 grade point average;
- [SB 233](#), authorizing local boards of education and local school employee organizations representing local certificated and noncertificated school personnel to negotiate over mutually agreeable matters, other than salaries, wages, hours, and working conditions;
- [SB 734](#) and [HB 1172](#), expanding eligibility for the Maryland Scholarship Program to include teaching assistants who have been employed at public elementary or secondary schools for at least 2 years at the time they enroll at institutions of higher education and allowing a part-time undergraduate student to receive or renew a scholarship from the program;

- [HB 316](#), altering the grade point average calculation that is used to determine eligibility for a HOPE scholarship;
- [SB 237/HB 300](#), expanding eligibility, with some limitations, 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, 2001;
- [SB 383/HB 437](#), making changes to the Maryland higher education investment program, including expanding the types of programs that qualify for subtraction modifications for tax-deferred contributions to any qualified investment program under federal law. The bill also makes clear that the subtraction modifications are limited to \$2,500 for each contributor for each designated beneficiary;
- [SB 480/HB 492](#), allowing local boards of education and private schools to participate in contracts for goods that are awarded by other public agencies or by intergovernmental purchasing organizations as long as the lead agency for the contract follows public bidding procedures. The bill also expands the way bids for contracts may be advertised;
- [HB 779](#), allowing a private elementary or secondary school that is exempt from taxation under the Internal Revenue Code to use the services of the Purchasing Bureau of the Department of General Services to purchase materials, supplies, and equipment, if the school has been issued a certificate of approval by the State Board of Education or accreditation by the Association of Independent Schools;
- [SB 453/HB 661](#), the College Readiness for Disadvantaged and Capable Students Act of 2002, containing recommendations of the Task Force by the same name. The legislation includes certain funding requirements and grants and also establishes new initiatives for guidance and outreach assistance to qualified students for a professional and graduate scholarship program;
- [HB 1221](#), making a disabled child eligible for nonpublic educational placement if the child cannot attend a public school in the local school system due to the child's home circumstances or medical necessity;
- [HB 569](#), establishing a task force appointed by the State Superintendent to propose regulations regarding student behavior intervention practices;
- [HB 218](#), allowing an individual honorably discharged from military service to apply to a local board of education to obtain a high school diploma if the individual withdrew from school during the individual's senior year in high school to enlist in the armed forces during the Korean conflict;
- [SJ 2/HJ 9](#), urging 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. [SJ 2](#) includes veterans of the Merchant Marines in the list of those remembered;
- [HB 1197](#), requiring the State Department of Education to provide virtual learning opportunities to teachers and students through the procurement and development of on-line courses and services. The State Board of Education is authorized to set fees for the courses and services, and the fees will support a new Maryland Virtual Learning Opportunities Fund;
- [SB 628/HB 1017](#), changing the financing mechanism for building new public schools in Charles County by establishing a new excise tax to replace the existing impact fees;
- [HB 937](#), establishing a new allocation method for grants to county boards under the aging schools program for school construction. It also establishes a Task Force to Study Public School Facilities to review, evaluate, and make recommendations regarding the school construction program;
- [HB 949](#), replacing the Prince George's County elected school board with a board appointed by the county executive and governor from a list of candidates submitted by the State school board. A chief executive officer would replace the superintendent, but the board will revert to an elected body after 4 years. The bill also requires

Prince George's County to impose a sales and use tax on telecommunication services at a rate not less than 5% to fund schools. State aid to county schools will increase by \$20 million for the 2003-2004 school year.

The following bills were considered but rejected:

- [SB 213](#) and [HB 131](#) would have authorized public charter schools;
- [SB 635/HB 509](#) would have required public schools to obtain permission from a parent or guardian before the student could participate in the Maryland Adolescent Survey;
- [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;
- [SJ 13](#) would have encouraged local boards of education to develop character education programs;
- [HB 1074](#) would have limited annual increases in tuition and mandatory fees charged to resident undergraduate and graduate students at the University of Maryland College Park;
- [HB 1204](#) would have prohibited the Board of Regents from appointing a current or former Governor as the Chancellor of the University System of Maryland under certain circumstances;
- [SB 679](#) would have required local boards of education to adopt policies that limit commercialism in public schools; and
- [SB 680](#) would have required local boards of education to adopt a policy regarding vending machines and contracts with companies that supply vending machines.

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## ELECTIONS

As mandated by the Maryland Constitution, the legislative districting process was completed when [SJ 3/HJ 3](#) took effect on the 45<sup>th</sup> day of session. The resolutions redraw the lines of the State's 47 legislative districts from which legislators will be elected to the

General Assembly for the next 3 terms. Additionally, the process to redraw the lines of Maryland's 8 congressional districts was completed through [SB 805](#), which will be sent to the Governor for approval.

An individual with a single conviction for theft or another infamous crime may register to vote in Maryland after serving the imposed sentence, but current law does not allow a person convicted of 2 or more infamous crimes to vote. The Maryland Attorney General estimates that there are at least 500 of these infamous crimes, which include treason, felonies, and crimes that involve deceitfulness, untruthfulness, or falsification. [SB 184/HB 535](#), as amended and passed with a January 1, 2003 effective date, remove the prohibition for nonviolent offenders, with some restrictions.

Other election-related legislation receiving the green light by *sine die* addressed procedures related to PAC contributions through payroll deductions ([HB 1249](#)), altered the due date of the annual legislative campaign finance reports from November to the third Wednesday in January ([SB 721/HB 383](#)), and established a Study Commission on Public Funding of Campaigns in Maryland ([SB 471/HB 538](#)).

Two measures related to provisional ballots and voter registration, are also waiting for gubernatorial review. [HB 1046](#) amplifies current election law by authorizing local election boards to issue provisional ballots prior to Election Day and by allowing provisional ballots to be cast on electronic, direct recording voting equipment. Also, under another approved bill, if a voter requests confirmation within 10 days after an election, local boards of elections are required to send the voter written confirmation of whether the ballot cast was accepted or rejected and include an explanation of a rejected ballot ([HB 871](#)).

The General Assembly approved the statutory revision bill ([SB 1](#)) that recodifies, without substantive change, State election laws into a new article of the *Annotated Code of Maryland*.

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## ENVIRONMENTAL MATTERS

In the last days of the session, the General Assembly passed legislation that extends the development protections of the Chesapeake Bay Critical Areas to the State's Atlantic coastal bays ([SB 247/HB 301](#)). Other bills passed at the end of the 90-day deliberations include a measure that encourages water conservation in

the State by requiring public water systems to report on the best management practices they have implemented ([HB 693](#)), and another that creates the Community Right-to-Know Fund ([HB 291](#)), which will support the collection of data, training and assistance relating to hazardous or toxic chemicals. With some exceptions, [HB 291](#) requires facilities that manufacture, store, or use those materials and that are required to report to the Department of the Environment in conjunction with the Federal Emergency Planning and Community Right to Know Act of 1986 to pay an annual fee of up to \$1,000.

Other legislation affecting the environment that passed this session includes:

- [SB 248/HB 5](#), expanding who has standing to seek judicial review of air quality operating permit decisions;
- [SB 848/HB 1229](#), establishing new procedures for environmental permit contested cases;
- [HB 295](#), providing for a 3-year statute of limitations for violations of certain air quality and radiation laws;
- [SB 246](#) and [HB 350](#), establishing the conditions under which the Secretary of the Department of the Environment (MDE) may adopt and enforce primary drinking water regulations that are more stringent than national regulations;
- [SB 326/HB 528](#), requiring a local jurisdiction, among other considerations, to consider the reasonable use of the entire parcel or lot for which a variance has been requested for land covered by the Chesapeake Bay Critical Areas Protection Program; and
- [SB 195/HB 536](#), revising the method for determining and marking submerged aquatic vegetation protection zones, and adding traditional bottom rake and shinnecock rake to the prohibited gear in those zones.

Rejected legislation included bills aimed at protecting the environment through the establishment of fees and penalties:

- [SB 243/HB 299](#) would have established the State Solid Waste Management Fund to be used for statewide and regional recycling initiatives, and solid waste program activities; and

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

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## FAMILY LAW

The Maryland Safe Haven Act ([SB 3](#) and [HB 602](#), both passed) grants immunity from civil liability or criminal prosecution to a person who leaves a newborn with a responsible adult within 3 days of the child's birth, with no intent to return for it. The person with whom a newborn is left must, as soon as reasonably possible, take the infant to a hospital or other designated facility, which must then notify the local department of social services. The responsible adult and the hospital or other facility and their employees also receive immunity from civil liability or criminal prosecution.

The legislature passed [HB 495](#), repealing the termination date of an existing child support enforcement privatization pilot program and expanding competing State-run demonstration sites to all jurisdictions, except Baltimore City and Queen Anne's County, by July 1, 2005.

Other successful measures included:

- [SB 404](#) and [HB 106](#), authorizing a sitting or retired judge or justice from any court in the country to perform a civil wedding ceremony in Maryland; and
- [SB 657/HB 993](#), extending child support for an 18 year old, full-time secondary school student until the earlier of when the child graduates, turns 19, is no longer enrolled in secondary school, marries, is emancipated, or dies.

Proposals were defeated ([HB 477](#) and [HB 1008](#)) to criminalize the willful and knowing failure of a health practitioner, police officer, educator, or human services worker to provide a required notice or report when the person, acting in a professional capacity, has reason to believe a child may have been abused or neglected.

## FINANCIAL INSTITUTIONS AND INSURANCE

As passed, [HB 649](#) addresses extensions of credit for borrowers of certain high interest or high fee mortgage loans by prohibiting lenders from financing single premium insurance as part of the loan and making loans without giving due regard to the borrowers' ability to repay them. The bill also clarifies generally that only the State may enact laws that regulate extension of credit by a financial institution.

The use of credit history in property and casualty insurance ([HB 521](#)) was resolved in conference committee. With respect to homeowner's insurance, an insurer is prohibited from using credit history to refuse to underwrite, cancel, or refuse to renew a policy based on the credit history of an applicant or an insured; or rate a risk based on credit history. For private auto insurance, an insurer may not refuse to underwrite, cancel, refuse to renew, or increase the renewal premium based on the credit history. However, certain provisions are provided that allow a credit history to be used to rate a new auto insurance policy and that specify factors that may not be used in rating a policy, such as the absence of a credit history.

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## FISCAL MATTERS

The General Assembly enacted [SB 175](#), the Budget Bill, appropriating \$21.6 billion for the operation of State services and programs for fiscal year 2003. The operating budget includes aid to education for K-12 totaling \$3.8 billion, a \$160 million increase which does not include additional aid made available through other bills; \$3.1 billion for State universities and colleges, \$24.2 million more than was appropriated in fiscal year 2002; \$189.7 million in aid to community colleges; \$3 billion for the medical assistance program; and \$3.75 million in State aid for nonpublic school textbooks, reducing the original proposal by \$1.25 million.

Legislative reductions to the Governor's proposed budget totaled \$467.7 million, bringing the fiscal year 2003 appropriation to \$166.2 million below the Spending Affordability Committee's recommended appropriations.

The General Assembly also passed [SB 323](#), the Budget Reconciliation and Financing Act, which 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. The bill, as approved:

- maintains the personal income tax reduction at 4.75%;
- maintains the 50% valuation of power-generating property;
- continues grants to counties with power-generating plants;
- allocates disproportionate share hospital payments received from the federal government to a special fund to reduce the deficits in the State's fee-for-service public mental health system;
- requires the first \$20 million in tobacco settlement funds, released upon the resolution of the attorneys' fee litigation, to be used for tobacco prevention and cancer prevention with the next \$73 million to be used for medical assistance;
- appropriates \$16 million in reserve funds for health programs and security for State facilities, among other purposes; and
- appropriates \$23.1 million for higher education capital and maintenance projects and for other higher education purposes, contingent upon the enactment of the increase in the cigarette tax in [SB 856](#).

The Maryland Consolidated Capital Bond Loan of 2002, passed in the final hours of the session, authorizes the State to borrow \$731.1 million for State capital projects while deauthorizing \$11.1 million in projects ([SB 288](#)). Among the authorizations in the bill are:

- public school construction authorizations of \$224.1 million;
- higher education authorizations of \$280.1 million;
- a Rural Legacy Program authorization of \$15 million;
- a GreenPrint Program authorization of \$16 million;

- a Community Parks and Playgrounds Program authorization of \$5.5 million; and
- the Morgan State University Library Loan of 2003, authorizing \$52 million for the design and construction of a new library.

The bill authorizes \$144.6 million in State projects and \$28.1 million in nonstate-owned projects, which in prior years had been funded in the operating budget as pay-go projects. For the first time since 1992, the capital budget program does not provide for separate bond bills for local projects.

The legislature passed [HB 1](#), which establishes a Commission on Maryland's Fiscal Structure to review and evaluate the State's current budget and fiscal structure; address the funding sources for educational, transportation, and health care needs; and address inefficiencies and improvements in State government services and operations.

[HB 759](#) limits the Maryland Heritage Structure Rehabilitation Tax Credit and ends it on June 1, 2004. As amended and approved, the bill reduces the amount of the credit from 25% to 20% of qualified rehabilitation expenditures, removes the \$50 million limitation on allowable credits per year, as well as the \$20 million and \$30 million limitations within the overall limitation, but states that it is the intent of the General Assembly that the total commercial rehabilitations not result in credits exceeding \$50 million. The bill also repeals the \$50,000 limit on a noncommercial rehabilitation, imposes a maximum \$3 million credit, and repeals the authority of the Maryland Stadium Authority to use the credit. The companion bill, [SB 496](#), died in the House.

The Governor will also have a chance to sign or veto:

- [SB 208/HB 892](#), emergency bills with provisions that are retroactive to January 1, 2001, ending property tax appeals by local governments outside the 3-year assessment cycle; and
- [SB 571/HB 758](#), permitting a golf course open to the public and meeting a certain size requirement to be assessed as open space, if the golf course enters into a non-discrimination agreement with the Department of Assessments and Taxation.

Several measures did not pass as bills, but their provisions were amended into other legislation approved by the General Assembly:

- [SB 828/HB 1274](#), the Budget Financing Act of 2002, would have changed provisions of law to increase General Fund revenues, but these provisions were added to the approved [SB 323](#), the Budget Reconciliation and Financing Act of 2002; and
- [SB 343/HB 988](#) would have raised the cigarette tax from the current rate of \$0.66 to \$1.36 per pack, but amendments to the approved Bridge to Excellence in Public Schools Act ([SB 856](#)) increased the rate to \$1.00 per pack.

Among the bills considered and rejected this session:

- [SB 316/HB 557](#) would have imposed recordation and transfer taxes on the transfer of real property, with a value of \$500,000 or more, when the transfer is achieved through the sale of a "controlling" interest in a specified corporation, partnership, limited liability company, or other form of unincorporated business;
- [HB 607](#) would have increased the tax on alcoholic beverages;
- [SB 476](#), a constitutional amendment, would have given the General Assembly the authority to increase or add items to the Executive Department in the Budget Bill, subject to a gubernatorial veto of those increases or additions;
- [SB 431](#) would have created the Maryland Biotechnology Tax Benefit Certificate Program;
- [HB 1073](#) would have required 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 20](#), [HB 75](#), [HB 76](#), [HB 103](#), [SB 29](#), and [SB 520](#), which would have provided for a sales tax-free week.

## HEALTH CARE AND INSURANCE

### Health Insurance

The proposed CareFirst for-profit conversion and acquisition by WellPoint Health Networks, Inc. has been the source of numerous legislative initiatives this session. As passed in the waning moments of the last evening, [HB 1254](#) includes provisions that in some cases incorporate issues addressed in bills that did not pass by *sine die*. With final approval, the bill directs that the determination regarding an acquisition of a nonprofit health entity may not take effect until 90 calendar days after the date the determination is made; that assets distributed under the acquisition statute shall be in the form of cash; and that an acquisition is not in the public interest if an officer, director or trustee received any immediate or future remuneration as an result of the acquisition except for continued employment compensation.

Two bills, passed earlier in the session, alter current law by prohibiting the approval of the application for acquisition of CareFirst unless the regulating authority (the Insurance Commissioner) finds that the acquisition is in the public interest ([SB 487/HB 2](#)). Currently, the regulating entity is required to approve an acquisition unless it finds the acquisition is not in the public interest.

The Health Insurance Safety Net Act of 2002 ([HB 1228](#)) to be considered by the Governor, establishes the Maryland Health Insurance Plan (MHIP) for medically uninsurable individuals and the Senior Prescription Drug Program for Medicare beneficiaries whose household income is at or below 300% of the federal poverty level (FPL) guidelines. The bill repeals the Substantial, Available, and Affordable Coverage (SAAC) product and establishes the Senior Prescription Drug with repeal of the Short-Term Prescription Drug Subsidy Plan. Funding for the programs will be from a variety of sources including an assessment on hospitals and subscriber premiums. The measure also requires that nonprofit health service plans with over 10,000 subscribers maintain corporate headquarters in Maryland.

Failed legislation would have revised the regulatory scheme for nonprofit health service plans ([HB 1207](#)) and would have imposed the 2% insurance premium tax on HMOs ([SB 10](#) and [HB 1449](#)).

### Medical Professions

Legislation related to nursing and the nursing shortage also passed this session:

- [SB 46/HB 590](#) require the Statewide Commission on the Crisis in Nursing to study and make recommendations on the use of technology in nursing to maximize nursing productivity, increase the quality of patient care, and improve the work environment in health care facilities; and
- [SB 537](#) prohibits employers from requiring nurses to work involuntary overtime hours.

The Maryland Physicians Assistants Act has been revised. [HB 533](#), as passed, provides that a physician assistant's authority to write medication orders is included under the physician assistant's prescriptive authority by expanding the definition of "prescriptive authority" to include the oral, written, or electronic ordering of medications (medication orders). The legislation also requires a report from the State Board of Physician Quality Assurance regarding the regulations that will govern the administration of anesthesia by physician assistants.

The controversy over the Board of Physician Quality Assurance procedure for physician discipline in Maryland will certainly be revived next session. Legislation ([SB 613](#) and [HB 846](#)), which stalled in a Senate committee, would have changed the requirement that the Board use only the Medical and Chirurgical Faculty (MedChi) for investigations and peer review services of physicians, and would have allowed for contracting with another entity. The bills' provisions arose from several recommendations made in the *Sunset Review of the Board of Physician Quality Assurance* (October 2001). The Board is set to sunset July 1, 2003.

### Mental Health Care Services

Mental health care services were an important factor in various bills introduced during the past 90 days. Legislation that passed included:

- [SB 289/HB 454](#), extending the termination date from 2002 to 2005 for the Community Services Reimbursement Rate Commission, which studies and makes recommendations regarding the rate system issues for the Mental Hygiene Administration; and

- [SB 556/HB 483](#), establishing the Maryland Mental Health Crisis Response System to coordinate emergency mental health services statewide, contingent on the receipt of federal, other public, or private funding.

Bills that failed to move out of committees included:

- [SB 206/HB 249](#), which would have required Medicaid to reimburse an outpatient mental health care provider the entire amount of the Medicaid program fee for an individual eligible for both Medicare and Medicaid (dual eligibility);
- [SB 738](#), which would have created a Task Force on the Reform of the Public Mental Health System in Maryland to study and make recommendations on reforming service delivery, as well as financing of mental health care services; and
- [HB 833](#), which would have increased the rates paid to community mental health services providers by adjusting the rates annually based on the Consumer Price Index. Similar legislation last session failed.

Still other failed mental health bills included:

- [SB 10](#), which would have created the Maryland Public Mental Health System Fund by imposing a 2% insurance premium tax on HMOs to pay for the rate increases and to clear the deficit for mental health care spending;
- [HB 1025](#), which would have created a Task Force on Access to Mental Health Treatment for Privately Insured Individuals to study the differences in coverage for mental health services among the public system, commercial health insurers, and HMOs; the structure and effectiveness of the mental health care delivery system in the State; and compliance by insurers with the mental health parity requirements; and
- [HB 862](#), which would have allowed hospitals with off-site community-based mental health services to be reimbursed under the Medical Assistance Program. The companion bill, [SB 612](#), as amended, would have authorized reimbursement of all outpatient mental health treatment and required the Program to reimburse

the entire amount, including that not covered under Medicare (dual eligibility).

### ***Other Health-Related Legislation***

Successful measures included:

- [SB 5](#) and [HB 422](#), increasing the amount of money for personal needs for nursing home residents who receive Medicaid by raising the amount to \$50 per month starting either April 1, 2003 or July 1, 2003 (depending on the approval of a waiver application to implement the Maryland Pharmacy Discount Program), and to \$60 per month starting July 1, 2004. In each year thereafter, the allowance will be adjusted based on the percentage that Social Security benefits are increased, not to exceed 5%;
- [HB 210](#), changing the age at which a minor may donate blood from 17 to 16 with the requirement that a parent or guardian give consent for those who are 16;
- [HB 420](#), creating the Asthma Control Program in the Department of Health and Mental Hygiene (DHMH) to develop and implement a statewide asthma intervention program and an asthma surveillance system, in conjunction with a 3-year federal grant to develop the program already awarded to DHMH; and
- [HB 917](#), requiring a person conducting human research projects to comply with federal regulations on the protection of human subjects and allowing a review board to redact confidential and privileged information from the minutes of its meetings.

Although [SB 623](#)--establishing a State prescription drug control spending program that would have included preferred drug lists to be utilized by the Medicaid program and the state employees' prescription drug plan--did not pass, language was added to the approved version of [SB 481](#) that requires DHMH to consult with specified interested parties to identify and implement alternative pharmacy cost containment measures, as well as other legislative directives on this issue. [SB 481](#) also requires DHMH to establish a process for setting reimbursement rates for Medicaid, including public mental health system rates, taking into account information provided by the Community Services Reimbursement Rate Commission. DHMH must submit

a report each year to the Governor and General Assembly that outlines the process and any rate changes proposed. The companion bill, [HB 650](#), did not pass.

Other health related legislation that failed this session includes:

- [HB 29](#), which would have outlawed smoking in all bars, taverns, or clubs, including bars in hotels, motels, and restaurants (bills introduced in prior sessions also failed);
- [HB 87](#), which 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;
- [SB 143/HB 326](#), which would have established regulatory oversight of Maryland crematories by requiring licensing of crematories with either the Office of Cemetery Oversight or the State Board of Morticians and provided civil and criminal penalties for violators;
- [SB 558/HB 496](#), which would have required first time enrollees at higher education institutions to be vaccinated against hepatitis B;
- [HB 909](#), which would have expanded the number of hospitals that provide open-heart surgery by changing the requirements for approval of a certificate of need (similar legislation failed last session); and
- [HB 930](#), which would have required hospitals that provide emergency care to a rape survivor to develop a protocol to provide information about emergency contraception.

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## SPORTS AND GAMING

Among bills passed by the legislature related to hunting and fishing are:

- [HB 9](#), expanding the deer hunting firearms season to at least 21 days, including the first Sunday of the season. As amended, only Allegany, Calvert, Charles, Dorchester, Garrett, St. Mary's, and Washington can allow Sunday hunting;

- [SB 599](#), simplifying the hunting license and stamp structure within the Department of Natural Resources (DNR) by reducing the number of licenses and stamps available. It also increases fees for the first time since 1989;
- [SB 18/HB 69](#), correcting current law by allowing owners of riparian property adjacent to tidal and nontidal waters of the Potomac River in Virginia and West Virginia to license their shoreline to establish offshore blinds for hunting wild waterfowl; and
- [SB 813/HB 1149](#), granting a 50 cent increase in Maryland fishing licenses and establishing a nonresident short-term license valid for 3 days.

The legislature rejected [SB 363/HB 10](#), the Black Bear Management Permit Program, that would have required DNR to issue a permit to kill a black bear under certain conditions.

If the Governor agrees, the Lottery Commission can enter into agreements to participate in multi-jurisdictional lotteries with foreign countries or private licensees. The legislation, [SB 93](#), allows the sale of more lottery games that involve other states and other countries.

Lottery measures that failed this year would have allowed the sale of lottery subscriptions by credit card ([SB 92](#)) and a constitutional amendment regulating the operation of video lottery terminals ([HB 732](#)) to be placed on the ballot this fall.

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## STATE GOVERNMENT

### *State Security and Anti-Terrorism Measures*

To prepare a legislative response to terrorism and related topics, the Governor, President of the Senate, and Speaker of the House appointed a joint task force to study the State's laws in this area and make recommendations for changes. The General Assembly amended and approved the following emergency legislation recommended by the task force:

- *Catastrophic Health Emergencies - Powers of the Governor and the Secretary of Health and Mental Hygiene* authorizes the Governor to issue an executive order proclaiming a catastrophic health emergency if exposure to a "deadly

agent” presents an imminent threat of extensive loss of life or serious disability and to order the Secretary of the Department of Health and Mental Hygiene (DHMH) or other official to take certain actions, such as vaccination, medical testing, or quarantine. (The bill also expands the authority of the Secretary of DHMH and requires DHMH to create a Catastrophic Health Emergency Disease Surveillance and Response Program) (SB 234/Chapter 1/HB 296);

- *Agriculture - Infectious and Contagious Diseases - Administrative Search Warrants*, provides for administrative search warrants allowing the Secretary of Agriculture or the Secretary's designee to inspect premises as part of the control of infectious and contagious livestock and poultry diseases; and provides for confidentiality (SB 236/HB 304/Chapter 6);
- *Governor's Emergency Powers* enables the Governor to immediately assume emergency powers in the event of a threat or occurrence of any enemy attack, act of terrorism, or public health catastrophes, requires State and local law enforcement officers and health officers to execute and enforce gubernatorial directives made in response to these emergency situations, expands the Governor's ability to delegate emergency management powers, and grants the Secretary of Health and Mental Hygiene additional authority to take actions to prevent diseases that endanger public health (SB 235/HB 303/Chapter 5);
- *Maryland Security Council* consists of 15 members to assist the Governor in ensuring that the State maintains an adequate and coordinated strategy for emergency situations (SB 242/Chapter 4/HB 305);
- *Maryland National Guard Readiness Act* extends State death benefits in the amount of \$100,000 to the surviving spouse, children, or dependent parents of Maryland National Guard members serving on State active duty who are killed in the performance of duties and adopts, retroactive to September 11, 2001, federal laws relating to reemployment rights and civil protections for those called to active duty (SB 238/HB 292); and

- *State Government - Access to Public Records - Public Security Documents* denies access to certain public records if access would endanger the public only to the extent that the inspection would jeopardize the security of a structure owned or operated by the State or local government, facilitate the planning of a terrorist attack, or endanger the life or physical safety of an individual (SB 240/Chapter 31/HB 297).

The General Assembly also passed the emergency Maryland Security Protection Act which was originally included in the anti-terrorism package. The legislation contains provisions dealing with easing restrictions for obtaining wiretaps and protecting nuclear power plants. The bills also extend the territorial authority of the Maryland Transportation Authority Police under certain circumstances; direct the Maryland Aviation Administration to adopt regulations requiring the use of airport security identification badges; and add Federal law enforcement officers to the definition of law enforcement in relation to outstanding arrest warrants, loss of driving privileges, and registration of vehicles. A new crime was also created and penalties were enhanced for existing commercial driver's license law violations (SB 639/HB 1036).

The Maryland Emergency Management Assistance Compact, which becomes effective June 1, 2002, was also recommended by the anti-terrorism task force. The measure formulates an emergency mutual assistance compact among Maryland's 23 counties, Baltimore City and Ocean City, if those jurisdictions opt to participate (SB 239/Chapter 21/HB 293).

Additional passed bills, resulting from the tragic events of last September, included:

- **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 depict the state flag and "9-11;" and
- **SB 67/HB 1178**, emergency bills, which exempt the estates of victims of the September 11, 2001 terrorist attacks from the inheritance tax, waive the probate fees for these estates, and provide for retroactive application to all victim-decedents who died as a result of wounds or injury as a result of the attacks.

A number of other measures addressed security issues; however, without final approval, the bills were unsuccessful ([HB 373](#), [SB 380/HB 74](#), [SB 76](#), [HB 1070](#), [HB 983](#), [SB 630/HB 1343](#), [HB 1052](#), and [HB 1055](#)).

On a related topic, [HB 361](#), as passed, establishes a State biological agents registry program. The program does not apply to a biological agent or a certified laboratory or facility that is exempt from the requirements for the interstate shipment of etiologic agents under federal regulations.

### ***Access to State Government***

State departments, agencies, and programs will be required, on the basis of amended approved bills ([SB 265/HB 1174](#)), to take reasonable steps to provide equal access to public services to individuals with limited English proficiency. Equal access includes the provision of oral language services and the translation of State vital documents. Translated documents must also be provided on a statewide basis to any local office, as necessary. Compliance will be phased in over the next few years.

The General Assembly also approved other legislation related to access to State documents:

- [HB 254](#), as amended, specifies that the Maryland Port Administration (MPA) may deny inspection of certain records, but prohibits denial of inspection of records related to State employees that would otherwise be available to the exclusive representative of State employee organizations, if the representative enters into a nondisclosure agreement to provide confidentiality. (MPA reports that current law allows competing ports and customers to obtain contract and rate information which significantly hinders MPA's ability to negotiate contracts and provides competing states with the ability to undermine business marketing strategies); and
- [HB 1024](#) expedites access to public records by allowing specific types of records to be available immediately upon request, directs a custodian to maintain a current list of those types of public records that are available to any applicant immediately upon request, and defines a reasonable fee.

Although the current law governing lobbyist registration and reporting provides substantial requirements for paid

lobbyists, some provisions of those laws have been misconstrued to apply to members of the general public and individuals who represent their own interests without the services of a paid lobbyist. As passed, [HB 1076](#) seeks to clarify that the State's extensive registration and disclosure laws for paid lobbyists do not apply to private citizens representing their own interests in seeking to influence legislative or executive action; to communications by a member or officer of a professional or trade association speaking on behalf of the association under certain circumstances; or to students or student organizations, acting as a part of a course or school activity. The bill also directs the State Ethics Commission to set criteria under which a registered lobbyist may serve on a State board which is not allowed under current law.

### ***Information Technology and Management Systems***

[SB 491/HB 835](#) limit the authority of units in the Executive branch of State government to undertake major information technology development projects unless the projects meet certain criteria and are approved by the Chief of Information Technology. Specified exceptions were made for the University System of Maryland and other public institutions of higher education.

[HB 1265](#) establishes a new 19-member State Commission on Public Safety Technology and Critical Infrastructure to make recommendations to the Chief Judge of the Court of Appeals on the compatibility and interoperability of communication and information management systems maintained by the Judiciary. The Commission will adopt regulations to ensure the compatibility and interoperability of these same systems maintained by State public safety units, as well as to ensure accessibility to public safety and criminal justice databases.

### ***Salary Commissions***

As mandated by the Maryland Constitution, salaries for the Governor and Lieutenant Governor are contained in joint resolutions resulting from the recommendations of the Governor's Salary Commission. [SJ 6/HJ 7](#) contain the Commission's incremental salary recommendations for the Governor and Lieutenant Governor effective January 15, 2003 for the four-year term of office. The Governor's salary will start at \$135,000 and end at \$150,000 by the last year of the term. The range for Lieutenant Governor is \$112,500 to \$125,000. Another approved recommendation of the Commission alters the

calculation of pension benefits for retired Governors. [SB 202/HB 258](#) increase the annual retirement allowance for Governors who have served at least one full term of office and change the calculation of future cost-of-living adjustments for these former Governors. Calculation of the retirement allowance will be based on the salary of the current Governor. Under current law, a Governor's annual retirement allowance is calculated on the salary at the time of retirement.

Also, salaries for legislators for the next four years are contained in the 2002 Resolution of the General Assembly Compensation Commission, which is charged by the Maryland Constitution to make recommendations for legislative compensation and allowances. General Assembly salaries, as recommended by General Assembly Commission's Resolution, will begin with \$34,500 and end with \$43,500 in 2006. The President and the Speaker will be compensated in 2003 with \$47,500 to \$56,500 in 2006, the last year of the term.

### *Special Dates and Observances*

The General Assembly designated September as Ovarian Cancer Awareness Month and urged public health agencies to increase public awareness and knowledge of the disease ([HJ 1](#)). American Indians were honored by naming November as American Indian Heritage Month ([SJ 4/HJ 4](#)), and September 11 will be the "Maryland Day of Remembrance of the September 11, 2001 Terrorist Attacks" ([SJ 1](#) and [HJ 13](#)). Other resolutions memorialize fallen firefighters ([HJ 8](#)) and designated May 19, 2002, through June 14, 2002, as Maryland's "Salute to the Services" time, calling upon tourism businesses in the State to provide travel-related discounts to military, fire and emergency services; police; and hazardous material safety personnel ([HJ 15](#)). Unsuccessful bills would have designated the apple- oatmeal cookie as the State cookie ([HB 1326](#)), made walking the State exercise ([HB 439](#)), and changed the words of the State song ([SB 19](#)).

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## TRANSPORTATION

### *Alcohol and Drugged Driving Offenses*

Measures that will stiffen the penalties and add additional restrictions for drunk drivers were worked out in a conference committee. [SB 352/HB 4](#) increase the penalties for repeat drunk driving offenders and increase the use of the Ignition Interlock Program.

Earlier, the General Assembly passed [SB 21/HB 3](#) banning open alcoholic beverage containers in passenger areas of motor vehicles. Another open container provision ([SB 23](#)) was not successful.

Drunk and drugged driving measures which were ultimately not successful this session included:

- [HB 1061](#), which would have allowed a court to prohibit a person from operating a motor vehicle that was not equipped with an ignition interlock system for up to 5 years, if the person committed specified alcohol-related offenses such as homicide by a motor vehicle or vessel; and
- [HB 47](#) (John's Law) and [SB 389](#), which would have prohibited a person who is arrested for alcohol and/or drug-related offenses from driving a motor vehicle within 12 hours after the arrest.

A number of other proposals, defeated before the final days of the 2002 session, related to repeat offenders, impoundment or immobilization of vehicles, ignition interlock systems, increased periods of suspension of drivers' licenses, super drunk drivers, and other substantive changes to laws dealing with alcohol and drug-related driving offenders ([SB 24](#), [SB 570](#), [HB 60](#), [HB 581](#), [SB 638](#), and [HB 818](#)).

### *Vehicle Laws*

The legislature has passed measures ([SB 345/HB 256](#)) that establish new felonies for a driver involved in a vehicular accident who leaves the scene of an accident ("hit and run") that results in serious bodily injury or death. The bills also establish increased maximum terms of imprisonment and fines for hit and run felony convictions for serious bodily injury and death.

Measures dealing with child booster seats in motor vehicles were approved. As amended, [SB 802/HB 699](#) require children under the age of 6 or under 40 pounds to be in a child safety seat when traveling in vehicles registered in the State of Maryland.

Measures that failed this session related to the use of hand-held cell phones by drivers ([HB 31](#)); restrictions on drivers under age 18 ([SB 527](#)); increased penalties for commercial vehicle drivers or motor carriers convicted of safety violations in serious accidents ([HB 428](#)); commemoration of September 11 victims on registration plates ([HB 58](#)); and authorization for public-private

partnerships to acquire, construct, or improve transportation facilities ([SB 740/HB 1034](#)).

Another unsuccessful proposal would have required the Comptroller to distribute, as phased in through 1214, 20% of sales and use tax revenue to a new Mass Transit Account of the Transportation Trust Fund ([HB 848](#)). Other failed bills were related to the use of speed monitoring systems ([SB 565/HB 140](#)); the creation of a task force to evaluate the use of red light cameras ([HB 35](#)); and a ban on such cameras, except in certain areas ([SB 28](#)).

### **Transportation Systems**

[SJ 8/HJ 10](#), as passed, urge 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.

[HB 1431](#), which passed, creates a task force to evaluate the development and construction of a magnetic levitation (Maglev) transportation system. Maglev can operate at significantly higher speeds than conventional trains (up to 300 miles per hour). One provision 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.

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## **UTILITIES**

The General Assembly approved the proposal clarifying the Public Service Commission's (PSC) authority to adopt policies and regulations relating to competition in the telecommunications services market. As amended, [HB 1164](#) sets a limit of 180 days or fewer for the PSC to resolve complaints between 2 public service companies. The measure also clarifies that any rules the PSC adopts must be in compliance with federal telecommunications laws.

As passed, [HB 135](#) establishes a Public Utility Regulation Fund (Fund) to pay the costs and expenses of the Public Service Commission (Commission) and the Office of People's Counsel. The bill also authorizes the Commission to charge reasonable and nondiscriminatory fees, by regulation, for the filing of documents with the

Commission and for other services performed. By allowing the Commission to charge fees, the assessment that utilities pay would be adjusted downward since the Commission would collect from both these sources the amount to cover the budget of the Commission and People's Counsel. An identical bill, [SB 620](#), failed.

A measure that would have established an oversight committee to examine and evaluate the status of electric customer choice and competition in the State did not pass ([SB 894/HB 1440](#)).

Other bills that deal with the telecommunications industry were not successful:

- [HB 62](#) would have required the Public Service Commission (PSC) to adopt regulations to enhance enrollment in the Telephone Lifeline Service by marketing the program with other State programs;
- [HB 12](#) would have expanded the complaint process and set deadlines for resolutions by the PSC of complaints;
- [HB 13](#) would have allowed a new customer of wireless telecommunications services to terminate a contract without penalty within 30 days, if the service plan did not meet advertised standards;
- [HB 61](#) would have required an intrastate long-distance telecommunications carrier to provide prior written notice before issuing a rate increase or making other changes that resulted in an increased cost for a customer;
- [HB 63](#) would have required the PSC to adopt regulations to ensure that every telecommunications carrier met minimum service quality standards in providing basic local exchange service;
- [HB 109](#) would have amended current law to authorize the PSC to adopt alternative forms of regulations for telephone companies only if the PSC concluded that a local telephone market was fully and irreversibly open to competition; and
- [HB 110](#) would have prohibited a carrier from impeding the development of competition in any telecommunications service market.

