



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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BILL INTRODUCTIONS

As of Friday, February 28, 745 Senate bills and 11 joint resolutions and 1146 House bills and 18 joint resolutions were officially dropped in the 2003 hopper. Monday, March 3, the 55th day of the 2003 session, is the final date for introduction of bills without suspension of the rules, which requires the concurrence of at least 2/3rds of the elected members of the chamber for introduction. The 2003 session is scheduled to conclude at midnight on April 7, the 90th day.

AGRICULTURE AND SEAFOOD INDUSTRY

Bill sponsors and members of the public appeared before committees this week to testify on:

- [SB 271/HB 755](#) to prohibit close confinement of a pregnant sow, effective October 1, 2008, for all or a majority of any day, except during the seven-day period before the expected date of birth, during feeding or transporting the sow, or in the course of a veterinary treatment;
- [HB 475](#) to place the regulation of domesticated deer under the Maryland Department of Agriculture as livestock and to end regulation of domesticated reindeer as wildlife by the Department of Natural Resources; and
- [HB 503](#) to establish the Maryland Pesticide Advisory Council to address long-term problems and issues, including homeland security, relating to pesticide manufacturing, transporting, storage, use, and disposal.

Public comments were also heard recently on bills related to the Maryland Agricultural Land Preservation Foundation (MALPF). The legislature created MALPF in 1977 to protect, among other things, agricultural land in the State. Under MALPF, agricultural preservation districts are formed when qualifying landowners sign voluntary agreements to keep their land in agricultural or woodland use for a minimum of 5 years.

In 2001, the General Assembly also required MALPF to develop regulations and criteria to provide that, as long as all other criteria are met, land that is at least 50 acres in size (down from 100 acres) will qualify for inclusion as an agricultural district. Landowners who agree to place their farms within a district may sell a development rights easement on the property to MALPF. Subject to some limitations, once an easement has been sold, the property is protected from further development. 2003 MALPF bills under consideration are:

- [HB 406](#) to decrease the minimum acreage requirement, from 50 to 25 acres, to qualify for inclusion in an agricultural district under MALPF; and
- [SB 626/HB 805](#) to provide that farm- and forest-related uses and home occupations, as determined by MALPF, may be allowed on land subject to a MALPF easement. The bills also modify current lot exclusion policy to give landowners additional choices in the disposition of lot rights.

CIVIL RIGHTS

The bill to establish an African-American Reparation Task Force ([SB 434](#)) has been withdrawn. The bill was discussed at a midweek hearing.

CRIMINAL MATTERS AND CORRECTIONS

The House amended and passed a proposal to allow the extension of a criminal's probation period for an additional 5 years in the circuit court or an additional 3 years in the District Court if the extension is only for making restitution, eliminating the requirement that the defendant consent in writing to the extension. Under [HB 233](#), the court may grant an even longer extension for making restitution if the defendant consents in writing.

House committee action this week was negative on:

- [HB 295](#) that would have expanded the narrow State's Attorney screening requirements for

applications filed in the District Court alleging an offense by allowing applications to be filed by citizens alleging any offense, except actual or threatened physical injury (Companion [SB 237](#) died in a Senate committee); and

- [HB 10](#) that would have eliminated the requirement that the governor pardon a person who was erroneously convicted, sentenced and imprisoned, before the person would be eligible for a grant for damages. The bill also would have required the Board of Public Works to make a finding that the conviction had been shown conclusively to be in error before authorizing, at its discretion, a grant for actual damages. Two other bills, [SB 569](#) and [SB 570](#), concerning these grants are in committee.

Drivers who don't pay for gas after pumping it will be subject to suspension of their drivers' licenses for up to 30 days for a first offense and a mandatory 30-day suspension for subsequent offenses under [SB 282](#), which passed the Senate on Friday. An identical bill, [HB 49](#), passed the House last week.

Two bills are moving through the legislative process that would expand the list of offenses for which a victim's sexual history is not admissible as evidence. [HB 196](#) passed the House this week in an amended version differing slightly from its companion, [SB 453](#), which gained Senate approval last week.

Legislation aimed at moving nonviolent drug offenders out of jail and into treatment includes:

- [HB 580](#) to double the State tax on alcoholic beverages to pay for substance abuse treatment programs as alternatives to incarceration for drug offenders;
- [HB 581](#) to repeal mandatory minimum sentences for subsequent offenders of felony controlled-dangerous-substances crimes; and
- [HB 110](#) to grant offenders who were convicted of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance the same "good conduct" credits that are given to nonviolent offenders, an increase from 5 diminution credits per month to 10 per month.

Committee action was unfavorable on [HB 582](#), which would have paroled prisoners who have been convicted of a nonviolent crime or a substance addiction-related

parole violation, who have no prior convictions for a violent crime, and who have a verified substance addiction, for participation in a supervised drug treatment program.

ECONOMIC, BUSINESS, AND CONSUMER ISSUES

To assist victims of identity fraud, legislators have proposed requiring financial institutions to furnish copies of certain application forms, application information, and records upon the request of the victims ([HB 877](#)). Other consumer protection issues will continue to be discussed in committee hearings next week:

- [HB 134](#) prohibits a person from requesting, recording, or distributing the Social Security number of an individual who is seeking to obtain consumer goods or services in return for providing such goods or services;
- [HB 692](#) prohibits the public posting or displaying of an individual's Social Security number and the printing of an individual's Social Security number on a card required for access to products or services; and
- [HB 147](#) prohibits the sending of a blank check or other payment device through the mail without prior request or application by the recipient and makes violation of such a prohibition an unfair or deceptive trade practice.

Legislation that would have required credit agencies to provide consumers with copies of credit scores and information provided to users of credit information died in a Senate committee this week ([SB 327](#)). The companion bill, [HB 226](#), is still in a House committee. No action has been taken on the proposal to create a Short-Term Small Consumer Loan Study Commission charged to determine the need for short-term, small consumer loans in the State ([SB 430](#)).

EDUCATION

A committee report scheduled for release on Monday, March 3, indicates favorable action with amendments on [HB 680](#), which allows 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 a regular full-time public or private school during the individual's senior year in high school to enlist in the armed forces during the Vietnam conflict.

Another measure listed on the same committee report failed. [HB 546](#) would have allowed an individual honorably discharged from military service to apply for a high school diploma if the individual withdrew from school during the individual's junior year in high school to enlist in World War II or the Korean conflict. Currently, individuals who withdraw in their senior year to enlist in the military during those periods may obtain a high school diploma.

ELECTIONS

Several bills address voter registration by felons. One proposal, just introduced, removes the requirement that a felon convicted of a subsequent crime may qualify to become a registered voter only if, in connection with the subsequent conviction, the felon has completed the court-ordered sentence imposed for the conviction and at least 3 years have elapsed since the completion of the court-ordered sentence ([HB 1101](#)). Another bill, on the hearing schedule for next week, removes restrictions that prohibit felons who have been convicted more than once for certain violent crimes from being deemed qualified to register to vote ([HB 519](#)).

Other issues related to elections make changes in the laws that govern legislative redistricting and campaign procedures. A proposed amendment to the Maryland Constitution, [SB 169](#), requires that each delegate elected to the House represent a single-member district. The bill also specifies that each legislative district contain 3 single-member delegate districts and requires that each legislative and delegate district be of substantially equal population within a 2% deviation.

Another bill expands the prohibition against payment for political endorsements or "walk-around services" to any individual. "Walk-around services" include the distribution of campaign material and stationing oneself in the path of a voter, if such activities are performed for money when the polls are open ([SB 207](#)).

Next week, a committee will hear [HB 504](#) and [HB 476](#); the former expands the definition of campaign material to include any recorded or scripted telephone campaign advertisement, while the latter would allow a campaign

finance entity to pay for campaign expenditures with a credit or debit card.

FAMILY LAW

The exemption for a member of the clergy from the reporting requirements for suspected child abuse or neglect would have narrowed under [SB 412](#), which had a Senate committee hearing this week and at the end of the week received an unfavorable committee vote. Currently, a clergyman is not required to provide notice of child abuse or neglect that was disclosed during confession as long as the clergyman is bound to maintain the confidentiality of that communication under canon law, church doctrine, or practice.

[SB 412](#) would have applied the reporting exemption only when the communication was made to the clergyman directly by the abuser in the course of a confession, and canon law or church doctrine require confidentiality. Abuse disclosed by a victim or any other third party in the confessional would have had to be reported. The measure provided no penalties for failure to comply. Companion [HB 823](#) will have a House hearing in 2 weeks.

FISCAL MATTERS

Among recent bill introductions in the area of taxes, [HB 1094](#) proposes to raise the sales tax rate from 5% to 6% and allocate a portion of the revenues to the Transportation Trust Fund and a new Education Trust Fund. The increase would expire in June 2006. Also introduced this week, [HB 1084](#) will convert a number of tax credits, which reduce State tax liability directly, to a subtraction modification against income for the purpose of determining Maryland taxable income.

A House committee held testimony on its version of the Budget Reconciliation and Financing Act of 2003, [HB 935](#). The bill increases General Fund revenues for fiscal years 2003 and 2004 by transferring money from special funds to the General Fund, reallocating revenues to the General Fund, and reducing certain aid amounts. The companion, [SB 657](#), has a hearing next week.

Next week, public comment will be received on:

- [HB 500](#) that imposes a 6% income tax rate on income over \$100,000 for an individual and on income over \$150,000 for those filing a joint return,

with the 6% rate in effect for taxable years 2003, 2004, and 2005, but after December 31, 2005, the rate would return to the current 4.75%;

- [HB 910](#) that increases several tax rates including the income tax for 2003 and 2004 to 4.8% from 4.75%, the sales tax rate to 6 cents from 5 cents, and the gasoline tax rate by 5 cents to 28.5 cents per gallon for the period July 1, 2003, through June 30, 2005; and
- [HB 776](#) that increases the annual filing fee from \$100 to \$250 for business entities required to file annual reports with the Department of Assessments and Taxation, and adds limited liability companies and limited partnerships to the types of entities that must file annual reports. The bill also expands the number of corporations that must file income tax returns in Maryland.

HEALTH CARE AND INSURANCE

The Senate has passed [SB 450](#), an emergency bill that repeals the enrollment cap of 30,000 enrollees in the Short-Term Prescription Drug Subsidy Plan and permits the plan to enroll the maximum number of individuals eligible for enrollment, subject to available funds. The House has already passed the companion bill, [HB 211](#).

The Small Business Health Insurance Affordability Act ([SB 477](#)) passed the Senate with technical amendments this past Tuesday. The bill makes revisions to the Comprehensive Standard Health Benefit Plan (CSHBP) which an insurer, nonprofit health service plan, or HMO must offer to small businesses. A primary component of the legislation is the reduction of the premium rate affordability cap for the standard plan from 12% to 10% of the average annual wage in Maryland in order to help keep CSHBP affordable for small businesses and permit them to continue purchasing riders for additional benefits at an affordable rate.

If the average premium reaches 10%, however, the Maryland Health Care Commission, responsible for the design and annual review of CSHBP, may be required to change the CSHBP benefit package, increasing out-of-pocket expenses such as deductibles and co-payments, or eliminating certain benefits. Companion [HB 2](#) is still pending in a House committee.

The House recently amended and passed [HB 143](#), sponsored by all 141 House members, extending the

termination date to June 30, 2006, of the Maryland Medbank Program, which provides access to medically necessary prescription drugs through patient assistance programs sponsored by pharmaceutical drug manufacturers. As introduced, [HB 143](#) required the Governor, beginning in FY 2005, to include an appropriation of at least \$3 million for the program's operation in the annual budget. That provision was altered to require the Department of Health and Mental Hygiene to request funding for the program. The Senate version, [SB 334](#), received a hearing last week.

SPORTS AND GAMING

This week, the Senate and House held much-anticipated and well-attended public hearings on legislation authorizing video lottery terminals (slot machines) and addressing other issues related to gambling. The proposals dealing with slot machine authorization are as follows.

[SB 699/HB 78](#) authorize a total of 10,000 slots at up to 4 locations. The bills provide for one-time license fees and for the distribution of revenue from the slot machines, create the Education Trust Fund and other special funds, and prohibit the adoption of any laws authorizing any additional forms or expansion of commercial gambling. Before a license is issued, the county governing body must pass a resolution supporting a video lottery facility in the county and if petitioned to referendum, the voters must approve.

[SB 322/HB 359](#), the Governor's proposals, authorize up to 10,500 slot machines at up to 4 horse racing tracks, provide for a one-time license fee, and create the Education Trust Fund and other special funds. The bills create a new State Lottery and Horse Racing Agency with a separate State Lottery and Horse Racing Commission within the Agency. The Education Trust Fund would receive about 64% of the proceeds. Other provisions allocate \$500,000 each year for gambling addiction programs, and provide that a portion of the proceeds go to local jurisdictions in which the racetracks are located.

[SB 446](#) authorizes the operation of 12,500 slots regulated by the State Lottery Commission at Pimlico Race Track, Laurel Race Track, and a racetrack in Allegany County. After deducting the Commission's cost, 50% of the proceeds will be distributed to the General Fund, 45% to licensees, and 5% to the local governments within a 5-mile radius of gambling sites.

[HB 800](#), a Constitutional amendment, authorizes up to 6 video lottery facility licenses to operate slots, regulated by the State Lottery Commission, in 4 regions of the State, with applicants first having a horseracing license. At least 1/2 of the net proceeds from the terminals will be dedicated to a special fund to support public libraries and certain education programs. The adoption of laws authorizing additional forms or expansion of commercial gambling is prohibited.

[HB 890](#), a Constitutional amendment, authorizes slots, regulated by the State Lottery Commission, at up to 6 destination tourist locations. At least 1/2 of the proceeds from the terminals will be dedicated to a special fund used to support certain education programs and public libraries. Other provisions prohibit the adoption of laws authorizing expansion of commercial gambling, and require local approval of the Constitutional amendment.

Additional legislation before committees this week addressed the distribution of the proceeds from slots. [SB 452/HB 491](#) establish a Host Community Gaming Benefits Authority and a special fund for each gaming benefits district, which covers the area within 1 mile of a gaming venue. Each fund is to improve the communities located in the gaming benefits district. Fees negotiated between each Authority and the operators of its gaming venue, coupled with 5% of the State's revenues from the operation of slots at the Authority's gaming venue would support each special fund.

[SB 708](#), contingent on the passage of [SB 322/HB 359](#), the Governor's measures, requires a county or city that receives distributions from the operation of slots to distribute 50% of the revenue to a nonprofit organization located within a 1 mile radius of the slot facility. The bill establishes selection criteria for choosing a nonprofit and provides for distribution of revenue from the nonprofit.

The public also testified this week on [HB 329](#) that establishes a Commission to Study Video Lottery Terminals in Maryland and requires a report by December 31, 2003. The legislation also prohibits the authorization of any additional forms of gambling while the bill is in effect from June 1 to December 31, 2003.

Also heard by a committee, [SB 697](#) provides for the transfer of the name of the Preakness Stakes; copyrights, trademarks, service marks, and trade names associated with the Preakness Stakes; and the trophy known as the Woodlawn Vase to the State if any form of gaming, other than pari-mutuel betting, is authorized for Pimlico Race Course. The State would then license the use of the

name back as long as the Preakness Stakes are promoted and run. Companion [HB 1014](#) has not been heard.

Also eliciting committee testimony this week:

- [HB 105](#) prohibits direct and indirect contributions to a State candidate, political party, or other campaign finance entity organized in support of a State candidate or political party, by persons and entities involved in gaming activity in the State; and
- [HB 281](#) requires a qualified organization that conducts a gaming event to submit a report every 6 months to the State Lottery Agency and to the Attorney General. The report is to account for all income raised by each gaming event and the disposition of the income. Qualified organizations include volunteer fire companies and religious, fraternal, civic, veterans, or charitable organizations.

[SB 304](#), scheduled to be withdrawn on March 3, would have prohibited a person from conducting a casino event in which a card game, dice game, or roulette is played and money or tokens redeemable in money are awarded as prizes, except as allowed under current law.

As the week progressed, new gaming bills debuted:

- [HB 1103](#), a Constitutional amendment, prohibits the General Assembly from authorizing any expanded or additional locations for video lottery or casino-style gaming;
- [HB 1122](#) requires that, before an owner of a video lottery facility offers video lottery terminals for public use, a special election is held in the county in which the facility is to be located; and
- [HJ 15](#) urges the Governor to negotiate a revenue sharing agreement with each neighboring state with gaming facilities based partly on the number of Maryland visitors to those facilities. If an agreement cannot be negotiated with neighboring states, Maryland may establish gaming facilities close to the borders of those states.

STATE GOVERNMENT

On Friday, with the confirmation of Delegate Robert L. Flanagan as the Secretary of Transportation, James C. DiPaula, Jr. as Secretary of Budget and Management, and Victor L. Hoskins as Secretary of Housing and

Community Development, the Senate nearly completed its advise and consent responsibilities for the Governor's cabinet. The 2 remaining nominees, Lynn Y. Buhl as Secretary of the Environment and Nelson J. Sabatini as Secretary of Health & Mental Hygiene, will testify before the Senate Executive Nominations Committee on Monday night. Consideration by the full Senate will follow. The gubernatorial cabinet also includes:

- R. Karl Aumann, Secretary of State
- Jean W. Roesser, Secretary of Aging
- Lewis R. Riley, Secretary of Agriculture
- Aris Melissaratos, Secretary of Business & Economic Development
- Nancy S. Grasmick, State Superintendent of Schools
- Boyd K Rutherford, Secretary of General Services
- Christopher J. McCabe, Secretary of Human Resources
- Kenneth C. Montague, Jr., Secretary of Juvenile Justice
- James D. Fielder, Jr., Secretary of Labor, Licensing & Regulation
- C. Ronald Franks, Secretary of Natural Resources
- Audrey E. Scott, Secretary of Planning
- Mary Ann Saar, Secretary of Public Safety & Correctional Services
- Col. Edward T. Norris, Secretary of State Police
- Thomas E. Hutchins, Secretary of Veterans Affairs
- Karen R. Johnson, Secretary of Higher Education
- Maj. Gen. Bruce F. Tuxill, Adjutant General

Bills to add new State symbols to the law books are at various junctures in the legislative process. [SB 43](#), to designate the thoroughbred horse as the State horse, is in the House, while [HB 98](#), to make walking the State exercise, and [HB 606](#), to name the Patuxent River agate the State gem, remain in committee.

TRANSPORTATION

After reconsideration and passage by the House, the Senate received [HB 73](#), requiring a driver in the far left lane of a road with 2 or more lanes moving in the same direction to yield the left lane to faster moving vehicles when it is safe and practicable to do so. The bill does not apply to a vehicle preparing for a left turn or a vehicle in a high occupancy vehicle lane.

Several bills that targeted drunk and drugged driving offenders were defeated in their respective committees:

- [HB 249](#) would have expanded, from 5 to 10 years, the period in which a prior conviction for certain alcohol- or drug-related driving offenses disqualifies the person from eligibility to be placed on probation before judgment (The companion bill, [SB 94](#), is scheduled for a hearing next week);
- [HB 699](#) would have conformed the maximum periods of driver license suspension imposed as a result of a conviction for drunk and drug driving offenses to the suspension periods established elsewhere in the Motor Vehicle Law for those offenses; and
- [HB 252](#) would have required a driver under the age of 21 who was cited for driving or attempting to drive while having any alcohol in the blood to appear in court, instead of prepaying the fine.

Legislation ([HB 63](#)) that would have prohibited a driver of a motor vehicle that was in motion from using a hand-held telephone has been defeated for a 4th straight year.

Another defeated measure, [HB 51](#), would have required the Maryland Transportation Authority to stop collecting tolls for the Chesapeake Bay Bridge if traffic were congested in a line extending more than 5 miles from the bridge.

UTILITIES

[HB 976](#) will require a residential landlord to measure the actual per tenant usage of water consumption and wastewater, or sewage use, rather than allocating utility charges to tenants on other factors such as per tenant or by square feet. The landlord would be authorized to bill a tenant separately for the actual cost of utilities used, including an administrative fee not to exceed \$2 for each billing. A violation would hold the landlord liable for the greater of the total amount of all damages proximately caused by the violation or \$1,000 per violation and reasonable attorney fees.

A committee defeated the bill that would have created a database of residential telephone subscribers who do not want to receive telephone solicitations. [SB 3](#) would have required telemarketers to purchase the database and to refrain from soliciting telephone numbers listed.

