



The Legislative Wrap-Up

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PASSED BILLS

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Last Friday, [HB 345](#) became Chapter 6 of the 2004 Laws of Maryland without the Governor's signature. This bill repeals the "trigger provision" in the Bridge to Excellence in Public Schools Act of 2002 (Thornton Plan) and eliminates the need for the General Assembly to pass a joint resolution in order to continue with full implementation of the funding formulas established in Thornton. The legislation is an emergency measure and, as such, took effect immediately.

The General Assembly also passed [HB 148](#), removing the requirement that the surviving spouse of a judge who retired on a disability pension must be age 50 or older to receive the 50% benefit from the Judges' Retirement System. The Governor's decision on this bill is not known.

Additionally on Friday, with House approval, three Senate bills will be sent to Governor Ehrlich for consideration. Two of the passed measures, [SB 73](#) (Annual Curative Bill) and [SB 74](#) (Annual Corrective Bill), make technical corrections and changes in the Annotated Code of Maryland. The other legislation, [SB 75](#), is a statutory revision bill that revises, without substantive change, miscellaneous provisions in the Annotated Code, including those that are obsolete or redundant.

A proposal to apply the current general criminal theft provisions and penalties to theft by use of an interactive computer service ([HB 194](#)) passed the House. "Interactive computer service" is an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server. A State's attorney may prosecute a violator in any county or state in which the victim resides or the electronic communication originated or terminated.

The Senate gave preliminary approval to [SB 543](#), addressing reform of the State juvenile justice system. The bill sets a December 2005 deadline for the Department of Juvenile Services (DJS) to submit a final 10-year Master Facility Plan for all locked and staff secure detention and commitment facilities, with status reports due December 2004, and June 2005. The bill also places numerous other requirements that DJS must meet by December 2004, including submitting a comprehensive Reform Plan for development of community-based services and family-centered aftercare case plans, reporting on disproportionate minority confinement in each county and Baltimore City, and developing a management plan for the evaluation of staff functions, the establishment of professional qualifications, the recruitment and retention of employees, and increasing the grade level and credentials of direct care workers equal to that of field workers.

COURTS AND JUDICIAL PROCEEDINGS

A House committee voted down [HB 16](#) that would have proposed a constitutional amendment to define marriage as being between a man and a woman. The committee also killed [HB 728](#) that would have declared that a same-sex marriage validly entered into in another state or country is not valid in Maryland and that same-sex marriages are against the public policy of Maryland. An attempt was made on the floor of the House to amend the provisions of the defeated [HB 728](#) into an unrelated bill ([HB 746](#)) that clarifies which judges are authorized to perform marriage ceremonies and the fees they may charge. The amendment failed and [HB 746](#) passed the House.

Additionally, [SB 543](#) restricts to one year any contract with a vendor for providing services at the Charles H. Hickey, Jr. School, unless the contract can be terminated by DJS without penalty, and requires by December 31, 2004, adoption of regulations for programs and services that are consistent with existing standards that apply to private child residential programs and facilities, and an evaluation of the procurement and contracting procedures of DJS.

Legislation relating to the death penalty aired in a House committee hearing last week. Delegates heard testimony on a proposal to repeal the death penalty ([HB 521](#)) and proposals to expand the list of aggravating

circumstances for considering the death sentence to include:

- murder of an off-duty law enforcement officer in retaliation for the officer's actions while on duty ([HB 250](#));
- commission of more than one first-degree murder within a three-year period ([HB 244](#));
- commission of three or more first-degree murders within a four-year period ([HB 947](#));
- murder committed during the commission of the crimes of victim or witness intimidation ([HB 248](#)) or intimidation of a witness, victim, or juror ([HB 301](#));
- murder of a prosecutor ([HB 1081](#)); and
- murder of a person who is under a protective order ([HB 1231](#)).

Legislation that would have expanded the crimes relating to victim, witness, or juror intimidation and stiffened the penalties for the crimes ([HB 296](#) and [HB 263](#)) failed a committee vote this week. [HB 296](#) would have also altered the court hearsay rule by allowing an out-of-court statement from a witness or victim to be used at trial against the person who made the victim or witness unavailable or killed the witness or victim through an act of intimidation, or who solicited another to do so.

ECONOMIC AND BUSINESS ISSUES

Labor

Committees in both houses voted down workers' compensation legislation that would have reversed the effects of a recent court opinion overturning the "unusual activity" precedent set in 1927. In failing to move [SB 113/HB 13](#), the legislature let stand the court ruling that in order to be compensable, a work-related injury does not have to result from an activity that is somewhat "unusual." The court noted that the "unusual activity" requirement was unique to Maryland, not applied consistently, and contravened the purposes of the workers' compensation law. Also receiving an unfavorable report from committee, [SB 162](#) would have allowed employees a 30-minute break after working more than five consecutive hours.

Economic Development

An Administration bill to expedite cleanup and reuse of contaminated properties advanced to the opposite chamber recently. [HB 294](#) makes changes in the brownfields redevelopment program established in 1997 to clean up and redevelop abandoned or underutilized industrial or commercial properties that are contaminated by hazardous materials. The bill expands eligibility to properties contaminated with oil, to some sites under active enforcement, and to a portion of a property under investigation. Other provisions allow an expedited application process upon payment of a fee, require notices of all applications for brownfields status to be posted on the property, expand the Maryland Department of the Environment's enforcement authority, and broaden eligibility of sites for financial assistance under the Brownfield Redevelopment Incentive Program. The companion bill, [SB 186](#), and similar legislation, [SB 655](#), remain in committee following hearings last month.

A House committee heard testimony on a proposal to increase the number of days and the frequency for which a winery special event permit may be issued. Provisions of the bill allow the special events permits to be issued for up to 10 days, rather than three days and allow one permit per month (not the current one per year) for use in the same political subdivision. [HB 393](#) also repeals the requirement that a winery special event be organized and conducted by a nonprofit organization or government entity. These special event permits allow the 12 affected wineries in Maryland to display and discuss their products with consumers. The companion bill, [SB 27](#), remains in committee following a hearing earlier in the session.

Measures promoting the development of agricultural and resource-based industry in the State are under consideration. Last week, the House listened to testimony on [HB 1179](#) that creates the Rural Maryland Prosperity Investment Program and a public corporation to provide financing to farmers and agricultural and resource-based industries. One of the stated goals of the legislation is to raise the standard of living in rural areas of the State by 2020 to a level that meets or exceeds statewide averages, while preserving the rural way of life. Starting with the fiscal 2006 budget, the bill requires specific funds to be requested in seven departments for the support of this program.

Legislation with a similar purpose is scheduled for a hearing in the Senate next week. [SB 589](#) establishes a

public corporation to provide financing to farmers and agricultural and resource-based industries, but does not include the specific budget requests of State agencies found in [HB 1179](#).

[HB 905](#), heard by a committee, extends the current Neighborhood Business Development (NBD) program created to assist development, redevelopment, or expansion of small business in older communities to become microenterprises. A “microenterprise” is a business with not more than five employees that requires no more than \$35,000 in start up-capital and does not have access to commercial banks. Other provisions relate to the source of funds within the Department of Housing and Community Development for the loans, grants, or other forms of aid and another sets a goal of 25% of NBD loans and grants to go to microenterprises.

A Senate committee has placed a measure that creates the Maryland Technology Investment Program on its hearing agenda. Under [SB 214](#), the program, to be established and operated by the Board of Trustees of the State Retirement and Pension System in consultation with the Maryland Technology Development Corporation, provides capital investment by the retirement system in qualified technology or bioscience businesses in the State. The bill requires the board to make available \$20 million each year to invest, and also requires an appropriation in the annual Budget Bill to the retirement system that covers any difference between a specified rate of return and the actual return on investment.

EDUCATION

Last minute action by the Baltimore City Council responding to fiscal crisis in the Baltimore City school system alleviated the necessity for the consideration of a consensus plan to provide State assistance. The prepared legislation was introduced in the House, but not in the Senate. Under [HB 1524](#), the Baltimore City Board of School Commissioners would have been replaced by the Baltimore City Public School System Authority consisting of three members appointed by the Governor and two by the Mayor of Baltimore City, with the State School Superintendent as a nonvoting member. The authority would have operated the school system until December 31, 2005, when it would have been replaced by a new Board of School Commissioners. The measure would have provided for a State loan of \$42 million to be repaid by December 31, 2005.

Other measures relating to governance and funding of schools were heard by committee members this week:

- [HB 761](#) reconstitutes the State Board of Education by changing it from an appointed to an elected board with one member to be elected from each of the State’s eight congressional districts at the 2006 general election. (At the same election the State Superintendent is to be elected for a four-year term. Neither board members nor the State Superintendent may serve more than two consecutive terms);
- [HB 922](#) extends the phase-in of the State education funding formulas implemented in the Bridge to Excellence Act (Thornton Plan) by four years, in order to fully fund the formulas by fiscal 2012 instead of fiscal 2008, and delays by four years the deadlines for local school systems to provide full-day kindergarten for all students and pre-kindergarten for disadvantaged four-year old children; and
- [HB 1212](#) establishes the Maryland Public Education Facilities Act to encourage the use of alternative financing mechanisms, private capital, and other funding sources for the construction and improvement of public school facilities, to accelerate and improve the financing for qualified education facilities, and to provide public and private entities with the greatest flexibility in contracting with each other. (The companion bill, [SB 736](#), will be heard next week.)

Other public education bills under consideration by a committee this week include:

- [SB 123/HB 711](#) to allow local boards of education the option to decide by majority vote not to provide full-day kindergarten for all students;
- [HB 759](#) to define “adequate education” as a level of student achievement consistent with the State’s constitutional responsibility to provide a thorough and efficient system of free public schools and to equate student proficiency in reading, writing, and computational skills at the tenth grade level or higher; and
- [HB 1288](#) to require an elementary school with a suspension rate in excess of 20% to implement a Positive Behavioral Interventions and Support Program adopted by the State Board of Education.

Proposed changes to current State retirement and pension law, allowing exemptions from the earnings limitation for retired teachers and supervisors of principals who are rehired, were considered in committee this week. [HB 1254](#) adds requirements that retired teachers and supervisors of principals must meet to be rehired without an earnings limitation and requires reports on the rehire programs. It also extends these exemptions from earnings limitation through June 30, 2006, for teachers, supervisors of principals, and health care practitioners in State facilities to be reemployed by county boards of education or the Department of Health and Mental Hygiene.

Testimony before the same committee concerned [HB 1314](#), which requires a public institution of higher education to allow a student in the National Guard and whose unit is activated and deployed outside the State to withdraw from classes without negative consequences for the student's academic standing.

ELECTIONS AND ETHICS

Elections

A Senate bill, [SB 393](#), that requires the addition of voter verified paper records for voting systems in Maryland was before a committee of that body on Friday. The House companion bill is [HB 53](#). Both bills need a favorable vote to move out of their respective committees.

Other bills related to elections on the same Senate committee's Friday agenda include [SB 562](#) that establishes public campaign financing for candidates for the General Assembly and statewide offices and [SB 725](#) that establishes public financing only for candidates for the General Assembly. The latter's companion bill, [HB 1317](#), was heard on Thursday by a House committee.

[SB 846](#), also heard by Senate committee members, increases from \$100 to \$1,000 the amount of the contribution that may be made by credit card per transaction to candidates and political committees.

On the House side, this week and next, election legislation before committee members relates to slates, payment of expenses, fund-raising, contributions, tampering with equipment, changing voting affiliation, and requiring proof of citizenship. Bills that address issues related to candidate slates:

- alter the amount of the transfers allowed between a slate and each campaign finance entity of its members; and providing an exception to the limitation ([HB 168](#)); and
- require a finance entity representing a slate of candidates to include for each expenditure listed on the campaign finance report the name of the slate member on whose behalf the expenditure was made or for whose benefit the expenditure was made ([HB 169](#)).

Measures governing payment and fund-raising:

- authorize a campaign finance entity to pay for campaign expenditures with specified check card or debit card ([HB 170](#)); and
- prohibit a member of the General Assembly from holding a fund-raising event outside the member's district or subdistrict during specified periods before and after a regular legislative session. A presiding officer may hold one such event during the specified periods ([HB 227](#)).

Proposals dealing with different aspects related to campaign contribution limitations:

- prohibit contributions by persons engaged in gaming activity in the State to candidates for political office or political parties ([HB 274](#));
- alter a specified limitation on the amount of contributions that may be made by credit card to candidates and political committees ([HB 733](#));
- alter the treatment of contributions that are made by associated business entities, and attribute the contributions of associated business entities to a single contributor for determining the maximum amount of the contributions that the associated business entities may make ([HB 931](#)); and
- lower, from \$51 to \$21, the cumulative dollar amount received from an individual as a campaign contribution or for the individual price of a ticket to a campaign event for which a treasurer is required to issue a receipt. In addition, the bill lowers, from \$251 to \$101, the cumulative dollar amount of ticket purchases to a campaign event for which a treasurer must issue a receipt to an individual purchaser ([HB 976](#)).

Still other legislation stiffens the penalties for violation of election laws related to voting equipment or supplies such as tampering with machines to include a fine of not more than \$50,000 or imprisonment for not more than 10 years or both (HB 1390). Another bill alters provisions of law governing the period during which a registered voter may change party affiliation (HB 1394).

Also in the committee pipeline, HB 56 requires submission of proof of U.S. citizenship with a voter registration application and requires an election judge to establish the identity of a voter on election day by requesting a voter's voter registration card.

Ethics

SB 82 repeals the exception to the general gift acceptance prohibition that allows legislators to accept food and beverages received at the time and location of a meeting of a legislative organization that the member's presiding officer has approved the member's attendance at the State's expense. For example, legislators could no longer attend a reception sponsored by an industry group at the time of a regional or national conference. HB 221, before a committee in February, repeals the exception as well.

person is required to purchase goods or services, pay money to participate in, or submit to a sales promotion effort. Committee amendments provide for enhanced penalties if the consumer is 65 years old or older or disabled.

Strengthening current law, the Maryland Spam Act (SB 604), considered in committee this week, prohibits a person from sending multiple commercial e-mail messages under specified circumstances from a protected computer. Violation is a felony with maximum penalties of three years imprisonment and/or a \$5,000 fine. Violation involving the transmission of more than 250 commercial e-mail messages during a 24-hour period, 2,500 commercial e-mail messages during a 30-day period, or 25,000 commercial e-mail messages during a one-year period is a felony with maximum penalties of five years imprisonment and/or a \$10,000 fine and additional penalties for repeat offenders. The Attorney General may institute a civil action against a violator to recover for the State a civil penalty of up to: (1) \$25,000 per day of the violation; or (2) from \$2 to \$8 per commercial e-mail message initiated in violation of the bill. Similar legislation (HB 1320) has a hearing in the House next week.

Legislation (SB 278) addressing the sending of sexually explicit commercial electronic mail (e-mail) messages or causing any pop-up advertisements to appear on an individual's computer was withdrawn. The companion bill, HB 196, received an unfavorable committee vote earlier this session.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Several consumer-oriented bills passed their first chamber this week. Amended SB 117 prohibits specified disclosures of an individual's Social Security number. Violation of the bill is an unfair or deceptive trade practice under the Maryland Consumer Protection Act.

Extensive amendments to another bill, SB 173 (passed), generally prohibit gift cards or certificates to be sold in the State with expiration dates or service fees including fees for nonuse in a specific timeframe. Exclusions include prepaid telephone calling cards, coupons for discounted goods or services, and gift cards or certificates with a printed expiration date in capital letters in at least a 10-point font.

Additionally, HB 747 (passed) increases the civil penalty under the Maryland Consumer Protection Act, from \$1,000 to \$5,000, for an initial violation of the general prohibition against notifying another person, as part of an advertising scheme or plan, that the other person has won a prize, received an award, or has been selected or is eligible to receive anything of value, if the other

FISCAL MATTERS

The Budget Bill (SB 125) will come to the Senate floor on Monday, March 15. On Wednesday, the bill will be debated on second reading, and ordered printed for the third reading on Friday. The House has concluded its budget hearings and will be making decisions next week.

This week the Governor submitted a \$31 million supplemental budget with the largest addition being \$13.1 million for agricultural land preservation programs. Also, included are \$2.3 million for juvenile justice facilities and \$7.7 million for other youth and family programs. The supplemental budget is not a separate bill, but an addition to the original budget and will be included with it in future printings. The Senate and House budget committees will consider the supplemental budget and recommend any reductions or limitations they think necessary.

[HB 622](#), as passed on second reading by the House, lowers from 25% to 10% the amount by which the Board of Public Works (BPW) may reduce an appropriation and requires that the BPW declare that the reduction is necessary to prevent a deficit. The bill also exempts from reduction programs with a minimum funding level, if the reduction reduces the funding below that level, and those operating under regulations until the regulations are revised under the Administrative Procedures Act.

The BPW bill also requires, 21 days before the proposed reductions, public notice and an invitation for comment to selected legislative committees indicating for each reduction the source of the savings and a public impact statement. The original companion bill, [SB 261](#), still in committee, had a hearing on February 18. This measure keeps the reduction amount at 25%, but does not add the exemption categories.

Although it received a majority “yea” vote, the proposed constitutional amendment ([SB 370](#)), which would have increased the General Assembly’s budgetary powers, failed third reading in the Senate when it did not receive the 29 votes (three-fifths of the Senate) required to pass a constitutional amendment that would have been sent to the voters at next November’s general election. The companion bill, [HB 1247](#), had a hearing March 9 and is still in committee.

The Biotechnology Investment Incentive Act failed to gain committee approval. [SB 124](#) would have created a tax credit for investments made to biotechnology companies or venture capital firms. Its companion bill, [HB 57](#), heard last month, is still in committee.

GAMING, RACING, AND SPORTS

Gaming

This week a Senate committee rejected gaming and racing bills that would have:

- created a Compulsive Gambling Treatment Program and provided for a one-time grant of \$200,000 to the Compulsive Gambling Center, Inc., of Baltimore City for the residential and outpatient treatment of compulsive gamblers and their families ([SB 496](#));
- required the Department of Health and Mental Hygiene to contract with an independent researcher to conduct a pathological gambling prevalence study

every five years ([SB 530](#)) (The companion bill, [HB 1201](#), will be heard in two weeks); and

- provided for the unencumbered 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 of Maryland, if any form of gambling, other than pari-mutuel betting is authorized for the Pimlico Race Course ([SB 734](#)). (The companion bill, [HB 722](#), will be heard in two weeks.)

Sports

A House committee said no to [HB 480](#) that would have expanded provisions prohibiting interference with a commercial athletic event by throwing or projecting an object on the playing field or seating area, unlawfully entering the playing field, or assaulting any athletic contestant, athlete, manager, coach, umpire, or referee on the playing field.

HEALTH CARE AND HEALTH INSURANCE

[SB 332](#) passed the Senate this week. The bill, as amended, requires hospitals in Maryland to allow pregnant women to arrange for the donation of umbilical cord blood from their newborns to a certified public cord blood bank. The hospital or its employees are not required to collect the blood donation if doing so crosses religious boundaries or endangers the health of the mother or the newborn child. The companion bill, [HB 398](#), is waiting for a committee vote. The bills are modeled after a new law in Illinois that views the donations as a less costly alternative to bone marrow transplants for people with leukemia and other blood diseases.

A bill regarding bone marrow donors, [HB 1293](#), was heard by a committee this week. The proposal allows a minor of at least 14 to donate bone marrow with a parent’s written consent.

Obesity among Americans of all ages is gaining increasing public attention. This session the General Assembly is considering establishing a State Advisory Council on Obesity in Youth. The House gave the bill, [HB 309](#), a thumbs up and now the legislation will move to the Senate. The council is to collect and analyze data, increase public awareness of the problem of obesity in youth, and report to the Governor and the General

Assembly with recommendations for statewide action. An amendment requires the council to study and make recommendations on the proposed mandate to expand child wellness coverage to include treatment, counseling, and prevention of obesity for children and youth.

The Senate amended and passed a bill to allow pharmacists to administer an influenza vaccination ([SB 389](#)). The companion bill, [HB 384](#), is still in committee in the original version that allows pharmacists to administer medication in accordance with regulations adopted by the State Board of Pharmacy in consultation with the State Board of Physicians and State Board of Nursing.

[HB 1198](#), heard by a committee this week, requires a Certificate of Need to be issued before a health care facility establishes an advanced cardiac health care service and prohibits a facility from performing certain procedures unless the facility also performs open heart surgery at that location.

Other health legislation having public hearings recently includes:

- [SB 265](#), “The Women’s Health Protection Act,” to alter the definition of a free-standing ambulatory care facility to include a facility that provides abortion services. (The companion bill, [HB 1156](#), will be heard next week);
- [SB 351](#) to expand parental notification by a physician prior to an unmarried minor having an abortion, with exceptions. (The companion bill, [HB 621](#), will be heard next week);
- [SB 471](#) to expand the definition of ambulatory surgical facility to include a facility that provides abortions through the use of surgical services;
- [SB 247](#) to allow licensed pharmacists to dispense emergency contraception under an approved arrangement with a physician with regulations to be established by the Board of Pharmacy and the State Board of Physicians. (The companion bill, [HB 203](#), will be heard next week); and
- [SB 248](#) to allow pharmacists to dispense emergency contraception following a written protocol developed by the pharmacist and a physician with regulations to be established by the Department of Health and Mental Hygiene. (The companion bill, [HB 204](#), will be heard next week).

A proposal ([SB 680](#)) to establish a pharmacy school at the University of Maryland Eastern Shore was withdrawn from legislative consideration.

HUMAN RESOURCES

Introduced in response to the torture death of a child allegedly at the hands of her guardian, [SB 693](#) requires the Department of Human Resources (DHR) to establish criteria for investigating and determining the suitability of prospective guardians, and to file with the court that is determining guardianship a report on the suitability of the individual under consideration to be a guardian. The court must consider the report, along with the best interests of the child and other factors, before granting guardianship in Child in Need of Assistance proceedings.

Testimony at a hearing this week pointed out that currently in a foster child proceeding, the social services case remains open, the caregiver gets paid a stipend, the child has access to State health benefits, and DHR visits the home regularly. Prospective foster care families undergo rigorous tests and background checks by DHR. In contrast, no such inquiry is required of prospective guardians, and once a child is in guardianship, DHR closes the case, no support is given, and generally no follow-up visits are made.

STATE GOVERNMENT

Secretary of State Police

In a move that bypassed the Senate’s normal executive nominations confirmation process, Colonel Thomas E. (Tim) Hutchins, Acting Secretary of State Police since December 2003, was confirmed on the floor of the Senate as Secretary of State Police on Wednesday, March 10. Secretary Hutchins was first appointed by Governor Ehrlich and confirmed by the Senate to serve as Secretary of Veterans Affairs last year. From January 1995 to February 2003, Hutchins served in the House of Delegates, representing District 28, Charles County. He is a retired Maryland State Trooper and former Commander of the Maryland State Police Academy.

State Symbols

Maryland’s State symbols are back in the news. [SB 428](#) to make lacrosse the State team sport is headed toward passage in the Senate. The House companion bill, [HB](#)

1019, was heard by a committee on Friday. If the legislation is successful, jousting would remain the State sport with lacrosse as the designated “team” sport. Also this week, delegates took testimony on making the Patuxent River Stone the State gem (HB 22).

Electronic Government

Not so many years ago, the term “electronic government” was new to the jargon of State government. To date in this session, there are 50 bills with provisions that directly relate to this topic. These bills address many diverse areas such as education, gaming, elections, utilities, natural resources, the environment, as well as to housing and transportation.

This week, a House committee listened as the sponsors and the public presented their views on legislation that touches electronic government statewide. HB 853 adds developing standards and making recommendations concerning the security of computer systems used by State government and educational institutions to the duties of the Information Technology Board, first established in 1993. The 35-member board is located in the Department of Budget and Management.

Also, on point for electronic government, are companion proposals, SB 484/HB 1118, that create a Teleworking Implementation Program for State Executive Branch employees. The program allows eligible employees to work at a location other than a State office through the use of telecommunications technology with a goal of 100% by December 2009.

Currently, there are several State sponsored efforts that allow employees to participate in teleworking. Additionally, Charles County Community College operates three centers throughout Southern Maryland and the U.S. General Services Administration manages telecommuting centers in Bowie, Frederick, and Hagerstown under the federal telecommuting pilot program. In recent sessions, bills failed that would have encouraged State and private sector participation in teleworking.

TRANSPORTATION

In May 2003, the federal Department of Homeland Security issued new regulations requiring detailed background investigations and fingerprinting of applicants for new and renewed commercial driver’s licenses with a hazardous materials endorsement. In

response, the House passed HB 855 that requires holders of commercial driver’s licenses to obtain not only national criminal records background checks, but also State records checks before receiving a hazardous materials endorsement. An amendment to the bill offered on the House floor would have prohibited the Motor Vehicle Administration from issuing a driver’s license to an individual who is not lawfully present in the U.S. in accordance with federal law and regulations. The amendment, which was defeated, was originally the subject of HB 41, a bill that another committee killed earlier.

The full House approved HB 381 with committee amendments that clarify that a person without lawful authority “may not interfere” with the operation of any traffic control device or any railroad sign or signal. The amendments also prohibit without lawful authority possession “with an intent to use” a device capable of transmitting an infrared, electronic, or other signal to a traffic control device or railroad sign or signal for the purpose of altering or interfering with the operation of the device or sign or signal. A violation is a misdemeanor and subject to imprisonment of up to two months or a fine of up to \$500, or both. The same committee killed two other bills on this subject (HB 465 and HB 174).

Other measures stopped at the committee level include:

- SB 218/HB 173 that would have created the offense of homicide by aggressive driving;
- SB 293 that would have created the offense of homicide by motor vehicle or vessel while fatigued;
- SB 299/HB 265 that would have required, instead of two plates for all registered vehicles, only one registration plate to be attached to the rear of a vehicle; and
- SB 97/HB 30 that would have expanded the exemption governing the type of energy efficient vehicles that could have used high occupancy vehicle (HOV) lanes at all times to include qualified hybrid vehicles. Currently, only drivers of inherently low emission vehicles are allowed to use HOV lanes at all times.