



# The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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## BILL COUNT AND DEADLINES

The bill count for 2005 is up to 1,601 in the House along with 13 joint resolutions. Senate bills have topped a thousand by seven. There are also 10 Senate joint resolutions. As the 2005 session enters its last month, deadlines that govern the flow of legislation will begin to come into play. The deadline for committees to report their bills is March 22, the 70<sup>th</sup> day. The opposite chamber bill crossover date is March 28, the 78<sup>th</sup> day. The crossover date is the day by which each chamber is to send to the other chamber those bills it intends to pass favorably. Opposite chamber bills received after this date are subject to referral to the Rules Committees.

## COURTS AND CIVIL PROCEEDINGS

The General Assembly amended but failed to pass within 50 days of introduction the amended recommendations of the Judicial Compensation Commission for increasing judges' salaries (SJ 3/HJ 1), so the recommended yearly incremental increases over the four years that include fiscal years 2006 through 2009 will automatically take effect. The final fiscal 2009 salaries are:

- \$181,352 for the Chief Judge of the Court of Appeals, a \$30,000 increase;
- \$162,352 for associate judges of the Court of Appeals, a \$30,000 increase;
- \$152,552 for the Chief Judge of the Court of Special Appeals, a \$25,000 increase;
- \$149,552 for associate judges of the Court of Special Appeals, a \$25,000 increase;
- \$140,352 for circuit court judges, a \$20,000 increase;
- \$149,552 for the Chief Judge of the District Court, a \$25,000 increase; and
- \$127,252 for associate judges of the District Court, a \$15,000 increase.

A bill to make same sex marriages that are validly entered into in other states or countries invalid in Maryland ([HB 693](#)) failed in a House committee vote.

## CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Prior to a 2004 Court of Appeals decision that banned the action, judges had been issuing "no-knock" search warrants that allow police officers to enter and search premises without first giving notice of their authority or purpose. The House passed [HB 577](#) that gives back to judges the authority to issue "no knock" warrants, thus relieving police officers from having to decide for themselves at the time of entry whether they need to knock.

Introduced to help law enforcement officials deal with the crime of vehicle theft, [HB 610](#) allows police to use wiretaps in car theft investigations. The measure passed the House this week and the companion bill, [SB 548](#), had a Senate hearing last month.

Other bills, still under committee consideration, allow car theft victims to submit written testimony at the trial of the alleged thief instead of appearing in person ([SB 827/HB 1391](#) and [HB 773](#)). Asked to appear in court several times for a single theft, many victims have difficulty getting there due to job responsibilities, lack of transportation, or other impediments.

A House committee heard testimony this week on various gun control proposals, including measures to:

- expand the 1994 ban on the sale and possession of assault pistols in Maryland to include the 45 semiautomatic weapons that can currently be purchased legally in the State, as well as any copycat weapons ([HB 948](#));
- repeal the ballistic fingerprint database program that requires gun dealers to forward shell casings discharged from handguns they receive from gun manufacturers, along with other information, to the State Police Crime Laboratory whenever they sell a handgun ([HB 179](#)). (The Senate is considering a similar bill, [SB 424](#));

- require the owner of a gun to report its loss or theft to the police within 48 hours after discovering it missing, and to require a gun seller to notify the buyer of this responsibility at the time of sale ([HB 803](#)). (Companion bill [SB 732](#) is in a Senate committee);
- add rifles and shotguns to the weapons included in the crime of using a firearm in the commission of a crime of violence or a felony ([HB 38](#)). (Similar bills include [SB 553/HB 1551](#)); and
- eliminate the requirement that a handgun permit applicant have a “good and substantial reason” to wear, carry, or transport a handgun, and establish handgun safety and skills training requirements for applicants ([HB 1211](#)).

Other legislators heard testimony this week and then killed [HB 698](#) that would have banned the sale or rental to a minor of a video or computer game that is rated “M” for mature or “AO” for adults only. Violators would have been guilty of a misdemeanor with a maximum penalty of \$1,000 and six months in jail.

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## ECONOMIC AND BUSINESS ISSUES

### *Special Study Groups*

Legislation extending the work of three special study groups advanced to opposite houses recently:

- [SB 454/HB 963](#) extends to June 30, 2006, efforts of the Task Force on Broadband Communications Deployment in Underserved Rural Areas;
- [SB 634/HB 286](#) extends the work of the Task Force to Study the Dynamics of Elderly and Retiree Migration Into and Out of Maryland to May 31, 2006; and
- [HB 797](#) extends until December 31, 2007, the Maryland Military Installation Strategic Planning Council, which is charged with examining issues related to the expansion of military installations and preparing for the U.S. Department of Defense Facilities Initiative that begins this year.

### *Immigration*

[HB 1174](#), scheduled for a hearing next week, establishes a task force to study the impact of illegal immigrants on the job market in the State and the feasibility of adapting migrant agricultural laborer laws to restaurants, hotels, and related industries.

Delegates took testimony this week on a consumer protection measure that regulates and limits the activities of immigration consulting services, grants a private right of action to individuals injured by violations of the bill, and makes a violation of the bill a misdemeanor. However, [HB 691](#) does not apply to an attorney licensed to practice in Maryland, a clinic affiliated with a Maryland law school, anyone authorized to represent clients in immigration matters under federal regulations, or a federally accredited nonprofit organization or accredited representative.

### *Small Business Financing*

Companion bills, now in the second house, alter several programs of the Maryland Small Business Development Financing Authority (MSBDFA) that support small and minority-owned businesses in Maryland. [SB 148/HB 674](#) increase the maximum amount of loan guarantees from the Contract Financing Fund to \$1 million, increase the maximum amounts of a bid, performance, or payment bond to \$1.35 million and direct issue bonds to \$1 million under the Small Business Surety Bond Program, increase to \$1 million the equity participation financing by MSBDFA, and expand the scope of businesses eligible for assistance under the Equity Participation Investment Program.

### *Insurance*

Approved by the House, [HB 617](#) prohibits a life insurer from refusing to insure or continue to insure someone solely for reasons associated with the individual’s past lawful travel experiences. The bill also prohibits limiting the amount, extent, or kind of coverage available or charging an individual a different rate for the same coverage. The companion bill, [SB 507](#), was before a committee this week.

Other bills related to homeowners’ insurance that did not advance beyond the committee stage included:

- [SB 387](#) that would have established a voluntary mediation process in the Maryland Insurance Administration between a consumer and an insurer for the settlement of claims involving property damage and the determination of the loss value of the property;
- [SB 388](#) that would have required insurers to provide applicants with a written notice that a standard homeowner’s insurance policy does not cover losses from flood; and

- [SB 436](#) that would have added flood insurance policies issued in the State to those subject to the Unfair Claim Settlement Practices Act.

### *Public Utilities & Energy*

Legislators heard testimony on bills, [SB 740/](#)[HB 1346](#), establishing a Renewable Fuels Incentive Board within the Maryland Department of Agriculture to oversee a program that authorizes the payment of credits for the production of ethanol and biodiesel fuels. To be eligible for credits, a producer must be approved and certified by the board. The bills set limits on gallons per producer eligible for credits and limits the program to ten years with payments beginning on or after December 31, 2007.

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## EDUCATION

### *Benefits and Tax Credits*

Proposals granting benefits to teachers received a committee hearing this week. Public school teachers would receive a tax break under [HB 965](#), which exempts from State property tax a dwelling owned by a public school classroom teacher, if the teacher lives in the county where he or she is employed. Certified nonpublic school teachers will be eligible for the quality teacher incentive tax credit to up to \$1,500 of the graduate-school tuition paid by the individual that is not otherwise reimbursed by the teacher's employer during the year under [SB 323](#). (The companion bill, [HB 256](#), was heard last month.)

Another bill expanding the quality teacher incentive tax credit to certified nonpublic teachers who provide services to disabled students under the State's nonpublic placement program will have a hearing later this month. Under [SB 691](#), the maximum allowed credit is \$750 of the graduate-school tuition paid by the individual that is not otherwise reimbursed by the teacher's employer during the year. (The companion bill, [HB 869](#), was heard last month.)

Delegates also heard testimony on [HB 998](#) that provides tax credits for eligible tuition and fees on behalf of children attending a primary or secondary nonpublic school, a home schooling program, or attending a public school that is not in the student's district. Other provisions include tax credits for contributions to organizations that provide scholarships to students attending qualifying nonpublic schools and public schools outside the student's district.

Related legislation that would have allowed a tax credit for educational materials such as books and supplies

purchased to educate a child in a home instruction program failed in committee ([HB 1002](#)).

### *Health and Safety*

The House amended and passed [HB 143](#) that requires school systems to adopt a written policy that authorizes a student to possess and self-administer an asthma inhaler or other medication used to relieve an airway-constricting disease while in school, at a school sponsored activity, or on a school bus. A student must provide a written order from the student's health care provider and the student's parent or guardian to self-administer the treatment.

Several additional health and safety related issues received consideration in committees this week:

- [SB 473](#) requires local boards of education to establish and to implement a nutrition policy by the first day of the 2006-2007 school year. The policies must cover all foods and beverages made available to students during the school day, including those sold in vending machines, in school cafeterias, in school stores, and at school fundraisers. By August 1, 2006, all vending machines in public schools must use a timing device to automatically prohibit or allow access to the vending machines in accordance with policies established by the local boards;
- [SB 609](#) establishes a statewide school nutrition policy that requires local school systems to serve more fresh fruits and vegetables, eliminate fried foods, review and limit food portion sizes, limit the amount of sodium in foods, and offer healthy food choices at all school activities. (The companion bill, [HB 521](#), will be heard next week); and
- [SB 506](#) requires the Maryland State Department of Education in conjunction with the Department of Health and Mental Hygiene to develop materials that provide educational information about meningococcal disease. Public and private elementary and secondary schools must provide the materials to the parents and guardians of students in the schools at the beginning of each school year.

Another bill before a committee this week, [HB 480](#) establishes a Summer Learning Pilot Program that provides additional instruction in mathematics, reading, and language arts to low-income students during the summer break.

Bills reported out of the committee environment this week include:

- **SB 501** that establishes an 18-member task force to study and evaluate a variety of methods and strategies that could be implemented to improve school safety and make recommendations regarding the use of the strategies; and
- **SB 426** that establish procedures and timelines for the transfer of the educational records of a child in state-supervised care. The House companion, **HB 1259**, is still in committee.

A bill failed that would have required local school systems to offer driver education instruction to high school students who are 15 years or older. Currently schools may offer driver education, but they are not required to do so (**SB 762**).

### Higher Education

The House passed an amended **HB 70** that now establishes a University Textbook Consortium within the University System of Maryland to enable constituent institutions to receive a volume discount on the purchase of textbooks and other educational supplies. Provisions that would have exempted university and college textbooks purchased by full-time and part-time students from the 5% State sales tax were deleted from the bill.

This week Delegates heard testimony on proposals to alter current student financial assistance programs and create a new one for transferring community college students:

- **HB 993** transfers authority for awarding the Senatorial and Delegate scholarships from legislators to the Office of Student Financial Assistance within the Maryland Higher Education Commission (MHEC). The companion bill, **SB 344** and other legislative scholarship legislation, **SB 547**, remain in committee following hearings last month;
- **HB 1235** expands eligibility for the Sharon Christa McAuliffe Teacher Education Award program to students studying to become audiologists and speech language pathologists. Recipients may fulfill the service obligation by providing audiology and speech-language pathology services for one year for each year that the scholarship is received; and
- **HB 1304** establishes a Distinguished Scholar Program for community college transfer students and requires the Governor to include in the State budget \$500,000 for the program in fiscal 2007 and \$1 million in fiscal 2008 and 2009. Other provisions mandate funding in fiscal 2007 to 2009 for the Sharon Christa McAuliffe Memorial Teacher

Education Awards and Maryland State Nursing Scholarships. The bill requires MHEC to establish a workgroup to study the consolidation of economic development student assistance grants and work-based shortage grants.

Also before a House committee, **HB 964** requires each governing board of a public institution of higher education to develop academic guidelines that include the requirement that students be graded solely on their answers and knowledge of the subject matter and not on their political or religious beliefs. Faculty may not use their courses for the purpose of political, ideological, religious, or antireligious indoctrination. The bill also prohibits the governing board from hiring, firing, or excluding a faculty member from tenure on the basis of the member's political or religious beliefs.

Senators also listened to public commentary on higher education funding and tuition issues this week. For the academic years 2006 and 2007, **SB 750** limits to no more than 5% the amount of annual increase in tuition for a resident undergraduate student at the University System of Maryland institutions and at Morgan State University. The companion bill, **HB 1308**, had a hearing last week.

Another proposal, **SB 753**, requires the Governor to include in his budget, starting in fiscal 2008 for University System of Maryland, Morgan State University, and St. Mary's College, an increase of support of at least 5% per full time equivalent resident student. The bill also limits for years fall 2006 through fall 2015 annual tuition increases of no more than 4% for these institutions.

The establishment of a 23-member commission to study higher education in Maryland is also under consideration. Under **SJ 8** the commission must hire a consultant to conduct a study of the linkage of tuition policy, State support for higher education, and institutional and State financial aid. The commission is charged with making recommendations relating to the establishment of a consistent and stable funding mechanism to ensure accessibility and affordability and to achieve national eminence.

Legislation that would have required State colleges and universities and private institutions receiving Sellinger grants with teacher education programs to provide teacher education reading curricula aligned with the federal No Child Left Behind Act was voted down by a committee (**HB 349**). Another bill that would have required MHEC to establish a written policy concerning

campus solicitation of students at colleges by credit card marketers also failed in committee ([HB 616](#)).

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## ELECTIONS AND ETHICS

The House approved legislation ([HB 381](#)) that requires the statement of election results, prepared by a local board of canvassers following an election, to list the results for each candidate or question voted on by precinct, legislative district, and for the county as a whole. Local boards are also required to publish election results in the same manner. Current law requires boards of canvassers to prepare and publish election results by precinct.

The House also approved [HB 357](#) that authorizes a campaign finance entity to make a disbursement using a check card or debit card that has been issued to the entity. The bill responds to the increasing number of vendors that no longer accept paper checks for payment.

[SB 465](#), now on the Senate floor with preliminary approval, exempts campaign contributions made by an “officer” of a not-for-profit organization from the requirement that an officer, director, or partner of a business entity doing public business be attributed to the business entity and be reported to that entity’s chief executive officer. The companion bill is [HB 178](#).

Two bills ([HB 1166](#) and [HB 1279](#)) dealing with voter registration and voter identification were not approved in committee, while another ([SB 677](#)) was withdrawn by its sponsor.

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## ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Seafood, aquaculture, and agriculture bills are moving through the legislative process:

- [SB 283](#), amended and passed, implements some of the recommendations of the Task Force to Study the Economic Development of the Maryland Seafood and Aquaculture Industries. The bill coordinates and creates new programs and responsibilities in the Department of Agriculture and the Department of Natural Resources, addressing seafood marketing, aquaculture, and tidal fisheries. (Testimony was heard this week on a similar bill, [HB 971](#)); and
- [SB 502](#), amended and waiting for final approval, requires the Maryland Agricultural Land Preservation Foundation (MALPF) and the

Department of Planning (MDP) to establish a Critical Farms Program to provide interim or emergency financing for the acquisition of agricultural preservation easements on critical farms identified by a county that would otherwise be sold for nonagricultural uses. MALPF and MDP must complete a study and report by January 1, 2006, on available funding options before the program is initiated. (A similar bill, [HB 1334](#), remains in its house of origin.)

Testimony was heard on [HB 709](#), a departmental bill, that aims to prevent the spread of avian flu. The bill requires the Department of Agriculture to create a registration process for the operators of live poultry markets, poultry production facilities, and poultry dealers. Later, the committee amended and approved the bill.

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## FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

### *Gift Certificates and Cards*

Legislation to regulate the sale and use of gift certificates and gift cards ([SB 8](#)) passed second reading in the Senate. As amended, the bill establishes separate rules for gift cards allowing a card expiration date and applicable fees. Defined gift certificates may have an expiration date of at least five years after date of issuance and specified postsale fees are not authorized. Violation of the legislation is an unfair and deceptive trade practice under the State’s consumer protection law. (The House companion, [HB 551](#), remains in committee). [SB 308](#), also regulating gift card sales, received an unfavorable committee vote in February.

### *Consumer Information Protection*

Several bills were introduced this week addressing privacy concerns regarding personal and credit information:

- [SB 1002/HB 1588](#), the Personal Information Protection Act, addresses destruction of business records containing individuals’ personal information, as well as notification to individuals when records containing personal information have been released to an unauthorized person; and
- [HB 1569](#) allows consumers to place a “security freeze” on individual credit report prohibiting information from being released without the express authorization of the consumer. A consumer reporting

agency may charge specified fees in implementing the security freeze.

Scheduled for a hearing later this month, [SB 879](#) prohibits a consumer reporting agency, if it receives written notice from a consumer restricting the transfer of information in the consumer's file, from furnishing information in the file for a six-month period to a person the agency has reason to believe intends to use the information in connection with the extension of credit to the consumer.

A Senate committee recently voted unfavorably on [SB 369](#), authorizing a consumer to request that a consumer reporting agency permanently block information identified by the consumer as erroneous because of a violation of the State's criminal identity (ID) fraud statute.

#### *Motor Vehicles*

Heard this week, the Maryland Motor Vehicle Financing Disclosure Act ([HB 1201](#)) requires a motor vehicle dealer, before the sale of a motor vehicle, to provide the buyer a financing disclosure form containing specified information and limits the compensation a dealer may receive for assisting a consumer buyer to obtain financing for purchasing a motor vehicle. Similar legislation ([SB 959](#)) was recently introduced in the Senate.

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## **GAMING, RACING, AND SPORTS**

Two measures related to black bears failed to gain committee approval this week. [HB 371](#) would have prohibited the Department of Natural Resources (DNR) from establishing an open season to hunt black bears. This committee action leaves intact DNR's authority to establish an open season and to reduce wildlife populations, if after an investigation it is determined that the wildlife is seriously injurious to agricultural or other interests. The other failed bill, [HB 463](#), reflected concern with efforts to prohibit black bear hunting or otherwise reduce black bear populations, would have required DNR to introduce black bears throughout the State.

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## **HEALTH CARE AND HEALTH INSURANCE**

### *Passed Legislation*

A revised [HB 317](#), passed by the House, creates a 13-member Task Force on the Establishment of a Prescription Drug Repository Program. Among the

issues to be considered are types of drugs that may and may not be donated; who may donate; entities to receive drugs for distribution; and standards for handling donated drugs, and eligibility requirements for recipients. The task force is to report by January 1, 2006.

As passed by the Senate with amendments, [SB 723](#) requires a pharmacy that is open to the public to display, on the first of each month, the list of the most commonly used prescription drugs posted on the Attorney General's website indicating the pharmacy's price for each drug listed.

As amended and passed on a preliminary vote, [SB 836](#) makes substantive and technical changes to Chapter 5 of the 2004 Special Session, the Maryland Patients' Access to Quality Health Care Act of 2004, and makes other changes consistent with Chapter 5. The proposal generated considerable discussion and proposed amendments from the floor before passing second reading. The companion bill, [HB 1359](#), remains in committee.

### *Committee Hearings*

This week, committees listened concerning the:

- Fair Share Health Care Fund Act ([HB 1284](#)), imposing an assessment on employers with more than 10,000 employees. (The companion bill, [SB 790](#), is waiting for a committee decision);
- Public-Private Partnership for Health Coverage for All Marylanders ([HB 1144](#)), providing universal health care coverage;
- Basic Human Rights Act of 2005 ([HB 353](#)), establishing domestic partnerships for the purpose of conferring rights to make medical determinations in certain circumstances. (The companion bill, [SB 841](#), is scheduled for a hearing next week); and
- Medical Decision Making Act of 2005 ([HB 1021](#)), requiring the Department of Health and Mental Hygiene (DHMH) to issue a Certificate of Life Partnership to a qualifying couple for the purpose of conferring rights to make medical determinations in certain circumstances.

Testimony was also gathered on:

- [HB 1017](#) permitting small group health insurance market premium rate adjustments based on health status. The bill also places limits on rate adjustments for current factors of age and geography, as well as the proposed health status factor;

- [SB 541/](#)[HB 1145](#), creating an Emergency Contraception Dispensing Program within DHMH to authorize licensed pharmacists to dispense emergency contraception; and
- [HB 1171](#), creating the Catastrophic Illness in Children Relief Commission to administer a program for the reimbursement of defined catastrophic medical expenses of individuals under age 18. Funding is provided by \$1 surcharge for each copy of a birth certificate.

#### *Unfavorable Reports*

Bills receiving unfavorable committee support include:

- [HB 366](#) that would have required the Health Services Cost Review Commission to regulate prescription drug prices in the State;
- [SB 332](#), the Clean Indoor Air Act, that have expanded the workplace smoking ban to restaurants and bars. (The companion bill, [HB 428](#), is waiting for a committee decision); and
- [SB 272](#), the Human Cloning Prohibition Act of 2005, that would also have established criminal and civil penalties.

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## **REAL PROPERTY, ESTATES AND TRUSTS**

Several property bills were heard in committee including:

- [HB 1188](#), allowing a landscape architectural firm, engineering, or surveying service firm to place a mechanic's lien against a property;
- [HB 1274](#), similar to [HB 657](#), protecting a security deposit held by a landlord from being attached by any creditor;
- [HB 1209](#), limiting a tenant's liability for rent to 60 days if the tenant vacates the premises for medical reasons provided the tenant provides written notice of the lease termination date and of the medical condition. (The companion measure, [SB 339](#), was heard earlier); and
- [HB 1348](#), providing that the requirement that an instrument submitted to a title insurer or settlement agent for recordation must bear an attorney's certification does not apply to an instrument transmitted electronically or by fax, if the party receiving the instrument attaches a certification that the instrument was received electronically or by fax.

The House approved the following legislation:

- [HB 188](#), limiting the amount of money an owner, contractor, or subcontractor may hold back in order to guarantee performance in a construction contract;
- [HB 522](#), regulating homeowners association fees; and
- [HB 204](#), streamlining the deed recordation process.

Receiving unfavorable committee reports were [HB 550](#), regarding companion apartments in owner-occupied residences, and [HB 784](#), addressing civil liability protection for volunteer condominium, cooperative, and homeowners association board members.

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## **STATE GOVERNMENT**

### *Official Designations*

If [HB 733](#) is enacted, Maryland will be the first state to have two State birds. Under the bill, the raven, the largest of all entirely black birds and the mascot for the Baltimore Ravens National Football League team, is to join the current State bird, the Baltimore Oriole.

Another designation measure makes English the official language of Maryland. Currently, English is the official language in 27 states. Louisiana began the designation in 1811, and the most recent additions are Utah in 2000 and Iowa in 2002. [HB 1152](#) requires, with certain exceptions, State and local governments to write and publish each official document in English and conduct each meeting and other official communication in English.

### *State Agencies and Procedures*

Now in the Senate, [HB 403](#) requires State agencies to submit documents to the General Assembly using only electronic means. The documents are to be submitted to the Department of Legislative Services and to the Maryland State Archives. The electronic submission requirement does not apply to reports and publications that are required by statute or regulation, or that are paid for by private funds. Senate committee members are to examine the companion bill, [SB 449](#), in mid-March.

The House also approved setting up a task force to establish a memorial to Maryland's women veterans ([HB 523](#)). The Senate companion bill, [SB 619](#), will be heard in mid month.

[SB 815/](#)[HB 1068](#) have completed the committee hearing process in their respective houses. The legislation

establishes the State Labor Relations Board (SLRB) as an independent unit of State government. Currently, SLRB is part of the Department of Budget and Management. Additionally, the bill allows either party in the collective bargaining process for any bargaining unit to request that a board of arbitration be convened if negotiations do not conclude by November 1, and defines unfair labor practices that may not be engaged in either by the State or by the employee organizations.

Committee testimony also addressed the State's Information Technology Board and its role in the security of computer systems. [HB 801](#) requires the board to develop standards and make recommendations concerning the security of computer systems used by State government and educational institutions, and to adopt regulations for the protection of information that the board receives.

[HB 293](#), restructuring the role of the Office for Children, Youth, and Families and the former SubCabinet (now the Governor's Children's Cabinet), and its companion, [SB 222](#), have now both been discussed before committees in their houses of origin.

#### *Disposition of State Land*

Senate legislation restricting the disposition of State land and defining the legislative role in the process were before committees last month ([SB 102](#), [SB 103](#), [SB 104](#), [SB 306](#)). House measures heard this week by two House committees meeting jointly include:

- [HB 4](#) that changes the requirements for the determination and notification of excess real property including provisions regarding the declaration of real property as surplus and governing the approval of the disposition of property by the Board of Public Works (BPW);
- [HB 67](#) that amends the Constitution to prohibit the BPW from approving the sale, lease, transfer, exchange, grant, or other disposition of any State designated outdoor recreation, open space, conservation, preservation, or other park land without the express approval of the General Assembly; and
- [HB 903](#) that prohibits the Department of Natural Resources (DNR) from declaring property that was acquired for conservation as excess property until it has notified State legislators and adjacent land owners, held a public hearing, and created a public record. The bill also modifies the existing process regarding the disposal of excess property and establishes several new requirements for the disposal

of land acquired in fee simple for conservation purposes.

Another bill entitled the "Land Preservation Protection Act" provides, beginning in fiscal 2007, for the repayment of State transfer tax revenues diverted from special funds to the general fund in fiscal 2004 through 2006. The bill also establishes provisions regarding the future transfer of State transfer tax revenues to the general fund and provides for the replacement of any transferred funds ([HB 904](#)).

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## TRANSPORTATION

### *Chesapeake Bay Bridge and Highway Issues*

Heard by a committee this week, [SB 626](#) requires the Maryland Transportation Authority (MdTA) to stop collecting tolls for the Chesapeake Bay Bridge, formally named the William Preston Lane, Jr. Memorial Bridge, if MdTA determines that traffic approaching the bridge is so congested that eastbound vehicles are waiting 30 minutes or longer to cross the bridge. MdTA is to resume collecting tolls when traffic congestion eases.

The 4.3 mile Bay Bridge, built in 1952, is the third-highest revenue generator of all State toll projects; in fiscal 2005, it will yield approximately \$33.8 million. The eastbound toll for two-axle vehicles is \$2.50; each additional axle is \$2.50. There is no toll for westbound traffic. The companion measure, [HB 1396](#), is still in committee.

Other measures concerning the Chesapeake Bay Bridge were heard in committee this week including:

- [SB 625](#) that transfers control of the Chesapeake Bay Bridge from MdTA to a new Chesapeake Bay Crossing Authority (CBCA). (The companion measure, [HB 1397](#), is scheduled for a hearing in a week); and
- [SB 628](#) that prohibits a vehicle combination of a Class F (tractor) vehicle and a Class G (trailer) vehicle from being driven on a span of the bridge, if any lane on the bridge span contains a highway work zone. MdTA advises that approximately 6.36% of traffic volume in fiscal 2004 was from five-axle trucks (the most likely to be tractor-trailers). However at \$10 a truck, five-axle vehicles generated 24.62% of all revenues. MdTA also advises that it would be hard to determine when exactly a highway work zone would be established on the bridge, and advises that many trucking companies could permanently alter routes to avoid the bridge.

The following legislation will not advance this session:

- [HB 336](#), which would have addressed a commuter bus line between Queen Anne's County and Anne Arundel County, was withdrawn from committee this week; and
- [SB 149](#), which would have prohibited persons from parking or standing trailers or semitrailers on the side of State highways or controlled access highways unless attached to an appropriate towing vehicle, received an unfavorable committee vote.

#### *Driver's Licensing and Restrictions*

This week a number of proposals related to driver's license examinations and restrictions started to move. Measures reported favorably by committee:

- [HB 395](#) institutes enhanced requirements for practice driving for learner's permit holders;
- [HB 394](#) prohibits a provisional licensee and a learner's permit holder from using a wireless communication device while driving, except to contact a 9-1-1 system;
- [HB 393](#) prohibits provisional licensees younger than 18 from driving with a passenger younger than 18 until the 181st day (six months) after the provisional license was issued, except for a passenger who is legally related to the licensee such as a spouse, child, stepchild, sibling, or stepsibling or a relative residing at the same address;
- [HB 242](#) extends from four months to six months the time period an individual is required to hold a learner's permit before taking specified examinations to get a provisional license. (The companion bill, [SB 209](#), was heard this week); and
- [HB 244](#) mandates that the existing 18-month waiting period for an unrestricted license starts anew from the date of a violation of the provisional driver's night driving restriction, or the date of restoration of the person's provisional driver's license or driving privilege that has been revoked or suspended. ([SB 206](#), the companion bill, was before a committee this week.)

#### *Licensing, VEIP, and HOV Exemptions*

A House committee voted unfavorably on [HB 39](#) that would have exempted certain members and veterans of the National Guard or the Armed Forces Reserves, as well as certain veterans of the Armed Forces, from

driver's license fees. No action has been taken on the companion bill, [SB 318](#).

Also receiving an unfavorable report from a House committee, [HB 872](#) would have expanded the exemption for the motor vehicles of individuals with disability registration plates from the Vehicle Emissions Inspection Program (VEIP) to include an exemption for vehicles with disability placards. A similar measure, [HB 1482](#), is on a House hearing schedule for later this month.

Companion bills require the State Highway Administration (SHA) and law enforcement agencies to open High Occupancy Vehicle (HOV) lanes to all vehicles regardless of the number of occupants under specified circumstances if a serious accident has occurred. The Senate bill, [SB 709](#), had a hearing this week. The House bill, [HB 1255](#), was reported unfavorably from a House committee.

#### *Safety Concerns and Standards*

Hearings conducted by a House committee occurred on legislation dealing with standards and requirements for motor scooters and mopeds ([HB 1179](#), [HB 1264](#)), as well as on a bill ([HB 1251](#)) with restrictions on off-the-road vehicles, and on another measure ([HB 1290](#)) that addressed registration of off-highway vehicles.

Neither [HB 450](#) nor [HB 943](#) made it out of committee. The first bill would have allowed exceptions to the requirement to wear protective headgear for motorcycle riders. The second bill would have required the MVA to publish lists of protective headgear and eye-protective devices, by name and type that meet standards and specifications.

Also voted down by a House committee, [HB 591](#) would have prohibited, with certain exceptions, the use of television-type receiving equipment in the front seat or otherwise visible to a driver while a vehicle is being driven on a State highway. Maryland currently prohibits a television from appearing in view of a driver, but this prohibition usually applies to devices that can receive a signal, making their applicability against DVD players, particularly the in-dash models whose safety mechanism may be overridden, questionable.