



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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DEADLINES

Tuesday, March 18, as the 70th day of the 2008 session, is the Committee Reporting Courtesy Date by which each chamber's committees are to report their own bills. To date there are 1,011 Senate bills and 1,621 House bills.

including an action challenging the constitutionality or validity of a public general law (the companion bill is [SB 529](#)); and

- [HB 776](#) (failed) that would have required a dry cleaner or launderer to repair, pay for the repair, or pay for the replacement of an item of clothing damaged or lost by the cleaner.

COURTS AND CIVIL PROCEEDINGS

Surrender of Firearms

The Senate amended and passed [SB 42](#) that allows a judge, when issuing a temporary protection order, to order the surrender of any firearm in the possession of a respondent for the duration of the protection order. The person surrendering the firearm must be given information on the process for retaking possession, and the firearm must be safely stored by a law enforcement agency until retaken. No House action has been taken on the companion bill, [HB 640](#), or a similar bill, [HB 659](#).

Orphans' Court Judges

After passing a preliminary floor vote, [HB 387](#) failed a final vote in the House. The bill would have amended the Maryland Constitution, subject to a popular vote, to allow the General Assembly to prescribe qualifications for orphans' court judges in addition to the qualifications required by the constitution, as long as the additional requirements were not more stringent than those prescribed in the constitution for judges in other courts. The companion bill, [SB 293](#), after receiving favorable committee action, was sent back to committee by its sponsor before floor action could begin.

Legal Advertisements, Circuit Courts, Dry Cleaners

Legislation receiving adverse action this week includes:

- [SB 337/HB 311](#) (both failed) that would have eliminated the current threshold necessary to meet the requirements for legal advertisement or notice in a newspaper or similar publication, allowing public notice advertising to be placed in newspapers that are distributed for free;
- [HB 479](#) (failed) that would have given to a defendant the right of removal to the Anne Arundel County Circuit Court in certain circumstances

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Alcoholic Beverages - Minors

Last month, the House passed [HB 76](#) that changes from a civil offense to a misdemeanor the act of knowingly or willfully furnishing an alcoholic beverage for consumption to a person under 21, with a maximum penalty of 60 days in jail and a \$1,000 fine. The bill also makes it a misdemeanor for an adult to knowingly and willfully allow a person under 21 to possess or consume an alcoholic beverage at the adult's residence, with certain exceptions.

This week, the Senate passed the companion bill, [SB 166](#), which was amended to retain the violations as civil offenses and to increase the maximum fine from \$1,000 to \$2,500 for a first violation and from \$1,500 to \$5,000 for a subsequent violation.

Stun Guns/Tasers

The House amended and passed [HB 108](#) to require a law enforcement officer or agency to file a report with the Governor's Office of Crime Control and Prevention (GOCCP) documenting any incident involving the discharge of an electronic weapon such as a stun gun or taser by a law enforcement officer or anyone else if a law enforcement officer reports to the scene. A law enforcement agency must also follow the same procedures that it follows when an officer discharges a firearm.

The GOCCP must compile and allow public inspection of all such reports. As introduced, [HB 108](#) would have made it a misdemeanor to possess, use, sell, distribute, or transport into the State an electronic weapon, with an exception for on-duty law enforcement officers.

Recording Interrogations

An amended [HB 6](#) passed the House to require a law enforcement unit to make reasonable efforts to create an audio or audiovisual recording of custodial interrogations of persons suspected of committing murder, rape, or a sexual offense, whenever possible.

A Senate committee has not yet acted on the companion bill ([SB 76](#)) that requires, with specific exceptions, the audiovisual recording of custodial interrogations of persons suspected of committing murder, rape, or a sexual offense. An unrecorded statement in violation of this requirement is inadmissible as evidence.

Gun Legislation

Gun legislation was the subject of Senate and House committee hearings over the last 2 weeks:

- [SB 585/HB 880](#) require the owner of a regulated firearm to report its loss or theft to the local law enforcement agency within 72 hours after first discovering the loss or theft. A dealer or other person who sells or transfers regulated firearms must notify a purchaser or recipient at the time of purchase or transfer of the requirement to report a loss or theft. A violator is guilty of a misdemeanor and subject to a maximum penalty of 90 days in jail and a \$750 fine. A local law enforcement agency, on receipt of a report of a lost or stolen firearm, must enter specified identifying information of the firearm into the National Crime Information Center Database;
- [SB 586/HB 849](#) prohibit a person from possessing *any* firearm, not just a regulated firearm as current law provides, if the person has been convicted of a disqualifying crime or is a respondent against whom a current final protective order has been entered;
- [SB 558/HB 964](#) add the illegal possession of a regulated firearm to the crimes for which an inmate, whose term of confinement includes consecutive or concurrent sentences, may earn good conduct diminutions credits at a rate of 5 days per calendar month, rather than 10 days per calendar month; and
- [SB 642/HB 900](#) prohibit a District Court commissioner from authorizing the pretrial release of a defendant charged with 1 of 14 specified firearms offenses if the defendant has been previously convicted of one of those crimes. However, a judge may authorize the release of such a defendant.

Criminal Gangs

A Senate committee heard testimony this week on 8 proposals to strengthen the prosecution and punishment of criminal gangs:

- [SB 633](#) subjects to forfeiture all property used in connection with, intended for use in the course of, or traceable to conduct in violation of a provision of the criminal gang law and establishes procedures for conducting forfeiture proceedings;
- [SB 634/HB 1322](#) establish that the juvenile court does not have jurisdiction over a child at least 16 years old who is alleged to have committed a violation of specified gang-related crimes;
- [SB 635](#) provides that property used by a criminal gang member in furtherance of specified gang-related crimes or a pattern of criminal gang activity is a nuisance that may be subject to an abatement action under the statute authorizing abatement of property used for drug offenses;
- [SB 636](#) alters the definition of a “criminal gang” by repealing the requirement that a group of 3 or more persons whose members meet additional criteria must have an *ongoing* association in order to be defined as a criminal gang;
- [SB 637/HB 1321](#) require that any sentence imposed for a violation of the prohibition against participation in a criminal gang be separate from and consecutive to a sentence for any crime establishing a violation;
- [SB 639](#) establishes that in a civil or criminal proceeding, specified evidence is probative of the existence of or membership in a criminal gang and is admissible;
- [SB 640/HB 1307](#) expand the crimes that are considered “underlying crimes” for purposes of the prohibition against participating in a gang offense, altering the definition of underlying crimes to include misdemeanor assault; malicious destruction of property; pandering; receiving earnings of a prostitute; and betting, wagering, or gambling; and
- [SB 641](#) establishes prohibitions and penalties relating to financial transactions made in connection with criminal gang activities.

Sexual Acts, Pretrial Release, GPS Tracking

Unfavorable committee votes this week includes:

- [HB 523](#) (failed) that would have changed from a misdemeanor to a felony the commission by a

person in a position of authority of certain sexual acts against a minor who is enrolled or participating in the institution or program at which the person in authority works (the companion bill is [SB 740](#));

- [HB 181](#) (failed) that would have made it a misdemeanor to violate a condition of pretrial release that requires a defendant to have no contact with the alleged victim or the alleged victim's premises or place of employment (the companion bill is [SB 394](#)); and
- [HB 1116](#) (failed) that would have allowed a court, in a county that implements a global positioning satellite tracking system program, to suspend the sentence of a person convicted of violating a protective order and to place the person on probation on the condition that the person is supervised by an active electronic monitoring system and is responsible for paying the fee for the monitoring (the companion bill is [SB 700](#)).

ECONOMIC AND BUSINESS ISSUES

Regulation of Nuclear Decommissioning Funds/Public Service Commission (PSC)

Hearings were held this week on legislation related to the costs that Baltimore Gas & Electric (BGE) customers must pay for the eventual decommissioning of the 2 nuclear power plants operating at Calvert Cliffs. BGE ratepayers have been contributing to the decommissioning fund since the 1999 deregulation of electricity markets. As a result of 2006 legislation that responded to a 72% BGE rate increase, BGE customers receive credits on their electricity bills to cover their payments on decommissioning and other costs.

[SB 997/HB 1600](#) would return the limit on ratepayer liability to a previously determined minimum decommissioning fund estimate, setting a maximum of \$3.7 billion to be paid by customers. The bills also provide the PSC with regulatory oversight regarding the performance of the nuclear decommissioning fund in order to ensure that specified nuclear decommissioning funds are held, administered, and maintained in a certain manner and that returns on the funds inure solely to the benefit of BGE electric customers.

[HB 608](#) has passed in its chamber. The emergency bill was introduced in response to utility customers' concerns following the recent Allegheny Power compact fluorescent light mailing and surcharge program which has since been stopped. The measure requires electric companies and gas companies at least annually to

provide affected customers with notice of specified energy efficiency and conservation charges and benefits by publication on the company's website and by inclusion with billing information. Also, the PSC is required to report regularly to the General Assembly on the status of energy efficiency and conservation programs and services. The bill is crossfiled with [SB 417](#), which has received no action since a February hearing.

Fallen Soldier Privacy Act of 2008

The Senate passed an amended version of the Fallen Soldier Privacy Act of 2008 ([SB 3](#)), prohibiting for a period of 50 years knowingly using the name, portrait, picture, or image of an active duty military member who has been killed in the line of duty in certain commercial advertisements without the prior consent of the soldier or the surviving spouse, personal representative, or majority heirs of the deceased soldier. Certain provisions are specified where the act would not apply, including certain live performances, exhibitions, and noncommercial uses. A person convicted of violation would be guilty of a misdemeanor and subject to a fine of up to \$2,500, up to 1 year imprisonment, or both. The House companion bill, [HB 64](#), previously passed with a vote of 136-0.

Corporations – Objecting Stockholders

This week [SB 556](#) passed in the Senate, and the companion bill ([HB 728](#)) had a hearing. The bills grant stock appraisal rights to stockholders of a publicly traded corporation chartered in the State in the event of transactions that involve merger, consolidation, or exchange of shares.

Lilly Ledbetter Fair Pay Act of 2008

The Senate gave a preliminary green light to [SB 563](#) that expands the time period for which an employee may seek back pay in certain circumstances. The bill responds to the U.S. Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co.*, a federal case based on a claim that Lilly Ledbetter had been unfairly evaluated based on gender and as a result received less pay than male colleagues. The companion bill, [HB 439](#), was killed by a House committee.

Direct-to-Consumer Wine Shipments

A bill intended to allow direct shipments of wine to Maryland residents received an unfavorable vote from a House committee recently. [HB 1260](#) (failed) would have authorized wine retailers and wine manufacturers outside of the State to ship wine directly to State residents for personal consumption and required licensing of shippers and conspicuous labeling of shipments as alcohol. A

Senate committee has heard testimony on the companion bill, [SB 616](#).

EDUCATION

Primary/Secondary Education

The Senate passed [SB 428](#) to standardize the process to allow students to opt-out of allowing their school to provide personal contact information to career opportunity organizations, including military recruiters.

“The Fitness and Athletics Equity for Students with Disabilities Act,” ([SB 849/HB 1411](#)) met with hearings in their respective House and Senate committees. The bills require the Maryland State Department of Education (MSDE) and local school systems to take a variety of steps to ensure that students with disabilities have equal opportunities to participate in physical education and athletic programs in public schools. If a school system violates compliance, MSDE may withhold funds or order athletic teams from the school or school system not to participate in interscholastic competition.

Higher Education

[SB 617](#) (failed) was withdrawn. The proposal would have allowed collective bargaining rights to adjunct faculty and graduate student employees. The companion bill, [HB 538](#) (failed), was defeated by a House committee earlier this month.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Air Quality and Environment

[SB 309](#) has received a favorable committee vote. As amended, the bill requires the Department of the Environment (MDE) to develop plans, adopt regulations, and implement programs to reduce greenhouse gas emissions by a minimum of 25% from 2006 levels by 2020. Also, the bill establishes some provisions regarding the adoption of regulations to achieve those reductions and no longer establishes the Office of Climate Change within MDE. [HB 712](#), the crossfiled bill, remains in committee.

[SB 590](#), which expands the statute of limitations for violations of the Environment Article to 3 years from the time that the Secretary of the Department knew or reasonably should have known about the violation, has gained a second reading okay. Testimony has been heard on the crossfiled bill, [HB 1193](#).

[SB 508](#) (failed), which would have established the Environmental Leadership Group within MDE to consider and act on environmental matters in the State, and expanded its standing in the environmental permit process, has received unfavorable committee action. [HB 388](#) (failed), restricting the use and disposal of pozzolan (fly ash), a by-product of coal-burning power plants, has also received an unfavorable committee vote.

Renewable Energy

A bill designed to increase the use of solar energy, [HB 117](#), has passed to the opposite chamber. As amended, the bill defines a solar collection system and the contents of a written solar easement and clarifies when restrictions on its use may be imposed. [HB 71](#) (failed) and [HB 84](#) (failed), similar bills that would have pertained to condominiums, and homeowners associations and municipalities, respectively, received unfavorable committee votes.

[HB 1166](#), which makes poultry litter a Tier 1 Renewable Source in the Renewable Energy Portfolio Standard, has moved to the opposite chamber. [SB 348](#), the crossfiled legislation, passed that body this week.

Agriculture

[HB 543](#), as amended, moved to the opposite chamber. The Maryland Dairy Farmer Emergency Trust Fund provides financial assistance to a Maryland dairy farmer when milk prices are depressed. However, [SB 503](#) (failed), which would have required a \$5 million annual appropriation to the fund, was killed by a committee.

[HB 1137](#) (failed), which would have prohibited the force feeding of birds to produce foie gras and bans the sale or serving of foie gras produced through force feeding of birds, didn't move past the committee stage. [SB 599](#), the crossfiled bill, remains in committee.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Consumer Contracts

[HB 1178](#), which was heard before a committee last week, prohibits several specific types of provisions in consumer contracts and requires the contracts to contain a clear and conspicuous statement informing the consumer of the prohibited provisions. For example, an involved party is prohibited from changing the consumer contract (acceleration of payments, increase of interest rate, or otherwise altering the terms of the contract) without the consumer's consent, based on a default by the consumer under another contract, adverse information about the consumer, or a change in the

consumer's credit score. Violators of the provisions in this bill are subject to civil penalties of \$1,000 for the first violation, \$5,000 for subsequent violations, and possible criminal charges and/or imprisonment.

Fur Labeling

HB 834, a consumer protection bill, establishes fur labeling requirements for articles of clothing. A person is prohibited from displaying for sale, offering for sale, or selling an article of clothing made wholly or partly from animal fur unless a label or tag is attached to the article of clothing identifying the name of the animal that produced the fur and the country of origin. A number of bills have been introduced in Congress to address this problem by requiring universal fur labeling regardless of fur value, but none has yet been enacted.

Credit Cards and Consumer Loyalty Cards

The subject of a hearing this week, **HB 1210**, prohibits credit card issuers from offering gifts in exchange for the completion of a credit card application as a part of credit card marketing activities on a campus of or at an athletic event of an institution of higher education. Credit card issuers are also prohibited from purchasing or otherwise obtaining from an institution of higher education specified information about the institution's students.

HB 284 (failed) received an unfavorable report this week. The Consumer Loyalty Privacy Card Act would have prohibited a merchant from sharing or selling certain personal and marketing information about specified consumers.

Penalties for Prepayment

This week the Senate passed **SB 347**, which creates exceptions to penalties imposed on credit grantors, specifically applying to situations in which a borrower prepays for a loan. The House passed **HB 852**, the crossfiled measure, last week. These emergency bills, which now go to the opposite chambers, state that the additional fees and charges currently permitted by statute with respect to unsecured open- and closed-end credit plans may be imposed, charged, and collected at any time. Thus state-chartered banks and independent mortgage lenders are allowed to continue the practice of "recapturing" loan closing costs, initially paid for by the lender, in the event that the borrower prepays the loan before a certain time.

FISCAL MATTERS

State Budget Bill

The Budget Bill, **SB 90**, has passed the Senate with reductions to the Governor's proposed budget of \$390.9 million in all funds, thus reflecting the State Board of Revenue Estimates March report that revenues for fiscal years 2008 and 2009 will be \$332.9 million less than previously estimated.

The Senate adopted 2 committee floor amendments. One authorizes \$200,000 in mental health funds for the Veterans of Afghanistan and Iraq Mental Health Pilot Program, contingent on enactment of **SB 872/HB 984**. The other amendment authorizes the transfer of \$13 million in Medicaid funds to provide inflationary rate adjustments for community service providers, contingent on the enactment of legislation authorizing the transfer of \$13 million in unanticipated State Lottery revenues to Medicaid and the realization of these revenues.

After much debate, the Senate rejected efforts to further cut the Budget Bill in order to eliminate, as a source of revenue, the computer services tax, set to start on July 1. One failed amendment would have required an additional \$100 million reduction in general funds for Executive Branch agency funding, contingent on the passage of **SB 138**, which repeals the sales tax on computer services. This amendment expressed the intent that the \$114 million in General Fund surplus also be used to fund the budget.

The State budget, as passed by the Senate, includes the following reductions:

- Rate Stabilization Fund for medical malpractice subsidies by \$20 million;
- Chesapeake Bay 2010 Trust Fund by \$25 million, leaving \$25 million;
- Washington Metropolitan Area Transit Authority subsidy by \$5 million;
- Maryland Transit Administration capital appropriation by \$50 million;
- Medicaid by \$40 million in State and federal funds;
- University System of Maryland institutions fund by \$6.8 million and an additional \$15 million in general funds with authorization to transfer \$15 million for university operations from the Higher Education Investment Fund;
- Joseph A. Sellinger Formula for Aid to Non-Public Institutions of Higher Education by \$3.1 million;
- Community college State aid by \$7.9 million;

- Maryland Economic Development Assistance Authority and Fund by \$10 million;
- Stem cell research funding by \$18 million, leaving \$5 million; and
- InterCounty Connector funding by \$32 million.

Other budget action delays by 6 months Medicaid expansion to parents implementation, allowing for a reduction of \$18.6 million in State and federal funds. As well, \$15 million of the Small Employer Health Benefit Plan Premium Subsidy Program funding is contingent upon the enactment of [SB 974/HB 1587](#), establishing a uniform hospital assessment to collect uncompensated care savings. The Senate did not reduce the State employees 2% COLA or the State nonpublic school textbook aid.

Legislation to put a surcharge on higher incomes got a lot of attention this week as a possible revenue alternative to the computer services tax. The legislation, [SB 1004](#), increases the Maryland income tax rate on Maryland taxable incomes over \$500,000 for tax years 2008 through 2012 as follows:

- 5.5% on Maryland taxable incomes of \$500,001 through \$750,000;
- 6% on Maryland taxable incomes of \$750,001 through \$1,000,000; and
- 6.5% on Maryland taxable incomes over \$1,000,000.

Further Reductions in Mandated Expenditures

[SB 527](#), the “Spending Mandate and Revenue Dedication Relief Act,” passed the Senate on Friday. As amended, the bill makes statutory changes to reduce mandated spending in areas such as circuit court rent, aid for nonpublic colleges, and aid for public libraries and redirects revenues to the General Fund rather than to the Chesapeake Bay 2010 Trust Fund and to the State Police Helicopter Replacement Fund.

GAMING, RACING, AND SPORTS

Mixed Martial Arts

[SB 649](#) and its companion bill, [HB 795](#), are concerned with the sporting activity known as mixed martial arts. The sport is defined as a competition involving a combination of techniques from different martial arts disciplines, including grappling, kicking, and striking. Participants, judges, managers, referees, seconds, matchmakers, and promoters of these competitions, with the exception of those participating in intercollegiate and

supervised amateur events, are required to be licensed by the State Athletic Commission.

Electronic Gaming Devices

Electronic gaming devices have garnered attention these past few weeks of the session. [SB 959](#), an emergency bill regarding the statewide phase-out of electronic gaming devices, passed a preliminary floor vote in the Senate. As amended, the legislation further clarifies the definition of what constitutes a slot machine and the definition of a “game of chance,” which is an important aspect in the definition of a slot machine. The companion bill, [HB 1576](#), is scheduled for a hearing on March 18.

HEALTH CARE AND HEALTH INSURANCE

Vaccines

Companion bills have been heard by committees in both houses regarding the quantities of lead and mercury in vaccines. [SB 304/HB 586](#) prohibit specified persons from administering vaccines that contain a certain amount of mercury per dose. In addition to the regulation of mercury content in vaccines, the bill also prohibits the sale or distribution of any drug or cosmetic product that contains lead or mercury.

Tanning Devices

An amended bill that prohibits minors from using artificial tanning devices has passed the House. [HB 1358](#) bars minors from using artificial tanning devices unless the minor has a prescription or is accompanied by a parent or guardian to the tanning facility. The bill imposes fines for violation of its provisions and, as amended, requires written consent of the minor’s parent or legal guardian on the premises, witnessed by the owner, operator, or employee of the tanning facility as the only exemption to the requirements of the bill.

Pharmacy Benefits Managers (PBMs)

Action has been taken on several House bills that develop new provisions with regard to pharmacy benefits managers (PBMs):

- [HB 419](#), as passed by the House, requires a person to register with the Maryland Insurance Commissioner before acting as a PBM in the State. Amendments define or further clarify the terms of a “beneficiary,” a “nonprofit health maintenance organization,” “pharmacy benefits management services,” and “purchaser.” Additionally, a provision exempting managed care organizations from the requirements of the bill was removed. The

companion bill, [SB 722](#), was heard on March 12; and

- [HB 243](#) (failed) was withdrawn. The proposal would have allowed for the insured or certificate holder to obtain pharmaceutical benefits from the pharmacy or pharmacist of their choice within any pharmacy network. The companion bill is [SB 726](#).

Trans Fat

The House passed [HB 81](#), which establishes the Task Force to Study the Regulation of Artificial Trans Fat. As amended, the bill designates new representatives on the task force, including a representative from the Maryland Retailers Association and a representative from the Maryland Dietetic Association.

Veterans

The Senate approved [SB 210](#), which aims to coordinate the provision of behavioral health services among the U.S. Department of Veterans Affairs and Maryland's Department of Health and Mental Hygiene, Department of Veterans Affairs, National Guard, and Defense Force for veterans of the Afghanistan or Iraq conflicts. Maryland has over 10,000 veterans of these conflicts, with 5,000 more projected to return by the end of 2008. The House companion bill is [HB 372](#).

Prescription Drug Subsidies

Under legislation passed by the Senate, Maryland's lower income seniors will get help closing the "doughnut hole" in Medicare Part D coverage ([SB 906](#)). The House measure ([HB 1492](#)) received a preliminary okay from the House on Friday. Specifically, these Administration bills require CareFirst BlueCross BlueShield, beginning January 1, 2009, to annually provide \$4.0 million to the Senior Prescription Drug Assistance Program. Funds must be provided only if CareFirst's surplus exceeds 800% of the consolidated risk-based capital for the preceding calendar year.

Domestic Partnerships - Health Care Facility Visitation and Medical Decisions

Late in the week, the Senate voted to give preliminary approval to [SB 566](#), which defines domestic partnerships and confers rights regarding health care facility visitation and medical decisions in certain circumstances. The circumstances that the bill addresses generally apply to spouses or court-appointed guardians and relate to nursing homes, medical emergencies, health care decisions, tissue and organ donation, and final disposition of a body, as well as health care facility visitation.

Under the bill, a domestic partnership is a relationship between two individuals who are at least age 18; not related by blood or marriage; not married or in a civil union or domestic partnership with another individual; and agree to be in a relationship of mutual interdependence in which each individual contributes to the maintenance and support of the other individual and the relationship. An individual who asserts a domestic partnership may be required to provide proof, as specified in the bill. The House companion bill is [HB 733](#).

STATE GOVERNMENT

Language

In recognition that the ability to speak and understand foreign languages has become increasingly important for national security and in the global economy, [SB 506/HB 610](#) establish a task force to study methods for advancing and preserving heritage language skills in Maryland. The task force is also to consider innovative and cost-effective ways to facilitate heritage language learning while encouraging new U.S. citizens to learn and master English. Currently, public school students in Maryland speak at least 150 different languages.

Another measure addressing the use of language seeks to establish English as the official language of government in Maryland. [HB 886](#) requires State and local governments to write and publish each official document in English and conduct each meeting and other official oral communication in English.

Department of Information Technology (DOIT)

The Senate passed legislation to reorganize State government to establish the Department of Information Technology (DOIT) in the Executive Branch. To create the new department, the legislation transfers the duties and powers, as well as the staff of the Office of Information Technology, now in the Department of Budget and Management. No additional staff or resources are added to the new department ([SB 212](#)). The House passed the companion bill last week ([HB 362](#)).

Smith Island Cake

Smith Island Cake may become the State dessert if the House and Senate agree. [SB 287](#) received a preliminary approval this week. The companion bill is [HB 315](#).

TRANSPORTATION

Teen Driving

The Senate passed several bills relating to teen drivers this week. [SB 460](#), dealing with mandatory notification, requires the Motor Vehicle Administration to notify the cosigner of a minor's driver's license application about every citation issued to the minor for a moving violation, instead of as current law requires, just a speeding violation of at least 20 miles per hour over the maximum speed. [HB 511](#) is the crossfiled bill.

Another measure, [SB 610](#), also successfully cleared the Senate. As amended, the legislation expands the offenses committed by drivers younger than age 18 for which the Motor Vehicle Administration (MVA) must either initiate an action for or impose a mandatory suspension, including, among others, offenses such as engaging in a racing or a speed contest, misrepresenting age to unlawfully obtain alcoholic beverages, unlawfully having an alcoholic beverage, and possessing a card or other false document to unlawfully obtain alcohol.

On Friday after a spirited floor debate, the Senate defeated a teen driving bill dealing with cell phone use. [SB 461](#) (failed) would have repealed the limitation that a police officer enforce, only as a secondary action, the prohibition against a minor holding a provisional license or learner's permit from using a wireless communication device (cell phone) while driving a motor vehicle. The House has not moved the companion measure ([HB 695](#)).

Also this week teen driver bills dealing with passenger restrictions were unsuccessful:

- [SB 661](#) (failed) would have repealed the limitation that a police officer can enforce, only as a secondary action, the prohibition against a teen driver holding a provisional license or a learner's permit from transporting other minors as passengers, unless the passenger is related to the driver. The House has not acted on the companion proposal, [HB 874](#).
- [SB 345](#) (failed) would have extended, from 150 days to 1 year, the period during which a holder of a provisional license who is younger than age 18 is prohibited from carrying certain other passengers younger than 18.

Cell Phones and Text Messaging

A lot of discussion took place on the Senate floor in recent days regarding the bill that prohibits, under certain circumstances, the use of use of cell phones while driving ([SB 2](#)). This week the bill was amended on the Senate floor to prohibit only text messaging, rather than cell phone usage. Further consideration will come

next week. Earlier in the session, the House killed measures that would have prohibited text messaging while driving ([HB 380](#) and [HB 1110](#) (both failed)). Also defeated, [HB 711](#) (failed) would have prohibited the driver of a "school bus" from using a wireless communication device (including cell phone and text messaging communication) while operating the school bus, whether or not pupils were on the school bus.

Speed Cameras

Next week, both the Senate and the House will resume floor debate on legislation to authorize the use of speed cameras statewide and in highway work zones. The Senate bill ([SB 269](#)) is up for final passage, and if successful will move to the House for consideration. The House measure ([HB 364](#)) is poised to come up for a preliminary floor vote when debate resumes.

Vehicle Towing

There was movement on the House side this week on legislation that deals with strengthening the law related to towing motor vehicles. The House sent the Senate legislation to set up a Task Force to Study Motor Vehicle Towing Practices ([HB 684](#)), but denied approval to legislation that would have changed the law related to procedures and equipment for towing and towed vehicles ([HB 868](#), failed). However, another measure on towing procedures and the use of proper equipment is on its way to passage with a preliminary okay on the House floor ([HB 1119](#)). The Senate has also passed a measure on the same subject ([SB 174](#)).