



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

Issue 09-11

March 23-27, 2009

(Click on Issue above for previous Wrap-Ups)

OPPOSITE CHAMBER CROSSOVER

Committee hearings and voting sessions, along with floor action, were at capacity this week as bills moved through their original chambers in anticipation of meeting the Opposite Chamber Bill Crossover Date, or the 76th day of session, which is Monday, March 30 in 2009. Opposite chamber bills received after the 76th day are subject to referral to the Rules Committees, which may hamper progress in the second chamber because each chamber must approve a bill in identical form in order for the bill to reach the Governor's desk.

COURTS AND CIVIL PROCEEDINGS

Domestic Violence

Legislation on this topic advanced in the Senate this week. As introduced, [SB 267](#) required a final protective order to order the respondent to surrender any firearm in the respondent's possession for the duration of the order. The bill received a favorable Senate committee recommendation with amendments that would have added an individual who has been issued a temporary or final protective order to those persons who, after meeting other statutory handgun permit requirements, are deemed to have a "good and substantial reason" to wear, carry, or transport a handgun for purposes of provisions of law requiring the Secretary of State Police to issue a handgun permit. These amendments were rejected by the chamber. Additional committee amendments that require police to transport and store surrendered firearms in a certain manner and provide information to respondents on how to retake possession of their firearms were adopted. The bill passed a preliminary floor vote.

[SB 736](#), which passed the Senate late in the week, authorizes a District Court Commissioner or a court, when issuing an interim, temporary, or final protective order, to order a respondent to stay away from, refrain from cruelty toward, or hand over a pet or service animal belonging to the person eligible for relief or a family member.

Other domestic violence measures that moved on the Senate floor this week are identical to their companion bills that already have passed the House:

- [SB 268](#), with a preliminary vote, allows a judge, when issuing a temporary protective order, to order the surrender of a respondent's firearm for the duration of the order if the abuse by the respondent consisted of the use or a threat to use a firearm against the petitioner or serious bodily harm or a threat to cause serious bodily harm to the petitioner. The companion bill is [HB 302](#);
- [SB 601](#), as passed, increases the maximum extension of a temporary protective order from 30 days to six months. The companion bill is [HB 98](#);
- [SB 811](#), as passed, extends from one to two years the maximum duration of a final protective order that is issued for abuse committed within one year after the expiration of a prior final protective order issued against the same respondent on behalf of the same victim, and the prior order was for a period of at least six months. The companion bill is [HB 971](#); and
- [SB 714](#), as passed, authorizes a District Court commissioner or judge, when awarding temporary custody of a child to the petitioner under an interim or temporary protective order, to order a law enforcement officer to use all reasonable and necessary force to return a minor child to the custodial parent after the protective order is served. The companion bill is [HB 464](#).

Civil Actions

The Senate passed [SB 468](#), to increase from \$10,000 to \$20,000 the amount in controversy that must be exceeded for a person to take a civil action to a jury trial, as well as [SB 469](#), a constitutional amendment that allows for the increase.

Constitutional Amendment - Marriage

The Maryland's Marriage Protection Act ([HB 913](#), failed) would have established by constitutional amendment that a marriage between one man and one woman is the only domestic legal union valid or recognized in Maryland. It failed a House committee vote.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Death Penalty Deliberations

Legislation to restrict the use of the death penalty to cases with biological or DNA evidence, a video recording linking the defendant to the murder, or a videotaped voluntary confession and to prohibit its use in cases where the State relies solely on eyewitness evidence ([SB 279](#)) passed a final House floor vote with no amendments. It now goes to the Governor for his approval.

Death penalty measures that failed House committee votes this week include:

- [HB 794](#) (failed), a constitutional amendment that would have authorized the creation of a Death Penalty Court with original and exclusive statewide jurisdiction over offenses punishable by death; and
- [HB 1109](#) (failed), which would have exempted the protocols governing the administration of the death penalty from the requirements of the Administrative Procedure Act.

Child Pornography and Sex Offenders

Child pornography proposals before the Senate this week include:

- [SB 99](#), with a preliminary okay, makes a subsequent conviction of the crime of possession of child pornography, currently a misdemeanor, a felony and increases the maximum jail time for a conviction of the crime. Provisions expanding the list of prohibited actions under the crime were amended out of the bill. The companion bill as passed by the House ([HB 9](#)) retains that provision; and
- [HB 534](#), as passed by the House, adds to the current prohibitions on promoting, distributing, or possessing pornographic images of minors any visual representations that purport to be of children engaged in sexual acts, even if the representations are actually of adults.

The House passed an amended [HB 1030](#), which alters requirements for the retroactive application of the law requiring the names of certain offenders to be entered into the State's sex offender registry.

[SB 218](#), granted Senate approval, requires a person adjudicated delinquent for acts that would constitute first or second degree rape or sexual offense if committed by an adult to register at age 18 for inclusion on the State's sex offender registry if the juvenile was at least age 13 at the time the qualifying delinquent act was committed;

the State's Attorney requests that the person be required to register; and the court determines that the person is at significant risk of committing another sexually violent offense or child sexual offense.

Criminal Procedure

As introduced, [HB 87](#) decreased the number of good conduct credit days per month that an inmate who is serving a consecutive or concurrent sentence for illegal possession of a regulated firearm and was previously convicted of a crime of violence or a drug crime is allowed as a deduction in advance from the inmate's term of confinement. As amended and passed on second reading in the House, the bill does not address good conduct credits. Rather, it increases the maximum jail time for a subsequent conviction of illegal possession of a regulated firearm.

Alcohol and Drugs

Receiving preliminary approval in the Senate, [SB 261](#) makes it illegal for a person under 21 to consume alcohol, adds restrictions on the enforcement of the prohibition, and establishes misdemeanor penalties for adults who knowingly obtain or attempt to obtain an alcoholic beverage for persons under 21, or who furnish it for their consumption. The House passed the companion bill ([HB 299](#)) with similar, but not identical, provisions.

Juvenile Services

[SB 531](#) passed the Senate to require the Department of Juvenile Services (DJS) to ensure that a committed facility in the State under contract with DJS and constructed on or after October 1, 2009, serves no more than 48 children at one time, and that by 2012, each such committed facility constructed before October 1, 2009, complies with the same restriction.

Covert Investigations

Companion Administration bills to restrict State Police covert investigations involving First Amendment activities ([SB 266/HB 311](#)) each passed its original chamber with amendments that change the name of the bill to be the Freedom of Association and Assembly Protection Act of 2009, expand its application to all law enforcement agencies in the State, not just the State Police, and strengthen requirements for the justification and conduct of covert investigations, including maintenance of intelligence files and databases. The bills are no longer identical.

Electronic Control Devices (ECDs)

As passed by the Senate, [SB 850](#) restricts the possession, use, and sale of ECDs and includes provisions that:

- prohibit the use or possession of an ECD by a minor or a person convicted of a crime of violence;
- require that a person using or possessing an ECD must have registered it with the manufacturer and completed a safety training course;
- require an ECD and attached cartridge to display a serial number and have a tracking system that allows law enforcement to find its original owner;
- require a manufacturer to provide access to ECD records to an investigating law enforcement agency;
- require entrance-level and annual training in the use of ECDs for police officers who are issued an ECD; and
- make a violation a misdemeanor, or a felony if it occurs while the person is committing a separate felony.

The companion bill ([HB 539](#)) passed the House with changes that add additional criminal convictions that disqualify a person from using or possessing an ECD; remove training and serial number requirements; require sellers to run a criminal background check on purchasers; require ECDs to be sold with instructions; and alter penalty provisions.

Silver Alert

The Senate passed [SB 303](#), which establishes a statewide Silver Alert Program. The bill is identical to [HB 317](#) that passed the House last week. Both bills call for the State Police to create a system of rapid dissemination of information to assist in locating a missing person with a cognitive impairment, such as Alzheimer's disease or dementia.

ECONOMIC AND BUSINESS ISSUES

Crane Operators

Responding to safety concerns regarding crane operation, bills have been heard that specify that an individual may not operate a crane or authorize operation of a crane in the State unless the operator holds a certificate of competence ([SB 991/HB 1422](#)). To comply with safety regulations, current law requires employers who hire employees to use power equipment to develop and carry out a safety training program for these employees. Another bill repeals the prohibition on

licensure, registration, or certification of power equipment operators in the State, allowing employers to accept crane operator certification from a certification program in lieu of training ([HB 1410](#)).

Unemployment Insurance – Part-time Workers

The Senate and the House have passed amended bills allowing an individual whose availability to work is restricted to at least 20 hours per week of part-time work to be eligible for unemployment benefits ([SB 270/HB 310](#)). The bills await hearings in the opposite chambers.

Utility Regulation – Electric Generation Facilities and Wind Power

Emergency bills [SB 794/HB 842](#) (failed), both withdrawn, would have required Public Service Commission (PSC) approval for a person to acquire a generation facility or an ownership interest in a generation facility in the State if the facility is owned by, or is an affiliate of, a company that controls or is the parent company of an electric company, gas company, or combined electric and gas company. Bills dealing with the regulation of wind-powered generating facilities received unfavorable House committee votes this week. These include [HB 605](#) (failed), [HB 750](#) (failed), [HB 749](#) (failed), and [HB 604](#) (failed). The companion bills remain in a Senate committee ([SB 583](#), [SB 771](#), [SB 773](#), and [SB 584](#), respectively).

Labor and Employment

One of the Governor's bills, [HB 819](#), received a favorable report with amendments from a House committee this week and is now on the House floor. The bill establishes penalties for knowingly and willfully misclassifying an employee as an independent contractor and prohibits certain businesses from failing to properly classify an individual as an employee, establishing investigative procedures and penalties for noncompliance. The amendments add circumstances under which an employee may be considered an independent contractor, make changes to the ways in which an investigation is performed by the Commissioner of Labor and Industry, and make further changes to the way in which restitution is paid if an employer is found guilty of misclassification.

EDUCATION

Higher Education Benefits – Maryland National Guard

Bills that address nonresident tuition exemptions and expansion of the current tuition assistance program include:

- [SB 373](#), which provides a nonresident tuition exemption to members of the Maryland National Guard who are not State residents for a Maryland public institution of higher education, passed in the Senate. One does not have to be a Maryland resident to join the Maryland National Guard. The companion bill is [HB 1152](#); and
- [HB 1465](#), which provides tuition assistance to members of the Guard for graduate and professional courses, had a hearing this week. The current program allows assistance equal to 50% of the cost of in-state tuition for any regularly scheduled undergraduate credit course, vocational-technical course, or trade course for any eligible, active member of the National Guard attending an eligible institution.

Classroom Management Training

[HB 632](#) originally called for mandatory classroom management training for all new teachers. Now, as amended and passed by the House, the Maryland State Department of Education must review and report on each county board of education's existing policies and practices regarding classroom management training. Information must also be collected as to why teachers leave the profession, including whether classroom management is a factor in turnover.

ELECTIONS AND ETHICS

At midweek after lengthy floor consideration, the Senate voted to return to committee (recommit, in legislative lingo) heavily amended legislation that establishes public campaign financing for candidates for the General Assembly ([SB 663](#)). While the committee could report the bill back to the floor, that action is not expected. On the House side, a bill on the same subject, [HB 1353](#), has not moved out of committee.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Smart, Green, and Growing

Some of the Administration's Smart, Green, and Growing proposals, based on recommendations of the Task Force on the Future for Growth and Development in Maryland, are moving through the legislature.

[SB 280/HB 297](#), the Smart and Sustainable Growth Act of 2009 that require local governments to enact, adopt, amend, and execute specific planning documents and to take actions that are consistent with these plans, have

each moved to the opposite chamber. The bills clarify that special exceptions must be consistent with a local government's comprehensive plan, defining the term "consistent." The bills also require members of local government planning commissions and boards of appeal to complete an educational course. The bills express the legislative intent to overturn the Court of Appeals ruling in *David Trail et al. v. Terrapin Run, LLC et al.*, 403 Md. 523 (2008) but apply prospectively otherwise. The measures take effect July 1, 2009.

[HB 295](#) (Annual Report – Smart Growth Measures and Indicators and Implementation of Planning Visions), which establishes a statewide land use goal that 80% of residential growth be located within priority funding areas and not more than 5% of new developed areas are located in priority preservation areas and green infrastructure areas, and requires local governments to develop a percentage goal for incremental progress towards achieving the statewide land use goal by 2012 and every three years thereafter, has moved to the House floor. The crossfiled measure, [SB 276](#), remains in committee.

Greenhouse Gas Emissions

[HB 315](#) has passed the House. The bill requires the Maryland Department of the Environment (MDE) to develop a plan to reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020. Amended similarly to the crossfiled bill, [SB 278](#), now pending in the House, the bill also requires MDE to consider the impact of the plan on the ability of the State to attract, expand, and retain commercial aviation services and to conserve, protect, and retain agriculture.

Oysters and Other Shellfish

[SB 175](#) alters from December 1, 2008, to July 1, 2009, the date by which the Department of Natural Resources (DNR) is required to apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge buried oyster shells under specific circumstances. The bill passed the Senate with technical amendments. The crossfiled measure, [HB 103](#), remains in the opposite chamber committee. [SB 810](#), amended identically to the crossfiled bill, [HB 177](#), allows DNR to pay a more competitive price for oyster shells. Both of these measures are in the opposite chamber.

Several bills concerning oyster dredging and harvesting failed, including [HB 862](#) (failed), which would have established specific criteria for DNR to follow to close State tidal waters to oyster harvesting; and [HB 927](#) (failed), which would have prohibited DNR from

dredging buried oyster shells on Man-O-War Shoals to increase the productivity or utility of the natural oyster bars of the State. Both received unfavorable committee reports.

HB 312, which makes changes to the State's shellfish leasing program and creates Aquaculture Enterprise Zones for shellfish, passed a preliminary floor vote. Amendments to the bill include adding an aquaculture development surcharge to be used for the development of training and grants for shellfish aquaculture, and prohibiting the harvest of shellfish for commerce or consumption from a demonstration leased area. The crossfiled measure, **SB 271**, remains in committee.

Permits and Sewage

Among bills that crossed to the opposite house this week are:

- **SB 47**, which, as amended, requires MDE to post the notice of a permit application on the department's website and to provide methods for interested persons to electronically request any additional notices related to the application. The crossfiled measure, **HB 1078**, remains in committee; and
- **HB 1058**, which requires MDE to notify county and municipal governments of an application to utilize sewage sludge.

SB 554, amended after lengthy discussion and passed on second reading, requires a septic system for a newly constructed building, or one installed as a replacement system, within the Chesapeake and Atlantic Coastal Bays Critical Area to use the best available technology for nitrogen removal. The bill requires MDE to assist homeowners in paying the cost difference between that system and a conventional system with money from the Bay Restoration Fund, if sufficient funds are available. The bill also allows for an income tax subtraction for the amount of the cost difference that exceeds the amount of assistance provided by MDE. **HB 176**, the crossfiled bill, remains in committee.

SB 721/HB 1105, as amended and passed by their original chambers, permit a person, subject to the MDE approval, to install an individual sewerage system in the State for residential use if an existing on-site sewage disposal system fails and cannot be repaired or replaced by any means.

HB 346, expanding the uses of the Bay Restoration Fund within MDE to include costs incurred by a local government in inspecting projects related to the removal of nitrogen from onsite sewage disposal systems, has been recommitted to the committee.

HB 729 (failed), which would have required the Chesapeake and Atlantic Coastal Bays Critical Area Commission to create standards for local jurisdictions to use in performing critical area inspections at the request of prospective land purchasers, received an unfavorable committee report.

Statute of Limitations

HB 420 passed the House. As amended, the bill requires that a suit for a civil penalty by a political subdivision for a violation of the State's environmental laws and regulations, or any regulatory program the political subdivision is required to adopt and enforce under the provisions of the Environment Article, must be instituted within three years after the political subdivision knew or reasonably should have known of the violation.

Renewable Energy High Performance Buildings

HB 314, authorizing the Maryland Environmental Service (MES) to engage in additional types of energy projects and services, such as the production, generation, or distribution of energy from renewable sources, the undertaking of energy conservation measures, and engaging in research and development studies, crossed to the opposite chamber. The companion bill, **SB 14**, amended to clarify that MES has authority to undertake recycling and other solid waste disposal projects and must report any complaints that activities undertaken by MES compete with private investment, is in the House.

SB 625, which requires the Department of Housing and Community Development to adopt the International Energy Conservation Code as a part of the Maryland Building Performance Standards, also moved to the opposite chamber. **SB 686**, requiring community college capital projects that receive State funds to comply with the State's High Performance Building Act, passed the Senate. The crossfiled measure, **HB 541**, gained preliminary approval.

Trees and Wetlands

HB 796 moved to the Senate. As amended, the bill creates the Emerald Ash Borer Grant Fund to help local governments, businesses, and organizations purchase authorized equipment to monitor, remove, dispose of, and replace trees infested by the emerald ash borer that are located within the borders of infested quarantine areas. **HB 1368**, which prohibits a person, in the exercise of rights as a riparian owner, from making improvements to preserve access to navigable water if the improvements extend over vegetated wetlands, has received a favorable committee report.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Consumer Contracts - Prohibited Provisions

[HB 1048](#), which passed the House last week, prohibits a person from including provisions in a consumer contract that:

- allow a person to change a material term that detrimentally affects a consumer's existing obligations; or
- trigger a default or similar penalty based on events unrelated to the consumer's performance of the existing contract.

The bill does not apply to consumer contracts freely negotiated by parties with equal bargaining power. State statutory law is currently silent on the permissibility of accelerated payment or default provisions in consumer contracts.

FISCAL MATTERS

House Budget Actions

The House passed its fiscal package consisting of the Budget Bill ([HB 100](#)) and the Budget Reconciliation and Financing Act, also known as BRFA ([HB 101](#)). The Budget Bill reduces the original allowance for fiscal 2010 by \$793 million, including \$204 million in reductions made by the Governor, for a fiscal 2010 budget of \$31.6 billion, a 2% increase. The House rejected all noncommittee floor amendments.

A balanced budget is contingent upon statutory changes made in BRFA, as well as by the transfer into the General Fund of \$649.2 million for fiscal 2009 and \$253.1 million for fiscal 2010. The Budget Bill, including funds provided in the first supplemental budget, includes \$1.7 billion in federal stimulus funds, of which \$1.1 billion is allocated for medical assistance and \$296 million for education.

The Budget Bill as passed by the House maintains full funding for the Bridge to Excellence education (Thornton) formulas, including full funding of the Geographic Cost of Education Index (GCEI). There is also funding for the State's public universities and colleges to keep an in-state tuition freeze for the fourth straight year, and the \$2.4 million in State assistance for nonpublic school textbooks is maintained. There are no reductions to medical assistance services or eligibility for medical assistance.

Among the House actions are:

- \$20.6 million reduction in State aid for private colleges and universities under the Sellinger grant program;
- \$35.1 million reduction in State aid for community colleges, leaving an \$11.8 million increase;
- \$53.5 million reduction in medical assistance contingent upon language in BRFA permitting the use of an equal amount of special funds from the Health Care Coverage Fund for medical assistance;
- \$47 million reduction in Program Open Space, Rural Legacy Program, and agricultural land preservation funds contingent upon the diversion of this amount of State transfer tax money to the General Fund and contingent upon replacing this amount with general obligation bond funds;
- \$11.9 million reduction in State funds for State universities and colleges while preserving the in-state tuition freeze;
- \$3 million reduction in funding for State arts grants while eliminating the change in the statutorily required amount in BRFA;
- \$63 million reduction in General Funds for the Intercounty Connector;
- \$101.9 million reduction in Local Highway User Revenues with the funds being transferred to the General Fund in BRFA;
- \$2 million reduction for the Maryland Biotechnology Investment Tax Credit Reserve Fund;
- \$1.1 million reduction for tourism;
- \$1 million reduction for the Film Production Rebate Program; and
- \$10 million reduction for the Maryland Heritage Structure Rehabilitation Tax Credit and elimination of Budget Bill language making a reduction contingent upon reauthorizing the program as a nonbudgeted tax credit.

As noted, BRFA helps balance the Budget Bill by transferring the following special funds to the General Fund for fiscal 2009:

- \$366.8 million from the Local Income Tax Reserve for Refunds;
- \$52.7 million from the Helicopter Replacement Fund; and
- \$5 million from the Economic Development Opportunities (Sunny Day) Fund.

For fiscal 2010, special fund transfers include:

- \$15 million from the Central Collection Unit;
- \$101.9 million from Local Highway User Revenues; and
- \$118.3 million in land acquisition funds, contingent upon replacing the transferred funds with general obligation bond funds.

The BRFA bill also reduces local government aid, including diverting \$60 million in local income tax revenue to the State, diverting the above-mentioned Local Highway User Revenue, converting local jail reimbursements to grant programs for a \$12.4 million savings, and requiring the counties to pay the retirement costs for certain local officials for a \$2.5 million savings.

Additionally, BRFA authorizes the use of special funds for purposes otherwise funded by the General Fund, such as using \$35.6 million in Regional Greenhouse Gas Initiative Fund money for low income energy assistance instead of General Fund money.

Tax Amnesty and Tax Credits

The Senate gave the green light to [SB 552](#), the Tax Amnesty Program, with amendments that require the waiver of all interest instead of half the interest. Each of the two biotechnology investment tax credit bills, [SB 800/](#)[HB 493](#), crossed over to the other chamber and each of the three alcoholic beverage tax increase bills ([SB 729/](#)[HB 791](#), [HB 1160](#)) had committee hearings.

Two film production tax credit bills ([SB 596/](#)[HB 908](#)) have also had committee hearings. The bills convert the existing Film Production Rebate Program into a tax credit program that is not subject to an annual appropriation. The value of the subsidy to each qualifying company will increase from 25% to 28% of qualified costs, and there is no maximum amount of credits that can be claimed in each year or by any one entity. The bills are effective July 1, 2009, and apply to tax year 2009 and beyond.

GAMING, RACING, AND SPORTS

Commercial Bingo Licensing

Following the 2008 session, legislation was enacted that alters the definition of “slot machine” to include a machine that reads a game of chance and a machine that delivers a game of chance. The law also prohibits certain gaming machines licensed by local jurisdictions, primarily electronic bingo and tip jar machines, from operating after July 1, 2009. A county may not issue a commercial bingo license to an entity that was not

licensed to conduct commercial bingo on or before June 30, 2008. [HB 1565](#), which recently had a hearing, allows local jurisdictions to issue new commercial bingo licenses until June 30, 2011.

Horse Racing Purse Allocation

[SB 911](#) alters how the Purse Dedication Account funds are distributed to the thoroughbred and standardbred industries in Maryland. The Account, established by legislation during the 2007 Special Session, is to receive 7% of Video Lottery Terminal proceeds. Of this 7%, 80% is allocated to the thoroughbred industry and 20% to the standardbred. These funds are further divided so that, in each instance, 85% would go to purses and 15% to a bred fund. [SB 911](#) and the companion bill, [HB 1212](#), change this last ratio to dedicate 89% of the funds to purses, with the remaining 11% flowing into the bred funds.

HEALTH CARE AND HEALTH INSURANCE

Raw Milk

[HB 1015](#) (failed) that would have allowed direct-to-consumer sales of raw milk under specified circumstances has been reported unfavorably by a House committee. A similar measure, [HB 1080](#), has not been reported out of committee.

Maryland Athletic Trainers Act

[HB 173](#), creating the Maryland Athletic Trainers Act, passed in the House. The bill’s amendments clarify the definitions of “athlete” and “athletic activity” and increase the membership of the Athletic Trainer Advisory Committee established within the Board of Physicians under the terms of the bill. The bill also provides for the licensure of athletic trainers within the State. Currently, Maryland law does not specifically address the practice of athletic training. Individual health care providers who provide related services are regulated under their respective health occupations boards.

Maryland False Health Claims Act

This Act failed a Senate third reading floor vote this week. [SB 272](#) (failed) would have prohibited specified actions constituting false claims against a State health plan or a State health program and would have provided specified penalties for making false claims against a State health plan or a State health program. The legislation also would have authorized the State to file a civil action against a person who makes a false claim against a State health plan or a State health program and would have provided procedures and remedies in a civil action.

Medical Marijuana – Task Force

A bill to establish a Task Force on issues related to the use of medical marijuana in the State was heard by a House committee this week ([HB 1339](#)). By December 31, 2009, the Task Force must make its recommendations on whether the State's prohibition on medical marijuana use should be retained or repealed.

STATE GOVERNMENT

Emergency Medical Services

By adding to the State Emergency Medical Services Board an additional member from the public and a Director of Operations who is a helicopter pilot from the Aviation Division of the State Police, [HB 265](#), as passed by the House, seeks to strengthen the Board that governs the Maryland Institute for Emergency Medical Services Systems (MIEMSS). MIEMSS oversees over 30,000 Maryland-certified emergency service providers and fosters the integration of the delivery of pre-hospital emergency care with 48 hospital emergency departments, nine trauma centers, and the Department of State Police Medevac helicopter system that provides primary scene transports.

The bill also establishes a new legislative Joint Oversight Committee on Emergency Medical Services that, among its other duties, is to monitor the State's emergency services, including the Medevac system, and annually report its findings to the General Assembly. The committee sunsets in four years. The companion measure is [SB 289](#).

State Symbols

A House committee rejected [HB 1241](#) (failed) that would have replaced the lyrics of the State song, *Maryland! My Maryland!*. The Senate has not acted on [SB 892](#), the companion bill. However, passage of legislation to change the lyrics this session appears unlikely. There is discussion regarding setting up a commission to examine the specific lyrics that some Marylanders find offensive.

The Senate and House have passed their bills ([SB 248/](#)[HB 84](#)) to establish the second Saturday in May as the annual Negro Baseball League Day to honor the African American players who formed their own teams because they were unable to play professionally due to racism and Jim Crow laws. Each chamber now must consider the other's bill.

TRANSPORTATION

Young Drivers

Recently, the House passed an amended Administration bill, [HB 303](#), on teen driver safety. This week, the companion bill with amendments, [SB 265](#), reached the preliminary approval step in the Senate. [SB 265](#) mirrors [HB 303](#), except for differences in passenger restrictions for provisional licensees who are under the age of 18.

Another bill concerning teen drivers, [SB 219](#), passed the Senate. The bill expands the offenses committed by drivers younger than 18 for which the Motor Vehicle Administration (MVA) must either initiate an action or impose a mandatory suspension. It also limits the authority of the MVA to issue restrictive licenses, requires that certain suspensions be separate from and consecutive to other suspensions or revocations, and extends the time during which the prohibition against driving with passengers younger than age 18 applies. The companion bill is [HB 1167](#).

Drunk and Drugged Driving

Two drunk driving bills are moving through the process:

- [SB 262](#), as passed by the Senate, requires the MVA to impose a one-year driver's license suspension on a person who is convicted of *any* alcohol or drug-related driving offense more than once within a five-year period. A person may request a hearing regarding the suspension, and a restrictive license may be issued during the mandatory period of suspension. Other provisions require that a notice must be served to the person whose license is being suspended, and that the notice state that the options of a hearing and a restrictive license are available. The companion bill is [HB 293](#); and
- [SB 263](#), as passed by the Senate, makes the conviction for an MVA-imposed violation of an alcohol restriction on a driver's license a misdemeanor. A violator is subject to both fines and imprisonment. The bill also establishes that the violation of any restriction imposed on a driver's license or the violation of any rule or regulation under the Maryland Vehicle Law may subject the violator to imprisonment and fines, or, if greater, the same penalties authorized by the law or regulation that was violated. The companion bill is [HB 305](#) and is in the Senate.

Cell Phones, Texting, and Distracted Driving

Two bills concerning mobile phones and distracted driving received unfavorable committee votes:

- [HB 323](#) (failed) would have prohibited, with exceptions, a driver from using a text messaging device to write, send, or read a text message while operating a motor vehicle; and
- [SB 630](#) (failed) would have established the offense of distracted driving that would have been punishable by fines and enforceable only as a secondary offense. The legislation's companion bill is [HB 564](#).

Smoking in Vehicles

Companion bills concerning a ban on smoking in vehicles with a small child present were killed in committee. [SB 288/HB 966](#) (failed) would have prohibited a driver or passenger from smoking in a motor vehicle carrying a child younger than age eight.

Bay Bridge Legislation

Legislation addressing Chesapeake Bay Bridge inspection procedures, traffic concerns, and the provision of an environmental impact study related to construction of a new bridge to span the Bay did not progress beyond the committee stage. These measures included [HB 881](#) (failed), [HB 882](#) (failed), [HB 1375](#) (failed), and [HB 888](#) (failed). The companion legislation, [SB 483](#), [SB 475](#), [SB 866](#), and [SB 476](#), respectively, remains in committee.

Bill status is current as of 3:00 p.m. on March 27, 2009.