



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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SINE DIE IS COMING

The General Assembly's final day of the 2011 regular session will be April 11 with adjournment (*sine die*) to occur at midnight. To date a total of 2,352 bills have been introduced and 17 have gained final passage. The next 11 days will be filled with both committee and floor action as each chamber acts on the bills that will gain passage this session. Bill signings are scheduled for:

- April 12 (Tuesday) – 10:30 a.m. (traditional *sine die* signing);
- April 25 (Monday) – 10:00 a.m.;
- May 10 (Tuesday) – 10:00 a.m.; and
- May 19 (Thursday) – 10:00 a.m.

COURTS AND CIVIL PROCEEDINGS

Transgender Discrimination

Advancing to the Senate, [HB 235](#) prohibits discrimination based on gender identity with regard to housing and employment, with exceptions for homeowners who rent rooms or apartments in their residences and for certain religious entities. The bill does not address discrimination in public accommodations based on gender identity.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Diminution Credits

As introduced, [SB 173](#) reduced the rate at which good conduct diminution credits could be earned by a person convicted of illegal possession of a regulated firearm who had previously been convicted of a crime of violence or a drug crime from 10 days per calendar month to five per month. Removing those provisions, the Senate approved an amended [SB 173](#) that establishes a Task Force on Diminution Credits to study ways to increase the understanding of and improve the use of diminution credits in the State. A report is due by December 1, 2012.

Parole and Probation

Gaining preliminary House approval, [SB 172](#) alters the parole process for prisoners serving a life sentence who have served 25 years without application of diminution credits. House amendments expand the bill to apply to sentence commutation and reduce from 180 days to 90 days the time within which the Governor may reject by written disapproval the decision to grant parole or commutation made by the Maryland Parole Commission or the Patuxent Institution Board of Review.

[HB 919](#), as amended and passed in the House, requires the Department of Public Safety and Correctional Services to develop by October 1, 2012, a pilot program in two counties that creates a system of graduated administrative sanctions for violations of conditions of parole by those released from the Division of Correction, with the aim of returning fewer technical violators to prison.

Defeated in committee, [HB 964](#) (failed) would have established a Recidivism Reduction Pilot Program in the Division of Parole and Probation that results in at least 50% of supervised individuals being supervised in accordance with “evidence-based practices,” with the goal of reducing the offender’s potential for recidivism and increasing the offender’s ability to establish and maintain a more productive lifestyle.

Sexual Offenses

The Senate passed [SB 204](#), which alters the definition of “sexual act” to include certain actions that under current law are included in the definition of “sexual conduct.” Generally, offenses involving a “sexual act” carry more severe penalties than offenses involving “sexual contact.”

Human Trafficking

The House passed [HB 266](#), which, as amended, authorizes a person convicted of prostitution to file a motion to vacate the judgment if the person committed the crime under duress caused by threats of harm to the person or the person’s family, and the conviction was the result of another person’s violation of laws that prohibit human trafficking.

[SB 299](#) (passed), which adds human trafficking to the list of crimes for which evidence may be gathered during a criminal investigation through the interception of oral, wire, or electronic communications, received final legislative approval.

Funeral Picketing

Current Maryland law requires a 100-foot buffer between picketers and mourners at a funeral, burial, memorial service, or funeral procession. A Senate committee heard testimony this week on bills that alter the size of this buffer zone. [SB 977](#) requires picketers to stand 500 feet from mourners, retaining the current maximum penalty of 90 days in jail and a \$1,000 fine. [SB 982](#) expands the buffer to 1,000 feet and increases the maximum penalty for a first offense to one year in jail and a \$5,000 fine and for subsequent offenses to three years in jail and a \$15,000 fine.

Juvenile Facilities for Girls

Passing to opposite chambers with identical amendments, [SB 787/HB 511](#) require the Department of Juvenile Services to report by December 1, 2011, on how the department will use existing resources to ensure that females receive services that are substantially equivalent to those offered to males in fiscal 2013 and beyond.

ECONOMIC AND BUSINESS ISSUES

Service Quality and Reliability Standards

[SB 692/HB 391](#), the Maryland Electricity Service Quality and Reliability Act – Safety Violations, are Administration bills that passed their respective chambers with amendments. The legislation requires the Public Service Commission (PSC) to adopt regulations implementing service quality and reliability standards with regard to service interruption, downed wire response, customer communications, vegetation management, periodic equipment inspections, annual reliability reporting, and any other standards established by the PSC. The PSC may establish separate reliability standards for each electric company and may impose civil penalties for violations. Electric cooperatives are exempt from certain provisions concerning payment of penalties by electric companies, as customers and owners of a cooperative are one and the same.

Telephone Directories – Opt-in

Measures that allow telephone companies to require customers to opt-in to receive a telephone directory have passed their original chambers ([SB 718/HB 529](#)). Telephone companies must provide notice to customers

regarding the opt-in requirement, and customers who opt to receive a directory can have one delivered at no cost.

Alternative Energy

[SB 717/HB 933](#) establish solar water heating systems as a Tier 1 renewable source. The bills passed their respective chambers of origin. Other alternative energy bills ([SB 380/HB 860](#)), passing in their respective chambers of origin, allow eligible customer-generators of electricity to own and have title to renewable energy credits. Eligible customer-generators include those customers that own and operate, or lease and operate, biomass, solar, fuel cell, wind, or micro combined heat and power (micro-CHP) electric generating facilities that are meant to offset all or part of the customer's own electricity requirements. A waste-to-energy bill ([SB 690](#)) passed the Senate but has not received House action. The bill changes energy produced from waste-to-energy from a Tier 2 renewable resource to a Tier 1 renewable resource.

Labor and Employment

[SB 132/HB 87](#), the Job Applicant Fairness Act, as amended and passed by their respective chambers, prohibit employers from using an individual's credit report or credit history as a basis to deny employment to a job applicant, discharge an employee, or determine compensation or the terms of employment. Exemptions allow an employer to consider the credit history of an applicant or employee when making employment decisions. As amended, the bills broaden the exemptions to include certain financial institutions. A related bill, [HB 934](#) (failed), died in committee.

EDUCATION

Youth Sports Programs – Concussions

The House passed an amended [HB 858](#) that requires the Maryland State Department of Education (MSDE), the Department of Health and Mental Hygiene (DHMH), local boards of education, and other experts to develop and implement a program to provide concussion awareness to coaches, school personnel, and student athletes. The bill mandates that a student athlete suspected of receiving a head injury be removed from play and is not allowed to return until written clearance from a licensed medical professional is provided. The bill also requires that the registration paperwork for a youth sports program contain, on a separate sheet, information on concussions and head injuries. Receipt of the information sheet must be acknowledged and signed. [SB 771](#), a similar bill, was amended to include almost identical language. The Senate passed the bill late in the week.

Maintenance of Effort – Penalty

The House amended and gave preliminary approval to [HB 869](#), a bill that delays the penalty for a county's failure to meet the public schools maintenance of effort (MOE) requirement until the fiscal year after county funding is below the MOE amount. This avoids simultaneous reductions in State and county funding for local school systems and gives local school systems an additional year to prepare for reductions in State education aid resulting from MOE penalties. The House removed all language regarding waiving fiscal 2011 penalties, as no penalties were assessed for this year.

Regulation of For-Profit Institutions

On Friday, [SB 695](#) passed a preliminary House floor vote with no amendments. The bill distinguishes between public, private nonprofit, and for-profit institutions of higher education in the State. The bill clarifies the scope of the Maryland Consumer Protection Act to include the unfair or deceptive offer for sale of course credit or other educational services; creates a Guaranty Fund to reimburse students at for-profit institutions of higher education who are entitled to a refund of tuition and fees due to the for-profit institution's breach of agreement or contract with the student or the State; and prohibits the payment of a commission, bonus, or other incentive payment based on success in securing enrollment.

Higher Education – Tuition Rates – Exemptions

Late in the week, the much debated [SB 167](#) was the subject of a House committee hearing. As passed by the Senate, the bill exempts individuals who attended and graduated from Maryland high schools from paying out-of-state tuition, and in certain instances out-of-county tuition, at community colleges in Maryland. An individual who graduates from or earns a certain number of credits from a community college is then exempt from paying out-of-state tuition at a public senior higher education institution in Maryland under specified circumstances. The governing board of each public institution of higher education must adopt policies to implement the bill.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Oysters and Fishing

This week, legislation related to harvesting seafood began to move in the opposite chambers. [HB 111](#), passed on second reading in the Senate, authorizes the Department of Natural Resources (DNR), in consultation with the Tidal Fisheries Advisory Commission and the

Sport Fisheries Advisory Commission, to adopt regulations to define and govern the use of recreational and specific commercial fishing gear. House bills heard in a Senate committee include:

- [HB 966](#), which sets specific criteria the Department of the Environment (MDE) must use to test waters of the State used for shellfish production and requires MDE, by December 31, 2011, to reconsider the designation of waters that are currently restricted from shellfish harvesting;
- [HB 1240](#), which expands to all counties the authority to regulate harvesting seafood and operating a seafood business; and
- [HB 1252](#), which establishes an additional penalty for illegally taking more than \$20,000 worth of striped bass.

Senate bills passed on second reading in the House include:

- [SB 159](#), which revokes a license to catch oysters for anyone caught taking oysters unlawfully and creates a citation, hearing, license revocation, and appeals process. [HB 273](#) remains in a Senate committee;
- [SB 414](#), which authorizes Natural Resources Police officers to issue electronic citations, modifies recreational and commercial fishing license hearing requirements, and clarifies and expands DNR's authority to conduct tidal fish license-related inspections. The similarly amended [HB 396](#) is in the Senate;
- [SB 635](#), which, as amended, provides for the revocation of a license for knowingly and unlawfully taking striped bass or crabs and requires adoption of regulations that establish grounds for the revocation and an appeals process. The crossfiled bill, [HB 1154](#), has moved to the Senate; and
- [SB 655](#), which establishes enhanced penalties for a person who commits a commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization. The crossfiled bill, [HB 1225](#), has moved to the Senate.

[SB 188](#), heard in a House committee, authorizes DNR to issue an annual exemption to a government entity or a nonprofit organization to take individuals with physical or mental disabilities, who are serving or have served in the armed forces, fishing in the tidal or nontidal waters of the State.

Septic and Sewage

The House gave preliminary approval to [SB 372](#), which requires MDE to evaluate and rank nitrogen removal technologies for septic systems, to advise local governments and citizens of approved technologies that qualify for funding under the Bay Restoration Fund, and to post the information on the department's website. The crossfiled bill, [HB 347](#), is in the Senate, but no hearing has been scheduled.

Lawn Fertilizer

[SB 487](#), which limits the amount of nitrogen and phosphorus in turf fertilizer used in the State, sets application restrictions, and establishes labeling requirements, has moved to the House. The crossfiled bill, [HB 573](#), is in the Senate.

Phosphorus in Dishwasher Detergent

The House gave preliminary approval to [SB 320](#), which limits the amount of phosphorus in dishwasher detergent and extends the date after which detergents used in commercial dishwashers may not contain more than 0.5% phosphorus from July 1, 2010, to July 1, 2013. [SB 751](#), before a House committee, creates a fine for a second violation of provisions related to household dishwasher detergents. A similar bill, [HB 53](#), is in the Senate.

Hunting

A House committee heard testimony on [SB 763](#), which allows any person who is serving in the armed forces and has a service-connected disability to hunt on public property without a hunting license.

appropriations bills, such as [SB 994](#), until the Budget Bill has been enacted.

The Budget Bill, as passed by the Senate, reduces expenditures by \$659 million, eliminates 367 positions, and reduces the structural deficit by 38%. The Senate version maintains the Governor's and the House's policy of no furloughs for State employees for fiscal 2012 and the \$750 bonus for these employees.

Some of the major differences between the House and Senate address:

- education funding—the Senate provides an additional \$22.7 million for education and reduces aid to education by \$11.6 million, with some of the increase contingent upon the enactment of [SB 994](#), the sales tax increase on alcoholic beverages;
- nonpublic school textbook funding—the Senate restores the \$444,000 reduced by the House, bringing the appropriation back to \$4.4 million;
- higher education—the Senate restores \$6.1 million of the \$8.1 million House reduction to the University System of Maryland Office, leaving a reduction of \$2 million;
- merger of the University of Maryland College Park and the University of Maryland, Baltimore—the Senate requires the University of Maryland Board of Regents to study the issues concerning merging and develop a plan to merge the two campuses;
- keeping Maryland Community Colleges Affordable Grant—the Senate eliminates the \$5 million in funding;
- Sustainable Communities Tax Credit Program—the Senate reduces the appropriation by \$3 million to \$7 million and deletes the House language that states that \$3 million in tax credits for qualified rehabilitation expenditures may not be expended but may be transferred to the Film Production Rebate Program;
- medical assistance—the Senate restores \$20.4 million in reductions concerning cost containment and managed care organizations and restricts \$6.4 million in Medicaid funds to the Developmental Disabilities Administration to be used only for absence day payments to community providers;
- Department of Assessments and Taxation—the Senate requires the counties and Baltimore City to reimburse the State for 90% of assessment costs instead of the 50% required by the House; and

FISCAL MATTERS

State Budget Bill

[HB 70](#) is now in a conference committee composed of five members from the Senate and five members from the House. Each chamber also names an advisory committee of four members.

If the General Assembly has not passed the Budget Bill by the 83rd day, which this year is Monday, April 4, the Governor must issue a proclamation extending the session. During the extended portion of the session, the General Assembly may deal only with the Budget Bill and the costs of the extended portion of the session. If the General Assembly has not passed the Budget Bill by April 4, the General Assembly may continue to work on the budget and other matters but may not pass a bond bill, such as [HB 71](#), Maryland Consolidated Capital Bond Loan of 2011, or other supplementary

- Judiciary—the Senate reduces the Judiciary budget by \$12.5 million in general funds and expresses the intention that the Judiciary transfer \$8 million from the fund balance of the Disciplinary Fund for attorneys. The Senate also appropriates \$3.6 million in special funds for the Attorney Grievance Commission. The General Assembly has the authority to increase the budget for the Judicial Branch.

Supplemental Budget No. 1

On Friday, the Governor submitted a supplemental budget, which has net additional \$225.7 million in expenditures, including \$148.3 million for fiscal 2011 and \$77.4 million for fiscal 2012. The supplemental budget includes substitutions of some funds for other funds, as well as additional expenditures.

Provisions address:

- Highway User Revenues—an additional \$20.6 million in Highway User Revenues to be distributed to local governments during fiscal 2011;
- Chesapeake Bay programs—for fiscal 2011, an additional \$2.4 million for local natural filter projects for watersheds and an additional \$2 million for cover crop payments to farmers; for fiscal 2012, an additional \$1.8 million for the University of Maryland Center for Environmental Science and the Oyster Recovery Partnership for native oyster restoration;
- land conservation programs—for fiscal 2012, an additional \$7.2 million in additional transfer tax revenues and an additional \$1.5 million for the Maryland Agricultural Land Preservation Program;
- Medicaid—for fiscal 2011, an additional \$25 million in State and federal funds for community services for Medicaid recipients and an additional \$10 million for fiscal 2012; and an additional \$4 million for family planning services;
- Child Care Subsidy Program—an additional \$14.8 million for fiscal 2011;
- housing energy efficiency improvements—\$6.5 million for fiscal 2012; and
- economic development programs—an additional \$21.7 in Invest Maryland Program funds for fiscal 2012, contingent upon the enactment of [SB 180](#) or [HB 173](#).

Budget Reconciliation and Financing Act (BRFA)

[HB 72](#), the BRFA, is also in a conference committee. As passed by the Senate, the BRFA for fiscal 2012 increases

general fund revenues by \$42.7 million, diverts \$119 million in revenues to the general fund, and transfers \$226.2 million to the general fund.

Major Senate changes address:

- education—the Senate adds a provision providing a State grant to any county school board that receives more than a 6% reduction in total direct education aid in any current fiscal year for fiscal 2012 through 2016;
- maintenance of effort (MOE)—the Senate adds provisions concerning counties meeting the MOE requirement for fiscal 2011, including limiting the penalty for failure to meet the requirement to the increase in State aid and providing that counties transferring retiree health benefit costs from the county to the school board may deduct a reduction in those costs from the required MOE;
- County Disparity Grant—the Senate calculations increase the disparity grant per capita statewide county income tax yield from 75% to 77% for fiscal 2012 only;
- Department of Assessments and Taxation—the Senate requires the counties and Baltimore City to reimburse the State for 90% of assessment costs instead of the 50% required by the House;
- Attorney Grievance Commission Disciplinary Fund—the Senate amends the BRFA to place the Disciplinary Fund of the Attorney Grievance Commission in statute under the authority of the Court of Appeals with the Commission's operations funded by fees paid into the Disciplinary Fund. At present the fund is not in the State budget, but language in the BRFA makes it subject to the budget process. A provision also authorizes up to \$8 million in the fund to be used for the operations of the Judiciary for fiscal 2012 only;
- State employee retirement benefits—the Senate caps retiree annual cost-of-living adjustments (COLA) at 2% in years in which the retirement system investment returns are achieved and 0% in other years. New members employed on or after July 1, 2011, may receive normal retirement allowance when their combined age and years of service equal at least 92 or they are at least 65 years old and have at least 10 years of eligibility service with the above criteria for determining their COLA. The Senate maintains the requirement that all new employees contribute 7% of their salary towards the retirement benefit with a multiplier of 1.8% and maintains the House provision increasing the required employee

retirement contributions from 5% to 7% for all Employees' Pension System/Teachers' Pension System members and retains the 1.8% multiplier; and

- retiree prescription drug benefits—the Senate rejects the House proposed increase in co-pays, maintains the co-pays at the present level, requires a \$500 deductible as compared to no deductible in the House plan, and 25% coinsurance, as opposed to no coinsurance in the House plan. The Senate's annual out-of-pocket cap is \$2,000 for the retiree and \$3,000 for the retiree and spouse, as opposed to caps of \$1,000 and \$1,500, respectively, in the House plan. The House general fund savings are \$11.9 million, while the Senate general fund savings are \$21.7 million.

Sales Tax on Alcoholic Beverages

With Senate passage, [SB 994](#) increases the sales tax on alcoholic beverages from 6% to 7% on July 1, 2011, to 8% on July 1, 2012, and to 9% on July 1, 2013. The Senate makes this bill a supplementary appropriation bill for fiscal 2012 by appropriating \$5 million of the revenue generated by the bill to the Developmental Disabilities Administration to be used to fund the Waiting List Initiative. The bill further directs the Governor to include at least \$10 million in the Budget Bill for fiscal 2013 and \$15 million in the Budget Bill for fiscal 2014 for the Waiting List Initiative.

Another measure ([HB 780](#)) that remains in a House committee imposes a 10 cent sales and use tax surcharge on the sale of alcoholic beverages in the State. Each unit of alcohol sold is subject to the surcharge; in instances when units are packaged together and sold in a carton or a case, the packaged unit is subject to a surcharge of 10 cents. The bill takes effect July 1, 2011.

Capital Budget

[HB 71](#), introduced on the House floor on April 1, will be considered on Tuesday, April 5.

GAMING, RACING, AND SPORTS

Horse Racing – Distribution of Video Lottery Proceeds

As amended, [HB 1039](#) passed the House and received a Senate committee hearing. The bill alters the distribution of the Purse Dedication Account and the Racetrack Facility Renewal Account that receive revenues from the State's Video Lottery Terminal (VLT) program. Amendments create a bill that now:

- reduces the amount of a specified loan or advance from the Maryland Economic Development

Corporation (MEDCO) from \$4 million to \$3 million;

- limits the duration and amount of operating assistance provided to certain racing licensees;
- states that operating assistance may not be used for extraordinary litigation expenses, lobbying, fees, predevelopment costs, and prior year adjustments and claims;
- establishes annual reporting requirements and creates an Oversight Commission to monitor the development of a long-term business plan for racing in Maryland;
- authorizes the use of certain racetrack renewal funds to support live racing at Timonium; and
- requires certain racing licensees to submit five-year business plans that describe the challenges impacting the economics of operating the racing facility and strategies for addressing those challenges as a condition of receiving operating assistance.

This bill does not alter the overall amount of VLT revenue distributed to the funds. A companion Senate Bill, [SB 848](#), has stalled in committee.

Video Lottery Operations Licensees – Allegany County

[SB 512](#), which makes numerous changes to the video lottery operations licensee for a VLT facility in Allegany County, including hinging the award of a VLT license on the applicant's agreement to purchase the Rocky Gap Lodge and Resort, passed the Senate and was the subject of a House committee hearing on Friday.

Video Lottery Operations Licensees – Noninterference

The House passed [HB 868](#) that prohibits a video lottery operation licensee from interfering with, hindering, obstructing, impeding, or taking any action to delay the implementation or establishment of a video lottery facility by any other video lottery operation licensee or applicant. The similar [SB 373](#) passed in the Senate in February. This week the opposite chambers hosted hearings on these two bills.

Instant Bingo

The House passed [HB 975](#), which makes permanent the authority for existing qualified organizations and licensed commercial bingo licensees to operate instant bingo machines otherwise illegal under State law.

HEALTH CARE AND HEALTH INSURANCE

Conformity with Federal Affordable Care Act

Bills related to health insurance, specifically addressing several aspects of the federal health care reform law, were at various stages in the legislative process this week:

- [SB 183/HB 170](#), Administration proposals that conform Maryland's insurance laws to the federal Affordable Care Act (ACA), were amended identically, crossed over to the opposite chambers, and entered the committee phase. The amendments alter the circumstances under which a person has a right to a hearing and a right to appeal an action of the Maryland Insurance Commissioner and requires the Commissioner to file certain documents in the court where an appeal is pending;
- [SB 182/HB 166](#), the Maryland Health Benefit Exchange Act of 2011, passed in their respective chambers. The Administration proposals establish the governance, structure, and funding of the Maryland Health Benefit Exchange, a public corporation and independent unit of State government. The federal ACA requires that each state establish the governance and structure of a health benefit exchange by March 2012.

[HB 15](#) (failed), also relating to federal health care, was withdrawn. The bill would have established that a person has the right to choose to participate in a private health insurance system or plan and that, except as required by a court, a person has the right to pay for lawful medical services without interference.

Prescription Drug Monitoring Program

The Senate gave preliminary approval to [SB 883](#), which establishes a Prescription Drug Monitoring Program in the State. The program is to monitor the prescribing and dispensing of certain substances by certain prescribers and dispensers and to assist health care, public health, and law enforcement professionals in the identification, treatment, and prevention of prescription drug abuse and in the identification and investigation of unlawful prescription drug diversion. Committee amendments require the program to develop a mechanism to allow certain individuals to correct erroneous data reported to the program and require a report to be submitted by December 1, 2012, on aspects of the program related to its funding, feedback from stakeholders, and recommendations to improve the program, among other provisions.

Dining Out Growth Act of 2011

[HB 941](#) passed the House and has a Senate committee hearing next week. The bill authorizes a restaurant with an outdoor dining area to allow a patron's dog to accompany the patron in the outdoor dining area during hours designated by the restaurant owner.

Cancer

As amended and passed by the Senate, [SB 574](#) requires the Department of Health and Mental Hygiene (DHMH), in consultation with the Maryland Department of the Environment, to convene a workgroup to examine issues relating to the investigation of potential cancer clusters in the State and potential environmental causes of cancer.

Telemedicine

[SB 406](#), passed by the Senate this week, establishes the Task Force to Study the Use of Telemedicine in Medically Underserved Populations and Areas. An interim report is due by December 31, 2011, and a final report by September 30, 2012.

Medical Marijuana

[SB 308](#), heard by a House committee this week, establishes that, in a prosecution for the use or possession of marijuana, the defendant may introduce and the court shall consider as an affirmative defense evidence of medical necessity, including a physician's written statement, medical records, or testimony by the defendant's physician. The bill also requires the court to enter a finding of not guilty if the court finds that a person possessed marijuana because of a medical necessity. [HB 291](#), a similar but not identical bill, passed in the House but has yet to be heard by a Senate committee. [HB 291](#) does not contain the Senate language concerning the affirmative defense evidence of medical necessity.

Abortions

Measures related to abortions recently received unfavorable votes in a House committee: [HB 18](#), [HB 19](#), and [HB 20](#) (all failed).

TRANSPORTATION

Electric Vehicles

[SB 179/HB 164](#) were amended identically and passed by their respective chambers. A Senate committee hearing was scheduled this week for [HB 164](#). The bills require the Public Service Commission to establish a pilot program for charging electric vehicles and to report the results by February 1, 2015.

Drunk Driving

Two of the bills aimed at reducing drunk driving crossed over to the opposite chambers. [SB 803](#) and [HB 1276](#) expand the existing Ignition Interlock System Program. [SB 803](#) requires, rather than allows, the Motor Vehicle Administration to implement the program for drunk drivers and provides for a prison sentence for participants who violate program rules. It passed the Senate with amendments, and had a House committee hearing this week.

[HB 1276](#), heard in a Senate committee this week, requires a drunk driver to participate in the program if ordered to do so by the court and authorizes individuals to participate in the program if they seek to regain a license that has been revoked due to drunken or drugged driving, a blood or breath test shows an alcohol concentration of .15 or more, they have had a similar conviction within five years, or they were under age 21 at the date of a drunken driving violation.

Manslaughter by Vehicle or Vessel

[HB 363](#), which creates a new crime of misdemeanor manslaughter for criminally negligent operators of cars, trains, or boats who cause the death of another person, passed the House and is scheduled for a Senate committee hearing. Criminally negligent driving is defined as acting in a way that a reasonable person would realize creates a substantial and unjustifiable risk of another person's death.

Driver Licensing

[SB 2](#), which recognizes Medal of Honor recipients by eliminating fees for their renewal of a motor vehicle registration or a non-commercial driver's license, passed the Senate and will have a House committee hearing next week.

Distracted Driving/Texting/Cell Phones

Both [HB 196](#) and its companion bill, [SB 424](#), passed second reading in opposite chambers. The bills prohibit a driver from writing, reading, or sending any text message while in the travel lane of a roadway, whether or not the car is in motion.

The House passed [HB 221](#) that clarifies that all drivers younger than age 18 are prohibited from using a wireless device, whether hand-held or hands-free, while driving, except to contact 9-1-1. The bill also prohibits texting while driving.

[HB 222](#) (failed) received an unfavorable Senate committee vote. It would have changed the offense of using a cell phone while driving from a secondary offense to a primary offense.

[HB 1288](#) (failed), which would have prohibited drivers from engaging in a "preoccupying activity," such as reading, writing, using wireless communications, eating, drinking, smoking, or using a video display, received an unfavorable committee vote also.

Pedestrian Safety

[SB 12](#) passed second reading in the House, amended to reconstitute the Maryland Quiet Vehicles and Pedestrian Safety Task Force. The task force must study the effects of vehicle sound on pedestrian safety, including available technology that may enhance the safety of blind pedestrians, and report its findings by June 30, 2013.

Accidents Resulting in Death

[SB 257](#), as passed by the Senate, requires that a driver who receives a traffic citation containing a notice that the violation contributed to an accident that resulted in a person's death must appear in court in person.

School Bus Monitoring Cameras

[SB 679](#), debated on the Senate floor this week, allows a county school board, if authorized by the local government, to install cameras on school buses to record the license plates of vehicles that pass the bus illegally. The owner of the bus must give images documenting violations to local law enforcement officials. The law enforcement agency may mail a warning or a citation to the vehicle owner. The person who receives the citation may pay a fine or choose to contest the charge in District Court. [HB 462](#), the original companion bill, remains in a House committee. Another measure on the same subject was withdrawn earlier this session ([HB 1106](#)).

Free Ridership for State Employees

As amended and passed by the House, [HB 985](#) requires the Maryland Transit Administration to offer employees of the Legislative and Judicial branches free ridership as is currently offered to employees of the Executive Branch of State government.