



REPORT FROM STATE CIRCLE
 Published by the League of Women Voters of Maryland, Inc.
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February 12, 2015

Editor: Judith Heimann
Issue No. 2

Maryland General Assembly website: <http://mgaleg.maryland.gov>

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ELECTIONS

HB 224/SB 192 Voters’ Rights Protection Act 2015 (Rosenberg plus 8/Pinsky) has been introduced into the General Assembly in various forms over the past 5 years. It authorizes the Attorney General to institute a case for injunctive relief in circuit court to prohibit a person from engaging in specific violations of election law relating to a pending election. Examples of the type of violations included are attempting to prohibit or dissuade voters from voting or influencing a voter’s voting decision through the use of force, threat, menace, bribery, intimidation or offer of reward. In 2013 the bill passed the House and received a Senate hearing, but no further action was taken. In last year’s session, it was heard in a House Committee, but no further action was taken. Hrg 2/11 W&M

HB 141 Election Law – 2016 Primary Presidential Election – Early Voting (O’Donnell) adds days of early voting only for the 2016 Presidential primary election. The bill proposes that early voting be available from the second Thursday before the election through the second Saturday before the election and the second Monday before the election through the Thursday before the election. Hrg 2/11 W&M

Another bill proposing to change the days of early voting for all future elections is **HB 218 Election Law – Days of Early Voting** (Morhaim plus 5). Currently, early voting is available from the second Thursday before a primary or general election through the Thursday before the election. HB 218 would change this to the Thursday before the election to the Sunday before the election.

An attempt to encourage the use of casting ballots by mail (absentee voting) is **HB 226 Election Law – Casting of Ballot by Mail – Public Communications**, (Morhaim plus 20). The bill would require the State Board of Elections and local election boards to emphasize in public communications (including internet sites, specimen ballots, voter notification card mailings, absentee ballot application, public service media announcements) that no reason is required to vote absentee, such ballots are counted in the same manner as all other ballots, voting by mail is a secure method of voting and is convenient because it affords a voter ample time to review the ballot and allows a voter to avoid possible wait times at a polling place. Hrg 2/18 W&M

SB 97 Election Law – Death of Voter Before Canvass – Counting of Ballot (Norman plus 10) would require that an absentee ballot cast by a voter who dies before the ballot is canvassed is to be counted unless it is rejected for a reason other than the voter's death.

SB340 Election Law – Voting Rights – Ex-Felons (Conway) would alter the definition of persons eligible to register to vote by removing the requirement that a person who has been convicted of a felony must complete parole or probation before being qualified to register. SB 340 states that a person is not qualified to be a registered voter if he/she is currently serving a court-ordered sentence of imprisonment. Hrg 2/26 EHEA

Lu Pierson

BUDGET

HB 70/SB 55 Budget Bill (Fiscal Year 2016) (Speaker of the House and President of the Senate by Request of the Administration) Initial reports about the budget which was released on January 23rd, praised it as a moderate attempt to get spending under control and address the ongoing structural deficit. A structural deficit occurs when anticipated growth in revenue does not meet anticipated spending needs. The Governor's plan proposed 16.2 billion in spending which is an increase of 1 1/2%. It more than meets the Spending Affordability Guidelines and reduces spending to below the estimate of the Board of Revenues.

However, the budget contains many elements that have advocates for education, services to vulnerable populations, environmental protection and public safety worried. Many legislators are also expressing grave concerns.

The key features that are causing worry are the cuts to education and the 2% across the board cut to all state agency spending. Warren Deschenaux, chief budget analyst for the Maryland General Assembly said at a briefing for the Budget and Taxation and Appropriations Committees, "That is a very dangerous, in my estimation, approach to budgeting." He pointed out that some agencies spent more than budgeted in 2015 due to unanticipated expenses such as \$38.5 million by the Department of Corrections for items such as inmate medical expenses, overtime, and food and utility costs. How does a department that can't currently meet its budget, cut 2%? This 2% cut to state agencies is on top of a proposed reduction of the state work force by 500 positions and the nixing of a negotiated modest cost of living increase and other negotiated compensation adjustments. Deschenaux suggested that cuts may be in order but they should be done strategically not with a broad brush.

Of concern to all education advocates is the proposal to freeze the per pupil spending amount at last year's level and allow it to rise by only 1% a year in the foreseeable future. Increased costs due to inflation and negotiated salary increases leave school districts across the state with little choice other than cutting programs, increasing class size or raising additional revenue locally. The proposal to cut the Geographic Cost of Education Index by half (a \$65 million reduction) which primarily impacts schools in the Baltimore region and Prince George's and Montgomery Counties has educators in those districts worried. Gambling on video lottery terminals was supposed to give education funding a shot in the arm but revenue from that source was \$54 million below what was anticipated. The fact that table games exceeded revenue projections by \$26 million did not make up for this which means that General Fund revenues will have to be used to supplement these special fund revenues.

This is a breakdown of the proposed 2016 aid to local governments (\$ in millions):

| | FY 2016 State Aid | Percent of Total | FY 2016 \$ Change | Percent Change |
|----------------------------|--------------------------|-------------------------|--------------------------|-----------------------|
| Public Schools | \$5,360.5 | 76.0% | \$16.4 | 0.3% |
| Libraries | 52.0 | 0.7% | 1.2 | 2.5% |
| Community Colleges | 250.1 | 3.5% | -0.1 | 0.0% |
| * County/Municipal | 515.4 | 7.3% | -21.0 | -3.9% |
| Subtotal Direct Aid | \$6,219.8 | 88.2% | \$ -3.5 | -0.1% |
| Retirement Payments | 831.4 | 11.8% | 34.0 | 4.3% |
| Total | \$7,051.1 | 100% | \$30.5 | 0.4% |

*includes funds for transportation, public safety, Program Open Space and other grants.

HB 72/SB 57 Budget Reconciliation and Financing Act of 2015 (Speaker of the House and President of the Senate by Request of the Administration) also known as the BRFA contains all of the previously passed legislation that will need to be modified by the General Assembly in this session in order to enact the Governor's Budget as proposed. This would include transferring funds from previously established accounts such as the Local Income Tax Reserve Account, the Transfer Tax, some of the Program Opens Space Funds, Lawton Conservation Loan Fund, Waterway Improvement Fund and others into the General Fund. The BRFA also proposes reductions to negotiated wage increases, the Per Pupil Education funding formula, repealing Program Open Space repayment legislation, reducing the Community College funding formula and other formulas. Instead of making transfers to the General Fund, this budget also proposes some "Fund Swaps". It proposes using funds from the MD Health Insurance Plan and the Cigarette Restitution Fund to fund Medicaid. The portion of Video Lottery Terminal funding that was supposed to help the jurisdictions where these facilities are located deal with impacts of having them there, would instead go to offset the lack of projected gambling revenue for education. The Housing Counseling Fund would be used to fund various other housing programs. If the General Assembly does not enact these and other proposals in the BRFA, the budget would be out of balance by \$502.1 million. As reported earlier, the legislature has no constitutional authority to move around allocations to various line items in the budget. However, they may be able to negotiate such moves with the Governor (who can issue supplemental budgets with line item changes) as part of the negotiations over the BRFA.

Nancy Soreng

TAXES

HB 221/SB 73 Commission on Tax Policy, Reform, and Fairness (Dumais/Feldman) Introduced in 2014 session as: **HB 554**. The Commission will have Senate and House co-chairs. It will study, consider, and make recommendations regarding tax policy: (1) study the current revenue structure of the State, including income, sales, corporate, motor fuel, excise, and property taxes, tax exemptions and credits, and fees; (2) review the academic and economic research on state and local tax policy to assist in the overall assessment of efficacy, fairness, and competitiveness of the current revenue structure of the State; (3) review the structure of neighboring jurisdictions for the purpose of evaluating the regional competitiveness of the State's tax structure; (4) consider the nature of the State's economy and the importance of service and professional businesses to economic development; (5) consider whether or not the current revenue structure of the State should be reformed, modified, and modernized; and (6) make recommendations regarding changes to the State's revenue structure. Hrg 2/24 W&M

SB 10 Motor Fuel Tax Rates - Consumer Price Index Adjustment - Repeal (Brochin) Under current law, beginning in 2013, motor fuel taxes are adjusted annually based on inflation, as measured by the Consumer Price Index (CPI), for all fuels except aviation or turbine fuel. **SB 10** would repeal that requirement for future years. Hrg 2/4 B&T

SB 47 Election Law - Fair Campaign Financing Fund - Income Tax Checkoff (RSC-1). Hrg 2/4 B&T

SB 108 Tobacco Taxes - Healthy Maryland Initiative (Leudtke) Cross-filed with **HB 37** (RSC-1). Hrg 2/4, B&T

Doreen Rosenthal

CAMPAIGN FINANCE

HB 85 Real-Time Transparency Act of 2015 (Carr plus 14) would require a political committee to file a campaign finance report within 48 hours of receiving any contribution, loan, or transfer from another political committee that is \$1,000 or more during an election year. The legislation requires the political committee to identify the name of the contributor and the date and amount of the donation or loan. A fine of \$10 per day (or fraction of a day) would be charged for each day the reporting of such contributions is late. However, the maximum penalty would be \$500. This would not replace any campaign financing reporting requirements that are currently in place. Hrg 2/18 W&M.

HB 219 Independent Expenditures and Electioneering Communications--Registration and Reporting (Morhaim plus 5) would lower the threshold for reporting independent expenditures. An independent expenditure occurs when funds are spent on a political campaign communication that expressly advocates the election or defeat of a clearly identified candidate that is not made in cooperation or consultation with or the candidate or candidate's authorized election committee or a political party. Currently independent expenditures of \$5,000 or more in an election cycle must be reported within 48 hours. This legislation reduces the reporting threshold to \$1,000. Currently, a report must also be filed when an aggregate of \$10,000 has been spent. This bill requires a report of aggregate expenses to be filed when \$5,000 has been spent. Hrg 2/18 W&M.

HB 239/SB 271 Election Law - Use of Campaign Funds for Meeting and Conference Expenses (Howard plus 10/ Kelley plus 19) would allow elected officials and candidates to use funds from a campaign account to pay for travel, lodging, meals, and registration expenses associated with attendance of meetings or conferences focused on legislative issues, process, or public policy analysis that is pertinent to the office the elected official holds or that the candidate seeks. This bill has been introduced before and did not go anywhere. However, there are considerably more co-sponsors this year. Hrg 2/18 W&M; Hrg 2/19 EHEA.

SB 153 Corporations - Political Expenditures - Stockholder Approval (Raskin plus 15) would prohibit corporations from using any money or other property in connection with a political expenditure without the advanced authorization of a majority of their shareholders. The shareholders would have to authorize the specific amount and purpose of the expenditure at an annual or special meeting of the shareholders. The bill does not say, but I would assume that the same proxy procedure would be in place for such decisions as is in place for other business decisions made by a Board of Directors of a corporation. The bill also requires notification to all shareholders within 48 hours after the political expenditure is made as well as posting that information on their web-site and reporting it in their annual report. Hrg 2/19 EHEA.

Nancy Soreng

REDISTRICTING REFORM

HB 267 Legislative and Congressional Districting - Standards and Procedures (Afzali, et al.) This bill proposes an amendment to the Maryland constitution that would change the redistricting process for both the General Assembly and Representatives in Congress. The first section would require that delegates be elected from single-member districts, unlike the current system in which most districts elect one senator and three delegates. The amendment proposed by the bill would replace the existing process under which the Governor draws a legislative districting plan for presentation to the General Assembly and substitute a committee for drawing legislative district lines. The five members of the legislative redistricting committee would be chosen by the party leaders in the General Assembly, with the requirement that the fifth member be an unaffiliated voter selected by mutual agreement of the legislative leaders. Although several legislative officers are barred from serving on the redistricting committee: President of the Senate, the Speaker of the House, the Majority and Minority Leaders, and the Majority and Minority Whips; other members of the General Assembly would be allowed to serve. The legislative districting committee would present its plan to the General Assembly, which would have 45 days in which to adopt a redistricting plan, otherwise the redistricting committee's plan would become law. Interestingly, a plan adopted by the General Assembly would be required to conform to provisions that legislative districts be compact, contiguous, and give "due regard" to natural boundaries and existing political boundaries, but the redistricting committee's plan would be exempt from this requirement. The bill also proposes a new constitutional provision for drawing congressional district lines, with a committee chosen in the same manner as the legislative redistricting committee. An individual would be allowed to serve on both the congressional and the legislative redistricting committee (thus, it is possible the two committees could be identical). The congressional redistricting committee would be required to present its plan to the Governor, but the bill does not specify whether the Governor would be required to present the plan to the General Assembly for approval. The bill does not impose requirements for the districts except that they would be required to conform to federal and state law, but this does not appear to include the requirements applicable to state legislative districts that they be compact, contiguous, and give due regard to natural and political boundaries. The bill was referred to the Committee on Rules and Executive Nominations.

Ralph Watkins

TRANSPARENCY IN GOVERNMENT

SB 695 General Provisions-Public Information Act-Enforcement, Fees and Exemptions (Raskin) provides the public with improved access to government funded information on health, safety, natural resources, civil liberties, and how government funds and subsidies are spent. With the passage of this proposed legislation, Maryland law would provide that (1) fees for obtaining government records be standardized; (2) that oversight of responses to public requests be improved and (3) loopholes in exemptions from disclosures be closed. This legislation provides for a Public Information Compliance Board (similar to the Open Meetings Compliance Board) to receive complaints from the public about the failure of an agency to meet the requirements of the Maryland Public Information Act. Hrg 3/6

Barbara Schnackenberg

ENVIRONMENT: HYDRAULIC FRACTURING**Marcellus Shale Hydraulic Fracturing**

The LWVMD supports legislation for a long-term moratorium on hydraulic fracturing in Maryland to allow for sufficient data to assess the full impacts of fracking and for regulations to protect the people of Maryland from those impacts.

SB 29 Environment – Hydraulic Fracturing – Prohibitions (RSC 1)

SB 409 Protect Our Health and Communities Act - (Montgomery and Raskin plus 10) The text of the bill is not available at this time, but it is expected to support a long-term moratorium on fracking in Maryland. EHEA

SB 438 Environment - Well Drilling- Notice to Municipalities - (Middleton) The text of the bill is not available. EHEA

SB 458 Civil Actions - Hydraulic Fracturing Liability Act (Zirkin and Raskin) The text of the bill is not available. JPR

Betsy Singer

ENVIRONMENT: LAND USE

SB 134 Open Space Incentive Program - Payments to Counties (Edwards, et al) would give counties an outright payment for nontaxable State parks, forests and wildlife management areas in their county. Presently, the counties receive a percentage of the revenue from concession operations in those areas. This bill would stop that practice and give the counties a certain dollar amount for every unit of eligible land in their county. Hrg 2/11 B&T

Susan Cochran

ENVIRONMENT: RENEWABLE ENERGY STANDARDS

HB 378 Renewable Energy Portfolio Standard - Qualifying Biomass (Young, K.) would limit the eligibility of a waste product from the wood and pulp industry as a Tier1 renewable Source for the renewable energy portfolio (RPS). The RPS is a law that mandates utilities to purchase increasing amounts of renewable energy. When this legislation was first passed, wood waste was considered renewable as trees can be regenerated more quickly than fossil fuels. However, the burning of wood waste releases more pollutants than wind, solar or geothermal sources. This bill was before the General Assembly last session and was strongly opposed by labor because they were concerned that if it passed, sawmills would go out of business and jobs would be lost. EM

SB 154 Renewable Energy Portfolio Standard - Thermal Energy (Middleton) alters the renewable energy portfolio standard for specified years and provides for specified thermal energy sources to be thermal tier energy sources. The bill also requires an electricity supplier to meet the renewable energy portfolio standard by accumulating a specified amount of renewable energy credits and thermal renewable energy credits. Hrg 2/17, 1 p.m. FIN

SB 353 Electric Companies - Installation of Solar Electric Generating Facility - New Interconnection Agreement (Hershey) requires a person who is negotiating a specified solar installation and interconnection contract with a customer to contact the customer's electric company to determine whether the electric company is accepting new interconnection agreements in the customer's property area and to notify the customer of this determination before the contract is executed. Hrg 2/17 FIN

SB 373/HB 377 Renewable Energy Portfolio Standard - Revisions (Maryland Clean Energy Advancement Act of 2015) (Feldman plus 15/Frick plus 45) alters the minimum required percentage of energy that must be derived from Tier 1 renewable sources in the State's renewable energy portfolio standard in specified years; altering the minimum required percentage of Tier 1 renewable energy that must be derived from solar energy in the State's renewable energy portfolio standard in specified years; establishing renewable energy portfolio standards for 2018 to 2025; applying the Act

prospectively; etc. Similar to SB154, this bill also appears to limit offshore wind energy to 2.5% of the portfolio in perpetuity. Hrg 2/24, 1 p.m. FIN

SB 398 Public Service Commission - Community Solar Projects or Virtual Net Energy Metering - Study (Pugh) requires the Public Service Commission to convene a stakeholder workgroup to study and make recommendations on the establishment of a program to allow specified customers to participate in community solar projects or virtual net energy metering, requiring the workgroup to examine specified matters relating to the establishment of a specified program. It also requires the Commission to report to the General Assembly on or before December 1, 2016 and provides for the termination of the Act at the end of June 30, 2017. Hrg 2/24, 1 p.m. FIN

SB 9 Gas and Electricity - Smart Meters - Customer Rights and Required Reports (McFadden) requires a utility company to give written notice to customers prior to deploying smart meters throughout all or a portion of the utility company's service territory. It prohibits a utility company from imposing any additional fee or charge on a specified customer who refuses installation of a smart meter or requests removal of a smart meter. The Public Service Commission and the Department of Health and Mental Hygiene must report regarding smart meters. Hrg 2/17, 1 p.m. FIN

SB 256 Maryland Shoreline Risk Assessment, Preparation, and Adaptation Act (Pinsky plus 17) requires a utility company to give specified written notice to specified customers prior to deploying smart meters throughout all or a portion of the utility company's service territory; prohibiting a utility company from imposing any additional fee or charge on a specified customer who refuses installation of a smart meter or requests removal of a smart meter; requiring the Public Service Commission and the Department of Health and Mental Hygiene to make specified reports regarding smart meters; etc. Hrg 2/17, 1 p.m. EHEA

SB 258 Maryland Commission on Climate Change (Pinsky plus 28) establishes the Commission on Climate Change in the Department of the Environment to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change. It also establishes the Membership of the Commission and requires the Commission to create working groups. A report to the Governor and General Assembly is due on or before November 15 each year. Hrg 2/17, 1 p.m. EHEA

SB 262/HB 323 Maryland Building Performance Standards - Energy Codes - Local Authority (Jennings) authorizes a local jurisdiction to adopt amendments to the Maryland Building Performance Standards that are equivalent to the requirements of specified international energy conservation and energy efficiency codes. Hrg 2/17, 1 p.m. FIN

SB 382 Electric Companies - Customer Choice of Electricity Supplier - Smart Meters (Hershey) requires regulations or orders to specify timing for an electric company to process a transaction for enrollment from an electricity supplier. It also requires an electric company, if a customer has a smart meter, to process a transaction for enrollment from an electricity supplier to be effective within three business days after receiving the transaction from the electricity supplier. Hrg 2/17, 1 p.m. FIN

Hugh Haskell

ENVIRONMENT: STORM WATER, POLLUTION & THE BAY

HB 366 Tax Sales – Delinquent Water Bills – Prohibition (Conaway) alters a definition of "tax" to exclude liens against real property arising from any unpaid water, sewer, or other sanitary system charges, fees, or assessments; and prohibiting Baltimore City from selling a property at tax sale for unpaid charges for water and sewer service. Hrg 2/24, 1 p.m. ENV

SB 133/HB 15 Environment – Bay Restoration Fund – Use of Funds (Edwards/Alleghany Co.) authorizes funds in the Bay Restoration Fund, in fiscal years 2016 and thereafter, to be used to pay a 87.5% of the total cost of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading specified conveyance systems; and generally relating to the use of funds in the Bay Restoration Fund, Hrg 2/10, 1 p.m. EHEA; Hrg 2/11, 1 p.m. ENV

SB 163 Agriculture - Neonicotinoid Pesticide - Labeling Requirement (Pollinator Protection Act of 2015) (Nathan-Pulliam plus 4) prohibits a person from selling in the State seeds, material, and plants that have been treated with a

neonicotinoid pesticide unless the seeds, material, and plants bear a label with a statement. It would also prohibit a person from selling in the State, on or after January 1, 2016, a neonicotinoid pesticide unless the person also sells a restricted-use pesticide. Except specified individuals, persons are prohibited from using neonicotinoid pesticide on or after January 1, 2016; etc. Hrg 2/17, 1 p.m. EHEA.

SB 200/HB 216 Environment – Personal Care Products Containing Synthetic Plastic Microbeads – Prohibition on Manufacturing or Sale (Conway/Morhaim) prohibits a person from manufacturing for sale or accepting for sale a personal care product or an over-the-counter drug that contains synthetic plastic microbeads on or after specified dates. Hrg 2/24, 1 p.m. EHEA; Hrg 2/18, 1 p.m. ENV

SB 256 Maryland Shoreline Risk Assessment, Preparation, and Adaptation Act (Pinsky et al.) requires the Department of Agriculture (MDA) to conduct a comprehensive assessment of the impacts of climate change on agriculture in the State on or before July 1, 2016; the assessment would be required to examine the latest climate science, quantify the economic impact of each potential climate change risk on agriculture, recommend preparation and adaptation strategies to lessen the impact, and identify ways in which MDA may provide technical assistance to farmers; requiring MDA to update its assessment every five years and to make it publicly available on its website. Hrg 2/17, 1 p.m. EHEA

SB 257/HB 381 Agriculture - Nutrient Management - Phosphorus Management Tool (Pinsky plus 15/Lafferty plus 41) incorporates by reference specified nutrient management plan requirements in the Maryland Nutrient Management Manual of the Department of Agriculture and any supplements to the Manual; establishing specified content and criteria for a nutrient management plan developed for an agricultural operation; providing that a specified agricultural certification does not prevent the application or enforcement of specified provisions of law; etc. Hrg 2/24, 1 p.m. EHEA/
Hrg 2/25, 1 p.m. ENV

SB 258 Maryland Commission on Climate Change (Pinsky, et al) requires the Commission on Climate Change in the Department of Environment (MDE) to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change. [MDE and the Department of Natural Resources would jointly staff the Commission. The Chair of the Commission would be the President of the University of Maryland Center for Environmental Science, or his designee. The twenty members of the Commission would include the State Treasurer, the Secretaries of Environment, Agriculture, Natural Resources, Planning, and Transportation or their designees. Other members would be the State Superintendent of Schools, the Secretary of General Services, the Director of the Maryland Energy Administration. Also, one public health expert and a climate change expert representing a university located in Maryland, two appointees from local governments, two appointees from local businesses, two appointees from environmental nonprofit organizations round out the Commission. Four working groups will be established. On or before November 1 of each year, the Commission shall report to the Governor and General Assembly.] Hrg 2/17, 1 p.m. EHEA

SB 345 Income Tax - Subtraction Modification - Enhanced Agricultural Management (Middleton and King) alters a specified definition as it relates to a subtraction modification under the Maryland income tax to allow the subtraction if a specified nutrient management plan is prepared by an individual with a specified certification instead of a specified license; altering a specified definition to include specified manure loading or hauling and commercial fertilizer application equipment; applying the Act to taxable years beginning after December 31, 2014; etc. B&T

SB 401/HB 341 Underground Utility Damage Prevention – Connecting Buildings to Sewerage Systems – Detectable Wires (Astle, et al.) requires that any new or replacement piping that is buried or installed for the purpose of connecting a building to a sewerage system be buried or installed with an insulated copper tracer wire that is suitable for direct burial and has an American wire gauge (AWG) of at least 10, or an equivalent product that make the piping detectable. It also requires that the wire buried or installed with the piping meet specified product and installation criteria, and run from specified locations along the piping and sewerage system. Hrg 2/24, 1 p.m. FIN; Hrg 2/19, 1 p.m. ECM

SB 438 Environment – Well Drilling – Notice to Municipalities (Middleton) repeals the requirement that a well driller, when applying for a permit to drill a well, notify a municipality under certain circumstances. It requires the Department of the Environment to notify a municipality of an application for a permit to drill a well under specified

In 2015, Trash Free Maryland is proposing that **Maryland ban plastic bags and put a small fee on paper bags, motivating consumers to use reusable bags**, saying that the program pays for itself, reduces litter (and the inherent cleanup costs), and saves retailers money. The first state to ban plastic bags was California in 2014.

Update on Bills Reported in RSC 1:

SB 28/HB 302 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund—Chesapeake and Atlantic Coastal Bays 2010 Trust Fund—Use of Funds. A constitutional bill. Hrg 2/18, 1 p.m. ENV introduced in 2014 session as: SB 1116; no report yet from Feb. 3 EHEA hearing. Would require a referendum if passed.

SB 85 Clean Waterways Tax Credit Act. Hrg 2/11, 1 p.m. B&T

Linda Silversmith

TRANSPORTATION

HB 271 Vehicle Laws – Speed Monitoring Systems – Quarterly Audits (W. Miller, et al.) would require local jurisdictions to have qualified, independent persons verify speed monitoring systems. Introduced again because of previous problems in various jurisdictions. Similar to HB 1288 of 2014. Hrg 2/19, 1 p.m. E&T

HB 300 Department of Transportation – Washington Metropolitan Transit Authority Services – Utilization Study (Korman, et al.) would require the DOT to study WMATA's bus, rail and subway transportation using data no older than two years to more accurately identify ridership information. E&T

HB 339/SB 413 Vehicle Laws – Race-Based Traffic Stops – Policy and Reporting Requirements (Carter, et al.) would require law enforcement officers to record pertinent information that would be sent to the Maryland Statistical Analysis Center, then used for police training and reported to the General Assembly. Hrg 2/19, 1 p.m. E&T

HB 357 Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child (B. Barnes, et al.) Prohibits anyone in a vehicle from smoking if a child under the age of eight is a passenger. Fines would be assessed, but no points given for infractions. Previously introduced as HB 585 in 2014. Hrg 2/19, 1 p.m. E&T

HB 423/SB 212 Driving Under the Influence – Ignition Interlock System Program (K. Young, et al.) would require a person convicted of being under the influence of alcohol while driving to successfully complete the Ignition Interlock System Program. Similar to HB 1288 of 2014. Hrg 3/04, 1 p.m. JUD

SB 371 State Highway Association (SHA) – Bicycle and Pedestrian Priority Areas (Rosapepe, et al.) Provides a structure where the SHA and local jurisdictions can designate priority areas for bicycles and pedestrians prior to when a plan is to be implemented. FIN

Barbara Ditzler

ADMINISTRATION OF JUSTICE

HR 111/SB 332 Judgeships - Circuit Courts and District Courts (Speaker, President) adds one Circuit Court judge each in Baltimore, Charles, Montgomery and Prince Georges counties and Baltimore City and one District Court judge in District 5 (Prince Georges) and District 6 (Montgomery). A similar bill was passed by the House of Delegates in the 2014 session, but did not make it to the Senate floor. Hrg 2/12, 2 p.m. JUD; referred to JPR and B&T.

HR 346 Altering References from Master to Magistrate (Morales) Changes the title “Master” to “Magistrate” in certain legislation. Hrg 2/25, 1 p.m. JUD

HR 361 Criminal Procedure - Government-Funded Legal Representation - Initial Appearance (Vallario, et al.) proposes a Constitutional Amendment providing that indigent defendants entitlement to government funded legal representation will be determined by statute and court rule, not by a constitutional provision; this responds to the Court of Appeals order to provide counsel to defendants at an initial appearance (RSC 1). JUD

HR 402/SB 188 Task Force to Study the Establishment of Health Courts (Rosenberg, Pugh) the Task Force would

study the efficacy and cost of Health Courts to hear medical malpractice cases. JUD

SB 367 Circuit Court Judges - Selection, Qualifications, and Term of Office (Kelley, et al.) amends the Constitution by repealing the election of Circuit Court judges, and requiring that the Governor, with Senate consent, fill Circuit Court vacancies by appointment for a term of 10 years or until the judge reaches the age of 70, and reappointment after the term expires. The amendment gives the Governor the option of appointing a diverse advisory committee to evaluate prospective judges. The LWVMD opposes the election of judges, and supports the amendment. JPR

Marlene Cohn

GUN CONTROL

The effort to weaken **The Firearms Safety Act of 2013 (SB 281/ HB 294)** continues with **HB 160** and **HB 189** - cross filed with **SB 261**.

HB 160 Handgun Locking Devices - Repeal Exclusivity of Internal Locks (Vitale, et. al.) Introduced in 2014 as **HB 713**, **HB 160** proposes to change the current safety requirements by allowing additional methods of locking guns. First Reading JUD

HB 189 Public Safety - Handgun Permit Background Investigation - Armored Car Company Employees (Cluster) Cross-filed with: **SB 261** (Jennings). Introduced in 2014 as: **SB 283**. Lowers the bar for handgun permits by Authorizing the State Police to accept a background investigation performed on behalf of an armored car company in place of a criminal history records check performed by the Department of Public Safety and Correctional Services. First Reading: Senate JPR, House JUD.

Doreen Rosenthal

CHILDREN AND FAMILIES

Family Law

HB 163 Child Support – Adjusted Actual Income – Multifamily Adjustment (Del Dumais) This bill will alter the definition of “adjusted annual income” under the State child support guidelines by requiring the calculation of an allowance for the support of other children in a parent’s home for whom the parent has a legal duty of support (but no child support order) and the subtraction of such allowance from the parent’s actual income before the court determines the amount of a child support award. Hrg 2/12 JUD

HB 171/SB 150 Courts – Child Abuse and Neglect – Waiver of Reunification Efforts (Dels Afzali and Valentino-Smith/Hough and Young) This bill expands the list of circumstances under which a local department of social services may ask the court in a child in need of assistance proceeding to find that reasonable reunification efforts are not required. Hrg 2/12 JUD; Hrg 2/12 JPR

HB 220/SB 273 Maryland Collaborative Reproduction Act (Dumais, Kittleman and Moon/Kelley) The purposes of this bill are to establish consistent standards and safeguards for children who are born as a result of collaborative reproduction and intended parents, gestational carriers, gamete donors, and embryo donors involved in collaborative reproduction; and to establish consistent procedures for ensuring that the legal status of children born as a result of collaborative reproduction is protected; and to facilitate the use of collaborative reproduction in accordance with the public policy of the State. Hrg 2/12 JUD; Hrg 2/18 JPR

HB 225/SB 269 Domestic Violence – Additional Relief (Dumais plus 14/Lee plus 12) This bill expands the relief that may be awarded in an interim protective order to include any other relief that a District Court Commissioner determines is appropriate and the relief that may be awarded in a temporary or final protective order to include any other relief that a judge determines is appropriate. Current law contains very specific and enumerated forms of relief available to the petitioner in a protective order proceeding, but provides very little flexibility to grant other forms of relief. This bill will give district court commissioners and judges the opportunity to order additional forms of relief that are appropriate to particular petitioners (such as ordering the respondent to maintain the petitioner and children on the respondent’s health insurance policy). 1st reading JUD, Hrg 2/18 JPR

HB 227 Family Law – Domestic Violence – Definition of Abuse(Del Angel plus 37) This bill expands the definition of abuse to include harassment, trespass, and malicious destruction of property in specified sections of the Code. 1stt reading. JUD

Update on bills reported in RSC 1

SB 78 Rape Survivors Family Protection Act. Hrg 2/05 JPR

Judy Morenoff

MEETING BASIC HUMAN NEEDS

Paid Sick Leave

HB 385 Labor & Employment-Maryland Healthy Working Families Act (Clippinger) is the House version of SB 40. Hrg 2/13 EM

Housing

SB 58 Housing & Community Development-Notice of Proposed Projects (Simonaire) requires the Department of Housing and Community Development to provide written notice and a reasonable opportunity to comment to the Senate and House delegations for the county in which a proposed community development or public purpose project is located. It was heard in Education, Health & Environmental Affairs on Feb. 3.

Update on Bills Reported in RSC 1:

HB 4 Maryland Wage & Hour Law-State Minimum Wage-Increase, Hrg 2/17 ECM

HB 33 Housing & Community Development-Community Development Projects & Public Purpose Projects, Hrg 2/17 ET

SB 40 Labor & Employment-Maryland Healthy Working Families Act was heard in Finance on Feb. 3, The LWV submitted testimony in support of the bill.

Ruth Crystal

HEALTH

The Maryland Health Benefit Exchange Open Enrollment period ends next Sunday, February 15. The Health Exchange has sent letters to those enrolled last year with the information needed to file their taxes. This is important so they are not penalized for not signing up during the prior year.

The Health and Human Services (HHS) announced clear goals and a timeline for shifting Medicare reimbursements from volume to value. They set a goal of tying 30 percent of fee-for-service payments to quality or value through alternative payment models such as Accountable Care Organizations (ACOs) or bundled payments by the end of 2016. Many of the hospitals in Maryland are already moving in this direction in response to changes in the All-payer System implemented beginning last year. HHS set a goal of tying 85 percent of all Medicare payments to quality or value by the end of 2016 and 90 percent by 2018. These changes will have a profound effect on hospitals throughout the state.

HB 108/SB 37 Tobacco Taxes – Healthy Maryland Initiative (Luedtke and Madaleno) has been assigned to both House Ways and Means and Economic Matters and to the Senate Budget and Taxation Committee. The Senate hearing was held last week. The bill would raise the tax on cigarettes to \$3 per pack, and also raise the tax rate on other tobacco products. The bill is likely to have a rough ride in both houses unless the income from the tax could be used for Medicaid funding.

HB 181/SB 69 State Board of Pharmacy – Sterile Compounding - Compliance by Nonresident Pharmacies and Repeal of Permit Requirement (Hill/Conway) would repeal the State permit requirement and fees for reconstituting and mixing medications. The State requirements have been superseded by Federal legislation and regulations. The bill is very important to certain specialties because it has curtailed their ability to provide medications for their patients. The bill has been assigned to HGO in the House and Education, Health and Environmental Affairs (EHEA) in the Senate. Delegate Hill is one of the three physicians in the House and on HGO and Senator Conway is Chairman of EHEA.

HB 230/SB 92 Health Insurance - Assignment of Benefits and Reimbursement of Nonpreferred Providers - Repeal of Termination Date (Hammen/Middleton) would make the Assignment of Benefits law passed in 2010, with a termination date of September, 2015 permanent. For the last five years, patients seen in the hospital by a non-participating physician have been able to assign their insurance benefits to the physician. This means the insurance company or HMO pays the physician the insurance reimbursement rather than the patient. It also set payment formulas. It was heard in the Senate Finance Committee on February 5. Just before the hearing, the League of Life and Health Insurers of Maryland, Inc., which represents Aetna, Cigna and United, offered an amendment to alter the payment formulas outlined in the original law. Hrg 2/12 HGO

SB 119 Health Maintenance Organizations – Premium Tax and Transfer of Premium Tax Exemption Value – Repeal (Brochin) would repeal the premium tax paid by HMOs. For many years, HMOs were not compelled to pay a premium tax as carriers are. This bill would repeal the HMO portion of the tax. The tax collected is transferred to the Medicaid system, so it is important to maintain it. The hearing, scheduled for February 11 in Senate Finance, has been cancelled.

HB 3 Prescription Drug Monitoring Program - Prescribers and Dispensers - Required Query (prefiled by K. Schulz), would require all physicians prescribing a scheduled drug to query the Prescription Drug Monitoring Program (PDMP) or face disciplinary sanction. The original sponsor Kelly Schulz was appointed Secretary of Labor and Licensing, so the bill was supported by Delegate Jameson. The emergency physicians could be overwhelmed by the requirement and so would the program, which is used by 8,000 physicians now. However there are more than 32,000 physicians practicing in the state, many rarely prescribing a scheduled drug. Querying is also more appropriate for certain scheduled drugs (often sold on the street) rather than all scheduled drugs. The bill was heard in HGO on 2/5.

Update on Bills Reported in RSC 1:

HB 9/SB 105, Maryland Home Birth Safety Act (Kelly and Middleton) (RSC 1) delineates a new category of midwives in the Health Occupations Article as a “Direct Entry Midwife”. Hrg 2/11 HGO

HB 56/SB 152 Tanning Devices – Use by Minors – Prohibition (Reznik, RSC 1/Raskin, et al) forbids minors from using commercial tanning salons. A hearing was held on February 5, which lasted two hours. The bill has been submitted for several years, but the medical community has been working on it in the interim. Hrg 2/11 FIN

Neilson Andrews

EDUCATION

Funding

HB 215/SB 183 Education –Geographic Cost of Education- Requirement (Luedke plus 59/King plus 14) makes the GCEI required so that county boards of education receive a specified grant to reflect regional differences in the cost of education due to factors outside of their control. It removes the option to cut this funding if there are insufficient funds in the budget. Hrg 2/19 W&M; Hrg 2/11 B&T

SB 334 The Hunger-Free Schools Act of 2015 (Madaleno plus 6) allows a school system to use the number of students who qualified for free and reduced price lunches in the previous fiscal year as a basis for calculating state compensatory education funds if the school participates in a federal community eligibility program for school meals. B&T, EHEA.

While elected officials wrestle with this year’s formulas and appropriations, contractors for the Maryland State Department of Education are conducting a Study of Adequacy of Funding for Education in the State Of Maryland. You can follow the work at <http://www.marylandpublicschools.org/adequacystudy>. The final report is due April 30, 2017.

State Aid to Private and Parochial Schools

SB 363 Great Preschools Tax Credit Program (Bates plus 11) allows an individual or corporation to claim an income tax credit for contributions to an organization that grants scholarships to students in qualified public or private preschools. Household income for recipients cannot exceed 2.5 times the standard for reduced price lunches. B&T

SB 405 Maryland Education Credit (DeGrange plus 14) creates a system whereby a business could get a tax credit by contributing to a student assistance organization which provides grants for qualified education expenses to students attending public or non-public schools. The assistance must prioritize students eligible for Free and Reduced Price Meals (FARMS). The bill establishes a non-lapsing MD Tax Credit Reserve Fund to which the governor may make an annual appropriation of not more than \$15 million. Interest/earnings will be credited to General Fund. B&T. Introduced as SB633 in 2014.

Special Education

HB 344/SB 390 Education - Due Process Hearings for Children With Disabilities - Burden of Proof (Washington plus 28/Montgomery plus10) requires certain public agencies to bear the burden of proof in due process hearings that are held to resolve a dispute relating to the provision of a free appropriate public education unless the parent or guardian is seeking tuition reimbursement for a unilateral placement. Hrg 2/26 W&M/EHEA

Update on Bills Reported in RSC 1:

HB65/SB224 Education - Maintenance of Effort - Lease Payment Exclusion (RSC 1). Hrg 2/5 W&M; Hrg 2/18 B&T.

Lois Hybl