



REPORT FROM STATE CIRCLE
 Published by the League of Women Voters of Maryland, Inc.
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President: Susan Cochran
January 22, 2014

Editor: Judith Heimann
Issue No. 1

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

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GUN CONTROL

HB 36 Public Safety - Handgun Permit - Applicant Qualifications (Smigiel) This bill is part of an ongoing attempt to repeal the requirement that a person has to demonstrate “a good and substantial reason to carry, wear, or transport a handgun” before being issued a permit, if that person meets the other qualifications (e.g., is not a felon, instruction requirement). In March 2013, Federal Judge Benson Legg said that the state requirement that applicants for a permit to carry a weapon show they have “good and substantial reason” to do so “infringes on the right to keep and bear arms.” According to Judge Legg, the existence of the right is all the reason needed. The case is currently pending appeal *en banc* to the Fourth Circuit Court of Appeals after a three-judge panel of the Circuit Court reversed the trial court's decision.

HB 42 Public Safety - Firearms - Application Approval Before Sale, Rental, or Transfer (Cardin) would require written approval by the state police before the sale, rental, or transfer of a regulated firearm to an applicant.

HB 60 Repeal of the Firearm Safety Act of 2013 (Smigiel) This is a 47 page, clause by clause, effort to repeal the landmark Firearm Safety Act of 2013 by its chief opponent.

HB 62 Regulated Firearms - License Issued by Delaware, Pennsylvania, Virginia, or West Virginia – Reciprocity (Smigiel) proposes that a license issued by Delaware, Pennsylvania, Virginia, or West Virginia to an individual to carry a regulated firearm, including a concealed regulated firearm, is valid in Maryland. This is significant because it would allow Maryland residents to purchase regulated firearms in surrounding states that have weaker gun control laws.

HB 90 Regulated Firearms - Disqualifying Crime - Domestically Related Crime (Simmons) would expand the definition of those crimes that disqualify a person from purchasing regulated firearms to include (1) a case in which a person received probation before judgment for a crime of violence other than assault in the second degree, and (2) a case in which a person received probation before judgment in a domestically related crime as defined in 6-233 of the Criminal Procedure Article. Currently 6-233 includes such crimes as assault, car-jacking, kidnapping, and robbery.

HB 94 Criminal Law - Prohibition on Manufacture of Detachable Magazine or Firearm Receiver - 3-Dimensional Printing (Arora) The technology of three-dimensional printing now enables the production of operational firearms components including receivers, that part of the handgun that holds the magazine and the trigger mechanism. In 2013, 3-D printers produced fully operational, high-capacity detachable magazines designed for assault weapons as well as assault weapon receivers. The design files for these components were freely available online. Moreover, many commercially available printers can print materials that are unable to be detected by walk-through metal detectors. This bill prohibits the use of 3-D printers to manufacture firearm receivers.

Doreen Rosenthal

ENVIRONMENT: HYDRAULIC FRACTURING

Marcellus Shale Hydraulic Fracturing

Bills are expected to be introduced in the House and Senate that would extend the moratorium on hydraulic fracturing in Maryland until the studies under the Governor’s Executive Order are completed. The bills are expected to deal with wastewater from hydraulic fracturing; and specify required setbacks for drilling near public drinking water facilities and private drinking water wells. None have been introduced as of 1/20/14.

HB 292 Natural Gas – Hydraulic Fracturing – Prohibition (Shane Robinson et al.) The text of the bill is not available at this time, but a similar bill, **HB 337**, was introduced in the 2013 session. That bill would have prohibited a person from engaging in the hydraulic fracturing of a well for the exploration or production of natural gas in Maryland.

Betsy Singer

ENVIRONMENT: LAND USE

Programs for land preservation are threatened by reduced appropriations in the anticipated budget for fiscal year 2015. The funding for Program Open Space had risen to \$71.8 million last year, but will receive \$61.7 million for 2015, according to a preview of the budget released by the Governor's office last week. In addition, real estate transfer taxes have historically been designated for land preservation, but in recent years have been put in the general fund and used

partially to help balance the budget. The Governor proposes to use \$69 million in real estate transfer taxes to make up revenue shortfalls in the overall state budget. The Governor's office says there is plenty of money in the pipeline to finance anticipated projects, and Governor O'Malley has pledged to use bond sales to replenish the preservation fund.

Susan Cochran

ENVIRONMENT: STORM WATER, POLLUTION & OTHER

Two areas in which LWVMD has already spoken up to oppose modifications to delay, retract, or otherwise change bills are (1) the law requiring fees to help pay for stormwater regulation for 10 major areas of the state and (2) the new bills opposing implementation of the newest version of the phosphate management tool updated by the University of Maryland.

Current bills relating to weakening or repealing the so-called "rain tax" are: **SB 5/HB 97 Stormwater Management - Watershed Protection and Restoration Program – Repeal** (Kittleman/Bates & W. Miller), **HB 155 Environment - Stormwater Management - Exemption From Watershed Protection and Restoration Program** (Krebs plus 3), **HB 50 Stormwater Management - Watershed Protection and Restoration Program – Repeal** (Norman plus 37), and **SB 135 Watershed Protection and Restoration Program - Enforcement by Department of the Environment – Moratorium** (Glassman). Senate President Thomas V. Mike Miller and House Speaker Michael Busch publicly spoke in favor of retaining the legislation enacted in 2012.

Bills weakening the phosphate management tool (PMT) are **SB 27/HB 193 Nutrient Management – Phosphorus Risk Assessment Tool or Index – Economic Impact Analysis** (Mathias/Conway plus 4) and **SB 151/HB 26 Administrative Procedure Act - Fiscal Impact Statements for Proposed Regulations** (Colburn/ McDermott plus 3) .

Bag and Bottle Bills: In a bill sponsored by Senator Raskin (as yet unnumbered), counties would be enabled to establish a five-cent fee for single-use plastic and paper carryout bags to be collected and kept by the counties for environmental cleanup and education. [Montgomery County already has this type of bill.] Senator Frosh has a bill that would provide an incentive for consumers to increase the number of containers returned and recycled by establishing a self-funded returnable deposit program for beverage containers. Consumers would receive 100% of their deposit on return and the state, counties, and Baltimore city would benefit economically. Unredeemed dollars would go to program costs and environmental programs.

Wildlands: On behalf of the governor, Senator Miller is sponsoring a bill to designate new wildlands in Maryland. No new wildlands have been designated since 2002. [no bill number yet]

Power: Maryland has a Renewable Portfolio Standard (RPS) that requires electricity suppliers to buy a growing share of their power from renewable sources. The first of two 2014 bills would close the "black liquor" and inefficient wood waste RPS loophole by requiring eligible biomass to be new and efficient (i.e. much cleaner). The second bill would boost the RPS requirement to 25% by 2020 and 40% by 2025. These bills [numbers not yet provided] are sponsored by Senators Feldman, Madaleno, and Pinsky and by Delegates Barnes and Olszewski.

Help for renters: A bill called "Community Renewable Energy," sponsored by Senator Ramirez and Delegate Hucker, would broaden access to clean energy for renters and others who aren't able to tap into solar and other clean sources at their own homes. Marylanders could pool their resources to participate in these projects through a variety of financing options.

Linda Silversmith

BUDGET AND TAXATION

SB 170/HB 160 Budget Bill (Fiscal Year 2015), SB 172/HB 162 Budget Reconciliation and Financing Act (BRFA) and SB 171/HB 161 Creation of State Debt - Maryland Consolidated Capital Bond Loan of 2014, and the Maryland Consolidated Capital Bond Loans of 2005, 2007, 2008, 2009, 2010, 2011, 2012, and 2013 (President/ Speaker at the request of the Administration)

The state is faced with an unexpectedly large structural deficit of approximately \$400 million in the operating budget due to lower than projected revenues and budget deficiencies accumulated during the current year. (The structural deficit is the increase in costs that exceed revenues for entitlements, mandated increases and wage and price increases.) The

general fund budget is in line with the Spending Affordability Committee's guidelines of 4%, rising by 3.7%, while the overall budget of \$39 billion including federal funds and special funds is proposed to increase by 5%. No new taxes or fees are included in the operating budget. The balancing of the operating budget was achieved, in part, by reducing the \$300 million for pension funding promised to state employees in 2011 to \$200 million in the current year and next year, replacing special funds used for the operating budget with borrowing and savings in employee benefits.

On the revenue side of the operating budget, total available revenue is projected to increase by 4.9% with the largest percentage increases in transportation revenues (11%), the corporate income tax (9%) and the fuel tax (8%). Health expenditures, including costs associated with the affordable care act, constitute 28% of the entire budget. They are expected to increase by 9%, a percentage exceeded only by a 10% rise in transportation expenditures. (Increases in transportation revenues and expenditures are in large part due to the increases in transportation taxes passed in the past Legislative session).

According to the governor's budget document, Medicaid funding of \$8.9 billion will provide health care coverage to more than 1 million additional Marylanders; public education funding will be increased by \$135.6 million to \$6.1 billion; \$42 million will pay for programs supported by the Chesapeake Bay 1020 Fund; \$4.3 million in new funding will expand access to free public pre-kindergarten education; 100 corrections officer positions will be added and \$7.09 billion will provide assistance to local governments (including aid to education).

Further information on the capital budget and BRFA will be provided in the next issue of *Report from State Circle*.

The budget bills will first be considered by the Senate this year. The houses alternate from one year to the next. The Legislature has the power to reduce or restrict particular appropriations to the Executive Branch. Additionally, it may not add to the budget nor may it move money from one program to another. The Governor may, and usually does, submit a supplemental budget later in the session which could increase or decrease the original proposed budget. The Legislature may add funds to the proposed legislative and judicial budgets. The budget must be passed by both houses by the 83rd day of the session. After that, the Governor may call for an extended session if the budget isn't passed by the 90th day.

Barbara Hankins

CAMPAIGN FINANCE

HB 70 Public Funding and Small Donor Act for General Assembly Elections (Cardin) is the same bill that Cardin has been introduced for many years. As in the past, it contains a provision that would allow local jurisdictions to establish funding mechanisms for public financing of the campaigns of local officials such as members of a County Council or County Executive. However, this provision for allowing local enactment of public funding for campaigns was in last year's omnibus **HB 1499/SB 1039 Campaign Finance Reform Act of 2013** that was sponsored by the administration and passed. The primary feature of this bill is the proposal to do away with the fund that is set aside for gubernatorial candidates and use those funds to support the campaigns of General Assembly candidates who raise sufficient small donations to qualify for support. For many years, gubernatorial candidates have felt that the money in this fund would not be sufficient to run a successful campaign so have chosen to raise larger amounts of money from big donors. However, this year, one of the gubernatorial candidates has chosen to use public funding, leaving less in those coffers to use as a basis for public funding for General Assembly candidates. W&M

Nancy Soreng

TRANSPORTATION

HB 2 Motor Vehicles – Driving to Right on Laned Roadways (Vitale) requires a motor vehicle on an expressway to be driven in the lane nearest to the right edge or curb of the roadway when that lane is available for travel unless overtaking or passing vehicles, left turns or exits, or using high occupancy vehicle lanes.

Hrg. 1/28, 1 p.m. ENV

HB 92 Vehicle Laws – Passing a Bike, an Electric Personal Assistive Mobility Device, or a Motor Scooter - Distance Requirement (Cardin) modifies the passing distance from 3 to 4 feet. Hrg. 1/28, 1 p.m. ENV

A bill that also has bearing on passing rules is **HB 241 Vehicle Laws – Overtaking and Passing Bicycles, Personal Mobility Devices or Motor Scooters** (Lafferty) which allows drivers to cross to the left side of a highway in a no-passing zone.

HB 130/SB 153 Motor Vehicle Accidents – Task Force to Study Methods to Reduce the Rate of Uninsured Drivers (Rudolph /Middleton) establishes a task force to examine deterrents and incentives to lower the rate of uninsured drivers. Hrgs. 1/30, 1 p.m. ENV; 1/21, 1 p.m. FIN

SB 33 Vehicle Laws – Rules of the Road – Use of HOV Lanes (Chair, JPR) extends, by 4 years, the use of HOV lanes by electric vehicles and helps facilitate easier collection of data. Hrg. 1/16, 1 p.m. JUD

SB 82 Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Children (Forehand) prohibits anyone in a vehicle from smoking if there is a child present under the age of 8. This bill was introduced in both the Senate and House last year and similar bills in previous years. Hrg. 1/23, 2 p.m. JUD

SB 87 Drunk Driving – Ignition Interlock System Program – Repeat Offenders (Chair, JPR) tightens the rules for repeat offenders for driving under the influence. Hrg. 1/16, 1 p.m. JUD
Barbara Ditzler

ADMINISTRATION OF JUSTICE

HB 38/SB 61 Court of Special Appeals - Writs of Actual Innocence, Illegal Sentences, and Coram Nobis Petitions - Renew by Application with Leave to Appeal (Chair, JUD/Chair, JPR by request of Maryland Judicial Conference) creates certain exceptions to the general right to a direct appeal to the Court of Special Appeals for a criminal case in a Circuit Court. Exceptions include final judgments in a writ of actual innocence, a writ of error or a motion to correct an illegal sentence. In these instances, the aggrieved party, including the Attorney General or a States Attorney, must apply for permission to appeal. Hrgs. 1/14, 1 p.m. JUD; 1/14, 1 p.m. JPR

HB 120/SB 167 Judgeships - Circuit Courts and District Courts (Speaker/President) increases the number of Circuit Court judges in Anne Arundel, Baltimore, Charles, Montgomery and Prince George's counties and Baltimore City and increases to the number of District Court judges in District 5 (Prince George's county) and District 6 (Montgomery County). These increases are in addition to those made in the 2013 session. Hrgs. 2/6, 1 p.m. JUD; 2/6, 1 pm JPR
Marlene Cohn

ELECTIONS

HB 25 Local Government – Municipal Elections – No Excuse Absentee Voting (George) would prohibit a municipality from requesting a voter to provide a reason that he/she wishes to vote by absentee ballot. This is already part of state law that regulates state and federal elections in Maryland, and this bill would extend no-excuse absentee voting to all municipal elections. Bill is in W&M, no hearing scheduled.

HB 109/SB 48 Election Law – Polling Places – Accommodations for Disabled Voters (Holmes/ Benson) requires that an election judge, to the extent practicable, designate another voter as a placeholder in line for a disabled voter and allow the disabled voter to sit until the placeholder reaches the check-in desk. Bill is in W&M, no hearing scheduled. Bill is in EHEA, with hearing scheduled on 1/23/2014.

HB 125 Election Law – Petitions – Prohibited Actions (Rosenberg et al.) would add to the list of unlawful actions relating to petitions, making it a misdemeanor to prevent, hinder or delay another person who has a right to sign a petition from signing the petition through fraud, duress or force. Unlawful actions already in state law include giving or promising anything of value to sign a petition, requesting or receiving anything of value to sign a petition, misrepresenting any fact to induce a person to sign a petition, signing the name of another on a petition, falsifying a signature, attempting to obtain a signature by fraud, duress or force, circulating or filing a petition with false signatures, signing a petition more than once or altering a petition once it is filed. Bill is in W&M, no hearing scheduled.

HB 164 General Assembly – Term Limits (Hough plus 16) proposes an amendment to the Maryland Constitution that would impose a limit of three consecutive terms as a Senator or Delegate in the Maryland General Assembly. Bill has been referred to the Rules and Executive Nominations Committee, no hearing scheduled. The Maryland League has a position in opposing term limits for members of the General Assembly, and will present testimony in opposition to the bill should a hearing be held.

HB 224 Voters' Rights Protection Act of 2014 (Rosenberg plus 9) authorizes the Attorney General to institute an action in circuit court for injunctive relief to prohibit a person from violating specific provisions of election law. The bill also adds fraud to the list of prohibited acts relating to influencing or attempting to influence a voter's voting decision.

This legislation was filed in the General Assembly last session, and received a favorable report, with amendments, from W&M committee; it was heard in Senate EHEA, but no action was taken after hearing.

SB 15 Election Law – Voter Registration List – Reports of Deceased Voters (Jacobs and Ferguson) requires the State Administrator of Elections to receive report from the Social Security Administration and other agencies or entities with reliable data relating to deaths of Maryland residents and authorizes an election director to remove a voter from the registration list based on that information. Currently, SBE gets information related to deceased voters from the Maryland Department of Health and Mental Hygiene.

SB 190 Elections – Offences Relating to Voting – Penalties (Reilly) would increase the penalties for violations of Maryland election law related to voting offenses to a felony with a maximum fine of \$10,000 and maximum imprisonment sentence of 5 years. Currently, these unlawful acts are a misdemeanor, subject to a maximum fine of \$5,000 and maximum term of imprisonment of 5 years.

SB 200 Elections – Early Voting Centers – Days of Operation (Ferguson, Gladden and McFadden) would change the days of operation of early voting centers from the second Thursday before an election through the Thursday before the election to the second SUNDAY before an election through the SUNDAY before the election.

Normally, in an election year, Maryland lawmakers accede to the wishes of local and state election officials and do not make numerous changes to election laws that would change election procedures in the current election cycle. However, if enacted, **HB 25, HB 109/SB 48, HB 125 and SB190**, referenced above, would become effective June 1, 2014, prior to the June 24 primary election. **HB 224, SB 15 and SB 200**, referenced above, would become effective on July 1, 2014, after the June primary election, if enacted.

Lu Pierson

OPEN GOVERNMENT

During the interim between the 2013 and 2014 regular sessions, the Joint Committee on Transparency and Open Government heard testimony about data developed and maintained at various offices of state government. Testimony concerned StateStat, which reports on progress in meeting the governor's priorities, and about the State Data Center, which tracks the work of the various departments of state government. November testimony dealt with costs and fees charged for providing information to the public and the issues which arise, especially for county and local governments, in complying with information requests. Citizens should be aware that a great deal of information about state government is available online by querying StatStat and the Maryland data center. There is provision online for suggesting reports in addition to those already provided.

HB 53 Public Records - Provision of Copies, Printouts, and Photographs – Required (Vitale and Carr) requires the custodian of a public record to provide a copy, printout or photograph of a public record to a requestor who is otherwise authorized to receive the information. If the custodian fails to meet the requirement, the requestor may file a complaint with the circuit court and the custodian must defend the failure. The court will send a copy of its decision to the governmental unit responsible for the custodian. Custodians of records and their governmental units may be held liable for damages for their failure to provide the requested copies, printouts or photographs.

Hrg. 1/23, 2p.m. HGO

HB 157 Open Meetings Act - Advance Notice of Meeting - Agenda (Krebs et al.) amends the Open Meetings Act to require that a notice of a public meeting provide an agenda for the meeting or be sufficiently descriptive of the matters to be discussed or decided for the public to understand the reason for the meeting.

Barbara Schnackenberg

CHILDREN'S ISSUES

HB 01/SB 64 Children in Need of Assistance – Educational Stability (Chair, JUD/Chair JPR, by request of the Maryland Judicial Conference) requires the Juvenile Court to ask for information about the child's "educational stability" at shelter care hearings, adjudicatory hearings, disposition hearings, and at any change of placement proceeding. "Educational stability" is defined as "the continuous process of identifying and implementing the appropriate educational placement, training, resources, services, and experiences that address the fundamental needs necessary to ensure the successful educational outcome of a child and contribute to the child's overall well-being." In determining the educational stability of a child, the court is to consider such factors as: the appropriateness of the child's

current school placement, the minimization of school changes, the proximity of the school to the child's placement, the prompt transfer of the child's education records, and the maintenance of any Individual Education Plan (IEP). Hrgs. 1/14, 1 p.m. JUD & JPR

HB 79/SB 68 Courts – Juveniles – Expungement of Records (Chair, JUD/Chair JPR, by request of the Maryland Judicial Conference) provides authority for people with juvenile records to petition for expungement of such records (physical destruction of the record and obliteration of the person's name from any other official index of public record). The bill provides procedures for the handling of such petitions and further directs that the Court may order a juvenile delinquency record expunged under certain criteria, including:

- the person has attained the age of 18 years and at least 2 years have elapsed since the last official action in the person's juvenile delinquency record;
- the person has been adjudicated delinquent not more than once;
- the person has not subsequently been convicted of any offense;
- no delinquency petition or criminal charge is pending against the person,;
- the person has not been adjudicated delinquent for an offense that, if committed by an adult, would constitute a crime of violence;
- the person was not required to register as a sex offender;
- the person has fully paid any monetary restitution ordered by the court in the delinquency proceeding.

Juvenile records are now sealed after some period (available only with a court order). However, according to the Judiciary, there has been an increasing demand by government and private employers, including the military, educational institutions, and licensing authorities, for individuals to consent to the release of juvenile court records. Accordingly former juvenile respondents have been waiving their rights to confidentiality and petitioning the courts to open the sealed records. Hrgs. 1/14, 1 p.m. JUD & JPR

SB 117 Juvenile Law – Commitment – Placement Visits (Chair, JPR by request of Department of Juvenile Services) The Juvenile Court may place a child under supervision in the child's own home or in the custody or under the guardianship of a relative or other fit person or to the custody or guardianship of the Department of Juvenile Services (DJS) or other agency. Once a child has been committed to an individual or to a public or private agency or institution, a juvenile counselor must visit the child at the child's placement no less than once every month if the placement is in the state. This bill would allow DJS to use a video conference to satisfy that requirement if the child's placement is in a facility operated by DJS and at least one visit every 3 months is conducted in person. DJS notes that utilizing this technology would allow for more efficient case management by reducing the time case managers spend traveling to State-operated facilities. Hrg. 1/9, 1 p.m. JPR

SB 122 Juvenile Law – Detention – Community Detention Violation Hearings (Chair, JPR by request of Department of Juvenile Services) This bill requires an intake officer who authorizes detention (in a secure facility) of a child for a violation of community detention (in home or shelter care supervision) to immediately file a petition in order to authorize the child's continued detention. The Juvenile Court must hold a hearing on the petition no later than the next court date, unless it extends the detention for no more than 5 days. The bill also requires reasonable notice to be given to the child and, if they can be located, to the child's parents, guardian, or custodian.

The Department of Juvenile Services cites a finding from their work with the Juvenile Detention Alternative Initiative (JDAI) in Baltimore City and a finding in a statewide study that nearly 25% of detention placements result from youth not adhering to the conditions of an alternative to detention program (such as community detention), but many of those infractions involved curfew violations, absences without leave, equipment tampering, and other actions not rising to the level of a new delinquent offense. This hearing procedure, where it is in place, has been successful in ensuring that youth who were placed in detention as a result of a community detention violation are continued in detention only if they are deemed to be a public safety risk or at risk of not appearing in court. This bill is intended to extend that reform statewide. Passed Senate (44-0), sent to House Judiciary Committee.

Judy Morenoff

MEETING BASIC HUMAN NEEDS

Increasing the minimum wage is said by many sources to be one of the most important issues being addressed this legislative session. To date, the following three bills have been introduced but no hearings have been scheduled:

HB 72 Labor & Employment – State Minimum Wage Rate - Increase (Haynes)

HB 293/SB 273 Labor & Employment – Minimum Wage - Establishment by Counties (Parrott/Glassman)

SB 212 Fairness for All Marylanders Act 2014 (Madaleno) adds gender identity to the list of characteristics for which discrimination is prohibited in housing, employment, and state personnel actions. Gender identity means “appearance, expression, or behavior of an individual regardless of the individual’s assigned sex at birth.” Similar bills have been introduced annually since 2010; last year’s failed in JPR by a 5/6 vote.

To date, at least 13 states and the District of Columbia have passed laws prohibiting discrimination based upon gender identity. In Maryland, Baltimore City has laws prohibiting discrimination based upon gender identity and expression in employment, public accommodations, education, and housing; Montgomery County Council prohibits discrimination in employment, housing, cable television services, and taxicab services; Howard County prohibits discrimination based on gender identity and expression in housing, employment, law enforcement, public accommodations, and financing, and Baltimore County prohibits discrimination based on gender identity in housing, employment, finance, and public accommodations. Hrg. 2/4, 1 p.m. JPR

Ruth Crystal

EDUCATION

Funding

SB 170/HB 160 Budget Bill (FY2015) (President/Speaker at the request of the Administration) The amount allocated for aid to local schools for K-12 education is \$6.1 billion. Of that, \$3.1 billion is for the basic per student formula funding under the “Bridge to Excellence” or “Thornton” funding. \$1.2 billion goes for Compensatory Education through a weighted formula for economically disadvantaged students. The Geographic Cost of Education Index (GCEI), which provides extra funds for high-cost jurisdictions, receives \$132.7 million. Of the \$153.7 million for Early Childhood Education, \$4.3 million is proposed to expand pre-kindergarten programs. The allocation for textbooks and software for non-public schools is \$6.04 million.

SB 171/HB 161 Creation of State Debt (Capital budget) K-12 Education/School Construction receives \$306 million, with \$289.2 million for Public School Construction.

The Aging Schools Program, which used to provide as much as \$21 million statewide for the oldest school buildings in the state, has been reduced for several years. The total amount in this budget for public schools is \$6.1 million. At the end of the 2013 session, money was added to provide funds for private school facilities improvements. The Capital Budget includes \$3.5 million for private school facility upgrades, including security improvements. Grants may only be provided to schools that are eligible to receive Aid to Non-Public Schools for loan of textbooks or software. Participating schools can receive a maximum of \$35 per eligible student. If a school has at least 20% of students eligible for free and reduced price lunches, a school can receive \$50 per student, but not less than a total of \$5000.

SB 218/HB 190 Creation of a State Debt - Qualified Zone Academy Bonds (QZAB) (President/Speaker) authorizes a state debt of \$4,625,000 to be used as grants to the Interagency Committee on School Construction (IAC) and the Maryland State Department of Education (MSDE) for the renovation, repair, and capital improvements to qualified schools including public charter schools. Matching grants from private sources are required. B&T/APP

HB 114 Education – Geographic Cost of Education – Requirement (Luedke) puts the Geographic Cost of Education Index (GCEI) into law by substituting “may” for “shall”. GCEI is meant to reflect regional differences in the cost of education that are due to factors outside of the control of the local jurisdiction. It removes the option to opt out if there are insufficient state funds. Hrg. 2/5, 1 pm W&M

SB 128 Education – Compensatory Education Grants – Federal Community Eligibility Provision (Chair, B&T) alters the formula for calculating “compensatory education enrollment count” for FY 2015–2017. Hrg. 2/5, 1 p.m. B&T

Curriculum/Accountability

HB 76 Education - Implementation of the Common Core State Standards – Prohibition (Smigiel) prohibits MSDE and county boards of education from establishing educational policies, curriculum guides, and/or courses of study based on the Common Core State Standards. Hrg. 2/5, 1 p.m. W&M

HB 117/SB 165 Education - Maryland School Assessment - Request for Waiver (Luedtke/King) requires MSDE to request a waiver from the United States Department of Education for administering the Maryland State Assessments (MSA) in Spring 2014. If MSDE doesn't receive the waiver or a response by two weeks before the MSA, MSDE shall not administer the MSA unless the penalty for not doing so is greater than the savings obtained from not administering the test. Hrgs. 2/5, 1 p.m. W&M & EHEA
Lois Hybl

HEALTH

Earlier this month, Governor O'Malley and Secretary of Health Joshua Sharfstein announced a new payment system for Maryland hospitals to maintain the state's Medicare Waiver. At this time, Maryland is the only state remaining with a waiver and the Centers for Medicare and Medicaid (CMS) consider this new system a national model for the future.

A short history is probably in order. The State of Maryland has had a waiver from the national Medicare rates since 1977. The original waiver was based on the rate-setting system for hospitals that instituted care for the uninsured in 1971. Maryland agreed to continue setting rates for hospitals and caring for the uninsured in the hospitals, and the government agreed to give the state Medicare/Medicaid funds in a lump sum. Maryland also agreed to a second test of keeping the cost of care in Maryland below the average cost of the national Medicare admission rate. The waiver and rate-setting system have been known as the All Payer System.

Until the last few years, the state has been able to easily meet the second test. However, it has been increasingly difficult because the number of readmissions to the hospitals has significantly increased. Also, those admitted to the hospitals are significantly sicker and uncompensated care is now close to \$1 billion. Patients have also been migrated to the outpatient setting, leaving sicker patients in the hospital.

The Department of Health and the Health Service Cost Review Commission (HSCRC) have proposed a new system to continue the waiver in the future. It will take three years to totally implement. The new system shifts the focus of care to outcomes rather than fee for service. There will be a new payment system, based on a global budget for each hospital. The rate of increase in the cost of care will be capped annually at 3.58 % of the increase in the national cost of healthcare. The division of the Medicare/Medicaid funds will be determined by the per capita number of Maryland residents in a hospital's area.

The greatest challenge will be for urban hospitals, as they will have to manage the largest number of readmissions. There will also be a need for different types of data to manage the readmissions and the types of patients admitted. The fewer readmissions a hospital has, the greater their payments will be.

There will be a three year transition period including regulated activities and non-regulated activities. The HSCRC anticipates a six month initial start, with a more comprehensive start next July. They will look for changes in the market share of the hospitals during the initial phase.

As of this writing there are no bills before either house, so it appears the changes will be implemented through regulation.

HB 27 Correctional Services - Healthy Births for Incarcerated Women (M. Washington, A. Kelly, B. Robinson) sets standards for the care of pregnant incarcerated women and the delivery of the babies and requires the Juvenile Services to develop related regulations. Hrg. 1/28 JUD

HB 106 Senior Prescription Drug Assistance Sunset Extension (Hammen) would extend the assistance program until 2017.

HB 119/SB 134 Maryland Health Insurance Program – Access for Bridge Eligible Individuals (Speaker/President plus Middleton, Astle, Feldman, Kelley, Klausmeier, Mathias & Pugh, at the request of the Administration) is an emergency bill assigned to HGO in the House and FIN in the Senate. The bill will allow Marylanders who have been unable to successfully sign up for insurance on the Maryland Exchange to have retroactive coverage through the Maryland Health Insurance Program (MHIP). There will be a significant fiscal note to accomplish this bridge insurance, but how much is not known and has not been calculated. SB 134 passed the Senate and has been sent to HGO.

SB 89 Maryland Health Care Commission – Requirement for Certificate of Need - Exceptions (Chair, FIN by request of the Department of Veterans Affairs) exempts the VA from the Certificate of Need (CON) process. The bill passed the Senate and has been sent to HGO in the House.

SB 96 Health Insurance - Conformity with and Implementation of the Federal Patient Protection and Affordable Care Act (Chair, FIN by request of the Maryland Insurance Administration) establishes new fees for initial, renewal and reinstatement permits to enroll in the Small Business Health Options Program (SHOP) exchange, and sets standards for the wellness programs the carriers can offer.

SB 98 Health Insurance - Medicare Marketing Rules (Chair, FIN by request of the Maryland Insurance Administration) codifies the use of the Federal Medicare Marketing rules when marketing various Medicare products in Maryland. Passed the Senate and has been sent to HGO in the House.

Neilson Andrews

DRUGS & OTHER CONTROLLED SUBSTANCES

SB 364 Criminal Law - Possession of Marijuana - Civil Offense (Zirkin and Kittleman) alters the penalty for the use or possession of less than 10 grams of marijuana; makes the use or possession of less than 10 grams of marijuana a civil offense; establishes that a person who violates the act may be issued a specified citation; authorizes a police officer to issue a specified citation under specified circumstances; etc. If enacted, the legislation will take effect October 1, 2014.

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