



REPORT FROM STATE CIRCLE
 Published by the League of Women Voters of Maryland, Inc.
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February 5, 2014

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Issue No. 2

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

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BUDGET AND TAXATION

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) is the capital budget and totals \$1.4 billion (excluding transportation projects). It provides \$275 million for public school construction, \$367 million for projects to improve water quality in the Chesapeake Bay, \$275.2 million for University of Maryland institutions, \$65.4 million for community colleges, \$110 million for housing and community development, and \$84 million for land preservation programs of which \$67 million is General Obligation (GO) bonds to replace prior revenue transfers. Funding is proposed to come from \$1.16 billion of GO bonds; \$11.4 million in general funds, \$260.8 million in special funds and \$64 million in federal funds.

Each year, along with the operating and capital budgets, the governor submits **SB 172/HB 162 Budget Reconciliation and Financing Act of 2014 (BRFA)**. It is a “clean up” bill for the current year. It contains a number of somewhat unrelated provisions which change formulas, amend appropriations, and make other changes to the current year’s appropriations. Notably, the current bill permanently reduces from \$300 million to \$200 million the amount of savings due to pension reform to be reinvested in the pension fund; reduces the amount provided to private colleges to level-fund each institution at its FY 2014 amount; reduces from 6% to 5% the commission paid to lottery agents; makes several transfers to the general fund from several special funds; reduces the annual hospital assessment levied for the Maryland Health Insurance Plan to a maximum of 0.5%; delays until January 1, 2015, any increase in rates for payments to providers of nonpublic placements, and limits for FY 2015 the rates paid to group homes to 1.5% over the rates in effect on January 1, 2014.

With the exception of **HB 443/SB 589 Tobacco Taxes - Healthy Maryland Initiative** (Luedtke et al./Jones-Rodwell et al.) which would increase the tax on cigarettes by \$1.00 per pack and increase taxes on other tobacco products with the proceeds to be used for tobacco use reduction, most of the bills filed in relation to taxes propose reductions. No hearings have been scheduled yet on the tobacco related bills.

Several bills with the same title, **Corporate Income Tax - Rate Reduction**, have been filed which would reduce the corporate income tax rate.

SB 2 (Colburn) 1/22 B&T

HB 199 (McDermott et al.) 1/28 W&M

HB 330 (Serafini et al.), **HB 339** (Ready et al.), **HB 457** (George et al.), **HB 458** (Eckardt et al.)

Hrg. 2/18 W&M

HB 170/SB 384 (Schultz and Barkley/Brinkley plus 3) Hrgs. 1/28 W&M; 2/5 B&T

HB 348/SB 366 (Schuh plus 14/Getty plus 11) Hrgs. 2/18 W&M; 2/5 B&T

HB 739/SB 602 Maryland Estate Tax - Unified Credit (Speaker et al./President et al.) would change the credit allowed on the Maryland estate tax from the current \$1 million to correlate with the federal estate tax (currently \$5.34 million) with incremental increases each year until January 1, 2017. **HB 188/SB 155 Maryland Estate Tax - Unified Credit** (Schultz et al./Brinkley et al.) would accomplish the same thing with slightly different increments. Hrgs. 2/4 W&M; 2/5 B&T

HB 186 Estate Tax - Recoupling with Federal Law (Krebs et al.) would “recouple” Maryland estate tax with federal law immediately. Hrg. 2/4 W&M

SB 317 Income Tax - Subtraction Modification - Stormwater Remediation Fee (Rain Tax) (Simonaire) would allow for payments made for the Stormwater Remediation Fee (Rain Tax) to be deducted from the Maryland and local income taxes. Hrg. 1/29 B&T, received unfavorable report

SB 627 Special Taxing Districts - Transportation Improvements and Exemption from County Tax Limitations (Madeleno et al.) authorizes certain counties and the City of Baltimore to establish special property tax districts the proceeds from which could be used for transportation improvements, while **SB 629 Counties and Municipalities - Vehicle Registration Fee Surcharge** (Madeleno) would allow counties to apply a surcharge of up to \$20 to vehicle registration fees, again with the proceeds to be used for transportation improvements. No hearings have been scheduled for these bills.

Barbara Hankins

MEETING BASIC HUMAN NEEDS

Bills dealing with the minimum wage will be heard in Economic Matters on 2/11 and Finance on 2/13.

HB 295/SB 331 Maryland Minimum Wage Act of 2014 (Speaker/President) is the administration bill to increase the minimum wage to \$10.10 by July 2016. It lists several categories of employees exempt from the minimum including: part-time workers under the age of 16 and those employed in processing fruit, vegetables, poultry, or seafood. Hrgs. 2/11 ECM; 2/13 FIN

HB 72 Labor & Employment – State Minimum Wage Rate - Increase (Haynes) would increase the minimum wage to \$12.50/hour effective July 2014. Hrg. 2/11 ECM

HB 187 Labor and Employment – Maryland Wage and Hour Law – Payment of Wages (Braveboy) also increases the minimum wage to \$10.10 by July 2016 and establishes further increases based on the urban consumer price index. Hrg. 2/11 ECM

HB 374 Labor and Employment-Training Wage for New Employees-Establishment and Payment (McConkey) allows counties to establish a training wage equal to at least the federal minimum wage for the first two years an employee works for the employer. Hrg. 2/11 ECM

HB 293/SB 273 Labor and Employment-Minimum Wage-Establishment by Counties (Parrott/Glassman) allows counties to establish a minimum wage for employees working in the county. Hrgs. 2/11 ECM; 2/13 FIN

SB 166 Labor and Employment-Minimum Wage-Establishment by Counties (Colburn) allows counties to establish a minimum wage for employees working in the county. Hrg. 2/13 FIN

SB 371 Labor and Employment-Maryland Wage and Hour Law-Payment of Wages (Currie) also increases the minimum wage to \$10.10 by Jan. 2016 and establishes further increases based on the urban consumer price index. Hrg. 2/13 FIN

HB 451 Neighborhood Business Development Program-Financial Assistance for Food Desert Areas (Chair, ENV) This is a DHCD departmental bill that expands the Neighborhood Business Development Program to include help creating certain small businesses and other food-related enterprises in 'food deserts' and defines the criteria for identifying food deserts. Hrg. 2/6 ENV

HB 453 Housing and Community Development-Multifamily Rental Housing Programs Efficiency Act (Chair, ENV) This is a DHCD bill that revises and consolidates a variety of rental housing programs but also contains a provision to do away with the requirement that a county or local jurisdiction approve a land use project for community development by resolution to requiring that the chief executive officer be provided written notice and a reasonable opportunity to comment on the proposed development project. This eliminates an obstacle that has allowed counties to block the creation of affordable housing projects within their jurisdictions. LWVMD supports this bill. Hrg. 2/6 ENV

SB 204 Prevailing Wage Rates Reform Act of 2014 (Manno) expands the applicability of the prevailing wage law to political subdivisions, agencies and public works on property where the state, political subdivision or an agency is the owner or lessee of the land.

SB 232 Procurement-Prevailing Wage-Applicability (Stone) expands the prevailing wage requirements from projects for which 50% or more of the money used for construction is state money to projects funded in whole or part by state money.

Ruth Crystal

HEALTH

HB 162/SB 172 Budget Reconciliation and Financing Act of 2014 *See also Budget & Taxation report, p. 1.* The bill has an interesting provision in it that reduces and changes the flow of an assessment on hospitals which currently goes to the state and allows the hospitals to maintain the funds for specific community projects. The programs will have explicit requirements and be overseen by the Health Services Cost Review Commission (HSCRC) in the Community Partnership Assistance Program. The programs must improve the "health and well-being of the community." The assessment will be reduced from .08+ to .05 percent of patient revenues. The bill designates \$30 million in fiscal 2015 and \$40 million in fiscal 2016. This appears to be part of the changes mandated by the Medicare Waiver going into effect this year, reported in *RSC I*.

HB 280/SB 215 Workers' Compensation – Payment of Physician – Dispensed Prescriptions – Limitations (Jamison/Klausmeier), **HB 281/SB 217 Workers' Compensation – Payment for Controlled Dangerous Substances Prescribed by Physicians – Limitations and Workers' Compensation** (Jamison/Klausmeier) Both of these bills are an effort of the Workers' Compensation Committee to curtail the dispensing of prescriptions by physicians who participate in Workers' Compensation. Hrgs. 2/6 HGO; 2/11 FIN

HB 368/SB 482 Workers' Compensation – Prescription Drugs – Choice of Pharmacy (Jameson/Klausmeier) would allow a patient to fill their prescription at the pharmacy of their choice and would not force them to use a pharmacy required by the insurer or employer. Hrgs. 2/4 ECM; 2/11 FIN

HB 395/SB 702 Health Care Malpractice Claims – Definition of "Health Care Provider" (Dumais/Pugh et al.) broadens the definition of health care provider to include allied health professionals for the purpose of malpractice suits. Hrgs. 2/5 JUD; 1/31 JPR

HB 402/SB 314 Health Occupations – State Board of Naturopathic Medicine (Oaks et al./Pugh et al.) This bill is again the effort of the naturopathic physicians to establish a licensing board for themselves. The bill was voted favorably out of the EHEA last year and then reassigned to the committee when it became apparent it would fail in the Senate. The bill is very popular among many legislators of both parties, but the medical community strongly opposes the bill. Hrgs. 2/4 HGO; 1/29 EHEA

Update on bills reported in RSC-1:

HB 27 Correctional Services - Healthy Births for Incarcerated Women Heard JUD 1/28; no further action

HB 119/SB 134 Maryland Health Insurance Program – Access for Bridge Eligible Individuals passed both Houses with amendments and was signed by the Governor on January 30. This is an emergency bill and went into effect immediately. The bill will allow Marylanders who have been unable to successfully sign up for insurance on the Maryland Exchange to have retroactive coverage to January 1 through the Maryland Health Insurance Program (MHIP).

SB 89 Maryland Health Care Commission – Requirement for Certificate of Need passed the Senate unanimously and has moved to HGO in the House.

SB 98 Health Insurance - Medicare Marketing Rules passed third reader in the Senate and has crossed over to the House HGO. It codifies the use of the Federal Medicare Marketing rules when marketing various Medicare products in Maryland.

Neilson Andrews

EDUCATION**Funding for Public K-12 Education**

SB 431 Education - Bridge to Excellence - State Hold-Harmless Requirement (Getty et al.) provides special grants to counties in FY2016 and FY2017 to insure that no counties receive less total direct education aid than in the prior year even if enrollment declines. Hrg. 2/12, 1 p.m. B&T

SB 534/HB 814 Education - State Grant to Counties With Small and Declining Student Enrollment (Edwards/Beitzel et al.) This bill applies to small county school districts with less than 5000 students. If enrollment is less than the previous year resulting in a decrease in state education aid of more than 1%, the state is required to provide a grant of 50% of the decrease, effective FY 2015-17. Hrg. 2/12, 1 p.m. B&T; W&M and APP

Early Childhood Education

HB 428 Children - Maryland Infants and Toddlers Program – Eligibility (Luedtke) changes the eligibility requirements for the Maryland Infants and Toddlers Program by allowing a child to participate until the beginning of the school year after the child turns 4 years old instead of birth to age 2. Hrg. 2/12, 1 p.m. W&M

HB 461 State Early Childhood Advisory Council (Chair, W&M) establishes the State Early Childhood Advisory Council to coordinate efforts regarding early childhood care and education programs, conduct a needs assessment, and develop a statewide strategy report. Members would be appointed by the governor for staggered 4-year terms. The first report would be due December 2015. Hrg. 2/12, 1 p.m. W&M

SB 332/HB 297 Prekindergarten Expansion Act of 2014 (President/Speaker) expands eligibility for pre-k slots from 185% Federal Poverty Level (FPL) to 300% FPL through a competitive Prekindergarten Expansion Grant Program and requires the Maryland State Department of Education (MSDE) to include universal pre-k as one of the components of the Thornton school funding formula adequacy study. Hrgs. 2/12, 1 p.m. B&T; 2/12 1 p.m. W&M

State Aid for Non-Public Schools

SB 271 Income Tax Credit - Home Instruction Expenses (Jacobs) creates a state income tax credit for home instruction expenses incurred by a parent or guardian. The credit cannot exceed \$1,000 or the income tax liability imposed in that year. Any unused portion of the credit may be carried forward for five taxable years. Proponents argued that non-public students deserve this aid because “they are all our children.” An amendment was proposed giving guardians of all non-public school students a \$250 credit. A representative of a home schooling association testified against the bill because they wanted to avoid further state regulation. LWVMD opposed this bill. Hrg. 1/29 B&T

SB 633 Maryland Education Credit (DeGrange) 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 up to \$15 million. Interest/earnings will be credited to the general fund. B&T

Curriculum/Accountability

HB 423 Education - Implementation of Next Generation Science Standards – Prohibition (Ready et al.) prohibits the state and county boards of education from establishing specified educational policies, curriculum, and guidelines that

include or are based on the Next Generation Science Standards; and requires the state board to rescind the adoption by the state board of the Next Generation Science Standards on or before July 1, 2014. Hrg. 2/12, 1 p.m. W&M

SB 408 Education - Common Core State Standards - Implementation Timeline (Reilly) requires each county board to determine the implementation timeline for the Common Core state standards. Hrg. 2/19, 1 p.m. EHEA

SB 579 Education - Evaluation of Teachers and Principals - Implementation Timeline (Reilly) requires the Maryland State Board of Education (MSBE) to develop an implementation timeline for evaluating teachers and principals. Prohibits the start of the evaluation system prior to June 30, 2015. Hrg. 2/19, 1 p.m. EHEA

SB 676 Teachers and Principals-Performance Evaluation Criteria-Use of Student Growth Data (King) prohibits performance evaluation criteria, including student growth data based on state assessments, to be used for personnel decisions before the 2016–2017 school year. Hrg. 2/19, 1 p.m. EHEA

Update on bills reported in RSC-1:

Aging Schools Program LWVMD testified against the capital funding for non-public schools during the budget hearing for the Interagency Committee on School Construction (IAC) because the appropriation was added at the end of the 2013 session with no hearing and because of our opposition to public funding for non-public schools.

SB 165/HB 117 Education - Maryland School Assessment - Request for Waiver (King) Hrg. 2/12, 1 p.m. EHEA

Lois Hybl

CHILDREN & FAMILY ISSUES/JUVENILE JUSTICE

HB 307/SB 333 Peace Orders & Protective Orders – Burden of Proof (Speaker plus 24/ Frosh plus 3, by request of Administration) This administration bill alters from “clear and convincing evidence” to “preponderance of the evidence” the standard of proof by which a judge must make findings before granting a final protective order, extending a final protective order, or issuing a final peace order or mutual peace orders. This makes it easier for individuals, including those living with children, to qualify for protective or peace orders. Hrgs. 2/13, 1 p.m. JUD; JPR reported favorable with amendments

HB 309/SB 334 Family Law – Domestic Violence – Permanent Final Protective Orders (Speaker plus 25/President plus Frosh and Raskin, by request of Administration) This Administration bill expands the circumstances under which a permanent final protective order must be issued by requiring a court to issue that order against an individual who is “sentenced to serve” (or has served) a term of at least 5 years for specified acts of abuse. The bill also adds the crime of 2nd degree assault to the list of crimes which subject an individual to the issuance of a permanent final protective order. Hrgs. 2/13, 1 p.m. JUD; 1/28 JPR

SB 210 Child Abuse – Failure to Report – Penalties & Task Force (Kelley plus 10) This bill makes it a misdemeanor for a worker in a professional capacity who is required to report suspected child abuse to knowingly and willingly fail to provide the required report. A violator is subject to maximum penalties for a first offense of a \$5,000 fine and a requirement to complete a training course on the child abuse reporting laws and how to identify potential child abuse. For a 2nd or subsequent offense, the maximum penalties are increased to 1 year imprisonment and/or a \$10,000 fine. This bill also establishes a Task Force to Study Training for Mandatory Reporters and requires it to make recommendations regarding any changes needed to strengthen the state’s laws and regulations regarding reporting of child abuse.

According to the Child Welfare Information Gateway, as of August 2012, 47 states and Washington, DC impose penalties on mandatory reporters who fail to report suspected child abuse or neglect (all except MD, NC & WY). **SB 94** of 2013 received a hearing but no further action; numerous bills were introduced in 2012; none passed. Hrg. 1/30 JPR

HB 407/SB 485 Juvenile Law – Prohibition Against Continued Detention (Dumais plus 4/Forehand plus 4) This bill prohibits the continued detention, beyond emergency detention, of a child under the age of 14 years, except under certain circumstances (such as action required to protect the child or others, the child is likely to leave the jurisdiction of the court). Hrgs. 2/6 at 1 p.m. JUD; 2/25, 1 p.m. JPR

HB 701/SB 454 Criminal Law – Child Kidnapping & Prostitution – Penalty (Lee plus 30/Robey) This bill makes it a felony (currently a misdemeanor under Sec 11-305 of the annotated Code of Maryland) to persuade or entice an

individual under the age of 16 years from the individual's home or from the custody of the individual's parent or guardian for purposes of prostitution, and increases the maximum penalties to imprisonment up to 30 years and/or \$5,000 fine (currently 10 years and/or \$5,000 fine). Hrgs. 2/18, 1 p.m. JUD; 2/12, 1 p.m. JPR

SB 78 Criminal Law – Human Trafficking – Victims Under Age 21 (Forehand) Under the current human trafficking prohibition, a person may not knowingly take or cause another to be taken to any place for prostitution. In general, human trafficking involving an adult victim is a misdemeanor and subject to maximum penalties of 10 years imprisonment and/or a \$5000 fine. Under Sec 11-303 of the Annotated Code, human trafficking involving a victim who is a minor is a felony and subject to maximum penalties of 25 years imprisonment and/or a \$15,000 fine. A minor is defined as anyone under 18. This bill establishes that the current prohibition and penalties for human trafficking of a minor apply if the victim is younger than 21. A similar bill (**SB 215** as amended) passed the Senate in 2013 and received a hearing in JUD, but no further action was taken. Hrg. 1/29 JPR

HB 696 Criminal Law – Human Trafficking- Victims Under Age 21 (Valderrama) This bill is similar to, but not cross-filed with, **SB 78**. Hrg. 2/18 JUD

Update on bills reported in RSC I:

HB 1/SB 64 Children in Need of Assistance – Educational Stability Hrgs. 1/14 JUD & JPR; no further action

HB 79/SB 68 Courts – Juveniles – Expungement of Records Hrgs. 1/14 JUD & JPR; no further action

SB 117 Juvenile Law – Commitment – Placement Visits Hrg. 1/9 JPR; unfavorable report

SB 122 Juvenile Law – Detention - Community Detention Violations Hearings Hrg. 1/9 JPR; favorable report; passed in Senate (44-0) 1/14; first reading JUD

Judy Morenoff

ADMINISTRATION OF JUSTICE

HB 27 See *Health report*, pp. 3-4

HB 500 Judgeships - District Court (Chair, JUD) adds to number of associated judges of the District Court in 5 districts. Contingent on passage of **HB 120/SB 48** reported in *RSC I*.

HB 23/SB 63 Task Force to Study the Laws Relating to Representation of Indigent Criminal Defendants by the Office of the Public Defender - Extension (Vallario/Getty) extends the date that the Task Force ends and reports to the Governor and the General Assembly by one year. The Task Force was established by the Legislature in 2012, and legislation was passed to require legal representation for indigent defendants at bail hearings. This was in response to a court ruling requiring such representation. The LWVMD supports access by indigent criminal defendants to legal counsel at every stage of the judicial process, including bail hearings. Hrgs. 1/21, 1 p.m. JUD; 1/29 1 p.m. JPR

HB 31/SB 272 Sentencing Procedures - Statement by Victim or Victim's Representative (Alex's Law) (McDermott/Jacobs) requires a court, if requested, to allow a victim or victim's representative to address the court under oath before imposition of a sentence. Previously, the prosecuting attorney had to make the request. The LWVMD supports sentencing based on the impact on the victim, among other criteria. Hrgs. 1/16, 1 p.m. JUD; 2/12, 1 p.m. JPR

Marlene Cohn

REDISTRICTING

SB 414 General Assembly - Legislative Redistricting - Plans to be Introduced as a Bill (Kelley plus 8) Many people have expressed concern about both the process by which Maryland's legislative and congressional district lines were drawn and the unusual shapes that were produced. This bill proposes an amendment to the Maryland constitution that would require that any plan for revising the districts for the General Assembly would be introduced as a bill subject to public hearings and a recorded vote. This would be a change from current practice, in which the Governor's proposed plan may take effect if the General Assembly does not act within 45 days to approve an alternative plan. Hrg. 1/30 SRU

SB 582 Election Law – Redistricting Ballot Questions – Map of Proposed Districts (Stone plus 4) This bill requires that, when a referendum on congressional redistricting is conducted, the sample ballot mailed to voters before an election include a website where the voters could obtain information about the proposed redistricting, including a copy of the map. The bill would also require that a copy of the redistricting map be displayed in polling places. EHEA

HB 698 Elections – Study Commission on the Redistricting Process in Maryland (McComas plus 49) requires the formation of a task force to review the redistricting process, consider recommendations for improvements, and make recommendations to the General Assembly by the end of 2015. The members of the Task Force would be appointed by the majority and minority party leaders of each house of the General Assembly and 7 more appointed by the Governor. The Governor would be required to appoint one member from the League of Women Voters. HRU

Ralph Watkins

ELECTIONS

Updates on bills reported in RSC I:

HB 25 Local Government – Municipal Elections – No Excuse Absentee Voting was heard in the Ways & Means Committee on January 30. The League provided testimony in favor of this bill citing the uniformity of voting laws and procedures across the state and in all elections as a positive for Maryland voters.

HB 125 Election Law – Petitions – Prohibited Actions Hrg. 2/6 W&M

HB 224 Voters’ Rights Protection Act of 2014 Hrg. 2/6 W&M

SB 15 Election Law – Voter Registration List – Reports of Deceased Voters Heard 1/23 W&M

SB 190 Elections – Offenses Relating to Voting – Penalties This bill is cross-filed with **HB 357** (Afzali).

Hrgs. 2/6 EHEA; 2/6 W&M

SB 200 Elections – Early Voting Centers – Days of Operation This bill is cross-filed with **HB 263** (Rosenberg plus 6)

Hrgs. 2/6 EHEA; 2/6 W&M

Lu Pierson

CAMPAIGN FINANCE

HB 562 Election Law - Use of Campaign Funds for Meeting and Conference Expenses (Howard plus 7 other Prince George’s delegates) 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. Hrg. 2/13 W&M

HB 619 Election Law - Campaign Contributions Made by Public Service Companies – Prohibition (Simmons) would prohibit a utility company that is under the jurisdiction of the Public Service Commission or a person who owns an interest in such a company from contributing directly or indirectly to any candidate for a non-federal office or the campaign finance entity for any candidate for a non-federal office. Hrg. 2/13 W&M

Updates on bills reported in RSC I:

HB 70 Public Funding and Small Donor Act for General Assembly Elections has been cross-filed as **SB 691** (Pinsky, Montgomery and Raskin). Hrg. 2/6 W&M; a hearing has not been set for the Senate bill.

Nancy Soreng

OPEN GOVERNMENT

HB 177 General Assembly - Live and Archived Video Streaming of Meetings (Hough plus 24) This legislation would require that all meetings of the House of Delegates and the State Senate be made available to the public through live and archived video streaming. At present, all meetings of the full Senate and the full House of Delegates are available through live and archived audio streaming. Since video equipment is not available in either house, such equipment would have to be installed at a now unknown cost.

Only audio streaming is currently available in Senate committee rooms; thus if this legislation were to pass, video streaming capability must be added to Senate committee rooms. House committee rooms are equipped for video streaming. Senate committee audio streaming of committee voting sessions occurs at the discretion of the committee chair. The House does not stream voting sessions at all.

The Department of Legislative Services estimates a cost of \$1.5 to \$2 million dollars to video stream Senate hearings rooms. Whether all of the video streaming equipment can be installed as required under this legislation by the effective date of October 1, 2014, is unknown at this time. HRU has no hearings scheduled at this time.

HB 658 Public Information Compliance Board-Establishment (Carter plus 5) creates a Board in the Office of the Attorney General to review the denial of requests for certain information held by the state or its subdivisions, including requests for which a fee in excess of \$500 is charged. A common complaint by those who seek copies of records is that state, county and local jurisdictions overcharge for copies of records, if they allow copying at all. This legislation specifies the size of the Board, the number of members, terms of members, frequency of meetings, etc. It is reminiscent of the Open Meetings Control Board, including the fact that the findings of this Board may not be used in court or to hold the custodian of the record liable for failure to follow the law. No hearing scheduled in HGO at this time.

HB 632/SB 484 Procurement - Maryland Funding Accountability and Transparency Act - Revisions (Pena-Melnyk plus 14/Madeleno plus 11) increases the information to be made available on state procurement contracts on a state searchable website so that comparisons may be more easily made among contracts. No hearings scheduled at this time in either HGO or B&T.

SB 644 Open Data Policy Council (Ferguson plus 9) Senator Ferguson is the Senate Chair of the Joint Committee on Transparency and Open Government which has been holding hearings on the current status of transparency of Maryland state government. During these hearings, witnesses have testified about maintenance of data by the various offices of state government and the difficulty of working with the various formats and equipment used by governmental entities. This proposed legislation appears to be Senator Ferguson's effort to bring some uniformity into the various ways of obtaining and maintaining data into usable formats. He would do this by establishing a council including data developers and users across state and local government lines. This council would have responsibility for developing policy guidelines and recommendations on open data portals, identifying costs and recommending funding mechanisms, and providing recommendations to the General Assembly for improvements. No hearings currently scheduled in SRU.

Updates on bills reported in RSC-1:

HB 53 Public Records - Provision of Copies, Printouts and Photographs - Required The League submitted testimony in favor of this legislation at the hearing in HGO on 1/13. No reported committee action at this writing.

HB 157 Open Meetings Act - Advance Notice of Meeting - Agenda The League submitted testimony in favor of this legislation at the hearing in HGO on 1/29. No committee action at this writing.

Barbara Schnackenberg

ENVIRONMENT: RENEWABLE ENERGY & SOLID WASTE

HB 240/SB 56 Environment - Solid Waste Management Practices - Maryland Recycling and Landfill Diversion Task Force (Lafferty/Middleton) requires each county and the Department of the Environment to adopt a specified solid waste management hierarchy and declares the intent of the General Assembly that the state undertake specified actions relating to recycling and landfill disposal rates. It establishes the Maryland Recycling and Landfill Diversion Task Force and requires the Task Force to determine the statewide recycling goal and a recycling and landfill portfolio standard that will reduce the amount of solid waste being sent to landfills, etc. Hrgs. 2/6, 1 p.m. ENV; 2/11, 1 p.m. EHEA

HB 118 Greenhouse Gas Emissions Reductions - Progress Report - Ocean Acidification (Luedtke) This bill requires the Department of the Environment to include an analysis of the best available science regarding ocean acidification and the potential effects of acidification on the ecology of state waters and on state fisheries in a specified report, and to make recommendations on potential strategies to mitigate the effects of acidification on state waters and on state fisheries in a specified report. Estimated cost of survey: \$375,000. ENV

HB 567 Procurement - State Vehicle Fleet - Biodiesel or Biofuel Requirements (Bromwell plus 1) alters the requirement that the state ensure that at least 50% of the vehicles in the state vehicle fleet using diesel fuel use a blend of fuel containing at least 5% biodiesel or other biofuel. 100% of the vehicles in the state vehicle fleet, in specified years, must use a blend of fuel containing at least a specified percentage of biodiesel or other biofuel, etc. HGO

SB 156 Public Utilities - Renewable Energy Portfolio Standard - Hydrokinetic Turbines (Manno plus 1) would alter the Maryland renewable energy portfolio standard program to include a specified amount of energy derived from hydrokinetic turbines beginning in the year 2022. FIN

SB 186/HB 202 Clean Energy Loan Programs - Private Lenders - Collection of Loan Payments (Feldman plus 9/Barkley) authorizes a private lender to provide capital for a commercial loan provided under a local clean energy loan

program. It provides that, with the consent of any holder of a mortgage or deed of trust on the property, a county or municipality may collect loan payments owed on a commercial loan to a private lender or to a county or municipality through a surcharge on a property owner's property tax bill, and provides that an unpaid surcharge constitutes a lien against the property on which it is imposed under specified circumstances. FIN

HB 292 & HB 409 See *Environment: Hydraulic Fracturing report*, p. 9

Hugh Haskell

ENVIRONMENT: HYDRAULIC FRACTURING

SB 360 Natural Gas – Hydraulic Fracturing – Prohibition (Zirkin et al.) prohibits a person from engaging in the hydraulic fracturing of a well for the exploration or production of natural gas in Maryland. Hrg. 2/4 EHEA

HB 409 Environment – Hydraulic Fracturing Wastewater – Prohibited Acts (S. Robinson et al.) prohibits a person from storing, treating, discharging, or disposing of, in the state, certain wastewater resulting from hydraulic fracturing.

SB 361 Public Safety – Gas Pipeline Inspection Requirements – Best Available Technology (Zirkin) requires gas transmission companies to comply with federal laws and regulations with respect to gas pipeline safety inspections, authorizes the Public Service Commission (PSC) to regulate technology used for inspection and gives PSC jurisdiction and enforcement authority. Hrg. 2/4, 1 p.m. FIN

SB 362 Public Safety – Gas Pipeline Inspection Requirements – State Penalties (Zirkin) requires gas transmission companies to comply with federal laws and regulations concerning pipeline safety and authorizes PSC to impose a civil penalty of \$100,000 per day if a company fails to have a pipeline inspected as required by federal law. Hrg. 2/4, 1 p.m. FIN

Updates on bills reported in RSC 1:

HB 292 Natural Gas – Hydraulic Fracturing – Prohibition prohibits a person from engaging in hydraulic fracturing of a well for the exploration or production of natural gas in the state. ENV

The Shale Gas Drilling Safety Review Act to extend the moratorium on hydraulic fracturing has not been introduced in the House or Senate as of 2/2/14.

Betsy Singer

ENVIRONMENT: LAND USE

HB 296/SB 336 Natural Resources - Wildlands - Designation of New Wildlands (Speaker/President at the request of the Administration) This bill proposes the expansion of 14 wildland areas and the addition of 9 wildland areas under the state wildlands preservation system, resulting in an increase of approximately 21,890 acres. The expansions and additions are located in Allegany, Baltimore, Calvert, Charles, Frederick, Garrett, Montgomery, Somerset, and Worcester counties. The bill also authorizes specified actions in certain areas and clarifies that land held by the state in certain areas under a certificate of reservation is included in the applicable wildland area for so long as the certificate of reservation is in effect. Present Maryland wildlands span 43,779 acres on state parks, state forests and wildlife management areas in 15 counties. They are designated areas with natural features worthy of preservation. Passive recreation is permitted on them and some hunting and trapping in certain areas. Wildlands do not affect private property. Wildlands can only be designated on state-owned property. Hrgs. 2/5 ENV; 2/4 EHEA

Susan Cochran

ENVIRONMENT: CLEAN WATER & PESTICIDES

HB 621/SB 700 Registration of Pesticides – Fee Increase – Disposition of Fees (Lafferty/Manno) This bill would increase certain pesticide registration fees to enable funding for collection, analysis, and reporting of data on pesticide use in the state. LWV of Maryland is part of the Smart on Pesticides coalition that supports achieving a comprehensive pesticide registry. Hrg. 2/12, 1 p.m. ENV; EHEA

HB 11 Environment - Bay Restoration Fund - Authorized Uses (Chair, ENV by request of the Dept. of the Environment) and **HB 12 Bay Restoration Fund - Authorized Uses - Local Entities** (Chair, ENV by request of the Dept. of the Environment) deal with the Chesapeake Bay restoration fund. ENV is awaiting a report on the Bay from the Department of Legislative Services.

HB 121/SB 62 Chesapeake Bay Trust - Powers and Duties - Member Terms (S. Robinson/Astle), HB 129/SB 407 Public Ethics - Chesapeake Bay Trust - Exemptions and Conflict of Interest Provisions (S. Robinson/Astle) address topics related to the Chesapeake Bay Trust.

SB 437/HB 618 Nonresident Recreational Fishing and Crabbing Licenses – Oyster Restoration Surcharge (Frosh/Lafferty) Hrg. 2/4, 1 p.m. EHEA; 2/12, 2 p.m. ENV

SB 466 Oyster Dredging – Waters North of the Chesapeake Bay Bridge and the Kent Narrows Bridge (Dyson plus 3) Hrg. 2/11, 1 p.m. EHEA

SB 317 Income Tax - Subtraction Modification - Stormwater Remediation Fee (Rain Tax) *See Budget & Taxation report, pp. 1-2*

SB 359 Watershed Protection and Restoration Programs – Impervious Surface – Definition (Stone) would alter the definition of "impervious surface" as it relates to watershed protection and restoration programs to exclude gravel that is placed on top of a surface that allows stormwater to infiltrate into the ground. Hrg. 2/4 EHEA

SB 56/HB 240 Environment - Solid Waste Management Practices - Maryland Recycling and Landfill Diversion Task Force *See Environment: Renewable Energy & Solid Waste report, pp. 8-9*

Updates on bills reported in RSC I:

SB 5/HB 97 Stormwater Management - Watershed Protection and Restoration Program – Repeal Like many environmental organizations, LWV of Maryland testified in opposition to this bill. Hrg. 1/28 EHEA; ENV

SB 27/HB 193 Nutrient Management - Phosphorus Risk Assessment Tool or Index - Economic Impact Analysis A position paper prepared by University of Maryland professors has been used by MCAC as part of its testimony favoring continued use of the newest version of the Phosphate Management Tool. Heard 1/28 EHEA; 1/29 ENV

SB 135 Watershed Protection and Restoration Program – Enforcement by Department of the Environment – Moratorium (Glassman) would delay enforcement of the stormwater remediation fee until after July 1, 2015. Heard 1/21 EHEA

SB 394 Statewide Container Recycling Fund (Frosh), the bill on recycling cited in *RSC I*, now has a bill number. Hrg. 2/20, 1 p.m. FIN

SB 336 Natural Resources - Wildlands - Designation of New Wildlands *See Environment: Land Use report, p. 9.*
Linda Silversmith

TRANSPORTATION

HB 585 Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young (Barnes) prohibits anyone in a vehicle from smoking if there is also a child present under the age of 8. Hrg. 2/5, 1p.m. ECM
Cross-filed **SB 82** received unfavorable report by JPR

Updates on bills reported in RSC I:

HB 2 Motor Vehicles - Driving to Right on Laned Roadways has been cross-filed as **SB 322 (Getty)**
Hrg. 2/11, 1 p.m. JPR

SB 33 Vehicle Laws – Rules of the Road – Use of HOV Lanes extends by 4 years, the use of HOV lanes by electrical vehicles and helps facilitate easier collection of data. Passed 3rd reading 1/31

SB 87 Drunk Driving – Ignition Interlock System Program – Repeat Offenders tightens the rules for repeat offenders for driving under the influence. Passed 3rd reading 1/31
Barbara Ditzler

GUN CONTROL

HB 286/SB 258 Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations (Valentino-Smith/Frosh, Madaleno and Raskin) proposes that the one year statute of limitations would not apply to a person who uses a firearm (whether operable or inoperable) to commit acts of violence or a felony. The bill would also include minimum mandatory sentencing in these cases; in addition to any other penalty imposed for the crime of violence or felony, if convicted, the person would be sentenced to imprisonment for not less than 5 years and not exceeding 20 years, and would not be eligible for parole in less than 5 years. Hrg. 2/26, 1 p.m. JPR

HB 659 Public Safety – Regulated Firearms – Transport Through State (Szeliga plus 33) proposes that a person who is not a resident of Maryland, and who is not prohibited from possessing a regulated firearm in his/her state of residence, may transport a regulated firearm through Maryland to another state. The firearm may not be (1) loaded with ammunition, or (2) readily or directly accessible from the passenger compartment of the transporting vehicle. JUD

Doreen Rosenthal

DEATH PENALTY

HB 235 Criminal Law - Death Penalty - Law Enforcement, Officers and Correctional Officers (Kelly plus 42) This 39 page bill proposes wide-ranging, comprehensive procedures for both imposing the death penalty in Maryland and carrying out a death penalty verdict, including procedures for custody, warrant of execution, incompetency, method of execution, witnesses, certificates, disposition of body, notice, and trial and sentencing. For example, the bill would (1) require the Department of Public Safety and Correctional Services to complete a pre-sentence investigation report in each case in which the death penalty was requested; (2) provide that the juvenile court does not have jurisdiction over a child alleged to have done an act which, if committed by an adult, would be a crime punishable by death; (3) authorize a trial judge to strike an individual from a jury on the basis of the individual's belief for or against capital punishment only if the judge finds that the belief would prevent or substantially impair the individual from returning an impartial verdict according to law; (4) provide that the Court of Appeals have exclusive appellate jurisdiction over a criminal case in which the death penalty is imposed; (5) prohibit the release of a defendant on personal recognizance if the defendant is charged with a crime punishable by death, and (6) authorize the Court of Appeals to adopt rules of procedure to govern the conduct of death penalty sentencing proceedings. JUD

HB 651 Courts – Constitutional Amendment – Aggravated Murder Court (Impallaria, Glass, McComas, and McDonough) A constitutional amendment would authorize the General Assembly to create an Aggravated Murder Court with original and exclusive jurisdiction over all offenses previously punishable by death. (1) The judges of the Aggravated Murder Court would be elected in Baltimore City and each county. Each judge would hold office for a term of fifteen years. (2) The attorney general would prosecute all indictments for offenses that had been punishable by death under former § 2–303 of the criminal law article. JUD

Doreen Rosenthal