



REPORT FROM STATE CIRCLE
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CAMPAIGN FINANCE

HB 569 Campaign Finance - Cash Contributions - Limit (Howard plus 9) would allow aggregate cash donations of up to \$100 in a calendar year. Currently a donor may only contribute \$100 in cash over any 4-year election cycle. Current campaign finance law allows significantly higher donation amounts for donations made by check, credit or electronic payment via a system authorized by the Board of Elections. Right now the limit on these types of payments is \$4,000 to any one entity with a limit of \$10,000 in combined donations. January 15, 2015 that amount will go up to \$6,000 to any one entity with a limit of \$24,000 in combined donations. Hrg. 2/20 W&M

HB 827 Municipal Elections - Campaign Finance Reports - Submission of Copies to the State Board of Elections (Summers plus 3) would require a municipality to send copies of any campaign finance reports that it receives from candidates running for local office to the State Board of Elections within 10 days of receiving them. Hrg. 2/20 W&M

HB 942 State Government - Use of Public Resources - Reimbursement by Elected State Officials (McDonough) would require any elected state official who uses a state resource such as a state building, a security detail or a state-owned motor vehicle in the course of any event related to their campaign to file a report that states the type of resource used, the date it was used, and the campaign event for which it was used. Campaign events would include: a fund-raiser, press or media event, speech or television appearance. This report must be filed within 30 days of the event and must include the cost of the resource. The candidate would then be required to reimburse the state for the expense. If the candidate fails to do so, he/she would have to pay a fine equal to double the amount of the expense to the state. This requirement would apply to the Governor, Lieutenant Governor, Attorney General, Comptroller or a member of the Maryland Senate or House of Delegates. It would apply whether or not the state elected official has formally declared as a candidate for another office. Hrg. 3/6 W&M

SB 809 Citizens' United Shareholder Democracy and Protection Act (Raskin plus 14) would require Maryland corporations to have provisions in their by-laws that outline procedures for assessing the will of the majority of their stockholders regarding contributions to a campaign finance entity and independent expenditures that the corporation proposes to make for any federal, state or local election. If a majority of stockholders is not able to participate in such a decision the corporation would be prohibited from making the campaign contribution or independent expenditure. Hrg. 2/27 EHEA

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SB 930 Election Law - Filing Deadlines for Pre-Primary Election and Post-General Election Campaign Finance Reports (Conway) would change the date for filing a campaign finance report from the fourth Tuesday immediately preceding a primary election to the fifth Tuesday and change the filing date for general election campaign finance reports from the third Tuesday before the general election to the second Tuesday. The legislation does not alter the filing dates for ballot issue committees. This legislation has been filed as an emergency measure so that, if passed, it could go into effect the date it is enacted. Emergency legislation requires a three-fifths majority. Hrg. 2/27 EHEA

House Joint Resolution 7/Senate Joint Resolution 6 United States Constitutional Convention – Democracy Amendment (Hixson plus 25/Raskin plus 11) calls on Congress to convene a Constitutional Convention for the purpose of amending the U.S. Constitution to restore free and fair elections. One section of the preamble to the Resolution states “WHEREAS, The U.S. Supreme Court has trampled the democratic political process and demolished the wall of separation between private wealth and democratic elections by removing prohibitions against unlimited electoral expenditures in Citizens United v. Federal Election Commission...” The resolution goes on to call for the Secretary of State to send copies of the resolution to the presiding officers of both Houses of the Legislatures in the other states. If 2/3 of the legislatures pass such resolutions calling for a Constitutional Convention according to Article V of the U.S. Constitution such a Constitutional Convention must be convened. Hrg. 2/27 EHEA; no hearing has yet been scheduled in House (HRU).

Update on bills reported in RSC 1 & 2:

SB 691 Public Funding and Small Donor Act for General Assembly Elections (RSC 2) Hrg. 2/27 EHEA

Nancy Soreng

ELECTIONS

SB 809 Citizens’ United Shareholder Democracy and Protection Act *See Campaign Finance report, p. 1*

HB 927 Elections – Presidential Electors and Electoral Votes – Equal Voice Voting (George) retains the Electoral College, but would change the way the votes are distributed among the state’s presidential electors. Currently, all of Maryland’s presidential electoral votes are awarded to the winner of the popular vote in the state. Under **HB 927**, the Secretary of State would calculate a “popular vote value” by dividing the number of votes cast in the state for all candidates for president and vice president and dividing that number by the number of presidential electors to which the state is entitled. The number of votes cast for each candidate for president/vice president would be divided by the “popular vote value” to determine the number of electoral votes the candidate receives in the state. Hrg. 2/27 W&M

HB 1094 Election Law – Polling Places – Proof of Identity (Schuh plus 14) is the only election bill related to voter ID filed in the current session. The bill would require a voter to establish his/her identity at the polling place by presenting a current government-issued photo identification, a utility bill, bank statement, government check or paycheck showing the voter’s name and address, a voter identification card or the specimen ballot mailed to the voter by a local election board. If the voter is unable to present one of the required forms of identification or indicates a change of residence, the voter would be offered the opportunity to vote a provisional ballot. The bill also adds to the list of election crimes voting or attempting to vote under a false form of identification. Hrg. 2/27 W&M

None of the election-related bills reported on in previous issues of RSC have been acted on in their respective Committees.

Lu Pierson

REDISTRICTING

HJ 4 United States Constitutional Convention - Legislative Districting and Apportionment (Frick plus 13) urges Congress to call a Constitutional Convention to address the process of reapportionment (the allocation of representatives among the states) and redistricting (the drawing of district lines within states). The resolution provides that the convention shall be limited to considering amendments for this purpose. HRU

HB 915/SB 740 Election Law - General Assembly and Congressional Legislative Districting and Apportionment Commission (George plus 13/Kittleman plus 10) proposes an amendment to the Maryland Constitution to create a commission to draw congressional and legislative district lines following each decennial census. The commission would be composed of seven members and the bill specifies how they shall be chosen. The plan approved by the commission would be submitted to the Court of Appeals for review. HRU; Hrg. 2/27 EHEA

HB 970 General Assembly and Congressional Legislative Districting and Apportionment Commission (Hogan)

This bill also proposes an amendment to the Maryland Constitution to establish a commission on legislative redistricting and apportionment. This commission would consist of 14 members and the bill outlines how the members are to be chosen, voting procedures and general duties of the commission. Maps drawn by the commission are to be reviewed by the Court of Appeals, which may modify the plan. The resulting map would not be subject to referendum. HRU

HB 1176 Maryland Constitution - Congressional Districts - Requirements as to Territory, Form, and Boundaries (Braveboy plus 3) proposes an amendment to the Maryland Constitution to require that congressional districts “consist of adjoining territory, be compact in form, and ensure that due regard is given to natural boundaries and the boundaries of political subdivisions.” HRU

HB 1213 Maryland Congressional Redistricting Commission (Mizeur plus 12) is very similar to **HB 970** but would require three maps, which would be subject to referendum. The bill provides that the General Assembly shall approve a final map. HRU

HB 1217 Task Force to Study Redistricting in Maryland (Braveboy plus 3) This measure would authorize the creation of a 16-member task force to study the redistricting process in Maryland, the redistricting procedures of other states, and make recommendations to the General Assembly by December 31, 2015. HRU

Update on bills reported in RSC 1 & 2:

SB 414 General Assembly-Legislative Redistricting-Plans to be Introduced as a Bill (RSC 2) has been re-referred from SRU to EHEA. An identically titled bill, **HB 1195** (Braveboy), was referred to HRU.

SB 582 Election Law - Redistricting Ballot Questions - Map of Proposed Districts (RSC 2) has been cross-filed as **HB 1327** (George plus 20). Hrg. 2/27 EHEA; HRU

Ralph Watkins

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

Maintenance of Effort (MOE) is a part of the Thornton education funding formulas that requires local governments to maintain the same amount of local funding for education in order to receive increased state aid. Often in question is the process or types of expenses that can be excluded when determining whether districts are maintaining their local effort.

HB 1145 Maintenance of Effort - Qualifying Nonrecurring Costs - Methods of Approval (Kaiser, Bohanan, Guzzone) expands the calculation of nonrecurring costs to include capital items with a useful life of 5+ years that include the cost to acquire fixed assets and other unique onetime costs. It sets up a workgroup that would provide guidance that the county boards and governing body can agree on regarding the items exempt from MOE calculations and a process for school boards to request the items to be considered non-recurring costs. Hrg. 3/6 W&M

SB 726 Education - State Funding - Operating and Capital Funds (Madaleno plus 5) requires funding of the Geographic Cost of Education Index (GCEI) and establishes a capital aid target amount for school construction to be \$403,000,000 in FY16 and the lesser of the increase in projected school construction costs or 5% or the capital aid target amount for the prior fiscal year in succeeding years. Hrg. 3/7 B&T

SB 821 Digital Equity for All Maryland Students Act of 2014 (Rosapepe) establishes a Technology Infrastructure Improvement Program to be administered by the Interagency Committee on School Construction (IAC). It requires funding by appropriations in the state budget or general obligation bonds in FY15-FY17, and declares that all students shall have equal access to digital technology to optimize learning opportunities by 2016-2017. Hrg. 3/11 B&T

Early Childhood Education

SB 822 Early-In Early-Out Education Act of 2014 (Rosapepe plus 4) provides a funding source only for expanding Pre-K by counting students who graduated before 12th grade as full-time equivalent students the following year for the state aid formula. Hrg. 3/11 B&T

State Aid for Non-Public Schools

HB 884 Income Tax Credit - Nonpublic Education Expenses (Schuh) allows parents to claim up to \$1000 as an income tax credit for expenses related to nonpublic education, including correspondence courses, instruction related materials, textbooks, or workbooks. Any unused portion of the credit may be carried forward for five taxable years. Hrg. 2/25 W&M

Charter Schools

HB 926 Education - Public Charter Schools - Virtual Learning Programs Authority (Smiegel plus 6) alters the definition of a public charter school to include the establishment of a virtual learning program as a public charter school. Hrg. 3/6 W&M

Curriculum/Accountability

HB 764 Education - Academic Standards and Curriculum - Common Core State Standards Implementation Prohibited (McDonough) prohibits the Maryland State Department of Education (MSDE) from implementing Common Core or forcing local school systems to implement the standards. Hrg. 2/26 W&M

HB 893 Education - Local School System Autonomy (George plus 20) specifies that the Maryland State Board of Education's (MSBE's) bylaws, rules and regulations do not apply to counties when they are inconsistent with the county's own bylaws, rules, and regulations. It adds instructional policies and curriculum policies to the list of topics on which MSBE or the counties can issue bylaws, rules, and regulations. Hrg. 2/26 W&M

HB 1138 Education - County Boards of Education - Control and Management of Public Schools (Smiegel, Jacobs, Otto) establishes that decisions of a county board of education for standards, curriculum, and courses of study in the public schools are final and may not be subject to further review. State guidelines would be voluntary. Hrg. 3/12 W&M

HB 1164 Common Core State Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup (Luedtke plus 15) establishes a workgroup to assess the needs of teachers and principals in relation to the implementation of Common Core and the technological readiness for the PARCC computerized assessments, to design professional development and technological infrastructure plans and to make recommendations by June 30, 2015. Hrg. 2/26 W&M

HB 1167 Education - Performance Evaluation Criteria - Use of Student Growth Data (Hixson plus 45) prohibits performance evaluation criteria from including student growth data based on school assessments to be used for personnel decisions before the 2016-17 school year. Hrg. 3/6 W&M

HB 1173 Public Schools - Substitute Teachers - Qualifications, Training, and Study (Kaiser) requires county boards to establish qualifications for substitute teachers which include: fingerprints and evidence of graduation from an education institution. County boards would have to require substitute teachers to complete an orientation and training that includes: classroom management techniques, school safety procedures, etc. Hrg. 2/25 APP

SB 578 Education - Partnership for Assessment of Readiness for College and Careers (PARCC) - Implementation Timeline (Reilly plus 4) requires MSBE to develop an implementation timeline for implementing PARCC. Prohibits start of PARCC prior to June 30, 2015. Hrg. 2/19 EHEA

SB 910/HB 1001 Education - Federal Elementary and Secondary Education Act – Waivers (Madaleno plus 14/ Hixson plus 46) requires MSDE to adopt regulations establishing the provisions of the waiver before requesting the waiver. Requires MSDE to submit to the General Assembly detailed descriptions of how the waiver is consistent with state law and regulations. Hrgs. 2/19 EHEA; 3/6 W&M

SB 911 Education - Performance Evaluation Criteria - Default Model (Madaleno plus 15) requires the performance evaluations adopted by MSBE to be the default criteria. Hrg. 2/19 EHEA

Update on bills reported in RSC 1 & 2

SB 271 Income Tax Credit - Home Instruction Expenses (RSC 2) Unfavorable report B&T

SB 633 Maryland Education Credit (RSC 2) now cross-filed with **HB 1262** (Mitchell plus 41) Hrgs. 2/26 B&T; 3/7 W&M

HB 814 Education - State Grant to Counties With Small and Declining Student Enrollment (RSC 2)

Hrg. 3/5 W&M

SB 408 Education - Common Core State Standards - Implementation Timeline (RSC 2) now cross-filed with **HB 925** (George plus 6) Hrg. 2/26 W&M

Lois Hybl

CHILDREN & FAMILY ISSUES/JUVENILE JUSTICE

HB 342/SB 476 Criminal Procedure – Seeking Medical Assistance for Another Who Ingested Alcohol or Drugs – Minors (Haddaway-Riccio and Eckhardt/Colburn) This bill provides that a minor, who in good faith seeks medical assistance for another person who is experiencing a medical emergency after ingesting alcohol or drugs, may not be charged with or prosecuted for drug possession or underage possession of alcohol, be detained on an outstanding warrant for another non-violent crime under special circumstances, or be required to provide any personal identifying information for any purpose other than assisting in the medical treatment of the person experiencing the medical emergency. Hrg. 2/11, 1 p.m. JUD; 2/25, 1 p.m. JPR

SB 515 Juvenile Law – Transfer of Cases to Juvenile Court (Gladden, Currie, Miller) This bill repeals a provision of law that prohibits the court exercising criminal jurisdiction in a case involving a child from transferring the case to the juvenile court under certain circumstances. This would give the court an additional option in dealing with the juvenile defendant, but the court would still be required to consider such factors as “the amenability of the child to treatment in an institution, facility, or program available to delinquent children, the nature of the crime, and the public safety.” Hrg. 2/25, 1 p.m. JPR

HB 577/SB 1018 Task Force to Study Housing & Supportive Services for Unaccompanied Homeless Youth – Continuation, Membership, Stipend, and Duties (M. Washington plus 19/Reilly) These bills extend the life of the Task Force until 6/30/15 and require it to submit a preliminary report on or before 11/1/14 and a final report on or before 6/1/15. They also provide for an expanded role for unaccompanied homeless youth in the work of the Task Force. Heard 2/11 APP; assigned to SRU

Update on bills reported in RSC 1 & 2:

HB 1/SB 64 Children in Need of Assistance-Educational Stability (RSC 1) Passed House and Senate, respectively; assigned to JPR & JUD in opposite chamber

HB 79/SB 68 Courts-Juveniles -Expungement of Records (RSC 1) Heard JUD & JPR; no further action

SB 122 Juvenile Law-Detention Community Detention Violations Hearings (RSC 1) passed Senate; assigned to JUD

HB 307/SB 333 Peace Orders & Protective Orders-Burden of Proof (RSC 2) **HB 307** Hrg. 2/21 JUD; **SB 333** passed Senate; assigned to JUD

HB 309/SB 334 Family Law-Domestic Violence-Permanent Final Protective Orders (RSC 2) **HB 309** Hrg. 2/21 JUD; **SB 334** passed Senate; assigned to JUD

SB 210 Child Abuse-Failure to Report-Penalties & Task Force (RSC 2) Hrg. 1/30 JPR

HB 407/SB 485 Juvenile Law-Prohibition Against Continued Detention (RSC 2) Heard 2/6 JUD; Hrg. 2/18 JPR

HB 701/SB 454 Criminal Law-Child Kidnapping & Prostitution (RSC 2) Hrgs. 2/18 JUD & JPR

SB 78 Criminal Law-Human Trafficking-Victims Under Age 21 (RSC 2) passed Senate; assigned to JUD

HB 696 Criminal Law-Human Trafficking-Victims Under Age 21 (RSC 2) Hrg. 2/18 JUD

Judy Morenoff

ADMINISTRATION OF JUSTICE

HB 439/SB 538 Courts - Jury Service - Excusal (Summers plus 10/Ramirez plus 3) allows a person who is a primary caregiver for a child under the age of 6 and unable to find child care, a breast-feeding mother, or a parent on paternity or maternity leave to be excused from jury service. Hrgs. 2/12 JUD; 2/20 JPR

HB 726 Judges - Mandatory Retirement Age (Frush plus 3) proposes amendments to the Maryland Constitution to increase the mandatory retirement age for judges from 70 years to 75 years. Hrg. 2/12 JUD

HB 803/ SB 1005 Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs (Lee plus 1/Forehand) increases costs imposed by circuit and District Courts for specified crimes and offenses for deposit into the State Victims of Crime Fund. Hrgs. 2/25 JUD; assigned to SRU, no hrg. scheduled.

HB 410/SB 376 Criminal Procedure - Expungement - Misdemeanor Convictions (Anderson plus 26/Currie and Gladden) A person convicted of a nonviolent misdemeanor and who has never before been convicted of a crime may petition for expungement of a police or court record. Hrgs. 2/11 JUD; 2/12 JPR

Several bills have been filed dealing with the initial appearance of arrested persons to determine conditions of pretrial release or detention (bail hearings). These include:

HB 537 Criminal Procedure - Pretrial Confinement and Release of Criminal Defendants - Initial Appearance and Representation by the Office of the Public Defender (Chair, JUD by request of the Maryland Judicial Conference) At an initial appearance, a defendant should appear before the District Court within 24 hours to determine whether and on what conditions the defendant should be released. If the Court is not in session, the defendant shall appear before a District Court Commissioner (see **HB 1186**) who must obtain and verify information and make a recommendation based on that information to a District judge. In either case, an indigent defendant should be provided with representation by the Office of the Public Defender. Hrg. 2/25 JUD

HB 1186 Criminal Procedure - Pretrial Release - Setting of Bond - Personal Recognizance (Anderson plus 7) repeals current law allowing commissioners, appointed by an administrative judge of the District Court in each district, who need not be lawyers, to set bond or send persons to jail in default of bond. Allows a defendant to be released on personal recognizance for specified minor crimes. Hrg. 2/25 JUD

HB 1232/SB 973 Criminal Procedure - Pretrial Confinement and Release (Dumais plus 6/Frosh) requires the Secretary of Public Safety and Correctional Services to establish a Pretrial Release Services Program to offer each county an alternative to pretrial detention. It would give the duties of the district commissioners (see **HB 1186**) to District judges and would require the Office of the Public Defender to represent indigent defendants at initial appearances in District Court or circuit courts. Hrsg. 2/25 JUD; 2/19 JPR

HB 1277 Office of the Public Defender - Representation at Bail Hearing - Provisional (Vallario plus 5) The representation provided by the Office of the Public Defender to an indigent individual at a bail hearing before a District Court or a circuit court judge shall end automatically when the bail hearing ends. Hrg. 2/25 JUD

Update on bills reported in RSC 1 & 2:

HB 38/SB 61 Court of Special Appeals-Writs of Actual Innocence-Illegal Sentences, and Coram Nobis Petitions-Review by Application with Leave to Appeal Unfavorable report JUD 2/10

HB 500 Judgeships-District Court Hrg. 2/25 JUD

HB 31/SB 272 Sentencing Procedures-Statement by Victim or Victim's Representative (Alex's Law) Favorable report JUD 2/17
Marlene Cohn

BUDGET AND TAXATION

HB 347/SB 365 Sales and Use Tax - Rate Reduction (Schuh et al./Getty et al.) would reduce the Maryland Sales Tax from 6% to 5% effective July 1, 2014. Hrsg. 2/18 W&M; 2/5 B&T

HB 198/SB 727 Income Tax - Earned Income Credit - Refundable Amount (Mitchell et al./Madaleno et al.) would increase the percentage of the federal earned income credit allowable to Marylanders eligible for the Maryland earned income credit from 25% to 30% over five years. Hrsg. 2/4 W&M; 2/26 B&T

HB 557 Taxpayer Protection Act - State Income Tax - Consumer Price Index Adjustments (Krebs et al.) would increase the brackets of the Maryland income tax each year by the cost of living index. Hrg. 2/18 W&M

HB 554/SB 625 Commission on Tax Policy, Reform, and Fairness (Dumais et al./Feldman) would establish a Commission on Tax Policy, Reform and Fairness which would look at the state's current revenue structure and make recommendations for change by December 1, 2015. Hrsg. 2/14 W&M; 3/5 B&T

HB 1331/SB 765 Transportation - Motor Fuel Tax and Highway User Revenue - Increased Local Share (Parrott et al./Colburn) would increase the portion of highway user revenue that is distributed to local governments and would alter the share of these funds among the counties, municipalities, etc. No hearing scheduled for **HB 1331**; Hrg. 3/5 B&T

SB 772 Transit Benefit Districts (DeGrange and Miller) would authorize the Maryland Transit Administration to establish no more than two "transit benefit districts" which would have taxing authority to finance, construct and operate transit facilities and services. The two districts would be the Baltimore Metro District and the Washington Metro District. Hrg. 3/5 B&T

Update on bills reported in RSC 1 & 2:**HB 443/SB 589 Tobacco Taxes – Healthy Maryland Initiative** (RSC 2) Hrgs. 2/20 W&M; 2/26 B&T**SB 172 Budget Reconciliation and Financing Act of 2014** (RSC 1) Hrg. 2/26 B&T**SB 602 Maryland Estate Tax – Unified Credit** (RSC 2) Hrg. 3/5 B&T**SB 627** (RSC 2) now cross-filed with **HB 1279 Special Taxing Districts – Transportation Improvements and Exemption from County Tax Limitations** (Hixson et al.) Hrgs. 2/19 B&T; 3/6 W&M**SB 629 Vehicle Registration Fee Surcharge** (RSC 2) Hrg. 2/19 B&T*Barbara Hankins***ENVIRONMENT: RENEWABLE ENERGY & SOLID WASTE****HB 747/SB 734 Renewable Energy Portfolio Standard - Qualifying Biomass** (Olszewski plus 23/Feldman plus 12) limits the eligibility of qualifying biomass as a Tier 1 renewable source for the purposes of the renewable energy portfolio standard to qualifying biomass used at a generation unit that started commercial operation on or after January 1, 2005 and that achieves a total system efficiency of 65% or more. Hrgs. 2/20 ECM; 3/4 FIN**Update on bills reported in RSC 1 & 2:****SB 56/HB 240 Environment-Solid Waste Management Practices-MD Recycling and Landfill Diversion Task Force** (RSC 2) Heard 2/11 EHEA and 2/6 ECM; no further action**SB 156/HB 1249 Public Utilities-Renewable Energy Portfolio Standard-Hydrokinetic Turbines** (RSC 2) Heard 1/28 FIN; no further action**SB 186/HB 202 Clean Energy Loan Programs-Private Lenders-Collection of Loan Payments** (RSC 2) Heard 1/28 FIN; no further action*Hugh Haskell***ENVIRONMENT: HYDRAULIC FRACTURING****HB 1122/SB 745 Shale Gas Drilling Safety Review Act of 2014** (Mizeur plus 21/Young plus 6) These bills prohibit the Maryland Department of the Environment (MDE) from issuing a permit for hydraulic fracturing of a well for exploring or producing natural gas until each requirement of the study described in the Governor's Executive Order (E.O.) dated 1/1/2011 is completed; 18 months have passed after the date that the study is issued; MDE has adopted regulations that are at least as protective of the public health and the environment as the study findings and recommendations; and MDE and the Department of Natural Resources (DNR) conduct a risk assessment of the public health and environmental hazards of hydraulic fracturing activities and issue the risk assessment at the same time as the final report required in the E.O. Hrgs. 2/28, 1 p.m. ENV; 2/25, 1 p.m. EHEA**HB 865 Natural Gas – Hydraulic Fracturing – Rural Residential Drinking Water Protection Act** (Mizeur plus 8) prohibits MDE from issuing permits for fracturing within 3,280 feet of drinking water well, drinking water supply reservoir, or surface after intake on flowing stream. Hrg. 2/28, 1 p.m. ENV**HB 1030 Public Health – Hydraulic Fracturing Chemicals – Information and Fund** (Morhaim plus 20) This bill requires hydraulic fracturing permit applicant to submit information to Dept. of Health & Mental Hygiene; establishes a Hydraulic Fracturing Chemical Education and Impact Fund; and establishes fees and civil penalties for violations. Hrg. 2/21, 1 p.m. ENV**SB 535 Natural Gas Severance Tax and Impact Account** (Edwards) This bill establishes a 2.5% severance tax imposed on the market value of natural gas produced at a wellhead. The Comptroller will collect and administer the tax and the bill establishes recordkeeping and payment requirements for well owners, and misdemeanor penalties for violations. Severance Tax revenues are deposited into a new Natural Gas Impact Account within the existing Oil and Gas Fund administered by MDE.**Update on bills reported in RSC 1 & 2:****HB 292 Natural Gas-Hydraulic Fracturing-Prohibition** (RSC 1) Hrg. 2/28, 1 p.m. ENV**SB 360 Natural Gas-Hydraulic Fracturing-Prohibition** (RSC 2) Heard 2/4 EHEA and FIN; unfavorable report EHEA**HB 409 Environment- Hydraulic Fracturing Wastewater-Prohibited Acts** (RSC 2) Hrg. 2/28, 1 p.m. ENV**SB 361 Public Safety-Gas Pipeline Inspection Requirements-Best Available Technology** (RSC 2) no further action**SB 362 Public Safety-Gas Pipeline Inspection Requirements-State Penalties** (RSC 2) no further action*Betsy Singer*

ENVIRONMENT: LAND USE

HB 576 Sustainable Growth and Agricultural Preservation Act of 2012 - Diminution in Value of Real Property - Compensation (Fisher plus 24) This bill requires the State to pay just compensation to the owner of real property that experiences a diminution in fair market value as a direct result of specified growth tier restrictions enacted by the Sustainable Growth and Agricultural Preservation Act (Chapter 149) of 2012. To apply for compensation, a landowner must file a claim with the Maryland Department of Agriculture (MDA). The MLIS warns of considerable expense required for compensation and for the hiring of assessors. Hrg. 2/26 ENV

HB 510 Sustainable Communities Tax Credit Program - Extension and Alteration (Chairman, W&M at the request of Department of Natural Resources) This departmental bill extends the termination date of the Sustainable Communities Tax Credit Program through fiscal 2019, requires the Governor to include an appropriation to the commercial program in fiscal 2015 through 2019, authorizes the Maryland Historical Trust (MHT) to award an unlimited amount of credits to small commercial projects, clarifies the authority of MHT to revoke certain expired tax credits, and alters other program eligibility requirements and procedures. The measure would be a boon to small businesses in designated sustainable communities. There would be a net loss of revenue to the state. Hrg. 2/14 ENV
Susan Cochran

ENVIRONMENT: CLEAN WATER & PESTICIDES

SB 394 Statewide Container Recycling Fund (Frosh plus 5) would require a beverage distributor operating within the state to register with MDE on or before April 1, 2015; require a redeemable beverage container sold in the State to indicate refund value of 5 cents beginning January 15, 2016; and require the payment of deposits. Hrg. 2/20 FIN

HB 718/SB 707 Community Cleanup and Greening Act of 2014 (Carr plus 10/Raskin plus 3) would authorize a county to impose a fee on a store for the use of disposable carryout bags and require a store to collect a fee for each disposable carryout bag the store provides to a customer. A similar bill was proposed in 2013. Hrgs. 2/21 ENV; 2/25 EHEA

HB 905/SB 725 Chesapeake Bay - Nutrient Management - Poultry Fair Share Act (Robinson et al./Madaleno plus 2) would establish a chicken manure pollution fee payable to the Comptroller by a poultry integrator; require the Comptroller to transfer revenue from the fee to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture for cover crop activities; and repeal provisions of law requiring the Comptroller to disburse funds from the Bay Restoration Fund to be used for cover crop activities. The fees would be on the "poultry integrator" (e.g., Perdue) and not on the farmer. Governor O'Malley has already stated publicly that he would veto this bill. **HB 905** received an unfavorable report in ENV and was withdrawn. Hrg. 2/25 EHEA

HB 615 Climate Risk Reduction Act (Chair, ENV at request of Dept. of Natural Resources) would establish a Coast Smart Council in DNR, and require the Council, in consultation with DNR, to establish siting and design criteria for structures, and develop other criteria by June 30, 2015. Heard 2/12 ENV; no further action

Update on bills reported in RSC 1 & 2:

HB 11 Environment- Bay Restoration Fund-Authorized Uses (RSC 2) Heard 1/29 ENV

HB 12 Bay Restoration Fund- Authorized Uses-Local Entities (RSC 2) Passed 2nd reading ENV

HB 121/SB 62 Chesapeake Bay Trust-Powers and Duties-Member Terms (RSC 2) Passed House and Senate, respectively; assigned to EHEA & ENV in opposite chamber

HB 129/SB 407 Public Ethics- Chesapeake Bay Trust-Exemptions and Conflict of Interest Provisions (RSC 2) Passed House and Senate, respectively; assigned to EHEA & ENV in opposite chamber

HB 618/SB 437 Nonresident Recreational Fishing and Crabbing Licenses-Oyster Restoration Surcharge (RSC 2) Heard 2/12 ENV; **SB 437** has been amended and recommitted to EHEA

SB 466 Oyster Dredging-Waters North of the Chesapeake Bay Bridge and the Kent Narrows Bridge has been cross-filed as **HB 1155** (Jacobs et al.) Heard 2/11 EHEA; hrg. 2/28 ENV

HB 621/SB 700 Registration of Pesticides-Fee Increase-Disposition of Fees Heard 2/12 ENV; 2/18 EHEA

SB 56/HB 240 Environment - Solid Waste Management Practices - Maryland Recycling and Landfill Diversion Task Force (RSC 2) *See Environment: Renewable Energy & Waste report, p. 7*

SB 5 Stormwater Management-Watershed Protection and Restoration Program-Repeal (RSC 1) Unfavorable report EHEA

SB 27 Nutrient Management-Phosphorus Risk Assessment Tool or Index-Economic Impact Analysis (RSC 1)

Heard 1/28 EHEA; no further action

SB 135 Watershed Protection and Restoration Program-Enforcement by Dept. of the Environment-Moratorium (RSC 1) Unfavorable report EHEA

SB 317 Income Tax-Subtraction Modification-Stormwater Remediation Fee (RSC 2) Unfavorable report B&T

Linda Silversmith

TRANSPORTATION

HB 662 Speed Monitoring Systems - Local Jurisdictions - Audit and Reporting (Braveboy) requires a calibration check annually to be reported to the state for accuracy and independent evaluation of speed cameras. Hrg. 2/18 ENV

HB 873/SB 1001 Vehicle Laws – Divided Highways – Speed Limits and Crosswalks (Conway/Mathias) requires a crosswalk and possible modification of speed limits at light controlled intersections on divided highways.

Hrgs. 2/21 ENV; 2/12 SRU

HB 1382 MTA – Toll Increases – Legislative Approval Required (Bromwell) mandates that any increase in a toll or transportation fee requires approval of the General Assembly. HRU

SB 710/HB 957 Impaired Driving – Repeat Offenders - Penalties (Forehand/Valentino-Smith) stiffens the penalties after three violations and applies mandatory sanctions. Hrgs. 2/28, 1 p.m. JPR; 2/26, 2 p.m. JUD

Updates on bills reported in RSC 1 & 2:

HB 92 Vehicle Laws – Passing a Bike, an Electric Personal Assistive Mobility Device, or a Motor Scooter - Distance Requirement (RSC 1), unfavorable report ENV

HB 130/SB 153 Motor Vehicle Accidents – Task Force to Study Methods to Reduce the Rate of Uninsured Drivers (RSC 1), passed the third reading with amendments in both House and Senate, on to opposite chamber for reconciliation. ECM, FIN

HB 585 Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Children (RSC 2), unfavorable report ECM

SB 33 Vehicle Laws – Rules of the Road – Use of HOV Lanes (RSC 1), passed third reading ENV

SB 87 Drunk Driving – Ignition Interlock System Program – Repeat Offenders (RSC 1), passed third reading JUD

Barbara Ditzler

GUN CONTROL

SB 728 Public Safety – Licensed Firearms Dealers – Background Checks (Jacobs plus 5) would authorize licensed firearm dealers to conditionally sell, rent, or transfer a firearm to a firearm applicant if the dealer: (1) has not received a written notice from the Secretary of State Police within 7 days of a firearm application; (2) requested a National Instant Criminal Background (NICS) check on the applicant by telephone or electronically with the descriptive information; (3) provided the ATF Form 4473; 4) received a “proceed” or “not disapproved” response from the NICS, and (4) recorded the NICS Transaction Number on the ATF Form 4473. Hrg. 2/26, 1 p.m. JPR

SB 729 Public Safety – Licensed Firearms Dealers – Background Checks (Jacobs plus 15) would authorize licensed firearm dealers to conditionally sell, rent, or transfer a firearm to a firearm applicant under specific conditions: 1) has not received a written notice from the Secretary of State Police within 7 days of a firearm application, 2) requested a National Instant Criminal Background (NICS) check on the applicant by telephone or electronically with the descriptive information, 3) provided on the ATF Form 4473; 4) received a “proceed” or “not disapproved” response from the NICS, 4) check on the applicant; and 5) recorded the NICS Transaction Number on the ATF Form 4473. Hrg. 2/26, 1 p.m. JPR

SB 758 Assault Weapons – Firearms Collector – Possession (Jacobs plus 15) proposes exceptions to the Firearms Safety Act of 2013: (1) if acting within the scope of official business, personnel of the United States government or a unit of that government, members of the armed forces of the United States or of the National Guard, law enforcement personnel of the State or a local unit in the State, or a railroad police officer; (2) a firearm modified to render it permanently inoperative. JPR

SB 768 Regulated Firearms - License Issued by Another State - Reciprocity (Getty plus 10) A license issued by another state to carry a regulated firearm, including a concealed, regulated firearm, would be valid in Maryland.

Hrg. 2/25, JPR

HB 715 Public Safety – Handgun Identification Requirements – Repeal (Smigiel plus 23) proposes to repeal the law requiring that a handgun manufacturer that ships or transports a handgun for sale, rental, or transfer in the state shall include in the box with the handgun in a separate, sealed container: (1) a shell casing of a projectile discharged from the handgun; and (2) additional information that the Secretary requires to identify the type of handgun and shell casing. On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with this subsection. On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory. On receipt of a shell casing and information as required the Department of State Police Crime Laboratory shall enter the information in each relevant database.

Hrg. 3/4, 1 p.m. JUD

HB 716 Public Safety - Handgun Qualification License - Qualified Handgun Instructors and Permit Holders

(Smigiel plus 18) would add Qualified Handgun Instructors to those people who may purchase, rent, or receive a handgun without a handgun qualification license if the instructor is not otherwise prohibited under State or federal law. It would require the Secretary of State Police to issue a handgun qualification license to a person who meets the requirements for a permit to carry, wear, or transport a handgun. In essence, handgun instructors would be added to the list that includes “a person who: (1) possesses valid credentials from a law enforcement agency or retirement credentials from a law enforcement agency; (2) is an active or retired member of the armed forces of the United States or the National Guard and possesses a valid military identification card, or (3) is purchasing, renting, or receiving an antique, curio, or relic firearm.” Hrg. 3/4, 1 p.m. JUD

HB 717 Public Safety - Firearms Safety Training - Demonstration Component (Smigiel plus 17) proposes to repeal the requirements that (1) a firearms safety training course necessary for the issuance of a handgun qualification license include a firearms orientation component that demonstrates the person's safe operation and handling of a firearm; and (2) a firearms training course necessary for the issuance of a permit to carry, wear, or transport a handgun include a firearms qualification component that demonstrates the applicant's proficiency and use of the firearm. Hrg. 3/4, 1 p.m. JUD

HB 719 Public Safety - Firearms - Probation Before Judgment (Smigiel plus 4) would alter the definition of "convicted of a disqualifying crime" to allow a person who has received probation before judgment to possess a regulated firearm, rifle, or shotgun and to become a firearm dealer and to allow a dealer or other person to sell, rent, or transfer a regulated firearm to a person who has received probation before judgment. Hrg. 3/4, 1 p.m. JUD

HB 720 Public Safety - Handgun Permits - Training Requirement (Smigiel plus 13) would repealing the requirement that an applicant renewing a permit to carry, wear, or transport a handgun complete the training requirement each time he renews the permit. Specifically, “ a minimum of 16 hours of instruction by a qualified handgun instructor;” would continue to be required to apply for a permit, but “ for a renewal application, 8 hours of instruction by a qualified handgun instructor” would be deleted from the bill. Hrg. 3/4, 1 p.m. JUD

HB 1005 Firearms - Handgun Permit Requirements - Retired Military (Bromwell plus 30) requiring the Secretary of State Police to issue a handgun permit to a person who is a retired member of the armed forces of the United States or the National Guard. The applicant can EITHER be retired military OR (not AND) fulfill the current legal list of qualifications for handgun possession. Thus, retired military would not be subject to the most of the qualifications included in the Firearms Safety Act of 2013. JUD

HB 1199 Possession of Loaded Handgun or Regulated Firearm - Enhanced Penalties (Clippinger) would (1) prohibit a person from wearing, carrying, or transporting a loaded handgun (2) establish penalties, including mandatory minimum sentences, (3) prohibit a court from suspending any part of a sentence or ordering probation before judgment. (4) consider each violation a separate crime. Hrg. 3/4, 1 p.m. JUD

Updates on bills reported in RSC 1 & 2:

HB 36 Public Safety-Handgun Permit-Applicant Qualifications (RSC 1) Hrg. 3/4 JUD

HB 42 Public Safety-Firearms-Application Approval Before Sale, Rental, or Transfer (RSC 1) Hrg. 3/4 JUD

HB 60 Repeal of the Firearm Safety Act of 2013 (RSC 1) Hrg. 3/4 JUD

HB 62 Regulated Firearms - License Issued by Delaware, Pennsylvania, Virginia, or West Virginia – Reciprocity (RSC 1) Hrg. 3/4, 1 p.m. JUD

HB 90 Regulated Firearms - Disqualifying Crime - Domestically Related Crime (RSC 1) Hrg. 3/4, 1 p.m., JUD

HB 94 Criminal Law - Prohibition on Manufacture of Detachable Magazine or Firearm Receiver - 3-Dimensional Printing (RSC 1) Hrg. 3/4, 1 p.m., JUD

HB 235 Criminal Law - Death Penalty - Law Enforcement Officers and Correctional Officers (RSC 2) Hrg. 3/11, 1 p.m. JUD

Doreen Rosenthal

DEATH PENALTY

Updates on bills reported in RSC 1 & 2:

HB 651 Courts - Aggravated Murder Court (RSC 2) Hrg. 3/11, 1 p.m. JUD

Doreen Rosenthal

HEALTH

The new Medicare Waiver has caused some consternation in the General Assembly, because legislators did not have any input into the application, which was approved earlier this year by the Centers for Medicare and Medicaid (CMS). They are concerned about certain aspects of the implementation. **HB 866 Task Force to Evaluate the Quality of Patient Care Under a Capitated Payment System** (McDonough et al.) establishes a task force to look at the migration of the hospital system from a per case or fee for service payment system to a per capita system. They are also concerned about payment for physicians under the new system. Hrg. 2/27 HGO

HB 806 Health Information Exchanges – Protected Health Information – Regulations (Lee et al.) would add regulations for how protected health information is stored and used. The regulations would comply with the Health Insurance Portability and Accountability Act (HIPAA). Hrg. 2/27 HGO

HB 783/SB 717 Task Force to Study School-Based Health Centers (Cullison et al./Ferguson et al.) establishes a task force to study the coordination of care in School-Based Health Centers and the care in the community and Managed Care Organizations. This bill may be in light of the new Medicare/Medicaid waiver. This type of cooperation/coordination is occurring in Western Maryland already. Hrgs. 2/25 HGO; 2/26 EHEA

Currently medical laboratories operating in Maryland are not allowed to advertise their services. There are two bills which would change this, **SB 227 Health – Medical Laboratories – Advertising For or Soliciting Business – Repeal of Prohibition** (Reilly) and **HB 906 Medical Laboratories – Direct to Consumer Genetic Testing** (Pendergrass). The Maryland Laboratory Committee in the Department of Health is opposed to both bills. They are supported by the labs that do genetic testing through the mail. **SB 227** was heard 1/30 in FIN; no further action. **HB 906** Hrg. 2/28 HGO

There are two cross-filed bills that will change the malpractice climate in the state. **HB 1009/SB 789 Civil Actions – Noneconomic Damages – Catastrophic Injury** (Carter et al./Ramirez plus 2) are an effort by the Plaintiff's Bar to increase the cap on noneconomic damages, which is currently \$740,000. The bills would provide an award of \$2,400,000 and increase the cap to \$2,670,000 by 2016 when the judge determines that a catastrophic injury has occurred. Catastrophic injury is broadly defined. There is no cap on economic damages, which encompass medical care and earning power, as well as other factors. Hrgs. 3/5 JUD; 2/27 JPR

HB 930 Health Care Malpractice – Limitation on Noneconomic Damages (Elliott et al.) places caps on the noneconomic damages and actually reduces the current limit to \$500,000. Hrg. 3/5 JUD

HB 635 Health Care Malpractice – Expression of Regret or Apology – Inadmissibility (George et al.) would allow physicians to discuss a problem that occurred without the worry of admissibility in a court case. Hrg. 3/5 JUD

HB 641/SB 803 Court and Judicial Proceedings – Communications Between Patient or Client and Health Care Professional – Exception to Privilege (Simmons/Raskin) allows privileged communication between a health professional and the patient admissible in court when a health professional is seeking a restraining order or other peace order. Heard 2/12 JUD, no further action; hrg. 2/27 JPR

HB 584/SB 367 Drug Abuse Treatment Programs – Locations and Economic Impact Study (Davis/Pugh) would require the Department of Health and Mental Hygiene and the University of Baltimore to study the economic impact on the neighborhood and businesses in the area of the treatment program. Heard 2/11 HGO and 2/5 FIN; no further action

Update on bills reported in RSC 1 & 2:**HB 162/SB 172 Budget Reconciliation and Financing Act of 2014** (RSC 2) Heard 1/15 APP; Hrg. 2/26 B&T*Neilson Andrews***DRUGS & OTHER CONTROLLED SUBSTANCES****SB 658/HB 880 The Marijuana Taxation and Regulation Act** (Raskin et al./Anderson et al.) This bill repeals certain criminal prohibitions against the use, possession, and sale of marijuana and it provides for exemptions from prosecution for specified persons under certain circumstances. Hrg. 2/25 JPR; JUD and W&M no hearing date**HB 879 Maryland Marijuana Decriminalization Act** (Mizeur et al.) changes the penalties for use and possession of marijuana and makes the possession of 1 ounce or less of marijuana a civil offense. It also provides for parental notification for minor offenders. JUD no hearing date**HB 881 Medical Marijuana - Natalie M. LaPrade Medical Marijuana Commission** (Morhaim et al.) This bill alters the purpose of the Natalie M. LaPrade Medical Marijuana Commission to include the registration and regulation of specified physicians and authorizes the Commission to set reasonable fees. HGO no hearing date**HB 889 Marijuana Laws -Full Disclosure of Legal, Employment, and Health Risks** (Impallaria et al.) requires the Office of the Attorney General, at least 90 days before the implementation of any law that reduces penalties for or legalizes the use of marijuana, to establish a specified system to notify the public of the risks related to the change in the law. HGO no hearing date
*Alyce Ortuzar***MEETING BASIC HUMAN NEEDS****HB 968/SB 753 Labor and Employment - Maryland Earned Sick and Safe Leave Act** (Olszewski/Pugh) This bill requires employers of 10 or more employees to provide earned sick and safe leave at a rate of at least 1 hour for every 30 hours an employee works but this is not required to exceed 56 hours of leave per calendar year. Employers with 9 or fewer employees are required to allow employees to use unpaid sick and safe leave. This leave can be used for the employee's illness or injury; preventive medical care for employee or employee's family member; to care for a family member with illness or injury; if absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member. Employers may establish reasonable procedures for employees requesting to take this leave. Hrgs. 2/18 ECM; 2/20 FIN**HB 949 Labor and Employment-Training Wages for Newly Hired Employees-Establishment** (McDonough) This is another bill seeking to exempt certain new employees from a minimum wage higher than the federal minimum wage for a "training period." Hrg. 2/25 ECM**HB 366 HOME Act of 2014** (Lafferty) This bill, which has been introduced in various forms in past years, would expand the housing policy of the state to include the provision of fair housing to all citizens regardless of source of income. A goal of this bill is to deconcentrate poverty by providing additional opportunities for tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing. It would not prevent private landlords from considering relevant, nondiscriminatory factors in screening rental applicants, including an applicant's ability to comply with lease terms and prior tenancy history. Eleven states (Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Wisconsin – and the District of Columbia) and over 30 localities across the country have laws prohibiting discrimination based on a person's source of income. Hrg. 2/27 ENV**SB 904 Residential Leases-Rental Fees-Landlord and Tenant Relations** (MD Rental Housing Stabilization Act) (Ramirez) This bill creates a Maryland Rental Housing Authority in which 3 of the 7 Commissioners are low or moderate income tenants; requires all rental housing units to be registered with the Authority; requires all landlords to use qualifying written leases; controls the allowable increases in rent, and requires that a landlord can only evict a tenant for a just cause. Hrg. 3/5 JPR**HB 946/SB 181 Residential Leases - Just-Cause Eviction** (Carter/Gladden) This bill prohibits a landlord from evicting a tenant in the absence of a just cause and enumerates a list of acceptable causes for eviction. Hrgs. 2/20 ENV; 1/30 JPR**HB 1143/SB 799 Landlord and Tenant - Retaliatory Actions -Types of Prohibited Actions** (Frush/Ramirez) This bill prohibits a landlord from evicting a tenant or arbitrarily increasing the rent for filing a complaint or participating in a tenant organization. Hrgs. 2/27 ENV; 3/5 JPR
Ruth Crystal