



REPORT FROM STATE CIRCLE
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Be sure to visit the new Maryland General Assembly website: <http://mgaleg.maryland.gov>

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ELECTIONS & REDISTRICTING

HB 224/SB 279 Election Law – Improving Access to Voting (Speaker plus 18/President plus 15, at the request of the Administration) There are three main components of the bill: establishing same day voter registration at early voting centers, allowing certain voters to apply for an absentee ballot online and allowing an absentee ballot to be marked with an online ballot-marking tool, and expanding the number of early voting centers and dates for early voting. The League supports same day voter registration, and will testify in favor of that component of HB 224/SB 279, but will also encourage legislators to find a way to make secure same day registration possible at election day polling places.

HB 242/SB 519 Election Law – Registration and Voting at Early Voting Centers (Cardin plus 6; Raskin plus 5) The main difference between this bill and the Administration’s bill is that having registered at an early voting location, under the Administration’s bill a voter could vote a regular ballot, but under Delegate Cardin’s bill, the voter would vote a provisional ballot. **HB 17/SB 519 Elective Franchise – Registration and Voting at Polling Places** (Reznik/Raskin plus 4) This legislation requires a Constitutional amendment, and would authorize the General Assembly to provide for same day registration at early voting places and election day polling places.

A number of advocates have raised security concerns about the online requesting and delivery of absentee ballots as well as the use of the online ballot-marking tool. State Board of Election staff has assured the advocates that they have taken adequate security measures, but the need to keep the exact measures private to assure that potential wrong-doers don’t have that information makes the transparency of the process troubling. Registered voters with a valid driver’s license or MVA-issued ID card would be able to request an absentee ballot online, and the signature on file with the MVA would suffice as the required signature on the absentee ballot application. After confirmation that the person is a registered voter, an email message would be sent to the voter with a link to an online absentee ballot. The voter could then either print out the ballot and fill it out and mail it back to the election board, or use the online ballot marking tool to mark the ballot with her choices, then print it out and mail it back to election officials. The League has no specific position relating to the online ballot marking tool or the electronic delivery of ballots, so will not testify to this portion of the Administration’s bill.

The third issue covered by **HB 224/ SB 279** is the expansion of the number of sites for early voting, plus expansion of the number of days of early voting. Specifically, the bill states that a county with fewer than 120,000 registered voters will have one early voting center (currently that number is 150,000), counties with 125,000–300,000 will have three

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early voting centers (currently 150-300,000), a county with 300,000-450,000 voters will have five centers (currently counties over 300,000 have five centers) and a new category of counties with more than 450,000 registered voters will have eight early voting centers. The bill would require early voting sites to be open from the second Thursday before an election through the Thursday before an election.

Several other pieces of legislation have been introduced to alter early voting dates, including **HB 217 – Early Voting Access Act of 2013** (Rosenberg, Braveboy, Cardin) would allow the State Board of Elections (SBE), in collaboration with local election boards, to determine the number of early voting centers in each county, with certain minimums of one in counties with fewer than 150,000 voters, three in counties with 150,000-300,000 voters and five in counties with more than 300,000 voters. The legislation also increases the early voting period to the second Saturday before an election through the Sunday before an election. The question of whether SBE, in collaboration with local election boards should set the number of early voting centers, or whether that number should be set by the General Assembly in statute is one of the questions posed in our ongoing LWVMD Election Process Study. **HB 481/SB 497 Early Voting Centers – Legislative Districts** (Tarrant plus 10/Pugh plus 6) would require that each General Assembly legislative district have at least one early voting center. The League will present testimony in support of Early Voting, but not specifically the number of sites or dates.

Maryland League member Ralph Watkins has been spearheading a substantial League effort to get legislator support for bills that would create a Task Force or Study Commission to look at Maryland's redistricting process. **HB 233 Elections – Study Commission on the Redistricting Process in Maryland** (McComas plus 28) would create a Study Commission of thirteen members appointed by the President of the Senate (2), Speaker of the House (2), the Governor (7 – from specific organizations, including the League of Women Voters, or with specific qualifications) and two members of the general public appointed jointly by President and Speaker. **SB 240 Task Force to Study Redistricting in Maryland** (Kelley plus 9) (The cross-filed bill in the House will be filed by Delegate Braveboy later this week.) The Task Force created by this legislation would contain 16 members, two members of the Senate, two members of the House of Delegates, and 12 appointed by the Governor, including a representative of the LWV and political parties, the NAACP, the ACLU, the SBE, the Maryland Institute for Policy Analysis and Research and persons representing civil rights groups representing Asian/Pacific Islanders, Blacks/African Americans and Hispanics. The League is eager to support a statutory study of redistricting in Maryland and will support legislation that can make this happen.

The League, because it has no appropriate position, will not testify on other redistricting bills, including **HB 236 – Election Law – Districting Questions – Inclusion of Map** (McComas plus 30) which would require that a map be included on any future ballot question petitioned to referendum relating to legislative or Congressional districts. **SB 361 – Congressional Districting Process** (Pinsky) which would create a Temporary Redistricting Commission of five members. Commission members would be appointed by President of Senate, Minority Leader of Senate, Speaker of the House, Minority Leader of the House, and those four members would select the fifth member. This Commission would be responsible for preparing and adopting the Congressional districting plan for the state. However, this law would be contingent on the enactment of a nonpartisan districting process by another state that has between six and ten seats in Congress.

Lu Pierson

GUN CONTROL

HB 294/SB 281 Firearm Safety Act of 2013 (Speaker/President at the request of the Administration) contains 38 pages of definitions, rules, restrictions, and exceptions governing hand gun ownership, sales, and transport, as well as rounds of ammunition. It has the potential to ban some of the most destructive assault weapons, limit the magazine capacity of any one weapon to 10 rounds and require across-the-board licensing to purchase a handgun in MD. Hrg. 2/6, 1p.m. JUD

HB 375 Regulated Firearms – Database – Applications for Dealer's License – Record Keeping and Reporting Requirements (McIntosh, Hucker) cross-filed with **SB 266** (Frosh et al.) Defines the conditions under which the State Police may disapprove an application for a gun dealer's license or suspend a license, including specific record keeping requirements. Hrg. 2/6, 1 p.m. JUD

HB 383 Gun Shops – Security Requirements for Regulated Firearms (Niemann) requires an applicant to provide evidence to the State Police that his place of business has specific security measures including a vault for storing weapons and an alarm system. Current dealers must comply by July 1, 2014.

HB 395 Handguns – Permit Qualifications and Carrying on School Property – School Guardians (McDermott et al.) requires the State Police to issue a handgun permit to a person who is otherwise qualified and who has been designated as a school guardian, creating an exception to the prohibition against carrying a deadly weapon on public school property.

HB 397 Criminal Law – Carrying Weapons on School Property – Law Enforcement Officers Safety Act (McDermott et al.) lists exemptions to the prohibition against carrying a deadly weapon on public school property to include law enforcement officers in the regular course of duty and a person hired by the county Board of Education specifically for the purpose of guarding public school property.

HB 424 Criminal Procedure – Crimes of Violence Involving Firearms – Diminution Credits, Parole, and Plea Agreements (McDonough et al.) prohibits reducing the term of confinement of an inmate serving a sentence for a crime of violence involving a firearm. This includes denying parole or deductions from the term.

HB 426 Public Safety – Firearm Ammunition – Purchaser Information: (Dwyer et al.) prohibits a person who sells ammunition to require the purchaser to provide personal information as a condition of purchase.

HB 436/SB 533 Handguns – School Employees – Handgun Permits and Carrying Weapons on School Property (Impallaria et al./Jacobs et al.) A county board may authorize school employees, who are otherwise qualified, to carry a handgun on school property.

HB 477 Firearms – Conviction for Crime of Violence – Probation Before Judgment (Simmons) in determining a person's right to possess firearms, "Convicted of a Crime of Violence" or "Convicted of a Disqualifying Crime" will include imposition of probation before judgment, except for assault in the 2nd degree.

HB 545 Task Force to Study the Impact of Assault Weapons (Howard) lists proposed task force members including representatives from the House, Senate, State Police, AG, National Alliance on Mental Health, a hunting club, etc. Task Force will review data or studies about the accessibility of assault weapons, including youth and individuals convicted of a felony; the number of assault weapons owned by individuals, effectiveness of assault weapon laws of other states, etc.

HB 575 Criminal Law – Use of Handgun in Crime of Violence or Felon – Statute of Limitations (Clippinger and Valderrama) cross-filed with **SB 228** (Frosh et al.) A person who uses a firearm (operable or not) in the commission of a crime of violence is not covered by the 1-year statute of limitations for a misdemeanor. Hrg. 2/6, 1p.m. JPR

HB 589 Firearms Freedom Act (Dwyer et al.) prohibits a state official from enforcing a federal law relating to firearms or ammunition owned or manufactured within the state and remaining within the state.

HB 643 Public Safety – Regulated Firearms – Exemption from Training Course (Boteler et al.) exempts current and retired law enforcement personnel from the requirement to complete firearms training.

HB 655 Criminal Law – Child's Access to Firearms – Penalty (Clippinger and Lafferty) sets the penalty for leaving a firearm where an unsupervised child could gain access: imprisonment not to exceed 3 years, or a fine not to exceed \$5,000, or both.

HB 663 Public Safety – Firearms – National Crime Information Center Participation (Smigiel et al.) requires the State to participate in the national Crime Information Center database system.

SB 382 Mental Health – Emergency Evaluations – Surrender of Firearms (Brochin and Raskin) allows health professionals to petition for emergency evaluation of individuals believed to have a mental disorder or to present a danger to the life or safety of others. The petition would state whether the evaluatee has possession of, or access to, firearms.

SB 420/HB 490 Crimes – Restricted Firearm Ammunition – Prohibition on Possession and Use (Frosh et al./Mitchell et al.) specifies the type of ammunition that, when used in the commission of a crime, will result in imprisonment of up to five years and a fine, not to exceed \$5,000. Hrg. 2/6, 1p.m. JPR

SB 445 Public Safety – Handgun Permits – Requirements And Limitations (Ferguson et al.) alters the list of criteria governing handgun permits to include: completion of a fire arms training course within the past 6 months, not dishonorably discharged from armed forces, not involuntarily committed to a mental health facility within 5 years. In addition, a permit holder may not wear, carry, or transport a handgun while on specific properties including a place of worship, an establishment licensed to serve alcoholic beverages, a government building, hospital, school, library, theater, or youth center.

SB 531 Criminal Law – Access to Firearms – Penalties (Ferguson) cross-filed with **HB 131** (reported in *RSC-1*) prohibits a person from leaving a firearm where children (under age 16) might access it. The penalty would be imprisonment not exceeding 2 years, or a fine not exceeding \$1,000, or both.

SB 532 Criminal Law – Child’s Access to Firearms – Penalty (Ferguson and Ramirez) referring to **SB 531**: imprisonment not to exceed 3 years, or a fine not to exceed \$5,000, or both.

SB 539 Firearms - Detachable Magazines - Maximum Capacity for Ammunition (Raskin) cross-filed with **HB 107** (reported in *RSC-1*) Reduces maximum capacity for ammunition of a detachable firearm magazine 10 rounds.

SB 540 Public Safety – Regulated Firearms – Reporting Lost or Stolen (Raskin et al.) requires a dealer to notify a purchaser, at the time of purchase, that the purchaser is responsible for reporting a lost or stolen firearm to a local law enforcement agency.

SB 544 Public Safety – Ammunition – Sales Records (Frosh et al.) requires a person selling ammunition to keep a detailed record of all sales.

SB 577 Public Safety – Firearms – Liability Insurance Requirement (Raskin and Ferguson) requires a person who possesses a firearm to have liability insurance of at least \$250,000 for accidental injuries. *Doreen Rosenthal*

DEATH PENALTY

SB 276/HB 295 Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims, (President/Speaker at the request of the Administration) would withdraw the death penalty as an option in current cases (of which there are very few because of past changes to the law that raise the bar), as well as future cases. This 38-page bill also adds \$500,000 annually to the Maryland Victims of Crime Fund, established in 1991. Hrg. 2/14, 1 p.m. JPR

HB 441 Constitutional Amendment: Courts – Death Penalty Court: (Impallaria et al.) Authorizes the General Assembly to create a Death Penalty Court with original and exclusive jurisdiction over all cases for offences punishable by death. The cases would be prosecuted by the Attorney General. The proposed legislation would be submitted to voters in the 2014 general election. Hrg. 2/14, 1 p.m.

SB 480 Criminal Law – Death Penalty – Murder on School or Child Care Facility Property (Getty and Jennings) would require a court or jury, in determining whether to impose a sentence of death, to consider as an aggravating circumstance whether the defendant committed the murder on the property of an educational or child care institution. Hrg. 2/14, 1 p.m. JPR *Doreen Rosenthal*

MANDATORY MINIMUM SENTENCING

To date, there is no legislation specific to mandatory minimum sentencing. However, **HB 473 Truth in Sentencing Task Force** (Simmons and Kramer) creates a task force that could potentially address that issue. It would be charged with examining state laws relating to sentencing, the diminution of sentences (early release), and parole.

Doreen Rosenthal

BUDGET AND TAXATION

Each year, along with the operating and capital budgets, the governor submits the **Budget Reconciliation and Financing Act (BRFA) HB 102/SB 137**. It is a “clean up” bill for the current year and often contains appropriations for items that are over budget (frequently Medicaid) and other miscellaneous items. Last year included a number of changes to the tax code as well. This year the BRFA is currently relatively short and does not appear to contain any

significant tax items. Some of the provisions include a transfer of \$50 million per year to the Local Income Tax Reserve Account which has been used for other purposes in some recent years, continuation of the Maryland mined Coal Tax Credit through fiscal 2015, \$15.4 million from the Local Reserve Account to be used by the Transportation Department to provide transportation grants, and transfer of tax revenues over the next 5 years to the general fund. It also provides for an increase of 2.5% in rates paid to group homes in 2014 and orders a study by the Health Services Cost Review Commission for projected savings to Medicaid through the application of tiered rates by Medicaid to outpatient and emergency department services and to ensure that \$30 million in savings are realized.

Several bills have been filed that would lower the corporation income tax rate. **SB 34** (Brinkley) crossed-filed with **HB 261** (Schultz) would immediately lower the corporate income tax rate from 8.25% to 6% of Maryland income (the same rate imposed by Virginia). State revenue would be reduced by approximately \$381 million. SB 34 was heard by B&T on January 30, HB 261 will be heard by W&M on 2/26. **SB 411** (Garagiola, et al) would reduce the corporate income tax rate over a period of years to 7.75%. Hrg. 2/20 B&T. **SB 669 and SB 70** (Kittleman) have also been introduced but no details are immediately available.

SB 362 (Young) would create a local transportation tax on motor fuel and would allow counties and municipalities to impose a sales tax not exceeding 2% on motor fuels. It could be used only to finance local roads and transit capital projects. Hrg. 2/20 B&T

Barbara Hankins

ADMINISTRATION OF JUSTICE

SB 268 Court of Appeals and Court of Special Appeals - Opinions - Public Information (Raskin et al.) Requires the appeals courts to post each of their opinions on the Maryland Judiciary website. JPR Hrg. 2/13 Hrg. cancelled.

SB 294 Election of Circuit Court Judges - Nonpartisan General Elections (Zirkin) Provides for the election of Circuit Court Judges on a nonpartisan basis at general elections; such judges would not be nominated at primary elections; establishes a filing deadline and does not permit nomination by petition. JPR

SB 295 Circuit Court Judges - Election, Qualifications and Term of Office (Zirkin) A Constitutional Amendment that alters the method of filling Circuit Court vacancies so that they conform to the method used for the appellate courts. If a Circuit Court Judge is unable to perform his/her duties due to physical or mental infirmity, the judge may be retired from office by a two-thirds vote of the General Assembly and the approval of the Governor. If a vacancy occurs in a Circuit Court, the Governor, with the advice and consent of the Senate, shall appoint a qualified successor who will hold the office until the next general election after one year from the occurrence of the vacancy, and every ten years thereafter. Voters in Baltimore City or the county from which the judge was appointed will be able to vote to approve or reject the appointee. Changes the term of office of Circuit Court Judges from 15 years to 10 years. JPR

SB 327 Elections for Judges of the Orphans' Courts - Nonpartisan Elections (Gladden) Provides for the election of Orphans' Court Judges on a nonpartisan basis. Provides for nomination by primary elections in which all registered voters, regardless of party affiliation, may participate. Hrg. 2/14, 1:00 p.m. EHEA
Cross-filed with **HB 515** (Rosenberg) W&M

SB 398 Courts and Judicial Proceedings - Jurisdiction over Eminent Domain Cases - Circuit Court (Zirkin) Gives Circuit Courts original jurisdiction over the acquisition of private property for public use (eminent domain). JDR

HB 441 Courts - Death Penalty Court (Impallaria) See under **Death Penalty**

Update on bills reported in RSC-1

HB 83 Judgeships - Court of Special Appeals Hrg. 2/13 at 1:00 p.m. Cross-filed with **SB239** (President by request Maryland Judiciary) Hrg 2/13 at 1:00 p.m. B & T

SB 156 Courts - Service of Process - Increase in Sheriffs' Fees - Distribution to Rental Allowance Program Hrg. 2/5 at 1:00 p.m. EHEA

SB 172 Circuit Court for Anne Arundel County - Judges Sitting as Orphan' Court Hrg. 1/29 at 1:00 p.m. Cross-filed with **HB 163** (Anne Arundel County Delegation) Hrg. 1/30 at 2:30 p.m.

HB 129 Task Force to Study Implementing a Civil Right to Counsel in Maryland Hrg. 2/6 at 1:00 p.m. Cross-filed with **SB 262** (Chair JPR by request Maryland Judicial Conference) JPR

Marlene Cohn

HEALTH

HB 228/SB 274 Maryland Health Progress Act of 2013 (Speaker/President) brings the Health Insurance Exchange into compliance with the Federal Accountable Care Act. The bill has more than 43 pages and is technical. It will raise the poverty level requirements for Medicaid to 133 percent of the Federal level. It also establishes several mechanisms for funding of a State reinsurance program and funding of the Exchange. The bill also establishes employment requirements for the Consolidated Service Center (CSC) and its employees.

HB 228/SB 274 (Speaker/President) designates the phase-out of Maryland Hospital Insurance Plan. There will be no new enrollees after December 2013 and the program will be phased out completely between 2015 and 2020. The League will submit testimony on this bill.

Lt. Governor and the Governor announced the first Health Enterprise Zones in five locations: Capitol Heights in Prince George's County, Greater Lexington Park in St. Mary's County, Dorchester and Caroline Counties, West Baltimore, and Annapolis. Community coalitions in each area will receive a range of incentives, benefits, and grant funding to address unacceptable and persistent health disparities.

HB 287 DHMH – Study of Paratransit Services for Dialysis (Hubbard) The Health Department wants to conduct a study of the functioning of the private contractors that provide services for dialysis patients in the rural counties. The Department would like increased funding to provide services on holidays and weekends, but they need additional information on how and when the contractors work and which counties are affected.

SB 151 Hospitals – Outpatient Services – Off-Site Facility – Rate Regulation (Colburn) is an important bill for a medical group on the Eastern Shore. They have been regulated by the HSCRC because of an affiliation with the Shore Hospital Group. Both the hospital and the group would like the group to be separated to maintain the viability of the group. The bill would eliminate rate setting of the group.

SB 195 Notice to Patients – Outpatient Status and Billing Implications (Kelly) would require hospitals to notify patients when they are kept in the hospital for observation but are not admitted. Attorney General Gansler is supporting this bill. It is an issue which has come to the forefront recently as patients have received large bills that are not covered by the carriers and Medicare.

HB 179 Pharmacists – Administration of Vaccinations – Expanded Authority and Reporting Requirements (Hubbard) expands the ability of and delineates the requirements for pharmacists giving vaccinations. They would not be able to administer vaccinations to children under 11 and the medical community would like to amend to require a prescription for any vaccination. They already have the ability to administer flu shots.

HB 225/SB 273 Veterans Full Employment Act of 2013 (Speaker/President) would require the licensing boards to give returning veterans credit for the military training and experience when issuing and renewing licenses. The bill also affects other boards as well as the health related boards.

HB 67/SB 121 Health Care Decisions Act – Incapacity to Make Informed Decision – Certification by Psychologist (Kipke/Klausmeier) would allow the second professional after a physician to be a psychologist to certify that a patient is too incapacitated to make his/her own medical decisions. Currently there must be two physicians. The bill does not designate if this applies in the in-patient or out-patient setting.

HB 174 Workers' Compensation – Payment for Physician - Dispensed Prescriptions – Limitations (Jameson) would limit the ability of physicians to dispense from their offices. This particularly affects the workers' compensation cases. It would limit the length of the prescription to a 30 day supply and it must be dispensed within 72 hours. Many workers' comp patients do not seek care within the 72 hour window and their coverage may take several weeks to begin. Physicians wait for payment when pharmacists may not.

SB 139 Health Care Practitioners – Prescription Drug or Device Dispensing – Medical Facilities or Clinics That Specialize in Treatment Reimbursable Through Workers' Compensation (Conway) appears to be a bill looking for a problem. The bill would require physicians and clinics to have a dispensing permit, which they already are required to have.

CHILDREN'S ISSUES

HB 245 (Chair, Judiciary Committee, by request of DHR) establishes a presumption that a child is not receiving proper care and attention from the mother and therefore may require the attention of the Juvenile Court if the child or mother tests positive for controlled substances or if the child is born with fetal alcohol syndrome. The bill also requires health care professionals who have knowledge of the substance-exposed newborn to make a report to the local Department of Human Resources within 48 hours. The local department must make an in-person assessment of the newborn and the parents to determine if the parents are able to provide for the baby. Procedures to implement the protection of drug and alcohol exposed newborns will be spelled out in regulations to be developed by the Secretary of Human Resources. Including alcohol exposure brings Maryland into compliance with federal regulations and may result in increased federal funding. LWVMD supports the bill. Hrg. 2/21 JUD

SB 414 (King et al.) expands the tuition waiver so that more young people transitioning from foster care to independence can access higher education and the economic and social benefits that education can bring. Hrg. 2/13 EHEA. Another method of achieving the same goal is contained in **SB 543** (Frosh) which changes the definition of tuition to make lower rates available to foster care recipients. The language of the bill is not yet available.

Update on bills reported in RSC-1

SB 52 No progress

HB 14 and **HB 31** heard by JUD. Suggestions were made to expand the bills' coverage by including volunteer coaches, scout leaders and clergy.

SB 214 assigned to JPR

SB 86 heard by JPR on 1/23 without opposition.

Debbie Ehrenstein

JUVENILE JUSTICE

SB 454 Confinement in Juvenile Facilities (Gladden) requires that a juvenile whose case has been waived to adult court must continue to be held with other juveniles, unless it can be shown by a preponderance of the evidence that he cannot be safely maintained in a juvenile facility.

The Secretary of Juvenile Services, Sam Abed, testified at a hearing of the Judicial Proceedings Committee that the Department has driven down the number of children awaiting placement because of a number of administrative changes. Also, the Department has developed a new facility where youth awaiting trial in adult court can be housed together, instead of being mixed with the adult criminal population. In addition, the Secretary reports improvements in recreational, arts and sports offerings for juvenile inmates. Psychological assessments of these young people will be improved by using professionals who work for Juvenile Services.

The debate on whether to build a new detention facility ended with a decision to renovate an old facility. No word on how the savings from this plan will be used to provide more service to those involved in the juvenile justice system in their own homes and communities.

Debbie Ehrenstein

MEETING BASIC HUMAN NEEDS

The League of Women Voters of the United States believes that one of the goals of social policy in the U.S. should be to promote self-sufficiency for individuals and families and that the most effective social programs are those designed to prevent or reduce poverty. The LWV also believes in equality of opportunity for education, employment, and housing for all persons in the United States regardless of their race, color, gender, religion, national origin, age, sexual orientation, or disability. These positions form the basis of LWVMD positions on issues of meeting basic human needs.

While bill numbers are not yet available, the **Earned Sick and Safe Time Act** was cross-filed by Sen. Robert J. Garagiola and Delegate John A. Olszewski, Jr. last week. It would enable workers to earn one hour of paid sick leave for every 30 hours they work.

HB 227/SB 278 Maryland Employment Advancement Right Now (EARN) Program (Speaker/President by request of the Administration) would provide competitive grants to industry partnerships to provide workforce training programs, and job readiness and skill training programs. Hrgs. 2/12 ECM; 2/7 FIN

HB 603 Home Act of 2013 (Lafferty plus 26) cross-filed with **SB 487 Human Relations – Housing Discrimination – Source of Income** (Raskin plus 20). These bills, which have been introduced in various forms in past years, would expand the housing policy of the State to include providing fair housing to all citizens regardless of source of income. A goal of these bills 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. They 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. Hrg. 2/21 ENV

SB 449 Fairness for All Marylanders Act of 2013 (Madaleno plus 22) would prohibit discrimination based on gender identity in public accommodations, housing, and employment. *Ruth Crystal*

TRANSPORTATION

HB 339 Vehicle Laws – Bicycles – Required use of Protective Headgear (McIntosh) expands the requirement that all bicycle riders wear protective headgear. This bill has strong opposition from bicycle groups who view it as a deterrent to bicycling and the newly established bike rental kiosks. Hrg. 2/12, 1p.m. ENV

HB 393 Vehicle Laws – Driving While License Refused, Suspended, Canceled, or Revoked - Penalty (Niemann) provides stronger enforcement for violations and greater penalties with assessment of points for these driving offenses. Introduced 2011 session as HB 806. Hrg. 2/13, 1p.m. JUD

HB 528 Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child (Barnes) prohibits anyone from smoking in a motor vehicle in which a person who is under the age of 8 years is a passenger and establishes a fine of up to \$50. Hrg. 2/19, 1p.m. ENV Introduced in a prior session as SB 559 and cross-filed with SB 30 (Zirkin and Forehand) Hrg. 2/7, 1p.m. JPR

Several bills have been introduced to raise speed limits on different multilane highways.

HB 593 Vehicle Laws – Maximum Speed Limit - Interstate 68 (Allegheny County Delegation) increases the maximum speed limit to 70 mph. Hrg. 2/29 1p.m. ENV Cross-filed with **SB 298**. Hrg. 1/23 JPR

HB 619 Vehicle Laws – Intercounty Connector – Maximum Speed Limit (Barve et al.) increases the maximum speed limit to 60 mph. Hrg. 2/26, 1p.m. ENV Cross-filed with **SB 206** (Forehand & King) Hrg. 2/7, 1p.m. JPR

Update on bills reported in RSC-1

HB 150 – mandatory testing for alcohol and drugs when involved in a serious accident had its first hearing and there's a similar bill HB 627 (Valentino-Smith et al.) Hrg. 2/13, 1p.m. JUD

HB 158 – child safety seats penalty Hrg. 2/5, 1p.m. ENV Cross-filed SB 192 Hrg. 2/7 1p.m. JPR

SB 193 –handheld device with child passenger in vehicle as a primary offense Hrg. 2/7 1p.m. JPR *Barbara Ditzler*

ENVIRONMENT: WINDPOWER

HB 226/SB275 Maryland Off-Shore Wind Energy Act of 2013 (Speaker/President) were reported in *RSC-1* but did not have numbers yet. Hrgs. 2/5, 1p.m. ECM; 2/13, 1 p.m. FIN

At the governor's press conference on January 22, speakers in favor of the bill included not only Maryland senate and house supporters but also representatives of minority businesses and wind engineering firms as well as the LWVMD president, representing the Maryland Wind Coalition.

LWVMD will present testimony supporting the bills. Testimony is posted on the LWVMD website under Action.

Linda Silversmith

ENVIRONMENT: HYDRAULIC FRACTURING

Hydraulic fracturing (**fracking**) is a drilling practice used to extract natural gas from shale rock. Parts of Garret County, Allegany County and Washington County in western Maryland sit on top of the Marcellus Shale, a black, low density, underground rock formation that runs from New York to the panhandle of Virginia, through most of Pennsylvania, West

Virginia and eastern Ohio. The gas industry has already leased large sections of land in these counties with the intent to frack. Concerns are damage to well water, well blowouts, spills, fires, damage to forests and roads, contamination of ground and surface water, wastewater disposal, leakage of methane, environmental degradation, devaluation of land, and earthquakes.

Gov. O'Malley issued an Executive Order in June 2011 establishing the Marcellus Shale Safe Drilling Initiative that called for an Advisory Commission charged with producing initial and interim studies and a final report by August 1, 2014. In January 2013, the Governor also announced that he set aside \$1.5 million in the budget to begin to fund the studies.

SB 601 Maryland Hydraulic Fracturing Moratorium and Right to Know Act of 2013 (Zirkin et al.) The bill would put a moratorium on fracking in Maryland unless and until studies are completed and regulations in place. (Text not yet available.) Del. Mizeur is expected to file a similar bill.

SB 513/HB 341 Hydraulic Fracturing Wastewater-Prohibited Acts (Montgomery/Robinson) would prohibit a person from storing, treating, discharging, or disposing of wastewater resulting from hydraulic fracturing in the state of Maryland. *Betsy Singer*

ENVIRONMENT: CLEAN WATER, THE BAY, PESTICIDES & LAND USE

HB 508 Local Stormwater Management Charges - State Property (Carr et al.) The state government is exempted by State law from paying many fees and taxes to the local governments. This law would require the State to pay stormwater management fees that are based on the amount of impervious surface of the property. This will affect a significant number of State properties, so the burden for storm management will be shared by the State. The measure will help fund the effort to restore the Bay by repairing storm runoff damage and reducing run off. Greater funding will help attain the goals of the EPA Chesapeake Bay Total Maximum Daily Loads for nitrogen, phosphorus and sediment agreed to by Maryland. Hrg. 2/20, 1p.m. ENV

SB 675 Maryland Pesticide Reporting and Information Act (Manon et al.) This bill will require pesticide applicators, as well as sellers of restricted use pesticides, to report the information they are already required to maintain. That way, research scientists and environmental and public health experts will have data they can use to determine if and when pesticides are affecting our health, our waters, and homeland security. The cost-neutral, centralized online pesticide reporting database would be set up by the Department of Agriculture. EHEA *Susan Cochran*

EDUCATION

Funding

HB 229/SB 277 State Aid for Public Education - Certification of Net Taxable Income (NTI) (Administration plus 17) Formulas for distributing state aid for operating expenses for K-12 public education are based on a jurisdiction's income from property and income taxes. Currently, the income tax component is calculated based on taxes filed by September 1. Under this bill, officials would also make the calculations based on taxes filed by November 1. If the state aid calculated with the November 1 date is higher, an increasing percentage of the difference would be phased in over five years. W&M Hrg. 2/13, 1p.m. B&T

HB 115/SB 141 Public School Construction Creation of a State Dept—Qualified Zone Academy Bonds (QZABs) (Administration) Authorizes \$4,549,000, the proceeds to be used as grants to the Interagency Committee on School Construction (IAC) and the Maryland State Department of Education for specified development or improvement purposes. Distribution of the QZAB will be by a competitive grant process administered by the IAC and the Breakthrough Center. APP Hrg. 2/5, 2p.m. B&T

Absenteeism

HB 207 Education – Chronically Absent Students (Luedtke plus 4) requires county boards of education to develop a system of intervention for chronically absent students. The bill changes the current definition of Chronic Absenteeism from 20 days a school year to 10% of the school days in any given quarter, semester, or academic year. W&M Hrg. 2/6, 1p.m. B&T

HB 657 Truancy Education Program - Parents and Guardians of Students (Cluster and Boteler) authorizes mandatory participation in a Truancy Education Program as a condition for suspend a fine or prison sentence of a person who fails to see that a child attends school. Specifies criteria for the program and a case manager for the parent or guardian to the extent state funds are available. W&M

Charter Schools

SB 433 Task Force to Study the Establishment of Charter Schools for Adult Education (Ferguson plus 5) establishes a Task Force to Study the Establishment of Charter Schools for Adult Education and requires the Task Force to report, on or before December 1, 2013, to the Governor, EHEA and W&M. Hrg. 2/13, 1p.m. EHEA

Compulsory School Age

SB 58 Adult Education and Literacy Services - High School Diploma by Examination - Eligibility Requirements (Chair EHEA and Dept. of Labor, Licensing, and Regulation) Repeals a 3-month minimum residency requirement for individuals who reside in Maryland and are seeking to obtain a high school diploma by examination. EHEA Hrg. 1/17, W&M

Curriculum and Teaching

HB 661 Teaching Techniques - Students with Special Needs and Limited English Proficiency (Luedtke plus 8) requires the State Department of Education to ensure that certified teachers receive adequate instruction in techniques for teaching students with special needs and students with limited English proficiency and in appropriate behavior interventions. Would apply to newly certified teachers on or after July 1, 2015, and to all certified teachers beginning July 1, 2017. W&M

SB 461 Primary and Secondary Education - Online Courses and Services – Accessibility (Conway plus 39) requires the development, review, and approval of online courses and services to include an assessment of the accessibility of the online course or service to individuals with disabilities, including the blind. EHEA

SB 537/HB 532 State Board of Education – Online Courses – Graduation Requirement (Shane plus 3) requires a student to complete an online course approved by MSDE or the county board of education to graduate from high school, beginning with students entering 9th grade in 2015. EHEA **HB 532** (Serafini plus 6) Hrg. 2/20, 1p.m. W&M

Early Learning

SB 572 Maryland Early Learning Challenge and School Readiness Act (Race to the Tots) (Ferguson and Madaleno) establishes a competitive grant program for early learning programs that targets areas of high need because of high enrollment of English language learners and students with special needs and data showing lack of school readiness indicators; and proposing public-private partnerships, and additional funding from sources other than the state. Beginning in fiscal years 2015 and 2016, the governor would be required to appropriate \$10 million from the Education Trust Fund (ETF). B&T and EHEA

School Safety

HB 269 Public Schools—Requirements for Controlled Access (Luedtke plus 4) Requires a new school or a renovated school that receives State public school construction funds to have controlled access to allow visitors to enter the school. This would apply to requests for proposals initiated after January 1, 2014. W&M

HB 394 Education - Primary and Secondary Schools - Electronic Control Devices (McDermott plus 5) authorizes school principals to designate one or more safety officers and make electronic control devices (e.g. tasers) available for use by certain safety officers. Requires a training program and reporting of any use of these devices. W&M

HB 453 Education – Maryland Center for School Safety (Walker plus 21) establishes the Maryland Center for School Safety as an independent unit of state government to provide information on best practices, programs and resources for improving school safety. W&M

SB 450 Education Trust Fund – Security Personnel and Equipment and Mental Health Services (Administration, Anne Arundel County Senators) Allows money from the Education Trust Fund (ETF) to be used for security personnel and equipment and for mental health services. B&T

Update on bills reported in RSC-1

HB 103/SB 245 School Buildings - Solar Technology - Design Development Documents (Robey) Hrgs. 2/6, 1p.m.

HGO; 2/13, 1p.m. B&T

HB 146/SB 174-Education - Public Charter Schools - Capital Improvement Requests (Kipke) Hrgs. 2/5, 2p.m. APP; 2/13, 1p.m. B&T

SB 194 Education - Charter Schools - Study to Recommend Improvements (Kelley) Hrg. 2/13, 1p.m. EHEA

Lois Hybl

CAMPAIGN FINANCE

HB 259 Campaign Finance – Affiliated Business Entities – Attribution of Contributions (Bobo plus 15) This bill would close a loophole in current law that allows some business entities to circumvent contribution limits. Similar bills were introduced in the 2003 through 2012 sessions and although they received hearings, no action has been taken. Current law says that contributions by a corporation and any wholly owned subsidiary of the corporation, or by two or more corporations owned by the same stockholders shall be considered as being made by one contributor if at least 80% of the business entities are owned or controlled by the same individuals or entities. However, partnerships, limited partnerships, limited liability companies and real estate investments trust are not currently subject to this limitation, meaning that the same individual or individuals could make multiple donations to the same candidate without bumping up against campaign contribution limits. This bill would close this loophole. Hrg. 2/21 W&M

SB 584 Public Funding and Small Donor Act for General Assembly Elections (Pinsky plus 9) would use the funds in the previously authorized Gubernatorial Public Campaign Finance Fund to set up a pilot program for publicly funded General Assembly Campaigns. In recent elections, gubernatorial candidates have felt that the funding they would receive through the public financing fund would be insufficient to run an effective campaign and have therefore declined to use it. While there would not be enough money to fund all candidates, the first ones who raise the necessary amounts from small donors to qualify, would be awarded public funding to run their campaigns. In future years, an additional funding source would need to be identified if the pilot is successful. This bill would also close the same loophole described in **HB259**. In addition, it would raise the limits on donation for candidates not participating in public financing programs. Hrg. 2/21 W&M

Nancy Soreng

OPENNESS IN GOVERNMENT

HB 331 (Morhaim et al.) Four members of the Joint Committee on Transparency and Openness in Government are co-sponsors on this legislation to provide a penalty for failure to follow the Open Meetings Act. If the Open Meetings Compliance Board determines that a public body has violated the Act, a member of that public body must announce the violation and summarize the Board's finding, a majority of the Board must sign a copy of the Board's opinion and send the signed copy to the Board. Moreover, a fine would be imposed for willful violations, \$1,000 for the first violation and \$10,000 for each subsequent violation. There is no provision for negating the action(s) of a public body that violates the Open Meetings Act. Hrg. 2/7, 1p.m. HGO

HB 484 (Bobo) Allows the Attorney General or a local States Attorney on their own motion or after valid citizen complaint that a public body has met or may meet in violation of the Open Meetings Act to petition a court with jurisdiction for a remedy. HGO

HB 485 (Bobo) Establishes a rebuttable presumption that a public body did NOT violate the Open Meetings Act, allows a citizen to file suit directly with a court of appropriate jurisdiction without first complaining to the Open Meetings Compliance Board and allows the court to set the penalty for a proven violation of the Act.. In addition, any member of a public body who knowingly meets with that body in violation of the Open Meetings Act is subject to a fine of \$100 for each violation. HGO

Barbara Schnackenberg