



REPORT FROM STATE CIRCLE
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GUN CONTROL

NOTE: Senate bills are heard in the Judicial Proceedings Committee; House bills are heard in the Judiciary Committee. Hearings begin at 1 p.m. unless otherwise indicated.

HB773 Regulated Firearms – Encoded Ammunition – Tax (Burns) and **HB776 Public Safety – Ammunition – Sales Records** (Anderson) both impose record keeping and reporting requirements on the manufacture and sale of ammunition in Maryland. The State Police would maintain an ammunition database. Hrg. 3/5

HB809 Firearms – Criminal Justice Information System Central Repository - Reporting, Qualifications for Possession, and Relief from Disqualification (Simmons et al.) requires a court to immediately notify the Criminal Justice Information System Central Repository if the court finds that the person is a danger to self or to others. Hrg. 3/1

HB810 Mental Health Professionals – Duty To Report Risk Of Serious Harm – Firearm Safety (Simmons et al.) requires mental health professionals to report to the Director of Mental Hygiene any patients deemed a threat to themselves or others. The Director would then report it to the State Police who would use the information only in background checks for weapon purchases. Hrg. 3/1

HB861 Public Safety – Access to Firearms – Storage Requirements (Stein and Lafferty) prohibits a person from storing or leaving a firearm in a location where a child could gain access to the firearm. Hrg. 3/5

HB874 Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms – Extension (Rosenberg and Simmons) extends the due date of the task force report from 12/31/2012 to 12/1/2013. Hrg. 3/1

HB94 Firearms – Dealer’s License and Handgun Permit Application Fees (Rosenberg and Simmons) Increases the fee for regulated firearm dealer’s licenses and handgun permits by \$2. The additional revenue will be used for continuing education programs for law enforcement officers and health care professionals relating to the regulation of firearm possession by an individual identified as a danger to self or others, and crisis intervention teams in local jurisdictions. Hrg. 3/5

HB1057/SB865 Correctional Services - Good Conduct Credits - Firearm Related Crime (Clippinger et al./Zirkin) provides that an inmate who is serving a sentence in a state or local correctional facility for a second or subsequent conviction of a firearm related crime is not entitled to good conduct credits.

HB1077 Public Safety - Regulated Firearms - Reporting Lost or Stolen (Clippinger et al.) requires a person who sells or transfers a regulated firearm to notify the purchaser or recipient that the purchaser or recipient is required to report a lost or stolen regulated firearm to the local law enforcement agency; requires the owner of a regulated firearm to report the loss or theft of the regulated firearm to the local law enforcement agency within 72 hours after the owner discovers the loss or theft. **HB 1092 Public Safety - Firearms - Reporting Loss or Theft** (Gutierrez) is the same as **HB1077** except that it requires the loss to be reported in 48 hours. Hrg. 3/5

HB1133 Public Safety - Restrictions on Possession of Firearms - Convicted Felons and People with Mental Disorders (Wilson et al.) prohibits a person from possessing a firearm if the person has been convicted of a felony or, under specified circumstances, suffers from a mental disorder or has been confined to a mental facility. Hrg. 3/1

HB1191/SB623 Maryland Assault Weapons Ban of 2013 (Rosenberg et al./Raskin et al.) prohibits a person (with exceptions for law enforcement officers, etc.) from transporting an assault weapon into the state or possessing, selling, offering to sell, transferring, purchasing, or receiving an assault weapon. Current owners must register their weapon with the State Police. Hrg. 3/1

SB786 Criminal Procedure – Crimes of Violence Involving Firearms – Diminution Credits, Parole, and Plea Agreements (Pipkin) cross-filed with **HB424** (McDonough et al.) reported in *RSC-2*.

Congressman Cummings is proposing bi-partisan legislation that would impose tougher penalties for people who traffic guns across state borders (a major source of illegal weapons for Maryland). It would make firearms trafficking a federal crime and increase penalties for straw purchases. The NRA said it will oppose the idea because “it doesn’t address what the group sees as an underlying cause of gun violence,” arresting and prosecuting offenders. (*Baltimore Sun*, 2/5/13)

Updates on bills reported in *RSC-1* and *RSC-2*:

Hearings on 3/1:

HB107 (SB539) Firearms - Detachable Magazines - Maximum Capacity for Ammunition

HB294 (SB281) Firearm Safety Act of 2013

HB477 Firearms - Conviction for Crime of Violence - Probation Before Judgment

HB490 (SB420) Crimes - Restricted Firearm Ammunition - Prohibition on Possession and Use

HB545 Task Force to Study the Impact of Assault Weapons

HB643 Public Safety - Regulated Firearms - Exemption from Training Course

HB809 Firearms - Criminal Justice Information System Central Repository - Reporting, Qualifications for Possession, and Relief from Disqualification

Hearings on 3/5

SB382 Mental Health - Emergency Evaluations - Surrender of Firearms

SB445 Public Safety - Handgun Permits - Requirements and Limitations

SB531 (HB131) Criminal Law - Access to Firearms – Penalties

SB532 (HB655) Criminal Law - Child's Access to Firearms – Penalty

SB533 (HB436) Handguns - School Employees - Handgun Permits and Carrying Weapons on School Property

SB539 (HB107) Firearms - Detachable Magazines - Maximum Capacity for Ammunition

SB540 Public Safety - Regulated Firearms - Reporting Lost or Stolen

SB544 (HB776) Public Safety - Ammunition - Sales Records

SB577 Public Safety - Firearms - Liability Insurance Requirement

HB28 Public Safety - Handgun Permits - Renewal Period for Retired Law Enforcement Officer

HB35 Criminal Law - Wearing, Carrying, or Transporting a Handgun - Active Assignment Exception

HB38 Public Safety - Handgun Permits - Applicant Qualifications

HB375 (SB266) Regulated Firearms - Database - Applications for Dealer's License - Record Keeping and Reporting Requirements

HB383 Gun Shops - Security Requirements for Regulated Firearms

HB395 Handguns - Permit Qualifications and Carrying on School Property - School Guardians

HB397 Criminal Law - Carrying Weapons on School Property - Law Enforcement Officers Safety Act

HB426 Public Safety - Firearm Ammunition - Purchaser Information

HB589 Firearms Freedom Act

HB773 Regulated Firearms - Encoded Ammunition - Tax

HB776 (SB544) Public Safety - Ammunition - Sales Records

Hearings on 3/12

HB424 (SB786) Criminal Procedure - Crimes of Violence Involving Firearms - Diminution Credits, Parole, and Plea Agreements

HB575 (SB228) Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations

SB248 (HB940) Criminal Law - Home Invasion Violent Crime and Armed Home Invasion Violent Crime

Hearing Results:

HB663 – Public Safety – Firearms – National Crime Information Center Participation

Unfavorable report by Judiciary; withdrawn

Doreen Rosenthal

MANDATORY MINIMUM SENTENCING

No legislation proposed to date.

Doreen Rosenthal

ENVIRONMENT: WINDPOWER

HB226/SB275 Maryland Off-Shore Wind Energy Act of 2013 Before the Senate Finance Committee’s hearing on **SB275** on Wednesday, February 13, proponents of the bill held a rally on Lawyers Mall in front of the State House. Among the speakers were Governor Martin O’Malley, Senate President Mike Miller, early bill sponsor Delegate Tom Hucker, and various representatives of organizations in the Maryland Wind Coalition and of minority businesses. On Friday, February 15, the House Economic Matters Committee voted 14-7 in favor of **HB226**.

A recent negative editorial in the *Washington Post* was responded to in a February 15 letter to the editor by Diana Haskell, an LWVMD board member and member of the Maryland Wind Coalition. See www.washingtonpost.com/opinions/a-chance-for-md-to-be-a-wind-pioneer/2013/02/14/f6a75de2-75e5-11e2-9889-60bfcbb02149_story.html

LWVMD testimony has been posted on the state League website at <http://www.lwvmd.org/n/lac/aa/testimony>

Linda Silversmith

ENVIRONMENT: HYDRAULIC FRACTURING

HB1274/SB601 Maryland Hydraulic Fracturing Moratorium and Right to Know Act of 2013 (Mizeur et al./Zirkin plus 6) prohibits the Department of the Environment from issuing a permit for hydraulic fracturing of a well for the exploration or production of natural gas until each requirement of the Governor’s Executive Order, issued on June 6, 2011, is satisfied and 18 months have passed after the study is issued. The bill also requires the Department to adopt regulations that protect public health and the environment. These regulations have to be at least as protective as the final recommendations of the Executive Order study. The bill requires the Department of the Environment and the Department of Natural Resources to issue a risk assessment of public health and environmental hazards relating to hydraulic fracturing at the same time the final report required under the Executive Order is issued. The bill authorizes the Department of the Environment to establish and collect a fee from the owner of a gas interest in property over the Marcellus Shale that was acquired after Jan. 1, 2007 for exploration or production of natural gas. The fee would provide the funding for the completion of the study. The General Assembly would review the study results and risk assessment before extending the moratorium, lifting the moratorium or imposing a ban on hydraulic fracturing. Hrgs. 3/8, 1 p.m. ENV; 2/26, 1 p.m. EHEA

HB341/SB513 Environment - Hydraulic Fracturing Wastewater - Prohibited Acts (S. Robinson plus 29/

Montgomery plus 8) Hrgs. 3/8, 1 p.m. ENV; 2/26, 1 p.m. EHEA

Betsy Singer

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

HB1086/SB576 Community Cleanup and Greening Act of 2013 (Washington et al./Raskin) “The Bag Bill” requires stores that provide carry out bags for products sold in the store to charge 5 cents per carry out plastic bag. The program applies only to counties that do not have a county-administered customer carry out bag fee program by March 31, 2014.

There are numerous exceptions, including flowers, pharmaceutical products, dry cleaning, etc. but it is not clear from the bill whether it includes clothes or fashion accessories purchased at a store unless they are in a bag with handles intended for reuse. The store retains one cent, or two cents if it has a customer credit bag credit program. Four cents goes to the Comptroller, part to go for administrative costs and the rest to be distributed to various organizations including the Chesapeake Bay Trust Fund and to the counties for environmental projects. LWVMD supports the bills.

Hrgs. 3/8, 1 p.m. ENV; 2/26, 1 p.m. EHEA

HB1085/SB641 Statewide Container Recycling Incentive Program (McIntosh/Frosh) A self-funded returnable deposit program for beverage containers of 5 cents per container. Consumers would receive 100% of their deposit back on return. Unclaimed returns would go for administration and environmental programs. LWVMD supports the bills.

Hrgs. 3/8, 1 p.m. ENV; 3/5, 1 p.m. EHEA

HB775/SB675 Maryland Pesticide Reporting and Information Act (Lafferty/Manno) Cost-neutral reporting of pesticide application already gathered by farmers and contractors. LWVMD supports the bills.

Hrgs. 2/27, 1 p.m. ENV; 3/5, 1 p.m. EHEA

HB106/SB391 Sustainable Growth and Agricultural Preservation Act of 2012 – Repeal (McDermott et al./Pipkin)

The Act of 2012 restricted residential development in rural areas with self-contained septic systems. The rationale was that there would be less leaching of nutrients into Maryland waters and less sprawling development. The League supported this measure of the Governor's last year and signed on to a letter of opposition with other Citizens Campaign for the Environment allies this session. Heard ENV 2/6 - unfavorable report

HB433/SB412 Agriculture – Lawn Care Pesticides – Child Care and School Facilities - Prohibition (Robinson/King) Prohibits application of a lawn care pesticide unless in an emergency sanctioned by the Department of Agriculture with certain safeguards. Heard ENV 2/12 and EHEA 2/12

Susan Cochran

EDUCATION

Funding

HB517 State Board of Education – Social Impact Bonds – Request for Proposals (Rosenberg) Requires the State Board of Education to issue requests for proposals for Social Impact Bonds to achieve an improvement in education for targeted children, PreK through 12, that have measurable performance criteria and provide financial benefit to the state.

Hrg. 2/26, 1 p.m. W&M

SB958 Education - State Funding - Operating and Capital Funds (Madaleno) Restores the inflation language from the original Bridge to Excellence in Public Schools Act (Thornton) which is the lower of the increase in the implicit price deflator for state and local government expenditures for the second prior fiscal year; the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second prior fiscal year; or 5% beginning in FY2015. Requires full funding of the Geographic Cost of Education Index (GCEI).

Establishes a goal of \$350 million per year for public school construction or capital improvement costs from state and federal funds. SRU

HB1026 Education - Public School Funding – Calculation (Clagett) Requires public school funding calculations to be weighted by attendance. Hrg. 3/13, 1 p.m. W&M

Governance

HB875 Education - Public Schools - Parent Empowerment (Bates plus 22) Authorizes parents and legal guardians of students attending public schools that are not meeting State accountability goals to petition county boards of education to implement interventions; requires county boards to notify the State Superintendent of Schools and MSBE on receipt of petitions and of the final dispositions regarding the petitions. Hrg. 2/27, 1 p.m. W&M

HB1286/SB691 Education - Due Process Hearings for Children with Disabilities - Burden of Proof (Braveboy and Carr/Montgomery and Benson) Requires the state and local agencies to bear the burden of proof in a due process hearing relating to a dispute over the identification, evaluation, educational placement, or provision of a free appropriate education to a child with disabilities. Hrgs. 3/6, 1 p.m. W&M; 2/28, 1 p.m. EHEA

Charter Schools

HB1200 Education - Maryland Charter School Advisory Council – Establishment (Ivey) Establishes the Maryland Charter School Advisory Council within the State Department of Education; requiring the Department to provide staff; establishes the mission, membership, membership terms; requires the Governor or the Department to appoint a member in the event of a vacancy. Hrg. 3/13, 1 p.m. W&M

Compulsory School Age

HB830 Alternatives to the General Educational Development Tests – Study (Rudolph) Requires the Division of Workforce Development and Adult Learning in the Department of Labor, Licensing, and Regulation to evaluate alternative methods for obtaining the equivalent of a high school diploma; a report is due by December 1, 2013. Hrg. 2/27, 1 p.m. ECM

Curriculum and Teaching

HB833/SB740 College Readiness and Completion Act of 2013 (Kaiser and Bohanan/Pinsky and Madaleno) This bill aims to require testing of high school students for college readiness, require certain math classes, improve access to community college classes for high school students, improve completion of associates' degrees by community college students, and streamline transfers from community colleges to four-year colleges and universities. Hrgs. 2/26, 1 p.m. W&M; 3/6, 1 p.m. EHEA

HB843 State Board of Education - Financial Literacy Curriculum - Graduation Requirement (Walker plus 27) Requires MSDE to develop curriculum for a course in financial literacy; requires each county board to implement the financial literacy curriculum content in every high school; and requires students to complete a course in financial to graduate from high school. Hrg. 3/13, 1 p.m. W&M

HB855 Student Health and Fitness Act (Walker and Wilson) Requires that a public school student in elementary school be provided a daily program of physical activity totaling at least 150 minutes of physical activity each week, including at least 90 minutes of physical education; requires that the program of physical activity for a specified category of student be consistent with a specified plan for the student; requires public elementary schools to designate a physical activity leadership team to plan and coordinate specified activities, etc. When this bill was introduced in the past, it had a high fiscal note because it could require extra staff, a longer school day, construction costs, etc. Hrg. 3/13, 1 p.m. W&M

HB1153 Task Force to Study the Need for Recess in Maryland Public Schools (B. Robinson plus 3) Establishes the Task Force to Study the Need for Recess in Maryland Public Schools to make recommendations regarding the need for recess in all grade levels from kindergarten through high school, including: (1) the health benefits of recess; (2) the academic benefits of recess; (3) any other effects of recess on students, teachers, and other school employees, and (4) the appropriate amount of time. Requires the Task Force to report its findings and recommendations on or before Dec. 31, 2013. Hrg. 3/13, 1 p.m. W&M

HB1161 Commission on Special Education Access and Equity (A. Washington plus 14) Establishes the Commission on Special Education Access and Equity to study: (1) the extent to which parents and guardians of students with disabilities are made aware of their rights and potential ways to improve the awareness of these rights for IEPs and FARMS, and (2) disparities and potential methods for eliminating any disparities based on race, national origin, and limited English proficiency, including effect on school staff trying to meet these demands. Report is due Dec. 15, 2013. Hrg. 3/6, 1 p.m. W&M

HB1168/SB548 State Department of Education - Minority Teacher Recruitment - Study and Report (Hixson/Pugh plus 11) Requires the MSDE to study and make recommendations on strategies to increase and improve minority teacher recruitment, preparation, development, and retention in elementary and secondary education in the State by Dec. 1, 2013.; Hrgs. 3/6, 1 p.m. W&M; 2/28, 1 p.m. EHEA

HB844/SB694 Public School Teachers - Certification - Continuing Education (Rosenberg/Ferguson) Requires county boards to establish continuing education criteria for certificated public school teachers and to implement a system for verifying completion of the continuing education requirements; authorizes criteria to include college course credit, leadership roles, preparation for National Board Certification or monetary grants, professional development, coaching, advising, or sponsoring extracurricular activities, and school-related community service; etc. Hrgs. 3/6, 1 p.m. W&M; 2/28, 1 p.m. EHEA

HB1376/SB734 State Board of Education - Mathematics - Graduation Requirement (Griffith and Bohanan/Currie and Madaleno) Requires the State Board of Education to establish high school graduation requirements in mathematics for specified students. Requires MSDE to develop a mathematics graduation requirement that requires all college prep students to complete Algebra II. If they complete Algebra II before their senior year, they would be required to enroll in a nontrivial mathematics course, including trigonometry, precalculus, calculus, statistics, or college algebra.
Hrgs. HRU; 2/28, 1 p.m. EHEA

Nonpublic School Funding

HB1033 Education - Taxpayers' Savings Act (Stocksdale) Authorizes a parent or legal guardian to receive reimbursement of tuition paid to a nonpublic school equal to the lesser of the tuition paid, or 60% of the annual per pupil aid the county board would have received to educate the eligible student from state and local sources had the student enrolled in a public school in the county. Aid to public schools from state and local funds would be reduced by the amount paid. Hrg. 2/27, 1 p.m. W&M

Update on bills reported in RSC-1

HB 100/SB125 Budget Bill for Fiscal 2014 MSDE Aid to Education budget Hrgs. 2/20, 1 p.m. APP; 2/21, 1 p.m. B&T

HB102/SB127 Budget Reconciliation and Financing Act of 2013 Hrgs. 2/26, 1 pm APP; 2/27, 1 p.m. B&T

HB165/SB807 Elementary and Secondary Education - Security - School Resource Officers Hrgs. 3/6, 1 p.m. W&M; 2/28, 1 p.m. EHEA

HB983/SB143 Public Schools-Emergency Management Plans-Evaluation Hrgs. 3/6, 1 p.m.W&M; 2/13, 1 p.m. EHEA

HB1051/SB194 Education - Charter Schools - Study to Recommend Improvements to the Maryland Public Charter School Program Hrg. 3/13, 1 p.m. W&M

Update on bills reported in RSC-2

HB115/SB141 Creation of a State Dept-Qualified Zone Academy Bonds Hrg. 2/27, 1 p.m. B&T

HB229/SB277 State Aid for Public Education - Certification of Net Taxable Income (NTI) Hrg. 2/27, 1 p.m. B&T

HB269 Public Schools—Requirements for Controlled Access Hrg. 3/6, 1 p.m. W&M

HB394 Education - Primary and Secondary Schools - Electronic Control Devices Hrg. 3/6, 1 p.m. W&M

HB453 Education – Maryland Center for School Safety Hrg. 3/6, 1 p.m. W&M

HB661 Teaching Techniques-Students with Special Needs and Limited English Proficiency Hrg. 2/20, 1 p.m. W&M

HB657 Truancy Education Program - Parents and Guardians of Students Hrg. 2/20, 1 p.m. W&M

SB58 Adult Education and Literacy Services - High School Diploma by Examination - Eligibility Requirements
Passed Senate

SB450 Education Trust Fund – Security Personnel and Equipment and Mental Health Services Hrg. 3/5, 1 p.m. B&T

HB1176/SB461 Primary and Secondary Education - Online Courses and Services – Accessibility Hrgs. 3/6, 1 p.m. W&M; 2/28, 1 p.m. EHEA

HB 532/SB537 State Board of Education – Online Courses – Graduation Requirement Hrg. 2/28, 1 p.m. EHEA

HB925/SB572 Maryland Early Learning Challenge and School Readiness Act--Race to the Tots Hrgs. 3/6, 1 p.m. W&M; 3/6, 1 p.m. B&T

Lois Hybl

CHILDREN'S ISSUES

Two bills dealing with tuition waiver for former foster children or those under guardianship from the juvenile court will be heard by the Senate Education, Health and Environmental Affairs Committee. **SB414 Higher Education Tuition – Waiver- Foster Care Recipients** (King) grants a tuition waiver for former foster children. It was heard in EHEA on 2/13. Several foster children who had been helped by a previous version of this law testified in favor of expanding the provisions. The second bill dealing with this issue, **SB543/HB1013 Foster Care Recipients – Waiver of Tuition and Other Charges** (Frosh/Wilson) provides that the former foster care recipient will be exempt not only from charges for tuition but also from those for room and board at a public institution of higher education. Hrg. 3/6, 1 p.m. EHEA

HB478 Crimes – Committing a Crime of Violence in the Presence of a Minor - Penalties (Simmons) prohibits a person from committing a violent crime in a residence, if the person knows, or should have known, that a child under age 18 would hear or see the violence. The bill authorizes the court to impose an enhanced sentence on the perpetrator

provided the crime is proved beyond a reasonable doubt and the prosecutor has notified the defendant that an enhanced penalty will be sought.

A new approach to the problem of failure to report child abuse and neglect is taken in **HB876 Child Abuse – Failure to Report – Civil Penalties, Fund, and Task Force** (Dumais and Rosenberg) This bill allows a court to impose a civil penalty on a mandated reporter who failed to report. The fines are placed in a fund to prevent child abuse. The bill also establishes a task force to study training for teachers and volunteers on how to identify and report child abuse and neglect. Hrg. 2/21 JUD

An additional effort to encourage reporting of child abuse and child sex abuse is contained in **HB897/SB570 Professional Licensing and Certification – Governing Bodies – Child Abuse Mandated Reporter Training and Discipline** (Hough plus 6/Shank, Brochin and Getty) This bill orders licensing bodies to require that all license holders receive training in the recognition of child abuse and child sex abuse. The professions included are health practitioner, police officer, educator, human service worker. Hrgs. 2/21 JUD; 3/13 JPR

HB1186 Task Force on the Prevention of Child Abuse and Neglect (McComas plus 26) mandates the creation of a task force to study abuse and neglect, prevention and treatment by holding hearings in all parts of the state. Hrg. 2/21 JUD

HB1188/SB215 Criminal Law – Human Trafficking – Victims Under Age 21 (Valderrama plus 5/Forehand plus 13) protects children up to the age of 21 from being victims of human trafficking. Hrg. 2/26 JUD

Update on bills reported in RSC-1 and RSC-2

No progress has been made on **HB14** and **HB31**. **SB214**, which treated similar material as an emergency measure, has been withdrawn. No progress on **SB86**. **HB245** will be heard in the Judiciary on 2/21. **Debbie Ehrenstein**

JUVENILE JUSTICE

SB818 Community Civil Service Program (Frosh) establishes a program to divert juveniles from being committed to the State Dept. of Juvenile Services and encourages localities to provide resources in local jurisdictions to meet the young people's needs. The money saved by DJS would be returned to the local jurisdictions. The intent of this bill is to keep services for juvenile delinquents close to their communities, where family would have access. Hrg. 2/21 JPR

SB788/HB966 Task Force to Study Citations for Children and Law Enforcement Diversion Practices (Jones-Rodwell/Anderson and Carter, at request of Baltimore City Administration) sets up a Task Force to study "citations for children and law enforcement diversion practices." Hrgs. 2/21 JPR; 3/7 JUD

SB536/HB604 Department of Juvenile Services – Graduated Responses - Report (Shank and Zirkin/Hough) requires the Department of Juvenile Services to report to the appropriate House and Senate committees a system of graduated responses for children who may be judged delinquent. These responses would provide ways to both protect communities but also hold the young person accountable for his actions. Hrgs. 2/21 JPR; 3/7 JUD

Another bill designed to keep adolescents out of detention is **SB732/HB711 Juvenile Law – Prohibitions Against Continued Detention** (Forehand and Montgomery/Dumais) prohibits the court from detaining a child under the age of 14 unless the alleged crime could be punished by death or life imprisonment. Still another bill aimed at keeping young people out of detention, **SB791/HB916 Juvenile Law – Disposition and Placement Guidance** (Kelley/Valentino-Smith plus 12) prohibits the juvenile court from detaining a juvenile whose most serious crime is possession of certain drugs, marijuana, destruction of property, disorderly conduct, or prostitution. There are some exceptions related to repeat offenses and the safety of the child or the public. Hrgs. 2/21 JPR; 3/7 JUD

Update on bills reported in RSC-1 and RSC-2

SB454 is now cross-filed with **HB848 Juveniles - Confinement in Juvenile Facilities** (Rosenberg plus 7) Hrg. 3/7 JUD **Debbie Ehrenstein**

HEALTH

The Administration has submitted two additional bills to bring state law into compliance with the Affordable Care Act (ACA). Again these bills are highly technical and are aimed primarily at the health insurance and HMO industry.

HB360 Health Insurance – Repeal of Obsolete Provisions of Law repeals several current laws that will be obsolete with the advent of the Health Insurance Exchange. **HB361 Health Insurance – Conformity with Federal Patient Protection and Affordable Care Act** sets the requirements and fees for the original SHOP Navigator license, and for license renewal and reinstatement. The bill also changes the definition of a “child dependent” and adds a child-only policy to the individual market. The bill also set limits on the annual deductions that carriers and HMOs can have in their policies. The bill also defines the “triggering events” which would allow enrollment in the individual market outside of open enrollment.

Senator Delores Kelley has submitted two bills for the mental health community to bring the state parity law into compliance with the ACA. **SB581/HB1216 Health Insurance – Federal Mental Health Parity and Addiction Act – Consumer Bill of Rights** requires the carriers to inform their insureds of the mental health benefits within a specific time frame and to place the information on their websites. **SB582/HB1252, Health Insurance – Federal Mental Health Parity and Addiction Equity Act – Utilization Review Criteria and Standards** requires the private review agents that conduct utilization review for the HMOs and carriers to report to the Maryland Insurance Administration (MIA) the standards which they are using to assure compliance with the ACA. Senator Thomas “Mac” Middleton has submitted **SB585/HB1001 Federal Mental Health Parity and Addiction Equity Act – Report on Compliance**, which requires HMOs and the carriers to report to the MIA how each policy complies with the federal parity requirements. None of these bills go into effect until 2015, so the mental health community would like to have them amended to take effect in 2014 when the ACA goes into effect.

SB380/HB1343 Department of Health and Mental Hygiene – Workgroup on Cancer Clusters and Environmental Causes of Cancer (Muse et al./Glenn et al.) would study with the Department of the Environment the clusters of cancers throughout the state. It would be an epidemiologic study to determine the clusters and types of cancers. The information will be used to obtain federal funding.

SB693 Health – Certified Nurse – Midwives and Freestanding Birthing Centers – Certificate of Need and Practice Privileges (Montgomery plus 4) would eliminates the current requirements for midwives to have a collaborative agreement with a physician and would eliminate the requirement for the certificate of need (CON). **SB760/HB1151 State Board of Nursing – Certified Nurse-Midwives – Standards and Practice Guidelines** (Montgomery and Benson/A. Kelley et al.) again eliminates the collaborative agreement requirement and sets their standard of practice through the American College of Nurse Midwives. **SB647/HB1293 Higher Education and Health Occupations – Nurse Midwifery Program – Study** (Montgomery et al./A. Kelley) would create a study by the University of Maryland and Johns Hopkins University on the barriers to establishing midwifery programs at the schools.

There are several “telemedicine” bills currently before the General Assembly. Telemedicine is the practice of medicine from a distance through computers and other devices. This practice is increasing throughout the state and these bills have to do with the credentialing, licensing and reimbursement of the physicians. **SB798/HB1042 Hospitals, Credentialing and Privileging Process – Telemedicine** (Middleton et al./Smigiel plus 2) sets the standard for physicians practicing in Maryland via telemedicine from outside of Maryland. It would require that they be credentialed by the hospital they are working with and they must have a Maryland license. **SB496 Maryland Medical Assistance Program – Telemedicine** (Pugh) delineates the reimbursement of Medicaid providers who work through telemedicine.

Currently Maryland law functions under the Contributory Negligence standard for tort cases. There is a case before the Court of Appeals, which may change this standard to Comparative Negligence. This would change the entire medical malpractice landscape in Maryland. **SB819/HB1156 – Maryland Contributory Negligence Act** (DeGrange plus 5/ Kramer et al.) which would set the Contributory Negligence standard in law. However, the bill is assigned to the Senate Judicial Proceedings Committee and is not likely to pass. It is also assumed that the Court of Appeals will not rule until the session is over, so the General Assembly can’t negate their ruling. Maryland is one of five states and D.C that still use the Contributory Negligence standard in tort cases.

Senator Lisa Gladden has submitted three bills affecting the malpractice climate. **SB834/HB1310 Health Care Malpractice Claims – Definition of ‘Health Care Provider’** extends the definition of health care provider to include employees of hospitals and even their volunteers. **SB835/HB1265 Patient Safety Early Intervention Programs** would allow a health care provider to apologize and explain a problem in care without it being admissible in court. **SB836/HB1114, Health Care Malpractice – Awards and Judgments – Periodic Payments** allow awards to be paid in periodic payments through an annuity.

Nielson Andrews

MEETING BASIC HUMAN NEEDS

HB735/SB698 Labor and Employment – Maryland Earned Sick and Safe Leave Act requires employers 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. 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. LWVMD supports these bills. Hrgs. 2/27 ECM; 2/27 FIN

HB1204/SB683 Labor and Employment – Maryland Wages and Hour Law – Payment of Wages (Braveboy plus 55/Garagiola plus 24) raises the state minimum wage to \$8.25/hour beginning July 2013, \$9.00/hour beginning July 2014, and \$10.00 beginning July 2015. It also modifies the law to protect more workers: the tip credit that an employer may use in establishing pay for workers who receive tips is reduced from 50% to 30% of minimum wage; it includes workers previously not covered by state minimum wage including individuals over 62 who work 25 or fewer hours/week; those employed in movie theaters; individuals who can or pack perishable foods; and those who work in establishments servicing food when the establishment grosses \$250,000 or less/year. Hrgs. 2/27 ECM; 3/7 FIN

Update on bills reported in RSC-2

HB603 Home Act of 2013 LWVMD is submitting written testimony in support of this bill and the Senate version,

SB487 Human Relation – Housing Discrimination – Source of Income. Hrgs. 2/21 ENV; 2/26 JPR

SB449 Fairness for All Marylanders Act of 2013 Hrg. 2/26 JPR

Ruth Crystal

ADMINISTRATION OF JUSTICE

No new court related legislation introduced

Update on bills reported in RSC-1

HB 83/SB 239 Judgeships - Court of Special Appeals Hrg. 2/13, 1:00 p.m. JPR

HB 129/SB 262 Task Force to Study Implementing a Civil Right to Counsel in Maryland Hrg. 2/19, 1:00 p.m. JPR

SB 156 Courts - Service of Process - Increase in Sheriffs' Fees -Distribution to Rental Allowance Program
unfavorable report JPR, withdrawn

SB 172/HB 163 Circuit Court for Anne Arundel County - Judges Sitting as Orphans' Court unfavorable report
JPR, JUD withdrawn

Update on bills reported in RSC - 2

SB294 Election of Circuit Court Judges - Non-Partisan General Elections Hrg. 2/26, 1:00 p.m.

SB295 Circuit Court Judges - Election, Qualifications and Terms of Office Hrg. 2/26, 1:00 p.m.

SB327/HB 515 Elections for Judges of the Orphans' Courts - Nonpartisan Elections Hrg. 2/21, 1:00 p.m. W&M

SB398 Courts and Judicial Proceedings - Jurisdiction over Eminent Domain Cases - Circuit Court cross-filed with
HB883 Hrg. 2/28, 1:00 p.m. ENV

SB268 Court of Appeals and Court of Special Appeals -Opinions- Public Information unfavorable report JPR
withdrawn

Marlene Cohn

TRANSPORTATION

HB725 Vehicle Laws – Title and Registration - Transfer to Surviving Spouse (McMillan et al.) allows the title of a jointly owned vehicle to pass directly to a surviving spouse without the current \$100 fee. Introduced 2012 session as **SB56**. Cross-filed with **SB25** (Forehand et al.) third reading passed. Hrg. 2/19, 1:15 p.m. ENV

HB753/SB339 Vehicle Laws – Use of Wireless Communication Device – Prohibited Acts, Enforcement and Penalties (Malone et al./Robey et al.) repeals the secondary enforcement of use of these devices when used by drivers in travel lane of roads. Introduced in 2012 session as **HB104** and **SB217**. Hrgs. 2/26, 1 p.m. ENV; 2/20, 1 p.m. JPR

HB755 Transportation – Transit Vehicle Operator - Prohibition On Use of Wireless Communication Devices (Stukes et al.) prohibits any operator of a transit vehicle from using a wireless device and makes any violation a misdemeanor. Introduced in 2008 session as **HB321**. Hrg. 2/26, 1 p.m. ENV

HB760 Maryland Transit Authority – Privatization of Intercounty Connector and the I-95 Express Lanes (Fisher et al.) requires the MTA to request privatization bids for these roads. Introduced in 2012 session as **HB1232**. Hrg. 2/28, 1 p.m. W&M

HB761 State Highway Administration – Privatization of Rest Areas and Welcome Centers (Fisher et al.) requires the MTA to request privatization bids for these amenities. Introduced in 2012 session as **HB1233**. Hrg. 2/28 W&M

HB789/SB715 Vehicle Laws – Lawful Status Requirement – Repeal (Ivey et al./Ramirez et al.) repeals the requirement of evidence of lawful status in the U.S. for the issuance of drivers' licenses and I.D. cards. Hrg. 2/20, 1 p.m. JPR. A similar bill, **HB911 Drivers' Licenses, Identification Cards, and Moped Operators' Permits - Issuance, Renewal, and Expiration** (Gutierrez et al.), extends to July 1, 2023 the mandatory compliance with federal agencies' standards for issuing all I.D. cards and vehicle licenses.

HB912/SB768 Driver Education Program - Classroom Instruction - Organ, Eye, and Tissue Donation Education (Clagett/Raskin et al.) requires organ donation education to be part of driver education programs and enhances bills **HB171** and **SB40** that deal with presumed consent for organ donation mentioned in *RSC-1*. Hrgs. 3/1, 1 p.m. ENV; 2/20, 1 p.m. JPR

Update on bills reported in RSC-1 and RSC-2

HB150 Mandatory testing for alcohol and drugs when involved in a serious accident, unfavorable report

HB619 Intercounty Connector speed limit increase to 60 mph implemented by State Highway Administration effective 3/31/2013, bill therefore withdrawn

Barbara Ditzler

BUDGET AND TAXATION

SB830 Transportation Financing Act (Miller et al.) contains a number of provisions intended to raise funds for additions and improvement to transportation infrastructure. Key provisions of the bill include establishment of regional transit authorities under the Maryland Transit Administration to finance major projects such as the Purple Line and Baltimore's Red Line. The state property tax would be raised in the areas benefitting from the projects. In addition, a 3% sales tax would be applied to gasoline at the wholesale level. Counties and the city of Baltimore would be given the authority to impose up to an additional five cents a gallon to the gasoline tax to pay for local projects. Hrg. 2/20 B&T

A companion bill, **SB829 Transportation Trust Fund – Use of Funds** (Miller et al.), would add a Constitutional Amendment to establish a Transportation Trust Fund devoted to transportation funding with a "lockbox" which would not allow the Fund to be used for other purposes unless the Governor declares an emergency and at least a 3/5 vote of both the House and the Senate agree. Hrg. 2/20 B&T

HB1190 County Property Tax – Personal Property Rate (Hixson et al.) would allow the city of Baltimore and the counties to establish a tax on personal property and operating real property. The tax could be no more than 2 ½ times the county tax rate for real property. Hrg. 3/7 W&M

HB683/SB700 Tobacco Taxes – Healthy Maryland Initiative (Luedtke et al./Jones-Rodwell et al.) would increase the tax on cigarettes from \$2.00 to \$3.00 and would also increase taxes on other tobacco products from 30% to 90% of the wholesale price. The bill mandates that in future years the governor include in the annual budget \$21 million to be used for the Tobacco Use Prevention and Cessation Program. Hrg. 2/28 W&M

HB1246/SB469 Business Relief and Tax Fairness Act of 2013 (Luedtke et al./Pinsky et al.) would reduce the filing fees for documents filed by corporations from \$300 to \$150 and would require the use of combined reporting from related groups of corporations. Hrgs. 3/8 W&M; 3/5 B&T

Details are now available for three bills to reduce the corporate income tax rate. **HB533 Corporate Income Tax – Rate Reduction** (George et al.) would reduce the rate by 0.25% for six years from 8.25% to 6.75%; **SB669** (Kittleman plus 5) would reduce the rate by 0.5% for five years from 8.25% to 5.75% and **SB670** (Kittleman and Edwards) would immediately reduce the corporation income tax to zero effective December 31, 2012. Hrgs. 3/12 W&M; 3/8 B&T

Update on bills reported in RSC-1 and RSC-2

HB102 BRFA Hrg. 2/26 APP; **SB127 BRFA** Hrg. 2/27 B&T

Barbara Hankins

ELECTIONS AND REDISTRICTING

As is usually the case in the year following an election, there were many election and campaign finance related bills introduced into this year's General Assembly session. This year sixty-six bills relating to election process, local elections, redistricting and campaign finance are working their way through the system. Many will be heard by committees this week, including the Administration bills (**HB224 and SB279**) that were discussed in a previous RSC.

HB493 Referendum Integrity Act (Luedtke plus 4) would make several changes to the statutes governing petitions, including requiring a notice on the petition that the names and other information provided by voters is subject to public disclosure, that the address provided by a voter on the petition form may not be used to update the voter's registration record (the signer must provide the address on her current registration record) and the addition of the voter's date of birth on the petition form. The bill requires individuals who act as circulators of a petition to take a training course and requires a circulator to initial each signature on a page at the time the signature is affixed to the petition. **HB493** also requires the formation of a ballot issue committee before signatures are collected and requires the ballot issue committee to file a campaign finance report on the first day of each month. The bill also provides that a circulator of the petition may not receive any compensation based on the number of petition signatures collected. Hrg. 2/21 W&M

Another petition bill, **HB729/SB367 Election Law – Petitions – Confidentiality** (Parrott plus 17/Jacobs) would prohibit the public inspection of petitions after they are filed with the boards of elections except to facilitate a judicial review. This change in law would keep the identity of petition signers confidential. In 2012, the U. S. Supreme Court, in a case out of Washington State, held that state's interest in preserving the integrity of the electoral process by making petition information public outweighs the potential possibility for harassment of signers. The League will testify against this measure because it limits transparency and accountability. Hrgs. 2/21 W&M; 2/21 EHEA

Another bill about referendum petitions is **SB706 Referendum Petitions** (Madaleno plus 3). The bill would increase the number of petition signatures required to refer a law to referendum from three to five percent of qualified voters as of the date the law passed the General Assembly. **SB706** also requires that no law passed by the General Assembly can take effect until 90 days after its passage, and that petitions for referenda need to be filed within 60 days after the passage of a law. Hrg. 3/7 EHEA

SB171/HB196 Election Law – Special Elections – Voting by Mail (Forehand/Cardin plus 4) This legislation would authorize the Governor, a county council, or a board of county commissioners to direct that voting by mail be utilized in specified special elections, including Representative in Congress, member of a county council (except Montgomery County), member of a county Board of Commissioners, school board or charter board. The bill does not require a voter to submit an application to receive a vote-by-mail ballot but will receive the ballot automatically at his address on the voter registration database, and the bill requires a local board to set up at least one location in each county where the ballot can be submitted in person. Hrg. 2/21 EHEA

SB901 Election Law – Voting by Mail (Dyson and Conway) would require that all elections in Maryland be conducted by mail and requires the State Board of elections to adopt regulation for this purpose. This bill is in the Rules Committee and is not yet scheduled for a hearing.

HB974 Election Law-Subsequent Election Absentee Ballot List (Kramer plus 9) requires the State Board of Election to establish guidelines for a process by which a voter who receives an absentee ballot has the opportunity to request an absentee ballot for the next subsequent election, and that the election board create a list of voters who have requested a subsequent absentee ballot. This subject is part of the ongoing study in which LWVMD is engaged, and we currently have no position on the issue of a subsequent or permanent absentee ballot list. Hrg. 3/14 W&M

Current election law requires that local boards of elections give information about ballot questions to voters by dissemination of this information by mass communication during the three weeks prior to an election or by mailing a specimen ballot to voters one week before an election. **SB840 Voting – Notice of Election by Specimen Ballot** (Stone) would require that the specimen ballot be sent at least one week before any early voting period. Hrg. 3/7 EHEA

Lu Pierson

OPEN GOVERNMENT

HB139 Training for Public Open Meetings Act (O'Donnell) Requires the Open Meetings Compliance Board to develop and offer an online training program on the requirements of the Act to those persons designated to take the training and for those designated persons to complete the training within 30 days of their designation. Similar legislation was introduced in 2010 (**HB47**) when it passed the House with amendments, was assigned to EHEA and no further action was taken. In 2011, **HB1031**, also a similar bill, received an unfavorable report in HGO. Heard 2/7

HB140 State Government - Open Meetings Act - Penalty (O'Donnell) Requires the Open Meetings Compliance Board to suggest appropriate penalties for violations of the Act in its annual report to the Governor and General Assembly. Requires the Attorney General to adopt regulations to establish and adjust penalties depending on the severity of the violation. Heard 2/7

HB1345/SB825 Open Meetings Act-Public Body-Definition (Schuh et al./Kittleman et al.) Adds to the definition of a public body a multi-member subcommittee of a standing committee of either House. Hrgs. HRU; 3/6 EHEA

Update on bills reported in RSC-1 and RSC-2

SB230 Open Meetings Act – Public Body – Definition (Getty and Ferguson) Favorable report in EHEA. Amended to delete certain required reports from Department of Education and passed second reading.

HB331/SB826 Open Meetings Act - Violations and Penalties (Morhaim et al./Kittleman and Robey) The League testified in support of **HB331** suggesting an amendment to nullify any action taken by a public body if that body is found to have failed to follow the Open Meetings Act for the third time in three years. Hrg. 3/6 EHEA

HB484 Open Meetings Act – Enforcement Authority (Bobo) The League testified in support of this legislation. At this writing, no further action has been taken.

HB485 Open Meetings Act – Application of Penalties (Bobo) The League testified in support of this legislation. At this writing, no further action has been taken.

Barbara Schnackenberg

CAMPAIGN FINANCE

HB620 Campaign Finance – Contributions – Disclosure (Olszewski plus 16)

SB583 Election Law - Public Campaign Financing of Local Elections (Pinsky plus 9) would allow county governments to establish public campaign financing programs. It would also allow them to enact disclosure and other campaign finance requirements that are more stringent than state law. A program would only be applicable for countywide elected office. Montgomery County has submitted local bills requesting such authority in the past, but they have failed. Hrg. 2/28 EHEA

SB772 Campaign Finance - Corporate Contributions and Independent Expenditures - Determination of Stockholder Preference (Raskin, Madaleno and Montgomery) would require a Maryland corporation or a foreign corporation doing business in Maryland to establish adequate procedures to determine the political preferences of the stockholders before making a contribution to a campaign entity. Any contribution made by the corporation must fairly represent the preferences of the majority of the stockholders. The bill further states that procedures for considering political preferences will be deemed adequate if the stockholders are notified of a proposed contribution and have a chance to vote on it. A stockholder, who alleges that the corporation did not provide adequate notice and the opportunity to vote, may bring a civil action directly against the directors of the corporation to recover the amount of the contribution. Additionally, the bill states that a campaign entity may not receive a contribution that was made in violation of this law. Hrg. 3/7 EHEA

Correction and Update

The hearing on **SB584** will be heard in EHEA (not in W&M); no date yet. Cross-filed legislation, **HB1044 Public Funding and Small Donor Act for General Assembly Elections** (Cardin plus 13), will be heard in W&M on 3/14.

An omnibus bill that incorporates the recommendations of the Commission on Campaign Finance is in the works. LWMD attended a press conference on February 7 praising the crafting of this legislation. However, to date the legislation has not been dropped.

Nancy Soreng