



REPORT FROM STATE CIRCLE

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GOVERNMENT

CAMPAIGN FINANCE

SB 270/HB 195 - Public Funding and Small Donor Act for General Assembly Elections, sponsored by Pinsky and eight others in the Senate and Cardin and 27 others in the House seeks to accomplish several campaign financing reforms that the League has supported in the past.

First, it creates a public financing system for General Assembly candidates by using money set aside for public funding for gubernatorial candidates in a fund created by previous legislation. The Maryland Board of Elections web-site says that as of April 2009 this fund had \$5,244,562.75. This fund has not been used in recent elections because, in the view of the qualifying candidates, the cost of running a winning campaign for governor exceeds the funds available. For that reason, and because of budget issues, the Gubernatorial Public Campaign finance Fund was closed on July 1, 2012. Hopefully when the fiscal note on this bill is published, we will know how much is currently in the fund. In order for General Assembly candidates to use these public funds they would have to collect a threshold of seed money in small donations

not to exceed \$250. The bill has many specifics about reporting and handling of these funds. The bill also defines other fines, fees, and contributions that would contribute to this public campaign finance fund.

Secondly, this bill would more clearly define the definition of what is considered a single contributor in order to more closely reflect the intent of limits on spending by individuals. To make these limits more palatable, the amount allowed for a donation by a single contributor to a single campaign is raised from \$4,000 to \$4,400 and the total amount an individual may give in aggregate to all campaigns is raised from \$10,000 to \$15,000. The bill also tightens regulations of transfers between various campaign accounts.

The third major change in the bill sets out parameters for county governments, should they choose to do so, for creating public campaign finance systems for county offices such as County Executive and County Council. Montgomery County has requested this authority through legislation in the past but it has failed. To my knowledge, this is the first legislation that seeks to authorize public campaign finance for local offices statewide.

Nancy Soreng

ADMINISTRATION OF JUSTICE

SB 396 (Forehand) **MD Uniform Transfer to Minors Act - Orphans.** The bill alters the definition of the term court to include orphans' court or a court exercising the jurisdiction of an orphans' court. (JPR no hearing date.)

SB 416 (Forehand) **Orphan's Court - Minor Guardianship of the Person.** The bill repeals the requirement that the presiding judge be a member of the Bar of Maryland and provides Orphan Court jurisdiction of guardianship of a minor in uncontested matters, applying the Act prospectively. (JPR no hearing date.)

HJR 4 & SJR 3 Judicial Compensation Commission - Recommendations to increase judges' salaries. (APP hrg 2/7; B&T hrg 2/8) (see RSC 1 for a discussion of the recommendations.)

SB 335 & HB 249 (Chair B&T by request, Judicial Compensation Committee) **Judges Retirement System – Contribution Rates for New Members** sets the rate for new members at 8% and retains the rate for current members at 6%. (B&T hrg 2/8; APP hrg 2/14)

HB 453(Niemann)/**SB 645** (Ramirez, Muse, and Rosapepe) **Court & Judicial Proceedings - Criminal Injuries Compensation Fund - Court Costs** requires specified court costs if defendant is sentenced to probation before judgment or pleads nolo contendere to a specified crime or offense fees to support the fund. (JUD and JPR no hearing dates.)

HB 4, SB 48 and SB 81 (reported in RSC 1) **Baltimore County Orphan's Court Judges**, a constitutional amendment, (HB 4 JUD hrg 1/19 favorable with amendments 2/6; SB 48 & SB 81 JPR hrg 2/7)

SB 122, (reported in RSC 1) by request of the Dept. of Public Safety & Corrections, **Courts & Judicial Proceedings - Crime Victims & Witnessed - Court Costs** (JPR hrg 2/2)

Grace Kubofcik

DEATH PENALTY

No bills concerning the Maryland death penalty have yet been filed. See *RSC 1* for a status report.

Marcia Reinke

MANDATORY MINIMUM SENTENCING

A total of 149 bills relating to penalties and sentencing have been filed at this writing, but only four (actually three, as two are cross-files) deal with issues being followed by LWVMD. All of these, moreover, relate to penalties for drug use or abuse. See the section on Drugs in this *RSC* for details.

Marcia Reinke

DRUGS

A second bill dealing with marijuana has been cross-filed, with multiple co-sponsors in the House and one sponsor in the Senate. Entitled **Criminal Law – Possession of Marijuana – De Minimus Quantity, HB 350** (Clippinger plus 28)/ **SB 214** (Raskin), the bill’s purpose is to reduce the penalty to no more than 90 days for a person convicted of the use or possession of less than 14 grams of marijuana and to disallow such use to be included as a lesser crime of any other crime. It retains a sentence “not exceeding four years or a fine not exceeding \$25,000 or both” for amounts more than 14 grams. It also retains the provision allowing possession if obtained by a prescription from an authorized provider, presumably as an affirmative defense. The Senate bill was to be heard before Judicial Proceedings February 8 at 1 p.m. The House bill will be heard before Judiciary February 21, at 1 p.m.

The first bill filed is the much more comprehensive 37-page **HB 15**, entitled **Maryland Medical Marijuana Act** (*See RSC 1*). **HB 15** has an extensive Preamble which echoes many of the findings in the current LWVMD study on Drug Use and Abuse in Maryland. Assigned to both the HGO and JUD Committees, it has no hearings yet scheduled.

HB 96, Criminal Procedure Law – Probation Before Judgment – Subsequent Controlled Substance Crime (*See RSC 1*) was to have been heard by JUD February 7.

SB 76 Criminal Law – Controlled Dangerous Substances – Research –Synthetic Cannaboids (*See RSC 1*) was heard by Judicial Proceedings with no action taken. Another bill with a similar title has, however, been cross filed: **HB 188 (Eckardt plus 8) cf SB 310 (Reilly) Criminal Law – Controlled Dangerous Substances – Synthetic Cannabinoids** . The House bill will be heard by Judiciary February 14, at 1 p.m.; and the Senate bill by JPR February 16 at 1 p.m.

Marcia Reinke

BUDGET & TAXES

In addition to the Operating and Capital budgets, the governor annually submits the Budget Reconciliation and Financing Act (BRFA), **HB 87/SB 152**. The governor’s budget assumes that certain tax changes are adopted, raising \$311 million in additional revenue and transfer of funds from special funds to the general fund which finances the operations of the state. The reallocation of the cost of teachers’ pensions, discussed in RSC 1 is also contained in BRFA. Revenue enhancements in BRFA include the following: (1) a reduction of 10% or 20% in their itemized deductions on the personal income tax for taxpayers with incomes above \$100,000 and \$200,000 - \$119 million; (2) reductions in allowable personal exemptions for some taxpayers and complete elimination of exemptions for taxpayers with higher incomes – \$63.2 million; (3) repeal of the corporate income tax credit for telecommunication properties and the Maryland-mine coal credit - \$15 million (4) collection of sales tax on internet affiliate sales - \$21 million; (5) increase of excise tax on tobacco products other than cigarettes - \$19 million; and (6) impose sales tax on digital products - \$5 million.

Some of the other bills relating to taxes that have been submitted include:

SB 249 State Individual Income Tax – Millionaires’ Tax (Jones - Rodwell and Pinsky) would increase the state income tax rate for an individual to 6.25% of Maryland taxable income in excess of \$1,000,000. (hrg Feb 8 at 1:00 p.m. B&T)

SB 323 Income Tax - Rate Increase and Personal Exemption Reduction (Manno) would increase the state income tax rate by 0.25% on individual income and reduce the amount allowed for specified personal exemptions.

HB 331 Income Tax – Refundable Earned Income Credit (Rosenberg, Hixson and Frick) would increase from 25% to 30% the percentage of the earned income credit allowable under Section 32 of the Internal Revenue Code which can be claimed as a Maryland income tax refund. (hrg 2/14 1:00 W&M)

HB 383 Taxpayer Protection Act – State Income Tax – Consumer Price Index Adjustments would index state income tax rate brackets by a cost of living adjustment. (hrg 2/14 1:00 W&M)

HB 234 Corporate Income Tax – Rate Reduction (Ready et al.) would reduce the state corporate income tax rate from 8.25% to 7% for taxable years after tax year 2011. (hrg 2/14 1:00 W&M)

HB 429 Sales and Corporate Income Tax Relief (Better Maryland -Tax Relief) (Schuh et al.) would reduce the state income tax rate on taxable incomes from corporation from 8.25% to 7.25%; change the rate of the sales and use tax from 6% to 5.5% for fiscal year 2013 and to 5% beginning July 1, 2013.

SB 269 Maryland Business Tax Fairness Act (Pinsky et al.) would require specified corporations to compute Maryland taxable income using a specified combined reporting method and require specified groups of corporations to file a combined reporting income tax return. (hrg B&T 2/22 1:00 p.m.)

Barbara Hankins

GUN CONTROL

Two new bills focused on interstate firearms issues:

HB 256 (Smiegiel et al) **Regulated Firearms – License Issued by Delaware, Pennsylvania, Virginia or West Virginia – Reciprocity** proposes that a license to carry a regulated firearm in these states would be valid in Maryland. Hrg 2/21, 1 pm JUD

HB 209 (Mitchell et al) **Public Safety – Possession of Firearms – Crimes Committed in other States** proposes to expand the law prohibiting a person from possessing a regulated firearm in MD if that person has been convicted of a violent crime in another state. JUD no hearing scheduled.

HB 396 /SB 514 (Serafini/Shank) addresses the issue of the disposal of weapons of deceased officers. It allows these guns to be transferred to the deceased officer’s family after being rendered inoperable.

RSC 1 Status report

HB 45 Hearing 2/21 JUD

SB 64 Hearing was 2/2 – no action

Doreen Rosenthal

ELECTIONS LAWS

Scheduled for a hearing on February 8 in W&M is **HB 225 - Election Law - Special Elections - Voting by Mail**. This bill, sponsored by Delegates Cardin, Barve, Gilchrest, Kramer, Luedtke and Simmons, would allow voting by mail in a special election that is not held at the time of a regularly scheduled primary or general election. Under Maryland law, special elections are only possible to fill a vacancy in the county council or Representative in Congress. It would only apply to a special election for Congressional representative if the Governor's proclamation issued for the special election directs it will be held by mail. HB 225 would add additional circumstances for special elections, including submission of proposed charter to voters, submission of a local law enacted by home rule to county voters or fill a vacancy on a local Board of Education.

HB 458 - State Officials - Limitation of Terms, sponsored by Delegate Schuh and six other delegates, is a Constitutional amendment that would limit members of the Maryland House of Delegates and Maryland Senate to three consecutive terms. Under this bill, the same three-term limit would apply to the offices of Attorney General, Comptroller and Treasurer of Maryland. Subsequent to a state study in 1993, the Maryland LWV adopted a position in opposition to term limits for members of the General Assembly.

Senator Raskin and eight additional senators are sponsoring **SB 341 - Election Law - Subsequent Election Absentee Ballot List**. This proposed legislation would require the State Board of Elections to establish guidelines for a subsequent absentee ballot list. The bill states that a voter who receives an absentee ballot shall be provided the opportunity to request an absentee ballot for the next subsequent election. The Maryland League has a position in support of a permanent absentee list for voters with a disability, but we have no position on allowing voters to request absentee ballots for more than one election cycle.

SB 332 - Elective Franchise Registration and Voting at Early Voting Polling Places, sponsored by Sen. Raskin and six additional senators, proposes a Constitutional amendment authorizing the General Assembly to enact laws to allow a qualified voter to register and vote at a polling place during Early Voting. This would be a limited version of Same Day Registration, which is not presently available in Maryland. The Maryland LWV has a position supporting a registration deadline set as close as possible to primary and general elections, consistent with technology that provides ballot security and makes the administration of the deadline cost-effective. In recent years, the League has supported Same Day/Election Day Registration legislation, based on a determination that the statewide voter registration database, that was not available at the time the LWVMD's position was adopted, provides security to that process.

Lu Pierson

OPEN GOVERNMENT

Joint Committee on Transparency and Open Government. On January 25, 2012, Karl Aro, Director of the Office of Legislative Services, briefed committee members on a redesign of the General Assembly website with a view toward making the site more user-friendly. The redesign is currently scheduled to be available in time for the 2013 General Assembly session. Delegate Mizeur spoke for a more interactive website than that currently scheduled for implementation in 2013. No further meetings of this committee are scheduled during the current session but will occur after the session adjourns.

Barbara Schnackenberg

SOCIAL ISSUES

MEETING BASIC HUMAN NEEDS

The Maryland HOME Act was introduced as **HB 168 Human Relations – Housing Discrimination – Source of Income (Lafferty + 25 others)**. This bill would prohibit property owners from discriminating against persons seeking rental housing based on their “source of income”. “Source of income” means any lawful source of funds to be used in the rental or purchase of housing. The bill would not prohibit property owners from determining the ability of a potential renter to comply with lease terms or pay the rental price by verifying the source and amount of income of the renter; evaluating the stability and security of the renter’s source of income; or evaluating the renter’s tenant history and suitability as a tenant. Frederick, Howard, and Montgomery Counties currently include “source of income” in their list of prohibited discrimination. The League has submitted testimony in support of this concept in several past years and will submit written testimony for the Feb. 9th hearing in ENV, and the Feb. 15th hearing for SB 277 in JPR.

Ruth Crystal

EDUCATION

Last year the Maryland State Board of Education (SBE) discontinued statewide high school social studies tests although social studies graduation requirements were retained. To graduate students must complete three credits in social studies, one in US History, one in world history and one in local state and national government. However, Senator Miller and 35 other senators have introduced **SB 293 - Education - Core Content Areas - Accountability Program**, which would require county school boards to describe how they plan to measure student proficiency in science and social studies, as well as in reading, writing and math that are already in the law. The SBE would have to design assessments in all five areas, with more detailed requirements for social studies at elementary, middle school and high school levels. The LWVMD supports this bill. (hrg 2/8 EHEA)

Crossfiled bills, **HB 191/SB 307 State Board of Education - Financial Literacy Curriculum - Graduation Requirement** (Walker/Klausmeier plus six) have again been introduced to direct SBE to develop a semester long course in financial literacy required for graduation. Financial literacy is now taught in many Maryland public schools but as part of other courses. (hrg SB 307- 3/15 EHEA)

School boards consistently oppose legislation mandating curriculum related issues because they believe this responsibility is theirs, not legislators’. Ergo, school boards are likely to oppose the bills described above.

HB 542 - Public Schools - Student Attendance - Preventing Chronic Absenteeism (Gutierrez plus 32) would require all public schools to keep individual attendance records using the unique student identifier. Local boards would keep a record of how many students are chronically absent or have high attendance and report this to the SBE annually. They would also develop and implement attendance incentive plans to encourage chronically absent students to attend school regularly.

Lois Stoner

HIGHER EDUCATION/IMMIGRATION

In July 2011, opponents collected more than twice the number of petition signatures to place the new law the DREAM (Development, Relief and Education for Alien Minors) Act that provides for in-state tuition rates on the 2012 general election ballot as a referendum while delaying the implementation. Of the 156,211 signatures, somewhere between 110,000 and 132,000 signatures were obtained using a website named MDPetitions.com to generate pre-printed petition forms.

Initially, Casa de Maryland challenged the validity of this methodology and later argued that the legislation is an appropriations bill and not subject to referendum. A hearing on the case was held in the Anne Arundel County District Court on Jan. 27, 2012. Counsel for the immigration advocacy group CASA of Maryland represented six registered voters and two anonymous students. (John Doe and Jane Doe excelled in Maryland high schools but cannot afford to pay out-of-state rates at Baltimore City Community College.) Their case relies on the fiscal note from the Department of Legislative Services saying that it would cost \$3.5 million to implement the law.

The opposing group, MDPetitions.com was founded by Rep. Neil Parrott (R-Washington) to generate online petition forms and force a referendum on the DREAM Act. Judicial Watch contended that no taxpayer money was appropriated to carry out the law and that no damage had been shown (no one had been denied access to a community college), two of the litigants were anonymous and the legal system could not award a remedy. Afterward, Rep. Parrott deemed this a “frivolous lawsuit.”

Status Report from RSC 1:

HB 27 (Parrott)/**SB 91** (Jacobs plus 2) **Election Law – Petitions – Confidentiality** – hrg W&M 2/1; hrg EHEA 2/16
HB 41 (Smigiel plus 9) **Election Law – Petitions – Public Verification and Counting of Signatures** – hrg W&M 1/25
HB 42 (Smigiel plus 9) **Election Law – Petitions – Resubmission of Signatures** – hrg W&M 1/25.

Diana Haskell

MARRIAGE EQUALITY

SB 241 (The President by request of Administration/Ferguson et al.) **Civil Marriage Protection Act** would legalize same sex marriage in Maryland. New to the bill this year is added language which prohibits “an official of a religious order or body authorized to perform a marriage ceremony from being required to solemnize or officiate a particular marriage or religious rite of a marriage in violation of the constitutional right to free exercise of religion.” A hearing was held in the Senate Judicial Proceedings Committee, and, in a rare appearance before a committee, the governor testified in favor of the bill which he has made a priority this session.

HB 438 – Civil Marriage Protection Act - (The Speaker by request of Administration), Anderson et al was crossfiled on February 1, 2012 with a hearing scheduled on February 10, 2012 in the House Judiciary Committee. It has also been assigned to the House Government Operations Committee which has not yet scheduled a hearing.

An opposition bill, **HB 474** (Dwyer et al.) **Maryland Marriage Protection Act** would add a new section to the Maryland constitution to establish that marriage between one man and one woman shall be the only legal union in this state. This would be submitted to the voters of Maryland for adoption or rejection. This bill has also been assigned to the House Judiciary and Health and Government Operations Committees.

NOTE: Bills listed as "The Speaker (By Request of Administration)", "The President (By Request of Administration)" or "Committee Chair (By Request of Department) are bills proposed by the Governor and his agencies and are not proposals of the Speaker of the House, the President of the Senate, or the respective Committee Chair. They are listed with the official title of a legislator rather than the Governor due to requirements in the Maryland Constitution.

Sherry Hyman

HEALTH

SB 238/HB 443, Maryland Health Benefit Exchange Act of 2012 has been submitted by Senator Miller for the Administration. Basically this bill comes to the General Assembly from the new Board of Directors of the Health Benefit Exchange. The Board has been working since the close of last year's session to set up the Exchange. The Board conducted six policy studies in order to structure the Exchange. This bill delineates the requirements for and the establishment and implementation schedule for the navigator programs within the exchange. It also mandates certain minimum requirements for dental coverage. All of this must be in place by January 1, 2014. It also codifies the separation of the small employer market from the individual market and requires carriers who sell in the individual market to sell in the Exchange.

Delegate Nathan-Pulliam and Senator Pugh are sponsoring **HB 243/SB 179 – The Kathleen A Mathias Chemo Therapy Parity Act of 2012**, named for the late wife of State Senator James Mathias. The bill would make the co-pay and deductibles of oral chemotherapy purchased in a drug store equal to the chemotherapy given in a physician's office. The bill was heard February 1 and ran into an immediate problem because the Health Reform Coordinating Council and the MIA must make a decision on the basic plan by September 30 of this year and can only include benefits in place in the first quarter of this year. There was little other objection even from CareFirst. This is not a mandate as it does not mandate coverage of chemotherapy rather equalizes the coverage. It was suggested that they make the bill an emergency bill with immediate implementation.

SB 229, Health Insurance – Individual and Group coverage – Application of Federal Affordable Care Act, is an emergency bill submitted by Senator Thomas "Mac" Middleton for Maryland Insurance Administration. The bill adds preventive care to the list of specified provisions of the federal Affordable Care Act to the individual insurance market and deletes the provision of wellness programs.

SB 234/HB 439 – Maryland Health Improvement and Disparities Reduction Act – These bills are submitted at the request of the Governor and the Lt. Governor and set up Health Empowerment Zones in areas where there is a lack of health care. The bill mandates that the Community Health Resources Commission delineate areas of the state where there are measurable and documented health disparities and poor health outcomes. These areas must be small enough for the incentives offered to have a significant impact on improving health outcomes and reducing health disparities. These areas will offer student loan repayment assistance to physicians and other primary care clinicians as well as tax credits, startup funding and other benefits for the sponsoring organization. Lt. Governor Anthony Brown has been receiving nationwide attention for this bill and the idea.

Texting and talking while driving are receiving as much attention this year as last year. There are four bills already in that have varying degrees of enforcement in them. **HB 104/SB 217 – Use of Wireless Communication Device – Prohibited Acts, Enforcement and Penalties** (Del. Kach and Malone and Sen. Robey, extends the enforcement to anyone under the age of 18 who uses a handheld device while driving in the travel portion of the road. It also makes it a primary offense instead of a secondary offence as it currently is.

HB 123, Wireless Communication Devices, Enforcement of Prohibitions on Use While Driving is sponsored by Delegate Claggett. The bill only removes the secondary offense language and substitutes the primary offense language.

HB 163, Prohibition on Use of Text Messaging – Exceptions, is sponsored by Delegate Arora and would allow voice activated telephone devices. All of these bills are likely to be rolled into one bill at the end of the hearings. **HB 55, Motor Vehicles – Use of Text Messaging Device While Driving**, was heard on January 31 in the House. It addresses a correction regarding administrative penalties for minors.

This is the second year for **HB 149/SB 309, Mopeds and Motor Scooters – Titling and Protective Head Gear**, sponsored by Delegate Beidle and others. The bill requires that motor scooters be titled and registered by the Motor Vehicle Administration and that the owner or prospective owner pay an annual registration fee and surcharge, wear protective headgear and specified eye protection and that the State develop a registration classification for mopeds and motor scooters.

Prohibition of the use of tanning beds by minors is covered by **HB 207/SB 213, Tanning Devices – Use by Minors-Prohibition**. The bills are sponsored by Delegates Reznick and Love and Senator Raskin. It simply bans their use by minors.

SB 121 Senior Rx Drug Assistance Program – Extension of the Sunset Provision has been submitted for the State run insurance program Maryland Health Insurance Program. It extends the senior prescription assistance program which is scheduled to sunset this year.

SB 180 State Board of Naturopathic Medicine (Pugh, et al.) The Naturopaths would like to establish a state regulatory board to give out licensure. This would gain them credence in the medical community where they are looking for independent practice. The hearing was on January 30 and they were very well prepared and had physicians join them in the testimony.

Neilson Andrews

CHILDREN'S ISSUES

The emphasis on child safety from abuse and neglect noted in the last RSC is evident in **HB 496** (Impallaria et al.) - **Child Abuse and Neglect – Failure to Report – Penalties** A person who is required by law to give notice of suspected abuse or neglect who knowingly withholds this information may be convicted of a misdemeanor or a fine or both. This bill joins **SB 140** and deals with the same subject, but states that knowing failure to report could lead to imprisonment of up to 10 years. The House bill will be heard by the House Judiciary Committee on 2/16 and the Senate bill on 2/8 in Judicial Proceedings. Issues about reporting child abuse and neglect are covered by the LWVUS positions supporting early intervention for children at risk.

HB 122/SB 139 (Aumann et al/Jacobs, Stone, Colburn, Currie, Edwards, and Reilly) **Crimes – Death or Disappearance of a Minor – Required Reporting and Prohibited Acts** pertaining to the failure to report missing children will be heard on 2/9 in JUD along with **HB 18** and **HB 20** which deal with similar situations.

HB 103 (Pena-Melnyk et al.) **Maryland Medical Assistance Program - Independent Foster Care Adolescents - Age of Eligibility** allows young people who have aged out of the foster care system to be covered by Maryland Medical Assistance until age 26. These young people are more likely to have mental health issues and to lack family support to aid in their transition to productive adulthood. State funding will only be necessary for one year until the Affordable Care Act (ACA) goes into effect. The cost of this bill is estimated to be approximately 3.4 million dollars for FY 2013 and 2.4 million for 2014. After that time, the expenditure for the ACA will begin and the state will be required to extend some medical services to those who have aged out of the foster care system up to age 26. LWVUS supports medical care under its positions on meeting basic human needs.

The waiting list for child-care subsidies, referred to in a previous RSC report, has been growing, and the appropriations in the budget which support these subsidies have been cut. The Maryland State Department of Education, which funds the subsidies, has lost Federal money that had previously paid for child care, and as yet, no new money has been appropriated.

JUVENILE JUSTICE

The 2013 budget gives the Department of Juvenile Services (DJS) the same funds as the last fiscal year to carry out its mission.

SB 245 - Juvenile Law - Disposition - Committed Programs sponsored by the Chair, Judicial Proceedings Committee, requested by the Department of Juvenile Services (DJS), would eliminate the mandate for the Juvenile Court to determine the kind of placement a child should have, and makes provisions for notifying the court about changes in placement. In the past, DJS has had problems finding the specific type of placement ordered by the court. Although no agency is designated as the decision-maker in the bill, it appears the Department is trying to take control of the placement process from judges, who may be less aware of the available facilities.

SB 336 (Conway) Juvenile Services - State-Owned Facilities - Repeal of 48-Bed Limit repeals the 48-bed limit on the size of a facility owned by DJS. If enacted, this bill would enable the state to build larger juvenile institutions, affecting the LWVMD position, which supports small regional juvenile institutions. DJS budget notes that the Department will delay building two detention centers until 2014. One is a new Cheltenham facility, delayed by a labor agreement, and the second is a new youth detention facility.

Debbie Ehrenstein

ENVIRONMENT

OFF-SHORE WINDPOWER

Governor O'Malley has now submitted the following identical bills to the Maryland House of Delegates and Senate, **SB 237** and **HB 441**, which are entitled **the Maryland Offshore Wind Energy Act of 2012**. While each is traditionally submitted by the Speaker of the House and the President of the Senate, there are a dozen co-sponsors in the House and also in the Senate. (hrg 2/14 FIN)

As was also done last year, LWVMD has prepared testimony strongly supporting the bill -- particularly because of its benefits in terms of wise energy use, reduction in greenhouse gases, and better public health -- while also recognizing the economic benefits of construction and operation jobs and a relatively stable energy source.

The proposed wind turbines would be built 10 miles off the shore of Ocean City in areas leased by the federal government.

Linda Silversmith

TRANSPORTATION

A number of bills have been submitted in the Senate and House about driving while talking and /or texting on a wireless device making it a primary offense instead of a secondary offense with inclusions and exceptions in various bills - **SB 217** (Robey et al.) (hrg 2/14 at 1 p.m.) **HB 104** (Malone and Kach) (hrg 2/7 at 1 p.m.), **HB 123** (Clagett) (hrg 2/7 at 1 p.m.), **HB 163** (Arora) (hrg 2/7 at 1 p.m.)

Numerous bills have been proposed dealing with the Transportation Trust Fund, revenues that are generated and how revenues are dispersed and allocated.

HB 146 Transportation Trust Fund Protection Act (Krebs et al.) proposes an amendment to the Maryland Constitution to establish a Transportation Trust Fund to be used only for purposes relating to transportation. It differs slightly with few exceptions and prohibiting any part of it for other uses. It would require that specified taxes, fees, charges, and revenues be credited to the Transportation Trust Fund; hearing 2/7 at 1p.m. **SB 403** (Brinkley et al.) is a similar, but not crossfiled Senate version of the bill (no hearing set).

SB 441 Transportation Trust Fund - Financing - Use of Funds (Garagiola et al.) proposes an amendment to the Maryland Constitution to establish a Transportation Trust Fund to be used only for purposes relating to transportation, differs slightly in that it provides an amendment that does not prohibit the allocation and use of specified funds in the Transportation Trust Fund for counties, municipalities, and Baltimore City as authorized by law.

SB 233 Transportation Trust Fund - Appropriation of General Fund Surplus (Jacobs et al.) requires the Governor to include in the budget bill in specified fiscal years an appropriation to the Transportation Trust Fund of a specified amount of an unappropriated General Fund surplus.

SB 440 Highway User Revenue Distribution (Garagiola et al.) reduces the percentages of revenues credited to the Gasoline and Motor Vehicle Revenue Account that are authorized to be used by the Department of Transportation for specified purposes and increasing the percentages of revenues that are required to be used to pay allocations of highway user revenues to counties and municipalities.

Updates from RSC 1:

HB40 – hrg on 2/15 1 p.m.; **HB 67** - hrg on 2/21 at 1p.m.; **HB 104** – hrg on 2/7 at 1p.m.

Barbara Ditzler