



REPORT FROM STATE CIRCLE

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GOVERNMENT

REDISTRICTING

The Legislative Districting Plan of 2012 (HJ 1 and SJ 1), the plan submitted to the legislature by the Governor, based on the recommendations of the Governor's Redistricting Advisory Committee, will become effective on the 45th day of the General Assembly Session – February 24, 2012, unless both houses can agree on an alternative plan. Seven alternate Legislative Districting Plans have been introduced (**HJ 5** – Braveboy, **HJ 7** – Krebs, Elliott, Ready and Stocksdale, **HJ 8** – Hubbard, **HJ 9** – Valentino-Smith, Hubbard, Holmes and Vallario, **HJ 14** – Gutierrez, Braveboy, Hucker, Lee, Pena-Melnyk and Simmons, and **HJ 15** – Hough and Alston. Inasmuch as no hearing has been scheduled on any of the alternate plans, we can assume that the Governor's proposed Legislative Redistricting Plan of 2012 will take effect on February 24.

It is always heartening to report on legislation that actually mentions the League of Women Voters by name. This year there are two. **HB 599 – Elections – Study Commission on the Redistricting Process in Maryland**, is sponsored by Delegate McComas and 17 other delegates, would create a 13 member study commission to study and examine the current process in Maryland, analyze information about the redistricting process in other states and suggest possible State constitution or statutory changes to improve the process in Maryland. "A representative of the League of Women Voters

of Maryland” is listed as one of the required 13 members, as are two members of the Senate, two members of the House of Delegates, representatives of the Center of Voting and Democracy and the Maryland Institute for Policy Analysis at UMBC, and six others.

HB 775 – Task Force to Study Redistricting in Maryland, sponsored by Delegate Braveboy and 18 other delegates, would create a task force charged with the same responsibilities as the Study Committee proposed in **HB 599**. A representative of the League of Women Voters is also a specified member of the Task Force, as well as representatives from the State Republican and Democratic parties, the NAACP, the ACLU and nonprofit civil rights organizations representing Asian/Pacific Islanders, Blacks/African Americans and Hispanics. In the case of both of these bills, the Study Committee or Task Force is required to report its findings by December 2012. No hearing is scheduled for HB 775, but the League has information that a hearing will be scheduled for HB 599 in the House Rules and Executive Nominations Committee on February 22, and will testify in support of this bill.

There are additional pieces of legislation introduced this year regarding legislative and congressional redistricting. We reported on Senator Brochin’s bills (**SB 160, SB 161 and SB 162**) in the first issue of RSC. A hearing is scheduled on these bills, which would seriously amend the redistricting process in Maryland, for February 23, 2012.

HB 451 – Election Law – Legislative Districting and Apportionment Commission (Better Maryland – Nonpartisan Redistricting) is sponsored by Delegates Schuh, Costa, Dwyer, George, Kipke, McConkey, McMillan and Vitale. In this bill, the Court of Appeals would nominate a pool of thirty candidates: ten from the majority party, ten from the minority party and ten of neither party. From that pool of candidates, one appointment to the Commission could be made by each of the President and the Minority Leader of the Senate and the Speaker and minority Leader of the Houser of Delegates. Those four appointed commissioner cold then choose an additional three members. Meetings of the Commission would be subject to open meetings laws. The Commission would create redistricting plans to be filed with the Secretary of State, and the Secretary of State would petition the Court of Appeals to review and determine validity of plans. No hearing is scheduled for HB 451.

Delegate Vitale and ten other delegates are sponsoring **HB 295 – Constitutional Amendment – Legislative and Congressional Districting Process**, which would make much less drastic changes to the redistricting process than other bills. This bill would require the Governor to submit the Legislative and Congressional redistricting plans to the public for comment and review at least sixty days before the first day of the session in which the General Assembly is to consider the plan, and allow for public comment for at least thirty days. No hearing is scheduled on this bill.

HB 748 - Maryland Constitution – Congressional Districts – Requirements as to Territory, Form and Boundaries has been sponsored by Delegate Parrot and 31 other delegates, and is cross-filed with **SB 805**, sponsored by Senator Brinkley and nine other senators. This legislation requires that each Congressional district shall consist of adjoining territory, be compact in form and ensure that due regard is given to natural boundaries and the boundaries of political subdivisions. Currently there are no requirements regarding Congressional districting in the Maryland Constitution or state law.

SB 805 is scheduled for a hearing in the Education Health and Environmental Affairs Committee on March 8. No hearing is yet scheduled for HB 748.

Lu Pierson

DEATH PENALTY

Legislation aimed at repealing the Maryland Death Penalty has now been cross-filed with many co-sponsors in both the Senate and House. **SB 872 (Gladden plus 18)** and **HB 949 (Rosenberg plus 65)** are both entitled **Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims**. The Preamble to the bills reviews the findings of the 2008-2009 Maryland Commission on Capital Punishment which, following study and public hearings, recommended strongly for repeal “to eliminate racial and jurisdictional bias, reduce unnecessary costs, lessen the misery that capital cases force family members of victims to endure, and eliminate the risk that an innocent person can be convicted.”

Based also on the Commission’s recommendation that “savings from repealing the death penalty be used to increase the services and resources already provided to families of victims,” **SB 872** and **HB 949** allocate savings to the Maryland Victims of Crime Fund.

Repeal legislation almost passed in 2010 but failed to get out of committee last year. Advocates for repeal are hopeful that the 2010 election shifted enough votes to make a win possible this year. Repeal of the death penalty has been a Maryland LWV priority since completion of a statewide study five years ago. LWVUS also advocates death penalty repeal.

Another capital punishment bill, **HB 586 (Bates plus 15)** directly addresses an issue now being litigated in the Anne Arundel County Court involving Lee Edward Stephens, who has been convicted of fatally stabbing a correctional officer in the now closed Maryland House of Correction. In 2009 the General Assembly reserved capital punishment for first-degree murders in which there is DNA or other biological evidence linking the defendant to the murder, a videotaped confession or a video recording of the crime. Although the Anne Arundel jury has decided that DNA evidence links Stephens to the killing so death is an option, **HB 586** entitled **Death Penalty – Evidentiary Requirements – Murder in the First Degree Committed in a Correctional Facility** would eliminate the need for the DNA, confession or video evidence if a murder occurs in a correctional facility.

HB 872 will be heard by Judicial Proceedings on March 7 at 1 p.m. No hearing dates have been set for **HB 949** and **HB 586** which will be heard by the Judiciary Committee.

Marcia Reinke

ADMINISTRATION OF JUSTICE

HB 1061 (Hough and 4 others) Judiciary Department - **Commission on Judicial Disabilities - Powers**. A constitutional amendment authorizing the Commission to remove a judge from office for engaging in specific misconduct while performing judicial duties. Specific misconduct includes rendering a decision that is contrary to law, disregarding applicable law, court rules or the provisions of the United States Constitution. (JUD 3/7)

HB 963 (Dumais) **Estates & Trusts - Appeal From Orphans’ Court & Jurisdiction of Circuit Court**. Proposes to require an appeal from a final judgment of the Orphans’ Court be made to Circuit Court and that the appeal be heard on the record made in Orphans’ Court rather than be heard de novo. (JUD 3/7)

HB 1148 (Lee and 21 others) **Courts -Victims of Crimes - Interpreters** proposes to provide needed interpreters for victims or a victim representative who is either deaf or cannot readily understand or communicate in English. (JUD 3/6)

HB 703 (Norman & 8 others) **Courts - Foreign Language Interpreters-Assessment of Costs** proposes that the courts do an assessment at the conclusion of proceedings to determine if the party shall be responsible for the cost of the interpreter.

Current practice is that the County pays these costs. There would be no assessment for a party represented by the Public Defender or having a net annual income less than 100% of the federal Poverty guideline. (JUD hearing 2/29)

SB 616 (Jennings) Judge - Mandatory Retirement. Constitutional Amendments proposes to raise the current age of mandatory retirement from 70 to 72 provided a majority of the judges of the Court of Appeals annually certifies the judge is physically, mentally, and temperamentally qualified to continue to perform duties. (JPR hearing 2/28)

HB 252 (Burns et al.) Task Force on Military Service Members, Veterans and the Courts creates a Task Force to study military service-related mental health issues and substance abuse problems and make recommendations by 12/1/13 concerning the establishment of a special court for defendants who are military members or veterans. (JUD hearing 2/8)

Update on bills reported in RSC 1 and RSC 2:

SB 396 – Uniform Transfer to Minor Act - JPR hrg 3/8

SB 416 – Minor Guardianship of the Person - JPR hrg 3/8

HJR 4/SJR 3 Judicial Compensation – Hearings were 2/7 and 3/8. Fiscal note said a \$4.4 million General Fund increase in FY 2014. This reflects judges’ salary increases and all other positions tied to judges such as the States Attorney, Public Defenders, State Prosecutor, and the Workers’ Compensation Commission. By fiscal year 2016 general fund costs would be a \$14 million increase. No committee votes to date. Legislature has 50 days to act from introduction – January 27.

SB 335/HB 249 – Judges Retirement System - B&T hrg 2/8; APP hrg 2/14

HB 453/SB 645 – Court & Judicial Proceedings – JUD hrg 3/1; JPR hrg 3/6

HB 4 & SB 48 and SB 81 – Baltimore County Ophrans Court; HB 4 passed 3rd reader with amendments on 2/9; SB 48 JPR fav. with amendments; SB 81 withdrawn.

Marlene Cohn & Grace Kubofcik

BUDGET AND REVENUES

SB 152 and HB 87 - the Budget Reconciliation and Financing Act of 2012 will be heard in marathon sessions by B&T on 2/29 and W&M on 3/1. Since BRFA, as written, would provide \$311 million in additional funds for next year’s budget, non-passage of some controversial provisions would have a significant impact on the governor’s proposed budget. (See RSC 2 for details).

SB 971 and HB 1302 (the Leadership for the Administration) - the Maryland Transportation Financing and Infrastructure Investment Act of 2012 was filed this week. It would add a sales tax to the current fixed 23.5 cents/gallon gas tax that Marylanders pay. The tax would be phased in over three years – 2% in FY2013, not more than 4% in FY2014 and not more than 6% in FY2015. The tax would be based on the average semiannual cost of gasoline in Maryland. The rate would not change from one year to the next if the price of gasoline increased by more than 15%. Much of the revenue generated would be devoted to local transportation funding. According to the governor, this would restore about 71% of the funds that were shifted from local governments because of the recession. No hearings have been scheduled.

HB 1051 (Hixson and Gilchrist) - Sales and Use Tax Services would extend the Maryland sales tax to a new list of services, a few of which are cable television, motor vehicle repair and maintenance, parking facilities, barber or beauty services, etc. (W&M 3/6)

HB 592 Tax Credit for Businesses that Create New Jobs – Enhanced Credit – Extension (by Request of the Business and Economic Development Department) would extend for an additional 12 years, property and income tax credits for businesses which acquire or construct additional space and which employ additional employees. (W&M 2/28)

HB 764 (Frick, et al.) and SB 739 (Madeleno et al.) - The Tax Credit Evaluation Act would establish a process by which tax credits currently allowed would be evaluated for their effectiveness. It has been estimated that Maryland allows approximately \$ 4 billion in tax credits per year. (W&M 2/28, B&T 3/14)

SB 526 (Forehand et al.) Tobacco Tax – Healthy Maryland Initiative would increase the tax on cigarettes and other tobacco products. It would also establish an Other Tobacco Products Tax Fund which would be used to supplement proposed appropriations to the Tobacco Use Prevention and Cessation Program if the governor does not provide at least \$21 million a year for the Program. (B&T 3/7)

SB 892 (Peters et al.) Gaming - Video Lottery Terminals and Table Game and **HB 1265 (Frush)** would authorize the awarding of an additional video lottery operation license and 4,750 additional video lottery terminals for a video lottery facility in Prince George’s County .and would allow video lottery licensees table games. If passed, this bill would be subject to referendum. (B&T 2/22)

HB 711 (Bromwell et al.) Video Lottery Terminals – Baltimore-Washington International Thurgood Marshall Airport would allow up to 2500 video lottery terminals at BWI. The proceeds would go to the Transportation Trust Fund. (W&M 3/16)

HB 629 (Bobo et al.) Maryland Renter’s Property Tax Relief Program would provide checks up to \$750 per year to renters with incomes below the poverty level and with less than \$200,000 in assets to replace the imputed property tax included in the individual’s rent. (W&M 2/21)

HB 836 (Healey et al.) Income Tax – repeal of the 1997 Tax Reduction would increase the state income tax by 0.25% and increase the maximum county tax by from 3.2% to 3.325%. (W&M 2/28)

SB 827 (Pipkin & Brinkley) State Budget. A Constitutional Amendment which authorizes the General Assembly to increase or add Executive Department in the budget bill and other measures. (B&T 2/29)

SB 838 (Pipkin & Brinkley) Budget - Reduction of Appropriations. A Constitutional Amendment. It alters the maximum reduction that the Governor can make to an appropriation in the state budget from 25% to 10% of the appropriation and makes changes in the process thereafter.

LWVMD testified in favor of **HB 331** which would increase from 25% to 30% the percentage of earned income credit allowable under Sect 32 of the IRS code.

Bills Previously Reported On:

SB 323 withdrawn; SB 249 correction B&T 2/29. HB 429 heard at W&M 2/14.

Barbara Hankins

CAMPAIGN FINANCE

SB 270/HB 195 - Public Funding and Small Donor Act for General Assembly Elections was described in *RSC 2*. However, a sentence in that description said “For that reason, and because of budget issues, the Gubernatorial Public Campaign finance Fund was closed on July 1, 2012”. It should have said “this bill proposes that the that the gubernatorial public campaign finance fund called the Fair Campaign Financing Fund (FCFF) close on July 1, 2012 and the moneys it contains transfer to a fund for public funding of General Assembly campaigns. Because of budget constraints, the general assembly in 2009, 2010 and 2011 authorized transfers out of the FCFF for other election related purposes”.

According to the fiscal note that was released on February 15th, the balance in FCFF is \$5,078,500. The Governor's proposed budget for the 2012 session includes a transfer of \$413,000 out of the FCFF to help pay for an on-line voter registration system. That would still leave a considerable pot of money for funding General Assembly elections.

SB 918/HB 1103 - Election Law - Campaign Contributors - Occupation and Employer sponsored by Ferguson and three others in the Senate and Cardin and Summers in the House adds an additional requirement to the record keeping of a campaign treasurer. It would require "to the extent practicable" that when the cumulative contributions by one individual in a single election cycle to a single campaign exceed \$500, the occupation and employer of the contributor shall be recorded.

SB 919/HB1098 - Election Law - Campaign Finance Entities - Retention of Records sponsored by Ferguson and Kittleman in the Senate and Cardin in the House clarifies how long campaign finance records must be kept. Current language in the law says that records must be kept until 2 years after a campaign finance entity files its closing report. This bill says records must be preserved for 10 years or 2 years after the account is closed, whichever is less. This provision would apply to those office-holders who have been running campaigns from the same fund for more than a decade.

HB 602 - Campaign Finance - Affiliated Business Entities - Attribution of Contributions sponsored by Bobo and 16 would require that contributions by two or more business entities be considered to be coming from a single entity if at least 80% of the owners in the different businesses are the same. This would eliminate the ability to exceed contribution limits by claiming that the donations came from different sources. The bill also defines the term "business entity" to include a corporation, a general or limited partnership, a limited liability company or a real estate investment trust.

SB 982/HB 1275 - Election Law - Petition Fund Reports - Available Online sponsored by Benson in the Senate and Cardin and two others in the House would require that when a person files a petition with the Board of Elections, they shall also file a signed statement detailing a record of monies raised (from whom) and spent (on what) in the process of obtaining signatures for the petition. The bill also requires that this statement be posted on the Board of Elections web-site.

Nancy Soreng

DRUGS

Three bills dealing with medical marijuana, plus a cross-file, await hearings and possible amendments to consolidate their different approaches to an issue which promises to be hotly debated in the General Assembly this year. The most comprehensive, the 37-page **HB 15** (*See RSC 1 and 2*) is to be heard by Health and Government Operations and Judiciary, Friday, March 9 at 1 p.m.

HB 1024 (Morhaim plus 7) **Medical Marijuana Commission** would establish an independent commission to which academic institutions would submit applications. The Commission would look at licensing medical marijuana growers and provide that growers sell their crop only to academic medical centers. It would also establish security and manufacturing requirements, authorize inspections and impose penalties.

The cross-files, **HB 1158** (Morhaim plus 44) and **SB 995** (Brinkley plus 18), are entitled **Medical Marijuana Oversight Commission**. More comprehensive at 39 pages and with both Democrat and Republican co-sponsors, these bills call for making marijuana a Schedule II controlled substance and also establishes an independent Medical Marijuana Oversight Commission. Similar in many respects to HB 1024, the cross-files are more specific on how medical marijuana would be regulated. Both **HB 1024** and **HB 1158**, along with **HB 15**, are to be heard by Health and Government Operations and Judiciary Friday March 9 at 1 p.m. No hearing has been scheduled for the Senate bill.

Judicial Proceedings heard **SB 214 Criminal Law – Possession of Marijuana – De Minimus Quantity** February 8, with no action; and Judiciary was scheduled to hear the cross file **HB 350** February 21. These bills would reduce the penalties for possession of marijuana (*See RSC 2*).

Other bills dealing with probation before judgment and research into synthetic cannabinoids (*See RSC 1 and 2*) have been heard by their respective committees with no action to date.

Marcia Reinke

MANDATORY MINIMUM SENTENCING

Almost 300 bills relating to sentencing and penalties have now been filed, five of which relate to topics covered in this RSC under drugs. The bills which would allow for medical marijuana as well as the “de minimus” bills would reduce or eliminate penalties for possession and use of marijuana. See the drug section of this RSC.

Although not directly related to any LWVMD position on sentencing, of interest to those who follow Dan Roderick’s column on the op-ed pages in the *Baltimore Sun*, are two bills which would eliminate a governor’s now-total control over who gets paroled following a sentence to life imprisonment for murder. Under existing law, no one convicted of murder, regardless of the circumstances of the case, his behavior in prison or the recommendations of the Board of Review of the Patuxent Institution or the Maryland Parole Commission, may be paroled without approval of the governor. The failure of Governor O’Malley to parole certain individuals despite an affirmative parole review and even an innocence finding by the Innocence Project, has been the topic of many columns. Although Governor Glendenning also refused all parole requests, Governor Ehrlich did grant a few.

SB 492 (Gladden), entitled **Inmates – Life Imprisonment – Parole Approval – Felony Murder Accomplice**, would allow parole without the governor’s approval, providing that the Board of Review of the Patuxent Institution or the Maryland Parole Commission determined by a preponderance of the evidence that it was warranted. It would only apply if the convicted person was an accomplice, not the principal in the murder, and had already served a prescribed number of years. **SB 584** (McFadden), entitled **Inmates – Parole Approval – Act Committed by a Minor** would allow parole without the governor’s approval if the case met similar requirements as to time already served and recommendations from the parole granting agencies. Both bills will be heard by Judicial Proceedings March 1 at 1 p.m.

Marcia Reinke

GUN LAWS

A number of bills were introduced that aim at strengthen gun laws, while several bills attempt to weaken these laws.

HB 430 (Shuh et al.) and **HB 488** (Impallaria et al.) are identical to each other and are similar to **HB 45** (RSC 1). All three would require that the State Police show that an applicant for a fire arm permit does not have a “good and substantial reason” for carrying a regulated fire arm. Currently the applicant has the burden of proving that s/he is qualified. **HB 430** was introduced in 2011 as HB 343. **HB 488** was introduced in 2009 as HB 470. (HB 430 and HB 488 JUD hrgs 2/21)

HB 618 (Simmons, et al.), also introduced in 2011 as HB 730, would create a task force to study the access of individuals with mental illness to regulated firearms. The Task Force membership would consist of the following officials or their designees: Secretary of the State Police, Secretary of Health and Mental Hygiene, Attorney General, Chief Administrative Law Judge, Public Defender, Director, Office of Forensic Services, Department of Health and Mental Hygiene, as well as 6 individuals appointed by the Governor. The Task Force would consider and recommend legislative

options for further limiting access to regulated firearms for individuals with a history of mental illness, and expand the access of law enforcement officers to certain mental health records. (JUD hrg 2/21)

SB 512 (Frosh et al.) would strengthen record keeping requirements for regulated firearms dealers and those who seek licenses, as well as improve communications among Central Repository, State Police, and local law enforcement agencies. In addition, it would allow suspension of the license of a dealer who is not in compliance with the record keeping and reporting requirements. (JPR hrg 2/23)

Several bills would increase the penalty for specific crimes. **HB 1066** (K. Kelly et al.) strengthens the penalty for burglary or robbery of controlled substances from a pharmacy. It is cross-filed with **SB 916** and will be heard March 6, 1 pm. **HB 1100** (Wilson et al.) seeks to strengthen the law prohibiting felons and some people with specific mental disorders from possessing fire arms by establishing mandatory minimum sentences for violations. **HB 1104** (Wilson et al.) reclassify the use of an inoperable weapon during a crime from a misdemeanor to a felony with a mandatory minimum sentence. (HB 1100 and HB 1104 JUD hrgs 2/21; HB 1066 JUD hrg 3/6)

Update from RSC 2:

HB 209 **Possession of Firearms** - hrg 3/6 JUD)

Doreen Rosenthal

JUVENILE JUSTICE

SB 245, sponsored by Sen. Frosh at the request of DJS was heard on 2/16. The bill eliminates the mandate for judges to determine the type of placement a youth needs. The Department has agreed to amendments that require the Juvenile Court to make the original placement decision. DJS wants to re-place juveniles, without Court involvement, when the original court-ordered placement fails. Because these youngsters are sent to secure detention awaiting court hearings for new placements, they cannot receive services until the Juvenile court makes new placements. Some child advocates think lack of judicial involvement leaves the juveniles unprotected.

The hearing for **SB 336** sponsored by Sen. Conway, repealing the 48 bed limit on the size of juvenile facilities, was cancelled.

HB 1122 sponsored by Del. Valderrama and 4 others, crossfiled with SB 761 sponsored by Sen. Gladden provides that the juvenile court may transfer a child, 15 years or older, who has been detained as a juvenile, to an adult correctional facility if the juvenile is a threat to the security of the staff or other youth. However, the bill emphasizes the preference for treating juveniles separately from adults. This bill will be heard on 3/8 in Judiciary. SB 761, will be heard in the Judicial Proceedings Committee on 3/1. In the past the League has opposed placing juveniles with adults.

SB 912, sponsored by Sen. Zirkin, proposes to reduce the size of a juvenile institution from 48 to 24 residents. This bill has been assigned to the Senate Rules Committee, but no hearing date has been set. In the past the League has supported small institutions for juvenile offenders.

Debbie Ehrenstein

ELECTION LAWS

HB 705 – Election Law Polling Places – Proof of Identity, sponsored by Delegate Afzali and 12 additional delegates, would require the Motor Vehicle Administration to transmit to the State Election Board “physical identification information” (including a photo, sex, age, height, weight, and race) for each registered voter who is a driver’s license or identification card holder, and then require poll workers to use this information to verify a voter’s identification at the polling place. Voters for whom this information is not available from the MVA would be required to prove identity by presenting a voter notification card, current utility bill, bank statement, government check, paycheck or other approved document. A hearing is scheduled for February 22 at the Ways and Means Committee, and the League will provide testimony in opposition to this bill, as it does with all legislative attempts to required proof of identity at polling places, including this year **SB 412 and HB 113**.

There are several legislative attempts pending that would limit Early Voting. **HB 452 – Election Law – Days of Early Voting** has been sponsored by Delegate Howard and 15 other delegates. HB 452 would limit early voting to the second Friday and second Saturday before a primary and general election. **SB 69 – Elections – Early Voting – Dates**, sponsored by Senators Brochin, Jennings and Stone, was reported on in RSC 1 and would limit Early Voting to the Thursday, Friday, Saturday and Sunday before an election. The League provided testimony opposing both pieces of legislation. Current law states that early voting shall take place from the second Saturday before an election through the Thursday before the elections. This law only provided for Early Voting for the 2010 and 2012 election cycles. Presumably, this was to enable election officials and legislators to assess the impact of Early Voting through four elections, and to make a determination about its future in Maryland after this experience. The League supports waiting until the evidence of four elections is available before legislating the extent of Early Voting in future elections.

Lu Pierson

ENVIRONMENT

TRANSPORTATION

SB 529 (Robey) Motor Vehicles - Use of Text Messaging Device While Driving alters the definition of "wireless communication device" to include a handheld or hands-free telephone but removes a text messaging device as this refers to previous **SB 217** that is crossfiled with **HB 55** that passed 2/16.

HB 1250/SB 696 (Pipkin et al./Hershey et al.) **Transportation - Transit Authorities - Red Line and Purple Line** establishes the Red Line Transit Authority and the Purple Line Transit Authority to finance, construct, and operate each line (hrg 2/29 1p.m.) (hrg 3/14 1p.m)

HB 1323 (Bates et al.) **Task Force to Study Separating Mass Transit Funding from the Transportation Trust Fund** establishes a task force to study separating mass transit funding from the Transportation Trust Fund.

HB 1329 (By Request - Departmental - Transportation) **Washington Suburban Transit Commission - Washington Metropolitan Area Transit Authority Board of Directors – Membership Chair, Environmental Matters Committee** requires that one of the appointees from Montgomery County and one of the appointees from Prince George's County serve as alternate members of the Washington Metropolitan Area Transit Authority Board of Directors.

The level of recovery for operating costs for some transit services were lowered to a 35% level several years ago. **SB 884** (Pipkin) (hrg 3/16 1 p.m.), **HB 1230** (Frank) (hrg 2/29 1 p.m.), and **HB 1231** (Hershey) (hrg 2/29 1 p.m.) all seek to raise that recovery rate for costs.

Updates from *RSC 1, 2*: **SB 185/HB 313** – Child Safety Seats, both bills before committees recently. **HB 67** – traffic signals, passed 2/16 and similar **SB 177** –fav with amendments. **HB 123** – concerning wireless device failed as well as **HB 163**. **SB 440** – hrg 3/9 1 p.m. Transportation Trust Fund – **SB 441** - hrg 3/9 1 p.m. *Barbara Ditzler*

ENVIRONMENT

HB 1123/SB 636 - Presumptive Impact Areas - Damage Caused by Gas Wells in Deep Shale Deposits

(Mizeur/Frosh) Establishes for each permit to drill a gas well a presumptive impact area and requires a permit to replace a water supply or repair damage or pay monetary compensation to a property owner, prohibits the Department of the Environment from requiring same. At this writing there are no co-sponsors for either bill. (Hrg 3/2 ENV; Hrg 2/28 EHEA)

HB 1170 - Fracking Records Transparency Act (Mizeur et al.) requires that a holder of a permit to drill for natural gas keep and maintain specified records, requires these records to be updated weekly and made available on the permit holders web site. (Hrg 3/2 ENV)

HB 1204/SB 798 - The Marcellus Shale Safe Drilling Fee (Mizeur et al./Frosh) alters the amount of a performance bond; requires certain owners of specified gas interest in designated areas of the state to file notice with the Department of the Environment and for those owners to pay a certain amount of money on or before specified dates. (Hrg 3/2 ENV; Hrg 3/6 EHEA).

Barbara Schnackenberg

SOCIAL ISSUES

BASIC HUMAN NEEDS

HB 331/SB 943 Income Tax - Refundable Earned Income (Rosenberg, Hixson & Frick/ Madaleno, Currie, McFadden and Raskin) was heard in the House Feb. 14th, LWVMD testified in support of the bill. The Senate hearing has not been scheduled.

The Federal Earned Income Tax Credit is a payment to low income wage earners based on their income and the size of their household. The State EITC is based on a percent of the amount of the Federal credit that the wage earner is eligible for. This bill increases the State Earned Income Tax Credit from 25% to 30% of the Federal credit. The LWV supports it because it will help moderate the impact of some of the new revenue measures on those working Marylanders with incomes so low that they qualify for EITC.

SB 713/ HB 840 Procurement – Living Wage – Repeal (Kittleman, Brinkley and Colburn/Stifler and 7 others) would repeal legislation that the League actively supported. The current law requires that contracts with the state in excess of \$100,000 pay employees a living wage, which is defined as \$11.30/ hour in certain parts of the state and \$8.50/hour in the remainder of the state. A hearing is scheduled for March 8th in the Senate Finance Committee, and March 21st in the House Economic Matters Committee.

HB 168/SB 277 Human Relations –Housing discrimination – Source of Income (RSC 2) was heard in the House Environmental Matters Committee on Feb. 9th, and in the Senate Judicial Proceedings Committee on Feb. 15th. The LWV submitted testimony in support of the bills.

Ruth Crystal

CHILDREN'S ISSUES

On Feb. 8, the Judicial Proceedings Committee of the Maryland Senate heard testimony on **SB 63 and SB 140**. Both bills deal with criminal misdemeanor penalties against professional reporters such as social workers, teachers, medical personnel, mandated to report child abuse and neglect. Both bills attempt to remedy the lack of professional sanctions against professionals who do not report suspected cases to the authorities. At present, the public is also expected to report suspicions of child abuse and neglect. SB 63 subjects only mandated professionals to a misdemeanor. SB 140 includes members of the public who fail to report are also subject to a misdemeanor charge. In addition, SB 63 adds additional

professions to those mandated to report abuse and neglect. The Committee members suggested the addition of the words "willful" and "knowingly" to the bills' language to more clearly define the lack of action which would be subject to penalties. There was a lot of support for the bill. Some professional groups wanted more training in defining what was abuse and neglect. Two dentists testified against the bill saying that it is difficult for them to evaluate whether injuries to the mouth or lack of dental care are the result of abuse or neglect. Some witnesses questioned whether criminal penalties would actually increase the number of child abuse or neglect situations reported. Lack of knowledge about indicators of abuse and neglect was also cited as a barrier to reporting.

HB 496 - Failure to Report child abuse and neglect was given an unfavorable report by the Judiciary Committee and withdrawn.

The Senate Budget and Taxation Committee's Education, Business and Administration subcommittee heard testimony on the 2013 budget which deleted 2 million dollars from the approximately 4 million previously budgeted for Home Visiting programs. These programs provide voluntary services to new mothers whose background suggest they might abuse or neglect their children, or who suffer other impediments to providing good care. This reduction will severely impact home visiting programs in 9 counties and will continue flat funding for 9 others. At the hearing, a member of the sub-committee said that all the members were aware of the importance of these programs. Executives of agencies sponsoring home visiting programs and clients who had participated testified positively.

Possibly in an effort to retain home visiting funds, **SB 566** sponsored by Sen. King and 15 others, crossfiled with **HB 699**, requires that the State fund only evidence based home visiting services. The bill also requires the agencies involved to make bi-annual reports to the Governor's Office on Children, (GOC) on improvements in maternal and child health, prevention of child maltreatment, school readiness, parenting skills, etc., produced by home visiting programs. The hearing on this bill will be held on 3/1 in the Senate Finance Committee.

There was no change to the status of **HB 103** (Pena Melnyk and 26 others), which continues medical care for adolescents over 21, who have aged out of the foster care system. This bill was assigned to the Health and Government Operations subcommittee and heard on 1/31/12.

SB 613 sponsored by Sen. Raskin and 14 others, crossfiled as **HB 1256**, mandates the development of a program to train school employees to report sex abuse to the proper authorities. This bill will be heard on 3/1 in the Senate Education Health and Environmental Affairs Committee.

HB 860 introduced by Del. Stein expands the definition of "sexual abuse" to be used in declaring a child in need of Juvenile Court involvement to include exposing children to human trafficking, pornography and prostitution. The bill will be heard on 3/8 at 1 p.m. in the House Judiciary Committee.

Debbie Ehrenstein

EDUCATION

Several public school student health related bills have been filed in the Senate with two of these cross filed in the House. **SB 621/HB 497** (Shank plus 3/Myers plus 7) **Public Schools - Epinephrine Availability and Use - Policy Requirements** would require local school boards to develop policies authorizing school nurses and other school personnel to administer epinephrine to a student in anaphylaxis. The policy must include training for school personnel so they recognize symptoms, can administer auto-injectable epinephrine and know proper follow up emergency procedures. (Hrg for HB 497 in W&M on 2/23 and SB 621 in EHEA on 2/15))

Once again a bill has been filed to assure that elementary students have plenty of physical education. **SB 564** (Pugh plus 18) - **Student Health and Fitness Act** would require elementary students to have at least 150 minutes of physical education each week, planned by a PE Leadership Team at each elementary school. (Hrg in EHEA on 2/15). To be sure tobacco products are not used in schools, on school grounds or on school buses, Senators Forehand and Montgomery and Delegate Luedke have introduced **SB 625/HB 308 - Tobacco Free Schools Act**. Any one using a tobacco product on

these sites or at an off campus school sponsored event would be subject to \$100 civil penalty. (Hrg on SB 625 in EHEA on 2/15).

Senator Rosapepe has filed two bills authorizing more use of online courses in Maryland public schools. **SB 674 - Primary and Secondary Education - Online Courses - Local Approval and Reporting Requirements** would permit a local school board to buy courses it has approved as high quality and in line with Maryland content standards. A report must be submitted to the State Department of Education (SDE). **SB 736 - Primary and Secondary Education -Online Courses - Acceptance of Courses Approved by Other States** would permit the SDE and local boards to purchase online courses approved by another state with curriculum content standards consistent with Maryland's. (Hrg on both bills in EHEA on 3/1) Identical bills, **HB 1219/HB 1215** respectively have been introduced in the House by Delegate Boteler et al.

SB 586 - (Edwards) Education - State Aid - Grant to Limit Decrease in Funding to 5% each year from FY 2013-2015 is similar to a bill introduced by Senator Edwards last year. That bill died but a one year provision to limit the funding decrease was included in the current BRFA bill. Senator Madaleno has also reintroduced a bill from last year, **SB 740 - Property Tax - Charter Counties - Education funding**, which would permit charter counties that limit the county's property tax rate to exceed the rate only to fund the approved school board budget. If this occurs, no other revenue may be reduced. (Hrgs on both bills in B&T on 2/22)

For the past few years the requirement that the counties must fund public schools at the same per pupil level as in the previous fiscal year has been an issue that is front and center. This concept of Maintenance of Effort has worked well since it was implemented in 1984 except for recessionary years. Senator King has taken a particular interest in this issue and has introduced **SB 848 - Education - Maintenance of Effort - Waivers** and **SB 851 - Education - Maintenance of Effort - Waiver of Penalty**. The latter bill would prohibit applying a penalty to a state aid increase for public schools if Maintenance of Effort is not met in FY 2012 because no legislation has passed addressing significant policy issues. SB 848 would establish factors to be considered by the State board of Education when a county has applied for a waiver. These include: loss of a major county employer tax base, inflation relative to student enrollment growth, and other significant reductions in state aid and similar factors. In addition, SBE must grant a limited waiver if the county has exceeded MoE by at least 5% in the previous five years and average local effort as defined in the bill by at least one per cent for the prior five fiscal years.(Hrgs on both bills in B&T on 2/22)

Note: the crossfile to SB 293 - Core content (*RSC 2*), HB 1227 (Busch plus 19), has been filed. Hrg on HB 191 - Financial Literacy (*RSC 2*) on 2/23 in W&M)

Lois Stoner

HIGHER EDUCATION/IMMIGRATION

The Dream Act enacted last year was discussed in detail in *RSC 2*. As stated in *RSC 2*, CASA de Maryland initiated a law suit alleging that because of the fiscal and policy note the legislation is an appropriations bill and therefore not subject to referendum. After a hearing in the Anne Arundel District Court on 1/27 the judge ruled on 2/17 that the legislation does not make any appropriation but only changes the requirements for in-state tuition. Therefore the act is subject to referendum.

In a related matter, on Feb. 9, 2012, the Commission to Study the Impact of Immigrants in Maryland released its second report for Maryland lawmakers stating in part: "It would be foolhardy...for state and local communities to withhold education and other opportunities from these future workers."

Updated Status Report:

HB 27 (Parrott)/SB 91 (Jacobs plus 2) Election Law – Petitions – Confidentiality – hrg W&M 2/1; hrg EHEA 2/16, 3rd reader, enrolled.

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, 3rd reader, enrolled.

Diana Haskell

HEALTH CARE

SB 238/HB 443 - Maryland Health Benefit Exchange Act of 2012 - The President (By Request – Administration et al.)/The Speaker (By Request – Administration et al.) have hearings scheduled for February 22 in the Senate and February 23 in the House. However work sessions have been going on prior to the hearing. This is apparently a new strategy of the Administration as they want the problems solved prior to the committee vote. Many of the brokers' issues have already been addressed but the brokers are still worried about the competition the Exchange is going present for them. The Exchange presents an enormous change in the way business has been done in the past.

SB 234/HB 439 - The President (By Request – Administration et al.)/The Speaker (By Request – Administration et al.) – **Maryland Health Improvement and Disparities Reduction Act** will be heard on February 28 and 29. The bill is likely to pump more than \$4 million a year into selected areas to address health disparities. The budget notes are listed in the budget of the Community Health Resources Commission.

The Alcohol and Tobacco Tax bills are being watched very carefully by the public health communities. The alcohol tax will go toward Medicaid this year to provide greater access to physicians for the patients. The tobacco tax should go to smoking cessation and treatment, but it is being watched as it could go to the general fund.

SB 185/HB 313 (Forehand et al./ Stein et al.) **Child Seating and Safety Seats** was heard in both houses last week. The interested parties expect some amendments to the bills. One significant amendment will have to do with carpooling. If there are not enough seats for each child, then a child under 13 would be allowed to sit in the front seat.

HB 207 (Resnick and Love)/**SB 213** (Raskin et al.) **Tanning Devices – Use by Minors - Prohibition**, has had a hearing in the House, but will not have a hearing in the Senate until next month. There are almost enough votes to bring it out of the House Health, Government and Operations Committee. Secretary of Health Joshua Sharfstein has been supportive of the effort and has testified in favor of the bill. Opposition to the bill appears to be coming from the small business interests.

There are several so called scope of practice bills before the legislature this year. The podiatrists have submitted **House HB 323** (Resnick) **Health Occupations – Licensed Podiatrists – Scope of Practice**. They want to do surgery on acute ankle fractures. The podiatrists contend that their scope of practice has evolved since the prohibition was enacted. Forty states allow it now.

The pharmacists are asking to be allowed to give both mandated vaccines and travel vaccines to anyone over nine years of age (**HB 561**). This change is supported by the School of Pharmacy at the University of Maryland. However the physician community is opposed to moving administration of mandated vaccines out of the physician office or the health department because of fragmentation and continuity of care and record keeping. Covering the cost of vaccines and their administration is a concern in any venue.

The nurse midwives, not nurse practitioner midwives, have a similar bill (HB 1056). They would like to set up a board and have licenses to practice and be allowed to give medications. Currently these midwives cannot practice in Maryland.

HB 1024 - Marijuana Commission, would set up a commission to have the academic centers study the medical use of marijuana. This bill presents a conundrum for the academic centers that receive federal grant funds. Using marijuana is a violation of federal law, so providing this research for the State could negate their federal funding.

Neilson Andrews

MARRIAGE EQUALITY

HB 438 Civil Marriage Protection Act (RSC 2) was voted out of the joint House Judiciary and Health and Government Operations Committees on February 14, 2012 with a vote of 25 to 18 with one abstention and one absence. Seven amendments were proposed, the following two were adopted: 1) changes the effective date from October 1, 2012 to January 1, 2013; 2) if there is a dispute over signatures on a petition to bring the Act to referendum, the Act cannot take effect until the dispute is resolved and if any provision of the Act is ruled invalid by a court of law, the entire Act is deemed null and void.

On February 17, 2012 the full House voted 72 to 67 to pass the Act. It will now go to the Senate Judicial Proceedings Committee for a vote (**SB 241**) which should take place this week. If it passes out of committee, it goes to the Senate floor for final approval. If amendments are proposed in the Senate, it would have to return to the House for further consideration. Otherwise, it goes to the governor for signature.

LWVMD has supported same sex marriage since 2007 when our position was established. If passed, we will join seven other states and the District of Columbia. The New Jersey Legislature passed a law this month but Governor Chris Christie vetoed it on February 17, 2012.

Sherry Hyman

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