



# REPORT FROM STATE CIRCLE

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LWVMD testimony on bills before the General Assembly is available on our web-site a few days after the hearing. It can be found at [http://www.lwvmd.org/n/lac/aa/testimony?term\\_node\\_tid\\_depth=All&date\\_filter\[value\]\[year\]=2012](http://www.lwvmd.org/n/lac/aa/testimony?term_node_tid_depth=All&date_filter[value][year]=2012) or by going to LWVMD.org, click on "ACT!", then click on "Testimony".

## GOVERNMENT

### REDISTRICTING

Because the General Assembly did not adopt an alternative legislative redistricting plan by the 45<sup>th</sup> day of the 2012 session, the Governor’s redistricting plan, introduced as **SJ 1/HJ 1**, became law on the 45th day of the session, Friday, February 24.

The House Rules and Executive Nominations Committee heard two bills that would create a study committee or task force to study the redistricting process in Maryland (**HB 775** and **HB 599**) on March 2.

Other redistricting bills heard during that hearing include:

**HB 295 – Legislative and Congressional Redistricting** (requiring greater public comment period on draft plans).

**HB 451 – Election Law – Legislative Districting and Apportionment Commission** (which requires the Court of Appeals to nominate 30 candidates, from whom the Senate and House leadership would select members).

**HB 748 – Maryland Constitution – Congressional Districts – Requirement as to Territory, Form and Boundaries** (which would amend the Maryland Constitution to include redistricting standards for Congressional districts similar to those already in the Constitution for legislative districts).

There will be a hearing on **SB 805** – the cross-filed bill for **HB 748** in the Senate **Education Health and Environmental Affairs Committee on March 8**.

*Lu Pierson*

## ELECTION LAWS

An update on previously reported bills:

**HB 113 – Election Law - Polling Places - Proof of Identity**– no action since February 15 hearing in Ways and Means Committee; no cross-filed bill.

**HB 705 - Election Law - Polling Places - Proof of Identity** – no action since February 22 hearing in Ways and Means Committee; no cross-filed bill.

**SB 412 – Election Law - Polling Places - Proof of Identity**, no action since February 16 hearing in Education Health and Environmental Affairs Committee; no cross-filed bill.

**HB 225 - Election Law - Special Elections - Voting by Mail**, was heard February 8 in the Ways and Means Committee, but there has been no further action by the Committee and there is no cross-filed bill.

Delegate Rosenberg’s **HB 314 - Voter's Rights Protection Act of 2012** was heard on February 8 in the Ways and Means Committee, and has received a favorable report from the Committee. This bill authorizes the Attorney General to institute an action in circuit court for injunctive relief to prohibit a person from committing an imminent violation or continuing to commit a violation of specified provisions of the Election Law Article that prohibit certain voting-related offenses. The cross-filed **SB 348** was heard on February 16 in the Education Health and Environmental Affairs Committee.

On February 22, a hearing was held on **HB 657 - Election Law - Subsequent Election Absentee Ballot List** in the Ways and Means Committee. The bill received a favorable report by the Committee. A hearing was held on The cross-filed Senate bill, **SB 341**, by the Education Health and Environmental Affairs Committee on February 15.

Another effort to repeal the National Popular Vote measure enacted in 2007 - **HB 387 - Presidential Elections - Agreement Among the States to Elect the President by National Popular Vote – Repeal** – has received an unfavorable report Ways & Means

The two bills in this session dealing with decreasing the number of days on which early voting is available have been heard. The committees hearing the bills on Early Voting, **HB 452 – Election Law – Days of Early Voting** (heard February 15 in Ways and Means Committee) and **SB 69 – Elections - Early Voting – Dates** (heard February 16 in Education Health and Environmental Affairs Committee) have taken no further action.

*Lu Pierson*

## CAMPAIGN FINANCE

No new bills on campaign finance have been dropped since *RSC 3*. Below is the status of bills previously described in *RSC 1, 2 or 3*.

### RSC 1:

**HB 6 - Election Law – Use of Campaign Funds for Meeting and Conference Expenses** had a hearing on February 1. On February 21, it was given a favorable report by the Ways and Means Committee and on February 24 it passed the Third Reading on the House floor 133; it is now in the Senate EHEA Committee.

**SB 181 - Task Force to Study the Public Financing of Judicial Elections** was heard on February 7. No action has been taken.

### RSC 2:

**SB 270/HB 195 - Public Funding and Small Donor Act for General Assembly Elections** was heard on February 15 in the House and February 16 in the Senate. No action has been taken.

### RSC 3:

**SB 918/HB 1103 - Election Law - Campaign Contributors - Occupation and Employer.** SB 918 was passed out of the Senate Rules Committee and referred to EHEA where it will be heard on March 8. HB 1103 will be heard in Ways and Means on March 7.

**SB 919/HB1098 - Election Law - Campaign Finance Entities - Retention of Records.** SB 919 passed out of Senate rules and will be heard in EHEA on March 8. The House has taken no action.

**HB 602 - Campaign Finance - Affiliated Business Entities - Attribution of Contributions** was heard on February 22 but not action has been taken.

**SB 982/HB 1275 - Election Law - Petition Fund Reports - Available Online** will be heard in the House on March 7 and in the Senate on March 8.

*Lu Pierson*

## EDUCATION

**HB 1214 - Education - Public High Schools -Maximum Student Enrollment Policy** (Kaiser plus 3) would require each local school board to establish a policy on the maximum number of students who could enroll in each of its public high schools. The bill lists factors to be considered, such as: cafeteria, library and gym capacity, extracurricular activities, and the impact of a large school on the transportation infrastructure. Experts and the public would be consulted. (Hrg. 3/8 in W&M)

Two lengthy charter school bills have been introduced to expand and liberalize the charter school program in Maryland. Delegates Ivey and Rosenberg have filed **HB 1217 - Public Charter Schools - Chartering Authorities - Application Requirements and Funding.** Nine specific purposes, including closing racial achievement gaps, providing new models of teaching, and more flexibility in operational decisions are delineated.. The current definition of a charter school would be modified as would the enrollment policy. The State Board of Education (SBE) would be the primary chartering authority for state schools designed to address an unmet need around the state. The bill defines the purposes of a charter school application as well as the procedures local and state school boards must use to evaluate applications. Except for the Education Article's Title 9 provisions, charter schools would not be subject to state education laws and state and local policies relating to nonpublic charter schools. Collective bargaining provisions would give employees a larger role in negotiations than currently exists.(hrg 3/15 in W&M)

Delegate Ivey has also introduced **HB 1218 -Public Charter Schools - Chartering authorities, Application Requirements, Employees and Facility Funding**. The bill grants public charter schools with state charters independence from the local public school system; adds the SBE as a primary chartering authority; gives public employees the right to form an independent bargaining unit; and the choice to participate in the teachers' pension system. Procedures for applying to the SBE for a charter are specified as are appeal procedures. A facilities allotment is also included, and a facilities revolving fund is established. (hrg 3/15 in W&M)

Although the LWVMD does not support or oppose public charter schools, we do encourage inclusion of certain criteria governing their establishment.

Last week, Delegate Bohanan and 8 others **filed HB 1412 - Education - Maintenance of Effort**, a very complex bill. The first section of the bill is in the Taxes Article and would permit a charter county to set a property tax rate higher than that authorized in the county charter only to increase funding for the school board. Under certain conditions a county would also be able to set an income tax rate higher than that authorized by the county to fund the approved budget of the county school board. The Education Article portion of HB 1412 deals with conditions for obtaining a waiver from the Maintenance of Effort requirement of the law. Factors to be considered by the SBE granting a waiver are similar to those proposed in previous legislation or in the presently filed **SB 848 (RSC 3)**. Added is a provision that the SBE shall grant a waiver, if properly requested, attributable to reductions in recurring costs agreed to by the county government and the local school board. The amount of the waiver may not exceed the reduction in recurring costs. A formula for rebasing the Maintenance of Effort requirement in these circumstances is outlined in the remainder of the bill and includes factors the SBE must consider in deciding whether to rebase the waiver. (hrg in W&M on 3/1; in APP not set)

*Lois Stoner*

## **HIGHER EDUCATION – IMMIGRATION**

Sen. Victor Ramirez (D-Prince George's), the original sponsor of the DREAM Act, plus a number of undocumented high school students testified before a Senate committee on 2/16. One National Honor Society student stated "Most of us here today did not make a choice in coming to the United States. The choice I have made is to contribute." There are ten states that offer in-state tuition to undocumented immigrants. With tensions running high, advocates may have to accept a compromise.

Joseph Sandler, counsel for Casa de Maryland will appeal the ruling handed down by Judge Silkworth on 2/17 that the legislation does not make any appropriation but only changes the requirements for in-state tuition and therefore the act is subject to referendum. Opponent Rep. Parrot called the appeal action "frivolous."

On another front, a bill sponsored by House Minority Leader Anthony O'Donnell (R-Calvert) that would require proof of lawful presence in the United States before receiving public benefits (except for benefits mandated by federal law), received an unfavorable report by Appropriations.

### Updated Status Report:

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

**HB 41 (Smigiel plus 9) Election Law – Petitions – Public Verification and Counting of Signatures** – hrg W&M 1/25, 3<sup>rd</sup> reader, enrolled.

**HB 42 (Smigiel plus 9) Election Law – Petitions – Resubmission of Signatures** – hrg W&M 1/25, 3<sup>rd</sup> reader, enrolled.

**HB 388 (O'Donnell) Public Benefits – Requirement of Proof of Lawful Presence** – hrg Approp 2/21, 3<sup>rd</sup> reader, enrolled, unfav rpt.

*Diana Haskell*

## BUDGET AND REVENUES

**HB 956** (Gutierrez et al.) **Income Tax – Capital Gains** would provide an additional Maryland individual income tax rate of 2% on net capital gains. It will be heard at W&M on 3/6.

The Senate will receive B&T's recommendations for amendments to the Governor's budget on March 12. **SB 152** and **HB 87 (BRFA)** were heard by B&T and W&M respectively on February 29 and March 1. LWVMD submitted testimony supporting the taxes proposed by the Governor in the BRFA bills. (See *RSC 2*).

Some transit related tax bills include:

**SB 766** (Edwards) which would impose a 2.1% sales tax on distributors of motor fuels to retailers in Anne Arundel, Baltimore, Montgomery and Prince George's Counties and Baltimore City to be credited to the Mass Transit Account. (B&T hrg 3/14)

**SB 589** (Edwards) would increase the sales and use tax to 6% in those same counties with additional funds collected to be credited to the Mass Transit Account. (B&T hrg 3/14)

**SB 325** (Colburn) has similar provisions. (B&T hrg 3/7)

**HB 1388 – Motor Fuel Tax – Increase Construction Cost Index** would increase the motor fuel tax by 5 cents per gallon and after July 1, 2015 the tax would be indexed to the Construction Cost Index with the proviso that the increase in any one year is limited to 2 cents per gallon. No hearing has been scheduled.

The League also provided testimony in favor of **HB 736** Tax Credit Evaluation Act and **HB 784** Millionaire's Tax on February 28 to W&M and **SB 249** (*RSC 2*) Millionaire's Tax and **SB 837** State Budget on February 29 to B&T.

Hearings on bills previously reported on here have been heard by either W&M or B&T or both committees, none have been reported out of committee.

*Barbara Hankins*

## GUN CONTROL

**HB 1135** (Vitale et al.) specifies the time in which the state police must issue a handgun permit to "within a specific number of days" instead of "within a reasonable period" and, expands the definition of a person prohibited from possessing regulated firearms to include illegal aliens, people dishonorably discharged from the armed forces, and people with a pending felony charge.

**HB 1114** (Arora et al.) also expands the prohibition against the possession or sale of a firearm by expanding the definition of regulated firearms as well as the definition of those who are not eligible. Like **HB 45, 430, 488, HB 1114** would repeal the requirement that the Secretary find that a person has "good and substantial reason" to carry a handgun. No action was taken on **HB 1114 or HB 1135** at the Judiciary hearing on 2/21.

Two bills affect the ability of local authorities to control illegal weapons. **HB 1310** (McIntosh) strengthens the communication between the Criminal Justice System Central Repository and the State Police. The State Police would make more information available to local law enforcement agencies. (hrg 3/20 JUD)

**HB 1321** (Simmons), cross-filed with **SB 911** increases the authority of local subdivisions regarding reporting of the purchase of firearms. No hearing scheduled.

No action resulted from hearings scheduled for 2/21 or 2/23 on gun bills reported in *RSC 2* and *RSC 3*.

*Doreen Rosenthal*

## ADMINISTRATION OF JUSTICE

**SB 280 & HB 265** (Chair, Judicial Proceedings by request Maryland Judicial Conference) **Task Force to Study Implementing a Civil Right to Counsel in Maryland** proposes a 12 member task force to study resources available to assist in providing counsel to low-income Marylanders; it includes the right to have counsel at public expense in basic human needs cases, how this right to counsel might be implemented and the cost and revenue sources. The task force has to make recommendations to the Governor and Chief Judge of the Court of Appeals by October 1, 2013. (JPR, hrg 2/9; JUD hrg 2/15)

**HB 1386** (F. Turner & Luedke) **Estates & Trusts - Register of Wills Fees** proposes to require payment of fees prior to recording of documents, increases probate fees from current range \$50 to \$2,500 plus to \$75 to \$3,750, increases fees for small estates and other document fees.

**SB 1055** (Zirkin & Stone) **Court Costs - Criminal Cases - Funding for Law Enforcement** proposes additional costs of \$7.50 with Comptroller to deposit half into Law Enforcement Equipment Fund and the other half to law enforcement agency that issues citation or completed report of case.

### Update on bills reported in RSC 1, 2 and 3:

HB 1061 (Hough and 4 others) Judiciary Department - Commission on Judicial Disabilities - Powers - JUD hrg 3/7

HB 963 (Dumais) Estates & Trusts - Appeal From Orphans' Court & Jurisdiction of Circuit Court - JUD unfavorable

HB 1148 (Lee and 21 others) Courts - Victims of Crimes-Interpreters - JUD hrg 3/6

HB 703 (Norman & 8 others) Courts - Foreign Language Interpreters - Assessment of Costs - JUD hrg 2/29

SB 616 (Jennings) Judges - Mandatory Retirement - JPR hrg 2/28

SB 396 (Forehand) MD Uniform Transfer to Minors Act – Orphans Court - JPR hrg 3/8

SB 416 (Forehand) Orphans' Court - Minor Guardianship of the Person - JPR hrg 3/8

HJ R 4 & SJR 3-Judicial Compensation - hrgs 2/7 and 3/8. Legislature has 50 days to act from introduction Jan. 27

SB 335 & HB 249 (Chair B&T by request, Judicial Compensation Committee) Judges Retirement System - Contribution Rates for New Members - 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 - JUD hrg 3/6: JPR hrg 3/1

HB 4 & SB 48 (reported in RSC 1) Baltimore County Orphans' Court Judges - HB 4 passed House 104-30, w amended 2/9: SB 48 passed Senate 46-0, w amendments crossed to both chambers. Amendments the same.

HB 252 (Burns et al.) Task force on Military Service Members, Veterans and the Courts-JUD hrg 2/8

*Grace Kubofcik & Marlene Cohn*

## DEATH PENALTY

At *Report from State Circle's* deadline the bills to repeal the Maryland death penalty were awaiting hearings in both the Senate and House. The first hearing, Wednesday, March 7 at 1 p.m., was to be on **SB 872** before the Judicial Proceedings Committee where the Maryland League of Women Voters will be submitting testimony advocating repeal based on the consensus which emerged from our study six years ago.

Maryland Citizens Against State Executions (MDCASE), the lead organization seeking repeal, believes it may have the votes this year if the bill gets out of committee. It is hoping for a huge turnout for Wednesday's hearing. The hearing on the cross-filed House Bill, **HB 949**, is scheduled before the Judiciary Committee on March 20 at 1 p.m.

While the legislature and press coverage have been preoccupied with same sex marriage and the budget, two matters outside the legislative process could have bearing on a death penalty vote. The first was the failure of an Anne Arundel jury to vote for the death penalty in a case involving the killing of a correctional officer by Lee Edward Stephens in the now-closed House of Correction in Jessup. Stephens was already serving a life sentence plus 15 years for a 1997 murder, and it was determined in the guilty finding that he met the requirements for a death sentence under the 2009 law which limited capital punishment to cases where there was DNA evidence, a video of the crime or a confession. The jury, however, went for life without parole, which advocates for repeal will be using to show that support for capital punishment is diminishing in the state.

The other event was a report signed by more than three dozen legal scholars, including two former Maryland attorneys general, former Governor Harry R. Hughes and a retired judge from Maryland's second highest court, urging repeal. The report argues that the current death penalty law, enacted in 2009, is too costly and arbitrary to be worthwhile.

Both **SB 872** and **HB 949** are entitled **Death Penalty Repeal and Appropriation from Savings to Aid Survivors of Homicide Victims**.

The only other death penalty-related bill filed this year, **HB 586** would add murder committed in a correctional facility to the list of requirements for a death sentence. It is also to be heard by Judiciary on March 20 at 1 p.m.

*Marcia Reinke*

## DRUGS

Hearings on the major House bills dealing with Medical Marijuana are scheduled for this Friday, March 9, beginning at 1 p.m. Although all three bills are aimed at making marijuana available via prescription, the provisions are marginally different. See *RSC 1, 2 and 3*. **HB 15, Maryland Medical Marijuana Act; HB 1024 Medical Marijuana Commission; and HB 1158 Medical Marijuana Oversight Commission** are all to be heard jointly by the Health and Government Operations and Judiciary Committees. The cross-file of HB1158, **SB 995** will be heard by Judicial Proceedings Wednesday, March 21.

One drug related bill, **HB 96, Criminal Procedure – Probation Before Judgment –Subsequent Controlled Substance Crime** has received a favorable report from the Judiciary Committee and has passed to Second Reading. It would authorize a court to impose probation before judgment if a defendant is required to graduate from drug court as a condition of probation.

The cross-files **HB 350** and **SB 214** entitled **Criminal Law – Possession of Marijuana – De Minimus Quantity** have been heard by both Judiciary and Judicial Proceedings with no action taken, possibly because decisions on the medical

marijuana bills need to be made first. Also heard with no action are bills which would criminalize synthetic cannabinoids. See *RSC 1, 2 and 3*.

## **MANDATORY MINIMUM SENTENCING**

The only bills being followed by *RSC* all deal with drugs. See Drug section above.

*Marcia Reinke*

## **JUVENILE JUSTICE**

**SB 245**, eliminating the mandate for judges to determine the type of placement a youth needs, has been sent to the Senate with an amendment aimed at ensuring that the child's parents' or guardian, the judge and counsel are aware of the change of placement. Depending on the circumstances of the case, the Court can order a hearing on the change of placement.

**SB 336**, repealing the 48-bed limit on facilities owned by the Department of Juvenile Services (DJS), received an unfavorable report from the Judicial Proceedings Committee and was withdrawn.

**SB 912**, reducing the number of beds in a juvenile facility owned by DJS, received an unfavorable report from the Senate Rules Committee and was also withdrawn.

**SB 761** crossfiled with **HB 1122**, was heard in the Judicial Proceedings Committee on 3/1. This bill requires that a young person who has been waived to adult court must be held in a juvenile facility unless a hearing determines that the child cannot be held safely with other juveniles. According to the fiscal analysis, this bill would significantly increase DJS expenditures while decreasing the costs of the Department of Public Safety. In the past, the LWV has opposed detaining juveniles in adult correctional institutions.

*Debbie Ehrenstein*

## **ENVIRONMENT**

### **OFF-SHORE WIND ENERGY ACT OF 2012 - SB 237 and HB 441**

This year's Offshore Wind Energy Act specifies that a portion of Maryland's Renewable Portfolio Standard be met using the energy generated by offshore wind turbines and proposes to do this with a different funding mechanism than was proposed in the Governor's bill last year. Governor O'Malley himself testified.

The offshore wind plan is expected to create 1,800 construction jobs and increase electricity production, but will likely add to Marylanders' monthly bills from 2017 through 2037. Sen. Thomas M. "Mac" Middleton, who heads the Finance Committee, gave a favorable appraisal of the bill.

One hang-up by some legislators this year, as last, is the up-to-\$2 monthly charge on residential utility bills to help subsidize the costs of wind turbine facilities. Proponents point out that this amount is approximately the cost of replacing one or two incandescent light bulbs with compact fluorescent bulbs, and that prices are unstable and mostly rising for oil and gas under economic and political pressures as well as from the fact that the world is probably past "peak oil" and facing a decreasing supply.

Newspaper articles and editorials have been accumulating. One set of examples is that in mid-February the *Washington Post* had first a favorable article on the widespread interest and coalitions involved and then an editorial shortly thereafter challenging the practicality of the project. Since then, however, there have been articles around the state pointing out positive effects on the economy, including on minority businesses, and the likelihood that Baltimore could become a base for wind companies; in addition, several mayors in Prince George's County have announced their support. The House bill was scheduled to be heard in Economic Matters on Thursday, February 23, but that hearing was canceled.

As mentioned in an earlier issue, the proposed wind turbines would be built 10 miles off the shore of Ocean City in areas leased by the federal government. The MD-Wind coalition is currently organizing another demonstration in Annapolis for Monday, April 2. Individuals who want to follow the planning activities more closely can join the e-group [mdwind@googlegroups.com](mailto:mdwind@googlegroups.com).

*Linda Silversmith*

## TRANSPORTATION

**HB1397** (Cardin et al) **Vehicle Laws - Overtaking and Passing Bicycles, EPAMDs, and Motor Scooters** allows drivers to drive on the left side of the road to create a 3-foot clearance for passing a bicycle, EPAMD, or motor scooter going in the same direction.

Updates from RSC 1, 2, 3:

**HB 67** – nonfunctioning traffic signals, passed House, going to Senate. **SB 125** – public transit vehicles right-of-way, unfavorable. **HB 104** – wireless devices, favorable 3<sup>rd</sup> reading / **SB 217** – 3<sup>rd</sup> reading enrolled. **SB 184** – child seats favorable 3<sup>rd</sup> reading. **SB 233** Transportation Trust Fund, unfavorable. **SB 696** - Purple Line/Red Line, hrg 3/14 1 p.m. **HB 1323** – Separating transit funding from Transportation Trust, hrg 3/14 4p.m. **HB 1329** – membership of Transit Commission, hrg 3/13 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 an area of 2,640 feet around the site of the well in which water contamination or other damage to property is assumed to be the result of gas exploration and drilling practices. This presumption exists for a year after the last activity with respect to the gas well. This legislation further requires the holder of the drilling permit to replace a contaminated water supply or repair damage or pay monetary compensation to the property owner. Hearings have been held in both houses of the legislature. LWVMD is submitting testimony.

**HB 1170 - Fracking Records Transparency Act** - (Mizeur et al.) requires a holder of a permit to drill for natural gas to keep and maintain specified records, requires these records to be updated weekly and made available on the permit holder's website. This bill would require a permit holder to maintain a list of all chemicals used in the hydraulic fracturing process and the amounts of these chemicals, the amount of water used, the amount of drilling waste generated, actions taken to dispose of this waste, a daily drilling activity report, a daily incident report, a list of materials used on the site (including waste ponds), etc. All of this information would be needed, perhaps long after the drilling is finished, to deal with the human health issues and habitat contamination resulting from drilling operations. A hearing was held on March 2. LWVMD is submitting testimony.

**HB1204/SB 798 - The Marcellus Shale Safe Drilling Fee** (Mizeur et al./Frosh) applies a retroactive \$10 per acre fee on lands leased for natural gas hydraulic fracturing in order to fully fund the Marcellus Shale Safe Drilling Initiative Advisory Commission. This commission is charged with studying the effects of hydraulic fracturing on Maryland Communities and the environment. A hearing was held in the House Environmental Matters Committee. The LWVMD is submitting testimony.

*Barbara Schnackenberg*

## SOCIAL ISSUES

### CHILDREN'S ISSUES

The legislature continued its emphasis on child safety by creating penalties for those who failed to report abuse and neglect. **HB 1102** (Dumais and 6 others), cross-file **SB 626**, places civil misdemeanor penalties on mandated reporters such as educators, physicians and others for failure to report child abuse and neglect. These penalties, of not more than \$100,000, will be given to a new dedicated fund which will be used to provide grants to programs whose purpose is to prevent abuse and neglect. This bill will be heard in the House Judiciary Committee on 3/14 at 1:00 p.m.

No further action has been taken on two other bills, **SB 68** and **140**, requiring mandated reporters and the public to report child abuse and neglect.

Another bill, **SB 566** (King and 15 others), requiring the State to fund only evidenced-based home visiting services, was heard in the Finance Committee on 3/1. The testimony of the Governors' Office for Children and of witnesses who headed home visiting organizations supported the bill. A representative from an organization of pediatricians testified that home visiting saved the State money by preventing premature births. One Senator, while discussing the \$2 million reduction in home visiting funds referred to in RSC 3, said that efforts are being made to restore those funds.

**SB 613**, ( Raskin and 15 others), requires the State Board of Education to develop a model program to train teachers and other professionals employed by public and non-public schools in how to report child sex abuse. It was heard on 3/1 by the Health Education and Environmental Affairs committee. All of those who testified supported the bill. Interestingly, the bill was also supported by representatives from the medical profession, who said that they too need training in how to identify and report child sex abuse. Some of the professionals in the field discussed the need to train personnel who come in contact with children in how to identify situations and behaviors which suggest that there is some risk of child sexual abuse. This bill, which offers training in identifying child sex abuse, was considered more protective for children than the bills proposing punishment for failure to report. All educational institutions in Maryland are required to report child abuse and neglect, and do provide training in reporting child sex abuse as part of that training.

Funds available for child-care subsidies will decrease significantly in fiscal 2013. Previous reductions in these subsidies have resulted in a waiting list of 15,020 children whose families are eligible for subsidies due to their low incomes. Information from the hearing suggested that there is little chance to erase these waiting lists so that low-income families can access subsidies to pay for child care. Members of the Committee were aware of the need for child care for low income children. There was testimony that children in informal day care are often less ready for kindergarten than those in paid day-care homes. There is also some concern about the State's ability to continue the subsidies for those whose child care is already subsidized.

No action has been taken on **HB 860** to expand the definition of sex abuse which will be heard on 3/8 in the House Judiciary Committee.

*Debbie Ehrenstein*

## HEALTH

The League submitted testimony on **HB 443/SB 238**, the **Maryland Health Benefit Exchange Act of 2011**, supporting amendments suggested by the Maryland Women's Coalition. The amendments would assure easy access to navigators for patients. It is important that the navigators have a good understanding of the products being offered and an understanding of the needs of lower income and racially and ethnically diverse populations, who may not have had access to health insurance before. The hearing was February 23, but the bills remain in committee. The Governor's office is supporting some amendments and rejected others, but we don't know which at this time.

**SB 234/HB439 – Maryland Health Improvement and Disparities Reduction Act** were heard on February 28 and 29, but are still in the committees. It appears that the bills will come out of committee, but the funding is in the budget.

Portions of the Medicaid budget could be in jeopardy due to the budget crunch. Secretary Sharfstein and Medicaid Director Chuck Milligan submitted a budget that dedicated most of the new alcohol tax revenues to health care purposes. These new funds include increasing reimbursement rates for E&M codes to Medicare rates in an effort to increase access. However with the fiscal challenges what they are, it is expected that budget analysts will recommend reductions in several of the proposals.

**SB 179/HB 243 The Kathleen A. Mathias Chemotherapy Parity Act of 2012** received a favorable vote from the Senate Finance Committee on Thursday, March 1<sup>st</sup> and will be considered by the full Senate the coming week. The legislation was amended so that it did not apply to the Essential Health Benefit Plans which will take effect in 2014 under the Federal Affordable Care Act. Parity provisions may be included in these Essential Health Benefit Plans later this year.

**SB 857/HB 506 Health Care Malpractice Claims – Expert Witnesses – Admissibility of Insurance Coverage** provided that a doctor's expert witness could be quizzed on whether he or she had malpractice insurance from the same insurer as the defendant doctor. Both bills were withdrawn by the sponsor. The bills attempted to reverse a court decision where the judge had refused to let the expert be asked about his malpractice coverage which was the same as the doctor on whose behalf he was testifying.

**SB 924/HB 507 Health Care Malpractice Claims – Expert Witnesses – Limitations** are an attempt to limit the number of experts that could be called in a malpractice case to no more than two per specialty. The bills are scheduled for a hearing in the House but the Senate bill is scheduled for after the crossover deadline.

*Neilson Andrews*

## MARRIAGE EQUALITY

Maryland became the eighth state to approve same sex marriage when Governor O'Malley signed the Civil Marriage Protection Act on March 1, 2012 after the State Senate passed the Act on February 23, 2012 by a vote of 25-22. Nine amendments were either rejected or withdrawn. Adoption of any amendments would have prevented a floor vote. The law is scheduled to take effect in January 2013 but the process to petition it to referendum has already started. To qualify for the November 2012 ballot, opponents must gather a total of 55,736 valid signatures by June 30; 18,579 by May 31.

*Sherry Hyman*

**LEAGUE OF WOMEN VOTERS OF MARYLAND, INC.  
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