



REPORT FROM STATE CIRCLE 2011



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ELECTION LAWS

Our legislators continue to introduce election bills, and the pace of hearings on these bills is stepping up.

Although not technically an election bill, Delegate Schuh and 42 other delegates have introduced **HB 997 – Election Law – Legislative Districting and Apportionment Commission**. The bill which is not scheduled for a hearing, proposes a Constitutional Amendment to change the way redistricting is done in Maryland. The bill calls for a 7-person Commission to draw the district lines for Congressional and Legislative districts. The bill requires the Court of Appeals to nominate a pool of 30 candidates (10 from majority party, 10 from principal minority party, and 10 either unaffiliated or affiliated with a party other than Republicans or Democrats.) From this pool the President of the Senate, Minority Leader of the Senate, Speaker of the House and Minority Leader of the House each select one Commission member and those 4 members select the remaining 3 members from the Court-Appointed pool. If the Commission does not come up with a plan by a specified date, it is dissolved and the Attorney General petitions the Court of Appeals to draw the plan.

Two bills have been filed to comply with the Federal MOVE act. The MOVE act requires State election officials to have ballots ready for distribution to overseas voters 45 days prior to an election, a deadline that Maryland could not meet in the last election.

SB 501 – Election Law – Change of Primary Election Dates and Compliance with Federal MOVE act, sponsored by Senator Dyson, is scheduled for a hearing on March 3rd in the EHEA Committee. It requires candidates for office to file their certificates of candidacy 90 days prior to elections, instead of the current 70 days. It also changes the deadlines for withdrawing as a candidate and for central committee nominations. It

requires the State Board of Election to certify the content and arrangement of the ballot 12 days after the filing deadline and local election boards must create their ballots within 24 hours after that, and they can't be modified after that.

HB 671 – Federal Military and Overseas Voter Empowerment Act (MOVE) Compliance, introduced by the Speaker of the House by Request of the Administration and **cross-filed with SB 820**, also pertains to MOVE Act Compliance. This legislation provides that in gubernatorial election years, certificates of candidacy must be filed by the 2nd Tuesday in April and for other elections no later than 85 days before the primary. It changes the date of the primary election in gubernatorial elections to the 2nd Tuesday in June and the date of the primary in Presidential election years to the First Tuesday in April. This bill is scheduled for a hrg on March 8th in the Ways and Means Committee. No hearing is set for the Senate cross-filed bill.

Delegate McDonough and 9 other delegates have introduced **HB 701 – Election Law Transparency Act**, which is another voter ID bill. This bill would require a polling place judge to verify the name and address of voters by requiring a current and valid government issued photo identification. If a voter cannot produce this identification, or if a voter indicates a change of address, he or she must vote a provisional ballot. The League will continue to oppose the requirement to show identification at the polls, and will submit testimony for the March 8th hearing in the Ways and Means Committee.

Two more bills relating to early voting have been filed. **HB 436 – Election Law – Early Voting Centers**, sponsored by Del. Clagett, would allow, but not require, counties with fewer than 150,000 registered voters to establish not more than three early voting centers. Currently the law states that counties of that size shall have one early voting center. Evidently in Delegate Clagett's district in Frederick County, one early voting center was not sufficient because of its distance from many rural voters. This bill was heard in the Ways and Means Committee on February 15th. A cross filed Senate bill, **SB 443**, has 15 co-sponsors and is scheduled for a hrg on March 3rd. On the other hand, Delegate Frank and 19 other delegates are sponsoring **HB 850 – Election Law – Early Voting – Repeal**, which would remove all references to early voting from current election law. The Fiscal and Policy Note to this legislation notes a decrease in general fund expenditures of \$358,000 for the state and a decrease in local government expenditures of at least \$2.0 million if early voting is discontinued. As noted in a previous RSC, current law only provides for early voting in the 2010 gubernatorial elections and the 2012 presidential elections, so the issue must be revisited by the General Assembly after the 2012 elections to provide for early voting in future elections and the League believes that would be the appropriate time to re-visit the cost effectiveness and efficiencies of early voting. A hearing is scheduled on this bill for February 22nd in the Ways and Means Committee.

HB 372 – Elective Franchise – Registration and Voting at Polling Places, sponsored by Delegate Reznick and 20 additional delegates, is a repeat of legislation filed last year to authorize voters to register to vote and vote at polling places on Election Day. The bill, which requires a Constitutional Amendment, would authorize the General Assembly to provide for suitable enactment of a process to allow voters to register to vote on Election Day at their polling place or at an early voting site on a day of early voting. The League supports this legislation and will provide testimony for the hearing scheduled for February 22nd in the Ways and Means Committee.

HB 25, the bill to repeal the Agreement Among the States to Elect the President by National Popular Vote, previously reported on in RSC, received a hearing on February 8th and received an unfavorable report by that Committee.

Lu Pierson

IMMIGRATION

While we do not have positions on immigration, we follow the issue with interest. **HB 239, HB 272, HB 276,** and **HB 342** reported on in RSC 2, all received unfavorable votes from the Senate Judiciary Committee.

HB 401 which would allow children of undocumented immigrants who graduated from Maryland High Schools and whose parents have paid taxes to receive in-state tuition in Maryland state colleges and universities was heard in Ways and Means on Mar. 16th but has not been voted on by the committee.

MEETING BASIC HUMAN NEEDS

HB 87 and SB 132 Job Applicant Fairness Act was heard in Economic Matters on Feb. 8th and in Finance on Feb. 10th. The League submitted written testimony in support of the bills. Neither committee has voted on the bill.

The Maryland HOME Act was introduced as **SB 643/HB 902 Human Relations – Housing Discrimination – Source of Income** (Gladden and Raskin/Lafferty + 16). As described in RSC 2, the 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 testified in support of this concept in several past years and will testify in support of it Mar. 2nd in Judicial Proceedings and Mar. 3rd in Environmental Matters. Mar. 3rd is Legislative Day and this is one of several bills that the League is concerned about that will be heard that day. Think about staying after Legislative Day to attend one of these hearings.

Ruth Crystal

OPEN GOVERNMENT

SB 644/HB 766 - Joint Committee on Transparency and Open Government Act (Ferguson & Madelano/Mizeur plus sixteen) would create a standing committee that would provide continuing oversight on transparency and open government and make recommendations on initiatives that will increase citizen access to government resources, publications and actions. [Hrg EHEA 3/15]

SB 740/HB 37 - State Government - Access to Public Records - Electronic Documents (Madaleno/Carr plus seven) would require a custodian of a public record to provide a person who requests a copy of that record in a searchable electronic format if it is available electronically. The bill contains numerous specifications and conditions about the release of such records. [Hrg EHEA 3/15, HG 2/1]

Nancy Soreng

TRANSPORTATION

Concern about borrowing (some would say raiding) from the Transportation Trust Fund to cover General Fund expenses has led to a number of bills that would severely limit that practice. **SB 714/HB 1001 - Transportation Trust Fund - Financing - Use of Funds** (Garagiola plus 13, Del. Frick plus 36) proposes a constitutional amendment that, with the exception of expenditures already committed by the 2010 General Assembly, all expenditures from the Transportation Trust Fund must be for the sole purpose of interest on

transportation bonds or transportation related expenses. It also stipulates that all revenues currently going into the Transportation Trust fund must be allocated to that fund including the portion of the sales tax that was committed to transportation during the 2007 special session. The only exception to this restriction would be in the case of invasion of Maryland by land, sea or air or a catastrophe. If those conditions occur, the Governor would have to declare a state of emergency and 3/5 of both chambers of the General Assembly would have to approve the transfer of funds. These bills go further than just protecting the Transportation Trust Fund. They also set the tax rate for fuel at 10 cents above current rates and mandate an annual increase based on the percentage of growth in the "Cost of Construction" index. [Hrg B&T 3/9, W&M 3/1]

SB 677 - Transportation Trust Fund - Dedicated Highway Funds (Brinkley) is also a constitutional amendment that would limit transfers of funds out of the Transportation Trust Fund but it also limits spending Trust Fund revenue on highways and related expenses such as traffic signals, ferries and bridges. In other words the Transportation Trust Fund could no longer be used for transit related expense. It has no mention of a fuel tax increase. [Hrg B&T 3/9]

HB 518 Transportation Trust Fund Protection Act (Krebs plus 43) is a constitutional amendment very similar to **SB 714/HB1001** except that it would not put fuel tax rates into the constitution. [Hrg APP 2/22]

HB 591 Transportation Trust Fund - Transfer or Diversion of Funds - Voter Approval (Barkley and Krebs) would amend the Constitution to say that the General Assembly could not divert revenues meant for transportation purposes out of the Transportation Trust Fund without voter approval in referendum in a General Election.

For any of the bills described above to become law, they must be passed by a 3/5 majority in both chambers of the General Assembly and by a majority of voters in the next general election.

SB 339/HB 844 - Maryland Green Fuel Initiative - Motor Fuel Taxes - Biodiesel (King plus eight/ A. Miller plus two) would reduce the fuel tax rate by 10 cents a gallon for biodiesel fuel that contains at least 10% agricultural products or animal fats or the wastes derived from those. [Hrg B&T 2/23, W&M 3/1]

Nancy Soreng

MARRIAGE EQUALITY

SB 116 Religious Freedom and Civil Marriage Protection Act was favorably voted 7 to 4 out of the Judicial Proceedings Committee on February 17, 2011. Debate on the bill in the Senate should begin on Tuesday, February 22nd with a vote expected as soon as the following week. 24 senators have indicated that they will vote in favor of the legislation and that is the number needed for passage. It would then move to the House for debate and voting.

HB 55 and HB 175 (RSC 2) are scheduled for a hrg in the JUD Committee on Friday, February 25, 2011.

If a bill is passed by both houses and signed by the Governor, it will take effect on October 2, 2011. However, it can be petitioned to referendum and would then be placed on the ballot in November 2012.

Sherry Hyman

CAMPAIGN FINANCE

Activity on League Priority issues since RSC 2:

Public Funding

HB 159/SB 657 - The Public Funding and Small Donor Act for the General Assembly (Pinsky et al) was heard by W&M on 2/15. We testified in support and will testify in favor of SB 657 in EHEA on 3/10.

HJ 7/SJ 4 – Election Law – Commission to Study Campaign Finance Law (Cardin et al/ Dyson) would establish a commission to study many aspects of current law, including the role played by Political Action Committees, limits on campaign contributions, disclosure and reporting of contributions and expenditures, new technology’s affects on the conduct of campaigns, issue ads and other “independent expenditures”, and implementation of a public funding system for General Assembly elections (the latter is also included in HB 159/SB 657). The commission’s report would be due by 2013, whereas the public funding commission would not even convene until after the 2014 elections. The Joint Resolutions will be heard by W&M on 3/8 and EHEA on 3/10.

HB 723/SB 663 – Campaign Finance – Affiliated Entities – Attribution of Contributions (George and Walker)/Kittleman) would apply to “sole proprietorships” and non-business entities (such as membership organizations) as well as those included in HB 93 and SB 339. All four bills are directed primarily at Limited Liability Corporations which profit from a loophole in current law. Hearings will be held by W&M on 2/22 and by EHEA on 3/10.

We testified in support of **HB 322** on 2/15 in W&M and SB 339 on 2/17 in EHEA, and will support **HB 723/SB 663** also, as being broader than the other two bills. Governor O’Malley has publicly supported closing the LLC loophole, as has an editorial in the *Baltimore Sun*.

Independent Expenditures - Reporting

There is one cross-filled bill on this subject and one separate bill. **HB 93** (Cardin, et al) is cross-filed with **SB 592** (Raskin et al). We testified in support of HB 93 on 2/15 in W&M and will support SB 592 at EHEA’s hearing on 3/16.

SB 446 (Frosh + 11) – **Independent Expenditures – Reporting and Disclosure Requirements** will be heard by EHEA on 3/10. “Independent expenditures” are those made to aid or promote the success of a candidate or ballot issue when the expenditures are not coordinated with a candidate or ballot issue committee. All the bills contain reporting requirements and penalties for non-compliance. They also specify that the reports will include, for example, the name of the person who decides to make the expenditure and the names of individual and organization contributors and the amounts given.

SB 758 – Campaign Finance Entities – Slate Membership and Campaign Finance – Transfers and Reporting (Kittleman and Raskin). Slates are political committees of two or more candidates who join together to conduct and pay for campaign activities. The Slate may transfer unlimited amounts among and between members of the Slate. This bill spells out circumstances under which a member of a Slate may be removed: e.g., when deceased, retired from elective office, or has not filed a certificate of candidacy. The bill also requires that Slates disclose the name of each member who benefits from a Slate expenditure or transfer and the amount of each. [EHEA will hear SB 758 on 3/10]

Kay Terry

REVENUES

HB 1213 (Howard) would raise the state tax rates for alcoholic beverages similarly to **HB 121** described in RSC 2 except that the revenues would not be dedicated to any purpose but would be deposited into the General Fund.

HB1059 would increase motor fuels taxes by 10 cents per gallon on July 2, 2011 and by 2 cents per gallon on January 1 and July 1 in 2012 and 2013 and on January 1 2014. [Hrg W&M 3/1]

HB 731 (Ross et al) has been crossed filed with SB 305 Combined Reporting reported on in RSC 2. [Hrg W&M 3/10]

HB853 (Hixson et al) crossfiled with **SB654** (Forehand et al) Tobacco tax rates would increase from \$1.00 to \$1.50 for 10 or fewer cigarettes, from \$2 for each package of 11 to 20 cigarettes, etc. [Hrg W&M 3/3, B&T 3/9]

HB 855 (Elliott et al) would reduce the State corporate income tax rate from 8.25% to 6% for taxable years after tax year 2010. [Hrg W&M 3/10]

HB 1070 (Ivey et al) and **SB 798** (Jones-Rodwell) would make permanent the income tax rate of 6.25% on Maryland taxable income of an individual in excess of \$1 million. [Hrg W&M 3/10]

HB 465 (Ready et al) among other provisions would reduce the Sales Tax rate from 6 to 5% effective July, 2013. [Hrg W&M 2/23]

SB 451 (Manno & Miller) 25% of motor fuel taxes collected in Montgomery and Prince George's Counties and Baltimore City to be deposited to the Mass Transit Facility Revenue Account in the Transportation Trust Fund. [Hrg B&T 3/9]

Hrgs scheduled for bills already reported on:

HB 121 Lorraine Sheehan (alcohol tax) 3/3 W&M, **SB 168** Lorraine Sheehan 2/23 B&T,
SB 441 Video Lottery Terminals 3/16 B&T, **SB 305** Combined Reporting 2/23 B&T,

Barbara Hankins

BUDGETS

Capital Budget

Part of the Governor's budget is the Capital Program. The fiscal 2012 capital program totals \$1.45 billion, down from \$1.5 billion in fiscal 2011. Much of the capital program is paid for with GO or General Obligation bonds and enough have been issued that we are approaching the state's debt affordability limits. Last year, many projects normally funded by current revenues (called PAYGO projects) were, instead, paid for with GO bonds. The year's projects are proposed to be funded with \$936.5 million in GO bonding, \$289.7 million with PAYGO funds and \$222.9 million with "other" funds, mainly transfers from special funds and revenue bonds (bonds which are paid for with the proceeds from the project after it is built). Sources of revenue include \$10.0 million from the General Fund, \$151.7 from special funds, \$148.7 in Federal funds, \$935.6 in GO bonds, \$15.9 in Qualified Zone Academy bonds (for school related capital projects), and \$207.0 million in revenue bonds.

The largest projects proposed to be funded include \$326.8 million to Maryland Department of the Environment for Enhanced Nutrient Removal; \$240.3 million for the Public School Construction Program; \$141.0 million to the Maryland Water Quality Revolving Loan Fund; \$60.8 million to the Community College Facilities Grant Program, \$57.6 million for the InterCounty Connector and \$49.6 million for the One Maryland Broadband Network. The biggest losers compared to last year are Higher Education down \$133.7 million, environmental programs down \$29.5 million, the ICC down \$31.7 million and local projects down \$16.1 million. Some of the largest transfers from special funds include \$50 million from the Chesapeake Bay Restoration Fund and \$141.3

million of revenues that would normally accrue to other special funds. Some of these transfers are expected to be paid back to the special funds in FY2013 and FY2014.

Under the Maryland constitution a bond bill may not pass until the Budget Bill has passed. The General Assembly may increase the authorization for a project, add a project or projects in a bond bill as well as reduce or delete projects.

SB 87/HB 72 the Budget Reconciliation and Financing Act (BRFA) will be used to make changes to the current year's (FY 2011) budget to achieve the constitutionally required balanced budget. It makes many changes to the current budget. Some of these include: reducing the mandated State aid for elementary and secondary education, increasing the Medicaid hospital assessment, permitting the state to establish separate health insurance benefit options for retirees different from those offered to employees; establishing fees on drivers with more than five points including a \$500 annual fee for three years on drivers convicted of drunk or drugged driving. Significant changes to the state employee and teachers pension system are proposed in these bills. These were described in RSC 1. Additional transfers from special funds to the general fund are also proposed as well requirements that local government reimburse the state for 90% of the costs for Department of Assessments and Taxation for real property and business personal property assessments. For a detailed description of the proposals for public education in these bills see RSC 2 Education/Funding Issues. Hearings are scheduled for HB 72 on 3/1 APP and on SB 87 on 3/2 W&M.

Barbara Hankins

EDUCATION

A wide variety of K-12 education bills have been introduced during the past two weeks, many of which are cross filed. Among these are two pairs of charter school bills. **SB 609/HB 530 - Public Charter Schools - Occupation and Use of School Sites and Buildings** (Ferguson plus 10/Rosenberg plus three) would require local boards of education to inform public charter schools in the county when a school site or building is no longer needed for other school purposes. The charter school chosen to occupy the building would be restricted from selling or otherwise disposing of the building. The other bills, **SB 610/HB 526 - Education - Public Charter Schools - Hiring of Certificated Employees** (Ferguson plus six/Rosenberg plus three) would provide that mutual consent between the school board and the charter school operator would govern the hiring of all certificated and qualified personnel. Current law provides that the local union and the charter school negotiate amendments to the existing contract for the charter school. Another charter school bill, **HB 1067 - Education - Public Charter Schools - Appeals, Policies and Regulations** (Ivey plus six), would require local school boards to include in their public charter school policy specific criteria for applications to establish these schools and would mandate that the policy comply with State Board of Education regulations. The LWVMD neither supports nor opposes charter schools although we do have positions relating to who may apply to operate a charter school, on academic, admission and funding standards and when waivers from curriculum, calendar and teaching methodology may be granted. [SB 609 and SB 610 hrg on 3/2 in EHEA; HB 1067, HB 526 and HB 530 hrg also on 3/2 in W&M]

Several funding bills have been filed, the most significant of which are **SB 683/HB 704 - Equity in Education Funding Act of 2011** (Peters & Currie/Ross plus 22). These bills would change the definition of net taxable income in the wealth base on which Thornton education funding is calculated. Two different calculations would be made and each county would receive whichever allotment is higher. (HB 704 hrg on 3/9 in W&M) Also of potential importance to counties is **HB 869 - Education - Maintenance of Effort - Penalty** (Hixson plus 11), which would require the comptroller to suspend payment of state education aid due to a county that is more than the previous year's aid if the county does not comply with maintenance of effort requirements. However, the bill also suspends any penalty for FY 2011. [Hrg on 3/9 in W&M]

SB 495/HB 937 - Education - State Aid Grant to Limit Decreases in Funding (Edwards/Beitzel plus 2) would limit decreases in total direct education aid, usually attributable to enrollment decline or wealth changes,

from one year to the next to 7%. (SB 495 hrg on 2/23 in B&T; HB 937 hrg on 3/9 in W&M) To make it easier for citizens to find countywide and individual school budget data on the web, Senator Peters has introduced **SB 492 - Education - County School Board Budgets - Transparency**. The cross file - HB 644 has been introduced by eleven delegates, led by Delegate Valentino-Smith. [SB 492 hrg on 3/9 in B&T; HB 644 hrg also on 3/9 in W&M]

In response to widespread concern, an additional reason for firing teachers who have tenure would be added to immorality, misconduct in office, insubordination, incompetency or willful neglect of duty in **SB 608/HB 525 - Public School Personnel - Grounds for Suspension or Dismissal** (Ferguson plus three/Rosenberg & Ivey). Ineffectiveness would be the new standard to be defined by whether students progress as assessed by multiple measures from a clearly articulated baseline over a specific period of time and further outlined in legislation passed last year to qualify for the federal "Race to the Top" grant program. [Hrgs on 3/2 on both bills in EHEA/W&M respectively]

Concern among parents about dating violence among teenagers has resulted in two different pairs of bills. **SB 667/HB 386 - Education - Teen/Teen Dating Violence** (Kristin Marie Mitchell Law) (Muse/Carter plus 12) would require the State Board of Education to adopt a public school program to educate students about dating violence. The program would start before sixth grade. **SB 617/ HB 812 - Public Schools - Dating Violence - Policy and Disciplinary Standards** (Manno/Kramer plus seven) is more complex. Dating violence is defined and is added to the list of incidents, including bullying, harassment and intimidation, that must be reported by local school boards to the State Department of Education. All procedures relevant to the three categories already in the law would be applicable. [SB 617 and SB 667 hrgs on 3/9 in EHEA; HB 812 hrg also on 3/9 in W&M; HB 386 hrg on 2/24 in W&M]

Because of increased awareness of health problems faced by students who are bullied, additional changes have been proposed for the section of the Education Article that deals with bullying, intimidation and harassment. **SB 549/HB 685 - Education - Bullying Safety Risks and Health Problems - Parental Information** (King plus six/Kaiser plus 26) would require the State Departments of Education and Health and Mental Hygiene to provide information to local school boards that describes safety risks and health problems that affect student victims and perpetrators of these activities and includes guidance to their parents for appropriate action. [SB 549 hrg on 3/9 in EHEA; HB685 hrg on 2/24 in W&M]

SB 791/HB 528 - Education - Open Space on Public School Property - Planting and Maintaining Gardens (Raskin/Luedke plus 17) would require school boards to encourage their schools to use open space on school property to plant and maintain gardens by the school and with the community. The value of gardens could be incorporated into health and horticulture curriculum guides and produce could be used in school cafeterias so long as federal, state and local food safety laws are followed. This legislation has been introduced because proposals to establish school gardens have been resisted in several jurisdictions. In order to ensure that the Jane Lawton Farm-to-School Program adopted by the legislature several years ago is being implemented, **HB 751 - Agriculture - Jane Lawton Farm-to-School Program Reporting** (Luedke plus seven) would require each local school system participating in this program to report to the Department of Agriculture the types and amounts of farm products purchased from farms in Maryland. [SB 791 hrg on 3/2; HB 528 hrg on 2/24; HB 751 hrg on 3/2]

Two additional bills similar to **HB 1** (RSC 1), **SB 771/HB 858 - Education - Student Athletes - Concussions** (Conway plus 19/Hixson plus 22), have been introduced to deal with the issue of student athletes who suffer concussions while participating in school or youth sports programs. Although the two new bills have the same title, they have minor differences, but the goal of all three bills is to prevent students who have suffered a concussion from returning to play until they have been cleared by a licensed health care provider. [HB 1 and HB 858 hrgs on 3/2; SB 771 hrg on 3/9]

A new approach to catching drivers who pass school buses in violation of the law has been proposed in **SB 679/HB 462 - Vehicle Laws - Overtaking and Passing School Vehicles - School Bus Monitoring Cameras**

(Brinkley plus four/Hogan). In consultation with local law enforcement school boards would be able to place school bus monitoring cameras on school buses so the camera could take a picture of motor vehicles that violate the law. The procedure to be followed appears to be similar to that used currently in Maryland for violations recorded by speed cameras. The maximum fine would be set at \$100. [SB 679 hrg on 3/10 in JPR: HB 462 hrg on 2/22 in ENV]

SB 474 - Public Schools - Student Attendance - Preventing Chronic Absenteeism (Madaleno plus eight) has been cross filed to HB 191 (RSC 2) and will be heard on 3/2. (HB 191 hrg on 2/24 in W&M) **HB 932 - Building Opportunities for All Students and Teachers in Maryland Tax Credit** has been cross filed to SB 315 (RSC 2) and will be heard on 3/16. [HB 315 hrg on 3/9 in W&M]

Lois Stoner

DEATH PENALTY

Eighty-two of Maryland's 188 lawmakers are co-sponsoring bills to repeal the Maryland Death Penalty this year, 61 in the House where 71 votes are needed for passage; and 21 in the Senate, where 24 are needed for repeal. The cross-filed bills, **HB 1075 (Rosenberg et al)** and **SB 837 (Gladden et al)** would eliminate further capital prosecutions, including the six cases now ready for trial, and re-sentence the five men already on death row to life in prison without possibility of parole. Maryland is one of 35 states with a capital punishment law, but no one has been executed here for more than five years, and a de facto moratorium, resulting from a court-ordered requirement to change the lethal injection protocols, still exists. Proposed new protocols were put on hold this month because the lethal injection drug used here is no longer available in the United States. The House hearing is scheduled before Judiciary March 15 at 1 p.m. The late filed Senate bill must go through Senate Rules.

The League of Women Voters of Maryland and the United States oppose capital punishment.

Back again this year is a bill which seeks to tie repeal to abortion issues. **HB 1040 Maryland Personhood Amendment (Dwyer plus 22)** proposes an amendment to the Maryland Declaration of Rights, to establish that the right not to be deprived of life is vested in all human beings, irrespective of age, health, function, physical dependency or method of reproduction from the beginning of their biological development. It has been assigned to the Health and Government Operations committee which last year issued an unfavorable report. No hearing has been scheduled. The League's positions on abortion rights prevent endorsement of this legislation.

Cross-filed are **HB 1074 (Rosenberg plus 1)** and **SB 857 (Ramirez) Correctional Services – Participation in an Execution – Exclusions** which provide that requirements of who must participate in the administration of an execution may not be interpreted to require the attendance or participation of specified persons with specified moral or religious beliefs. The House Judiciary hearing is March 15. SB 857 is in Senate Rules.

Marcia Reinke

MANDATORY MINIMUM SENTENCING

New legislation, of special interest to those of us involved in the current LWVMD study on "Alternatives to the War on Drugs", has been filed to repeal mandatory minimum sentences for certain drug-related crimes. **HB 353 (Anderson plus 5)** would provide that a person convicted of specified drug-related offense not be prohibited from participating in drug treatment programs; and that such person be entitled to a hearing and sentence review. The bill also would repeal a prohibition against a person possessing a regulated firearm if the person was previously convicted of a specified drug-related offense. LWVMD has a position favoring judicial discretion over mandatory sentencing.

Marcia Reinke

GUNS

A bill, apparently related to the recent shootings in Tucson and elsewhere, has been filed which would require mental health evaluations in connection with firearms. **HB 730 Public Safety – Regulated Firearms – Mental Disorder (Simmons plus 2)** would limit or prohibit licenses to anyone treated within the previous five years for a mental disorder, as defined in the American Psychiatric Association’s “Diagnostic and Statistical Manual – Mental Disorders.” A hrg before the Judiciary Committee has been scheduled for March 8, 1 p.m.

Also in apparent response to the recent shootings, two bills have now been filed in the House and one in the Senate (none listed as cross-filed) which would alter the maximum capacity for ammunition in a detachable magazine, and alter the number of rounds of ammunition in a magazine or an assault pistol. (*See RSC 2*). Titled **Firearms – Detachable Magazines – Maximum Capacity for Ammunition, HB 330** (Guitierrez plus 16) (*See RSC 2*) and **HB 1008** (Glenn plus 7). Both will be heard by Judiciary March 8. The Senate bill, **SB 162** (Frosh plus 11), was heard by Judicial Proceedings February 10 with no report.

A bill which would prohibit handguns at hospitals as well as colleges has been filed in the House. **HB 803 Criminal Law – Possession of a Handgun – Institutions of Higher Learning and Hospitals (Valentino-Smith plus 12)** will have its first hearing before the Judiciary Committee March 8. Similar in intent but confined to colleges is **SB 311 Weapon-Free Higher Education Zones**, (*See RSC 2*) which had a hearing before JPR on February 8 with no report. JPR issued an unfavorable report on this legislation last year.

Several bills cross-filed in both Senate and House at the request of the Baltimore City Administration (*See RSC 1 and 2*) were heard by the Senate’s JPR Committee February 10, with no report, and will be heard by the House JUD Committee March 8. The bills would increase and make mandatory minimum sentences for gun-related crimes, and would cut time off for good behavior for those convicted of gun offenses. Although LWVMD has positions favoring gun control, it also favors judicial discretion over mandatory minimums and will therefore take no action on these bills.

A bill which would allow firearms license reciprocity with Delaware, Virginia and Delaware, **HB 9** (*See RSC 1*) was heard by Judiciary January 25, without report. Last year identical legislation received an unfavorable report.

Marcia Reinke

ADMINISTRATION OF JUSTICE

HB 834 (Bates) & **HB 885** (Bates plus 18 others) **Orphans’ Court - Change of Name to Estate Court**. HB 834 changes references to Orphans Court. HB 885 is the Constitutional Amendment. [Hrg JUD 2/23]

HB955 (Myers) Election for County Treasurers, Clerks of Court and Register of Wills-Non Partisan Elections proposes to add County Treasurer, Clerks of Courts and Register of Wills to the list of offices not requiring party affiliation as candidates for election. [Effective 10/1/11, W&M hrg 3/8 - League will support]

HB 956 (Myers) Election of Sheriffs - Non Partisan Elections proposes to add sheriff to the list of offices not requiring party affiliation as a candidate for election effective 10/1/11. [Hrg Ways & Means 3/8]

SB 281 (Miller, Currie, Muse, Peters & Ramirez) **Prince George’s County - Orphans’ Court Judges - Qualifications** proposes a Maryland constitutional amendment to require a qualification of admitted to practice law and good standing of the Maryland Bar on Prince George’s Orphans Court Judges. Similar to Baltimore City Constitutional Amendment passed in the November 2010 election. [Hrg JUD 2/16 – no action]

Reported in RSC 1:

HB 22 Uniform Subpoena Procedures - JUD hrg 1/27, no action
SB 17 Sentence Review – Review Panel - passed Senate 46-0, sent to House 2/11
SB 52 Candidates for Judicial Offices, hrg 1/25, no action

Reported in RSC 2:

HB 351/SB 853 Orphans Court – Guardianship, JUD hrg 2/23, JPR hrg 2/18
HB 135 Crime and Witnesses Fund – JUD, hrg 2/22/11
HB 375 & HB 309 – Judges – Election Qualification & Term of Office, JUD unfav., withdrawn
HB 434 - Small Claims, JUD, hrg 2/16, no action
SB 281 – Orphans Court – Constitutional Amendment, JPR hrg 2/16, no action.

Grace Kubofcik

HEALTH CARE

All three of the bills that are part of Maryland’s effort to move forward on health care reform were heard in both houses last week. No committee action has been taken on the bills, but they are likely to move forward to the floor of both houses. The Lt. Governor is still meeting with the stakeholders, so there could be amendments.

The League presented written testimony in support of **HB 166/SB 182 - Maryland Health Benefit Exchange Act of 2011**. The bills conform to the League position on health care reform and would increase the likelihood of Maryland establishing of a consumer-centric market from which to purchase insurance. The exchange as delineated in the bills would be an independent public entity accountable to the Governor, the General Assembly and the public, its public nature would make it more transparent and accountable. It is looking more and more likely that Senator Astle’s bill (SB 107) will fail in committee.

The other bills **HB 170/SB 183, Health Insurance - Conformity with Federal Law** and **HB 165/SB 175, Maryland Health Quality and Cost Council** would also move Maryland forward in the effort to comply with the Federal law. Passage of this set of bills is likely to put Maryland in the forefront of health care reform and coverage for the uninsured.

HB 121/SB 168 -The Lorraine Sheehan Health and Community Services Act of 2011 would increase the tax on alcoholic beverages in Maryland by about \$.10 per drink. A percentage of the proceeds would be designated for treatment services; the Developmental Disability Support Fund; addiction treatment, prevention, and recovery services; the Mental Health Care Fund; Health Care Personnel training; and the remainder, 33.95 percent, to the Medicaid Trust Fund. The Senate hearing is next week and the House hearing is March 3.

HB 709/SB 416 - Health Officers - Authority to Enter into Contracts or Agreements for Delivery of Health Care Services would allow health officers, particularly in the smaller, rural counties to contract with medical personnel in the county to provide care. The smaller health departments apparently need help from community resources to provide needed care. HB 450/SB 514 is a similar bill except it would allow the state to assist safety net providers (federally qualified and community health centers) prepare for their role in health care reform. These safety net providers will have an increased role in the future.

HJ 6/SJ 6 - Safe Harbor Legislation and Regulations Needed to Form Accountable Care Organizations (ACO), asks for anti-trust safe harbors from the Federal Government to allow the formation of ACOs in the State of Maryland. In the Patient Protection and Affordable Care Act (ACA) there are several demonstration projects on health care delivery systems. Accountable Care Organizations are one such delivery system formed by hospitals and physicians to deliver higher quality care at a lower cost. Several hospitals in Maryland are in the formation stages on ACOs.

HB 1063/SB 56 - Health Insurance - Health Care Providers - Payment of Claims for Reimbursement by Carriers would bring out-of-state carriers doing business in Maryland under the same rules as Maryland carriers. This would restrict their ability to retroactively deny reimbursements and/or preauthorized or approved health care services.

HB 251/SB 709 - Health Insurance - Prescription Drugs - Cost-Sharing Obligations would limit insurance co-pays and cost-sharing to \$100 per month for any one prescription drug. The bill is aimed at what some insurers label *specialty drugs* that are used by patients with such diseases as cancer, multiple sclerosis, etc.

Neilson Andrews

JUVENILE JUSTICE

HB 511 (Dumais et al)/SB 787 (Raskin et al) – Juvenile Services – Services and Programs for Females. The bill also requires that DJS report to the General Assembly how the Department will provide these services without additional resources by the year 2013. Although the need for equivalence in services for males and females has been well established, the problem in the field of juvenile delinquency is that there are two to three times as many males involved in the juvenile delinquency system as females and services are usually provided on a sex-segregated basis. In residential services the discrepancy is more like 10 to 1. [Hrg JUD 2/17; hrg EHEA 3/2]

Providing services such as shelter care, evening reporting centers, and youth programs for committed females will cost approximately 2 million dollars. A task force set up by DJS to develop a plan to serve females by 2011 has not met since 10/10, despite the fact that DJS has ideas for providing these services by collaborating with local child-serving agencies.

HB 426 – Criminal Law – Gang Activity – Jurisdiction over Juvenile Offenders (Love et al) removes Juvenile Court jurisdiction over children 16 years and older who commit a crime as part of a gang. The young person can be returned to Juvenile Court jurisdiction only by the use of a procedure called reverse waiver. The League has a history of opposing bills that remove young people under the age of 18 from Juvenile Court, because of the court's ability to access resources to meet the needs of young people and the fear of exposing them to hardened criminals. (Hrg JUD 2/17)

HB 1190/ SB 890 – Child in Need of Supervision Pilot Program – Expansion (Jones and many legislators from the effected counties), would set up a pilot Children in Need of Supervision program funded by the Local Management Board for Children Youth and Families (LMB). It would utilize the power of the Juvenile Court to compel families to use various services to help their difficult adolescents who are truant, abuse drugs, and have other problems. However, it is unclear that the state will fund the LMB's to the extent required to carry out this mandate. [no action]

The other news is that following the resignation of Sec. Donald, the new head of the DJS will be Mr. Sam Abed, a lawyer, who comes to the Department with a background of work in the Virginia Department of Juvenile Justice, as well as other positions in Virginia state government.

HB 448, requiring the Governor to appropriate \$25,000 for certain at-risk students, will be heard on 3/2 in the House Ways and Means Committee.

Debbie Ehrenstein

CHILDREN'S SERVICES

HB 162/ SB 178 (The Speaker by request – Administration + 11/**SB 178** (The President by request – Administration + 16) – **Child Neglect Penalties** making it a crime for a person having permanent care and custody of a child to neglect the child by not meeting essential needs. This bill makes it possible for the state to criminally prosecute caretakers for child neglect in the same way as it can for child abuse. [Hrg 3/3 1 p.m. JUD]

There is no change in the status of **SB 42/HB 1068**, encouraging the development of a fund for after-school activities.

HB 1019 (Hixson)/**SB 594** (Raskin et al) – **Child Abuse – Neglect – Reasonable Corporal Punishment** attempts to separate reasonable corporal punishment from child abuse. Reasonable corporal punishment is defined by using the negative of many characteristics used to define child abuse. Thus, reasonable corporal punishment is not cruel or excessive and does not put a child at substantial risk of injury in contrast to child abuse which does. At present, deciding what is child abuse is the job of various local agencies of the Maryland Department of Human Resources which receive and report on child abuse. From the bill, it is not clear who would make the decision as to what constitutes an appropriate child abuse allegation. [Hrg JPR 3/3 1 p.m.]

HB 137 – Child Abuse and Neglect – Child Welfare (by the Chair, Judiciary Committee by request of the Department of Human Resources) sets up an "alternative response" as a way of making reports to Child Protective Services when the child's condition does not seem to warrant concerns about the child's safety. This response would include similar interviews with the child and parents and recommendations for service to correct family problems. Apparently, the same units that do investigations of child abuse and neglect would determine whether an "alternative response" or a full-scale abuse and neglect investigation would be necessary. The bill is in the Judiciary Committee.

Debbie Ehrenstein

ENVIRONMENT

HB 1034 (Carr and 35 others)/**SB 602** (Raskin et al) **Clean the Streams and Beautify the Bay Act of 2011** This Act would have the dual purpose of reducing the littering of the landscape with plastic and paper bags and providing a source of revenue to fund the Bay Restoration Trust. A retail store shall charge a fee of 5 cents for every carryout plastic or paper bag. The fee shall be split between the store, the administrative and enforcement costs to the State, and the Trust. [Hrg 3/11 ENV]

HB 1054 (Speaker of the House Busch at request of the Administration) /**SB 861** (President Miller) - **Maryland Offshore Wind Energy Act** requires the Public Service Commission to order the four investor-funded utility companies in the State to enter into a long-term power purchase contracts with one or more qualifying offshore wind generators. The contracts shall be for not less than 20 years for 400 to 600 megawatts.

HB 852 (Mizeur)/**SB 634** (Frosh) **Marcellus Shale Safe Drilling Act of 2011** imposes a moratorium as of June 1, 2011 to prohibit the Department of the Environment from issuing permits for drilling for gas in the Marcellus Shale under Allegany, Garrett and Washington counties until certain conditions are met to ensure consideration of the environment, animal habitats, water use, and more and plans approved for monitoring water quality, quantity, and safety in the area and emergency plans and environmental impairment insurance. [Hrg 2/23 ENV, 3/1 hrg EHEA]

HB 860/SB 380 (McHale and Speaker/Pinsky and the President of the Senate) **Electricity - Net Energy Metering** - Legislation to ensure that contributions to the grid by generation by the homeowner are fully credited to use of electricity from the grid. [Hrg ENV 3/9, hrg FIN 3/8]

HB 607/SB 544 Chesapeake Nitrogen Reduction Act of 2011 (Bobo et al/Young) prohibits the sale or use of fertilizers containing less than 30% slow release nitrogen on lawns, grass or turf and regulates when, where and how the fertilizer can be applied. Sponsors are numerous and include several Republicans as well as Democrats. [Hrg 3/9 ENV, hrg 3/8 EHEA]

HB 706/SB 546 (Clagett et al/Young) **Chesapeake Phosphorus Reduction Act of 2011** - Except for the purpose of starting seed or in soil deficient by test, prohibits the sale or use of low phosphorus fertilizer on lawns, turf or grass. [Hrg 3/9 ENV, hrg 3/8 EHEA]

HB 573/SB 487 (Hubbard/Middleton) **Fertilizer Use Act of 2011**. This bill requires the MDE to educate and certify professional applicators of fertilizers. It also has very extensive and detailed regulations on use of nitrogen and phosphorus fertilizers. [Hrg 3/9 ENV, hrg 3/1 EHEA]

HB 1064 (Hucker et al) **Watershed Protection and Restoration Act** - Requiring counties and municipalities to adopt laws or ordinances to establish a stormwater remediation fee and a local watershed protection and restoration fund on or before July 1, 2012; requiring counties and municipalities to collect the fee and administer the fund in accordance with the Act; requiring counties and municipalities to set the amount of the fee and assess the fee in a specified manner; requiring counties and municipalities to report specified information to the Department of the Environment; etc. This bill was also introduced last year. [Hrg 3/11 ENV]

Susan Cochran

OFFSHORE WINDPOWER

HB 1054/SB 861 – Maryland Offshore Windpower Act (The Speaker by request of the Administration plus 34/The President by request of the administration plus 14) was introduced on February 11 and if passed, it would provide important incentives for building offshore windpower facilities. According to the Chesapeake Climate Action Network it would – among other benefits – help stabilize electricity rates, spawn thousands of construction and operation jobs and reduce pollution equivalent to taking nearly 200,000 cars off the roads.

The bill directs the state’s largest utilities to enter into 20-year purchase agreements with offshore wind developers, who would then be able to get the necessary financing from banks to construct their facilities. These facilities would include wind turbines ten miles or more off the coast and Ocean City, MD. The bill would require between 400 and 600 megawatts of offshore wind development, enough to power nearly all the homes on the Eastern Shore.

A new feature under this bill is that for the first time, the Maryland Public Service Commission would be required to factor in the public health and climate benefits of wind farms when comparing the total cost of wind. [LWVMD supports]

Linda Silversmith