



REPORT FROM STATE CIRCLE 2011



Published by the League of Women Voters of Maryland, Inc.
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March 9, 2011
Issue No. 4

TABLE OF CONTENTS

Administration of Justice	4	Guns	1
Budget	2	Health Care	6
Campaign Finance	3	Mandatory Minimum Sentencing	2
Death Penalty	1	Marriage Equality	2
Education	3	Open Government	6
Election Laws	4	Revenues	2
Environment	5	Transportation	7

DEATH PENALTY

All five bills dealing with the Maryland Death Penalty are still awaiting a hearing, so little has changed since RSC 3. The House bills are all to be heard on Tuesday, March 15 at 1 p.m. The Judiciary Committee will hear **HB 1075**, calling for repeal, and **HB 1074**, which deals with attendance at executions, when and if they are resumed. **HB 1040**, the so-called “Personhood Amendment”, which ties capital punishment to abortion by eliminating both, will be heard by the Health and Government Operations Committee at the same hour.

The cross-filed Senate bills calling for repeal, **SB 837**, and attendance at executions, **SB 857**, were late-filed and are still in Senate Rules. They should eventually be heard by the Judicial Proceedings Committee which may, however, wait to see what happens in the House.

Marcia Reinke

GUNS

All of the House gun-related bills being followed by RSC were scheduled for hearing before the Judiciary Committee on Tuesday, March 8, just after the RSC 4 deadline. Senate bills cross-filed with the House bills were heard February 10, but no reports have been issued to date. RSC is following bills filed following the Tucson massacre which would reduce the ammunition capacity in detachable magazines, and limit or prohibit licenses to persons with specific mental disorders. We are also following legislation which would limit handguns at institutions of higher learning and hospitals; as well as bills filed by the Baltimore City delegation aimed at reducing gun crime in the city. See RSC 3.

Marcia Reinke

MANDATORY MINIMUM SENTENCING

Legislation which would repeal mandatory minimum sentencing for certain drug-related crimes, and allow for more drug treatment programs, **HB 353**, was heard by the Judiciary Committee February 22, with no report. See *RSC 3*.

Marcia Reinke

MARRIAGE EQUALITY

SB 116 Civil Marriage Protection Act with amendments (the first one striking “Religious Freedom and” from the bill’s title) was favorably voted 25 to 22 by the Senate on February 24th. Hearings on the bill began in the House Judiciary Committee on February 25th. A vote was expected on Tuesday, March 1st but two committee members, Delegates Jill Carter D-Baltimore and Tiffany Alston D-Prince Georges County failed to appear and voting was postponed. A vote of 12-10 to pass it along to the full House came on Friday, March 4th after some drama and a few of the original 59 co-sponsors having second thoughts. Debate on the floor will begin next week.

Sherry Hyman

BUDGET

The Republican minority leader submitted **HB 1294** the Deficit Reduction Financing Act of 2011 which is the minority proposal for balancing the FY 2012 budget. Their proposals would reduce the FY 2012 budget by \$621 million. Among the provisions are elimination of the legislative scholarship program (\$11.7 million), elimination of the Geographic Cost of Education index (\$120.3 million), reduction of Medicaid error rates and elimination of non-emergency outpatient hospital visits (\$50 million), elimination of the proposed one-time employee bonus of \$750 million (\$39.4 million) and mandating of a 2% across the board reduction in State agency expenses. The proposal would repeal the sales and corporate income tax increases of 2007 and would have no transfers from the Bay Restoration or Transportation Trust Funds. The public hearing on this bill is set for March 15 at APP.

Barbara Hankins

REVENUES

HB 620 (Frick) would establish a process for evaluating State tax credits. It provides for a legislative committee evaluation process which would occur over a four year period. It was heard on March 3. LWVMD submitted testimony in favor of the bill.

SB 632 (Pipkin and Brinkley) is a proposed Constitutional Amendment which would expand the powers of the Legislature with regard to the budget. It would allow the Legislature to increase amounts proposed in the governor’s budget and would also allow the addition of new items. It was heard on March 2 at B&T. LWVMD submitted testimony in favor of the proposed amendment.

We also submitted testimony in favor of several previously reported bills. On February 23 at B&T, **SB 168** alcohol tax increase and **SB 305** combined reporting; on March 1 at W&M, **HB 1059** gasoline tax increase; on March 3 at W&M, **HB 121** alcohol tax increase.

Hearings scheduled for bills already reported on:

SB 451 Sales and Use Tax Funding for Mass Transit 3/9 B&T, **HB 731** Combined Reporting and **HB 1070** Millionaires Tax 3/10 W&M , **SB 654** Increase in tobacco tax 3/1 B&T.

Barbara Hankins

CAMPAIGN FINANCE REFORM

The House ways and Means Committee has heard all filed CFR bills with no votes taken.

Several previously reported bills will be heard by EHEA on March 8, 10, and 16.

HJ 7/SJ 4, which will set up a commission to study campaign finance laws, including public funding alternatives, will be heard on the 8th by W&M and EHEA, respectively. We will testify neither in support nor opposition to these bills. The study of public funding should be enacted as part of **HB 159/SB 657**, which call for pilot tests. The results of those tests would be an important aspect of any study. The Joint Resolutions reflect a strategy based on the expectation that HB 159/SB 657 will fail. That may be a reasonable assumption but it seems premature to admit it.

EHEA will hear three CFR bills on March 10: **SB 657** (cross filed with **HB 158**) - The Public Funding and Small Donor Act; **SB 663** (cross-filed with **HB 723**) regarding LLC contributors; and **SB 758** setting rules regarding continuing slate membership and disclosure. We will submit testimony in support on all three bills. Another bill regarding independent expenditures (**SB 592** cross-filed with **HB 93**) will be heard by EHEA on March 16. We will testify in support.

SB 446 has been withdrawn.

Kay Terry

EDUCATION

As of March 7, committee action has been taken on only one of the Senate or House K-12 education bills described in the first three issues of the RSC. This is partially because hearings on many of the bills are scheduled during the first two weeks of March. **HB 525**, which would have added ineffectiveness as a reason for dismissal of teachers, received an unfavorable vote in the W&M Committee.

Several additional bills of educational interest have been filed in the last two weeks. **HB 1062 - Public Schools - Meal Menus - Nutrition Information** (Niemann plus two) would require all Maryland public schools to list the calories in each menu item on a school's published menu. Montgomery County Schools started doing this in the current school year as a result of a county law requiring it of chain restaurants. The school system was not subject to the law, but did so any way. Small school systems have pointed out that this could be costly if they do not already analyze nutritional content of their menus. [Hrg 3/2 in W&M]

Parents could enroll their children in a county school other than the one assigned if **HB 977 - Public Schools - Enrollment and Transfer - Parental Decision** (Olszewski plus 41) becomes law. By May 1, each county school board would be required to publish the number of available classroom seats at each school. If too many apply to a school, a lottery would determine admission. Parents would have to supply transportation to and from a school outside the assigned district. (Hrg 3/2 in W&M)

Correction to the hearing dates for the BOAST bills: **HB 932** will be heard in the W&M Committee on 3/16; **SB 315** will be in the B&T Committee on 3/9.

Lois Stoner

ADMINISTRATION OF JUSTICE

HB 955 (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]

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. [W&M hrg 3/8]

SB 281 (Miller, Currie, Muse, Peters & Ramirez) **Prince George's County-Orphans' Court Judges – Qualifications** - a Maryland constitutional amendment to require a qualification of admitted to practice law and good standing of the Maryland Bar. Favorable JPR 11-0. Amended in Senate to include same provisions for Baltimore County passed second reader 3/4.

SB 832 (Stone) **HB 930** (Cardin) & **HB 1165** (Lafferty/Minnick) **Baltimore County Orphans' Court Judges Qualifications** - same provisions as SB 281. [JPR hrg 3/16] [JUD hrg 2/23 on HB 930 no action] HB 1165 in House Rules.

SB 17, Chair, Judicial Proceedings Committee (by Request - Maryland Judicial Conference) **Courts - Sentence Review - Review Panel** proposes to limit criminal sentence review panel to 3 judges, one of whom can not be the sentencing judge. [JPR 2/7 favorable (11-0). Passed Senate 2/10 46-0. Sent to House 2/11 no action.]

Reported in RSC 3:

HB 834 & HB 885 Orphans' Court-Change of Name to Estate Court & Constitutional amendment. JUD Unfavorable 2/24 18-2.

HB 375 Circuit Court Judges-Election, Qualifications, and Term of Office, Constitutional Amendment. JUD 2 /26 Unfavorable - Bill withdrawn.

HB 309 Circuit Court Judges-Election and Term of Office, a Constitutional Amendment proposed same provisions as HB375. JUD 2 /26 Unfavorable. Bill withdrawn.

HB 351 (Carter, Anderson & Vallario)/**SB 853** (Getty) Orphans' Courts - Minors - Guardianship of Person proposes to delete the requirement if the presiding judge of the orphans' court is a member of the bar in exercising jurisdiction over guardianship of a minor. [JUD fav 20-1, Passed House 3/3 128-7 JPR 3/22 hrg SB 853]

HB 434 District Court - Small Claim Actions proposes to change the amount from \$5,000 to \$10,000 for civil actions [JUD unfavorable 2/24 18-1]

HB 135, Chair, Judiciary Committee (by request Department of Public Safety and Correctional Services) Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs proposes to increase existing existing fines. [JUD hrg 2/22 no action]

SB 52 Elections - Candidates for Judicial Offices - Certificates of Candidacy & Campaign Finance Entities. [EAEH hrg 1/25, no action]

HB 22 Administrative Office of the Courts - Uniform Subpoena Procedures & Forms for Circuit Court Judges criminal. [JUD hrg 1/27no action]

Grace Kubofcik

ELECTIONS

Two bills have been filed that would make voter registration in Maryland more convenient for voters and more accurate. The League will submit testimony in support of each of the bills.

Delegates Rosenberg and Cardin have introduced **HB 561 – Election Law – Voter Registration – Exchange of Information**, which requires state agencies to provide data to the State Board of Election to help maintain an accurate voter registration list. State agencies such as the MVA and the Division of Corrections have data that if

shared could assist in maintaining accurate registration rolls. The bill also permits the SBE to enter into agreements with other states to exchange data relevant to maintaining accurate registration lists. Such agreements could include information on deaths of Maryland voters that occur in other states, or information about voter registration if at the time they register in another state they note on their application that they moved from Maryland. This bill is scheduled for a hearing on March 8th in W&M. The cross-filed bill, **SB 765**, is sponsored by Senators Young, King, Madaleno and Rosapepe and is scheduled for a hearing on March 10th.

HB 740 – Election Law – Online Voter Registration, also sponsored by Delegates Rosenberg and Cardin, would require the State Board of Elections to operate an online voter registration system that allows a person to register to vote or make certain changes to their registration information (name, address or party affiliation) through the online system. Persons who can provide a Maryland driver's license number or Maryland ID number can take advantage of the online system, except that overseas civilians and overseas military members who cannot provide a Maryland license or ID card number may submit their Social Security number instead. The MVA would be required to send a copy of the applicant's electronic signature to the State Board of Elections within 5 days of being notified by SBE of the voter's online registration application. Like a paper voter registration form, the online form also requires the applicant to affirmatively attest, subject to penalties of perjury, that the information on the application is true and that the applicant meets all the qualifications to become a registered voter. This bill is scheduled for a hearing on March 8th in the Ways and Means Committee, and the cross-filed bill, **SB 806**, is scheduled for a hearing in the Senate EHEA Ctte. on March 10th.

Lu Pierson

ENVIRONMENT

HB 1054/SB 861 - Maryland Offshore Wind Energy (Speaker by request of the Administration and 34/President of the Senate by request and 14) - High excitement pervaded the halls and House hearing room of the Environmental Matters Committee. Camera men staked out positions as dozens of people stood packed together in the room to observe the Governor present the Offshore Wind Energy Act.

The bill requires the Public Service Commission to ask for RFPs from the four investor-funded utility companies in the State to enter into long-term power purchase contracts with one or more qualifying offshore wind generators. Amendments to the original bill have been offered by the Administration to require a 25 year contract instead of 20 years, and requiring a cost-benefit analysis component by the bidders for the contracts as well as requiring that successful bids include a positive net benefit for the State's rate payers. The contracts shall be for 400 to 600 megawatts. The wind power would be available in 2016. The Governor stated 2000 jobs would be created to manufacture and install the wind turbines and 500 jobs for the long term.

A point of contention was the cost to the customer's electric bill. The Governor's estimate is a \$1.44 increase in residential user's monthly bill, based on comparable contracts with Delaware Bluewater offshore wind, considered the most similar data point. Some estimates are as high as \$3.00. The Governor points to increased price stability in a long term contract, and a possible decline in rates in the coming years. The League submitted testimony in favor of the bill. The next hearing will be in the Senate Finance Committee on March 11.
[LWVMD Supports]

HB 852/SB 634 Marcellus Shale Safe Drilling Act of 2011 (Mizeur et al/Frosh) 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. The League submitted testimony on this bill to the Environmental Matters Committee for the March 23 hearing. We testified in person at the Senate hearing in the Education, Health and Environment Committee on March 1.

Testimony alternated between SB 634 and **SB 422/HB 411** (Edwards/Beitzel) – **Natural Gas Exploration and Production – Marcellus Shale Formation** – which would require the Department of Environment to finish formulating regulations by December 31, 2011. [LWVMD opposes this bill]

Susan Cochran

HEALTH

While there have been many hearings on the Health bills, few have come out of either the Health and Government Operations Committee or the Senate Finance Committee.

SB 107/HB 516, the bills that would require the Insurance Exchange to be a non-profit entity appear to be facing stiff opposition from many of the advocacy groups. Medicaid Matters, a group of advocacy groups that works with underserved residents, has joined the League in opposition of the bill. There appears to be strong support for the Administration bill, **SB 182/HB 166**, and they are just working out the kinks in the bill.

The Lorraine Sheehan Health and Community Services Act of 2011, HB 121/SB 168 both remain in the committees, but Vinnie DeMarco, of Health Care for All, has indicated that there are enough votes to bring the bills out of committee. The real question is where the revenue will go, to health care or to the General Fund.

SB 743/HB 778, Family Planning Act, would change the eligibility requirements for family planning services under the Medical Assistance Program to all women whose family income is at or below 250 percent of the poverty level.

HB 575 would mandate a new streamlined redetermination process for Medicaid recipients in nursing homes.

HB 1229/SB 883, Prescription Drug Monitoring Program, Administration, would establish a Prescription Drug Monitoring Program in the Department of Health and Mental Hygiene. The program would monitor the prescribing and dispensing of specified substances by specified prescribers and dispensers and would establish an Advisory Board on Prescription Drug Monitoring to assist in the design, implementation, and evaluation of the Program. The Department of Health and Mental Hygiene (DHMH) has been asking for similar legislation for several years and the medical community is opposed.

There are two malpractice bills that have been submitted. One bill **HB 1129, Maryland Contributory Negligence Act**, would maintain the standard of contributory negligence in the State of Maryland. The bill is in answer to the request of Chief Judge Robert Bell to the Judiciary's Rules Committee chaired by Alan M. Wilner, Esq. to study the doctrines of contributory negligence and comparative fault in court disputes and whether they can change the doctrine by issuing a rule or just by a judicial opinion. In the cases which have reached the Court of Appeals, the court has indicated that they cannot change the doctrine through a case as it is a legislative issue. The Legislature feels that this issue is clearly a Legislative issue.

The other bill is **SB 895, Medical Professional Liability Insurance for Nonprofit Health Care Providers**, would require counties to provide limited professional liability insurance for non-profit (501 (C) 3 entities) in their counties that provide health care. The bill would not apply to hospitals.

Neilson Andrews

OPEN GOVERNMENT

HB 48 - State Government – Open Meetings Act – Notice and Complaints (See RSC 1) passed unanimously out of the House Government and Operations Committee. It passed on the House floor on March 1 by a vote of 136 to 4. It is now in the Senate where it had a first reading in EHEA on March 2nd.

HB 766 /SB 644 - Joint Committee on Transparency and Open Government Act (See RSC 3.) HB 766 now has a hearing scheduled on March 9 in HGO. The League will testify in support at that hearing as well as the hearing on SB 644 on March 15 at EHEA.

HB 37/SB 740 - State Government - Access to Public Records - Electronic Documents (See RSC 3) passed out of the HGO Committee on March with amendments and a favorable report. It now goes to the House floor. SB 740 will be heard in EHEA on March 15.

Nancy Soreng

TRANSPORTATION

HB 196/SB 424 - Motor Vehicles - Use of Text Messaging Device While Driving - Prohibited Acts (See RSC 2) received a favorable report with amendments from the EVM Committee and passed the third reading on the House floor on March 3, 115 to 23. The cross-filed bill SB 424 received a favorable report from the JPR Committee and passed the 2nd reading on the Senate Floor on March 3.

SB 399/HB 844- Maryland Green Fuel Initiative - Motor Fuel Taxes – Bio-diesel (incorrectly described in RSC 3 as SB 339) received an unfavorable report from B&T and was withdrawn. The hearing on the House bill was cancelled.

Nancy Soreng