

Sine Die
April 8, 2013

The 2013 Maryland General Assembly has come to a close. It was a very difficult session filled with important, controversial issues. I am truly looking forward to a break from the action. This newsletter will attempt to address the final outcome on issues that you inquired about most often.

The Budget

The budget process was much less contentious this year, but there are always disagreements, just like your budget at home. There are many good things in this budget. This budget closes the structural budget and increases the Rainy Day Fund. The budget growth is only 2.3% for 2014. In the event that sequestration has a negative impact on Maryland \$100 million dollars are set aside. This money is in a designated fund and if it is not needed it will go to the pension fund.

Mental health funding was increased \$72 million over last year with 6.5 million in construction money for mental health. As a result 14,000 more Marylanders will have access to mental health care. While much more needs to be done for mental health, this budget is a significant improvement.

Education funding for Public Schools will be over \$6 billion to local schools systems, an increase of 2.2%. Higher Education will receive \$1.3 billion in State Funds, an increase of \$89.5 million or 7.4%. This will enable colleges and universities to hold tuition increases to 3.0%.

State Employees will receive a 3.0% Cost of Living Adjustment for the first time since 2009.

Firearm Safety Act of 2013

The Governor's Firearm Safety Act legislation (SB 281/HB 294) caused controversy in both the House and Senate. I voted "No" on this bill. While I did not disagree with the entire bill, I did disagree with the list of guns that were banned. The bills passed both the House and the Senate with the same amendments. The good news is that the State Police will have a new facility and technology for the licensing operation. They currently work in a facility that has no windows and one fax machine. It is my opinion that a referendum question on this issue is highly probable. My office heard from over 800 citizens in opposition to the Firearm bill and about 20 people in support of the bill that I represent in District 32. We heard from thousands of others in opposition from around the State.

School Safety

The Governor's Budget included 25 million to increase school security across the State including funds to support the Center for School Safety under the auspices of the Maryland State Police. Anne Arundel County School security is far ahead of other counties and other states. Earlier in the session, we had a Delegation presentation from the Board of Education and the Anne Arundel County Police Department regarding school security. Our security systems includes: video buzzers at every school, and Police Resource Officers at all high schools and 6 of our middle schools. The Anne Arundel County Public School Officials have been invited to speak to other school systems, both in state and out-of-state to present the security program that we already have in place.

Cell Phone Use as a Primary Offense

Effective October 1, 2013, it will be a primary offense for a driver of a motor vehicle to use a handheld cell phone while the vehicle is in motion. The first offense is subject to a \$75 fine, a second offense fine is not more than \$124 and a third offense is a fine of not more than \$175. Points will not be assessed to the motor vehicle record.

Death Penalty

The death penalty repeal (House Bill 295) was passed in mid-March in both the House and the Senate, making Maryland the 18th state to abolish the death penalty. Life without parole is now the highest form of punishment available in the state. Because the repeal is not retroactive, the five inmates in Maryland currently on death row will remain on death row unless their sentence is commuted by the governor to life without parole. I voted "No" on this bill. I do not take the death penalty lightly; however, I believe the death penalty should be available for the most egregious of crimes. The Governor is expected to sign this bill.

Gas Tax

I heard from many of you regarding the Gas Tax. The large majority of you were against any increase; I only heard from a handful in favor of the increase. I voted against the increase in the Gas Tax.

The Bill increases the Gas Tax by:

- 1% on July 1 2013;
- To 2% on January 1, 2014;
- To 3% July 1. 2015; and
- If the Federal Marketplace Equity Act is not passed by December 1, 2015, the 3% wholesale tax will increase to 4% on Jan 1, 2016 and to 5% on July 1, 2016;
- Indexing motor fuel tax rates, except for aviation and turbine fuel, to inflation beginning in fiscal 2014;

Also, beginning in fiscal 2015, MTA must increase base fare prices and the cost of multiuse passes, based on the Consumer Price Index. The bill will also increase the

annual vehicle registration fee surcharge to \$3.50. The fee is collected on a biennial basis.

Only 8 percent of citizens use public transportation to commute, 46 percent of our state transportation budget (capital and operating funds) will be spent on public transportation. Roads are funded at \$660 million, a mere 27 percent of the budget.

Gas is so expensive now; families and small businesses are already struggling, I could not in good conscience vote for this increase.

Dangerous Dogs

On August 21, 2012, the Court of Appeals reconsidered its original decision and limited the application of its original ruling in the Solesky case to purebred pit bulls. As a result, owners of purebred pit bulls and landlords of tenants who own purebred pit bulls are strictly liable for the actions of those dogs, while the traditional common law rule applies to owners of all dog breeds.

SB 160, and the crossfile HB75, known as the Pit bull bills, were meant to clarify the ruling in the Solesky case and create new liability standards regarding dog bites. The bills passed the Senate and the House with very different amendments. The Conference Committee changed the bills significantly and in the end the House did not receive the Conference Committee report to concur or vote on. At this time the landlords are still responsible if a tenant's pit bull injures someone. Legislation is still needed to address the Solesky ruling.

Agricultural Certainty Act

SB1029 will allow Maryland farmers some certainty if environmental regulation changes. It is a new program that will require farms to meet their individual Total Maximum Daily Load requirements in exchange for ten year relief from implementation of any NEW state or local regulations that have been enacted while they have been in the Ag Certainty Program. The bill was supported by the Maryland Farm Bureau, the Chesapeake Bay Foundation and the Chesapeake Bay Commission. This is the first time that I have seen a bill strongly supported by CBF and the Chesapeake Bay Commission, but not by the League of Conservation Voters, the Sierra Club and 1000 Friends of Maryland. I supported the Ag Certainty Act.

Special Election by Mail

I was the sponsor of a local bill permitting County Council vacancy's to be filled by a special by mail election. Although my bill did not pass, a statewide bill, HB 196/SB 171, Election Law – Special Elections – Voting by Mail has passed.

It allows for voting by mail to be utilized in a special election that is not held concurrently with a regularly scheduled primary or general election. The Governor

would proclaim a Congressional special election to be held by mail and the County Council would establish the date of the special election and direct that the election be conducted by mail. Regulations would be adopted by the State Board of Election to implement the bill.

The local board of elections would mail a vote-by-mail ballot to each registered voter who is eligible to vote in the special election. No application would be necessary to receive a ballot. A polling place in the affected district would be open to anyone who did not wish to vote by mail.

I believe this is important legislation. There have been several vacancies on the council over the past few years; these vacancies have been filled by the remaining Council Members. This bill works to give the power back to the people, including those of Anne Arundel County.

Marijuana

There were several bills regarding marijuana that were considered by the General Assembly. The most talked about were:

HB 1 adds to the Schedule I listing controlled dangerous substances that may not be legally used, possessed or distributed “cannabimimetic agents”. These agents create products known as “Spice” or “K2.” The Fort Meade Commander was very concerned that these products were available for sale around Fort Meade and made the locations “off limits” until the products were removed from the shelves. This bill passed and takes effect October 1, 2013 if signed.

HB 1101 establishes, as an independent commission within the Department of Health and Mental Hygiene (DHMH), the Natalie M. LaPrade Medical Marijuana Commission to:

- develop requests for applications for academic medical centers to operate programs in the State;
- approve or deny initial and renewal program applications; and
- monitor and oversee programs approved for operation. The bill also establishes the Natalie M. LaPrade Medical Marijuana Commission Fund as a special, nonlapsing fund.

This bill passed and if signed will take effect October 1, 2013.

SB 297 alters the possession of less than 10 grams of marijuana from a criminal offense to a civil offense punishable by a maximum fine of \$100. SB 297 has passed the Senate but was stalled in the House Judiciary Committee.

Hydraulic Fracturing

This year the house was introduced to multiple pieces of fracking-related legislation, none of which passed. I continue to have a great deal of concern about the environmental impact that fracking will have on our environment.

Failed legislation included:

HB 337 – This bill, which would have prohibited hydraulic fracturing in Maryland, was withdrawn.

HB 1126 – This bill would have required the Maryland Department of the Environment (MDE) to notify a municipality of a well that the well's location be located one mile at most of a municipal boundary. HB 1126 received an unfavorable report from the Environmental Matters committee.

HB 1274 – The Maryland Hydraulic Fracturing Moratorium and Right to Know Act of 2013. This bill would have prohibited the Maryland Department of the Environment (MDE) from issuing a permit for hydraulic fracturing until more research and information had been obtained about fracking and its potential effects in the state of Maryland.

Wind Energy

Offshore wind is Maryland's most abundant natural resource and it is believed that it is an integral part of the path to reach the 20% renewable energy goal. **House Bill 226** creates a regulatory framework to incentivize offshore wind by establishing a requirement that electricity suppliers purchase Offshore Wind Renewable Energy Credits, or ORECs. The OREC model is similar to requirements the already set for solar energy.

The bill contains numerous ratepayer protections. The Public Service Commission can only approve an offshore wind farm if it is projected to cost the average residential ratepayer *\$1.50 or less per month*, and impact non-residential ratepayers by 1.5% or less of their total bill per month. Finally, the developer must show that the project will provide positive net economic, environmental and health benefits to the citizens of Maryland. Ratepayers will only pay when the facility is generating renewable energy. The risk of any cost overruns, construction delays, or malfunctioning equipment lies with the developer of the offshore wind project, not the ratepayers.

Because offshore wind projects are expected to take several years to develop, there will be no impact to ratepayers until 2017 at the earliest. It is expect to create 850 new jobs that will last for a 5-year manufacturing and construction phase, and about 160 permanent new jobs in operations and maintenance. The Governor is expected to sign this bill on April 9th.

SB715 Maryland Highway Safety Act

This bill sets up a two tier driver's license system, allowing undocumented Maryland residents to obtain a driver's license if they have filed two years of Maryland Tax returns showing that they have been a resident of Maryland for two years. The Tax return is verified directly through the Comptroller's office. How do the undocumented citizens file a tax return without a Social Security number? The Federal Government issues a Tax Identification Number. The opposition believes that people that are here illegally should not have driver's license. The supporters believe that it is better to have people licensed and insured, rather than having unlicensed drivers on the road. Because I am an insurance agent that sells automobile insurance, the Ethics office advised that I recuse

myself on the vote for this bill. The Senate bill passed and if signed by the Governor will take effect on January 1, 2014..

Pesticide Bill

HB 775, as amended, establishes the Maryland Pesticide Reporting and Information Workgroup to study and make recommendations regarding the establishment of a pesticide use database. A report of preliminary findings and recommendations must be submitted to the House Environmental Matters Committee and the Senate Education, Health, and Environmental Affairs Committee by December 31, 2013. The final report is due by July 1, 2014.

Spay and Neuter

House Bill 767 creates a spay and neuter fund, which would be used to finance grants to promote spay and neuter programs and services. Funding for this program would be provided by a fee on each commercial feed registered in the State of Maryland by a manufacturer. Overcrowded shelters are a pressing problem, and unfortunately result in the euthanization of three to four million animals each year in the nation. With more spay and neuter programs available to the public, HB 767 hopes to combat the rising number of animals that are euthanized and ultimately reduce costs at shelters. The bill passed and if signed by the Governor will take effect on October 1, 2013.

Source of Income

Senate Bill 487, otherwise known as “Source of Income” or “The Home Act” failed in the Senate, so House Bill 603 was not voted on in our Committee. This bill prohibited landlords and other property owners from discriminating based on a person’s source of income. This requires landlords to accept a renter who is using governmental assistance, such as housing vouchers (sometimes known as section 8 vouchers) to rent their property. Currently those with housing vouchers are possibly being denied housing based on their source of income. This bill has failed.

My Bills

I was the primary sponsor on just a few bills this year. It takes a lot of time and effort to research an issue, request a bill, create testimony and move a bill out of a sub-committee, out of committee, out of the House, over to the Senate, Senate sub-committee, out of Senate Committee and then the full Senate. Lots of surprises can happen along the way.

Again this year I had a bill that was voted out of the House with strong support, but the Senate would not even hear it. It was HB 576, Regulation of Common Property Managers. We have worked for two years on this bill and made numerous amendments this year at the request of the workgroup. The Senator sponsor did not put the amendments on her bill, so the Senate Bill failed. Although HB 576 was amended to address the concerns of the one community in opposition, the Senate never heard the

amendment and therefore would not hear my bill. Most property managers supported the bill understanding that there are problems in their industry and there should be regulation and licensing. Maybe we will be successful next year.

HB 23 created a good discussion with the judges, we found that the bill requiring a “valid” drivers license to operate a moped is not needed, current law addresses it, there just needed to be some additional training for the judges.

HB 572, changing from 5 to 3 years the experience that an arborist or landscaper needs to become a “tree expert” passed both the House and the Senate. It will take effect on October 1, 2013.

HB 1443, County Council Special Elections Voting by mail was not needed because a similar statewide bill passed.

HB 1527 was a “late filed” bill to create a Human Relations Commission for Anne Arundel County. The bill passed the House but unfortunately we ran out of time in the Senate. The bill was enabling legislation, requested by 5 of the 7 Anne Arundel County Councilman, hopefully we will revisit it next year.

If you are interested in the outcome of any bill not mentioned, the status can be found on the General Assembly website: <http://mgaleg.maryland.gov> or you may contact my office.

I appreciate your comments and opinions that you share with me. During the interim my office returns to part-time, my Legislative Assistant Nancy Crawford will be available generally on Tuesday, Wednesday and Thursday from 9:00 am to 4:00 pm Please continue to stay in touch and be sure to include your full name and mailing address.

My contact information is: Pamela.beidle@house.state.md.us or (410)841-3370.

Thank you for allowing me to serve as your representative in the House of Delegates, it is truly my honor.