



January 11, 2012

ISSUES			
2012 Maryland General Assembly			
Opening Day	Pages	1	Local Legislation Page 3
New Bill Introductions	Page	1	Minors Page 3
Commissions	Page	1	Property Page 4
Constitutional Amendment	Page	2	Public School Buildings Page 4
Criminal Law/Electronic Communication	Page	2	Retirement & Pensions Page 4
Criminal Law	Page	2	Taxation Page 4
Employee/Employer	Page	2	Hearing Schedule Page 5
Holidays & Special Dates	Page	3	

2012 MARYLAND GENERAL ASSEMBLY OPENING DAY

January 11, 2012 saw the opening of the 430th Session of the Maryland General Assembly. On the Senate side of the chamber the Honorable Mike Miller will continue in the office of Senate President and the Honorable Mike Busch will remain as the Speaker of the House.

In his opening remarks *Senate President Mike Miller* stated “as history evolves and changes, then we move on.” He promises to help the Senators and his first order of priority is the Dover Bridge and he plans to give the resources to build the property. The Senate President then gave the leadership announcements that Senator Robert Garagiola will be the Majority Leader and Senator Catherine Pugh as Deputy Majority Leader. The Standing Committees remain the same as the last legislative session of 2011. The Minority Leader will be Senator Pipkin and Senator Riley as Minority Whip.

Governor O’Malley welcomed back the members of the Maryland State Senate and Maryland House of Delegates. He explained since the members of the Maryland General Assembly left, our students continue with the highest test scores ever, crime is down and as “we battle our way out of the recession and job losses, there have been 27,000 new jobs created in Maryland since last spring.” He looks forward to working with the General Assembly and one of the most important areas is the dignity of the work and serving the people.

In conclusion, President Miller acknowledged various people in the chamber as well as County Executive David Craig “who was a great Senator, a historian, great friend and he will make a great candidate for Governor.”

NEW BILL INTRODUCTIONS

The 430th Session of the Maryland General Assembly begins January 11, 2012 and adjourns April 9, 2012. To date 93 legislative measures have been introduced.

COMMISSIONS/ADVISORY BOARDS/TASK FORCE

HB 15 – Maryland Medical Marijuana Act – Introduced by Delegate Glenn the bill authorizes the medical use of marijuana. The bill also establishes a Medical Marijuana Advisory Board and requires the Department of Health and Mental Hygiene to adopt regulations on or before September 1, 2012. The bill further establishes a compassion center to mean entity that acquires, possesses, cultivates, manufactures, delivers, transports, supplies, or dispenses marijuana or related supplies and educational materials to qualifying patients and designated caregivers and is

registered in the State. Neither the compassion center nor a marijuana cultivation center affiliated with the center is located within 500 feet of a preexisting public or private school. A school or landlord may not refuse to enroll or lease to, or otherwise penalize, a person solely for the person's status as a cardholder who is a qualifying patient or a designated caregiver. An employer may not discriminate against a person in hiring or terminating or in any other condition of employment, or otherwise penalize a person, if the discrimination is based on: (1) the person's status as a cardholder who is a qualifying patient or a cardholder who is a designated caregiver; or (2) the person's positive drug test for marijuana components or metabolites, if the person is a cardholder who is a qualifying patient unless the patient used, possessed, or was impaired by marijuana on the premises of the place of employment or during the hours of employment. The title does not authorize: (1) a person to undertake a task under the influence of marijuana when do so would constitute negligence or professional malpractice; (1) the smoking of marijuana on any form of public transportation; or in any public place. Also not authorized is the possession or medical use of marijuana in a school bus or on the grounds of any preschool or primary or secondary school; or in any correctional facility. The measure is assigned to the House Health and Government Operations and House Judiciary Committee's for further consideration.

CONSTITUTIONAL AMENDMENT

HB 37 – Declaration of Rights-Victims' Bill of Rights – Introduced by Delegate Smigiel the bill proposes an amendment to the Maryland Declaration of Rights to expand the rights of a victim of crime and establishing that the rights of a victim of crime apply during the juvenile justice process. The measure is assigned to the House Judiciary Committee for further consideration.

CRIMINAL LAW/ELECTRONIC COMMUNICATION

HB 8 – Crimes-Electronic Communications-Harassment – Introduced by Delegate Washington the bill alters the prohibition against using electronic mail with the intent to harass to prohibit engaging in electronic communication with the intent to harass; changing the defined term "electronic mail" to "electronic communication" and altering the definition. The bill further establishes penalties a second or subsequent offense, imprisonment not exceeding 3 years or a fine not exceeding \$1,000 or both. The measure is assigned to the House Judiciary Committee for further consideration.

CRIMINAL LAW

HB 11 – Criminal Law-Third Degree Sexual Offense-Person in Position of Authority – Introduced by Delegate Glenn the bill this bill specifies that "a person in a position of authority," who is at least 21 years old and works at a: (1) public or private preschool, elementary school, or secondary school; (2) child care facility, including an after-school program; (3) commercial or nonprofit instructional program for music, dance, art, tutoring, academic enrichment, martial arts, or a program with a similar purpose, (4) sports or recreational facility or program; (5) day or overnight camp; religious institutions; or (6A) unit of local, state, or federal government. A "person in a position of authority" also includes an individual who: (1) is a volunteer, intern, or paid employee of an institution, program, or activity and who, in that capacity, directs or supervises minors enrolled or participating in the institution, program, or activity; or (2) supervises one or more persons in a position of authority within the institution, program, or activity. A person in a position of authority who is at least 6 years older than the victim may not engage in sexual contact, a sexual act, or vaginal intercourse with a minor: (1) while the minor is enrolled or participating in the institution, program, or activity at which the person in authority works; or (2) who was previously enrolled or participating in the institution, program, or activity at which the person in the position of authority was working at the same time the person in a position of authority was working at the institution, program, or activity. The measure is assigned to the House Judiciary Committee for further consideration.

EMPLOYEE/EMPLOYER

SB 10 – Jury Service-Employers-Prohibited Acts – Introduced by Senator Ramirez, et al the bill prohibits an employer from requiring an individual to work on a day in which an individual spends more than 3 hours in responding to a summons or attending, or being in proximity to, a circuit court for jury service. An employer may not deprive an individual of employment or coerce, intimidate, or threaten to discharge an individual because the individual loses employment time in responding to summons or attending, or being in proximity to, a circuit court for jury service; or exercises a right to refrain from work. The measure is assigned to the Senate Judicial Proceedings Committee for further consideration.

HOLIDAYS AND SPECIAL DATES

SB 29 – State Government-Commemorative Day-Young Heroes Day – Introduced by Senator Simonaire the bill requires the Governor annually to proclaim the first Monday of October to be Young Heroes Day, in recognition of positive contributions that minors have made to society. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

SB 36 – State Government-Commemorative Month-Irish-American Heritage Month – Introduced by Senator Reilly the bill requires the Governor to proclaim the month of March each year as Irish-American Heritage Month; and requires the proclamation to urge educational and cultural organizations to observe the month with appropriate programs, ceremonies, and activities. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

SB 42 – State Government-Commemorative Month-German-American Heritage Month – Introduced by Senator Klausmeier, et al the bill requires the Governor to proclaim October each year as German-American Heritage Month; and requiring the proclamation to urge educational and cultural organizations to observe the month with appropriate programs, ceremonies, and activities. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

LOCAL LEGISLATION

HB 12 – Baltimore City-45th Legislative District-Liquor Stores-Premises Near Places of Worship or Schools – Introduced by Delegate Glenn the bill increases the distance that liquor stores in the 45th Legislative District in Baltimore City are required to be from places of worship or schools. The bill is assigned to the House Economic Matters Committee for further consideration.

HB 14 – Baltimore City Board of School Commissioners-Selection of Members-Local Referendum (Democracy in Education Act of 2012) – Introduced by Delegate Glenn the bill increases the number of members of the Baltimore City Board of School Commissioners and requires a certain number of members of the board to be elected at-large by the voters of Baltimore City, etc. The measure is assigned to the House Ways and Means Committee for further consideration.

SB 21 – Anne Arundel County Board of Education-Appointed Members Subject to Contested Elections – Introduced by Senator Simonaire the bill requires the appointed members of the Anne Arundel County Board of Education be subject to contested elections, etc. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

SB 22 – Anne Arundel County-School Board – Membership – Introduced by Senator Simonaire the bill requires that members of the Anne Arundel County Board of Education be elected and appointed, etc. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

SB 43 – Anne Arundel County Board of Education-Selection of Members-Straw Ballot – Introduced by Senator Simonaire the bill requires that a question be placed on the ballot in Anne Arundel County at the November general election of 2012 to determine the sense of the voters of the County on the issue of changing the method of selecting members of the Anne Arundel County Board of Education; and providing for the carrying out of the straw ballot. The bill is assigned to the Senate Education, Health, and Environmental Affairs Committee for further consideration.

MINORS

HB 18 – Crimes-Requirement to Report Death or Disappearance of Minor-Penalties (“Caylee’s Law”) – Introduced by Delegate Howard the bill requires a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 9 years to notify the appropriate law enforcement agency that the minor is missing within 3 hours of becoming aware that the minor is missing. A person who violates this would be guilty of a felony and on conviction subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both. A parent or other person who has permanent care or custody or responsibility for the supervision of a minor over the age of 8 years shall notify the appropriate law enforcement agency that the minor is missing within 12 hours of becoming aware that the minor is missing. A person found in violation would be guilty of a felony and on conviction subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both. A parent or other person who has permanent care or custody or responsibility for the supervision of a minor shall report the death of the minor to the appropriate law enforcement agency or medical authority within 1

hour of becoming aware of the death. A person who violates is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both. The measure is assigned to the House Judiciary Committee for further consideration.

HB 20 – Crimes-Requirement to Report Death or Disappearance of Minor-Penalties – Introduced by Delegates K. Kelly, Kramer, and Simmons the bill provides that unless the disappearance of a minor under the age of 13 years has already been reported to the appropriate law enforcement agency, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 13 years shall notify the appropriate law enforcement agency that the minor is missing within 24 hours of becoming aware of the disappearance of the minor. A person who is found in violation is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years. Unless the disappearance of a minor under the age of 12 years has already been reported to the appropriate law enforcement agency, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor under the age of 13 years shall notify the appropriate law enforcement agency that the minor is missing within 48 hours of becoming aware of the disappearance of the minor. Unless the death of a minor has already been reported to the appropriate law enforcement agency or medical authority, a parent or other person who has permanent care or custody or responsibility for the supervision of a minor shall report the death of the minor to the appropriate law enforcement agency or medical authority within 2 hours of becoming aware of the death. A person who is found in violation is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years. The measure is assigned to the House Judiciary Committee for further consideration.

PROPERTY

HB 25 – Crimes-Malicious Destruction of Property by Graffiti-Penalties – Introduced by Delegate Olszewski the bill alters the requirement that court orders a person convicted of causing malicious destruction of property by an act of graffiti to either pay restitution or performs community service or both so as to require the court order both the payment of restitution and community service. The measure is assigned to the House Judiciary Committee for further consideration.

PUBLIC SCHOOL BUILDINGS

HB 2 – Public School Buildings-Carbon Monoxide Detection and Warning Equipment – Introduced by Delegate Glenn this emergency bill requires that the construction and remodeling of public school buildings conform to the 2009 edition of the National Fire Protection Association’s Standard 720, which relates to the installation of carbon monoxide detection and warning equipment for commercial structures. It also expands an existing prohibition against charging a fee for permits necessary to comply with State and county building codes to apply to compliance with the bill’s requirement. The measure is assigned to the House Environmental Matters Committee for further consideration.

RETIREMENT AND PENSIONS

HB 19 – State Retirement and Pension System-Military Service Credit-Reservists – Introduced by Delegate Kach the bill authorizes a reserve component of the Armed Forces of the United States to receive service credit at the rate of 4 months for each full year of service with the Maryland National Guard, not to exceed a total of 36 months. The measure is assigned to the House Appropriations Committee for further consideration.

TAXATION

SB 17 – Sales and Use Tax-Tax-Free Week-School Supplies and Personal Computers – Introduced by Senator Ramirez the bill alters specified sales and use tax exemption to include accessory items such as jewelry, watches, watchbands, handbags, handkerchiefs, umbrellas, scarves, ties, headbands, and belt buckles; personal computers purchased for nonbusiness use to include all computer hardware and software sold together with the computer system in the same retail sale. Also included are school supplies to mean any item including electronic devices, purchased for use in the classroom, for school work completed in school, or for any school activity if the taxable price of the item is \$100 or less; or any personal computer, if the taxable price of the personal computer is \$600 or less. The measure is assigned to the Senate Budget and Taxation Committee for further consideration.

AT A GLANCE
(Hearing Schedule)
 As of January 11
 (subject to change)

Thursday, January 12, 2012

House Environmental Matters	10:30 a.m.	Organizational Meeting	
House Ways and Means	11:00 a.m.	Organizational Meeting	
Senate Budget and Taxation	1:00 p.m.	Organizational Meeting	
Bill Hearing	SB 16	Senate Finance	Jury Service-Employers-Prohibited Acts
House Appropriations	1:30 pm	Organizational Meeting	

Friday, January 13, 2012

Room 130	1:00 pm	Commission to Study Campaign Finance Laws-Consideration of Potential Recommendations to be Included in the Commission's Initial Report	
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Tuesday, January 17, 2012

House Judiciary Bill Hearings	1:00 p.m.	HB 25	Crimes-Malicious Destruction of Property by Graffiti-Penalties
Senate Budget and Taxation	1:00 p.m.	Briefing: State Department of Assessments and Taxation-Property Tax Assessment Update	
	2:00 p.m.	Briefing: Update on Invest Maryland & Job Creation Tax Credit	
	3:00 p.m.	Briefing: College Savings Plans of Maryland	
	3:30 p.m.	Briefing: State Retirement Agency-Update on State Retirement System	

Wednesday, January 18, 2012

Budget Bill	Final date for Governor to introduce budget bill		
Senate EHEA	1:00 p.m.	SB 21	AA County BOE-Appointed Members Subject to Contested Elections
		SB 22	AA County-School Board-Membership
		SB 43	AA County BOE-Selection of Members-Straw Ballot
House Judiciary	1:00 p.m.	Briefing: Maryland State Bar Association: Collaborative Law	

Thursday, January 19, 2012

House Economic Matters	10:30 a.m.	Full Committee Briefing: Workplace Fraud	
Senate EHEA	1:00 p.m.	Briefing: Community-Based Residential Group Homes	
		Briefing: Overview of Oversight Role of Child Serving Agencies and Community-Based Residential Group Homes	
House Ways and Means	11:00 a.m.	Briefing: Tax Briefing-Comptroller's Office	
House Judiciary	1:00 p.m.	HB 8	Crimes-Electronic Communication-Harassment
		HB 39	State and Local Government-Officials and General Assembly Members-Legislative Privilege Exception

Friday, January 20, 2012

Joint Hearing Room House Appropriations and House Ways and Means	1:00 p.m.	Maintenance of Effort and Update on K-12 Education	
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