



Maryland Student Legislature

***2003 – 2004
Compendium***

for the
15th Annual Legislative Session
of
Maryland Student Legislature



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Hello from the members of the Maryland Student Legislature. Composed of delegations from more than fifteen colleges and universities across the state and individual members whose personal ideologies span the political spectrum, the MSL acts as a simulation of the Maryland General Assembly. We hold three legislative sessions throughout the school year where we consider legislation that our members have written. Each piece of legislation is presented by its sponsor in a committee, if it receives a favorable committee recommendation it is debated on the floor, and if passed by a majority of our members it is presented to our Governor to either sign or veto.

We not only learn the ins and outs of the legislative process at our sessions, but we also strive to act as the voice of Maryland's college students to you, our elected officials. Our members are some of the best informed, most politically involved college students in the state. Working with similar organizations across the state, and indeed across the nation, we truly are fulfilling our mission of developing "tomorrow's leaders today." An integral part of that mission, however, is the involvement of community leaders like you. Whether by attending one of our legislative sessions as a guest speaker or just to observe what we do, stopping by our annual legislative reception, or simply taking a few minutes to read through this document, your continued support is both essential and greatly appreciated by all of us.

This compendium includes legislation passed by the Maryland Student Legislature during our 2003-2004 legislative year. Some of the acts and resolutions may look familiar to you as they concern topics that you yourselves have debated. Others are rather original ideas that spring from the diverse nature of our membership. They all have one thing in common though, the hard work of their respective sponsors to write them, present them in one of our committees, and gain the support needed to pass them on the debate floor during one of our legislative sessions. With that in mind, it is our sincere hope that you will take a moment to look through this document and see what Maryland's college students are thinking about the issues of the day. Thank you for your time, and for your service to our great state. We look forward to working with you throughout the upcoming school year.

Respectfully,

Christal L. Shrader
Attorney General, Maryland Student Legislature



AN ACT CONCERNING

Legislative Districting – Single-Member Delegate Districts

FOR the purpose of amending the Constitution of the State of Maryland to include single-member delegate districts; requiring that each delegate elected to the House of Delegates shall represent a single-member delegate district; providing that each legislative district contain three single-member delegate districts; and generally relating to the establishment of legislative districts.

BY proposing an amendment to the Constitution of Maryland
Article III – Legislative Department
Section 3

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE
That it be proposed that the Constitution of Maryland read as follows:

Article III – Legislative Department

3.

The State shall be divided by law into legislative districts for the election of members of the Senate and the House of Delegates. Each legislative district shall contain one (1) Senator and three (3) Delegates. ~~Nothing herein shall prohibit the subdivision of any one or more~~ EACH of the legislative districts SHALL BE DIVIDED INTO THREE (3) SINGLE-MEMBER DELEGATE DISTRICTS for the purpose of electing members of the House of Delegates ~~into three (3) single member delegate districts or one (1) single member district and one (1) multi member delegate district.~~ EACH DELEGATE SHALL REPRESENT ONE (1) SINGLE-MEMBER DELEGATE DISTRICT.

SECTION 2. AND BE IT FURTHER ENACTED, that this proposed amendment to the Constitution of the State of Maryland shall be effective as of January 1, 2011.



AN ACT CONCERNING

Election Law - Candidate Nomination Procedures

FOR the purpose of replacing candidate nomination procedures that were found to be unconstitutional by the Maryland Court of Appeals. This Act will allow non-principal political parties to have a fair method to nominate candidates for elected office.

BY repealing, and reenacting, with amendments,
Article – Election Law
Section § 4-102(f), § 5-701 and § 5-703(b)
Annotated Code of Maryland
(2003 Volume)

Preamble

WHEREAS: Maryland’s previous double-petition requirement for nomination of candidates by non-principal political parties served no legitimate state interest, was unfair, and discriminatory.

WHEREAS: Real Choice is vital in democratic elections.

WHEREAS: Many candidates for running for elected office in Maryland are unopposed in the general election. Approximately 33% of candidates for the Maryland General Assembly in recent history have ran unopposed in the general election. Also on several occasions a statewide office has gone uncontested on the general election ballot since 1940.

WHEREAS: Every political party recognized by the state should have a means of nominating candidates and placing them on the election ballot that is not overly burdensome. This Act would allow all political parties to get their candidates on the ballot more easily; giving voters more choices.

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the law of Maryland read as follows:

Article - Election Law

§ 4-102.

(f) Nomination of candidates. - ~~Unless a new political party is required to hold a primary election to nominate its candidates under Title 8 of this article, the new political party may nominate its candidates by:~~

~~(1) petition in accordance with Title 5 of this article; or~~

~~(2) if at least 1% of the State's registered voters, as of January 1 in the year of the election, are affiliated with the political party;~~

IF A NEW POLITICAL PARTY IS A PRINCIPAL POLITICAL PARTY, THEN IT IS REQUIRED TO HOLD A PRIMARY ELECTION TO NOMINATE ITS CANDIDATES UNDER TITLE 8 OF THIS ARTICLE. ANY NON-PRINCIPAL POLITICAL PARTY MAY NOMINATE ITS CANDIDATES BY PRIMARY ELECTION OR BY convention in accordance with rules adopted by the political party.

§ 5-701.

In general. Nominations for public offices that are filled by elections governed by this article shall be made:

(1) by party primary, for candidates of a principal political party; or

(2) by ~~petition for~~ PARTY PRIMARY OR CONVENTION, FOR CANDIDATES OF A NON-PRINCIPAL POLITICAL PARTY; OR

~~(i) candidates of a political party that does not nominate by primary; or~~

~~(ii)~~ (3) BY PETITION FOR: candidates not affiliated with any political party.

§ 5-703.

(b) In general.- A candidate for a public office may be nominated by petition under this subtitle if the candidate does not seek nomination through a POLITICAL party ~~primary~~.

SECTION 2. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general or public local, inconsistent with this Act, are repealed to the extent of their inconsistency.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.



AN ACT CONCERNING

CHILD SUPPORT ENFORCEMENT

FOR the purpose of increasing penalties and modifying child support enforcement procedures in the State of Maryland.

BY adding to and modifying
Article - Family Law
§ 10-119
Annotated Code of Maryland

SECTION 1 BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE THAT MARYLAND LAW BE ENACTED AS FOLLOWS:

- (a) (1) In this section the following words have the meanings indicated.
- (2) "License" has the meaning stated in § 11-128 of the Transportation Article.
- (3) "Motor Vehicle Administration" means the Motor Vehicle Administration of the Department of Transportation.
- (b) (1) Subject to the provisions of subsection (c) of this section, the Administration shall notify the Motor Vehicle Administration of any obligor who is ~~60 days~~ \$500.00 or more out of compliance with the most recent order of the court in making child support payments if:
- (i) the Administration has accepted an assignment of support under Article 88A, § (b)(2) of the Code; or
- (ii) the recipient of support payments has filed an application for support enforcement services with the Administration.
- (2) Upon notification by the Administration under this subsection, the Motor Vehicle Administration:
- (i) shall suspend the obligor's license or privilege to drive in the State; and
- (ii) may issue a work-restricted license or work-restricted privilege to drive in the State in accordance with § 16-203 of the Transportation Article.
- (c) (1) Before supplying any information to the Motor Vehicle Administration under this section, the Administration shall:
- (i) send written notice of the proposed action to the obligor, including notice of the obligor's right to contest the accuracy of the reported arrearage by requesting an investigation; and;
- (ii) give the obligor ~~a reasonable~~ FOURTEEN DAYS opportunity to contest the accuracy of the information.
- (2) (i) Upon receipt of a request for investigation from the obligor, the Administration shall ~~conduct~~ COMPLETE WITHIN FOURTEEN DAYS an investigation as to the accuracy of the reported arrearage.
- (ii) Upon completion of the investigation, the Administration shall notify the obligor of the results of the investigation and the obligor's right to appeal to the Office of Administrative Hearings.

- (3) (i) An appeal under this section shall be conducted in accordance with Title 10, Subtitle 2 of the State Government Article. HOWEVER, THE INFORMATION MAY BE SENT TO THE MOTOR VEHICLE ADMINISTRATION PENDING APPEAL.
- (ii) An appeal shall be made in writing and shall be received by the Office of Administrative Hearings within 20 days after the notice to the obligor of the results of the investigation.
- (4) If, after the investigation or appeal to the Office of Administrative Hearings, the Administration finds that it erred in making a decision, the Administration ~~may not send~~ MUST REVOKE any information about the obligor SENT to the Motor Vehicle Administration.
- (5) The Administration may not send any information about an obligor to the Motor Vehicle Administration if:
 - (i) the Administration reaches an agreement with the obligor regarding a scheduled payment of the obligor's child support arrearage or a court issues an order for a scheduled payment of the child support arrearage; and
 - (ii) the obligor is FULLY complying with the agreement or court order.
- (d) If after information about an obligor is supplied to the Motor Vehicle Administration the obligor's arrearage is paid in full ~~or the obligor has demonstrated good faith (omit totally) by paying the ordered amount of support for 6 consecutive months~~ the Administration shall notify the Motor Vehicle Administration to reinstate the obligor's license or privilege to drive.
- (E) IF THE OBLIGOR FALLS \$1,500 OR MORE IN ARREARAGE, REGARDLESS OF THE CURRENT AGREEMENTS THE ADMINISTRATION SHALL, IN ORDER TO ENFORCE THE ORIGINAL ORDER, BE EMPOWERED TO PLACE A BOOT ON THE VEHICLE OF THE OBLIGOR UNTIL FULL PAYMENT IS MADE.
- (F) IF THE OBLIGOR FALLS \$2,500 OR MORE IN ARREARAGE, THE ADMINISTRATION SHALL HAVE THE POWER TO PLACE ADMINISTRATIVE LIENS AGAINST AND HAVE THE POWER TO SEIZE ALL REAL AND PERSONAL PROPERTY OF THE OBLIGOR UNTIL EITHER THE ARREARAGE IS SATISFIED OR THERE IS NO MORE PROPERTY THAT A LIEN AND/OR SEIZURE CAN BE PLACED AGAINST.
- (g) The Secretary of Human Resources, in cooperation with the Secretary of Transportation and the Office of Administrative Hearings, shall adopt regulations to implement this section.

SECTION 2 AND BE IT FURTHER ENACTED, that this law will take effect January 1st, 2005



AN ACT CONCERNING

Red Light Camera Repeal

FOR the purpose of prohibiting the use of traffic control signal monitoring systems to determine compliance with the Maryland Vehicle Law, except under certain circumstances, and generally relating to the use of traffic control signal monitoring systems to determine compliance with certain laws and regulations.

BY repealing and reenacting, without amendments,
Article-Transportation
Section 21-202(h) and 21-202.1(a)(5)
Annotated Code of Maryland
(2002 Replacement Volume)

BY repealing and reenacting, with amendments,
Article-Transportation
Section 21-202.1(b)
Annotated Code of Maryland
(2002 Replacement Volume)

Preamble

WHEREAS: Modern technology is constantly improving; and,

WHEREAS: Red light cameras invoke privacy and legal infringements, like violation of the 4th and 14th Amendments, violation of our nation's tradition of innocence until proven guilty, unlawful use of police power to levy taxes; and,

WHEREAS: Red light cameras have been known to operate solely as a source of revenue for some cities, such as San Diego, where in an 18 month period over \$18.5 million dollars in fines were collected from one camera site, and where said camera sites were found to be steeped in corruption through the use of shortened yellow lights, movement of sensor pads and where camera sites did not correspond with highest rates of red light running; and,

WHEREAS: Alaska, New Jersey, Utah and Wyoming have already banned photo enforcement systems suggesting Maryland could do it.

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the Laws of Maryland read as follows:

Article-Transportation

§ 21-202

(h) (1) Vehicular traffic facing a steady circular red signal

alone:

- (i) Shall stop at the near side of the intersection:
 - 1. At a clearly marked stop line;
 - 2. If there is no clearly marked stop sign, before entering any crosswalk; or
 - 3. If there is no crosswalk, before entering the intersection; and
 - (ii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.
- (2) Vehicular traffic facing a steady red arrow signal:
- (i) May not enter the intersection to make the movement indicated by the arrow;
 - (ii) Unless entering the intersection to make the movement permitted by another signal, shall stop at the near side of the intersection:
 - 1. At a clearly marked stop line;
 - 2. If there is no clearly marked stop line, before entering any crosswalk; or
 - 3. If there is no crosswalk, before entering the intersection; and
 - (iii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal permitting the movement is shown.

§ 21-202.1.

- (a) (5) “Traffic control signal monitoring system” means a device with one or more motor vehicle sensors working in conjunction with a traffic control signal to produce recorded images of motor vehicles entering an intersection against a red signal indication.
- (b) [This section applies to a violation of *21-202(h) of this subtitle at an intersection monitored by a traffic control signal monitoring system.]
- (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM MAY NOT BE USED TO DETERMINE COMPLIANCE WITH THE MARYLAND VEHICLE LAW OR ANY LOCAL TRAFFIC LAW OR REGULATION.
- (2) A TRAFFIC CONTROL SIGNAL MONITORING SYSTEM MAY BE USED TO DETERMINE COMPLIANCE WITH *21202(h) OF THIS SUBTITLE:

- (I) IN A SCHOOL ZONE;
- (II) AT A RAILROAD CROSSING; OR,
- (III) WHEN A LAW ENFORCEMENT OFFICER IS PRESENT AT THE LOCATION WHERE THE TRAFFIC CONTROL SIGNAL MONITORING SYSTEM IS BEING USED AND, FOR A VIOLATION DETECTED BY THE TRAFFIC CONTROL SIGNAL MONITORING SYSTEM ISSUES A CITATION AT THE GENERAL TIME AND PLACE OF THE VIOLATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2005.



AN ACT CONCERNING

Criminal Law – Sale of Clove Cigarettes

FOR the purpose of eliminating the prohibition on the sale of clove cigarettes in the State of Maryland.

BY repealing

Article – Criminal Law

Section 10-106

Annotated Code of Maryland

(2002 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, that the laws of Maryland read as follows:

Article – Criminal Law

~~§ 10-106. Sale of clove cigarettes.~~

~~(a) Prohibited.— A person may not sell or offer for sale a clove cigarette.~~

~~(b) Penalty.— A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of \$500.~~

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect July 1, 2004.



**RESOLUTION CONCERNING THE
THE CONSTITUTIONALITY OF STATES' FIREARMS LAWS AND REGULATIONS**

- HEREAS:** The Second Amendment to the United States reads as follows, “A well regulated militia, being necessary to security of a free state, the right of the people to keep and bear arms, shall not be infringed”; and,
- WHEREAS:** The Fourth Amendment of the United States reads as follows, “The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by an oath of affirmation, and particularly describing the place to be searched and the persons or things to be seized; and,
- WHEREAS:** The Fifth Amendment of the United States reads in part, “... [No person] be deprived of life, liberty, or property without due process of law”; and,
- WHEREAS:** The Ninth Amendment of the United States reads as follows, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”; and,
- WHEREAS:** The Tenth Amendment of the United States reads as follows, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People; and,
- WHEREAS:** The definition of infringe is, “To encroach on someone or something”; and,
- WHEREAS:** In the case of United States v. Verdugo-Urquidez, the Court unanimously held that the term “The People” in the Second Amendment had the same meaning as in the Preamble to the Constitution and in the First, Fourth, and Ninth Amendments, i.e., that “The People” means at least all citizens and legal aliens while in the United States; and,
- WHEREAS:** All fifty states have varying gun laws and restrictions that infringe upon the the right to keep and bear arms as defined in the Second Amendment; and,
- WHEREAS:** There have been incidents in several states and localities where State and/or Local officials have confiscated firearms from law abiding citizens; and,
- WHEREAS:** Washington DC’S ban on handgun sales took effect in 1977 and by the 1990’s the city’s murder rate had tripled; and,
- WHEREAS:** Chicago imposed handgun registration in 1968, and murders with handguns continued to rise. Its registration system in place, Chicago imposed a DC style handgun ban in 1982, and over the next decade the annual number of handgun-related murders doubled; and,
- WHEREAS:** California increased its waiting period on retail and private sales of handguns from five to fifteen days in 1975, outlawed “assault weapons” in 1989 and

subjected rifles and shotguns to the waiting period in 1990. Yet since 1975, the state's annual murder rate has averaged 32% higher than the rate of the rest of the Nation; and,

WHEREAS: Maryland has imposed a waiting period and a gun purchase limit, banned several small handguns, restricted "assault weapons" and regulated private transfers of firearms, even between family members and friends, yet for the last decade its murder rate has averaged 44% higher than the rest of the Nation and its robbery rate has averaged highest amongst all states; and,

WHEREAS: New York has had a hand gun licensing law since 1911, yet until the New York City Police Department began a major crackdown on crime in the 1990's, New York's violent crime rate was highest amongst U.S. cities.

THEREFORE BE IT RESOLVED: The Maryland Student Legislature urges Solicitor General Ted Olson to file a legal brief with the United States Supreme Court, urging the High Court to declare unconstitutional those State laws and regulations that violate the Constitution by infringing on the right to keep and bear arms as well as those that violate other amendments in the constitution.



**A RESOLUTION CONCERNING
A MORATORIUM ON INTERNET TAXES**

- WHEREAS:** Internet sales account for a large portion of our consumer driven economy; and,
- WHEREAS:** The internet is one of the last venues where the government has little regulation or control over; and,
- WHEREAS:** Congress has banned internet taxes since October 1, 1998; and,
- WHEREAS:** The moratorium of internet taxes is set to be lifted as of November 1, 2003; and,
- WHEREAS:** Representative Christopher Cox of California has introduced a piece of legislation entitled "To permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes;" and,
- WHEREAS:** This piece of legislation is pending in the US Senate after passing the US House of Representatives.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the United States Congress to pass a four-year moratorium on internet taxes.



**A RESOLUTION CONCERNING THE BAN ON
PARTIAL BIRTH ABORTIONS**

- WHEREAS:** President Bush and the Congress of the United States overwhelmingly passed the partial-birth abortion ban; and,
- WHEREAS:** Partial-birth abortion is an affront to humanity and a procedure that murders innocent children; and,
- WHEREAS:** This specifically mentioned Dilation and Extraction & X procedure is never used to save a woman's health; and,
- WHEREAS:** This partial-birth abortion ban is widely accepted by the vast majority of citizens of the United State; and,
- WHEREAS:** Liberal judges have once again taken it upon themselves to legislate from the bench; and,
- WHEREAS:** America must fight to save the lives of these precious children.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature roundly rejects the notion of judicial activism and urges President Bush to fight to these left-wing interest groups in order to keep partial-birth abortions illegal and criminalized.



A RESOLUTION CONCERNING A BAN ON ASEXUAL HUMAN CLONING

- WHEREAS:** “Human Cloning” means human asexual reproduction accomplished by introducing the nuclear material of one or more human somatic cells into a fertilized or unfertilized oocyte whose nucleus has been or will be removed or inactivated to produce a living organism at any stage of development with a human or predominantly human genetic constitution; and,
- WHEREAS:** As the technology for human cloning has emerged but has not been tested for long-term effects; and,
- WHEREAS:** The risks of genetic abnormalities as a result of the cloning process have not yet been fully explored as the technology is still recent; and,
- WHEREAS:** The cloning of a human being has the potential to impact negatively on the emotional health of a community; and,
- WHEREAS:** There is a great potential for risk with this technology that it will be abused; and,
- WHEREAS:** Human cloning technology has the potential to be problematic to society and should not be allowed to be practiced.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Maryland House of Delegates to pass House Bill 481 (Human Cloning Prohibition Act of 2004) as quickly as possible; and,
- BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the Maryland Senate to pass Senate Bill 472 (Human Cloning Prohibition Act of 2004) as quickly as possible; and,
- BE IT FURTHER RESOLVED:** That the Maryland Student Legislature supports all criminal punishments set forth in the act and hopes that they will be enforced utmost extent of the law.



A RESOLUTION CONCERNING THE STATE OF MARYLAND'S PROPOSED STATE-WIDE SMOKING BAN

- WHEREAS:** The Maryland Gazette reports that during the 2004 legislative session, State Senator Ida G. Ruben (D) intends to propose a state-wide smoking ban similar to the one enacted by the Montgomery County Council; and,
- WHEREAS:** Montgomery County's smoking ban has been modified twice by the Maryland Circuit Court and once by the Maryland Supreme Court; and,
- WHEREAS:** State Senator, representing Baltimore City, George W. Della (D) voted against Senator Ruben's proposed legislation in the 2003 legislative session, stating that, "Businesses should decide how to run their establishments and there has been no one beating down my door saying, 'You've got to do this. It's a priority.' That's not happening with the constituents I represent"; and,
- WHEREAS:** On September 15, 2003 a coalition of restaurant owners doing business in Montgomery County, filed a lawsuit claiming the County Council overstepped its authority when passing the County's indoor smoking ban; and,
- WHEREAS:** On November 27, 2002 that same ordinance was withdrawn by the Montgomery County Council after receiving much criticism, including international criticism; for example one European commentator likened the Montgomery County smoking ban to the "authoritarian excesses of the Afghanistan Taliban"; and,
- WHEREAS:** The American Civil Liberties Union, an organization known for its mostly liberal stances on many issues publicly stated that a smoking ban goes too far; and,
- WHEREAS:** The direct quote from the ACLU spokesperson on this issue of a smoke ban is, "If someone can just say, 'Yuck, I don't like the smell of cigarettes,' that's no different than saying, 'Yuck, I don't like the smell of your cooking because you used too much garlic.'"; and,
- WHEREAS:** Senator Ruben has decided that she is going to use the "facts" of an EPA study that "proves" second hand smoke is and should be a public health concern; and,
- WHEREAS:** In 1998 Judge William Osteen vacated the study - declaring it null and void after extensively commenting on the shoddy way it was conducted. His decision was 92 pages long; and,
- WHEREAS:** When confronted with this decision, many anti-tobacco activists organizations harp on the fact that Judge Osteen lives in North Carolina. The obvious implication is that he's influenced by the tobacco industry in his state; and,
- WHEREAS:** Judge Osteen has a history of siding with the government on tobacco cases and

in 1997 Judge Osteen ruled the FDA had the authority to regulate tobacco; and,

WHEREAS: Washington DC, the capital of the free world, and a direct neighbor to great State of Maryland, is considering a smoking ban in private establishments; and,

WHEREAS: If Washington DC were to impose a ban on smoking in private establishments such as bars, restaurants and clubs, and Maryland did not pass Senator Ruben's proposed ban, Maryland could greatly benefit economically from the new businesses that would surely open their doors in Maryland; and,

WHEREAS: According to the Restaurant Association of Maryland, since Montgomery County's ban on smoking in private establishments, business is off by about 30% on weeknights, and 50% on weekends; and,

WHEREAS: There is nothing wrong with the public's health education; many endowments have been set up to enlighten the public of the dangers of smoking and even the tobacco companies themselves are forced by court order to pay for advertising and public information campaigns to warn people of the dangers of smoking; and,

WHEREAS: On every pack of cigarettes there is a warning that reads as follows, "SURGEON GENERAL'S WARNING: Smoking causes lung cancer, heart disease, emphysema, and may complicate pregnancy," and, the Surgeon General has had warnings concerning the smoking of cigarettes since 1964; and,

WHEREAS: If Senator Ruben's legislation were to pass, an argument could be made that we should return to prohibition on alcohol because if someone were to drink too much they may get behind the wheel of a car and kill another human being; and,

WHEREAS: Senator Ruben feels in some circumstances Marylanders should be allowed to break the law and smoke illegal substances and has voted to ease the penalties for such an offense; and,

WHEREAS: When this country was first founded, the Declaration of Independence was sent to the King and it reads in part, "We hold these truths to be self-evident, that all are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, *deriving their just powers from the consent of the governed.*"

THEREFORE BE IT RESOLVED: The Maryland Student Legislature urges The Maryland General Assembly, specifically the Judiciary Committee, to vote no on Senator Ida Ruben's proposal to enact a state-wide workplace smoking ban; and,

BE IT FURTHER RESOLVED: If this legislation were to pass both houses of the Assembly, the Maryland Student Legislature urges Governor Robert Ehrlich to veto the measure.



A RESOLUTION CONCERNING AN AMENDMENT TO THE U.S. CONSTITUTION REGARDING THE ELECTORAL COLLEGE

- WHEREAS:** It is the Electoral College, not the public that elects the President of the United States of America; and,
- WHEREAS:** The number of electoral votes per state is determined by two senators per state and in addition, the number of representatives based on the population of that state according to the U.S. Census; and,
- WHEREAS:** In total, there are 538 members of the Electoral College; and,
- WHEREAS:** The Electoral College gives all of a state's electoral votes to the winner of that state, no matter how slim the margin between the candidates is; and,
- WHEREAS:** Although a claim, minority interests cannot be maintained under a method that adheres to a winner-take-all system, where the majority automatically dominates; and,
- WHEREAS:** For example, in the state of California, the candidates for President and Vice President who receive the majority of the votes are then awarded all 54 electoral votes, even in cases where the majority is slim; and,
- WHEREAS:** Since 1972, Maine and later in 1996, Nebraska, uses an alternative method called "Congressional Districting" where the state reward individual electoral votes to the candidate who wins the most votes in a Congressional District and gives the remaining two votes to the candidate who received the most votes statewide; and,
- WHEREAS:** Congressional Districting recognizes the geographical divisions within states and also reduces political dominance of the large industrial states by splitting their electoral votes among candidates; and,
- WHEREAS:** Congressional Districting allows for more accuracy and better representation of the people within a state; and,
- WHEREAS:** If every state does not adopt Congressional Districting, one party might gain an unfair advantage over another; and,
- WHEREAS:** The importance of populous states will be diluted if the state distributes electoral votes by congressional districts; and,
- WHEREAS:** For example, one candidate in California could receive 30 electoral votes while his or her opponent could receive the remaining 24 electoral votes, thus leveling out the playing field and diluting the state's populace bias; and,

WHEREAS: In the 2000 election rather than Bush take all of the electoral votes, although the margin was slim, the electoral votes would be distributed between the two candidates in order to recognize the many votes that were not for Bush; and,

WHEREAS: If every state does not adopt a unified system the more populous states will be weighed more heavily against the other states which, through Congressional Districting, distribute electoral votes evenly; and,

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges Congress and 50 state legislatures to amend the Constitution to reform the Electoral College to create a unified, Congressional Districting, system to ensure that votes are distributed fairly and accurately; and,

BE IT FURTHER RESOLVED: The Electoral College must be reformed in order to assure the presence of democracy through fair elections once 2/3 of Congress and ¾ of the state legislatures approve; and,

BE IT FURTHER RESOLVED: Pending the approval from Congress and the state legislatures, this amendment will go into effect for the 2008 Presidential Election.



AN RESOLUTION CONCERNING MARYLAND'S MUTE SWAN POPULATION

- WHEREAS:** Mute swans, a species not native to the Chesapeake Bay ecosystem, were first introduced into the wild in Maryland in 1962; and
- WHEREAS:** Although Maryland's mute swan population was just five in 1962, the State's current mute swan population is over 4,000 and estimated to grow to anywhere from 11,000 to 38,000 by 2010; and
- WHEREAS:** One mute swan can eat 8 lbs. of bay grasses per day, and the entire population consumes 10 million lbs. (10% of the Bay's aquatic vegetation) per year; and
- WHEREAS:** The Alliance for the Chesapeake Bay, on a scale of 1-100, gives the health of the Bay's underwater grasses a 22; and
- WHEREAS:** Non-native mute swans are naturally aggressive and have been known to attack and kill native species, including those considered threatened or endangered; and
- WHEREAS:** Mute swans displace natural species, including Maryland's State Crustacean, the Maryland Blue Crab, from their habitat; and
- WHEREAS:** Humans have been attacked by mute swans in the Chesapeake Bay; and
- WHEREAS:** The Migratory Bird Treaty Act of 1918 (MBTA), which grants federal protection to certain listed species of birds, does not list the mute swan as a protected bird species; and
- WHEREAS:** In 2001, the D.C. Circuit Court, in the case of *Hill v. Norton*, 275 F.3d 98, ruled that mute swans were protected by MBTA; and
- WHEREAS:** The *Hill* ruling is a clear example of legislating from the bench; and
- WHEREAS:** The questionable ruling in *Hill*, and a subsequent suit filed by one animal rights group, have halted Maryland's attempt to control the Chesapeake Bay's potentially dangerous mute swan population; and
- WHEREAS:** H.R. 4114, introduced by Congressman Wayne Gilchrest, would remove mute swans from federal protection under the MBTA, and allow Maryland to kill some of these birds in order to control their population; and
- WHEREAS:** Groups supporting the reduction of the Chesapeake Bay's mute swan population include the Maryland Ornithological Society, Cornell Laboratory of Ornithology, Cooper Ornithological Society, International Association of Fish and Wildlife Agencies, National Audubon Society, Wildlife Management Institute, Environmental Defense, Ducks Unlimited, and American Bird

Conservancy; and

WHEREAS: An unchecked, uncontrolled mute swan population poses an extremely dangerous threat to the Chesapeake Bay's ecosystem.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature strongly urges the United States Congress to pass H.R. 4114; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature extends its thanks to Congressman Gilchrest for his leadership and initiative on this issue; and,

BE IT FURTHER RESOLVED: That should H.R. 4114 not pass the U.S. Congress, the Maryland Student Legislature urges Governor Robert L. Ehrlich, Jr. to order the Department of Natural Resources and the Maryland State Police to not enforce any existing federal regulation regarding the prohibitions against the killing of mute swans.



**A RESOLUTION CONCERNING AIDING THE DECLINING HORSE
INDUSTRY IN MARYLAND BY ENACTING LEGISLATION THAT WOULD
AUTHORIZE SLOTS AT MARYLAND HORSE RACING TRACKS**

- WHEREAS:** Rosecroft Raceway in Fort Washington, MD currently races 10 races a day 3 days a week with purses averaging from \$2000-\$5000; and,
- WHEREAS:** Ocean Downs in Berlin, MD currently races 10 races a night, 5 days a week for a two-month period with purses averaging from \$2000-\$3000 and no higher than \$4500; and,
- WHEREAS:** Harrington Raceway in Harrington, DE currently races 15 races a night, 5 days a week for a three-month period with purses averaging from \$5000-\$12,000 with no purse being less than \$3700; and,
- WHEREAS:** Dover Downs in Dover, DE currently races 15 races a night, 5 days a week for a seven-month period with purses ranging from \$5000-\$25,000 with some as high as \$40,000; and,
- WHEREAS:** Before slots were introduced in Delaware, both Dover and Harrington raced only 10 races a night four days a week in a much shortened season; and,
- WHEREAS:** Before slots were introduced in Delaware, purses at Dover Downs ranged from \$500-\$1500 and purses at Harrington Raceway ranged from \$400-\$1000; and,
- WHEREAS:** Brandywine Raceway in Wilmington, DE closed in 1989 primarily, because its purses could not compete with Rosecroft Raceway in Maryland and The Meadowlands in New Jersey; and,
- WHEREAS:** All races in \$10,000 claiming class and below with some other misc. classes comprising 40% of races at Dover or Harrington are reserved solely for horses that are stabled in Delaware or were bred in Delaware; and,
- WHEREAS:** With added revenues from slots, Harrington recently built a huge training center for horses complete with 270 stalls, an indoor training pool, 1/2 mile and 7/8 mile training tracks all professionally maintained; and,
- WHEREAS:** With added revenues from slots, Harrington recently completed three large arena-type barns for community to use for livestock shows, rodeos, concerts ,etc; and,
- WHEREAS:** With added revenues from slots, Dover Downs recently built a large conference-type hotel that host many non-profit organizations, area businesses as well as numerous concerts and shows; and

WHEREAS: With added revenues from slots, Delaware Park in Wilmington, DE built recently a world-class 18-hole golf course; and,

WHEREAS: In Cecil County alone horses use 6000 pounds of hay and straw a day

WHEREAS: The horse racing industry currently employs about 21,000 people in the state of Maryland; and,

WHEREAS: All of Maryland's horse tracks with the exception of Ocean Downs are located in the Baltimore/Washington Metropolitan area; and

WHEREAS: The state of Maryland already spends tens of millions to "boost" purses at its horse tracks.

THEREFOR LET IT BE RESOLVED: That the Maryland Student Legislature supports the legalization of video slot terminals at Maryland horse racing tracks in order to boost the declining horse industry in the state; and

BE IT FURTHER RESOLVED: That the Maryland Student Legislature supports that \$20 million of slots revenue be given to the Maryland Horse Breeding Assoc; and

BE IT FURTHER RESOLVED: That the Maryland Student Legislature supports that \$70 million of slots revenue is used to boost purses in all of Maryland's horse racing tracks; and

BE IT FURTHER RESOLVED: That the Maryland Student Legislature supports that track owners required to keep a set number of races a year and they would keep a certain percentage of "cheaper" claim races as to encourage newcomers to start out in the field of horse racing