



REPORT FROM STATE CIRCLE 2011



Published by the League of Women Voters of Maryland, Inc.
111 Cathedral Street, Annapolis MD 21401
phone - 410-269-0232 *** email - lwvmd@verizon.net *** web page - lwvmd.org

Nancy Soreng, President
Judith Heimann, Editor

February 9, 2011
Issue No. 2

TABLE OF CONTENTS

Administration of Justice	9	Guns	8
Basic Human Needs	11	Health Care	10
Budget	3	Immigration	11
Campaign Finance	6	Juvenile Justice	13
Children's Services	12	Marriage Equality	4
Death Penalty	2	Revenues	4
Education	1	Transportation	8
Elections	5		
Environment	5		

EDUCATION

Several financial literacy bills have been reintroduced in the House and Senate after failing to pass last year despite being introduced by the co-chair of the Task Force to Study How to Improve Financial Literacy, Senator Anthony Muse. This year's cross-filed bills, **HB 127/SB 262 - State Board of Education - Financial Literacy Curriculum - Graduation Requirement** (Walker plus 36)/Klausmeier plus 14) are identical to another House bill, **HB 224** filed by Delegate Carter and six others. The bills require the State Board of Education (SBE) to develop a semester long course in financial literacy that each county board would have to implement and that would be mandated for high school graduation. The State Board usually resists legislatively mandated curricula which probably accounts for the bills' demise last year. (SB 262 hearing in EHEA on 2/16; HB 127 and HB 224 hearings in W&M on 2/17)

Another repeat is Delegate Walker's bill, **HB 364 - Student Participation in High School Sports - Academic Requirements** that would require the SBE to adopt academic standards, including course content and a minimum Grade Point Average, for students to be eligible to participate in athletic competitions.

Continuing to reflect the national interest in reducing childhood obesity and absenteeism, Delegate Walker and 39 others have introduced **HB 168 - Student Health and Fitness Act** that would require elementary students to participate in 150 minutes of physical activity weekly, 90 minutes of which would be physical education. The bill is virtually identical to one introduced late in the session last year. Current law requires public schools to have a physical education program for all public school grades but does not specify time allotments. (Hearing 2/17 in W&M)

Another approach to reducing absenteeism is incorporated in **HB 191 - Public Schools - Student Attendance - Preventing Chronic Absenteeism** (Gutierrez plus 33). All public schools would have to keep a record of students chronically absent or those who have high attendance by four categories: grade level, race and ethnicity, ESL and special education status. The information would be compiled for each county and submitted to the SBE annually. In addition each local school board would be required to develop and implement an attendance incentive action plan with specified components.

Once again Senator DeGrange and nine others have introduced the BOAST bill, **SB 315 - Building Opportunities for All Students and Teachers in Maryland Tax Credit**, which would provide publicly funded scholarships to low income students and to teachers at eligible non public schools for graduate work. A 501(c) (3) organization would be set up to provide the scholarships, and eligible businesses that contribute to the organization could claim a tax credit up to \$200,000 annually. Standards for contributors and scholarship recipients would be set by the State Department of Education (SDE). Last year's bill passed the Senate, but was defeated in the House W&M Committee due to strong opposition from the LWVMD and many other organizations which oppose public funding (tax credits in this case) for vouchers to parents who send their children to nonpublic elementary and secondary schools.

SB 202 - Education - Discrimination Prohibited - Protected Classes (Kaiser plus 19) would conform the discrimination clause in the Education Article to similar provisions in other areas of state law. Added to existing law would be a prohibition on discrimination due to ancestry, age, marital status and sexual orientation. In addition the term "handicap" is changed to "disability".

SB 284 - Education - High School Graduation Records - Collection, Maintenance, Analysis and Reporting has been introduced by the Chair of the EHEA Committee at the request of the SDE to conform the graduation rate formula adopted several years ago to be consistent with federal regulations regarding the definition of a four year cohort of entering ninth grade students and of racial and ethnic categories. (Hearing 2/16 in EHEA)

Funding Issues

HB 72/SB 87 - The Budget Reconciliation and Financing Act of 2011 (BRFA) (Speaker/President for the Administration) includes, among its many provisions, two important sections that deal with K-12 public schools. Although the state funding total for K-12 education in FY 2012 would be essentially the same as it is in FY 2011, the change proposed in the BRFA bill directs funding away from some jurisdictions and into others. The target per pupil basic foundation amount in the Thornton state aid program that is distributed on the basis of enrollment and is wealth equalized would be reduced from \$6,694 in FY 2011 to \$6,599 in FY 2012 and for several years into the future. The negative impact of this reduction is felt most strongly in those counties where enrollment has remained flat or decreased. Where enrollment has increased sufficiently, Thornton state aid would also increase.

The BRFA bill also includes proposed changes in public school teacher retirement benefits totally funded by the state. To reduce state liability into the future, calculations of benefits would be reduced for new employees even though their required percentage contribution to the pension fund would increase and for current employees who decide not to increase their percentage contributions. There would be no impact on current retirees.

Lois Stoner

DEATH PENALTY

No bills relating to capital punishment have been filed at this writing. Legislation to repeal the Maryland death penalty is, however, expected. The status of Maryland law in this area is set forth in *RSC 1*.

Marcia Reinke

BUDGET

The Governor's proposed 2012 budget (SB85/HB70) totals \$34.1 billion, a 3.2 % increase from the fiscal 2011 budget as enacted.

The Spending Affordability Committee, consisting of 21 fiscal leaders of the General Assembly and three public members usually sets upper limit targets for budget growth based on the current and prospective condition of the economy. This year the Committee took a different approach, instead recommending that the "structural deficit" be reduced by one third or approximately \$650 million in general fund spending in an attempt to reduce the number of non-structural or one time solutions to the state's budget problems – e.g. transfers of special funds and federal stimulus dollars. While, as we indicated in our last column, these techniques have not been eliminated, the Office of Policy Analysis, Department of Legislative Services testified at a joint hearing of the House Appropriations and Senate Budget and Taxation Committees on January 24, the governor's proposed budget slightly exceeds the target with reductions of \$680 million or 34.8 % of the structural deficit. These estimates are based on assumption of passage of the governor's proposed restructuring of the retirement system (\$104 million) and some federal monies in the TANF program (\$49 million) that may not materialize. Included in the estimates is the proposal to give each state employee a "bonus" or one time payment of \$750 for a total expenditure of about \$40 million in lieu of salary increases.

General Fund expenditures would increase by \$1.4 billion (10.6%) due to the need to replace Federal funds from last year; Special funds would increase by \$443.7 million (7.4%), Federal funds would decrease by \$926 million (-9.0%) and the Higher Education Fund would increase by \$99.7 million (2.8%) Overall, the budget will increase by 3.2%. While there has been some improvement in Maryland's economy in the past year, personal income which drives both income and sales tax revenues is still down significantly from 2008. Overall, FY 12 General Fund revenues are expected to exceed those of FY 11 by 3.3%. Transportation Trust Fund monies will be used to maintain the Rainy Day Fund at 5% of revenues (\$30 million)

While state employee positions in the Executive Branch are expected to decrease by 322 positions, the number of higher education employees are planned to increase by 330. Unpaid employee furloughs are not expected this year. Increased prescription copays for state employees and a separate prescription plan for retirees are included in the Budget Reconciliation and Financing Act of 2011 (BRFA) SB87/HB72 which deals with adjustments to the current years budget. These adjustments would carry forward to FY 2012.

Medicaid expenditures will increase from \$5.9 billion to \$6.9 billion of which \$225 million is contingent on an increase in hospital assessment. State aid for public education and libraries will be level funded. State universities and colleges will receive in crease by \$118.6% including \$9 million limit in-state undergraduate tuition increases to 3%.

The governor also submitted a \$1.4 billion capital budget which includes net borrowing of \$925 million in general obligation bonds. We will have further details in the next edition of RSC along with additional information about BRFA.

For those who are interested in the budget details with regard to particular areas of concern, analyses can be found on the legislative website under Budgets/Documents/Analyses. There are a number of analyses out there now and the number should increase over time.

Barbara Hankins

REVENUES

Some major revenue bills have been filed in the past couple of weeks.

HB 121/SB 168 The Lorraine Sheehan Health and Community Services Act of 2011 (Hubbard et al) would increase the state tax rates for alcoholic beverages sold in Maryland from \$1.50 to \$10.03 per gallon for distilled spirits, from 40 cents to \$2.96 per gallon of wine and from 9 cents to \$1.16 per gallon for beer. Revenues would be used to fund a variety of health services including disability support, addiction treatment, preventions of tobacco use, health care personnel training, Medicaid, etc. (W&M and HGO) No hearings have been scheduled to date.

SB 441 Gaming - Video Lottery Terminals – Addition Forms or Expansion of Commercial Gaming by Supermajority of General Assembly (Kasemeyer et al) This Constitutional Amendment would, after approval by the voters, allow expansion of current video lottery gaming sites, additional video lottery gaming sites and “other commercial gaming” by a 3/5 vote of the House and the Senate. (B&T) No hearings have been scheduled.

SB 305 Corporate Income Tax – Combined Reporting (Pinsky et al). This bill would require the use of Combined Reporting by corporations. Corporations with multiple entities would be required to file a tax return reflecting the aggregate income tax liability of all members of the group, The Maryland Business Tax Reform Commission, established to look at combined reporting and other corporate tax issues, recommended in its December 15, 2010 report that combined reporting not be implemented in the 2011 legislative session. B&T. No hearings have been scheduled.

In addition, **HB 10 Maryland Constitution, Laws Making an Appropriation Made Subject to Petition Referendum.** (Smigiel) was prefiled and heard by House Appropriations on February 1. The Fiscal Note pointed out several problems that could arise if this bill were to pass.

Barbara Hankins

MARRIAGE EQUALITY

SB 116 Religious Freedom and Civil Marriage Protection Act, (Garagiola et al) was introduced on January 21, 2011. This bill alters a provision of law defining marriage as only valid between a man and a woman in this State and would establish that a marriage is valid between two people not otherwise prohibited from marrying in this State. It also prohibits forcing religious officials to perform same sex marriages.

HB 55 Religious Freedom and Civil Marriage Protection Act, (Simmons et al) was introduced on January 20, 2011 and **HB 175 Religious Freedom and Civil Marriage Protection Act**, (Barve et al) (59 sponsors) was introduced on January 27, 2011. (JUD - No hearing dates have been scheduled)

Senator Allan H. Kittleman has decided not to introduce a civil union bill (*RSC 1*) due to lack of support but he has stated that he will vote for **SB 116**. The Senate Republican caucus opposes the legislation.

These bills have never been considered by the full General Assembly because they have never been voted out of committee. Many feel that this is the year that they will have an up or down vote by the full body. Although Senate President Thomas V. Mike Miller opposes same sex marriage, he will help supporters of the bill avoid a filibuster. House Speaker Michael E. Busch has said that if the Senate passes a bill, “we will have a vote on it.” Governor O’Malley is expected to sign the bill if it passes.

The League supports this legislation.

Sherry Hyman

ENVIRONMENT

HB 370 Stormwater Management - Watershed Management Plans - Technical Assistance (Clagett)

The Maryland Department of the Environment (MDE), with assistance from the Department of Natural Resources, shall provide technical assistance to a local government in developing a watershed management plan for the purpose of implementing an alternative stormwater management policy for redevelopment projects. (ENV)

HB 341 Environment - At-Store Recycling - Plastic Carryout Bags (Lafferty) This bill would require that stores which give customers plastic carryout bags, provide recycle bins specifically for the used bags, provide reusable bags for purchase, and have printed on the carryout bags the name of the store and the recycling information. Failure to carry out recycling requirements regarding the bags will result in a fine that escalates from \$250 for first offense to \$1000 for third offense, and court costs for any prosecution required would be borne by the offending store. Plastic bag manufacturers must develop educational materials about recycling that will be available to the stores carrying out the program. (ENV - Hearing 2/17 1 p.m.)

HB 177 Environment - On-Site Sewage Disposal Systems - Nitrogen Removal (Lafferty et al) prohibits the installation of an on-site sewage disposal system in the State in the watersheds of the Chesapeake and Atlantic Coastal Bays to service a newly constructed building unless the system utilizes nitrogen removal technology. (ENV - Hearing 2/16 1 pm.)

SB 176 Maryland Electric Vehicle Infrastructure Council - (The President by request - Administration and Garagiola, et al/ **HB 167** - The Speaker, Stein and Cardin) - Establish a council of at least 25 members to pursue goals and objectives that promote the utilization of electric vehicles in Maryland. The Council will include a state senator, a state representative, heads of MDE, DNR, Transportation, Planning, the Public Service Commission, and MEA. Two thirds of the membership will be appointed by the Governor from specific organizations and types of electric vehicle-related businesses as well as a member of the public with expertise in energy or transportation policy. The Department of Transportation will provide staff support along with MEA and the PSC. (HB 167 ENV - Hearing 2/9 1 p.m.)

SB 129 (Glassman)/ **HB 232** (Malone) - **Study of Wetland Teaching Projects at Secondary Schools** (HB 232 – ENV Hearing 2/22 1 p.m.)

SB 153 Reorganization of State Government - Consolidating the Department of the Environment into the Department of Natural Resources (Colburn) This bill would abolish the Maryland Department of the Environment (MDE) and transfer all functions to the Department of Natural Resources. This bill failed to pass in 2009. (EHEA - Hearing 2/9 1 p.m.)

Susan Cochran

ELECTION LAWS

More election related bills have been added to the hopper, and a batch of election bills will be heard this week.

Delegate Rosenberg and others are sponsoring **HB 101 – Election Law - Petitions and Ballot Issues – Prohibited Actions**. Current law already prohibits a person from obtaining or attempting to obtain a signature on a petition by fraud, duress or force. HB 101 also prohibits a person from preventing, hindering or delaying another person from signing a petition through duress, force, threat, menace or intimidation. The bill also prohibits a person from harassing or committing a crime against another person because that person contributed to a ballot issue committee. Evidently this bill is a response to actions that occurred in California when persons who had signed a petition in favor of same sex marriage were threatened and harassed because they had signed the petition. The League will submit testimony in favor of this bill. (W&M – hearing 2/8)

HB 118 – Election Law – Qualification of Voters – Option to Present Proof of Identity would require that the voter registration application give the voter the opportunity to require a show of ID at the time he/she votes. If the voter has elected this requirement, the election judge must be shown the ID or the voter has to use a provisional ballot. This bill would allow voters to allay the fear that others may vote or attempt to vote in their place. The bill also adds a prohibition to current law to prevent to vote or attempt to vote under a false form of identification. (W&M, hearing 2/8)

HB 288 – Election Law – Qualification of Voters – Proof of Identity, introduced by Delegate Afzali and 16 other delegates is similar to other legislation introduced in the past which actually requires an election judge to establish a voter’s identity and verify the voter’s address at the polling place. The bill requires a voter to establish his or her identity by presenting a current government-issued photo identification card. A voter who is not able to present this photo ID would be required to vote by provisional ballot. The bill also requires a voter who submits a change of address at the polling place to vote by provisional ballot. In an attempt to eliminate the argument that the requirement to present photo ID to vote is an unwarranted expense, the bill provides that the MVA issue a photo ID free of charge to a person who is at least 18 years old and obtains the card for use as a voter identification card when voting. However, the requirements for obtaining a photo ID from the MVA include the need to present a birth certificate, evidence that the applicant has a Social Security number and evidence that the person has lawful status. The League will continue to testify against the requirement to present identification at the polls. Eight states now required a photo id to vote, and eighteen other state require some form of identification to vote, while Oklahomans will have this question on their ballot in 2011.

We previously reported on the introduction of **HB 5** which would limit the number of days of early voting, but **HB 126 – Election Law – Days of Early Voting** will be the first Early Voting related bill to get a hearing, on February 8th in the Ways and Means Committee. This bill, sponsored by Delegate Howard and 8 other delegates would require that early voting centers be open only on the second Friday and second Saturday before a primary or general election. Current law requires early voting polling places to be open from the second Saturday before the primary or general until the Thursday before the election. It is estimated that local government expenditures may decrease by \$1.2 million for the suggest 2 days of early voting as opposed to the currently required 6 days. In 2010, 10.2% of voters case early ballots, in the primary election and 12.6% of voters did so in the general election. Additionally, it appears that our state’s first experience with early voting did not lead to increased voter turnout. While the League encourages appropriate cost reduction and efficiencies in election administration, and we acknowledge that the short time frame between the end of early voting and election day resulted in substantial additional work for local election boards, we believe that the experience of early voting in one election cycle is not enough on which to make a change to current law. The Current law only provides for early voting in the 2010 gubernatorial elections and the 2012 presidential elections, so the issue must be revisited by the General Assembly after the 2012 elections to provide for early voting in future elections and we believe that would be the appropriate time to re-visit the cost effectiveness and efficiencies of early voting.

Lu Pierson

CAMPAIGN FINANCE

Bills introduced since RSC 1. Two of them are League priorities:

HB 32 (Bobo, et al) and **SB 339** (Manno and Frosh) - **Campaign Finance - Affiliated Business Entities - Attribution of Contributions** assigned to W&M and EHEA respectively. These bills have identical provisions, but are not cross-filed. They would close a loophole that enables the owners of multiple business entities (e.g., Limited Liability Companies) to circumvent campaign finance laws by contributing the maximum of \$4,000 several times. HB 32 and SB 339 require that contributions from a wholly owned subsidiary of a business entity, or controlled by 80% of the same people, will count as coming from the same contributor. We will support both of these bills.

HB 159 - The Public Funding and Small Donor Act for the General Assembly (Cardin, et al) would provide for pilot tests of public funding for General Assembly candidates who opt to participate. The pilots would be funded primarily from the Fair Campaign Financing Fund for gubernatorial candidates which, as of April, 2009, contained \$5.2 million. A similar bill was reported out of EHEA but did not gain passage. We had anticipated that no Senate bill would be filed this Session. We have learned recently that Senator Pinsky will again introduce a bill that will be cross-filed with HB 159.

Under HB 159, candidates who wish to accept public funding would first collect “qualifying contributions” of up to \$5 from at least 350 donors, plus \$1000, in their legislative districts. After qualifying, they would agree to spending limits, for example, \$100,000 per candidate to the Senate.

The bill also authorizes local governing bodies of a county to establish a public funding system for their elected officials and that the local jurisdiction would provide a means of funding the system. It seems quite unlikely that a county would have the means to fund such a system. Montgomery County has, in the past, tried to get General Assembly approval of a local public funding system with no success.

A study commission will review the outcomes of the pilot tests and make recommendations for a broader system for the GA.

The bill also would increase current contribution limits by 10% (from \$4000 to \$4400) to one candidate committee and 50% to all committees (from \$10,000 to \$15,000.)

We will support HB 159 and the expected Senate bill as a step toward a full public funding system for candidates for the General Assembly. (W&M and EHEA)

Other Bills introduced since RSC 1:

HB 93 - Election Law - Independent Expenditures – Reporting (Cardin, et al) Independent expenditures are those made to oppose or support a candidate or ballot issue. They are not coordinated with a candidate, his committees, or a ballot issue committee. The bill would require that such expenditures (of over \$10,000) be reported to the State Board of Elections and that the report identify their source as well as the names of those who direct the expenditures or control the person making the expenditure. (W&M)

HB 122 - Use of Campaign Funds for Meetings and Conference Expenses, etc (Howard et al), would allow candidates and office holders to use campaign funds for expenses related to attendance at legislative conferences. W&M (Cross-filed with SB 119, below. (W&M)

HB 205 - Campaign Funds - Investments (Kaiser et al), W&M would allow a campaign committee to invest, for a term of one-year, funds in a certificate of deposit or a US Treasury Bill. (W&M)

HB 447 - Election Law - Non-federal Out-of-State Political Committee - Transfer Limits (George and Walker) would limit to \$4,000 rather than \$6,000 the amount an out-of-state political committee may give to a Maryland campaign committee. (W&M)

HB 481 - Campaign Finance – Contributions - Disclosure (Olszewski et al), W&M. The bill was not available as of this RSC.

SB 446 - Election Law—Independent Expenditures—Reporting and Disclosure Requirements (Frosh. et al) would require reporting, as does HB 93, but with no monetary threshold (EHEA)

Status of previously reported Bills:

SB 22, heard by EHEA, 1/25/11.

SB 119-to be heard by EHEA 2/10

Kay Terry

GUNS

A bill which would prohibit weapons on college campuses **SB 311 Weapons Free Higher Education Zones (Madaleno plus 16)** has been filed again this year and will be heard by the Judiciary Committee on Thursday, February 10 at 1 p.m. Inspired by the killings at Virginia Tech, the bill received an unfavorable report from Judiciary in 2010. It would prohibit firearms, knives and deadly weapons except where they are expressly allowed for law enforcement or educational purposes.

In an apparent response to the killings in Tucson, identical bills have been filed in the Senate and House (though not listed as cross-filed) which would cut the maximum capacity for ammunition in a detachable magazine and alter the number of rounds of ammunition in a magazine or assault pistol. Both entitled **Firearms – Detachable Magazines – Maximum Capacity for Ammunition** are **HB 330 (Gutierrez plus 16)** and **SB 162 (Frosh plus 11)**. JPR will hear the Senate bill February 10 at 1 p.m. No hearing date has been set in the House.

Several bills aimed at fighting gun-related crime have again been cross-filed in both the Senate and House at the request of the Baltimore City Administration. Among them are **HB 161 (Anderson plus 11)** and **SB 174 (Astel plus 10), Criminal Law - Use of Firearm in The Commission of a Crime of Violence or Felony** which would expand the definition of firearms; and **HB 172 (Anderson plus 11)** and **SB 173 (Astle plus 9) Criminal Law – Diminution Credits – Possession of a Regulated Firearm by Person Convicted of a Crime of Violence** which would cut into time off for good behavior. JPR is scheduled to hear the Senate bills February 10. No hearing date has been set in the House.

JUD has heard **HB 9** which would allow gun license reciprocity with Delaware, Pennsylvania and Virginia, without report. See *RSC 1*.

Marcia Reinke

TRANSPORTATION

Several bills expand on legislation previously passed in regard to using electronic communication devices while driving.

HB 196/SB 424 - Motor Vehicles - Use of Text Messaging Device While Driving - Prohibited Acts, (Malone, Kach, and F. Turner ENV 2/15 – Brochin and Forehand JPR 2/15) amends legislation passed in 2009 to say that not only is writing and sending a text message prohibited, reading one would be illegal as well. It also prohibits texting if a vehicle is in the “travel portion of a roadway” The previous law prohibited such activity only when the vehicle was in motion. That means one could no longer text while sitting at a red light.

HB 222 - Motor Vehicles - Use of Wireless Communication Device - Prohibited Acts and Enforcement, (Malone ENV 2/15) repeals the portion of last year’s legislation that says that a motorist may only be stopped for a violation of wireless communication law as a secondary offense. This means that they would not have to be committing another traffic violation in order to be ticketed for texting or holding and talking on a cell phone while driving.

SB 324 - Motor Vehicle Administration - Fee-Setting Authority - Miscellaneous Fees and Vehicle Emissions Inspection Fees, (Manno and Pugh B&T). Currently, each year the Motor Vehicle Administration (MVA) must alter the level of the miscellaneous fees they will charge for things such as Vehicle Emissions Tests in the next fiscal year if those fees exceeded 100% of the cost of administration of their programs. Under this law, MVA could charge the same amount as the previous year and any excess funds collected would go into the Transportation Trust Fund. The bill also includes a discount rate for inspection and testing of vehicles owned by veterans and senior citizens. Registration and Titling tax are not part of this calculation.

HB 308 - Maryland Department of Transportation - Study of Feasibility of Requiring the Use of Electric and Electric-Hybrid School Buses, (Kaiser plus eleven ENV 2/15) does exactly what the title states. It would

require the Maryland Department of Transportation to conduct the study in consultation with a wide variety of stake-holders and report their findings on December 31, 2011.

Nancy Soreng

ADMINISTRATION OF JUSTICE

HB 375 (Cardin plus 12 others) **Circuit Court Judges - Election, Qualifications, and Term of Office a Constitutional Amendment.** The bill calls for retention elections of Circuit Court Judges and reduces their term to 10 years from current 15 years plus provides for current Circuit Court Judges and retains age 70 as retirement age. The same bill was introduced in 2010 and received no action. (JUD hearing 2/16) League supports.

HB 309 (Frush) Circuit Court Judges - **Election and Term of Office**, a Constitutional Amendment, which proposes the same provisions as HB 375. Delegate Frush has introduced the same bill since 2003 and it was either withdrawn or received an unfavorable vote in committee. (JUD Hearing 2/16) League supports.

SB 281 (Miller, Currie, Muse, Peters & Ramirez) Prince George's County - **Orphans' Court Judges - Qualifications** proposes a Maryland constitutional amendment which would require that Prince George's County Orphans Court Judges be admitted to practice law and be in good standing of the Maryland Bar. Similar to Baltimore City Constitutional Amendment passed in the November 2010 election. (JUD hearing 2/16)

HB 351 (Carter, Anderson & Vallario) **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. HB 769 in 2010 passed JUD 21-0 and passed the House 136-1 but did not emerge from Senate JUDP. Hearing not scheduled.

HB 434 (Frush) **District Court - Small Claim Actions** proposes to change the amount from \$5,000 to \$10,000 for civil actions in a small claim action and the same change for the Real Property Article for the amount of rent claimed. (JUD hearing 2/16)

HB 135, Chair, JUD (by request Department of Public Safety and Correctional Services) **Courts and Judicial Proceedings - Crime Victims and Witnesses Funds - Court Costs** proposes to increase existing fines on defendant convicted of a crime from \$45 to \$60 in Circuit Court and from \$35 to \$60 in District Court a portion of which will be deposited in the State Victims of Crime Fund \$22.50 and \$12.50 respectively. (JUD hearing 1/25 no action)

SB 17, Chair, JPR (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. (JUDP 2/7 favorable (11-0))

SB52 (Conway) **Elections - Candidates for Judicial Offices - Certificates of Candidacy & Campaign Finance Entities** proposes that newly appointed judges, those appointed to the judicial office since the last General Election, judges of the Circuit Court and judges of the Orphan's Court, may file a certificate of candidacy more than 2 years before the next General Election. (EHEA hearing 1/25 no action)

HB 22(Smigel) Administrative Office of the Courts - **Uniform Subpoena Procedures & Forms for Circuit Court Judges** proposes on or before 1/1/12 that procedures and forms used in Circuit courts in subpoenaing a person in civil, criminal or traffic matters be the same. A similar bill HB 917 in 2009 by the same Delegate received an unfavorable Judiciary committee report. (JUD hearing 1/27 no action)

Grace Kubofcik

HEALTH CARE

The Administration is moving forward with plans to coordinate with the Federal Health Care Bill. **HB 170 and SB 183** have been submitted by the Speaker and the President of the Senate for the Administration. They align the Maryland law with the Federal Affordable Care Act (ACA). They bar lifetime limits, add preventive services, make preexisting condition exclusions illegal, and allow young people to stay on parents' policies until 26.

HB 166/SB 182 create the state Insurance Exchanges mandated by the Federal Health Care bill. They are basically the same except the Senate bill has a few nuances that the House bill does not. Both bills would create an exchange that would rate health care policies on several levels, whether the coverage is good or bad and how much they cost. The exchange would be a government agency, with a nine member board including the Secretary of Health, the Insurance Commissioner and the Executive Director of the Maryland Health Care Commission. The Senate bill would change the current Appeals and Grievance process, currently in statute, from 30-day increments to 120-day increments to conform to the federal bill.

Both bills are extremely prescriptive, delineating the responsibilities of the exchange and what it can do. The insurance industry is likely to be all over this bill because it would significantly curtail their access to customers and could control the marketplace. **SB 107**, submitted by Senator John Astle, is similar in almost all aspects, but it would create a non-profit exchange. This is likely to be much more palatable to the insurance industry.

HB 165/SB 175 would establish a Health Quality and Cost Council in law and expand the state's effort to bring public agencies and the private sector together to improve quality and reduce cost.

HB 23, Freestanding Ambulatory Care Facilities – Licensing – Abortion Services, submitted by Delegates Eckardt and Beidle is just one of several bills mandating changes in the regulations on abortion services and the clinics. Another is **HB 187** sponsored by Delegates Wade Kach and John Olszewski. The bills are all in Health and Government Operations Committee (HGO) under Chairman Peter Hammen.

HB 23 would alter the definition of "ambulatory surgical facility," as it pertains to licensing, to include entities that provide abortion through the use of surgical services, and altering the definition of "surgical services" to include the use of specified instruments. **HB 187** would change "may" to "shall" adopt regulations governing the procedure. Del. Hammen has indicated that neither bill will come out of committee. However, the Department of Health and Mental Hygiene apparently has indicated that they will develop regulations.

SB 56 has also been filed for the DHMH and has already been heard in Senate Finance. It would amend current law to add all health insurance policies to the current HMO statute that requires the Maryland Health Care Committee evaluate and rate the quality of care provided in the policies. The National Committee for Quality Assurance (NCQA) currently does the evaluations and probably would continue under the amendments. The bill also adds a mechanism for polling patients on the care provided.

HB 82/SB 203, Health Care Decisions Act – Medical Orders for Life-Sustaining Treatment, would develop, in conjunction with the MIEMS and the Maryland Board of Physicians, a form and instructions for filling it out. It has been suggested that the bill be amended to add the primary physician in the discussion and signing process of such a form. Other health care providers are listed but not the patient's physician. The bill would make this form equal in weight to a Do Not Resuscitate (DNR) form and would be used by emergency personnel, in outpatient facilities, as well as the hospital.

HB 156 would extend the sunset provision of the Small Market Reform for Self Employed Individuals until 2013.

SB 113 would increase the fine from \$25 to \$75 for a failure to secure a child in a child safety seat or seat belt while transporting the child in a motor vehicle.

HB 291/SB 308, Public Health - Medical Marijuana, has again been filed by Delegate Dan Morhaim and 50 other sponsors. The bill would make marijuana a Schedule II controlled dangerous substance and require the DHMH to issue a request for proposals on requirements for growing. The House bill will be heard in both the House HGO Committee and the House Judiciary Committee. The Senate Bill is SB 308, sponsored by Senator David Brinkley and 21 other sponsors. On the other hand, **SB 171** would list synthetic cannabinoids on Schedule I for purposes of designating controlled dangerous substances that may not be legally used, possessed, or distributed. Senator Delores Kelley is the lead sponsor and it has nine sponsors.

Neilson Andrews

MEETING BASIC HUMAN NEEDS

HB 87/SB 132 Job Applicant Fairness Act (Reznik et al/Pugh et al) is legislation introduced to prevent the loss of job opportunities for those who need them most. The bills prohibit an employer from using a credit report or credit history in determining whether to hire or discharge an employee or determine compensation or other terms of employment unless the employer is a financial institution or investment advisor, or required to check credit history under federal or state law. About 60% of employers use credit history checks as a tool in their pre-employment screening even if the information is not related to the job. Maryland's official unemployment rate has doubled over the past three years – from 3.6% in September 2007 to 7.5% in September 2010. In these trying economic times, many unemployed residents are experiencing financial hardship, which negatively impacts their credit. Job-seekers are behind on their bills because they don't have a job, but they can't get a job because they're behind on their bills. More importantly, there is no research to show any statistical correlation between what is in someone's credit report and their likelihood to fail on the job. A recent report found that 1/3 of workers making less than \$45,000/year have poor credit. Those most affected by bad credit are young people, seniors, minorities, and divorced women. HB 87 is being heard in Economic Matters on Feb. 8, SB 132 is being heard in Finance on Feb. 10. The League will submit written testimony in support of the bills.

SB 222 Procurement – living wage – repeal (Kittleman et al) is a repeat of bills heard last year that received unfavorable reports from Senate Finance and House Economic Matters. It is being heard in Finance on Feb. 17, the League will submit written testimony.

IMMIGRATION

The LWVUS position on immigration supports a system for unauthorized immigrants already in the country to earn legal status, including citizenship by paying taxes, learning English ... and meeting other relevant criteria. Many bills have been introduced this session concerning undocumented immigrants.

HB 28 Public Benefits - Requirement of proof of lawful presence (O'Donnell), and **HB 380 Public benefits – requirement of proof of lawful presence** (McDonough et. al.) require documentation before receiving public benefits.

HB 239 Report and record immigration status – division of correction and division of parole and probation (McDonough et. al.) requires these departments to notify US Immigration and Customs about immigration status.

HB 272 Criminal procedure – bail or pretrial release on recognizance – requirement (McDonough et. al.) mandates consideration of immigration status when determining pretrial release. **HB 342 Criminal procedure – undocumented immigrants – prohibition on pretrial release** (Cluster et. al.) prohibits pretrial release of those without documents.

SB 390 State government – E-verify program (Shank et al) would restrict the employment of undocumented workers on state contracts and grants and require those receiving contracts and grants to register in the federal E-verify program.

Several bills concern in-state tuition for immigrant students without documents.

SB 167 Higher education – tuition charges – Maryland high school students (Ramirez et al) sets conditions under which students without documents may receive in-state tuition at state institutions of higher learning. It is being heard in Education, health and environmental affairs on Feb. 16, the League will submit testimony.

HB 401 Public institutions of higher education – tuition – undocumented aliens (McDonough et al) requires documentation of residency status to receive in-state tuition.

HB 390 Higher education – Senatorial and Delegate scholarships – eligibility requirements (McDonough et al) requires proof of resident status to receive scholarships.

We are still awaiting the introduction of the **Maryland HOME Act**, which will prohibit property owners from discriminating against persons seeking rental housing based on their “source of income”. “Source of income” means any lawful source of funds to be used in the rental or purchase of housing. The bill will not prohibit a property owner from determining the ability of a potential renter to comply with lease terms or pay the rental price by verifying the source and amount of income of the renter; evaluating the stability and security of the renter’s source of income; or evaluating the renter’s tenant history and suitability as a tenant.

Ruth Crystal

HB 276 - Public Safety - Enforcement of Federal Immigration Law by Law Enforcement Agencies, (McDonough plus 11, JPR 2/15) would require each law enforcement agency in Maryland to enter into a memorandum of understanding with the Attorney General of the United States that would give them the authority to carry out the functions of an immigration officer and allow them to investigate, apprehend and or detain persons who are not lawfully present in the United States. This bill would also require each law enforcement agency in Maryland to provide training on Federal Immigration Law. This same bill was submitted last year and received an Unfavorable Vote of 15 to 6.

Nancy Soreng

CHILDREN’S SERVICES

At present most of the work in Annapolis is on the budget. For instance, the Child Care Subsidy program provides partial payments for licensed child care providers for income-eligible families. At first, it seemed that the FY 2012 allowance of 103 million seemed enough to prevent the development of waiting lists for subsidies for low-income families arranging child care so that they can work. Unfortunately, the increases in the budget were based on assumptions that the Obama's budget proposals, which are now under attack in Congress, would pass. As a result of this uncertainty, the Maryland Department of Education has instructed the Department of Social Services, which administers the subsidies, to stop accepting new applicants which will result in a waiting list for these subsidies and delays to low-income families' employment.

Foster care services have been affected by the difficult monetary situation. Due to the success of a program within the Department of Human Resources (DHR) called Place Matters, many foster home placements have been avoided resulting in a 25% reduction in foster care expenditures. These savings have been added to the

general fund rather than being returned to the DHR for investment in services to families that would enable them to keep their children at home. This is a costly choice that is likely to be more expensive at a later date because children in at-risk families who lack the proper services may become more troubled, requiring more costly interventions later in their lives.

Funding for the Local Management Boards (LMB) has also been reduced. Funds for these county-based organizations come from the state to fund local services for children.

HB 162, sponsored by the Speaker at the request of the administration, makes it a crime for a person who has permanent care and custody of a child from neglecting that child by not providing, food, clothing, shelter, toileting, essential medical treatment and supervision.

SB 42, sponsored by Sen. Pugh, et al, establishes a fund to encourage the development of after-school and summer activities for the benefit of school children. The fund would be accessed by providers who are interested in offering these activities in local communities. The bill requires that the Governor's Office for Children administer the program, using certain standards to measure the quality of the program, and providers must report periodically on the children participating and the activities offered, in addition to other requirements. In addition, the fund would provide an income tax check-off on individual income tax returns. In view of the lack of after-school activities, any funds that encourage quality activity after school should be encouraged.

JUVENILE SERVICES

The budget for the Department of Juvenile Services for 2012 remains approximately the same as last year. There is no increase in financial support for services that would enable a greater number of delinquent youth to remain in their homes and communities, avoiding costly incarceration. In addition, the funds for the Regional Institute for Children and Adolescents, where many children who may be at risk for juvenile delinquency are sent when their needs cannot be met at home, has been flat-funded at 68 beds down from over 100 two years ago.

HB 511, sponsored by Delegate Dumais and many others, requires DJS to provide girls with services substantially equal to those provided for boys. Until now, DJS has not been treating boys and girls equally, based on the fact that there are many more boys than girls in the juvenile system. However, the lack of equality has meant that girls do not have the same access to services, such as vocational training or alternatives to detention, as boys do.

HB 448, sponsored by Del. Ivey and many others requires the Governor to appropriate at least \$25,000 per pupil for certain at-risk students to cover educational, boarding and other costs. The need for this bill will become clearer as the session progresses.

Deborah Ehrenstein