



# REPORT FROM STATE CIRCLE 2010

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## BUDGET AND REVENUES

Governor O'Malley unveiled his budget for FY2011 last week. It comports with the 2009 Spending Affordability Commission Report which recommended a zero increase in covered expenditures and a freezing of total state positions. The proposed budget totals \$32 billion, about \$300 million less than fiscal 2011. The proposed general fund appropriation is \$13.2 billion, approximately 2% less than last year. While there are projected increases in Medicaid funding and public education, higher education would be level funded (resulting in a maximum in state tuition increase of 3%). \$20 million is proposed for the Chesapeake Bay Fund (double last year's appropriation), \$25.9 million for agricultural land preservation as well as a \$20 million Job Creation and Recovery Tax Credit to encourage employers to hire unemployed Marylanders.

To close a projected \$2 billion budget deficit, \$965 million results from carrying forward cost containment actions from this past year. These include reductions in aid to local governments, elimination of raises for state employees, delaying major information technology projects, and 10 day employee furloughs. 200 positions would be cut, 44 of which are currently filled.

To generate cash, the governor proposes to again hold back \$350 million from local government income tax collections. The "loans" from local governments would be paid back over 7 years. He proposes bonding \$442 million in capital projects that had originally been planned to be paid from operating funds, and he also assumes transfers into the general fund from many special funds.

The budget assumes a six month extension of the enhanced Medicaid match from federal stimulus funds. A total of almost \$1.3 billion in stimulus funds are projected. Much of assumed federal funding is contingent on legislation which has not yet been enacted.

Emergency bills **HB 92** (the speaker by request of the administration, et al) and companion **SB 106** would implement the Job Creation and Recovery Tax Credit and would provide a \$3000 credit up to a maximum of \$250,000 to qualified employers employing unemployed individuals in full time positions. A hearing on SB106 has been scheduled for Feb. 2 (B&T)

**HB 10** (Manno) would require combined reporting by corporations and would maintain the so called "millionaires tax" which is due to expire this year. The funds raised would be dedicated to funding the currently underfunded teachers and employees pension systems. According to actuaries, the funds are currently only funded at 65% of full funding. A hearing on HB10 has been scheduled for Feb. 2 (W&M)

**SB 232** (Brinkley, et al) would extend the homestead property tax credit to a second dwelling located at least 90 miles from the original homestead.

**HB 204** (Norman et al) would establish a task force to review property tax assessment procedures and the assessment appeals process. A hearing is scheduled for Feb. 4 (W&M)

Barbara Hankins

## EDUCATION

As is usually the case, several of the early K-12 education bills introduced to date are repeats of bills that failed last year. **SB 204/HB 11 -Student Stigma Act** (Pinsky et al/Sophocleus et al) would change the term “emotional disturbance” to “emotional disability” in the Special Education section of the Education Article. Currently about 8% of children with disabilities are identified as emotionally disturbed, and this language change would not affect the identification of children eligible for special education services. Last year’s bill passed the House but failed in the Senate committee.

Another repeat bill, **SB 128 - Education - High School Diploma - GED Options Program** (Pugh et al) would require the State Board of Education (SBE) to establish an alternative program for 16-18 year old high school students at risk of dropping out. Students would have to attend a General Educational Development (GED) program for 15 hours each week, get training in workforce development skills and comply with compulsory attendance requirements. No action was taken on this bill last year.

**HB 39 - Education - Public High Schools and Public High School Students - Data Collection System** (Braveboy) would add to the current data collection system a record of how many students graduate from high school in three, four or five years. Currently, the high school graduation rate of about 85% is determined by dividing the number of students who graduate in four years by the number in the original four year cohort. Last year’s bill passed the House and received a favorable Senate Committee vote but never reached the Senate floor.

**HB 97 - Education - Hearing and Vision Screenings** (McConkey et al) would require parents of a student entering public school to ensure that the student has been screened for hearing and vision problems. Under current law the county health department provides and funds these screenings for new students and those entering first and eighth or ninth grade. Delegate McConkey has also introduced **HB 17 - Education - Incidents of Bullying, Harassment or Intimidation - Reports by Principals - Local Law Enforcement Agency**, which would authorize principals to report incidents of bullying, harassment or intimidation to their local law enforcement agency. Currently, students, parents or guardians, or school staff may report such incidents on a standardized report form that must be sent to the SBE after student names are deleted.

The State Department of Education has requested three bills incorporating technical changes to current law. **SB 74 - Education - Comprehensive Master Plans** would clarify the process and dates for submitting updates of county board master plans. **SB 76 - Education - Disruptive Youth - Funding** would repeal the requirement to fund disruptive youth programs although county boards of education must still establish these programs. Finally, **SB 87 - Education - Physical Education and Athletic programs for Students with Disabilities - Reporting Requirements** changes the dates for county school boards to report physical education programs available for students with disabilities, as well as student participation, and for the State Board to forward its summary to the General Assembly.

*Lois Stoner*

## OPEN GOVERNMENT

Legislative priorities which the LWVMD set for this year include Government Transparency and focuses on three issues:

- Board of Public Works broad/podcasting
- Committee Votes reported online
- Elimination of the fee for Up-To-The-Minute information on the website.

Delegate Heather Mizeur has filed **HB344** with 74 co-sponsors and 24 in the Senate of the yet to be filed bill. Delegate Saquib Ali and a group of Republicans have competing bills, yet to be filed. They include our three issues.

## CAMPAIGN FINANCE

What is currently being called the Pinsky/Cardin Bill because it has not yet been filed is legislation to create a voluntary, publicly funded campaign finance option for general assembly candidates. In light of last weeks U.S. Supreme Courts decision in *Citizens United v. FEC*, in which the League filed an [amicus brief](#), Maryland has to work harder to ensure we have clean elections at the state level. This is a repeat of the bills filed numerous times resulting from the official, bipartisan study commission to create publicly funded elections in Maryland. This includes seed money, qualifying contributions, limited private fundraising, no slates, funded by a temporary surcharge on convicted drunk drivers license renewals and the unused funds in the defunct gubernatorial publicly funded campaign system and would be implemented for the 2014 election.

*Marjorie Slater-Kaplan*

## ELECTIONS

Optical scan voting equipment, required by legislation passed in an earlier GA session, was a casualty of Governor O'Malley's 2011 budget, so Maryland voters will continue to use DRE voting machines in 2010. The introduction of Early Voting for the first time in Maryland in 2010 is a substantial change for voters and election workers, however, so we can expect limited legislative proposals to add further changes to our election laws in the 2010 session.

**SB 240 – Election Law – Petition Signatures**, filed by Senator Conway and co-sponsored by a bipartisan group of 17 other senators, attempts to address problems created for petition signature gatherers and election officials following a December 2008 decision of the Court of Appeals which held that the election law requiring a voter to sign her name on a petition “as it appears on the statewide voter registration list” was mandatory. Previously, local election boards had approved signatures that matched in less exact ways, such as “Peggy J. Smith” and accepted them for voter “Margaret J. Smith” if other information also matched. SB 240 removes the “as it appears on the voter registration list” requirement, instead allowing the signature to be approved if the identity of the voter can reasonably be determined using information provided on the petition. Surnames must still be an exact match. The bill is identical to one introduced late in the previous session by Sen. Kasemeyer and supported strongly by the Howard County League, as a result of problems with petitions in that county resulting from the Court's ruling and subsequent tightening of match requirements. No hearing is set.

**HB 217 - Elections - Voter Registration and Voting – Age**, co sponsored by Delegates Cardin, Ali, Elmore, Frick, Rice, Ross, and Walker, would allow individuals who are at least 16 years of age to register to vote, but specifies that the individual is not eligible to vote until aged 18. This reform is gaining momentum in some states, as it offers the opportunity to “catch” young voters by allowing them to register when they obtain their drivers' license. Similar legislation passed in the House and Senate in different forms in 2009, but languished in the conference committee.

**SB 6 – Elective Franchise – Registration and Voting at Polling Places** is the newest attempt to allow Election Day voter registration. This bill, sponsored by Sen. Muse, proposes an amendment to the Maryland Constitution that would give the General Assembly the authority to enact a process for a qualified voter to register AND vote on Election Day at a polling place in the precinct in which the voter resides. A hearing is scheduled in EHEA on January 26, 2010.

**Elections** continued from page 4

Three bills have been filed (**HB 4** –Conaway, **HB 158** – Ali, Barve and Conaway, and **SB 157** –Brochin and Raskin) relating to the issue how to fill a vacancy in the office of U.S. Senator. The bills repeal the authority of the Governor to appoint an individual to a vacant U.S. Senate seat, the current process, and require the Governor to call a special election for the purpose of filling the vacancy. The bills do allow for a temporary gubernatorial appointment in the interim.

*Lu Pierson*

## **ADMINISTRATION OF JUSTICE**

**SB 118 & 119** (Zirkin & Stone) - **Civil Jury Trials in Civil Actions - Amount in Controversy** propose that a party in a civil case may not demand a jury trial if the amount in question does not exceed \$20,000. State Law currently has a \$10,000 threshold. **SB 119** is the companion bill to amend the Maryland Constitution.

**SB 220** (By Request - Maryland Judicial Conference) **Circuit Court Real Property Records Improvement – Funding** proposes an increase to the current surcharge fee of \$20 to \$40 for each type of recordable instrument to be recorded among the land records and the financing statement records. (B&T)

**HB 208** (Schuler and 11 other cosigners) **Courts - County Administrative Judge - Responsibility** proposes that the date for trial in a criminal matter shall be set by the County Administrative Judge or a designee of the judge. It also proposes a new section that a County Administrative Judge may delegate to any judge, committee of judges, or officer or employee of the judicial branch of State Government any of the administrative responsibilities, duties, and functions of the County Administrative Judge. (JUD)

*Grace Kubofczik*

## **GUNS**

Legislation which would prohibit weapons at Maryland colleges has been filed again this year as **SB 191 Weapons - Free Higher Education Zones (Lenett plus 21)**. An identical bill, filed in 2009 following the gun-related tragedy at Virginia Tech, died as a result of an unfavorable report from the Judicial Proceedings Committee. The bill would prohibit the carrying or possession of firearms, knives and deadly weapons on the property of public institutions of higher education; while providing for exceptions for law enforcement officers, persons guarding the institution's property or a person engaged in a shooting activity or historical demonstration for educational purposes. It was to receive its first reading in Judicial Proceedings January 20.

*Marcia Reinke*

## **DEATH PENALTY**

At this writing no death penalty bills have been filed. In 2009, following much debate, legislators sidestepped a full repeal of capital punishment, proposed by Governor Martin O'Malley, by requiring that prosecutors have either DNA evidence, a videotaped confession of the killer or a video recording of the crime in order to seek the death penalty, a hurdle which all but eliminates most death penalty prosecutions. It is expected, therefore, that pro-death penalty legislators will try to expand the kinds of evidence which can be used to bring capital cases.

## **Death Penalty** continued from page 5

Whether anti-death penalty legislators will try again for full repeal or will simply fight an extension of usable evidence is not known. This writer's guess is that further efforts toward repeal will be held until after the election and the convening of a new legislature.

Meanwhile the number of death sentences in Maryland continues to decline. Since 2000 only one man has been sentenced to death, and his sentence has since been commuted to life without parole. The five men now on death row have each been there for over 25 years. The League of Women Voters opposes capital punishment.

*Marcia Reinke*

## **TRANSPORTATION**

**SB 229** (Garagiola, plus 37 others) Blue Ribbon Commission of Maryland's Funding of Transportation (B&T) establishes a group to study the structure of the Transportation Trust Fund, regional authorities, and private-public partnerships; transportation needs and options for sustainable funding of transportation. It specifies a 21 member commission: 4 legislators; 5 appointees by the governor including 4 department secretaries and a representative of WMATA; 2 each business, transit and environmental representatives; 1 AAA, 1 freight rail and 1 trucking representative; and 2 others. The commission must render an interim report by January 1, 2011 and a final report by 2012. Transportation has been underfunded in the state for a couple of decades now and Maryland citizens are paying the price in increased time lost in traffic congestion. Can anyone tell me the difference between a "blue ribbon commission" and a plain old regular commission?

The major emphasis of the environmental community is a change to the transportation planning process. No bills have been filed yet, but the intention is to increase attention to regional needs, increase accountability of local government's use of state funds, increase attention to bicycle safety, and earlier consideration of other modes of transportation. Currently the 6-year Consolidated Transportation Program is essentially a wish list compiled from requests of local jurisdictions.

*Carol Filipczak*

## **MEETING BASIC HUMAN NEEDS/AFFORDABLE HOUSING**

With budget deficits and an election in November, we expect successful legislation in the area of meeting basic human needs/affordable housing will focus on improvements that can be made at no cost to the state.

**HB 103 Real property - mobile home parks - plans for dislocated residents.** (Lafferty & Malone) The bill requires that mobile park owners submit copies of "one-year notice of termination letters" sent to each park resident to the local government. It also requires the park owner to submit to the local government a relocation plan for park residents that identifies each park resident with household characteristics and the relocation assistance the park owner will provide to the residents. Mobile homes are among the constantly decreasing affordable house options for lower income Maryland residents. Those who live in the mobile home parks have few options: the number of parks is shrinking as owners find more profitable land uses. This bill would require that park owners assist residents who are to be displaced and gives local governments information and advance notice so they can maximize the assistance they can provide. The LWVMD supports this bill. This bill will be heard in Environmental Matters on Feb.4<sup>th</sup> @ 2 PM. It is cross-filled as SB235 sponsored by Senator Robey et al.

**Basic Human Needs** continued from page 6

**SB 243 Housing - discrimination based on source of income prohibitions** (Gladden). This bill adds “source of income” to the list of areas such as race and religion that a seller or renter of a home may not use as a selection or rejection criteria. Similar bills have been introduced in past sessions. Passage of this bill would open doors for many low and moderate income renters and home buyers that currently are denied the housing opportunity based solely on their source of income. This affects women who rely on alimony and child support as part of their income, individuals with disabilities who rely on SSDI as their source of income, and those who receive rental assistance from a government program. Families, who depend on alimony, disability income or rental subsidies, are often currently told that those funds cannot be counted in calculating whether a family meets the required income limits. In counties where source of income discrimination is prohibited, lower income families are housed throughout the community rather than in pockets of low income. LWVMD supports this bill.

**SB 232 Property tax - homestead tax credit - extension to second property.** (Brinkley et al) To help homeowners deal with large assessment increases on their principal residence, state law has established the Homestead Property Tax Credit. The Homestead Credit limits the increase in taxable assessments each year to a fixed percentage. Every county and municipality in Maryland is required to limit taxable assessment increases to 10% or less each year. This credit (which reduces the amount of real estate tax that goes to the state and the local jurisdiction) makes home ownership more affordable for many Maryland homeowners. This bill would allow a homeowner to claim the credit for a second dwelling as long as it was at least 90 miles from the first dwelling. With the current budget deficits that the state is facing, the loss of revenue to the state that a tax credit on second homes would provide is difficult to justify.

*Ruth Crystal*

## **MARRIAGE EQUALITY**

Although legislation has not yet been introduced, it is expected that the **Religious Freedom and Civil Marriage Protection Act**, which would legalize same-sex marriage in Maryland, will be introduced for the third year in the Senate Judicial Proceedings Committee and the House Judiciary Committee. Delegate Emmett Burns, D-Baltimore County, has introduced **HB 90, Same Sex Marriages-Foreign Jurisdictions-Invalidity** which provides that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in Maryland. It is scheduled for a first hearing on January 28, 2020 at 1:00 p.m. Maryland Attorney General Douglas Gansler is expected to issue his opinion on whether the state must recognize same-sex marriages from out of state sometime later this year. Same-sex marriages are now legal in Iowa, Connecticut, Vermont, Massachusetts and New Hampshire. The New York Senate rejected a same-sex marriage bill last month; however, the D.C. Council passed legislation by a vote of 11-2 on December 15, 2009 which would allow gay couples from anywhere in the country to marry in the city. It could become law after a 30 day congressional review period.

*Sherry Hyman*

## HEALTH

The Massachusetts election has changed the entire landscape in health care reform. It will take the Democrats time to regroup and decide how to move forward, but in the meantime, there are groups positioning for the changes. For instance, two groups of nurses, one from Southern Maryland and one from the Eastern Shore, are supporting a bill which would eliminate the need for nurse practitioners to be supervised by a physician. They have already taken the bills to the Women's Caucus for support. This would open the door for the independent practice of nurse practitioners, midwives and other non-MD professionals. The AMA estimates that more than 300 such bills were filed last year.

Very few actual health bills have been dropped at this time, although there are plenty of rumors about bills that will be forthcoming.

The Governor and the Department of Health and Mental Hygiene are again sponsoring the False Claims bill, **SB 187** (Lennett). They want this bill because it promises a financial windfall if they copy the Federal bill. The hospital, medical, and disabilities communities are adamantly opposed to the bill, primarily because it would change the standard of evidence to "reckless disregard leading to fraud, and it has a Qui Tam or whistle blower provision in it. The medical community is supportive of a compromise similar to one reached in Kansas on these issues, but the Governor and the Secretary may not be. The Kansas bill caps the payment to a whistle blower to \$100,000 rather than a percentage.

**House Bill 32**, sponsored by Delegate Wade Kach, would remove the "cost-sharing" provisions in the small market reform insurance policies when the average rate for the standard plan exceeds 10 percent of the average annual wage. This would mean that benefits only would be reduced. Senator James Brochin is sponsoring **SB 181**, which would increase the age to 30 for a dependent to be eligible on their families individual or group health insurance policy. The bill would cover both nonprofit health service plans, and contracts issued by health maintenance organizations.

Del. Kach would also cap the co-pays and deductibles for in vitro fertilization and surgery for morbid obesity to no more than \$1000. Del. Waldstreicher has sponsored a bill to reduce the number of required cycles before a couple could access their in vitro fertilization insurance provisions. Currently there is a two-year wait. The bill would reduce it to one-year.

**SB 57**, an Administration bill, would bring state law on mental health benefits into compliance with the new Federal Parity bill, which was passed and signed recently by the President.

Delegates Elliott and Mathias will try again this session to prohibit minors from riding bikes, mopeds and motor scooters without a protective headgear. The bill, **HB 140**, also clarifies the term for bicycle to include a moped.

**HB 182** has a host of sponsors and would mandate coverage for breast cancer screening, mammography, according to the American Cancer Society Guidelines.

*Neilson Andrews*

## ENVIRONMENT

2010 is the year to do what we can with very little – a difficult economic year. Bills proposed will consolidate earlier gains, and find ways to use funds the most effective way. There will be continued efforts to retain the integrity of the open space funds and Bay restoration fund. In a public meeting January 26 Delegate Maggie McIntosh, Chairman of the Environmental Matters Committee, spoke of initiatives concerning green job training, sustainable communities, transit-oriented development, storm water management, and recycling.

Already filed:

**SB 59 Agricultural Land Transfer Tax - Distribution and Use of Revenue**, Chair, Budget and Taxation committee (By Request - Departmental-Agriculture). This bill will make more funds available for purchasing easements for land preservation. Hearing, EHEA - 2 p.m, January 27.

**SB 63 Transit - Oriented Development**, Chair, Budget and Taxation Committee by Request Departmental – Transportation. This bill encourages transportation nodes of development. It allows a county and municipal corporation to directly fund the cost of the operation and maintenance of certain improvements for transit-oriented development from the levy of tax increment revenues and related provisions. Hearing EHEA - 2 p.m Jan. 27.

*Susan Cochran*