



# REPORT FROM STATE CIRCLE 2010

League of Women Voters of Maryland, Inc.  
106 B South Street, Annapolis MD 21401  
410-269-0232 | [lwymd@verizon.net](mailto:lwymd@verizon.net) | [lwymd.org](http://lwymd.org)



**President: Nancy Soreng**  
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**Editor: Judith Heimann**  
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## EDUCATION

Additional bills have been introduced that would require public school students to learn financial literacy before graduating. According to an article in the Montgomery County Gazette, Senator Muse withdrew **SB 264** (RSC 2) on the day of the hearing after which Senator Klausmeier refiled the identical bill as **SB 1030 - State Board of Education - Financial Literacy Curriculum - Graduation Requirement**. However, the status page for SB 264 shows it to be very much alive and scheduled for a hearing on March 10, the same day as SB 1030. In addition, Senators Muse, Harrington and Raskin have submitted a cross file to **HB 853** (RSC 3). This bill, **HB 1060 - State Department of Education - Personal Financial Literacy State Curriculum**, would require each county school superintendent to certify annually that the personal financial literacy state curriculum is being taught in

the county. A semester long course would not be required.

One more bill dealing with school funding maintenance of effort requirements has been filed by Senator Stolfus. **SB 1014 - Education - Maintenance of Effort Requirement - Waiver and Appeal Process** would limit the percentage of this requirement that could be waived to 5% based on income and sales tax revenue, unless a county's fiscal condition permits a larger amount to be waived. As in several earlier bills, **SB 1014** lists factors that the State Board of Education must consider before granting a waiver. The process for a county government to appeal the State Board of Education's decision is also outlined in the bill. **SB 476 - Maintenance of Effort - Penalty**, with Senator King now the lead sponsor rather than Senator Currie, passed the Senate 44-3.

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**Education** continued from page 1

Cross filed bills have been introduced that deal with admission of students to a charter school on a federal military base. Current law requires students to be admitted on a space available basis and by lottery if more apply than can be accommodated. **HB 1484/SB 834 - Base Realignment and Closure - Public Charter Schools Located on a Federal Military Base** (Love/Currie) would require any lottery to be held first for students whose parents are assigned to the base and then for other students on a lottery basis. The League believes that student admission to public charter schools must be on a first come, first served basis for all students who apply, rather than a lottery.

Reflecting the current national interest in reducing childhood obesity, Delegate Walker and 34 other delegates have introduced **HB 1430 - Student Health and Fitness Act**. Although physical education is currently required in all Maryland school systems for K-12 students, this bill would require 150 minutes of physical activity weekly for grades K-5, including moderate to vigorous activity.

**HB 1228 - Fair Funding for Public Schools** (Stocksdale plus 15) has been added to the list of bills to change the method of counting each school system's enrollment. This bill would count the average number of students enrolled in K-12 on September 30 and April 30 of the second prior fiscal year to be used in determining state aid under Thornton funding. Hearing is 3/24 - W&M.

**Updates to information in earlier RSCs:**

**RSC 1**

SB 986 - Education - Public High Schools and Public High School Students - Data Collection System (Pugh plus 8) is a cross file to HB 39.

Four of the five Senate bills discussed in RSC #1 - SB 74, SB 76, SB 87, SB 204 - have passed the Senate and are now in the House W&M Committee.

**RSC 2**

Companion bills, HB 413/SB 230 - on instruction of blind and visually impaired students are moving forward. SB 230 has passed the Senate with technical and sponsor amendments and HB 413 has passed second reader with similar amendments.

SB 410 -making Veterans Day a holiday received an unfavorable vote.

SB 239 - raising the compulsory attendance age received a favorable committee vote.

**RSC 3**

HB 1371 on gang activity reports received an unfavorable vote.

Hearing dates now scheduled:

SB 814 - 3/9 - B&T

SB 899 - 3/3 - EHEA

HB 1160 - 3/3 - W&M

HB 1179 - 3/24 - W&M

HB 1263 - 3/10 - W&M

*Lois Stoner*

## ADMINISTRATION OF JUSTICE

**SB 833** (Request of Attorney General and 15 Senators) **Circuit Court Judges- Election, Qualifications, and Terms of Office** amends the Constitution to alter the method of electing Circuit Court Judges to be retention elections. (JPR 3/9) LWVMD is testifying in support based on our Administration of Justice position.

### Update:

#### RSC 1:

SB118 & SB119 Civil Jury Trials Amount in Controversy both passed the Senate 2/25 votes 33-13 & 32-13 assigned to House (JUD). No hearing date.

HB436 Jury Trials in Civil Actions Amount in Controversy (JPR 2/4) no action.

SB 220 Circuit Court Real Property Records Improvement (B&T 2/19) no action.

#### RSC 2:

HB 106 & SB 248 Maryland Legal Services Fund-Surcharges. (JUD 1/27). The Senate passed SB248 on 3/5 with no amendments vote 36-11.

HB 769 Orphan's Courts Minors Guardianship. Passed the House 2/5 136-1 assigned (JPR 2/26) no hearing scheduled.

HB332 Orphans Judges Qualifications (JUD 2/17) no action

HB 417 & SB 770 Baltimore City Orphans Judges Qualifications (JUD 2/17) no action (JPR) hearing 3/9.

HJR 4 & SJR 4 Judicial Compensation Commission Recommendations Bills amended to maintain existing salaries. HJR 4 passed House 133-0 and passed Senate 3/4 47-0. SJR4 Passed Senate 47-0 and passed House 135-0 on 3/2.

#### RSC 3:

SB 874 Circuit Courts and District Court-Creation in Areas of Greatest Need hearing 3/23 (JPR).

*Grace Kubofcik*

## DEATH PENALTY

All four bills relating to the Death Penalty are on hold, pending results of hearings before the Judiciary and Judicial Proceedings Committees this month. **HB 994**, which would increase the types of evidence allowed for a capital prosecution, (*See RSC 3*) is to be heard by Judiciary March 16 at 1 p.m., along with **HB 306**, concerning the murder of a child during a sexual offence and **HB 1078**, the personhood amendment, which would eliminate capital punishment but also the right to an abortion. (*See RSC 3*). The Senate bill to increase the types of capital prosecution evidence, **SB 404**, was to be heard by Judicial Proceedings March 10 at 1 p.m.

*Marcia Reinke*

## GUNS

Although 32 bills have been filed which would change or modify Maryland's gun laws, it appears that the major decisions on the right to bear arms will be made by the United States Supreme Court which is currently deliberating on whether and how the Second Amendment to the U.S. Constitution should apply to the states. Senate bills to be heard by Judicial Proceedings March 11 include **SB 191**, which would establish weapons free higher education zones; and **SB 842**, which would allow reciprocity to a license issued by another state to a current or former member of the armed forces. **HB 52**, which would allow license reciprocity with Virginia, Delaware and Pennsylvania has been heard, still with no report. **HB 893**, which would allow handgun permits for victims of domestic violence (*See RSC 3*), was also to be heard March 11 by JUD.

*Marcia Reinke*

## ELECTIONS

Few election bills are winding through the legislative process this session, and there hasn't been much action on those which have been heard in committee. The bill that would allow 16-year olds to register to vote, but not be eligible to vote until they are 18 years old (**HB 217/SB 292 - Elections - Voter Registration and Voting – Age**) has been heard in both the House and Senate, with no action yet by either committee.

The same is true for **HB 266/SB 266 - Voter's Rights Protection Act of 2010**, heard in a House committee and a Senate committee, but no action since.

**SB 417 - Elective Franchise - Registration and Voting at Polling Places**, which requires a Constitutional Amendment to allow voters to register and vote at the same time during early voting and on Election Day, was heard by the Senate Education, Health and Environmental Affairs Committee on February 25<sup>th</sup> and the companion bill in the House, HB 322 is scheduled to be heard on March 16<sup>th</sup> in the House Ways and Means Committee.

**HB797 - Election Law – Early Voting – Delay of Implementation** is emergency legislation that would delay the implementation of Early Voting until 2012. This bill is scheduled for a hearing on March 16<sup>th</sup>. **HB 895 - Election Law - Early Voting - Delay of Implementation** is also an emergency bill and would delay the implementation of Early Voting until the first election year in which the State is not projected to have a structural budget deficit. The State Board of Elections and local Election Boards are continuing their efforts to implement Early Voting in 2010.

*Lu Pierson*

## MEETING BASIC HUMAN NEEDS

Unfortunately, one of our priorities this year **SB 243, Housing – Discrimination Based on Source of Income – Prohibitions** lost by one vote in Judicial Proceedings.

*Ruth Crystal*

## MARRIAGE EQUALITY

On February 24, 2010, Attorney General Douglas Gansler released his opinion that Maryland should recognize same-sex marriages performed in other states, stating “there is no law in Maryland that says we don't recognize out-of-state marriages between same-sex couples.” An article published February 25<sup>th</sup> in *The Baltimore Sun* states that this ruling does not carry the weight of law but is meant to guide judges and state agencies. The next step will likely be the filing of a lawsuit.

The House and Senate bills reported in RSC #3 which LWVMD supports, including: **SB 582; HB 808; HB 1279; HB 1176** and bills which LWVMD opposes **SB 852 and HB 1079** were all heard last week. No action has been taken on any of these bills.

*Sherry Hyman*

## HEALTH CARE

On the Federal level, health care reform seems to be in limbo. In order to pass the Senate as part of “Reconciliation,” the House must pass the Senate bill. Passage does not appear to be as easy as originally thought. Lost by many in the discussion is the little understood Sustainable Growth Rate. This is the rate which controls outpatient reimbursements and therefore physician reimbursements. The greater the use of outpatient services, the greater the cut in the SGR. There have been many efforts over the years to correct what is considered a flawed formula, since Medicare has made a concerted effort to push patient care out of the hospital and into the outpatient realm. This year the steepest cut in many years, 21 percent, was scheduled to go into effect. Senator Bunning, R-KY, staged a protest last week and this year’s correction was caught up in it. To solve the problem, a 30-day correction was attached to an emergency funding bill. However, there is no permanent SGR fix or even a year-long moratorium. This could have a profound effect on Medicare participation.

On the State level, we are beginning to see some spinoff from the Federal effort. Speaker Michael Busch has submitted **HB 929, Patient Centered Medical Home Program**, which would institute a pilot program testing medical homes. A medical home is a highly touted idea for the future. It is similar to the integrated care provided at large institutions such as the Mayo Clinic, where patient care is coordinated by a group of varying specialists all working together. This bill would try the concept with both small and large practices within the State. This is a concept worth watching for the future. There is also a similar bill in the Senate, **SB 855**, but it is not crossfiled. Senator Munson has also sponsored **SB 723, Clinically Integrated Organizations**.

**HB 603/SB 397, Health Care Freedom Act of 2010**, opposed by the AARP, would require an amendment to the Maryland Constitution. The amendment would prohibit any law which restricts or interferes with the choice of health care plans or direct payment for medical services. This amendment could have the unintended or intended consequence of nullifying any Federal health care reform.

Another bill, **SB 851 - Maryland Health Improvement and Disease Prevention Act**, would mandate a blue ribbon commission to look at preventive health care in the State and to provide tax incentives to broaden prevention.

Unlike previous years there are only two health care reform bills in the Legislature. Health Care For All has not sponsored a bill this year, but is working on the increase of the liquor tax to shore up Medicaid.

**HB 767, Maryland Health Security Act of 2010**, sponsored by Delegate Montgomery and others, is the Single Payer bill, supported by the Single Payer advocates. This is the same bill as last year and even if it were to pass, it is unfunded.

Another version of Single Payer is **HB 767, Maryland Health Security Act of 2010** (HB 1186 in 2009). It would establish a Maryland Health System to provide health care services to all residents of the State under a single system that is not dependent on employment. It also would authorize all willing participating health care providers and would provide health care services from out-of-state health care providers under specified circumstances. Although they do not appear to be crossfiled, Senator Pinsky has also sponsored **Maryland Health System Act, SB 682**, again this year.

There are several malpractice reform bills in both houses. **HB 1166**, sponsored by Delegate Elliott, would encourage the use of periodic payments or annuities in malpractice cases. There are decided advantages to the use of periodic payments for both the plaintiff and the liability insurance company, but the trial bar is usually opposed to their use and this bill is not expected to pass the committee.

**Health Care** continued from page 5

Delegate Elliott has also sponsored **HB 1157**, which would place a \$500,000 limit on non-economic damages. This is not likely to come out of committee either. The medical community is opposing HB 1252, Professional Liability Coverage, which would require a physician to carry malpractice insurance in the outpatient setting.

However, the Apology bill, **SB 358**, was heard on February 16 and appears to have enough votes in the Senate committee to come to the floor of the Senate.

The Governor's False Claims bill, **SB 187 and HB 525**, remains in committee while Lt. Governor Brown holds work sessions trying to reach some type of agreement on amendments. It appears there will be changes in the bill, but in all likelihood the Qui Tam and current level of intent will remain in the bill.

Delegate Glenn has sponsored **HB 1388, the Maryland Medical Marijuana Act**. Delegate Morhaim also sponsored two marijuana bills, **HB 712 and HB 713**. There appears to be greater support this year, but it probably will not pass. (California is having significant problems with their law; so many states will wait to see the outcome there.)

*Neilson Andrews*

## TRANSPORTATION

Two bills deal with notification of committees of the General Assembly before RFP's are advertised for public-private partnerships. **HB 271** (Rice, et al) **Transportation – Public-Private Partnerships - Notice to the General Assembly** (W&M hrg 3/2) requires notice that MDOT plans to lease the operation or maintenance of a transportation facility or plans to design/build and operate a facility. Since 1997 MDOT signs such non-highway agreements for design/build or operate/maintain facilities for transit-oriented development, port and airport purposes. **SB 797/HB 1370** (Jones/Branch) - **Public-Private Partnerships – Oversight** (Rules/APP) requires similar notification not only of transportation projects but General Services facilities and facilities at higher education institutions. The League has no position on private-public partnerships (P3).

### Update:

**RSC 1** – SB 229 Commission on transportation funding, which the League supports, passed the Senate 47 – 0 with amendments to expand membership to include representatives of counties and municipalities.

**RSC 3** – SB 760 - Consolidated Transportation Program process, which the League supports, B&T hrg 3/11

## ENVIRONMENT

**SB 156 Environment – Recycling – Apartment Buildings and Condominiums** (Brochin, Conway, Frosh and Raskin) This bill requires owners or managers of apartment buildings or condominiums that contain 10 or more dwelling units to provide for recycling for residents on or before October 1, 2014. (EHEA)

Bill received an unfavorable report by a narrow margin, which means it has died for this year. We may see this bill or something like it filed again next year. LWVMD presented testimony supporting this bill.

**SB 653 Environment - Coal Combustion By-Products - Minimum Standards - Beneficial Uses** (Lennet et al) The measure in the Senate (SB 653) to regulate the use of coal combustion by-products (like boiler slag and fly ash) had an outpouring of positive testimony last week from the environment community. This is badly needed protection for our water and air, as dangerous elements can leach into water or dust can be disseminated by air. The owners of coal combustion energy producing plants and some users of the by-products in landfill and paving see this as an added cost. LWVMD supports this bill. (EHEA)

*Susan Cochran*

## AIR QUALITY

Two bills, proposed by the administration, accelerate/extend existing programs for cleaner generation of electricity.

**SB 277/HB 471 - Renewable Energy Portfolio Standard – Solar Energy** (FIN, ECM) slightly increases (to 2%) the requirement for solar energy by 2020 and increased the Alternative Compliance Payment. **SB 287/HB 464 – Maryland Clean Energy Incentive Act of 2010** (B&T/W&M) extends, for another five years, the tax credits for producing energy from renewable sources. To date the sources receiving funding to are several landfill gas facilities, a large wind facility in Western Maryland and several small wind and solar facilities.

Update: RSC 3 – Both HB1040 & HB1044 - high performance buildings, hrg HGO 3/11.

*Carol Filipczak*

## CHILDREN'S ISSUES

**Major changes in the Governor's Office for Children (GOC) funding** Changes in the Children's Cabinet Interagency Fund in the FY2011 budget have put Local Funding for Children's Services at risk. This drastic change from a model supporting local decision making through local management boards, (LMBs) to a centralized model with decision making and control at the state level, through the Governor's Office for Children (GOC) will produce a decrease of \$4 million in FY 2011, causing the loss of hundreds of jobs and services in the LMBs.

LMBs and local jurisdictions will no longer be assured to receive prevention and early intervention funds, and many local efforts which have produced extremely effective results, both in fundraising and services, may be gutted. Many current and local grassroots programs developed under effective practice models will no longer be funded, especially impacting out-of-school -time activities, which the League has strongly supported.

Local decision making + Accountability = Resources for Local Needs. In a letter from County Executive Leggett to our State representatives, he notes, "these funding changes are significant, leaving only \$2.3 million to be shared among 24 Local Management Boards. In addition, the LMBs would no longer receive state dollars earmarked for local programs, as they are proposed to be moved to the Governor's Office for Children. In light of these recommendations, it would appear the GOC is building bureaucracy and reducing services! In addition, over \$60 million leveraged by LMBs in the last two years alone to support each LMBs local system of care being built since 1992, is also at risk.

## MORE BUDGET ISSUES - FEDERAL & STATE

The proposed federal budget would increase the CHILD CARE BLOCK (CCBDG) funding by \$1.6 billion for the coming fiscal year (replacing stimulus money). And would add \$600 million to aid subsidized children and improve quality. Head Start and Early Head Start would get a smaller boost of \$989 million. Part C and Section 19 of IDEA would add some money for children with special needs!

*Pat Plunkett*