



REPORT FROM STATE CIRCLE 2009

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up a 501(c)(3) entity, Eligible Educational Scholarship Organization, to provide tuition scholarships to students and qualified teachers at eligible nonpublic schools. It would also provide grants and services for public schools to support innovative programs that are not part of the regular curriculum. Businesses that contribute to the organization could claim a tax credit equal to 75% of the contribution up to \$200,000 annually. At least 85% of the cash receipts for scholarships must go toward scholarships for teachers and students at no fewer than four different nonpublic schools with a priority for students eligible for free and reduced price meals. The same percentage applies to grants received for innovative program grants to public schools. Both schools and businesses must meet standards set by the State Department of Education. For many years the League has opposed using public funding (in this case, tax credits) for vouchers to enable parents to send their children to private elementary and secondary private schools. (hrg HB 1259 - W&M - 3/10)

Several more bills related to high school students have been filed. **SB 903 - Education - High School Assessment - Graduation Requirement - Prohibition** (Muse and Exum), (hrg. 2/19) an emergency bill, would prohibit the State Board of Education from requiring students in the 2009 graduation class to pass statewide, mandatory curriculum based exams. **HB 1223/SB 857 - Education - Public High Schools and Public High School Students - Revisions and Requirements** (Braveboy/Pugh and McFadden) would add to the existing state data collection

EDUCATION

Voucher type bills that failed last year have again been introduced in both the House and Senate. **HB 1259/SB 715 - Building Opportunities for All Students and Teachers (BOAST)** in Maryland Tax Credit (Proctor plus 57/Degrange plus 9) would entitle specified students to publicly funded scholarships to attend nonpublic elementary or secondary schools in Maryland. The bills would set

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requirement regarding high school graduation rates. The State Department of Education would need to collect data for how many students graduate in 3, 4 or 5 years and evaluate how many students under age 20 earn a GED and why they opt for this approach. Each county school board must also review the course content and completion to assure they do not create barriers to graduation and that there is enough flexibility in scheduling. Schools must prepare a high school assessment status for all sophomores and juniors and note interventions taken to ensure the student is ready for the high school assessments.

Exceptions to these requirements for certain students are delineated. (hrgs 3/17 – **HB 1223** in W&M/SB **857** in EHEA)

Senator Rosapepe's bill, **SB 689 - Education - Study Group on Expanding Enrollment Options for High School Students** would create a 13 member study group to review and make recommendations regarding a variety of enrollment options for Maryland high school seniors. These include evaluating the benefits and disadvantages of Advanced Placement and international Baccalaureate programs, of GED and other alternative programs, and of college courses as well as the level of support for students seeking challenging academic experiences and for those who are struggling. Recommendations should be made on funding and strategies for reconfiguring high school programs and on developing a uniform plan that recognizes the multiple ways students can achieve a high school diploma.

SB 648 - State Retirement and Pension System - Employer Contributions - Educators and Educational Staff (Pipkin and Brinkley) has been introduced as a cross file for HB 525 (RSC 2). More importantly, President of the Senate Miller has introduced SB 710 - State Retirement and Pension System - Local Employer Contributions - Educators and Educational Staff which would require local jurisdictions to provide the employer contributions to the Teachers Retirement and Pension Systems for that portion of the total employer contribution that exceeds the employer contribution for FY 2010. These two systems include not only K-12 elementary and secondary public school teachers but also librarians defined in

the Education Article and faculty and staff of community colleges except for Baltimore City

Community College. Delegate Schuh has cross filed HB 1046. (hrgs for HB 525 and HB 1046 - APP on 2/24)

Local school systems would be subject to additional mandates were the following bills to pass. **SB 754/HB 934 - Vehicle Laws - School Buses - Prohibition on Permitting Sitting on Floor or Standing** (Pipkin plus 2/Smigiel) would require the person responsible for students on a school bus to prohibit any student from standing or sitting on the bus floor when the bus is moving. Currently, a limited number of students may stand and sitting on the floor has been permitted. (Hearings for both bills on 3/3 - JPR/ENV). **SB 699 - Education - Immunizations - Children Entering Seventh Grade or Higher** (Klausmeier) would require children born after January 1, 1990 to have a booster immunization for DPT (diphtheria, pertussis and tetanus). (hrg-EHEA - 3/17). Another curriculum mandate in the form of a course on criminal law and criminal procedures for middle schoolers would be implemented if **HB 1032 - Education - Public and Private Schools - Criminal Law and Criminal Procedure Cases** (Conaway) passes.(hrg. W&M - 3/4) **HB 845 - Domestic Violence - Tween/Teen Dating Violence Education and Awareness** (Carter plus 25) would require the State Board of Education to implement a program before sixth grade to educate students about dating violence, including services provided to victims of dating violence.(hrg JUD - 2/19)

House cross file for **SB 241** (RSC 2) has been introduced as **HB 660 - Education - Suspension and Expulsion Procedures - Attendance-Related offenses** (Kaiser plus 6) (hrg. W&M - 3/4). **HB 897 - Public Schools - Office Discipline Referrals - Accountability Policy** (McConkey plus 6) (hrg W&M -3/4) is the cross file of SB 409 (RSC 2).

Lois Stoner

BUDGET AND REVENUES

On Friday, February 19, Governor O'Malley unveiled some of his plans for the use of the funds Maryland will receive from the federal stimulus package. The governor said that he will include funding so that 700 state jobs proposed to be eliminated will be restored. Public education will be fully funded, the state will provide enough funding to cover teacher retirement costs, and additional funds will be allocated for community colleges. Maryland is also expected to receive approximately \$1.6 billion in additional Medicaid funds over the next two years. The governor announced earlier in the week that the state will use some of the \$365 million in transportation funds for road resurfacing and bridge maintenance projects that can be started as soon as the next 30 days. Tax revenues continue to fall with weak collections of both the income tax and sales tax in January.

Delegate Bronrott has submitted **HB 423 Motor Fuel Tax – Indexing** which provides for increases in motor fuel tax rates in accordance with the Construction Cost Index but by no more than one cent per gallon per year. The Department of Legislative Services estimates that such indexing would increase revenues to the Transportation Trust Fund by \$21 million with the state share totaling \$14.7 million. Ways and Means heard the bill on February 11. The League has supported similar legislation in the past. Senator Madaleno has submitted SB 722 which would increase the Motor Fuels tax by 5 cents from the current 23.5 cents per gallon. These additional funds would also enhance the Transportation Trust Fund.

Senate President Miller has filed **SB 710 State Retirement and Pension System – Local Employer Contributions – Educators and Educational Staff** which would shift the cost of new system employees and costs tied to salary increases to the counties. However, the governor has said that stimulus funds will cover the state payment of teachers pensions (see above).

SB 747 (Harris, et al) and **HB 684** (Schuh et al) **Taxpayers Protection Act** would create a constitutional amendment which would require a three fifths vote of both houses of the General Assembly to pass legislation to increase the rate of an existing tax or to impose a tax on an individual or entity not currently subject to the tax.

SB 603 (Pinsky et al) and **HB 1244** (Ross) **Corporate Income Tax – Rate Reduction and Reform** would provide for the combined reporting by members of combined reports (which the League has supported in the past) and requires the Comptroller to make certain reports to the legislature and states the intent to permanently reduce the corporate rate.

Barbara Hankins

ELECTIONS

SB 514 - Registration and Voting on Election Day is sponsored by Sen. Lennet and 15 other senators. This bill calls for a constitutional amendment that would allow the General Assembly to enact laws to allow a qualified voter to register to vote and vote at the voter's polling place on Election Day. Currently, voter registration closes on the 21st day preceding an election. Nine other states have Election Day Registration, some since the 1970's. The fiscal note to this bill, which is not cross filed with but is identical to **HB 476**, says this bill "should no result in additional costs for the local boards of elections." These bills only relate to the constitutional amendment and are not to the enabling legislation which will undoubtedly have financial consequences for local election boards. The League will provide testimony in support of this legislation at a hearing scheduled for February 26 in the Education, Health and Environmental Affairs Committee.

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A number of bills have been filed relating to switch to an optical scan voting system. Two bills (**HB 1211/SB 970**) have been filed which would delay the replacement of Maryland's DRE voting system until 2016. A hearing on the House bill is scheduled for March 3rd.

Three bills deal with revising language of the optical scan voting system legislation adopted in 2007. The 2007 bill stated that any voting system certified by the State Election Board must comply with the Americans with Disabilities Act and the Help America Vote Act, and must be shown by an independent testing laboratory to meet the accessibility standards adopted as part of the Voluntary Voting Systems Guidelines (VVSG) pursuant to HAVA. At this point, no optical scan voting system has met these Guidelines. *Amendments need to be made to the current law to allow the state to pursue the purchase of optical scan voting equipment by 2010.* Delegate Cardin has sponsored **HB 738 - Voting System Requirements and Accommodations for Voters with Disabilities**, which would allow the continued use of our current DRE machines for voters with disabilities, and delete the reference to the VVSG, substituting meeting the accessibility guidelines established by the FEC or the EAC. **Delegates Hixson, Cardin and three others have introduced HB 893 – Voting System – Requirements** which would not amend the current law, but adds a provision that if no voting system is commercially available at the time of procurement, SBE shall select the system that best satisfies the VVSG requirements. Senators Dyson and Conway have introduced **SB 415 – Voting Systems – Requirements** which deletes the reference to the Voluntary Voting System Guidelines, but does not allow for the continued use of DRE machines for disabled voters. Hearings are scheduled on all three of these bills within the next week.

Lu Pierson

AFFORDABLE HOUSING AND ECONOMIC JUSTICE

In the midst of a national foreclosure crisis, it is not surprising that a good number of bills on the subject have been introduced this session. None are "bad" bills, but some are more effective than others.

SB 842/HB 776 Real Property - Foreclosure of Mortgages and Deeds of Trust on Residential Property - Notice to Occupants (Lenett/Healey et al). This bill provides important information to the tenants by first class and certified mail at three important times: (1) when the foreclosure case is filed in court, (2) when the foreclosure sale is scheduled, and (3) when the court orders the eviction of any occupants. The notices tell the tenant how to get more information, the earliest date on which the tenants could be evicted, and who to talk to about continuing to rent the property. LWVMD supports this bill. (hrg JPR 2/25; ENV 3/5)

RSC 1 described the first foreclosure bill that had been introduced: **SB 203**, while **SB 203** required that tenants be notified if the property they live in is being foreclosed, **SB 842** includes better notification and protection provisions.

Other important bills offering protection to tenants in foreclosed properties are **SB 829/HB 733 Real Property - Tenants in Foreclosure Protection Act** (Lenett/Lafferty et al). These bills will change the law so that when a property is sold at a foreclosure sale, the tenants' rental agreement will not be terminated. The lease will continue until the original expiration date or for three months, during which time the tenant and new owner can negotiate to extend or renew the lease. The new owner will continue to have the same duties as the prior owner, such as maintaining the property. The LWVMD supports this bill. (hrg JPR 2/25; ENV 3/5).

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HB 692 Mobile Home Park Relocation Act (Lafferty et al) Mobile homes are among the constantly decreasing affordable house options for lower income Maryland residents. As the value of their land increases, owners of mobile home parks are closing the parks and converting the land to more lucrative uses. These closures require leaseholders and owners of mobile homes to locate other places to live.

Current Maryland law only requires that a mobile home park resident be given a one-year notice before the date of park closure and, when a land use change is involved, an undefined relocation plan has to be provided. This bill would require the park owner to provide \$3500 in relocation assistance to each resident who would be dislocated, and provide the local jurisdiction with a relocation plan that includes specifics such as a complete list of residents, a timetable for providing relocation assistance, a list of other mobile home parks within a 25 mile radius and a name and phone number of the owner's relocation agent. The LWVMD supports this bill.

In 2007, LWVMD supported **HB 430 - State Procurement Contracts - Living wage**. This law requires contractors and subcontractors to pay employees minimum wage rates under State procurement contracts. The minimum wage for workers in urban areas (Montgomery, Prince George's, Howard, Anne Arundel, and Baltimore Counties and Baltimore City) is \$11.50 per hour and in other areas of the State it is set at \$8.50 per hour.

SB 694/HB 621 Procurement - Living Wage-Repeal (Kittleman et al/ Bates et al) repeals the provisions regarding living wage for state contracts. The LWVMD opposes this legislation. (hrg FIN 3/5; ECM Feb. 24).

JUVENILE JUSTICE

HB 383, requiring several child-serving Departments of the State Government to show how they are using money-saving evidenced-based services, was heard by the APP Committee. After a presentation by Advocates for Children and Youth in favor of the bill, all the Departments concerned testified against the bill. Their argument was that they were already using evidence-based services and did not need to report to the State about their efforts to institute these services in their Departments. In addition, the Juvenile Services Department claimed that these services would only apply to low-risk youth, where the costs are high.

SB 218 sets up an Offender Registry and mandates registration for juveniles who have committed serious sexual offenses when Juvenile Court supervision ends at age 18. This bill had a hearing in the Senate JPR Committee. It was supported by Senator Frosh based on the experiences of a constituent whose children were sexually abused by a male juvenile babysitter. The bill was opposed on the basis that young sex offenders are often more amenable to treatment, that this bill might discourage reporting of sex offenses and might keep youthful offenders from taking part in therapeutic activities. From the questions asked of the witnesses, many of the members of the Committee appeared to be in favor of this bill.

There was not further action on **SB 53**, a bill that requires Juvenile Services to ensure that specified facilities serve no more than 48 juveniles.

Debra Ehrenstein

ADMINISTRATION OF JUSTICE

HB 196 and SB 307 changing the Judicial Compensation Commission meeting date to September 1, 2009. SB 307 passed the Senate vote 46-0 moved to House Appropriations received a favorable report on 2/18 and passed the 2nd reader of the House on 2/19. Note both HJR2 and SJR4 - Judicial Compensation Recommendations are still in Rules.

SB 528 (Kramer plus 9 co-sponsors) **Estates and Trusts Registers of Wills - Fees** (hearing 3/5 JPR).
HB 399 and SB 153 - Orphans' Court - Jurisdictional Limit increasing from \$20,000 to \$50,000 the value amount for jurisdiction of an orphans court. Both received favorable reports from their committees on 2/23.

SB 905 (Muse) and HB 634 (Levi and Vallario) **Orphans' Court – Minors - Guardianship** provides for Orphans' Court jurisdiction of a minor if the presiding judge of the Orphans' Court is a member of the bar regardless if the minor subject to the petition of guardianship has property, may inherit property or is destitute. The Court may transfer the matter to Circuit Court on a finding of the best interest of the child. (hrg 3/11 JPR; hrg 3/11JUD)

HB 856 (Smigiel plus 11 other members of JUD) **Criminal Procedure - Media Coverage in the Courtroom - Criminal Sentencing hearings.** This Bill is substantially revised from previous years (2005 – 2008), all of which resulted in unfavorable JUD reports. Provisions include a 24 hour written request filed with the clerk of the court identifying the criminal sentencing hearing, the media pooling arrangements, the equipment to be used, identifies who will represent the media. Notice shall be given by the clerk of the court to each party involved in the criminal proceedings and the presiding Judge has broad decision powers including limiting media coverage before or during the criminal sentencing hearing. A new provision is on request of a witness the presiding judge shall order that media coverage not include a visual or audio recording or broadcast of the witness. (hrg 3/5 JUD)

HB 917 (Smigiel plus 6 others) **Administrative Office of the Courts-Uniform Subpoena Procedures and Forms for Circuit Courts.** To design uniform subpoena procedures and forms to be provided and used in the Circuit Courts of the State in subpoenaing a person for a criminal, civil or traffic matter. (hrg 3/5 JUD)

Grace Kubofcik

CHILDREN & FAMILIES

HB 184/SB 234 - Maryland's pre-school for all Business Plan. LWV testified in support of HB 184, hearing on 2/17/09. No further action to date.

Office of the Governor - **CHILDREN'S CABINET INTERAGENCY FUND** - Provides support for work of the Local Management Boards, who leverage these funds to allow state dollars to go further in individual jurisdictions. Funds cut by 15% in the budget document, but may be restored due to economic stimulus money.

Details of the American Recovery and Reinvestment Act are still evolving, but as of Feb. 18, it appears that the federal money will keep Maryland child care and early education on a positive track, rather than facing the major cutbacks originally expected. The state child care subsidy system has very low reimbursement rates and high co-pays, the professional development system needs cash to perform adequately, and staffing in the Early Childhood Development Division and in local subsidy offices needs augmenting.

Pat Plunkett

MARRIAGE EQUALITY

SB 565 Religious Freedom and Civil Marriage Protection Act (Madaleno et al) (see RSC 2), would change the language in Family Law from marriage between a man and a woman to two individuals who are not otherwise prohibited from marrying in this State. This bill is crossfiled with **HB 1055** (Barnes et al). (hrq JPR 3/11; JUD 3/12).

SB 647 Maryland's Marriage Protection Act (Greenip et al) (see RSC 2) would add a new section to the Maryland Constitution to read: "Marriage between one man and one woman shall be the only domestic legal union valid or recognized in this state." It must be approved by three-fifths of the members of both Houses of the General Assembly in order to be placed on the November 2010 ballot. This bill is now crossfiled with **HB 913** (Dwyer et al). (hrq JPR 3/11; JUD 3/12).

Sherry Hyman

CAMPAIGN FINANCE REFORM

Public Funding of Campaigns for the General Assembly: **SB 663 and HB 1353** have been filed by Senator Pinsky and Delegate Cardin. EHEA will hear SB 663 on 3/12 (the date may be moved up); HB 1353 has been referred to the Rules and Executive Nominations Committee because it missed the House Bill introduction deadline of 2/1.

The bills filed by Senator Pinsky and Delegate Cardin are the same as those filed in the 2008 GA Session and serve as "placeholders" for new provisions related to funding and implementation dates. Although we still don't know the final language of either bill, basic provisions will be the same as in previous bills: voluntary participation; qualifying by collecting small contributions; and agreeing to spending limits.

We expect that the bills will call for pilot tests in the 2011-2014 election cycle, with funding coming from the current gubernatorial public funding system. A task force would meet in 2014 to evaluate the pilot tests and recommend a funding source for an ongoing system.

We expect to have the final bills in hand by the end of February.

Status of bills reported in previous RSCs:

HB 170 and SB 157 - LLCs Attribution of Contributions: HB 170 was heard by W&M on 2/11; SB 157 will be heard by EHEA on 2/26. The League submitted written testimony supporting HB 170 and will do the same for SB 157. (RSC #1, 2)

HB 413 - Ballot Issue Committee—Heard on 2/11 by W&M. Favorable Report (RSC # 2)

Other Bills Filed Since RSC # 2:

SB 512 - Campaign Finance Entities - Certificates of Deposit (CDs) (Forehand, et al) provides that candidates may deposit campaign funds in a CD. To be heard 2/26 by EHEA.

SB 846 - Public Financing Act – Revisions (Harris). Current law requires that, in order to receive public funding, a candidate for Governor or Lt. Gov must raise "seed money" of over \$200,000 (counting up to \$250 per contributor) and may not spend, including private funds, more than \$.30 X the state population (\$2 million+ in 2006.) The fund was last used by Ellen Sauerbrey in her first race for Governor.

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SB 846 would double the countable seed money contributions per contributor and triple the spending limit. (This system is very different from the one proposed for candidates for the General Assembly.) To be heard 3/12 by EHEA

SB 849 - Task Force to Study Restrictions on Campaign Contributions from Government Contractors (Harrington and Pinsky). Will be heard by EHEA on 3/12.

HB 661 - Special Session Campaign Finance Reform Act (Ali and Bobo) applies current prohibitions on fundraising by statewide officials and Members of the GA to Special Sessions. Heard by W&M on 2/19.

HB 723 - Campaign Finance Entity - Authority of Chairman to Make a Disbursement (Barve and Cardin) would allow the Chairman as well as the Campaign Treasurer to make disbursements. Heard 2/19 by W&M.

HB 805 - Campaign Account - Debit Card Disbursements (Heller) provides that only the Treasurer of a campaign account may use a debit card to make disbursements. Heard 2/19

HB 980—Web-based Campaign Finance Reporting Act (Ali et al) will require the State Board of Elections to develop and maintain a secure internet website on which campaign reports can be filed. To be heard by W&M 3/3.

HB 1170 - Campaign Contributions by Persons Engaged in Gaming Activity (Simmons) would prohibit persons who make campaign contributions from receiving a license to conduct gaming activities in the state. (hrg W&M 3/11).

HB 1313 - Raffle Tickets – Limits (Cardin) allows a person to purchase up to \$100 in raffle tickets sold by a campaign provided that no more than \$50 is in cash. (heard by W&M 2/16)

Kay Terry

LEGISLATIVE ETHICS

SB 695 - Lobbying by Former Officials (Kittleman et al) is identical to, but not crossed filed with, HB 475, below.

Previously Reported:

HB 475 - Lobbying by Former Officials - was heard by EM on 2/19. (RSC 2)

Kay Terry

TRANSPORTATION

Money to fund transportation projects remains at the forefront of transportation issues.

SB 894 – Transportation Trust Fund Protection Act (Mooney, B&T) has been cross-filed with **HB 140**, reported in RSC1, to protect transportation funding.

SB 723 – Commission on Commuter Rail Governance and Funding (Madaleno, B&T) has been cross-filed with **HB492**, reported in RSC 2. Interestingly the Fiscal Note on HB492 says there is no money to support this task force in the Department of Transportation budget. Go Figure!

SB 853 – Maryland Transportation Infrastructure Funding Task Force (Garagiola, B&T) proposes a task force investigate how to fund transportation projects and issue an interim report by January 2010.

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Four bills on the gasoline tax are before the General Assembly. For comparison the current tax is 23.5 cents per gallon in Maryland, 23 cents in Delaware, 20 cents in DC, 32.3 cents in Pennsylvania, 19 cents in Virginia and 32.2 cents in West Virginia. I ignore the tax on aviation fuel and special fuels. Some states add a sales tax to the purchase of gasoline.

HB 747 – Motor Fuel Tax – Adjustments (Barkley, W&M 2/19) increases the tax by one-half cent and indexes it to the Construction Cost Index.

HB1214 – Motor Fuel Tax – Rate (Hixon, Cardin, Frick, W&M 2/19) increases the tax by five cents.

HB 746 – Motor Fuel Tax – Increase (Barkley, W&M 2/19) increases the tax by ten cents.

SB 722 Tax General – Motor Fuel Tax – Sales & Use Tax (Madaleno, B&T) increases the tax by five cents and redistributes other taxes within the Transportation Trust Fund.

Carol Filipczak

AIR QUALITY

Not directly an air quality issue, four bills have been filed related to high performance building standards. Since the generation of electricity is the largest contributor to greenhouse gases in Maryland, they are relevant to the air conditioning season. A fiscal note reports that three state buildings have been built as high performance buildings.

- The Hammerman Beach Services building at Gunpowder State Park cost 3.4% more, but is expected to save 20% on energy costs and 40% on water consumption over its lifetime.
- Goodpaster Hall at St. Mary's College cost 1.6% more but is expected to save 30% on energy costs and 40% reduction in water consumption.
- The Universities at Shady Grove building, which achieved a LEED gold rating, cost 21.4% more but is expected to save 30% on energy costs and a 40% reduction in water consumption.

I was surprised at these numbers as I had thought initial construction costs for high performance features were far greater.

SB 212/HB 154 - Environment – Green Building Council (Frosh, EHEA adopted/Morhaim et al. HGO 2/12) renews the council's original charge and expands it to recommending annually how to expand green building in the state.

SB 686/HB 541 - High Performance Building Act – Applicable to Community College Projects (Robey, et al. B&T/Bronrott plus 63 others, APP 2/24) adds community college capital projects that receive state funds to the projects that must meet high performance building standards.

SB 243/HB 226 – State Capital Projects – High Performance Buildings – Green Globe Rating (Greenip, et al. B&T 2/11/ Beitzel, et al., HGO & APP) alters the definition of high performance buildings to the two globe ratings by the Green Building Initiative instead of the U. S. Green Council's Leadership in Energy and Environmental Design (LEED) silver rating. Both are reputable rating agencies, both standards are the third highest by the agency, but the Green Globe certification costs about half as much.

SB 625 – Maryland Building Performance Standards – Energy Conservation and Efficiency (Frosh et al., EHEA 2/25) requires the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards. This applies to local building codes.

Carol Filipczak

HEALTH

Senator Pinsky has submitted **SB 881, Maryland Health System Act of 2009**, and 26 Delegates have cosponsored the cross filed bill **HB 1186** (Montgomery plus 25). Twenty-six delegates would lead you to believe that the bill would come out of Committee, however there are only seven sponsors on the committee. They will need six more votes to bring it out.

The bill creates a board to oversee the entire system, named the Maryland Health System Administrative Board. There would be a policy board; a needs, planning, and improvement board and a quality board. These boards would oversee the entire system. The bill would create a true single payer system for the State. It sets up the system, but does not delineate what the coverage would be, first dollar or a catastrophic policy. It also does not indicate how it would interface with the current employer based coverage. There is no indication on funding sources for the coverage or implementation of bill.

HB 951/SB 813, Health Care Affordability Act of 2009 (Hubbard plus 18/Jones), which would establish the Maryland Institute for Clinical Value. Among other things, the bill creates a Maryland Insurance Pool that would provide coverage for Maryland citizens. It also delineates the type of coverage, the source of funding, credit for healthy lifestyle and responsibilities of the carriers who provide coverage through the pool.

Senator Pipkin is sponsoring **SB 756, Consumer Health Open Insurance Coverage Act of 2009**. This was SB 617 in 2008. The bill would create a Maryland Health Insurance Exchange in the Maryland Health Care Commission. The exchange would establish a basic plan and would certify participating plans. It would also establish a risk pool of beneficiaries. Additionally it requires all carriers issuing plans in the State to belong to the risk pool. These three bills come at universal access in the State in three different ways. These summaries are just a cursory summary of the bills.

There are several bills that would increase the availability of Medicaid in the State. **HB 580**, sponsored by Delegate Mizeyr, would require Medicaid coverage for independent foster care adolescents (age 18-21.) This group of children often gets lost in the system when they are no longer in a foster home. Delegate Peter Hammen, chairman of the Health and Government Operations Committee, sponsored **HB 739**, which would increase the substance abuse services available for Medical Assistance patients. The bill would not take effect until the 2011 budget. Del. Hammen has also sponsored **HB 1096**, which would require the Department of Health and Mental Hygiene (DHMH) to establish a substance abuse delivery system in the Medicaid program. Family planning services would be increased for families with income below 250 percent of the poverty level through **HB 1279**, sponsored by Delegate Mizeur. She has also sponsored **HB 1213**, which would require DHMH to update its Medicaid processing and eligibility information technology by December 2012.

Delegate Hammen and Senator Middleton have sponsored **HB 860/SB 515** which would replace the Maryland Health Insurance Plan with the Healthy Maryland Program. It would also change criteria for the employer-based payment. Additionally it would change the benefit package of the program. These bills will move forward and are worth watching, as both sponsors are chairmen of the committees hearing the bills.

Neilson Andrews

HB 1119/SB 761 DHMH – Federal Waiver – Waiver for Medicaid Coordinated Long Term Care Program. DHMH would be required to apply for a Federal waiver under the SSA to establish a coordinated care long-term program having the goal of providing long term care services in the most appropriate, cost effective setting. Medical Assistance Program recipients may be required to enroll in a coordinated care program. This bill was vetoed in 2004 and called Community Choice Program.

Loretta Richardson

DOMESTIC VIOLENCE

The JUD Committee heard dramatic testimony on two bills briefly reported in RSC 1, both dealing with the surrender of firearms during the time of temporary Protective Orders and after a final PO. Among those testifying in support was Attorney General Anthony Brown who lost a family member in a DV killing. Both bills are by Request of the Administration.

HB 302/SB 268 Family Law – Temporary Protective Order – Surrender of Firearms is designed to enable the courts to order relief for citizens dealing with DV at the temporary phase of a DV protective order proceeding, currently not available. This bill empowers the court to order a respondent to surrender to law enforcement authorities any firearm for the duration of the temporary order. Advocates testified that the most dangerous time for a victim when leaving a violent relationship occurs when the victim makes a decision to separate from an abuser. Because of the many difficulties victims must face in extricating themselves from such relationships, the first step often occurs during the temporary PO phase.

HB 296/SB 267 Family Law – Protective Orders – Surrender of Firearms (Administration), would adjust the law in a significant way. Instead of allowing the court discretion to order a respondent to surrender any firearms upon entry of a final PO, it would require the court to enter such a form of relief.

Although the bills received strong support from many areas of law enforcement, there was opposing testimony from the Fraternal Order of Police who pointed out that police officers would have to hand in their firearms under the proposed laws and they cannot continue in their employment if they cannot be armed.

HB 1181(Simmons)/SB 467 (Stone & Miller) - Domestic Violence – Expungement of Records, a very complicated bill, was strongly opposed by DV advocates. Similar bills appeared and were defeated in the Senate in 2005 and 2006. The bill requires the court to expunge records about protective orders if both parties appeared at the hearing and the court finds by clear and convincing evidence that the alleged abuse did not occur and the petition was filed in bad faith or without substantial justification. Expungement would require removal of information from the website maintained by the Judiciary AND removal of information from court records to “a separate secure area to which a person who does not have a “legitimate reason” for access, is denied access. Advocates believe that the bill is redundant, and they believe the PO should be part of the public record: if the court finds the abuse did not occur, a record of this finding is helpful and balances out the PO. Advocates noted that HB1181 refers exclusively to civil orders of protection in domestic relationships and is unclear why the domestic relationship is the sole focus of attention.

Carol Sures

CORRECTIONS

Cross-filed bills aimed at providing information about voting rights to those being released from prison, **HB 483** and **SB 503** have been heard in W&M and JPR with no reports. (*See RSC two*). A similar bill, **HB 1318 State Correctional Facility – Release of Inmate- Notice of Voting Rights (Robinson plus 3)** has had a first reading in the House Rules committee.

Marcia Reinke

DEATH PENALTY

With both sides claiming they may have the votes, speculation is raging on what happens next in regard to **SB 279 - Death Penalty Repeal** (*See RSC 1 and 2*). At a lengthy hearing February 18, the Senate's Judicial Proceedings Committee heard from advocates for repeal, including Governor Martin O'Malley and former U.S. Attorney General Benjamin Civiletti, who chaired the Maryland Commission appointed last year to study capital punishment, along with those who want Maryland to keep capital punishment on the books.

In 2006 and 2007 repeal efforts died in Judicial Proceedings, but there is a possibility that one or two members this year, while not changing their ultimate vote, may agree to turn the debate over to the full Senate Chamber this time by sending it out without recommendation. If not, other proponents of repeal are considering a relatively rare procedural move that would bring the measure to the floor of the Senate before the committee votes. Sixteen senators would be needed to sign a petition to approve such a maneuver, which might anger Senate leaders.

Should it get to the floor, headcounts differ. A *Baltimore Sun* survey found 19 senators definitely for repeal, 24 opposed and four refusing to commit. Repeal proponents think there are enough undecided votes to squeak through, and they are urging all opponents of the death penalty to contact their Senators immediately. Included in this group is, of course, the Maryland League of Women Voters, a member of the Maryland Citizens Against State Executions (MDCASE) coalition. Action alerts will continue until the issue is resolved.

The cross-file **HB-316** is scheduled for hearing before the Judiciary Committee March 17. No action is expected, however, unless the Senate acts. A repeal vote in the House appears easy, and the governor, a proponent, would sign.

Opponents of repeal have meanwhile filed three more death penalty related bills in the House, two of which require Constitutional Amendments, and a third, **HB 1109**, which received an unfavorable report from the Judiciary Committee last year. All three are scheduled for hearing before JUD March 17 at 1 p.m. **HB 1109 Administrative Procedures Act – Exemption - Death Penalty Protocols, (McComas plus 4)** would exclude execution methods from the state's administrative procedures. It was the lack off protocols in the Act which resulted in the Court of Appeals requiring protocol review and approval before another execution takes place.

One of the proposed Constitutional amendments, **HB 794 Courts – Death Penalty Court, (Impallaria plus 2)** would create a special state court to have original and exclusive jurisdiction over all offenses punishable by death with prosecutions by the Attorney General. It appears that the goal of this approach would be to eliminate jurisdictional differences.

The other, **HB 925 Maryland Personhood Amendment, (Dwyer plus 33)** seeks an amendment to the Maryland Declaration of Rights which would establish a right not to be deprived of life from "the beginning of their biological development." The intent here seems to be to tie repeal of the death penalty to pro-life positions on abortion.

Marcia Reinke

GUNS

Of the 33 gun-related bills now filed, LWVMD interest is centered on those dealing with the surrender of firearms on the issuance of temporary protective orders. The House bills were heard by JUD February 17 and the Senate bills by JPR February 12, without reports. Please see the “Domestic Violence” section of this RSC.

The only gun-related action taken by any committee to date is a favorable report from Judiciary on **HB 88** which would make pre-trial release more difficult for repeat gun offenders. This bill is among several filed at the request of the Baltimore City administration, aimed at cutting down on the city’s gun violence. The House bills were heard February 10. The Senate JPR Committee is scheduled to hear them March 18. (See RSC 2)

The two identical bills with different names, **H-353** and **S 551**, would prohibit guns and other weapons at institutions of higher education. (See RSC 2) The House bill was heard by JUD February 17, with no report. The Senate bill is scheduled for hearing March 18 at 1 p.m.

Marcia Reinke

MANDATORY SENTENCING

Two sets of bills requiring mandatory minimum sentences have been cross-filed in the House and Senate. **HB 767 Criminal Law – Sexual Offense in the Second Degree – Penalties (Schuh plus 20)** and **SB 427 (Jacobs plus 4)** would increase the mandatory minimum sentence for a secondary sexual offense from 5 to 10 years and prohibit suspension of any part of the sentence. The House Judiciary Committee has heard the bill, with no report. The Senate Judicial Proceedings Committee has a hearing scheduled for March 17. **HB 1200 Crimes – Possession of a Loaded Firearm – Enhanced Penalties (Anderson by request Baltimore City Administration)** and **SB 919 (McFadden by request of Baltimore City Administration)** would require a mandatory minimum sentence of 18 months, no part suspended, for any person found carrying, wearing or transporting a handgun or firearm. The House bill will be heard by JUD March 17. No hearing has been set in the Senate.

SB 424 (See RSC two) requiring a sentence from three to 10 years for a driver convicted of vehicular manslaughter when his license has been suspended or revoked, has been heard by JPR with no report.

Marcia Reinke

LAND USE/GROWTH MANAGEMENT

HB 34 - Environment - Impervious Surface - Statewide Database (Cardin) (RSC 2) (Unfavorable in ENV)

ENVIRONMENT

SB 824 - Community Environmental Protection Act. (Frosh, Brochin, Pinsky, Raskin, and Rosapepe) The Community Environmental Protection Act being spearheaded by Attorney General Douglas Gansler will allow citizens to go to court to get enforcement of our land use and environmental laws. Currently only the company asking for an environmental permit has the right to sue if they think Maryland law was not followed. The bill would give citizens this same right to ensure that laws that protect the environment with appropriate land use requirements are appropriately enforced. The bill is spearheaded by Attorney General Douglas

Gansler. The proposed law would grant rights similar to those in the Federal laws and 44 other states' laws where associations can have "standing" to go to court. (SB 824 will be heard in the Senate EHEA Committee on March 18 and HB 1053 will be heard in the House ENV Committee on March 11.)

The Maryland League supported legislation to provide legal standing to a wider range of citizens so they could challenge land use decisions in court in 1994, 95, and 96. These bills were defeated. This bill offers another opportunity to urge standing for more citizens to go to court to protest land use actions that harm the environment.

Suzan Cochran