



REPORT FROM STATE CIRCLE 2009

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would be necessary in the event of repeal. The bills would re-sentence those now on death row to Life imprisonment without parole; and would allocate the money saved by repeal to help relatives of victims.

This year's effort at eliminating death penalty follows the release in December of a study by the Maryland Commission on Capital Punishment which advocated repeal by a vote of 13 - 9. The Commission was created by the 2008 Legislature when last year's repeal bill died in the Senate's Judicial Proceedings Committee for the second time. **Judicial Proceedings** is scheduled to hear the 2009 bill **February 18 at 1 p.m.** Membership in the committee remains the same, however, meaning that there could be a repeat of the tie votes which resulted in unfavorable reports and no action on the floor of the Senate. There have been rumors that one or two of the Judicial Proceedings senators may vote to allow the bill out of committee, without endorsing it, and that the Senate President may want an up-or-down vote on the floor.

DEATH PENALTY

Legislation aimed at repealing the Maryland Death Penalty has now been filed in both the House and the Senate. The House Bill, **HB 316, Criminal Law – Death Penalty Repeal**, is filed at the request of the Administration and has 57 co-sponsors, up one from last year. The Senate bill, **SB 279**, also filed at the request of the Administration, has 16 co-sponsors, same as last year. The identical bills run to 25 pages, including all the criminal law, corrections and administrative procedures which

With nothing sure at this point, LWV members are urged to call, email or write to their Senators and to attend the hearing if at all possible. Repeal is a top priority of LWVMD this year.

The House will not hold a hearing on this bill until Judicial Proceedings acts. No other bills relating to the death penalty have been filed to date.

Marcia Reinke

EDUCATION

K-12 Public Schools

As is usual early in the session, bills appear that have been filed in the past, but defeated. Examples this year include **SB 340 - Education - High School Diploma - GED Options Program** (Pugh et al), which would require the State Board of Education (SBE) to establish GED Options Program for 16-18 year old students at risk of dropping out of school. This alternative for getting a high school diploma would require students to attend a GED preparatory program for at least 15 hours each week. Another repeat from last year, **HB 379 - Education - Reporting Requirement - Class Size** (Olszewski et al) would require the SBE to set up a uniform data collection method to track how many students participate regularly in each classroom teacher's class by the school year 2012-13. The goal is to be sure that classroom data is accurate and consistent throughout the state. **HB 257 - Classroom Placement - Multiple Birth Children - Parental Discretion** (King and Rice) would again try to assure that parents of twins, triplets, etc. could request whether these multiple birth children are assigned to the same or different classrooms. A caveat would permit the principal to change the placement after 60 school days if the requested placement is disruptive to the school. School boards would be prohibited from adopting a policy that automatically decrees one approach or the other.

Once again bills have been filed that would require the distribution of certain revenue to public school systems. **HB 183 - Lottery for Schools Act of 2009** (Holmes) would require that 25% of lotteries other than sports lotteries go directly to each school system proportionate to the sales of lottery tickets in that jurisdiction. These funds would be used for classroom staff and instructional materials. The rest of the proceeds would go to the General Fund to be distributed through the "Thornton" formula. Two House bills have been filed that would add to the current stipulations for distributing revenues in the Education Trust fund. **HB 339 - Education Funding - Maintenance of Effort - Slots Revenue** (Anderson, et al) would clarify that expenditures from the Trust Fund for K-12 public education would be in addition to the funds mandated in the Education Article. **HB 342 - Public Education - Education Trust Fund** (Taylor et al) would require expenditures from the trust fund be in addition to current funding for K-12 schools, community colleges and public senior higher education institutions.

Several narrowly drafted bills deal with discipline or violence in the public schools. **HB 150 - Education - School Administrators - Reports of Violence to Local Law Enforcement** Unit (Kach and Olszewski) would require school principals to report to police a violent act on school property that results in an injury requiring a call to emergency medical services. **SB 241 - Education - Suspension and Expulsion Procedures - Attendance-related Offenses** (Pugh et al) would prohibit student suspension or expulsion solely for attendance-related offenses. Senator Simonaire has submitted **SB 409 - Public Schools - Office Discipline Referrals - Accountability Policy** which would require the State Board of Education to develop a model policy to track all office discipline referrals in the public schools. Based on the model, local school boards would develop a county policy after consulting with parents, school employees and volunteers; students and community members.

Delegate Bronrott has submitted **HB 481 - School Construction-Pedestrian and Bicycle Trail Enhancements - Funding**, a cross file of **SB 15** described in RSC 1. Delegate Walker and 22 others have filed **HB 505 - Education - High School Assessment Requirement** to prohibit the State Board of Education from including in graduation requirements a mandate to pass statewide curriculum-based examinations. Although identical to **SB 139** described in RSC #1, it is not identified as cross filed.

Although in the past, teacher retirement and pension bills have not been covered among our Education issues, the passage of **HB 525 - State Retirement and Pension System - Employer Contributions- Educators and Educational Staff** (Schuh) would have such a profound effect on county budgets that it must be mentioned. The bill is quite complex, but basically it states that, beginning on July 1, 2010, each county would have to contribute an amount for the employer contribution that exceeds the employer contribution made by the state the previous fiscal year for local members of the Teachers' Retirement and Pension Systems. Local contributions would also have to be made for certain employees of community colleges and of the University System of Maryland.

Adult Literacy

Delegate Hixson and 15 other delegates have once again filed a complex bill, based to some extent on the K-12 Bridge to Excellence "Thornton" legislation, to fund adult literacy in the state. The bill, **HB 365 - Labor and Employment - Adult Education and Literacy Grants - Funding Formula** would include a Geographic Cost of Education Index, phased in statewide and local total funds, wealth-based county allocations, and full-time equivalent enrollment factors. The bill would not take effect until July 1, 2010 with the initial "state phase-in amount" of \$8.8 million in FY 2011. This total would increase to \$23.8 million in FY 2014. LWVMD positions on Adult Literacy issues should be forthcoming within the next month.

Hearing dates for the bills in Ways and Means have been scheduled as follows: HB 120 and HB 150 on 2/10; HB 379 and HB 505 on 2/17; HB 339, HB 342, and HB 365 on 2/24; and HB 257 on 2/25. In the Senate SB 241 and SB 409 will be heard in EHE on 2/19; and SB 340 will be in FIN on 2/26."

Lois Stoner

BUDGET AND REVENUES

The FY 2010 budget picture is very murky at the moment. According to Warren Deschenaux of the Department of Legislative Services, Office of Policy Analysis, more exact revenue projections will not be available until March after the end of the year tax collections come in. The picture is further complicated by the differences in aid to states and municipalities in the Senate and House versions of the Federal stimulus package. The Governor's budget contemplated \$350 million in additional funds for Medicaid and some officials have projected that the state could receive up to \$2.2 billion in additional funding for a variety of programs and projects over the next two years. At this point, we really don't know how much, if any, funds will actually come to the state.

A couple of additional pieces of information that we learned from the Deschenaux briefing, \$ 201 million proposed for a 2% general salary increase, increments, deferred compensation match, et al for state employees in the original baseline budget have not been funded. There has also been talk of state employees being asked to take unpaid furloughs. Assuming the passage of additional legislation, various mandates and formulas for education, libraries and community colleges would be reduced by \$128 million and the Geographic Cost of Education Index would only be partially funded, saving \$87 million. General obligation bonds would be used for the InterCounty Connector and other pay-as-you go capital projects.

On another note, the state received proposals last week for many fewer video lottery machines (slots) than have been authorized. There were only six bids for five locations and two of the bids apparently were not accompanied by the required up front licensing fees. While there has been some talk of a need to increase the percentage of the proceeds going to the owners of casino parlors, no legislation has been filed. There should be no impact on the FY 2010 budget but lower proceeds than anticipated could have a negative impact on budgets in future years.

Barbara Hankins

LEGISLATIVE ETHICS

HB 475 - Ethics, Executive Branch - Lobbying by Former Officials has been introduced by Delegate O'Donnell and what appears to be the entire Republican Caucus. HB 475 provides that a former state official may not act as a paid lobbyist on legislation before the General Assembly for one year after he leaves office (Assigned to EM to be heard on February 19).

Kay Terry

CAMPAIGN FINANCE REFORM

One new bill has been introduced since RSC 1. **HB 413, Election Law - Ballot Issue Committee - Additional Campaign Report** (Kaiser et al) does what the title says it does. This bill was introduced in the 2008 General Assembly to ensure that the millions of dollars expected from groups supporting or opposing slots would be adequately reported. It unanimously passed the House but died in EHEA. (Assigned to W&M)

HB 170, Campaign Finance - Affiliated Business Entities - Attribution of Contributions (Bobo et al) is identical to, but not cross-filed with, SB 157 (see RSC 1). The W&M Committee will hear HB 170 on February 11. The League will submit testimony in support of the bill.

Public Funding of Campaigns: Senator Pinsky, Delegate Cardin and representatives of Maryland Common Cause, Progressive Maryland, Public Campaign, the Brennan Center, and the League continue to work on language. A bill will be introduced as soon as agreement can be reached. (see RSC 1 for more details).

Kay Terry

MARRIAGE EQUALITY

Although there does not seem to be the same urgency this year to move this issue forward as there was in the 2008 legislative session, **SB 565 Religious Freedom and Civil Marriage Protection Act** was introduced in the Judicial Proceeding Committee on February 6, 2009 by Senator Richard Madaleno, Jr. et al “for the purpose of altering a provision of laws establishing that only certain marriages are valid in this State; prohibiting certain officials from being required to solemnize a marriage in violation of a certain constitutional right; providing for the construction of a certain provision of this Act; and generally relating to valid marriages.” If enacted it would change the language in Family Law from a marriage between a man and a woman to two individuals who are not otherwise prohibited from marrying in this State.

Also introduced in the Judicial Proceeding Committee on February 6, 2009 was **SB 647 Maryland’s Marriage Protection Act** by Senator Greenip et al, which would amend the Maryland Constitution, establishing a valid marriage in this State as only between a man and a woman. The text of this bill is not yet available. The League opposes this legislation.

Sherry Hyman

ELECTIONS

Senator Kasemeyer has filed a bill relating to election audits. **SB 595 - Election Law - Audit of Election Results - Transparency in Election Administration** requires that a board of canvassers verify the vote count in statewide contests and contests for Representatives in Congress by means of an audit before certifying the results of an election, and the audit would include a comparison of a manual count of votes with machine counts. The bill contains a lengthy table listing the number of randomly selected precincts to be included in the manual audit. Additionally, the bill contains a number of provisions requiring the State Election Board and local election board to provide for public access to information concerning the administration of elections including minutes of each meeting, information relating to problems in election administration, and documents discussed at meetings.

The League is strongly supportive of manual post election audits. Some of the transparency provisions are worthwhile and positive, although some may be unwieldy, overly broad and expensive, such as the posting on the website of the election board an audio recording of every board meeting and posting comments from the public regarding election administration. The Open Meetings law currently requires that election boards meetings are publicly observable; this bill requires that election boards allow members of the public to speak at meetings.

HB 589 - Election Law - Request for Change of Part Affiliation - Deadline, sponsored by Delegates Ivy, Ali,

Cardin, Gilchrist, Ramirez, Rice, Ross and Walker alters the deadline for a voter to change his or her party registration. Currently a voter is allowed to change party registration no later than 12 weeks before a primary election. This legislation would allow a change in party registration anytime that registration is open. The League supports this change.

Senator Muse and 9 other senators are sponsoring **SB 499 - Election Law - Statewide Voter Registration List - Removal of Inactive Voters**. Current election law allows voters to be placed on a list of inactive voters if a voter fails to respond to a confirmation notice sent to the voter's address. If the inactive voter fails to vote in the next two general elections, an election director can remove the voter from the voter rolls. This bill would delete the authority to remove a voter from the registration list for failing to vote in two general elections. The authority to remove inactive voters from the registration list after failing to vote in two general elections is granted, although not mandated, by federal Motor-Voter legislation as a method of keeping voter rolls current and accurate. Changes in the technology available to confirm address information for voters, as well as increased vigilance by Maryland election officials to confirm voter registration data has significantly increased the accuracy of our statewide voter registration data, which has decreased the number of inactive voters on the list.

In 2007, the Maryland General Assembly became the first legislature in the country to agree to abide by the National Popular Vote Plan, in which states agree to award their electoral votes to the presidential candidate that received the majority of the popular vote in the country. Delegate O'Donnell and 34 other delegates have sponsored **HB 472 - Presidential Elections - Agreement Among the State to Elect the President by National Popular Vote - Repeal** intended to repeal the 2007 legislation passed by the GA and signed into law by the Governor. Because the Maryland League (LWVMD) is participating in a National League (LWVUS) study of this issue and the study will not be completed prior to the end of our legislative session, the LWVMD will take no position on this bill.

Senator Colburn has filed **SB 327 - Election Law - Runoff Election** which provides that a candidate may not be nominated for or elected to public office in the State unless the candidate received a majority of the vote. If no candidate receives a majority of the vote, a runoff election would be held. Because this legislation appears to not take into consideration legislative elections in multi-member districts, in which it is possible and even likely that no candidate will receive a majority of the vote, more research is required before the League takes a position on this bill.

Perhaps in response to recent issues in other states including Illinois and New York, three bills have been filed relating to **special elections to fill a vacancy in the office of United State Senator: HB 278** - sponsored by Delegate Frank and 24 delegates; **HB 369** - sponsored by Delegate Ali and 10 delegates; and **SB 325** - sponsored by Senator Colburn. Each of these bills authorizes the Governor to appoint an individual to serve until a successor is elected, and requires the Governor to call a special election, unless the vacancy occurs less than 60 days before or after the date of the primary election intended to fill the office. The two House bills, HB 278 and HB 369 are scheduled for a hearing on February 11 in W&M.

Delegate Ross has submitted **HB 523 – Elections – Permanent Absentee List**, which would require the State Board of Elections to establish guidelines for a permanent absentee ballot list for certain individuals, including members of the armed forces, persons living outside the country, students at institutes of higher educations, elderly persons and disabled persons. This bill would require that each person on this list would receive an absentee ballot for each election. The LWVMD supports the creating of a permanent absentee list, but supports the automatic mailing of an absentee ballot application to voters on the list, rather than a ballot. (hrg. Feb. 11 W&M)

HB 391 – Voters' Rights Protection Act of 2009 is sponsored by Delegate Rosenberg and six other delegates. This legislation would require that if a polling place is closed for more than one hour during voting hours, that polling place would be required to stay open additional time, not to exceed 2 hours. This bill also would make it illegal to distribute knowingly false campaign material with the intent to influence a voter or prevent the voter

from voting or to use email or telephone equipment to prevent, obstruct or delay the sending of election-related material. The provision that prohibits the use of campaign literature to “influence a voter” may have implications for campaign speech as protected by the First Amendment. (hrg Feb. 11 W&M)

Another bill relating to early voting has been filed. **SB 557 – Election Law – Implementation of Early Voting and Polling Places** is sponsored by Senator Dyson and 26 other senators. This bill would allow voters to vote at early voting locations within their county of residence from the second Friday before an election through the Friday before an election. The number of registered voters in a county would determine the number of early voting locations, from a minimum of one to a maximum of five, with the locations being designated by the State Election Board, in collaboration with local election boards. No hearing is yet scheduled, but the League enthusiastically endorsed this legislation. Although we recognize there will be increased costs, Maryland voters approved a Constitutional Amendment last year allowing early voting.

Lu Pierson

HEALTH

It is early in the session and there have not been too many health related bills placed in the hopper at this time, but there are sure to be more. Senators Garagiola and Middleton in the Senate and Delegates Costa and Penamelnik in the House were members of the Governors’ Task Force on Access and Reimbursement Task Force. They are submitting bills in their respective Houses to address the recommendations of the Task Force. The Task Force found that Maryland is on the precipice of severe physician shortage throughout the state. In some areas of the state there are already severe shortages especially in primary care and general surgery.

To address the shortages, there are bills in both Houses that would change the current restrictions on physician loan repayment. Currently only primary care physicians in federally designated shortage areas are eligible for loan forgiveness. These bills would have the Health Services Cost Review Commission add a .001 percent increase in hospital rates to pay for it. The state would also have to redefine the shortage areas.

HB 526 is also coming from the members of the Task Force. It will mandate a uniform credentialing form for hospitals, HMOs and the carriers. This would be a step to single source credentialing by one organization in the State and to reduce the overhead of physician offices.

Both sides of the malpractice issue have submitted bills this session. The trial bar has almost the full support of the House Judiciary Committee for **HB 237**, which would lift the cap on non-economic damages and increase the number of plaintiffs in a wrongful death suit. It has 12 sponsors, enough to bring it out of the committee.

Delegates Robert Frank and Dan Morhaim have sponsored **HB 279 and 280**, which would ensure that an expression of regret or apology made by a physician, hospital or health care provider is inadmissible as evidence of an admission of liability in a malpractice proceeding or civil action.

There are several bills attempting to make it easier for low-income citizens to obtain health insurance. Delegate Nathan-Pulliam has submitted **HB 75**, which would prohibit the Maryland Health Insurance Plan from imposing preexisting condition limitations. Delegate Nathan-Pulliam also sponsored **HB 181** that would mandate the first year of treatment for Maryland residents diagnosed with cancer who are 300 percent below the poverty level. However, the expansion of Medicaid may be held captive this year because of the budgetary constraints. **HB 101** has been submitted by the Speaker for the Administration and would delay the expansion.

Text messaging and talking on the cell phone are under assault this year. **HB 72 and SB 98** ban text messaging while driving. **SB 103** prohibits the use of a hand-held telephone while driving and **SB 143** prohibits the use of any wireless communication device. Some form or these bills is like to pass this year. There are too many groups and law enforcement supporting them.

Neilson Andrews

TRANSPORTATION

HB 492 Commission on Commuter Rail Governance and Funding (Carr, et al.) (ENV hrg 2/17) A commission is called for to examine commuter rail needs of the state, the governance structure, options in service, funding for a comprehensive long-term solution for commuter rail. It is to report in January 2010.

SB 277/HB 314 (Administration, Robey, et al./Administration, McIntosh, et al.) **Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones** This bill provides uniform standards and procedures for implementing speed monitoring systems by counties. It adds highway work zones to road areas that can be monitored. The primary opposing argument on bills filed for individual counties before has been concerns on violation of privacy. (JUD hrg. 2/24, ENV hrs. 2/10)

One bill addresses the shortfall in revenue to the Transportation Trust Fund (TTF). Though the vehicle excise tax was raised in the Special Session in December 2007, the dramatic fall in vehicle sales in 2008 and reduced sales of gasoline when prices rose leaves the TTF short of funds to address transportation needs.

HB 423 Motor Fuel Tax - Indexing (Bronrott) Calls for indexing the \$.235 per gallon gasoline tax to the Construction Cost Index published by *Engineering News-Record*. The tax could not rise more that \$.01 per year. (W&M hrg. 2/11)

Two bills reflect unhappiness with Department of Transportation procedures.

SB 506/HB 199 Maryland Transit Administration – Public Hearings (Gladden/ Carr plus 33 others) adds change in a bus timetable and change in frequency or number of days of service for bus or rail routes to the list of required occasions for public hearings. Further should a defective notice of public hearing be posted, reposting and rehearing are required. (FIN 2/24, ENV 2/17)

SB 477 – Maryland Transportation Authority – Fixing or Revising Tolls – Legislative Approval Required (Pipkin) (B&T) requires that revisions in tolls be approved by legislation instead of just keeping the relevant General Assembly committees informed.

AIR QUALITY

SB 278/HB 315 Greenhouse Gas Emissions Reduction Act of 2009 (Pinsky, Administration, et al/Barve, Administration, et al.) This bill mandates reductions in greenhouse gases from 2006 baseline levels by 25% by 2020. It is a priority for the League this year. See RSC1. (EHEA, hrg. 2/10, ECM and ENV)

Carol Filipczak

MANDATORY SENTENCING

The only bill filed to date which appears to require a mandatory minimum sentence is **SB 424 (Jacobs plus 4) Crimes – Commission of Vehicular Manslaughter While Driver's License or Privilege Is Suspended or Revoked – Mandatory Minimum Sentence**. The bill calls for a sentence of three to 10 years, with a three year mandatory minimum. The bill is to be heard by **JPR February 24 at 1 p.m.**

Marcia Reinke

ADMINISTRATION OF JUSTICE

HB 196 and **SB 307** which were introduced by the Speaker and President change the meeting date of the Judicial Compensation Commission to September 1, 2009. The bill mandates that the Governor include in the budget for the next ensuing fiscal year the funding necessary to implement the recommendations. Only for the 2009 Session of the General Assembly both bills lift the failure to pass the joint resolutions by the 50th day as deemed adoption of the salary recommendation. Fiscal note cost over the next 4 fiscal years is \$17.8 million. The Public Defender, State Prosecutor and members of the Worker's Compensation Commission salaries are tied to the judicial salary structure. The salary of the State Prosecutor cannot be less than that of a circuit court judge. **SB 307** on fast track hearing 2/4 in Budget and Tax, Favorable report 2/5 and passed 2nd reading in Senate on 2/6. **HB 196** hearing 2/3 in APP. **HJR 2** and **SJR 4 – Judicial Compensation Recommendations** have been filed.

SB 497 (Frosh) increases the number of Circuit Court Judgeships in Baltimore City from 32 to 33, Anne Arundel from 11 to 12, Baltimore from 17 to 18 and Montgomery from 21 to 22. (hrg JPR 2/26)

SB 468 and SB 469 (Stone and Zirkin) **SB 468** increases from \$10,000 to \$20,000 the maximum amount in a civil action in which a party may not demand a jury trial and is linked to **SB 469** the Constitutional Amendment with the same language. These are similar bills to **SB 403** and **SB 404**. **SB 403** amended, passed the 2008 Senate on 3/23 a 24-23 vote and stayed in House Rules Committee. **SB 404** failed 3/23 vote 28-19. (hrg 2/26 JPR)

SB 528 (Kramer plus 9 co-sponsors) **Estates and Trusts-Registers of Wills – Fees** proposes to increase fees for probate of small estates from a current low of \$50 to \$100 and from a current high of \$2,500 to \$3,500 if the estate value is between \$2million and more than \$5million. Increase seal of office stamps from \$1 to \$5. New fees for a copy of Orphans Court hearing \$25 and a returned check \$30. (No hearing date (JPR)

Grace Kubofcik

GUNS

Identical “Virginia Tech” type bills, with different titles, have been cross filed to prohibit firearms, knives and deadly weapons on the property of Maryland’s public institutions of higher education. **HB 353 (Barnes plus 3)**, entitled **Public Institutions of Higher Education – Firearms, Knives and Deadly Weapons – Prohibition** has been assigned to the **Judiciary Committee** and is to be heard **February 17 at 1 p.m.** **SB 551 (Lenett plus 25)**, entitled **Weapons-Free Higher Education Zones** is to be heard by JPR, but no date has been set. The bills allow exceptions for law enforcement personnel.

Bills filed at the request of the Baltimore City Administration to cut down on the city’s gun violence, **HB 87 cf SB 182 No Good Time for Gun Crime**; and **HB 88 cf SB 182 Restrictions on Pretrial Release** (*See RSC !*) were scheduled to be heard by Judiciary on February 10 and by JPR, no date yet.

The remaining bills involving guns and other weapons of interest to LWVMD deal with protective orders.

Marcia Reinke

CORRECTIONS

Cross filed are bills aimed at providing information about voting rights to those being released from prison, **HB 483 (Rosenberg)** and **SB 503 (Gladden) Correctional Services – Voting Rights – Notification**. The House bill was to be heard before **W&M February 11 at 1 p.m.**; and the Senate bill before **Judicial Proceedings, February 18 at 1 p.m.**

Marcia Reinke

JUVENILE JUSTICE

Three bills of interest to League members have been filed so far this session.

The first, **HB 383** sponsored by Jones, Bronrott and three others, cross **filed SB 393** sponsored by Maldaleno, Brochin and eight others, requires several departments of the state government, including the Department of Juvenile Services and the Department of Human Resources, to show how they are using intensive in-home services instead of incarceration, which is more expensive. Thus, the bill is being viewed as a budget bill and referred to the appropriations committees in the House and Senate. The background to this legislation is the attempt in 2008 to compel Juvenile Services to use less costly and more effective intensive in-home services before resorting to incarceration to treat juveniles who come into the juvenile justice system. That bill never got out of the House Judiciary Committee. With the State facing a huge deficit, the savings in State money using in-home services rather than more expensive options is compelling.

HB 593, sponsored by: Dumais, Bronrott and four others, cross filed as **SB 218**, sponsored by Frosh and Brochin, and six others, compels minors, who have been convicted of serious sexual offenses against children and who live or work in Maryland to register as sex offenders when supervision by the Juvenile Court ends at age 18. This bill states that to compel an offender to register, the original offense must have been committed after age 12 and that the state must show, by clear and convincing evidence, that the person is likely to commit another sexual offense.

SB 531, sponsored by Senators Zirkin, Frosh and four others, (no crossfile) requires that Juvenile Services ensures that specified facilities in the State serve no more than 48 children at one time. The bill also mandates that detention facilities (before trial) and committed facilities (after juvenile court commits the child) be separate from each other.

Debra Ehrenstein

CHILDREN AND FAMILIES

Governor O'Malley released his budget, saying that he was protecting education from cuts. The FY2010 allowance includes 152.6 million for early childhood programs, a 2.2% increase over last year. Details remain to be seen.

HB 184/SB 234, Del. Hucker et al, Sen. King, et al - **Education - Maryland's Pre-School for All Business Plan - Final Report Requirements** - MD Committee for Children. This is a no-cost proposal which puts Maryland in position to pull down any new federal education funds. (hrg 2/17 W&M)

SB 356 – (Frosh et al) requires Child Care providers to prepare plans for evacuation in the event of an emergency. (hrg 2/11 EHEA)

SB 414/HB 685 (King et al & Kaiser et al).- establishes a Maryland Quality Ratings and Improvement System (QRIS) for regulated child care providers. Family Law, Health & Environmental Affairs. (hrg SB 414, 2/19, 1:00 pm)

In the Governor's budget, the Children's Cabinet Interagency Fund is expected to be reduced by 15%. The Local Management Boards, in every county, who receive a large part of their funding from this source to maintain resources for vulnerable children and youth, are asking that these funds be restored, or be a part of a stimulus package.

As the Senate struggles with the Economic Stimulus Bill, Child Advocates are lobbying for inclusion of "shovel ready" economic stimulus investments in the Child Care and Development Block Grant (CCDBG),

similar to the House-passed bill. This includes Head Start, Early Head Start, Title 1 Early Education grants to low income schools, and IDEA for young children with special needs. The Senate bill includes the same amount as the House, but does specify that at least \$1.65 billion be spent on early childhood education.

Pat Plunkett

BASIC HUMAN NEEDS

SB 293 Residential Property – Foreclosure – Notice to Occupants (Jones and Muse), reported on in RSC 1, is the only bill in the field of affordable housing introduced to date. It will be heard by JPR on February 25th (the day after the LWVMD legislative day). If you visit any senators on the JPR committee, tell them that you believe this is an important bill that they should support. It will not cost the state anything, and provides protection to vulnerable renters who may not otherwise be notified when their home is being foreclosed.

Ruth Crystal

ENVIRONMENT

HB 609 (Holmes et al)/ **SB 553** (Lenett et al) **ENV Chesapeake Bay Phosphorous Reduction Act of 2009.** This bill seeks to regulate the use of phosphorus fertilizers for lawns by prohibiting the sale of lawn fertilizers that are not low phosphorus and requiring manufacturers to reduce phosphorous levels in the fertilizers. Phosphorus is a major polluter of the Bay, causing algal blooms that decrease oxygen levels.

HB 176 (Lafferty et al) **Bay Restoration Act of 2009** and **HB 221** (Elliott and Stull) **Bay Restoration of Funds - Disbursement of Funds.** Both of these bills address modifying the law creating the Bay Restoration Fund (BRF) in 2008. HB 176 would make it mandatory for anyone installing an on-site sewage disposal system to use the best available nitrogen removal technology. A person violating this law would face a fine of up to \$1000 and be guilty of a misdemeanor. HB 221 would change the proportion of disbursement of the fund. The amount going to assisting septic system installation would be reduced from 60 per cent to 40 per cent. The amount going to the farm program for cultivating cover crops would increase to 60 per cent.

Administering the mandate for best nitrogen removal would increase expenditures by the MDE and probably involve increased costs by the counties for inspection. The funds of the BRF would not go very far in assisting private person. Economic times militate against HB 176. As to HB 221, no reason has been demonstrated yet for changing the disbursement formula in the Bay Restoration Fund law.

HB 346 (Love et al) **Bay Restoration Fund - Nitrogen-Removing Septic Systems.** This bill would authorize the use of the Bay Restoration Fund for costs of inspection to ensure long-term performance of nitrogen-removing septic systems funded by the Bay Restoration Fund. (hrg 2/11 ENV)

HB 595 (Olszewski and Cardin) **State Government - Recycling Program - Aluminum, Glass, Paper, and Plastic.** This bill would establish a system of recycling by State agencies and units of State government. (ENV)

HB 297 (The Speaker)/ **SB 280** (The President) **Smart, Green, and Growing - Smart and Sustainable Growth Act of 2009.** This bill requires special exceptions to be consistent with locally adopted land use plans. One intent is to make land use plans stronger in the courts.

HB 295 (The Speaker)/**SB 276** (The President) **Smart, Green, and Growing - Annual Report - Smart Growth Measures and Indicators and Implementation of Planning Visions.** This bill requires local planning commissions to include information about smart growth measures and indicators in an annual report. (hrg HB 295 2/18 ENV)

Suzan Cochran

IMMIGRATION

Several bills have been introduced in both the House and Senate dealing with drivers licenses for immigrants. They all require an applicant to prove that she/he is either a citizen or is lawfully present in the U.S.

HB 195 (George et al)/SB 369 (Stone et al) hrg JUD 2/25

HB 387 (Malone et al) hrg JUD 2/25

SB 27 (Greenip et at) JPR

SB 208 (Brinkley and Pipkin) JPR

SB 244 (Greenip et al)

Several other bills deal with immigration in some form

HB 659 (Gutierrez et al) requires compliance with the requirements of the Federal REAL ID Act of 2005.

HB 486 (Miller et al) requires local governments to enforce federal immigration laws. (hrge 2/25 JUD)

SB 385 (Simonaire) would require that applicants for senatorial or delegate scholarships prove that they are either citizens or legal residents.

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