

REPORT FROM STATE CIRCLE

LEAGUE OF WOMEN VOTERS OF MARYLAND, INC.
106 B South Street, Annapolis MD 21401
email: lwwmd@verizon.net website: lwwmd.org
Phone: 410-269-0232

President: Lu Pierson
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Editor: Judith Heimann

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place and would require that the local board designate a senior center as a polling place if at least 100 individuals who attend or live in the center are registered voters in that precinct, unless there is a polling place within one-half mile of the senior center. No hearing is scheduled.

Several election related bills will be heard on February 14 in the Senate Education, Health and Environmental Affairs Committee, including **SB 92** (see RSC 1) – a Constitutional Amendment allowing 17 year olds to vote in primary elections and **SB 201**, a bill filed by Senator Dyson also relating to a Constitutional Amendment allowing 17 year olds to vote in primary elections. The difference between these two bills is that SB 92 would allow 16 year olds to register, but not be qualified to vote until they are 17 (and 18 by the date of the General Election) whereas SB 201 only relates to allowing 17 year olds to vote in the primary election if they will be 18 by the date of the next General Election,

ELECTIONS

Senator Jones has introduced **SB 439 – Election Law – Polling Place Designation – Senior Centers**, which would authorize a local board of elections to use a private senior center for a polling

Also to be heard that day is **SB 136 - Election Law - Qualification of Voters - Proof of Identity**, (Harris, Greenip and Colburn) (see RSC 1).

Lu Pierson

CHILDREN AND FAMILIES

There are only a few bills directly affecting children and families at present, most awaiting hearings or action. Issues related to child care subsidies, higher education and credentialing for providers, await more budget decisions. After school programming and activities are being followed by Local Management Boards, but no specific decisions have been made so far. In addition, plans for expanding pre-Kindergarten classes (3 and 4 year olds) are being discussed, but no decisions have been made.

Pat Plunkett

MARRIAGE EQUALITY

HB 351 (Barnes et al) - **Religious Freedom and Civil Marriage Protection** repeals a provision that a marriage is only valid between a man and a woman in this State and establishes that a marriage is only valid between two people not otherwise prohibited from marrying in this State. (Hrg 2/28 1 p.m. JUD)

Senator Madaleno, et al, introduced **SB 290 - Religious Freedom and Civil Marriage Protection Act**. (The bill is similar to HB 351 but not cross-filed). The bill had a first reading in the JPR Committee. A hearing is scheduled for February 14 at 1:00 pm. Counter to the League position is **SB 169 - Maryland Marriage Protection Act** introduced 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. (hrg 2/14 JPR)

Sherry Hyman

DOMESTIC VIOLENCE

The Maryland Forum Against DV met recently to review bills that they will support or consider for the Session. Most bills affecting DV will come to the House JUD on 2/21. Needless to remind readers, JUD is the "killer committee" for many DV bills. In fact, advocates staged a special information meeting with that committee prior to the Session hoping to educate them to understand how very pernicious DV is. Committee members asked some good questions but appeared to be surprisingly ignorant of the plight of victims and the tremendous range of issues the problem envelopes. Who knows, maybe some of the information had an impact. The progress of DV bills may tell that story.

HB 181 (Dumais)/ SB 394 (Forehand) - Criminal Procedure - Pretrial Release - Violation of Condition of "No Contact" - Penalty would make it a misdemeanor to violate a condition of **pretrial** release that requires the defendant to have no contact with the victim; and it requires a law enforcement officer to arrest a violator with or without a warrant if there is probable cause to believe a violation has occurred. Currently there are two ways victims can get protection, either through the Civil system or the Criminal Justice System. This bill would create a new crime and it will cover every crime. It appears that law enforcement will strongly support this bill because it covers every crime.

HB 183/(Dumais)/SB 392 (Forehand) - DV - Enforcement of Protective Order - authorizes a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of a final protective order. This bill also is supported by the AG and the enforcement community because the AG concluded in a review that the Code is not sufficiently clear for the police to enforce civil orders.

(Please refer to the subject heading "GUNS" to review two bills concerning guns as they affect DV cases.)

Carol Sures

EDUCATION

Two bills have been introduced by Delegate Walker et al that would directly impact the High School Assessment graduation requirement. **HB 520 – High School Assessment Requirement** would prohibit the State Board of Education (SBE) from including the passing of statewide, mandatory curriculum-based examinations in its graduation requirement.

HB 519 -Public High Schools - Graduation Requirements - Weighted Numerical Assessment System would mandate that the SBE establish a graduation requirement based on a weighted numerical assessment

system. Weighted value of exams would be between 50% and 60% of the total score; attendance would be between 10% and 20%; and the grade point average would make up the difference. To graduate a student's total score must be 60% or above.

Several bills have been introduced that would strengthen school policy against student bullying. **HB 199 – Public Schools – Bullying and Cyber-Bullying – Policy and Disciplinary Standards** (Rice et al) would require the SBE to establish a policy prohibiting bullying in schools based on the definition in the bill and would require there to be uniform statewide standards for investigating complaints of bullying and disciplining violators. Penalties, help in the form of educational and therapeutic services for violators, and procedures to protect victims from more bullying would also be required. **HB 206 – Education – Student Bullying – State and School Policy** (Riley et al) would require local school boards to adopt a policy declaring that bullying, as defined in the bill, in schools, on school property and at school functions is prohibited. Specifics to be included in the policy, such as those persons covered by the policy, definition, consequences for violators, procedures for reporting and investigating reports, are delineated. **HB 546 – Local Boards of Education – Harassment and Intimidation in Schools** (Kaiser et al) would require local school boards to adopt a policy prohibiting harassment or intimidation and provisions to be included in the policy are listed. The State Secretary of Education would appoint a School Bullying Ombudsman with responsibility to oversee the local school boards' implementation of their policies. In addition, the Governor would appoint a 31-member Prevention of Harassment and Intimidation in Public Schools Advisory Council to evaluate the impact of each county's policy on reducing the incidence of harassment and intimidation.

Delegate Bates and several other delegates have introduced three related bills that would use state money to fund scholarships for eligible students to attend non-public schools or public elementary and secondary schools in counties other than their home county. **HB 185 – Parental Choice Scholarship Program** would permit students to receive scholarships of specified amounts proportional to their parents' income up to 250% of the income eligibility guideline for free and reduced meals so the student can attend participating schools. Funds for the scholarships would be subtracted from the state financial assistance to each county. Financial, academic and health and safety requirements for participating schools are spelled out. Oversight would be provided by the State Department of Education. **HB 186 – Great Schools Tax Credit Program**, based on the same definitions of eligible students and participating schools, would provide an income tax credit up to 50% of one's income tax to individuals or corporations that award educational scholarships. A scholarship granting organization must meet standards regarding payments to students and expenditures of its revenue. The Comptroller would be responsible for oversight. Finally, **HB 188 – Smart Start Scholarship Program**, based also on the same definitions of eligible students and participating schools, would provide scholarships specifically to four and five year olds enrolled in kindergarten or pre-kindergarten full-day or half-day programs. Guidelines for administration of the program would be the same as those in HB 185. The LWVMD opposes using public funding for vouchers to enable parents to send their children to private elementary and secondary schools.

Two more bills that failed to pass last year have been reintroduced.

HB 192 – State Board of Education Members – Qualification (Krebs et al) would require at least two members of future State Boards of Education to be parents of current public school students. **HB 139 – Education – Multiple Suspension** (Stukes et al) would require a school principal to refer a student, who has been absent more than ten days due to suspension, to the pupil services team immediately and give written notice to the student and parents in their native language. Within ten days they would have to meet together to develop a plan to prevent further suspensions primarily through the use of community resources. (Hrg 2/5 in W&M)

As in the past several legislative sessions, legislators' concerns about student health has surfaced in several bills. **HB 403 – State Advisory Council on Physical Fitness – Obesity in School-Age Children** (Nathan-Pulliam et al) would add to the duties of the State Advisory Council on Physical Fitness. The Council would be required to recommend to the State Department of Education methods for increasing students' physical activity in schools and alternative exercise programs as well as collecting data on the programs' effect on childhood

obesity and Type 2 diabetes. **HB 503 – Brian Moore Student Health and Fitness Act of Maryland** would add specifics to the current student physical education requirement by mandating 150 minutes a week for physical activity for K-8 students, including recess, and two years of PE for high school students. **SB 158** (Raskin et al)/**HB 696** (Hixson et al) – **Farm-to-School Program – Activities and Promotional Events** would establish the Jane Lawton Farm-to-School Program to promote and market the sale of state grown farm products to schools in Maryland by providing outreach to farmers and setting up events to promote state agriculture and farm products to schools and students. (SB 158 hrg 2/21 in EHEA)

HB 300 – Education – Public and Private Schools – Criminal Law and Criminal Procedure Courses (Conway) would require each local school board and each nonpublic school to develop a mandatory course in criminal law and procedure for middle school students (hrg 2/7 in W&M). **SB 229 – Education – Classroom Instruction Expenditures – Required Funding** (Greenip et al) would require local school boards to spend at least 65% of their operating expenditures on direct classroom activities as defined in the bill. Counties below this level must increase classroom expenditures by 2% each year until they reach the 65% level. (hrg 2/13 in EHEA) **SB 264 – High School Dropouts – Alternative Education Programs and GED Requirements** (Pugh et al) would assure that county boards of education provide those who have dropped out of high school with information on alternative programs and GED program and testing requirements. (hrg 2/13 in EHEA)

SB 436 – Education – Age of Compulsory Attendance – Exemptions (Pugh et al) would increase the compulsory age of public school attendance to 18 with exceptions that include severe illness, military service, financial support for the family, GED courses, etc. As an alternative, Senator Pugh, with many of the same sponsors, has filed **SB 477 – Education – High School Diploma – GED Options Program** which would require the State Board to establish a GED Options Program for students age 16 – 18 at high risk of dropping out. The students would have to attend the program at least 15 hours a week and be trained in workforce development skills.

Delegate Kullen has introduced **HB 465 – Education – Public Charter Schools – Revisions**, a bill identical to one that died in the Senate last year. Proposed changes in the five year old charter school law would: permit a 10% student set-aside for students whose parents are among those who submit an application to establish a charter school; establish an August 1 school application deadline; permit the SBE to waive certain teacher certification requirements; spell out more specifics for local school board funding for a charter school; and designate free services the school system must provide. Costs of special education for any students would be negotiated with the county board, and transportation costs would be based on the county's costs. LWVMD supports only a first-come, first-served basis for student admission to a charter school as well as waivers for personnel who may not be certified. Our position requires that per pupil funding be at the same level as for students in other public schools in the jurisdiction, but we have no position on whether to support or oppose public charter schools.

HB 285 – Education – Truancy Rates – Positive Behavioral Interventions and Support Programs and Behavior Modification Programs (Kaiser et al) (hrg 2/13 in W&M) is a cross-file of SB 96. **HB 389 – Task Force to Study System Variables that Impact Student Achievement in Under-performing Schools** (Branch) (hrg 2/12 in W&M) is a cross-file of SB 78; and **HB 169 – Education – Children in Informal Kinship Care Relationships** (Jones et al) (hrg 2/5 in W&M) is a cross-file of SB 77. (All described in RSC 1.)

Lois Stoner

CAMPAIGN FINANCE REFORM

All Campaign Finance bills, to date, in the House have been assigned to Ways & Means.

Delegates Stifler and Norman have introduced **HB 296 - Campaign Finance - Attribution, Receipt, and Deposit of Contributions** which specifies that contributions will be attributed to the reporting period in which the contributor makes the contribution or, in the case of cash contributions, to the reporting period in which they are received by the candidate. Current law attributes all contributions to the period in which they are received.

HB 347 - Special Session Legislative Campaign Finance Reform Act - has been introduced by Delegates Ali, Bobo, and Gutierrez. It extends the current ban on fundraising during a Regular General Assembly Session to Special Sessions.

Delegate Bobo et al have introduced **HB 473 - Campaign Finance - Affiliated Business Entities - Attribution of Contributions**. The bill would close a loophole in current law which enables some individuals to evade contribution limits by owning multiple business entities (such as Limited Liability Corporations) and making maximum contributions from each. This bill has passed the House three years in a row but has not received a vote in EHEA. We will be submitting testimony, as we have in prior Sessions, in support of HB 473. (See also SB 245, below)

HB 544 (Heller) - Campaign Account - Disbursements by Debit Card will allow a campaign Treasurer to make disbursements from an account by debit card.

Senator Frosh has introduced **SB 245 - Campaign Finance - Affiliated Business Entities** which is identical to HB 473, above, but not cross-filed. (Assigned to EHEA)

SB 423 - Video Lottery Terminals - Ballot Issues Committee - Expansion of Required Information has been introduced by Senator Madalena and assigned to B&T. The bill's provisions are the same as those in HB 138 except that SB 423 explicitly applies to those committees that are supporting or opposing the constitutional amendment on "slots" which will be on the ballot in November.

Status of bills reported in RSC # 1: **HB 138 - Ballot Issues Committees' reporting, and 153 - Slate Disbursements** will be heard by W&M on February 14. There has been no further action on public financing of campaigns.

Kay Terry

ETHICS

No new bills have been introduced.

Kay Terry

AIR QUALITY

SB 309/HB 712 (Pinsky et al; Barve et al) Global Warming Solutions – Reductions in Greenhouse Gases has been filed, but no hearings have been set at this time. This is the most ambitious reduction of greenhouse gases in the nation as it proposes to reduce greenhouse gases by 25% by 2020 and by 90% by 2050. Reports as to how to accomplish this are to be filed annually between 2008 and 2012. The easier things to address will be done first. By 1/1/12 a cap and trade system is to be established, plus offset allowances. It will require continuous monitoring as a part of the Department of the Environment's administration of the program. The bill delineates a long list of things to be taken into consideration. Fees and fines will cover the cost to the state. An Office of Climate Change is to be established.

Carol Filipczak

TRANSPORTATION

A bill, sponsored by the administration and others, gives the Administrator of the Maryland Transit Administration the power, after consulting with five other departments, to designate an area within ½ mile of a transit station a Transit-Oriented Development District. The area is to include a mix of uses built in compact form, planned to maximize the use of transit, walking and bicycling. **SB 204/HB 373 Maryland Transit Administration – Transit-Oriented Development** (hrgs 2/6 FIN/ 2/12 ENV).

Stukes and others have filed several House bills to make riding transit vehicles safer for passengers. **HB 320 Transit Vehicles and Facilities – Prohibited Acts – Use of Obscene Language** (hrg 2/12 ENV) adds obscene language to the list of prohibited acts in transit vehicles or facilities. **HB 321 Transportation – Transit Vehicle Operator – Prohibition on Use of Wireless Communication Devices** prohibits the use of cell phones by transit vehicle drivers.

Three bills set mandatory minimum sentences for offenses on transit vehicles; 15 years for assault against a passenger; 30 days, plus restitution, for malicious destruction of property; and 20 years for assault against a transit vehicle operator. See Mandatory Minimum Sentencing section in this issue of RSC. The League opposes mandatory sentences, preferring to take into account the specifics of the offense and the offender.

Carol Filipczak

MEETING BASIC HUMAN NEEDS/AFFORDABLE HOUSING

Affordable housing is one of the priorities on LWVMD's legislative agenda. We work on this issue as a member of the Maryland Affordable Housing Coalition. The top legislative priority for the Coalition is creation of The Maryland Affordable Housing Investment Fund. Last year, the LWVMD testified in support (with modifications) of identical House and Senate bills to create a Maryland Affordable Housing Investment Fund. Working together with a group of advocates, we felt it was important to require dedication of a portion of the funds for those Marylanders with the lowest incomes. It will cost more per household to assist the lowest income families and individuals. We feared that public pressure would make it difficult for local elected officials to use a part of their allocation of the Investment Fund to serve this lowest income population unless the bill targeted some of the funding to serve those at or below 30% of median income. The bill did not pass, as did few bills requiring new spending.

A group of advocates working with the coalition over the summer agreed to two modifications:

- One of 13 members of the MAHIF Board should be someone with particular knowledge or experience with the housing needs of extremely low income Marylanders (those with incomes from 0 to 30% of area median income);
- 15% of the units created by the fund should be for those extremely low income households.

The bills have been introduced this year as:

SB 302 Maryland Affordable Housing Investment Fund (Conway) and **HB 512 Maryland Affordable Housing Investment Fund** (McIntosh et al). The bills were introduced with language that is similar but differs in a critical way from the coalitions' recommendation:

- The Board member must have experience with the very low income population (defined as 30 – 60% of area median income);
- 15% of the funds (not units) will be dedicated to this extremely low income population.

To put these income categories in perspective, a 4 person household in the Baltimore metropolitan area earning less than \$22,750 per year is considered extremely low income, in the DC metro area, a 4 person household earning less than \$28,350 is labeled extremely low income. For 1 person households, the numbers are \$15,950 for Baltimore metro and

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\$19,850 for DC metro. The term very low income refers to a 4 person household in the Baltimore metro earning less than \$37,900, a household of 1 earning less than \$26,550. For the DC metro a very low income household of 4 earns less than \$47,250, a household of 1 earns less than \$33,100. These refer to different populations.

Housing assistance for very low-income individuals such as home health aids, retail workers, and those unable to work because of disabilities is more expensive per unit than the assistance provided to first time homebuyers earning 60-80% of area median income. Therefore, requiring 15% of the funds be used for those at the bottom of the income scale will serve far fewer of this population than requiring that 15% of the units be for this population. Hearings are not yet scheduled in the House or Senate and it is unclear at this time how the LWVMD will testify on these bills.

Hearings are being scheduled for numerous bills dealing with subprime mortgages and defaults. On February 5th, Senate Judicial Proceeds will hear – **SB 17 Foreclosures – notice to record owners** (Senator Conway), **SB 216 Recordation of instruments securing mortgage loans** (Senator Pugh and the President), **SB 217 Maryland Mortgage Fraud Protection Act** (The President), **SB 218 Protection of Homeowners in Foreclosure** (The President), **SB 389 Foreclosure – residential property** (Senator Frosh).

On February 21st, House ENV or a joint Environmental Matters and ECM will hear **HB 58 Foreclosures – Homeowners right to rescind contract** (Delegate Barnes), **HB 59 Foreclosure consultants** (Delegate Barnes), **HB 67 Homeowners in Foreclosure Protection Act** (Delegate McConkey), **HB 360 Maryland Mortgage Fraud Protection Act** (The Speaker), **HB 361 Protection of homeowners in foreclosure** (The Speaker), **HB 363 Credit regulation – mortgage lending and other extensions of credit** (The Speaker), **HB 365 Recordation of Instruments Securing Mortgage Loans** (The Speaker).

Ruth Crystal

JUSTICE

CORRECTIONS

SB 145 Corrections Services – Maryland Correctional Enterprises – Goods and Services (See *RSC 1*) hearing in JPR, 2/6.

Marcia Reinke

COURTS

SB 58 (Chairman, JPR Ctte.) and **HB 87** (Chairman JUD Ctte.) requested by the MD Judicial Conference - **District Court – Commissioners - Jurisdiction**. SB58 received a fav. report by JPR 1/29 and passed 2nd reader on 1/31. (HB 87 hrg 1/29)

HB 20 (Smigiel) - **District Court Small Claims Action** increasing from \$10,000 to \$20,000 in civil actions for the right to demand a jury trial legislation **HB 642** (Barnes) joined by 12 co-signers from JUD, hearing 2/20JUD, cross filed SB3 (Stone), is a constitutional amendment. **HB 642** (Barnes) with 12 JUD co-signers, crossed filed **SB 4 (Stone) Civil Jury Trials Amount in Controversy**, (hrg 2/20 JUD) is another constitutional amendment. (hrg 1/15 JUD)

HB 387 (Rosenberg and Cardin) - **Orphans’ Court Judges - Qualifications** - cross filed **SB 293** (Frosh and Gladden) would allow local jurisdictions with the exception of Montgomery and Harford Counties to request the Legislature to prescribe additional qualifications for Judges of the Orphans Court. These bills if passed would be a proposed amendment to the Maryland Constitution. (hrg 2/20 JUD)

Grace Kubofcik

DEATH PENALTY

By the time *RSC 2* arrives in your inbox, legislation to repeal the Maryland Death Penalty should have been filed in both the Senate and House, with more co-sponsors than last year. A major lobbying effort, organized by Maryland Citizens Against State Executions (MDCASE) and the Maryland ACLU, took place in Annapolis February 4. Last year repeal legislation failed to emerge from committee, losing by one vote. LWVMD is a member of the MDCASE coalition. The only death penalty bill filed to date is:

HB 623 (McDonough et al) **Crimes – Victim and Witness Intimidation – Death Penalty**, which would add victim and witness intimidation to the list of aggravating circumstances required for a death penalty. Assigned to JUD, no hearing date.

Marcia Reinke

GUNS

Two similar bills, authorizing a court to remove firearms from a defendant in a temporary protective order, have been filed in the House, one of which is cross-filed in the Senate.

HB 640 (Barnes et al) **SB 42** (Frosh) **Family Law – Temporary Protective Orders – Surrender of Firearms** would allow a judge entering a protective order to require firearms surrender to law enforcement authorities; while **HB 659** (Waldstreicher et al) **Domestic Violence – Temporary Protective Order – Additional Relief** would authorize surrender of firearms in “a specified proceeding for relief from abuse”, prohibit the defendant from possessing any (other) firearms, and provide for the safe storage of same by law enforcement. The House bills have been assigned to JUD for hearing 2/21. No hearing date has been set for the Senate bill, which is assigned to JPR.

HB 2 – Public Safety – Handgun Permits – Repeal of finding Requirements (See *RSC 1*) was heard by JUD 1/22. No action.

Another gun-related bill, calling for a **mandatory minimum sentence**, is listed below.

Marcia Reinke

MANDATORY MINIMUM SENTENCES

HB 275 (Riley et al) **Crimes – Violation of Restriction Against Possession of Regulated Firearm - Penalties** would increase the penalty for violating a restriction against possession by a person previously convicted of a specified crime, and would require a mandatory minimum sentence of five years, no part of which may be suspended. Assigned to JUD it was to have been heard 2/5. LWVMD has a general position in favor of gun control; but advocates judicial discretion instead of mandatory minimum sentences.

Three bills call for mandatory minimum sentences for persons convicted of assault or damage in a transit vehicle.

HB 322 (Stukes et al) **Criminal Law – Assault Against a Transit Vehicle Passenger – Penalties** would impose a 15-year mandatory minimum term of imprisonment on a person convicted of a first degree assault against a passenger and provide that the term of imprisonment may not be suspended.

HB 323 (Stukes et al) **Criminal Law – Malicious Destruction of Property – Transit Vehicles** would impose a sentence of not less than 30 days which may not be suspended.

HB 324 (Stukes et al) **Criminal Law – Assault Against a Transit Vehicle Operator – Penalties** would impose a 20-year mandatory minimum sentence on a person convicted of first degree assault against a person

operating a transit vehicle, which term may not be suspended. All three bills were assigned to JUD for hearing 2/6.

Like **HB 34 Violent Crimes and Sexual Offenses**, and **SB 75 Criminal Law – Possession of Child Pornography – Enhanced Penalties**, both calling for mandatory minimums and for no diminution credits (See *RSC 1*), newly filed **HB 619** (McDonough et al) **Jessica’s Law Part II – Truth in Sentencing** would prohibit the use of diminution credits to shorten mandatory minimum sentences in regard to rape of a child under age 13. **HB 34** was heard January 16, no action. No hearing date has been set by JPC for **SB 75**, now cross filed as **HB 574** (McComas et al) and assigned to JUD, hearing 2/19. **HB 619** has been assigned to JUD, no hearing set.

Marcia Reinke

JUVENILE JUSTICE

During the last two weeks a number of new Juvenile Justice bills have been introduced.

HB 392 – Juvenile Services – Mental Health and Substance Abuse Screenings for Detained Youth (Chair JUD Ctte./By request – Departmental – Juvenile Services) allows minors detained by the Dept. of Juvenile Services (DJS) to consent to drug and mental health screening and treatment without their parents’ consent. Although this bill appears to be sensible, there may be some concerns relating to children’s ability to assess the relationship between their own mental health or drug abuse and the delinquent acts with which they have been charged. The League does not have a position that covers this issue.

HB 622 – Evidence – Based Practices for Delinquent Youth – Expansion of Services – Redirection Pilot Program and Plan (Barnes and Hubbard) would establish a “Redirection Pilot Program” requiring the DJS (Department of Juvenile Services) to set up a pilot project to determine if some children involved with DJS would benefit from “multi-systemic therapy or functional family therapy rather than being removed from their own families’ care to various forms of out-of-home placement. The bill also sets numerical goals, and establishes a timeline to end in 2011 for carrying out the pilot project. The bill also creates a Board, which would include State agencies involved in the Children’s Cabinet, other child advocacy agencies, mental health professionals and citizens, to this project.

Under **SB 441 – Criminal Procedure – Offender Registry – Minors** (Frosh, Brochin & Garagiola), a juvenile who commits acts of sexual abuse at age 13 or older will be required to register as a sex offender when the juvenile turns 18 and is no longer under the jurisdiction of the Juvenile Court. Registration is required if the original acts on which the delinquency ruling was based would have required an adult who committed those acts to register as a sex offender. Although we have no positions to cover this legislation, League members might want to follow this bill.

RSC No. 1 stated that **HB 75** required law enforcement officials to notify all school principals if students were arrested for certain reportable offenses. In fact, the bill only requires notification of private school principals when their students are arrested. For public school students, as in the past, the Superintendent of Schools of the District in which the child attends school (if the child does) is notified.

According to Advocates for Children and Youth, the 2009 budget has a heavy emphasis on new facilities and per diem payments, without additional funds for services. Although there is a \$29.6 million increase in the DJS budget, there were deficits in programs at several facilities in 2007, amounting to \$27.2 million. As a result, the effect the new money will have is unclear.

Debra Ehrenstein

BUDGET

The League supported testimony in the APP Committee on January 29 in favor of **HB 109** (James and Barkley). HB109 would require the governor and state agencies to include comparative data in their budget proposals. Currently, these requests tend to only emphasize the “good news” and downplay or not report “bad news.”

The Department of Legislative Services gave its annual policy analysis of the governor’s proposed budget to House Appropriations and Senate Budget and Taxation on January 21. Warren Deschenaux, Director of the Office of Policy analysis said that there were three criteria against which the proposed budget should be analyzed. 1) does it follow the directions to the governor from the November Special Session? 2) does it conform to the operating budget affordability limit? 3) does it create the expected improvement in the state fiscal condition? He answered yes to all three questions.

The proposed budget is \$509 million lower than the DLS October estimates, \$4 million less than the forecasted \$505 million as a result of the Special Session.

The Spending and Affordability Committee includes the Senate President and House Speaker, the chairs of the Senate B&T Committee and House APP Committee, several designees from each house of the General Assembly and some public members. The Committee annually studies projections of state revenues and expenditures relative to the projected Maryland economy and sets a rate of growth for the budget, new debt authorization, and State personnel as well as how any surplus may be used.

The Spending and Affordability Committee recommended a budget growth of 4.27%, the governor’s budget would grow 4.12%. It should be noted that the proposed budget would actually grow by 6.1% except that the affordability limit excludes appropriations to the reserve fund and capital expenditures.

The general fund structural gap has been narrowed as the result of the actions of the Special Session but is expected to continue for at least the next two years, putting pressure on the General Assembly to keep spending low.

Some interesting details about the proposed budget:

- Although the governor cut the 500 positions ordered by the legislature at the Special Session, he is proposing to add 976 positions in this budget. The largest increases would be in transportation, public safety and correctional services where many of the positions are for staffing a new facility and in juvenile services all of which are for conversions of contracted positions. News reports indicate that there will be an attempt to further reduce state staffing by another 500 vacant positions.
- The unfunded liability for post employment benefit costs will increase from \$491 million from \$477 million last year even with an additional contribution of \$10 million
- Local government will take the biggest hit in state aid. The overall growth in state aid to local government will increase by only 1.5%. This includes a decrease in aid to counties and municipalities of \$122 million or 13%.

REVENUES

In addition to the Senate bills related to the repeal of all or most of the sales tax on computer services mentioned in the last issue, the following bills have been submitted from the House – **HB 187** (Bates, et al), **HB 196** (Pendergrass et al), **HB 253** (Minority Leader, et al) and **HB 326** (Haddaway et al). No hearing has been scheduled for any of these bills.

Barbara Hankins

HEALTH

HB 29 (Manno) Long Term Care Insurance - Discrimination Based on Genetic Information or Tests – Prohibited. This bill would prohibit an insurer, nonprofit health plan, health maintenance organization, or preferred provider organization from discriminating against an applicant or insured person in the issuance or renewal of long term care insurance using the results of a genetic test on genetic information.

HB 37 (Manno) Medicare Part D “Donut Hole” Tax Assistance Act. This bill proposes to provide a mechanism whereby individuals enrolled in Part D of the Medicare Program may deduct from their Maryland income tax certain out of pocket expenses for a cost incurred that is in excess of the initial coverage limit, but below the annual out of pocket threshold. The bill attempts to correct, at the state level, major deficiencies caused by federal legislation. (W&M)

HB 69 (Mizeur) Prosthetic Parity Act . This bill would require that insurers, nonprofit health service plans, health maintenance organizations that provide health insurance policies or contracts in this state shall provide coverage and payment for prosthetic devices that are at least equivalent to those provided under federal laws and regulations for the aged and disabled. The prosthetic device must be the most appropriate model to meet the needs of the person. Coverage must be provided for repair and replacement. Co-payments or coinsurance may be required. (hrg 1/31 HGO)

HB 115 (Tarrant et al) Medical Assistance Programs and Maryland Children’s Health Program - Statements on State-Issued Checks. This bill would require that the Department of Health and Mental Hygiene and the Office of the Comptroller or State Treasurer print a statement to advise that individuals who cannot afford health insurance may be eligible to enroll in a medical assistance program. The statement would be printed on each state issued tax refund check, each state issued vendor payment check, and quarterly on each state issued employee paycheck. (HGO)

SB 23 (Simonaire and Greenip) Teenage Protection Pilot Program. This bill would require that prior to performing an abortion on a woman who is under the age of twenty, facilities in Anne Arundel County would offer the patient the option to view the image of the fetus on ultra-sonography equipment, offer a printout of the fetus, and require that the patient sign an informational form stating that she accepts or rejects the offers. LWVMD opposes this bill. (FIN)

HB 238 Maryland Health Insurance Plan – Status, Operation, and Regulation (Chair of the Health and Government Operations Committee - By Request – Departmental – Insurance Administration, Maryland). This bill proposes to transfer the Maryland Health Insurance Plan from the Maryland Insurance Administration and establish it as an independent unit of State government. The powers and duties of the Board are defined, including the development of a master plan and filing it with the Maryland Insurance Commissioner, developing a certificate of coverage, making changes to the Standard Benefit package, and other provisions. (hrg 1/31 HGO)

HB 251 Health Care Decisions Act – Disclosure by Health Care Facilities – Practices Related to Use of Life –Sustaining Procedures (Morhaim, Cardin, and Stein). This bill would require health care facilities to disclose to the public practices that elicit and document the goals, values, and preferences of a patient that may affect the provision, withholding, or withdrawal of life sustaining procedures. The facility would periodically assess the outcomes as being consistent with known values, goals and preferences of the patient. (HGO)

HB 427 Health Occupations – Power of Secretary of Health and Mental Hygiene – Regulatory Boards

(Morhaim et al). This bill provides that the Secretary of Health and Mental Hygiene may disapprove or modify any decision of determination that a regulatory Board makes regarding disciplinary action against an individual licensed or certified by the Board.

Loretta Richardson