

REPORT FROM STATE CIRCLE

LEAGUE OF WOMEN VOTERS OF MARYLAND, INC.

106 B South Street, Annapolis MD 21401

email: lwvmd@verizon.net website: lwvmd.org

Phone: 410-269-0232

President: Lu Pierson
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Editor: Judith Heimann

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CHILDREN AND FAMILIES

HB 90/SB 57 - Permanency Planning & Interstate Placement of Foster Children (Chair, Judiciary Ctte.) (RSC 3) passed 3rd reading in JUD -136-0. Senate, First reading JPR 2/15/08.

SB 243/HB 965 - Family Law, Child Care Centers (Kelley et al) (RSC 3) 2/12, Failure to report actions resulting in death or serious injury to child, etc. Passed third reading, 35-10, w/ amendments; **HB 965**, first reading JUD 2/25/08.

HB 410, Child Neglect, Penalties (Dumais) (RSC 3) Provides criminal penalties for child neglect. Hrg. 1/31/08, unfavorable report.

HB 346, Family Law - Child Custody & Visitation, Military Deployment (Shewell et al) (RSC 3) Hrg. 2/14/08, unfavorable report in JUD, no Senate action.

The Governor's Office for Children (GOC)

A brief overview of the Governor's Office for Children is in order, as it has been in flux for the past several years, and is now restructured under the new Executive Director, Dolores Briones. It began in 1978 as the Office for Children and Youth (Chapter 426, Acts of 1978). It was reorganized as the Office for Children, Youth and Families in 1990. From 1997 to July 2003, the office functioned under the Lieutenant Governor. In June 2005, it was once again restructured as the Governor's Office for Children.

The Office helps State and local government agencies and organizations assist young people effectively and economically. Through early intervention, prevention, and community services, priority is given to children and families most vulnerable to abuse, neglect, substance abuse, failure at school, family disintegration, and other problems. The office helps to identify duplications and gaps in services, and advises the General Assembly on the needs of youth and their families. After several iterations involving the setup of the Local Management Boards (LMB's) to function within the local jurisdictions (counties), they are now enabled as coordinators of a system of local services to children and youth. They may have different titles in different counties, but the function is the same, and each LMB works within the local system and with the Office for Children to accomplish its mission. For further information contact Ms. Briones, at dbriones@goc.state.md.us.

Pat Plunkett

JUSTICE

DEATH PENALTY

The Maryland Citizens Against the State Executions (MDCASE), of which LWVMD is a member, has stepped up forums, talks, lobbying and letter writing campaigns in anticipation of the upcoming hearings before the Judiciary and Judicial Proceedings Committees. Judiciary will hear the five bills dealing with the death penalty filed in the House at 1 p.m., Thursday, March 13; while Judicial Proceedings will hear the two Senate Bills Thursday March 6. This year as last, the vote of Judicial Proceedings will be crucial. It was in Judicial Proceeding that last year's repeal effort failed.

SB 645 /HB 1328 Criminal Law – Death Penalty – Repeal (See RSC 3), supported by LWVMD and LWVUS, would do away with capital punishment and substitute life in prison without possibility of parole. **SB 614 /HB 1111 Death Penalty – Maryland Commission on Capital Punishment** (See RSC 3) would set up a study group to hold public hearings and look at all aspects of capital punishment as currently administered in the state, with recommendations due by December 15. Although LWVMD would prefer repeal now and believes prior commission studies should suffice, it does not oppose this legislation.

HB 1250 Administrative Procedures Act – Exemption – Death Penalty Protocols (See RSC 3) would remove from the requirements of the Administrative Procedures Act all protocols relating to lethal injections and execution procedures, the flaw found by the Court of Appeals in the current method of execution. LWVMD opposes this legislation. **HB 623 Crimes – Victim and Witness Intimidation – Death Penalty** would make victim and witness intimidation an aggravating factor in a death penalty decision (See RSC 2).

New since the last issue of RSC is **HB 1559 (Shank) Courts – Death Penalty - Former Judges** which would prohibit the Chief Judge of the Court of Appeals from assigning a former judge to sit temporarily in a case where a death penalty is sought.

Marcia Reinke

GUNS

Unfavorable reports have been issued by the Judiciary Committee on **HB 22** concerning the possession of a firearm and drugs (See RSC 1), and **HB 275** in regard to violations of firearms possession (See RSC 2). Heard without report to date are **HB 2** in regard to handgun permits (See RSC 1). **HB 640** and **HB 659** in regard to surrendering firearms during temporary protective orders (See RSC 2)

A total of 33 bills have been filed relating to firearms. Judiciary hearings on the House bills will be held Thursday, March 11 at 1 p.m. Senate bills were scheduled to be heard JPR, March 6.

Marcia Reinke

JUVENILE JUSTICE

There has been little movement in the juvenile justice bills. For instance, despite a hearing in February, there has been no committee vote on **HB 622 (RSC 2)** (Barnes and Hubbard) which mandates evidenced based practices for court committed youth instead of incarceration. **SB 441 (RSC 2)** (Frosh, Brochin and Garagiola) setting up a sex offender registry for minors will be heard on March 5 in JPR. **HB 1322** (cross filed with **SB 634 (RSC 3)** (Jacobs, Klausmeier, Mooney, Munson and Stone) removes a youth from the jurisdiction of the juvenile court, a gang member who commits an act that would be a crime if committed by an adult will be heard on March 5.

The more important activity in the field of juvenile justice remains efforts to change the emphasis of the budget from providing more money for out-of-home placements for juveniles committed to the Department of Juvenile Services by the juvenile court to providing more intensive evidenced based community services such Multi-Systemic Therapy. According to the Advocates for Children and Youth (ACY) this group of evidenced based practices (EBP) could save \$20 million in the first year alone. At present DJS makes extensive use of incarceration for juveniles committed to its care. Those who are not committed are sent home, on probation, with few community based services. The savings result from the lower cost of intensive community services compared to out-of-home placement. Thus, several months of EBP with one form of treatment was \$2,000 and with another \$8,000 while out of-home placement costs between \$300 and \$600 per day. In addition these EBP provide better outcomes for youth who have lower rates of re-arrest compared to those who have been in out-of-home placement. To effect the budget of DJS, ACY is asking the Governor both for more funding for evidenced based community services and for action to require DJS to spend \$8 million of its present budget on more community services.

Although not denying the need for some out-of-home placements, ACY is advocating community services as a way for the Department of Juvenile Services to decrease the need for these placements and lessen the investment in building new juvenile facilities. By diverting some of the money that would be used for buildings to evidenced based services money could be saved and youth would be better served.

Debra Ehrenstein

COURTS

HB 387 (RSC 2) Orphan's Court Judges - Qualifications received JUD favorable with amendments committee report 3/3. Cross filed **SB 293** (Frush and Gladden) heard 2/21 in JPR.

HB 1102 (Myers et al) Election Laws - Statewide Voter Lists - Information from Circuit Courts hearing 3/18 W&M would require the clerk of the circuit court of each county to report to the State Board of Elections the name of any individual who appeared on a list of registered voters provided for the jury selection process and who was determined not to be a citizen of the United States.

HB 771 (Request of Legislative Services) State Board of Law Examiners - Sunset Extension and Program Evaluation received favorable JUD report with amendments 3/3. Cross filed **SB 541** hearing 3/3. Bill increases the maximum examination fee from \$150 to \$400 as set by the Court of Appeals that an applicant for admission to the bar must pay to the Board. The General Revenue increase annually would be \$526,900 with no additional expenditure costs. It was recommended that the Legislative Policy Committee waive the Board from further evaluation and the Board's termination date be extended to July 1, 2020. The Board is funded with State general funds through the Judiciary's Court Related Agencies. For several years the Board's expenditures have consistently outpaced revenues and \$500,000 of general funds have supplemented expenditures. Any fee increase would apply to fiscal 2009. The proposed increase places Maryland at the higher end among states in the region in total application costs.

Grace Kubofcik

REVENUES

The many bills which would eliminate or modify the computer services taxes are to be heard on March 12 at 1 p.m. by HWM and at 2 p.m. by B&T.

Barbara Hankins

BUDGET

On Feb. 28, LWVMD submitted testimony to W&M supporting **HB 1190** (Heller, et al) **A Task Force to Study the Needs and Expenditures of State Programs**. The proposed task force would provide the systematic review of programs funded from the general fund that we think is essential to good budgeting decisions in future years. We think that it would establish on a current and objective basis the real needs for staffing and funding of such programs and would allow for setting of funding priorities by future governors and legislators.

Senate Budget and Finance has been reviewing the governor's proposed budget. According to press reports, the committee has thus far voted to cut \$6.8 million from the \$1.9 billion higher education budget and reduced proposed stem cell funding from \$23 million to \$5 million.

A new revenue projection is expected this week and will have an impact on budget deliberations. The Senate version of the bill is expected out of committee later this week.

Barbara Hankins

MEETING BASIC HUMAN NEEDS/AFFORDABLE HOUSING

No new bills concerning meeting basic human needs or affordable housing have been introduced since RSC 3.

HB 1261 (incorrectly numbered as 2161 in RSC 3) **Housing - Discrimination Based on Source of Income – Prohibitions** (Hucker et al) will be heard in ENV on March 14th. If this bill becomes law, it will open doors to many low and moderate income renters that many landlords currently refuse to consider based solely on their source of income. This affects women who rely on alimony and child support as part of their income, individuals with disabilities who rely on SSDI as their source of income, and those who receive rental assistance from a government program. In counties where source of income discrimination is prohibited, lower income families are housed throughout the community rather than in pockets of low income. The LWVMD will testify in support of this bill.

None of the bills discussed in earlier issues of RSC have moved out of committees yet.

Ruth Crystal

ELECTIONS

There has been no Committee action taken on the election related bills that have been reported in previous RSCs.

A number of election bills will be heard in the House Ways & Means Committee on March 18, including numerous bills requiring proof of citizenship to register to voter and/or proof of identification at the polling place. (**HB 884, HB 199, HB 1288 and HB 1355**). The League will oppose this legislation.

Senators Madaleno and Raskin have introduced **SB 693 – General Assembly – Filling of Vacancy by Special Election**, which proposes an amendment to the Maryland Constitution to provide for a vacancy in the House of Delegates or Senate to be filled by a special election to coincide with next ensuing presidential or congressional election. In 1985, the League adopted a position in favor of special elections to fill a vacancy in the General Assembly, to be held at the same time as regularly scheduled elections, so we will be supporting this legislation.

Lu Pierson

MARRIAGE EQUALITY

HB 351 Religious Freedom and Civil Marriage Protection Act had a hearing on February 28th in the JUD Committee. More than a dozen of its many delegate sponsors testified in favor of the same-sex marriage legislation. The League submitted written testimony stating our position in favor of this legislation. Additional House bills have been introduced and testimony was given on domestic partnerships and civil unions, including: **HB 631 Family Law – Change Term “Marriage” to “Civil Marriage;”** **HB 848 Family Law - Domestic Partnerships;** **HB 1112 Family Law – Civil Unions – Establishment, Rights and Responsibilities;** **HB 1174 Domestic Partnerships – Establishment of Rules and Interpretation.** Testimony was also heard on **HB 1345 – Maryland’s Marriage Protection Act** which would add a section to the Maryland Constitution to establish that only a marriage between a man and a woman is valid in this state and no unions or relationships between individuals of the same sex are valid.

There has been no vote to date in the Senate JPR Committee on **SB 290 – Religious Freedom and Civil Marriage Protection Act.** The hearing on this bill was February 14th.

Sherry Hyman

EDUCATION

Two Senate bills have been cross filed for House bills described in *RSC 2*. **SB 933 - Public High Schools - Graduation Requirements - Weighted Numerical Assessment System** (Harrington et al) is a cross file for **HB 519,** and **SB 955 - Brian Moore Student Health and Fitness Act of Maryland** is a cross file of **HB 503.**

A hearing date on 3/11 has been set for two Senate bills described in *RSC 3*; **SB 787 - High School Assessment Requirement** and **SB 773 - Adult Education and Family Literacy Services.**

Action has been taken on the following bills described in previous *RSC* issues:

RSC 1

SB 50 - Special Ed Services - Children in a Home School Setting - Passed Senate
SB 77 - Children in Informal Kinship Care Relationships - Passed Senate

RSC 2

SB 158 - Farm to School Program - Passed Senate with minor amendments
SB 229 - Classroom Instruction Expenditures - Required Funding - Unfavorable
HB 169 - Children in Informal Kinship Relationships - Passed House
HB 185 - Parental choice Scholarship Program - Unfavorable
HB 186 - Great Schools Tax Credit Program - Unfavorable
HB 188 - Smart Start Scholarship Program - Unfavorable
HB 300 - Public and Private Schools - Criminal Law courses - Unfavorable

Lois Stoner

CAMPAIGN FINANCE

New Bills:

HB 1432 - Campaign Finance - Affidavit and Signature has been introduced by Delegate Ivey and referred to W&M. It will be heard on 3/12.

HB 1460 - Loans to Candidates –Simmons - has also been referred to W&M and will be heard on 3/12

Previously Reported Bills:

HB 138 - Ballot Issue Committee - Additional Campaign Finance Reports passed the House and is now in EHEA (*RSC 1-3*). No hearing scheduled

SB 593/HB 971 - Public Financing of Campaigns for the General Assembly - The League testified in support on 2/26 in EHEA and 2/27 in W&M. (*RSC 1-3*)

SB 245 - Affiliated Business Entities - Attribution of Contributions - the League submitted testimony in support on 2/27. (*RSC 1-3*)

HB 153 (*RSC 1-3*), 296 (*RSC 2, 3*), 347 (*RSC 2, 3*), and 544 (*RSC 2, 3*) have been heard by W&M with no further action. HB 473 (*RSC 1-3*) is scheduled for hearing on 3/19, SB 423 (*RSC 2, 3*) will be heard on 3/12 and SB 755 (*RSC 3*) on 3/14.

Kay Terry

ETHICS

Previously Reported Bills (*RSC 3*):

SB 190 and 191—no further action since RSC # 3
HB 755 was unfavorably reported by ENV.

Kay Terry

TRANSPORTATION

A couple of interesting bills have been filed late with regard to the Intercounty Connector. Due to the expense of this project and its impact on the Transportation Trust Fund they are worth reporting. **HB 1471** (Frush plus 40 others) **Transportation – Intercounty Connector – Elimination of Funding**, APP 3/18, would pull all funding from the Intercounty Connector. **HB 1416** – (Stein plus 28 others) **Intercounty Connector – Impact on Global Warming – Study**, ENV 3/14, requires a study as stated in the title.

Transportation studies in other parts of the state are also being legislated. **SB200/HB507** (Dyson & Middleton, Southern Maryland Delegation) **Commission to Study Southern Maryland Transportation Needs**, FIN passed, ENV.

Three bills propose study of rail transit to Annapolis: **HB 562** (George) **Transportation – Rail Transportation between Annapolis and Washington and Baltimore Areas – Feasibility Study** ENV 2/26
HB 563 (George & Clagett) **Transportation – Annapolis Light Rail – Feasibility Study** ENV 2/26.
SB 47 (Astle) **Transportation – Feasibility Study of Rail Transit Service for Annapolis**, FIN 1/22.

A bill, that received an unfavorable committee report, would have provided free public transportation service to seniors, **HB 135** (Nathan & Pulliam) **Transportation – Free Public Transportation During Off-Peak Hours for Senior Citizens**. The opposition argued that this was an unfunded mandate for the Locally Operated Systems and contrary to the farebox recovery requirement for MTA buses.

The administration has sponsored **HB 1135 Maryland Transit Administration – Public Transit Services – Efficiency and Performance Standards**, W&M-APP 3/6. This bill eliminates the farebox recovery requirement. It further requires the reporting of operating expense per mile, operating expense per passenger and passenger trips per mile by transit systems. An annual report of performance indicators and periodic management audits are also required.

Carol Filipeczak

IMMIGRATION

SB 475 – Commission to Study the Impact of Immigrants in Maryland (Madaleno et al)

Unlike **SB 52**, which was introduced by Senator Pipkin, this bill, co-sponsored by a broad group of Senators, would authorize the study of the contributions as well as the costs of immigrants, both those legally present and the unauthorized. Both bills are assigned to Budget and Taxation, and both had an initial hearing February 13th. No further action has been taken or recommended on either SB 52 or SB 475 as of March 3rd. The League provided testimony on SB 52, recommending that any study of the effects of immigrants on Maryland's economy examine the complete picture: both contributions (jobs created, taxes paid, etc.) and costs. The passage of SB 475 would satisfy those recommendations. B&T, hrg 2/13 no action.

Pat Hatch

ENVIRONMENT

Four important bills have been introduced –

SB 309 / HB 712 (Pinsky and 18 Senators; Barve and 49 Delegates) **Global Warming Solutions Act – Reduction in Greenhouse Gases**. This bill would do three things:

- Establish limits on green house gas emissions based on what is scientifically necessary – 25% below 2006 levels by 2020 and 90% by 2050.
- Create timelines for state agencies to design cost-effective programs to meet the emission limits.
- Create a workable “cap-and-trade” system so companies can continue to search for the cheapest way to comply.

SB 844 / HB 1253 (President by request of the Administration/Speaker by request of the Administration) - **Chesapeake and Atlantic Coastal Bays Critical Area Protection Program – Administrative and Enforcement Provisions** calls for

- full regulatory authority for Critical Area Commission;
- more robust and equitable enforcement; consistent standards for development;
- updated maps;
- tightened variance and grandfathering provisions;
- and strengthened penalties for violators.

SB 205 / HB 374 and SB 268 / HB 368 (President by request of the Administration/Speaker by request of the Administration) – **Empower Maryland Energy Efficiency Act of 2008**, and **SB 268/HB 369** (President by request of the Administration/Speaker by request of the Administration) – **Regional Greenhouse Gas Initiative – Maryland Strategic Energy Investment Program**. The first set codifies the state's plan to reduce state-wide per capita electricity consumption and peak demand by 15% by 2015 and the second set will give the

Maryland Energy Administration the resources to offer energy efficient services to underserved markets that the utility companies do not address.

SB 213 / HB 369 (President by request of the Administration/Speaker by request of the Administration) – **Chesapeake Bay 2010 Trust Fund**. The Special Legislative Session of 2007 created a dedicated funding source to clean up Maryland’s waters. These bills outline a framework for allocating the fund annually based on cost-effective nutrient reductions and codify the Governor’s BayStat Program as the mechanism for assessing Chesapeake Bay health and prioritizing 2010 Trust Fund priorities. It also creates a Scientific Advisory Panel to help with BayStat decision-making and provides oversight and accountability. This bill will enable Maryland to significantly increase its ability to meet the goals outlined in the Chesapeake 2000 agreement.

HB 1471 and HB 1416 – see Transportation.

HEALTH

HB 115 (RSC 2) Medical Assistance Programs and Maryland Children’s Health Program – Statements on State-Issued Check Stubs passed the House.

HB 69 (RSC 2) withdrawn.

Two bills that are concerned with childhood obesity are **HB 403 (Nathan-Pulliam et al) State Advisory Council on Physical Fitness - Obesity in School-Age Children** which creates a State Advisory Council on Physical Fitness and **HB 1176 (Pena-Melnyk et al) Public Health - Task Force on Childhood Obesity** which proposes a Task Force on childhood obesity. (Hrg 2/19 HGO)

Additional bills are:

SB 744 (Pugh) and **HB 818 (Tarrant and Hubbard) Task Force on Health Care Access and Reimbursement – Additional Duties** This Task Force was created in the last session and this bill proposes to amend its charge to determine the need to provide incentives for health care providers to be available on evenings and weekends.(hrg 2/13 FIN/HGO)

HB 1125 Maryland Health Care Plan (Montgomery et al) This bill proposes to establish a plan for basic health care for all residents of Maryland, providing choice of health care providers and coordination of care. The plan would be controlled by a Board of Governors who are appointed by the Governor and use public financing. (hrg.3/13 HGO)

HB 1540 Health Care Reform Act of 2008 (Benson et al) this bill would establish the Maryland Health Care Cost and Quality Transparency Commission in the Department of Health and Mental Hygiene. This Commission would be required to develop a plan that will result in the transparent public reporting of safety, quality, and cost efficiency information at all levels of the health care system, establish a Health Care Cost and Quality Transparency Fund, establish a Maryland Cooperative Health Insurance Purchasing Program to provide access to affordable and comprehensive health insurance for employees and their dependents, establish a Health Trust Fund to support the activities of the Program, and adopt regulations governing five classes of individual health benefit plans that carriers shall make available in the individual market (NOM).

HB1391 Kids First Act (Mizeur) proposes to promote family responsibility, provide outreach assistance, and encourages innovation to achieve coverage for all Maryland children. (hrg.3/13 HGO) and **HB 1401 Eliminating Barriers to Enrollment Act** (Mizeur) proposes to ensure access to health care by establishing presumptive eligibility, allowing 12 months of continuous eligibility before families must reestablish their income eligibility and require a report on state compliance with outreach/enrollment worker provisions. (hrg. 3/13HGO)

Loretta Richardson