



**2010**  
**LEGISLATIVE OUTCOMES**  
**OF THE**  
**MARYLAND**  
**GENERAL ASSEMBLY**

Prepared by the staff of the  
Maryland Catholic Conference

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## COMMITTEE ABBREVIATIONS

### SENATE

<b>B&amp;T</b>	BUDGET AND TAXATION
<b>EHE</b>	EDUCATION, HEALTH & ENVIRONMENTAL AFFAIRS
<b>FIN</b>	FINANCE
<b>JPR</b>	JUDICIAL PROCEEDINGS

### HOUSE

<b>APP</b>	APPROPRIATIONS
<b>ECM</b>	ECONOMIC MATTERS
<b>ENV</b>	ENVIRONMENTAL MATTERS
<b>HGO</b>	HEALTH & GOVERNMENT OPERATIONS
<b>JUD</b>	JUDICIARY
<b>W&amp;M</b>	WAYS AND MEANS

# **MARYLAND CATHOLIC CONFERENCE ADVOCACY**

## **2010 SESSION MARYLAND GENERAL ASSEMBLY**

### **THE BUDGET**

In the face of an anticipated \$2 billion budget shortfall, lawmakers approved a state budget of \$32 billion for fiscal year 2011, a 1 percent decrease from current funding, during their annual 90-day legislative session. The approved state budget once again depends heavily on spending cuts, temporary funding provided through federal stimulus dollars, and one-time budget transfers.

The gloomy budget outlook has been a reality since at least the fall of 2007, when legislators met in a special session to approve tax increases, spending cuts, and send the question of slots to voters. Budget cuts continued throughout 2008. In the 2009 regular session, lawmakers approved a constitutionally-required balanced budget for FY 2010, but declining revenues forced the governor and state Board of Public Works to slash nearly \$1 billion from that budget last summer and fall. Furloughs and hiring freezes on state positions remain in place.

Legislative analysts report that decreases in revenue have slowed and that “finances are stabilizing.” However, a \$1.6 billion budget deficit through FY 2015 is still projected and “in the long term, some combination of revenue increases and spending reductions will be necessary to place the State back on the path of fiscal accountability,” according to a legislative analysis.

### **EDUCATION AND FAMILY LIFE**

Public education ended the session with an increase in funding – \$210.5 million, or 3.8 percent – thanks to funds provided through the federal stimulus package. In all, funding for primary and secondary public education will stand at a total of \$5.7 billion in fiscal year 2011. The state’s capital budget for FY 2011 includes \$250 million for public school construction. There was also much debate this year on two issues relating to public school funding: teacher pensions and local maintenance of effort requirements. Currently, the state covers the total cost of teacher pensions, even though their level is set by the counties. The Senate voted to begin a gradual shift of teacher pension costs to the counties – a very controversial move – but both chambers eventually agreed to simply study the issue. Legislators also voted not to penalize local governments that are not able to maintain their county share of public education funding after several large counties faced the loss of tens of millions of dollars in state funds. Finally, public education reform measures were considered in an effort to help bolster the state’s competitiveness for federal “Race to the Top” dollars. Legislators approved lengthening from two to three years the amount of time before a teacher can secure tenure, while also mandating that student achievement become a part of teacher evaluations.

This session saw a great deal of attention paid to issues affecting nonpublic schools, most specifically the BOAST Maryland Tax Credit. The Archdiocese of Baltimore’s announcement of school

consolidations, combined with Governor Martin O'Malley's endorsement of the bill, created a strong momentum for passage of the tax credit. The issue received extensive, repeated, and generally positive coverage in the media and was passed by a strong majority in the Senate. Once again, however, that made little impression on the House Ways and Means Committee, where action on BOAST was repeatedly delayed by chairwoman Sheila Hixson and subcommittee chairwoman Anne Kaiser. After last-minute amendments were considered that would have gutted the bill, the committee voted 7-15 to defeat it in an 11<sup>th</sup>-hour vote the last day of session. Fortunately, the Nonpublic Student Textbook Program, the only source of state support for nonpublic schools, maintained its funding for FY 2011 at \$4.4 million.

The issue of same-sex marriage was prominent in the first half of session, thanks to Attorney General Doug Gansler's opinion that the state could recognize same-sex marriages performed in other jurisdictions, despite Maryland's statute reserving marriage to one man and one woman. The attorney general then proceeded to direct state agencies to grant such couples immediate recognition. Few lawmakers were pleased with the timing of the opinion, coming as it did in an election year. A bipartisan coalition of legislators sponsored legislation to specifically prohibit out-of-state same-sex marriage recognition, a proposal which attracted the support of African-American pastors and churches in Prince George's County and Baltimore City. Though some lawmakers called for the impeachment of the attorney general, the Conference focused its advocacy on highlighting the ruling's circumvention of the legislative process and the lack of public support for granting such recognition. Those bills did not advance, but neither did bills that would legalize same-sex marriage in the state. The issue is expected to heat up next session, when the prospect of running for election will be far enough in the future to lessen lawmakers' reluctance to vote on the issue.

Efforts to protect children from abuse and to crack down on sex offenders were among the high-profile issues of the session after an Eastern Shore girl was murdered in December by a known sex offender. Lawmakers voted to raise the minimum sentences on some sexual crimes, revoke good behavior credits, and begin lifetime supervision for some violent and repeat offenders. The Conference supported successful legislation that expands background check requirements for employees of some private recreational facilities and that requires the Governor's Office of Crime Control and Prevention to establish and sustain child advocacy centers. Legislation to expand and suspend the civil statute of limitations for child sexual abuse was not introduced this year.

## **RESPECT FOR LIFE**

The 2009 interim was dominated by attacks at the local level from the abortion lobby against pro-life pregnancy resource centers. Baltimore became the first city in the nation to impose regulations on the charities, when in January an ordinance went into effect that requires pro-life pregnancy centers to post a sign stating that they do not provide or refer for abortion or contraception. The Archdiocese of Baltimore recently filed a federal lawsuit challenging the constitutionality of the law. Montgomery County approved a Board of Health regulation in February that requires pregnancy centers without a medical professional on staff to post a sign directing women who may be pregnant to see a doctor. It applies *de facto* only to pro-life centers. Those two local bills follow a failed 2008 statewide bill that would have similarly discredited the work of pro-life centers. Fortunately, a similar statewide bill was not filed again this year, but – as the bishops noted in their joint statement *Set Out in Haste* – continued attacks on pro-life centers are expected.

The Conference directed much of its respect life advocacy to educating lawmakers about stem cell research and to promoting research that is both ethical and effective. FY 2011 funding for stem cell research was set at about \$10 million, down from more than \$12 million last year. Despite the \$56 million invested in stem cell research since 2006, no cures or treatments have been produced. With that in mind, the Senate passed a measure that requires projects funded through the state Stem Cell Research Fund to include the number of patients treated, though the measure did not receive a vote in the House committee. The Conference also supported legislation that would have dedicated funding to adult stem cell research for sickle cell disease, though that bill was eventually withdrawn. Another common sense measure to protect preborn human life was a bill that would have required abortion clinics to offer women the option of viewing a sonogram. That bill died in committee.

Though legislation to repeal capital punishment was not filed because it was an election year, there was activity related to the death penalty. The Senate Judicial Proceedings Committee rejected a bill that would have diminished gains made last year to limit the application of the death penalty. In 2009, lawmakers approved a measure permitting capital punishment to be pursued only if there was DNA evidence, a video of the crime in progress or a voluntary, videotaped confession. This year's bill, which failed, would have expanded the types of evidence permissible in death penalty cases, and increased the risk of sentencing an innocent person to death.

## **SOCIAL CONCERNS**

The gloomy budget outlook warranted devoting significant attention to helping preserve Maryland's social service programs from further budget cuts, especially since many programs were already underfunded and understaffed and had experienced funding reductions in the interim. On the whole, lawmakers were successful in preventing further severe cuts to programs. For example, the Service Linked Housing Program provides funding in 13 jurisdictions to assist those at risk of homelessness. Originally targeted for a complete elimination of funding, the program was eventually preserved at half its previous level. Similarly, the Temporary Disability Assistance Program withstood proposed regulatory changes that would have severely limited the number of people eligible to participate in the program. Instead, the program received a greater appropriation in the FY 2011 budget, which is more in line with its needs than the previous funding level had been.

Other efforts to support Maryland's low-income families proved more difficult. A widely-supported bill to limit credit checks of applicants by potential employers, a practice that harms those already facing hardship or unemployment, failed in committee. So did legislation that would prohibit discrimination in housing based on lawful source of income, despite the fact that many families receiving housing vouchers or other forms of assistance are finding it increasingly difficult to secure safe and affordable housing. Exorbitant utility costs and the pressures they place on vulnerable Marylanders prompted legislation requiring utilities to offer alternative payment plans to customers facing service cut offs who have fallen behind on payments because of job loss, illness, or other hardship. Though that bill did not pass committee, lawmakers have directed utility companies to adopt such policies now or face legislation next year forcing them to do so.

## LEGISLATIVE LANDMARKS

Other bills among the more significant measures approved by the General Assembly include:

- A \$5,000 tax credit to businesses that hire the unemployed and reform of the state's unemployment insurance system.
- A ban on handheld cell phone use while driving.
- Revisions of the state's child support payment guidelines.
- A bill allowing 16-year-olds to register to vote (though they still must be 18 in order to vote).
- An increase in the required minimum coverage for auto insurance and civil penalties for those who file false health insurance claims.
- Bills to address gangs, including a measure that makes it easier to prosecute gang members and legislation that requires public schools to report incidents that could be gang-related to law enforcement.
- Stormwater management regulations that exempt some development projects from strict rules that seek to address runoff into the Chesapeake Bay.
- Legislation intended to make the state-owned Rocky Gap Lodge more attractive to a private buyer by increasing the slots revenue percentage a slots licensee could retain in exchange for buying Rocky Gap.

# EDUCATION AND FAMILY LIFE

## EDUCATION

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Textbook Funding	BUDGET ITEM	Continues current funding for nonreligious textbooks and computer hardware and software for more than 93,000 students at more than 350 nonpublic schools.	APP	SUPPORT	Funded for \$4.4 million in FY 2011
			B&T		
Education	HB 946	Authorizes the BOAST Tax Credit for business donations to scholarship organizations for K-12 nonpublic school students.	W&M	SUPPORT	Failed in committee, 7-15
	SB 385		B&T		Passed Senate, 30-17
Education	SB 203	Provides Maryland families with an income tax subtraction for contributions to a specified college or education savings account.	B&T	SUPPORT	No committee vote
Education	HB 466	Codifies the P-20 Leadership Council to prepare Maryland students for future employment. Amended to include two nonpublic school representatives.	W&M	SUPPORT	Passed House, 138-3; Passed Senate, 46-0
	SB 286		EHEA		Passed Senate, 47-0; Passed House, 127-10
Education	HB 1165	Expands list of student offenses that law enforcement officials are required to report to public and private school authorities.	W&M	SUPPORT	No committee vote
	SB 360		EHEA		No committee vote
Education	HB 1160	Addresses gang activity in public schools; expands the list of student offenses that law enforcement officials must report to public and private school authorities.	W&M	SUPPORT	Passed House, 139-0; Passed Senate, 46-0
Education	HB 1334	Requires nonpublic schools that accept state funds to maintain an anti-bullying policy.	W&M	MONITOR	Passed House, 111-27; No action in Senate

### ***Nonpublic Student Textbook Program - Budget Item.***

The Conference successfully secured \$4.4 million in funding for the 2011-2012 school year, which translates to a per-pupil allocation of \$43 at most schools. This program provides nonreligious textbooks and computer hardware and software, on a loan basis, to students attending nonpublic schools whose tuition does not exceed the state average per-pupil cost (\$12,508 in 2007-08). It is the only state funding supporting services to nonpublic school students.

***BOAST Maryland Tax Credit.*** This legislation (**SB 385/HB 946**) was again introduced with no funding

and the goal of achieving administrative authorization. The bill received a successful vote, 30-17, in the Senate while the House Ways and Means Committee voted, in the closing minutes of the session, 7-15 to not support the legislation. It was hoped that the Governor's support of the measure, along with extensive and generally positive media coverage would move the bill out of the House committee.

***Family Education Savings Account.*** **SB 203** would provide an income tax subtraction to families for their contributions to a certain college or education savings account to cover expenses

related to a beneficiary's enrollment at a qualified elementary, secondary, or higher education school. No action was taken on this bill in the Senate committee.

***Governor's P-20 Leadership Council.*** Legislation (**SB 286/HB 466**) was introduced to codify membership in the existing Council, which includes educational, business, and legislative leaders from throughout the state charged with ensuring that Maryland will produce and maintain a competitive workforce. The Conference worked successfully to include two representatives from the nonpublic school community on the council. The legislation passed both chambers; the Senate bill was signed into law by the Governor.

***Offenses Reportable to School Authorities.*** This bill (**SB 360/HB 1165**) would expand the list of crimes committed by a student that a law enforcement agency must report to the student's principal and local superintendent or archdiocesan superintendent. No action was taken on this bill in the Senate or House, but the provision was included in HB 1160 (see below).

***Safe Schools Act of 2010.*** Comprehensive legislation to address gang activity in schools (**HB 1160**) includes an expansion of the list of criminal offenses for which students are arrested that law enforcement agencies must report to public and private school authorities. The Safe Schools Act of 2010 passed the House and Senate unanimously and was signed into law by the Governor.

***Nonpublic School Anti-Bullying Policies.*** The Conference monitored a bill (**HB 1334**) that, as originally drafted, would have required nonpublic schools that accept state funds to develop anti-bullying policies, programs, and reporting procedures and to submit them for approval to the state public school superintendent. The bill was amended to simply require nonpublic schools that receive state funds to develop a bullying policy according to specified definitions and guidelines. The bill passed the House, but was not assigned to a Senate committee.

## FAMILY LIFE

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Child Protection	SB 61	Expands requirements to private recreational facilities and other entities to perform employee criminal background checks.	JPR	SUPPORT	Passed Senate, 43-0; Passed House, 139-0
Child Protection	HB 811	Amended to allow rather than mandate an individual to notify social services if there is reason to believe a child is in the regular presence of a sexual offender.	JPR	OPPOSE original bill	Passed House, 139-0; Passed Senate, 47-0
	SB 559				
Child Protection	HB 1043	Requires the Governor's Office of Crime Control and Prevention to establish and sustain Child Advocacy Centers in the state	APP	SUPPORT	Passed House 139-0; Passed Senate 44-0
	SB 796		JPR		Passed Senate 47-0; Passed House 139-0
Child Protection	HB 736	Prohibits sex offenders from residing within 1,000 feet of a daycare or childcare facility.	JUD	SUPPORT	No committee vote
Child Protection	SB 434	Prohibits certain registered sex offenders from entering and living within 2,000 feet of a school or park.	JPR	SUPPORT	No committee vote
Child Protection	HB 195	Requires Department of Public Safety and Correctional Services to post a description of a sex offender's crime on the internet in plain language.	JUD	SUPPORT	No committee vote
	SB 188		JPR		No committee vote
Marriage	HB 90	Prohibits recognition of same-sex marriage performed elsewhere.	JUD	SUPPORT	Failed in committee, 8-12
	SB 852		JPR		No committee vote
Marriage	HB 1532	Prohibits local governments or the Attorney General from unilaterally recognizing same-sex marriage until the General Assembly or Court of Appeals decides the issue.	JUD	SUPPORT	No committee vote
Marriage	HB 808	Redefines marriage to include same-sex couples.	JUD	OPPOSE	No committee vote
	SB 582		JPR		No committee vote
Marriage	HB 1079	Amends state constitution to define marriage between a man and a woman as the only legally valid domestic union in the state	JUD	SUPPORT	No committee vote
Family Life	HB 1241	Requires courts to recognize a third party who is not a biological or adoptive parent as a de facto parent if a "parent-like" relationship is established.	JUD	OPPOSE	Failed in committee, 0-21
	SB 600		JPR		No committee vote
Family Life	HB 1022	Adds "gender identity" to categories protected by anti-discrimination laws.	HGO	OPPOSE	No committee vote
	SB 583		JPR		No committee vote

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Marriage	SB 577	Reduces from 12 to 6 months the time that a couple must live separate and apart without cohabitation before obtaining a divorce.	JPR	OPPOSE	Failed in committee, 5-6
Marriage	HB 336	Allows court to order absolute divorce if spouses are not engaging in sexual relations even if they are not living separate and apart.	JUD	OPPOSE	No committee vote
	SB 578		JPR		No committee vote
Marriage	SB 714	Permits court to order absolute divorce if a party has filed an application for divorce and 12 months have passed.	JPR	OPPOSE	No committee vote

**Criminal Background Checks.** The Conference supported legislation (**SB 61**) promoting increased child protection measures by expanding requirements for performing employee criminal background checks to additional entities, including private recreational facilities that primarily serve children. The legislation also will allow employers to access expanded information regarding the criminal histories of prospective employees. The bill passed both chambers unanimously and was signed into law by the governor.

**Child Abuse Reporting.** Legislation (**SB 559/HB 811**) has been repeatedly introduced that would mandate members of certain professions, including educators and human service workers, to report to local authorities if they have reason to believe a child is in frequent contact or residing with a registered sex offender. Because the legislation did not include a specific exemption for the “priest-penitent” privilege, the Conference opposed the legislation. The bill was amended to simply allow an individual to report to local authorities; employees of institutions serving children must provide information about the report to the head of their institution. The amended bill passed both chambers unanimously and was signed by the governor.

**Child Advocacy Centers.** Legislation (**SB 796/HB 1043**) requiring the Governor’s Office of Crime Control and Prevention to establish and sustain Child Advocacy Centers in the state will enhance efforts to provide uniform outreach to victims of child sexual abuse. The Centers, which specifically serve and investigate

crimes against children who are victims of sexual abuse, will be supported with existing funding from the State Victims of Crime Fund and may be operated by nonprofit organizations. Differing versions of the bills passed both chambers unanimously; HB 1043 was signed into law by the Governor

**Other Child Protection Measures.** Among the numerous bills the General Assembly considered regarding child sex offenders, the Conference supported several child protection measures that were introduced regarding community notification and residency restrictions. Separate bills (**HB 195/SB 188**) requiring that the sex offender registry include a plain language description of registered offenders’ crimes did not receive a committee vote, but the provision was included in a comprehensive bill (**SB 854/HB 936**) addressing the sex offender registry. Other measures (**SB 434, HB 736**) limiting the proximity within which a registered offender may live near areas where children convene did not receive committee votes.

**Recognition of Out-of-State Same-Sex Marriage.** Several bills were introduced (**SB 852/HB 90, HB 1532**) to explicitly prohibit granting legal status to same-sex marriages recognized in other jurisdictions, and to uphold the proper role of the legislature and the people of Maryland to determine the legal definition of marriage in our state. HB 90 was heard and rejected by the House Judiciary Committee prior to the issuing of a state attorney general’s opinion addressing the topic. The Conference and other proponents maintained that the bill would ensure that Maryland’s

current statute defining marriage as between one man and one woman – and the appropriate democratic process – would not be undermined by granting equivalent legal status in Maryland to same sex marriages recognized in other jurisdictions. SB 852 and HB 1532 were introduced after the Attorney General issued an opinion stating that the state’s marriage statute allowed state agencies to recognize “foreign” same sex marriages. Neither bill received a committee vote.

**Legalization of Same-Sex Marriage.** Legislation (**SB 582/HB 808**) was introduced for the third successive year to redefine marriage in Maryland as existing between any two individuals rather than between a man and a woman. Neither bill received a committee vote.

**Constitutional Amendment on Marriage.** The Conference supported the general concept of legislation (**HB 1079**) to amend the state constitution to include a definition of marriage as existing only between a man and a woman. The bill did not receive a committee vote.

**De Facto Parents.** Following a 2008 Maryland Court of Appeals ruling that they would not recognize “de facto parent status ...as a legal status in Maryland,” legislation (**SB 600/HB 1241**) was introduced that would have required courts to recognize a third party – that is, an individual who is not a biological or adoptive parent of a child – as a de facto parent of the

child if the court finds that a “parent-like” relationship has been created. Because the third party could be granted parental status without having to establish the case of an unfit parent or extraordinary circumstances, the legislation would have created a dangerous legal precedent for undermining legitimate parental rights and the family unit.

**Transgender Rights.** Legislation (**SB 583/HB 1022**) was again introduced to add “gender identity” to the state’s antidiscrimination code and codify in law a distinction between one’s “gender identity” and one’s assigned sex at birth. The bills would apply to employment and commercial leasing, and did not provide exemptions for the Church, or other religious organizations, groups or individuals. The legislation also would have added a new provision to the state’s antidiscrimination code prohibiting discrimination on the basis of sexual orientation in commercial leasing, without including an exemption for religiously affiliated organizations (such as those that rent out property for wedding celebrations). The bills did not receive committee votes.

**Divorce.** Several bills were introduced this session (**SB 577, SB 714, HB 336/SB 578**) seeking to reduce waiting periods and other requirements necessary to seek a limited or absolute divorce in the state. The Conference opposed the bills on the general principal that state law should promote policies that promote stable lifelong marriages and that do not allow marriages to be quickly or easily dissolved.

# RESPECT FOR LIFE

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Abortion	SB 250	Requires a physician to provide a pregnant woman the option to view an ultrasound before performing an abortion.	FIN	SUPPORT	Failed in committee, 3-8
Abortion	BUDGET ITEM	Eliminates "effect on mental health" as a reason for state-funded Medicaid abortions.	Floor Amendment	SUPPORT	Failed in Senate, 19-28; Failed in House, 45-87.
Abortion	HB 1358	Expands access to state family planning services.	HGO	OPPOSE	Withdrawn
	SB 521		FIN		No committee vote
In Vitro Fertilization	HB 30	Expands circumstances in which insurance providers must cover outpatient services arising from in vitro fertilization procedures.	HGO	OPPOSE	Failed in committee, 4-19
In Vitro Fertilization	SB 27	Requires insurance providers to cover in vitro fertilization using donor sperm.	FIN	OPPOSE	Passed Senate, 25-20 Failed in House committee, 1-20
In Vitro Fertilization	HB 281	Creates a commission on surrogate parenting to study and make recommendations to the Governor and General Assembly on the issue.	HGO/JUD	MONITOR	Withdrawn
	SB 585		JPR		Failed in committee, 4-7
Stem Cell Research	SB 628	Requires the Maryland Stem Cell Research Commission to include the number of patients actually treated in their annual report.	FIN	SUPPORT	Passed Senate, 47-0 No House committee vote
Stem Cell Research	HB 371	Requires that the Stem Cell Research Fund allocate at least 5% of its funding to research using adult stem cells to treat sickle cell disease.	HGO	SUPPORT	Withdrawn
Stem Cell Research	HB 333	Declares September as "sickle-cell anemia awareness month."	HGO	SUPPORT	Failed in committee, 7-15
	SB 964		EHEA		No committee vote
Stem Cell Research	BUDGET ITEM	Requires that no more than 50% of the Maryland Stem Cell Research Fund be spent on basic research.	Floor amendment	SUPPORT	Failed in Senate 20-26; Failed in House, 38-93.
End-of-Life Care	HB 1451	Revises the Maryland Anatomical Gift Act	HGO	Monitor	Withdrawn

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
End-of-Life Care	SB 812	Requires health care facilities to provide patients with information concerning their right to make their own health care directives.	FIN	Monitor	Passed Senate, 44-3 No House committee vote
Death Penalty	SB 404	Loosens the evidence requirements necessary to prosecute capital cases to include fingerprints and photographs.	JPR	OPPOSE	Failed in committee, 2-9
Death Penalty	HB 994	Loosens the evidence requirements necessary to prosecute capital cases to include scientific evidence.	JUD	OPPOSE	Failed in committee, 6-15.

**Reducing the Abortion Rate.** Data indicate that when an abortion-minded pregnant woman sees a sonogram of her baby in the womb, the probability that she will choose to continue the pregnancy rises dramatically. Legislation supported by the Conference (**SB 250**) sought to require that a woman be given the option to see the sonogram prior to receiving an abortion. If she did not wish to see it, she could sign a waiver. The bill was rejected by the Senate Finance Committee, 8-3.

**Reducing the Number of Taxpayer Funded Abortions.** Although federal Medicaid won't pay for abortions except in cases of rape, incest, or the life of the mother endangered by the pregnancy, state Medicaid funds may be used to pay for any abortions. Maryland has chosen to allow Medicaid recipients to have state-funded abortions if they claim the pregnancy is causing them mental health problems. Amendments to budget language to eliminate the mental health reason as justification for using state tax dollars to pay for abortion failed in the full Senate and House.

**Increased Funding for Contraception.** Planned Parenthood, the largest abortion provider in the country, contracts with the State to provide family planning services. Legislation (**HB 1358/SB 521**) sought to increase funding for family planning services at a time when basic services for the poor were being cut. The Conference opposed the measure, which was withdrawn.

**Expansion of In Vitro Fertilization Insurance Coverage.** In Maryland, in vitro fertilization (IVF) coverage is a mandated insurance benefit. Insurance

companies must pay up to \$100,000 for services. Since IVF disregards the lives of most of the human embryos created in the process, the Conference opposed legislation (**HB 30**) which sought to expand such coverage, as well as a bill (**SB 27**) which sought to force insurance companies to pay for IVF treatment using sperm from someone other than the mother's husband. Both bills failed in committee.

**Surrogate Parenting.** The issue of paying a woman to carry someone else's child in her womb is fraught with moral, ethical, medical and legal issues. Legislation (**HB 281/SB 585**) sought to establish a commission to study surrogate parenting. To avoid any implication of support for surrogacy, the Conference monitored the bill and did not take a position on the creation of a commission, but submitted amendments in case the legislature chose to establish a commission. The measure was rejected by the Senate Committee.

**Transparency in Government Funding of Stem Cell Research.** Although the Stem Cell Commission must publish an annual report regarding expenditures from the Stem Cell Research Fund, the statute does not require that the report contain any research results. **SB 628** sought to change that by requiring the annual report to include the number of patients treated as a result of each grant. Although the Senate unanimously passed the bill, the chair of the House Committee refused to allow a vote until he could speak with the Director of the Stem Cell Commission; the discussion did not occur prior to Sine Die.

**Refocusing the Stem Cell Fund on Cures.** The only known cure for sickle cell disease is an adult stem cell transplant. Yet the Stem Cell Commission has repeatedly rejected grant proposals that sought to explore the use of adult stem cells to treat sickle cell disease, while investing \$3 million in the use of embryonic stem cells to treat sickle cell disease. Legislation (**HB 371**) was designed to force the Commission to fund research that is likely to result in some success in treating sickle cell disease. At the request of the Committee chairman, the sponsor withdrew the bill.

**Sickle Cell Disease Awareness.** Sickle cell disease is an adult stem cell partial success story. Yet one reason the treatment of sickle cell disease with bone marrow and umbilical cord blood stem cells is still experimental is that there's a shortage of African American cord blood in the national registry. The Conference supported **HB 333/SB 964** "Sickle Cell Anemia Awareness Month" as a forum to educate people about the need for bone marrow/umbilical cord donors so that more children could be cured.

**Stem Cell Research Funding.** The fiscal 2011 budget included level funding for stem cell research at \$12.4 million. Since its inception, very little of the Stem Cell Research Fund (the Fund) has been awarded to projects involving adult stem cells. Only adult stem cells are being used in clinical trials because they do not form tumors as embryonic stem cells do. Clinical trials are considered applied research, while research studying molecular and cellular mechanisms is considered basic research. Therefore, the Conference supported an amendment to the budget which stated that no more than 50% of the Fund could be used for basic science. The result of this would have ensured at least 50% of the Fund went to adult stem cell research. The amendment failed in both the House and Senate. The legislature gave final approval to about \$10 million in funding for stem cell research for FY 2011.

**Organ Donation.** While the Church supports organ donation, the Conference closely monitors legislation that seeks to procure a larger pool of organs to make sure the rights of the organ donor are respected. Several years ago, the Conference worked to remove the troubling sections of the Revised Uniform Anatomical Gift Act. A bill was introduced this year (**HB 1451**) that incorporated the desired amendments, but was introduced after the bill filing deadline and subsequently withdrawn by the sponsor.

**Disclosure of Practices Related to Life-Sustaining Procedures.** The Conference monitors all legislation related to end-of-life decision making, seeking to ensure that neither the legislation itself nor any proposed amendments would override a person's wishes regarding end-of-life care, encourage a person to refuse treatment, or encourage a person to commit suicide. Legislation (**SB 812**) that sought to require disclosure of a health care facility's life-sustaining-practices policies was problematic as originally introduced but was amended to address our concerns prior to the bill hearing, so the Conference took no official position.

**Death Penalty.** In 2009, the General Assembly approved, and the governor signed, a law that allows the death penalty to be pursued only in cases where there is DNA evidence, a videotape of the crime in progress, or a voluntary, video-taped confession. In the 2010, SB 404 and HB 994 were introduced to diminish those gains. Both expanded the types of evidence that could be used to prosecute the death penalty to include evidence known to be unreliable in certain cases, including photographs, fingerprints (**SB 404**), and undefined "scientific" evidence (**HB 994**). Both would have increased the likelihood of sentencing an innocent person to death, and were rejected in committee.

# SOCIAL CONCERNS

## POVERTY AND JUSTICE

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Housing	SB 243	Prohibits landlords from discriminating against prospective tenants on the basis of that tenant's source of income.	JPR	SUPPORT	Failed in committee, 5-6
Housing	BUDGET ITEM	Restores 50% of the funding for the Service Linked Housing Program.	B&T	SUPPORT	Passed
			APP		
Housing	SB 554	Establishes protections for victims of domestic violence who live in rental housing.	JPR	SUPPORT	Passed Senate, 46-0; Passed House, 140-0
	HB 1382		ENV		Passed House, 141-0; Passed Senate, 46-0
Human Trafficking	SB 261	Strengthens prohibitions against human trafficking.	JPR	SUPPORT	Passed Senate, 47-0; Passed House 136-0
	HB 283		JUD		Passed House, 139-0; Passed Senate 47-0
Gun Control	SB 645	Tightens State gun control laws generally; requires a permit for the purchase or receipt of a regulated firearm; prohibits a person convicted of certain crimes from possessing a firearm.	JPR	SUPPORT	No committee vote
	HB 820		JUD		Failed in committee, 5-16
Victims' Rights	HB 779	Expands periodic police training requirements on the rights and services available to all crime victims, including families of homicide victims.	JUD	SUPPORT	Passed House, 140-0; Passed Senate, 47-0
	SB 820		JPR		Passed Senate, 44-0; Passed House 140-0
Energy Consumers	SB 971	Requires the Public Service Commission to issue regulations limiting the authority of public service companies to terminate gas or electric service for nonpayment without first offering alternative payment plans.	FIN	SUPPORT	No committee vote
	HB 1255		ECM		No committee vote
Employment	SB 468	Gives tax credit to employers to hire welfare recipients.	B & T	SUPPORT	No committee vote

Employment	SB 638	Requires the Comptroller to provide employers with information on the maximum allowable income to qualify for the Earned Income Credit; requires employers to deliver the information to their employees.	B & T	SUPPORT	No committee vote
	HB 755		W&M		Passed House, 87-51; Failed in Senate committee, 6-8
Employment	SB 312	Places limits on employers' ability to utilize a job applicant's credit history as a condition of employment.	FIN	SUPPORT	Failed in committee, 5-6
	HB 175		ECM		Failed in committee, 6-15
Employment	SB 107	Modernizes the unemployment insurance system making it consistent with Federal standards; adopts the Alternative Base Period to allow workers to qualify for benefits based on the most recent data available.	FIN	SUPPORT	Passed Senate, 46-0; Passed House, 101-33
	HB 91		ECM		No committee vote
Child Support Guidelines	SB 252	Updates and revises the schedule of basic child support obligations.	JPR	SUPPORT	Passed Senate, 40-0; Passed House 117-21
	HB 500		JUD		Passed House, 116-22; Passed Senate 45-0

***Housing – Prohibition of Discrimination Based on Source of Income***

The Conference supported legislation (**SB 243**) to prohibit landlords from discriminating against prospective tenants based on the source of their (lawful) income. Such sources would include Housing Choice (formerly Section 8) Vouchers, Veterans' housing vouchers, and other rental subsidies; disability assistance; cash assistance; child support; and alimony. The measure would not have affected landlords' ability to screen applicants based on rental history, credit worthiness, or other relevant factors. The bill received an unfavorable committee report.

***Housing – Service Linked Housing Program***

The Conference supported a restoration of funding to the Service Linked Housing Program (SLHP), which had lost 50% of its funding in November and, in the original draft of the fiscal year 2011 budget, was slated to lose its remaining funding. SLHP provides funding to non-profit programs to link community services

to those who are formerly homeless or at risk of homelessness, thereby enabling them to avoid future episodes of homelessness. At the urging of advocates, the Governor and General Assembly approved nearly \$550,000 to keep the Program functioning at its current level.

***Housing – Protections for Victims of Domestic Violence and Sexual Assault***

The Conference supported legislation (**SB 554/HB 1382**) to protect victims of domestic violence and sexual assault who live in rental housing. The legislation included provisions enabling victims to have their locks changed, helping them leave unsafe situations without experiencing certain penalties for early lease termination, protecting victims from evictions prompted by domestic violence or sexual assault, and extending certain fair housing protections to victims. Both bills passed both chambers unanimously and were signed by the Governor.

### ***Strengthened Prohibitions Against Human Trafficking***

The Conference supported legislation (**SB 261/HB 283**) to strengthen prohibitions against human trafficking. The legislation included provisions that bolstered current law by: (1) adding the offense of interfering with the possession of another's passport, immigration document, or government identification document while violating or attempting to violate the human trafficking law, and (2) changing from a misdemeanor to a felony the existing prohibition against knowingly taking or detaining another person with the intent to use force, threat, coercion, or fraud to compel marriage or the performance of a sexual act. Both bills passed both chambers unanimously.

### ***Firearms Safety Act of 2010***

The Conference supported legislation (**SB 645/HB 820**) to tighten a number of current State gun control laws. Of particular note, the legislation required a valid hand gun permit for the purchase or receipt of a regulated firearm, mandated that the Secretary of State Police suspend a firearms dealer's license if the dealer failed to comply with certain record keeping and reporting requirements, and prohibited a person convicted of certain crimes from possessing a firearm. SB 645 did not receive a committee vote. HB 820 received an unfavorable committee report.

***Police Training Requirements.*** The Conference supported legislation (**SB 820/HB 779**), to expand police training requirements regarding the rights and services available to all crime victims, particularly the families of homicide victims. The bill passed unanimously in both chambers and was signed into law by the Governor.

### ***Alternative Payment Plans for Residential Energy Consumers***

The Conference supported legislation (**SB 971/HB 1255**) to require the Public Service Commission to issue regulations limiting the authority of public service companies to terminate gas or electric service for nonpayment without first offering alternative payment plans. The bills would have required public service companies to provide residential customers with notice of alternative payment plan options at

least 14 days prior to the shut off of service for nonpayment. Neither bill received a committee vote.

### ***Employment – Tax Incentive for Hiring Welfare Recipients***

The Conference supported legislation (**SB 468**) to re-establish a tax credit (formerly known as the "Work, Not Welfare Tax Credit") to incentivize employers to hire individuals who were recent recipients of Temporary Cash Assistance. Employers would have been able to claim tax credits for certain wages paid to the employee and for child care and transportation expenses paid on behalf of the employee in the first two years of employment. The bill did not receive a committee vote.

### ***Employment – Earned Income Credit Information***

The Conference supported legislation (**SB 638/HB 755**) to require the Comptroller to publish and provide employers with information on the maximum allowable income under which an individual can qualify for the State Earned Income Credit (EIC). The legislation also required employers to provide the information to employees who may be eligible for the Federal or State EIC. SB 638 did not receive a committee vote. HB 755 passed the House but received an unfavorable committee report in the Senate.

### ***Employment – Limitations on Use of Credit Reports***

The Conference supported legislation (**SB 312/HB 175**) to prohibit employers from utilizing a job applicant's or an employee's credit history as a condition of employment, a reason for discharge, or to determine the terms, conditions, or privileges of employment. The legislation included exemptions for employers hiring for positions in which a credit check is legally required, financial institutions, and positions in which credit history has a bona fide work-related purpose. Both bills received unfavorable committee reports.

### ***Employment – Unemployment Insurance Modernization***

The Conference supported legislation (**SB 107/HB 91**) to modernize Maryland's unemployment system, bringing it in line with federal standards and thereby qualifying Maryland for nearly \$127 million in federal

incentive funds. The Conference focused its support particularly on a measure in the legislation that requires Maryland to adopt the Alternative Base Period (ABP). Adopting the ABP requires the State to utilize the most recent data available when calculating eligibility for unemployment benefits. SB 107 passed both chambers and was signed by the Governor. HB 91 did not receive a committee vote.

**Child Support Guidelines**

The Conference supported legislation (**SB 252/HB 500**) to update and revise Maryland’s schedule of basic child support obligations. The legislation revised the schedule to (1) account for higher parental incomes, (2) adjust upward most child support obligations, and (3) adjust downward the obligations of some low-income parents, to ensure that the noncustodial parent has sufficient income available to maintain a minimum standard of living. Both bills passed both chambers and were signed by the Governor.

**HEALTH CARE AND DISABILITIES**

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Health Care Funding	SB 717	Increases the State alcohol tax to generate funding for developmental disability services, addiction treatment and prevention services, mental health care, and health care.	B & T	SUPPORT ASPECTS	No committee vote
	HB 832		W & M		No committee vote
Disabilities	SB 445	Extends the age until which health insurers must cover habilitative services for individuals with congenital or genetic birth defects.	FIN	SUPPORT	Failed in Committee, 3-8
	HB 198		HGO		Failed in Committee, 5-17
Disabilities	SB 920	Eases some barriers faced by individuals with disabilities and their families who apply for low intensity support services.	FIN	SUPPORT	Passed Senate, 44-0; Passed House, 139-0
	HB 1226		HGO		Passed House, 139-0; Passed Senate, 47-0
Disabilities	BUDGET ITEM	Increases funding for the Temporary Disability Assistance Program.	B&T	SUPPORT	Passed
			APP		

***Improved Funding for Health Care, Developmental Disabilities, and Mental Health***

The Conference supported aspects of legislation (**SB 717/HB 832**) to increase Maryland's alcohol tax to generate funding for developmental disability services, addiction treatment and prevention services, mental health care, and health care. While taking no position on the bill's funding mechanism, the Conference spoke to the worthiness of the programs and services the legislation would have funded. Neither bill received a committee vote.

***Disabilities – Habilitative Services***

The Conference supported legislation (**SB 445/HB 198**) to require health insurance carriers to provide coverage of habilitative services for individuals less than 25 years of age with a congenital or genetic birth defect (such as autism and cerebral palsy). Currently, such services are only required to be covered until age 19. Both bills received unfavorable committee reports.

***Disabilities – Low Intensity Support Services***

The Conference supported legislation (**SB 920/HB 1226**) to ease some of the barriers faced by individuals

with developmental disabilities and their families who apply for low intensity support services. The legislation would clarify that applicants for low intensity support services do not have to first apply for Medicaid if the services would be provided to a minor. It would also clarify that individuals and families may receive low intensity support services one time per year, rather than once in a lifetime. Both bills passed both chambers unanimously.

***Temporary Disability Assistance Program***

The Conference supported an increase in funding for the Temporary Disability Assistance Program (TDAP), which was recently the focus of proposed regulatory changes that would have limited the number of individuals eligible to participate in the Program. TDAP provides \$185 in monthly cash assistance to single adults with no other source of income who have been certified by health providers as unable to work due to serious medical disabilities. At the urging of advocates, the proposed regulatory changes were withdrawn and TDAP funding was increased to account for a growing caseload.

## IMMIGRATION

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Public Benefits	HB 343	Requires proof of lawful presence before receiving a public benefit.	APP	OPPOSE	Failed in committee, 9-16
Enforcement	HB 866	Requires all Maryland law enforcement agencies to enforce Federal immigration law by entering into agreements with the U.S. Immigrations, Customs, and Enforcement Agency.	JUD	OPPOSE	Failed in committee, 6-15
Language	HB 865	Establishes English as the official language in Baltimore County.	HGO	OPPOSE	Failed in committee, 9-12
Language	HB 1020	Establishes English as the official language in Harford County.	HGO	OPPOSE	Failed in committee, 9-12

### ***Public Benefits***

The Conference opposed legislation (**HB 343**) to require the State of Maryland and its political subdivisions to verify the lawful presence in the United States of all adults applying for public benefits. As undocumented immigrants are already ineligible for most public benefits and generally fearful of presenting themselves to governmental authorities, the legislation would have the primary effect of making application processes more cumbersome for citizens and documented immigrants. The bill received an unfavorable committee report.

### ***Immigration Law Enforcement***

The Conference opposed legislation (**HB 866**) to require all law enforcement agencies in the State to enter into a memorandum of understanding with the federal government to participate in the United State Immigration and Customs Enforcement Agency’s 287(g) Delegation of Authority Program. In forcing local law enforcement agencies to enforce federal

immigration law (which is outside of the criminal justice system), the legislation would have had the effect of pushing immigrants in the State of Maryland further into the shadows. The bill received an unfavorable committee report.

### ***Language***

The Conference opposed legislation (**HB 865 and HB 1020**) to establish English as the official language of government in two Maryland jurisdictions – Baltimore and Harford Counties, respectively. The legislation would have required the local governments to write and publish each official document in English and conduct each meeting and other official oral communication in English. In so doing, the legislation would not have encouraged more people to learn English. Rather, it would send the message that immigrants are unwelcome in those localities. Both bills received an unfavorable committee report.

# INSTITUTIONAL CONCERNS

AREA	LEGISLATION	SUMMARY	COMMITTEE	POSITION	OUTCOME
Religious Freedom	HB 381	Expands to all workers protections that currently apply only to retail employees regarding use of leave to observe holy days of their sincerely held religious beliefs.	ECM	SUPPORT	Failed in committee, 9-13
Religious Corporations	HB 1554	Allows a local church in Frederick County that withdraws from the United Methodist Conference to retain title to any assets controlled by the local church.	ECO	MONITOR	No committee vote
	SB 1091		JPR		Passed Senate, 29-18

### ***Religious Freedom in the Workplace***

The Conference supported legislation (**HB 381**) to expand existing workplace protections (currently available to retail workers) regarding the free exercise of religious beliefs. The legislation would have enabled all employees to take their earned leave (and if they have none, to work alternate hours or take unpaid leave) to observe a holy day of their sincerely held religious beliefs. Employers would have been prohibited from making or threatening a retaliatory discharge, demotion, suspension, or disciplinary action against an employee because they took the leave. The legislation, however, also provided an exemption for when the bill's effect would create an undue burden on an employer. The bill received an unfavorable committee report.

***Religious Corporations.*** A bill (**SB 1091/HB 1554**) was introduced that as originally drafted was intended to resolve a property rights dispute between Sunny Side Methodist Church in Frederick County and the United Methodist Conference by granting an exception to existing law and allowing the local church to retain title to its property upon withdrawing from the denomination. Out of reluctance to take a public position regarding an internal dispute of another denomination, the Conference closely monitored but did not take a position on the bill. The Senate committee amended the bill to entirely repeal sections of the religious corporations statute affecting property rights of the United Methodist Church. The Senate bill passed the Senate 29-18; there was no committee vote on the House bill.