

Legislative End-of-Session Wrap – April 10, 2007

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Dear Constituent,

I am writing to share my annual year-end wrap-up of the “goings-on” in Annapolis that occurred over the last 90 days during the 2007 Legislative Session.

What a difference a year makes—NOT! I wrote to you last year about the difficulty of achieving balanced results in Annapolis with an overwhelming majority of the Legislature being Democrats. They could limit debate and pass legislation without needing to consider the more conservative views of the Republican members. We did have a Republican Governor who could veto some of the more outrageous bills passed, but the Democratic majority was such that they could and did override a number of those vetoes. Thank goodness the Court of Appeals was there to overturn the clearly unconstitutional ones.

This year, the Democratic majority is even more pronounced (due in part to the spill-over from voter dissatisfaction at the national level in 2006), and we now have a Democratic Governor who is disposed to support and even encourage a number of more liberal pieces of legislation. The floodgates have been opened and, as citizens of Maryland, you are about to reap the “benefits.”

There were about 2,500 bills introduced this year. Many of the bills were for funding of specific local projects, and many others were for the business of specific counties and municipalities. However, there were still hundreds of bills that have impact on all Maryland citizens. What I’ve tried to do here is select the 20 or so bills that represent to me the best and the worst of what legislation can do for or, to you, as citizens of Maryland. I’ll discuss them in two different “top ten” categories (with apologies to David Letterman):

Top 10 reasons we need more balance in the Maryland Legislature:

1. Passing a budget with a billion-dollar structural deficit (HB 50/SB 55). I wrote to you about this in my weekly legislative wrap-up on March 21st. Despite staring the obvious square in the face, no Democrat voted for a Republican-sponsored amendment, or did anything else substantial, to hold down spending this coming year. Therefore, the rainy day funds that had been built up over the last few years will be spent and we will not be able to avoid major tax increases next year. We will all be paying dearly for this one.
2. Being the first state to potentially give up our electoral votes (HB 148/SB 634). By passing a bill to agree to join other states in a compact to, in essence, elect the

President of the United States by popular vote, we will have given up control of our 10 electoral votes. This doesn't become effective until enough other states join the compact to total 270 electoral votes, but once they do, our electoral votes will go to whoever wins the national popular vote, despite whoever actually carries the vote in Maryland. Does the Legislature really think that this is what the majority of Marylanders want? It may be that we will see constitutional challenges to this one.

3. Granting in-state tuition to the children of illegal immigrants (HB 6). Yes, this bill actually passed the House, but died in the Senate, thanks to all the concerned citizens who lobbied against it. This bill will be re-introduced next year, providing a reward for people who are in this country illegally to come to our State, while at the same time costing our citizens extra money and disadvantaging their children in competing for space in our State universities. The laughable standards of proof that illegal immigrants must show to demonstrate that they have paid taxes, and the fact that they can leave the State for 3 years and still be eligible (which citizens cannot do), just rubs salt in the wound.
4. Reducing the mandatory sentences for drug offenders (HB 992/SB 624). Apparently based on the belief that our prisons are over-crowded with drug offenders who would benefit more from receiving drug rehabilitation services, this bill drastically cuts mandatory sentences for second-time offenders from 10 years to 2½ years and devotes “saved” money to drug rehab. This puts many very dangerous individuals back on our streets much sooner, and flies in the face of earlier efforts to increase penalties to discourage repeat offenders.
5. Reinstating voting rights for released felons (HB 554/SB 488). One of the penalties that persons committing serious crimes in Maryland knew they faced was the loss of their right to vote. Well, no longer! This bill gives back released felons their right to vote immediately, even those who have committed crimes like treason! How does that make you feel?
6. Placing a constitutional amendment on the next ballot to permit early and out-of-district voting (SB 1). You might remember this from last year when the legislature tried to impose this same outcome through a bill that was subsequently found to be unconstitutional. This effort puts the question of permitting early voting and out-of-district voting to the voters as a constitutional amendment during the next election. I continue to be concerned with the difficulties the acceptance of these provisions will bring, including increased administrative costs and inconvenience, as well as voting integrity issues for out-of-district voting. Could give real meaning to “vote early and often.”
7. Failing to pass the Taxpayer's Bill of Rights (HB 809/SB 942). This bill, introduced again by my District 9A seatmate, Delegate Warren Miller, did not even get voted on in Committee. The bill would establish very common sense controls on the taxing and budgeting processes of the State, calling for us to live within reasonable revenue growth constraints, no new taxes without taxpayer

approval, and tax collections above estimates to be returned to the taxpayers. Without even getting a Committee vote, there is no real opportunity for different approaches to fiscal management being considered that could benefit the taxpayers of Maryland.

8. Proposing overly ambitious health care reform and thus failing to pass any comprehensive health coverage plans. Numerous bills were introduced that attempted to address the concerns of 800,000 uninsured persons in Maryland. Most involved expansion of benefits beyond affordable spending levels, including subsidizing children's health care up to 400% of federal poverty levels (\$80,000 for a family of four). The major bill by Delegate Hammen (HB 754) would have funded increased coverage by raising the cigarette tax, but this was defeated in light of the need for new tax revenues next year to balance the impending \$1.5 billion deficit.
9. Failing to pass the Marriage Protection Act (HB 919/SB 564). This bill would have had voters considering whether or not to add language in the Maryland Constitution that states that marriage is only between a man and a woman. This is currently law in Maryland, but the bill would trust Maryland voters, rather than the Courts, to decide what marriage should be. Following a recent court decision which is still on appeal that allows same-sex marriages, the voters should be allowed to weigh in on this critical issue and, hopefully, ratify what has been law in Maryland since our founding. The bill did not get out of Committee, but it was a very close vote.
10. Failing to pass driver's license documentation requirements for the Real ID Act (HB 537/SB 184). This bill would have required the MVA to require documentation of lawful presence in the U. S. in order to get a driver's license from the State. This would be in keeping with the federal Real ID Act which requires such documentation for driver's licenses that can be accepted for boarding airplanes and getting into federal buildings (unless you want to show a passport). This proof of lawful status would have gone a long way to helping identify illegal immigrants in Maryland.

There really are many more bills than just these ten that make you wonder about the future of legislative action in Maryland, if the one-sided imbalance continues. Honorable mention goes to: the Living Wage bill which requires businesses contracting with the State to pay \$11.30 per hour in the urban region and \$8.50 per hour in the rural region; the Indoor Clean Air bill which prohibits smoking in bars, restaurants and even private clubs; the Clean Cars bill which subordinates our air quality standards to a California board; the bill to extend sales tax to selected services (lawyers excluded); and the Presidential Primary Day bill to move up the date of our primary from the first Tuesday in March to the first Tuesday in February.

But, it's not hopeless, and as evidence I offer a second group of bills considered this year:

Top 10 reasons to keep the faith that some good bills can be passed and some bad bills defeated with hard work by all the legislators:

1. Passing Jessica's Law (HB 930/SB 413). This bill calls for treating sex offenders as serious felons and not permitting parole during mandatory sentences, steps that will help keep them in jail and off the streets.
2. Reinstating paper voting records (HB 18/SB 392). This bill will have Maryland return to the use of machine-read paper ballots in the 2010 election and thereafter. This provides a secure paper trail if questions arise, but offers the benefits of electronic tabulation.
3. Restoring oysters in the Chesapeake Bay (HB 133/SB 148). This bill calls for efforts and funds to be devoted to restoring habitats in the Bay to encourage the increase in population of oysters, leading to an improved supply for commercial and recreational purposes, as well as aiding in the cleanup of the Bay.
4. Protecting terrapins (HB 760/SB 532). The depletion of the supply of native terrapins through the taking or possessing of terrapins for commercial purposes has been prohibited.
5. Prosecuting Gangs (HB 713/SB 632). This effort prohibits the participation in criminal gang-related activity and sets up the apparatus to aid State law enforcement in the prosecution of gang-related activity in Maryland.
6. Divesting of State expenditures in Sudan (HB 1336/SB 543). While broader efforts to divest from investments in any terror-supporting countries did not succeed, this bill does require the Board of the State Pensions and Retirement System to review and divest from investments in Sudan.
7. Promoting financial literacy in schools (SJ 7). This Senate joint resolution calls for efforts to be made to include training in Maryland public schools on basic financial literacy for our students.
8. Failing to repeal the death penalty (HB 225/SB 211). An issue of major importance before the legislature this year, the effort to repeal the death penalty failed to muster the necessary votes in Committee, despite support from the Governor, and because of concerted actions to bring information forward on the reasons for retaining it.
9. Avoiding a ban on assault weapons (SB 43). This bill failed to get out of Committee, thanks to the large turnout of groups against it who helped keep the focus on not abridging constitutional rights.
10. Stalling action on discriminatory fees for the Bays Green Fund (HB 1220/SB 901). This bill would have set up markedly different charges for development outside of preferred funding areas than inside those areas (up to 8 times as much),

leading to higher costs for homes and other buildings in more rural areas, including Howard County.

Although Andrew's Law (HB 717) did not pass this year, thanks to many of you, we raised the issue and will work with the Motor Vehicle Administration, Police and Hospital representatives during the interim in preparation for passage next year.

So, there you have it, my overview of some of the more important and contentious items we faced in Annapolis this year. I've provided the bill numbers above for your reference, should you wish to look up any individual bill for further details. The Maryland General Assembly's website is www.mlis.state.md.us

It continues to be a pleasure serving you, and I hope you find this re-cap of the Session helpful. It is difficult to summarize 3 months of work by the Legislature into a few pages, but I know many of you have received my weekly e-updates throughout the Session and, hopefully, they have helped keep you informed as well.

Should you have any questions, please feel free to contact me. And please feel free to share your views on the topics I have discussed above. While I am obviously frustrated at the inability to stop the legislation that many of you do not support, I do welcome your input on which issues I can continue to push for you in the coming Sessions.

Yours in Annapolis,

Gail H. Bates

*My thanks go to Ken Nibali, my Legacy Leadership volunteer, who crafted most of this document for me. It has been a real pleasure having Ken working with us this year. His intellect and experience have been invaluable this Session.