



Legislative Update 2009



Maryland Classified Employees Association

February 9, 2009

Call Your Legislators About These Bills!

The Maryland General Assembly is considering many bills during the 2009 legislative session. Below is a synopsis as of February 9 of key bills affecting state workers. The bill sponsor, hearing date and assigned committee are also listed. For more information on each bill, go to <http://www.mlis.state.md.us> or visit <http://www.mlis.state.md.us/2009rs/subjects/statee.htm>.

Legislative momentum is picking up, so please visit the site regularly to stay abreast of hearing dates for the bills, action on those bills, and schedules for the various department and state personnel fiscal briefings.

What's in the FY2010 budget?

The Governor's budget proposal features the following:

- Closes a \$2 billion shortfall for FY2010, and overall general fund expenditures decrease by 1.3%. The proposed budget is the first budget in State history to propose a negative Spending Affordability growth rate of 1.57%, which is significantly lower than the General Assembly Spending Affordability Committee's recommended .7% increase. The proposed FY2010 budget also assumes Maryland will receive \$350 million from the federal stimulus, which is a conservative estimate given reports that States could receive more than \$200 million in relief.

- The proposed budget contains increases in five key priority areas, including:
- K-12 Public Education and School Construction - fully funding the Thornton Bridge to Excellence Plan, proposing a \$5.4 billion investment in K-12 education, a \$68.3 million increase over FY2009, a \$260.3 million for public school construction and renovation, and \$774.3 million to fully fund teacher and librarian retirement pension costs.
- Higher Education - A fourth straight year of 0% increase for in-state college tuition, moving the University System of Maryland from the sixth highest tuition in the nation in 2004 to an anticipated 18th.
- A Safety Net for Maryland's Families - more than \$5 billion to support Medical Assistance benefits that ensure 700,000 Marylanders access to health care, more than \$450 million of federal funds for food stamps for needy families, \$90 million of State funding to help low-income households pay their energy bills, and assumes more than \$100 million of refundable earned income tax credits for working Maryland families, more than \$22 million for school lunch and other nutrition programs to help end childhood hunger in Maryland and increase performance in Maryland classrooms, as well as increased funding for the Women, Infants, and Children program by more than \$10 million, \$65.6 million for unemployment insurance programs to provide critical assistance for families in need, \$70.3 million for business development programs that assist small and minority businesses and help grow Maryland's economy, \$31.9 million to provide

adults with the opportunity to earn high school diplomas, continue their education and training at the postsecondary level, and enhance employment opportunities, and \$51.8 million to help individuals with disabilities obtain and succeed in employment, largely through vocational rehabilitation services.

- Public Safety - \$2.1 billion for public safety and security, contributing to a \$160 million increase over three years, full funding for police aid at \$66 million, \$40 million for two new State Police helicopters so Maryland's Medevac system remains a national model, and an investment of \$10 million toward a statewide wireless communications system as part of a five-year \$110 million commitment to this project.
- Environmental Protection - full funding of a Program Open Space at \$31.9 million and investment of \$27.6 million for Agricultural Land Preservation, \$25 million for the Chesapeake 2010 Trust Fund, \$164.5 million in Bay restoration funds, and a record \$17.7 million for cover crops.
- Governor O'Malley's announcement of the FY2010 proposed budget also included an outline of the proposed budget reductions for FY2009. O'Malley proposed \$154 million of additional cuts for FY2009 including savings from furloughs, local aid reductions, abolition of 250 vacant positions, and additional agency budget reductions.

HB 191 - State Retirement and Pension System - Military Service Credit - Eligibility. Reducing the number of years of creditable service from 10 to 7 years that a member of the State Retirement and Pension System is required to accrue in order to be eligible to receive military service credit. Appropriations, Delegates Aumann, Barkley, Bates, Boteler, Braveboy, Carter, G. Clagett, DeBoy, Dwyer, Eckardt, Elmore, Frank, Gaines, George, Griffith, Haddaway, Holmes, Howard, James, Jennings, Krebs, Kullen, Lafferty, Love, McComas, McDonough, McHale, Minnick, Olszewski, Pena-Melnyk, Proctor, Robinson, Shewell, Smigiel, Sophocleus, Sossi, Stein, Stockdale, Stukes, Weir, and Wood.

HB 223 - State or Local Retirement or Pension Systems - Military Service Credit. Increasing the amount of service credit from 5 to 6 years that members of the State Retirement and Pension System may receive for military credit earned before joining the State Retirement and Pension System; requiring that local retirement or pension systems provide at least 6 years of credit for members of the local retirement or pension system for military service earned before joining the local retirement or pension system; etc. February 10, 1 p.m., Appropriations, Delegate Costa.

HB 264 - Military Service Credit - Eligibility. Repealing limitations and exceptions for specified members of the State Retirement and Pension System receiving credit for military service credit. February 10, 1 p.m., Appropriations, Delegates G. Clagett, Barkley, Bohanan, Boteler, DeBoy, Haddaway, Harrison, Healey, Hecht, James, Jones, Minnick, Riley, Sossi, Stukes, and Wood.

HB 298 - State Employees - Collective Bargaining - Negotiations - "The Fair Share Act." Authorizing collective bargaining negotiations pertaining to specified State employees to include negotiations relating to the right of an employee organization to receive service fees from nonmembers. February 17, 1 p.m., Appropriations, The Speaker (By Request - Administration) and Delegates Jones, G. Clagett, DeBoy, Hucker, Glenn, Valderrama, Barkley, Benson, Frush, Gaines, Gutierrez, Guzzone, Harrison, Heller, Hixson, Kirk, Lee, Levi, Levy, Malone, McHale, Robinson, Ross, Schuler, Stukes, and V. Turner. Crossfiled with Senate Bill 264.

(<http://mlis.state.md.us/2009rs/bills/hb/hb0298f.pdf>)

SB 264 - State Employees Collective Bargaining - Negotiations "The Fair Share Act." Authorizing collective bargaining negotiations pertaining to specified State employees to include negotiations relating to the right of an employee organization to receive service fees from nonmembers. February 26, 1 p.m., Finance, The President and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey and Rosapepe. (<http://mlis.state.md.us/2009rs/bills/sb/sb0264f.pdf>)

HB 304 - Maryland False Health Claims Act of 2009. Prohibiting specified actions constituting false claims against a State health plan or a State health program; providing specified penalties for making false claims against a State health plan or a State health program; authorizing the State to file a civil action against a person who makes a false claim against a State health plan or a State health program under specified circumstances; providing for the procedures to be followed in a civil action; providing for specified remedies under a civil action; etc. Judiciary and Appropriations, The Speaker (By Request – Administration) and Delegates Ali, Barve, Braveboy, Bronrott, Frush, Griffith, Holmes, Hubbard, Ivey, James, Niemann, Pena–Melnyk, Ramirez, Rosenberg, F. Turner, V. Turner, and Vaughn. Cross-filed with Senate Bill 272.

SB 272 - Maryland False Health Claims Act of 2009. Prohibiting specified actions constituting false claims against a State health plan or a State health program; providing specified penalties for making false claims against a State health plan or a State health program; authorizing the State to file a civil action against a person who makes a false claim against a State health plan or a State health program under specified circumstances; providing for the procedures to be followed in a civil action; providing for specified remedies under a civil action; etc. March 4, 1 p.m., Judicial Proceedings, The President (By Request - Administration) and Senators Conway, Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, and Robey.

HB 318 - Health Insurance - Coverage, Reimbursement, and Benefits - Counties, County School Systems, and State Employee and Retiree Health and Welfare Benefits Program. Making provisions of law codified in the Insurance Article relating to health insurance coverage, required reimbursement, and required benefits applicable to counties, county school systems, and the State Employee and Retiree Health and Welfare Benefits Program. Health and Government Operations and Environmental Matters, Delegates Barkley, Montgomery, and Reznik.

HB 364 - Task Force to Study State Employment Assistance for Ex-Felons. Establishing a Task Force to Study State Employment Assistance for Ex-Felons; providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; requiring the Governor to appoint the chair of the Task Force; prohibiting a member of the Task Force from receiving specified compensation; authorizing a member of the Task Force to receive reimbursement for specified expenses; etc. February 24, 1 p.m., Economic Matters, Delegates Burns, Anderson, Benson, Braveboy, Conaway, Doory, Dwyer, Frank, Gaines, Harrison, Howard, Hubbard, Ivey, Kach, Love, McConkey, Morhaim, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Robinson, Smigiel, Stukes, Tarrant, F. Turner, V. Turner, and Walker.

HB 405 - Health Insurance - Mandated Benefits - Breast Cancer Screening. Requiring insurers, nonprofit health service plans, health maintenance organizations, and the State Employee and Retiree Health and Welfare Benefits Program to provide coverage for breast cancer screening in accordance with specified guidelines; repealing requirements for coverage of screening mammograms; etc. Health and Government Operations, Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Elliott, Hubbard, Ivey, Kach, Kipke, Kullen, Levi, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, Riley, Tarrant, V. Turner, Valderrama, and Weldon.

HB 446 - State Retirement and Pension System - Board of Trustees - Attendance and Educational Training. Providing that members of the Board of Trustees for the State Retirement and Pension System may be excused from attending meetings of the Board of Trustees for jury duty or to attend investment and fiduciary training; providing that members of the Board of Trustees may attend investment and fiduciary training anywhere in the continental United States; and removing the limitation that existing investment managers may not conduct investment or fiduciary training for the Board of Trustees. Appropriations, Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, Levi, and Levy.

HB 448 - State Retirement and Pension System - Investment Manager Service Fees. Increasing the current fee cap for externally managed investment assets from 0.3% to 0.5% of a specified determination of market value for the State Retirement and Pension System. Appropriations, Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, and Levy. Crossfiled with Senate Bill 178.

SB 178 - State Retirement and Pension System - Investment Manager Service Fees. Increasing the current fee cap for externally managed investment assets from 0.3% to 0.5% of a specified determination of market value for the State Retirement and Pension System. February 18, 1 p.m., Budget and Taxation, Senator McFadden (Chair, Joint Committee on Pensions).

HB 461 - State Personnel - Incentive Awards - Review and Evaluation Process. Altering the membership of the labor-management review committee charged with evaluating and recommending incentive awards for innovative ideas by State employees to include at least half of the committee's membership from the exclusive representatives; clarifying the methods by which innovative ideas may be received by the labor-management review committee; etc. Appropriations, Delegates Rosenberg, G. Clagett, DeBoy, Jones, and Proctor.

HB 466 - State Retirement Agency - Monitoring of Telephone Calls - Quality Assurance. Authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to manage the monitoring and recording of telephone calls to and from employees of the State Retirement Agency to members and retirees of the State Retirement and Pension System for quality assurance purposes. Appropriations, Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Heller, James, and Levy. Crossfiled with Senate Bill 179.



SB 179 - State Retirement Agency - Monitoring of Telephone Calls - Quality Assurance. Authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to manage the monitoring and recording of telephone calls to and from employees of the State Retirement Agency to members and retirees of the State Retirement and Pension System for quality assurance purposes. February 18, 1 p.m., Budget and Taxation, Senator McFadden (Chair, Joint Committee on Pensions).

HB 473 - State Retirement and Pension System - Participating Governmental Units. Clarifying the definition of a "local pension system" for participating governmental units in the State Retirement and Pension System; and providing that existing employees of participating governmental units joining the State Retirement and Pension System have to elect to participate in the State Retirement and Pension System by a specified date. Appropriations, Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Bates, Branch, Conway, Haynes, Heller, James, and Levy. Crossfiled with Senate Bill 226.

SB 226 - State Retirement & Pension System. Clarifying the definition of a "local pension system" for participating governmental units in the State Retirement and Pension System; and providing that existing employees of participating governmental units joining the State Retirement and Pension System have to elect to participate in the State Retirement and Pension System by a specified date. February 18, 1 p.m., Budget and Taxation, Senator McFadden. (<http://mlis.state.md.us/2009rs/bills/sb/sb0226f.pdf>)

HB 474 - Human Relations - Sexual Orientation and Gender Identity - Antidiscrimination. Prohibiting discrimination based on gender identity with regard to public accommodations, housing, and employment; prohibiting discrimination based on sexual orientation or gender identity in commercial leasing; providing that an employer is immune from liability for certain acts to verify gender identity; making specified remedies and procedures regarding discrimination applicable to discrimination

based on sexual orientation and gender identity; defining the term "gender identity"; etc. Health and Government operations, Delegates Pena-Melnyk, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Branch, Bronrott, Carr, Carter, V. Clagett, Conaway, Doory, Dumais, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Healey, Hecht, Hixson, Holmes, Hubbard, Hucker, Ivey, Jones, Kaiser, Kirk, Krysiak, Lafferty, Lee, Levi, Love, Manno, McHale, McIntosh, Mizeur, Montgomery, Nathan-Pulliam, Niemann, Oaks, Ramirez, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Schuler, Stukes, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, and Walker.

HB 525 - State Retirement and Pension System - Employer Contributions - Educators and Educational Staff. Increasing the membership of the Board of Trustees for the State Retirement and Pension System to include an individual representing the local school boards or the community colleges; providing for the calculation of a payment by each county of a portion of the employer contributions attributable to their educators and educational staff who are members of the Teachers' Retirement System or the Teachers' Pension System; etc. Appropriations, Delegate Schuh.

HB 611 - State Personnel - Attorney General - Special Appointments. Establishing that specified staff positions in the Office of the Attorney General are special appointments and may not be determined to constitute political special appointments; and establishing that specified staff positions in the Office of the Attorney General are political special appointments. Appropriations, Delegate C. Clagett. Crossfiled with Senate Bill 582.

SB 582 - State Personnel - Attorney General - Special Appointments. Establishing that specified staff positions in the Office of the Attorney General are special appointments and may not be determined to constitute political special appointments; and establishing that specified staff positions in

the Office of the Attorney General are political special appointments. Finance, Senators Frosh and Middleton.

SB 31 - State Retirement and Pension System - Military Service Credit - Eligibility. Reducing the number of years of creditable service from 10 to 6 years that a member of the State Retirement and Pension System is required to accrue in order to be eligible to receive military service credit. February 18, 1 p.m., Budget and Taxation, Senator Peters.

SB 62 - Uniform Commercial Code - Financing Statements - Termination by Government Employees. Authorizing specified government employees to file specified termination statements with respect to specified financing statements; providing for the contents of the termination statement; requiring a specified government employee to send a copy of the termination statement to the secured party of record within 3 days after filing the termination statement; providing that a fee may not be charged for the filing of the termination statement; etc. Finance, Chair, Finance Committee (By Request - Departmental - Assessments and Taxation).

SB 65 - State Retirement and Pension System - Line of Duty Death Benefits - Maryland Transportation Authority Employees. Extending line of duty death benefits under specified circumstances to surviving spouses, specified minor children, or dependent parents of specified deceased members of the State Retirement and Pension System who were employed by the Maryland Transportation Authority. Budget and Taxation, Chair, Budget and Taxation Committee (By Request - Departmental - Transportation).

SB 81 - State Personnel - Maryland Whistleblower Law - Confidentiality of Information Obtained During Investigations of Complaints. Establishing that information obtained during investigations of complaints conducted under the Maryland Whistleblower Law is confidential within the meaning of specified provisions of law; and applying the Act retroactively. Finance, Chair, Finance Committee (By Request - Departmental - Budget and Management).

SB 83 - Human Services - Child Welfare Workforce. Altering provisions relating to the training and testing of specified child welfare caseworkers. Finance, Chair, Finance Committee (By Request - Departmental - Human Resources).

SB 166 - Budget Reconciliation and Financing Act of 2009. Altering or repealing specified required appropriations and grants; altering provisions relating to State aid to local governments and local sharing of specified costs; authorizing the transfer of specified funds to the General Fund; authorizing the use of specified funds for specified purposes; etc. Budget and Taxation, The President (By Request - Administration).

SB 177 - Emergency Responders - Death Benefits and Funeral Expenses. Providing that specified individuals employed as emergency responders are eligible for specified State death benefits and funeral expenses; and defining terms. February 11, 1:30 p.m., Budget and Taxation, Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey.

SB 287 - State or Local Retirement or Pension System - Transfer of Service Credit - Ordinary Disability Retirees. Exempting from a specified benefit calculation individuals who retire from the State Retirement and Pension System with an ordinary disability retirement allowance within 5 years of transferring into one of the several systems of the State Retirement and Pension System. Budget and Taxation, Senator McFadden (Chair, Joint Committee on Pensions).

SB 457 - State Government - Maryland Tort Claims Act - Malice or Gross Negligence. Providing that claims filed against State personnel individually for any malicious or grossly negligent tortious act or omission of the State personnel are subject to the restrictions placed on filing a claim under the Maryland Tort Claims Act; etc. February 26, 1 p.m., Judicial Proceedings, Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines.

SB 496 - Law Enforcement Officers' Pension System - Membership - Retired Pilots with the Maryland State Police. Providing specified retirees who are reemployed by the Maryland State Police Aviation Command as helicopter pilots with membership in the Law Enforcement Officers' Pension System; making membership in the Law Enforcement Officers' Pension System a condition of employment for specified retirees of the State Police Retirement System; providing an exception for specified retirees of the State Police Retirement System who are reemployed as Maryland State Police Aviation Command helicopter pilots; etc. Budget and Taxation, Senators Robey, DeGrange, Garagiola, Glassman, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pugh, Raskin, and Zirkin.

SB 542 - Protection of State Employees - Health Care Flexible Spending Account Contributions. Requiring the Secretary of Budget and Management to ensure that any contract entered into on or after July 1, 2009, for the administration of the flexible spending accounts available under the State Employee and Retiree Health and Welfare Benefits Program requires the administrator to reimburse an employee who has a health care flexible spending account for any money in the account forfeited by the employee under specified circumstances; etc. Budget and Taxation, Senator Rosapepe.

The Statewide Advisory Council Meeting



Saturday, April 18, 2009

MCEA Baltimore Headquarters

9:00 a.m. - 1:00 p.m.

(Lunch provided)

7127 Rutherford Road
Baltimore, MD 21244

**Call Barbara 410-298-8800
or 1-888-611-MCEA, ext. 204.**