

# THE WEEKLY WHIP

TUESDAY, MARCH 18, 2008

## **BUDGET ADVANCES PRIORITIES, RESTRAINS SPENDING GROWTH**

Facing a downturn in the national economy which has slowed state revenue forecasts, the Appropriations Committee has crafted a budget which makes needed cuts while preserving the legislature's commitment to public and higher education, healthcare, and the environment.

As amended by the House Appropriations Committee, the budget continues the legislature's historic investment in K – 12 education, with public schools slated to receive over \$5.3 billion, an increase of \$182 million over last year. The budget also includes \$76 million to fund the Geographic Cost of Education Index. *Education Week* ranked Maryland's public schools as the nation's third best, and the state boasts the second highest percentage of high school students in the nation who scored at or above the mastery level on Advanced Placement exams. Maryland public schools are making measurable improvements, and the budget gives teachers, students, administrators and parents the tools they need to continue their progress.

K – 12 education funding is paired with a continuing investment in higher education to strengthen Maryland's knowledge-based economy. The budget increases state support for the University System of Maryland by 4% per student, sufficient to hold the line on tuition for a third consecutive year. Recognizing the contribution of private colleges and universities, the budget increases state support for the Seller formula by 4% per student. Finally, the budget increases community college funding by 8.4% to accommodate growing enrollment.

The budget includes funds to expand healthcare to uninsured Marylanders. Currently, \$5.4 billion in state and federal funds support Medicaid and children's health programs. The budget also helps the provider community with money to increase rates, to reduce uncompensated care costs by phasing out Medicaid hospital day limits, and for increased mental health payment rates.

The budget continues the legislature's commitment to restoring the health of the Chesapeake Bay with \$156 million for nutrient removal from wastewater treatment plants and \$25 million for priority programs through the Chesapeake Bay 2010 Trust Fund. It contains funds for 250,000 acres of cover crops, state-of-the art technology to reduce pollution from septic systems, and oyster restoration programs. The budget also includes full funding for land preservation programs through Program Open Space, agricultural land preservation, and rural legacy.

Finally, the budget limits growth and sets aside a robust balance in anticipation of continued slowing in the economy. The Appropriations Committee made \$405 million in cuts and transfers, allowing the general fund to grow a modest 3.8% – as compared to the 11.8% growth Governor Ehrlich proposed in his final budget. The budget leaves a surplus balance of \$249 million above the \$739 million in the Rainy Day Fund, for a total balance of nearly \$1 billion.

## **FORECLOSURE UPDATE**

Data released by the Department of Housing and Community Development shows foreclosures continued to rise in the 4<sup>th</sup> quarter of 2007. Total foreclosure activity grew 38.9% and the number of mortgage loan defaults grew 53.2% in the 4<sup>th</sup> quarter alone. Five jurisdictions – Anne Arundel, Baltimore, Montgomery, Prince George's Counties and Baltimore City – accounted for 72.2% of foreclosures in the state, and nearly every jurisdiction experienced an increase in foreclosure activity. The problem is only likely to deepen in 2008, as subprime adjustable rate mortgage resets are expected to peak this year.

Four bills will come before the House of Delegates this week to address the foreclosure crisis in Maryland. HB 360, 361, 363 and 365 strengthen consumer protections in the mortgage industry and increase the timetable for a foreclosure, so that homeowners have more time to seek alternative financing and avoid losing their homes.

## **SPEED MONITORING SYSTEMS – A COMMON SENSE SOLUTION TO SAFETY**

Speeders are a significant factor in automobile accidents. In Maryland, nearly 20% of the accidents reported in 2006 were speed-related. Other states have turned to speed monitoring systems (“speed cameras”) to reduce accidents and fatalities as a result of speeders. Devices are in use in Montgomery County, the District of Columbia, and twelve states: Arizona, California, Colorado, Iowa, Massachusetts, New Mexico, North Carolina, Ohio, Oregon, Tennessee, Utah, and Washington. Authorities have reported a 51% drop in speed-related accidents in California, 40% in Arizona, and 27% in Utah.

Moreover, speed limits are difficult to enforce in work zones, where jersey barriers are in place, and lanes shift and narrow. The State Police issued nearly 800 tickets for speeding in work zones in 2005.

As amended, HB 364 authorizes the use of speed monitoring systems by the State Police in highway work zones where the speed limit is at least 45 m.p.h. The bill requires prominent signs to be posted approaching a work zone, so drivers will be made aware that they are entering an area where speed monitoring systems are in use. For the first 30 days after the devices are installed, the State Police will issue warnings to motorists caught speeding by the cameras. When tickets are issued, they will be capped at a maximum of \$75.00. Finally, the bill prohibits a speed monitoring system contractor’s fee from being linked to the number of citations issued by the device or paid by speeders.

HB 364 also enables local governments to implement speed monitoring systems in residential and school zones after public hearings and the adoption of local ordinances. Local jurisdictions that employ the systems will be required to post notice of the device’s location on their website and in local newspapers, and to post signage to alert motorists. Finally, for the first thirty days after a device is set up, the local government will be limited to issuing a warning, not a ticket.

### **UPCOMING DATES OF INTEREST**

March 24 – Crossover  
March 31 – Deadline to pass budget  
April 7 – *Sine die*

## **QUICK FACTS ON THE DNA BILL**

To enhance law enforcement efforts – both open cases and crime prevention – HB 370 requires collection of DNA samples from offenders when they are charged with a crime of violence or felony burglary. The bill:

- Requires an individual be informed that they may have the right to have their DNA sample expunged if the charges are dropped or they are acquitted.
- Requires expungement of information from database *and* destruction of the DNA sample.
- Requires DNA samples to be stored with the State Police, not with local law enforcement agencies.

The bill prohibits:

- A search using DNA to identify a family member of the individual from whom the sample was taken.
- Disclosure of any DNA information to individuals or entities not permitted to receive it.
- An unauthorized person from obtaining information from the database.
- Storage of DNA information that does not directly relate to the arrestee’s identity.
- A violation of these acts is a felony and subject to a fine of up to \$5,000 and up to 5 years in jail.

Other facts on DNA sampling:

- Collecting DNA samples at the time of arrest can prevent violent crimes. Chicago’s *Study on Preventable Crimes* examined the criminal timeline of eight individuals and demonstrated that 60 violent crimes, including 53 murders and rapes, could have been prevented if DNA had been taken during the booking process of suspects of violent crime.
- Collecting DNA samples at the time of arrest can help solve crimes and exonerate innocent people, and does not unduly divert resources from crime scene investigations. Since 1989, there have been 213 post-conviction DNA exonerations in the United States.
- Eleven states collect DNA from individuals arrested for a crime of violence, and federal courts in the 2<sup>nd</sup>, 4<sup>th</sup> and 9<sup>th</sup> Circuits have found taking a DNA sample analogous to taking fingerprints. The practice has not been found to be a violation of the 4<sup>th</sup> amendment to the U.S. Constitution.
- DNA sampling upon arrest is entirely different than DNA research in the medical field. According to experts, profiles used for identification are not the same ones used for medical purposes. They do not contain codes for traits, cancer, or genetic diseases.