



# **2009 GENERAL ASSEMBLY SINE DIE AND BEYOND**

Maryland Nonprofits  
May 1, 2009

# Maryland Nonprofit Priorities

## Protecting state programs and services

Thanks to federal stimulus funds, and very effective work by nonprofit advocates, major community concerns (health, human services, education and the arts, etc) avoided major disaster in the budget. Local governments fared worse, and this may 'trickle down' in many communities.

## *Protecting state programs and services*

Avoiding disaster does not mean improvement in many underfunded programs and service areas. And while officials claim to have "fully funded" state commitments to public education, this has been done by the sleight of hand of having slashed the legal funding requirements. (School systems do receive significant additional funding from federal stimulus)

# Charity Audit Threshold Raised

- House Bill 452 and cross-filed Senate Bill 806 raise the threshold for annual audits required for the Secretary of State's charity reporting from \$200,000 to \$500,000 of contributions, and requiring a financial review beginning at the \$200,000 level.

# Allowing Nonprofits to Piggy- Back on Government Procurements

House Bill 533 promotes more collaborative purchasing by state agencies and local governments, and allows nonprofit organizations to participate in proposed government procurements.

# **Neighborhood and Community Assistance Program**

**House Bill 1399**, a departmental bill, will allow tax credits under this program to be used by individual donors as well as businesses, providing greater opportunities for participating nonprofit organizations to find 'purchasers' for the tax credits.

# **Not-For-Profit Development Center**

**House Bill 1193 and Senate Bill 860,**  
correcting a technical problem with  
legislation enacted last year to create the  
Maryland Not-For-Profit development  
Center program, were enacted.

# Tax Credit for Hiring Persons with Disabilities

The Qualifying Employees with Disabilities Tax Credit allows employers who hire a qualified individual with disabilities to claim a tax credit for certain wages paid to the employee. Senate Bill 604 extends the Qualifying Employees with Disabilities Tax Credit through June 30, 2010, and authorizes credits to be claimed on behalf of individuals hired through that date.

# Early Voting

House Bill 1179 establishes an early voting period, for the 2010 gubernatorial primary and general elections, from the second Friday before the primary or general election through the Thursday before the election, excluding Sunday. On each day, “early voting centers” are open between 10 a.m. and 8 p.m.

# Freedom of Association

Senate Bill 266/House Bill 311 prohibit a law enforcement agency from conducting a “covert investigation” of a person, a group, or an organization engaged in First Amendment activities, unless the law enforcement agency’s chief or designee makes a written finding in advance, or as soon as is practicable afterwards, that the covert investigation is justified because:

## Freedom of Association – Cont'd

- it is based on a reasonable, articulable suspicion that the person, group, or organization is planning or engaged in criminal activity;
- and a less intrusive method of investigation is not likely to yield satisfactory results.

# Unemployment Insurance

Senate Bill 576/House Bill 740 increase the maximum allowed weekly benefit amount from \$380 to \$410 for claims establishing a new benefit year on or after October 4, 2009. For claims establishing a new benefit year on or after October 3, 2010, the maximum weekly benefit is increased from \$410 to \$430.

## Part-Time U/I Eligibility

- Senate Bill 270/House Bill 310 make an individual whose availability to work is restricted to part-time work eligible for unemployment benefits, if the individual works predominantly throughout the year on a part-time basis for at least 20 hours per week.

## Part-Time U/I Eligibility - Cont'd

- A part-time worker is eligible for benefits based on wages predominantly earned from part-time work; must be actively seeking part-time work; must be available for part-time work for at least the number of hours worked at the part-time worker's previous employment; cannot impose any other restrictions on the part-time worker's ability or availability to work; and must be in a labor market in which a reasonable demand exists for part-time work.

# Health & Health Services

House Bill 580 requires Medicaid to provide coverage for independent foster care adolescents who are not otherwise eligible for Medicaid benefits and who have annual household incomes up to 300% of federal poverty guidelines. Independent foster care adolescents are individuals younger than age 21 who, on their eighteenth birthday, were in State foster care.

**Senate Bill 952/House Bill 739** require substance abuse services equivalent to those provided to adults under the Medicaid program to be provided to adults covered under PAC. In addition, the bills require MCOs to submit specific information regarding substance abuse treatment services. The Department of Health and Mental Hygiene (DHMH) has to collaborate with MCOs to establish a process and criteria to qualify certified addiction treatment programs as paneled providers.

**Senate Bill 761/House Bill 113** require DHMH to study the feasibility of creating a coordinated care program to reform the provision of Medicaid long-term care services in a manner that improves and integrates the care of individuals to meet the differing needs of seniors and adults with disabilities in the State. DHMH must submit an interim report by September 1, 2009, and a final report by December 1, 2010. The bills require the Secretary of Health and Mental Hygiene to convene specified stakeholders to evaluate and make recommendations related to a Coordinated Care Program.

**House Bill 706** requires the Maryland Health Care Commission (MHCC) to adopt regulations requiring the State Employee and Retiree Health and Welfare Benefits Program and carriers that issue or deliver health benefit plans in the State to provide incentives to providers to promote the adoption and meaningful use of EHR. Any incentives must have monetary value, facilitate the use of EHR, recognize and be consistent with existing payor incentives, and take into account certain federal incentives.

**Senate Bill 874/House Bill 415** allow an individual in a mental health facility to designate an advocate to participate in the treatment and discharge planning process except when the individual is a child or disabled adult whose parent or legal guardian has requested that a specific advocate not participate.

# Social Services

House Bill 1466 brings the State in compliance with the Federal Deficit Reduction Act of 2005 by repealing a provision that requires TCA applicants and recipients to assign to the State the right to receive child support accrued prior to receiving TCA. Under the bill, the applicant or recipient must assign to the State all right, title, and interest in support only for the period that the family receives TCA.

**Senate Bill 670/House Bill 393** expand the definition of a disability to include a record of having a physical or mental impairment or being regarded as having a physical or mental impairment. The bill prohibits an employer from failing or refusing to make a reasonable accommodation for the known disability of an otherwise qualified employee. However, an employer is not required to accommodate an employee's disability if doing so would cause undue hardship on the employer's business.

**Senate Bill 690/House Bill 713** require the Governor's Office for Children to measure the effectiveness of "treatment foster care homes" based on the existing "systems for outcomes evaluation" process currently used for residential child care programs. Beginning July 2011, this requirement will expand to include residential programs operated by or under contract with DJS and foster care homes approved by a local department of social services.

# Greenhouse Gas Reduction

Senate Bill 278/House Bill 315 require the State to develop plans, adopt regulations, and implement programs to reduce GHG by 25% from 2006 levels by 2020. The Maryland Department of the Environment (MDE) is required to implement various measures designed to ensure that the GHG reductions produce economic benefits for the State and do not adversely affect specified communities or economic interests. MDE must publish a GHG emissions inventory for the year 2006, a “business as usual” projection of GHG emissions for the year 2020, and a triennial inventory update beginning in 2011.

***House Bill 1171*** adds residential wind energy equipment used to generate electricity for a residential structure to the exemptions from the State sales and use tax. The bill also exempts residential wind energy equipment used to generate electricity for a residential structure from State and local real property taxes.

**Senate Bill 625** requires the Department of Housing and Community Development (DHCD) to adopt the International Energy Conservation Code (IECC) and to consider changes to the International Building Code (IBC) to enhance energy conservation and efficiency before adopting a subsequent version of the Maryland Building Performance Standard (MBPS). DHCD may adopt energy conservation requirements that are more stringent, but not less stringent, than in the IECC.

**Senate Bill 554** prohibits both the installation of a new septic system, as well as the replacement of a failing septic system, within the Chesapeake and Atlantic Coastal Bays Critical Area unless the new or replaced system utilizes the best available technology for nitrogen removal. Financial assistance is provided with funding from the Septics Account as well as a tax deduction for those who do not receive such funding.

# The Feds Are Coming!

American Recovery and Reinvestment Act -  
aka – “ARRA”

Beyond providing budget relief and program funds to state and local governments,  
***creates new funding opportunities for many nonprofits***

# ARRA - Information

- <http://www.marylandnonprofits.org/html/support/StimulusNow.asp>
- <http://capwiz.com/mdnonprofit/issues/alert/?alertid=12790061>
- [http://vanhollen.house.gov/NR/rdonlyres/0F85079D-F6E4-4FDD-BB95-8F7DC85C57D2/0/ARRA Guidebook online version.pdf](http://vanhollen.house.gov/NR/rdonlyres/0F85079D-F6E4-4FDD-BB95-8F7DC85C57D2/0/ARRA_Guidebook_online_version.pdf)
- [http://www.philanthropy.iupui.edu/News/2009/docs/GivingUSA SpecialBulletin 04242009.pdf](http://www.philanthropy.iupui.edu/News/2009/docs/GivingUSA_SpecialBulletin_04242009.pdf) ---

# SERVE AMERICA ACT

The Edward M. Kennedy Serve America Act was made a priority by the Obama Administration, enacted by a bipartisan majority in Congress and signed by the President on April 21. The bill is a major expansion of Americorps and a host of additional programs under the Corporation for National and Community Service. In addition, the ARRA included funding for 10,000 additional Americorps positions. Funding for most of the Serve America Act's provisions is now pending in the federal budget for Fiscal Year 2010 – which starts October 1.

A summary of the Act is available at:

[http://www.nationalservice.gov/pdf/09\\_0331\\_recovery\\_summary.pdf](http://www.nationalservice.gov/pdf/09_0331_recovery_summary.pdf)

# Need More Information?

- General Assembly Web Site  
<http://mlis.state.md.us/>
- 90 Day Report – Legislative Summary  
<http://mlis.state.md.us/2009rs/90-Day-report/index.htm>
- MD Budget and Tax Policy Institute  
<http://www.marylandpolicy.org/>
- Or contact Henry Bogdan – Public Policy Director at  
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