

Maryland Student Legislature



*Compendium
for the
2004-2005 Legislative Year*



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Greetings from the members of the Maryland Student Legislature. Composed of delegations from more than fifteen colleges and universities across the state and individual members whose personal ideologies span the political spectrum, the MSL is a simulation of the Maryland General Assembly. We hold three legislative sessions throughout the school year where we consider legislation that our members have written. Each piece of legislation is presented by its sponsor in a committee, if it receives a favorable committee recommendation it is debated on the floor, and if passed by a majority of our members it is presented to our Governor to either sign or veto.

We not only learn the details of the legislative process and parliamentary procedure at our sessions, but we also strive to act as the voice of Maryland's college students to you, our elected officials. Our members are some of the best informed, most politically involved college students in the state. Working with similar organizations across the state, and indeed across the nation, we truly are fulfilling our mission of developing "tomorrow's leaders today." An integral part of that mission, however, is the involvement of community leaders like you. Whether by attending one of our legislative sessions as a guest speaker or just to observe what we do, stopping by our annual legislative reception, or simply taking a few minutes to read through this document, your continued support is both essential and greatly appreciated by all of us.

This compendium includes legislation passed by the Maryland Student Legislature during our 2004-2005 legislative year. Some of the acts and resolutions may look familiar to you as they concern topics that you yourselves have debated. Others are rather original ideas that spring from the diverse nature of our membership. They all have one thing in common though, the hard work of their respective sponsors to write them, present them in one of our committees, and gain the support needed to pass them on the debate floor during one of our legislative sessions. With that in mind, it is our sincere hope that you will take a moment to look through this document and see what Maryland's college students are thinking about the issues of the day. Thank you for your time, and for your service to our great state. We look forward to working with you throughout the upcoming school year.

Respectfully,

Christopher W. Tinsman
Attorney General, Maryland Student Legislature

AN ACT CONCERNING

Election Law – Voter Registration and Voting – Proof of Citizenship Requirements

FOR the purposes of requiring that applicants for voter registration submit proof of United States citizenship; specifying the types of documents that an applicant may submit to verify United States citizenship; requiring an election judge to request an individual’s voter registration card to qualify an individual to vote, and then verifying that information corresponds to the precinct voter registry; and generally relating to requirements regarding the establishment of an individual’s citizen in order to qualify that individual for voter registration and voting.

BY repealing and reenacting, without amendments

Article – Election Law

Section 3-102(a)(1)

Annotated Code of Maryland

BY repealing and reenacting, with amendments

Article – Election Law

Section 3-201 and 10-310(a)(3)

Annotated Code of Maryland

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the Laws of Maryland reads as follows:

§ 3-102. Qualifications for voter registration.

(a) In general. - Except as provided in subsection (b) of this section, an individual may become registered to vote if the individual:

- (1) is a citizen of the United States;
- (2) is at least 18 years old or will be 18 years old on or before the day of the next succeeding general or special election;
- (3) is a resident of the county as of the day the individual seeks to register; and
- (4) registers pursuant to this title.

§ 3-201. Applying to register to vote.

(A) An individual may apply to become a registered voter:

- (1) at a local board office or the State Board office;
- (2) at a registration site administered by a local board;
- (3) by mail;
- (4) when applying to the Motor Vehicle Administration for the issuance, renewal, or modification of a driver's license or identification card;
- (5) when applying for services at a voter registration agency; or
- (6) with the assistance of a volunteer authorized by the State or local board.

(B) TO ESTABLISH THAT AN APPLICANT FOR VOTER REGISTRATION IS, AS REQUIRED UNDER § 3-102(A)(1) OF THIS TITLE, A CITIZEN OF THE UNITED

STATES OF AMERICA BY REQUIRING PROOF OF CITIZENSHIP WITH THE APPLICANT'S VOTER REGISTRATION APPLICATION:

- (1) A COPY OF A BIRTH CERTIFICATE;
- (2) A CURRENT PASSPORT ISSUED BY THE UNITED STATES OR A TERRITORY OF THE UNITED STATES; OR
- (3) A COPY OF THE DOCUMENT ISSUED BY THE UNITED STATES GOVERNMENT ESTABLISHING THAT THE APPLICANT IS A NATURALIZED CITIZEN OF THE UNITED STATES.

§ 10-310. Same - Voting hours.

- (A) Qualification of voters.- For each individual who seeks to vote, an election judge, in accordance with instructions provided by the local board, shall:
- (1) locate the individual's name in the precinct register and locate the preprinted voting authority card and then authorize the individual to vote a regular ballot;
 - (2)
 - (i) if the individual's name is not found on the precinct register, search the inactive list and if the name is found, authorize the individual to vote a regular ballot; or
 - (ii) if the individual's name is not on the inactive list, refer the individual for provisional ballot voting under § 9-404 of this article;
 - (3) establish the identity of the voter by ~~requesting~~ REQUIRING the voter to ~~state the month and day of the voter's birth and comparing the response to~~ PRESENT THEIR VOTER REGISTRATION CARD AND VERIFYING THAT THE INFORMATION ON THE VOTER'S REGISTRATION CARD MATCHES the information listed in the precinct register;
 - (4) verify the address of the voter's residence;
 - (5) if any changes to the voting authority card are indicated by a voter, make the appropriate changes in information on the card or other appropriate form; and
 - (6) have the voter sign the voting authority card and either issue the voter a ballot or send the voter to a machine to vote.

SECTION 2. BE IT FURTHER ENACTED, That this Act takes effect October 1, 2005.

AN ACT CONCERNING

Medical Injury Compensation – Claimant Recovery

FOR the purpose of providing that a person having a claim against a health care provider for damages due to a medical injury occurring on or after a certain date is entitled to a certain amount of the money recovered; providing that an attorney who violates certain provisions of this Act is subject to disbarment, suspension, or other disciplinary action; and providing for the application of certain provisions of this Act.

BY adding to

Article – Courts and Judicial Proceedings
Section 3-2A-07.1
Annotated Code of Maryland
(2002 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3-2A-07.1.

- (A) (1) IN THIS SECTION, “RECOVERED” MEANS THE NET SUM RECOVERED BY THE CLAIMANT AFTER DEDUCTING ANY DISBURSEMENTS OR COSTS INCURRED IN CONNECTION WITH PROSECUTION OR SETTLEMENT OF THE CLAIM.
- (2) FOR PURPOSES OF THIS SUBSECTION, COSTS OF MEDICAL CARE INCURRED BY THE CLAIMANT AND THE ATTORNEY’S OFFICE OVERHEAD COSTS OR CHARGES ARE NOT DEDUCTIBLE DISBURSEMENTS OR COSTS.
- (B) A PERSON HAVING A CLAIM AGAINST A HEALTH CARE PROVIDER FOR DAMAGES DUE TO A MEDICAL INJURY OCCURRING ON OR AFTER JULY 1, 2006, IS ENTITLED TO NOT LESS THAN:
- (1) 70% OF THE FIRST \$250,000 RECOVERED; AND
- (2) 90% OF ANY AMOUNT RECOVERED IN EXCESS OF \$250,000.
- (C) THE REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION APPLY REGARDLESS OF:
- (1) WHETHER THE AMOUNT RECOVERED IS BY SETTLEMENT, AWARD, OR VERDICT;
- (2) WHETHER THE PERSON FOR WHOM THE AMOUNT IS RECOVERED IS A RESPONSIBLE ADULT, A MINOR, OR A PERSON WHO IS MENTALLY INCOMPETENT;
- (3) THE NUMBER OF DEFENDANTS INVOLVED IN THE CLAIM.
- (D) AN ATTORNEY WHO VIOLATES THIS SECTION IS SUBJECT TO DISBARMENT, SUSPENSION, OR OTHER DISCIPLINARY ACTION IN ACCORDANCE WITH TITLE 16, CHAPTER 700 OF THE MARYLAND RULES.

SECTION 2. BE IT FURTHER ENACTED, That this Act shall take effect on July 1, 2006.

AN ACT CONCERNING

Public Health – Abortion – Parental Notification

FOR the purpose of prohibiting a physician from performing an abortion on an unmarried minor unless the physician gives certain notice to a parent of the minor; authorizing a physician to perform an abortion on a minor under certain circumstances; authorizing a minor to file a petition with a certain court to waive the requirement for parental notification; providing for the court to handle the petition in an expedited and confidential manner; providing for the circumstances under which the court can waive the requirement for parental notification; requiring the Department of Health and Mental Hygiene to prepare and distribute a pamphlet to explain the notification requirements and the option to petition for a waiver; providing that a minor may not be coerced to have an abortion making it a misdemeanor to violate this Act; providing certain penalties; defining certain terms; and generally relating to the requirement for parental notice when an unmarried minor seeks an abortion.

BY repealing and reenacting, with amendments

Article – Health – General
Section 20-103
Annotated Code of Maryland
(2000 Replacement Volume and 2004 Supplement)

SECTION 1. BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE,
That the Laws of Maryland read as follows:

Article – Health - General

20-103

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ACTUAL NOTICE” MEANS A PARENT HAS ACCOMPANIED THE MINOR TO A CONSULTATION WITH A PHYSICIAN DURING WHICH THE ABORTION DECISION IS CONSIDERED AND NOTICE IS GIVEN DIRECTLY TO THE PARENT FROM THE PHYSICIAN. THIS INCLUDES, BUT IS NOT LIMITED TO, THE PARENT SIGNING A FORM SAYING THE PARENT HAS BEEN NOTIFIED BY THE DOCTOR THAT THE MINOR INTENDS TO HAVE AN ABORTION.

(3) “CONSTRUCTIVE NOTICE” MEANS A NOTICE HAS BEEN SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF A PARENT WITH RETURN RECEIPT REQUESTED AND RESTRICTED DELIVERY TO THE ADDRESSEE.

(4) “MEDICAL EMERGENCY” MEANS A CONDITION THAT, ON THE BASIS OF THE PHYSICIAN’S GOOD FAITH CLINICAL JUDGEMENT, SO COMPLICATED THE MEDICAL CONDITION OF A PREGNANT MINOR AS TO NECESSITATE THE IMMEDIATE ABORTION OF HER PREGNANCY TO AVERT HER DEATH OR FOR WHICH A DELAY WILL CREATE A SERIOUS RISK OF SUBSTANTIAL AND IRREVERSIBLE IMPAIRMENT OF A MAJOR BODILY FUNCTION.

(5) “PARENT” MEANS:

(I) A NATURAL OR ADOPTIVE PARENT WHOSE RIGHTS HAVE NOT BEEN TERMINATED; OR

(II) A LEGAL GUARDIAN.

(B) (1) Except as provided in ~~subsection (b) and~~ SUBSECTION (c) of this section, a physician may not perform an abortion on an unmarried minor unless:

(I) ~~the~~ THE physician ~~first gives~~ GAVE ACTUAL notice OF THE PENDING PROCEDURE to a parent ~~or guardian~~ of the minor; OR

(II) 48 HOURS HAVE ELAPSED SINCE THE PHYSICIAN GAVE CONSTRUCTIVE NOTICE OF THE PENDING PROCEDURE TO A PARENT OF THE MINOR.

(2) THE 48 HOUR PERIOD REQUIRED UNDER PARAGRAPH (1) (II) OF THIS SUBSECTION SHALL BEGIN AT NOON ON THE NEXT DAY THAT REGULAR MAIL DELIVERY TAKES PLACE FOLLOWING THE DAY THAT THE NOTICE IS POSTMARKED BY THE UNITED STATES POSTAL SERVICE.

~~(b)~~ (C) ~~The~~ A physician may perform ~~the~~ AN abortion ON A MINOR without GIVING notice to a parent ~~or guardian~~ if:

(1) ~~—The minor does not live with a parent or guardian; and~~

(2) ~~—A reasonable effort to give notice to a parent or guardian is unsuccessful.~~

(1) THE PHYSICIAN RECEIVES A WRITTEN STATEMENT FROM THE PARENT THAT WAS NOTARIZED WITHIN THE LAST 30 DAYS STATING THAT THE PARENT IS AWARE OF THE PENDING PROCEDURE.

(2) THE PHYSICIAN CERTIFIES IN THE MINOR'S MEDICAL RECORD THAT A MEDICAL EMERGENCY EXISTS AND THERE IS INSUFFICIENT TIME TO PROVIDE THE NOTICE REQUIRED; OR

(3) NOTICE IS WAIVED UNDER SUBSECTION (E) OR (F) OF THIS SECTION.

(D) (1) A MINOR MAY FILE A PETITION WITH THE CIRCUIT COURT FOR THE COUNTY WHERE THE MINOR RESIDES OR WHERE THE PHYSICIAN'S OFFICE IS LOCATED TO SEEK A WAIVER OF THE PARENTAL NOTIFICATION REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(2) THE PETITION SHALL INCLUDE A STATEMENT THAT THE MINOR IS PREGNANT AND UNMARRIED.

(3) A PETITION FILED IN A COURT THAT HAS A FAMILY DIVISION SHALL BE ASSIGNED TO THE FAMILY DIVISION.

(4) (I) THE COURT SHALL ADVISE THE MINOR OF THE MINOR'S RIGHT TO COURT APPOINTED COUNSEL AND SHALL, ON THE MINOR'S REQUEST, APPOINT COUNSEL.

(II) THE COURT MAY PERMIT THE MINOR TO REPRESENT HERSELF.

(5) THE COURT MAY NOT IMPOSE A FILING FEE OR COSTS ON A

MINOR WHO FILES A PETITION FOR WAIVER OF PARENTAL NOTIFICATION UNDER THIS SUBSECTION.

- (6) COURT PROCEEDINGS UNDER THIS SECTION SHALL:
 - (I) BE CONFIDENTIAL;
 - (II) ENSURE THE ANONYMITY OF THE MINOR; AND
 - (III) BE GIVEN PRECEDENCE OVER OTHER PENDING MATTERS SO THAT THE COURT MAY REACH A PROMPT DECISION TO SERVE THE BEST INTEREST OF THE MINOR.

- (E) (1) THE COURT SHALL ISSUE A DECISION INCLUDING WRITTEN FACTUAL FINDINGS AND LEGAL CONCLUSIONS IN A PROCEEDING UNDER THIS SECTION WITHIN 48 HOURS - NOT INCLUDING WEEKENDS AND HOLIDAYS - FOLLOWING THE FILING OF THE PETITION UNDER SUBSECTION (D) OF THIS SECTION UNLESS THIS TIME PERIOD IS EXTENDED AT THE REQUEST OF THE MINOR.
 - (2) (I) IF THE COURT FAILS TO RULE WITHIN 48 HOURS NOT INCLUDING WEEKENDS AND HOLIDAYS AND THE TIME IS NOT EXTENDED, THE PETITION IS GRANTED AND THE NOTICE REQUIREMENT SHALL BE WAIVED.
 - (II) THE COURT SHALL ORDER A RECORD OF THE EVIDENCE TO BE MAINTAINED, INCLUDING THE JUDGE'S WRITTEN FACTUAL FINDINGS AND LEGAL CONCLUSIONS SUPPORTING THE DECISION.

- ~~(E)~~ (F) (1) ~~The physician may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the physician~~ THE COURT SHALL AUTHORIZE A WAIVER OF PARENTAL NOTIFICATION IF THE COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE, THAT:
 - (i) Notice to the parent or guardian may lead to physical, SEXUAL, or emotional abuse of the minor;
 - (ii) The minor is SUFFICIENTLY mature ~~and capable of giving informed consent~~ to DECIDE WHETHER TO HAVE an abortion AND THE MINOR DEMONSTRATED IN COURT A BASIC UNDERSTANDING OF THE ABORTION PROCEDURE AND KNOWLEDGE OF THE POSSIBLE CONSEQUENCES TO THE MINOR'S HEALTH IF THE MINOR CHOOSES TO HAVE AN ABORTION; or
 - (iii) Notification would not be in the best interest of the minor.

- (2) IF THE COURT DOES NOT MAKE A FINDING SPECIFIED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL DISMISS THE PETITION AND NOTICE SHALL BE REQUIRED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

- (G) AN EXPEDITED, CONFIDENTIAL APPEAL SHALL BE AVAILABLE TO A MINOR FOR WHOM THE COURT DENIES AN ORDER WAIVING PARENTAL NOTIFICATION, IN ACCORDANCE WITH THE MARYLAND RULES.

- (H) (1) THE DEPARTMENT SHALL PREPARE A FACT SHEET FOR

DISTRIBUTION TO UNMARRIED PREGNANT MINORS WHO SEEK AN ABORTION.

(2) THE FACT SHEET SHALL BE WRITTEN IN TERMS GENERALLY UNDERSTOOD BY A MINOR AND SHALL EXPLAIN THE PARENTAL NOTIFICATION REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION.

(3) THE FACT SHEET SHALL INCLUDE:

(I) THAT A MINOR MAY SEEK A WAIVER OF PARENTAL NOTIFICATION FROM THE CIRCUIT COURT FOR THE COUNTY WHERE THE MINOR RESIDES OR WHERE THE PHYSICIAN'S OFFICE IS LOCATED;

(II) THAT A MINOR MAY PARTICIPATE IN PROCEEDINGS IN COURT ON HER OWN BEHALF;

(III) THAT A MINOR HAS A RIGHT TO COURT APPOINTED COUNSEL WHICH SHALL BE PROVIDED TO THE MINOR ON REQUEST;

(IV) THE PROCEDURE FOR PETITIONING THE COURT;

(V) THAT COURT PROCEEDINGS SHALL BE CONFIDENTIAL AND ENSURE THE ANONYMITY OF THE MINOR;

(VI) THE EVIDENCE THE MINOR MUST PRESENT FOR THE COURT TO WAIVE THE PARENTAL NOTIFICATION REQUIREMENT; AND

(VII) THAT THE COURT'S DECISION MUST BE REACHED WITHIN 48 HOURS - NOT INCLUDING WEEKENDS AND HOLIDAYS - OF THE TIME THE PETITION IS FILED UNLESS THE TIME PERIOD IS EXTENDED AT THE REQUEST OF THE MINOR.

(I) (1) THE DEPARTMENT SHALL DISTRIBUTE THE FACT SHEET, AT NO CHARGE, TO AMBULATORY CARE FACILITIES, HOSPITALS, PUBLIC AND PRIVATE AGENCIES, AND PHYSICIANS' OFFICES THAT PROVIDE FAMILY PLANNING SERVICES AND PRENATAL CARE.

(2) THE PHYSICIAN WHO IS RESPONSIBLE FOR PROVIDING NOTICE UNDER SUBSECTION (B) OF THIS SECTION SHALL PROVIDE THE MINOR WITH A COPY OF THE FACT SHEET AT THE TIME THE MINOR INITIALLY REQUESTS AN ABORTION.

(J) (1) A MINOR MAY NOT BE COERCED TO HAVE AN ABORTION.

(2) IF A MINOR IS DENIED FINANCIAL SUPPORT BY THE THE MINOR'S PARENT DUE TO THE MINOR'S REFUSAL TO HAVE AN ABORTION, THE MINOR SHALL BE DEEMED EMANCIPATED FOR THE PURPOSES OF ELIGIBILITY FOR PUBLIC ASSISTANCE BENEFITS.

(K) A PERSON WHO VIOLATES A PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

~~(2)~~ (L) (I) ~~The~~ A physician ~~is~~ MAY not BE HELD liable for civil damages or subject to a criminal penalty for a decision ~~under this subsection~~ not to give

notice UNDER SUBSECTION (B) OF THIS SECTION IF THE PHYSICIAN ESTABLISHES BY WRITTEN EVIDENCE THAT THE PHYSICIAN HAS MADE EVERY EFFORT, WITH REASONABLE DILIGENCE, TO DELIVER NOTICE, BUT HAS BEEN UNABLE TO DO SO.

~~(d)~~ (II) The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent ~~or guardian~~ and that is attached to a copy of the notice letter that was sent in that article of mail shall be conclusive evidence of CONSTRUCTIVE notice ~~or a reasonable effort to give notice, as the case may be.~~

(III) A SIGNED AND DATED STATEMENT FROM A PARENT DECLARING THE PARENT HAS BEEN NOTIFIED BY THE PHYSICIAN THAT THE MINOR INTENDS TO HAVE AN ABORTION SHALL BE CONCLUSIVE EVIDENCE OF ACTUAL NOTICE.

~~(e) A physician may not provide notice to a parent or guardian if the minor decides not to have an abortion.~~

SECTION 2. BE IT FURTHER ENACTED, That this Act shall take effect on October 1, 2005.

**A RESOLUTION CONCERNING THE SELECTION OF THE
UNIVERSITY SYSTEM OF MARYLAND BOARD OF REGENTS**

WHEREAS: The University System of Maryland Board of Regents is “committed to providing the citizens of Maryland with the best possible public higher education opportunities;” and,

WHEREAS: The people who enter the University System of Maryland become students; and,

WHEREAS: The Board of Regents has one student representative and sixteen representatives appointed by the governor; and,

WHEREAS: There is no faculty representation on the Board of Regents; and,

WHEREAS: In recent years, the Board of Regents has made large and in many cases excessive tuition increases; and,

WHEREAS: The Board of Regents has recently proposed a number of other detrimental changes such as increasing the number of classes instructors teach, eliminating minors and other programs that provide unique qualities to our university system but have low student participation, forcing students to pay additional fees if they take more than 132 credits at any USM institution; and,

WHEREAS: Since all members of the Board are appointed, they have no accountability to students, faculty, or taxpayers.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature recommends that at the end of the current terms of the Board of Regents, major structural changes in the organization of the Board be undertaken; and,

BE IT FURTHER RESOLVED: That these changes shall provide numerically equal representation for students, faculty, and representatives of taxpayers’ interests, and that taxpayer’s representatives should continue to be appointed by the governor and that faculty and student representatives should be elected by their respective constituencies.

**A RESOLUTION CONCERNING THE ESTABLISHMENT OF A
U.S. NATIONAL ELECTION HOLIDAY**

- WHEREAS:** The right to vote is the most important privilege granted to the citizens of a democratic society; and,
- WHEREAS:** Holding Election on Tuesday makes it difficult, if not impossible, for many people to get to the polls to vote; and,
- WHEREAS:** This specifically disadvantages middle and low income workers for whom many lack job flexibility to get off work to vote; and,
- WHEREAS:** In Puerto Rico, Presidential Elections are a national holiday; and,
- WHEREAS:** Puerto Rico has a 82.6% voter turnout rate; and,
- WHEREAS:** In the United States, where Election Day is not a national holiday, turnout rate is 52.16%; and,
- WHEREAS:** Many college students live away from their election polls preventing them from voting; and,
- WHEREAS:** Only 18.4 % of registered voters 18-24 year olds voted in the 2000 National Elections; and,
- WHEREAS:** In many regions there is shortage of election judges; and,
- WHEREAS:** The hours that most Americans are required to work or attend school are during a 14-hour period which prevents them from working at the polls; and,
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature strongly urges the United States Congress to pass legislation concerning the creation of a National Election Holiday for every presidential election.
- BE IT FURTHER RESOLVED:** The proposal for the declaration of a National Election Holiday on presidential election years be listed as a referendum on ballots.

A RESOLUTION CONCERNING THE URGING OF CONGRESS TO PASS HR 40 A BILL THAT WOULD CREATE A COMMISSION STUDYING THE EFFECTS OF SLAVERY

WHEREAS: In 1989 and every subsequent year after, Representative John Conyers, Jr. has introduced H.R. 40 into the House of Representatives; and,

WHEREAS: The federal government should undertake an official study of the impact of slavery on the social, political and economic life of our nation; and,

WHEREAS: Over 4 million Africans and their descendants were enslaved in the United States and its colonies from 1619 to 1865, and as a result, the United States was able to begin its grand place as the most prosperous country in the free world; and,

WHEREAS: The commission would make recommendations to Congress on appropriate remedies to redress the harm inflicted on living African Americans; and,

WHEREAS: The commission established would also shed light on the capture and procurement of slaves, the transport and sale of slaves, the treatment of slaves in the colonies and in the United States; and,

WHEREAS: It would examine the extent to which Federal and State governments in the U.S. supported the institution of slavery and examine federal and state laws that discriminated against freed African slaves from the end of the Civil War to the present; and,

WHEREAS: Many of the most pressing issues, which have heretofore not been broached on any broad scale, would be addressed; and,

WHEREAS: For example, the issue such as the lingering negative effects of the institution of slavery; and,

WHEREAS: H.R. 40 has strong grass roots support within the African American community, including major civil rights organizations, religious organizations, academic and civic groups from across the country; and,

WHEREAS: This support is very similar to the strong grassroots support that proceeded another legislative initiative: the Martin Luther King, Jr. holiday; and,

WHEREAS: H.R. 40 has over 40 cosponsors in the House of Representatives; and,

WHEREAS: The city councils in Detroit, Cleveland, Chicago, and Atlanta have passed bills supporting H.R. 40 and the State of Maryland has introduced legislation in the MGA to support H.R. 40; and,

WHEREAS: It is a fact that slavery flourished in the United States and constituted an immoral and inhumane deprivation of African slaves' lives, liberty and cultural heritage; and,

WHEREAS: The State of Maryland has established a commission to coordinate the study and this commission is designed to determine the "commemoration and impact of slavery's history and legacy in Maryland; and,

WHEREAS: President Bush signed into public law HR 3491, which establishes within the Smithsonian Institution, The National Museum of African-American History and Culture, which will operate as a location for public education, exhibits, collection and study items, materials relating to the life, art, history and culture of African-Americans that encompass the period of slavery, the era of Reconstruction, the Harlem Renaissance, and the Civil Rights Movement as well as other periods of African-American history; and,

WHEREAS: In the interest of education and encouraging public awareness of the experiences and contributions of African-Americans, many of which the American public as a whole are unaware of and are unknown to the vast majority of American people, Congress should pass HR 40 and the President should sign it into law.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the Congress of the United States to pass H.R. 40; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges President Bush to sign into law H.R. 40 when passed by the Congress of the United States; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature commends the State of Maryland on its attempts to further educate the public about African-American history; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature commends President George W. Bush for his part in encouraging such awareness by signing HR 3491 into public law on December 16, 2003.

A RESOLUTION CONCERNING THE ENFORCEMENT OF THE TEACHER SCREENING PROCESS IN MARYLAND PUBLIC SCHOOLS

WHEREAS: The No Child left Behind Act implemented in 2002 requires a teacher to have a Bachelors degree, demonstrate subject matter and knowledge in subjects taught and must have a full state certification; and,

WHEREAS: Nancy Grasmick told WBAL that it is possible the high number of substitutes is contributing to an increase in disruptive incidents in some schools; and,

WHEREAS: The Maryland Public Schools system is hiring unqualified teachers to fulfill the teacher shortage which is currently at 80 teachers in Baltimore City; and,

WHEREAS: Substitute teachers are hired with 30 credit hours of higher education, a clear background check, and a transcript with education related courses; and,

WHEREAS: Academic performance is influenced by these unqualified individuals; and,

WHEREAS: In 2003, 29% of all Maryland students, Grade 3 tested under a proficient level of reading; and,

WHEREAS: In 2002-2003, 11.6 % of teachers holding State Certifications have conditional certificates; and,

WHEREAS: In 2002-2003, all special education, limited English proficiency and low income (those qualified for free/reduced lunch) students did not meet the state standard for reading; and,

WHEREAS: Not only are students being affected academically they are also facing psychological problems from being sexually assaulted; and,

WHEREAS: The Post-Gazette has examined 727 cases of sexual assault by educators in the past five years with 80% of these teachers losing their license; and,

WHEREAS: The Academic Dean of the Gilman school was sentenced to two years of prison time after attempting to entice a fourteen year old into sexual conduct over the internet in 2001; and,

WHEREAS: In 2003, St. Mary's county teacher, Charles J. McNevech was charged with assault; and,

WHEREAS: An Anne Arundel public school teacher pleaded guilty of one count of child abuse involving one of his students at Anne Arundel High School last year; and,

WHEREAS: Carroll County Grand Jury indicted former county school superintendent William H. Hyde charging him with raping the elementary school age girl he had been accused of molesting; and,

WHEREAS: Student test scores are higher in counties with a greater wealth/pupil and property taxes that pay teachers salaries.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the Maryland State Government to enforce the No Child Left Behind Act requirements for qualified teachers [Title II, part A] so that public school students may have the chance for a better education. Also to enforce a screening process that will ensure the safety of our children.

**A RESOLUTION CONCERNING THE REPEAL OF THE STATE OF MARYLAND'S
"BLUE LAWS" PERTAINING TO SALE OF ALCOHOLIC BEVERAGES**

WHEREAS: "Blue laws" refer to state and local regulations banning certain activities on Sundays which were based on the biblical injunction against working on Sunday; and,

WHEREAS: These laws were put in place and governmentally mandated a day of rest in observance of the Christian Sabbath, regardless of one's religious affiliation; and,

WHEREAS: There are many religions that observe Sabbath on Saturday, and blue laws hurt business owners of these religions since they are forced to close two days out of the week, one for their own Sabbath, and another for the Christian Sabbath; and,

WHEREAS: These laws arguably serve no civic purpose, yet are still on the books in some states, including Maryland; and,

WHEREAS: While many of Maryland's blue laws have been challenged on the basis of constitutionality and repealed accordingly, laws which ban the sale of alcoholic beverages on Sunday, regardless of the religion of the buyer or seller, remain in the annotated code; and,

WHEREAS: By prohibiting sale of alcoholic beverages for one seventh of the year, the state is undoubtedly losing much revenue which would otherwise come from the taxation of these beverages; and,

WHEREAS: According to the Comptroller's Alcohol and Tobacco Tax Annual Report for fiscal year 2001, taxes on alcoholic beverages earned the state \$24,552,448; and,

WHEREAS: Simply allowing businesses to also sell alcoholic beverages for the remaining one seventh of the year, the state of Maryland could potentially earn several million more dollars from alcohol taxes without raising taxes and costing consumers more.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the Maryland General Assembly to repeal those laws which prohibit the sale of alcoholic beverages on Sunday, found in Article 2B of the Annotated Code of Maryland.

A RESOLUTION REGARDING SEXUALITY EDUCATION

- WHEREAS:** A debate has persisted in the United States to determine the appropriate content of sexuality education curricula in public schools; and,
- WHEREAS:** State and local Boards of Education have debated over the inclusion of information on contraception and sexually transmitted diseases in elementary, middle, and high school sexual education curricula; and,
- WHEREAS:** Since 1996, our federal government has spent \$700 million of taxpayers' money on abstinence-only education, and the annual expenditures are growing exponentially; and,
- WHEREAS:** Today, in order to get federal funding for sexuality education, schools must teach that having *no* sex is the *only* option for people of any age who aren't married; and,
- WHEREAS:** While 58 percent of all schools in the United States teach abstinence-only, a full 86 percent of the public school districts that teach sexuality education require that abstinence be promoted, and of those more than one third require abstinence to be taught as the only option for unmarried people, and either prohibit any mention of contraceptives or limit discussion to their ineffectiveness; and,
- WHEREAS:** In the South, where teen pregnancy rates are significantly higher than in the rest of the country, abstinence-only classes are taught in more than half of the schools; and,
- WHEREAS:** Students in these programs are not getting the real information and skills they need to develop a healthy understanding of their sexuality, make responsible decisions, and protect themselves from pregnancy and sometimes life-threatening sexually transmitted diseases; and,
- WHEREAS:** The United States is the only country in the world that requires government-funded sexuality education programs to limit their teachings to abstinence, and other industrialized countries teach comprehensive sex education, and they have far lower rates of teen pregnancy and sexually transmitted infections; and,
- WHEREAS:** Abstinence-only education does not teach many things to young people, but it should, like that sexuality is a natural, normal, healthy part of life, does not teach responsible decision-making skills about relationships, the facts about human growth and development, positive messages about sexuality and sexual behavior, including the benefits of abstinence; and,
- WHEREAS:** Abstinence-only education also does not teach that consistent use of contraception can greatly reduce a couple's risk for unintended pregnancy, does not teach accurate, factual information on abortion, masturbation, and sexual orientation, does not teach factual information about sexually transmitted infections, does not teach how to use condoms, and why—because they can significantly reduce the risk of unintended pregnancy, HIV, and other sexually transmitted infections; and,
- WHEREAS:** Abstinence-only education also does not teach interpersonal skills and relationships, the full range of options for an unintended pregnancy, which include carrying the pregnancy to term and raising the baby or placing the baby up for adoption, as well as ending the pregnancy with an abortion, and does not provide an opportunity to explore family, community, and religious values related to sexuality; and,
- WHEREAS:** In a country where six in ten women and seven in ten men have had sexual intercourse by their eighteenth birthday, most people don't get married until they're twenty-five, and the

rate of unintended pregnancy is one of the highest in the Western world, abstinence-only programs are pathologically inadequate; and,

WHEREAS: In October 2002, reviewing all the available data on abstinence-only programs for a report for the National Campaign to Prevent Teen Pregnancy—a nonprofit, nonpartisan organization—researcher Douglas Kirby, Ph.D., found, “There do not currently exist any abstinence-only programs with strong evidence that they either delay sex or reduce teen pregnancy.”; and,

WHEREAS: Young people who’ve had abstinence education are less likely to use condoms or other contraceptives when they do have sex than those who’ve had real sex education; and,

WHEREAS: More than three-quarters of parents surveyed say that sexuality education should discuss, along with abstinence, condom use and other forms of birth control; abortion; sexual orientation; and psychological issues associated with having sex, ninety-three percent of adults support sexuality education in high school, and 84 percent in junior high school, and sixty-six percent of American voters favor teaching age-appropriate sexuality education in elementary schools; and,

WHEREAS: Fifty-four percent of adults believe that eliminating sexuality education in schools would lead to more teenage pregnancies, and only 1 to 5 percent of parents remove their children from classes that provide comprehensive sexual information; and,

WHEREAS: Surveys of more than four thousand students, parents, teachers, and principals show that parents want schools to “go further” than they currently do on the topics of reproduction, HIV/AIDS and other sexually transmitted infections, and to “address issues often labeled controversial, like abortion and sexual orientation, as well as teach communication and coping skills”; and,

WHEREAS: A majority of parents and teachers agree that schools should dedicate more time to sex education—half a semester or more; and,

WHEREAS: Of topics included in sex education curriculum, 85 percent of parents want students to learn how to use condoms; 84 percent, how to use other forms of birth control; 88 percent, how to talk about birth control with sexual partners; 94 percent, how to cope with pressure to have sex; 94 percent, the emotional consequences of becoming sexually active; 79 percent, abortion; 76 percent, sexual orientation; and 74 percent say controversial issues should be presented in a “balanced” way that describes society’s diversity of views and values; and,

WHEREAS: Not only parents, but many prominent health organizations, including the American Medical Society, the Institute of Medicine, the Society for Adolescent Medicine, the American Academy of Pediatrics, and over one hundred other medical and professional organizations are on record supporting comprehensive sexuality education programs; and,

WHEREAS: A wide variety of religious organizations support real sex education, including the American Jewish Congress, the National Council of Churches of Christ, and the Unitarian Universalist Association; and,

WHEREAS: Almost eight in ten conservative Christians support sexuality education in high school, and seven in ten support it in junior high; and,

WHEREAS: Dr. C. Everett Koop, Surgeon General under President Reagan, said, “There is no doubt that we need sex education in public schools and that it should include information on heterosexual and homosexual relationships... starting at the lowest grade possible.”; and,

- WHEREAS:** Dr. Antonia Novell, Surgeon General under President George H.W. Bush, in a Surgeon General’s Report to the American Public on HIV Infection and AIDS, stressed the need for “scientific, dependable information about HIV and AIDS”; and,
- WHEREAS:** Dr. David Satcher, Surgeon General under President Clinton, said, “We face a serious public health challenge regarding the sexual health of our nation... This is a call to action. We cannot remain complacent. Doing nothing is unacceptable.”; and,
- WHEREAS:** Dr. Joycelyn Elders, another Surgeon General under President Clinton, said, “Comprehensive health education should be taught to all children, starting in kindergarten and continuing through high school.”; and,
- WHEREAS:** Dr. Richard Carmona, Surgeon General under President George W. Bush, stated that sex education programs should include discussion of condoms and other forms of birth control, and said, “As part of comprehensive education, we should be talking about all of the issues.”; and,
- WHEREAS:** In the 1996 Welfare Law, U.S. Society Security Act, Section 510(b)(2), federally funded abstinence-only education is mandated to have, as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity, teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity, and that it teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects; and,
- WHEREAS:** The kinds of materials that are used to teach students abstinence to comply with the standards in the U.S. Society Security Act, Section 510(b)(2) includes “*No Second Chance*,” an abstinence only sex education video that tells students “What if you want to have sex before I get married?... Well, I guess you just have to be prepared to die. And you’ll probably take your spouse and one or more of your children with you.”; and,
- WHEREAS:** These materials also include “Sex Respect,” a student workbook, which states “There is no way to have premarital sex without hurting someone,” and “FACTS,” and middle-school teacher’s guide, states, “Conception, also known as fertilization, occurs when one sperm unites with one egg in the upper third of the fallopian tube. This is when life begins... even though he or she was only the size and appearance of a pencil dot, the baby was a separate, genetically unique individual.”; and,
- WHEREAS:** In “*Facing Reality, A Parent/Teacher Guide*”, its curriculum states that the following should be cited to students as the harmful consequences of premarital sex: “Pregnancy, fear of pregnancy, AIDS, guilt, herpes, disappointing parents, chlamydia, inability to concentrate on school, syphilis, embarrassment, abortion, shotgun wedding, gonorrhea, selfishness, pelvic inflammatory disease, heartbreak, infertility, loneliness, cervical cancer, poverty, loss of self-esteem, loss of reputation, being used, suicide, substance abuse, melancholy, loss of faith, possessiveness, diminished ability to communicate, isolation, fewer friendships formed, rebellion against other familial standards, alienation, loss of self-mastery, distrust of complementary sex, viewing others as sex objects, difficulty with long-term commitments, various other sexually transmitted diseases, aggressions toward women, ectopic pregnancy, sexual violence, loss of a sense of responsibility toward others, loss of honesty, jealousy, depression, and death.”; and,
- THEREFORE BE IT RESOLVED,** that the Maryland Student Legislature urges the United Congress to repeal Section 510(b)(2) of the U.S. Society Security Act to prevent the use of taxpayer money to mandate misleading, ineffective abstinence-only education in public schools; and,

BE IT FURTHER RESOLVED, that the Maryland Student Legislature urges the Maryland General Assembly to enact legislation forbidding the use of taxpayer money to encourage the use of abstinence-only education; and,

BE IT FURTHER RESOLVED, that the Maryland Student Legislature urges the Maryland General Assembly and the State Superintendent of Schools to formulate a sexual education curriculum that enjoys the support of the overwhelming majority of parents, teachers, students, and public health officials that is rooted in scientific evidence, providing young people with the information they need to make healthy, well-informed decisions, and that is truly comprehensive; and,

BE IT FURTHER RESOLVED, that the Maryland Student Legislature opposes the use of government resources to coerce public schools into using abstinence-only education.

A RESOLUTION CONCERNING THE LONG-TERM HEALTH AND STABILITY OF SURVIVING SPOUSE (S) AND CHILD (REN)

WHEREAS: The Federal government has the ability and motive to call into federal service for the defense of America, members of the Maryland National Guard; and,

WHEREAS: Maryland National guardsmen being removed from their families, professions, and the service of their home state, may expire in battle; and,

WHEREAS: Surviving families are compensated in the amount of \$12,000.00 per annum; and,

WHEREAS: The state of Maryland recognizes this amount to be inadequate compensation; and,

WHEREAS: The cost of health care and insurance are placing a reasonable cost of living for single parent households ever higher: and,

WHEREAS: The family ought to be further compensated for their sacrifice to the federal government and the United States.

THEREFORE BE IT RESOLVED: That the Maryland Student strongly urges the state of Maryland and the U.S. Congress to increase survivor benefits; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the U.S. Congress to incorporate a formula that will allow for more compensation for those survivors with higher family needs; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature strongly urges the U.S. Congress to raise the standard level for all survivors from a paltry \$12,000.00 per annum to a more reasonable \$35,000.00 per annum.

**A RESOLUTION CONCERNING S. 1735 THE GANG PREVENTION AND EFFECTIVE
DETERRENCE ACT OF 2004**

- WHEREAS:** S. 1735, introduced in 2004 and is expected to be reintroduced in 2005, is a comprehensive, bipartisan bill to increase gang prosecution and prevention efforts; and,
- WHEREAS:** S. 1735 authorizes approximately \$650 million over the next five years to support law enforcement and prevention efforts; and,
- WHEREAS:** Of the \$650 million, \$450 million would be used to support Federal, State and local law enforcement efforts against violent gangs, and \$200 million would be used for intervention and prevention programs for at-risk youth; and,
- WHEREAS:** The bill also provides needed funding for the Federal prosecutors and FBI agents to conduct coordinated enforcement efforts against violent gangs; and,
- WHEREAS:** This bill creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs, enacts violent crime reforms needed to prosecute effectively gang members, and implements a limited reform of the juvenile justice system to facilitate federal prosecution of 16 and 17 year old gang members who commit serious violent felonies; and,
- WHEREAS:** Gangs now resemble organized crime syndicates who readily engage in gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes; and,
- WHEREAS:** Based on the latest available National Youth Gang Survey, it is now estimated that there are more than 25,000 gangs, and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States; and,
- WHEREAS:** The most recent reports indicate that in 2002 alone, after five years of decline, gang membership has spiked nationwide; and,
- WHEREAS:** S. 1735 adds the Department of Homeland Security, the IRS and the Postal Inspection Service as agencies to be included in the gang task force, permits local law enforcement to directly seek grant money, and designated that 60% of the grant money is to be used for witness protection; and,
- WHEREAS:** S. 1735 is sponsored by Senator Orrin Hatch, and cosponsored by Senators Biden, Boxer, Chambliss, Cornyn, Feinstein, Graham, Grassley, Kyl, Landrieu and Schumer.
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the Senate to reintroduced and pass S. 1735; and,
- BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges the House of Representatives to take up S. 1735 in a House version and pass the legislation; and,
- BE IT FURTHER RESOLVED:** That the Maryland Student Legislature congratulates President Bush on signaling his support for many of the provisions of S. 1735 which brings the necessary attention to the issue and will help to ensure its passage through both houses of Congress; and,
- BE IT FURTHER RESOLVED:** That the Maryland Student Legislature urges President Bush to sign the legislation once passed out of Congress.

A RESOLUTION CONCERNING WITNESS INTIMIDATION IN BALTIMORE CITY

- WHEREAS:** On Saturday January 16, 2005 at 1:30 AM, several Molotov cocktails were thrown through the window of a community activist speaking out against drug dealers in Baltimore City; and,
- WHEREAS:** The victim, not identified, was targeted because she cooperated with the local police and the Alcohol Tobacco Firearms and Explosives Agency in identifying drug dealers in her community; and,
- WHEREAS:** Thankfully, the victim was not injured in the attack and was relocated to a safe location shortly after the attack; and,
- WHEREAS:** The men, accused of committing this horrible act of violence were identified as Jackie Brewington, 18, Antonino Newsome, 18, Richard Royal, 20, and Andre Wilkins, 31; and,
- WHEREAS:** The incident came about six weeks after a homemade DVD called "Stop Snitching" hit Baltimore streets, warning people they could "get a hole in their head" for telling police about illegal drug activity; and,
- WHEREAS:** The production includes music, dancing and spoken messages, with clips showing men stuffing wads of cash into their pockets, driving in convertibles, smoking marijuana and flashing diamond-encrusted watches; and,
- WHEREAS:** Intimidation by drug dealers is a top legal concern in Baltimore, where a husband and wife and five children were killed in 2002 after their home was firebombed in retaliation for calls to police against drug dealers; and,
- WHEREAS:** On August 23, 2002, police reports indicate that Angela Dawson was assaulted outside of her home while cleaning graffiti from her siding; and,
- WHEREAS:** On August 25, 2002, police reports indicate a brick being thrown through the kitchen window of the Dawson residence and a few shards of the glass went into one of the children's eye; and,
- WHEREAS:** At 2:18am on the morning of October 16 2002, a man kicked in the front door, splashed gasoline around—paying close attention to the staircase, the only escape route from the upstairs bedrooms—and lit the gas on fire; Angela, Carnell, 43, Lawanda Ortiz, 14, Juan Ortiz, 12, Carnell Jr., 10, and the twins Kevin and Keith, 9, were in their rooms on the second and third floors; and,
- WHEREAS:** Mayor O'Malley publicly stated, "People have a very easy time blowing off homicides in the city of Baltimore. But the fact of the matter is ... these kids had absolutely no culpability in what happened to them. And I am going to do everything in my power to make sure the sacrifice they made was not in vain;" and,
- WHEREAS:** State lawmakers will consider legislation this session to toughen penalties for those who intimidate witnesses; and,
- WHEREAS:** "The law should have been passed last year, it was my greatest disappointment of last year. This is now a national issue with a national profile. We're going to have the state's attorneys from all over the state to support this year's bill," Governor Bob Ehrlich said; and,

WHEREAS: "The numbers speak for themselves. The murder rate, the drugs and gun issue, is prevalent and good people need this protection, good people willing to testify against the bad guys," Governor Ehrlich said; and,

WHEREAS: The Governor said prosecutors like Baltimore City State's Attorney Patricia Jessamy have been effective in their efforts to publicize the need for tougher penalties and he also stressed the importance of the proposed statute; and,

WHEREAS: "We're working very hard to get a witness intimidation statute that has teeth. Right now, it is a misdemeanor," Jessamy said.

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges Baltimore City Mayor Martin O'Malley to evaluate his administrations policy toward witness intimidation and protection as well as his administrations policy toward encouraging the public to come forward by instituting policies that foster an environment of safety; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the Baltimore City Council to commission an investigation into the administrations policies on witness intimidation and protection and offer its findings to the Mayor and his administration on how to improve its policies in this matter; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges Governor Robert Ehrlich, Jr. to evaluate his administrations policy toward crime within the city of Baltimore as well as his administrations policy toward encouraging tough crime-fighting measures that would promote and foster safer communities; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the Maryland General Assembly to pass legislation that will make it a felony to intimidate witnesses; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges Mayor Martin O'Malley, Governor Robert Ehrlich, Jr. Speaker Michael Busch, and President Mike Miller to work together in forging policy that will bring a dramatic reduction to the criminal element plaguing Baltimore City; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature praises State's Attorney Patricia Jessamy in her efforts to combat witness intimidation by working with State leaders to toughen the penalties for witness intimidation.

A RESOLUTION CONCERNING SOCIAL SECURITY AND ENSURING THE SOLVENCY OF THE PROGRAM VIA COMPREHENSIVE REFORM

WHEREAS: In 1935, President Franklin D. Roosevelt created the United States Social Security Act, a social insurance program designed to assist disabled individuals, widowers, and the elderly with financial security; and,

WHEREAS: Social Security is a pay-as-you go system that guarantees a monthly benefit in addition to outside personal savings and investments; and,

WHEREAS: The PAYGO structure of the program creates an annual surplus that is used to fund benefits, offset federal deficits, finance federal purposes; and,

WHEREAS: The system is financed by a payroll tax that has increased to 12.8% in 2005 from 2% 1935; and,

WHEREAS: 20% of the elderly rely solely upon Social Security for retirement funds; and,

WHEREAS: The poverty rate among the elderly has dropped from 35% in 1960 to 10% in 1999; and,

WHEREAS: Due to the nature of changing demographics, Social Security is on the verge of becoming insolvent; and,

WHEREAS: The worker to benefit recipient's ratio has decreased from 16:1 in 1960 to 3:1 today; and,

WHEREAS: According to the Congressional Budget Office, the work force below the age of 59 has decreased 3% since 1995; and,

WHEREAS: According to the National Institute of Health, the life expectancy of humans has increased from 60 years in 1935 to 77.4 in 2004, while retirement age has only moderately increased from the age of 65 to 67; and,

WHEREAS: Fiscal projections by Social Security Trustees Report state that Social Security will begin running a deficit by 2017, will begin paying reduced benefits by 2041 and will become totally bankrupt in 2077; and,

WHEREAS: In light of this, President George W. Bush has created a bi-partisan commission to study possible reform proposals that broadly consist of using benefit reductions to finance personal accounts that allow workers to divert up to 4% of their payroll contributions into a diversified index fund; and,

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the President's Commission to Strengthen Social Security to enact reform measures that lower the overall payroll tax to 11% on individuals opting to stay within the current system while leaving the tax rate unchanged on those who opt to invest in the personal account option; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the aforementioned Commission to reduce benefits for workers who retire prior to the National Retirement Age of 65 (NRA) set forth by the Social Security Act of 1935 from 30% to 37%; and,

BE IT FURTHER RESOLVED: The Maryland Student Legislature urges that the aforementioned Commission create incentives to retire beyond the by the NRA by increasing the monthly benefit by 5% for workers who opt to retire at the age of 70; and,

BE IT FURTHER RESOLVED: The Maryland Student Legislature urges that the aforementioned Commission raise the National Retirement Age to 68; and,

BE IT FURTHER RESOLVED: The Maryland Student Legislature urges that the aforementioned Commission eliminate the cap on the level of income subject to the Social Security tax which presently stands at \$90,000; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the aforementioned Commission to change the way benefits are tabulated from wage-indexing to price-indexing; and,

BE IT FURTHER RESOLVED: That the Maryland Student Legislature urges the aforementioned Commission to allow for all workers under the age of 55 to voluntarily divert 3.2% of their income into personal accounts similar to that of the Federal Employees Thrift Savings Plan.

**A RESOLUTION CONCERNING
ENDING THE EMBARGO ON TRADE WITH CUBA**

WHEREAS: The Helms-Burton Act, passed in 1996, put into law all existing sanctions against Cuba, including the original embargo imposed by President John F. Kennedy in 1962; and,

WHEREAS: Under the embargo, U.S. companies are forbidden to trade with Cuba and foreign subsidiaries of American companies are barred from engaging in new commerce with Cuba; and,

WHEREAS: According to the Cuba Policy Foundation, “U.S. farmers have been losing up to \$1.24 billion a year in potential sales to Cuba because of the embargo”; and,

WHEREAS: The strengthening of the embargo with the Helms-Burton Act prompted Cuban authorities to respond with harsh legislation which has been used to condemn prisoners of conscience; and,

WHEREAS: According to the UN Population Fund, “the decades-long economic embargo has exacerbated the situation and contributed to a further deterioration of the quality of life of the Cuban population” and UNICEF is “unequivocal about the negative impact of the embargo”; and,

WHEREAS: Sanctions have been least successful at promoting the fall of regimes or the overthrow of dictators, in part because the elites who could engineer a coup are well insulated from the hardship that sanctions create and,

WHEREAS: Stigmatizing states – even those hostile to U.S. interests like Cuba – reduces Washington’s ability to engage them when it is conducive to U.S. interests to do so and undercuts international support for U.S. efforts to confront these states; and,

WHEREAS: States that engage in freer trade will find it exceedingly difficult to suppress other aspects such as an even freer exchange of ideas; and,

WHEREAS: Former President Jimmy Carter stated in a speech on U.S.-Cuban relations, “the U.S. policy objective of a peaceful transition to a stable, democratic form of government and respect for human rights in Cuba gone unmet. After four decades, the U.S. embargo has failed to produce meaningful political and economic reforms in Cuba.”

THEREFORE BE IT RESOLVED: That the Maryland Student Legislature urges the United States Congress to repeal the Helms-Burton Act and to end the embargo on trade with Cuba, insofar as to permit the trade of non-military related products with Cuba.

**A RESOLUTION CONCERNING
THE DRUG TESTING OF PROFESSIONAL ATHLETES IN THE UNITED STATES**

- WHEREAS:** There is a World Anti-Doping Agency (WADA) who has jurisdiction in the drug testing of athletes involved in international competition in terms of testing and punishment for positive tests; and,
- WHEREAS:** The United States Anti-Doping Agency (USADA) is responsible for testing all USA athletes who participate in all Olympic, Pan-American, and Para-Olympic athletes in all domestic and international competition; and,
- WHEREAS:** WADA has a published 44 page document entitled the World Doping code, used in international procedures; and,
- WHEREAS:** In our country, only those athletes who take part in the Olympic variety sports like cycling and track and field are tested on as regular as a monthly basis; and,
- WHEREAS:** According to TSN, a national sports network in Canada, akin to ESPN here in the US, reports that cold medication is rampantly used in the National Hockey League (NHL), according to a recent survey of it's over 800 players; and,
- WHEREAS:** These medications contain ephedrine and epinephrine (adrenaline) which gives the body an intense and systemic "high," which aids in helping with muscle fatigue and pain during conditioning; and,
- WHEREAS:** The National Basketball Association (NBA), whose issues aren't steroids as much as marijuana and other illegal drugs, test players on a quota system, of randomly selected players; and,
- WHEREAS:** There is a pretty weak penalty for a positive test; after testing positive 3 times, the athlete is suspended 5 games at a maximum, losing only a mere 6.1% of his pay; and,
- WHEREAS:** Major League Baseball's (MLB) drug issues have been documented over the past few months, involving Congressional hearings and public outcry; and,
- WHEREAS:** The outcome was a progressive punishment structure involving 5 proverbial 'strikes' before the athlete is considered for more than a 50 game ban by the league commissioner; and,
- WHEREAS:** The National Football League (NFL) has the harshest penalty for positive testing of any drug, with the first strike resulting in immediate forced rehabilitation, the second test a 4 game suspension (25% of season), a third strike being an 8 game suspension (50%), and the third being an entire year out and a decision on the players future by the commissioner; and,
- WHEREAS:** The Professional Golfers Association (PGA) Tour, American Volleyball Professionals (AVP) tour, Association of Tennis Professionals (ATP) Tour, and Women's Tennis Association (WTA) Tour have no solid drug enforcement plans that model their inherent international nature, as they are very multi-national sports; and,
- WHEREAS:** Major League Soccer (MLS) is the only league whose players are tested on a regular basis for all drugs because it is made up of athletes all of international participation and so they are tested mostly during their regular multi-national competition; and,
- WHEREAS:** None of the American sports leagues use blood tests; and,

- WHEREAS:** Urinalysis can not pick up on the presence of Human Growth Hormone, or HGH, which is only traceable through blood testing; and,
- WHEREAS:** HGH is rampantly used through out the athletic community, as seen through the investigations of athletes treated by trainers like those at Bay Area Laboratories Company, or BALCO; and,
- WHEREAS:** Steroids and other performance enhancers have been shown to have harmful effects on the body, including cancers of different varieties like in the case of Lyle Alzado, who played linebacker for the Los Angeles Raiders in the 1980s; and,
- WHEREAS:** Other effects include heart and liver damage, impairment of judgment, psychosis, shrunken testicles, mammary gland damage, and dangerous levels of testosterone; and,
- WHEREAS:** Whether an American professional athlete wants to admit it or not, they are role models to millions of youth—what they do, their fans will follow; and,
- WHEREAS:** Seeing players Mark McGuire, Sammy Sosa, Barry Bonds, Kyle Turley, Todd Sauerbrun, and others succeed due to size causes young fans to want to pursue their idols; and,
- WHEREAS:** The recent redesign of MLB’s drug testing plan has already caught 2 major leaguers and 39 minor leaguers, showing that newer systems can work, but if implemented more strictly the results would be even more damning to how much of a problem this is in professional sports in this country; and,
- WHEREAS:** The National Collegiate Athletics Association (NCAA), the National Association of Intercollegiate Athletics (NAIA), and the National Junior Collegiate Athletics Association (NJCAA) have policies that are keeping steroids out, for the most part, of college sports; and,
- WHEREAS:** The cleansing of the sports world would make it a fair realm, as no one will be trying to get an edge by using performance enhancers; and,
- WHEREAS:** It will take the media focus away from drugging and doping, and put it back on the track of reporting what actually happened on the field of play from, day to day, instead of what is becoming an epidemic of a police blotter each day; and,
- THEREFORE BE IT RESOLVED:** That the Maryland Student Legislature urges the heads of the major professional sports organizations and their minor league partners to allow them to become part of the scope of the USADA and WADA anti-doping jurisdiction, and that the leagues agree to adopt the World Anti-Doping Code as their official doping policy; and,
- BE IT FURTHER RESOLVED:** That the leagues, under this proposed allegiance with USADA, agree to make their players take not only scheduled urinalysis tests, but be under scrutiny of blood tests as well; and,
- BE IT FURTHER RESOLVED:** That the tests off all athletes be made public in accordance with the Freedom of Information Act, as the USADA is a governmental agency operating with in the legal rights of any citizen interested in test outcomes; and,
- BE IT FURTHER RESOLVED:** That each sports players association be fully cooperative in allowing its players to be tested, as the owners in each league will be equally involved in voluntarily letting every player, including even the biggest stars, to undergo these testing procedures.