



REPORT FROM STATE CIRCLE

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Synopsis 2009

Three measures made it all the way thru this year, –the Budget Bill, Budget Reconciliation and Financing Act (BRFA) and Consolidated Capital Bond Loan of 2009 . We increased public school funding by 2.5%, and fully funded Thornton and the Geographic Cost to Education Index. Local school systems will also receive federal stimulus funds and higher Education funding allowing the in-state tuition freeze to continue. Medical Assistance increased and include federal stimulus matching funds as well. But there are no increases for state employees. And general funding for the Inter County Connector was eliminated but, instead, it was granted general obligation bond authorization.

Maryland authorized bonds for capital projects for Public School Construction; State Universities and Colleges; and Community Colleges. Program Open Space will receive bonding authority; the Rural Legacy Program and Agriculture Land Preservation were included in the funding.

None of the bills LWV has been following during the session were voted out of committee - i.e., there will be no increases in the alcoholic beverage tax or the gasoline tax and no combined reporting for corporations. On the other hand, teachers' pension costs were not transferred to the counties nor will there be required a three-fifths vote of the GA to pass legislation increasing an existing tax or to impose a new tax.

EDUCATION

Most significant for public K-12 education during the 2009 legislative session were the budgetary decisions. Thanks to federal stimulus money, funding mandated by the 2002 Thornton legislation was fully implemented, including the Geographic Cost of Education Index. The Task Force on Financial Literacy passed , as did Prohibitions on Principals from suspending students solely for Attendance Reasons, and Class Size Reporting passed requiring MSDE to develop a uniform data collection system to track how many students are in each public school classroom in Maryland.

High School Options also passed - Eliminating the proposed Study Group and requires MSDE to identify exams that, if passed, would allow credit for high school English 12 and Algebra II, this bill would be effective for three years. And the Student Fitness bill passed also.

AFFORDABLE HOUSING

There were 50,000 plus foreclosures in Maryland in 2008 and nationally, 20% of the residential properties facing foreclosure are rentals and because rental properties often are home to multiple families, renters make up roughly 40% of the families facing eviction. Protecting renters living in foreclosed properties was a focus of affordable housing advocates with LWV. Maryland passed the Foreclosure of Mortgages and Deeds of Trust on Residential Property-Notice to Occupants. This will help tenants whose buildings have been foreclosed upon by requiring written notice to all tenants both in preparation for the foreclosure sale, in the direct lead-up to the sale, and after the judgment awarding possession to a new owner.

DEATH PENALTY

The end result of volatile death penalty debate in both chambers is legislation which will make capital prosecutions more difficult but which falls short of repeal. After three days of procedural votes to get around an unfavorable committee report, plus floor amendments and argument, the Senate voted to approve a version and sent it onto the house. The bill restricts the death penalty to murder cases with biological evidence such as DNA, videotaped evidence of the murder or a videotaped confession.

GUNS

Legislation which will make pre-trial release much more difficult for repeat gun offenders passed unanimously in both the House and Senate this year. Passed, however, were bills favored by LWVMD which will take guns away from defendants in protective orders cases.

ADMINISTRATION OF JUSTICE

The 2009 Maryland General Assembly selected very few issues to take action on in the area of Courts and the League's Administration of Justice position. The maximum value of personal property for the Orphan's Court is now \$50,000 and they may exercise jurisdiction over guardianship if the presiding judge of the Orphans' Court is a member of the bar.

JUVENILE JUSTICE

This session did not result in much progress for juvenile justice. Only one bill passed the legislature providing for the development of a sex offenders registry for juveniles after release from Juvenile Court supervision. It is unclear whether this legislation helps or hurts public safety and the ability of those juveniles involved in sex abuse to recover from this disorder.

CAMPAIGN FINANCE REFORM

Perhaps the most interesting occurrence in the session was the unexpected attention paid to the Fair Campaign Financing Fund established more than 30 years ago under the Fair Campaign Financing Act. That Fund is available to candidates for Governor and Lieutenant Governor who opt to use public funding for their campaigns and agree to abide by spending limits. The Fund has not been used since 1994, when Ellen Sauerbrey first ran for Governor. Proposals would have abolished that Fund and used its assets to finance public funding for General Assembly candidates. Senator Harris, who had voted for public funding last Session, objected in EHEA to

what he called “raiding” the gubernatorial Fund. He was concerned that there would be no money left in the Fund for a gubernatorial candidate in 2010. Senator Pinsky, the bill’s sponsor, amended the bill to provide that the Fund could not be tapped until 2011. Senator Harris still voted to recommit the bill to EHEA, effectively killing it.

Senator Pipkin then introduced an “emergency” bill to require that the GA declare that the Fair Campaign Financing Act is “operable and viable”, apparently to counter arguments that it is neither. Both were unsuccessful.

MARRIAGE EQUALITY

The Religious Freedom and Civil Marriage Protection Act failed for the second year. And the constitutional amendment bill which would ban same-sex marriage also failed. But Governor O’Malley’s proposal to extend healthcare and other benefits to state employees’ domestic partners and dependent children was approved by the General Assembly.

DOMESTIC VIOLENCE

This was a banner year for Domestic Violence reform advocates. Long-sought legislation to allow judges to order a respondent under a Protective Order (PO) to surrender firearms was passed handily. Removal of guns is now mandatory for final PO’s and judges are enabled to order removal under temporary orders. Another bill that has been submitted many times increasing the period of time from 30 days to 6 months for a judge to extend a temporary PO which will put an end to the constant necessity for victims to return to court for such an order. LWV is relieved at the failure of a bill to allow the expungement of records of protective orders when an order is denied or dismissed.

AIR QUALITY

Greenhouse Gas Emissions Reduction Act of 2009 passed and is significant legislation mandating 25% reduction in greenhouse gases by 2020 from the 2006 baseline levels. And the Alternative Energy Tax Incentive Act of 2009 passed unanimously in both houses providing exemption from certain state taxes for wind energy equipment for residential use. Then three bills passed increasing attention to green building standards, and increases building code requirements for better energy efficiency and adds community colleges to the state mandate for high performance building standards.

ELECTIONS

While there were quite a few election related bills filed during this session, only two substantive bills passed. Early Voting in response to the approval of a Constitutional Amendment allowing voting at an early voting center within the voter’s county of residence. Each county will have at least one early voting location. The dates will be the second Friday before an election through the Thursday before an election.

Although it was not until the final day of the session, a bill passed defining what voting system will be used in Maryland for future elections. It retains the requirement for an optical scan voting system, but they will retain some of the DRE machines currently used in Maryland for use by voters with disabilities.

None of the various bills which would have required additional identification at the polls were successful. Also unsuccessful were bills which would have required special election to fill a vacant seat for the U.S. Senate, bills requiring runoff elections and a bill which would have repealed the previous General Assembly's approval of the Agreement among the States to Election the President by National Popular Vote.

CHILDREN AND FAMILIES

Children in out-of-home placement passed encouraging keeping children in their own home or community. The State Child Care Resource and Referral Network (CCRR) funding was reduced however, after release of this year's Kindergarten Readiness Report, Secretary Grasmick said that this funding would be restored. The Governor then added funds through ARRA (American Recovery and Reinvestment Act).

After mistakenly cutting the Head Start funding (believing federal funds could be substituted), the final budget provides State funding. Funds for child care mental health consultations and Infants and Toddlers special needs identification and treatment did not fare as well. Maryland's Pre-K for All Business Plan passed instructing MSDE to implement public pre-K for all, to be ready when funds are available. Regulated Child Care providers must now develop and implement emergency preparedness and evacuation plans for their facility. But a Quality Ratings and Improvement System (QRIS) for Maryland did not pass.

CHILDREN'S CABINET INTER-AGENCY FUND

Funding cuts were not restored, leaving about a 20% reduction overall for children with severe emotional or developmental disabilities. These cuts will result in many more children being hospitalized or put into residential treatment at increased cost to the State and the children's well-being.

HEALTH

The General Assembly enacted significant reforms for the Maryland Small Group Market insurance products, because the number of people insured in this group has been dropping. All of the bills were designed to increase flexibility in the Group to attract small employers back to the market or attach new businesses. The rationale for most changes was that there had to be lower premiums to attract these groups.

Bills passed allowing the insurance carriers greater limits on pre-existing conditions, and changes in the "rate bands" which occur because of age or geography in the small group market. The Maryland Health Care Commission (MHCC) was directed to maintain on its website comparison of premiums for those carriers issuing health benefit plans to small employers. Also, Wellness Programs Incentives will be increased and Loan Assistance Repayment and Practice Assistance for Physicians will provide a loan assistance program for physicians who will practice in a state defined shortage area. The legislation is particularly directed toward primary care, including family medicine, internal medicine, obstetrics, pediatrics, geriatrics, emergency medicine and psychiatry. And the Electronic Communications Traffic Safety Act passed banning text messaging while driving.

ENVIRONMENT

Water, Waste Treatment and Land Use.

Generally, progress was made in protecting the environment this legislative session. The requirement for nitrogen removal techniques on newly installed septic systems and regulation of phosphorous in lawn fertilizers will help reduce nutrient overload in the Bay. More citizens will be able to “go to court” to protest land use decisions. Schools and state departments have to recycle. The Smart Growth initiatives by the Administration were a partial success, but weakened by amendments. Several worthy bills fell by the wayside, like regulation of coal combustion byproducts and reporting and enabling regulations for impervious surface. Some proposed measures were deemed a financial burden on administrative department. We look forward to a continuation of progress next year.

Smart, Green, and Growing While this Smart Growth Bill on visions and performance standards passed and is now enrolled, the bill was disappointing in its final form. An annual report to the Department of Planning is required but the bill was stripped of specific goals with numbers and incentives. The original bill would have denied priority state funding related to growth to counties that had not made their incremental progress goals. That is gone along with specifics on land use goals in the priority growth areas. A provision requiring a public hearing on the report by local planning commissions was scratched.

General goals are included and the Department of Planning and National Center* are charged with developing factors that should be reported besides those specified in the bill. Among the requirements in the original bill that were omitted in the final version were provisions requiring certain stormwater management plans and sediment controls before grading or development permits may be issued. Also, a measure of the planning for affordable housing was dropped.

**The National Center for Smart Growth Research and Education at the University of Maryland College Park.*

The “Terrapin Run bill,” part of the smart growth package, passed and will hopefully remediate the uncertainty on how a county had to conform to their land use plans by defining the term “consistency”. Chesapeake Bay Phosphorous Reduction Act of 2009 a major pollutant of the Chesapeake Bay will require labeling of lawn fertilizer for phosphorous content and prohibit the sale or distribution of product that is not low.

We now can have Standing in Miscellaneous Environmental Protection Proceedings giving us the ability to seek judicial review on decisions by MDE or the Department of Public Works. This standard is one of the most restrictive states in the Union.

Chesapeake Bay Nitrogen Act of 2009 now requires that nitrogen removing technology be installed on new septic systems within the Critical Areas. Nitrogen is a chief culprit in causing huge algal blooms that consume the oxygen in Bay waters. State Recycling now require all public schools and state facilities recycle paper, aluminum, glass, and plastic. Program Open Space--has survived threats to raid it to balance the budget. No Net Loss of Forest Policy - Forest Conservation Act attempts to maintain forest cover in Maryland and subjects more acres to the Forest Conservation Act, authorizes protective easements, and contains further measures to require and encourage the preservation of forests.