

2009 Maryland General Assembly Session Report

Rays of Hope Emerge Despite Dire Fiscal Climate

The 2009 legislative session was dominated by the economic outlook and the need to make drastic budget cuts. There was no easy way to cut yet another \$1 billion from the operating budget, as lawmakers were forced to do when projected tax revenues for next fiscal year were revised downward. But most people left Annapolis in April believing the Governor and lawmakers had done their best to cut spending with the least amount of pain possible.

Our clients took some hits along with everyone else, but a combination of hard work, strategic maneuvering within the budget process, and some luck helped preserve core programs and services that have an impact on Marylanders' everyday lives. Assistance from the federal stimulus plan enacted by Congress in February helped alleviate the pain, as the deficit would have been \$2 billion without that assistance. But the real credit goes to the Governor and 188 lawmakers who worked day and night to make the hard choices that will help our state ride-out the storm and ultimately thrive when conditions improve.

Some of our budget success stories include:

\$15.4 Million to Fund Stem Cell Research

This program will someday yield life-saving discoveries and has already helped create jobs and stimulate the economy by bolstering our state's bio-tech industry.

Full Funding for Program Open Space

We worked with lawmakers to forge a compromise where they would take transfer tax money normally appropriated by law for open space and replace it with a mixture of capital financing and operating funds that ultimately should allow for the same amount of land purchases to take place during FY 2010.

\$10 Million for the Chesapeake and Coastal Bays Trust Fund

\$12.3 million for Cover Crops that Will Help Farmers Reduce Runoff

Like Program Open Space, these programs had huge bull's-eyes on their backs when the deficit started growing.

\$21 Million for Breast and Cervical Cancer Screening and Treatment

Yet another program that could have been targeted for cuts but actually received a slight increase so low-income working women can receive life-saving care and continue working, raising their families and being productive members of society.

Legislative Successes

High-Tech Septic Systems Will Help Save the Bay

The Chesapeake Bay Nitrogen Reduction Act of 2009, SB 554 (Chapter 280), will require new homes and existing homes with failing septic systems, within the state's critical areas, to upgrade their septic system to a bio-nutrient removal septic system. Well-funded opposition launched a massive media and lobbying campaign to defeat this bill. But we worked day and night with advocates to press lawmakers and secure a narrow victory. A 24-23 final vote in the Senate was particularly contentious and involved several days of delicate negotiations. This long-sought measure was a major win for the environmental community, and marks a change in the General Assembly's approach to non-point pollution sources.

Pre-Existing Conditions Clauses Limited

Several bills were introduced this year to address the growing problem in health insurance of pre-existing condition limitations and premiums. A small victory was HB 32(Chapter 653)/SB 79 (Chapter 509) which will limit the ability of insurance companies to use pre-existing condition limitations in the individual health insurance market.

Two of our clients, the MS Society and American Cancer Society, joined forces and introduced a bill which would have ended the pre-existing condition limitation and premium mark-up within the Maryland Health Insurance Plan ("MHIP"), an insurance option for the "medically uninsurable." The compelling bill hearing and grassroots lobbying led to a compromise plan where the MHIP Board voluntarily reduced the pre-existing condition mark-up for the MHIP+ policies, the policies reserved for the lowest income plan members. Although the mark-up will still apply to the normal policies, it is a noteworthy victory, and we could not have affected such change without our persistence in pursuing the bill.

Polluting Private Wastewater Treatment Plants Eliminated

We scored another significant environmental victory this session regarding the construction of personal wastewater treatment plants. This issue was brought to the attention of two of our clients, the Chester River Association and Chesapeake Bay Foundation, through a construction known as the "Wilson Project". Homeowners on the Eastern Shore bought land that was thought to be "undevelopable" since it was impossible to install a septic system or connect to a sewage line on this piece of land. The couple applied for a permit to build their own wastewater treatment system, and despite the objection of the two environmental groups, the Maryland Department of the Environment ruled that it didn't have authority to deny the permit.

To make sure that these systems do not proliferate in Maryland as they have in other states, we introduced a bill, HB 1105 (Chapter 708) that will prohibit the construction of all private wastewater treatment plants within the state. While many lawmakers were confused as to why such a bill was necessary, after explaining the situation to each interested lawmaker we were able to pass the bill with little resistance. To the best of our knowledge, this is the first bill of its kind in the nation.