

2010 Maryland General Assembly Session Report

These truly are unique times to advocate before state government. The dire economic climate and intensely hostile political landscape made this the most challenging of our 14 sessions in Annapolis. But our successes defending Chesapeake Bay cleanup, Stem Cell research and cancer treatment dollars proves that a sound strategy, hard work and discipline can yield results even during the most trying times. Our budget and legislative successes include:

Bay Trust Fund Allocation Rises from \$10 million to \$22.5 million

In January, the Governor proposed allocating \$20 million for the 2010 Trust Fund in the FY 2011 operating budget and the Republican Caucus soon called for zeroing out the fund as part of a broad plan to reduce the state budget by \$1 billion per year. Fearful that the Republican proposal was scoring political points with voters, the State Senate and House of Delegates each adopted budgets that substantially reduced the Governor's allocation --the Senate settling for \$12.5 million and the House going for \$15 million.

We pressed forward with a multi-pronged strategy that addressed all issues concerning the fund, but in this most troubling economic times, focused sharply on how many private sector jobs depended on this money and would be lost if the fund were cut. We successfully recruited three private firms who work on 2010 Fund projects to testify at House and Senate hearings, took them on a tour with State House media, and arranged private meetings between them and senior leadership in both chambers. We had the contractors talk openly about the number of jobs specifically supported by 2010 Fund projects and the potential layoffs that might be necessary if projects were cancelled. They also detailed the number of subcontractors they used who would have to cut back or might be put out of business as their workload decreased. The contractors also helped rally other private sector firms to contact their legislators, and allowed us to email their employees with specific instructions on how to lobby their representatives to support restoring the money.

This emphasis on jobs helped blunt criticism that this wasn't the time to spend taxpayer money "saving fish and underwater grasses" while people were losing their jobs and even their homes. In addition we rallied other members of the environmental community to strongly support the Trust Fund and eventually launched a hard-nosed direct lobbying and media campaign (see the attached Washington Post article) that put legislators on notice that drastically cutting the fund might cost them in November.

A combination of very tough private conversations with leadership and strong public pressure through the media convinced leadership to "overrule" budget negotiators and restore the funding to \$22.5 million – more than the Governor had proposed and more than either chamber had enacted.

Here is a condensed version of *The Washington Post's* account of what happened regarding the Trust Fund money...

First Click, Maryland -- Enviro lobby finds its groove

Your morning download of Maryland political news

Friday, April 9, 2010:

The Agenda



A week ago, Maryland environmentalists had a lot to complain about -- so they did.

Gov. **Martin O'Malley's** proposed funding for the Chesapeake Bay fund was about to be cut in half; the University of Maryland's Environmental Law Clinic was poised to see its appropriation withheld for suing an Eastern Shore chicken farmer; and tax credits and funding for energy efficiency, green building and open space programs all seemed in disarray.

In the last 36 hours, however, the tide has seemed to turn. Budget negotiators on Thursday *took the rare step of not only agreeing to the higher of two funding proposals in the House and Senate for the Chesapeake Bay fund, but they went so far as to put 33 percent more in the budget than either chamber had agreed to previously.* It was among the most expensive changes made Thursday to restore a portion of the budget to 100 percent of the funding first proposed in January by O'Malley (D).

The environmental lobby's success in the last seven days appeared to follow *one of the most focused lobbying efforts* in the latter part of the legislative session.

Late last month, following the deadline for bills to crossover from one chamber to another, environmental groups began making noise that they were unhappy about the condition of many of their top priorities. Environment Maryland issued a press release titled "Environmentalists Are Cross at Crossover." Soon, a consortium of green interests showed up passing out bright green flyers in the State House linking job growth with environmental clean-up efforts. And the Chesapeake Bay Foundation and others intensified their lobbying efforts on key lawmakers who would make the final call on bay funding.

Kim Coble, the foundation's executive director on Thursday was all smiles saying the record, \$20 million for the bay fund amounted to "quite a statement."

"The role and function of the budget committees this year was to cut funding and here they are increasing it -- it's a statement about this legislature's commitment to the bay."

What remains unclear is how much credit O'Malley can take this year for environmentalists' recovered agenda. He's bound to tout the bay funding as success on the campaign trail, but did little publicly to push the funding after first calling for it in January. *Budget negotiators also seemed more swayed by the tenacity of the state's environmental lobby than any coaxing in recent days by the governor's office.*

--Aaron C. Davis

Physical Education Facilities Required in New Elementary Schools

Almost all public middle and high schools in the State, except small specialized schools, are designed with gymnasiums; however, some school systems have built elementary schools with only multipurpose rooms or “cafeteriums.”

We helped the American Heart Association enact legislation (HB 334/SB 256) requiring the Maryland State Department of Education to adopt regulations requiring public school buildings that are newly constructed or completely renovated and occupied on or after January 1, 2013, to include a gymnasium and support spaces for physical education instruction. The regulations must include a waiver process for a local school system based on land or zoning constraints. The bills also require MSDE to develop guidelines for facilities for physical education programs.

Cultural Competency for School-Based Law Enforcement Officers

As the state prepares to crack down on gang violence in schools, Advocates for Children and Youth (ACY) has been concerned about balancing that toughness with enhanced delinquency prevention and community mediation programs. One focus has been providing school resources officers and local police with cultural competency training that can help diffuse difficult situations and avoid unnecessary incarcerations.

On ACY’s behalf we drafted legislation, found sponsors and guided the proposal through the legislative maze. It was enacted in conjunction with the Safe Schools Act aimed at breaking up gangs that operate on or near school grounds.

Senate Bill 1007/House Bill 983 require that the Maryland Police Training Commission, in consultation with MSDE, develop a cultural competency model training curriculum for law enforcement officers assigned to public schools. The bills also encourage a law enforcement officer assigned to patrol a school building or school to complete the cultural competency model training curriculum before beginning the assignment.

Deal Brokered to Maintain Physician/NP Working Relationship

For years physicians and nurse practitioners have sparred over the nurses’ desire to practice independently. The Maryland Academy of Family Physicians worried that a law flatly allowing independent practice would allow health insurers to deny patients access to licensed physicians. We represented the Family Physicians in tense negotiations with the nurses and helped broker a deal the gives both sides most of what they desired.

Senate Bill 484/House Bill 319 (Chs. 77 and 78) alter the scope of practice for nurse practitioners. The bills require a nurse practitioner to have an approved attestation of a collaboration agreement with a licensed physician and to both refer to, and consult with, physicians and health care providers as needed. Further, the bills define a nurse practitioner’s scope of practice, authorize temporary

practice letters under specified circumstances, and provide title protection for nurse practitioners. The bills repeal the requirement that the board and the State Board of Physicians jointly adopt regulations concerning the prescriptive authority of nurse practitioners and requires the board, in consultation with the State Board of Physicians, to develop a plan to implement the Maryland Nurse Practice Act.