

Delegate Addie Eckardt's Legislative Wrap Up March 11, 2010

The same sex marriage debate has generated some provocative actions on the part of the elected officials. Historically there has been an Attorney General's opinion regarding same sex marriage which determined that in Maryland, legislative action is required to change that opinion, according to the Maryland Constitution. The current Attorney General has taken a position that overturns the previous historical and current opinion. In response to the usurpation of power of the legislature, an announcement of impeachment has been issued by legislators. The legal counsel for the Attorney General has written an opinion that the Attorney General and other constitutional officers are not impeachable. Clear delineation of powers of the branches of government have been historically honored and upheld until now. This situation is the first time for such blatant intrusion of one branch of government into another. I believe it is important to clearly identify the issues and separate the two related issues-same sex marriage and the blurring of constitutional separation of powers. Various bills on the issue include the following list.

[HB 808](#) and [SB 582](#) (Religious Freedom and Civil Marriage Protection Act) repeal current law that only a marriage between a man and a woman is valid in Maryland and specify that only a marriage between two individuals who are not otherwise prohibited from marrying is valid in the State. Under the bills, religious leaders may not be required to perform a marriage ceremony inconsistent with their faith.

[HB 1279](#) establishes that a marriage between consenting adults is valid in the State; the bill is contingent on the passage and ratification of a constitutional amendment proposed in [HB 1176](#);

[HB 1079](#) (Maryland's Marriage Protection Act) establishes by constitutional amendment that a marriage between one man and one woman is the only domestic legal union valid or recognized in Maryland. If passed, voters must approve the measure in a referendum vote;

[HB90 defeated last month](#), provides that a marriage between two individuals of the same sex that is validly entered into in another state or in a foreign country is not valid in Maryland and marriages between individuals of the same sex are against the public policy of this State. The measure would override the Maryland Attorney General opinion issued last week that allows recognition of same-sex marriages legally performed in other states.

Traffic Court No-Shows

A House bill seeks to save police time and save public tax money by eliminating the automatic scheduling of a court date for traffic citations. [HB 376](#), which was heard recently by a committee, establishes that a person who receives a traffic citation and wants to stand trial with the police officer present must make the request by returning a copy of the citation to the District Court. If the person does not want a trial with the officer present, he or she can pay a fine or request a hearing. Other similar bills

HB829/SB 560 are in their respective committees. Passage of these bills have the potential for significant savings for local agencies.

Maintenance of Effort

To be eligible for increases in State education aid under Section 5-202 of the Education Article, a local jurisdiction must provide at least as much funding per pupil to the local school system as it provided in the previous fiscal year or face a penalty of withheld funds from State appropriations. This is known as “maintenance of effort” (MOE).

The Senate passed [SB 476](#), which waives the fiscal 2010 county MOE penalty for public education. A similar bill HB223 has passed in the House this week. The bill requires two legislative committees to study the appropriate calculation of the penalty for failing to meet the MOE requirement and the appropriate party against whom the penalty should be applied.