



REPORT FROM STATE CIRCLE

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BUDGET

The Maryland Budget is developed by the Governor's Office and the Office of Management and Budget. It is required to be submitted to the Legislature on the third Wednesday of January, this year, January 17, 2018. Prior to the final development of the Budget, the Spending Affordability Committee submits a report outlining some of the parameters of the Maryland economy and the projections of the Board of Estimate and makes recommendations as to how much the budget should, at most, increase. The Senate and House of Delegates alternate in carrying the budget bills. This year it's the Senate's turn. The bills, filed jointly by the President of the Senate and the Speaker for the Administration are [SB 185/HB 160](#) the Operating Budget, [SB 186/HB 162](#) the Capital Budget and [SB 187/HB 161](#) Budget Reconciliation and Financing Act of 2018 (BRFA).

According to the 2017 Spending Affordability Committee, since the recession ended, Maryland has generally underperformed the nation as a whole. It has also been negatively affected by reductions in the federal budget over the past few years. It points out that the Board of Revenue Estimates (BRE) lowered its estimated personal income growth due mostly to revisions in nonwage income. Fiscal 2018 general fund revenues through October are up 3.1% over fiscal 2017. However, the BRE has lowered its personal income tax estimate by \$73.2 million and increased the estimate for FY2019 by \$11.0 million in anticipation of a federal tax bill. It also reflects very weak sales tax revenues in the first four months of FY 2018. These projections do not take into consideration the recently passed federal tax reform bill.

The Spending Affordability Committee has taken into consideration higher than expected interim spending by the Board of Public Works, increased built in expenditures on Medicaid due to the state taking on higher percentages under the Affordable Care Act, wage increases of 1% and other built in agency spending. Overall, they expect the General Fund to have a cash shortfall of \$287 million. The Committee has recommended that the proposed budget reduce the structural deficit completely. (The structural deficit is based on projected income and expenditures). The Committee projects continued shortfalls due to changing demographics, low inflation and an increase in the sales of nontaxable goods and services and the funding demands for entitlement programs. It also recommends that serious attention be paid to the impacts on Maryland and Marylanders of the then expected Federal tax legislation. It also recommends "prudent" use of the Rainy Day Fund to offset cash shortfalls in FY 2018 and 2019. Generally, it has been the practice to maintain a balance in the Rainy Day Fund of 5% of general fund expenditures. The committee is projecting that the Rainy Day Fund balance will be about 6.1% of general fund expenditure. It is recommending that amounts above 5% be used to offset some of the shortfalls.

In addition to announcing the budget, the governor announced that contracts with employee unions had been settled. State employees will receive a 2% cost of living adjustment in 2019 as well as somewhat lower health insurance premiums. The governor's \$44.4 billion proposed budget is 2% higher than last year. According to the governor's website, the budget will eliminate the structural deficit and complies with the Spending Affordability's guidelines. We will have more information on all three budget bills in future Reports from State Circle. The budget bills will be considered first by Senate Appropriations and then by House Budget and Taxation committees.

Barbara Hankins

TAXES

[HB 99/SB 134](#) Small Business Relief Tax Credit (House Speaker/Senate President for the Governor) would allow a tax credit to a small business with fewer than 50 employees a maximum of \$1000 per employee provided with benefits such as sick leave, educational assistance, etc. The total amount of allowable benefits is capped at \$5 million for taxable year 2018 and incrementally increases to \$100 million in taxable year 2022. B&T, W&M

SB 184 Income Tax-Personal Exemptions – Alteration (Kasemeyer, et al.) would allow for personal exemptions on the Maryland Income Tax of up to \$3,200 for each spouse and each dependent (this is to replace the personal exemptions eliminated from the federal income tax by the recent tax reform bill.) 1/30 B&T

SB 191 Income Tax – Itemized Deductions (Serafini, et al.) would allow taxpayers who use the standard deduction on their federal income tax return to itemize on the Maryland Income Tax Return. B&T

SB 194 Calculation of Taxable Income – Itemized Deductions – Property Tax (Serafini, et al.) would allow a deduction on the Maryland Income Tax for amounts over \$10,000 paid in property taxes (this is to allow the deduction for property taxes capped at \$10,000 in the recent tax reform bill). B&T

Barbara Hankins

CAMPAIGN FINANCE

HB 53 Election Law – Private Loan to Campaign Finance Entity of Candidate – Prohibited (Cluster) would preclude anyone except the candidate or a candidate's spouse from making a loan to a campaign finance entity. It would also require the written consent of a candidate to accept such a loan on behalf of the candidate or the candidate's campaign finance entity. Accepting loans, instead of outright contributions is one way to get around donation limits. Hrg 2/23 W&M

HB 174 Election Law – Local Public Campaign Financing – Expansion (Moon plus 8) Legislation that was previously passed allows county governments to establish public campaign finance programs for the offices of County Executive and the legislative branch (Council or County Commission). This bill expands that, to allow creation of voluntary public campaign finance programs for these other county elected offices: Board of Education, Clerk of the Circuit Court, Register of Wills, Sheriff or State's Attorney. It sets out broad requirements for such a program, but leaves it up to the county to work out the specifics. Hrg 1/30 W&M

HB 227 State Legislature Local Public Campaign Financing Act (Korman plus 10) would allow a county government to establish a voluntary public campaign finance program for candidates running for the General Assembly from districts located entirely within that county. It would also authorize the governing bodies of county governments to establish voluntary public campaign finance programs for legislative districts that are shared by those counties if the authorizing legislation passed by each county government was essentially the same. Hrg 2/6 W&M

HB 260 Campaign Finance – Disclosure of Contributions and Expenditures – Pre-election Period (Carr plus 6) amends the current campaign finance reporting statute to create more transparency by requiring that a political committee file a contribution report

within 48 hours if it has received a single contribution of \$1,000 or more from a donor, transfer from a political committee, or a loan. The report must contain the name of the political committee, the source of the contribution and the amount. The bill further requires a political committee to file an expenditure report within 48 hours of spending \$10,000 or more. The report must include the name of the political committee, the name of the vendor or other recipient of the expenditure and the date and amount of the expenditure. The bill also establishes a penalty of \$10 per day for every day that the required reports are late with a maximum penalty of \$500. Penalties collected for violations would go into the Fair Campaign Financing Fund, which currently funds candidates for governor who choose to use public financing and meet the requirements for doing so. Hrg 1/30 W&M

SB 244 Campaign Material – Social Media – Consent for Use of Image (Robinson & Salling) would require any campaign finance entity to obtain written permission from any individual before using their image in campaign material on social media. Social media is defined as a “website or an application that enables a user to create and share content or to participate in social networking.” Hrg 1/30 EHEA

SB 246 State Personnel – Maryland Hatch Act (Waugh) would place limits on the political activities of state employees. It would restrict them from using their official authority to influence the result of an election. It would also prohibit them from soliciting or accepting a political contribution from anyone unless the person is a member of the same employee organization for state or local employees, and the organization has a multi-candidate political committee. This bill would also prohibit them from running for a partisan political office and from knowingly soliciting or discouraging political activity from anyone who has an application for compensation such as a grant, contract or permit before the office where the employee works. In addition, the employee may not solicit or discourage political activity from anyone who is under an ongoing audit or other investigation being carried out by the office where the state employee works. This bill would also prohibit staff of state or local board of elections making or receiving a political contribution. This restriction would not apply to the appointed members of the state or local Boards of Election. In addition, employees of state or local Boards of Elections, the Office of the Attorney General, the State Ethics Commission or a state or local law enforcement agency would not be permitted to act as a campaign manager, treasurer or in any other position that has general responsibility for the conduct of a campaign finance entity.

While this legislation specifically says it allows state employees to exercise the right to vote and the right to express an opinion on candidates and issues of political debate, they may not engage in political activity while on duty in their place of employment, while wearing a uniform or insignia that identifies their position or while using any vehicle owned by the state government. An exception is made for state employees paid by an appropriation from the governor, whose duties and responsibilities continue outside of normal duty hours away from their usual duty post. However, the costs associated with any political activity must not be derived for the treasury of the state or local government.

The bill goes on to say that no person may attempt to intimidate, threaten, command or coerce any employee of the state or local government to engage or not engage in any political activity such as voting, making a political contribution, or volunteering for a campaign or candidate. Penalties for violations of the provisions in this bill are also included. FIN

Nancy Soreng

ELECTIONS

Election reform advocates in Maryland have been working collaboratively on two bills since the close of the 2017 session: one on Election Day Registration and one on Automatic Voter Registration. The Election Day Registration bill has not yet been filed, but [HB 152 Secure and Accessible Registration Act](#) (Luedtke plus 70) has been filed. There are 4 electronic voter registration agencies in Maryland (the Motor Vehicle Administration, the Maryland Health Benefit Exchange, local departments of social services; and the Mobility Certification Office in the Maryland Transit Administration) which under current law offer individuals the opportunity to register to vote, if they wish, at the time of an agency interaction. HB 152 requires these agencies to inform individuals completing an applicable transaction with the agency that the applicant shall be registered to vote, or have their voter registration updated, unless the applicant declines, or is determined not to be eligible to vote. Enactment of the bill would basically turn the Maryland voter registration activities of these agencies into an “opt-out” as opposed to an “opt-in” system of voter registration: individuals will be automatically registered to vote unless they decline.

There are many requirements included in the bill, including requiring agencies to have the capacity to electronically transfer voter registration information to the State Board of Elections, requiring the named agencies to provide reports to certain committees, requiring the State Board of Elections and the State Comptroller to jointly develop and implement procedures for individuals who file tax returns electronically to be offered the opportunity to register to vote, requiring the State Board of Elections to mail voter registration information to individuals who are eligible to register but have not done so. Importantly, the bill provides that an individual who unintentionally becomes registered to vote as a result of a transaction with an agency will not be considered to have violated provisions of law relating to voter registration because of the unintended registration.

Nine states and the District of Columbia have enacted similar voter registration processes and have determined that this reform boosts registration rates, cleans up the voter rolls, makes voting more convenient and reduces the potential for voter fraud, all while lowering costs. Hrg 2/6 1 pm W&M

[HB 280 Ballot Access – Voter Registration – Affiliating with a Party](#) (Tarlau plus 24) may be of interest to [League members as we are participating in a statewide study](#)

[of the primary system in Maryland](#). This bill would allow unaffiliated voters (those registered voters who have declined to affiliate with a party) to affiliate with a party at any time individuals may register to vote, including during early voting, and would be eligible to vote in that party's primary at the time of the change. Currently, election law in Maryland provides that changes to party affiliation status may not be made after the close of registration for each election. HB 280 does not allow a registered voter who is affiliated with a party to change party registration to another party during early voting. Hrg 2/6 at 1 pm W&M

SB 256 Presidential Candidate Tax Transparency Act (Pinsky plus 19) would require candidates for President and Vice-President to file copies of their previous 5 years of federal tax returns with the State Board of Elections no later than 65 days before a Presidential General Election. Similar legislation introduced in the 2017 session had a hearing in EHEA, but no further action was taken on the bill. While over 30 states legislatures have proposed bills on this issue, only California's legislature passed the legislation, which was vetoed by the state's governor on the grounds that it would not withstand scrutiny in the Courts. Hrg 1/30 2 pm in EHEA

Two bills introduced for the first time this year involve real estate transactions and voter registration.

HB 5 Real Property – Residential Leases – Voter Registration (J. Lewis) would require a landlord to provide a residential tenant with voter registration information and application when the tenant takes possession of residential property.

HB 55 Business Occupations – Obligations of Real Estate Brokers – Voter Registration (J. Lewis) would require a licensed real estate broker, when acting as a buyer's agent, to provide the client with voter registration information and application at the time of the real estate closing. This bill has already received an unfavorable report from W&M.

Lu Pierson

REDISTRICTING REFORM

Redistricting reform has been a very hot topic in the news this past year for Maryland, and for states across the nation. The Supreme Court has decided to take up the issue, choosing to hear [three cases](#) on the issue from Wisconsin ([Gill v. Whitford](#)), Texas ([Perez v. Abbott](#)), and our very own state of Maryland ([Benisek v. Lamone](#)). Each of these cases address partisan gerrymandering, and legislatures across the country are anxiously awaiting the outcome. *Gill v. Whitford* was heard back in October, and raises the issue of whether Republicans intentionally rigged the state's maps to favor their party, and if in doing so, they violated the First and/or Fourteenth amendments. *Benisek v. Lamone*, on the other hand, charges that Democrats in Maryland purposely redrew the districts in 2011 to give favor to a Democrat winning the 6th district seat, and doing so was a violation of the voters' First amendment right. The most recent gerrymandering

case to be taken up by the Supreme Court, *Perez v. Abbott*, takes up the issue of whether Texas legislators racially gerrymandered their maps for partisan gains, in doing so violating the Constitution and the [Voting Rights Act](#). The latter two cases are expected to be heard sometime this spring, which leaves room to wonder about what kind of legislative efforts in redistricting reform will be attempted during the 2018 session of the Maryland General Assembly with a Supreme Court decision on the horizon.

It was announced on January 18th, that Governor Hogan will be introducing the Redistricting Reform Act of 2018, but it has not been introduced by the administration as of the deadline of this article. This bill is expected to reflect the recommendations of the Maryland Redistricting Reform Commission's [2015 recommendations](#) on the best path to reform. This bill is expected to be similar to those introduced in [2016](#) and [2017](#), which included provisions for an independent commission to draw legislative and congressional district lines, as well as standards for how the districts should be drawn. Additionally, Governor Hogan announced that he would be [signing on to an amicus brief](#) in the Maryland gerrymandering case of *Benisek v. Lamone*. With statewide elections this year, and the 2020 census set to trigger the next redistricting cycle, what happens in the courts and the legislature could have a major impact on Maryland's political process.

Ashley Oleson

TRANSPARENCY IN GOVERNMENT

[HB 48](#) Joint Committee on Legislative Ethics - Confidentiality of Activities - Repeal (Cluster) exempts the Joint Committee on Legislative Ethics from several of the laws governing the ability of public bodies to meet in closed session. Informal advice from the Committee will not be considered confidential, the name and other information about the party included in an advisory opinion will not be removed from the opinion, and the co-chairs of the Committee will no longer have the authority to determine whether or not an opinion should be made public. Hrg 1/25 1 pm ET

[SB 97](#) Public Utilities - Transportation Network Services - Disclosure of Records (Chair, Finance Committee by request of the Department of Human Services) This section is not subject to the Maryland Public Information Act. Currently, the statute does not allow the Public Service Commission to disclose records or information provided to the Commission by a transportation network company unless the disclosure is required by court order, or is requested by the Comptroller. This legislation amends the statute to allow for the release of those records if required by statute. Second reading passed with amendments 1/19. FIN

[SB 167](#) Public Information Act - Suits Filed by Custodians - Prohibition (Feldman) amends the law to prohibit a custodian who receives a request from a person wishing to inspect a public record from filing suit against the requesting person. Hrg 1/25 1pm JPR

Valerie Glenn

ADMINISTRATION OF JUSTICE

Bail Reform - Pretrial Detention

In February, 2017, the Court of Appeals issued a ruling on pretrial detention, asking courts to minimize the use of money bail and prevent the detention of defendants solely because they cannot afford bail. As a result, the percentage of defendants assigned bail has decreased by almost half. It is unlikely that measures increasing the use of money bail will be offered during the 2018 session, especially since at least two legislators have been indicted for receiving bribes from the bail industry. However, Maryland does not have a statewide pretrial services program, although some counties do have programs. Such a program would provide judicial officers with more information about defendants and provide other options for monitoring defendants who are released. Legislative proposals to establish pretrial services programs are expected.

HB 65 Criminal Procedure - Domestic Violence - Active Electronic Monitoring - Pretrial Release and Probation (Angel) Allows a judicial officer to require that a defendant accused of domestic violence be placed on electronic monitoring as a condition for pretrial release, if requested by the victim. Such monitoring may include victim stay-away technology. Hrg 1/18 JUD

SB 170 Criminal Procedure - Violation of Conditions of Release (Lee plus 10) A person on pretrial or post-trial release who is accused of a violent crime, and violates conditions for release, will be charged with a misdemeanor and be subject to imprisonment. Hrg 1/30 JUD

The Governor's Anti-Crime Initiative

In response to an increase in violent crime, the Governor has announced plans to introduce "truth in sentencing" legislation during the 2018 legislative session, as part of a criminal justice package. The public is often unaware of the difference between the sentence imposed on an inmate and the time actually served. Parole and credits for "good behavior" can reduce time served.

Sentencing

HB 100/SB 199 Criminal Law - Violent Offenders - Penalties (Accountability for Violent Criminals Act of 2018) (Speaker by request of the Administration plus 47/ President by request of the Administration plus 12) says inmates sentenced to life imprisonment must serve at least 25 years before being eligible for parole. Inmates convicted of a second violent crime must serve at least 10 years and are not eligible for parole. Violent offenders may not be evaluated for substance abuse or treatment before and during trial or while incarcerated until they are paroled. Hrgs 2/6 JUD; 1/30 JPR

SB 210 Correctional Services - Murder - Diminution Credits (Waugh plus 4) says an inmate serving a sentence for first or second degree murder in a state or local correctional facility may not accrue credits for “good behavior.” Hrg 2/1 JPR

SB 225 Correctional Services - Eligibility for Parole - Life Imprisonment (Hough) Increases the amount of time that an inmate sentenced to life imprisonment must serve from 15 to 20 years before becoming eligible for parole. Hrg 2/1 JPR

Sexual Assault

HB 8 Criminal Procedure - Sexual Assault Evidence Collection Kit - Testing Requirement (Conaway) requires that any DNA collected as evidence in a sexual assault case be tested within one year. Hrg 1/23 JUD

The Judiciary

SB 130 Election of Circuit Court Judges - Nonpartisan Elections (Zirkin) provides a method for the election of Circuit Court judges on a nonpartisan basis. Candidates, without party designation, would be nominated through a nonpartisan primary. Voters, with or without party affiliation, would be able to vote in the primary. Candidates for Court judge could not be nominated by petition nor by a political party. In the general election, the number of nominees would be equal to the number of judgeships to be filled. Hrg 1/25 JPR

Marlene Cohn

CHILDREN AND FAMILIES

HB 1/SB 2 Family Law – Child Conceived Without Consent – Termination of Parental Rights (Rape Survivor Family Protection Act) (Dumais, Busch & Kipke/Feldman, Miller & Lee) provides that if a child is born as a result of rape, the parental rights of the assailant can be terminated on the basis of clear and convincing evidence, the same standard applicable to termination of parental rights for other causes. This means that the mother can make an adoption plan without contact or negotiation with the rapist, or choose to raise the child without the rapist having custody or visitation rights, except in limited circumstances where supervised visitation is determined to be in the best interests of the child. This bill passed both houses last year, but conference committee did not resolve differences before session ended. Hrg 1/18 JUD; Hrg 1/11 JPR

HB 191 Family Law – Marriage – Age Requirements (Atterbeary plus 32) repeals all the provisions permitting individuals under the age of 18 to marry in Maryland. It was introduced in 2017 as HB 799 and passed in both houses, but with differences that were not resolved before session ended. Hrg 2/01 JUD

SB 131 Child Abuse and Neglect – Training (Zirkin & Lee) requires that each practitioner, police officer, educator and human service worker in the State receive periodic training on the obligation to report child abuse or neglect, and on the identification of abuse or neglect. This bill was introduced in 2017 as SB 679. Hrg 1/23 JPR

SB 132 Crimes – Child Abuse and Neglect – Failure to Report (Zirkin & Lee) makes the failure by those required to report child abuse or neglect a misdemeanor if they know of or witness the abuse or neglect, and provides a penalty for that misdemeanor not to exceed \$1,000 or 6 months in prison or both. Hrg 1/23 JPR

Maryland law currently specifies that certain health practitioners, police, educators and certain human service workers are required to report suspected cases of child abuse and neglect, and provides for notification to licensing boards for those found guilty of failure to report, but (unlike most other states) sets no other penalties. Recent instances of long term abuse by school employees and others have demonstrated that there is often reluctance to report.

Judy Morenoff

JUVENILE JUSTICE

HB 102/SB 198 Criminal Gang Offenses – Penalties, Procedure, and Elements (Speaker plus 47 – by request – Administration /The President plus 12 – by request – Administration) add criminal gang offenses to the list of serious crimes for which young people 16 or older must be charged as adults. These bills also define additional terms and offenses related to criminal gang activity, provide that any sentence imposed must be served consecutively, rather than concurrently with any other sentence imposed under another provision of law, and specify how any seized assets shall be used. Hrg 2/06 JUD; Hrg 1/30 JPR

SB 91 Juvenile Law - Disclosure of Court Records (Chair, JPR, by request – Departmental – Juvenile Services) establishes that certain confidential records may be released to the Department of Human Services, local departments of social services, the Maryland Department of Health, or local health departments for reasons relevant to the juvenile's care or investigation of child abuse, and requiring such agencies to keep those records confidential. Hrg 1/17 JPR

SB 257 Juvenile Law – Records – Juveniles Charged as Adults (Kelley plus 13) requires that while a decision on whether to transfer the case to the juvenile court is pending, provisions relating to the confidentiality of juvenile records apply to all police and court records concerning the child. Hrg 2/01 2pm JPR

Judy Morenoff & Jill Muth

CORRECTIONS

SB 237 Adult Correctional Institutions - Literacy and Entrepreneurship

Curriculum - Development and Implementation (Robinson plus 2) requires the Correctional Education Council, working with the Division of Workforce Development and Adult Learning to develop and implement a financial literacy and entrepreneurship curriculum offered as part of transition training. FIN

Marlene Cohn

DRUG ABUSE

HB 02/SB 01 Natalie M. LaPrada Cannabis Commission Reform Act (Glenn/Conway plus 2) establishes a Compassionate Use Fund to provide access to medical cannabis for certain individuals. The Commission must evaluate a certain study of the industry and make a determination relating to minority and women applicants and minority and women-owned business participation in the industry. Hrg 1/15 HGO

HB 39 Natalie M. LaPrada Cannabis Commission – Diversity (Angel) with respect to the Commission, this bill requires that, to the extent practicable, the members of the Natalie M. LaPrade Medical Cannabis Commission reflect the racial, ethnic, cultural, and gender diversity of the State. Hrg 1/30 1pm HGO

HB 79 Opioid Maintenance Therapy Programs - License Applications - Notice to Members of the General Assembly (Grammer) this bill prohibits licenses from being issued to an opioid maintenance therapy program unless each member of the General Assembly in whose district the opioid maintenance therapy program will be located has been informed in writing, at least 30 days before the date of the approval of the license. HGO

HB 80 Public Health – Opioid Maintenance Therapy Programs – License Renewal (Grammer) authorizes protest against the renewal of an opioid maintenance therapy program license by a minimum number of people, and prohibits the Secretary of Health, under certain circumstances, from approving a license renewal without holding a public hearing. HGO

SB 87 Controlled Dangerous Substances --- Registration, Schedules, Penalties, and Orders of Impoundment (Chair – Finance Committee) this bill specifies that a person must be registered by the Maryland Department of Health before the person transports a controlled dangerous substance into the State, altering the lists of controlled dangerous substances and authorizes the Department to impose a civil penalty for each violation of the Maryland Controlled Dangerous Substances Act. FIN

HB 88 Public Health – Prescription Drug Monitoring Program – Revisions (Barron plus 7) requires the Prescription Drug Monitoring Program (Program) to review prescription monitoring data for indications of a possible misuse or abuse of a monitored

prescription drugs. It also requires the Program to report the possible misuse or abuse to the prescriber or dispenser of the monitored prescription drug under certain circumstances, and requires the Program to provide education to the prescriber or dispenser of the monitored prescription drug. HGO

SB 139 Higher Education – Heroin and Opioid Addiction and Prevention Policies Exceptions and Revisions (Conway/Miller) exempts the University of Maryland, University College, the University of Maryland Center for Environmental Science, and an off-campus location of an institution of higher education from the requirement to establish a policy that addresses heroin and opioid addiction, and prevention that includes storing naloxone and training campus police or other designated personnel on how to recognize the symptoms of an opioid overdose. It also requires these institutions to provide all students with certain resources. EHEA

Chris Hager

GUN CONTROL

HB 101/SB 197 Crimes – Firearms – Penalties (Speaker/President by request-Administration) doubles the minimum sentence of repeat violent gun offenders who use firearms to commit felonies and violent crimes from 5 to 10 years Hrg 2/6 1 pm JUD; Hrg 1/30 1 pm JPR

HB 29/SB 27 Firearms – Handgun Permit – Preliminary Approval (Rey/Hough) allows individuals to apply for a handgun carry permit before they spend money on required firearms training. If a permit is approved, they would have 120 days to complete the required training. JUD; Hrg 1/17 JPR

SB 99 Public Safety – Permit to Carry, Wear or Transport a Handgun – Qualifications (Norman) clarifies that personal protection or self-defense should qualify as a good and substantial reason to wear, carry, or transport a handgun for purposes of issuance of a permit by the Secretary of State Police. Introduced in 2017 session as SB 511. JPR

SB 74 Criminal Law-Firearms Crimes – Bump Stock (Ramirez) makes it a crime to knowingly possess a firearm accessory or other device, parts or combination of parts designed to accelerate the rate of fire of a semi-automatic firearm. Hrg set then cancelled. JPR

SB 156 Public Safety – Handgun Permit – Church or Religious Organization (Norman/Salling) requires issuance of a handgun permit to a person who intends to wear, carry, or transport a handgun on the property of a church or religious organization, under specified conditions. The bill states that this would be for the person's self-protection or protection of the church or religious organization during services and gatherings, and would require consent of the church or organization. Hrg 1/30 1 pm JPR

Mary Ellis

EDUCATION

[Maryland Commission on Innovation and Excellence in Education](#) (**Kirwan Commission**) was charged with reviewing and updating the current funding formulas for the schools in Maryland and developing policies and strategies for Maryland's schools that would enable its students to perform at the level of students from the world's best systems. Its recommendations were due in December 2017. The commission was unable to finish its work, but did arrive at a consensus on some issues. In his briefing on January 16, Dr. Kirwan stated that, for its schools to perform at the level of the best performing systems, Maryland must:

- Expand and improve early childhood education,
- Significantly increase support for at-risk students,
- Address funding equity issues,
- Require better preparation and support for teachers,
- Greatly expand the pool and diversity of high quality teachers.

Dr. Kirwan also reported on proposed legislation for the 2018 Session:

- Extend the Commission's work into 2018.
- Establish a Career and Technical Education (CTE) group, composed of individuals with expertise in CTE programs and the needs of the Maryland business community to develop rigorous CTE pathways leading to industry certified credentials.
- Expand the Maryland Teaching Fellows Scholarship and ensure it is fully funded in the budget.
- Expand early childhood education by increasing the funding for prekindergarten expansion grants.
- Establish a grant program for jurisdictions or schools with high concentrations of poverty for additional academic instruction through after school and summer programs, and require a rigorous evaluation of learning outcomes.
- Require the Maryland State Department of Education (MSDE) and stakeholders, to develop a comprehensive recruitment program aimed at the top 25% of graduates from high schools (in each school system) to encourage them to consider teaching as a profession.
- Require a study of the cost of providing special education services by MSDE in collaboration with the Department of Budget and Management (DBM) and the Department of Legislative Services (DLS). Use a "placeholder" recommendation in the commission's final report until the study is completed.
- Establish a program for tutoring services for struggling learners to supplement regular classroom instruction, with a priority on reading for students in elementary schools serving communities with high concentrations of poverty.

Public Pre-K-12 Education Funding

[HB 160/SB 185](#) **Budget Bill (Fiscal Year 2019)** (Speaker/President) In his budget, the governor fully funded the part of the operating budget required by the Thornton formula and the legislation passed in 2017, which provides grants to districts with enrollment

decreases. The grants and a statewide increase in public school enrollment result in an increase in funding for these mandated programs. However, the governor proposed cuts to the following programs: teacher recruitment and retention grants: \$5 million cut in FY2019, \$20 million cut in FY2020-2023; national board certification teacher stipends: \$2.1 million cut in FY2019, \$16.8 million cut in FY2020-2023; after-school and summer programs: \$5 million cut in FY2019, \$15 million cut in FY2020-2021; college readiness scholarships for low-income students: \$5 million cut in FY2019, \$20 million cut in FY2020-2023. Language in [SB 187/HB 161 Budget Reconciliation and Financing Act of 2018 \(BRFA\)](#) (President and Speaker) would make financing of these programs discretionary rather than mandatory. B&T/APP

School Construction

[The 21st Century School Facilities Commission](#) (Knott Commission) has been studying the issues in school construction, and will soon release its final report. Briefing 1/22 B&T/APP.

In [SB 186/HB 162 Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2018, and the Maryland Consolidated Capital Bond Loans of 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, and 2017](#) (President/Speaker) school construction projects total \$365 million: \$314 million for the traditional public school construction program, \$40 million for supplemental funding for districts with high enrollment growth or relocatable classrooms, \$7.6 million for the Aging Schools Program, and \$3.5 million for improvements to non-public school facilities. B&T

[SB 92 Maryland School Overcrowding Reduction Act of 2018](#) (Rosapepe) establishes a Public School Facility Construction Innovation Incentive Program that would encourage school systems to pursue innovative facility financing for construction projects, and increase the State share of eligible costs for projects chosen that cost 30% below the average rolling cost of school construction. Hrg 1/31 2:30 pm B&T

Lois Hybl

HEALTH

Maryland has been granted a one-year extension to the five-year hospital pilot program that was supposed to end in December of 2018. This Medicare pilot program is part of the Medicare Waiver which Maryland has had for many years. Maryland is the last state to have such a waiver. The pilot, when extended, is geared to having hospitals, physicians, skilled nursing facilities, and rehabilitation centers to work together to keep patients out of the hospital and to reduce readmissions. Maryland would like to extend the program for 10 years, but they need federal approval. Both the State and the Centers for Medicare and Medicaid (CMS) want more time to study the data collected so far. Extending the program and the waiver are essential to maintaining the State's All-payer insurance model.

Hiring enough staff for the State's psychiatric hospitals will also be an issue before the

Legislature. The Health Department has been found in civil contempt by the courts for failing to respond quickly enough to court ordered admissions for defendants.

[SB 30](#) Healthcare Malpractice Qualified Expert, Limitation on Testimony in Personal Injury Claims, Repeal (Ramirez) is an effort to repeal the requirement that experts, who testify in malpractice cases, may do it no more than 20 percent of their time. This law has been in effect for several years but the Trial Bar is strongly opposed to it. JPR

[SB 05](#) Civil Action, Punitive Damage Awards (Norman) adds stricter requirements for plaintiffs to sue for punitive damages. JPR

[SB 36](#) Civil Action – Noneconomic Damages (Smith) increases the amount of non-economic damages that may be awarded in wrongful death and survival cases. JPR

Neilson Andrews

MEETING BASIC HUMAN NEEDS & EQUALITY OF OPPORTUNITY

Early in the 2018 session, the Legislature overrode the Governor's veto of 2017 **[HB 01](#), Labor and Employment- Maryland Health Working Families Act** which requires employers with 15 or more employees to provide earned sick and safe leave, accrued at a rate of at least 1 hour for every 30 hours worked.

[HB 264](#) Labor and Employment – Labor Organizations – Right to Work (W. Miller, Plus 6) prohibits an employer to require an employee or prospective employee to remain or join a labor union as a condition to their employment. The requirement or the threat that this must be requirement can make an employer subject to legal action and the employee awarded damages.

We will be following bills that increase the minimum wage, but none have been introduced at the time of this report.

Ruth Crystal & Sakiera Malone

TRANSPORTATION

[SB 277](#) Maryland Metro Funding Act (Feldman, et al.) is a proposal to provide permanent bondable dedicated funds for Metro. Metro needs the three jurisdictions of the District of Columbia, Virginia, and Maryland to agree to fund Metro proportionally through dedicated funds. This gives assurances to the governance body of Metro, residents, and businesses of the durability and dependability of Metro so that the area's stable economic growth can be assured. A cross-filed bill is expected in the House. B&T

Bee Ditzler

ENVIRONMENT: CLIMATE CHANGE

HB 03/SB 138 Environment – U.S. Climate Alliance – Membership (Barve & Stein/Conway, et al.) require the Governor to enter Maryland as a member of the U.S. Climate Alliance (Alliance) by July 1, 2018. The governor cannot withdraw the state from the Alliance unless the General Assembly passes a law that approves the withdrawal. Hrg 1/24 ET; Hrg 1/25 EHEA

Betsy Singer

ENVIRONMENT: LAND USE

Land Use, in the strict sense of the category, is not expected to be a big subject of concern with the 2018 Maryland Legislature. However, a related topic, the forest cover of our land will be a major issue this year. The Forest Conservation Act of 1991 is considered inadequate to limit the cutting down of forest land and does not comport with the recommendations of the 2011 task force. Last year there were unsuccessful bills to require the planting of a number of trees equal to the number cut in forests, 100% replacement. The law presently requires only 25% replanting or payment in lieu of planting. The only progress last year was a bill allowing local jurisdictions to enact a law with stricter requirements. This year the emphasis will be on retention and protection of forests. The bill has been dropped in the hopper but is not out yet. As in past years, we will be watching for bills concerning open space and preservation. We will also be watching for bills that concern solar panel siting on rural lands.

Susan Cochran

ENVIRONMENT: RENEWABLE ENERGY

Clean Energy Jobs Initiative (no bill number or sponsor info yet) will increase Maryland's renewable energy goal to 50% by 2030, and will provide incentives for job growth in the renewable energy market.

100% Clean Renewable Energy and Equity Act (no bill or sponsor info yet) will increase Maryland's renewable energy goal to 100% by 2035.

Shari Glenn

ENVIRONMENT: STORMWATER, BAY, PHOSPHORUS, PESTICIDES, RECYCLING, AIR, & OTHER

HB 26/SB 133 Community Healthy Air Act (R. Lewis & Robinson/Madaleno, et al.) would establish a Committee on Air Quality by January 2019 to create a protocol for air quality sampling and monitoring, in order to collect data on air quality and public health

related to large animal feeding operations. Maryland Department of the Environment would then report on the findings and assessments to the General Assembly by December 2019. Hrgs 2/07 1pm ET; 1/24 1 pm EHEA

HB 104/SB 149 Natural Resources - Electronic Licensing - Voluntary Donations (Robinson/Astle) would require that the Department of Natural Resources (DNR) establish a process through which people obtaining licenses, permits, or registration electronically can make voluntary monetary donations to the Chesapeake Bay Trust and the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, which the DNR then collects and distributes as specified. Hrgs 1/24 1:30 pm ET; 1/25 1pm EHEA [see **SB0183** for another licensing/donations bill]

HB 116 Pesticides - Use of Chlorpyrifos – Prohibition (Stein, et al.) would prohibit the use of chlorpyrifos in Maryland. (Under the Trump administration, the Environmental Protection Agency has dropped a proposed national ban advised by scientists.) Hrg 2/07 1 pm ET

HB 219/SB 115 Deep Creek Lake Policy and Review Board - Membership and Duties (Beitzel/ Edwards) would expand the policy board's membership to include the Secretaries of the Environment and Natural Resources or their designees as non-voting members, and the responsibilities of the board would then include advising the Secretary of Maryland Department of the Environment when relevant. Hrgs 2/07 1 pm ET; 1/25 1 pm EHEA

HB 252 Department of Agriculture – Agritourism (chair, ET, for the Dept.) offers a definition of agritourism "inviting the public as guests for the purpose of education, recreation, or active involvement in farm operations" and authorizes local jurisdictions to do the same. Hrg 2/07 1 pm ET

SB 94 Natural Resources - Unprotected Birds – Pigeons (chair, EHEA, for Dept. of Natural Resources) would add "pigeon" to the defined term "unprotected bird" for the purposes of the wildlife and hunting laws of the State. Hrg 1/16 1 pm EHEA

SB 100 Reservoir, Dam, or Waterway Obstruction Plans - Designation of Approval Authority (chair, EHEA, for Dept. of the Environment) would authorize Maryland Department of the Environment to designate the authority to approve obstruction plans and specifications for certain reservoir dam or waterways as well as requiring notification to Maryland Department of the Environment regarding certain ponds. Passed 3rd reading EHEA

SB 112 Natural Resources - Tidal Fish Licenses (chair, EHEA, for Dept. of Natural Resources) authorizes the Department of Natural Resources to issue licenses for fishing for crabs and to accept the naming of death beneficiaries of the license at any time, not only when the license was issued. Passed 3rd reading EHEA

SB 113 Natural Resources - Recreational License Incentive Discount Program

(chair, EHEA, for Dept. of Natural Resources) A discount program would be made available as an incentive for getting recreational fishing and hunting licenses if you are eligible and haven't had one in the previous two years. Passed 3rd reading EHEA

SB 119 Program Open Space – Local Funds – Acquisition and Development of Land for Education Purposes (Zirkin) would allow local governments to use some of the local Program Open Space funds for educational purposes. Hrg 1/25 EHEA

SB 183 Natural Resources - Electronic Licensing - Recreational License Donation Fund – Donations (Simonaire) The Dept. of Natural Resources would be required to make it possible for persons purchasing various kinds of licenses and stamps to make voluntary donations to the recreational License Fund and then to do the logistics of depositing these donations. Hrg 1/25 1 pm EHEA
[Note that **HB 104/SB 149** are similar but with different funds designated as recipients of the donations.]

SB 203 Agriculture - Nutrient Management - Fertilizer Use on Turf (Middleton & Guzzone) addresses types of fertilizers and application rates at certain times of year (and with application by a professional fertilizer applicator; it also alters the restrictions on nitrogen-containing fertilizers and the limitations on “enhanced efficiency fertilizers”. Hrg 2/01 1 pm EHEA

Linda Silversmith

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