



REPORT FROM STATE CIRCLE
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BUDGET

HB 70/SB 75 Budget Bill (Fiscal Year 2016) HB 72/SB 57 Budget Reconciliation and Financing Act of 2015 and HB 71/SB 56 Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2015, and the Maryland Consolidated Capital Bond Loans of 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013, and 2014 (Speaker of the House/President of the Senate by request of the Administration) were all dropped on Friday, January 23rd. On Monday, January 26th, the due date for this *RSC* edition, the Office of Fiscal and Policy Analysis will present a briefing on the contents of this legislation to the members of the Budget and Taxation and Appropriations Committees. The next issue of *RSC* will contain a more detailed description of what is and is not in the budget after the briefing is held and the briefing documents are published. In the meantime, below is a bit of information about the budget process and some highlights that were covered in various press reports.

In Maryland, development of the budget is the responsibility of the Governor with the assistance of the Department of Budget and Management. The Governor must submit a balanced budget to the legislature on the third Wednesday in January of each year unless the governor is new and then it must be submitted by the 10th day of session. It is considered a balanced budget if the best calculation of projected revenue to be collected in that year equals the proposed appropriations. According to press reports, the total general fund expenditures in Governor Hogan's budget will equal about \$16.4 billion. To balance the budget, Governor Hogan had to make about \$750 million in cuts to cover the difference between expected revenue and projected expenditures based on last year's spending. According to the *Washington Post*, those cuts were made by cancelling a 2 percent pay raise that went into effect for state employees in January, an across the board 2 percent cut to state agencies, a reduction in reimbursement rates for doctors who treat Medicare patients and cuts to education spending, including a reduction to community college allocations, and about \$64 million Montgomery and Prince George's K-12 education and other cuts.

The legislature may not add to the budget or move money from one program to another. Each year, the chamber that considers the budget first alternates. This year the House will consider it first.

After introduction of the budget, but before final action on the budget, the Governor, through introduction of a supplemental budget may reduce or increase the budget. The legislature can engage in various negotiations with the Governor to try to achieve a supplemental budget that is more to their liking, but the final decision of whether to do this lies in with the Governor.

By the 83rd day of session the legislature must pass a budget. If this does not occur, the Governor will issue a proclamation calling for an extended session.

Nancy Soreng

TAXES

SB 37 Tobacco Taxes - Healthy Maryland Initiative (Madaleno) The rationale for raising the State's tobacco tax by \$1 per pack for cigarettes, with a comparable increase for other tobacco products, is that it will raise necessary funds while dramatically reducing teen and adult tobacco use, which in turn will save lives and save the State health care costs. B&T, FIN

SB 47 Election Law - Fair Campaign Financing Fund - Income Tax Checkoff (Brochin, Jennings, and Pinsky) *See Campaign Finance report below.*

Doreen Rosenthal

CAMPAIGN FINANCE

***SB 47 Election Law – Fair Campaign Financing Fund – Income Tax Checkoff** (Brochin, Jennings, and Pinsky) would reinstitute a checkoff on income tax forms that would allow joint and individual filers to donate the portion of their refund that they designate, or increase their tax liability by an amount they designate, for the purpose of creating a fund for gubernatorial candidates to use for their campaigns.

In 2010, through an amendment to the BRFA, the checkoff that funded the Public Campaign Finance program for gubernatorial candidates was eliminated. Although the fund hadn't been used for 20 years, during the 2014 gubernatorial election, this public funding was used by both a Democratic and Republican candidate. There is little left in the coffers. Previous legislation, that did not pass, has suggested using this fund to support legislative campaigns. EHEA, no hearing date set.

*The League will support.

Nancy Soreng

ELECTIONS

HB 29 Election Law – Voter Registration and Absentee Voting – Proof of Citizenship (Schulz) requires that individuals who apply to register to vote after June 30, 2015 submit proof of US citizenship, provides that persons who are not citizens of the United States are not qualified to be registered voters, and requires applicants to submit specific documents or information to prove citizenship. The League will oppose this legislation, based on the negative impact the documentation requirement could have on certain classes of voters and on the fact that there does not appear to be evidence in Maryland that non-citizens are attempting to register or to vote. W&M

HB 43 Election Law – Prohibited Actions (Rosenberg) prohibits a person from willingly and knowingly preventing or hindering a person from signing a petition through the use of fraud, duress or force. This bill was introduced in the 2014 Session, when it passed the House and passed the Senate with Amendments, but no further action was taken. W&M

In 2007, the Maryland Legislature was among the first in the country to pass legislation binding the state to the Agreement Among the States to Elect the President by National Popular Vote. That agreement specifies that in presidential elections, presidential electors in the state are elected at large by the voters of the entire state and that these electors are required to cast their votes for the candidates who received the plurality of the votes cast in the state. **HB 63 Presidential Elections – Agreement Among the States to Elect the President by National Popular Vote – Repeal** (O'Donnell) seeks to undo the General Assembly's action of 2007. No hearing is scheduled on the bill.

SB 5 Election Law – Public Observation (Getty) clarifies the definition of canvass as it applies to votes cast during early voting and provides that the Board of Canvassers and staff of a local board of election may be observed by authorized observers as they complete each part of the canvass. The bill specifies that a political party, a candidate or a group of voters supporting or opposing a candidate or ballot question has the authority to designate registered voters to observe each part of the canvass process. Currently, the Code of Maryland Regulations requires that throughout the canvass, all sessions, deliberations, and proceedings shall be open to the public and the media. Hrg. 2/5 EHEA

Lu Pierson

REDISTRICTING REFORM

Reform of Maryland's process for drawing congressional and legislative district lines is one of the League's top legislative priorities for 2015. Maryland's existing process has resulted in some of the most misshapen districts in the nation. There is much work to be done as the 2014 session of the General Assembly failed to act on any of the bills on this issue. Bills introduced in the 2014 session included proposals to create a study commission to review other states' procedures and recommend improvements for Maryland, to amend the state constitution to establish a nonpartisan commission for drawing legislative and congressional district lines, as well as proposals to require that districts be compact and conform to existing county boundaries where possible. No bills on redistricting have been introduced yet, but we anticipate that bills including some of the provisions from last year's bills may be introduced.

Ralph Watkins

TRANSPARENCY IN GOVERNMENT

The statutorily created Joint Committee on Open Government which existed in the prior session of the legislature ended with the end of the 2014 General Assembly. Several items of legislation of interest to the League and other Maryland organizations having to do with open government remain. This common interest in open government led to the development of a network of diverse organizations—namely, Marylanders for Open Government (MDOG)—connected by our interest in demanding fair and open access to government-funded data and information. Members of the network include environmental, good government and public health groups, consumer advocates and social justice organizations.

Anyone who has tried to obtain information from local, county or state governments has quickly become aware of a thicket of rules and requirements seemingly designed to thwart the release of information. The League has a long-standing consensus on the right of citizens to information and broad participation in their government. We are therefore participating in this network as it develops and pursues legislation and the implementation of legislation already in effect. The status of legislation in the current session of the legislature will be the subject of future reports.

Barbara Schnackenberg

ENVIRONMENT: HYDRAULIC FRACTURING

Marcellus Shale Hydraulic Fracturing

The introduction of bills in the House and the Senate that call for a long-term moratorium on fracking in Maryland is expected. In the past two sessions, a number of bills were introduced for a moratorium, a ban, protections for drinking

water, disclosure of chemicals used in fracking, protections from toxic wastewater, specifying severance tax accounts and pipeline inspections. None of these bills got to a floor vote.

The LWVMD supports legislation for a long-term moratorium on fracking in Maryland to allow for sufficient data to assess the full impacts of fracking and for regulations to protect the people of Maryland from those impacts.

SB 29 Environment – Hydraulic Fracturing – Prohibitions (Brochin, Raskin and Zirkin) prohibits the storing, treating, discharging or disposal of wastewater from fracking and prohibits engaging in fracking of a well for the exploration or production of natural gas in the state. EHEA

Betsy Singer

ENVIRONMENT: LAND USE

No legislation has been introduced for land use in the 2015 session of the Legislature so far. Funding for Program Open Space is always an issue. This year the administration has said it will fully fund the program. Past shortfalls in funding will not be made up. David Craig is the new Secretary of Planning. He is the former county executive of Harford County and a primary candidate for Governor.

Susan Cochran

ENVIRONMENT: STORM WATER, POLLUTION & THE BAY

SB 28 Chesapeake and Atlantic Coastal Bays 2010 Trust Fund - Use of Funds (Simonaire) proposes a constitutional amendment that restricts the use of the trust funds to nonpoint source pollution control projects and prohibits transfers to the General Fund. Hrg. 2/3, 2 p.m. EHEA

SB 36 Stormwater Management -Watershed Protection and Restoration Program - Repeal (Brochin et al.) repeals requirements for counties and municipalities to have such programs, administer a fund implementing them, and collect a stormwater remediation fee. EHEA. This would repeal the “rain tax”, a misnomer; LWVMD opposes this bill. **SB 42 Stormwater Management -Watershed Protection and Restoration Program - Repeal** (Norman) is similar to **SB 36**.

SB 85 Clean Waterways Tax Credit Act (Simonaire), previously introduced in 2014 as **SB 568**, encourages man-made devices in waterways on which plants could grow. B&T

SJ 1 Conowingo Dam - Sediment and Nutrient Pollution (National Chesapeake Bay Preservation Act of 2015) (Simonaire plus 20) urges the U.S. Congress to authorize a review of studies related to the Conowingo Dam for the purpose of initiating funding a project by the U.S. Army Corps of Engineers to address the buildup of sediment and nutrients behind the dam in order to minimize the pollutant load reaching the Chesapeake Bay from the Susquehanna River; and providing that a copy of the resolution be forwarded by the Department of Legislative Services to specified individuals. Hrg. 2/ 3, 2 p.m. EHEA

Additional notes. No relevant House bills yet. *RSC* will also be watching for any future bills relevant to the recent cancellation by Gov. Hogan of the pending phosphate management tool regulations and of the proposed restrictions on emissions from older power plants with the latter opposed by only the NRG power plant.

Linda Silversmith

TRANSPORTATION

HB 15 Maryland Transit Authority – Chesapeake Bay Bridge – Toll Collection (McConkey) would require tolls to be paid through electronic mechanisms without stopping vehicles and one cash only lane by 2024. Similar to bill HB 1263 of 2014. Hrg. 2/5, 1 p.m. E & T

SB 44 Vehicle Laws - Maximum Speed Limits on Highways (Edwards) changes the maximum speed limit from 65mph to 70mph with specifications. JPR

Barbara Ditzler

ADMINISTRATION OF JUSTICE

As of January 26, no bills have been filed. Action is expected in two areas that we will be following:

- Abolishing contested elections for Circuit Court Judges. The Maryland League of Women Voters would support such action. Currently, unlike other judges in Maryland, Circuit Court Judges may face contested elections, as well as retention elections since any qualified member of the Maryland bar can file for elections opposing incumbent

judges. Making this change requires amending the Constitution.

- Changing Maryland's pretrial system to conform to a 2013 Court of Appeals ruling that requires representation for indigent defendants at an initial appearance before a District Court Commissioner. Several attempts to modify the system during the 2014 legislative session failed (see RSC 2014). The governor established a Commission to Reform Maryland's Pretrial System to determine best practices and determine how an objective risk assessment tool, as proposed by the Senate Judicial Proceedings Committee in 2014, could be used to determine who should be detained and who should be released before trial. The report was due December 1, 2014.

Marlene Cohn

GUN CONTROL

The following bills were proposed in order to weaken **SB 281/HB 294 The Firearms Safety Act of 2013**, the most comprehensive, far-reaching of any Maryland gun legislation. In 2014, Delegate Smigiel lead this effort. He is no longer in the General Assembly. This year it is lead by Delegate Schulz. Each of these bills had a first reading in the Judiciary Committee.

HB 13 Regulated Firearms - Licensed Dealer or Secondary Seller - National Instant Criminal Background (NICS) Check (Schulz) authorizes a licensed firearms dealer or secondary seller to conditionally sell, rent, or transfer a firearm to a firearm applicant; requires a licensee or secondary seller to notify a firearms applicant that an application has been approved or disapproved; requiring the firearms applicant to return a firearm within 10 days of notice of disapproval.

HB 25 Public Safety - Assault Weapons - Replacements (Schulz) lists exceptions to the ban on transporting an assault weapon into the State, authorizing a person to replace a lost or broken assault weapon that was lawfully possessed in accordance with specified provisions of law if the replacement is registered with the Secretary of State Police.

HB 38 Crimes - Use of a Firearm in the Commission of a Crime - Diminution Credits and Sentencing (Schulz) Prohibits the earning of diminution credits to reduce the term of confinement of an inmate who is serving a sentence for the use of specified firearms in the commission of specified crimes; prohibiting a court from suspending any part of a specified mandatory minimum sentence.

HB 39 Public Safety - Handgun Identification Requirements - Repeal (Schulz) introduced in 2014 session as **HB 715**, this bill proposes to repeal the law requiring that a handgun manufacturer that ships or transports a handgun for sale, rental, or transfer in the state shall include in the box with the handgun in a separate, sealed container: (1) a shell casing of a projectile discharged from the handgun, and (2) additional information that the Secretary requires to identify the type of handgun and shell casing. On receipt of a handgun from a manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer has complied with this subsection. On the sale, rental, or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory. On receipt of a shell casing and information as required the Department of State Police Crime Laboratory shall enter the information in each relevant database.

Doreen Rosenthal

CHILDREN AND FAMILIES

HB 9 Maryland Home Birth Safety Act (Kelly) *See Health report, p. 6*

SB 78 Rape Survivor Family Protection Act (Raskin plus 29) will establish a process for a rape victim who becomes pregnant and bears a child as a result of that rape to terminate the parental rights of the rapist. Victims would be required to meet the same standard of evidence used in other termination of parental rights cases. JPR

Judy Morenoff

MEETING BASIC HUMAN NEEDS

Minimum wage

HB 4 Maryland Wage and Hour Law – State Minimum Wage Rate - Increase (Glenn) Last session, the GA passed a bill that increased the minimum wage to \$8/hour effective January 2015 with subsequent increases July 2015, July 2018. This bill would increase the minimum wage to \$10.10/hour. ECM

SB 3 State Minimum Wage Rates - Exceptions - Social Service Nonprofit Organizations (Getty) authorizes nonprofit organizations that provide social services to residents of the state and have an annual operating budget of

\$250,000 or less to pay employees 85% of the state minimum wage or \$7.25 per hour. FIN

Housing and Community Development

HB 33 Housing and Community Development- community Development Projects and Public Purpose Projects (Vitale) Last session, the GA passed **HB 453** that required the state housing agency to provide written notice and a reasonable opportunity to comment to the chief executive officer or equivalent officer and the head or president of the legislative body of the political subdivision in which a proposed community development project or a public purpose project is located. This altered an existing requirement that HCD must get approval of the land use for a community development project by resolution of the appropriate governing body. **HB 33** reverses that by again requiring the state agency to obtain approval of the project by resolution of the appropriate governing body. Delegate Vitale was just appointed a Circuit Court Judge and no other sponsors are listed so the future of this bill is unclear. Hrg. 2/10 ET

Paid sick leave

SB 40 Labor and Employment-Maryland Health Working Families Act (Pugh) This same bill was introduced last year as **HB 453**. Requires employers of 10 or more employees to provide earned sick and safe leave at a rate of at least 1 hour for every 30 hours an employee works but this is not required to exceed 56 hours of leave per calendar year. Employers with nine or fewer employees are required to allow employees to use unpaid sick and safe leave. This leave can be used for the employee's illness or injury; preventive medical care for employee or employee's family member; to care for a family member with illness or injury; if absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member. Employers may establish reasonable procedures for employees requesting to take this leave. LWVMD supports this legislation. Hrg. 2/3 FIN

Ruth Crystal

HEALTH

The Maryland Health Benefit Exchange was a far greater success during the current enrollment period. As of January 11, total enrollment is 169,462 people. More than 91,000 were enrolled in Qualified Health Plans, while more than 78,000 were enrolled in Medicaid. The open enrollment period for qualified health plans ends on February 15. Medicaid enrollment is ongoing. It will be important to watch the discussions on the budget as significant cuts to Medicaid have been proposed. Many of these cuts will affect the reimbursements to physicians. This could affect the number of providers willing to care for Medicaid patients. Governor Hogan proposed more than \$200 million in cuts to the program.

Governor O'Malley appointed Hannah Byron to head the Medical Marijuana Commission. The appointment took effect on January 14. Delegate Dan Morhaim has expressed concern about the continuing medical education requirements for physicians. He is concerned that it will be a deterrent to physicians participating in the program. There will be 15 licensed growers, apparently one for each county. The number of dispensaries has not been determined. The next step is the creation of an IT system to monitor patient and dispensing information.

HB 9/SB 105 Maryland Home Birth Safety Act (Kelly/Middleton) delineates a new category of midwives in the Health Occupations Article as a "Direct Entry Midwife." The bill would allow the Board of Nursing to license and regulate the Direct Entry Midwives, and clearly delineates the difference between a Certified Nurse-Midwife and a Direct Entry Midwife. It also spells out the practice parameters of a Direct Entry Midwife and the educational and licensing requirements for continued practice. This bill is similar to last year's **HB 1211** but more extensive and is cross filed in the Senate. Having Senator Middleton has a sponsor will help the bill although it is not in his committee. HGO/EHEA

HB 56 Tanning Devices – Use by Minors – Prohibition (Reznik) forbids minors from using commercial tanning salons. This is similar to **HB 310** filed last year, which did not receive a favorable committee report. Hrg. 2/5 HGO

SB 7 Electronic Cigarettes – Sale to Minors – Components, Supplies, and Enforcement (Middleton) would prohibit the sale of any component of electronic cigarettes to minors. It spells out the components of these cigarettes and the penalties for selling to minors. FIN

Neilson Andrews

EDUCATION

Funding

HB 70/SB 55 Budget Bill Fiscal Year 2016 (Speaker/President) The amount allocated for aid to local schools for K-12 education is \$6.1 billion. Of that, \$3.1 billion is for the basic per student formula funding under the "Bridge to Excellence" or "Thornton" funding. \$1.3 billion goes for Compensatory Education through a weighted formula for

economically disadvantaged students. The Geographic Cost of Education Index (GCEI) that provides extra funds for counties with higher costs was cut in half (a \$65 million cut).

The budget includes \$4.3 million of state funds for the Maryland Prekindergarten Expansion Program Financing Fund. The allocation for textbooks and software for non-public schools is \$6.04 million. APP/B&T

HB 71/SB 56 Creation of a State Debt - Maryland Consolidated Capital Bond Loan of 2015... (Speaker/President) allocates \$280 million for public school construction including \$6.1 million for the Aging Schools Program. APP/B&T

HB 72/SB 57 Budget Reconciliation and Financing Act of 2015 (BRFA) (Speaker/President) The education section of this bill provides for changes in parts of the Bridge to Excellence formula to eliminate the inflation factor and eliminate increases in funding formulas provided in current law. APP/B&T

The Department of Budget and Management has published tables in Maryland Budget Highlights FY 2016 showing how the budget and the proposed changes in the BRFA would affect local school districts. <http://dbm.maryland.gov/agencies/operbudget/Documents/2016/highlights.pdf>

HB 65 Education - Maintenance of Effort - Lease Payment Exclusion (Vitale et al.) Maintenance of Effort (MOE) requires counties to maintain or increase their local contribution to education. This bill would exclude certain lease payments from the calculation if specified when the contract was executed. W&M

HB 110/SB 79 Creation of a State Debt - Qualified Zone Academy Bonds (QZAB) (President/Speaker) authorizes a state debt of \$4,625,000 to be used as grants to the Interagency Committee on School Construction (IAC) and the Maryland State Department of Education (MSDE) for the renovation, repair, and capital improvements to qualified schools including public charter schools. Matching grants from private sources are required. B&T/APP

Curriculum/Accountability

HB 34 Education - Implementation of the Common Core State Standards – Prohibition (Schulz) prohibits the Maryland State Board of Education (MSBE) and local boards from adopting curriculum based on Common Core and requires MSBE to rescind its adoption of Common Core State Standards. W&M

The Common Core was a controversial topic in 2014 because of attempts to implement new curriculum during the 2013-2014 school year and the plan to include test results in teacher evaluations. MSBE developed curriculum standards called the Maryland College- and Career-Ready Standards (MCCRS). The assessments aligned with MCCRS were called the Partnership for Assessment of Readiness for College and Careers (PARCC) and are administered online. Because of concerns raised regarding the implementation of MCCRS and PARCC, the General Assembly established the MCCRS and PARCC Implementation Review Workgroup. A final report is due in December 2015.

Lois Hybl