



REPORT FROM STATE CIRCLE
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MEETING BASIC HUMAN NEEDS

Minimum wage

HB 295 Maryland Minimum Wage Act of 2014 increases the state’s minimum wage for most workers from \$7.25 an hour to \$10.10 an hour. The increase is phased in over four years beginning in January 2015. The law also requires that community providers for the developmentally disabled receive a 3.5% increase annually through FY 2019. The current services forecast assumes a 2.0% annual increase for the community providers. The 3.5% requirement is expected to add \$8.0 million to FY 2016 expenditures. By FY 2019, state costs are expected to increase by \$35.0 million. **Passed and enrolled**

Other bills on minimum wage increase either received unfavorable reports or were not voted out of committee.

Housing and community development

HB 451 Neighborhood Business Development Program – Financial Assistance for Food Deserts The Neighborhood Business Development Program was established in DHCD to stimulate investment in Maryland’s older communities by developing, redeveloping, or expanding small businesses, investing in and revitalizing small businesses, and helping local governments develop and expand small businesses. It provides below-market interest rate loans to small businesses, nonprofit organizations, or microenterprises locating or expanding in locally designated neighborhood revitalization areas. **HB 451** expands the purposes of NBDP to include helping to create small businesses and other food-related enterprises that provide healthy foods to residents in food deserts. “Food deserts” generally are communities that do not have easy access to healthy foods, and are defined in the bill as that part of a priority funding area designated by the Secretary under the bill on the recommendation of the Interagency Food Desert Advisory Committee. **Passed**

HB 452 Housing and Community Development – Multifamily Rental Housing Program Efficiency Act

According to the Department of Housing and Community Development, several multifamily programs within DHCD have evolved to share similar goals and to address overlapping constituencies. Those programs are the Elderly Rental Housing Program, the Multifamily Rehabilitation Program, the Nonprofit Rehabilitation Program, and the Rental Housing Production Program. This bill consolidates the four programs under a new Rental Housing Program in DHCD. The bill also alters standards for multifamily loans and notice and permission standards for DHCD’s consultation with local jurisdictions on community development projects to make them consistent with the federal law income housing tax

credit process. The measure requires CDA 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, altering the prior requirement that CDA must get approval of the land use for a community development project by resolution of the appropriate governing body. **Passed**

HB 366 HOME Act of 2014 State law prohibits housing discrimination because of race, sex, color, religion, national origin, marital status, familial status, sexual orientation, or disability. **HB 366** would have added discrimination based on a person's source of income to this list under specified circumstances. This bill defined "source of income" as any lawful source of money paid directly or indirectly to or on behalf of a renter or buyer of housing, including income from (1) any lawful profession, occupation, or job; (2) any government or private assistance, grant, loan, or rental assistance program, including low-income housing assistance certificates and vouchers; (3) any gift, inheritance, pension, annuity, alimony, child support, or other consideration or benefit; or (4) the sale or pledge of property or an interest in property. **Failed, withdrawn**

RSC reported on several bills on landlord-tenant relations; none made it out of committee.

Earned sick leave

HB 527/SB 753 Labor and Employment – Maryland Earned Sick and Safe Leave Act While not voted on this year, the bills had 66 co-sponsors in the House and 19 in the Senate. The Working Matters coalition says that the bill will be introduced again next year. **Not voted out of committee**

Gender equality

SB 212 Fairness for All Marylanders Act of 2014 This bill prohibits discrimination based on "gender identity" in public accommodations, labor and employment, and housing by persons licensed or regulated by a unit of the Department of Labor, Licensing, and Regulation. The measure further prohibits discrimination based on gender identity and sexual orientation in state personnel actions and in the leasing of property for commercial use. The bill defines "gender identity" as the gender-related identity, appearance, expression, or behavior of a person, regardless of the person's assigned sex at birth, which may be demonstrated by (1) consistent and uniform assertion of the person's gender identity or (2) any other evidence that the gender identity is sincerely held as part of the person's core identity. The bill provides exemptions from provisions of the bill relating to housing discrimination for the rental of rooms or apartments in an owner's principal residence in a building with no more than five rental units. Additionally, religious corporations, associations, educational institutions, and societies are exempted from the employment discrimination provisions of the bill with respect to the employment of individuals of a particular gender identity to perform work connected with the activities of the religious entity. The bill also specifies that it is not unlawful for an employer to establish and require an employee to adhere to certain reasonable workplace appearance, grooming, and dress standards as long as the employee is allowed to appear, groom, and dress consistent with the employee's gender identity. Further, **SB 212** does not apply to a private facility in a place of public accommodation if the place of public accommodation makes available, for the use of persons whose gender identity is different from their assigned sex at birth, a space that is functionally equivalent to the space made available to users of the private facility. The bill defines "private facility" as a facility (1) that is designed to accommodate only a particular sex; (2) that is designed to be used simultaneously by more than one user of the same sex; and (3) in which it is customary to disrobe in view of other users of the facility. **Passed**

Ruth Crystal

CHILDREN & FAMILY ISSUES/JUVENILE JUSTICE

Update on bills reported in RSC 1-5:

HB 1/SB 64 Children in Need of Assistance - Educational Stability (RSC 1) passed

HB 79/SB 68 Courts – Juveniles – Expungement of Records (RSC 1) passed

SB 122 Juvenile Law – Detention – Community Detention Violations Hearings (RSC 1) passed and enrolled

HB 307/SB 333 Peace Orders & Protective Orders – Burden of Proof (RSC 2) passed

HB 309/SB 334 Family Law – Domestic Violence – Permanent Final Protective Orders (RSC 2) passed

SB 210 Child Abuse – Failure to Report – Penalties & Task Force (RSC 2) unfav rpt by JPR

HB 407/SB 485 Juvenile Law – Prohibition Against Continued Detention (RSC 2) unfav rpts by JUD & JPR

SB 607 Child Abuse & Neglect – Failure to Report & Training (RSC 3) passed by Senate with amendments limiting its focus to requiring health occupation boards that issue licenses or certificates to require training on the identification and reporting of child abuse and neglect. Unfavorable report by HGO

HB 701/SB 454 Criminal Law – Child Kidnapping & Prostitution (RSC 2) passed and enrolled

SB 78 Criminal Law – Human Trafficking – Victims Under Age 21 (RSC 2) passed Senate; died in House JUD

HB 696 Criminal Law – Human Trafficking – Victims Under Age 21 (RSC 2) died in committee

SB 476 Criminal Procedures – Seeking Medical Assistance for Another Who Ingested Alcohol or Drugs – Minors (RSC 3) amended to provide limited immunity from prosecution to any person (instead of minor) who seeks, provides, or assists with provision of medical assistance for a person experiencing a medical emergency after using alcohol or drugs. Passed

SB 515/HB 1295 Juvenile Law – Transfer of Cases to Juvenile Court (RSC 3) passed and enrolled

HB 577/SB 1018 – Task Force to Study Housing & Supportive Services for Unaccompanied Homeless Youth – Continuation, Membership, Stipend & Duties (RSC 3) died in committee

Judy Morenoff

EDUCATION

Funding

Appropriations for public K-12 schools remained generally as appropriated. The Aid to Nonpublic Schools Program for textbooks and computer hardware and software remains at \$6 million. **HB 814/SB 534 Education - State Grant to Counties With Small and Declining Student Enrollment** (passed) requires the state to provide a grant to local boards of education if enrollment is less than 5000, enrollment has declined, and education aid in the current fiscal year is less than the prior fiscal year by more than 1%. The grant must equal 50% of the decrease in total direct education aid.

There was no action on **HB 114 Geographic Cost of Education Index (GCEI) – Requirement**. Likewise, **SB 726 State Funding – Operating and Capital Funds**, which would have put the GCEI funding stream in statute and raised the school construction funding floor to just over \$400 million up from \$250 million, received no action. One factor was the desire to wait for the Thornton school funding formula adequacy study.

The state's FY 2015 capital budget (**SB 171**) includes \$6.1 million in funds for the Public Aging Schools Program and \$3 million for the Nonpublic Aging Schools Program. The Nonpublic Aging Schools Program provides grants for eligible construction projects including school security improvements to nonpublic schools that are also eligible for the Aid to Nonpublic Schools Program. The eligibility requirements for distribution of grants were changed in the FY 2015 capital budget. Excluding preschools, eligible nonpublic schools may receive up to \$100,000 if at least 20% of a school's students are eligible for the Free and Reduced Price Meals (FRPM) program; tuition charged to students is less than the statewide average per pupil expenditure for public schools; and the school has a facility with an average age of at least 50 years. Schools meeting one of the three criteria may receive up to \$25,000. Schools meeting two of the three criteria may receive up to \$75,000. Schools that meet none of the criteria specified above but have a school facility with an average age of 16 years or more, which is required to receive Aging Schools Program funds, may receive up to \$5,000.

Bills to provide tax credits for children who are home-schooled (**SB 271**), attending nonpublic schools (**HB 884**) or to organizations which provide grants to nonpublic school students (**HB 1262/SB 633 Maryland Education Credit**) received unfavorable reports or no action.

Pre-Kindergarten and Early Childhood Education

SB 332 Pre-Kindergarten Expansion Act of 2014 (passed and signed by the Governor) expands the Preschool for All pilot program eligibility from 185% of the Federal Poverty Level (FPL) to 300% FPL. \$4.3 million must be provided annually for this competitive grant program. The bills also require the Maryland State Department of Education (MSDE) to include universal Pre-K as one of the components of the Thornton school funding formula adequacy study.

HB 428 Children - Maryland Infants and Toddlers Program - Eligibility (passed) enables children to participate in the Maryland Infants and Toddlers Program until the beginning of the school year after their fourth birthday.

HB 461 State Early Childhood Advisory Council (passed) codifies the State Early Childhood Advisory Council. The council must conduct periodic statewide needs assessments concerning the quality and availability of early childhood education and development programs, identify opportunities for, and barriers to, collaboration and coordination among

specified federally funded and state-funded programs, develop recommendations related to early childhood education and care, and assess the capacity and effectiveness of higher education institutions in the state toward supporting the development of early childhood educators.

Curriculum and Teaching

Several bills passed that address concerns about the implementation of the Common Core State Standards (CCSS) in Maryland.

HB 1164 Maryland College and Career-Ready Standards and Partnership for Assessment of Readiness for College and Careers (PARCC) Implementation Review Workgroup (passed and signed by the Governor) requires the workgroup to identify and analyze the best practices of school systems in the state and in other jurisdictions that are successfully implementing CCSS and PARCC; determine new curriculum resources needed to fully implement MCCRS; identify how MSDE plans to assist local school systems in preparing parents and students for the PARCC assessments; assess the technological readiness and needs of public schools for implementing the assessments, and develop a plan to transfer from the High School Assessments (HSAs) to the PARCC assessments. **HB 1388/SB 988 State Department of Education - Assessment Report for Broadband Capabilities in Public Schools** (passed and signed by the Governor) requires MSDE to report by December 1, 2014, on existing broadband speeds and connections in all public schools; and each local school system's plan to reach a broadband speed throughput of 1 gigabit per 1,000 students for each public school by FY 2020 through public and private efforts; and offer support and training programs in the use of education technology tools for classroom teachers. **HB 1167/SB 676 Education - Performance Evaluation Criteria - Use of Student Growth Data** (passed) prohibits any performance evaluation criteria for teachers and principals from using student growth data based on state assessments to make personnel decisions before the 2016-2017 school year. **HB 1001 Education - Federal Elementary and Secondary Education Act (ESEA) – Waivers** (passed) requires MSDE to submit proposed flexibility waivers from ESEA provisions to the Legislative Policy Committee (LPC) of the General Assembly before submitting the request to the United States Department of Education (USDE).

Attempts to rescind the state's adoption of CCSS, stop state assessments not aligned with CCSS, change the implementation timeline, prohibit MSBE from establishing guidelines and curriculum based on the CCSS, or let each county decide its own timeline for implementation failed.

HB 265 Task Force to Study How to Improve Student Achievement in Middle School also passed.

Lois Hybl

DRUGS & OTHER CONTROLLED SUBSTANCES

SB 364 Criminal Law - Possession of Marijuana - Civil Offense (passed and signed by the Governor) reclassifies the use or possession of less than 10 grams of marijuana from a criminal offense to a civil offense, subject to a fine of up to \$100 for a first offense, \$250 for a second offense, and \$500 for a third or subsequent offense. On a third or subsequent offense a court must order the offender to attend a drug education program approved by the Department of Health and Mental Hygiene (DHMH), refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary. The court must order an adult offender under the age of 21, even for a first offense, to attend a drug education program approved by DHMH, refer the person to an assessment for substance abuse disorder, and refer the person to substance abuse treatment, if necessary.

A police officer must issue a citation if the officer has probable cause to believe that the offense has or is being committed. The bill contains requirements for the contents of the civil citation that must be issued in these cases, as well as procedural requirements for the adjudication of the offense in District Court. If a citation is issued for an adult under the age of 21, the court shall summon the person for trial. If the court finds that a person at least 21 years old has committed a third or subsequent violation, the court shall summon the person for trial.

An individual younger than age 18 charged with this civil offense is subject to juvenile court procedures and dispositions, including referral to an alcohol or a substance abuse education or rehabilitation program. A citation for a violation for possession of less than 10 grams of marijuana, and the related public court record are not subject to public inspection and may not be included on the public website maintained by the Maryland Judiciary.

The provisions of the bill that make the possession of marijuana a civil offense may not be construed to affect laws relating to operating a vehicle or vessel under the influence of or while impaired by a controlled dangerous substance or seizure and forfeiture. The civil penalties collected are to be remitted to DHMH, which must use the money only for funding drug treatment and education programs.

HB 881/SB 923 Medical Marijuana - Natalie M. LaPrade Medical Marijuana Commission (passed) expands the purpose and responsibilities of the Natalie M. LaPrade Medical Marijuana Commission to include the registration of certifying physicians as well as conducting research on issues and disseminating information related to the medical use of marijuana. The legislation limits the number of licensed growers and specifies the process for qualifying patients to obtain medical marijuana, including provisions related to issuing identification cards for qualifying patients and their caregivers. It also authorizes the commission to set reasonable fees to cover its operating costs and to distribute any fees collected by the commission to the existing Natalie M. LaPrade Medical Marijuana Commission Fund.

HB 889 Marijuana Laws - Full Disclosure of Legal, Employment, and Health Risks died in Senate JPR

HB 880/SB 658 Marijuana Control Act of 2014 died in committee

Alyce Ortuzar

HEALTH

HB 27 Correctional Services - Healthy Births for Incarcerated Women (RSC 1, 2&4) passed and is enrolled. It codifies standards for the care of pregnant incarcerated women and the delivery of their babies and requires Juvenile Services to develop related regulations.

HB 106 Senior Prescription Drug Assistance Sunset Extension (RSC 1), passed and signed by the Governor, extends the assistance program until 2017.

HB 162/SB 172 Budget Reconciliation and Financing Act of 2014 (RSC 1-3) was amended and passed to allow hospitals to retain \$30 million in FY 2015, and \$40 million in FY 2016 from funds currently paid to the state. The funds will be used by the hospitals to implement the new the Medicare Waiver.

HB 280/SB 215 Workers' Compensation – Payment of Physician – Dispensed Prescriptions – Limitations and **HB 281/SB 217 Workers' Compensation – Payment for Controlled Dangerous Substances Prescribed by Physicians – Limitations and Workers' Compensation** (RSC 3) had a long legislative history before they both died in the House HGO subcommittee. They will be back next year as the Workers' Compensation Insurers are determined to stop physician dispensing. **HB 1342 Workers' Compensation – Reimbursement for Repackaged and Relabeled Drugs – Fee Schedule and Requirements** (RSC 3) also failed in committee.

HB 402/SB 314 Health Occupations – State Board of Naturopathic Medicine (RSC 3&4) finally passed after several years, but with many amendments. Naturopathic Physicians will be licensed and monitored by the Maryland Board of Physicians (MBP) and must have a collaborative agreement to prescribe.

HB 1009/SB 789 Civil Actions – Noneconomic Damages – Catastrophic Injury (RSC 3), the Plaintiff's Bar's bill, failed, as did **HB 930 Health Care Malpractice – Limitation on Noneconomic Damages** and **HB 635 Health Care Malpractice – Expression of Regret or Apology – Inadmissibility**, the medical community's bills (RSC 3).

HB 881/SB 293 Medical Marijuana - Natalie M. LaPrade Medical Marijuana Commission *See Drugs and Other Controlled Substances report above.*

HB 1211 State Board of Nursing – Midwives – Licensing and Regulation (RSC 4) failed again this year but will be back. There are likely to be discussions in the interim to facilitate some compromise as the public is asking for these midwives.

HB 1267/SB 882 Department of Health and Mental Hygiene - Outpatient Services Programs Stakeholder Workgroup (RSC 4) passed with a title change and amendments. It creates a task force to study the issue of outpatient service programs. **SB 67/HB 606 Mental Hygiene – Standards for Emergency Evaluation and Involuntary**

Admissions – Modification and HB 767/SB 831 Public Health Mental Hygiene – Assisted Outpatient Treatment (RSC 4) failed, probably waiting for results of the study.

HB 1158/SB 898 Tobacco Products – Unpackaged Cigars and Flavored Other Tobacco Products – Restrictions (RSC 3&4) and **HB 443/SB 589 Tobacco Taxes – Health Maryland Initiative (RSC 3&4)**, died in committee.

SB 622/HB 1233 Health Insurance – Step Therapy or Fail-First Protocol passed and is waiting for the Governor's signature. The bill provides 180-day "Grandfather Provision" so patients do not have to switch prescriptions when indicated by an insurer. It also forbids an insurer or Pharmacy Benefit Managers (PBM) from requiring the use of a medicine in its step therapy protocol which is not FDA-approved for the specific condition. Physicians will have a step therapy override process available to them in the online preauthorization programs.

Neilson Andrews

BUDGET AND TAXATION

Bills Passed:

The final **FY 2015 Operating Budget (SB 170)** grew by \$1.6 billion or 4.3% to \$38.9 billion. About one half of general fund appropriations is related to state employee compensation. A 2% salary increase effective January 1, 2015, merit increases and selected reclassifications led to a \$119.5 million increase. Aid to education is another big cost driver. This year it included an initiative to increase prekindergarten programs. Debt service on general obligation bonds increased by \$57 million and additional aid to higher education included enough funds to limit tuition growth to 3%.

Special funds grew by \$409.9 million or 5.3% largely because of increases in the transportation PAYGO (pay as you go) capital program following legislation in 2013 which greatly increased revenue to the Transportation Trust Fund. The Department of Transportation also received funds for 350 additional employees in an effort to reduce wait time at Motor Vehicle Administration offices and call centers. Transportation-related spending also rose because of increases in debt service for previously issued bonds. K-12 education benefitted from additional funds as gaming revenue continues to increase.

The size of the state workforce will increase by 0.65% or 522 positions. This will bring total state employment to 80,744.

While last year, it was believed that the structural deficit had been largely eliminated, it reared its ugly head again this year. The current budget reduced the structural deficit by \$126 million but it is now projected that the structural deficit will increase to \$404 million next year and that there will be an estimated \$395 million cash shortfall.

SB 172 Budget Reconciliation and Financing Act (BRFA) makes a number of transfers between and among the various state funds to help operate selected state agencies and operations. It also designates at least \$7 million annually for the next three years for police vehicles and requires an increasing percentage of park revenues to be used for park operations. It also makes a number of specific grants to nongovernmental organizations and projects.

SB 171 Creation of State Debt, the state's capital budget, totals \$3.954 billion, of which \$2.421 billion is for transportation programs. Of the non-transportation projects, \$1.18 billion is funded by general obligation (GO) bonds while \$336 million is funded on a PAYGO basis.

HB 739 Maryland Estate Tax Unified Credit (RSC 2) conforms the Maryland estate tax to the value of the unified credit allowed in the federal estate tax. The bill will be phased in from calendar years 2016 to 2019.

HB 198 Income Tax - Earned Income Credit - Refundable Amount (RSC 3) expands the Maryland earned income credit from 25% to 28% of the federal credit.

None of the other bills discussed in this section in previous RSC issues were passed.

Barbara Hankins

TRANSPORTATION

The most significant changes to transportation laws deal with increasing penalties for violations and further refinement of legalities.

Bills passed:

SB 33 Vehicle Laws - Rules of the Road - Use of HOV Lanes (RSC 1) allows plug-in electric vehicles, buses and motorcycles to drive in the HOV lane at any time with a specified permit and prohibits all other vehicles from the lane unless they are carrying the required number of passengers.

SB 350/HB 929 Speed Monitoring Systems Reform Act of 2014 sets standards for local jurisdictions that use automated speed monitoring systems so law enforcement officers certify infractions with set procedures to oversee the program.

Bills that increase penalties for vehicular DUI include **HB 957 Impaired Driving - Repeat Offenders - Penalties** (RSC 3) that deals with the 3rd or more infraction, **HB 1015 Drunk Driving - Transporting a Minor - Ignition Interlock System Program** (those transporting minors) and **SB 87 Drunk Driving - Ignition Interlock System Program - Repeat Offenders** (RSC 1) that requires the use of an ignition interlock device for one year or agreement to the suspension of driver's license.

HB 1212/SB 348 Use of Text Messaging Device or Handheld Telephone While Driving - Accidents Resulting in Death or Serious Injury - Penalties (RSC 5), commonly known as Jake's Law, was created because of a young boy's death in an accident caused by a driver using a handheld texting device. The penalties for this offense will now more closely align with impaired driving from alcohol.

HB 130/SB 153 Motor Vehicle Insurance - Task Force to Study Methods to Reduce the Rate of Uninsured Drivers (RSC 1) will establish a task force to examine deterrents and incentives to lower the rate of uninsured drivers.

Bills not passed:

HB 873/SB 1001 Vehicle Laws - Divided Highways - Speed Limits and Crosswalks (RSC 3) requiring a crosswalk and possible modification of speed limits at light-controlled intersections on divided highways passed in their chamber of origin. However, the House and Senate were unable to concur on amendments, so the legislation failed.

Other measures that failed to pass: redefining distance required to pass bicycles (RSC 1), driving to the right on a lane road except when passing (RSC 1), prohibition against smoking in a motor vehicle when a young child is present (RSC 2), requiring legislative approval for toll increases (RSC 3).

Barbara Ditzler

ENVIRONMENT: RENEWABLE ENERGY & SOLID WASTE

HB 1168 Electricity - Certificate - Wind Turbines - Limitation (Southern Maryland Delegation) prohibits the Public Service Commission from granting final approval for construction of a wind-powered generating station in specified areas before July 1, 2015. New wind-powered generating stations which have already been funded by a loan from the Maryland Water Quality Financing Administration are exempt. Passed and enrolled.

Update on bills reported in RSC 1-5:

HB 118 Task Force to Study the Impact of Ocean Acidification on State Waters (RSC 2) passed with amendments

HB 240/SB 56 Environment - Solid Waste Management Practices - Maryland Recycling and Landfill Diversion Task Force (RSC 2) failed

HB 567 Procurement - State Vehicle Fleet - Biodiesel or Biofuel Requirements (RSC 2) failed

HB 747/SB 734 Renewable Energy Portfolio Standard - Qualifying Biomass (RSC 3) failed

HB 1149/SB 733 Public Utilities - Renewable Energy Portfolio Standards (RSC 4) failed

HB 1249/SB 156 Public Utilities - Renewable Energy Portfolio Standard - Hydrokinetic Turbines (RSC 2) failed

HB 202/SB 186 Clean Energy Loan Programs - Private Lenders - Collection of Loan Payments (RSC 2) passed with amendments

HB 1192/SB 786 Electricity - Community Renewable Energy Generating System - Pilot Program (RSC 4) failed

Hugh Haskell

ENVIRONMENT: HYDRAULIC FRACTURING

None of the following bills, reported on in RSC 1-5, got to a floor vote.

SB 706/HB 1210 Environment-Permit Determinations-Cumulative Impact Assessments (RSC 4) These bills would have required MDE to conduct a cumulative impact assessment of a permit's impacts on the environment and on human populations before review of permit applications. Viewed as a first step, more comprehensive bills may be introduced in the 2015 session.

HB 1122/SB 745 Shale Gas Drilling Safety Review Act of 2014 (RSC 3)

HB 865 Natural Gas – Hydraulic Fracturing – Rural Residential Drinking Water Protection Act (RSC 3)

HB 1030 Public Health – Hydraulic Fracturing Chemicals – Information and Fund (RSC 3)

SB 535 Natural Gas Severance Tax and Impact Account (RSC 3)

HB 292 Natural Gas-Hydraulic Fracturing-Prohibition (RSC 1)

HB 409 Environment- Hydraulic Fracturing Wastewater-Prohibited Acts (RSC 2)

SB 360 Natural Gas-Hydraulic Fracturing-Prohibition (RSC 2)

SB 361 Public Safety-Gas Pipeline Inspection Requirements-Best Available Technology (RSC 2)

SB 362 Public Safety-Gas Pipeline Inspection Requirements-State Penalties (RSC 2)

Betsy Singer

ENVIRONMENT: LAND USE

The push back on the 2012 law requiring three growth tiers in county land use plans was easily defeated despite being sponsored by 25 House members. **HB 576 Sustainable Growth and Agricultural Preservation Act of 2012 - Diminution in Value of Real Property -Compensation** would require the state to pay just compensation to an owner of real property that experiences a diminution in fair market value as a result of specified land use or development restrictions. It had an unfavorable report in the Environmental Matters committee and was heard of no more.

Legislation on land use was not prolific in this session. However, two fairly significant bills easily passed both houses and will become law.

HB 510 Sustainable Communities Tax Credit - Extension and Alteration passed 111-20 in the House and unanimously in the Senate. The bill extends the Sustainable Communities Tax Credit program through FY 2019 and includes more benefits for commercial projects.

SB 336/HB 296 Natural Resources - Wildlands - Designation of New Wildlands easily passed both houses of the legislature in the first weeks of the session. It expands fourteen existing wildlands and grants nine new areas wildland designation, as recommended by the Department of Natural Resources. The designation often protects sensitive or rare ecological areas. These are the first additions since 2002.

Susan Cochran

ENVIRONMENT: CLEAN WATER & PESTICIDES**Update on bills reported in RSC 1-5:**

HB 1551 - Natural Resources - Fresh Oyster Shells - Purchase by County Oyster Committees (RSC 4&5) died in the House.

SB 101 Environment - Drinking Water Revolving Loan Fund - Use of Funds (RSC 4&5) passed and was signed by the Governor.

SB 464/HB 50 and 20 other bills related to the Stormwater Management Fee (a/k/a rain tax) (RSC 1-5) None of these bills passed, nor did a budget bill amendment that would have interfered with this program in all nine counties and Baltimore City where the fee applies. However, the budget as passed did include some flexibility in payment method for Carroll and Frederick counties, which have not yet implemented the fee.

SB 564/HB 834 Environment - Water Pollution Control – Penalty (RSC 5) passed and signed by the Governor.

HB 11 Environment - Bay Restoration Fund - Authorized Uses (RSC 2) passed and signed by the Governor

HB 12 Bay Restoration Fund - Authorized Uses - Local Entities (RSC 2&3) passed

HB 121/SB 62 Chesapeake Bay Trust - Powers and Duties - Member Terms (RSC 2-5) passed

HB 129/SB 407 Public Ethics - Chesapeake Bay Trust - Exemptions and Conflict of Interest Provisions (RSC 3) passed and signed by the Governor

SB 27/HB 193 and SB 121/HB 26 (RSC 1-5) As reported earlier, all phosphate management tool bills are considered dead. The language that was inserted into the state's operating budget (**SB 170**), requiring an economic impact analysis before any other PMT actions can be taken, has now led to an agreement between MDA and Salisbury University for the latter to conduct the analysis in conjunction with an advisory committee.

SB 56/HB 240 Environment - Solid Waste Management Practices – Maryland Recycling and Landfill Diversion Task Force (RSC 3-5) passed in the House but failed in Senate EHEA

HB 621/SB 700 Registration of Pesticides – Fee Increase – Disposition of Fees (RSC 1-4) passed. Some potential dates for a signing ceremony by the Governor have been circulated.

SB 437/HB 618 Nonresident Recreational Fishing and Crabbing Licenses – Oyster Restoration Surcharge (RSC 2-5) died in committee in House and Senate

SB 466 Oyster Dredging – Waters North of the Chesapeake Bay Bridge and the Kent Narrows Bridge (RSC 2&3) died in EHEA in the Senate

SB 781 Environment - Recycling - Public and Commercial Buildings, Special Events, and Single-Family Residences (RSC 4&5) passed

HB 718/SB 707 Community Cleanup and Greening Act of 2014 (RSC 3) died in ENV in the House and in EHEA in the Senate

SB 394 Statewide Container Recycling Fund (RSC 3) died in FIN in the Senate.

SB 359 Watershed Protection and Restoration Programs – Impervious Surface – Definition (RSC 2&4) received an unfavorable report by EHEA.

HB 905/SB 725 Chesapeake Bay - Nutrient Management - Poultry Fair Share Act (RSC 3) was withdrawn in the House and died in EHEA in the Senate.

HB 615 Coast Smart Council (RSC 3) passed in both the House and the Senate.

Linda Silversmith

REDISTRICTING

As reported in RSC 3 and 4, numerous bills were introduced to address the process of redistricting that has caused Maryland to have some of the most misshapen congressional districts in the United States. Proposals ranged from creating a study commission to see how the process could be improved (**HB 698, HB 1217**), to proposals to amend the Maryland constitution to establish a non-partisan commission for drawing legislative and congressional district lines (**HB 915, HB 970, HB 1213, SB 740**), as well as other proposals (**HJ Res 4, HB 1176, HB 1195, HB 1327, SB 414, SB 582**). As noted in RSC 5, hearings were held in the Senate Committee on Education, Health and Environmental Affairs and in the House Committee on Rules and Executive Nominations. However, the 2014 General Assembly did not pass any redistricting reform legislation. In fact, not one piece of redistricting legislation made it out of Committee.

Ralph Watkins

CAMPAIGN FINANCE

Only two campaign finance bills were passed this session. **HB 827 Municipal Elections - Campaign Finance Reports - Submission of Copies to the State Board of Elections** compels any municipality that requires candidates running for local office to file campaign finance reports to send copies of these reports to the State Board of Elections within 10 days of receiving them. This bill passed and was approved by the Governor. **SB 930 Election Law - Filing Deadlines for Pre-Primary Election and Post-General Election Campaign Finance Reports** which changes the filing dates for campaign finance reports passed both chambers and was approved by the Governor.

Two other bills made it through one chamber but died in the other. Those were: **HB 562 Election Law - Use of Campaign Funds for Meeting and Conference Expenses** received a favorable report from Ways and Means, passed third reading in the House but died in the Senate Education, Health and Environmental Affairs Committee and **HJ 7/SJ 6 United States Constitutional Convention – Democracy Amendment** made it to second reading in on the Senate Floor, but there was no action in the House.

The following bills died in committee. However given the recent Supreme Court decision that once again expands the amount of money allowed to flow into campaigns, they are likely to come back again next session as they all attempt to reduce the influence of money in politics.

- **SB 809 Citizens' United Shareholder Democracy and Protection Act**
- **HB 70 Public Funding and Small Donor Act for General Assembly Elections**

- **SB 691/HB 418 Public Funding and Small Donor Act for General Assembly Elections**
- **HB 1269 Maryland Small Donor Incentive Act**
- **HB 1401 Election Law - Fair Campaign Financing Fund - Income Tax Checkoff**

These bills also died in committee:

- **HB 619 Election Law - Campaign Contributions Made by Public Service Companies – Prohibition**
- **HB 942 State Government - Use of Public Resources - Reimbursement by Elected State**
- **HB 569 Campaign Finance - Cash Contributions - Limit**

Nancy Soreng

ELECTIONS

In recent years, election officials have stressed to their elected representatives that legislation passed during an election year affecting election processes and procedures can be disruptive to upcoming elections. And this legislative session was a calm one for election legislation.

Bills passed:

SB 15 Election Law - Voter Registration List - Reports of Deceased Voters (RSC 1) which allows local boards of elections to remove from the statewide voter registration list a voter identified by the Social Security Administration as deceased. A notice must be mailed to the voter's address prior to removal, at which time the voter or representative can object to the removal. This new opportunity to gain information about deceased voters should assist election officials in maintaining a more accurate list of eligible voters.

HB 1406 Election Law - Signed Voting Authority Cards - Maintenance increases the length of time local officials must maintain the voting authority cards signed by voters at a polling place or during early voting from the current federally mandated 22 months to three years. Either the original or a scanned copy can be saved. This extended time frame for retention of these records will support efforts of the State Prosecutor to pursue potential violations of election laws that have no statute of limitations.

SB 269 Local Government - Municipal Elections - Voting Offenses, Penalties and Enforcement extends some provisions of election law relating to certain types of voter suppression and voter fraud to local elections. The new law authorizes the State Prosecutor or a jurisdiction's state's attorney to prosecute certain crimes that occur during a municipal election, such as impersonating a voter, voting more than once or influencing or attempting to influence a voter's decision whether to go to the polls through fraud, force, threat or intimidation.

HB 1415 Chief Executive Officer or County Executive - Special Election to Fill a Vacancy in Office (RSC 5) proposes a Constitutional Amendment that would allow for a special election to fill the seat of county executive or chief executive officer of charter counties through a special election. Currently, the charter counties have the authority to hold special elections to fill vacancies in the office of county council, and should this Constitutional Amendment be approved by the voters in November, they could also hold such elections for the county's top executive.

Lu Pierson

OPEN GOVERNMENT

Bills passed, enrolled or signed by the Governor:

HB 53 Public Records - Provision of Copies, Printouts and Photographs - Required passed both the House and Senate without dissent. Returned passed.

HB 658 Joint Committee on Transparency and Open Government - Study of Appeals under the Maryland Public Information Act passed by both the House and Senate without dissent. Signed by the Governor on 4/8/2014.

SB 644/HB 1260 Open Data Policy - Council on Open Data passed by both the House and Senate without dissent. Signed by the Governor on 4/8/2014.

Bills withdrawn or failed:

HB 157/SB 847 Open Meetings Act - Advance Notice of Meeting amended in HGO with new bill title: **Joint Committee on Transparency and Open Government - Study on Requiring Public Bodies to Provide Agendas under the Open Meetings Act** HGO report favorable with amendments and passed the House on third reading without dissent. Favorable report by EHEA, 11-0. Second reading passed.

HB 177 General Assembly - Live and Archived Video Streaming of Meetings No action after hrg. in HRU on 2/24

HB 632/SB 484 Procurement - Maryland Funding and Accountability and Transparency Act - Revisions

Unfavorable report by HGO, withdrawn. Senate bill died after hearing on 2/19.

Barbara Schnackenberg

ADMINISTRATION OF JUSTICE

Only one of the previously reported court-related bills survived by the end of the session.

HB 31/SB 272 Sentencing Procedures - Statement by Victim or Victim's Representative (Alex's Law) (RSC 2) allowing a victim to address the court before imposition of a sentence, was passed by both chambers.

Even **HB 120/SB 167 Judgeships - Circuit Courts and District Courts** (RSC 1), sponsored by the leadership at the request of the Judicial Commission, which passed in the House, did not make it out of the JPR. It would have added judges in the most populous counties.

HB 439/SB 538 Jury Service Excusal (RSC 2) passed in the House, but received an unfavorable report by the JPR. It would have excused nursing mothers and caregivers of small children from jury service.

Several bills were introduced in an attempt to comply with a court ruling mandating legal representation for defendants at an initial appearance (RSC 3). **HB 1232/SB 973 Criminal Procedure - Pretrial Confinement and Release** came close to passage. It was heavily amended by JPR so that it proposed use of a risk assessment tool to determine which arrestees could be set free without bail pending trial, precluding the need for legal representation. Despite strong editorial support from *The Washington Post* and *The Baltimore Sun*, and passage by both chambers, it did not survive. The Court of Appeals has granted several stays, the most recent expiring at the end of the 2014 legislative session. A similar bill is likely to be introduced in the next session.

Marlene Cohn

GUN CONTROL

More than 20 fire arms-related bills were introduced in 2014, about half as many as in 2013. Only **HB 286/SB248 Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations** will become law; the others died in committee. Nine of the bills introduced were designed to strengthen **The Firearms Safety Act of 2013**, the most comprehensive, far-reaching of any Maryland gun legislation to date. Eleven of the bills introduced were attempts to weaken the Act.

Bills passed:

HB 286/SB 248 Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations (RSC 2)

The one year statute of limitations will not apply to a person who uses a firearm (whether operable or inoperable) to commit acts of violence or a felony. The bill also includes minimum mandatory sentencing in these cases. In addition to any other penalty imposed for the crime, if convicted, the person will be sentenced to imprisonment for not less than 5 years and not exceeding 20 years, and will not be eligible for parole in fewer than 5 years.

Doreen Rosenthal

DEATH PENALTY

Both the effort to create an "Aggravated Murder Court" and the effort to establish comprehensive procedures for both imposing the death penalty and carrying out a death penalty verdict received unfavorable reports in committee and were withdrawn. (RSC 2)

Doreen Rosenthal

MANDATORY MINIMUM SENTENCING

Bills passed:

HB 286/SB 248 Criminal Law - Use of Handgun in Crime of Violence or Felony - Statute of Limitations

See Gun Control report above.

Doreen Rosenthal