



# REPORT FROM STATE CIRCLE

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## BUDGET

The Maryland Budget is developed and submitted to the General Assembly by the Governor and the Department of Management and Budget (DBM). Final decisions on the budget to be submitted wait until the report of the Spending Affordability Committee, which depends on, among other factors, the forecasts made by the Board of Estimate (BME).

The Governor must submit his recommended budget by the third Wednesday of January. It must be balanced. The Senate and House of Delegates alternate in carrying the budget bills. This year budget bill [HB 150/SB 170](#) will be carried by the House of Delegates as will the Budget Reconciliation and Financing Act (BRFA) [HB152/SB172](#) and the Capital Budget [HB151/SB171](#). The General Assembly does not have the power to increase the Governor's budget. However, it may increase the budgets for the Legislature and the Judiciary. It does have the authority to reduce the budgets. The Governor may submit supplemental budgets throughout the session. The budget must be enacted by the 83<sup>rd</sup> day of the session. The Governor may not veto the budget enacted by the General Assembly. However, the Governor may choose not to spend certain items in the budget as has happened to \$80 million in expenditures provided for in the current budget.

After last year's optimism, the budget picture for the current and upcoming years looks less so. On November 11, 2016, the Board of Public Works, which has the power to make budget adjustments between sessions of the legislature, voted unanimously to cut \$82 million from the current fiscal year budget to help close what is estimated to be a \$250 million gap by the end of the fiscal year. The largest cut – \$18.3 million – was to the University System of Maryland. A number of other cuts were made to a variety of other programs, which include \$20 million to Medicaid (to be replaced by cigarette funds), \$9 million from residential per diems for youths committed to out-of-home placements. The cuts were blamed on lower revenues than had been projected.

According to the November 2016 Spending Affordability Committee Report, Maryland has generally underperformed in the nation, with employment growth below that of the United States as a whole in each year from 2011-2015. This is in part due to the federal budget reductions of recent years. In September 2016, the Board of Revenue Estimate (BRE) issued a revised economic forecast. As a result, general fund revenues were projected to be below original estimates by \$150 million or 1.5%. The lower estimated revenue was based almost entirely on the personal income tax, which is projected to be \$262 million lower than originally expected. The BRE is currently projecting an ending general fund deficit of \$109.4 million at the close of fiscal year 2017. The BRE is also projecting a deficit of \$544.1 million for fiscal year 2018.

The Governor submitted his budget on January 18. It totals \$17.1 billion, the same as last year. \$6.4 billion is devoted to K-12 education, tuition increases at public colleges and the University of Maryland is being held at 2%, and community colleges are fully funded. The budget is structurally balanced. The Governor points out that 83% of the operating budget is required by state mandates. We will have further details about the operating and capital and reconciliation in future issues.

*Barbara Hankins*

## TAXES

[SB 133](#) **State Income Flat Tax** (Serafini, et al.) would establish a flat tax of 3.9% on joint returns with federally adjusted gross incomes in excess of \$30,000. Hrg 2/2 2 p.m. B&T

**SB 134 Changes in Income Tax Rates** (Serafini et al.) would change income tax rates at the lower end of the income scale. Rates would not start until incomes of \$30,000 per year.

**SB 236 & SB 237 Income Tax – Personal Exemption Inflation Adjustment and Income Tax – Standard Deduction – Income Tax** (Eckardt) would increase exemptions and the standard deduction respectively with a cost of living adjustment.

**SB 157 Sales and Gas Tax – Alcoholic Beverages – Rate Reduction** (Brochin, et al.) would reduce the tax on alcoholic beverages from 9% to 5%. Hrg. 2/1 2 p.m. B&T

**Barbara Hankins**

## **CAMPAIGN FINANCE**

**HB 72 Election Law - Fair Campaign Financing Fund** (Leudtke) requires the State Board of Elections to do an analysis of the sufficiency of revenue in the Fair Campaign Financing Fund prior to a gubernatorial election. If the fund hasn't received enough revenue from the sources dedicated to fund it (including a check-off on the individual tax return, direct contributions to the Board of Elections, and fees, fines and penalties collected by the Board of Elections) to provide a full public contribution for two gubernatorial tickets in the primary election and one gubernatorial ticket in the general election, the governor would be required to include an allocation in his budget bill in the fiscal year preceding the fiscal year in which a gubernatorial election will be held. This allocation would have to be sufficient to fund a qualified candidate per the requirements of the Fair Campaign Finance Act, which was passed in a previous session. The legislation also has provisions for repayment of this allocation.

**HB 118 Election Law - Persons Doing Public Business - Reporting by Governmental Entities** (Leudtke) makes some technical corrections to the reporting requirements that were mandated in **HB 769 Election Law - Persons Doing Public Business - Statements of Contributions** that was passed in 2015. **HB 769** required an officer of a company that is actively working on a government contract worth at least \$200,000 at the time they contribute \$500 or more to a candidate (or incumbent office holder), to report the name of the candidate (and office they are seeking) or office holder (and office they hold) and the amount of the contribution to Board of Elections.

**HB 234 Campaign Finance - Making a Contribution during General Assembly Session – Prohibition** (Rosenberg and Luedtke) amends the current law that levies a civil penalty on elected state officials who accept campaign donations during the legislative session. This amendment would make the *donors* subject to a civil penalty if they have made such a donation in the past and been warned by the Board of Elections that it is not legal to do so. Legislators are required to return any donations that they receive during session. This bill addresses the assertion by some legislators that some individuals routinely make donations that must be returned, and the suspicion that this is done on purpose to annoy the legislator and/or see if the legislator will return the donation as the law requires. Hrg 2/7 W&M

**SB 130 Election Law - Ballot Issues - Contributions or Donations by Foreign Principals** (Simonaire) prohibits a foreign principle (as defined in United States Code) from donating to a ballot

issue committee, or to a person that makes independent expenditures or electioneering communications relating to a ballot issue. Hrg 1/26 EHEA

**SB 250 Election Laws - Loans to a Campaign Finance Entity** (Bates) would strengthen the law that defines loans (versus contributions) to a candidate's campaign fund by adding language that any loan to a candidate for their campaign must be repaid no later than the end of the second year of the election cycle immediately following the election cycle for which the loan was made. This law also states that if the loan is not repaid within the time-frame specified by this legislation, a penalty may be assessed against the lender, the candidate's campaign fund, or both. This bill has been submitted in previous years.

*Nancy Soreng*

## ELECTIONS

**SB 58 Election Law – Election Observers** (Kagan & Rosapepe) As amended, this bill allows the State Board of Elections (SBE) to designate foreign and academic observers of the election process. To be designated an observer, a person must be engaged in research on elections and the election process, or be an international election observer. The League provided testimony to the Senate EHEA Committee, recommending that SBE be given approval authority over the designation of election observers, and that there was a need to address other sections of election law that require that election observers be registered voters, which may not be the case for international election observers. *LWVMD supports.*

**SB 64 Voter Registration – Affiliation with a party** (Kagan) would allow unaffiliated voters (voters who are registered but not affiliated with any party) to change their voter registration to affiliate with a political party at any time voter registration is open, including during the early voting period. Currently, changes to party affiliation on a voter registration record can only be made no later than 21 days before an election. The League supported this bill in the Senate EHEA hearing, because it would offer the opportunity to vote in a primary election to almost 700,000 voters who are now excluded from that process. Additionally, since current law allows non-registered voters the opportunity to register to vote during early voting, and current law allows registered voters to change their address information during the early voting period, unaffiliated voters should be allowed to change their affiliation during that time as well. *LWVMD supports.*

**HB 168 Required Notifications – Voter Challenges or Intimidation** (Rosenberg) which would require that sample ballots mailed to Maryland voters contain information about the forms of identification required in case a voter's identity is challenged at the polling place, and would require that this information also be posted at polling places. Hrg 2/7 1:30 pm W&M

**SB 141 Polling Places on College Campuses** (Zirkin) which would require that local election board establish a polling place on the campuses of higher education institutions at which students live on campus. Hrg 1/26 1 pm EHEA

*Lu Pierson*

## REDISTRICTING REFORM

During the 2016 session, there was a lot of buzz around redistricting reform. Governor Hogan created a [Redistricting Reform Commission](#) to study the issue and make recommendations for the best practices to be instituted in Maryland. These efforts resulted in the submission of a bill in both the Senate and the House that called for a Constitutional amendment that would modify the current redistricting process in Maryland, to one that would be administered by an independent redistricting commission, who would then draw the lines in accordance with [the standards recommended by Hogan's commission](#). However, as you know if you followed the RSC in 2016, this bill, and every other bill proposed on redistricting reform died in committee without so much as a vote.

This year, Gov. Hogan has announced a renewed effort to reform the redistricting process in Maryland in an effort to take the power of drawing district lines out of the hands of politicians and place it with an independent body. He has introduced:

**[SB 252/HB 385 Constitutional Amendment – Redistricting Reform Act of 2017](#)** (The President/ Speaker by request of Administration) – sets out to establish a Redistricting and Apportionment Commission (Commission) that minimizes political influence on the process. The makeup of this commission is to be 3 members from the largest party in the state, 3 members of the second largest party in the state, and 3 who are unaffiliated. Beyond political affiliation, the bill sets out a number of restrictions for commission members. A member 1) must have been registered in the state for 5 years, and may not have changed affiliation during that time; 2) may not have run for or served in state or federal office during the 5 years preceding appointment, nor may they have an immediate family member who has done so, and may not be or have been staff, consultant, or under contract with such a person, or their family member at any time.; 3) may not be a regulated lobbyist in this state; and 4) for 5 years after the date of their appointment, the commissioners will be ineligible to hold appointive public office, serve as paid staff in the General Assembly, or register as a lobbyist.

The Commission members will be chosen from an applicant pool screened by 3 independent auditors, randomly selected by the state's Legislative Auditor. The political makeup of this group of auditors is to also be reflective of the same standards as districting commission itself. The auditors will narrow the applicant pool to three groups of ten (again balanced with one group composed of people registered with the largest political party in the state, one from the second largest, and one with unaffiliated voters), based on relevant skills, impartiality, diversity, and geography. From these pre-screened pools, the actual commission members will be drawn at random, 3 from each pool.

The Commission is expected to hold public hearings during their district process and allow the public access to their districting software and process. The maps must comply with a set of standards. The bill proposes no more than a 2 percent variance in population between legislative districts, and for congressional districts to be as equal as practicable, in compliance with the U.S. Constitution. The bill requires specific compliance with the Voting Rights Act, which has merely been implied in the process before now. Geographical standards of contiguity and compactness have also been included, to keep populations together, and not to favor the residence of any incumbent, political party, or any other person. EHEA; HRU

Another bill that has been reintroduced this session is:

**SB 146 Congressional Districting Process** (Pinsky) calling for the establishment of a temporary redistricting commission during the year following the decennial census. This commission would be composed of 5 people, one appointed by the President of the Senate, one by the minority leader of the Senate, one by the Speaker of the House, and one by the minority leader of the House. These four will elect, by a 3 to 4 vote, the fifth member of the commission, who will serve as chair. The only restrictions provided for this fifth member is that they may not currently hold an elected or appointed office in the executive or legislative branches of state or federal government, they may not hold a political party office, and they must be a registered voter of the state. The commission will be provided staff and technical support by the Department of Legislative services, and will use the census data to create a redistricting plan. The plan will be adopted by a majority vote of the commission, and filed with the Secretary of State within 7 days. This plan would become effective upon filing, and until the adoption of a new plan after the next decennial census. However, all of that is contained within this act is to be contingent upon the enactment of a nonpartisan districting process by another state that has between 6 and 10 seats in the U.S. House of Representatives, and both houses of their legislature must be controlled by a party other than the one that controls Maryland's General Assembly. Simply put, since Maryland's houses are currently controlled by the Democratic Party, if a state whose houses are controlled by the Republican Party enacts reform that leads to a nonpartisan districting process in their state, all of the aforementioned will be set into motion. EHEA

*Ashley Oleson*

## TRANSPARENCY IN GOVERNMENT

**HB 27 Open Meetings Act – Minutes – Required Internet Postings** (Barkley) requires that public bodies which vote on legislation, post the votes of each individual member of the body, the amendments passed by the body, and the text of the legislation with amendments, so that the language of the amendment is clear as to exactly what language passed. HGO

**HB169/SB 91 State Board of Elections – Open Meetings Video Streaming and Recording (State Board of Elections Transparency Act)** (Korman & Buckel/ Kagan & Waugh) Under the Open Meetings Act, public bodies are permitted to maintain written minutes or may use updated technology such as video or audio recordings to maintain a record of their proceedings. Under this proposed legislation, the State Board of Elections would be required to use video recording of their meetings, and would be required to maintain an unedited version of these recordings for a minimum of 4 years. The League supports this proposed legislation. HGO; Hrg 1/19 EHEA

**SB 18 Public Ethics – Bicounty Commissions – Financial Disclosure** (Chair of EHEA at the request of the State Ethics Commission) generally codifies current practice. This bill adds the category of bicounty commissioners and applicants to the category of commissioners already required to *electronically* file a financial disclosure statement with the State Ethics Commission; and, *submit*, rather than *file*, a paper copy or the electronically filed statement to the chief administrative officer from which the commissioner is appointed. This bill applies specifically to commissioners of and applicants to the Washington Suburban Transit Commission, the Maryland-National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission. Hrg 1/19 EHEA

**SB 253 Legislative Transparency Act of 2017** (President at the request of the Administration) Under this legislation as proposed, certain provisions of the Open Meetings Act would be modified. Among these provisions is the annual report of the Open Meetings Compliance Board would be expanded to include (1) a compilation of identified violations of the Open Meetings Act and the number of times each violation has occurred; and, (2) a compilation of the number of times that each public body has violated a provision of the Open Meetings Act. The Open Meetings Compliance Board already posts their decisions on the Attorney General's website, but there is no separate list of the violations and the offending public bodies so that one can identify which are the offenders and the frequency of their violations. The legislation also requires at least one member of the public body – with the authority to close a meeting to the public – be required to complete training on the Open Meetings Act, and be present at each meeting. Or, a member of the public body must complete the compliance check list, which must be maintained with the meeting minutes.

The Administration wants a compilation of specific information about registration reports, information about meals or social engagements involving lobbyists and Executive Branch Employees in reports to the State Ethics Commission, and to generally make reports to the Ethics Commission publicly available on the website in a machine readable and searchable format. This legislation would make video recordings of meetings of the Senate, the House of Delegates and the Standing Committees of each house of the General Assembly available. EHEA

***Barbara Schnackenberg & Betsy Sexton***

## **ENVIRONMENT: RENEWABLE ENERGY**

**HB 110 - Electric Vehicles and Recharging Equipment Rebates and Taxes Extension** (Fraser-Hidalgo plus 2) extends the Electric Vehicle Recharging Equipment Rebate Program to fiscal year 2020. It authorizes motor vehicle excise tax credits for qualified plug-in electric drive vehicles. The amount to be transferred from the Strategic Energy Investment Fund to the Transportation Trust Fund increases from \$1.8 million to \$3.6 million, the total amount of motor vehicle excise tax credits that may be issued during a fiscal year. Hrg 2/7 1:30 pm W&M

**SB 184 – Energy Efficiency Programs - Calculation of Program Savings and Consideration of Cost Effectiveness** (Middleton) is a follow-up to codify the EmPower program for energy efficiency. It would require the Public Service Commission to require each electric company to provide energy efficiency and conservation programs to its electricity customers, beginning with the 2018-2020 program cycle. The Programs will have electricity savings that achieve an annual incremental gross energy savings of at least 2.0% per year as a percentage of the electric company's 2016 weather-normalized gross retail sales. Then the 2016 plans will be a baseline for an incremental increase of a .20% per year until the minimum 2.0% per year savings rate is achieved. Hrg. 1/31 1 pm FIN

***Betsy Singer***

## **ENVIRONMENT: LAND USE**

**HB 155 Maryland Agricultural Land Preservation Foundation – Easement Termination** (Chair, Environment and Transportation Committee) alters the procedure for terminating a Land Preservation Easement (LPE) and declares that all easements purchased after September 30, 2004 shall be perpetual. Formerly, 25 years after the purchase of a LPE, the request for termination would be considered. This bill sets a definite date of purchase after which no LPEs will be

considered for termination--September 30, 2004. The procedure for asking for termination of an eligible LPE is spelled out with the considerations to be determined. There are definite formulas for determining the purchase price of the lease to be terminated. The lease may not be terminated if it is determined that profitable agricultural use on the land is feasible. Hrg 2/08 1 pm E&T

**HB 217 Agricultural and Preservation Easements - Overlay Easements, Rights-of-Way, or Easements** (Krebs) A landowner whose land is subject to an Agricultural Land Preservation Easement may not grant, or allow a person to establish an overlay easement, a right-of-way, or any other servitude on the land without the prior permission of the Foundation. The Foundation may approve these land rights if the Foundation determines that the right would not have a permanent harmful effect on the conservation attributes. E&T

*Susan Cochran*

## **ENVIRONMENT: STORMWATER, BAY, PHOSPHORUS, PESTICIDES, RECYCLING, TREES, & OTHER:**

**HB 66 Environment - Lead and Mercury Wheel Weights - Prohibited** (Lam) prohibits specified persons from using, allowing to be used, or selling lead or mercury wheel weights after specified dates; requires the State to ensure that no vehicle in the State fleet is equipped with an externally attached lead wheel weight that is composed of greater than 0.1% lead by weight or greater than 0.1% mercury by weight after January 1, 2019; and providing for the enforcement of the Act, including the required issuance of a warning for an initial violation. Hrg 1/25 ET

The use of lead and mercury wheel weights is a source of toxic heavy metals leaching into the environment.

**HB 105 Program Open Space - Apportionment Formula and Committee** (APP Chair for Governor and Department of Natural Resources) alters a requirement that a specified committee adopt an apportionment formula for Program Open Space funds to require the Department of Natural Resources, in consultation with a specified committee, to adopt the apportionment formula; altering the membership of the committee; repealing the authority of the committee to reallocate Program Open Space funds; repealing a requirement that before adopting an apportionment formula the committee provide notification and opportunity for a hearing; etc. **SB116** also deals with Program Open Space.

**HB 107 Department of Housing and Community Development - Funding for Newly Constructed Single-Family Homes** ( ET chair for Governor and Department of Housing and Community Development) authorizes the Department of Housing and Community Development to provide funding under specified programs for a growth-related project, not in a priority funding area, without receiving approval from the Board of Public Works for the construction or purchase of newly constructed single-family homes if the Department determines that the cost of compliance with building and fire codes makes it difficult for a low- or moderate-income family to purchase a newly constructed single-family home. Hrg 1/31 ET

This is an anti-smart growth bill, because this bill would not only subsidize suburban sprawl with state money, but also do so without any requirements for the subsidized housing to be affordable housing. The impact is that state money could be spent to build (subsidize) a subdivision of McMansions that are outside the affordable range for low-to-medium income families.

**HB 121 Environment - Hazardous Material Security – Repeal** (ET for Governor and Department of Environment) repeals a requirement to deposit specified fees collected by the Department of the Environment into a separate account within the Community Right-to-Know Fund; repealing a requirement that specified persons analyze the security of specified facilities in accordance with specified requirements; repeals a specified fee; repeals a requirement that the Department adopt specified hazardous material security standards; repeals a requirement that the Department adopt specified regulations. Hrg 2/08 ET

**HB124 Environment - Solid Waste and Recycling Facilities** (Chair of ET for Governor and Department of Environment) requires the Department of the Environment to adopt specified regulations relating to recycling facilities, including conditions for specified permit exemptions; provides that specified enforcement provisions apply to specified violations; requires the Department to convene and consult with a workgroup of affected stakeholders in developing specified regulations; and requires the workgroup to include representatives of specified entities. Hrg 2/08 ET

This would set up some standards for recycling facilities.

**HB 125 Environment - Emergency Action Plans for Dams** (Chair of ET for Governor and Department of Environment) requires specified dam owners to prepare and submit to the Department of the Environment an emergency action plan that contains specified information by August 1, 2017; requires the Department's approval of an emergency action plan; requires specified dam owners to provide a copy of an emergency action plan to specified agencies; requires specified dam owners to update and test an emergency action plan in a specified manner; and, authorizes the Department to adopt specified regulations. Hrg 2/08 ET

**HB 171/SB 99 Department of the Environment - Yard Waste and Food Residuals Diversion and Infrastructure - Study** (Robinson plus 14/Middleton) requires the Department of the Environment, in consultation with specified persons, to study, review, explore, identify, and make recommendations regarding specified matters that relate to the diversion of yard waste from refuse disposal facilities; including, specified infrastructure. Requires the Department to provide an interim report to the Governor and the General Assembly on or before July 1, 2018, and to report its final findings and recommendations by July 1, 2019. Hrg 2/08 ET; Hrg 1/24 EHEA

**HB 206 Public Health - Child Care Products Containing Flame-Retardant Chemicals - Prohibition** (Angel plus 9) prohibits a person from importing, selling, or offering for sale specified child care products or furniture containing specified flame-retardant chemicals; authorizes the Secretary of Health and Mental Hygiene to suspend implementation of specified provisions of the Act if the Secretary makes a specified determination; requires the Department of Health and Mental Hygiene to adopt specified regulations on or before January 1, 2018. HGO

This bill expands existing law by restricting three toxic flame retardant chemicals from children's products and furniture.

**HB 281/SB 266 Environment - On-Site Sewage Disposal Systems - Best Available Technology for Nitrogen Removal – Prohibition** (Lafferty plus 12 others/Conway) prohibits a person from installing, or having installed, an on-site sewage disposal system (that is, a septic tank system) to service a newly constructed building, on a property a person owns in a State in the Chesapeake Bay Watershed, the Atlantic Coastal Bays Watershed, or the watershed of a nitrogen-impaired body of

water; unless, the on-site sewage disposal system utilizes specified nitrogen removal technology; and, repeals specified obsolete provisions of law. ET; Hrg 1/31 EHEA

**SB 29 Natural Resources - Forest Conservation Act - Forest Conservation Thresholds and Reforestation Requirements** (Pinsky) clarifies that units of local government with planning and zoning authority may adopt specified forest conservation thresholds and reforestation requirements that are more stringent than specified forest conservation thresholds and reforestation requirements in State law. Hrg 1/24 EHEA

**SB 108 Property Tax Credit - Erosion Control Measures - Nonstructural Shoreline Stabilization** (Simonaire) requires that specified erosion control measures that qualify for a specified property tax credit authorized against the county or municipal corporation property tax meet the standards of a nonstructural shoreline stabilization measure; repeals specified provisions of law rendered obsolete by the Act that relate to defining erosion control measures that qualify for the tax credit; and applying the Act to tax years beginning after June 30, 2017. Hrg 2/01 B&T

This bill would remove outdated tax credits for environmentally harmful structural shoreline stabilization measures, such as bulkheads, and institute an option for local governments to enact a tax credit for environmentally friendly and resilient living shoreline stabilization.

**SB 116 Program Open Space - Attainment of Acquisition Goals - Local Government Apportionment and Use of Funds** (Edwards & Middleton) increases from 75 percent to 100 percent of its future annual apportionment the amount a local government may spend on development projects and capital renewal after it has attained its acquisition goals under Program Open Space; repeals a specified limitation on the use of specified funds; etc. Hrg 1/24 EHEA **HB105** also deals with Program Open Space.

**SB 168 Maryland Paint Stewardship Program** (Conway) requires specified producers or a representative organizations to submit a plan for the establishment of a Paint Stewardship Program to the Department of the Environment on or before January 1, 2018, and in accordance with specified requirements; requires the Department to review and approve specified plans, including a specified assessment, submitted in accordance with the Paint Stewardship Program; prohibits the sale of specified architectural paint under specified circumstances beginning July 1, 2018. Hrg 1/31 EHEA.

This would set up a recycling program that removes paint from the waste stream.

**SB 186 Environment - Polystyrene Food Service Products and Polystyrene Loose Fill Packaging - Prohibition on Sale** (Kagan plus 19) prohibits a person from selling in the State specified expanded polystyrene food service products or expanded polystyrene loose fill packaging on or after January 1, 2018; prohibits specified food service businesses from selling or providing food in specified expanded polystyrene food service products on or after January 1, 2018; authorizes a county health department to impose specified penalties for violations of the Act; requires a county health department to notify the Department of specified violations. Hrg 1/31 EHEA

*Linda Silversmith*

## TRANSPORTATION

The 2017 Legislature will be taking up both new transportation legislation and may be revisiting 2016 bills that either passed or failed because of legislative votes or the Governor's veto. Some possible bills concern:

- Maryland Transportation Investment Decision Act of 2016 ([HB1013/SB908](#)) where state transportation goals and measures are used to evaluate new transportation projects to qualify for building. It passed the legislature, was vetoed by the governor and was then overridden. Modifications are being considered.
- The Maryland Transportation Administration Oversight and Planning Board ([HB1010](#)) was a 2016 bill that would provide additional oversight over the MTA. It passed in the legislature and was vetoed by the governor.
- Farebox recovery rate may change from its current mandate of 35% rate of return of total *operating costs from transit fares*.
- Electrical vehicle may have support from accommodations for charging stations or government subsidies.
- WMATA issues may be addressed such as funding sources, the Safety Oversight Authority, and the Safety Commission crossing jurisdictions.

**Bee Ditzler**

## ADMINISTRATION OF JUSTICE

There are several issues that are likely to spur legislative action in the 2017 session: Technological advances that have made it possible for enhanced police surveillance and tracking have raised privacy issues. In the 2016 session a bill was introduced – but not passed – to define “cell site stimulators” and set requirements for their use. Similar legislation and legislation regulating the use of aerial surveillance or drones may be introduced in this session.

The U.S. Department of Justice has issued a report on policing practices in Baltimore, and reached an agreement with the city to prevent discriminatory policing and the use of excessive force. Legislation leading to state-wide reforms may result.

The Governor has called for a bipartisan anti-crime initiative to address sex, drunk driving and human trafficking offences.

Bail reform has become an issue in Maryland and across the country. Many criminal defendants remain in jail awaiting trial only because they cannot afford to post bail. Both a legislative task force and an Executive Branch commission have recommended that the money bail system be replaced with a pretrial system based on risk assessment. A committee of the State Court of Appeals, as well as the Maryland Attorney General, have recommended that judges refrain from setting bail too high for poor defendants, unless there is a risk of flight or danger to society. There have been calls for the legislature to take up this issue.

**SB 219 Criminal Procedure - Pretrial Release - Victim Protection** (Lee plus 5) A court or District Court commissioner shall consider the protection and safety of the alleged victim as a condition of pretrial release of a defendant. Hrg 1/31 JPR

**SB 196 Criminal Procedure - Life without Parole** (Kelley plus 23) prohibits a court from imposing a sentence of life imprisonment without parole on a person who was under age 18 when the offense was committed. Hrg 1/31 JPR

In the 2016 legislative session, the General Assembly implemented the recommendations of a Public Safety and Policing Workgroup that included the establishment of the Maryland Police Training and Standards Commission.

**HB 181 Maryland Police Training and Standards Commission - Guidelines for Use of Electronic Control Devices** (Anderson plus 37) The commission must include guidelines for the use of electronic control devices in its recommendations for best practices and standards for the use of force. Hrg 2/7 JUD

**HB 213 Public Safety - Maryland Police Training and Standards Commission - Sexual Assault Investigation Training** (Queen plus 20) Requires the commission to develop a state-wide training and certification curriculum to improve the treatment of sexual assault victims and the number of cases resolved. Hrg 2/7 JUD

**HB 25/SB 42 Criminal Law - Hate Crimes - Law Enforcement Officers (Blue Lives Matter Act of 2017)** (Simonaire plus 10/ Simonaire plus 6) adds law enforcement officers, including correctional officers, to the protected classes under state hate crime statutes. Hrg 1/31 JUD; Hrg 1/17 JPR.

**HB 19/SB 120 Hate Crimes - Prohibitions and Protected Classes - Expansion to Law Enforcement Officers and First Responders** (Arentz/Brochin plus 3) Similar to HB 25/SB 42 above, but also includes first responders to the protected classes. Hrg 1/25 JUD; Hrg 1/25 JPR

**SB 55 Employers of Ex-Offenders - Liability for Negligent Hiring or Inadequate Supervision - Immunity** (Cassilly) stipulates that an employer cannot be held liable for negligence for hiring an ex-offender. Hrg 1/24 JPR

**SB 243 Correctional Services - Inmates - Financial Literacy Training** (Robinson plus 15) requires that financial literacy training be offered to inmates who are within one year of being released. JPR; EHEA

*Marlene Cohn*

## **CHILDREN AND FAMILIES/JUVENILE JUSTICE**

**SB 10 Child Care Custody and Visitation – Deployed Parents** (Cassilly) prohibits a court, in a custody or visitation proceeding, from considering in and of itself, a parent's past deployment or possible future deployment in determining the best interest of the child, unless the deployment has had, or will have, a significant impact on the child's best interest. It also establishes special provisions for custody and visitation proceedings involving a parent subject to military deployment, and permits the court to grant caretaking or decision making authority to a non-parent under certain

circumstances. Hrg 1/24 1 pm JPR

**SB 27 Child Abuse and Neglect – Exposed Newborns – Reporting** (Chair of JPR by request of Department of Human Resources) is an emergency bill which would repeal a provision of current law that exempts health care practitioners from making a required report regarding a substance-exposed newborn if the health care practitioner has verified that, at the time of delivery (1) the mother was using a controlled substance as currently prescribed for the mother by a licensed health care practitioner; or, (2) the presence of the controlled substance was consistent with a prescribed medical or drug treatment administered to the mother of the newborn. Hrg 1/24 1pm JPR

**SB 135 Crimes - Child Abused and Neglect – Failure to Report** (Lee) would make certain individuals' failure to report suspected child abuse or neglect a misdemeanor punishable by a fine not to exceed \$1,000 or maximum imprisonment of 1 year or both. Hrg 2/02 1pm JPR

**SB 05 Juvenile Law – Continued Detention – Minimum Age** (Chair of JPR by request of Department of Juvenile Services) prohibits detention beyond emergency detention of a child younger than 12, unless the child is alleged to have committed murder, attempted murder, rape, or a sexual offense in the first degree. "Detention" means the temporary holding of a child who, until court disposition, requires secure custody for the protection of the child or the community. Similar legislation has been introduced but not enacted in several previous sessions. Meanwhile, the number of children under 12 held more than 3 days has declined sharply (from 39 in FY 2013 to 6 in FY 2016). Hrg 1/18 1pm JPR

**SB 35 Juvenile Law – Informal Adjustment – Mental Health Program** (Chair of JPR by request of Department of Juvenile Services) Current Law permits an intake officer to extend the period of an informal adjustment process beyond 90 days, without court action, to allow a juvenile to complete a drug treatment program. This bill adds completion of a mental health program to that authorization. Hrg 1/18 1 pm JPR

**SB 0215 Juvenile Court – Jurisdiction** (Sen Kelley plus 20) repeals provisions of current law that exclude from the jurisdiction of the Juvenile Court a list of major offenses committed by youths 16 or older (and in some instances 14 or older). After waiting their turn to be heard in the adult court system, the majority of such cases are waived back to the juvenile court; if original jurisdiction were at the Juvenile Court level, such cases could still be transferred to the adult courts where appropriate. Legislation with a similar goal received an unfavorable report from both JPR and JUD in 2016. JPR

*Judy Morenoff*

## MEETING BASIC HUMAN NEEDS

**HB 01/SB 230 Labor and Employment - Maryland Healthy Working Families Act** (Clippinger & Davis/Middleton plus 22) requires employers with fifteen or more employees to provide employees with earned sick and safe leave paid at the same wage rate the employee normally earns, and requires employers with fourteen or fewer employees to provide employees with unpaid earned sick and safe leave. The earned safe and sick leave is to accrue at a rate of at least one hour for every thirty hours worked; but, the employer is not required to allow the employee to earn more than fifty-six hours per year. Many caveats have been added to address specific concerns raised when the bill

was considered in prior years. ECM; FIN

**HB 2/SB 14 Earned Income Tax Credit - Individuals without Qualifying Children -Expansion** (Hixon plus 22/Madaleno plus 12) The federal earned income tax credit (EITC) is a refundable tax credit offered to low-income workers. Maryland offers a state earned income tax credit that supplements the federal credit. This bill expands the State credit for individuals without qualifying children to 100% of the allowed federal EITC and makes the credit fully refundable. It also lowers the age to 18 to claim the credit, and increases the threshold at which the credit phases out. If this bill becomes law, the Comptroller's Office estimates that general fund revenues will decrease by \$94.1 million in fiscal 2018 as a result of (1) 94,000 taxpayers who are currently claiming the credit now being eligible for a larger credit; (2) 110,000 taxpayers under the age of 25 being newly eligible for the credit; and (3) 33,000 taxpayers being newly eligible for the credit due to increasing the phase-out range.

The League believes that expanding the EITC as proposed in this bill would help to promote self-sufficiency and reduce poverty among Maryland's low income working citizens. Hrg 1/24 2:45pm B&T. *LWVMD supports.*

**HB 65 Labor and Employment-Maryland Healthy Working Families Act** (Jackson) This bill appears to be identical to HB1. ECM

**HB 172 HOME Act of 2017** (Lafferty & McIntosh) This bill, which has been introduced in similar form in many prior years, is an attempt to deconcentrate poverty by providing additional opportunities for tenants utilizing public subsidies to live in neighborhoods other than the neighborhoods in which those individuals are currently and disproportionately residing, by expanding the housing policy of the State regarding the provision of fair housing to include providing for fair housing regardless of source of income. The bill prohibits discriminatory practices in residential real estate transactions, and the sale or rental of a dwelling because of a person's source of income.

Twelve states, including California, Connecticut, Maine, Massachusetts, Minnesota, New Jersey, North Dakota, Oklahoma, Oregon, Utah, Vermont, and Wisconsin, the District of Columbia, and more than 50 localities across the country have laws prohibiting discrimination based on a person's source of income. Hrg 2/7 1pm E&T

*Ruth Crystal*

## **GUN CONTROL**

**HB 06 Public Safety - Handgun Permits - Application Report** (Howard) requires the State Police to submit annual reports to the General Assembly regarding the number of applications for permits to carry, wear, or transport a handgun, indicating those approved or denied and the reasons for approval or denial. JUD

**HB 53 Sales and Use Tax - Exemption - Firearm Safety Devices** (Parrott) Exemptions include firearm safes, firearm lockboxes, trigger and barrel locks. W&M

**HB 59 Public Safety - Assault Weapons - Replacements** (Howard) A person may replace a lost or broken assault weapon that the person lawfully possessed if the replacement is registered

with the Secretary of the State Police. JUD

**SB 16 Public Safety - Firearm Application** (Hough) Instead of requiring that an application to purchase a firearm include a copy of the applicant's handgun qualification license, it would require inclusion of only that license number. This bill was introduced in 2016 as HB 184. JPR

**SB 23 Handgun Permits - Alternative Expiration Date - Private Detectives, Security Guards, and Special Police Officers** (Klausmeier) allows these professionals to change the expiration date of their firearm permit to coincide with the expiration of their professional license or commission. JPR

*Doreen Rosenthal*

## HEALTH

With the opening of the General Assembly's 2017 session we are seeing many changes on the health front. The members appear to be very concerned about the changes and mandates that may come down from D.C. in the coming weeks, and the effect they will have on Maryland. In particular, they are concerned about cutbacks affecting government employees and, therein their health and other benefits.

The repeal of the Affordable Care Act (ACA) is on everyone's mind, as it does not appear the Republicans have a replacement in mind. Will they repeal and then leave a gap? The insurance industry is also concerned because they cannot plan for the future. Maryland could lose \$28 billion in Medicaid, CHIP, and financial assistance in marketplace coverage. Families USA has estimated that more than 260,000 people in the state could lose coverage. Many of these are working people. Everyone purchasing through the exchanges could lose their guaranteed coverage, the lifetime benefit coverage, and many preventive services. Before the ACA, women were routinely charged more for coverage than men; they are likely to lose this benefit also. President Trump signed an Executive Order on Friday to facilitate the repeal. I will try to keep everyone up to date as the discussion continues.

There have been significant changes in the House Health and Government Operations Committee (HGO). Delegate Shane Pendergrass (D, HoCo) is Chair and Delegate Eric Bromwell (D, BCo) is Vice-Chair. (Peter A. Hammen, the former chair, moved to the Baltimore City Mayor's office.) Speaker Michael Busch also added five new delegates to HGO: Ric Metzgar (R, BCo), Marice Morales (D, MoCo), Andrew Platt (D, MoCo), and Kathy Szeliga (R, H&BCo). The committee is broken down into subcommittees, and the chairs will remain the same. However, Delegate Rosenberg will Chair the Government Operations and Long-Term Care Subcommittee. Speaker Busch moved Delegate Dan Morhaim (D, BCo) to Judiciary.

**SB 82/HB180 Department of Health and Mental Hygiene – Renaming** (Middleton/Morhaim) will change the name of the Department (DHMH) to the Department of Health and the name of the Secretary to the Secretary of Health. The bill was assigned to Senate Finance Committee and has already been heard and passed out of committee with amendments. It passed the Senate on second reader with amendments. FIN; HGO

**SB 225 Civil Actions – Non-Economic Damages – Catastrophic Injury** (Ramirez) triples the

current limits on non-economic damages (pain and suffering) of a malpractice suit if it is declared a catastrophic injury causing permanent damage. The bill would also allow a large award to stand if the injury is declared catastrophic. Hrg 1/26 JPR

**HB 63 Health Care Providers – Cost Estimate – Required** (Conway) would require physicians to give patients an estimate of the cost of procedures, and how much their specific insurance company would cover. While this would be helpful information for patients, physicians would be unable to provide it, as payments vary by carrier and policy. HGO

*Neilson Andrews*

## HUMAN TRAFFICKING

**SB 221 Adult Entertainment Establishments – National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements** (Lee plus 5) Introduced during the 2016 Regular Session as **SB 1084** under Chapters 576 and 577 of 2010, the bill authorized law enforcement to issue a civil citation to require the postings of National Human Trafficking Resource Center (NHTRC) hotline signs in lodging establishments' guest rooms where arrests leading to convictions for prostitution, solicitation of a minor, or human trafficking occurred. In addition, Chapters 491 and 492 of 2012 required the State Highway Administration and the business owner of a privately-owned bus station or 'truck stop' to post the same NHTRC sign in restrooms.

SB 221 requires an owner of an adult entertainment establishment to post a National Human Trafficking Resource Center (NHTRC) hotline sign in each restroom of the establishment. Violators are subject to a civil penalty of up to a \$1,000 fine, and each restroom that does not have a sign is a separate violation. Existing enforcement provisions for truck stops and privately owned bus stations apply to adult entertainment establishments. The bill's required NHTRC hotline sign provides victims with information and access to anti-trafficking resources and technical assistance. The bill's harsher financial penalty for each separate violation is designed to discourage repeat trafficking incidents. Hrg 1/31 1 pm JPR

*Deborah Mitchell*

## EDUCATION

### **Funding for K-12 Public Education**

**SB 170/HB 150 Budget Bill** (President/Speaker by request of the Administration) State aid for education is increased by \$116 million above fiscal year 2017 (FY17) funding levels. The increase is the result of increasing enrollment, a slight increase in the per pupil foundation amount from \$6,964 to \$7,011 and continued phase-in of Net Taxable Income (NTI-counting wealth in November rather than September). However, increases in wealth or declining enrollment can reduce the amount received by individual districts. For fiscal year 2018 (FY18) the State's share of the formulas for the operating budget are fully funded, including the Geographic Cost of Education Index (GCEI), which gives more funds to districts with higher than average costs.

Some programs cut were Public Schools Opportunities Enhancement Program: \$7.5 million for after-school and summer programs, Next Generation Scholars Program: \$5 million for college readiness scholarships, Teacher Induction and Retention: \$8 million to reduce teacher turnover and a \$250,000 reduction for the Robotics Program. B&T; APP

**SB 172/HB 152 The Budget Reconciliation and Financing Act (BRFA)** (President/Speaker by request of the Administration) contains the language changing laws to enable the cuts by making appropriations for the above programs optional. B&T; APP

#### **State Aid to Private and Parochial Schools**

As in past years, the **Budget Bill (SB 170/HB 150)** allocates \$6,040,000 in public funding for textbooks and technology for non-public schools.

**Broadening Options and Opportunities for Students Today (BOOST).** The Budget Bill increases the allocation for this program from \$5 million in FY2017 to \$6,850,000 for FY2018. The program provides scholarships for students who are eligible for free or reduced price lunches to attend eligible nonpublic schools. Maryland State Department of Education (MSDE) administers the grant program. Eligible schools must participate in the Non-Public Schools Program for Textbooks and Computer Hardware and Software, provide more than pre-kindergarten and kindergarten programs, administer assessments for all students and agree not to discriminate in student admissions on the basis of race, color, national origin or sexual orientation. MSDE compiles a list of eligible applicants based on family income as a percent of federal poverty level. A BOOST Advisory Board reviews the list and determines scholarship award amounts. The scholarship award may not exceed the lesser of the statewide average per pupil expenditure, or the tuition of the nonpublic school. MSDE may use \$150,000 of the appropriation for administrative costs.

**SB 171/HB 151 The Capital Budget - The Nonpublic Aging Schools Program** (President/Speaker by request of the Administration) provides \$3.5 million for grants to nonpublic schools, including school security improvements. Grants of \$5,000 to \$100,000 may only be provided to nonpublic schools eligible to receive Aid to Non-Public Schools for the purchase of textbooks or computer hardware, and software for loans to students in eligible nonpublic schools, excluding preschools in fiscal 2018. B&T; APP

#### **State Funding for Public School Construction**

**SB 171/HB 151 The Capital Budget** (President/Speaker by request of the Administration) allocates \$6.1 million for the **Public Aging Schools Program** for additional grants for capital improvements, repairs, and deferred maintenance work at existing public school buildings. \$280 million is allocated for the statewide Public School Construction Program to construct public school buildings and public school capital improvements including federal E-rate-eligible special construction, such as, fiber and broadband infrastructure projects. Another \$40 million is reserved for a Supplemental Capital Grant Program for local school systems with enrollment growth over the last 5 years that exceeds 150% of the statewide average or with 300 or more relocatable classrooms. B&T; APP

#### **Testing and Accountability**

**SB 263 Education - Maryland High School Diploma - Civics Test Requirement** (Bates plus 2). The text of the bill was not available at print time, but was introduced in 2016 as HB 324 which would require a student to achieve a passing score on a civics test that consists of the 100 questions used for the civics portion of the Naturalization Test administered by the U.S. Citizenship and Immigration Services. Hrg 2/1 EHEA

*Lois Hybl*