



REPORT FROM STATE CIRCLE

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ELECTIONS

The biggest disappointment of the 2017 GA session for election reform advocates was the failure to pass [SB 423 Elective Franchise – Registration and Voting at Polling Place](#) (Pinsky). The original SB 423 was a Constitutional Amendment bill that would have granted the General Assembly the power to enact a process to allow a qualified voter to register and vote at a polling place on Election Day (EDR). The bill passed the Senate in this format (32-13) on March 10. However, the bill was substantially amended in the House to include more detailed information about the proposed process of registering to vote at a polling place, including requirements for proof of residency, determination of residency in county, and the issuance of a voter authority card. This amended version of SB 423 passed in the House on April 7 (88-49). On the last day of the session, the Senate refused to concur with the House amendments and asked the House to recede, but the session ended before further action could be taken. Election Reform advocates were hoping that the bill would pass in its simplified, original form, and that details of the actual process could take place after the Constitutional Amendment had been (hopefully) approved by the voters, but members in the House wanted to pin down certain specific requirements of the EDR process. Legislators have vowed to continue efforts to pass EDR legislation next session.

[HB 1382 Election Law – Candidate for Circuit Court Judge Defeated in Primary Election](#)

passed both Houses. In Maryland, candidates for Circuit Court judge run in both the Republican and Democratic primary elections, with the appropriate number of winners advancing to the General

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Election ballot. However, under current election law, it is possible for a candidate for Circuit Court judge to lose both primary elections, but subsequently be nominated by a minor political party. In the recent election, a candidate lost both primary elections but was later nominated by the Libertarian Party as its candidate for Circuit Court judge. This legislation as passed by the General Assembly would eliminate the possibility of a candidate running in the General Election if he/she had not won at least one of the primary elections.

Both the House and Senate passed [HB 1626 Election Law – Early Voting – Registered Voter Updating the Voter’s Address on an Existing Registration](#). Under current law, if a voter wishes to update the address on their voter registration record during early voting, they must provide proof of residency at the updated address. This passed legislation removes this requirement for updating a voter’s address, but the requirement to show proof of residency still remains for persons who are registering to vote during early voting.

Younger election judges will be available for future service in Maryland thanks to the passage of [HB 73 Election Judges – Minimum Age](#). This legislation allows persons who are 16 years old AND a registered voter to be appointed and serve as election judges. HB 73 also requires the State Board of Elections to survey local election boards about their experience with these younger judges and report to Senate EHEA and House W & M Committees by 2019. The bill originally also specified the minimum wage that election judges in various jurisdictions could be paid, but these provisions were amended out of the bill before its passage.

[HB 529 Election Law – Political Parties, Candidacy and Campaign Finance](#) makes several changes to election law. It required a non-principal political party to include in its constitution and bylaws the process for selecting nominees for a public office. The bill also requires that a candidate for public office who seeks nomination by petition file a certificate of candidate no later than the first Monday in July, and changes the number of petition signatures required to place a candidates’ name on the general election ballot to the lesser of 10,000 registered voters, or 1% of the total number of registered voters who are eligible to vote for the office sought. Previously the number was no less than 1% of eligible voters for the position sought.

Lu Pierson

REDISTRICTING REFORM

Redistricting reform received a lot of attention this year in the Maryland General Assembly and in the media. Several bills to address the issue were put forth, but one plan has made it past the House and Senate Floors.

Passed

[SB 1023 Independent Congressional Redistricting Commission – Mid-Atlantic States Region](#) (Zucker, et al.) ([RSC-3](#)) will create an independent redistricting commission which will be tasked with creating a congressional redistricting plan following the census, when five other states in the Mid-Atlantic States Region – New York, New Jersey, Pennsylvania, Virginia, and North Carolina – adopt a redistricting plan that is “substantially similar” to the districting requirements outlined in the bill. Passed both houses, has not been signed by the governor.

[HB 367 Independent Congressional Redistricting Commission – Mid-Atlantic States](#) (Reznik, et al.) ([RSC-2](#)) was originally titled “Legislative and Congressional Districting – Standards and Processes,” but through the legislative process was amended to reflect the same title and language as

the bill described above, SB 1023. This too passed both houses, but has not been signed by the governor.

Unfavorable

The other bill that generated the most attention this session was put forth by the governor:

SB 252/HB 385 Redistricting Reform Act of 2017 (President/Speaker by request of Administration) ([RSC-1](#)) which sought for the second time to implement the recommendations of [Governor Hogan's commission to study redistricting reform](#) to create an independent commission to draw both the congressional and legislative maps was voted down in HRU. EHEA did not take up a vote.

SB 146 Congressional Districting Process (Pinsky and Smith) ([RSC-1](#) & [3](#))

No Movement

HB 622 Potomac Compact for Fair Representation (Carr, et al.) ([RSC-2](#))

HB 962 Elections - Study Commission on the Redistricting Process in Maryland (McComas, et al.) ([RSC-3](#))

HB 966 Legislative and Congressional Districting (Hill, et al.) ([RSC-3](#))

HB 535 House Legislative Districts – Single Member (Parrott, et al.) ([RSC-2](#))

Ashley Oleson

CAMPAIGN FINANCE

HB 72 Election Law - Fair Campaign Financing Fund – No action was taken on this bill. ([RSC-1](#))

HB 118 Election Law - Persons Doing Public Business - Reporting by Governmental Entities was passed with amendments that were approved by both chambers. It is awaiting the Governor's signature. ([RSC-1](#))

HB 234 Campaign Finance - Making a Contribution during General Assembly Session – Prohibition received an unfavorable report from the Ways and Means Committee and went no further. ([RSC-1](#))

SB 130 Election Law - Ballot Issues - Contributions or Donations by Foreign Principals passed both chambers unanimously with no amendments. The bill was signed by the Governor on April 18th. ([RSC-1](#))

SB 259 Election Laws - Loans to a Campaign Finance Entity – No action was taken on this bill. ([RSC-1](#))

HB 299 Campaign Finance – Political Action Committees – Solicitation Disclosures – No action was taken on this bill. ([RSC-2](#))

HB 303 Departmental Secretaries - Campaign and Working Hour Activities Disclosures – No

action was taken on this bill. ([RSC-2](#))

[HB 376](#) Election Law - Business Entity Campaign Contributions – Prohibition – No action was taken on this bill. ([RSC-2](#))

[HB 551](#) Election Law - Private Loan to Campaign Finance Entity of Candidate – Prohibited – No action was taken on this bill. ([RSC-2](#))

[HB 898](#) Election Law – Campaign Finance – Coordinated Expenditures was amended in the House and passed Third reading. It was passed in the in the Senate with no amendments. It is awaiting the Governor's signature. ([RSC-3](#))

[HB 1498](#) Campaign Finance – Political Organizations – Disclosure was passed in the House with amendments and sent to the Senate. The Senate added their own amendments which the House accepted. It is awaiting the Governor's signature. ([RSC-3](#))

[SB 832](#) Public Funding and Small Donor Act for General Assembly Elections – No action was taken on this bill. ([RSC-3](#))

[HB 1363](#) Maryland Small Donor Incentive Act – No action was taken on this bill. ([RSC-3](#))

[HB 1641](#) Corporations and Associations – Nonprofit Corporations – Legislative Advocacy – No action was taken on this bill. ([RSC-4](#))

Nancy Soreng

TRANSPARENCY IN GOVERNMENT

One of the bills introduced during this legislative session passed both houses of the legislature.

[HB 27](#) Open Meetings Act- Minutes- Required Internet Postings Heard in HGO on 2/1/2017 and died in committee.

[HB 169](#)/SB 91 State Board of Elections-State Board of Elections Transparency Act Passed the House 137-0. Did not get a hearing in EHEA.

[HB 438](#)/SB 253 Legislative Transparency Act of 2017 (President/Speaker by request of Administration) provided the best possible improvements in the Open Meetings Act (OMA) of any introduced in the 2017 legislative session. It only had a hearing in each house of the legislature and died in committee.

[HB 698](#)/SB 362 – Public Information Act – Records Relating to Alleged Job-Related Misconduct by Law Enforcement Officers Unfavorable report by JUD. Hearing in EHEA. No further action.

[HB 880](#)/SB 450 – Open Meetings Act – Annual Reporting Requirement, Web Site Postings and Training substantially amended the Open Meetings Act (OMA) to require improved training and reporting requirements, prohibiting public bodies to meet in closed session without having some-

one with training in the process of closing a meeting to be present at the meeting. It requires that the violations of the Act found by the Open Meetings Compliance Board be identified, along with the names of the bodies that have violated the OMA, and the number of times the bodies have violated each provision of the OMA. In addition, this legislation requires the development of a cost benefit analysis of having public bodies comply with this legislation. This bill passed both houses of the legislature and awaits the Governor's signature.

Barbara Schnackenberg

ETHICS

SB 253/HB 438 Legislative Transparency Act of 2017 (President/Speaker) by request - Administration) (RSC-4) No action

SB 683/HB 879 – Public Integrity Act – 2017 (RSC-4) (President/Speaker by request of Administration) (RSC-4) Approved by the Governor

HB 370/SB 354 Richard E. Israel and Roger "Pip" Moyer End-of-Life Option Act (Pendergrass plus 42/Guzzone plus13) (RSC-2) Unfavorable report by JPR; withdrawn

HB 1006 Elections - Public Official in Executive Unit - Elected Public Office (McDonough) Unfavorable report by W&M; withdrawn

Betsy Sexton

BUDGET

Operating Budget

HB 150 The Fiscal Year 2018 Budget Bill was enacted. It provides \$43.6 billion in appropriations to for fiscal 2018. This is an increase of \$498.8 million (1.2%) above fiscal 2017. General fund appropriations will increase by \$78.5 million or 0.5%.

State agency spending accounts for 40.7 % of the budget. The most significant increase in general fund appropriations is for the Medicaid program. There is also a provision for an increase of 3.5% for community providers to the developmentally disabled.

The budget fully funds the state's education formulas with \$6.4 billion in aid for public schools. Baltimore will receive an additional \$23.7 million to help close its budget shortfall. Ten other districts will share an additional \$4 million. The budget contains an additional \$32.7 million allocated to higher education in order to keep tuition increases to 2%.

The budget for PAYGO (pay as you go capital funds) declined by 84% primarily due to the lack of general funds to pay for capital projects. This budget maintains a balance of 5% of general fund revenues in the State Reserve Fund.

Special funds increased by 2.7% or \$240.5 million. The majority of the increase was for transportation with additional funds provided for transit operating costs, highway user and local government capital grants. Additional revenues from the Education Trust Fund increase special fund education aid to local governments by \$47.5 million.

The size of the state workforce will decrease by 0.6% or 447 positions to 80,119 regular positions. There is no provision for salary or step increases for state employees.

HB 152 Budget Reconciliation and Financing Act (BRFA) implements \$421.9 million in actions to augment the general funds of Fiscal 2017 and 2018, and includes provisions that help reduce the State's structural imbalance. It contains several provisions which change the use of special or other funds for agency operations and programs, specifies grants, authorizes transfers between programs and provides for loss of federal funds.

Capital Budget

HB 151 Capital Budget funds a fiscal 2018 capital program totaling \$4.579 billion. The budget includes \$2.626 billion for the transportation program largely paid from the Transportation Trust Fund. Of the balance of \$1.962 billion, \$1.089 billion will be funded with General Obligation bonds and the balance from a variety of other bonds authorized in other legislation. In addition to transportation projects, the funds will be used to build and maintain state facilities; provide grants to local governments for schools and other facilities; pay for a variety of environmental programs and pay for local projects and legislative initiatives.

Barbara Hankins

TAXES

The following bills previously reported on have either been enacted or passed by both houses of the Legislature.

SB 317 More Jobs for Marylanders Program establishes the More Jobs for Marylanders Program to be administered by the Department of Commerce. It establishes a 10 year income tax credit for new manufacturing businesses which locate in certain counties; provides for a 100% state property tax credit on real property; allows for a sales tax credit for certain purchases and exempts them from corporate filing fees. It contains a number of other provisions providing benefits for both new and existing businesses.

HB 28 Unappropriated General Fund Surplus Effective in fiscal 2021, one quarter of the unappropriated general fund surplus over \$10 million will be appropriated to the Postretirement Health Benefits Trust Fund and an additional quarter will be appropriated to the State pension fund. Both appropriations are capped at \$25 million.

HB 406/SB 393 Clean Cars Act (both bills are enrolled) extends to fiscal year 2020, the Electric Vehicles Recharging Equipment Rebate Program. Increases the maximum amount per year of credits from \$600,000 to \$1.2 million.

HB 1104/SB 276 Inheritance Tax – Exemption – Evidence of Domestic Partnership (both bills have passed) changes the evidence required for a domestic partnership to be exempt from inheritance tax on real property held in joint tenancy with the deceased.

Barbara Hankins

EDUCATION

K-12 Public Education Funding

\$2.5 million in after-school and summer program funding (with \$7.5 m. in FY19) and \$5 million for the Next Generation Scholars Program were restored in **HB 150** (RSC-1, 3, 5). Even though the

governor had fully funded education according to the current formula, some districts experienced decreases in funding because of decreases in enrollment or increases in wealth. Because the Kirwan Commission (the Commission on Innovation and Excellence in Education) will be recommending updates for funding formulas based on the Adequacy Study, [HB 684](#) (RSC-2, 4) was nicknamed the “Bridge to Kirwan.” As amended, **HB 684 Education - State Grants for Education Aid** passed and provides a three-year program for a supplemental grant if the county’s most recent prior three-year average full-time enrollment (FTE) is greater than the FTE in the previous school year. In addition, prekindergarten grants are available if the local board offers a full-day program for all four-year olds who are enrolled in public prekindergarten. However, **SB 346 Education - Prekindergarten Students – Funding** (RSC-2), which would have provided funding for all full-day Pre-K programs across the state, failed. But **HB 516/SB 581 Workgroup for Implementation of Universal Pre-K** (RSC-2, 3, 4, 5), did pass. They establish a workgroup to make recommendations for implementing universal pre-K for four-year-olds.

Public School Construction

In the capital budget, [HB 151](#) (RSC-1, 3, 5), the legislature added \$5 million to Gov. Hogan’s Capital Improvement Program (CIP) for school construction, renovations, and repairs for a total of \$285 million statewide for FY2018. Most districts received level funding. Level funding of \$6.1 million was maintained for the public Aging Schools Program for districts with the oldest school buildings. The \$4.8 million for [HB 153 Qualified Zone Academy Bonds \(QZAB\)](#) for construction requiring private sector support stayed the same. However, the General Assembly added \$22.5 million to the \$40 million in the Governor’s fiscal 2018 capital budget for the **Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms**. These extra funds can be used for federal E–rate–eligible special construction such as fiber and broadband infrastructure projects.

Legislators approved a change in law that gives the state’s Interagency Committee on School Construction (IAC) the authority to fully appropriate the state’s school construction funds to Maryland school districts. This change removes the Board of Public Works from the approval process.

[HB 692/SB 334 Education – School Emergency Air-Conditioning Fund – Established](#) (RSC-2) failed as did [HB 845 Education - Public School Indoor Air Quality](#) (RSC-2, 3) and [HB 975/SB 370 Digital Equity for All Maryland Students Act of 2017](#) (RSC-2, 3).

State Aid for Private and Parochial Schools

[HB 151](#) (RSC-1, 3, 5), the capital budget again includes \$3.5 million for the **Non-Public Aging Schools Program**,

The **Nonpublic Textbook Program** in [HB 150](#) receives \$6 million in fiscal 2018 as it did in FY2017.

In [HB 150](#) (RSC-1, 3, 5), funds for the private school voucher “BOOST” program were reduced by the House from \$6,850,000 to \$2,055,904 to provide vouchers only for students who had moved from public to nonpublic school. The final compromise left \$5.5 million, an increase of \$500,000 over last year.

[SB 557](#) Education - Maryland Education Opportunity Account Program – Established (RSC-3) which

would have allowed parents of children zoned for failing schools to put their per pupil allocation in a savings account to use for nonpublic schools, did not get out of committee. LWVMD testified against this bill.

Bills to prohibit discrimination by nonpublic schools ([HB 696/SB 849 RSC-2, 3](#)) or require that nonpublic schools provide programs for students with special needs ([SB 825; RSC-3, 4, 5](#)) failed.

Discipline and School Climate

[HB 425 Public Schools - Suspensions and Expulsions](#) ([RSC-2, 3, 5](#)) passed with amendments. For children in pre-K through second grade in public schools, it will allow suspension and expulsion only in extreme circumstances determined by the school administration in consultation with appropriate behavioral or mental health staff. It requires the use of research-based alternatives, including positive behavioral interventions and referrals to individualized education teams.

[HB 1287 Commission on the School-to-Prison Pipeline and Restorative Practices](#) ([RSC-3, 5](#)) passed and requires a commission to study current discipline practices, analyze the relationship between disciplinary trends and juvenile and criminal justice systems and review national best restorative practices.

[HB 454/SB 806 Education - Healthy Out of School Time Heroes Recognition Program](#) ([RSC-2](#)), [HB 1222 Maryland Discipline Reform Act](#) ([RSC-3](#)) and [SB 244 Task Force to Study Suspension Rates of African American Prekindergarten Students](#) ([RSC-2](#)) did not pass.

Accountability and Curriculum

[HB 978](#), the "Protect Our Schools Act" ([RSC-3, 4, 5](#)) passed, and the General Assembly overrode the Governor's veto. It is designed to guide the Maryland State Department of Education in implementing the Every Student Succeeds Act (ESSA), the most recent federal law on public school accountability. Supporters felt that the bill provided a balance for accountability, which includes measures based on academic assessments and School Quality and Student Success indicators. It also requires important checks and balances around intervention strategies for schools classified as "Comprehensive Support and Improvement" schools. It limits the State Board of Education from hiring management companies to privatize schools, converting schools to charters without local approval, or creating a separate state school district for certain schools. LWVMD signed onto a coalition letter supporting this bill.

[HB 461/SB 452 Education - Accountability Program - Assessments \(More Learning, Less Testing Act of 2017\)](#) passed ([RSC-2, 4](#)).

Bills to establish a special state school district for failing schools ([SB 618; RSC-2, 3, 5](#)) and to change requirements for charter schools ([HB 878/SB 704; RSC-2, 3, 4](#)) received unfavorable reports.

[SB 908 Maryland Education Development Collaborative](#) ([RSC-3, 5](#)) passed. This bill establishes a think tank for innovation in public education policy aimed at promoting and enhancing 21st Century learning and socioeconomic diversity in the state's public schools. A governing board and an advisory council made up of a cross-section of business leaders, non-profits, educators and other community stakeholders are to provide advice.

While [HB 1486](#) Teachers and Teacher Preparation Programs - Research-Based Reading Instruction ([RSC-5](#)) was referred for interim study, other curriculum related bills failed such as [HB 1268](#) Education - Student Achievement Gap Standard - Establishment (Maryland Student Achievement Act) ([RSC-3](#)), [HB 1502](#) Task Force to Expand Dual Language Programs in Maryland ([RSC-3](#), [5](#)) and [SB 263](#) Education - Maryland High School Diploma - Civics Test Requirement ([RSC-1](#)) did not get out of committee.

Health and Food Programs

[HB 287/SB 361](#) Hunger-Free Schools Act of 2017 ([RSC-2](#), [3](#), [4](#)) passed. These bills protect funding for children participating in the Community Eligibility Program (free meals for all children in schools with over 40% poverty). This frees schools from requiring parents to complete “Free and Reduced-price Meals” (FARMS) forms for students to be eligible for free meals. In addition, [HB 257/SB 359](#) Education - Maryland Meals for Achievement In-Classroom Breakfast Program - Administration (Maryland Meals for Achievement for Teens Act of 2017) ([RSC-2](#), [3](#), [4](#)) passed allowing school breakfast to be served from “grab and go” carts in any part of the school. In schools with 40% or more students who qualify for FARMS, all students receive free meals. [HB 270](#) Environment – Testing for Lead in Drinking Water – Public and Nonpublic Schools ([RSC-2](#), [5](#)) did pass but was amended to require more research before making final recommendations for testing and standards.

Other bills failed: [SB 657/HB 366](#) Public Schools - Wellness Policy - School Meals ([RSC-2](#), [3](#)), [HB 273/SB1161](#) Education – Summer Meals Expansion Grant Program – Established ([RSC-2](#)) and [HB 288/SB 360](#) State Department of Education - Breakfast and Lunch Programs - Funding (Free School Meals for Students From Low- and Middle-Income Families Act) ([RSC-2](#)).

Governance

[HB 590/SB 609](#) State Board of Education - Membership - Teachers and Parents ([RSC-2](#), [3](#)) did not get out of committee.

Lois Hybl

CHILDREN AND FAMILIES

[HB 395/SB 293](#) Child Care Subsidy Program – Alternative Methodology – Report ([RSC-2](#)) Returned Passed

[HB 418/SB 294](#) Child Care Subsidy Program – Reimbursement Rate Adjustments ([RSC-2](#)) Both bills approved by the Governor.

[HB 428/SB 574](#) Family Law - Child Conceived Without Consent – Termination of Parental Rights (Rape Survivor’s Family Protection Act) ([RSC-2](#)) passed by the House and Senate were not identical; the House and the Senate appointed Conference Committee members, but time ran out and the session ended before the Conference Committee met. It’s been proposed that this be on the agenda if a special session is called to consider marijuana legislation.

[HB 456](#) Family Child Care Homes and Child Care Centers – Dispute Resolution Process – Regulations ([RSC-2](#)) in the House, Returned Passed

[HB 632/SB 308 Child Abuse – Sex Trafficking \(Protecting Victims of Sex Trafficking Act of 2017\)](#) ([RSC-2](#)) Both bills approved by the Governor; SB 308 Enrolled

[HB 799 Family Law – Marriage – Age Requirements](#) ([RSC-3](#)) in the house, Conference Committee appointed

[SB 135 Crimes – Child Abuse and Neglect – Failure to Report](#) ([RSC-1](#)) passed in Senate, did not come out of House Judiciary Committee

Judy Morenoff

MEETING BASIC HUMAN NEEDS

Two successes to report on meeting basic human needs in 2017 session:

[HB 1 Maryland Health Working Families Act](#) (Clippinger) passed enrolled. This bill mandates 5 days of paid sick leave for employees of firms with 15 or more employees. It has been introduced in the last five sessions by the Maryland Working Families Coalition. The Governor has said he would veto it but has not yet taken action.

[HB 317 Wages and Benefits – Preemption of Local Authority](#) (Davis) received an unfavorable report from ECM and was withdrawn. This bill would have prohibited a county or municipality from enacting a law that regulates wages for employees other than employees of the county or municipality. It would have prohibited local governments from setting the minimum wage for their jurisdiction at a higher rate than the state established minimum wage if the provision was enacted on or after January 1, 2017. This bill would nullify the ‘fight for fifteen’ effort in several jurisdictions to increase their minimum wage to \$15/hour.

Other issues that were not successful included:

[HB 2 Earned Income Tax Credit – Individuals without Qualifying Children –Expansion](#) (Hixson) was supported by LWVMD but never made it out of committee. It would have expanded the State credit for individuals without qualifying children to 100% of the allowed federal EITC and make the credit fully refundable. It would have also lowered the age to 18 to claim the credit and increased the threshold at which the credit phases out.

[HB 172 HOME Act of 2017](#) (Lafferty) passed the House but didn’t make it out of JUD. LWVMD submitted testimony in support of the bill. This bill, which has been introduced in similar form in many prior years, was 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 would have prohibited discriminatory practices in residential real estate transactions and the sale or rental of a dwelling because of a person’s source of income.

[HB 1416 Payment of Minimum Wage Required \(Fight for Fifteen\)](#) (Waldstreicher) never made it out of ECM. LWVMD supported the bill. These bill would have increased minimum wages:

- For employees of firms employing 26 or more, minimum wage increases from

\$9.25 in July 2017 to \$15 in July 2022

- For employees in firms of 25 or fewer, similar increase but doesn't reach \$15 until July 2023
- For tipped workers, tip credit is gradually abolished and they earn wage of full minimum wage by 2025

Ruth Crystal

ENVIRONMENT: RENEWABLE ENERGY

SB 184/HB 514 Energy Efficiency Programs - Calculation of Program Savings and Consideration of Cost Effectiveness (EmPOWER) (RSC-1) Passed House (92-46), Passed Senate (32-14), signed by Governor

SB 921/HB 1106 Clean Energy Jobs Act of 2016 (RSC-2) Passed (Veto Override)

SB 1146/HB 1414 – Renewable Energy Portfolio Standard – Study (RSC-4) Passed the House 134-2, Passed Senate 47-0

SB 1158 Power Plant Research Program – Solar Generation Facilities – Pollinator-Friendly Designation (RSC 4) Passed House 141-0, Passed Senate 36-0

HB 410/SB 313 Economic Development – Maryland Energy Innovation Institute (RSC-3) Passed House (123-11), Passed Senate (46-0)

SB 315/HB 406 Clean Cars Act of 2017 (RSC-2) Passed House 123-11, Passed Senate 47-0 (Combined with **SB 393** Electric Vehicle Excise Tax Credit – Extension renamed Clean Cars Act of 2017) Passed House 135-2, Passed Senate 47-0

SB 715/HB 773 Clean Energy Storage Technology Study (RSC-2) Passed House (119-20) Passed Senate 45-0

SB 758/HB 490 Income Tax Credit – Energy Storage Systems (RSC-2) Passed Senate (46-0), Passed House (101-11)

SB 966/HB 1002 - Electric Universal Service Program – Unexpended Funds Passed the Senate 47-0, Passed the House 132-6. **(RSC-5)**

SB 931/HB1592 - Local Jurisdictions – Zoning Authority – Generating Stations Passed the Senate, died in the House. **(RSC-5)**

Betsy Singer

ENVIRONMENT: HYDRAULIC FRACTURING

HB 1325/SB 740 – Oil and Natural Gas – Hydraulic Fracturing – Prohibition Passed the House 97 to 40, passed the Senate, 36-10. The Gov. signed the legislation on April 4 and Maryland is now the first state that actually has gas reserves that has banned fracking legislatively.

Shari Glenn

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

[HB 66](#) Environment - Lead and Mercury Wheel Weights – Prohibited (Lam) ([RSC-1](#)) ([RSC-4](#)) Passed and enrolled.

[HB 121](#) Environment - Hazardous Material Security – Repeal (chair, ET, for Administration, MDE), ([RSC-1](#)) Passed.

[HB 124](#) Environment - Solid Waste and Recycling Facilities (chair, ET for Administration and Department of Environment) ([RSC-1](#)) ([RSC-4](#)) Passed.

[HB 125](#) Environment- Emergency Action Plans for Dams (chair, ET, for Administration, MDE), ([RSC-1](#)) ([RSC-4](#)) Passed and enrolled.

[HB 155](#) Maryland Agricultural Land Preservation Foundation - Easement Termination, (chair, ET for Administration and Department of Agriculture) ([RSC-1](#)) ([RSC-4](#)). Passed, approved by the Governor (chapter 114).

[HB 171/SB 99](#) Department of the Environment - Yard Waste and Food Residuals Diversion and Infrastructure – Study (Robinson plus 14; Middleton) ([RSC-1](#)) ([RSC-4](#)) Passed and enrolled.

[HB 384/SB 343](#) Bay Restoration Fund - Eligible Costs - Expansion (Adams et al./Eckardt et al.) ([RSC-2](#)) ([RSC-4](#)) (HB 384 with amendments in second reading.) Passed and enrolled.

[HB 417/SB 314](#) Clean Water Commerce Act of 2017 (Speaker of House et al./President of Senate et al.). ([RSC-2](#)) ([RSC-4](#)) Passed and enrolled.

[HB 477/SB 396](#) Natural Resources - Protection and Restoration of State-Owned Lakes (Beitzel/Edwards) ([RSC-3](#)) Passed.

[HB 504/SB 713](#) Products That Contain Mercury - Prohibition on Sale of Electric Switches, Electric Relays, and Gas Valve Switches (B. Robinson et al./Young et al.) ([RSC-2](#)) Passed and enrolled.

[HB 557/SB 440](#) Environment - Water Management - Sediment Control at Large Redevelopment Sites (Stein et al.; Conway and Salling) ([RSC-2](#)) , [3](#), [4](#)) Passed.

[HB 602/SB 422](#) Keep Antibiotics Effective Act of 2017 (S. Robinson et al./Pinsky et al.). ([RSC-2](#)) Passed and enrolled.

[HB 830/SB 386](#) Pollinator Habitat Plans - Plan Contents - Requirement and Prohibition (Healey & Frush/Nation-Pulliam et al ([RSC—1](#)), [2](#), [4](#)). Passed and enrolled.

[HB 885](#) Environment - Chesapeake Bay - Vessel Sewage Discharge Areas (Howard et al.). [\(RSC-3\)](#) Unfavorable report by E&T.

[HB 886/SB 890](#) Environment - Refuse Disposal Systems - Public Notice and Hearing Requirements (Pena-Melnyk et al./Rosapepe). [\(RSC-3\)](#) Unfavorable report by E&T; no movement in Senate.

[HB 924](#) Natural Resources - Oyster Management - Prohibited Actions (Gilchrist et al.). [\(RSC-3\)](#) Enacted (constitution – chapter 27).

[HB 1063](#) Agriculture - Maryland Healthy Soils Program (Stein et al.) [\(RSC-3, 4\)](#) Passed.

[HB 1352](#) On-Site Sewage Disposal - Historic and Culturally Significant Properties – Regulations (Rose et al.). [\(RSC-3\)](#) Unfavorable report by ET.

[HB1545/SB1071](#) Creation of a State Debt - Prince George's County - Hard Bargain Farm Environmental Center (Valderrama et al./Muse. [\(RSC-4\)](#) Unfavorable report by APP.

[SB 108](#) Property Tax Credit - Erosion Control Measures - Nonstructural Shoreline Stabilization (Simonaire). [\(RSC-1, 4\)](#) Approved by Governor (chapter 228).

Linda Silversmith

ENVIRONMENT: LAND USE

The following bills were passed by the General Assembly, 2017, and have been approved by the Governor or are awaiting his approval.

[HB617/SB29](#) Natural Resources - Forest Conservation Act - Forest Conservation Thresholds and Afforestation and Reforestation Requirements (Healey/Pinsky) clarifies that units of local government with planning and zoning authority may adopt specified forest conservation thresholds and afforestation and reforestation requirements as part of its local forest conservation program that are more stringent than specified forest conservation thresholds and reforestation requirements in State law. Passed both houses and awaiting the governor's action.

[SB 116](#) Program Open Space - Attainment of Acquisition Goals - Local Government Apportionment and Use of Funds (Edwards) provides that a local government may spend 100 percent of its future annual apportionment on development projects and capital renewal after it has exceeded its acquisition goals under Program Open Space; requiring the Joint Subcommittee on Program Open Space and Agricultural Land Preservation to review the State's specified standard for land acquisition to determine if adjustments to the standard would encourage additional land acquisition; requiring a specified report by the Joint Committee; etc. Passed both houses and awaiting the governor's action.

[HB 267/SB 257](#) Program Open Space - Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund - Increase (Wilson/Kasemeyer) increases from \$3,000,000 to \$6,000,000 the maximum amount that may be transferred, in the State budget or through a specified budget amendment process, to the Maryland Heritage Areas Authority Financing Fund from funds

that are distributed to Program Open Space; and requires that, if more than \$3,000,000 is transferred to the Maryland Heritage Areas Authority Fund under the Act, the amount exceeding \$3,000,000 shall be provided from the State's share of funds.

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. Approved by the governor. Chapter 114.

The 2017 session was a mixed bag for issues of land use proposed in the legislature. Bills proposed to increase the amount of tree reforestation required for destruction of trees did not pass the entire Legislature. (HB 599/SB 365) and SB 365, a proposal to establish a task force to the study forest conservation offset did not pass either. However, positive action was taken as HB 617/SB 29 passed allowing local governments to go beyond the state law for reforestation and afforestation. This bill is awaiting the governor's signature. Program Open Space was the subject of several bills. One requested by the Department of Natural Resources, HB 105, would have put the process of apportioning POS funds in the hands of the DNR with a committee named by the law rather than in the charge of a committee chosen by the Governor. The bill was unfavorable in committee and withdrawn. Bills to liberalize how Program Open Space funds are used were passed. SB 116 would allow local government to spend 100 percent of its future annual apportionment on development projects and capital renewal after it has exceeded its acquisition goals under Program Open Space. The bill calls for a study to review the State standard for land acquisition that might lead to encouraging additional land acquisition.

Susan Cochran

TRANSPORTATION

HB 119 /SB 265 Washington Metropolitan Area Transit Authority – Washington Metrorail Safety Commission – Establishment of Compact ([RSC 2](#), [RSC 4](#), [RSC 5](#)) Moving the DC region via WMATA's Metro is crucial to the economic health of the region. After numerous safety problems, the federal government mandated an independent safety commission be established among Virginia, DC and Maryland. To be activated, all three jurisdictions had to pass identical legislation to form this new compact, which has now occurred.

HB 285/SB 265 Washington Metrorail Safety Commission Membership Act ([RSC 2](#), [RSC 4](#), [RSC 5](#)) also passed which requires that one member of the safety commission be a resident of either Prince George's County or Montgomery County.

HB 271/SB 484 Maryland Transit Administration – Farebox Recovery, Goals, and Performance Indicators ([RSC 2](#), [RSC 4](#), [RSC 5](#)) was passed and enacted so new guidelines of expectation for transit service are established.

HB 578/SB 338 Vehicle Laws – Pedestrian Hybrid Signals ([RSC 2](#), [RSC 5](#)) was an effort to make pedestrian safety more of a priority on our roads. It failed to pass either house and expectation is that a similar bill will be drafted for the next session.

SB 307/HB 402 Repeal of the Maryland Open Transportation Investment Decision Act of 2016

(Road Kill Bill Repeal) ([RSC 2](#), [RSC 3](#), [RSC 5](#)) was amended and signed into law so a two year study will evaluate how other states form decisions about transportation funds and their allocation for new projects. If no legislation is passed after two years' time, the Act of 2016 will revert to law.

[SB 337](#)/HB 527 Vehicle Laws – Bicycles and Pedestrians – Use of Crosswalks ([RSC 2](#), [RSC 5](#)) was a pedestrian safety bill that failed in both houses that may be brought back in the next legislative session.

[SB 393](#) Clean Cars Act of 2017 (Manno, et al.) was not reported on earlier, but may be of interest. This legislation will extend until 2020 the plug-in vehicle excise tax credit and the Electric Vehicle Recharging Rebate Program for certain plug-in vehicles.

Bee Ditzler

ADMINISTRATION OF JUSTICE

Perhaps because of the 2016 session enactment of a comprehensive criminal justice reform package, the **Justice Reinvestment Act**, there were few bills in this area proposed and even fewer passed. The two areas of greatest interest were bail reform and the enforcement of sexual assault cases.

Judicial Selection

All bills dealing with judicial selection failed, except for **[HB 1382](#)/SB 1121 Election Law - Candidates for Circuit Court Judge Defeated in Primary Election** ([RSC-4](#)), prohibiting judicial candidates defeated in a primary election from running for any office in the general election. Returned passed.

Bail Reform

Bail reform was a closely watched issue after the Court of Appeals ruled that judicial officials must consider a defendant's ability to pay if bail is imposed (RSC 4). The Attorney General advised that the legislature take no further action on this issue and let the Court's ruling stand. The bail industry, major campaign donor to individual legislators, especially members of the Judiciary and Judicial Proceedings committees, supported a bill that retained money bail – **[HB 1215](#)/SB 983 Criminal Procedure - Release** ([RSC-4](#)). The heavily amended bill was passed by the Senate and was referred by the House Rules Committee to the Judiciary Committee, where it died.

[SB 714](#) Criminal Procedure - Indigent Individual - Bail Review and Indigency Determination ([RSC-4](#)) Sets standards to determine who is indigent for the purposes of assigning a public defender and setting bail if necessary. Passed and enrolled.

Sentencing

None of the proposed bills modifying sentences passed.

Corrections

[HB 459](#) Higher Education - Adult Correctional Institutions - Job Training and Education ([RSC-2](#)) Inmates must be offered post-secondary education and job training. Passed, enrolled.

Criminal Justice Reform

[HB 593](#)/ SB 348 State Compensation for Erroneous Conviction and Imprisonment - Gubernatorial Pardon Requirement - Repealed ([RSC-2](#)) passed.

HB 739/SB 941 Public Safety - SWAT Teams - Standards ([RSC-2](#)) passed.

SB 853/HB 860 Transitional Supports for Ex-Offenders - Repeal of Restrictions (Maryland Equal Access to Food Act of 2017) ([RSC-4](#)) passed.

SB 694/HB 723 Inmates - Life Imprisonment - Parole Reform ([RSC-2](#)) which would have repealed the requirement that the governor must approve parole for inmates sentenced to life in prison with the possibility of parole. Passed the House, but stalled in JPR.

Sexual Assault Enforcement

HB 429/SB 217 Criminal Law - Sexual Offenses - Physical Resistance ([RSC-2](#)) which determines that evidence of physical resistance by a victim is not required to prove that a sexual crime has been committed was passed and signed.

HB 255/SB 349 Criminal Procedure - Sexual Assault Victims' Rights - Disposal of Rape Kit Evidence and Notification ([RSC-4](#)) requires that health care providers send rape kits to law enforcement within 30 days and that the kits be retained for 20 years. Passed and signed.

SB 734/HB 1209 Sexual Assault Victims Resources Act of 2017 ([RSC-4](#)) Expands resources for sexual assault victims and establishes a committee to determine rape kit policies. Returned, passed.

HB 647/SB 944 Criminal Law - Sexual Offenses - Classification (not previously reported in RSC) Expands the definition of rape to include other sexual offenses. Passed and signed.

Marlene Cohn

JUVENILE JUSTICE

HB 721/SB 674 Juvenile Services- Services & Programs for Females ([RSC-2](#)) Returned Passed

HB 1256/SB 982 Department of Juvenile Services – Implementation of Task Force 4 Recommendations – Report ([RSC-3](#)) Was amended heavily and the title was changed. As submitted it was called **Juveniles – Strip Searches – Limitations** HB 1256 passed in House; SB 982 Passed Enrolled.

SB 35 Juvenile Law – Informal Adjustment – Mental Health Program ([RSC-1](#)) Approved by the Governor

Judy Morenoff

GUN CONTROL

SB 16/HB 162 Public Safety - Firearm Application ([RSC-1](#)) Approved by Governor Chapter 192

HB 159 Weapon-Free Higher Education Zones ([RSC-1](#)) Conference Committee Appointed

HB 877/SB 23 Handgun Permits - Alternative Expiration Date - Private Detectives, Security

Guards, and Special Police Officers ([RSC-3](#)) Approved by Governor, Chapter 191

[HB 1036](#) Firearms - Handgun Permit – ([RSC-3](#)) Third Reading Passed with Amendments

[SB 23](#)/[HB 877](#) Handgun Permits - Alternative Expiration Date - Private Detectives, Security Guards, and Special Police Officers ([RSC-3](#)) Approved by Governor, Chapter 190

[SB 224](#)/[HB 294](#) Public Safety - Regulated Firearms - Definition of Convicted of a Disqualifying Crime ([RSC 2](#)) Returned, Passed

[SB 946](#) Gun-Free Higher Education Zones ([RSC-3](#)) Third Reading Passed with Amendments

Doreen Rosenthal

HUMAN TRAFFICKING

[HB 258](#)/[SB 221](#) Adult Entertainment Establishments – National Human Trafficking Resource Center Hotline Information – Sign Posting Requirements (Morales, et al./Lee plus 5) ([RSC 2](#)) passed the House and the Senate ([RSC 5](#)).

[SB 220](#)/[HB 1279](#) Police Training Commission – Training Requirements – Human Trafficking (Morales, et al./Lee plus 5) ([RSC 3](#)) passed the Senate ([RSC 5](#)) and the House.

Deborah Mitchell

HEALTH

There continues to be great concern about the repeal of the health care law and the Maryland budget. The State anticipates \$1.4 Billion in funding from the Affordable Care Act (ACA) this year alone and \$7.7 billion through 2022. Additionally, the All-Payer Contract for our hospitals has been approved by an agency established by the ACA. The General Assembly added a provision at the end of the session to fund Planned Parenthood should Congress pass something that defunds the organization.

The General Assembly also passed the Sick Leave bill which requires five days of sick leave for businesses of 15 or more employees to provide 40 hours of sick leave a year. The leave would accrue at 1 hour for every 30 worked. The employee must work 12 hours a week. The Governor has vowed to veto it, so it remains to see what happens.

[SB 82](#)/[HB180](#) Department of Health and Mental Hygiene – Renaming (Middleton/Morhaim) Passed both Houses and is with the Governor. ([RSC-1](#))

[SB 38](#) Department of Health and Mental Hygiene – Updating Advisory Boards and Councils, (Middleton) Approved by the Governor, Chapter 40. ([RSC-2](#))

[SB 110](#) Public Health – Expedited Partner Therapy – Pharmacist dispensing (Conway) Passed and Enrolled and is with the Governor. ([RSC-2](#))

[SB 169](#) Maryland Medical Assistance Program – Cost of Emergency Room Visits to Treat

Dental Conditions (Middleton & Kasemeyer) Passed and Enrolled and with the Governor. ([RSC-2](#))

[SB 363](#)/HB613 Pharmacists – Contraceptives – Prescribing and Dispensing, (Conway/Hettelman) Passed both Houses and is with the Governor. ([RSC-2](#))

[HB 185](#) Department of Health and Mental Hygiene – Distribution of Tobacco Products To Minors – Prohibition and Enforcement (Rosenberg & Waldstreicher) Passed and Enrolled and is with the Governor. ([RSC-2](#))

[HB 270](#) Environment – Testing for Lead in Drinking Water – Public and Nonpublic Schools, (Lafferty, et al) Passed both Houses and is with the Governor. ([RSC-2](#))

[SB 433](#)/HB1093 Substance Abuse Treatment – Inpatient and Intensive Outpatient Programs – Consent By Minor (Klausmeier, et al/Young K., et al) Passed both Houses and is with the Governor. ([RSC-3](#))

[SB 898](#)/HB1147 Health Insurance – Prescription Drugs – Dispensing Synchronization (Astle/Morales) Passed both Houses and is with the Governor. ([RSC-3](#))

[SB 553](#)/HB869 Recovery Residence Residential Rights Protection Act (Hershey/Howard S.) Passed the Senate, Failed in the House. ([RSC-3](#))

[SB 437](#)/HB666, Public Health Expensive Drugs – Manufacturers Reporting and Drug Price Transparency Advisory (Conway, et al/Bromwell, et al) Failed. ([RSC-4](#))

[SB 415](#)/HB631, Public Health – Essential Generic Drugs – Price Gouging – Prohibition (Miller, et al/Busch, et al) Passed the House and then the Senate with Amendments. The bill is enrolled and with the Governor. ([RSC-4](#))

Update from RSC 5

[SB 539](#) Distribution of Controlled Dangerous Substances – Fentanyl (Miller) passed both Houses and is with the Governor. ([RSC 5](#))

[SB 1060](#)/HB1082, Heroin and Opioid Education and Community Action Act of 2017- (Start Talking Maryland Act) (Miller and Bromwell) passed and enrolled and with the Governor. ([RSC 5](#))

[SB 967](#)/HB 1329 Heroin and Opioid Prevention Effort (HOPE) and Treatment Act of 2017 (Klausmeier and Bromwell) passed and enrolled and with the Governor. ([RSC 5](#))

Neilson Andrews