



REPORT FROM STATE CIRCLE

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BUDGET**HB 100/SB 126 Budget Bill (Fiscal year 2020)** (Speaker & President)

The Maryland Budget is developed by the Governor's office and the Office of Management and Budget. It is required to be submitted to the Legislature on the third Wednesday in January. Prior to the final development of the budget, the Spending Affordability Committee submits a report outlining some of the parameters of the Maryland economy and the projections of the Board of Estimate and makes recommendations as to how much the budget should, at most, increase. The Senate and House of Delegates alternate in carrying the budget bills. This year it's the House's turn.

As it did last year, the Spending Affordability Committee (SAC) report points out that Maryland has generally underperformed relative to the nation as a whole in employment growth from 2011 to 2017. Later figures indicate that employment growth will be about 0.8% in fiscal 2019. Fiscal 2018 general fund revenues were 4% above the estimate and fiscal 2019 general fund revenues through October 2018 were up 3%. The SAC, in

the past few years has focused on reducing the state's continuing structural deficit. It now projects that fiscal 2019 will be in structural balance but that fiscal 2020 will have a small deficit which will continue to increase in the next several years. Projected expenses will be 1.6% higher per year than projected revenues in the outgoing years. These projections don't reflect any recommendations from the Commission on Innovation and Excellence in Education (Kirwan) Commission. That Commission has recently announced that it will not make any recommendations for changes in school funding formulas, but did ask that the government set aside \$200 million for initial policy changes and to use \$125 million from casino revenues for increasing teachers' pay and to further expand prekindergarten.

Based on the projections and taking into consideration shortfalls in some programs and overages in others, the Spending Affordability Committee recommends that growth in the operating budget be limited to 3.75% over the budget approved in the 2018 session. It also recommends that, other than any recommendations of the Kirwan Commission, that the General Assembly minimize the fiscal impact of legislation passed that would affect the projected deficit in future years.

On Thursday, January 17, the governor previewed his \$46.6 billion budget for the press and introduced it to the legislature on Friday, January 18. It is expected to increase spending by about 4%. State employees will receive a raise of at least 3%. While the governor did follow the Kirwan recommendation for the \$200 million, he would use \$65 million of the casino revenue for school construction, leaving \$36 million to fund the Kirwan recommendations. We will have more information about the budgets in future *Report from State Circle*.

The budget bills will be considered first by the APP and then by the B&T

Barbara Hankins

TAXES

[HB 42/SB 88 Student Debt Relief Act of 2019](#) (Speaker/President for the Governor) would allow Marylanders to deduct 100% of interest paid on student loans from their state income tax. Would expand the Maryland Community College Promise Scholarship program to Maryland four year public colleges and double the deduction for families participating in Maryland 529 savings plans from \$2500 to \$5000. APP; W&M; EHEA; B&T

[HB 46/SB 88 Small Business Relief Tax Credit – Expansion](#). (Speaker/President for the Governor) If a business employs 14 or fewer employees, it may apply for a tax credit against the income tax by granting parental and/or sick leave. Credits vary from \$500 to \$1000 per qualified employee. The total number of tax credits allowed per year would increase from \$5 million to \$10 million. W&M; 1/30 B&T

[HB 104/SB 108 Income Tax – Subtraction Modification for Qualified Higher Education Expenses – Annual Limitation](#) (Malone/Reilly) would increase the

allowable deduction from federal gross income for up to \$5000 from \$2500 for contributions to 529 accounts. APP; W&M; 1/30 B&T

SB 9 Income Tax – Subtraction Modification – Expenses of Medical Cannabis Grower, Processor, Dispensary, or Independent Testing Laboratory (Young plus 4) Currently, medical cannabis businesses must file a federal income tax return but may not deduct ordinary and normally allowable business expenses. This bill would allow such deductions from their Maryland income tax returns. 1/17 B&T

Barbara Hankins

CAMPAIGN FINANCE

SB 123 Election Law - Coordinated Expenditures and Donations – Investigation (Pinsky) corrects a technical error in the wording of **HB 898 Election Law - Campaign Finance - Coordinated Expenditures** which was passed and signed into law in 2017. **HB 898** more clearly defined what is and is not a coordinated expenditure. This was important because coordinated expenditures are subject to contribution limits, but independent expenditures have no limits. Without a clear definition of when coordination has taken place, it was difficult to hold parties accountable for improperly using this loophole allowing them to exceed contribution limits. But, the legislation as enacted, said that The State Board of Elections would investigate a potential violation of the coordinated expenditure law. This bill would allow the Administrator of the State Board of elections to authorize a staff member, who is trained in election law and investigations of violations, to conduct the investigation. The bill would also give subpoena power to the person doing the investigation. EHEA

Nancy Soreng

ELECTIONS

HB 79 Election Law – Early Voting Centers – Establishment and Hours (Luedtke) would require certain counties to have more centers for early voting and/or earlier opening hours, and the location of the centers to be more accessible. 2/5 1pm W&M

SB 32 Election Law – Early Voting Centers – Reduced Days of Operation (Benson) would reduce the number of days early voting centers are open. Currently, they are open the second Thursday before an election through the Thursday immediately preceding the election. This bill would change the law so that early voting centers would not be open on the weekend during that same period. Hrg. 2/7 EHEA

Dona Sauerburger

REDISTRICTING REFORM

Redistricting reform will be an interesting topic to watch this legislative session, as there are attempts to change the redistricting process in Maryland happening on many fronts.

We are going into the 2019 legislative session with Maryland's redistricting case, [Benisek v. Lamone](#), heading to the Supreme Court of the United States once again. This time, the case has found its way there with the state appealing a decision by the U.S. District Court ordering the state to redraw Congressional District 6 ahead of the 2020 election.

In *Benisek v. Lamone*, the District Court found that the partisan gerrymandering of District 6 [violated the plaintiff's representational rights as guaranteed by the First Amendment of the Constitution](#). To repair this, the District Court ordered that the State redraw District 6 by March 7th, using "traditional criteria for redistricting - such as geographic contiguity, compactness, regard for natural boundaries and boundaries of political subdivisions, and regard for geographic and other communities of interest - and without considering how citizens are registered to vote or have voted in the past or to what political party they belong". Governor Hogan has since set out to comply with this order, by establishing the [Emergency Commission on Sixth Congressional District Gerrymandering](#) to draw a new map, and present it to the General Assembly during the 2019 session.

All of this action remains focused on the map for the current decade but does not yet institute any permanent changes for the redistricting process, set to be triggered for the next 10-years by the 2020 census data. However, reform bills to that end have already dropped in the General Assembly:

[SB 90](#)/HB 43 Elections - Legislative and Congressional Redistricting and Apportionment - Commission and Process (By Request - Governor plus 14/Governor plus 35) would establish a multi-partisan redistricting commission for the purpose of drawing both congressional and legislative district lines. The bill sets out a process for selecting nine commission members that would equally represent the majority party, the principal minority party, and members who are continuously not registered with a principal political party.

The process for selecting these members would be carried out by the State Ethics Commission. The bill lays out a specific pooling process for receiving and assessing applications to be on the redistricting commission, and restrictions for serving on the commission that would limit member's familial relationships to Maryland politicians or members of Congress, and conflict of interests related to their profession (e.g. registered lobbyists, government staffers, candidates or office holders) and would also be representative of the diversity of Maryland.

The bill goes on to call for transparency of the map drawing process by the commission, and an opportunity for public input before and after the maps have been drawn. Completion of any redistricting plan by the commission will require a report explaining the basis on which its decisions were made, and an explanation of the terms and standards used to draw the plan. Hrg. 2/28 EHEA; HRU

SB 91/HB 44 Legislative and Congressional Redistricting and Apportionment (By Request - Governor plus 14/Governor plus 35) calls for an amendment to the state constitution that would require every legislative district to be divided into three single-member districts (rather than electing three members at large within a senatorial district, or having one district for one delegate, and one for two delegates).

The bill goes on to call for a change in the standards applied to legislative (state level) and congressional (federal level) districts during the redistricting process. The standards include: respect for natural boundaries, as well as municipal corporations, counties or other political subdivisions; geographic compactness; no consideration of voter registration, voter history, or political affiliation; no consideration of where any individual may live; and, population deviation of no more than two percent for all districts.

The redistricting process in this bill is laid out in consideration of the creation of an independent redistricting commission to carry it out. The process outlined allows for a special session of the General Assembly to be called, as well as terms for one attempt for the commission to amend any rejected plan. Plans must be approved by three-fifths.

Further, the bill gives original jurisdiction to the Court of Appeals to establish a district plan if none can be achieved, and to consider the legality of any plan that may be challenged. It also excludes the Attorney General from prosecuting and defending the State in cases regarding legislative or congressional district plans. Hrg. 2/28 EHEA; HRU

SB 110 Congressional Districts - Standards (Reilly) calls for a state constitutional amendment defining standards for Congressional districts, i.e. districts that are compact, contiguous, and give due regard to natural boundaries and political subdivisions (like county lines). Hrg. 2/28 EHEA

Ashley Oleson

TRANSPARENCY IN GOVERNMENT

SB 184/HB 71 State Board of Elections - Open Meetings - Video Streaming and Recording (State Board of Elections Transparency Act) (Korman, Buckel) requires the State Board of Elections, in consultation with the Department of Information Technology, to make publicly available on the Internet live video streaming of each open meeting of the State Board and an unedited archived video recording of each open meeting for a minimum of 4 years after the date of the meeting. EHEA; Hrg. 2/5, 2pm HGO

Elaine Apter

ADMINISTRATION OF JUSTICE

Criminal Justice Reform is not included in the General Assembly's list of priorities for the 2019 Session. Although the Governor has announced a special effort to stem crime in Baltimore City, including a special police force, it is unlikely that any statewide legislation will result from this initiative. Some issues that may come up include the perennial effort to abolish contested elections for Circuit Court judges. A newly constituted House Judicial Committee with new

leadership may look at this issue from a fresh perspective. Another possible issue would deal with the problem of a shortage of correctional officials despite a decline in the prison population. Also, the recent limits on the use of cash bail has led to a need for more pretrial services.

Corrections

HB 12 State Correctional Facilities - Correctional Officers - Background Check (MacKay and Wivell) Before a person is appointed as a correctional officer, the Secretary of Public Safety and Correctional Services must conduct a polygraph examination or an extensive background check or both on the applicant. Hrg. 1/22 1pm JUD

HB 78 Correctional Services - Inmates - Labor (Wilkins plus 13) The Commissioner of Corrections must submit a yearly report to the Governor and the Secretary of Public Safety and Correctional Services on inmate labor, including job classifications, wage scales and the number of inmates currently employed. Hrg. 1/29, 1pm JUD

Criminal Justice Reform

HB 19 Criminal Procedure - Expungement - Nonviolent Crimes (Glenn) Permits a person convicted of a nonviolent crime to petition the court to expunge (remove from the record) information about the conviction. The court has discretion on whether to grant expungement, but shall consider the specific circumstances of the case and of the petitioner. Hrg. 1/22 1pm JUD

Sentencing

SB 121 Inmates - Life Imprisonment - Parole Reform (Kelley plus 18) An inmate sentenced to life imprisonment, who has served at least 30 years, shall be eligible for parole without the approval of the Governor. The present practice requires the Governor's approval, which has rarely been granted. JPR

Marlene Cohn

CHILDREN AND FAMILIES

HB 122 Protective Orders – Relief Eligibility – Rape and Sexual Offenses (Dumais plus 14) expands the definition of persons eligible for relief in a protective order to include a victim of rape or sexual offense or attempted rape or sexual offense in any degree. JUD

SB 23 Child Support – Lien Against Monetary Award (Zirkin, Chair, JPR, by request of Department of Human Services) establishes a process by which the Child Support Administration may intercept the proceeds of a monetary award (such as a lump sum payment to the individual for sickness, injury, etc.) if the individual has delinquent child support obligations. Hrg. 1/22 JPR

SB 24 Family Law – Kinship Caregivers (Zirkin, Chair, JPR, by request of Department of Human Services) expands DHS's kinship care program by allowing individuals who meet specified requirements and have specified relationships with a child to serve as a "kinship caregiver", if approved by the local Department of Social Services. A kinship caregiver is an individual with whom a child, who is in the care, custody, or guardianship

of the local department may be placed for temporary or long term care other than adoption. Hrg. 1/22 JPR

SB 98 Family Law – Child Conceived Without Consent – Child Support (Hough, Eckhardt and Zirkin) provides that a court order to terminate the parental rights of a person convicted of an act of nonconsensual sexual conduct against the other parent that resulted in the conception of child does not affect that individual’s responsibility to pay child support. It also prohibits the custodial parent from bringing an action for child support more than five years after the date of the order terminating parental rights. Hrg. 1/30 2pm JPR

Judy Morenoff

DOMESTIC VIOLENCE

HB 122 Protective Orders – Relief Eligibility – Rape and Sexual Offenses (Dumais, et al.) Peace and Protective Orders are civil orders issued by a judge that order one person to refrain from committing certain acts against others. The relationship between the respondent (person alleged to have committed the prohibited act) and the petitioner (person seeking protection) determines the petition to be filed. Protective orders generally apply to people in domestic relationships. Peace orders apply to other persons. You cannot qualify for both. **HB 122** changes existing Protective Order ‘Person eligible for relief’ criteria to include an individual seeking protection from an individual who has allegedly committed a prohibited act against the petitioner regardless of relationship to the respondent. The proposed added ‘Person eligible for relief’ criteria will enable petitioners—particularly rape or sexual assault victims to seek more comprehensive protection from alleged attackers with whom there is no domestic or other relationship. Hrg 1/31, 1:30pm JUD

SB 129 Criminal Law – Continuing Course of Conduct With a Child – Unit of Prosecution (Lee) establishes that acts constituting a continuing course of unlawful sexual conduct with a victim under the age of 14 years that occur in separate periods of 90 days or more are separate violations. Under this law, more punitive measures could be levied upon convicted offenders. Sentencing could be imposed for *each* violation. Hrg. 1/18 JPR

Deborah Mitchell

HUMAN TRAFFICKING

HB 5 Commercial Driver's Licenses - Recognition, Prevention, and Reporting of Human Trafficking (Ebersole, et al.) originally introduced during the 2018 Legislative Session, requires the Motor Vehicle Administration to include questions on the recognition, prevention, and effective reporting of human trafficking as part of the commercial driver's license test; requires commercial driver's license training schools to include training on the recognition, prevention, and effective reporting of human trafficking as part of the curriculum; requires the Administration to include content on the recognition, prevention, and effective reporting of human trafficking in its Commercial

Driver's License Manual; and associated information related to issuing commercial driver's licenses. This proposed legislation reinforces existing measures to inform and educate commercial drivers about human trafficking. Hrg. 1/30 2:30pm ET

Deborah Mitchell

JUVENILE JUSTICE

SB 13 Juveniles – Reportable Offenses (Serafini) requires that the Department of Juvenile Services notify school leadership of a student's arrest record and/or gang membership. This bill also requires that DJS inform school leadership of what educational services the student received in their facilities. Hrg. 1/24 JPR

SB 71 Juvenile Law – Intake Procedures (Zirkin, Chair, JPR, by request – Departmental – Juvenile Services) extends the period of time during which a juvenile intake officer can take action or discuss services regarding a complaint involving a child from 25 days to 30 days. This bill also allows the intake officer to move forward with the informal adjustment procedure if they are not able to get in contact with the victim. Hrg. 1/24 JPR

SB 72 Membership – Department of Juvenile Services State Advisory Board (Zirkin, Chair, JPR, by request – Departmental – Juvenile Services) sets requirements for members of the DJS State Advisory Board, and expands the number of members that can serve on the Board. Hrg. 1/24 JPR

SB 75 Juvenile Services Education Program – Employees – Employment Contracts and Leave (Kelley, Chair, Finance, by request - Departmental - Education) sets rules that will govern the employment contracts for employees of the Juvenile Services Education Program. Hrg. 1/24, 2:30pm FIN

HB 11 Juveniles Charged as Adults – Confidentiality of Photos and Videos (Sydnor) Requires that photos and video of a child taken during arrest or booking be subject to juvenile confidentiality laws until a determination has been made about whether a child will be tried as an adult. Hrg. 1/23 JUD

Jill Muth

DRUG ABUSE

HB 17 Natalie M. LaPrade Medical Cannabis Commission – Food Containing Medical 3 Cannabis (Glenn) would allow certain dispensaries and their agents to acquire, possess, process, transfer, transport, sell, distribute, or dispense food containing medical cannabis for use by a qualifying patient or caregiver. Hrg. 1/29, 2pm HGO

HB 25 Prescription Drug Monitoring Program – Revisions (Barron, Hettleman, Korman, and Moon) would require, not just authorize, the Prescription Drug Monitoring

Program to review data for indications of possible misuse or abuse of a monitored prescription drug and to report the possible misuse or abuse. HGO

HB 33 Medical Cannabis - Opioid Use Disorder (Glenn) would encourage the Natalie M. LaPrade Medical Cannabis Commission to approve provider applications for patients who have an opioid use disorder. Hrg. 1/29, 2pm HGO

HB 35 Opioid Maintenance Therapy Programs - Medical Director Requirement and Qualifications (Glenn) requires an opioid maintenance therapy program to have a medical director who is a physician and has 2 years of experience providing services to individuals who are addicted to alcohol or other drugs. The Medical Director should have at least 1 year of experience in the treatment of opioid addiction with opioid maintenance therapy. HGO

SB 28 Coverage Requirements for Behavioral Health Disorders – Short Term Limited Duration Insurance (Kelley, Chair, Finance Committee; by request Maryland Insurance Administration) alters the definition of “health benefit plan” related to coverage requirements to allow inclusion of short-term limited duration health insurance for the diagnosis and treatment of mental illness and emotional, drug use, and alcohol use disorders. Hrg. 1/30, 1pm FIN

HB 116 Opioid Use Disorder Examinations and Treatment (Barron, Sydnor, and Pena-Melnyk) repeals the requirement for inmates to be placed on a program of methadone detoxification under certain circumstances; requires State and local correctional facilities to conduct an assessment of each inmate within 24 hours of incarceration to determine whether opioid treatment or medication-assisted treatment for opioid addiction is appropriate; and requires State and local correctional facilities to provide certain treatments to inmates suffering from opioid use disorder. JUD, HGO, Hrg. 1/29, 1pm JUD.

Chris Hager

GUN CONTROL

HB 92/SB 113 Public Safety – Handgun Permits – Payment of Fees (Dumais/Hough) alters the fee limits for initial, renewal and duplicate or modified permits; allows for reduced fees for single day-single place permits; waives fees for public safety employees who are required to wear handguns as a condition of their governmental employment and for retired state, county and municipal law enforcement officials as approved by the Secretary of State Police. JPR

SB 114 Firearms – Handgun Permit – Preliminary Approval (Hough) authorizes individuals to apply for preliminary approval of a handgun permit to wear, carry, or transport a handgun without completing a certified firearms training course; requires the Secretary of State Police to investigate an application for a handgun permit; requires the Secretary to issue preliminary approval if the applicant meets certain requirements except the certified firearms training course; requires an applicant to satisfy the firearms

training requirement within 120 days after receipt of preliminary approval. Introduced in 2018 as [SB 27](#). JPR

[SB 115](#) Public Safety – Permit to Carry, Wear, or Transport a Handgun – Qualifications (Hough) clarifies that personal protection or self-defense can qualify as a good and substantial reason to carry, wear, or transport a handgun for purposes of the issuance by the Secretary of State Police of a permit to carry, wear, or transport a handgun. Introduced in 2018 as [SB 99](#).

[SB 118](#) Handgun Permits – Criminal History Records Checks – Fingerprint Submission Exception (Ready) establishes that the Secretary of State Police is not required to submit certain fingerprints with a certain application for a criminal history records check if the applicant's fingerprints are already on file with the Department of State Police. Introduced in 2018 session as [SB 1153](#).

[HB 95](#) Public Safety – Firearms Disqualifications – Antique Firearm known as Shadé's Law (Dumais) applies certain provisions to disqualify a person from possessing a rifle or shotgun to an antique firearm; defines a certain term; makes conforming changes; and generally relates to firearms disqualifications. Introduced in 2018 as [HB 402](#).

[HB 96](#) Public Safety – Regulated Firearms – Transfer House (Dumais) provides that, for certain purposes, the term "transfer" includes a loan other than a temporary gratuitous exchange of a regulated firearm between two individuals who remain in the same location for the duration of the exchange. Introduced in 2018 as [HB 1031](#).

Gloria Salas Kos

EDUCATION

Interim Recommendations of the Commission on Innovation and Excellence in Education (Kirwan Commission) Specific legislation to fund interim recommendations has not yet been introduced. However, at its January 18 meeting, the Kirwan Commission supported the following FY2020 funding priorities as a down payment of \$325 million on overall commission recommendations. This is more than the \$236 million proposed by Governor Hogan in his recommended budget.

- Expand the full day preK funding formula to include all 4 year olds being served in full-day setting by public school systems (\$29 million);
- Fund seed grants for teacher collaboratives which are voluntary collaboratives of school systems, teacher preparation institutions, and others to implement higher teacher standards (\$2.5 million);
- Provide state share of three percent teacher salary increase which requires a local match (\$75 million);
- Provide state share (roughly half of Year 0 estimated cost) of beginning of Transitional Supplemental Instruction (tutoring) program (\$23 million);

- Begin Concentration of Poverty Grants which would fund a community school coordinator and health practitioner for schools with 80% or more concentration of poverty (\$55 million);
- Increase School Based Health Centers and fund Local Education Agency (LEA) mental/behavioral health coordinators (\$2 million);
- Provide state share (roughly half) of Year 0 recommended funding for increased funding of special education (pending outcome of a study of special education funding) - about 30% of recommended total state increase (\$137.5 million);
- Provide start-up funding for the Oversight Board and for training/outreach (\$1 million).

The Commission also noted that 2019 legislation should extend the declining enrollment grants and full day preK formula and Career and Technical Education (CTE) Innovation Grants mandated at \$2.5 million annually under current law.

The Commission also recommended legislation to require \$750 million additional funding above what is otherwise required by formulas in current law in the FY21 state budget to implement the Kirwan Commission's recommendations for FY21.

SB 15 Public School Construction - Innovation Incentive Pilot Program - Prevailing Wage Requirements (Serafini) This bill exempts a public school facility project approved for the Innovation Incentive Pilot Program from meeting prevailing wage requirements if it is less than 50% state funded. Hrg 1/31 FIN.

Lois Hybl

EDUCATION: ACCOUNTABILITY

HB 45/SB 92 Accountability in Education (Miller plus 33) addresses possible misconduct by any person employed by a County Department of Education. It would establish an independent unit to monitor and investigate allegations of misconduct by any employee of a county department of education. Staff would consist of an Inspector General, appointed by the governor for term of six year, and eventually nine members, appointed over three years, five by the governor, and two each by the House and Senate leaders. A hot line would be established to allow complaints to be made anonymously. The unit would have the authority to hold hearings, question witnesses and subpoena any person to give testimony. The matter could finally be referred to a court. The findings would be reported to the State Board of Education and the governor. The law would go into effect immediately on passage. W&M

Patricia S. Gordon

EQUALITY OF OPPORTUNITY

HB56/SB38 Maryland Healthy Working Families Act-Employers with On-site Health Clinics – Exemption (Wivell/Serafini) exempts an employee who regularly works at a facility at which the employer offers the employee access to an on-site health

clinic that has operating costs of at least \$1.0 million annually and provides the employee access to discounted prescription drugs from earning paid sick and safe leave under the Maryland Healthy Working Families Act. This could affect employees of state colleges and universities among others. Hrg. 1/24, ECM; 1/31 FIN

Ruth Crystal

HEALTH

Several health issues will be prevalent in the 2019 session, but there are no bills at this time. There will be efforts to shore up the Affordable Care Act in the State. One idea is a carrot and stick approach, which would penalize people who don't purchase insurance, but the penalty could be used to help purchase insurance. Health Care For All is suggesting a Board to monitor and review complaints about the cost of prescription drugs. Governor Hogan's budget contains \$248 million for opioid addiction treatment programs and the State's Opioid Command Center. Some of this funding will come from federal grants. Another \$378 million is allocated for a Therapeutic Treatment Center attached to the jail in Baltimore, which is state run. There may also be an effort to add the right to choose to the Maryland Constitution.

HB 15 Pediatric Autoimmune Neuropsychiatric Disorders – Coverage (Sydnor) Neuropsychiatric Disorders are OCD and tics which appear following a bout of strep. This bill would mandate coverage for treatment by Medicaid and other policies for evaluation, treatment, etc. HGO

SB 28 Health Insurance – Coverage Requirements for Behavioral Health Disorders - Short-Term Limited Duration Insurance (Kelly, Chair FIN) The Maryland Insurance Administration (MIA) is asking to have a new type of policy available to cover the diagnosis and treatment of mental illness and drug use. Hrg. 1/30 FIN

SB 36/HB 127 Health Insurance – Health Benefits Plans – Special Enrollment for Pregnancy (Lam/Kelly) would allow women to have the opportunity to sign up for health insurance outside of open enrollment periods if they become pregnant. This would also apply to policies on the Exchange. FIN; HGO

Neilson Andrews

TRANSPORTATION

HB 91 Public-Private Partnerships – Presolicitation Reports – Environmental Impact Statement Requirement (Carr & Korman) is filed as an emergency bill to rectify what some view as shortcomings in public-private partnership (P3) agreements. The bill's goal is to prevent P3 presolicitation reports from occurring before a full environmental impact statement is available. Originally, legislation addressing P3s was adopted before the Purple Line agreement was signed. This bill revises legislation addressing P3s and supports the view of legislative analysts in regard to the expansion of I-495 and I-270 as a P3. Hrg.1/22, 10:30am APP & ET

HB 102 Toll Roads, Highways, and Bridges – County Government Consent

Requirement – Expansion (Lierman et al.) expands from nine counties on the Eastern Shore to all counties in the state, the existing prohibition on state agencies to build toll lanes, highways, or bridges without the consent of a majority of the affected counties. If passed, legislation would be effective October 1, 2019. ET

Bee Ditzler

ENVIRONMENT: LAND USE

We will see a further attempt to make progress on strengthening the preservation of forest land in Maryland this session. Last year the Forest Conservation Bill did not pass out of committee, and neither did an effort to get a task force to study forest conservation. This session the environmental community is proposing three modest bills that they hope will lead to a more robust revision of the original Forest Conservation Act of 1991 to stop the loss of forest to development. First, a bill will require that fee-in-lieu (of planting trees) payments from developers to local governments should be handled to insure they are used for tree replacement in the amount required in the forest conservation plan. Second, a bill will clarify that tree canopy is not the same as forest. Third, an in-depth task force on forest loss is proposed. The bill numbers and sponsors will be reported in the next RSC.

HB 120 Natural Resources - No Net Loss of Forest – Definition (Love et al.)

replaces the term “tree canopy” with “forest land” in the Natural Resources article in the Maryland Code. This is important in forest conservation as a forest is an ecological system rather than standalone trees like street trees that are counted as “canopy” and is a different measure. There is a no-net-loss-of-forest goal of 40%; if tree canopy is used as a measure, which is presently at 50%, there would be a 10% allowed loss. ET

Susan Cochran

ENVIRONMENT: RENEWABLE ENERGY

Clean Energy Jobs Act (no bill number or sponsor info yet) will increase Maryland’s renewable energy goal to 50% by 2030, will provide incentives for job growth in the renewable energy market, and mandate a task force to study how we get to 100% renewable energy.

Pipeline and Water Safety Act (no bill number yet) (Fraser-Hidalgo/Zirkin) will mandate the Maryland Department of the Environment (MDE) to perform an environment assessment for all pipeline construction as allowed for in section 401 of the federal Clean Water Act. This bill will be filed as emergency legislation, requiring a 3/5 vote in both chambers.

Shari Glenn

ENVIRONMENT: STORMWATER, BAY, PHOSPHORUS, PESTICIDES, RECYCLING, AIR, & OTHER**HB 27 Clean Indoor Air Act - Use of Electronic Cigarette Devices – Prohibition**

(Holmes) would ban the electronic cigarette devices used in “vaping”. ECM, but hearing has been cancelled.

HB 36 Surface Mining - Zone of Dewatering Influence - Water Supply Replacement

(Wivell) would require surface mining permittees to replace water supplies that they have caused to fail; some costs could be reimbursed. ET.

HB 50 Department of Agriculture - Maryland Produce Safety Program

(Barve, ET chair at request of Dept. of Agriculture) would be established to reduce the risk of adverse impacts on human health from eating contaminated produce. Certain federal standards would apply. ET.

HB 109 Environment - Expanded Polystyrene Food Service Products – Prohibition

(Lierman plus 41) After January 1, 2020, sales in Maryland of polystyrene food service products – whether already containing food or not – would be banned. Certain waivers would be allowed. Financial penalties could be imposed. (Montgomery County, Rockville, and some other Maryland communities already have similar laws in effect.) Hrg. 2/6 ET; ECM

HB 117/SB 03 Maryland Smart Growth Investment Fund

(Lafferty/Rosapepe) The Department of Commerce would select a management entity to create and manage this fund; the governor would be required to budget \$7 million for the fund in 2021. ET; W&M; Hrg. 2/05, 1 pm, FIN

HB 134 Environment - Single-Use Plastic Straws - Use in Restaurants

(Love plus 10) would ban the use of single-use plastic straws in restaurants. (Washington, DC has recently enacted a similar ban.) ET; ECM

SB 54 Surface Mining - Zone of Dewatering Influence - Contested Case Hearing

(Pinsky, EHEA chair for Dept. of Environment) When the law requires MDE to hold a contested hearing, that does not waive the requirement for replacing a water supply or repairing other damage. Hrg. 1/22, 4pm, EHEA

Currently anticipated bills:

Chlorpyrifos ban – supported for a second year by the Smart on Pesticides Coalition and Maryland Pesticide Education Network; chlorpyrifos has been shown to be carcinogenic.

A Pipeline and Water Protection Act – supported by the Chesapeake Climate Action Network; would require the Maryland Department of the Environment (MDE) to fully consider the impacts a proposed pipeline will have on water quality.

Linda Silversmith