



April 12, 2017

## 2017 Legislative Session Comes to a Close

Confetti flew and balloons dropped at midnight on Monday, April 10, marking the end of the 2017 Maryland General Assembly session. This year's 90-day session, the third of the four-year term, was one of the busiest in terms of the variety of legislation introduced with impact on municipal government. MML's Legislative Committee took positions on a total of 71 bills, of which 26 were support positions, 18 were support with amendments, 19 were oppose positions, and 8 were in a "watch" category. Of the 71 bills monitored by MML staff, 17 bills in the support or support with amendments passed, while only two bills in the oppose and "watch" categories passed.

Despite MML's opposition to the Maryland Environment Service collective bargaining bill, the bill did pass both the House and Senate. MML was also watching the paid sick leave bill [HB 1 Paid Sick Leave](#) to attempt to include some protections for seasonal and part-time workers. Although the issue was discussed, the bill as passed does include a requirement that a certain number of paid sick leave days be provided for all workers where an employer (which includes municipalities) employs over 14 full-time and part-time workers. Unpaid sick leave must be provided to employees by an employer with 14 or fewer employees.

A full write up of legislative highlights will be included in the May-June issue of *Municipal Maryland*. To check the status of all the legislation tracked by MML during the session, please go to [MML Bill Position Summary](#).

## Slight Increase in Highway User Revenues in FY 2018 Budget

For the eighth year in a row, the Maryland Municipal League membership selected as a League priority reinstatement of municipal highway user revenues (HURs) that have been diverted to the state. MML-requested legislation to bring HUR funding to prerecession levels over a two-year period failed to gain needed traction in both the Senate and the House. The Governor included in his proposed budget \$7.3 million in base HURs along with \$20.1 million in a one-year grant. The General Assembly approved the budget with the proposed municipal HUR funding levels, leaving municipal transportation funding at 61% of its historic prerecession high.

## MML Priority Stormwater Legislation Runs out of Time

Despite a strong push in the last week of the legislative session, MML's priority legislation to

require payment of a local stormwater fee by all levels of government stalled in the Senate Budget and Taxation Committee. The bill, [HB 656 Stormwater](#), passed the House and was voted favorably in the Senate Education, Health and Environmental Affairs Committee. However, because the bill was jointly assigned in the Senate, the legislation also needed the approval of the committee that monitors spending in the State. Budget and Taxation Committee members expressed concern about the overall fiscal impact on the State largely due to the unknown number of State properties that might be included under the bill.

On a positive note, the bill, as amended in the House, does represent a consensus document that was agreed to after hours and hours of negotiations between Montgomery County and two municipalities in the County. The sponsors of the legislation in the House and Senate have indicated a willingness to reintroduce the legislation next session as a local bill, assuming it meets constitutional muster.

## Water Bills Die in House and Senate

Several pieces of legislation introduced during the 2017 legislative session that were cause for concern and were opposed by the League died without reaching final passage this session. [HB 918 Water Affordability Program](#) would have required a provider of water service to establish a water affordability program. [HB 228/SB 546 Water Shutoff Notice](#) would have established a long list of requirements that would have had to be met before shutting off water service to a customer for non-payment and included restrictions on shutting off and restoring water service. Finally, [HB 453 HB 453 Tax Sales - Water Liens](#) would have established a one-year moratorium on the ability to send a property to tax sale for unpaid water and sewer bills.

MML strongly opposed all three of these bills and with the help of other stakeholders, was able to fend off efforts to pass them. Although none of these bills passed, there is still significant interest and concern about non-payment of water and sewer bills. As a result, a task force was formed [HB 659 Task Force to Study Tax Sales in Maryland](#) to study tax sales in general. The bill was amended to include language to ensure that the use of tax sales to collect delinquent water charges is included as part of the charge of the study and MML has a seat on the task force.

## Roadside Tree Legislation Does Not Survive in the Senate

Legislation introduced to further regulate the maintenance of roadside trees [HB 1118 Roadside Trees](#) under a Department of Natural Resources (DNR) permit was opposed by MML in its original form. As introduced, the bill was overly broad and allowed little flexibility at the local level to manage roadside trees based on the needs of each community.

Amendments were added to the bill to ensure that the Department of Natural Resources must consider necessary improvements, repairs, or expansion of conduits, rights-of-way, roadways, or other infrastructure and development that meets local zoning and land use requirements as criteria for the maintenance or removal of roadside trees under a DNR roadside tree permit. With these amendments, the MML Legislative Committee changed MML's position from oppose to support with amendments and the bill passed the House in the amended form. However, despite the amendments, stakeholders including home builders and utilities continued to oppose

the bill, and it ultimately died in the Senate Education, Health and Environmental Affairs Committee without coming to a vote.

## Costly Attorney's Fees Bill Runs Out of Time

As originally drafted, [SB 705](#) and its cross-file [HB 903](#) would allow a court to award attorney's fees to a prevailing plaintiff in a case against a government that allegedly violated any provision of the Maryland Constitution or Declaration of Rights. HB 903 passed the House of Delegates in this form. The Senate Judicial Proceedings Committee amended the bill so that cases brought under 15 specific sections of the Maryland Constitution and Declaration of Rights would be eligible for prevailing plaintiffs to recoup attorney's fees.

Local government concerns focused primarily on a few key areas. The range of applicable cases under the bill was overly broad; the bill captured many types of cases that already produce potentially large judgements that attract attorneys. There were no protections for defendants that exist in other types of cases. The bill would also have increased local government insurance premiums.

MML worked closely with MACo, LGIT, and many cities and towns to oppose this bill on the Senate floor. The coalition offered amendments that would have addressed local concerns and in the end this opposition prompted the bill to be recommitted to the Senate committee for further work. The bill returned to the Senate floor but was postponed to the point that it was not acted upon before the Senate concluded its work for the year.

## Ethics Law Change Will Likely Mean Local Ethics Ordinance Amendments

HB 879 effected changes to state Ethics law relating to awards of contracts and licenses and solicitation of political contributions. Though aimed at the General Assembly and registered lobbyists, the bill may mean that local governments will need to amend their ethics ordinances, which must be at least as stringent as state law. To the extent local ethics ordinance amendments are needed, staff to the State Ethics Commission has indicated their intent to provide guidance on the issue.

### Summer Conference Deadlines

- April 17 - Discounted Attendee Pre-Registration
- April 17 - Discounted Meal Ticket Rates
- April 17 - Hall of Fame Nominations (to be listed in the program)
- May 15 - MVP Volunteer Sign Up ([form](#))
- May 15 - Parade of Flags Registration ([form](#))
- May 19 - Golf Tournament Sponsor
- May 19 - Hotel Discount Rates Expire
- June 2 - Conference Registration Cancellations/Changes
- June 10 - Golf Tournament Registration Due ([form](#))

## 5 Days Left - Discounted Conference Registration Expires

You will **save money** if you register for MML's summer conference **by Monday, April 17**. Register [online](#) and save \$50 on your registration fee. Registration fees and ticket prices increase after April 17. MML's conference schedule includes workshops, forums for tiny towns, small towns, and large cities, the Cabinet Secretaries Roundtable, and an opening session featuring Dr. Samuel Betances, internationally known multiculturalism and diversity consultant, educator, and author. The workshop schedule includes over two dozen education sessions designed especially for city and town officials. Refer to the updated [conference schedule](#) which now lists the Academy for Excellence in Local Governance electives as well as core classes.

MML's summer conference will be held June 25 – 28, 2017 at the Convention Center in Ocean City. You can [register online](#), or use the [registration form](#) in the March issue of *Municipal Maryland*. Sign up today!

## Conflict Resolution Workshop at Summer Conference

This year's MML summer conference will include the workshop "Resolving Municipal Conflict: There's Got to be a Better Way," and the instructors for the session want to hear from municipal officials about the types of conflicts you are facing in your cities and towns. Are they intergovernmental? Land use oriented? Perhaps with members of the community itself? If you would like to hear the instructors speak to a particular type of challenge, let us know and the instructors will do their best to work it into the discussion. Examples can be very general in nature and all requests will be shared anonymously. Simply send your comments to MML Education Services Director Tom Reynolds at [tomr@mdmunicipal.org](mailto:tomr@mdmunicipal.org). The Resolving Municipal Conflict session will take place on Tuesday, June 27, 9:00 - 10:15 a.m. in Ocean City.

## 2017 Hall of Fame

MML is pleased to welcome the following officials into the Maryland Municipal League Hall of Fame. We appreciate the dedication these officials have made to their community and the League. All candidates will be inducted during the Tuesday night dinner at the MML summer conference, June 27.

Although Hall of Fame submissions will be accepted through the end of May, in order to have your name listed in the summer conference program book, all submissions must be received **by April 17**. Hall of Fame [forms](#) can be downloaded and emailed to [paulah@mdmunicipal.org](mailto:paulah@mdmunicipal.org).

Suzanne P. Albert, Westminster - 20 years  
Jerome Klobukowski, Poolesville - 20 years  
Henry F. Marraffa, Jr., Gaithersburg - 21\* years  
Kelly Porter, Seat Pleasant - 20 years  
Walt Stull, Brunswick - 20 years  
Richard Sullivan, Brookview - 21 years  
Charles T. White, Laytonsville - 24\* years  
Reveral L. Yeargin, Seat Pleasant - 20 years

\*Denotes posthumous induction

## MML 2017-18 Board Nominations

Nomination materials for the MML 2017-2018 Board of Directors were e-mailed to chief municipal elected officials and to MML chapter presidents and secretaries in March. The following nomination for MML's 2017-2018 Board of Directors has been received at the League office:

### Member at Large

Malinda A. Miles, Mayor, Mount Rainier

Nomination materials can be found [here](#). Contact Jim Peck at [jimp@mdmunicipal.org](mailto:jimp@mdmunicipal.org) with any questions.

## The Maryland Municipal League Invites Your Input...

Although it seems the dust is still settling from the 2017 General Assembly session, it is time to start thinking about next year's MML legislative priorities. To submit a **Legislative Action Request (LAR)** for consideration by the 2017-2018 Legislative Committee, please complete a 2018 [LAR submission form](#) and return it to MML by July 28, 2017. LARs considered in the past have included revenue, environmental, legal, planning and zoning, government operations, and transparency issues. LARs may be submitted by a municipality, a MML Chapter, or a MML Department. Please remember to be considered by the MML Legislative Committee, prior to submission, all LARs must be adopted at a meeting of the body submitting the request and be signed and dated by an official representing the body. Questions may be referred to [Jim Peck](#), [Bill Jorch](#), or [Candace Donoho](#) at the MML office.

## Savings and Solutions with New U.S. Communities Paint Supplies Contract

U.S. Communities is excited to announce the award of a new cooperative contract for paint and paint supplies. This contract was awarded to The Home Depot through a competitive solicitation process conducted by the lead public agency, Maricopa County, Arizona. The contract term is for three years with the option to renew for seven additional one-year periods. Learn more about this new contract as well as other services and savings opportunities at <http://www.uscommunities.org>.

### 45th Annual Golf Tournament

Be Part of a Longstanding Tradition - June 25, 2017 - Eagle's Landing  
[Details Here](#)

## Classifieds

Classified advertisements from Maryland cities, towns, counties, and government agencies will be published in MML's *e-Bulletin* at no charge. If you would like to advertise an **employment opportunity, a request for proposals, or a piece of equipment for sale** within the State of Maryland, please e-mail the ad copy, in a text only word doc, 200 words or less to [classified](#). Ads will appear for a 90-day period and can be resubmitted for posting if needed.

[Legislative Status Link](#)

[Classified Section Link](#)

[Important Dates / Deadlines](#)

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