



THE  
MARYLAND  
MUNICIPAL  
LEAGUE

**2017**

# **Final Legislative Report**

**Legislation Affecting  
Municipalities**

## Preface

MML's 2017 *Final Report on Legislation Affecting Municipalities* illustrates the scope of League activities during the 2017 regular session of the Maryland General Assembly. A copy is being sent via email to each member municipality to apprise local officials of legislation passed during the session that may influence their operations and activities. Persons receiving this report are encouraged to share this information with other appropriate officials in their cities or towns.

There were 2,880 bills and joint resolutions introduced in the General Assembly during the 2017 regular session. League staff reviewed all bills and their many amendments to determine their impacts on local government. During the session, MML sent 13 legislative updates in the weekly *eBulletin* to keep members informed about bills with potential municipal government impact. MML actively supported, supported with amendments, or opposed a total of 71 bills, and closely monitored several others. League efforts were directed by the decisions of the MML Legislative Committee and facilitated by the activities and support of local chapters and individual municipal officials.

This report provides a summary of significant statewide bills passed by the General Assembly that will affect Maryland's municipalities, including those bills tracked by the League. These measures are organized according to general subject headings and are presented in bill number order, Senate bills first, followed by House bills. To view the text of the actual legislation, please go to the [Maryland General Assembly Website](#), enter the bill number in the box on the home page, and then click on the bill number in the top left-hand corner of the bill page.

For a more in-depth summary of legislation passed during the 2017 General Assembly session, click on [2017 Maryland 90 Day Report](#) and go to the index at the back of the report to find the description of the bill in the report.

We recommend this compilation for your general use and guidance. In areas where significant legal questions may arise, we urge that you consult your municipal attorney.

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## 2016-2017 Legislative Committee

The MML Legislative Committee is charged with several duties, including the review of all Legislative Action Requests (LARs) submitted to the Committee by chapters, departments, and individual member municipalities. After appropriate consideration of all LARs, the Committee recommends a formal legislative program to the League's membership at the annual fall conference.

The 2016-2017 Committee began meeting during the fall of 2016, where they debated and then selected a recommended legislative priority program, which was presented to the membership at the fall conference in Solomons Island. Beginning on the first day of the 2017 General Assembly session, the Committee continued to meet every seven to ten days during which time, the Committee guided the League's program, considering over 200 bills, and taking positions on legislation affecting municipalities statewide.

### **Chair**

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### **Vice Chairs**

Michael Callahan, Mayor, Cheverly

Jarrett K. Smith, Councilmember, Takoma Park

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Laura Reams, City Clerk, Hyattsville (Municipal Clerks Association Representative)

Jeannie Ripley, Code Enforcement Manager, College Park (Municipal Code Enforcement Officers Representative)

Joseph Solomon, Councilmember, Hyattsville

William C. Wantz, Attorney, Boonsboro/New Market

Robert T. Willey, Mayor, Easton

**Administrative**

## **SB 450/HB 880 – Open Meetings Act – Annual Reporting Requirements, Website Postings, and Training**

**Senate Bill 450/House Bill 880** prohibit a public body from meeting in closed session unless the public body designates a member to receive training on the Maryland Open Meetings Act, require a designated member to be at a meeting of the public body or for the public body to use a check list developed by the Office of the Attorney General, and alter the duties and reporting requirements for the Open Meetings Compliance Board. The bills also require the board and other specified entities to collaborate and conduct research on open meetings issues related to the distribution of educational materials and the costs and benefits of tracking individual compliance with the Open Meetings Act.

## **SB 632/HB 118 – Election Law – Persons Doing Public Business – Reporting by Governmental Entities**

State law imposes special disclosure requirements for political contributions made by persons holding government contracts. Under Title 14 of the Election Law Article, a business holding a contract of \$200,000 or more with the State or its political subdivisions must file reports every six months with the State Board of Elections (SBE) disclosing certain political contributions made by the business and by certain persons affiliated with the business. Contributions made by officers, directors, partners, and subsidiaries of a business holding a government contract are attributed to the business and reported by the business. **Senate Bill 632/House Bill 118** repeal a requirement that a governmental entity that has awarded a person a contract of \$200,000 or more notify SBE if the persons fails to file a statement of contributions. Instead, the bills require a governmental entity to provide SBE with a list of all persons awarded a contract of \$200,000 or more on a quarterly basis. Under the bills, SBE assumes responsibility for ensuring that the required reports are filed. In addition, the bills repeal a provision exempting contracts posted on the State's online procurement system, *eMaryland* Marketplace, from the process of verifying that the required reports have been filed.

## **SB 1057 – Public Information Act – Denials of Inspection – Explanation Regarding Redaction**

Each governmental unit that maintains public records must identify a representative who a member of the public may contact to request a public record. **Senate Bill 1057/House Bill 383 (both passed)** require a custodian of a public record who denies an application for inspection of a public record under the Maryland Public Information Act to include in the written statement that explains the reasons for the denial, an explanation of why redacting information would not address the reasons for the denial.

## **HB 351 – Property Tax – Homestead Property Tax Credit Percentage and Constant Yield Tax rate – Deadlines**

**House Bill 351** extends the deadline by which Baltimore City and county governments (from November 15 to March 15) and municipalities (from November 25 to March 25) must set or alter the homestead property tax credit percentage in a taxable year and then notify SDAT of any changes. **House Bill 351** also authorizes SDAT to recalculate the constant yield tax rate by April 15 if a county or municipality changes the homestead tax credit percentage. In addition, **House Bill 351** requires assessment notices to include a statement that the taxable assessment may change if a county or municipality changes the homestead tax credit percentage, and that the final taxable assessment will be stated on the next property tax bill.

## **HB 879 – Public Integrity Act of 2017**

The General Assembly passed **House Bill 879**, which substantially revised the Maryland Public Ethics Law. The Act modifies conduct and disclosure requirements for State elected officials, public officials, employees, and lobbyists. Regulations are being developed that may require an update of local ethics ordinances.

### **Prestige of Office**

The Act prohibits an official or employee from intentionally using the prestige of office or public position to influence the award of a State or local contract to a specific person, except in the performance of a usual and customary constituent service, without additional compensation, or as part of the official duties of the individual. Also, an official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm. Furthermore, a public official or employee may not use public resources or the title of office or position to solicit a political contribution that is regulated under the Election Law Article and prohibits a State official from using public resources to solicit a political contribution.

### **Reporting Requirements**

On or before January 15 of each year, a governmental unit must provide a list of the entities that did business with the governmental unit during the preceding calendar year to the employees who are required to file a financial disclosure statement. The Act alters the content of the disclosure statement to require the reporting individual to report only debt, excluding retail credit accounts, owed during the applicable time to entities regulated by the individual's governmental unit rather than any entity that does business with the State. The Act expands public access to disclosure statements by requiring, for statements submitted on or after January 1, 2019, that the State Ethics Commission must make available to the public, through an online registration program, the financial disclosure statements that are filed by State officials, candidates for State office, and a Secretary of a principal department in the Executive Branch. However, neither the State Ethics Commission nor the Ethics Committee may provide public access to the portion of a statement that includes the filer's home address.

### **Bribery**

A public employee may not demand or receive a bribe to influence the performance of the employee's official duties. In addition, a person may not bribe or attempt to bribe a public employee to influence the employee's performance of an official duty. A person who is guilty of bribery is subject to imprisonment and fines. The Act increases the potential fines from \$100 to \$5,000 to \$1,000 to \$10,000.

### **HB 1402 – Property Tax Appeals – Payment of Refunds – Deadline and Notice**

**House Bill 1402** requires the tax collector to whom property tax was paid to pay a full refund to a taxpayer within 30 days after SDAT provides notice to the tax collector that an appeal authority has issued a decision that reduces the assessed value of property. The notice must include a list of all properties for which an appeal authority has calculated that a taxpayer is due a refund because of a decision by the appeal authority to reduce the assessed value of the property. An appeal authority includes a supervisor, SDAT, PTAAB, the Maryland Tax Court, and any other court authorized to hear property tax appeals.

# Economic and Community Development

## **SB 823/HB 659 – Task Force to Study Tax Sales in Maryland**

**Senate Bill 823/House Bill 659** establish a task force to study tax sales in the State. The task force must (1) evaluate and assess the impact of tax sales; (2) evaluate how tax sales are conducted in each county; (3) evaluate tax sales to collect delinquent water charges and alternative methods of collecting delinquent water charges; and (4) examine and make recommendations for reform of the tax sale process in the State. The task force must report its findings and recommendations to the Governor and the General Assembly by December 1, 2017.

## **SB 873 – Economic Development – Job Creation Tax Credit – Alteration**

The job creation tax credit program provides a tax credit to certain businesses that are primarily engaged in qualifying business activities and expand or establish a facility in Maryland that results in the creation of new jobs. The new jobs must be full-time, permanent, filled, located in Maryland, and pay at least 150% of the federal minimum wage. Commerce certifies the number of qualifying jobs created by the business, and there is no limit on the amount of credits that may be awarded each year. A business must claim the value of the tax credit over two tax years. **Senate Bill 873** alters the program by (1) increasing the value of the tax credit; (2) allowing a business to claim the full value of the credit in one tax year; (3) limiting to \$4 million the annual amount of credits the department may award; (4) lowering the minimum number of qualifying jobs that must be created in order to claim the credit in certain counties; (5) requiring that each qualifying job pay at least 120% of the State minimum wage; and (6) altering certain tax credit verification and reporting requirements. The bill applies to all job creation tax credits certified after December 31, 2017.

## **SB 875/HB 1048 – Residential Property – Notice of Foreclosure**

Over the past several years, the State's multifaceted approach to the foreclosure process has involved legislative reforms of mortgage lending laws and the foreclosure process, extensive consumer outreach efforts, and enhanced mortgage industry regulation and enforcement. During the 2017 session, the General Assembly passed legislation to require additional notices at the beginning and the end of the foreclosure process, as well as to establish an expedited process for vacant and abandoned property, a problem that continues to challenge local communities. **Senate Bill 875/House Bill 1048** require a person authorized to make a sale in an action to foreclose a mortgage or deed of trust on residential property to provide the Department of Labor, Licensing, and Regulation with a notice of foreclosure within seven days of the filing of an order to docket or a complaint to foreclose. The notice must be in the form the department requires, which may be in the form of a registration with the Foreclosed Property Registry currently administered by the department. The bills also express legislative intent that the bills do not repeal any local law enacted prior to January 1, 2017, that requires a notice substantially similar to the notice of foreclosure described in the bills to be filed with the local jurisdiction.

## **SB 957/HB 1168 – Counties and Municipalities – Land Bank Authorities**

Generally, local land bank authorities are public or community-owned entities that are created for the purpose of acquiring, managing, maintaining, and repurposing vacant, abandoned, and foreclosed properties. Chapter 739 of 2010 granted municipalities the authority to establish land bank authorities. **Senate Bill 957/House Bill 1168** expand the authority to enact a local law to establish a land bank authority to apply it to one or more local governments, defined under the bills as a municipality or county. A local government may create a land bank authority or enter into an intergovernmental cooperation agreement with one or more local governments to create a single land bank to act on behalf of the local governments, which may include one or more water and sewer authorities. The bills provide for the continued operation of an authority that is created by an intergovernmental cooperation agreement if one of the parties decides to withdraw from the agreement.

### **SB 1033/HB 702 – Residential Property – Vacant and Abandoned Property – Expedited Foreclosure**

Vacant residential property, whether resulting from foreclosure or other circumstances, often becomes a nuisance to the community, which, in turn, lowers the value of surrounding properties and the community as a whole and encourages criminal activities on and near the property. In addition, abandoned vacant property does not generate tax revenue for the local government and may, in fact, become a costly drain on local government resources (e.g., enforcement of public safety laws and ongoing nuisance abatement such as weed cutting, removal of dumped garbage, rodent control, and boarding up of windows). Under **Senate Bill 1033/House Bill 702**, a residential property may be found to be vacant and abandoned if (1) the court finds that the mortgage or deed of trust on the property has been in default for 120 days or more; (2) no mortgagor or grantor has filed with the court an answer or objection that would preclude the court from entering a final judgment and a decree of foreclosure; (3) no mortgagor or grantor has filed with the court a written statement that the property is not vacant and abandoned; and (4) the court finds that at least three from a nonexhaustive list of enumerated circumstances are true as to the property. If the court rules that a property is vacant and abandoned, the secured party may file an action for immediate foreclosure and must serve the foreclosure documents in a specified manner.

# Employment

## **SB 291 – Maryland Environmental Service – Collective Bargaining**

The Maryland Environmental Service (MES) is an independent State agency that provides technical services to clients for engineering, design, financing, construction, project management, and operation of water supply and wastewater treatment facilities. The technical services support water supply, wastewater treatment, and solid waste management to State agencies, counties, municipal corporations, and private entities. Among other things, MES has the authority to exercise eminent domain and establish and collect rates, fees, and charges for certain projects, products, and services. **Senate Bill 291** gives MES employees collective bargaining rights similar to those of most State employees by requiring MES to recognize and deal with an employee organization that is elected, in accordance with provisions that apply to State employees, as an exclusive representative of MES employees.

## **SB 401/HB 815 – State Retirement and Pension System – Membership Elections**

Recent rulings by the Internal Revenue Service (IRS) have raised issues with respect to numerous provisions in State law that allow for optional elections and that allow those elections to occur at times other than at the commencement of employment. **Senate Bill 401/House Bill 815** make changes to several provisions in State law to comply with the IRS rulings and ensure the system's tax-exempt status. Specifically, the bills (1) make membership in a SRPS plan mandatory for specified employees of Prince George's County for whom membership is currently optional; (2) require that an election to join an SRPS plan when membership is an option be made upon commencement of employment instead of within one year of employment; (3) under limited circumstances, bar some employees from joining the Optional Retirement Program (ORP); and (4) specify the conditions under which an eligible governmental unit may join an SRPS plan. The bills also require the Secretary of State Police to join the State Police Retirement System.

## **SB 867/HB 1476 – Workers' Compensation – Failure to Report Accidental Personal Injury - Penalty**

If an accidental personal injury causes a disability for more than three days or death, an employer must report the accident to the Workers' Compensation Commission within three days after learning about the injury. Additionally, when learning that a covered employee has been disabled due to an occupational disease, the employer must promptly report the disability to the commission. An employer that fails to report such an accident or occupational disease is guilty of a misdemeanor and is subject to a fine of up to \$50. **Senate Bill 867/House Bill 1476** increase, from \$50 to \$500, the maximum fine that may be imposed and limits the penalty to knowing violations only.

## **HB 1 – Labor and Employment – Maryland Healthy Working Families Act (VETOED)**

**House Bill 1** requires an employer, including the State, to have a sick and safe leave policy under which an employee earns at least 1 hour of sick and safe leave, at the same rate as the employee normally earns, for every 30 hours an employee works. An employer is not required to allow an employee to earn or carry over more than 40 hours of earned sick and safe leave in a year, use more than 64 hours of earned leave in a year, accrue more than 64 hours at any time, or use earned sick and safe leave during the first 106 calendar days worked. State government employees are subject to their unit's personnel policies if the policies meet or exceed the basic requirements of **House Bill 1**.

## **HB 167 – Counties and Municipalities – At-Will Supervisory Employees – Residency Requirements**

**House Bill 167** authorizes a county or municipality to require an at-will supervisory employee to reside in the State, county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment if the at-will supervisory employee reports directly to the head of a unit of the county or municipality. The bill applies prospectively to any local law, ordinance, or policy enacted or adopted and may not be applied or interpreted to have any effect on or application to the continued employment of any individual employed by a county or municipality before the effective date of the local law, ordinance, or policy enacted or adopted by the county or municipality.

# Fiscal and Financial Affairs

## **SB 257/HB 267 – Program Open Space (POS) – Authorized Transfer to the Maryland Heritage Areas Authority Financing Fund – Increase**

Up to \$3 million of transfer tax funding allocated to POS each fiscal year may be transferred to the Maryland Heritage Areas Authority Financing Fund (which supports grants and loans for projects in designated heritage areas across the State). **Senate Bill 257/House Bill 267** increase that authorization, allowing for up to \$6 million to be transferred, provided that any amount transferred that is over \$3 million must be provided from the State's share of funds under POS. There are currently 13 designated heritage areas across the State, which, pursuant to statute, are intended to reflect the cultural themes of the State's development and provide educational, inspirational, economic, and recreational benefits for present and future generations.

## **SB 282/HB 231 – Property Tax Credit – Disabled or Fallen Law Enforcement Officers and Rescue Workers – Alterations**

**Senate Bill 282/House Bill 231** authorize all county and municipal governments to expand an existing optional local property tax credit for a dwelling owned by the surviving spouse of a specified fallen law enforcement officer or rescue worker to include the cohabitant of a specified fallen law enforcement officer or rescue worker. In addition, **Senate Bill 282/House Bill 231** increase the number of years, from 2 to 10, within which a disabled law enforcement officer or rescue worker or the surviving spouse of a fallen law enforcement officer or rescue worker must have acquired specified residential property to qualify for the property tax credit. Because the bills expand the provisions of law in Chapters 558 and 559 of 2016 to all counties and municipalities, the legislation repeals the provisions of law pertaining only to Harford County.

## **SB 397/HB 1433 – Local Income Tax Overpayments – Local Reserve Account Repayment – Forgiveness**

As a result of inquiries about local income tax distributions to certain municipalities, a determination was made that local income tax revenues were not accurately distributed by the Comptroller in recent years. In response to these findings, Chapter 24 of 2016 established a process for reconciling local income tax revenues for counties and municipalities that are determined by the Comptroller to have received an underpayment or overpayment of local income tax revenues. **Senate Bill 397/House Bill 1433** repeal the requirement that a county or municipality that is determined to have received an overpayment of local income tax revenues pursuant to Chapter 24 must reimburse the local income tax reserve account for the overpayment. The bills also specify that it is the intent of the General Assembly that the Comptroller return from the local income tax reserve account any reimbursement payment made by a county or municipality pursuant to Chapter 24.

## **HB 627 – Motor Fuel Tax Refund – Demand Response Trips**

**House Bill 627** allows a refund of the motor fuel taxes paid for use by a vehicle that is used only in the transportation system of a local jurisdiction to transport the public via demand response trips. Demand

response trips are defined as transporting passengers who are unable to use regular schedule, fixed termini services and include trips that are required under the federal Americans with Disabilities Act.

### **HB 979 – Property Tax Credit – Public Safety Officers**

**House Bill 979** authorizes county and municipal governments to grant, by law, a property tax credit for a dwelling owned by a specified public safety officer. The amount of the property tax credit may not exceed \$2,500 and the amount of property tax imposed on the dwelling. SDAT is responsible for the administrative duties that relate to the application and determination of eligibility for the property tax credit. County and municipal governments must reimburse SDAT for the reasonable cost of administering the property tax credit.

### **HB 1234 – Property Tax – Credit for Retired Military Service Members – Eligibility**

**House Bill 1234** alters the eligibility criteria of this property tax credit for specified members of the U.S. Armed Forces by specifying that eligible individuals must be members of the uniformed services of the United States as defined by 10 U.S.C. Section 101, the military reserves, or the National Guard. This extends eligibility for the credit to the National Oceanic and Atmospheric Administration and the Public Health Commissioned Corps.

### **HB 1323 – Property Tax – Credit for Revitalization Districts**

**House Bill 1323** authorizes county and municipal governments to grant, by law, a property tax credit for a dwelling that is (1) located in a revitalization district; (2) owned by a homeowner who, on or after June 1, 2017, made substantial improvements to the dwelling in compliance with the code and laws applied to dwellings; and (3) reassessed at a higher value. The property tax credit phases out over a five-year period.

# Land Use and Environment

## **SB 29/HB 617 – Natural Resources – Forest Conservation Act – Forest Conservation Thresholds and Afforestation and Reforestation Requirements**

The Forest Conservation Act (FCA) establishes minimum forest conservation requirements for land development. It is administered by the Department of Natural Resources' (DNR) Forest Service but is primarily implemented on the local level, through local forest conservation programs. **Senate Bill 29/House Bill 617** clarify that local forest conservation programs may include afforestation (establishment of forested area on development tracts where there is little or none) and reforestation (establishment of forested area to offset cleared forest) requirements that are more stringent than the minimum requirements under FCA.

## **SB 99/HB 171 – Department of the Environment – Yard Waste and Food Residuals, and Other Organic Materials Diversion and Infrastructure – Study**

Solid waste in Maryland is managed through a combination of landfilling, energy recovery, recycling, exporting for disposal or recycling, and composting. Yard waste that is collected separately from other solid waste may be transported to a composting facility; however, an owner or operator of a refuse disposal system may not accept truckloads of separately collected yard waste for final disposal unless the owner or operator provides for the composting or mulching of the yard waste. **Senate Bill 99/House Bill 171** require MDE to study and make recommendations regarding the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities in the State, including ways to encourage investment in infrastructure and expand capacity for yard waste, food residuals, and other organic materials diversion. MDE must consult with specified State and local agencies as well as other specified entities and report its interim and final findings and recommendations to the Governor and the General Assembly by July 1, 2018, and July 1, 2019, respectively.

## **SB 314/HB 417 – Clean Water Commerce Act of 2017**

Chapter 428 of 2004 established the Bay Restoration Fund (BRF), which is administered by the Water Quality Financing Administration within MDE. The main goal of BRF is to provide grants to owners of wastewater treatment plants to reduce nutrient pollution to the Chesapeake Bay by upgrading the systems from biological nutrient removal (BNR) to enhanced nutrient removal (ENR) technology. BRF is also used to support septic system upgrades and the planting of cover crops. BRF fee revenue generated from users of wastewater facilities is deposited into a separate account (Wastewater Account) and used, among other specified uses, to provide grants for up to 100% of the eligible costs to upgrade wastewater treatment plants to ENR. **Senate Bill 314/House Bill 417** expand the authorized uses of the BRF's Wastewater Account to include, after funding other specified BRF priorities, the purchase of cost-effective nitrogen, phosphorus, or sediment load reductions in support of the State's efforts to restore the health of the Chesapeake Bay. The bills authorize up to \$4 million in fiscal 2018, \$6 million in fiscal 2019, and \$10 million per year in fiscal 2020 and 2021 from the BRF for that purpose. The nitrogen, phosphorus, and sediment load reductions cannot be from the agricultural sector and must be created on or after July 1, 2017. MDE must adopt specified implementing regulations in consultation with the secretaries of Agriculture, Commerce, Natural Resources, and Transportation, and with public- and private-sector stakeholders. The bills, which terminate June 30, 2021, also establish reporting requirements for MDE.

## **SB 343/HB 384 – Bay Restoration Fund (BRF) – Eligible Costs – Expansion**

**Senate Bill 343/House Bill 384** expand the authorized uses of the BRF by altering the definition of “eligible costs.” Currently, only costs related to upgrading a facility from Biological Nutrient Removal (BNR) to Enhanced Nutrient Removal are eligible for BRF funding; costs related to BNR upgrades are not. The bills authorize MDE to use the BRF for BNR upgrades.

#### **SB 440/HB 557 – Environment – Water Management – Sediment Control at Large Redevelopment Sites**

Before a person may begin any land clearing, grubbing, topsoil stripping, soil movement, grading, cutting and filling, transporting, or other disturbing of land for any purpose, the appropriate approval authority must review and approve the proposed earth change and the sediment control plan for the proposed earth change. In addition, for a developer to receive a grading or building permit, the developer must submit to a county or municipality a grading and sediment control plan approved by the appropriate authority. **Senate Bill 440/House Bill 557** establish MDE as the approval authority for grading or building permits, proposed earth changes, and sediment control plans for large redevelopment sites. A “large redevelopment site” is defined as any real property that (1) consists of one or more contiguous parcels that are collectively more than 500 acres; (2) is being used or was formerly used for industrial purposes and manufacturing; and (3) for which MDE has received at least one application to participate in its Voluntary Cleanup Program or at least one plan for remedial action by a specified party. MDE must develop sediment control criteria for these sites that are as protective of the environment as criteria required by soil conservation districts and MDE for all other sites.

#### **SB 885/HB 1309 – Environment – Recycling – Special Events**

Chapter 338 of 2014 required counties to revise their recycling plans to address the collection and recycling of recyclable materials from special events by October 1, 2015. The recycling required for special events must be carried out in accordance with the revised county recycling plans, and a person who violates the recycling requirements at a special event is subject to a civil penalty of up to \$50 per day. **Senate Bill 885/House Bill 1309** require the State, a county, a municipality, or any other local government, before issuing a special event permit, to provide the organizer of the event with a written statement that describes the recycling requirements and the penalty for violations. The bills also increase the maximum civil penalty applicable to a person or an organization that violates the recycling requirements at a special event to \$300 for each day on which a violation exists.

#### **SB 1190 – Bay Restoration Fund – Upgraded Wastewater Facilities – Grants to Counties and Municipalities**

**Senate Bill 1190** authorizes MDE to use funds from the BRF to award a grant to a county or municipality that upgraded a wastewater facility to ENR before July 1, 2013, if (1) the county or municipality did not receive a grant for the upgrade from BRF and (2) the customers of the wastewater facility pay the bay restoration fee. Up to \$2 million in grants may be awarded by MDE on a first-come, first-served basis. The grant program terminates September 30, 2019.

#### **HB 125 – Environment – Emergency Action Plans for Dams**

The Federal Emergency Management Agency published national guidelines for dam safety in 2007 and recommended that states establish statutory requirements for dam owners to develop and periodically update emergency action plans (EAP). Although MDE has broad authority regarding permitting for construction, repairs, and dam modifications, MDE only has statutory authority to compel development and maintenance of an EAP for those dams that require a permit from MDE. **House Bill 125** is an emergency bill that requires an owner of a specified existing dam to submit an EAP to MDE for approval by August 1, 2017,

if the dam (1) has the potential to cause the loss of human life or substantial property damage in the event of a structural failure and (2) has been designated or verified by MDE as a high hazard or significant hazard dam. The bill requires a person proposing to construct a specified dam to submit an EAP with an application for a permit to construct the dam, establishes the required contents of an EAP, and requires that an EAP be updated annually. MDE is authorized to adopt implementing regulations. Additionally, the bill creates an exemption for the owner of a specified reservoir, dam, or similar waterway construction from having to reimburse MDE for work MDE has completed on the reservoir, dam, or similar waterway construction if the owner demonstrates an inability to pay. The bill states that the intent of the General Assembly is for MDE to (1) work with the owner to pursue cost-effective market-based solutions and (2) consider establishing a program to assist an owner in funding the work.

#### **HB 1325 – Oil and Natural Gas – Hydraulic Fracturing – Prohibition**

**House Bill 1325** prohibits a person from engaging in the hydraulic fracturing of a well for the exploration of oil or natural gas in the State. **House Bill 1325** also redefines “hydraulic fracturing” as the stimulation treatment performed on oil and natural gas wells in low permeability oil or natural gas reservoirs through which specially engineered fluids are pumped at high pressures and rates into the reservoir interval to be treated, causing fractures to open.

#### **HB 1350 – Public Service Commission – Application for Certificate of Public Convenience and Necessity – Consistency with Comprehensive Plan**

**House Bill 1350** prohibits the Public Service Commission from taking final action on an application for a certificate of public convenience and necessity for a generating station until after taking due consideration of (1) the consistency of the application with the comprehensive plan and zoning of each county or municipality where any portion of the generating station is proposed to be located and (2) the efforts to resolve any issues presented by a county or municipality where any portion of the generating station is proposed to be located.

# Public Safety/Legal

## **SB 26 – Maryland False Claims Act – Municipal Corporations**

Under the English common law, a private individual could bring a *qui tam* action (a private party cause of action brought on behalf of a governmental entity) in court on behalf of the Crown. If the individual was successful, he or she would receive a part of the penalty imposed. In the United States, the practice exists as a component of some “whistleblower” statutes, including the Maryland False Claims Act (MFCA). MFCA (1) prohibits a person from knowingly making a false or fraudulent claim for payment or approval by a governmental entity; (2) authorizes a governmental entity to file a civil action against a person who makes a false claim; (3) establishes civil penalties for making a false claim; (4) permits a private citizen to file a civil action on behalf of a governmental entity against a person who has made a false claim; (5) requires the court to award a certain percentage of the proceeds of the action to the private citizen initiating the action; and (6) prohibits retaliatory actions by a person against an employee, contractor, or grantee for disclosing a false claim or engaging in other specified false claims-related activities.

**Senate Bill 26** expands the definition of “governmental entity” under MFCA to include a municipal corporation. The bill also adds the attorney for each municipal corporation to the existing reporting requirements under MFCA. Accordingly, the attorney for each municipal corporation must annually report to the General Assembly on the following information from the previous fiscal year: (1) the number of MFCA civil actions filed; (2) the number of MFCA civil actions in which a judgment was entered, whether by settlement or adjudication; and (3) the number of claims made by the governmental entity based on alleged violations of the prohibitions under MFCA that are settled without the filing of a civil action. The bill applies prospectively to causes of action arising on or after October 1, 2017.

## **SB 78/HB 1301 – Vehicle Laws – School Crossing Guards – Authority to Direct Traffic**

**Senate Bill 78/House Bill 1301** expand the authority of qualified school crossing guards, except in Baltimore City, to direct vehicles and pedestrians on a highway or on school grounds to assist non-school vehicles in entering and leaving school grounds.

## **SB 142/HB 192 – Task Force to Study Bicycle Safety on Maryland Highways**

**Senate Bill 142/House Bill 192** establish the Task Force to Study Bicycle Safety on Maryland Highways. The task force, which includes two members of the Senate and two members of the House of Delegates, must study safety issues related to bicycle operators and vehicles on highways in the State.

## **SB 220/HB 1279 – Police Training Commission – Training Requirements – Human Trafficking**

**Senate Bill 220/House Bill 1279** require MPTSC to expand the curriculum and the minimum courses of study of police training conducted by police training schools to include special training, attention to, and study of the application and enforcement of the criminal laws concerning human trafficking, including services and support available to victims and the rights and appropriate treatment of victims.

## **SB 349/HB 255 – Criminal Procedure – Sexual Assault Victims’ Rights – Disposal of Rape Kit Evidence and Notification**

**Senate Bill 349/House Bill 255** require a health care provider that performs a sexual assault evidence collection kit exam on a victim of sexual assault to provide the victim with written information describing the laws and policies governing the testing, preservation, and disposal of a sexual assault evidence collection kit. A sexual assault evidence collection kit must be transferred to a law enforcement agency (1) by a hospital or child advocacy center within 30 days after a specified exam is performed or (2) by a government agency in possession of a kit, unless the agency is otherwise required to retain the kit by law or court rule. A law enforcement agency is prohibited from destroying or disposing of a sexual assault evidence collection kit or other crime scene evidence relating to a sexual assault that has been identified by the State's Attorney as relevant to prosecution within 20 years after the evidence is collected, unless the case for which the evidence was collected resulted in a conviction and the sentence has been completed or all suspects identified by testing a kit are deceased. A law enforcement agency with custody of a sexual assault evidence collection kit, on written request by the victim, must (1) notify the victim at least 60 days before the date of intended destruction or disposal of the evidence or (2) retain the evidence, as specified.

### **SB 505/HB 642 – Civil Actions – Child Sexual Abuse – Statute of Limitations and Required Findings**

Pursuant to Chapter 360 of 2003, an action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor must be filed within seven years of the date that the victim attains the age of majority. The law is not to be construed to apply retroactively to revive any action that was barred by application of the period of limitations applicable before October 1, 2003. **House Bill 642** extends this statute of limitations by establishing that an action for damages arising out of an alleged incident or incidents of sexual abuse that occurred while the victim was a minor must be filed (1) at any time before the victim reaches the age of majority or (2) within the later of 20 years after the date on which the victim reaches the age of majority or 3 years after the date that the defendant is convicted of a crime relating to the alleged incident or incidents, as specified.

### **SB 925/HB 997 – Vehicle Laws – Bicycles, Play Vehicles, and Unicycles – Operation on Sidewalks and in Crosswalks**

**Senate Bill 925/House Bill 997** extend the same right-of-way privileges granted to pedestrians to a person that lawfully rides a bicycle, play vehicle, or unicycle on a sidewalk or sidewalk area or in or through a crosswalk. A person riding a bicycle, play vehicle, or unicycle must obey all traffic lights with a steady indication and all pedestrian control signals. However, the bills exempt these riders from the existing requirement for pedestrians to (1) walk on a sidewalk and not on an adjacent roadway whenever a sidewalk is available and (2) to walk on the left shoulder or left side of the roadway facing oncoming traffic, when no sidewalk is available.

### **SB 941/HB 739 – Public Safety – SWAT Teams – Standards**

The Maryland Police Training and Standards Commission (MPTSC) is an independent commission within the Department of Public Safety and Correctional Services (DPSCS) that operates approved police training schools and prescribes standards for and certifies schools that offer police and security training. In consultation and cooperation with various entities, it also sets minimum qualifications for instructors and certifies qualified instructors for approved training schools. **Senate Bill 941/House Bill 739** require MPTSC to consult and cooperate with commanders of "SWAT teams" to develop standards for training and deployment of SWAT teams and of law enforcement officers who are not members of a SWAT team who conduct no-knock warrant service in the State based on best practices in the State and nationwide. "SWAT team" is defined as an agency-designated unit of law enforcement officers who are selected, trained, and

equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

### **SB 1027/HB 852 – Courts – Action for Violation of Collective Bargaining Agreement or Breach of Duty of Fair Representation – Limitations Period**

In *Lewis v. Baltimore Convention Ctr.*, 231 Md. App. 144 (2016), a class of employees of the Baltimore Convention Center appealed a circuit court's dismissal of its complaint concerning (1) Baltimore City's breach of contract with their union by failure to pay overtime wages; (2) the union's breach of its duty of fair representation; and (3) the union's tortious interference with the contract. The Court of Special Appeals affirmed the circuit court's dismissal of the complaint, holding that the complaints of the class were barred by limitations. **Senate Bill 1027/House Bill 852** specify a period of limitations for filing an action for injunctive relief or damages for (1) a violation of a collective bargaining agreement covering an employee of the State or a political subdivision of the State or (2) a breach by an exclusive representative of the duty of fair representation owed to an employee of the State or a political subdivision of the State. Under the bills, such an action must be commenced within six months after the later of (1) the date on which the claim accrued or (2) the date on which the complainant knew or should reasonably have known of the breach. The bills apply prospectively to causes of action arising on or after October 1, 2017.

### **HB 601 – Senior Call – Check Service and Notification Program – Establishment**

Generally, senior call-check programs call an individual or receive a call from an individual each day at a predetermined time. If the individual does not answer, or does not call, the program notifies family, friends, and/or local agencies of that fact. A number of organizations in the State provide volunteer call-check services for senior citizens in their communities, and some counties have dedicated programs. Commercial call-check services are also available for a monthly fee in the range of \$15 to \$40. **House Bill 601** requires the Maryland Department of Aging to establish and administer the Senior Call-Check Service and Notification Program, subject to specified conditions. Eligible participants must be age 65 or older and residents of the State. The costs of the program are authorized to be paid from the Universal Service Trust Fund (USTF) at an amount that cannot exceed five cents per month for each landline and wireless telephone account that pays the USTF surcharge.

## Public Works

### SB 707/HB 952 – Vehicle Law – Waste and Recycling Collection Vehicles – User of Yellow and Amber Lights

Maryland Vehicle Law authorizes flashing lights for emergency vehicles, service vehicles, school vehicles, and other specified vehicles. **Senate Bill 707/House Bill 952** authorize a waste or recycling collection vehicle to be equipped with or display yellow or amber lights or signal devices in the course of official duties, to indicate to the public that the vehicle is slow moving or may impede traffic.