

## MEMORANDUM

January 31, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *AMH*

SUBJECT: DISCUSSION - State Legislative Program

PURPOSE: Obtain Council Positions on Bills/General Update on the 2019 General Assembly Session

The purpose of this memorandum is to provide the Council with Council staff recommendations for positions on the bills identified in the packet for Council discussion. A chart summarizing the bills for discussion, as well as Council staff comments and recommendations begins on the following page.

This packet contains:

OIR packet  
OIR Summary of Bills

Circle

A  
8

# STATEWIDE BILLS

Bill	Description	Agency Position	Executive Position	Council Staff Comments/Recommendation	Council Position
<b>HB 79 – Election Law – Early Voting Centers – Establishment and Hours (Mihill)</b>  See ©8 for full description	This bill requires Montgomery County to have 13, rather than 11, early voting centers. It also requires the State Board of Elections, in collaboration with the local board in that county to designate the location of each early voting center to maximize geographic dispersal and accessibility for the registered voters of the county	MACo: Support with amendment		MACo supports with an amendment to make sure locals have discretion to increase the number of centers.  <b>Council staff recommends the Council support HB 79 with amendment as suggested by MACo.</b>	
<b>HB 109/SB 285 – Environment – Expanded Polystyrene Food Service Products – Prohibition (Levchenko)</b>  See ©8 for full description	House Bill 109 prohibits the sale of polystyrene food service products on or after January 1, 2020.			This bill was filed last year as well and the language the County requested last year related to preemption is in this bill. The County supported the prior introduction.  <b>Council staff recommends the Council support HB 109/SB 285.</b>	
<b>HB 151/SB 168 – Clean Cars Act of 2019 (Orlin/Levchenko)</b>  See ©9 for full description	Senate 168 expands the excise tax credit for the purchase of plug-in electric vehicles to include fuel cell electric vehicles. The bill also makes changes to the MD Electric Vehicle Infrastructure Council and requires the Strategic Energy Investment Fund to reimburse the total amount of credits allowed for plug-in electric and fuel cell vehicles up to a certain amount.			It makes sense to expand the credit for plug-in electric vehicles to include fuel-cell electric vehicles. The latter has a similar air quality benefit.  <b>Council staff recommends the Council support HB 151/SB 168.</b>	



Bill	Description	Agency Position	Executive Position	Council Staff Comments/Recommendation	Council Position
<b>HB 166/SB 280 – Labor and Employment – Payment of Wages – Minimum Wage and Enforcement (Fight for Fifteen)</b> (Drummer/Smith)  See ©9-10 for full description	This bill phases in an increase in the State minimum wage over five years, from \$10.10 in FY 2019 to \$15.00 in FY 2024. Thereafter, the minimum wage would be increased annually to adjust for inflation. The bill phases out the current tip credit (equal to the minimum wage minus \$3.63) over seven years, beginning in FY 2021, to require that tipped employees receive the full \$15.00 minimum wage by FY 2027.			HB 166 would bring the rest of the State close to the County’s minimum wage and thereby help the County’s businesses compete with out of County businesses. The County minimum may still be slightly higher because the County hits \$15 sooner and both have a CPI clause, but it would be close. County law does not eliminate the tip credit.  The Council supported a similar bill in a prior session. <b>Council staff recommends the Council support HB 166/SB 280.</b>	
<b>HB 257 – Civil Actions – Immunities – Donated Food</b> (McMillan)  See ©10 for full description	This bill would limit the civil liability of a nonprofit for an act or omission that affects the nature, age, condition, or packaging of donated food if the nonprofit donates, prepares, serves, or dispenses donated food in good faith, does not charge for donated food, or charges an amount sufficient only to cover the cost of handling and processing the food.			This bill is designed to extend liability protection when food is donated to a nonprofit, even if the nonprofit sells the food at a cost to cover handling or processing. Both the original donor and the nonprofit would be protected as long as the food is donated “in good faith” and all relevant health and sanitation requirements have been followed. This bill is an extension of the federal Bill Emerson Good Samaritan Act. This bill is supported by the Montgomery County Food Council.  <b>Council staff recommends that the Council support HB 257.</b>	



BI-COUNTY BILL					
Bill	Description	Agency Position	Executive Position	Council Staff Comments/Recommendation	Council Position
<b>MC/PG 114-19 – WSSC – Collective Bargaining – Technical Unit</b> (Drummer/Levchenko)  See ©11 for full description	This bill expands the number of bargaining units at Washington Suburban Sanitary Commission from four to five, by creating two separate bargaining units out of the current “office/technical” unit.	WSSC has not taken a position yet.		Council staff expects that staff from WSSC will attend the State Legislation meeting; <b>Council staff recommends that the Council defer to the position taken by WSSC.</b>	





OFFICE OF INTERGOVERNMENTAL RELATIONS

Marc Elrich  
County Executive

Melanie Wenger  
Director

January 31, 2019

**MEMORANDUM**

TO: Montgomery County Council

FROM: Melanie L. Wenger, Director <sup>MLW</sup>  
Office of Intergovernmental Relations

SUBJECT: Discussion: State Legislation

PURPOSE: Receive information; provide input on State bills – Council votes may be required

**UPDATE OF 2019 SESSION**

- Update on the Kirwan Commission – *see* circles 1 and 2

**STATE LEGISLATION – POSITIONS NEEDED**

**Statewide Bills**

1. **HB 79 – Election Law – Early Voting Centers – Establishment and Hours**
2. **HB 109/SB 285 – Environment – Expanded Polystyrene Food Service Products – Prohibition**
3. **HB 151/SB 168 – Clean Cars Act of 2019**
4. **HB 166/SB 280 – Labor and Employment – Payment of Wages – Minimum Wage and Enforcement (Fight for Fifteen)**
5. **HB 257 – Civil Actions – Immunities – Donated Food**

**Bi-County Bill**

1. **MC/PG 114-19 – Washington Suburban Sanitary Commission – Collective Bargaining – Technical Unit**

This packet contains:

Circle

- |   |   |
|---|---|
| • Kirwan recommendations for FY 20 – State Operating Budget | 1 |
| • HB 79 related material                                    | 3 |
| • HB 166 related materials                                  | 4 |

Additional information:

Link to the Montgomery County Office of Intergovernmental website:  
<https://www.montgomerycountymd.gov/oir/>.

Link to the Maryland General Assembly website:  
<http://mgaleg.maryland.gov/webmga/frmlst.aspx?tab=home>.

Link to the Montgomery County Delegation website which allows you to access the text of all local and bi-county bills: <http://www.montgomerycountydelegation.com/legislation.html>.

Link to the Montgomery County Association of Counties (MACo) website:  
<https://www.mdcounties.org/>.



**KIRWAN COMMISSION**  
**TOTAL ESTIMATED COST INCREASES**  
**(January 18, 2019)**

		Total Estimated Cost Increases				
		(in \$)				
		FY 20	FY 21	FY 22	FY 23	FY 24
		0	1	2	3	4
1	Early Childhood Education	29,000,000	162,300,718	254,448,407	362,967,885	409,901,275
2	High Quality & Diverse Teachers & Leaders	172,824,740	401,083,043	731,029,142	1,013,574,577	1,347,032,219
3	College & Career Readiness Pathways	48,611,376	220,092,684	224,775,936	192,475,121	165,550,380
4	More Resources to Ensure Success for all Students	331,494,427	884,384,401	1,877,846,441	2,137,184,408	2,148,376,268
5	Governance and Accountability	750,000	4,250,000	4,250,000	2,000,000	2,000,000
	Cost Savings/Offsets	100,500,000	173,238,876	408,644,209	629,406,203	879,724,608
	<b>Net Total Costs*</b>	<b>480,180,661</b>	<b>1,498,872,170</b>	<b>2,683,705,719</b>	<b>3,078,795,788</b>	<b>3,193,637,535</b>



## FY 2020 Funding Priorities - Down Payment on Commission Recommendations

<u>Program</u>	State Cost (\$ in millions)	<u>Use of Funding</u>
Expand full day preK for 4 year olds	29	expand full day preK funding formula to include all 4 year olds being served in full day setting by public school systems
Fund seed grants for teacher collaboratives	2.5	voluntary collaboratives of school systems, teacher preparation institutions, and others to implement higher teacher standards
Teacher salary increase	75	State share of 3% increase - require local match
Begin Transitional Supplemental Instruction	23	State share (roughly half) of Y0 estimated cost
Begin Concentration of Poverty Grants	55	fund community school coordinator and health practitioner for schools with 80% or more concentration of poverty
Increase Health/Behavioral Health funding	2	Increase School Based Health Centers and fund LEA mental/behavioral health coordinators
Special education placeholder weight	137.5	State share (roughly half) of Y0 recommended funding - about 30% of recommended total State increase
Oversight Board/Training/Public Outreach	1	Start up funding for the Oversight Board and for training/outreach
<b>Total</b>	<b>325</b>	

notes: 2019 legislation should also extend declining enrollment grants and full day preK formula through FY21  
CTE Innovation Grants mandated at \$2.5m annually under current law



HB 79 Fiscal Estimate  
 HB 79 EVC 8AM to 8PM -report at 6:00 first day, Ctr Mrg report every day at 6:30am and all other 7:00am till 10pm

Personnel	8days	reserve	train stipend	reserve	one day	8 days	8D-2Sites	Expenses	Full cost	SBE/LBE 50/50
EJ Recruiter	0.5				\$ 2,853.00			\$ 2,852.80		
EJ Trainer	4				\$ 2,853.00			\$ 2,852.80		
Center Mgr	2.5	32	1	564	\$ 284.00	\$ 2,272.00	\$ 4,544.00	\$ 4,544.00		
Chief Judge	2	32	1	1600	\$ 400.00	\$ 3,200.00	\$ 6,400.00	\$ 6,400.00		
VOP-Pollbook	6	98	2	2450	\$ 900.00	\$ 1,800.00	\$ 3,600.00	\$ 3,600.00		
Provisional	2	32	1	800	\$ 400.00	\$ 800.00	\$ 1,600.00	\$ 1,600.00		
SDVR	1	16	1	400	\$ 200.00	\$ 400.00	\$ 800.00	\$ 800.00		
Ballot table	4	72	2	1800	\$ 800.00	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00		
Vote site	3	48	1	1200	\$ 600.00	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00		
DRE Judge	3	32	1	800	\$ 600.00	\$ 1,200.00	\$ 2,400.00	\$ 2,400.00		
Greeter	2	32	0	120 hrly	\$ 120.00	\$ 240.00	\$ 240.00	\$ 240.00		
		394				\$ 12,712.00		\$ 29,289.60		
Supplies										
DS 200	9						\$ 23,557.50		\$ 47,115.00	\$ 23,557.50
BMD	4						\$ 7,000.00		\$ 1,400.00	\$ 7,000.00
BMD Printer	4						unknown			
Pollbooks	18						\$ 10,422.00		\$ 20,844.00	\$ 10,422.00
printers	18						\$ 5,850.00		\$ 11,700.00	\$ 5,850.00
Electrical	17						\$ 500.00			
Tablet	2						\$ 900.00			
I-pad (ADA)	2						\$ 1,800.00			
Ballots Cart	2					*	\$ 21,000.00	one time cost		
Supply carts	6					*	\$ 11,000.00	one time cost		
DS 200 Cart	4						\$ 2,440.00	\$ 4,840.00		\$ 2,420.00
Cell							\$ 100.00			
Hand held scanner							\$ 440.00			
8GB Memory!	9						\$ 787.50	\$ 1,575.00		\$ 787.50
Voting booths	60					*	\$ 5,040.00	\$ 10,080.00		\$ 5,040.00
Transportation							\$ 1,210.00	\$ 2,420.00		\$ 1,210.00
Ballots							unknown			
Supply Bags						*	\$ 800.00			
Paper Supplies							\$ 1,000.00			
							\$ 93,847.00	\$ 93,847.00		
							Overall Cost	\$ 123,136.60	1st Election	
*one time cost	\$ 21,000.00						De			
	\$ 11,000.00									
	\$ 5,040.00									
	\$ 800.00									
	\$ 37,840.00						Delete	\$ 37,840.00		
								\$ 85,296.00	2nd Election	



## Maryland Minimum Wage and Overtime Law

### Minimum Wage Rates

Current:

**\$10.10**

Effective 7/1/18

Previous:

**\$9.25**

Effective 7/1/17

**Effective  
July 1, 2018**

**Montgomery Co.**

NEW minimum wage  
rates take effect.  
Employers in these  
counties are required  
to post the applicable  
rate information.

(Labor and Employment Article, Title 3, Subtitle 4, Annotated Code of Maryland)

#### Minimum Wage

Most employees must be paid the Maryland State Minimum Wage Rate.

**Tipped Employees** (earning more than \$30 per month in tips): must earn the State Minimum Wage Rate per hour. Employers must pay at least **\$3.63** per hour. This amount plus tips must equal at least the State Minimum Wage Rate.

**Amusement and Recreational Establishments (who meet certain requirements)**: must pay employees at least 85% of the State Minimum Wage Rate or \$7.25, whichever is higher.

**Employees under 20 years of age**: must earn at least 85% of the State Minimum Wage Rate for the first 6 months of employment.

#### Overtime

Most employees must be paid **1.5 times** their usual hourly rate for all work over **40 hrs.** per week. Exceptions:

- Bowling establishments, and institutions providing on-premise care (other than hospitals) to the sick, the aged, or individuals with disabilities for all work over **48 hrs.** per week
- Agricultural workers for all work over **60 hrs.** per week

#### Exemptions

##### **Minimum Wage and Overtime Exemptions:**

- Immediate family member of the employer
- Certain agricultural employees
- Executives, administrative, and professional employees
- Volunteers for educational, charitable, religious, and non-profit organizations
- Employees under 16 working less than 20 hours per week
- Outside salesman
- Commissioned employees
- Employees enrolled as a trainee as part of a public school special education program
- Non-administrative employees of organized camps
- Certain establishments selling food and drink for consumption on the premises grossing less than \$400,000 annually
- Drive-in theaters
- Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

##### **Overtime Only Exemptions**

**(must earn the State Minimum Wage Rate):**

- Taxicab drivers
- Certain employees selling/servicing automobiles, farm equipment, trailers, or trucks
- Non-profit concert promoter, theater, music festival, music pavilion, or theatrical show
- Employers subject to certain railroad requirements of the U.S. Dept. of Transportation, the Federal Motor Carrier Act, and the Interstate Commerce Commission

**FOR MORE INFORMATION OR TO FILE A COMPLAINT CONTACT:**

Department of Labor, Licensing and Regulation  
Division of Labor and Industry—Employment Standards Service  
1100 North Eutaw Street, Room 607  
Baltimore, MD 21201  
Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303  
E-mail: [dldiemploymentstandards-dllr@maryland.gov](mailto:dldiemploymentstandards-dllr@maryland.gov)

**EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION.  
PAY RECORDS MUST BE KEPT FOR 3 YEARS ON OR ABOUT THE PLACE OF WORK.  
PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW.**

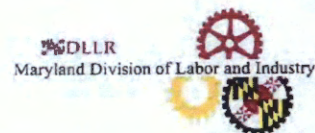




## Minimum Wage and Overtime Law

### Montgomery County

(An employer of one employee is not subject to the  
County minimum wage law.)



## Montgomery County Minimum Wage Rates

Current:

**\$12.00**

(50 or less  
employees)

**\$12.25**

(51 or more  
employees)

Effective 7/1/18

Previous:

**\$11.50**

Effective 7/1/17

**Employers may also  
be subject to the Fair  
Labor Standards Act.**

**DLLR enforces the  
Montgomery County  
Minimum Wage Law**

(see Labor and  
Employment Article,  
Title 3, Subtitle 1,

(Chapter 27, Article XI, Montgomery County Code)

### Minimum Wage

Most employees must be paid the Montgomery Co. Minimum Wage Rate. Employees age 18 and under working under 20 hours per week are exempt from this rate.

**Tipped Employees** (earning more than \$30 per month in tips): must earn the Montgomery Co. Minimum Wage Rate per hour. Employers must pay at least **\$4.00 per hour**. This amount plus tips must equal at least the Montgomery Co. Minimum Wage Rate.

**Amusement and Recreational Establishments (who meet certain requirements)**: must pay employees at least 85% of the State Minimum Wage Rate.

**Employees under 20 years of age**: must earn at least 85% of the County Minimum Wage Rate for the first 6 months of employment.

### Overtime

Most employees must be paid **1.5 times** their usual hourly rate for all work over **40 hrs.** per week. Exceptions:

- Employees of bowling establishments, and institutions providing on-premise care (other than hospitals) to the sick, the aged, or individuals with disabilities for all work over **48 hrs.** per week
- Agricultural workers for all work over **60 hrs.** per week

### Exemptions (Federal Exemptions also apply under Montgomery County's Ordinance) **Minimum Wage and Overtime**

#### **Exemptions:**

- Immediate family member of the employer
- Certain agricultural employees
- Executives, administrative, and professional employees
- Volunteers for educational, charitable, religious, and non-profit organizations
- Employees under 16 working less than 20 hours per week
- Outside salesman
- Commissioned employees
- Employees enrolled as a trainee as part of a public school special education program
- Non-administrative employees of organized camps
- Certain establishments selling food and drink for consumption on the premises

grossing less than \$400,000 annually

- Drive-in theaters
- Establishments engaged in the first canning, packing or freezing of fruits, vegetables, poultry, or seafood

#### **Overtime Exemptions:**

- Taxicab drivers
- Certain employees selling/servicing automobiles, farm equipment, trailers, or trucks
- Non-profit concert promoter, theater, music festival, music pavilion, or theatrical show
- Employers subject to certain railroad requirements of the U.S. Dept. of Transportation, the Federal Motor Carrier Act, and the Interstate Commerce Commission

### **FOR MORE INFORMATION OR TO FILE A COMPLAINT CONTACT:**

Department of Labor, Licensing and Regulation  
Division of Labor and Industry  
Employment Standards Service

1100 North Eutaw Street, Room 607  
Baltimore, MD 21201

Telephone Number: (410) 767-2357 • Fax Number: (410) 333-7303

E-mail: [dldiemploymentstandards-dllr@maryland.gov](mailto:dldiemploymentstandards-dllr@maryland.gov)

**EMPLOYERS ARE REQUIRED BY LAW TO POST THIS INFORMATION.  
PAY RECORDS MUST BE KEPT FOR 3 YEARS ON OR ABOUT THE PLACE OF WORK.  
PENALTIES ARE PRESCRIBED FOR VIOLATIONS OF THE LAW.**



**Minimum wage required under Transition provisions of  
Enacted Bill 28-17**

Effective date	Large employer	Mid-sized employer	Small employer
July 1, 2018	\$12.25	\$12.00	\$12.00
July 1, 2019	\$13.00	\$12.50	\$12.50
July 1, 2020	\$14.00	\$13.25	\$13.00
July 1, 2021	\$15.00	\$14.00	\$13.50
July 1, 2022	\$15.00 + CPI-W <sup>1</sup>	\$14.50	\$14.00
July 1, 2023	Increased annually by CPI-W	\$15.00	\$14.50
July 1, 2024		\$15.00 + CPI-W + up to 1% <sup>2</sup>	\$15.00
July 1, 2025		Increased annually by CPI-W + up to 1%, until equal to large employers	\$15.00 + CPI-W + up to 1% <sup>3</sup>
July 1, 2026 and subsequent years.			Increased annually by CPI-W + up to 1% until equal to large employers

A “large employer” is an employer who employs 51 or more employees;

A “mid-sized employer” is:

- an employer who employs between eleven and 50 employees; or
- an employer who employs eleven or more employees *and*:
  - has tax exempt status under Section 501(c)(3) of the Internal Revenue Code; or
  - provides “home health services” as defined by 42 C.F.R. § 440.70 or “home or community-based services” as defined by 42 C.F.R. § 440.180, and receives at least 75% of gross revenues through state and federal Medicaid programs.

A “small employer” is an employer who employs 10 or fewer employees.

<sup>1</sup> Beginning July 1, 2022, the minimum wage required under County Code Section 27-68 must be adjusted annually, to the nearest five cents, according to average increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Washington-Baltimore for the previous calendar year.

<sup>2</sup> Beginning July 1, 2024, until it is equal to the minimum wage required under Section 27-68, the minimum wage for mid-size employers must be adjusted annually, to the nearest five cents, by the annual average increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Washington-Baltimore for the previous calendar year *plus*, if the CPI-W increase is less than \$0.50, one percent of the minimum wage required for the prior year, up to a total increase of \$0.50.

<sup>3</sup> Beginning July 1, 2025, until it is equal to the minimum wage required under Section 27-68, the minimum wage for small employers must be adjusted annually, to the nearest five cents, by the annual average increase, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for Washington-Baltimore for the previous calendar year *plus*, if the CPI-W increase is less than \$0.50, one percent of the minimum wage required for the prior year, up to a total increase of \$0.50.





# Montgomery County

## Office of Intergovernmental Relations

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ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

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SB 543

DATE: March 8, 2018

SPONSOR: Senator Madaleno, *et al.*

ASSIGNED TO: Finance

CONTACT PERSON: Kathleen Boucher (kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

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### Labor and Employment - Payment of the Minimum Wage Required (Fight for Fifteen)

The State minimum wage for non-tipped employees in FY 2019 will be \$10.10. This bill increases the wage rate incrementally over five years (FY 2020 to FY 2024) to \$15.00. Once the wage rate becomes \$15.00 on July 1, 2023, the bill allows for an annual adjustment based on the Consumer Price Index (CPI). The State minimum wage for tipped employees in FY 2019 will be \$3.63. This bill increases the wage rate incrementally over seven years (FY 2020 to FY 2026) to \$15.00. Starting in FY 2027, the minimum wage for tipped employees will be the same as nontipped employees. This bill also mandates that the Governor's proposed budget include a rate increases of 7% in FY 2020 and 5.5% in FY years 2021 and 2024 for community service workers who provide services to individuals with developmental disabilities. For each fiscal year thereafter, the Governor's proposed budget must include rate increase that is equal to the CPI adjustment for the State minimum wage.

Montgomery County Council supports the minimum wage increase required under this bill. Proponents at the national level make the case for increasing minimum wages by highlighting the benefits that would accrue to working adults and particularly to women, whose employment is highly concentrated in low-wage personal care and healthcare support occupations. They also make the case that increasing the minimum wage will reduce reliance on public assistance programs. Montgomery County enacted legislation last fall that generally increases the local minimum wage to \$15 on the following dates: (1) for businesses with more than 50 employees, July 1, 2021; (2) for businesses with 11 to 50 employees, July 1, 2023; and (3) for small businesses with fewer than 11 employees, July 1, 2024. Although there are some differences between the County's local law and House Bill 664, they both reflect the shared goal of a \$15 minimum wage rate. For this reason, the Montgomery County Council supports this bill and requests a favorable report.



1. **HB 79 – Election Law – Early Voting Centers – Establishment and Hours**  
(Delegate Luedtke)

This bill requires Montgomery County to have 13, rather than 11, early voting centers. It also requires the State Board of Elections, in collaboration with the local board in that county to designate the location of each early voting center to maximize geographic dispersal and accessibility for the registered voters of the county. The Director of the Montgomery County Board of Elections estimates that it will cost approximately \$123,000 to implement this bill in the first election after enactment, and approximately \$85,000 to implement the bill in the second election after enactment. For further details about this cost estimate *see* circle 3. Under current State law, the State and County share equally in the cost of equipment but the County covers all personnel costs.

2. **HB 109/SB 285 – Environment – Expanded Polystyrene Food Service Products – Prohibition**

(Delegates Lierman, Anderson, Bagnall, D. Barnes, Barron, Bartlett, Bridges, Brooks, Cain, Charkoudian, Clippinger, Conaway, Cullison, Ebersole, Feldmark, Fraser-Hidalgo, Gilchrist, Guyton, Haynes, Healey, Hettleman, Hill, Kelly, Korman, Lafferty, Lehman, R. Lewis, Love, Luedtke, Moon, Mosby, Palakovich Carr, Reznik, Shetty, Smith, Solomon, Stein, Stewart, Terrasa, Washington, Wells, and K. Young; Senators Kagan, Augustine, Benson, Carter, Elfreth, Ellis, Feldman, Ferguson, Griffith, Guzzone, Hester, Kelley, King, Kramer, Lam, Lee, Nathan-Pulliam, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, West, Young, and Zucker)

House Bill 109 prohibits the sale of polystyrene food service products on or after January 1, 2020. The bill requires the Maryland Department of the Environment to conduct a public education and outreach campaign. It also allows for food service businesses and schools to apply for a compliance waiver of up to one year for undue hardship or practical difficulty. County health departments must enforce the ban. A county may impose a penalty not to exceed \$250. The bill allows a local jurisdiction to adopt standards that are at least as stringent as those set forth in House Bill 109.

In 2015, Montgomery County enacted a ban on certain polystyrene products. County law prohibits the use of certain polystyrene food service products by food service businesses. It requires the use of compostable or recyclable food service ware by the County, County contractors or lessees, and food service businesses. In addition to food service products, the County also prohibits the sale of certain polystyrene food service products and polystyrene loose fill packaging.

The County supported the prior introduction of this bill in 2018.



3. **HB 151/SB 168 – Clean Cars Act of 2019**

(**The Speaker** (By Request – Administration) and **Delegates** Hornberger, Malone, and Metzgar; **The President** (By Request – Administration) and **Senators** Carozza, Eckardt, Guzzone, Hershey, Jennings, Salling, Simonaire, and West)

Senate 168 expands the excise tax credit for the purchase of plug-in electric vehicles to include fuel cell electric vehicles. The bill defines a fuel cell electric vehicle as “powered entirely by electricity, produced by combining hydrogen and oxygen, that runs the motor” and “produces only water vapor and heat as by-products.” The vehicles must also be manufactured primarily for use on public streets, have a maximum speed capability of at least 55 miles per hour and have an operating range of at least 100 miles. The maximum credit allowed for the purchase of a fuel cell electric vehicle is \$3,000.

The bill also makes changes to the composition and requirements of the Maryland Electric Vehicle Infrastructure Council and requires the Strategic Energy Investment Fund (the “Fund”) to reimburse the total amount of credits allowed for plug-in electric and fuel cell vehicles up to \$6,000,000 in 2020 to offset the reduction in revenue. The Fund is a special, non-lapsing fund created to implement the Strategic Energy Investment Program which was enacted to “decrease energy demand and increase energy supply to promote affordable, reliable, and clean energy to fuel Maryland’s future prosperity.”

4. **HB 166/SB 280 – Labor and Employment – Payment of Wages – Minimum Wage and Enforcement (Fight for Fifteen)**

(**Delegates** Fennell, Hettleman, Acevero, Anderson, Atterbeary, B. Barnes, D. Barnes, Barron, Bartlett, Barve, Boyce, Bridges, Brooks, Charkoudian, Charles, Clippinger, Conaway, Crutchfield, Cullison, D.M. Davis, D.E. Davis, Dumais, Ebersole, Feldmark, W. Fisher, Fraser-Hidalgo, Gilchrist, Glenn, Harrison, Haynes, Healey, Hill, Ivey, Jackson, Jalisi, Johnson, Jones, Kaiser, Kelly, Kerr, Korman, Lafferty, J. Lewis, R. Lewis, Lierman, Lopez, Love, Luedtke, McIntosh, Moon, Mosby, Palakovich Carr, Patterson, Pena-Melnyk, Pendergrass, Proctor, Qi, Queen, Reznik, Rogers, Rosenberg, Shetty, Smith, Solomon, Stewart, Sydnor, Terrasa, Turner, Valderrama, Valentino-Smith, Walker, Washington, R. Watson, Wells, Wilkins, K. Young, and P. Young; **Senators** McCray, Beidle, Benson, Carter, Ellis, Feldman, Guzzone, Hayes, Kagan, Lam, Lee, Nathan-Pulliam, Patterson, Peters, Pinsky, Rosapepe, Smith, Waldstreicher, Washington, Young, and Zucker)

This bill phases in an increase in the State minimum wage over five years, from \$10.10 in FY 2019 to \$15.00 in FY 2024. Thereafter, the minimum wage would be increased annually to adjust for inflation (but would remain the same during a deflationary period). The bill phases out the current tip credit (equal to the minimum wage minus \$3.63) over seven years, beginning in FY 2021, to require that tipped employees receive the full \$15.00 minimum wage by FY 2027. The bill also requires payment of the minimum wage to several categories of employees who are not entitled to the minimum wage under current State law, including an employee who: (1) is compensated on a commission basis; (2) is engaged in canning, freezing, packing, or first processing of perishable or seasonal fruits, vegetables, horticultural commodities, poultry, or seafood; (3) is employed in agriculture,



if during each quarter of the preceding calendar year, the employer used no more than 500 agricultural-worker days; (4) is engaged principally in the range production of livestock; or (5) commutes from a permanent residence to a farm where the individual is employed for less than 13 weeks each year. The bill increases the State reimbursement rate for services provided to individuals with developmental disabilities by 7% in FY 2020 and 5.5% in FY2021, FY 2022, and FY2023, respectively. Thereafter, the reimbursement rate would be adjusted annual by the same percentage as the inflationary adjustment required for the minimum wage. The bill strengthens provisions of current law that prohibit discrimination and retaliation against employees who seek to enforce the State minimum wage law. For further details about the current State and Montgomery County minimum wage laws, *see* circle 4. For the County's position statement on a similar bill introduced in the 2018 Session (SB 543), *see* circle 7.

5. **HB 257 – Civil Actions – Immunities – Donated Food**  
(Delegate R. Lewis)

Under current law, the limitations on liability that are extended to a person acting in good faith who donates food to a nonprofit, or prepares, serves or dispenses donated food are not extended to a person acting in the same manner if the non-profit sells or offers for sale any donated food.

This bill would limit the civil liability of a nonprofit for an act or omission that affects the nature, age, condition, or packaging of donated food if the nonprofit donates, prepares, serves, or dispenses donated food in good faith, does not charge for donated food, or charges an amount sufficient only to cover the cost of handling and processing the food.



**Bi-County Bill**

1. **MC/PG 114-19 – Washington Suburban Sanitary Commission – Collective Bargaining – Technical Unit**  
(Senator Kramer)

This bill expands the number of bargaining units at Washington Suburban Sanitary Commission from four to five, by creating two separate bargaining units out of the current “office/technical” unit. The “office” classification includes titles in which employees are responsible for internal and external communications, recording and retrieving information, and paperwork required in an office. The “technical” classification includes employees who have a combination of basic scientific or technical knowledge and manual skill that is usually acquired through specialized postsecondary school education and through equivalent on-the-job training.