

Maryland General Assembly 2021 Legislative Session

Final Report to the Maryland Transportation Builders and Materials Association



Submitted by:

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Legislative Session Overview

The 2021 Maryland Legislative Session began on Wednesday, January 13th, 2021 and adjourned on Monday, April 12th, 2021. For the first time in history, the Legislative Session met almost entirely in a virtual setting due to the COVID-19 pandemic. They were able to complete the full 90 days.

Overall, there were 967 Senate bills introduced and 1,380 House bills introduced. More than 500 bills passed. The Maryland Transportation Builders and Materials Association took a position on 38 bills, 16 favorably and 22 unfavorably. Below is an overview of those bills.

FAVORABLY

1. Senate Bill 17 / House Bill 855 – Criminal Law – Life-Threatening Injury Involving a Motor Vehicle or Vessel – Criminal Negligence (Wade’s Law) – PASSED

Prohibits a person from causing a life-threatening injury to another as a result of the person’s driving, operating, or controlling a motor vehicle or vessel in a criminally negligent manner, and establishes a penalty of imprisonment not exceeding 1 year or a fine not exceeding \$5,000 or both.

LAST ACTION: Passed Enrolled. SB 17 passed the Senate (47-0) and the House (132-1). The effective date is October 1, 2021.

2. Senate Bill 60 / House Bill 887 – State Debt – Annuity Bond Fund – Use of Bond Premiums – PASSED

Expands the authorized use of State bond sale premiums transferred to the Annuity Bond Fund from the sale of State bonds to include capital projects or any other use authorized by the Internal Revenue Code.

LAST ACTION: Return Passed. SB 60 passed the Senate (45-0) and the House (100-36). The effective date is June 1, 2021.

3. Senate Bill 210 / House Bill 508 – COVID-19 Claim – Civil Immunity – FAILED

Provides civil immunity from liability for a COVID-19 claim to a person who acts in compliance unless the person acted with gross negligence or intentional wrongdoing.

LAST ACTION: SB 210 had a hearing on January 26th in the Judicial Proceedings Committee. HB 508 had a hearing on February 3rd in the Judiciary Committee.

4. Senate Bill 259 – Department of Transportation – Grant Anticipation Revenue Vehicle Bonds – Calculation of Debt Limit – FAILED

Expands the authority of the Department of Transportation and the Transportation Authority to issue additional GARVEE bonds backed by future federal aid, as long as the aggregate outstanding and unpaid principal amount of debt does not exceed \$750 million as of June 30 of any year. Proceeds from the issuance may only be used for the following projects: (1) Penn-

Camden Connector; (2) Electric buses and related infrastructure; (3) Southern Maryland Transportation Corridor; (4) Maryland Route 210; (5) Baltimore and Potomac Tunnel; or (6) Interstate 81 Phase 2 Corridor. The House amended the bill, striking all 6 projects replacing it with: (1) developing and constructing the Baltimore and Potomac Tunnel Expansion and related projects; (2) state of good repair needs for the Maryland Transit Administration; or (3) system preservation projects for the State Highway Administration.

LAST ACTION: Neither the Senate nor the House would recede from their version. A conference committee was appointed but no further action was taken. House conferees were Delegates Korman, J. Lewis, and Beitzel. Senate conferees were Senators McCray, Peters, and Edwards.

5. Senate Bill 336 / House Bill 454 – State and Local Procurement – Payment Practices – **FAILED**

Amends the State policy that a payment under a procurement contract is due in 15 days rather than 30 days; reduces the number of days from 45 to 15 that the State owes interest on unpaid amounts; and repeals a requirement that a contractor submit an invoice within a certain time period in order to receive interest payments.

LAST ACTION: SB 336 had a hearing on February 3rd in the Education, Health, and Environmental Affairs Committee. HB 454 had a hearing on February 17th in the Health and Government Operations Committee.

6. Senate Bill 362 / House Bill 649 – Transportation – Highway User Revenues – Revenue and Distribution – **FAILED**

Increases the share of funds from the Gasoline and Motor Vehicle Revenue Account (GMVRA) that the Department of Transportation must annually provide to local governments through capital transportation grants beginning in FY 2025.

LAST ACTION: SB 362 passed the Senate (47-0). HB 649 had a hearing on February 11th in the Environment and Transportation Committee.

7. Senate Bill 661 – Environment – Maryland Oil Disaster Containment, Clean-Up and Contingency Fund and Oil Contaminated Site Environmental Cleanup Fund – Funding, Reallocation, Reimbursements, and Study – **PASSED**

Before July 1, 2024, the per barrel fee assessed on oil transferred into the State will be 7.75 cents. After July 1, 2024, the fee is reduced to 5 cents per barrel. In FY 2022 through 2029, the Fund may be used to reimburse residential owners of a heating oil tank that applied to the Fund. The Department of Environment shall study the Fund and efforts the State has made to replace aging residential heating oil tanks.

LAST ACTION: Return Passed. SB 661 passed the Senate (47-0) and the House (137-2). The effective date is July 1, 2021.

8. Senate Bill 772 / HB 1014 – Small Business COVID-19 Relief Act of 2021 – **FAILED**

Establishes the Maryland COVID-19 Emergency Loan Program to provide working capital to assist Maryland for-profit small businesses and offer interim relief and authorizes the Department of Commerce to issue loans to certain eligible small businesses.

LAST ACTION: SB 772 had a hearing on February 24th in the Budget and Taxation Committee. HB 1014 had a hearing on February 25th in the Ways and Means Committee.

9. Senate Bill 881 – Income Tax – Work Opportunity Tax Credit – **FAILED**

Creates a nonrefundable credit against the State income tax for up to 100% of the federal Work Opportunity Tax Credit claimed for the employment of an individual who is a recipient of certain Federal assistance.

LAST ACTION: SB 881 had a hearing on March 3rd in the Budget and Taxation Committee.

10. House Bill 327 – State Finance and Procurement – Retainage Proceeds – **FAILED**

Requires that undisputed retainage proceeds retained by a unit or a certain contractor under a State Procurement contract be paid within 90 days after the date of substantial completion.

LAST ACTION: HB 327 had a hearing on February 11th in the Health and Government Operations Committee.

11. House Bill 487 – Education – School Construction – Pedestrian Safety Plans (School Pedestrian Safety Act) – **FAILED**

Requires county boards of education seeking State funds for the construction of new schools or the renovation of or addition to an existing school to submit a pedestrian safety plan on safe routes for students to walk and bike to school to the Interagency Commission on School Construction who would review the plan with the State Highway Administration.

LAST ACTION: HB 487 passed the House (106-25). Had a hearing on March 24th in the Education, Health, and Environmental Affairs Committee.

12. House Bill 926 – Criminal Law – Homicide by Vehicle or Vessel – Penalties (Josette’s Law) – **FAILED**

Increases the maximum term of imprisonment for manslaughter by vehicle or vessel from 10 to 20 years and from 15 to 30 years for an individual with prior convictions of other driving-related offenses.

LAST ACTION: HB 926 had a hearing on March 3rd in the Judiciary Committee.

13. House Bill 1084 – Catastrophic Health Emergencies – Immunity from Civil Liability – **FAILED**

Provides that a person is not civilly liable for an act or omission related to the person’s failure to comply with certain guidance from a catastrophic health emergency unless it is shown by clear and convincing evidence that the act or omission was committed with malice or gross negligence.

LAST ACTION: HB 1084 had a hearing on March 3rd in the Judiciary Committee.

14. House Bill 1103 – Task Force to Study Recycling and the Processing of Solid Waste – WITHDRAWN

Establishes the Task Force to Study Recycling and the Processing of Solid Waste to study recycling and new technologies available for processing municipal solid waste.
LAST ACTION: Withdrawn by the bill sponsor on March 20th.

15. House Bill 1106 – Civil Actions – Immunity from Liability – COVID-19 Exposure – FAILED

Provides that an owner, lessee, or tenant is immune from civil liability for injury or death related to the exposure of others on the premises to COVID-19 so long as they were following and enforcing all guidelines.
LAST ACTION: HB 1106 had a hearing on March 3rd in the Judiciary Committee.

16. House Bill 1171 – Labor and Employment – Maryland Employee Protection Plan for Vaccine Refusal – FAILED

Prohibits an employer from terminating an employee solely on the basis of employee’s refusal to receive a vaccination against COVID-19 and the employee waives the right to file a civil action against an employer if they refuse to receive a vaccination and they contract COVID-19 in the course of employment.
LAST ACTION: HB 1171 had a hearing on March 9th in the Economic Matters Committee.

UNFAVORABLY

1. Senate Bill 35 / House Bill 37 – Procurement – Prevailing Wage – Applicability – PASSED

Expands the applicability of the State’s prevailing wage law to include a public work project contract of \$250,000 or more and a public work project for which State funds constitute at least 25% of the costs.
LAST ACTION: Gubernatorial Veto Override (Senate 32-15; House 96-42).

2. Senate Bill 121 / House Bill 51 – Zoning – Environmental Justice Considerations – FAILED

Requires a local governing body, on application by a property owner for a special exception to construct or operate a landfill in an area zoned for residential use, to require an environmental justice analysis describing any potentially adverse environmental, health, and economic impacts to the area.
LAST ACTION: SB 121 passed the Senate (44-1). It had a hearing on April 1st in the Environment and Transportation Committee. HB 51 had a hearing on January 20th in the Environment and Transportation Committee.

3. Senate Bill 137 / House Bill 334 – Maryland Transit Administration – Conversion to Zero-Emission Buses (Zero-Emission Bus Transition Act) – PASSED

Prohibits the Transit Administration, beginning in FY 2023 from entering into a contract to purchase buses for its transit bus fleet that are not zero-emission buses.

LAST ACTION: Return Passed. SB 137 passed the Senate (45-0) and the House (101-33). The effective date is October 1, 2021.

4. Senate Bill 140 / House Bill 1074 – Vehicle Laws – Commercial Motor Carriers – Safety, Inspection, Performance, and Insurance Information (James Cohran’s Law) – PASSED

Requires the employer of commercial motor vehicle drivers to provide a prospective employee with the U.S. Department of Transportation number of any entity currently owned by the employer and the website address for the Federal Motor Carrier Safety Administration’s Safety and Fitness Records System.

LAST ACTION: Returned Passed. SB 140 passed the Senate (45-0) and the House (136-1). The effective date is October 1, 2021.

5. Senate Bill 188 / House Bill 63 – State Finance – Prohibited Appropriations – Magnetic Levitation Transportation System – FAILED

Prohibits the State from using any appropriation for a magnetic levitation transportation system.

LAST ACTION: SB 188 had a hearing on January 27th in the Budget and Taxation Committee. HB 63 received an unfavorable report by the Environment and Transportation Committee.

6. Senate Bill 211 / House Bill 375 – Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2021) – FAILED

Establishes the Family and Medical Leave Insurance program and Fund to provide up to 12 weeks of benefits to a covered individual taking leave from employment due to specified personal and family circumstances. The Fund consists of employer and employee contribution requirements.

LAST ACTION: SB 211 had a hearing on January 28th in the Finance Committee. HB 375 had a hearing on February 16th in the Economic Matters Committee.

7. Senate Bill 361 / House Bill 485 – Public-Private Partnerships and the Collection of Video Tolls – FAILED

Establishes the Public-Private Partnership Oversight Review Board, alters the review and approval process for P3 projects valued at more than \$500 million, expands the requirements for all P3 agreements, and requires the Department of Transportation to complete a traffic analysis prior to submitting a P3 agreement for the proposed expansion of I-495 and I-270.

LAST ACTION: SB 381 had a hearing on February 17th in the Education, Health, and Environmental Affairs Committee. HB 485 passed the House (97-39).

8. Senate Bill 504 – Discrimination in Employment – Use of Medical Cannabis – Prohibition –
FAILED

Prohibits an employer from discriminating in employment against an individual who has received a written certification for the use of medical cannabis.

LAST ACTION: SB 504 had a hearing on February 9th in the Judicial Proceedings Committee.

9. Senate Bill 674 / House Bill 1207 – Environment – Commission on Environmental Justice and Sustainable Communities – Reform –
PASSED

Alters the membership of the Commission on Environmental Justice and Sustainable Communities to reflect the diversity of the State and requires they meet at least six times a year in different geographic locations in the State.

LAST ACTION: Passed Enrolled. SB 674 passed the Senate (47-0) and the House (106-31). The effective date is October 1, 2021.

10. Senate Bill 813 / House Bill 1199 – Workers’ Compensation – Occupational Disease Presumptions – COVID-19 –
FAILED

Establishes an occupational disease presumption for employees in certain occupations (firefighters, police officers, first responders, child care workers, education workers, health care workers, and essential workers) that are suffering from COVID-19 that they contracted the virus in the course of their employment.

LAST ACTION: SB 813 had a hearing on March 9th in the Finance Committee. HB 1199 had a hearing on March 2nd in the Economic Matters Committee.

11. Senate Bill 829 / House Bill 1091 – State Procurement – Emergency and Expedited Procurements – Revisions and Reporting –
PASSED

Establishes a statutory definition of “emergency” for the purpose of deciding when to use an emergency procurement and requires the Special Secretary of the Governor’s Office of Small, Minority, and Women Business Affairs to establish guidelines for each State agency to consider when determining the appropriate MBE participation goal and outreach for emergency procurement contracts. Requires emergency procurements to be approved in advance by the Chief Procurement Officer and extends authority to conduct expedited procurements to all agencies.

LAST ACTION: Returned passed. SB 829 passed the Senate (45-2) and the House (117-11). The effective date is July 1, 2021; however, the provisions related to prior approval for emergency procurements, expansion of expedited procurements, and new reporting requirements take effect October 1, 2021.

12. Senate Bill 843 / House Bill 67 – I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland Department of Transportation Promises Act of 2021 –
FAILED

Establishes various requirements for any public-private partnership agreement for the project to construct toll lanes on I-495 or I-270.

LAST ACTION: SB 843 had a hearing on February 24th in the Budget and Taxation Committee. HB 67 passed the House (101-35).

13. Senate Bill 960 / House Bill 1373 – Highways – Public-Private Partnerships – Cultural Preservation – **FAILED**

Prohibits the Department of Transportation from acquiring a right-of-way or exercising eminent domain for a highway project subject to a P3 agreement that encroaches or has an adverse effect on specified historical properties and properties that have benefited from a State grant without a majority vote in each of the two houses of the General Assembly.

LAST ACTION: SB 960 had a hearing on April 8th in the Education, Health, and Environmental Affairs Committee. HB 1373 had its First Reading in the House Rules and Executive Nominations Committee on March 1st.

14. House Bill 64 – Labor and Employment – Occupational Safety and Health – Handwashing Facilities on Construction Sites – **WITHDRAWN**

Requires employers operating construction sites to provide adequate handwashing facilities and provide reasonable opportunities during the workday to use the handwashing facility.

LAST ACTION: Withdrawn by the bill sponsor on February 25th.

15. House Bill 491 – Maryland-National Capital Park and Planning Commission – Prince George’s County – Concrete Batching Plants – Setback Requirement – **WITHDRAWN**

Requires concrete batching plants in Prince George’s County constructed after October 1, 2021 comply with a minimum setback distance of not less than 1,000 feet.

LAST ACTION: Withdrawn by the bill sponsor on March 1st.

16. House Bill 622 – Prince George’s County – Land Use – Magnetic Levitation Transportation System Siting (Prince George’s County Stop the Maglev Act of 2021) – **FAILED**

Prohibits a person from constructing a magnetic levitation transportation system within 2 miles of protected property in Prince George’s County.

LAST ACTION: HB 622 had its First Reading in the Environment and Transportation Committee on January 22nd.

17. House Bill 703 – Transportation – I-270 and I-495 – Prohibition on Adding New Lanes – **FAILED**

Prohibits the State Highway Administration from adding any new lanes to I-270 and I-495.

LAST ACTION: Received an unfavorable report by the Environment and Transportation Committee.

18. House Bill 704 – Land Use – Magnetic Levitation Transportation System Siting (Maryland Stop the Maglev Act of 2021) – **FAILED**

Prohibits a person from constructing a magnetic levitation transportation system within 2 miles of a protected property. Protected property is defined as a lot where a residence is located, a

waterfront park, a property owned by the federal government, a national park, or a forest preserve.

LAST ACTION: Received an unfavorable report by the Environment and Transportation Committee.

19. House Bill 705 – Transportation – I-270 and I-495 – Prohibition on Toll Lanes (Stop Unnecessary Toll Lanes Act of 2021) – FAILED

Prohibits the Transportation Authority or a private entity participating in a P3 from imposing a toll for the use on I-495 or I-270.

LAST ACTION: HB 705 had a hearing on February 12th in the Environment and Transportation Committee.

20. House Bill 1012 – Labor and Employment – Reinstatement of Employment – Employees at Baltimore-Washington International Thurgood Marshall Airport (BWI-Thurgood Marshall Workers’ Right to Reinstatement Act) – FAILED

Requires employers providing airline catering and airport food, beverage, or retail, or other consumer goods services at BWI Airport to offer certain jobs to laid-off employees.

LAST ACTION: Received an unfavorable report by the Economic Matters Committee.

21. House Bill 1214 – Procurement – Transparency and Application to County Contracts – FAILED

Applies State procurement law to any county governmental entity entering into a procurement contract either using State funds or for the benefit of the State and requires the Governor’s Office of Small, Minority, and Women Business Affairs to assign a staff member to each State and county procurement unit to observe procurement processes and ensure that MBE goals are met.

LAST ACTION: HB 1214 passed the House (96-38). It had a hearing on March 31st in the Education, Health, and Environmental Affairs Committee.

22. House Bill 1244 – State Procurement – Concrete – Preference – FAILED

Requires each State agency responsible for awarding a contract for the procurement of concrete to give a 5% price preference to the procurement of a specified concrete mix design.

LAST ACTION: HB 1244 passed the House (115-19). It had a hearing on March 31st in the Education, Health, and Environmental Affairs Committee.