

# Legislative Session 2010

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# Three Conflicting Factors

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Budget + Federal Initiatives + Elections =  
“Do nothing year”?

- Cautious, but will want something to campaign on
- Possibility for one bigger policy to move, all looking for smaller ‘feel good’ bills
- Question over placeholder bills – when do you send good policy out to die?

# All About the Budget

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- Administration has cut over \$4 billion from the budget since coming into office – budget lower now than three years ago.
- As of mid-summer that equaled 3200 positions (205 filled), with more cuts in the fall
- Cuts for 2009 may be bottoming out (just \$77 million in December)
- This year cut another \$2 billion – was climbing higher but may be stabilizing.
- Deficits projected to continue through 2013

# Budget Impacts

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- **Programs impacted:** Affordable Housing Trust, Bay Restoration Fund, Chesapeake Bay Trust Fund, Community Legacy, Community Parks and Playgrounds, Cover Crop Funding, Energy Efficiency Funding, Heritage Structure Rehabilitation Tax Credit, MARBIDCO, Maryland Agricultural Cost-Share Program, Maryland Agricultural Land Preservation Foundation, Neighborhood Business Development Program, Program Open Space, Rural Legacy
- **Agencies impacted:** Department of Agriculture, Department of Housing and Community Development, Department of Natural Resources, Department of Planning, Department of the Environment, Department of Transportation, Maryland Energy Administration
- Focus will be funding cuts, not tax increases. Some rumors of special fund increases but conventional wisdom is not till 2011.
- **No fiscal notes (\$100,000 cap), no task forces!**

# Environmental Priorities:

## Governor's Budget (SB140, 141, 142)

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- <http://www.governor.maryland.gov/pressreleases/100119.asp>.
- Record Funding for Bay 2010 Trust Fund - \$20 M
- Full Funding for Program Open Space - \$22.7 M State, \$15.3 M Local
- Rural Legacy -\$17.6 M
- Agricultural Land Preservation -\$25.9 M
- Cover Crops-\$13.9 M
- Sustainable Communities Tax Credit – \$50M over three years

# Budget: How to Engage

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- Both the House and the Senate committees will hear briefings by agency; DLS recommends cuts, you can submit testimony in support.
- BRFA contains the dedicated programs, will be heard 3/3 in BT and 3/5 in App.
- Mid-March revenue estimates can change a lot...
- The Senate will move the budget first and then the House must make their decisions.
- Budget must be passed by April 5<sup>th</sup>.

# Environmental Priorities: Transportation

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- What does your commute cost you?
- Do you have good choices for how you get to work, school, and play?
- How many miles do you drive in a week?
- Annual number of vehicle miles driven: 49.1 billion in 1999; 56.8 billion in 2007.
- The transportation sector accounted for 32% of green house gas emissions in 2005.
- More highways create more traffic (and more sprawl).

# Transportation Policy:



Set clear criteria for state transportation projects. Every dollar invested in transportation should result in a system that works better for all Marylanders. This bill (HB 1155, Delegate Lafferty and SB 760, Senator Pugh) would:

- Add predictability and outcome-based analysis to the process for determining projects eligible for state funding.
- Make sure transportation decisions are based on state goals including those already listed in the Maryland Transportation Plan, such as quality of service, safety and security, system preservation, environmental stewardship, and connectivity for daily life, and other state policies, such as the state development plan and the climate action plan.
- Focus request for transportation projects on the underlying problem the project seeks to address, including the location of the project, the need for the project, how the project meets state transportation goals, and how the project is consistent with land use plans.
- Report in public documents MDOT's rationale for choosing projects.

# Transportation Policy:

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Promote bicycle and pedestrian safety. Transportation choices start with those closest to home – whether our communities are safe enough for people to leave their cars and either bicycle or walk to the local school, store, or playground. Legislation would:

- Ensure a safer passing distance for cars (SB51, Raskin; HB461, Cardin)
- Eliminate laws that require the use of shoulders even when the shoulder is unsafe (SB624, Frosh; HB1193, Carr)
- Hold vehicle drivers accountable for accidents they cause (HB388, Simmons)
- Provide more funding for bicycle and pedestrian access (HB282, Peña-Melnyk) and sidewalk construction (HB 786, Healey)

# Environmental Priorities: Stormwater

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- Polluted runoff from development is the only source of nitrogen and phosphorous in the Bay that is increasing.
- As federal attention is increasingly brought to stormwater issues, Maryland will be expected to do more to address this pollution.
- Statewide there is a \$20 billion backlog of unaddressed, failed stormwater infrastructure. This is a hidden part of our state deficit.

# Stormwater Policy: Support

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SB 686 (Raskin)/HB 999 (Hucker):

- Require that every jurisdiction in Maryland create a stormwater utility, or a dedicated funding source for addressing stormwater-related restoration and TMDL compliance.
- The fee levels can be set by the local jurisdictions, but have the capacity to raise between \$5-20+ million per jurisdiction/per year based on the fee rates and extent of impervious coverage.
- Revenue generated by the user fee would remain with each of the counties/cities and would be spent within the jurisdiction where it is collected, dedicated for restoration.
- The EPA is discussing the prospect of making additional dollars available to localities and states to deal with TMDL issues, and these matching funds would put the state at a great advantage to leverage federal funding.

# Stormwater Policy: Oppose

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- SB420 (Colburn)/HB964 (Haddaway): would push back the implementation date for meeting the new stormwater requirements for all development from May 2010 to May 2020.
- HB1125 (Holmes): makes comprehensive rollbacks to the stormwater regulations. Allows all projects with even just preliminary or concept plan approvals to move forward; expands the definition of redevelopment; guts the redevelopment standards in the regulations.
- HB1408 (G Clagett): extends the grandfathering from May 2010 to May 2012.
- HB1409 (G Clagett): permanently exempts projects in special taxing districts from having to abide by the new regulations.

# Other Environmental Issues for 2010

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- **Sustainable Communities Act (SB285/HB475)** – reauthorize and expand the historic tax credit. (Administration)
- **Keep farmers farming** – alleviate the estate tax burden for farmers either through full relief of the tax or relief for farms that preserved. (SB592/HB 221; SB155/HB160; SB790)
- **BPA toxics ban** – ban the use of BPA in children’s toys. (SB213, Frosh/HB33, Hubbard)
- **Fertilizer/pesticide reporting** - mandatory tracking and geographic mapping of fertilizer and pesticide use. (SB359, Lenett/HB930, Frush)
- **Oysters, oysters, oysters...** SB222 (Colburn), SB809 (Pipkin) would prohibit sanctuaries; several bills on dredging.

# Other Environmental Issues:

## Trash and Recycling

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- SB462, Raskin/HB351, Carr: Bay Restoration Consumer Retail Choice Act; tax plastic bags
- HB1267, Niemann: limit secondary plastic packaging
- HB649, Barnes/V Clagett: Pharmaceutical Disposal Act
- HB1230, Olszewski: task force on reducing litter and increasing recycling
- HB982, Niemann: require commodity-based recycling goals
- SB693, Raskin: Green Maryland Act, increase paper recycling
- HB 944, Niemann: recycling in restaurants and bars
- SB156, Brochin: recycling in apartments
- HB685, Stein: light bulb recycling
- HB961, Manno: no disposing yard waste in plastic bags
- HB1330, Murphy: use of green school cleaning supplies

# Other Environmental Issues:

## Water

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- SB20, Colburn/HB313, Costa: use bay restoration funds for public sewer connection
- SB8, Colburn/HB36, Haddaway: bay restoration fund payments to contractors
- HB62, V Turner: nitrogen removing septics, pay the cost difference
- HB237, McConkey: nitrogen removing septics, not required if no funding
- SB382, Conway/HB987, George: licensing of marine contractors with a permit exemption for certain marine projects
- HB527, V Clagett: enable easier removal of abandoned vehicles
- SB775, Kramer/HB903, Kramer: best management practices for road salt

# Other Environmental Issues:

## Energy

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- **Building energy disclosure** - government and commercial owners to disclose energy use for the building. (SB656, Lenett/HB705, Stein)
- **Comprehensive energy plan** - integrated resource planning for the approval of energy projects. (SB910, Lenett/HB522, Manno)
- **Clean energy loan reform** - give cities and municipalities the ability to loan citizens money for solar or efficiency projects at low interest rates SB720, Middleton/HB1014, Hecht)
- **Incinerator regulation** – stricter citing criteria for the building, re-licensing, or permitting of incinerator or waste-to-energy facilities. (SB228, Mooney; SB514, Lenett)
- **Regulate coal ash** - prohibit certain uses of coal ash and add stricter requirements to prevent toxic dust from blowing in the wind. (Lenett)
- **Energy and net metering**... always a hot topic. Four administration priority bills and many, many more.

# Stay Informed!

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- Want weekly updates? Email [Jennifer@FriendsOfMD.org](mailto:Jennifer@FriendsOfMD.org) for bill and hearing updates.
- Sign up for action alerts – [www.mdicv.org](http://www.mdicv.org)
- Get groups or businesses you are affiliated to endorse any priority bill
- Meet with or contact your legislators and tell them you support the environmental priorities
- Email [Jennifer@FriendsOfMD.org](mailto:Jennifer@FriendsOfMD.org) for more information or contacts for any of these bills