



MARYLAND LEAGUE
OF CONSERVATION VOTERS





Hot List – Senate

WEEK of April 4, 2011***Final Hot List***

The Maryland League of Conservation Voters is pleased to present the Senate version of the “Hot List” – a detailed list of environmental legislation moving through your chamber *this week*. Our volunteers will deliver the Hot List to your office every Tuesday; it will also be emailed to your office. We hope you find this weekly communication helpful and instructive as you tackle important environmental bills this session. If you have any questions, please contact Pete Johnson at pjohnson@mdlcv.org or 410-280-9855, extension 204.

IMPORTANT BILLS TO WATCH

The environmental community’s top priorities are:

	<p>SB 85/SB 87: Protecting the Green Infrastructure Budget Committee Hearing: SB87—Already Heard SUPPORT</p> <p>Every dollar Maryland invests in protecting our environment saves good jobs today and creates more good jobs tomorrow. At this point in the session we are gravely concerned about the removing of most of the replacement bond funding for land preservation and acquisition programs. We support the House position and will be looking for legislators to restore bond funding for Program Open Space, Rural Legacy and Maryland Agricultural Land Preservation Foundation. As the General Assembly once again works to make difficult decisions due to the challenging economy, we are closely watching budget cuts and revenue generating mechanisms.</p>
	<p>SB 634/ HB 852: Marcellus Shale Safe Drilling Act Sponsor: Senator Frosh SB 634 Committee Hearing: Already Heard SUPPORT</p> <p>Would prohibit drilling for natural gas in Maryland until and unless drilling companies demonstrate that wetlands, forests, critical habitats, and existing communities would not be put at risk.</p>
	<p>SB 602/ HB 1034: Clean the Streams and Beautify the Bay Act Sponsor: Senator Raskin SB 602 Committee Hearing: Already Heard SUPPORT</p> <p>Establishes a five-cent fee for single-use plastic and paper bags distributed at stores, with the proceeds to be split among the retailers, the Chesapeake Bay Trust for environmental restoration projects, and program administration and enforcement.</p>
	<p>SB 861/HB 1054: Maryland Offshore Wind Energy Act Sponsor: President Miller (By Request of Governor O’Malley), Senator Pinsky SB 861 Committee Hearing: Already Heard SUPPORT</p> <p>The legislation will require the Public Service Commission (PSC) to negotiate long-term contracts of up to 25 years between Maryland utilities and offshore wind generating companies.</p> <p>SB 881: Economic Development Opportunities—Wind Turbine Manufacturing Facility Sponsor: President Miller (By Request of Governor O’Malley), Senator Pinsky SB 881 Committee Hearing: Bill Withdrawn SUPPORT</p> <p>Attracts new wind turbine manufacturing facility to Maryland.</p>

In addition to our four priority issues and bills, we are working on a number of other bills this session. Questions, please contact Pete Johnson at pjohnson@mdlcv.org or 410-280-9855 x 204.

Floor Action

	<p>SB 159 / HB 273: Natural Resources—Oyster Poaching Hearings Sponsor: Senator Frosh SB 159 Floor Action: Passed Third Reader 46-0, Assigned to Environmental Matters <i>SUPPORT</i> Complements the Governor's 2010 oyster initiative by directing DNR to conduct an administrative hearing for anyone who receives a citation for oyster poaching.</p> <p>SB 655 / HB 1225: Natural Resources--Commercial Fishing Violations--Enhanced Penalties Sponsor: Senator Pinsky SB 655 Floor Action: Passed Third Reader 47-0; Assigned to Environmental Matters <i>SUPPORT</i> Adds a \$25,000 fine for commercial fishing on a revoked or suspended license or without a license.</p>
	<p>SB 372/ HB 347: Environment—Nitrogen Removal Technology—Evaluation and Ranking Sponsor: Senator Conway SB 372 Floor Action: Passed Third Reader 46-0, Assigned to Environmental Matters <i>SUPPORT</i> Clarifies how Maryland Department of the Environment ranks septic system technology based on nitrogen removal and cost effectiveness.</p>
	<p>SB 635 / HB 1154: Fresh Natural Resources--Striped Bass and Crabs--Revocation Sponsor: Senator Frosh SB 635 Floor Action: Passed Third Reader 47-0; Assigned to Environmental Matters <i>SUPPORT</i> Provides for revocation of the ability to harvest striped bass or crabs upon a conviction or finding of guilt for a serious violation in that fishery at a Department administrative hearing.</p>
	<p>SB 690 / HB 1121: Renewable Energy Portfolio—Waste-to-Energy Sponsor: Senator Middleton SB 690 Floor Action: Passed Third Reader 47-0; Assigned to Environmental Matters <i>OPPOSE</i> Expands the definition of a Tier 1 renewable source to include waste-to-energy; altering the definition of a Tier 2 renewable source to exclude waste-to-energy. This legislation puts incinerators in Tier 1 of the Renewable Portfolio Standard (RPS) and would dilute the standard so much that it would negate the impact of the RPS in driving the development of renewable energy.</p>

	<p>SB 176/HB 167: Maryland Electric Vehicle Infrastructure Council Sponsor: President Miller (By Request of the Administration) SB 176 Floor Action: Passed Third Reader 45-1; Assigned to Environmental Matters and Economic Matters SUPPORT SB 176 establishes the Maryland Electric Vehicle Infrastructure Council to submit an interim and a final report.</p> <p>SB 179/ HB 164: Demand Response Pilot Program for Charging Electric Vehicles Sponsor: President Miller (By Request of the Administration) SB 179 Floor Action: Passed Third Reader 45-1, Assigned to Economic Matters SUPPORT SB 179 establishes a demand response pilot program for charging electric vehicles by June 30, 2013.</p>
	<p>SB 717 / HB 933: Renewable Energy Credits—Solar Water Heating System Sponsor: Senator Garagiola and the President (By Request of the Administration in Finance) SB 717 Floor Action: Passed Third Reader 47-0; Assigned to Economic Matters SUPPORT Provides that energy from solar water heating systems are eligible for inclusion in meeting the renewable energy portfolio standard and that a person that owns a solar water heating system will receive a renewable energy credit.</p>
	<p>SB 539 / HB57: Bay Restoration Fund Sponsor: Senator Colburn SB 539 Floor Action: Passed Third Reader 46-0; Assigned to Environmental Matters SUPPORT Authorizes specified fee revenue collected for the Bay Restoration Fund to be used to pay the cost of connecting properties served by onsite sewage disposal systems to specified existing municipal wastewater facilities under specified circumstances; and establishing conditions for the funding of specified costs.</p>
	<p>SB 538 /HB 1340: Natural Resources—Oyster Sanctuaries Sponsor: Senator Colburn SB 538 Floor Action: Passed Third Reader 38-9; Assigned to Environmental Matters OPPOSE Prohibiting the Department of Natural Resources from designating more than 25% of the available oyster habitat as oyster sanctuaries.</p>
	<p>SB 513: Estate Tax—Payment Deferral for Qualified Agricultural Property—Waiver of Payment Required Sponsor: Senator Middleton Floor Action: Passed Third Reader 45-1; Assigned to Ways and Means SUPPORT Grants an extension to a specified deferred tax payment period if a qualified recipient has a pending application to place specified land under a permanent land conservation easement with the Maryland Agricultural Land Preservation Foundation or the Rural Legacy Board.</p>
	<p>SB 151: Bisphenol-A (BPA) Free Maryland Sponsor: Senator Frosh SB 151 Floor Action: Passed Third Reader 46-0; Assigned to Health and Government Operations SUPPORT Prohibits the manufacturing, sale, or distribution of baby food, infant formula, or other products intended for kids four and under, if the packaging contains BPA.</p>

<p>SB 718/HB 529: Distribution of Telephone Directories Sponsor: Senator Garagiola SB 718 Floor Action: Passed Third Reader 41-4; Assigned to Economic Matters SUPPORT Provides that a telephone company may not be required to distribute a telephone directory to an address in the State unless the property owner or an occupant requests the directory.</p>
<p>SB 487/ HB 573: Fertilizer Use Act of 2011 Sponsors: Senators Middleton and Frosh SB 487 Floor Action: Passed Third Reader 40-5 SUPPORT SB 487 establishes nitrogen and phosphorus standards for fertilizer applications, requires certification of applicators, and regulates sales.</p>
<p>HB57 / SB539: Bay Restoration Fund Sponsor: Senator Colburn HB 57 Floor Action: Passed Third Reader 138-0; Assigned to Education, Health, and Environmental Affairs SUPPORT Authorizes specified fee revenue collected for the Bay Restoration Fund to be used to pay the cost of connecting properties served by onsite sewage disposal systems to specified existing municipal wastewater facilities under specified circumstances; and establishing conditions for the funding of specified costs.</p>

Committee Action

<p>SB 111/ HB 179: Apartment Building Recycling Sponsor: Senator Brochin SB 111 Committee Action: Unfavorable Report by Education, Health, and Environmental Affairs SUPPORT Requires owners or managers of apartment buildings or condominiums to provide recycling for residents.</p>
<p>SB 153: Consolidating Department of the Environment into Department of Natural Resources Sponsor: Senator Colburn SB 153 Committee Action: Unfavorable Report by Education, Health, and Environmental Affairs OPPOSE Consolidates the Maryland Department of the Environment into the Department of Natural Resources.</p>
<p>SB 764/ HB 721: Estate Tax—Exclusion of Qualified Agricultural Property Sponsor: Senator Young SB 764 Committee Hearing: Already Heard SUPPORT Excludes from the value of the gross estate up to \$5,000,000 of the value of qualified agricultural property; providing that the estate tax on qualified agricultural property may not exceed 5% of the amount by which the value of specified agricultural property exceeds \$5,000,000.</p>
<p>SB 387 / HB 910: High Performance Building Act Sponsor: Senator Frosh SB 387 Committee Action: Unfavorable Report by Budget and Taxation SUPPORT Expands the 2008 High Performance Buildings Act requiring LEED Silver Building Standards for capital projects that are funded solely or in part by a grant from the state.</p>

	<p>SB 785/ HB 660: Pesticides—Use, Release, Purchase and Sales Reporting Sponsor: Senator Montgomery SB 785 Committee Action: Withdrawn Establishes a centralized reporting system—for both certified applicators' pesticide use and dealers' purchase and sales of restricted use pesticides—under Maryland Department of Agriculture for access by government agencies, scientists, and the public.</p>
	<p>SB 160 / HB177: Septics Sponsor: Senator Frosh SB 160 Committee Hearing: Already Heard SUPPORT</p> <p>SB 846 / HB 1107: Sustainable Growth and Agricultural Preservation Act of 2011 Sponsor: Senator Pinsky SB 846 Committee Hearing: Already Heard SUPPORT</p> <p>Septics (2 bills): SB 160 requires septic systems that utilize nitrogen removal technology for all newly constructed building. SB 846 requires developers of sub-divisions either hook up to public sewer or install a shared waste water treatment system.</p>
	<p>SB 544 / HB 687: Chesapeake Bay Nitrogen Reduction Act of 2011 Sponsor: Senator Young SB 544 Committee Hearing: Already Heard SUPPORT</p> <p>SB 546/ HB 706: Chesapeake Bay Phosphorus Reduction Act of 2011 Sponsor: Senator Young SB 546 Committee Hearing: Already Heard SUPPORT</p> <p>Lawn Fertilizer (2 bills): SB 544 requires that fertilizers contain a percentage of "bay-friendly" nitrogen, that rules for fertilizer applicators reflect bay clean up goals, and more consumer education. SB 546 bans phosphorus from fertilizers.</p>
	<p>SB 417 / HB 754: Arsenic in Chicken Feed Sponsor: Senator Pinsky SB 417 Committee Hearing: Already Heard SUPPORT</p> <p>Prohibits the use, sale, or distribution of poultry feed that contains roxarsone or any other feed additive that contains arsenic.</p>
	<p>SB 752: Environment--Permitting Process--Environmental Justice Review Sponsor: Senator Benson Committee Hearing: Already Heard SUPPORT</p> <p>Requires the Maryland Department of Health and Mental Hygiene and the Commission on Environmental Justice and Sustainable Communities to develop maps that identify the locations of environmentally stressed communities; and requires permit applicants to the Maryland Department of the Environment to submit an Environmental Justice Review.</p>
	<p>SB 552 / HB 668: Local Stormwater Charges Sponsors: Senators Madaleno, Forehand, and Raskin SB 552 Committee Action: Unfavorable Report by Education, Health and Environmental Affairs—Withdrawn SUPPORT</p> <p>Requires state agencies to pay municipal and county governments stormwater utility fees if they own property in those localities where fees are accessed.</p>

	<p>SB 637 / HB 759: Healthy Kids, Healthy Maryland Sponsor: Senator Benson SB 637 Committee Hearing: Already Heard SUPPORT Establishes comprehensive chemical reform by giving the Maryland Department of the Environment the authority to regulate multiple chemicals of concern.</p>
	<p>SB 766: Snowstorm and Related Climate Change Restoration Act Sponsor: Senator Rosepepe Committee Hearing: Already Heard SUPPORT Requiring the Maryland Commission on Climate Change to submit a report to the Governor and the General Assembly on necessary investments for the State to respond to specified weather emergencies due to climate change.</p>
	<p>SB 646/HB795: Economic Development—Green Business Incentive Zones Sponsor: Senator Ramirez SB 646 Committee Hearing: Already Heard SUPPORT Authorizes the creation of green business incentive zones in the State.</p>
	<p>SB 177 / HB 163: Tax Credit for Electric Vehicle Recharging Equipment Sponsor: President Miller (By Request of the Administration) SB 177 Committee Hearing: Already Heard SUPPORT Allows a State income tax credit for 20% of the cost of qualified electric vehicle recharging equipment.</p>
	<p>SB 304: Renewable Energy Surcharge—Retail Residential Electric Customers Sponsors: Senators Garagiola and Manno Committee Action: Unfavorable Report by Finance SUPPORT Establishes a surcharge on residential electricity consumption above a specified amount to support a Renewable Energy Benefit Fund to support residential clean energy grants and programs.</p>
	<p>SB 648 / HB662: Renewable Energy Surcharge—Retail Electric Customers Sponsors: Senators Ramirez and Montgomery SB 648 Committee Action: Unfavorable Report by Finance SUPPORT Establishes a renewable energy surcharge on electricity consumption by retail electric customers. Requires the PSC to establish the amounts of the surcharge and a specified rebate. Requires electric companies to collect the surcharge and provide a specified rebate.</p>
	<p>SB 460: Nuclear Power Transportation Act of 2011 Sponsor: Senator Pipkin Committee Action: Unfavorable Report by Finance SUPPORT Requires a nuclear generating facility in the State to disclose specified information to the Public Service Commission in writing including management plans for spent fuel, mitigation plans for increased water temperature from Calvert Cliffs III, cost per kwh of power and disclosure of loan guarantees and why they were needed.</p>
	<p>SB 261 / HB 718: Commercial Building Disclosure Sponsor: Senator Frosh SB 261 Committee Hearing: Already Heard SUPPORT This bill requires relevant categories of buildings to publicly disclose their energy to use to the public, prospective buyers and renters.</p>

Bills Through the House Chamber

	<p>HB 602: Environment—Recycling Pilot Program—Transit Stations Sponsor: Delegate Summers Floor Action: Passed Third Reader 134-5; Assigned to Education, Health and Environmental Affairs SUPPORT Establishes a pilot program to introduce recycling at Transit Stations.</p>
	<p>HB 273/SB 159: Natural Resources—Oyster Poaching Hearings Sponsor: Delegate Gilchrist HB 273 Floor Action: Passed Third Reader 126-11; Assigned to Education Health and Environmental Affairs SUPPORT Complements the Governor's 2010 oyster initiative by directing DNR to conduct an administrative hearing for anyone who receives a citation for oyster poaching.</p>
	<p>HB 347: Environment—Nitrogen Removal Technology—Evaluation and Ranking Sponsor: Delegate Lafferty HB 374 Floor Action: Passed Third Reader 131-5; Assigned to Education Health and Environmental Affairs SUPPORT HB 347 clarifies how Maryland Department of the Environment ranks septic system technology based on nitrogen removal and cost effectiveness.</p>
	<p>HB 529/SB 718: Distribution of Telephone Directories Sponsor: Delegate Miller HB 529 Floor Action: Passed Third Reader 140-0; Assigned to Finance SUPPORT Provides that a telephone company may not be required to distribute a telephone directory to an address in the State unless the property owner or an occupant requests the directory.</p>
	<p>HB 167/SB 176: Maryland Electric Vehicle Infrastructure Council Sponsor: Speaker Busch (By Request of the Administration) HB 167 Floor Action: Passed Third Reader 107-28; Assigned to Education, Health and Environmental Affairs SUPPORT</p> <p>HB 164/ SB 179: Demand Response Pilot Program for Charging Electric Vehicles HB 164 Floor Action: Passed Third Reader 126-12; Assigned to Finance Sponsor: Speaker Busch (By Request of the Administration) SUPPORT</p> <p>Electric Vehicles (2 bills): HB167 establishes the Maryland Electric Vehicle Infrastructure Council to submit an interim and a final report. HB164 requires the PSC to establish a demand response pilot program for charging electric. Requires the pilot program to include incentives for specified customer classes.</p>
	<p>HB 179/SB 111: Apartment Building Recycling Sponsor: Delegate Lafferty HB 179 Floor Action: Passed Third Reader 105-33; Assigned to Education, Health and Environmental Affairs SUPPORT Requires owners or managers of apartment buildings or condominiums to provide recycling for residents.</p>

	<p>HB 1154/SB 635: Natural Resources —Striped Bass and Crabs—Revocation Sponsor: Delegate Gilchrist HB 1154 Floor Action: Passed Third Reader 112-25; Assigned to Education, Health, and Environmental Affairs <i>SUPPORT</i> Provides for revocation of the ability to harvest striped bass or crabs upon a conviction or finding of guilt for a serious violation in that fishery at a Department administrative hearing.</p> <p>HB 1225/SB 655: Natural Resources—Commercial Fishing Violations—Enhanced Penalties Sponsor: Delegate Gilchrist HB 1225 Floor Action: Passed Third Reader 94-42; Assigned to Education, Health, and Environmental Affairs <i>SUPPORT</i> Adds a \$25,000 fine for commercial fishing on a revoked or suspended license or without a license.</p>
	<p>HB 660/SB 785: Pesticides—Use, Release, Purchase and Sales Reporting Sponsor: Delegate Frush HB 660 Floor Action: Passed Third Reader 133-4; Assigned to Education, Health, and Environmental Affairs <i>OPPOSE HB 660 (WITH MDA AMENDMENTS)</i> Amendments eliminate original bill's mandatory reporting of certified applicators' pesticide use and dealers' purchase and sales of pesticides to a centralized database and puts in place a once-every 5 year, voluntary usage survey that does not meet the tracking needs of scientific, public health and homeland security agencies.</p>
	<p>HB 573/SB 487: Fertilizer Use Act of 2011 Sponsors: Delegates Hubbard and Wood HB 573 Floor Action: Passed Third Reader 135-4; Assigned to Education, Health and Environmental Affairs <i>SUPPORT</i> The third bill establishes nitrogen and phosphorus standards for fertilizer applications, requires certification of professional applicators, and regulates sales.</p>
	<p>HB 163/SB 177: Tax Credit for Electric Vehicle Recharging Equipment Sponsor: Speaker Busch (By Request of the Administration) HB 163 Floor Action: Passed Third Reader 138-0; Assigned to Budget and Taxation <i>SUPPORT</i> Allows a State income tax credit for 20% of the cost of qualified electric vehicle recharging equipment.</p>
	<p>HB 1050: Construction Permits—Expiration Dates Sponsor: Delegate Beidle Floor Action: Passed Third Reader 132-6; Assigned to Education, Health and Environmental Affairs <i>OPPOSE</i> Automatically extends a broad set of development-related permits and approvals until 2012. Automatically extending the life of these current permits is not necessary, impinges on local authority, and undermines both state and local efforts to set environmental and smart growth standards on development projects and land use.</p>
	<p>HB 831: Agriculture—Invasive Plants—Prevention and Control Sponsor: Delegate S. Robinson Floor Action: Passed Third Reader 139-0; Assigned to Education, Health and Environmental Affairs <i>SUPPORT</i> Establishes the Invasive Plants Advisory Committee in the Department of Agriculture and requires the Secretary of Agriculture to adopt regulations relating to invasive plants.</p>

	<p>HB 4: Bisphenol-A (BPA) Free Maryland Sponsor: Delegate Hubbard Floor Action: Passed Third Reader 137-4; Assigned to Finance <i>SUPPORT</i> Prohibits the manufacturing, sale, or distribution of baby food, infant formula, or other products intended for kids four and under, if the packaging contains BPA. The prohibition also includes reusable sports water bottles containing BPA.</p>
	<p>HB 933/SB 717: Renewable Energy Credits—Solar Water Heating System Sponsor: Speaker Miller (By Request of the Administration) and Delegate Jameson HB 933: Floor Action: Passed Third Reader 132-5; Assigned to Finance <i>SUPPORT</i> Provides that energy from a solar water heating systems are eligible for inclusion in meeting the renewable energy portfolio standard. A person that owns a solar water heating system will receive a renewable energy credit.</p>
	<p>HB 528/SB 791: Education—Open Space on Public School Property—Planting and Maintaining Gardens Sponsor: Delegate Luedtke HB 528 Floor Action: Passed Third Reader 122-15; Assigned to Education, Health, and Environmental Affairs <i>SUPPORT</i> Requires county boards of education to encourage the use of open space on public school property for the purpose of planting and maintaining gardens and requires specified schools and community groups to limit the application of pesticides.</p>
	<p>HB 1252: Natural Resources—Large-Scale Striped Bass Poaching-Penalties Sponsor: Delegate McMillian Floor Action: Passed Third Reader 134-0; Assigned to Education, Health, and Environmental Affairs <i>SUPPORT</i> Establishes that the violation, including jail time of the unlawful capture of striped bass worth over \$20,000.</p>

Good Governance Bills

	<p>SB 644 / HB 766: Joint Committee on Transparency and Open Government Sponsor: Senator Ferguson SB 644 Floor Action: Third Reader Passed 47-0; Assigned to Health and Government Operations <i>SUPPORT</i> Establishes a legislative committee to coordinate State efforts to explore, develops, and implements open government and transparency policies for all branches of our state government.</p>
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For more than 30 years, the **Maryland League of Conservation Voters** has been the independent political voice for the environment in our state. Maryland LCV is dedicated to making environmental protection and restoration a top priority for Maryland’s elected officials, appointed leaders, candidates and voters. The Maryland LCV advocates for sound conservation policies, works to get pro-environment candidates elected, and holds elected officials accountable for their votes and actions.

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