

## **2012 MaGIC Legislative Update - Final**

April 10, 2012

### **Bills that Were Followed**

#### **House Bill 594**

Bill has passed the House - First reading Education Health and Environmental Affairs- Heard on March 20

Sponsored By Delegates McIntosh, Anderson, and Washington

Entitled: **Department of Natural Resources - Pamela J. Kelly Tree-Mendous Maryland Program**

Synopsis: This bill creates a program named after Pam Kelly to plant native trees on public lands, community open space, school grounds and right-of-ways.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/hb0594.htm>

MaGIC position: **Support; this bill passed both houses**

#### **HOUSE BILL 987 / SB 614**

Bill is in the Senate - First Reading Education, Health, and Environmental Affairs- No Hearing Scheduled

Sponsored By: Delegates Hucker, Bobo, Carr, Frush, Gilchrist, Glenn, Gutierrez, Holmes, Kramer, Lafferty, Luedtke, Niemann, S. Robinson, Waldstreicher, and Zucker

Entitled: **Stormwater Management - Watershed Protection and Restoration Program**

Synopsis: The bill was amended to require counties and municipalities with a NPDES Phase 1 storm system permit to adopt laws or ordinances to establish a watershed protection and restoration program on or before July 1, 2013. It defines "impervious surface" to include rooftops, driveways, sidewalks, or pavement. It requires county and municipalities include a stormwater remediation fee based on area of impervious surface and to use the money for a local watershed protection and restoration fund requiring counties and municipalities to collect the fee and administer the fund. The bill allows for a graduated fee scale based on actual impact of impervious surface. The impervious surface fee is separate for fees for new developments. The fee may be reduced for advanced stormwater BMP's and agricultural activities or other facilities that are exempt from storm water management requirements.

The amended bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/HB0987.htm>

MaGIC position: **Oppose; this bill passed the House with amendments; bill died in the Senate**

#### **HOUSE BILL 1051**

Sponsored By: Delegates Hixson and Gilchrist

Bill is in the House - First Reading Ways and Means-Hearing was on 3/6 at 1:00 p.m.

Entitled: **Sales and Use Tax - Services**

Synopsis: Altering the definition of a "taxable service" under the sales and use tax to impose the tax on specified services. It does not include lawn care or landscaping services. It exempts from the sales tax the sale of a parking facility or service by a political subdivision of the State.

This bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb1051f.pdf>

MaGIC position: **Watch carefully (hearing was March 6<sup>th</sup>; no action since then); this bill did not get out of committee**

### **Senate Bill 635**

Bill is in the House— First Reading Environmental Matters- Hearing is scheduled for 4/4 at 1:00PM  
Sponsored By Senators Frosh, Madaleno, Manno, Montgomery, and Pinsky

Entitled: **Environment - Water Appropriation or Use Permits - Fees**

Synopsis: This bill was heavily amended to create a work group to: develop a structure of fees related to the issuance and renewal of a water appropriation and use permit issued by the Department of the Environment. The structure of fees shall be set by MDE to fund the cost to of regulating or monitoring water appropriation permits, cost of program development activities That include: Conducting watershed and aquifer studies; monitoring and assessing the cumulative impacts associated with water use on groundwater and surface water; developing and implementing a statewide water supply plan; and providing technical assistance to local governments.

The amended bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/SB0635.htm>

MaGIC position: **Oppose; this bill passed the Senate with amendments; bill died in the House**

## **Bills For Your Information, Only**

### **HOUSE BILL 412**

Bill is in the House – Passed House- First reading Education Health and Environmental Affairs- Heard on 3/20 at 1:00 p.m.

Sponsored By: Delegate O'Donnell

Entitled: **Agriculture - Sewage Sludge - Timing of Winter Application**

Synopsis: Requiring the Department of Agriculture to adopt regulations establishing criteria for the timing of the winter application of sewage sludge that are the same as or substantially similar to the criteria adopted for the timing of the winter application of animal manure; and providing for a delayed effective date.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb0412f.pdf>

MaGIC position: **For your information; died in Senate**

### **HOUSE BILL 486**

Bill is in the House - First Reading Environmental Matters- Unfavorable Report by Environmental Matters

Sponsored By: Delegates Jacobs, Bates, Boteler, Cluster, Eckardt, Frank, Glass, Haddaway-Riccio, Hershey, Hogan, McComas, McConkey, McDermott, W. Miller, Norman, Otto, Schuh, Schulz, Smigiel, Stocksdale, and Vitale

Entitled: **Environment - Watershed Implementation Plan - Ranking Best Management Practices**

Synopsis: Requiring, on or before October 1, 2012, the Department of the Environment to create a list that ranks best management practices relating to a Watershed Implementation Plan based on cost and expected pollution reduction value;. It authorizes the Department to include cost and expected pollution reduction in the list; The bill requires the Department to update the list annually and requires the Department to publish the list on the Department's Web site and to mail a hard copy of the list to each county.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/HB0486.htm>

MaGIC position: **For your information**

### **Senate Bill 428**

Bill is in the Senate – Unfavorable Report Education Health and Environmental Affairs.

Sponsored By: Senators Glassman, Garagiola, Jennings, Klausmeier, and Middleton

Entitled: **Commission to Study Expanding the Voluntary Agricultural Nutrient Credit Certification Program**

Synopsis: Establishing a Commission to Study Expanding the Voluntary Agricultural Nutrient Credit Certification Program; specifying the membership, purposes, and staffing of the Commission; specifying that a member of the Commission may not receive specified compensation, but is entitled to reimbursement of specified expenses; requiring the Commission to study and make recommendations regarding specified matters; requiring the Commission to report to the Governor and the General Assembly on or before December 31, 2012; etc.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/sb/sb0428f.pdf>

MaGIC position: **For your information**

### **Senate Bill 475**

Bill is in the Senate - First Reading Education Health and Environmental Affairs- Hearing was on 2/28 at 1:00 p.m.

Sponsored By: Senators King, Garagiola, Manno, McFadden, Montgomery, Pugh, Raskin, and Rosapepe

Entitled: **Stormwater Management - Dredging - Testing for Toxic Substances**

Synopsis: Requiring the Department of the Environment to adopt regulations and a model ordinance to require that sediment dredged from stormwater retention structures be tested for toxic substances and to prohibit dredged sediment from being used in a manner that would put the public at risk.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/sb/sb0475f.pdf>

MaGIC position: **For your information**

### **SENATE BILL 594**

Bill is in the Senate - First Reading Education Health and Environmental Affairs- Hearing was on 2/21 at 1:00 p.m.

Sponsored By: Senators Pinsky and Frosh

Entitled: **Agriculture - Nutrient Management - Application of Nutrients**

Synopsis: Prohibiting a person from applying animal manure or biosolids to agricultural land from November 1 till March 1. If the manure or biosolids are injected with 90% of manure below the soils surface they are exempt. During the period that allows application the manure or biosolid it must be incorporated within 24 hours. After July 1, 2017 a person is prohibited from applying fertilizer to

agricultural land if it has a phosphorus fertility index greater than 150. After July 1, 2020 a person will be prohibited from applying manure or biosolids from September 10 to November 15.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/sb0594.htm>

MaGIC position: **For your information**

## **Withdrawn or Received Unfavorable Committee Reports**

### **HOUSE BILL 82**

Bill is in the House - First Reading Health and Government Operations- Heard on 3/14 at 1:00 p.m.  
Sponsored By: Delegates W. Miller, Aumann, Bates, Beitzel, Boteler, Cluster, Costa, Dwyer, Eckardt, Elliott, Fisher, Frank, Haddaway-Riccio, Hershey, Hogan, Hough, Impallaria, Jacobs, Kach, Kipke, Krebs, McComas, McConkey, McDermott, McDonough, McMillan, Myers, Norman, O'Donnell, Parrott, Ready, Schuh, Schulz, Serafini, Smigiel, Stifler, and Stocksdale

#### **Entitled: State Government - E-Verify Program**

Synopsis: The purpose of declaring that it is the public policy of the State to restrict and deter the use of unauthorized alien workers in the performance of public contracts and grants within the State. The bill defines "e-verify" as the federal e-verify program or a successor program at the federal level. It also defines an "unauthorized alien" as an alien who does not have the legal right or authorization to work in the US. It prohibits state agencies, contractors, sub-contractors, or grant recipients to use unauthorized alien workers to perform work for a state or local jurisdiction contract or grant. The bill also requires contractors, subcontractors, and grant recipients to register and use the e-verify program. The bill exempts contractors and grants recipients that have contracts and grants less than \$100,000 from using e-verify. It also exempts contracts for the supply of off the shelf products, common products in the commercial marketplace, and bulk agricultural products. Before receiving payment a contractor must affirm they have used e-verify for all employees hired during period of contract or grant. The contractor may not continue to employ an individual if the employee is not eligible using e-verify. Contractors will be required hold subcontractors to the same requirements. If a contractor, subcontractor or grantee violates this law they are subject to a civil penalty of \$1000 for each unauthorized alien employee. If the commissioner of Labor and Industry determines the contractor, subcontractor or grantee deliberately violated the law the civil penalty could be up to \$5000 per unauthorized alien employee for the 1<sup>st</sup> and 2<sup>nd</sup> violation and \$20,000 for the 3<sup>rd</sup> violation.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb0082f.pdf>

MaGIC position: **Oppose; Bill was withdrawn**

### **HOUSE BILL 344**

Bill is in the House - First Reading Health and Government Operations- Heard on 3/14 at 1:00 p.m.

Sponsored By: Delegate McDonough

Entitled: **State Government - E-Verify Program**

Synopsis: Declaring that it is the public policy of the State to restrict and deter the use of unauthorized aliens in the performance of public contracts and grants in the State The bill also requires contractors, subcontractors, and grant recipients to register and use the e-verify program. The bill exempts contractors and grants recipients that have contracts and grants less than \$100,000 from using e-verify. It

also exempts contracts for the supply of off the shelf products, common products in the commercial marketplace, and bulk agricultural products. Before receiving payment a contractor must affirm they have used e-verify for all employees hired during period of contact or grant. The contractor may not continue to employ an individual if the employee is not eligible using e-verify. Contractors will be required hold subcontractors to the same requirements. If a contractor, subcontractor or grantee violates this law they are subject to a civil penalty of \$1000 for each unauthorized alien employee. If the commissioner of Labor and Industry determines the contractor, subcontractor or grantee deliberately violated the law the civil penalty could be up to \$5000 per unauthorized alien employee for the 1st and 2nd violation and \$20,000 for the 3rd violation.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/HB0344.htm>

MaGIC position: **Oppose; bill was withdrawn**

### **HOUSE BILL 464/ SB 330**

Bill is in the House - Withdrawn Environmental Matters.

Sponsored By: Delegate Rudolph

Entitled: **Agriculture - Total Maximum Daily Load - Regulations**

Synopsis: Prohibiting the Department of Agriculture, the Department of the Environment, and the Department of Natural Resources from adopting regulations to help the State meet the agricultural sector requirements of the Total Maximum Daily Load for the Chesapeake Bay unless New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia achieve or exceed the percentage reduction of nitrogen and the percentage reduction of phosphorus that the State has achieved from 2009 levels .

The bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/HB0464.htm>

Recommended MaGIC position: **For your information**

### **HOUSE BILL 33**

Bill is in the House - First Reading Environmental Matters- Unfavorable Report by Environmental Matters Withdrawn

Sponsored By: Delegate Clagett

Entitled: **Environment - Watershed Implementation Plans - Implementation Deadlines  
Environmental Matters**

Synopsis: This bill prohibits the State from submitting a draft document to the U.S. EPA for approval as a Watershed Implementation Plan (WIP), or submits a modification to a WIP, that contains a plan designed to achieve the preliminary nutrient reduction target before 2017 or the final nutrient reduction target before 2025. This is an emergency bill, and if passed by 2/3 of the House and Senate, will take effect immediately.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb0033f.pdf>

Recommended MaGIC Position: **For your Information**

## HOUSE BILL 487

Bill is in the House – Unfavorable Report Environmental Matters.

Sponsored By: Delegates Jacobs, Aumann, Bates, Boteler, Cluster, Eckardt, Frank, Glass, Haddaway-Riccio, Hershey, Hogan, McComas, McConkey, McDermott, Norman, Otto, Ready, Schulz, Smigiel, Stocksdale, Szeliga, and Vitale

Entitled: **Environment - Watershed Implementation Plan - County Implementation**

Synopsis: Providing that a local jurisdiction may not be required to implement activities or strategies of a State Watershed Implementation Plan unless specified funding is provided by state or federal government

This bill can be viewed at: <http://mlis.state.md.us/2012rs/billfile/HB0487.htm>

MaGIC position: **For your information**

## HOUSE BILL 734/ SB 600

Bill is in the House - First Reading Economic Matters- Bill Withdrawn

Sponsored By: Delegates Schulz, Aumann, Beitzel, Bromwell, Clagett, Haddaway-Riccio, Hershey, Hogan, Hough, Jacobs, Krebs, McDermott, W. Miller, Minnick, Otto, Ready, Rudolph, Serafini, Smigiel, and Stifler

Entitled: **Business Regulation - Independent Contractor Registry - Presumptions Under Workplace Fraud Act**

Synopsis: Requiring the Department of Labor, Licensing, and Regulation to develop and maintain an Independent Contractor Registry. The bill authorizes an individual who performs construction services or landscaping services as an independent contractor to register with the Registry. If an individual registers with the Registry they are considered an independent contractor under the business regulation article.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb0734f.pdf>

Recommended MaGIC position: **Support**

## HOUSE BILL 1253

Sponsored By: Delegate Malone

Bill is in the House - First Reading Judiciary- Unfavorable Report by Judiciary

Entitled: **Exposure to Organophosphate Pesticide - Time Limits for Bringing Civil Actions**

Synopsis: This bill changes the statute of limitations for filing a civil action for wrongful death in the workplace due to exposure to an organophosphate pesticide. Current law provides that a civil action for all wrongful death cases must be filed within 10 years of the date of death or within 3 years of when the cause of death was discovered, whichever is shorter. The bill provides that if exposure to an organophosphate pesticide was a cause of a person's death, a civil action must be filed within the later of 20 years from the date of the exposure or 3 years of the date when the cause of death was discovered. Under the bill, a personal injury case from exposure must be filed within the same timeframes.

The Bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/hb/hb1253f.pdf>

Magic position: **For your information**

## **SENATE BILL 888**

Bill is in the Senate – Unfavorable Report Education Health and Environmental Affairs

Sponsored By: Senators Montgomery, Ramirez, and Stone

Entitled: Pesticides - Dealer Permits and Applications for Certified Applicators - Background Checks

Synopsis: Requiring a background check for a person applying for a pesticide dealer permit or to become a certified applicator would be required to have a certified police and federal agency background check.

The background check would verify that the applicant was not on terrorist screening database or does not have a criminal history with potential for purchasing, possessing, transferring, or selling pesticides to be used in a crime. The Department of Agriculture can charge reasonable fees to do the background check or use a third party to conduct the background check.

The bill can be viewed at: <http://mlis.state.md.us/2012rs/bills/sb/sb0888f.pdf>

MaGIC position: **Oppose**