

2009 Priority Issues Summary

Land Use Issues

Bill	Sponsor	Committee Assignment	Status	MSBA Position	Summary
SB 273/HB 294 (Smart, Green and Growing-Local Government Planning-Planning Visions)	Administration-Miller (D-Calvert) Busch (D-AA)	Senate EHEA House ENV	Passed both chambers	support	Increases the number of Smart Growth visions to 12 and adds a reporting requirements for local jurisdictions with planning and zoning authority
SB 276/HB 295 (Smart, Green and Growing-Local Government Planning-Measures and Indicators)	Administration Miller (D-Calvert) Busch (D-AA)	Senate EHEA House ENV	Passed both chambers	support	As amended, authorizes Dept of Planning and local jurisdictions to set land use goals that reflect Smart Growth visions. Requires an annual report from local jurisdictions that includes amount of growth, density, jobs to housing ratio, development capacity and preserved acres
SB 280/HB 297 (Smart, Green, and Growing - Smart and Sustainable Growth Act of 2009)	Administration Miller (D-Calvert) Busch (D-AA)	Senate EHEA House ENV	Passed both chambers	support	As amended, establishes a definition of consistency for purposes of requiring consistency between local plans and ordinances for planning
SB 384 (Program Open Space - Impervious Surface Projects – Prohibition)	Harris (R-Baltimore Co)	Senate EHEA	Died in cmte	-2	Prohibits use of Program Open Space funds for development of impervious surfaces
SB 878/HB 1116 (Smart Growth - Visions and Performance Standards)	Harrington (D-Prince George's) Lafferty (D-Baltimore County)	Senate EHEA House ENV	Senate-no action House-withdrawn	-3	Establishes strict performance standards for local jurisdictions to adhere to in approving future development. Limits growth out of PFA's, requires percentage of affordable housing, requires percentage of growth within close proximity to transit. Authorizes Dept. of Environment to deny permits in local jurisdictions that fail to meet the standards
SB 958/HB 921 (Construction Permits - Expiration Dates)	Rosepepe (D-Prince George's) Barnes (D-Prince George's)	Senate EHEA House ENV	Passed both chambers	+3	As amended, requires tolling of development permits issued by a county or municipality for proposed construction or development. Effects all permits issued as of January 1, 2008 and tolls them through June 20, 2010
HB 194 (Land Use - Development Rights and Responsibilities Agreements)	Claggett (D-Frederick)	House ENV	Died in cmte	+3	Extends the time period for development rights and responsibilities agreements if the agreement does not have a specific time period provision. Prohibits a local jurisdiction from altering the density or intensity of a parcel under such agreement unless there is an imminent threat to public health

Environmental Issues

Bill	Sponsor	Committee Assignment	Status	MSBA Position	Summary
SB 4/HB 1054 (Environment - Permitting Process - Environmental Justice Review)	Harrington (D-Prince George's) Niemann (D-Prince George's)	Senate EHEA House ENV	Senate-no action House-no action	-2	Requires Dept. of Environment to develop maps of environmentally stressed areas and requires an environmental justice review as a condition of issuing permits
SB 47/HB 1078 (Environment - Permit Applications - Notice Requirements)	Harrington (D-Prince George's) Niemann (D-Prince George's)	Senate EHEA House ENV	Passed both chambers	-2	As amended, requires the Dept. of Environment to electronically post notice and information about permit applications of certain permits
SB 120 (Environment - Permit Process – Modifications)	Stone (D-Baltimore Co)	Senate EHEA	Died in cmte	-2	Requires to Dept. of Environment to allow contested cases for additional permits and requires additional notice of permit applications to residents in proximity to site of proposed activity
SB 539/HB 992 (Driver Relief Act of 2009)	Frosh (D-Montgomery) McIntosh (D-Baltimore City)	Senate EHEA House ENV	Senate-no action House-withdrawn	-2	Requires state, local and regional transportation plans to plan for reduction in vehicle miles traveled (VMT) per capita of 35% by 2036
SB 549/HB 771 (Sustainable Forestry Act of 2009)	Dyson (D-St. Mary's) Frush (D-Prince George's)	Senate EHEA House ENV	Senate-passed House-no action	-2	As amended, establishes a sustainable forestry council within the Dept. of Natural Resources. Authorizes Dept. of Agriculture and Dept. of Natural Resources staff to incorporate forest retention policies within existing preservation program goals
SB 554/HB 176 (Chesapeake Bay Nitrogen Reduction Act of 2009)	Lenett (D-Montgomery) Lafferty (D-Baltimore Co)	Senate EHEA House ENV	Senate-passed House-passed House, no action in Senate	-3	As amended, requires new installations and replacement of septic systems in the Chesapeake Bay Critical Areas to install nitrogen-reduction technology systems. Authorizes the Dept. of Environment to provide grants to offset costs
SB 581/HB 800 (Natural Resources - Roadside Trees - Protection and Enforcement)	Frosh (D-Montgomery) Hucker (D-Montgomery)	Senate EHEA House ENV	Senate-passed House-passed House, no action in Senate	-2	As amended, authorizes local jurisdictions to adopt a roadside tree ordinance that is more stringent than state law. However, no local ordinance may prevent cutting or clearing of public right-of-way by utilities
SB 606 (Carroll County - Privately Employed Sanitarians Licensed by the State - Soil Percolation Tests)	Haines (R-Carroll)	Senate EHEA	Passed Senate, died in House (no action)	+2	As amended, allows licensed private sanitarians to perform percolation tests in Carroll County
SB 625/HB 707 (Maryland Building Performance Standards - Energy Conservation and Efficiency)	Frosh (D-Montgomery) Barve (D-Montgomery)	Senate EHEA House ENV	Senate-passed House-passed House, no action in Senate	-2	As amended, requires the Dept. of Housing and Community Development to adopt the International Energy Conservation Code (IECC) as part of the

					building code in Maryland. The State is required to adopt the most updated version of the IECC within 12 months of issuance and local jurisdictions will then have 6 months to adopt
SB 666/HB 1291 (Natural Resources - No Net Loss of Forest Policy - Forest Conservation Act)	Pinsky (D-Prince George's) Bobo (D-Howard)	Senate EHEA House ENV	Senate-passed House-passed House, no action in Senate	-3	As amended, requires the Dept. of Natural Resources to work with stakeholders to determine the meaning of no net loss of forest and develop proposals to create a policy. Eliminates the waiver process from forest conservation requirements for currently paved areas and requires a variance to disturb trees, shrubs and plants that are threatened or endangered, in a historic site, or more than 30 inches in diameter
SB 721/HB 1105 (Private Wastewater Treatment Act of 2009)	Pinsky (D-Prince George's) Frush (D-Prince George's)	Senate EHEA House ENV	Passed both chambers	-2	As amended, prohibits a person from installing an individual sewage system that serves only a single lot and discharges into a water of the state
SB 824/HB 1053 (Community Environmental Protection Act of 2009)	Frosh (D-Montgomery) McIntosh (D-Baltimore City)	Senate EHEA House ENV	Both bills died in cmte	-3	Expands standing for individuals and associations for many environmental permits and critical area variances, allows citizen lawsuits against the state and permit holders, allows intervention by right to appeal environmental permits
SB 972 (Environment - On-Site Sewage Disposal Systems – Requirements)	Rosepepe (D-Prince George's)	Senate EHEA	Withdrawn	-2	Requires the Dept. of Environment to develop a registration program for septic system installers and requires inspectors to become certified
SB 1065/HB 1569 (Standing - Miscellaneous Environmental Protection Proceedings and Judicial Review)	Frosh (D-Montgomery) McIntosh (D-Baltimore City)	Senate EHEA House ENV	Passed both chambers	-3	As amended, applies the federal criteria for individuals and associations to have standing to appeal permits issued by the Dept. of Environment and critical area variances. Eliminates the contested case process for effected permits and requires appeals to go to the Circuit Court on the record
HB 34 (Environment - Impervious Surface - Statewide Database)	Cardin (D-Baltimore Co)	House ENV	Died in cmte	-3	Requires the Dept. of Environment to develop and maintain a database of impervious surface

Professional Issues

Bill	Sponsor	Committee Assignment	Status	MSBA Position	Summary
SB 657 (Real Property - New Home Sales Contracts - Financing Contingency Clauses)	Peters (D-Prince George's)	Senate JPR	Passed	Support	As amended, provides that new home sales contracts are contingent upon financing unless it is expressly stated in the contract that it is not contingent upon financing
SB 660/HB 16 (Labor and Employment - Shift Breaks)	Garagiola (D-Montgomery) Manno (D-Montgomery)	Senate FIN House ECM	Senate-no action House-died in cmte	-2	Requires employers to provide non-working shift breaks to employees who work over 6 hours and requires that the breaks count towards the employee's work day
SB 704 (Public Health - Construction Sites - Toilets and Lavatories)	Klausmeier (D-Baltimore Co)	Senate FIN	Died in cmte	-2	Requires all construction sites to provide clean, convenient toilets and lavatories to workers and if any personnel has access to a flushable toilet, such facilities must be provided to all workers on the site
SB 975/HB 1289 (Public Safety - Regulation of Demolition - Demolition Contractors)	Harrington (D-Prince George's) Carr (D-Montgomery)	Senate EHEA House ECM	Senate-withdrawn House-died in cmte	-2	Requires a demolition permit and inspection prior to start of demolition and during demolition process
HB 621 (Procurement - Prevailing Wage Rate Law - Repeal)	Bates (R-Howard)	House ECM	Died in cmte	+2	Repeals the prevailing wage for all public works contracts
HB 1168 (Interior Designers - Licensing)	Manno (D-Montgomery)	House ECM	Died in cmte	-3	Establishes a licensing program for interior designers

Tax Issues

Bill	Sponsor	Committee Assignment	Status	MSBA Position	Summary
SB 39 (Municipal Corporations - Tax Increment Financing - Application of Bond Proceeds)	Harrington (D-Prince George's)	Senate B&T	Passed	+2	Authorizes municipalities to utilize tax increment financing (TIF's) for financing infrastructure improvements related to redevelopment
SB 258/HB 309 (Maryland Heritage Structure Rehabilitation Tax Credit Program)	Administration Miller (D-Calvert) Busch (D-AA)	Senate B&T House W&M	Senate-no action House-passed House, died in Senate cmte	+2	Extends the Heritage tax credit program and converts the commercial program to a conventional tax credit structure
SB 274/HB 300 (Tax Increment Financing and Special Taxing Districts - Transit-Oriented Development)	Administration Miller (D-Calvert) Busch (D-AA)	Senate B&T House W&M	Passed both chambers	+2	Authorizes local jurisdictions to utilize tax increment financing (TIF's) to fund infrastructure needs related to transit oriented development
SB 672/HB 1457 (Environ - Stormwater Mgmt - Stormwater User Charge)	Raskin (D-Montgomery) Hucker (D-Montgomery)	Senate EHEA House Rules	Died on Senate floor	support with amendments	Required counties to implement a stormwater fee on all residential and commercial buildings

SB 727/HB 983 (Recordation and Transfer Tax - Controlling Interest Transfers)	Madaleno (D-Montgomery) Stukes (D-Baltimore City)	Senate B&T House W&M	Senate-no action House-withdrawn	-2	Removes the \$1 million threshold that triggers the controlling interest tax requirement and requires additional information be provided by LLCs
--	--	-------------------------	-------------------------------------	----	--

Other Bills

Bill	Sponsor	Committee Assignment	Status	MSBA Position	Summary
SB 147/HB 263 (Real Property - Common Ownership Community Ombudsman)	Kelley (D-Baltimore Co)	Senate JPR	Senate-withdrawn House-withdrawn	-2	Establishes an office of common ownership ombudsman in the Dept. of Labor, Licensing and Regulation
SB 157/HB 170 (Campaign Finance - Affiliated Business Entities - Attribution of Contributions)	Frosh (D-Montgomery) Bobo (D-Howard)	Senate EHEA House W&M	Senate-no action House-no action	-2	Requires that campaign contributions from 2 or more LLC's with the same principal ownership be attributed to one business entity
SB 753/HB 27 (Transportation - Intercounty Connector - Elimination of Funding)	Pipkin (R-Queen Anne's) Frush (D-Prince George's)	Senate B&T House W&M	Senate-no action House-died in cmte	-3	Eliminates funding for the ICC project
SB 873 (Maryland Community Association Managers Act)	Exum (D-Prince George's)	Senate JPR	Died in cmte	-2	Creates a state board of Community Association Managers in the Dept. of Labor, Licensing and Regulation
SB 890 (Maryland Community Enhancement Transit-Oriented Development Fund)	Jones (D-Baltimore City)	Senate FIN	Withdrawn	-2	Establishes the Community Enhancement Transit-Oriented Development Fund to provide communities effected by TOD projects funding to offset the impacts of such projects
SB 894/HB 140 (Transportation Trust Fund Protection Act)	Mooney (R-Frederick) Krebs (R-Carroll)	Senate B&T House APP	Senate-no action House-died in cmte	+2	Prohibits the transfer or diversion of Transportation Trust Fund revenue unless it is critical and the Administration must provide a plan to pay back the fund
SB 918/HB 998 (Housing - Maryland Building Performance Standards - Minimum Features for Accessibility)	Lenett (D-Montgomery) Niemann (D-Prince George's)	Senate EHEA House ENV	Sent to interim study	-3	Requires the Dept. of Housing and Community Development to adopt the ANSI 117 accessibility (visitability) code. Requires all new single family homes to be built to the code
HB 139 (Transportation Trust Fund - Dedicated Highway Funds)	Krebs (R-Carroll)	House W&M	No action	+2	Requires all revenue from the gas tax, vehicle excise tax and vehicle registration fees be deposited in the Transportation Trust Fund

HB 797 (Consumer Protection - Damages for Violations of the Maryland Consumer Protection Act)	Hecht (D-Frederick)	House ECM	No action	-2	Authorizes a court to award statutory damages of up to \$5K and treble damages for violations of the Consumer Protection Act
HB 1038 (Public Safety - New Construction - Carbon Monoxide Alarms and Radon Detectors)	Robinson (D-Baltimore City)	House ENV	Died in cmte	-2	Requires all new construction units to install carbon monoxide alarms and radon detectors