

NATURAL RESOURCES/ENVIRONMENT/AGRICULTURE BILLS

SB 14 – Maryland Environmental Service – Energy Generation Projects

This bill authorizes the Maryland Environmental Service (MES) to engage in energy conservation and renewable energy projects, services and studies, including the production, generation and distribution of renewable energy. The bill clarifies MES' authority to undertake recycling and other solid waste disposal projects. The bill allows counties and municipalities to enter into energy projects and other agreements with MES without regard to certain limitations or other provisions regulating the procurement or awarding of public contracts. The legislation takes effect October 1, 2009.

SB 47 / HB 1078 – Environment – Permit Applications – Notice Requirements

These bills require that whenever the Maryland Department of the Environment (MDE) must publish notice of an application for certain permits under the Environmental Article, MDE must also post notice on its website and allow interested persons to electronically request any additional notices related to a permit application. These bills take effect October 1, 2009.

SB 73 - Maryland Agricultural Land Preservation Foundation – Sale of Land Preservation Easements – Confidentiality of Records

This departmental bill from the Maryland Department of Agriculture (MDA) requires that specified records related to the purchase of agricultural land preservation easements remain confidential until the end of the easement acquisition cycle, as determined by the Maryland Agricultural Land Preservation Foundation (MALPF). The bill takes effect July 1, 2009.

SB 89 - Maryland Agricultural Land Preservation Foundation – Imposition of Civil Penalties by Board of Trustees – Authorization

This departmental bill from the Maryland Department of Agriculture (MDA) authorizes the Board of Trustees of the Maryland Agricultural Land Preservation Foundation (MALPF), after an opportunity for a hearing and a reasonable amount of time to correct the alleged violation, to impose a civil penalty on property owners of up to \$2,500 per violation for MALPF conservation easement violations, but not more than \$50,000 per administrative hearing. Penalty revenue is directed to the Maryland Agricultural Land Preservation Fund. MALPF must adopt regulations to implement the bill. The bill applies prospectively and takes effect October 1, 2009.

SB 90 - Maryland Agricultural Land Preservation Foundation – Valuation of Terminated Easements

This departmental bill from the Maryland Department of Agriculture (MDA) requires that the appraisal method used to determine the agricultural value of a Maryland Agricultural Land Preservation Foundation (MALPF) easement being terminated be identical to the appraisal method used when the easement was originally purchased by MALPF. The bill takes effect October 1, 2009.

SB 175 / HB 103 - Department of Natural Resources – Shell Dredging – Permit Application

These emergency bills extend the deadline by which the Department of Natural Resources (DNR) must apply for an oyster shell dredging permit by seven months – from December 1, 2008, to July 1, 2009. DNR is authorized to plant oyster shells to facilitate oyster propagation and restoration. DNR is to apply for an oyster shell dredging permit if the Oyster Advisory Commission (OAC) recommends the application. OAC is required to review the draft environmental impact statement (EIS) for oysters, for which publication has been delayed; hence the extension of the deadline to apply for an oyster shell dredging permit. The bills are emergency measures and so will take effect immediately upon gubernatorial signature.

SB 212 / HB 154 - Environment – Green Building Council

These bills permanently renew the Green Building Council's original charge and require the Council to provide annual recommendations for expanding green building in the State. The legislation takes effect October 1, 2009.

SB 217 - Natural Resources – Tree Services – Advertising

This bill prohibits a person from advertising tree services, including treatment, care, or removal of trees, unless the advertisement includes the license number of the Licensed Tree Expert advertising services (in a specified form) or a statement that all tree services are limited to trees 20 feet tall or less. A violator is subject to existing criminal penalties. The legislation takes effect October 1, 2009.

SB 362 - Agricultural Land Preservation Easements - Residential Uses

This bill relates to the construction of houses on land subject to an agricultural land preservation easement held by the Maryland Agricultural Land Preservation Foundation (MALPF). The bill requires land owners interested in constructing tenant housing to show a compelling need. Landowners are authorized to convert an existing dwelling house into a tenant house and construct one dwelling house for the landowner's use. However, MALPF must approve the construction of the dwelling house as well as specified characteristics of the dwelling house. Also, the landowner must execute an agreement prohibiting the replacement dwelling house from being separately conveyed from the original parcel, and record this agreement among specified land records. MALPF must adopt implementing regulations. The bill takes effect July 1, 2009.

SB 403 / HB 959 - Prince George's County – Green Businesses – Tax Credits

These bills authorize Prince George's County to grant, by law, a property tax credit for real or personal property owned or leased by a certified green business. The county may establish eligibility and certification criteria; the amount and duration of the credit; regulations and procedures for the application, certification, and uniform processing of requests for the tax credit; and any other provision necessary. The legislation takes effect June 1, 2009 and is applicable to all taxable years beginning after June 30, 2009.

SB 408 - Environment – Water Pollution Control – Penalties

This bill increases from \$1,000 to \$5,000 the maximum penalty for a violation of any of the water pollution laws in Title 9 (ground and surface waters) of the Environment Article. The legislation takes effect October 1, 2008.

SB 449 - Allegany County and Garrett County - Exceptional Hauling Permits for Forestry Products - Sunset Repeal

This bill repeals the May 31, 2010 termination date of Chapter 409 of 2006 (HB1583 of 2006). Thus, the bill makes permanent the authorization, under Chapter 409, for the State Highway Administration (SHA) to issue exceptional hauling permits to accommodate for weight, etc. to forest product-carrying vehicles of a certain size and configuration for use in Allegany and Garrett Counties.

SB 549 - Sustainable Forestry Act of 2009

This legislation establishes the vision of retaining and sustainably managing forestland as a State policy. Among other things, the bill modifies allowable uses of Forest or Park Reserve Funds to include offsetting the costs to DNR for developing and implementing a forest health emergency contingency program.

The bill expands the Woodland Incentives Fund's (WIF) revenue sources to include funds derived from forestry practices on designated lands owned and managed by DNR, subject to approval by the Secretary of Natural Resources and the Board of Public Works. DNR may use WIF for the following additional purposes:

- developing and approving forest stewardship plans on privately owned forest lands;
- providing annual grants to forest conservancy district boards for efforts to encourage forest land owners to develop forest stewardship and other forest conservation management plans;
- establishing a forest health emergency contingency program to help maintain the health and vitality of public and private forest lands and prevent or control large degradation by natural threats;
- administering the urban and community forestry program;
- providing financial assistance to support the production of and market value-added wood products;
- developing and expanding a forest mitigation banking system, a carbon credit or carbon sequestration program, a clean water credit trading system, an environmental services credit trading program, and a renewable energy credit trading system; and
- administering the Sustainable Forestry Council.

By June 30 annually, DNR must report to the Senate Education, Health , and Environmental Affairs Committee and the House Environmental Matters Committee of the General Assembly on the use of funds credited to WIF, including an identification of, and the reasons for, those revenues derived from forestry practices on designated land owned and managed by DNR that were not credited to WIF.

The legislation requires DNR to (1) develop creative, tax-related strategies to promote the retention and improved management of privately owned forest land for General Assembly consideration during the 2010 and 2011 legislative sessions; (2) work with the Chesapeake Bay Trust to develop a strategy that better coordinates the State's urban tree canopy efforts and report on those strategies to the Governor by December 1, 2009; (3) work with Maryland's forest products industry on specified issues; (4) ensure its urban and community forestry program is consistent with specified provisions of law; (5) consider conserving working landscapes and protecting and restoring forests from specified threats when allocating State Program Open Space funding; and (6) monitor forest retention and restoration by encouraging local jurisdictions to report specified geospatial data to the State and, if funding is required to acquire that data, to use funds in WIF.

The legislation requires agricultural preservation advisory boards to meet at least annually with forest conservancy district boards. The bill also renames the Forest Advisory Commission as the Sustainable Forestry Council and expands its advisory charge. The bill also directs the University of Maryland Cooperative Extension and forest conservancy district boards to submit a report by December 1, 2009 to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee of the General Assembly on strategies to facilitate the state's compliance with the 2007 Forestry Conservation Initiative.

The legislation takes effect October 1, 2009.

[SB 553 / HB 609 - Chesapeake Bay Phosphorous Reduction Act of 2009](#)

These bills prohibit, beginning on April 1, 2011, a lawn fertilizer with an available phosphoric acid content greater than 5% from being labeled for use on established lawns or grass or with spreader settings. It also specifies the language concerning fertilizer application that must appear conspicuously on the fertilizer container. Seed starter fertilizer for use on newly established lawns or turf is exempt from the labeling requirements. Retail establishments, beginning on April 1, 2011, are prohibited from selling or distributing for sale fertilizer for established lawns and grass unless it is low-phosphorous fertilizer; however, licensed landscaping contractors and their agents are exempt. By April 1, 2011, lawn care fertilizer manufacturers must reduce the amount of available phosphoric acid resulting from the application of their products in the State by 50% from 2006 levels; and manufacturers who begin to sell or distribute specified fertilizer on or after April 1, 2010, may not exceed an average of 1.5% available phosphoric acid. Specified lawn care fertilizer manufacturers are required to report annually beginning in 2011 on the phosphorous content in fertilizer, and the Maryland Department of Agriculture (MDA) may adopt implementing regulations. The legislation takes effect October 1, 2009.

[SB 554 - Chesapeake Bay Nitrogen Reduction Act of 2009](#)

This bill prohibits a person from newly installing or replacing an on-site sewage disposal septic system on property in the Chesapeake and Atlantic Coastal Bays Critical Area unless it utilizes the best available nitrogen removal technology (BAT). The Maryland Department of the Environment (MDE) is required to assist homeowners in paying the cost difference between a conventional system and a system that utilizes BAT with money within the Bay Restoration Fund (BRF), if sufficient funds are available. A person who violates the prohibition in the bill is subject to existing enforcement, with a total maximum fine of up to \$8,000. In addition, the bill

creates a subtraction modification against the personal income tax for the cost of upgrading a septic system, less any BRF assistance provided. The subtraction modification applies to all tax years beginning after December 31, 2009.

The legislation directs MDE to adopt regulations to ensure that appropriate management measures are provided for the operation and maintenance of nitrogen removal technology. The legislation takes effect October 1, 2009.

SB 581 - Natural Resources - Roadside Trees - Protection and Enforcement

Generally, a person must obtain a permit from DNR in order to cut down or trim a roadside tree. Cutting or clearing of public utility rights-of-way or land for licensed electric generating stations is exempt from the Forest Conservation Act (FCA), subject to specified conditions including conducting the cutting or clearing so as to minimize the loss of forest. This bill authorizes local jurisdictions to adopt laws concerning the planting, care, and protection of roadside trees that are more stringent than State requirements if they do not conflict with current law; and do not apply to specified cutting, clearing, and maintenance of public utility rights-of-way. Local governments with local roadside tree laws are authorized to issue stop work orders against violators of the local laws. DNR may authorize local governments to enforce specified roadside tree laws.

The legislation also prohibits local jurisdictions from issuing building permits that will result in specified impacts on roadside trees until a DNR permit is obtained. The bill establishes a penalty for trimming, cutting, removing, or injuring a roadside tree or failing to obtain a permit that may not exceed \$2,000 for a first offense and \$5,000 for a second or subsequent offense. The bill also requires the State Highway Administration (SHA) to integrate roadside tree protection requirements into construction and maintenance contracts. The legislation takes effect October 1, 2009.

SB 609 / HB 1245 - Frederick County - Deer Hunting on Private Property - Sundays

These bills add Frederick County to the areas in Maryland where individuals may hunt deer on private property on the following Sundays: during open season on the last three Sundays in October and the second Sunday in November with a bow and arrow; and on the first Sunday of the bow hunting season in November and the first Sunday of the deer firearms season. The legislation takes effect October 1, 2009.

SB 625 - Maryland Building Performance Standards - Energy Conservation and Efficiency

This bill requires the Department of Housing and Community Development (DHCD) to adopt the International Energy Conservation Code (IECC) and to consider changes to the International Building Code (IBC) to enhance energy conservation and efficiency before adopting a subsequent version of the Maryland Building Performance Standard (MBPS). DHCD may adopt energy conservation requirements that are more stringent, but not less stringent, than in the IECC. The bill also requires that local governments implement and enforce the most current MBPS and any modifications within six months of adoption by the State. A local jurisdiction may also adopt a local amendment to the MBPS as long as the amendment does not weaken any

energy conservation and efficiency provisions in the MBPS. The legislation takes effect October 1, 2009.

SB 666 - Natural Resources - No Net Loss of Forest Policy - Forest Conservation Act

Maryland loses 8,600 acres of forested land each year. This bill generally reflects the recommendations of the No Net Loss of Forest Task Force established by the General Assembly in 2008 and chaired by DNR. The Task Force is comprised of foresters, conservationists, landowners, local political leaders and planners, business owners, and Maryland Department of Natural Resources staff and scientists. The bill requires DNR to work with forestry-related stakeholder groups to determine the meaning of no net loss of forests for any State policy and to develop proposals for creating a State policy on no net loss of forests. By December 1, 2011, DNR is required, in consultation with forestry-related stakeholder groups, to submit a report on policies to achieve no net loss of forests in the State.

The Forest Conservation Act (FCA) provides a set of minimum standards that developers must follow to obtain subdivision approvals and grading and sediment control permits. The legislation amends several provisions of the FCA by:

- increasing the fee-in-lieu contribution rate to State and local Forest Conservation Funds;
- limiting the exemptions for forest clearing associated with a single lot, a linear project, and a dwelling house to a maximum disturbance of 20,000 (instead of 40,000) square feet of forest;
- limiting the exemption for construction of dwelling houses to owners and their children;
- eliminating an exemption for areas that were previously developed and covered by paved surface; and
- requiring that priority be given to specified trees, shrubs, plants, and areas for retention and protection, unless a variance is granted.

The legislation takes effect October 1, 2009.

SB 721 / HB 1105 - Private Wastewater Treatment Act of 2009

These bills prohibit the installation of an individual sewerage system for residential use unless an existing septic system fails and cannot be repaired or replaced by any means and the installation is approved by the Maryland Department of the Environment (MDE). The legislation takes effect October 1, 2009.

SB 810 / HB 177 - Natural Resources - Oyster Shell Purchase Program - Fair Market Value

The 2007 interim report of Oyster Advisory Commission (OAC) concluded that implementation of a large-scale oyster bar habitat rehabilitation program is necessary for oyster restoration in the Chesapeake Bay. DNR's ability to implement this recommendation depends on the availability of large quantities of oyster shell and alternate substrate materials. These bills repeal the statutory 25 cent per bushel price limit on DNR oyster shell purchases and require DNR to consult with the OAC and the Tidal Fisheries Advisory Commission on the annual value DNR

will pay for fresh oyster shells, and for the transportation and placement of fresh oyster shells. The legislation takes effect July 1, 2009.

SB 1027 / HB 754 - Real Property - Conservation Easements - Disclosure

A conservation easement is a voluntary agreement that allows landowners to limit the type or amount of development on their property while retaining private ownership of the land. A purchaser has the right to rescind a contract for the sale of real property encumbered by a conservation easement in Maryland if (1) the seller fails to give, on or before entering into the contract of sale, or within 20 days afterward, a copy of all conservation easements encumbering the property; and (2) the contract of sale fails to contain a statement with specified information about the conservation easement and the purchaser's rights and responsibilities. Within 30 calendar days after the property is sold, the purchaser must give notice of the sale, including specified information, to the owner of the conservation easement.

These bills alter the notice requirements and rescission rights when real property encumbered by a conservation easement is sold. Under the bills, the vendor must deliver the notice about the purchaser's rights and responsibilities regarding a conservation easement and a copy of all conservation easements to the purchaser before entering into a contract for the sale of the property. The purchaser who receives the notice and copies of the easement on or before entering into a contract of sale may not rescind the contract based on the information received from the vendor. If the notice and easement copies are given after the sales contract is signed, the purchaser is allowed to rescind the sales contract any time before, or within five days after, receipt of the notice and easement copies. The bills also expand the definition of a conservation easement to include an easement, covenant, restriction, or condition on real property that is owned by a local government and funded by DNR, the Rural Legacy Program, or a local agricultural preservation program; or required by a permit issued by Maryland Department of the Environment (MDE). The legislation takes effect October 1, 2009.

SB 1065 / HB 1569 – Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

These bills expand standing for individuals and associations and organizations in bringing challenges related to a license to dredge and fill on State wetlands, and permits issued under the Environment Article pertaining to ambient air quality control, landfills/incinerators, discharge pollutants, structures used for sewage sludge storage or distribution, controlled hazardous substance facilities, hazardous materials facilities, low-level nuclear waste facilities, water appropriation and use, non-tidal wetlands, gas and oil drilling, surface mining, and private wetlands. Federal standing is also provided to persons to participate in certain buffer zone variance actions in the Chesapeake and Atlantic Coastal Bays Critical Area.

The bills provide that the federal tests for standing shall be used to determine whether a party may contest a determination by MDE or Board of Public Works (BPW) when making determinations on the issuance, denial, renewal, or revision of the covered permits and license. Under federal law, a party has standing if its use and enjoyment of the area is affected by the challenged action/decision or if the party has a particular interest in the property affected. Federal law also makes little distinction between individual and group standing. Under federal case law, in order to have standing, "a plaintiff must show (1) it has suffered an 'injury in fact'

that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.”

Federal case law requires an association to meet a three-part test in order to have standing. Under the test, an association has standing if (1) one or more members of the association have standing as individuals; (2) the interests that the association seeks to protect in the case are germane to the association’s purpose; and (3) neither the claim asserted nor the relief requested requires the participation of the member with individual standing in the lawsuit.

A person, including associations and organizations, may request judicial review of a determination if the person meets the threshold standing requirements under federal law and participated in a public participation process through the submission of oral or written comments. In order to streamline the process by which the covered permits and license are challenged, the bills prohibit the covered permits and license from being challenged in a contested case process, and instead provide for judicial review on the administrative record.

Petitions for judicial review must be filed with the circuit court for the county where the application for the permit or license states that the proposed activity will occur. Judicial review is limited to an administrative record and objections raised during the public comment period, with limited exceptions. A petition for judicial review shall be filed and conducted in accordance with the Maryland Rules of Civil Procedure.

The bills specify what materials constitute an administrative record for purposes of judicial review, and require MDE or BPW to make certain materials from the administrative record available when the department issues a draft permit or tentative determination. MDE or BPW are required to extend any public comment period by 60 days upon request.

For a proceeding involving a variance for a development activity in the Chesapeake and Atlantic Coastal Bays Critical Area buffer, a person or association who meets federal standing requirements may participate as a party in a local administrative proceeding involving the variance. A person who meets this requirement may also (1) participate as a party in an administrative proceeding at a board of appeals even if the person was not a party to the original administrative proceeding; and (2) petition for judicial review and participate as a party even if the person was not a party to the action which is the subject of the petition.

This legislation takes effect January 1, 2010.

[HB 90 - Department of the Environment - Bay Restoration Fund and Bay Restoration Fee](#)

This departmental bill from the Maryland Department of the Environment (MDE) simply cures and corrects a title defect from Chapter 666 of 2008 (HB628 of 2008).

[HB 259 - Environmental Health Monitoring and Testing - Reimbursement of Costs](#)

This bill requires a person responsible for violations of certain provisions of the Environment Article to reimburse the Maryland Department of the Environment (MDE) or a county for costs

incurred in conducting certain environmental health monitoring or testing related to the release of a hazardous substance, discharge of oil, or discharge of a pollutant in the waters of the State. A person may not be required to reimburse a county if the person has entered into a consent order with the department. Also, reimbursement to a county is not allowed if the environmental health monitoring or testing by the county is duplicative of activities conducted by the State, or was not reasonably necessary to protect human health and the environment. The legislation takes effect October 1, 2009.

HB 268 - Welfare to Work - Job Skills Enhancement Program - Green Jobs

The Family Investment Program (FIP) is the State's program for serving welfare recipients and assisting recipients in becoming self-sufficient through job training and employment assistance. Among other hiring directions, House Bill 268 establishes that current job skills enhancement programs within the FIP must target job training for employment in energy and environmental industries and construction. The legislation takes effect July 1, 2009.

HB 420 - Environment - Limitation of Actions - Political Subdivisions

Chapter 194 of 2008 established a three-year statute of limitations for violations of most environmental violations in order to improve the State's ability to successfully prosecute or sue violators where delayed discovery of violations would prevent a court action from being instituted under current law. The general statute of limitations in the Courts and Judicial Proceedings Article for prosecution of a misdemeanor is one year. This bill extends the same three-year statute of limitations to suits brought by local governments for civil penalties for environmental violations. The legislation takes effect October 1, 2009.

HB 595 - State Government - Recycling Program - Aluminum, Glass, Paper, and Plastic

Beginning January 1, 1992, each State agency was required to implement a recycling plan created in part by the Office of Recycling within the Maryland Department of the Environment (MDE) to reduce through recycling the amount of the solid waste stream generated for disposal by the State government by at least 20%, or to an amount that is determined practical and economically feasible, but in no case less than 10%. Under this bill, the plan must include a system for recycling aluminum, glass, paper, and plastic by July 1, 2010. It also must include the placement of collection bins in State-owned or State-operated buildings in locations where it is practical and economically feasible. The plans must be implemented by each agency by January 1, 2012.

HB 676 - Maryland Agricultural Land Preservation Foundation - Easements

New appraisal requirements may place a significant financial burden on landowners with Maryland Agricultural Land Preservation Foundation (MALPF) easements who seek to settle property boundary disputes, resolve violations, and make other changes to benefit farming. This bill exempts MALPF from provisions of law requiring independent property appraisals when it enters into corrective easements with landowners to adjust boundary lines, resolve easement violations, or accommodate a plan that will benefit agricultural operations, as determined by MALPF. The also bill authorizes MALPF to exchange and release land subject to an easement with other farmland that meets specified requirements. The bill becomes effective July 1, 2009.

HB 783 - Transfer Tax - Program Open Space Bonds - Land and Easement Acquisition

Program Open Space (POS), established by the General Assembly in 1969 and administered by the Department of Natural Resources (DNR), provides funds for State and local acquisition and development of public outdoor recreational sites, facilities, and open space. POS is currently funded through special funds derived from the State's transfer tax which imposes a 0.5% tax on all real property recorded in the State. This legislation authorizes DNR to issue up to \$70 million in revenue bonds for which the debt service is pledged with future transfer tax revenues to finance POS. The bill also authorizes the transfer of up to \$5 million of this amount to the Maryland Department of Agriculture's Maryland Agricultural Land Preservation Fund (MALPF).

DNR is required to use these POS bond funds for State land acquisition that is supported by current appraisals and presents a unique opportunity due to reduced price, extraordinary location, or environmental value. MDA is required to use these POS bond funds for the purchase of easements that present a unique opportunity due to reduced price, extraordinary location, or agricultural value. Property transfer tax revenue must be used to pay principal and interest on the POS bonds prior to any other distribution. The bill specifies that, for FYs2011 – 2013, transfer tax revenues allocated to only State POS land acquisition and MALPF, to the extent any debt service is attributable to MALPF, must be reduced by an amount equal to the debt service for the fiscal year. POS bond funds are intended to supplement other POS funds and may not affect the POS funding allocation formula specified in current law. Also, POS bond funds may not be used to reimburse the State for the acquisition of land prior to the bill's effective date of June 1, 2009.

HB 796 - Agriculture - Emerald Ash Borer Grant Fund

The emerald ash borer is an exotic invasive pest responsible for the death of more than 25 million ash trees in Michigan, Indiana, and Ohio, and it currently threatens Maryland's ash trees. The discovery of this federally regulated pest in 2006 in an area where it was believed to have been eradicated prompted the issuance of a quarantine, according to federal protocols, over all of Prince George's County. The quarantine was extended into Charles County when emerald ash borer was detected there in 2008. This quarantine prohibits the movement of any regulated article out of the county, as well as movement of regulated articles from infested to non-infested areas of the county.

This bill creates an Emerald Ash Borer Grant Fund to help local governments, businesses, and organizations purchase authorized equipment to remove, dispose of, and replace trees infested by the emerald ash borer that are located within emerald ash borer quarantine areas. The Secretary of Agriculture is authorized to administer the fund and must establish grant application procedures. Grants may not exceed the amount a specified entity has appropriated to finance purchases of equipment to remove, dispose of, and replace infested trees in specified areas. "Authorized equipment" is any equipment necessary for the management of forest land, including equipment for construction and staging of marshaling areas, planting trees, and removal of trees; vehicles capable of transporting harvested trees; wood chippers; materials required to administer approved products to ash trees planted in quarantined areas; and any other equipment determined by the Secretary of Agriculture. The bill takes effect October 1, 2009.

HB 1058 - Environment - Sewage Sludge Utilization Permits - Local Notice

When the Maryland Department of the Environment (MDE) receives an application for a permit to utilize sewage sludge, it must mail a copy of the permit to the county and any municipal corporation where the sewage sludge utilization site is to be located and to any county within one mile of the site. This bill also requires a copy of the permit to be mailed to the appropriate county's executive and legislative body, the executive of any municipal corporation where the sewage sludge utilization site is to be located, and to the executive and legislative body of any county within one mile of the site. The bill takes effect October 1, 2009.

HB 1171 - Alternative Energy Tax Incentive Act of 2009

This bill adds residential wind energy equipment used to generate electricity for a residential structure to the exemptions from the State sales and use tax. The bill also exempts residential wind energy equipment used to generate electricity for a residential structure from State and local real property taxes. The bill further clarifies that, for property tax exemption purposes, solar energy equipment includes equipment that uses solar thermal electric energy. The bill takes effect July 1, 2009.

HB 1218 - Washington County - Deer Hunting - Dogs

Current law prohibits the use of a dog to hunt or pursue a deer. The Department of Natural Resources (DNR) allows, by regulation, for the use of dogs to aid in the prompt recovery of killed, wounded, or injured deer. A person is prohibited from killing a dog found pursuing a deer in Baltimore, Harford, Howard, Montgomery, Prince George's, Somerset, and Worcester Counties. This bill adds Washington County to the areas in Maryland where a person is prohibited from killing a dog found pursuing a deer. The legislation takes effect October 1, 2009.

In all other counties, any Natural Resources police officer, law enforcement officer, or any other person may kill any dog found pursuing any deer, except when the dog is being used to aid in the prompt recovery of killed, wounded, or injured deer.

HB 1305 - Environment - Coal Combustion Byproducts - Department Regulations - Transport and Beneficial Use

According to the Maryland Department of the Environment (MDE), between 2 million and 2.5 million tons of coal combustion by-products (CCBs) are generated each year, primarily from nine power plants in Maryland. This amount is anticipated to increase as new and more effective environmental controls are installed at power plants to sequester CCBs from the combustion process. Under certain geologic conditions, certain types of coal ash can produce high concentrations of potentially toxic or carcinogenic constituents that may leach into surface or groundwater. In addition, without proper controls, MDE reports that coal ash released into the air in large quantities can create a public nuisance and/or cause respiratory problems. On December 1, 2008, new regulations developed by MDE for the disposal of CCBs took effect. The regulations do not generally concern the transportation of CCBs, but do allow for certain beneficial uses.

This bill requires MDE, by December 31, 2009, to submit to the Joint Committee on Administrative, Executive, and Legislative Review (AELR) regulations regarding both the fugitive air emissions from transportation and the permissible beneficial uses of coal combustion byproducts in the State. A CCB is defined as (1) fly ash; (2) bottom ash; (3) boiler slag; (4) pozzolan, as defined in the Environment Article; and (5) solid residuals removed by air pollution control devices from the flue gas and combustion chambers of coal-burning furnaces and boilers.

This bill takes effect June 1, 2009.

HB 1355 - Natural Resources - Tidal Fish Licenses and Authorizations - Enforcement

With the exception of a few striped bass and oyster violations, current law prevents the Department of Natural Resources (DNR) from applying a license penalty to commercial fishing law violators unless the individual has been convicted of more than three violations in the same Fisheries subtitle, or five violations of the Fisheries title throughout a two-year period. Consequentially, an individual may violate commercial fishing laws multiple times every two years without facing any meaningful penalties.

This bill allows DNR, after adopting regulations in consultation with the Tidal Fisheries and the Sport Fisheries Advisory Commissions, to govern the suspension or revocation of a tidal fish license (TFL) upon the license holder's conviction for a violation(s) of fisheries law(s). The regulations that the Department is required to adopt by January 1, 2010 must include a schedule of points that corresponds to certain convictions, and provides the maximum suspension period associated with the number of points accumulated by a license holder. The bill requires that these regulations also include enhanced penalties for repeated violations of the Fisheries Title and for violations relating to species in need of special protection, including striped bass, blue crabs, menhaden, and oysters. The bill takes effect October 1, 2009.

HB 1373 - Natural Resources - Somers Cove Marina Commission

Somers Cove Marina was established in 1958 and deeded to the Maryland Department of Natural Resources (DNR) in 1980 by the City of Crisfield. DNR operated the marina from 1996 to 2007. Chapter 240 of 2008 (SB941/HB1463 of 2008) established a Somers Cove Marina Commission as a body politic and corporate and an instrumentality of the State. The Commission was established to, among other things, (1) maintain the existing Somers Cove Marina Improvement Fund in a bank account separate from State funds; (2) adopt operating and capital budgets and assess slip and other fees and charges at the marina to implement a specified master plan; and (3) set policy and provide general oversight of marina operations.

This emergency legislation makes several changes to the Somers Cove Marina Commission's personnel status, vehicle use authority, and procurement authority. Specifically, it authorizes (1) commission employees, who are not DNR employees, to use DNR vehicles and equipment; (2) DNR to transfer vehicles, equipment, and other inventory to the commission; and (3) the commission's executive director to use an emergency procurement procedure so long as there is as much competition as possible and a written report justifying the emergency procurement is submitted. Procurement in support of enterprise activities for the purpose of direct resale or remanufacture and subsequent resale is exempted from specified procurement provisions. The

bill also designates employees or officials of the commission as State personnel under the Maryland Tort Claims Act. The bill is an emergency measure and takes effect immediately upon gubernatorial signature.

HB 1418 - Agricultural Land Preservation - Condemnation of Land Under Easement

This departmental bill from the Maryland Department of Agriculture (MDA) makes condemnation (i.e. eminent domain) of land under a Maryland Agricultural Land Preservation Foundation (MALPF) easement for economic development, residential development, or parkland purposes subject to approval by the Board of Public Works (BPW) after review and recommendation by MALPF. Condemnation of easement land for roads, water lines or pipelines, sewer lines or pipelines, power transmission lines or natural gas pipelines, and stormwater or drainage facilities is not subject to BPW approval. The condemning authority, which is expanded to include any governmental authority, must demonstrate that a greater public purpose exists than that served by the MALPF easement and there is no reasonable alternative site. This bill takes effect October 1, 2009.

HB 1442 - Jane E. Lawton Conservation Fund - Renewable Energy Projects

The Jane E. Lawton Conservation Loan Program, administered by the Maryland Energy Administration (MEA), provides financial assistance in the form of low interest loans to nonprofit organizations, local jurisdictions, and eligible businesses, for improvements or modifications that enhance the energy efficiency and reduce the operating expenses of a structure. This bill expands the Jane E. Lawton Conservation Loan Program to facilitate the growth of renewable energy by adding it to the list of projects eligible for funding under the program and also authorizes local governmental entities to receive program funds. The bill allows a loan to be deposited in a revolving loan fund of a county's economic development commission to provide capital for renewable energy infrastructure projects. It also authorizes local jurisdictions to offer excess electricity generated from a project financed under the program for trade on the wholesale market. The bill takes effect July 1, 2009.

HB 1556 - Environment - Coal Combustion By-Products - Fees

This emergency legislation establishes a Coal Combustion By-Products (CCB) Management Fund comprised of fees collected by the Maryland Department of the Environment (MDE) on each ton of CCBs generated. The fee must be adjusted annually by MDE to ensure that all revenues collected cover the cost to implement MDE's coal combustion management program, without producing excess revenues. The fee is not to be collected on CCBs that are beneficially used or used for coal mine reclamation. This emergency measure takes effect immediately upon gubernatorial signature.

HB 1570 - Fisheries Management - Anchored Fishing Nets - Buoy Markers

This bill authorizes a person setting a net to use a buoy or other floating device that shows the name and license number of the net owner when marking the outer end of a submerged net. The bill repeals a requirement that such floating devices be marked with the fishing net owner's address. The bill takes effect June 1, 2009.