

Maryland Sierra Club – 2020 Maryland General Assembly

Overview

The 2020 session of the Maryland General Assembly was difficult and challenging. As the COVID-19 crisis overwhelmed the state, the General Assembly was forced to adjourn early, on March 18, 19 days before the end of a normal 90-day session.

As of March 18, the General Assembly had made substantial progress on many of the Sierra Club's priority bills, as well as other important environmental bills. With a substantial portion of the session left to go, we anticipated that several of our priority bills, and likely many other environmental bills, would pass. Instead, almost all were left behind – none of our priority bills passed, and just eight of the other environmental bills we supported were passed. This was in stark contrast with the 2019 session, which passed two of our priority bills and 29 other bills we supported.

The most significant environmental bill that did pass was a bill to phase out the dangerous neurotoxin pesticide, chlorpyrifos; however, Governor Hogan vetoed it. He also vetoed a bill to extend MARC service into Northern Virginia and Delaware. He allowed the other six enacted environmental bills we supported to become law without his signature, and one enacted other bill we supported to become law without his signature. One other success was the General Assembly's override of an oyster protection bill we supported and which passed in the 2019 session, and which the Governor vetoed after the session ended.

Overall, the Maryland Sierra Club submitted written testimony, as well as sometimes oral testimony, on 82 bills during the 2020 session. We testified in support, or in support with amendments, on 76 bills; eight of these bills passed and six are now law. The Sierra Club opposed six bills; one of these bills passed; the Governor allowed that bill to become law without his signature. The testimony generally was prepared by Sierra Club volunteers and staff; in some instances, the Sierra Club joined testimony prepared by a partner environmental organization.

Our priorities this session were as follows:

- Coal plants – establish a firm timetable for retiring Maryland's six coal power plants, and a just transition fund to benefit affected workers and communities;
- Climate "test" for Public Service Commission actions – require the PSC to consider climate change when ruling on new electricity generating facilities, and when it otherwise supervises and regulates electric and gas service companies in Maryland;
- Public transit – close a multi-billion-dollar funding gap for essential maintenance and critical enhancements for public transit, funded through the Maryland Transit Administration;
- Large highway projects – require early environmental reviews and more detailed financial vetting of major highway projects funded through a public-private partnership, such as Governor Hogan's plan to add toll lanes to the Capital Beltway and I-270; and
- Plastic waste – ban single-use plastic carryout bags, incentivize use of reusable bags by requiring stores to charge at least ten cents for paper and other carryout bags, and establish a work group to study ways to further reduce single-use packaging.

Our efforts in the 2020 session may be summarized with this scorecard:

<u>Category</u>	<u>Supported/Passed</u>	<u>Opposed/Passed</u>	<u>Gubernatorial Action</u>
Priority Bills	5/0	n/a	n/a
Climate Change – Not Energy or Transportation Policy	5/1	0/0	The one supported/ passed bill was allowed into law
Cross-Cutting Environmental Policies	2/0	0/0	n/a
Energy	10/1	3/0	The one supported/ passed bill was allowed into law
Natural Resources and Wildlife	10/1	1/0	The one supported/ passed bill was allowed into law
Public Health	4/1	0/0	The one supported/ passed bill was vetoed
Transportation and Smart Growth	24/3	1/0	One supported/ passed bill was vetoed; two allowed into law
Zero Waste	8/0	1/1	The one opposed/ passed bill was allowed into law
Other Public Policy	8/1	0/0	The one supported/ passed bill was allowed into law

Individual Bills

Sierra Club Priority Bills

Issue	Senate Bill	House Bill	Bill Title	SC Position	Result
Coal plants – retirements & transition fund	SB887 – West	HB1545 – Barve	Electric Generation – Transition From Fossil Fuels – Carbon Dioxide Emissions Rate and Transition Account	Support	Not reported out of committee
PSC decisionmaking – climate impacts & labor standards	SB656 – Kramer	HB531 – Charkoudian	Utility Regulation – Consideration of Climate and Labor	Support	Passed the Senate; House committee did not report it
MTA transit funding	SB424 – Zucker	HB368 – Lierman	Maryland Transit Safety & Investment Act	Support	Passed the House; Senate committee did not report it

Issue	Senate Bill	House Bill	Bill Title	SC Position	Result
Large transportation projects – reform use of public-private partnerships	No cross file	HB1424 – Solomon	Public-Private Partnerships – Process and Oversight	Support	Passed the House; Senate committee did not report it
Ban plastic carryout shopping bags & require payment for other carryout bags	SB313 – Augustine	HB209 – Lierman	Plastics and Packaging Reduction Act	Support	Passed the House (amended to omit payment requirement for non-plastic carryout bags); reported to Senate floor but session ended without a vote

Climate Change – Not Energy or Transportation Policy

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Climate adaptation	SB457 – Elfreth	HB539 – Watson, C.	Local Governments – Resilience Authorities – Authorization	Support (sign-on testimony)	Governor allowed into law without signature
Food use and GHG emissions	SB478 – Lam	HB772 – Gilchrist	Maryland Green Purchasing Committee – Food Procurement – Greenhouse Gas Emissions	Support	Passed the House; Senate committee did not report it
Establish higher GHG emissions-reduction targets; require specific emissions-reduction actions	SB926 – Pinsky	HB1425 – Stein	Climate Solutions Act of 2020 – Greenhouse Gas Emissions Reduction Act	Support with amendments	Not reported out of committee
Climate adaptation	No cross file	HB1080 – Lehman	Coast Smart Siting and Design Criteria – Private Construction or Reconstruction Projects – Application	Support (sign-on testimony)	Not reported out of committee
Carbon fee, & education funding	SB912 – Kramer	HB1543 – Fraser-Hidalgo	Climate Crisis and Education Act	Support with amendments	Not reported out of committee

Cross-Cutting Environmental Policies

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
State constitutional amendment – environmental rights	No cross file	HB517 – Stewart	Constitutional Amendment – Environmental Rights	Support (sign-on testimony)	Withdrawn by sponsor
State environmental laws – enforcement	SB640 – Elfreth	HB614 – Lierman	Environmental Accountability and Transparency Act	Support (sign-on testimony)	Passed the Senate; House committee did not report it

Energy

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Black liquor – remove from the Renewable Portfolio Standard	SB168 - Kelley	HB98 – Davis, D.E.	Renewable Energy Portfolio Standard – Qualifying Biomass	Support	Senate committee reported unfavorably; House committee did not report it
Health impacts from fossil fuel power plants	No cross file	HB109 – Lewis, R.	Public Service Commission – Certificate of Public Convenience and Necessity – Rapid Health Impact Assessment and Final Action	Support	House committee reported unfavorably
Community choice energy (enabling)	SB315 – Beidle	HB561 – Charkoudian	Electric Industry – Community Choice Energy	Support	House passed (amended to be a pilot program); Senate committee did not report it
Subsidize certain non-combustion energy sources	SB265 – Governor	HB363 – Governor	Clean and Renewable Energy Standard (CARES)	Oppose	Not reported out of committee
Siting of electricity generating facilities	SB281 – Governor	HB336 – Governor	Renewable Energy Development and Siting (REDS) – Evaluations and Tax and Fee Exemptions	Support with amendments	Governor allowed into law without signature

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Coal taxes - repeal franchise & income tax credits, & sales & use tax exemption	SB902 – Smith	HB919 – Moon	Coal – Tax Credits and Exemption – Repeal	Support	Not reported out of committee
Coal taxes – extend sunset date for franchise tax credit	SB865 – Edwards	HB969 – Allegany & Garrett County delegations	Public Service Company Franchise Tax – Credit for Purchase of Maryland-Mined Coal – Extension	Oppose	Not reported out of committee
Solar panels on state buildings	SB592 – West	HB1370 – Forbes	State-Funded Construction and Major Renovation Projects – Solar Panels – Requirement	Support (sign-on testimony)	Not reported out of committee
Incineration – remove from the Renewable Portfolio Standard	SB560 – Hough	HB438 – Mosby	Renewable Energy Portfolio Standard – Eligible Sources	Support	Not reported out of committee
PSC climate-based decisionmaking (see related bill in the Sierra Club Priorities section)	SB538 – Kelley	HB1214 – Lierman (hearing for cross file was cancelled)	Public Service Commission - Application for Certificate of Public Convenience and Necessity – Preservation of Environmental Quality and the Climate	Support with amendments	Not reported out of committee
Reduce GHG emissions from buildings	No cross file	HB1490 – Stewart	Building Energy Performance Standards and Greenhouse Gas Emissions Reduction Targets (Clean Buildings Jobs Act of 2020)	Support with amendments	Not reported out of committee
Renewable Portfolio Standard – replace with a different credits system	SB890 – Hershey	HB1349 – Jacobs (did not submit testimony re: House bill)	Clean Energy Attribute Credits and Procurement	Oppose (sign-on testimony)	House committee reported unfavorably; Senate committee did not report it
Schools energy use	No cross file	HB1295 – Solomon	Public School Construction – School District Energy Use – Policy and Study	Support	Not reported out of committee

Natural Resources and Wildlife

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Bird-safe & energy efficient state buildings	SB299 – Lam	HB192 – Hill	Maryland Sustainable Buildings Act of 2020	Support	House passed; Senate committee did not report it
Promote low-impact landscaping	No cross file	HB279 – Hill	Real Property - Restrictions on Use – Low-Impact Landscaping	Support (sign-on testimony)	House passed; Senate committee did not report it
Prevent pollution from septic systems	SB254 – Young	No cross file	On-Site Sewage Disposal Systems – Inspection - Licensing	Support (sign-on testimony)	Senate passed; House committee did not report it
Section 401 of the Clean Water Act – prohibit waiver of state authority, including as to the Conowingo Dam	SB955 – Hershey	HB1465 – Jacobs	Federal Clean Water Act – Authority of State	Support (sign-on testimony)	Not reported out of committee
Aquatic habitat protection	SB629 – Kagan	HB1306 – Terrasa	SAV Protection Zones and Hydraulic Clam Dredges (Aquatic Habitat Protection Act)	Support (sign-on testimony)	Not reported out of committee
Water quality protection	SB597 – Young	HB687 – Stein	Agriculture – Cost Sharing Program – Fixed Natural Filter Practices	Support	Governor allowed into law without signature
Vernal pools – study	No cross file	HB854 – Hill	Nontidal Wetlands – Study of Vernal Pools	Support	Withdrawn by sponsor
Section 401 of the Clean Water Act – state authority generally	No cross file	HB1128 – Gilchrist	Water Quality Certifications – Requests (Water Quality Certification Improvement Act)	Support (sign-on testimony)	House committee reported unfavorably
End reliance on expired water discharge permits	No cross file	HB1297	Individual Surface Water Discharge Permits – Study and Permit Decisions (Zombie Permit Elimination Act)	Support (sign-on testimony)	Not reported out of committee

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Moratorium on new or expanded CAFOs	SB841 – Lam	HB1312 – Stewart	Water Pollution Control – Discharge Permits – Industrial Poultry Operations	Support (sign-on testimony)	House committee reported unfavorably; Senate committee did not report it
Public water systems	SB820 – Klausmeier	HB1416 – Miller	Public Water Systems – Supplier Requirements (Water Quality Accountability Act of 2020)	Oppose (sign-on testimony)	House committee reported unfavorably; Senate committee did not report it

Public Health

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Ban use of pesticide chlorpyrifos	SB300 – Lam	HB229 – Stein	Pesticides – Use of Chlorpyrifos – Prohibition	Support	Governor vetoed
Lead contamination in school drinking water	SB371 – Carter	HB457 – Rosenberg	Drinking Water Outlets in School Buildings – Testing for Elevated Level of Lead	Support	Senate committee reported unfavorably; House committee did not report it
Lead contamination in school drinking water	SB992 – McCray	HB1475 – Solomon	School Buildings – Drinking Water Outlets – Elevated Level of Lead (Safe School Drinking Water Act)	Support	Senate passed; House committee did not report it
Discontinue state funding for artificial playing fields & surfaces	No cross file	HB1098 – Solomon	Use of Public Funds – Playground and Athletic Field Surfaces – Authorizations, Preferences, and Prohibitions (Safe and Healthy Fields Act)	Support	Not reported out of committee

Transportation and Smart Growth

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Study re: expanded public transportation for Southern MD	SB105 – Ellis	HB205 – Davis, D.M.	So. MD Rapid Transit Project – Requirements & Funding	Support (sign-on testimony)	Not reported out of committee
Prohibit use of vehicle miles traveled in transportation regulation	SB331 – Ready	No cross file	Vehicle-Miles-Traveled Tax and Associated Mandated Devices – Prohibition	Oppose	Not reported out of committee
Local consent for toll roads (I-270 and I-495)	SB 229 – Lee	HB292 – Lehman	Toll Roads, Highways and Bridges – County Government Consent Requirement – Expansion	Support	House committee reported unfavorably; Senate committee did not report it
Extend life of electric vehicle council	No cross file	HB232 – Fraser-Hidalgo	Maryland Zero Emission EV Infrastructure Council – Reporting, Membership, and Sunset Extension	Support	Governor allowed into law without signature
Electric vehicle infrastructure in multifamily housing	SB734 – Lam	HB111 – Korman	Electric Vehicle Recharging Equipment for Multifamily Units Ac	Support with amendments	House passed; Senate committee did not report it
Electric vehicles & infrastructure	SB277 – Governor	HB359 – Governor	Clean Cars Act of 2020	Support with amendments	House passed; Senate committee did not report it
Study use of vehicle-miles-traveled in transportation regulation	No cross file	HB351 – Stewart	Land Use and Vehicle Miles Traveled Workgroup	Support (sign-on testimony)	Not reported out of committee
Commuter bus study	SB548 – Young	HB390 – Palakovich Carr	I-270 Commuter Bus Route Study	Support	House passed; Senate committee did not report it

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Bikeways program & funding	No cross file	HB748 – Barve	Kim Lamphier Bikeways Network Program	Support	Governor allowed into law without signature (bill was amended to omit funding)
Pedestrians & bicyclists safety	SB512 – Waldstreicher	HB721 – Stein	Injury or Death of Vulnerable Individual – Penalties	Support	House passed; Senate committee did not report it
Electric vehicle charging in new housing	No cross file	HB1316 – Lehman	Residential Construction – Electric Vehicle Charging	Support	House passed; Senate committee did not report it
Pedestrians & bicyclists safety	SB815 – Waldstreicher	HB973 – Stewart	Violations Involving Pedestrians or Bicyclists – Penalties (Pedestrian Safety Act of 2020)	Support	Withdrawn by sponsors
Purple Line marketing plan	SB668 – Rosapepe	HB876 – Korman	Purple Line Marketing Program (Purple Line Marketing Act)	Support	Senate passed; House committee did not report it
Central Maryland transportation plan	No cross file	HB1159 – Boyce	Central Maryland Regional Transit Plan and Commission – Alterations	Support (sign-on testimony)	Not reported out of committee
Electric vehicles & infrastructure	No cross file	HB1223 – Fraser-Hidalgo	Clean Cars Act of 2020	Support with amendments	Not reported out of committee
Electric transit buses	SB423 – Zucker	HB432 – Korman	Maryland Transit Administration – Conversion to Electric Buses (Electric Bus Transition Act)	Support	House passed; Senate committee did not report it
Study extension of MARC into western MD	No cross file	HB1367 – Corderman	Western Maryland MARC Rail Extension – Study	Support	House passed; Senate committee did not report it
Promote “middle housing”	No cross file	HB1406 – Stewart	Land Use – Development – Middle Housing (Modest Home Choices Act of 2020)	Support	House passed; Senate committee did not report it
Electric school buses	No cross file	HB1451 – Fraser-Hidalgo	School Bus Purchasing – Zero-Emission Vehicle – Requirement	Support	Not reported out of committee

Issue	Senate Bill	House Bill	Bill Title	SC Position	Leg. Result
Electric state vehicles	No cross file	HB1233 – Fraser-Hidalgo	State Vehicle Fleet – Conversion to Zero-Emission Electric Vehicles	Support	Not reported out of committee
Extend MARC to Northern Virginia	No cross file	HB1236 – Solomon	Maryland Area Regional Commuter Train – Expansion of Service	Support	Governor vetoed (bill was amended to include extension to Delaware)
DOT commitments re: construction of toll lanes on I-495 & I-270	No cross file	HB1249 – Korman	I-495 and I-270 Public-Private Partnership – Partnership Agreement – Requirements (Maryland State Department of Transportation Promises Act of 2020)	Support	House passed; Senate committee did not report it
TCI funds must be used for TCI-related programs	No cross file	HB1526 -- Korman	Transportation Carbon Reduction Fund – Establishment (Transportation Carbon Fund Act)	Support	Not reported out of committee
Allow bus lane monitoring cameras	No cross file	HB1492 – Lewis, R.	Bus Lane Monitoring Cameras – Authorization	Support	Not reported out of committee
EV parking/ charging spaces	SB474 – Lam	No cross file	Plug-In Electric Drive Vehicles – Reserved Parking Spaces	Support	Not reported out of committee

Zero Waste

Issue	Senate Bill	House Bill	Name	SC Position	Leg. Result
Restrict balloon litter	SB28 – Lam	HB13 – Hartman	Prohibition on Releasing a Balloon into the Atmosphere	Support	Senate & House each passed their bill but did not pass the other chamber’s bill
End treatment of incinerator ash as a recycled material	No cross file	HB179 – Charkoudian	Maryland Recycling Act – Recyclable Materials and Resource Recovery Facilities – Alterations	Support	House committee reported. unfavorably
Expand composting, & food diversion & donation	No cross file	HB589 – Charkoudian	Organics Recycling and Waste Diversion – Food Residuals	Support	Not reported out of committee

Issue	Senate Bill	House Bill	Name	SC Position	Leg. Result
Limit use of small cleansing-products containers at hotels, etc.	No cross file	HB354 – Love	Personal Cleansing Products Provided at Lodging Establishments – Prohibition	Support	Not reported out of committee
Regulate disposal of synthetic turf & turf infill	No cross file	HB1547 – Lehman	Synthetic Turf and Turf Infill – Producer Responsibility	Support	House committee reported unfavorably
Recycling in hotels, etc.	No cross file	HB987 – Smith	Recycling – Hotels	Support with amendments	Not reported out of committee
Exclude EPS egg cartons from single-use foam ban	SB840 - Hershey	HB1442 – Jacobs	Expanded Polystyrene Food Service Products – Definition	Oppose	Governor allowed into law without signature
Ban most plastic straws	No cross file	HB296 – Love	Single-Use Plastic Straws – Use in a Food Service Business	Support with sponsor amendments	Not reported out of committee
Establish a bottle deposit program	No cross file	HB824 – Love	Beverage Container Deposit Program – Establishment and Advisory Commission	Support with amendments	Not reported out of committee

Other Policy Issues

Issue	Senate Bill	House Bill	Bill Name	SC Position	Leg. Result
Public financing of school board elections (enabling)	SB298 – Lam	HB337 – Ebersole	Local Public Campaign Financing – Boards of Education	Support (sign on testimony)	Senate passed; House committee did not report it
Filling General Assembly vacancies	SB10 – Lam	HB103 – Moon	General Assembly - Special Election to Fill a Vacancy in Office	Support (registered support for House bill without testimony; no Senate testimony)	Senate passed; House committee did not report it
Tenant rights	No cross file	HB744 – Stewart	Residential Leases - Tenant Rights and Protections (Tenant Protection Act)	Support	House passed; Senate committee did not report it

Issue	Senate Bill	House Bill	Bill Name	SC Position	Leg. Result
Public financing of statewide positions (Governor, AG, Comptroller)	SB613 – Pinsky	HB1125 – Feldmark	Public Financing Act – Candidate and Matching Fund Revisions (Maryland Fair Elections Act)	Sign-on support letter	Senate committee reported but full Senate did not vote on it; House committee did not report it
Community benefits requirements for nonprofit hospitals	SB774 – Kelley	HB1169 – Barron	Hospitals - Community Benefits	Support	Governor allowed into law without signature
Contractors pay prevailing wages on utility projects	SB1011 – Kramer (no testimony)	HB1048 – Charkoudian	Investor-Owned Utilities – Prevailing Wage	Support	Senate passed second reader; House committee did not report it
Right to repair – digital equipment	SB723 – Hester	HB1124 – Feldmark	Consumer Protection – Right to Repair	Support (sign on testimony)	Not reported out of committee
Right to repair – farm equipment	No cross file	HB799 – Hornberger	Consumer Protection – Right to Repair Farm Equipment	Support (sign on testimony)	House committee reported unfavorably