

HOUSE BILL 246

P5, M1, M3

9lr1267

By: **Delegates Shetty, Acevero, Attar, Atterbeary, Bartlett, Boyce, Cain, Charkoudian, Charles, Dumais, Fraser-Hidalgo, Grammer, Hill, Johnson, Kaiser, Kelly, Korman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Luedtke, Moon, Palakovich Carr, Pena-Melnyk, Queen, Smith, Solomon, Stewart, Terrasa, and Wilkins**

Introduced and read first time: January 24, 2019

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **General Assembly – Fiscal Notes – Environmental Impact Statements**

3 FOR the purpose of requiring that a fiscal note for a bill include an environmental impact
4 statement that indicates whether the bill may or will have an environmental impact
5 and, if so, specifies the type and category of environmental impact; requiring the
6 Department of Legislative Services to determine the type and category of
7 environmental impact by completing a certain part of a certain form; and generally
8 relating to environmental impact statements in fiscal notes.

9 BY repealing and reenacting, with amendments,
10 Article – State Government
11 Section 2–1505(e)
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2018 Supplement)

14 Preamble

15 WHEREAS, Numerous scientists and experts have labeled climate change a global
16 emergency; and

17 WHEREAS, Maryland has been a leader in protecting and promoting sound
18 environmental policy; and

19 WHEREAS, The federal National Environmental Policy Act and its statewide
20 counterpart, the Maryland Environmental Policy Act, were developed to enable informed
21 decision-making and environmental review; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Maryland Environmental Policy Act requires State agencies to
2 prepare an environmental effects report on each “proposed State action significantly
3 affecting the quality of the environment” to protect the health of people and planet; and

4 WHEREAS, The proposed State actions for which an environmental effects report
5 must be prepared are limited to “requests for legislative appropriations and other
6 legislative action that will alter the quality of the air, land, or water resources”; and

7 WHEREAS, The environmental impact statement would complement the health
8 impact assessment tool to result in a systematic method of gauging the complete picture of
9 environmental impacts; and

10 WHEREAS, The environmental impact statement should result in an improvement
11 of the quality of relevant actions by calculating the long-term effects of a legislative
12 proposal; now, therefore,

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That the Laws of Maryland read as follows:

15 **Article – State Government**

16 2–1505.

17 (e) (1) A fiscal note for a bill shall contain an estimate of the fiscal impact of
18 the bill on the revenues and expenditures of the State government and of local
19 governments:

20 (i) during the year in which the bill is to become effective and the
21 next 4 years after that year; and

22 (ii) if the full fiscal impact of a bill is not expected to occur during
23 those years, during each year until and the first year during which that impact is expected
24 to occur.

25 (2) If a bill, as introduced or amended, imposes a mandate on a local
26 government unit, the fiscal note for the bill shall contain:

27 (i) a statement that clearly identifies the imposition of the mandate;
28 and

29 (ii) an estimate of the fiscal impact of the mandate and, if applicable
30 and if data is available, the effect on local property tax rates.

31 (3) If a bill, as introduced or amended, requires a mandated appropriation,
32 the fiscal note for the bill shall contain:

33 (i) a statement that clearly identifies the imposition of the

1 mandated appropriation; and

2 (ii) an estimate of the fiscal impact of the mandated appropriation.

3 **(4) (I) A FISCAL NOTE FOR A BILL SHALL INCLUDE AN**
4 **ENVIRONMENTAL IMPACT STATEMENT THAT:**

5 **1. INDICATES WHETHER THE BILL MAY OR WILL HAVE AN**
6 **ENVIRONMENTAL IMPACT; AND**

7 **2. IF SO, SPECIFIES THE TYPE AND CATEGORY OF**
8 **ENVIRONMENTAL IMPACT, INCLUDING ANY IMPACT ON THE ENVIRONMENT FROM**
9 **CLIMATE CHANGE.**

10 **(II) THE DEPARTMENT OF LEGISLATIVE SERVICES, IN**
11 **CONSULTATION WITH THE DEPARTMENT OF THE ENVIRONMENT OR ANOTHER**
12 **AGENCY WITH RELEVANT EXPERTISE, SHALL DETERMINE THE TYPE AND CATEGORY**
13 **OF ENVIRONMENTAL IMPACT BY COMPLETING PART II OF THE ENVIRONMENTAL**
14 **ASSESSMENT FORM THAT IS USED TO DETERMINE WHETHER A STATE AGENCY IS**
15 **REQUIRED TO PREPARE AN ENVIRONMENTAL EFFECTS REPORT UNDER § 1-304 OF**
16 **THE NATURAL RESOURCES ARTICLE FOR A PROPOSED ACTION.**

17 **[(4) (5) A fiscal note shall identify the sources of the information that the**
18 **Department used in preparing the estimates of fiscal impact.**

19 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
20 **October 1, 2019.**