

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1421 (Delegate Morhaim)  
Environmental Matters

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**Environment - Noise Control**

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This bill alters the membership of the Environmental Noise Advisory Council and the Interagency Noise Control Committee. It provides for staggered terms of membership for the newly created members on the Environmental Noise Advisory Council.

The bill takes effect July 1, 2002.

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**Fiscal Summary**

**State Effect:** It is expected that any additional administrative costs for the Department of the Environment could be handled within existing resources.

**Local Effect:** The bill is not expected to have any direct impact on local government operations or finances.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** This bill expands the membership of the Environmental Noise Advisory Council to 13 members, including 11 voting members appointed by the Secretary of the Environment and two ex officio members. The President of the Senate and the Speaker of the House each must appoint one ex officio member from the Senate or the House. The bill also provides that:

- one additional member must be from the public at large;

- one must be appointed from a list of at least three individuals submitted by the Maryland Municipal League;
- one must be appointed from a list of at least three individuals submitted to the Secretary by the Maryland Association of Counties;
- two must be appointed from a list of at least three individuals submitted to the Secretary by the Maryland Chamber of Commerce; and
- one must be appointed from an environmental group.

The Institute of Noise Control Engineering is added as an organization that will submit a list from which one individual will be chosen.

The bill repeals the requirement that the Secretary must request and consider suggestions from various State agencies and environmental groups prior to appointing the members from among the general public.

Before the Maryland Department of the Environment (MDE) proposes any changes in the governing statute or revisions to the environmental noise regulations, MDE must submit the proposed revisions to the council for advice, arrange for hearings or presentation by public or business interests, and prepare or solicit technical input or presentations on issues. The bill authorizes the council to provide general advice to MDE on any matter relating to noise pollution.

The bill also expands the list of departments having membership in the Interagency Noise Control Committee to include the Office of Smart Growth (as an alternative to the Department of Planning), the Department of Health and Mental Hygiene, the Department of Business and Economic Development, and the Department of Labor, Licensing, and Regulation.

**Current Law:** The Environmental Noise Advisory Council consists of five members appointed by the Secretary of the Environment. Of the five council members:

- one must be appointed from a list of at least three qualified individuals submitted to the Secretary by the Acoustical Society of America;
- one must be a physician who specializes in hearing, appointed from a list of at least three qualified individuals submitted to the Secretary by the Medical and Chirurgical Faculty of the State of Maryland;
- one must be appointed from a list of at least three qualified individuals submitted to the Secretary by the Chancellor of the University System of Maryland; and
- two must be appointed from the general public.

Before appointing the members from among the general public, the Secretary must request and consider suggestions for nominees from: (1) the Maryland State Chamber of Commerce; (2) the Maryland Transportation Federation; (3) the Maryland Environmental Trust; and (4) any other environmental groups that the Secretary selects. In making any appointment to the council, the Secretary must consider giving appropriate representation to the various geographical areas of the State. Each council member must be a State resident.

The term of a member is five years. Terms of members are staggered.

Before MDE adopts any environmental noise standard or sound level limit, it must submit the proposed environmental noise standard or sound level limit to the council for advice. Within 60 days after receiving a proposed environmental noise standard or sound level limit from MDE, the council must give MDE its advice on the proposal by recommending adoption, rejection, or modification.

The Interagency Noise Control Committee consists of one member of the Governor's executive staff, appointed by the Governor, and one representative of each of the following departments, appointed by the Secretary of that department:

- the Department of the Environment;
- the Department of Transportation;
- the Department of Natural Resources;
- the Department of Planning; and
- any other principal department that develops, adopts, or enforces any noise control rule or regulation.

The member who is appointed by the Secretary of the Environment is chairman of the committee.

**State Expenditures:** MDE estimates that this bill could result in an increase in general fund expenditures of \$17,003 in fiscal 2003 for office supplies, travel reimbursements to the new members, and additional time expended by the Assistant Attorney General (AAG) to perform legal research on federal, Maryland, and other State environmental noise laws and regulations. The AAG's services account for \$15,213 of this estimate.

Legislative Services disagrees with this assessment and believes that additional costs, if any, could be handled within existing resources. The bill does not require the AAG to perform any additional legal research. The bill does require that MDE arrange for

hearings or presentations and prepare or solicit technical input or presentations for proposed changes to the law and regulations governing environmental noise. To the extent that this may involve soliciting an opinion from the AAG, such requests would fall within the normal ambit of the AAG's function as legal advisor to MDE. Additionally, MDE already provides staff support to both the council and the committee. Thus, it is expected that any additional time required to arrange hearings and presentations as needed could be handled within existing resources. Finally, any additional office supplies or travel reimbursements to the eight new members of the council and three new members of the committee would not result in any significant increase in expenditures for MDE, and also likely could be handled within existing resources.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - March 19, 2002  
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