

Department of Legislative Services
 Maryland General Assembly
 2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 61 (Chair, Education, Health, and Environmental Affairs
 Committee)(By Request - Departmental - Environment)
 Education, Health, and Environmental Affairs Environmental Matters

Environment - Public Hearings - Notice Requirement

This departmental bill allows the Maryland Department of the Environment (MDE), beginning October 1, 2014, to satisfy the public hearing notice requirement associated with the adoption of new regulations under the Ambient Air Quality Control Title of the Environment Article by publishing notice on the MDE website. Also beginning on that date, MDE must annually publish a notice in a newspaper of general circulation that notifies the public of the types of public notices available on the MDE website, as well as a phone number or email address that a person may contact to arrange for the receipt of future public notices by first class mail or email. The bill maintains the current notice requirements until October 1, 2014, but requires MDE to describe in each notice until that date the bill’s changes to the notice process that begin October 1, 2014.

Fiscal Summary

State Effect: Special/federal fund expenditures decrease by more than \$11,800 annually beginning in FY 2015, which accounts for the October 1, 2014 date after which savings begin to accrue from publishing notice through the MDE website rather than in newspapers of general circulation. Expenditures are not materially affected in FY 2014. Revenues are not affected.

(in dollars)	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Revenues	\$0	\$0	\$0	\$0	\$0
SF/FF Exp.	0	(11,800)	(16,000)	(16,100)	(16,300)
Net Effect	\$0	\$11,800	\$16,000	\$16,100	\$16,300

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None. The bill only affects State government operations.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). (The attached assessment does not reflect amendments to the bill.) Department of Legislative Services concurs with this assessment.

Analysis

Current Law: MDE must hold a public hearing before adopting a regulation under authority of the Ambient Air Quality Control Title. MDE must publish notice of the hearing in a newspaper of general circulation in the area concerned at least 30 days before the hearing.

Background: According to MDE, informal surveys have shown that businesses and the general public consistently gain information from the department's website, the *Maryland Register*, trade associations, and stakeholder meetings rather than from newspaper notices. When meetings are held in areas of the State where newspapers are the primary media or where there is a lack of Internet access, MDE advises that it will continue to publish notice in newspapers of general circulation.

MDE further advises that the bill is consistent with a 2011 decision by the U.S. Environmental Protection Agency that the phrase "prominent advertisement" is media neutral, thereby making the Internet an acceptable method for advertising hearings.

State Expenditures: Special/federal fund expenditures decrease by about \$11,849 in fiscal 2015, which accounts for the October 1, 2014 date after which MDE may begin to publish notice on its website. This estimate is based on the following information:

- the average price to publish notice in the *Baltimore Sun*, *Washington Post*, *Frederick News Post*, *Cumberland Times-News*, *Salisbury Daily Times*, *St. Mary's Enterprise*, and *Cecil Whig* is \$2,844; and
- MDE typically holds five or six sets of hearings each year on proposed air quality control regulations (for a total cost of between \$14,220 and \$17,064 each year, or \$15,642 on average).

Future year savings are annualized and reflect inflation. Actual savings in any given year may vary depending on the actual number of hearings held.

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 - January 10, 2013
mm/lgc Revised - Senate Third Reader - February 7, 2013

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment – Public Hearing Notice Requirement - Update

BILL NUMBER: SB 61

PREPARED BY: Maryland Department of the Environment

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL
BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.