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January 22, 2021

Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

Re: SB334 - Water Pollution Control - Intervention in Civil
Actions - Rights and Authority

Dear Chairman Smith:

On behalf of the Maryland Home Builders and NAIOP, I am submitting the attached proposed amendments to Senate Bill 334. These organizations would support the proposed legislation if these amendments were adopted.

The first amendment makes it clear that any intervention must comply with all of the requirements that would exist if an intervention were brought in a federal case, not merely the standing requirements. The bill should not provide greater rights than would be afforded in federal cases.

The second amendment clarifies that the right to intervene is in cases initiated in the court system and does not extend to administrative cases which may be appealed to state court. Intervention at that stage, after a trial has been held and testimony taken, would be disruptive of an orderly resolution of issues.

Sincerely,

Michael C. Powell

Michael C. Powell

MCP

Amendments to

Senate Bill 334

Submitted on behalf of the Maryland Building Industry Association and NAIOP

Amendment No. 1:

On page 1, line 19, strike “MEETS THE THRESHOLD STANDING REQUIREMENTS” and substitute “COULD INTERVENE IN A SIMILAR ACTION”

Amendment No. 2:

On page 1, line 21, strike “BRINGS” and insert “INITIATES.”