

in jurisdictions across the State. An indeterminate number of those actions will include some activity by State and local agencies leading up to the action. The Department lacks statutory authority to require reimbursement in assessing the penalty, so the effect of the bill is to divert money from the Department to a local jurisdiction for activities the local jurisdiction has agreed to perform.

The bill is also deficient because it applies only to Anne Arundel County. Many counties provide environmental testing and monitoring services but they would not be eligible for reimbursement under this legislation. Requiring the Department to reimburse the expenses of only one of Maryland's 24 counties, many of which routinely undertake the monitoring, testing, and sampling of well water, is not a rational approach.

The appropriate public policy discussion is whether the Department should be authorized to incorporate reimbursement provisions in the assessment of a penalty, for every jurisdiction in the State. My Administration would be willing to engage in that discussion during the 2009 Session of the Maryland General Assembly. But House Bill 501 does not accomplish that public policy goal – instead, it diverts resources of the Department to reimburse a single local government a specific amount for a past event, and an uncapped, indeterminate amount for future events, for functions the County has agreed to perform.

For the above stated reasons, I have vetoed House Bill 501.

Sincerely,

Governor

House Bill 501

AN ACT concerning

Anne Arundel County – Environmental Health Monitoring – Reimbursement of Costs

FOR the purpose of requiring the Department of the Environment ~~and the Department of Natural Resources~~ to reimburse Anne Arundel County for the cost of certain environmental health monitoring and testing under certain circumstances; requiring a reimbursement only if a certain fine is collected; limiting the amount of a reimbursement to a certain amount; providing that this Act shall apply retroactively only to certain costs incurred by Anne Arundel County; and generally relating to requiring reimbursement of Anne Arundel County for the cost of certain environmental health monitoring and testing.

BY adding to