

HOUSE BILL 1220

M2

71r2845
CF SB 901

By: **Delegates McIntosh, Beidle, Bobo, Bromwell, Bronrott, Cane, V. Clagett, Frush, Haynes, Healey, Holmes, Hubbard, Lafferty, Lawton, Love, Malone, Montgomery, Morhaim, Niemann, Rosenberg, and ~~Waldstreicher~~ Waldstreicher, Ali, Glenn, Hucker, Manno, and Stein**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

CHAPTER _____

1 AN ACT concerning

2 **Chesapeake Bay and Atlantic Coastal Bays Green Fund**

3 FOR the purpose of establishing a Chesapeake ~~Bay~~ and Atlantic Coastal Bays Green
4 Fund beginning on a certain date; providing for the uses of the Fund; requiring
5 a person to provide certain information to a local government under certain
6 circumstances; prohibiting a local government from granting certain permits
7 until a person pays a certain fee; establishing an Impervious Surface Fee,
8 beginning on a certain date, for certain ~~development inside or outside priority~~
9 ~~funding areas~~ types of developments; authorizing the Fee to be reduced under
10 certain circumstances; authorizing the waiver of the Fee under certain
11 circumstances; authorizing a local government to retain a certain percentage of
12 certain revenue to be used for certain purposes; exempting certain
13 ~~government-sponsored~~ projects from being subject to the Fee; ~~requiring certain~~
14 ~~government-sponsored projects to meet certain mitigation requirements~~;
15 requiring local governments to compile and submit certain information to a
16 certain committee; providing for the administration, collection, and enforcement
17 of the Fee; requiring the Comptroller to deposit the Fee in the Fund;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 authorizing the State Central Collection Unit to collect certain delinquent
 2 accounts under certain circumstances; requiring the Comptroller to adopt
 3 certain regulations by a certain date; ~~prohibiting money in the Fund from~~
 4 ~~reverting or being transferred to the General Fund;~~ requiring that any unspent
 5 funds ~~remain in the~~ revert to the General Fund; requiring the Comptroller to
 6 distribute the Fund to certain units of State government and the Chesapeake
 7 Bay Trust for certain purposes; authorizing units of State government and the
 8 Trust that receive certain allocations from the Fund to utilize a certain amount
 9 for certain administrative purposes; establishing a Chesapeake ~~Bay~~ and
 10 Atlantic Coastal Bays Green Fund Oversight and Accountability Committee;
 11 providing for the membership and terms of the Committee; specifying the terms
 12 of the initial members of the Committee; requiring units of State government
 13 and the Trust to provide certain information to the Committee annually on or
 14 before a certain date; requiring the Committee to meet a certain minimum
 15 number of times a year; requiring the Committee to establish and review
 16 certain performance benchmarks; requiring the Committee to monitor certain
 17 financial and accountability measures; requiring the Committee to submit
 18 certain reports annually on or before a certain date; requiring the Committee to
 19 make and submit a certain report at least once every 3 years; requiring the
 20 Department of Natural Resources to provide staff for the Committee; requiring
 21 the Department of the Environment, in consultation with the Department of
 22 Natural Resources ~~and~~, the Department of Planning, and certain interested
 23 parties, to adopt certain regulations by a certain date; defining certain terms;
 24 declaring certain intent of the General Assembly; providing for the application
 25 of this Act; requiring the Department of the Environment and Department of
 26 Planning to jointly report to the Governor and General Assembly on or before a
 27 certain date; making the provisions of this Act severable; and generally relating
 28 to a dedicated funding source for Chesapeake ~~Bay~~ and Atlantic Coastal Bays
 29 restoration.

30 BY adding to

31 Article – Natural Resources

32 Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22.

33 Chesapeake ~~Bay~~ and Atlantic Coastal Bays Green Fund”

34 Annotated Code of Maryland

35 (2000 Replacement Volume and 2006 Supplement)

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

38 **Article – Natural Resources**

39 **SUBTITLE 22. CHESAPEAKE ~~BAY~~ AND ATLANTIC COASTAL BAYS GREEN FUND.**

1 **8-2201.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) “CHESAPEAKE 2000 AGREEMENT” MEANS THE AGREEMENT
5 BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE
6 CHESAPEAKE BAY COMMISSION, AND THE U.S. ENVIRONMENTAL PROTECTION
7 AGENCY THAT WAS ENTERED INTO IN 2000 WHICH SPECIFIED RESTORATION
8 GOALS AND COMMITMENTS TO IMPROVE THE CHESAPEAKE BAY AND TO
9 REMOVE IT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S LIST OF
10 IMPAIRED WATERS.

11 (C) “DWELLING UNIT” HAS THE MEANING STATED IN § 8-1802(A)(10)
12 OF THIS TITLE.

13 (D) “ENVIRONMENTAL SITE DESIGN TECHNIQUE” MEANS ANY
14 TECHNIQUE USED IN A SITE DESIGN STRATEGY INTENDED TO MAINTAIN OR
15 REPLICATE THE PREDEVELOPMENT HYDROLOGIC AND WATER QUALITY REGIME
16 OF A BUILDING SITE.

17 (E) “FUND” MEANS THE CHESAPEAKE ~~BAY~~ AND ATLANTIC COASTAL
18 BAYS GREEN FUND ESTABLISHED UNDER THIS SUBTITLE.

19 (F) (1) “GOVERNMENT-SPONSORED PROJECT OR ACTIVITY” MEANS A
20 DEVELOPMENT ACTIVITY THAT IS:

21 (I) INITIATED BY A FEDERAL, STATE, OR LOCAL
22 GOVERNMENT AGENCY FOR THE ACCOMPLISHMENT OF A PURPOSE RELATED TO
23 THE MISSION OF THE AGENCY;

24 (II) OWNED BY THE FEDERAL, STATE, OR LOCAL
25 GOVERNMENT; OR

26 (III) FUNDED PRIMARILY BY THE FEDERAL, STATE, OR
27 LOCAL GOVERNMENT IN WHICH THE AGENCY SERVES.

28 (2) “GOVERNMENT-SPONSORED PROJECT OR ACTIVITY” DOES
29 NOT INCLUDE A PROJECT OR ACTIVITY IN WHICH THE ONLY ROLE OF A

1 FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY IS TO PROVIDE FINANCIAL
2 ASSISTANCE FOR THE COMPLETION OF THE PROJECT OR ACTIVITY.

3 ~~(G) "MITIGATION" MEANS THE RESTORATION, CREATION, OR~~
4 ~~ENHANCEMENT OF ENVIRONMENTAL FEATURES IN ORDER TO~~
5 ~~COUNTERBALANCE THE NEGATIVE IMPACTS ASSOCIATED WITH NEW~~
6 ~~IMPERVIOUS SURFACES, INCLUDING THE RESTORATION OF FORESTED OR~~
7 ~~WETLAND HABITAT ON SITE, THE RETROFIT AND ENHANCEMENT OF EXISTING~~
8 ~~STORMWATER ON SITE OR OFF SITE, OR OTHER PRACTICES THAT WILL RESULT~~
9 ~~IN NET BENEFITS TO WATER QUALITY.~~

10 (G) "JOB CREATION PROJECT" MEANS A DEVELOPMENT PROJECT THAT:

11 (1) IS DESIGNED TO SECURE THE LOCATION OF A NEW BUSINESS
12 OR THE EXPANSION OF AN EXISTING BUSINESS; AND

13 (2) HAS RECEIVED MEANINGFUL STATE OR LOCAL GOVERNMENT
14 ASSISTANCE, INCLUDING TWO OR MORE OF THE FOLLOWING:

15 (I) FUNDING OR FINANCIAL ASSISTANCE;

16 (II) A TAX CREDIT, EXEMPTION, OR OTHER TAX BENEFIT;

17 (III) DONATION OR BELOW MARKET PURCHASE OF LAND;

18 AND

19 (IV) FUNDING OF ROAD, WATER OR SEWER IMPROVEMENTS.

20 (H) (1) "NEW IMPERVIOUS SURFACE" INCLUDES NEW BUILDINGS,
21 DWELLING UNITS, ROADS, PARKING LOTS, DRIVEWAYS, AND ANY OTHER
22 IMPERVIOUS SURFACES CREATED AS A RESULT OF RESIDENTIAL, COMMERCIAL,
23 INDUSTRIAL, OR OTHER DEVELOPMENT.

24 (2) "NEW IMPERVIOUS SURFACE" DOES NOT INCLUDE:

25 (I) AN ADDITION OR ACCESSORY STRUCTURE TO AN
26 EXISTING SINGLE-FAMILY DWELLING UNIT THAT DOES NOT EXCEED 20% OF
27 THE IMPERVIOUS SURFACE OF THE ~~PREEXISTING~~ FOOTPRINT OF THE DWELLING
28 UNIT OR STRUCTURE AS IT EXISTED ON OR BEFORE JULY 1, 2007;

1 (II) ~~A NEW POULTRY HOUSE; OR~~

2 ~~(III) ANY STRUCTURE INCLUDED IN AN APPROVED~~
3 ~~NUTRIENT MANAGEMENT OR SOIL AND WATER CONSERVATION PLAN BUILDING,~~
4 ~~TOWER, OR OTHER STRUCTURE, OR A VALUE-ADDED IMPROVEMENT THAT IS~~
5 ~~INSTALLED AS PART OF AN AGRICULTURAL BUSINESS, LOCATED ON A FARM, OR~~
6 ~~A DRIVEWAY OR LANE LEADING TO THE BUILDING, TOWER, STRUCTURE, OR~~
7 ~~IMPROVEMENT;~~

8 (III) A DWELLING UNIT, OR A DRIVEWAY OR LANE LEADING
9 TO A DWELLING UNIT, THAT IS BUILT ON A FARM FOR A FARMER, A FARMER'S
10 CHILD, OR A TENANT WHO ACTIVELY WORKS IN THE FARM BUSINESS, IF THE
11 DWELLING UNIT IS:

12 1. SITED SO AS TO PRESERVE AS MUCH QUALITY
13 FARMLAND AS POSSIBLE; AND

14 2. BUILT IN COMPLIANCE WITH THE NUMERICAL
15 PROVISIONS OF § 2-513(B) OF THE AGRICULTURE ARTICLE REGARDING
16 RESIDENTIAL USE, WHETHER OR NOT THE FARM IS SUBJECT TO AN EASEMENT
17 UNDER THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
18 OR A LOCAL CONSERVATION EASEMENT PROGRAM;

19 (IV) A STORAGE, PRODUCTION, OR PROCESSING FACILITY
20 ASSOCIATED WITH FORESTRY OR BIOENERGY OPERATIONS; OR

21 (V) GRAVEL SURFACES.

22 (I) "OFFSET" MEANS AN ACTIVITY THAT ELIMINATES OR MINIMIZES
23 THE NEGATIVE IMPACT ON NATURAL HYDROLOGY ASSOCIATED WITH A NEW
24 IMPERVIOUS SURFACE, INCLUDING THE IMPLEMENTATION OF ENVIRONMENTAL
25 SITE DESIGN TECHNIQUES, SUCH AS POROUS PAVERS, GREEN ROOFS,
26 MAINTENANCE OF NATURAL INFILTRATION CAPACITY, OR OTHER
27 ENVIRONMENTAL PRACTICES.

28 ~~(J) "PRIORITY FUNDING AREAS" ARE THOSE AREAS IDENTIFIED OR~~
29 ~~DESIGNATED AS PRIORITY FUNDING AREAS UNDER §§ 5-7B-02 AND 5-7B-03 OF~~
30 ~~THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

1 ~~(K)~~ (J) “SMART GROWTH POLICIES” MEANS THE POLICIES
2 ESTABLISHED UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT
3 ARTICLE.

4 ~~(L)~~ (K) “TRIBUTARY STRATEGIES” MEANS MARYLAND’S
5 WATERSHED-SPECIFIC PLANS TO REDUCE THE AMOUNT OF NITROGEN,
6 PHOSPHORUS, AND SEDIMENT POLLUTION THAT ENTERS THE CHESAPEAKE
7 BAY AND ITS TRIBUTARIES, IN ORDER TO REMOVE THE BAY FROM THE U.S.
8 ENVIRONMENTAL PROTECTION AGENCY’S LIST OF IMPAIRED WATERS.

9 ~~(M) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 OF~~
10 ~~THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.~~

11 8-2202.

12 (A) (1) BEGINNING ~~JANUARY~~ JULY 1, 2008, THERE IS A CHESAPEAKE
13 ~~BAY AND ATLANTIC COASTAL BAYS GREEN FUND.~~

14 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
15 FUND BE GENERATED AND USED ON A STATEWIDE BASIS TO:

16 (I) PROVIDE CRITICAL FUNDING FOR ~~THE~~:

17 1. THE RESTORATION AND PRESERVATION OF THE
18 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND ALL WATERS OF THE STATE;
19 AND

20 2. THE IMPLEMENTATION OF RESTORATION AND
21 PROTECTION ACTIONS CONTAINED WITHIN THE STATE’S TRIBUTARY
22 STRATEGIES IN ORDER TO MEET THE STATE’S NUTRIENT POLLUTION
23 REDUCTION GOALS AND OTHER COMMITMENTS CONTAINED WITHIN THE
24 CHESAPEAKE 2000 AGREEMENT;

25 (II) PROVIDE CRITICAL PLANNING AND TECHNICAL
26 ASSISTANCE TOOLS CONSISTENT WITH NUTRIENT REDUCTION AND SMART
27 GROWTH POLICIES;

28 (III) FOCUS LIMITED FINANCIAL RESOURCES ON THE MOST
29 COST-EFFECTIVE PRACTICES FOR NUTRIENT POLLUTION REDUCTION,

1 INCLUDING MANY OF THE AGRICULTURAL ACTIVITIES CONTAINED IN THE
2 TRIBUTARY STRATEGIES;

3 (IV) REDUCE FUTURE COSTS FOR RESTORING THE
4 CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND IMPLEMENTING THE
5 TRIBUTARY STRATEGIES RESTORATION COSTS;

6 (V) MAINTAIN THE PRODUCTIVITY AND OPEN SPACES OF
7 THE STATE'S FARMLAND AND FORESTS, AND RETAIN AND PROMOTE THE
8 ECONOMIC VIABILITY OF THE STATE'S RESOURCE-BASED INDUSTRIES IN WAYS
9 THAT ARE CONSISTENT WITH AND RESPONSIVE TO THE GOALS OF THE
10 CHESAPEAKE 2000 AGREEMENT; AND

11 (VI) MINIMIZE THE ENVIRONMENTAL IMPACTS OF
12 DEVELOPMENT.

13 (3) MONEY EXPENDED FROM THE FUND IN ACCORDANCE WITH
14 § 8-2203 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO
15 TAKE THE PLACE OF FUNDING LEVELS AUTHORIZED FOR PROGRAMS LISTED
16 UNDER THAT SECTION.

17 (B) (1) BEGINNING ~~JANUARY~~ JULY 1, 2008, THERE IS AN
18 IMPERVIOUS SURFACE FEE.

19 (2) BEFORE THE ISSUANCE OF A ~~BUILDING OR~~ GRADING OR
20 BUILDING PERMIT BY A LOCAL GOVERNMENT, A PERSON SHALL PROVIDE TO
21 THE LOCAL GOVERNMENT:

22 (I) THE TOTAL AREA OF NEW IMPERVIOUS SURFACE
23 PROPOSED TO BE DEVELOPED AS PART OF THE GRADING, FINAL BUILDING,
24 SUBDIVISION, OR SIMILAR PLAN; AND

25 (II) ANY PROPOSALS FOR OFFSETS OF NEW IMPERVIOUS
26 SURFACE IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.

27 (3) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS
28 SECTION, A LOCAL GOVERNMENT MAY NOT GRANT A ~~BUILDING OR~~ GRADING OR
29 BUILDING PERMIT TO A PERSON FOR THE DEVELOPMENT OF NEW IMPERVIOUS
30 SURFACE UNLESS THE PERSON HAS PAID AN IMPERVIOUS SURFACE FEE TO THE
31 LOCAL GOVERNMENT.

1 (4) ~~THE IMPERVIOUS SURFACE FEE IS:~~

2 ~~(I) \$2 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE~~
3 ~~DEVELOPMENT OUTSIDE OF EXISTING PRIORITY FUNDING AREAS; AND~~

4 ~~(II) 25 CENTS PER SQUARE FOOT OF NEW IMPERVIOUS~~
5 ~~SURFACE DEVELOPMENT INSIDE OF EXISTING PRIORITY FUNDING AREAS.~~

6 (I) THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED
7 BEFORE THE ISSUANCE OF A GRADING PERMIT, IS:

8 1. FOR RESIDENTIAL DEVELOPMENT, 50 CENTS PER
9 SQUARE FOOT OF NEW IMPERVIOUS SURFACE; AND

10 2. FOR COMMERCIAL AND INDUSTRIAL
11 DEVELOPMENT, \$1 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE.

12 (II) FOR RESIDENTIAL DEVELOPMENT OR
13 REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE
14 THE ISSUANCE OF A BUILDING PERMIT, SHALL BE:

15 1. FOR LOTS WITH LESS THAN 1,000 SQUARE FEET
16 OF NEW IMPERVIOUS SURFACE.....\$100;

17 2. FOR LOTS WITH GREATER THAN OR EQUAL TO
18 1,000 SQUARE FEET BUT LESS THAN 2,500 SQUARE FEET OF NEW IMPERVIOUS
19 SURFACE.....\$250;

20 3. FOR LOTS WITH GREATER THAN OR EQUAL TO
21 2,500 SQUARE FEET BUT LESS THAN 5,000 SQUARE FEET OF NEW IMPERVIOUS
22 SURFACE.....\$500;

23 4. FOR LOTS WITH GREATER THAN OR EQUAL TO
24 5,000 SQUARE FEET BUT LESS THAN 10,000 SQUARE FEET OF NEW IMPERVIOUS
25 SURFACE.....\$1,000; AND

26 5. FOR LOTS WITH GREATER THAN OR EQUAL TO
27 10,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$1,500.

1 **(III) FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT**
2 **AND REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED**
3 **BEFORE THE ISSUANCE OF A BUILDING PERMIT, IS \$1 PER SQUARE FOOT OF**
4 **NEW IMPERVIOUS SURFACE.**

5 **(5) THE AMOUNT OF AN IMPERVIOUS SURFACE FEE:**

6 **(I) MAY BE REDUCED USING OFFSETS, IN ACCORDANCE**
7 **WITH REGULATIONS ADOPTED UNDER § 8-2205 OF THIS SUBTITLE; AND**

8 **(II) MAY NOT BE REDUCED BY MORE THAN ~~25%~~ 75% USING**
9 **OFFSETS.**

10 **(c) (1) A LOCAL GOVERNMENT MAY NOT COLLECT AN IMPERVIOUS**
11 **SURFACE FEE ~~AS A RESULT OF A~~ FOR:**

12 **(I) A GOVERNMENT-SPONSORED PROJECT OR ACTIVITY;**

13 **(II) AS CALCULATED IN ACCORDANCE WITH PARAGRAPH (2)**
14 **OF THIS SUBSECTION, THE PORTION OF A RESIDENTIAL HOUSING**
15 **DEVELOPMENT THAT CONTAINS LOW INCOME OR WORKFORCE HOUSING; OR**

16 **(III) AN ECONOMIC DEVELOPMENT PROJECT IN A COUNTY**
17 **FOR WHICH, OVER THE COURSE OF THE MOST RECENT 18 MONTHS PRECEDING**
18 **THE MONTH IN WHICH AN APPLICATION FOR A GRADING OR BUILDING PERMIT**
19 **IS FIRST FILED FOR THE PROJECT, DATA FROM THE DEPARTMENT OF BUSINESS**
20 **AND ECONOMIC DEVELOPMENT DEMONSTRATES THAT:**

21 **1. THE UNEMPLOYMENT AVERAGE IN THAT COUNTY**
22 **IS MORE THAN 150% OF THE STATE AVERAGE; OR**

23 **2. THE AVERAGE PER CAPITA PERSONAL INCOME IN**
24 **THAT COUNTY IS LESS THAN OR EQUAL TO 67% OF THE STATE AVERAGE.**

25 **(2) A LOCAL GOVERNMENT SHALL:**

26 **(I) DETERMINE WHAT PERCENTAGE OF THE TOTAL**
27 **NUMBER OF UNITS IN A RESIDENTIAL DEVELOPMENT FALL BELOW THE**
28 **MAXIMUM AGGREGATE ANNUAL INCOME LIMITS SET FOR WORKFORCE HOUSING,**

1 AS DEFINED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT
2 ARTICLE; AND

3 (II) REDUCE THE AMOUNT OF THE IMPERVIOUS SURFACE
4 FEE FOR THE DEVELOPMENT BY THE PERCENTAGE DETERMINED UNDER ITEM
5 (I) OF THIS PARAGRAPH.

6 ~~(2) THE CREATION OF NEW IMPERVIOUS SURFACE BY A~~
7 ~~GOVERNMENT SPONSORED PROJECT OR ACTIVITY SHALL MEET MITIGATION~~
8 ~~REQUIREMENTS ESTABLISHED BY REGULATIONS ADOPTED UNDER § 8-2205 OF~~
9 ~~THIS SUBTITLE.~~

10 (D) (1) THIS SUBSECTION APPLIES TO THE REDEVELOPMENT OF AN
11 EXISTING STRUCTURE, SIDEWALK, DRIVEWAY, OR LANE.

12 (2) A LOCAL GOVERNMENT MAY COLLECT AN IMPERVIOUS
13 SURFACE FEE ONLY FOR THE AMOUNT OF IMPERVIOUS SURFACE RESULTING
14 FROM DEVELOPMENT THAT EXCEEDS THE EXISTING AMOUNT OF IMPERVIOUS
15 SURFACE.

16 (E) (1) A LOCAL GOVERNMENT, WITH THE APPROVAL OF THE
17 DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, MAY WAIVE THE
18 IMPERVIOUS SURFACE FEE FOR A JOB CREATION PROJECT.

19 (2) BEFORE WAIVING THE COLLECTION OF THE IMPERVIOUS
20 SURFACE FEE FOR A JOB CREATION PROJECT, A LOCAL GOVERNMENT SHALL
21 SUBMIT THE PROPOSED WAIVER AND INFORMATION REGARDING THE PROJECT
22 TO THE DEPARTMENT.

23 (3) (1) THE DEPARTMENT SHALL HAVE 30 DAYS TO APPROVE
24 OR DISAPPROVE THE PROPOSED WAIVER.

25 (II) IF THE DEPARTMENT FAILS TO NOTIFY A LOCAL
26 GOVERNMENT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH,
27 THE WAIVER SHALL BE TREATED AS BEING APPROVED BY THE DEPARTMENT.

28 (4) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE
29 DEPARTMENT SHALL SUBMIT A REPORT CONTAINING ALL APPROVALS OF
30 WAIVERS ISSUED TO A LOCAL GOVERNMENT TO THE GENERAL ASSEMBLY IN
31 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

1 **(F) TO THE MAXIMUM EXTENT PRACTICABLE IN ITS DEVELOPMENT**
2 **PROJECTS AND ACTIVITIES, A LOCAL GOVERNMENT SHALL IMPLEMENT**
3 **OFFSETS IN ACCORDANCE WITH § 8-2205 OF THIS SUBTITLE AND REGULATIONS**
4 **ADOPTED UNDER THAT SECTION.**

5 **(G) (1) FROM THE TOTAL IMPERVIOUS SURFACE FEE REVENUE**
6 **COLLECTED BY A LOCAL GOVERNMENT UNDER SUBSECTION (B) OF THIS**
7 **SECTION, THE LOCAL GOVERNMENT MAY:**

8 **(I) DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT**
9 **THE AMOUNT THAT IS NECESSARY TO ADMINISTER THE FEE, WHICH MAY NOT**
10 **EXCEED 8% OF THE TOTAL IN FISCAL YEAR 2009 AND 5% OF THE TOTAL IN EACH**
11 **FISCAL YEAR THEREAFTER; AND**

12 **(II) RETAIN 30% OF THE TOTAL FOR THE USES SPECIFIED**
13 **UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

14 **(2) IF A COUNTY COLLECTS A FEE FOR A NEW IMPERVIOUS**
15 **SURFACE LOCATED WITHIN A MUNICIPALITY, WITHIN 45 DAYS AFTER**
16 **COLLECTION OF THE FEE, THE COUNTY SHALL:**

17 **(I) DEDUCT ITS ADMINISTRATIVE FEE; AND**

18 **(II) REMIT THE REMAINDER TO THE MUNICIPALITY WITH**
19 **JURISDICTION OVER THE AREA WHERE THE NEW IMPERVIOUS SURFACE IS**
20 **LOCATED.**

21 **(3) A LOCAL GOVERNMENT RETAINING FUNDS UNDER**
22 **PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL USE THOSE FUNDS FOR:**

23 **(I) THE IMPLEMENTATION OF NONSTRUCTURAL OR**
24 **STRUCTURAL STORMWATER MANAGEMENT OR STREAM RESTORATION**
25 **PRACTICES APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT AS**
26 **REDUCING NUTRIENT AND SEDIMENT LOADINGS TO WATERS OF THE STATE IN**
27 **ACCORDANCE WITH THE STATE'S TRIBUTARY STRATEGIES;**

28 **(II) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL**
29 **PROGRAMS, PROJECTS. PLANS, POLICIES, OR LAWS RELATED TO SEWER**
30 **INFRASTRUCTURE OR LAND USE REQUIREMENTS THAT REDUCE NUTRIENT AND**

1 SEDIMENT LOADINGS IN ACCORDANCE WITH THE STATE'S TRIBUTARY
 2 STRATEGIES;

3 (III) THE IMPLEMENTATION OF ANY OTHER PRACTICE
 4 IDENTIFIED AS A MARYLAND TRIBUTARY STRATEGY BEST MANAGEMENT
 5 PRACTICE;

6 (IV) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL
 7 PROGRAMS, PROJECTS, PLANS, POLICIES, OR LAWS RELATED TO MONITORING,
 8 ASSESSMENT, PROTECTION, AND DEVELOPMENT OF WATER SUPPLIES RELATED
 9 TO WATER QUALITY, INCLUDING LAND USE REQUIREMENTS, ZONING, OR OTHER
 10 ORDINANCES THAT PROTECT DRINKING WATER SOURCE AREAS; OR

11 (V) CITIZEN EDUCATION REGARDING THE REDUCTION OF
 12 LAWN FERTILIZER USE, ENERGY AND WATER CONSERVATION PRACTICES,
 13 ECO-FRIENDLY LANDSCAPING, MAINTENANCE AND UPGRADES OF SEPTIC
 14 SYSTEMS, AND OTHER NUTRIENT REDUCTION STRATEGIES THAT CITIZENS MAY
 15 UNDERTAKE.

16 ~~(D)~~ (H) (1) A LOCAL GOVERNMENT SHALL:

17 (I) ON A QUARTERLY BASIS, REPORT AND SUBMIT UNDER
 18 OATH ALL IMPERVIOUS SURFACE FEES COLLECTED, EXCEPT THOSE RETAINED
 19 BY THE LOCAL GOVERNMENT UNDER SUBSECTION (G)(1) OF THIS SECTION, TO
 20 THE COMPTROLLER FOR THE BENEFIT OF THE FUND;

21 (II) COMPILE, ON AN ONGOING BASIS, THE TOTAL NEW
 22 IMPERVIOUS SURFACE CREATED AND FOR WHICH REVENUES WERE COLLECTED
 23 AND RETAINED BY THE LOCAL GOVERNMENT, ~~BOTH INSIDE AND OUTSIDE OF~~
 24 ~~PRIORITY FUNDING AREAS;~~

25 (III) COMPILE, ON AN ONGOING BASIS, THE EXTENT TO
 26 WHICH IMPERVIOUS SURFACE OFFSETS HAVE BEEN IMPLEMENTED TO REDUCE
 27 THE IMPACTS OF NEW IMPERVIOUS SURFACES AND THE RELATED REDUCTIONS
 28 IN FEES COLLECTED DUE TO THE OFFSETS ~~BOTH INSIDE AND OUTSIDE OF~~
 29 ~~PRIORITY FUNDING AREAS;~~ AND

30 (IV) SUBMIT ANNUALLY TO THE CHESAPEAKE ~~BAY~~ AND
 31 ATLANTIC COASTAL BAYS GREEN FUND OVERSIGHT AND ACCOUNTABILITY
 32 COMMITTEE ESTABLISHED UNDER § 8-2204 OF THIS SUBTITLE INFORMATION

1 REGARDING ANY LOCAL ADMINISTRATIVE COSTS AND THE INFORMATION
2 COMPILED IN ACCORDANCE WITH ITEMS (I), (II), AND (III) OF THIS PARAGRAPH.

3 (2) EXCEPT TO THE EXTENT OF ANY INCONSISTENCY WITH THIS
4 SUBSECTION, THE PROVISIONS OF TITLE 13 OF THE TAX – GENERAL ARTICLE
5 THAT ARE APPLICABLE TO THE SALES AND USE TAX SHALL GOVERN THE
6 ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE IMPERVIOUS
7 SURFACE FEE UNDER THIS SUBTITLE.

8 ~~(E) (I) (1) THE EXCEPT FOR THE PORTION OF THE FUND RETAINED BY~~
9 ~~LOCAL GOVERNMENTS UNDER SUBSECTION (G) OF THIS SECTION, THE~~
10 ~~COMPTROLLER SHALL DEPOSIT THE IMPERVIOUS SURFACE FEE IN THE FUND.~~

11 (2) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT
12 DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302
13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

14 (3) BY ~~DECEMBER 31, 2007~~ JUNE 30, 2008, THE COMPTROLLER
15 SHALL ADOPT REGULATIONS NECESSARY TO ADMINISTER THE FUND AND
16 COLLECT AND ENFORCE THE IMPERVIOUS SURFACE FEE.

17 ~~(F) (1) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND~~
18 ~~THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT~~
19 ~~ARTICLE AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF~~
20 ~~PROVIDING FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF~~
21 ~~THIS SUBTITLE.~~

22 ~~(2) (I) MONEY IN THE FUND MAY NOT REVERT OR BE~~
23 ~~TRANSFERRED TO THE GENERAL FUND OF THE STATE.~~

24 ~~(II) ANY UNSPENT FUNDS SHALL REMAIN IN THE FUND FOR~~
25 ~~FUTURE DISTRIBUTION BY THE CHESAPEAKE BAY GREEN FUND OVERSIGHT~~
26 ~~AND ACCOUNTABILITY COMMITTEE.~~

27 (J) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR
28 UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL
29 FUND OF THE STATE IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE
30 AND PROCUREMENT ARTICLE.

31 8-2203.

1 (A) THE FUND SHALL PROVIDE FINANCIAL ASSISTANCE TO LOCAL
2 GOVERNMENTS, STATE AGENCIES, AND NONGOVERNMENTAL ORGANIZATIONS
3 FOR:

4 (1) THE SUPPORT OF PROJECTS AND ACTIVITIES RELATED TO
5 IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGIES; AND

6 (2) MEETING THE COMMITMENTS UNDER THE CHESAPEAKE 2000
7 AGREEMENT, THE STATE'S SMART GROWTH POLICIES, AND CHAPTER 381 OF
8 THE ACTS OF THE GENERAL ASSEMBLY OF 2006.

9 (B) ~~THE~~ EXCEPT FOR THE PORTION OF THE FUND RETAINED BY LOCAL
10 GOVERNMENTS UNDER § 8-2202(F) OF THIS SUBTITLE, THE COMPTROLLER
11 SHALL DISTRIBUTE THE FUND ANNUALLY IN ACCORDANCE WITH THE
12 FOLLOWING ALLOCATIONS:

13 (1) ~~4.5% TO THE DEPARTMENT OF AGRICULTURE FOR THE SOIL~~
14 ~~CONSERVATION DISTRICTS, THE UNIVERSITY OF MARYLAND COOPERATIVE~~
15 ~~EXTENSION, AND THE DEPARTMENT OF THE ENVIRONMENT, AT A RATE OF 1.5%~~
16 ~~EACH, NOT TO EXCEED \$2,000,000 EACH, FOR THE PROVISION OF TECHNICAL~~
17 ~~ASSISTANCE RELATED TO THE IMPLEMENTATION OF THE TRIBUTARY~~
18 ~~STRATEGIES;~~

19 (2) ~~(i) EXCEPT AS PROVIDED IN ITEM (ii) OF THIS ITEM, 35%~~
20 45% TO THE DEPARTMENT OF AGRICULTURE IN ACCORDANCE WITH THE
21 FOLLOWING REQUIREMENTS:

22 (i) UP TO 2.5% EACH, BUT NOT TO EXCEED \$2,000,000
23 EACH, TO:

24 1. THE SOIL CONSERVATION DISTRICTS FOR STAFF
25 AND OPERATING COSTS; AND

26 2. THE UNIVERSITY OF MARYLAND COOPERATIVE
27 EXTENSION FOR THE PROVISION OF TECHNICAL ASSISTANCE RELATED TO THE
28 IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGIES;

29 (ii) FOR FISCAL YEARS 2009 THROUGH 2012, UP TO A
30 TOTAL OF \$5,000,000 PER YEAR FOR THE NEXT GENERATION FARMLAND

1 ACQUISITION PROGRAM WITHIN THE MARYLAND AGRICULTURAL AND
 2 RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION;

3 (III) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR
 4 THEREAFTER, UP TO A TOTAL OF \$5,000,000 PER YEAR FOR THE MARYLAND
 5 AGRICULTURAL LAND PRESERVATION FOUNDATION, ESTABLISHED UNDER
 6 TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE; AND

7 (IV) THE REMAINDER FOR THE IMPLEMENTATION OF BEST
 8 MANAGEMENT PRACTICES THROUGH THE MARYLAND AGRICULTURAL
 9 COST-SHARE PROGRAM, THE COVER CROP PROGRAM, AND ANY OTHER
 10 COST-SHARE PROGRAMS FOR FARMERS AGRICULTURAL NUTRIENT REDUCTION;
 11 AND

12 ~~(II) FOR FISCAL YEAR 2009, HALF OF THE FUNDS~~
 13 ~~ALLOCATED UNDER THIS ITEM, NOT TO EXCEED \$20,000,000, TO THE NEXT~~
 14 ~~GENERATION FARMLAND ACQUISITION PROGRAM WITHIN THE MARYLAND~~
 15 ~~AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT~~
 16 ~~CORPORATION;~~

17 ~~(3)~~ (2) ~~10%~~ 8% TO THE CHESAPEAKE BAY TRUST FOR:

18 (I) COMPETITIVE GRANTS AND LOANS RELATED TO THE
 19 IMPLEMENTATION OF URBAN, SUBURBAN, OR AGRICULTURAL BEST
 20 MANAGEMENT PRACTICES CONSISTENT WITH THE TRIBUTARY STRATEGIES;

21 (II) COMPETITIVE GRANTS TO ACADEMIC INSTITUTIONS,
 22 UNITS OF STATE OR LOCAL GOVERNMENT, NONGOVERNMENTAL
 23 ORGANIZATIONS, AND ANY OTHER PERSON IN ORDER TO ADVANCE
 24 TECHNOLOGY OR DEMONSTRATE INNOVATIVE AGRICULTURAL NUTRIENT OR
 25 STORMWATER MANAGEMENT TECHNIQUES;

26 (III) COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND
 27 NONGOVERNMENTAL ORGANIZATIONS FOR ENVIRONMENTAL EDUCATION
 28 PROGRAMMING; AND

29 (IV) DIRECT SUPPORT, NOT TO EXCEED A TOTAL OF
 30 \$1,000,000, TO THE;

1 **1. THE HARRY R. HUGHES AGRO-ECOLOGY**
 2 **CENTER FOR AGRICULTURAL AND LAND USE RESEARCH TO ENHANCE THE**
 3 **EFFECTIVENESS OF CONSERVATION AND AGRICULTURAL BEST MANAGEMENT**
 4 **PRACTICES; AND**

5 **2. THE NATIONAL CENTER FOR SMART GROWTH**
 6 **RESEARCH AND EDUCATION AT THE UNIVERSITY OF MARYLAND TO ESTABLISH**
 7 **A SMART GROWTH MONITORING SYSTEM AND TO RESEARCH THE**
 8 **IMPLEMENTATION OF GREEN URBANISM, SUSTAINABLE URBAN DEVELOPMENT,**
 9 **AND AFFORDABLE HOUSING;**

10 ~~(4)~~ **(3)** ~~15%~~ **12%** TO THE DEPARTMENT OF PLANNING TO
 11 ~~ASSIST WITH LOCAL GOVERNMENT~~ **PROVIDE TO LOCAL GOVERNMENTS**
 12 **TECHNICAL ASSISTANCE AND GRANTS RELATED TO THE IMPLEMENTATION OF**
 13 **TRIBUTARY STRATEGIES ACTIVITIES AND SMART GROWTH POLICIES,**
 14 **INCLUDING:**

15 ~~(I)~~ ~~GRANTS FOR TECHNICAL ASSISTANCE TO LOCAL~~
 16 ~~GOVERNMENTS FOR IMPLEMENTATION OF LOCAL ORDINANCES, ZONING, AND~~
 17 ~~PROGRAMS TO REDUCE DEVELOPMENT OUTSIDE PRIORITY FUNDING AREAS~~
 18 ~~AND TO PROTECT FARMLAND, FORESTS, AND OPEN SPACES;~~

19 ~~(H)~~ **(I)** MATCHING GRANTS TO LOCAL GOVERNMENTS
 20 FOR IMPLEMENTATION PRACTICES AND POLICIES CONSISTENT WITH THE
 21 **TRIBUTARY STRATEGIES; AND**

22 ~~(HH)~~ **(II)** IMPLEMENTATION OF THE REQUIREMENTS
 23 ESTABLISHED UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY
 24 **OF 2006;**

25 ~~(5)~~ ~~10%~~ ~~TO THE DEPARTMENT OF HOUSING AND COMMUNITY~~
 26 ~~DEVELOPMENT FOR INCENTIVES AND GRANTS TO LOCAL GOVERNMENTS TO~~
 27 ~~IMPLEMENT WORKFORCE HOUSING IN PRIORITY FUNDING AREAS;~~

28 ~~(6)~~ **(4)** ~~10.5%~~ **15%** TO THE DEPARTMENT OF NATURAL
 29 **RESOURCES FOR PROGRAMS TO PRESERVE ~~AND RESTORE~~, RESTORE, AND**
 30 **MANAGE PUBLIC AND PRIVATE FORESTLAND AND ALL LIVING RESOURCES IN**
 31 **THE STATE, PARTICULARLY THE CHESAPEAKE ~~BAY~~ AND ATLANTIC COASTAL**
 32 **BAYS AND ~~ITS~~ THEIR TRIBUTARIES, AS FOLLOWS:**

1 (I) 0.5% FOR BAYSTAT TRACKING, NOT TO EXCEED
2 \$1,000,000; AND

3 (II) THE REMAINDER FOR:

4 1. PROGRAM DELIVERY AND INCENTIVES FOR
5 BUFFER, FOREST, AND WETLAND RESTORATION; AND

6 2. NATIVE OYSTER AND AQUATIC HABITAT
7 RESTORATION ACTIVITIES; ~~AND~~

8 3. IMPLEMENTATION OF PRACTICES AND POLICIES
9 CONSISTENT WITH THE TRIBUTARY STRATEGIES;

10 4. PROMOTION OF FOREST STEWARDSHIP,
11 INCLUDING THE WOODLAND INCENTIVE FUND AND GRANTS TO LOCAL
12 GOVERNMENTS FOR TREE PLANTING IN OZONE NON-ATTAINMENT AREAS; AND

13 5. COSTS ASSOCIATED WITH STAFFING OF THE
14 CHESAPEAKE AND ATLANTIC COASTAL BAYS GREEN FUND OVERSIGHT AND
15 ACCOUNTABILITY COMMITTEE ESTABLISHED UNDER § 8-2204 OF THIS
16 SUBTITLE; AND

17 ~~(7)~~ (5) ~~15%~~ 20% TO THE DEPARTMENT OF THE ENVIRONMENT
18 FOR ~~MATCHING~~ TECHNICAL ASSISTANCE AND GRANTS TO LOCAL GOVERNMENTS
19 ~~FOR, AS FOLLOWS:~~

20 (I) IMPLEMENTATION OF THE STATE'S TRIBUTARY
21 STRATEGIES AND OTHER PRACTICES AND POLICIES THAT ARE CONSISTENT
22 WITH THE TRIBUTARY STRATEGIES; AND

23 (II) ~~IMPLEMENTATION~~ STORMWATER MANAGEMENT;

24 (III) PLANNING RELATING TO WATER AND SEWER
25 FACILITIES;

26 (IV) FOR FISCAL YEARS 2009 THROUGH 2013, UP TO A
27 TOTAL OF \$1,000,000 EACH YEAR TO CONDUCT A GEOGRAPHIC INFORMATION
28 SYSTEMS STUDY OF THE STATE'S WATER RESOURCES LOCATED WITHIN THE
29 PIEDMONT REGION; AND

1 **(V) IMPLEMENTATION OF THE REQUIREMENTS ENACTED**
2 **UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006.**

3 **(C) THE CHESAPEAKE BAY TRUST OR A UNIT OF GOVERNMENT THAT**
4 **RECEIVES A DIRECT ALLOCATION FROM THE FUND MAY UTILIZE UP TO 5% OF**
5 **ALLOCATED FUNDS FOR THE ADMINISTRATION OF FUNDED PROGRAMS AND**
6 **ACTIVITIES.**

7 ~~**(D) LOCAL GOVERNMENTS MAY USE UP TO 5% OF COLLECTED FEES FOR**~~
8 ~~**COSTS ASSOCIATED WITH THE ADMINISTRATION OF FEE COLLECTION**~~
9 ~~**ACTIVITIES.**~~

10 ~~**(E)**~~ **IN THE ADMINISTRATION OF FUNDS ALLOCATED FROM THE FUND,**
11 **AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CHESAPEAKE**
12 **BAY TRUST:**

13 **(1) IS EXEMPT FROM THE PROVISIONS OF ARTICLE 78A AND THE**
14 **STATE FINANCE AND PROCUREMENT ARTICLE; AND**

15 **(2) MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH**
16 **A UNIT OF STATE GOVERNMENT.**

17 **8-2204.**

18 **(A) (1) THERE IS A CHESAPEAKE ~~BAY~~ AND ATLANTIC COASTAL BAYS**
19 **GREEN FUND OVERSIGHT AND ACCOUNTABILITY COMMITTEE.**

20 **(2) THE COMMITTEE CONSISTS OF THE FOLLOWING ~~13~~ 17**
21 **MEMBERS:**

22 **(I) THE SECRETARY OF NATURAL RESOURCES, OR THE**
23 **SECRETARY'S DESIGNEE;**

24 **(II) THE SECRETARY OF THE ENVIRONMENT, OR THE**
25 **SECRETARY'S DESIGNEE;**

26 **(III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S**
27 **DESIGNEE;**

1 (IV) THE SECRETARY OF AGRICULTURE, OR THE
2 SECRETARY'S DESIGNEE;

3 (V) ONE MEMBER OF THE SENATE OF MARYLAND,
4 APPOINTED BY THE PRESIDENT OF THE SENATE;

5 (VI) ONE MEMBER OF THE HOUSE OF DELEGATES,
6 APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

7 (VII) A REPRESENTATIVE OF THE CHESAPEAKE BAY TRUST,
8 APPOINTED BY THE CHAIR OF THE CHESAPEAKE BAY TRUST;

9 (VIII) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION
10 OF COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;

11 (IX) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL
12 LEAGUE, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; ~~AND~~

13 (X) A REPRESENTATIVE OF THE HARRY R. HUGHES
14 AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH,
15 APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;

16 (XI) A REPRESENTATIVE OF THE NATIONAL CENTER FOR
17 SMART GROWTH RESEARCH AND EDUCATION, APPOINTED BY THE PRESIDENT
18 OF THE BOARD OF DIRECTORS; AND

19 ~~(X)~~ (XII) THE FOLLOWING ~~FOUR~~ SIX MEMBERS, APPOINTED
20 BY THE GOVERNOR:

21 1. A REPRESENTATIVE OF A NONGOVERNMENTAL
22 ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;

23 2. A REPRESENTATIVE OF A NONGOVERNMENTAL
24 ORGANIZATION WITH EXPERTISE IN SMART GROWTH POLICIES AND PROGRAMS;

25 3. A REPRESENTATIVE OF THE AGRICULTURAL
26 COMMUNITY; ~~AND~~

27 4. A REPRESENTATIVE OF THE DEVELOPMENT
28 COMMUNITY;

1 **5. A REPRESENTATIVE OF THE FORESTRY**
2 **COMMUNITY; AND**

3 **6. A REPRESENTATIVE OF THE HOME BUILDING**
4 **COMMUNITY.**

5 **(3) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE**
6 **COMMITTEE FROM THE DESIGNATED MEMBERS OF THE COMMITTEE.**

7 **(4) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER**
8 **GROUP AS IT DETERMINES IS NECESSARY.**

9 **(5) (I) THE TERM OF A MEMBER IS 4 YEARS.**

10 **(II) A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR**
11 **IS APPOINTED.**

12 **(III) THE TERMS OF THE MEMBERS APPOINTED BY THE**
13 **GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR**
14 **MEMBERS OF THE COMMITTEE ON JULY 1, 2007.**

15 **(IV) AT THE END OF A TERM, A MEMBER CONTINUES TO**
16 **SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17 **(V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS**
18 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
19 **APPOINTED AND QUALIFIES.**

20 **(6) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A**
21 **MEMBER OF THE COMMITTEE, THE LOBBYIST:**

22 **(I) IS NOT SUBJECT TO § 15-504(D) OF THE STATE**
23 **GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND**

24 **(II) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE**
25 **GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.**

1 **(B) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHESAPEAKE**
2 **BAY TRUST AND ANY UNIT OF STATE OR LOCAL GOVERNMENT THAT IS A FUND**
3 **RECIPIENT UNDER THIS SUBTITLE SHALL:**

4 **(1) PROVIDE INFORMATION TO THE COMMITTEE REGARDING:**

5 **(I) THE SPECIFIC RECEIPT AND DISTRIBUTION OF**
6 **REVENUES FROM THE FUND DURING THE PREVIOUS FISCAL YEAR;**

7 **(II) ESTIMATES OF NUTRIENT POLLUTION REDUCTIONS OR**
8 **OTHER BENCHMARKS ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN**
9 **ACHIEVED WITH FUND DISTRIBUTIONS;**

10 **(III) ACCOUNTABILITY MEASURES TO ENSURE THAT THE**
11 **TRIBUTARY STRATEGIES AND SMART GROWTH OBJECTIVES ARE ADVANCED BY**
12 **USE OF THE FUND; ~~AND~~**

13 **(IV) THE IMPACT OF FUND SUPPORT ON THE VIABILITY AND**
14 **SUSTAINABILITY OF AGRICULTURE, FORESTRY, AND OTHER RESOURCE-BASED**
15 **INDUSTRIES IN THE STATE, INCLUDING FINDINGS AND RECOMMENDATIONS**
16 **REGARDING THE FUND'S IMPACT ON THE URBAN TREE CANOPY INITIATIVE AND**
17 **THE AMOUNT OF ADDITIONAL FORESTED ACREAGE PRESERVED THROUGH**
18 **CONSERVATION EASEMENT AGREEMENTS UNDER THE STATE'S LAND**
19 **CONSERVATION PROGRAMS; AND**

20 **(V) ANY OTHER INFORMATION DETERMINED TO BE**
21 **NECESSARY BY THE COMMITTEE; AND**

22 **(2) EVALUATE PERFORMANCE REQUIREMENTS AND**
23 **ACCOUNTABILITY MEASURES AND INCORPORATE THEM INTO ALL GRANTS, SO**
24 **AS TO MAXIMIZE CONSISTENCY AND ACCOUNTABILITY IN MEETING NUTRIENT**
25 **POLLUTION REDUCTIONS AND PERFORMANCE BENCHMARKS ESTABLISHED**
26 **UNDER SUBSECTION (C) OF THIS SECTION.**

27 **(C) THE COMMITTEE SHALL:**

28 **(1) MEET AT LEAST QUARTERLY;**

29 **(2) ESTABLISH CHESAPEAKE ~~BAY~~ AND ATLANTIC COASTAL BAYS**
30 **GREEN FUND PERFORMANCE BENCHMARKS THAT REFLECT THE**

1 **IMPLEMENTATION OF THE TRIBUTARY STRATEGIES, THE CHESAPEAKE 2000**
2 **AGREEMENT, AND ACHIEVEMENT OF SMART GROWTH OBJECTIVES, INCLUDING:**

3 (I) **NUTRIENT POLLUTION REDUCTIONS;**

4 (II) **PROGRESS TOWARDS SPECIFIC COMMITMENTS UNDER**
5 **THE CHESAPEAKE 2000 AGREEMENT;**

6 (III) **CHANGES IN LOCAL ~~ZONING~~, ORDINANCES, ~~AND~~ AND**
7 **PROGRAMS; AND**

8 (IV) **ANY OTHER APPROPRIATE MEASURES;**

9 (3) **REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND**
10 **MAKE CHANGES AS APPROPRIATE;**

11 (4) **MONITOR FINANCIAL AND OTHER ACCOUNTABILITY**
12 **MEASURES UTILIZED BY THE CHESAPEAKE BAY TRUST AND UNITS OF STATE**
13 **GOVERNMENT THAT ARE FUND RECIPIENTS IN REGARD TO THEIR USE OF**
14 **ALLOTTED FUNDS SO AS TO ENSURE THAT FUND DISTRIBUTION IS**
15 **COST-EFFECTIVE, IS BASED ON SOUND SCIENCE, AND ACHIEVES DESIRED**
16 **RESULTS;**

17 (5) **ON OR BEFORE DECEMBER 1 OF EACH YEAR, AND SUBJECT**
18 **TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, PROVIDE AN ANNUAL**
19 **PROGRESS REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY**
20 **REGARDING:**

21 (I) **FUND REVENUES AND DISTRIBUTIONS;**

22 (II) **SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY**
23 **THE FUND;**

24 (III) **PROGRESS TOWARDS PERFORMANCE BENCHMARKS;**
25 **AND**

26 (IV) **ANY OTHER RELEVANT INFORMATION; AND**

27 (6) **~~EVERY~~ AT LEAST ONCE EVERY 3 YEARS, ON OR BEFORE**
28 **DECEMBER 1 AND SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT**

1 ARTICLE, REVIEW THE DISTRIBUTION PERCENTAGES OF THE FUND AND
 2 REPORT IN WRITING TO THE GOVERNOR AND GENERAL ASSEMBLY REGARDING
 3 ANY RECOMMENDED MODIFICATIONS.

4 (D) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
 5 STAFF FOR THE COMMITTEE.

6 (2) THE HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR
 7 AGRICULTURAL AND LAND USE RESEARCH AND THE NATIONAL CENTER FOR
 8 SMART GROWTH SHALL PROVIDE ASSISTANCE TO THE COMMITTEE AS NEEDED
 9 IN THE ESTABLISHMENT, REVIEW, MONITORING, AND MODIFICATION OF
 10 PERFORMANCE BENCHMARKS UNDER SUBSECTION (C) OF THIS SECTION.

11 (E) A MEMBER OF THE COMMITTEE:

12 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
 13 COMMITTEE; BUT

14 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
 15 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE
 16 BUDGET.

17 8-2205.

18 (A) IN CONSULTATION WITH THE DEPARTMENT OF PLANNING ~~AND~~, THE
 19 DEPARTMENT OF NATURAL RESOURCES, AND INTERESTED PARTIES,
 20 INCLUDING MEMBERS OF THE MARYLAND STATE BUILDERS ASSOCIATION, AND
 21 COMMERCIAL AND INDUSTRIAL TRADE ORGANIZATIONS, THE DEPARTMENT OF
 22 THE ENVIRONMENT SHALL ADOPT REGULATIONS BY ~~DECEMBER 31, 2007~~ JUNE
 23 30, 2008, THAT ESTABLISH:

24 (1) AN OFFSET PROGRAM BY WHICH AN IMPERVIOUS SURFACE
 25 FEE MAY BE REDUCED;

26 (2) METHODS OF CALCULATING TOTAL IMPERVIOUS SURFACES
 27 AND PROPOSED OFFSETS FOR CALCULATIONS OF IMPERVIOUS SURFACE FEES;
 28 ~~AND~~

29 ~~(3) MITIGATION REQUIREMENTS FOR NEW IMPERVIOUS~~
 30 ~~SURFACES CREATED BY GOVERNMENT-SPONSORED PROJECTS OR ACTIVITIES~~

1 **(3) PROCEDURES FOR APPROVAL AND DENIAL OF OFFSET**
 2 **PROPOSALS;**

3 **(4) MINIMUM STANDARDS FOR IMPLEMENTATION AND**
 4 **MONITORING OF OFFSET PROJECTS OR ACTIVITIES; AND**

5 **(5) PROVISIONS ALLOWING FOR THE REVIEW AND APPROVAL OF**
 6 **NEW OFFSET PROPOSALS AT ANY TIME.**

7 **(B) (1) REGULATIONS ADOPTED UNDER SUBSECTION (A)~~(1)~~ OF THIS**
 8 **SECTION SHALL PROVIDE FOR THE USE OF AN OFFSET IN ORDER TO DECREASE**
 9 **THE AMOUNT OF AN IMPERVIOUS SURFACE FEE IF THERE IS A SUBSTANTIAL**
 10 **LIKELIHOOD THAT THE OFFSET WILL SIGNIFICANTLY REDUCE THE**
 11 **DETRIMENTAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE NEW**
 12 **IMPERVIOUS SURFACE.**

13 **(2) AN OFFSET ESTABLISHED UNDER THIS SECTION:**

14 **(I) SHALL:**

15 **1. BE BASED ON:**

16 **A. AN ENVIRONMENTAL SITE DESIGN TECHNIQUE**
 17 **APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING:**
 18 **CONSERVATION OF A NATURAL AREA, THE DISCONNECTION OF ROOFTOP**
 19 **RUNOFF OR NON-ROOFTOP RUNOFF, SHEET FLOW TO BUFFER AREAS, OR USE**
 20 **OF AN OPEN CHANNEL; OR**

21 **B. ANY OTHER ENVIRONMENTALLY SENSITIVE SITE**
 22 **PLANNING OR DESIGN TECHNIQUE OR AT-THE-SOURCE INTEGRATED CONTROL**
 23 **TECHNIQUE THAT IS APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT,**
 24 **INCLUDING BIORETENTION, A VEGETATED SWALE, A GREEN ROOF, A TREE-BOX**
 25 **FILTER, OR AN INFILTRATION DEVICE;**

26 **2. INCLUDE PLANS FOR LONG-TERM MAINTENANCE**
 27 **OF PRACTICES;**

28 **2. 3. BE REVIEWED AND APPROVED BY ~~THE~~**
 29 **DEPARTMENT OF THE ENVIRONMENT STORMWATER MANAGEMENT PLAN**
 30 **REVIEW AND APPROVAL AUTHORITIES, AS DEFINED BY REGULATIONS ADOPTED**

1 IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, BEFORE THE
 2 ISSUANCE OF A LOCAL GRADING OR BUILDING PERMIT; AND

3 ~~3.~~ 4. INCLUDE ADEQUATE LONG-TERM FINANCIAL
 4 ASSURANCES THAT PRACTICES AND PROJECTS WILL FUNCTION AS SPECIFIED;
 5 AND

6 (II) MAY INCLUDE THE INSTALLATION AND PROVISION OF
 7 LONG-TERM MAINTENANCE FOR ENVIRONMENTAL SITE DESIGN TECHNIQUES.

8 ~~(C) REGULATIONS ADOPTED UNDER SUBSECTION (A)(2) OF THIS~~
 9 ~~SECTION;~~

10 ~~(1) SHALL INCLUDE PLANS FOR LONG-TERM MAINTENANCE OF~~
 11 ~~PRACTICES; AND~~

12 ~~(2) MAY INCLUDE:~~

13 ~~1. THE USE OF ENVIRONMENTAL SITE DESIGN~~
 14 ~~TECHNIQUES ON-SITE;~~

15 ~~2. ENVIRONMENTAL ENHANCEMENTS THAT MITIGATE~~
 16 ~~CHANGES IN HYDROLOGY ON-SITE OR OFF-SITE;~~

17 ~~3. RESTORATION, CREATION, OR ENHANCEMENT OF~~
 18 ~~FORESTED BUFFERS, WETLANDS, OR OTHER ENVIRONMENTAL FEATURES; AND~~

19 ~~4. ANY OTHER ENVIRONMENTAL PRACTICES APPROVED~~
 20 ~~BY THE DEPARTMENT OF THE ENVIRONMENT FOR PURPOSES OF MITIGATION.~~

21 (3) TO THE EXTENT DETERMINED APPROPRIATE BY THE
 22 DEPARTMENT OF THE ENVIRONMENT, THE AMOUNT OF AN OFFSET SHALL
 23 CORRELATE TO THE CUMULATIVE BENEFICIAL IMPACT ASSOCIATED WITH THE
 24 NATURE AND EXTENT OF THE OFFSET PROJECT OR ACTIVITY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
 26 members of the Chesapeake ~~Bay~~ and Atlantic Coastal Bays Green Fund Oversight and
 27 Accountability Committee shall expire as follows:

28 (1) ~~two~~ three members in ~~2008~~ 2009;

- 1 (2) ~~two~~ three members in ~~2009~~ 2010;
- 2 (3) ~~two~~ three members in ~~2010~~ 2011; and
- 3 (4) ~~three~~ four members in ~~2011~~ 2012.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly:

5 (1) Recognizes:

6 (i) The vital importance of conserving and sustaining
 7 Maryland's privately owned forested lands through existing land conservation
 8 programs, particularly Program Open Space, the Maryland Agricultural Land
 9 Preservation Foundation, and the Rural Legacy Program; and

10 (ii) That significant funds will be provided to further the
 11 conservation and resource protection goals under this Act and that, in addition to the
 12 Chesapeake and Atlantic Coastal Bays Green Fund itself, there will be an increased
 13 revenue attainment realized by the State real estate transfer tax as a result of this
 14 Act.

15 (2) Intends that Maryland's land conservation programs make every
 16 reasonable effort to prioritize forest land retention through conservation easement
 17 agreements in the distribution of these funds.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Section 1 of this Act
 19 shall be construed to apply only prospectively and may not be applied or interpreted to
 20 have any effect on or application to an impervious surface for which a grading or
 21 building permit was issued before the effective date of this Act.

22 SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December
 23 31, 2007 the Department of Environment and Department of Planning shall jointly:

24 (1) Consider and evaluate methods by which to assess a statewide fee
 25 on impervious surfaces that are in existence as of the effective date of this Act and for
 26 which a grading or building permit was issued before the effective date of this Act; and

27 (2) Subject to § 2-1246 of the State Government Article, report to the
 28 Governor and the General Assembly on the most equitable and practicable means by
 29 which to assess a statewide fee on impervious surfaces, including recommendations for
 30 the respective amount or amounts of the fee, its frequency, methods of collection, and
 31 most effective distribution in order to maximize water quality benefits.

1 SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this
2 Act or the application thereof to any person or circumstance is held invalid for any
3 reason in a court of competent jurisdiction, the invalidity does not affect other
4 provisions or any other application of this Act which can be given effect without the
5 invalid provision or application, and for this purpose the provisions of this Act are
6 declared severable.

7 SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect July 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.