

# UNOFFICIAL COPY

## HOUSE BILL 23

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By: **Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, and Stein**

Introduced and read first time. October 29, 2007

Assigned to: Environmental Matters

### A BILL ENTITLED

AN ACT concerning

#### **Chesapeake and Atlantic Coastal Bays – Maryland Green Fund**

FOR the purpose of establishing the Maryland Green Fund as a special, continuing, nonlapsing fund beginning on a certain date, stating the intent of the General Assembly; providing for the uses of the Fund; establishing a statewide impervious surface fee, beginning on a certain date, for certain types of property; providing for the assessment and collection of the fee for deposit into the Fund; providing for the calculation of the fee using certain data or measurements, providing for a certain exemption from the fee; authorizing the reduction of the fee for certain property up to a certain amount using certain offsets; requiring the Department of the Environment, in consultation with the Department of Natural Resources, to adopt certain regulations by a certain date governing offsets granted under this Act; authorizing the Comptroller or a local government to retain a certain percentage of certain revenue under certain circumstances to be used for certain purposes; providing for the administration and distribution of the fee; establishing the Maryland Green Fund Oversight Committee; providing for the membership and terms for the Committee; requiring certain units of State and local government to provide annually certain information to the Committee; requiring the Committee to meet a certain minimum number of times per year; requiring the Committee to establish and review certain performance benchmarks; requiring the Committee to monitor certain accountability measures; requiring the Committee to provide a certain report annually on or before a certain date; requiring the Department of Natural Resources to provide staff for the Committee; making the provisions of this Act severable; defining certain terms; and generally relating to the establishment of the Maryland Green Fund as a dedicated funding source for the restoration of the Chesapeake and Atlantic Coastal Bays and the waters of the State

BY adding to

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## HOUSE BILL 23

1 Article – Natural Resources

2 Section ~~8-2201 through 8-2206~~ to be under the new subtitle "Subtitle 22

3 ~~Maryland Green Fund- BayStat"~~

4 Annotated Code of Maryland

5 (2007 Replacement Volume)

6 By repealing and enacting with amendments

7 Article – Environment

8 Section 9-1601

9 Annotated Code of Maryland

10 (2007 Replacement Volume)

11 By adding to

12 Article- Environment

13 Section 9-1605.3

14 Annotated Code of Maryland

15 (2007 Replacement Volume)

### 16 Preamble

17 WHEREAS, The Chesapeake Bay, Atlantic Coastal Bays, and rivers and  
18 streams in Maryland are natural resources that need to be restored and protected; and

19 WHEREAS, The Department of Legislative Services released a report in  
20 January 2007 entitled "An Analysis of Maryland's Efforts to Meet the Nutrient and  
21 Sediment Reduction Goals of the Chesapeake 2000 Agreement", which report  
22 documents that nutrient overenrichment from agriculture, stormwater, point sources,  
23 and atmospheric sources represents the greatest threat to Maryland's waterways,  
24 including the Chesapeake Bay; and

25 WHEREAS, This report notes that if Maryland fails to achieve its commitments  
26 under the Chesapeake 2000 Agreement, it will be bound by a court agreement signed  
27 in 1999 to develop an enforceable Total Maximum Daily Load for the Chesapeake Bay  
28 in 2011; and

29 WHEREAS, This report notes that Maryland's projected fiscal shortfall in  
30 achieving its nutrient reduction commitments is significant and that, absent a  
31 significant increase in resources and implementation, Maryland will face additional  
32 challenges as it maintains limited progress in the face of continued growth and  
33 development; and

34 WHEREAS, Clean water is a necessity and a right for every citizen in  
35 Maryland, and

36 WHEREAS, Maryland benefits economically and ecologically from clean  
37 streams, rivers, and bays and must commit resources to ensure the economic and

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## HOUSE BILL 23

1 ecological health of its waters, now, therefore,

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

### 4 Article – Natural Resources

#### 5 SUBTITLE 22. BAYSTAT.

6 8–2201.

7 (A) (1) THERE IS HEREBY ESTABLISHED AN ACCOUNTABILITY  
8 AND MANAGEMENT SYSTEM KNOWN AS BAYSTAT;

9  
10 (2) BAYSTAT MEASURES AND EVALUATES GOVERNMENT  
11 PROGRAMS TO RESTORE THE CHESAPEAKE BAY AND THE ATLANTIC  
12 COASTAL BAYS;

13  
14 (3) BAYSTAT IS LED BY THE GOVERNOR AND INCLUDES THE  
15 PARTICIPATION OF THE SECRETARIES OF THE DEPARTMENTS OF  
16 AGRICULTURE, ENVIRONMENT, NATURAL RESOURCES, AND PLANNING  
17 AND THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR  
18 ENVIRONMENTAL STUDIES.

19  
20 (B) BAYSTAT SHALL:

21  
22 (1) PROVIDE ACCURATE AND TIMELY DATA TO POLICY  
23 MAKERS AND THE PUBLIC ABOUT THE EFFICACY AND COST  
24 EFFECTIVENESS OF STATE GOVERNMENT PROGRAMS TO  
25 RESTORE THE CHESAPEAKE BAY AND THE ATLANTIC  
26 COASTAL BAYS;

27  
28 (2) TRACK AND ASSESS PROGRESS OF GOVERNMENT  
29 PROGRAMS TO IMPROVE WATER QUALITY IN THE BAY AND  
30 ENFORCEMENT OF LAWS THAT PROHIBIT POLLUTION OF THE  
31 CHESAPEAKE BAY AND THE ATLANTIC COASTAL BAYS;

32  
33 (3) ADOPT MEASURABLE GOALS FOR BAY  
34 RESTORATION;

35  
36 (4) IDENTIFY NEW THREATS TO THE HEALTH OF THE  
37 CHESAPEAKE BAY AND THE ATLANTIC COASTAL BAYS;  
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## HOUSE BILL 23

1           (5) INCREASE ACCOUNTABILITY TO THE CITIZENS OF  
2 MARYLAND ABOUT PROGRESS TOWARDS RESTORING THE  
3 CHESAPEAKE BAY AND THE COASTAL BAYS;

4  
5           (6) INCREASE AWARENESS OF AND PUBLIC  
6 PARTICIPATION IN THE RESTORATION OF THE CHESAPEAKE  
7 BAY AND THE COASTAL BAYS.

8  
9 (C) BAYSTAT SHALL:

10  
11           (1) ASSESS PERFORMANCE OF EXPENDITURES OF FUNDS  
12 FROM THE GREEN FUND UNDER SECTION 9-1605.3 OF THE  
13 ENVIRONMENT ARTICLE AND ALL OTHER PROGRAMS TO  
14 RESTORE THE CHESAPEAKE BAY;

15  
16           (2) PREPARE AN ANNUAL BAYSTAT EXPENDITURE AND  
17 WORK PLAN FOR THE GREEN FUND FOR SUBMISSION TO THE  
18 GOVERNOR FOR ALLOCATION OF FUNDS TO PROGRAMS BASED  
19 ON THE FOLLOWING CRITERIA:

20  
21                   (I) COST EFFICIENCY PER POUND OF POLLUTANT  
22 REDUCED;

23  
24                   (II) STRATEGIC WATER QUALITY IMPROVEMENT  
25 BASED ON TARGETING PURSUANT TO A SCIENTIFIC  
26 ANALYSIS;

27  
28                   (III) EFFICACY OF PROGRAM PERFORMANCE IN  
29 PRIOR YEAR; AND

30  
31                   (IV) SPECIFYING CONDITIONS THAT WOULD  
32 ALLOW REALLOCATION OF EXPENDITURES IN THE GREEN  
33 FUND EXPENDITURE AND WORK PLAN BASED ON  
34 CHANGED CONDITIONS AFFECTING THE CHESAPEAKE BAY  
35 DURING THE FISCAL YEAR IF THE REALLOCATION WOULD  
36 INCREASE NUTRIENT REDUCTION AND IF REVIEWED BY  
37 THE GREEN FUND TECHNICAL REVIEW COMMITTEE .  
38 REALLOCATION OF FUNDING DURING THAT FISCAL YEAR  
39 MAY NOT EXCEED 15% OF THE TOTAL FUND  
40 EXPENDITURES THROUGH STATE AGENCIES IN THE FISCAL  
41 YEAR.

42  
43           (3) PRIOR TO THE GOVERNOR SUBMITTING HIS ANNUAL  
44 BUDGET REQUEST INCLUDING AN ANNUAL GREEN FUND  
45 EXPENDITURE AND WORK PLAN, BAYSTAT SHALL SUBMIT THE  
46 PROPOSED PLAN TO THE GREEN FUND TECHNICAL REVIEW

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HOUSE BILL 23

1 COMMITTEE AS REQUIRED BY THIS SECTION AND MAKE THE  
2 PROPOSED PLAN AVAILABLE ON-LINE FOR PUBLIC COMMENT;

3  
4 (4) REVIEW AND RESPOND TO REQUESTS FOR CHANGES  
5 TO THE GREEN FUND ANNUAL EXPENDITURE AND WORK PLAN  
6 FROM THE GREEN FUND TECHNICAL REVIEW COMMITTEE; AND

7  
8 (5) REPORT ANNUALLY TO THE PUBLIC ABOUT THE  
9 HEALTH OF THE CHESAPEAKE BAY, THE STATUS OF  
10 GOVERNMENT PROGRAMS TO RESTORE THE BAY, NUTRIENT  
11 REDUCTIONS ACHIEVED THROUGH PROJECTS USING GREEN  
12 FUND MONEYS AND THE IMPLEMENTATION OF BAYSTAT.

13  
14 (D) BAYSTAT SHALL ANALYZE DATA AND THE STATUS, COST,  
15 IMPLEMENTATION AND ENFORCEMENT OF PROGRAMS RELATED TO:

16  
17 (1) WATER QUALITY;

18 (2) NUTRIENT AND SEDIMENT LOADS;

19 (3) BIOTIC INTEGRITY;

20 (4) FISHERIES AND OTHER LIVING RESOURCES;

21 (5) GROWTH AND DEVELOPMENT IMPACTS ON LAND AND  
22 WATER;

23  
24 (6) ATMOSPHERIC EMISSIONS OF POLLUTANTS THAT  
25 REACH THE BAY;

26  
27 (7) WETLANDS AND FOREST BUFFERS;

28  
29 (8) AGRICULTURAL PRACTICES TO REDUCE POLLUTANTS  
30 TO WATERS OF THE STATE;

31  
32 (9) WASTEWATER TREATMENT AND ON-SITE SEWAGE  
33 DISPOSAL;

34 (10) LAND PRESERVATION; AND

35 (11) ANY OTHER SUBJECT DEEMED PERTINENT TO THE  
36 CHESAPEAKE BAY RESTORATION BY  
37 BAYSTAT PARTICIPANTS.”  
38

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1 (E) BAYSTAT SHALL DESIGNATE A GREEN FUND TECHNICAL  
2 REVIEW COMMITTEE CONSISTING OF:

3  
4 (1) ONE MEMBER OF THE HOUSE OF DELEGATES  
5 APPOINTED BY THE SPEAKER OF THE HOUSE;

6  
7 (2) ONE MEMBER OF THE SENATE APPOINTED BY THE  
8 PRESIDENT OF THE SENATE;

9  
10 (3) ONE REPRESENTATIVE OF THE CHESAPEAKE BAY  
11 COMMISSION;

12  
13 (4) ONE REPRESENTATIVE OF THE UNIVERSITY OF  
14 MARYLAND COLLEGE OF AGRICULTURE AND NATURAL  
15 RESOURCES;

16  
17 (5) ON REPRESENTATIVE OF THE AGRICULTURAL  
18 COMMUNITY

19  
20 (6) ONE REPRESENTATIVE OF AN ORGANIZATION WITH  
21 EXPERTISE IN CHESAPEAKE BAY RESTORATION; AND

22  
23 (7) ONE REPRESENTATIVE OF A COUNTY GOVERNMENT  
24 WITH EXPERTISE IN STORMWATER MANAGEMENT;

25  
26 (8) ONE REPRESENTATIVE OF A MUNICIPAL  
27 GOVERNMENT WITH EXPERTISE IN STORMWATER  
28 MANAGEMENT.

29  
30 (F) THE GREEN FUND TECHNICAL REVIEW COMMITTEE SHALL:

31  
32 (1) MEET TWO TIMES PER YEAR WITH BAYSTAT TO  
33 REVIEW THE STATUS OF THE IMPLEMENTATION OF THE  
34 CURRENT GREEN FUND ANNUAL EXPENDITURE AND WORK  
35 PLAN;

36  
37 (2) REVIEW THE BAYSTAT PROPOSED ANNUAL GREEN  
38 FUND ANNUAL EXPENDITURE AND WORK PLAN BY  
39 SEPTEMBER 1 OF EACH YEAR TO DETERMINE WHETHER THE  
40 BASIS FOR THE ALLOCATIONS IN THE ANNUAL GREEN FUND  
41 EXPENDITURE AND WORK PLAN ARE CONSISTENT WITH THE  
42 REQUIREMENTS OF THE GREEN FUND ANNUAL EXPENDITURE  
43 AND WORKPLAN AS REQUIRED UNDER THIS SECTION;

44  
45 (3) PROVIDE A WRITTEN REQUEST TO BAYSTAT FOR  
46 ANY CHANGES BASED ON INCONCISTENCY WITH THE WITH

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## HOUSE BILL 23

### THE REQUIREMENTS OF THE GREEN FUND ANNUAL EXPENDITURE AND WORK PLAN.

(4) REVIEW ANY PROPOSED REALLOCATION OF FUNDS FROM THE CURRENT GREEN FUND ANNUAL EXPENDITURE AND WORK PLAN AND PROVIDE A WRITTEN OBJECTION TO BAYSTAT IF THE COMMITTEE DOES NOT AGREE THAT THE PROPOSED REALLOCATION WILL PROVIDE GREATER REDUCTION OF NUTRIENT LOADINGS.

### Article – Environment

#### 9-1601. Definitions

~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

(B) “APARTMENT” MEANS AN INDIVIDUAL UNIT IN A MULTIUNIT STRUCTURE DESIGNED TO PROVIDE RESIDENTIAL HOUSING FOR RENT.

(C) “CHESAPEAKE 2000 AGREEMENT” MEANS THE 2000 AGREEMENT BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE CHESAPEAKE BAY COMMISSION, AND THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY THAT SPECIFIED RESTORATION GOALS AND COMMITMENTS TO:

(1) IMPROVE THE ECOLOGICAL HEALTH OF THE CHESAPEAKE BAY; AND

(2) REMOVE THE CHESAPEAKE BAY FROM THE LIST OF IMPAIRED WATERS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(D) (1) “COMMERCIAL PROPERTY” MEANS IMPROVED REAL PROPERTY PRIMARILY USED FOR THE CONDUCT OF BUSINESS.

(2) “COMMERCIAL PROPERTY” INCLUDES:

(i) RETAIL OUTLETS;

(ii) ENTERTAINMENT, RECREATIONAL, CULTURAL, AND TOURISM-RELATED VENUES;

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1 (III) HOTELS AND MOTELS;

2 (IV) OFFICE BUILDINGS; AND

3 (V) PARKING AND ACCESS FACILITIES.

4 (E) (1) "ENCLOSED AREA" MEANS INTERIOR LIVING SPACE  
5 ASSOCIATED WITH RESIDENTIAL PROPERTIES.

6 (2) "ENCLOSED AREA" DOES NOT INCLUDE A GARAGE, PATIO, OR  
7 OUTBUILDING.

8 (F) "FUND" MEANS THE MARYLAND GREEN FUND ESTABLISHED  
9 UNDER THIS SUBTITLE.

10 (G) "IMPERVIOUS SURFACE" MEANS A NONNATURAL SURFACE,  
11 INCLUDING A BUILDING, ROAD, OR PARKING LOT, THAT IS CONSTRUCTED WITH  
12 BRICK, ASPHALT, CONCRETE, WOOD, METAL, OR ANOTHER SIMILAR  
13 MATERIAL.

14  
15 (H) (1) "INDUSTRIAL PROPERTY" MEANS IMPROVED REAL PROPERTY  
16 PRIMARILY USED FOR MANUFACTURING OR PROCESSING, OR BY A PUBLIC  
17 UTILITY.

18 (2) "INDUSTRIAL PROPERTY" INCLUDES:

19 (I) A MANUFACTURING FACILITY;

20 (II) A WAREHOUSE;

21 (III) MINING INFRASTRUCTURE;

22 (IV) A COMMUNICATIONS STRUCTURE; AND

23 (V) A STRUCTURE ASSOCIATED WITH RESEARCH AND  
24 DEVELOPMENT, INCLUDING RESEARCH AND DEVELOPMENT RELATED TO  
25 TECHNOLOGY AND BIOTECHNOLOGY.

26 (I) (1) "INSTITUTIONAL PROPERTY" INCLUDES:

27 (I) A CHURCH, SYNAGOGUE, MOSQUE, OR OTHER HOUSE OF  
28 WORSHIP;

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## HOUSE BILL 23

1 (II) A HOSPITAL, ASSISTED LIVING FACILITY, OR OTHER  
2 MEDICAL FACILITY;

3 (III) A DAY CARE CENTER;

4 (IV) A FACILITY OPERATED BY AN ORGANIZATION THAT IS  
5 TAX EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

6 (V) A COLLEGE OR UNIVERSITY.

7 (2) "INSTITUTIONAL PROPERTY" DOES NOT INCLUDE FEDERAL,  
8 STATE, OR LOCAL GOVERNMENT PROPERTY.

9 (J) "LOW-INCOME HOUSEHOLD" MEANS AN INDIVIDUAL OR GROUP OF  
10 INDIVIDUALS WHO RESIDE TOGETHER AND WHOSE ANNUAL INCOME DOES NOT  
11 EXCEED:

12 (1) 30% OF THE STATE OR AREA MEDIAN INCOME, WHICHEVER IS  
13 HIGHER; OR

14  
15  
16 (2) A LOWER LIMIT ESTABLISHED BY THE SECRETARY OF  
17 HOUSING AND COMMUNITY DEVELOPMENT IN ACCORDANCE WITH § 4-1405 OF  
18 THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

19 ~~(K) (1) "OFFSET" MEANS AN ACTIVITY THAT MINIMIZES OR~~  
20 ~~MITIGATES THE NEGATIVE IMPACT ON NATURAL HYDROLOGY AND WATER~~  
21 ~~QUALITY ASSOCIATED WITH IMPERVIOUS SURFACES.~~

22 ~~\_\_\_\_\_ (2) "OFFSET" INCLUDES:~~

23 ~~\_\_\_\_\_ (I) A GREEN ROOF;~~

24 ~~\_\_\_\_\_ (II) THE REMOVAL OF AN EXISTING IMPERVIOUS SURFACE~~  
25 ~~THAT IS NOT SUBJECT TO THE IMPERVIOUS SURFACE FEE; AND~~

26 ~~\_\_\_\_\_ (III) OTHER ENVIRONMENTAL BEST MANAGEMENT~~  
27 ~~PRACTICES RELATED TO STORMWATER MANAGEMENT.~~

28 (K) NON-POINT SOURCE POLLUTION CONTROL PROJECTS MEAN  
29 AGRICULTURAL BEST MANAGEMENT PRACTICES INCLUDING COVER CROPS,  
30 STORMWATER RETENTION AND TREATMENT, STREAM RESTORATION, RIPARIAN  
31 BUFFER PLANTING AND OTHER PROJECTS TO IMPROVE WATER QUALITY BY  
32 MEASURABLE REDUCTION OF NITROGEN, PHOSPHOROUS OR SEDIMENT

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## HOUSE BILL 23

1 POLLUTION INCLUDED IN THE TRIBUTARY STRATEGIES OR APPROVED BY  
 2 BAYSTAT WITH REVIEW BY THE BAYSTAT TECHNICAL REVIEW COMMITTEE.

3  
 4 ~~(L) (1) "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY,~~  
 5 ~~INCLUDING AGRICULTURALLY ZONED REAL PROPERTY, ON WHICH THERE IS A~~  
 6 ~~DWELLING DESIGNED PRINCIPALLY AS A RESIDENCE.~~

7 ~~\_\_\_\_\_ (2) "RESIDENTIAL PROPERTY" INCLUDES REAL PROPERTY ON~~  
 8 ~~WHICH THE FOLLOWING DWELLINGS ARE CONSTRUCTED:~~

9 ~~\_\_\_\_\_ (I) A SINGLE FAMILY HOME;~~

10 ~~\_\_\_\_\_ (II) AN APARTMENT;~~

11 ~~\_\_\_\_\_ (III) A CONDOMINIUM;~~

12 ~~\_\_\_\_\_ (IV) A DUPLEX;~~

13 ~~\_\_\_\_\_ (V) A TOWNHOME; AND~~

14 ~~\_\_\_\_\_ (VI) A MOBILE HOME.~~

15 (M) "TRIBUTARY STRATEGIES" MEANS MARYLAND'S  
 16 WATERSHED-SPECIFIC PLANS TO REDUCE THE AMOUNT OF NITROGEN,  
 17 PHOSPHOROUS, AND SEDIMENT POLLUTION THAT ENTERS THE CHESAPEAKE  
 18 BAY AND ITS TRIBUTARIES.

19 ~~8-2202. 9-1605.3~~

20  
 21 (A) BEGINNING JANUARY 1, 2009, THERE IS A MARYLAND GREEN  
 22 FUND.

23 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FUND BE  
 24 GENERATED AND USED ON A STATEWIDE BASIS TO:

25 (I) PROVIDE CRITICAL FUNDING FOR:

26 (i) THE RESTORATION AND PRESERVATION OF THE  
 27 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND ALL WATERS OF THE STATE;  
 28 AND

29 (ii) THE IMPLEMENTATION OF RESTORATION AND  
 30 PROTECTION ACTIONS TO MEET THE COMMITMENTS OF THE STATE CONTAINED

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## HOUSE BILL 23

1 UNDER THE CHESAPEAKE 2000 AGREEMENT;

2 (2) HELP RETAIN AND PROMOTE THE ECONOMIC VIABILITY OF  
3 AGRICULTURE AND FORESTS IN THE STATE IN A MANNER CONSISTENT WITH  
4 AND IN FURTHERANCE OF THE GOALS OF THE CHESAPEAKE 2000 AGREEMENT;

5 (3) FOCUS LIMITED FINANCIAL RESOURCES ON PRACTICES FOR  
6 ~~NUTRIENT POLLUTION REDUCTION~~ TO REDUCE NON-POINT SOURCE POLLUTION  
7 CONTAINED IN THE TRIBUTARY STRATEGIES, INCLUDING AGRICULTURAL AND  
8 STORMWATER MANAGEMENT  
9 PRACTICES;

10 (4) ADDRESS WATER QUALITY NEEDS, INCLUDING STORMWATER  
11 MANAGEMENT, IN THE URBAN AND SUBURBAN AREAS OF THE STATE;

12 (5) ENSURE FOREST RETENTION AND EXPANSION THROUGH THE  
13 PROMOTION OF FOREST STEWARDSHIP PLANNING ON PRIVATELY OWNED  
14 FORESTLAND; AND

15 (6) REDUCE FUTURE COSTS FOR RESTORING THE CHESAPEAKE  
16 AND ATLANTIC COASTAL BAYS.

17 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
18 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND  
20 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

21 (D) THE FUND CONSISTS OF:

22 (1) REVENUE DISTRIBUTED TO THE FUND FROM THE STATEWIDE  
23 IMPERVIOUS SURFACE FEE UNDER § 8-2203 OF THIS SUBTITLE;

24 (2) INVESTMENT EARNINGS OF THE FUND; AND

25 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
26 FOR THE BENEFIT OF THE FUND.

27 (E) THE FUND MAY BE USED ONLY AS AUTHORIZED UNDER § 8-2205 OF  
28 THIS SUBTITLE.

29 (F) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
30 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

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## HOUSE BILL 23

1 (G) MONEY EXPENDED FROM THE FUND IN ACCORDANCE WITH  
2 § 8-2205 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND MAY NOT TAKE THE  
3 PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR  
4 ACTIVITIES AUTHORIZED UNDER THAT SECTION.

5 (H) THE DEPARTMENT OF THE ENVIRONMENT IS AUTHORIZED TO  
6 PROMULGATE ANY REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS  
7 OF THIS SUBTITLE.

8  
9 ~~8-2203.~~

10 (A) BEGINNING JANUARY 1, 2009, THERE IS AN ANNUAL STATEWIDE  
11 IMPERVIOUS SURFACE FEE.

12 (B) EACH COUNTY SHALL:

13 (1) ASSESS AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE  
14 FEE ON EACH COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND RESIDENTIAL  
15 PROPERTY IN THE COUNTY AND IN EACH MUNICIPAL CORPORATION IN THE  
16 COUNTY ON BEHALF OF THE STATE; AND

17 (2) SUBJECT TO § 8-2205 OF THIS SUBTITLE, PROMPTLY WITHIN  
18 THE MONTH FOLLOWING THE COLLECTION OF THE FEES, REMIT THE FEES  
19 COLLECTED TO THE COMPTROLLER FOR DEPOSIT INTO THE FUND.

20  
21 (C) (1) A COUNTY MAY USE EXISTING ASSESSMENT COLLECTION  
22 PROCEDURES TO COLLECT PERIODICALLY THE STATEWIDE IMPERVIOUS  
23 SURFACE FEE, INCLUDING PROCEDURES FOR COLLECTING WATER OR SEWER  
24 ASSESSMENTS, THE BAY RESTORATION FEE UNDER § 9-1605.2 OF THE  
25 ENVIRONMENT ARTICLE, PROPERTY TAXES, OR ANY OTHER APPROPRIATE  
26 ASSESSMENT.

27 (2) FAILURE TO PAY THE STATEWIDE IMPERVIOUS SURFACE FEE  
28 MAY NOT BE CAUSE FOR PLACING A LIEN ON PROPERTY.

29  
30  
31 (3) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT  
32 DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302  
33 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

34 (D) A COUNTY SHALL CALCULATE THE STATEWIDE IMPERVIOUS  
35 SURFACE FEE FOR INDIVIDUAL PROPERTIES AS FOLLOWS:

36 (1) FOR EACH COMMERCIAL PROPERTY THE COUNTY SHALL

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## HOUSE BILL 23

1 CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:

2 (I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES  
3 0.72 TIMES 1 CENT; OR

4 (II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE  
5 AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE  
6 FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;

7 (2) FOR EACH INDUSTRIAL PROPERTY, THE COUNTY SHALL  
8 CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:

9 (I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES  
10 0.53 TIMES 1 CENT; OR

11 (II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE  
12 AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE  
13 FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;

14 (3) FOR EACH INSTITUTIONAL PROPERTY, THE COUNTY SHALL  
15 CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:

16 (I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES  
17 0.34 TIMES 1 CENT; OR

18 (II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE  
19 AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE  
20 FEET OF IMPERVIOUS SURFACE TIMES 1 CENT; AND

21 (4) FOR EACH RESIDENTIAL PROPERTY, THE STATEWIDE  
22 IMPERVIOUS SURFACE FEE SHALL BE:

23 (I) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS  
24 LESS THAN 1,500 SQUARE FEET, \$5;

25  
26  
27  
28 (II) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS  
29 BETWEEN 1,501 SQUARE FEET AND 3,000 SQUARE FEET, INCLUSIVE, \$20; AND

30 (III) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS  
31 GREATER THAN 3,000 SQUARE FEET, \$40.

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## HOUSE BILL 23

1 (E) A COUNTY MAY ESTABLISH A PROGRAM TO EXEMPT A LOW-INCOME  
2 HOUSEHOLD FROM THE STATEWIDE IMPERVIOUS SURFACE FEE.

3 ~~8-2204.~~

4 ~~\_\_\_\_\_ (A) THE STATEWIDE IMPERVIOUS SURFACE FEE FOR A COMMERCIAL,  
5 INDUSTRIAL, OR INSTITUTIONAL PROPERTY;~~

6 ~~\_\_\_\_\_ (1) MAY BE REDUCED BY USING OFFSETS THAT PRODUCE  
7 TANGIBLE WATER QUALITY BENEFITS IN ACCORDANCE WITH REGULATIONS  
8 ADOPTED UNDER THIS SECTION; AND~~

9 ~~\_\_\_\_\_ (2) MAY NOT BE REDUCED BY MORE THAN 50%.~~

10 ~~\_\_\_\_\_ (B) AN OFFSET ESTABLISHED UNDER THIS SECTION SHALL:~~

11 ~~\_\_\_\_\_ (1) BE AGREED ON IN WRITING BETWEEN THE COUNTY AND THE  
12 OWNER OF A PROPERTY RECEIVING A REDUCTION IN THE STATEWIDE  
13 IMPERVIOUS SURFACE FEE AS A RESULT OF THE OFFSET; AND~~

14 ~~\_\_\_\_\_ (2) INCLUDE PROVISIONS ADDRESSING THE DESIGN,  
15 IMPLEMENTATION, MAINTENANCE, AND MONITORING OF THE OFFSET.~~

16 ~~\_\_\_\_\_ (C) THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION WITH  
17 THE DEPARTMENT OF NATURAL RESOURCES, SHALL ADOPT REGULATIONS BY  
18 DECEMBER 31, 2008, GOVERNING:~~

19 ~~\_\_\_\_\_ (1) THE TYPES OF OFFSETS THAT MAY BE USED TO REDUCE THE  
20 STATEWIDE IMPERVIOUS SURFACE FEE;~~

21 ~~\_\_\_\_\_ (2) METHODS OF DETERMINING WATER QUALITY BENEFITS  
22 ASSOCIATED WITH PROPOSED OFFSETS;~~

23 ~~\_\_\_\_\_ (3) PROCEDURES FOR COUNTIES TO REVIEW, APPROVE,  
24 CONDITION, OR DENY OFFSET PROPOSALS; AND~~

25 ~~\_\_\_\_\_ (4) MINIMUM STANDARDS FOR IMPLEMENTING AND MONITORING  
26 AN OFFSET.~~

27 ~~8-2205.~~

28 (A) FOR THE REASONABLE ADMINISTRATIVE COSTS INCURRED IN  
29 CALCULATING AND COLLECTING THE STATEWIDE IMPERVIOUS SURFACE FEE, A

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1 COUNTY MAY RETAIN AN AMOUNT NOT EXCEEDING:

2 (1) FOR THE FIRST YEAR OF CALCULATING AND COLLECTING THE  
3 FEE, 8% OF THE TOTAL REVENUE COLLECTED; AND

4 (2) FOR EACH YEAR THEREAFTER, 5% OF THE TOTAL REVENUE  
5 COLLECTED.

6 (B) (1) A COUNTY:

7 (i) MAY RETAIN UP TO 45% OF THE FUNDS REMAINING  
8 AFTER ADMINISTRATIVE COSTS ARE ACCOUNTED FOR UNDER SUBSECTION (A)  
9 OF THIS SECTION IF THE COUNTY PROVIDES, THROUGH THE USE OF COUNTY  
10 FUNDS OR COUNTY BONDING, A 50% MATCH FOR THE AMOUNT RETAINED AND  
11 A CERTIFICATION TO THE DEPARTMENT OF THE ENVIRONMENT THAT THE  
12 MATCHING FUNDS HAVE BEEN APPROPRIATED FOR THESE PURPOSES; AND  
13

14 (ii) SHALL REMIT TO A MUNICIPAL CORPORATION IN THE  
15 COUNTY THE RETAINED FUNDS THAT WERE DERIVED FROM WITHIN THE  
16 MUNICIPAL CORPORATION IF THE MUNICIPAL CORPORATION PROVIDES,  
17 THROUGH THE USE OF MUNICIPAL FUNDS OR MUNICIPAL BONDING, THE 50%  
18 MATCH FOR THOSE FUNDS.

19 (2) A COUNTY OR MUNICIPAL CORPORATION SHALL USE FUNDS  
20 RETAINED OR PROVIDED AS A MATCH UNDER THIS SUBSECTION ONLY FOR  
21 STORMWATER MANAGEMENT AND RELATED WATER QUALITY NEEDS- NON-  
22 POINT SOURCE POLLUTION CONTROL PROJECTS.  
23

24 (3) A COUNTY OR MUNICIPAL CORPORATION THAT USES  
25 FUNDS AS AUTHORIZED UNDER THIS SUBSECTION SHALL SUBMIT AN  
26 ANNUAL REPORT TO THE DEPARTMENT OF THE ENVIRONMENT ON OR  
27 BEFORE SEPTEMBER 1 THAT INCLUDES THE FOLLOWING FOR EACH  
28 PROJECT:

29  
30 (I) LOCATION;

31  
32 (II) DESCRIPTION AND ESTIMATED COST;

33  
34 (III) CONSTRUCTION SCHEDULE AND IDENTITY AND  
35 QUALIFICATIONS OF PRIMARY PARTY RESPONSIBLE FOR  
36 CONSTRUCTION;

37  
38 (IV) ESTIMATED NUTRIENT REDUCTIONS AND  
39 TIMEFRAME FOR REDUCTIONS;  
40

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## HOUSE BILL 23

1 (V) MAINTENANCE PROGRAM AND SCHEDULE;

2 (VI) VERIFICATION OF STATUS OF INCOMPLETE  
3 PROJECTS;

4 (VII) VERIFICATION OF CONSTRUCTION  
5 COMPLETIONS;

6 (VIII) VERIFICATION OF MAINTENANCE OF  
7 COMPLETED PROJECTS; AND

8 (IX) AN ASSESSMENT OF ACTUAL NUTRIENT  
9 LOADING REDUCTIONS INCLUDING WATER QUALITY AND  
10 QUANTITY BENEFITS ACHIEVED BY COMPLETED PROJECTS.

11 (C) (1) THE COMPTROLLER MAY ADOPT REGULATIONS NECESSARY  
12 TO ADMINISTER AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE FEE.  
13

14 (2) THE COMPTROLLER SHALL DISTRIBUTE TO AN  
15 ADMINISTRATIVE COST ACCOUNT AN AMOUNT THAT IS NECESSARY TO  
16 ADMINISTER THE STATEWIDE IMPERVIOUS SURFACE FEE, NOT TO EXCEED 0.5%  
17 OF THE FEES COLLECTED BY THE COMPTROLLER.  
18

19 (3) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER  
20 PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL DEPOSIT THE  
21 STATEWIDE IMPERVIOUS SURFACE FEE INTO THE FUND.  
22

23 (4) THE COMPTROLLER SHALL REMIT ALL IMPERVIOUS SURFACE  
24 FEES REVENUES INCLUDING FUNDS NOT RETAINED OR SPENT BY COUNTIES OR  
25 MUNICIPALITIES TO THE GREEN FUND.  
26

27 (D) THE COMPTROLLER SHALL DISTRIBUTE THE MONEY IN THE FUND  
28 IN EACH CALENDAR YEAR BY TRANSFERRING ~~MONEYS IN THE FUND TO~~  
29 THE DEPARTMENT OF AGRICULTURE, ENVIRONMENT, NATURAL  
30 RESOURCES, AND PLANNING IN ACCORDANCE WITH THE ANNUAL  
31 BAYSTAT SPENDING AND WORK PLAN FOR THE GREEN FUND AS  
32 APPROVED BY THE LEGISLATURE. IN ANY GIVEN YEAR, THE  
33 DEPARTMENT OF AGRICULTURE, SHALL RECEIVE AT LEAST 30% OF  
34 THE TOTAL AVAILABLE REVENUE FROM THE GREEN FUND.  
35

36 (1) ~~40% OF THE MONEY OR \$30,000,000, WHICHEVER IS~~  
37 ~~GREATER;~~ FUNDS ALLOCATED TO THE DEPARTMENT OF AGRICULTURE TO  
38 SHALL BE USED FOR NON-POINT SOURCE POLLUTION CONTROL PROJECTS  
39 INCLUDING:  
40

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## HOUSE BILL 23

1 (I) COST-SHARING FOR BEST MANAGEMENT PRACTICES  
2 FOR REDUCING NITROGEN POLLUTION;

3 (II) COST-SHARING FOR PLANTING COVER CROPS; AND

4 (III) TECHNICAL ASSISTANCE THROUGH THE SOIL  
5 CONSERVATION DISTRICTS AND THE MARYLAND COOPERATIVE EXTENSION  
6 SERVICE; AND

7 (IV) REASONABLE COSTS OF ADMINISTERING GRANT  
8 PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL  
9 DEPARTMENT ALLOCATION.

10 (2) ~~10% OF THE MONEY OR \$8,000,000, WHICHEVER IS GREATER,~~  
11 FUNDS ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES TO SHALL  
12 BE USED FOR NON-POINT SOURCE POLLUTION CONTROL PROJECTS INCLUDING:

13  
14 (I) REASONABLE COSTS OF ADMINISTERING GRANT  
15 PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL  
16 DEPARTMENT ALLOCATION;

17 (II) IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;

18 (III) GRANTS TO MUNICIPAL AND COUNTY GOVERNMENTS,  
19 FOREST CONSERVANCY DISTRICT BOARDS, SOIL CONSERVATION DISTRICTS,  
20 WATERSHED ORGANIZATIONS, AND OTHER NONPROFIT ORGANIZATIONS FOR:

21 1. NONAGRICULTURAL WETLAND AND STREAM  
22 BUFFER RESTORATION;

23 2. URBAN AND SUBURBAN TREE PLANTING;

24 3. FOREST MANAGEMENT PRACTICES; AND

25 4. OYSTER AND SUBMERGED AQUATIC VEGETATION  
26 RESTORATION; AND

27 (IV) TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS  
28 FOR  
29 TARGETED WATERSHED PLANNING AND IMPLEMENTATION OF THE TRIBUTARY  
30 STRATEGIES; AND



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1 ~~\_\_\_\_\_ (5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S~~  
2 ~~DESIGNEE;~~

3 ~~\_\_\_\_\_ (6) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF~~  
4 ~~COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;~~

5 ~~\_\_\_\_\_ (7) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE,~~  
6 ~~APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;~~

7 ~~\_\_\_\_\_ (8) A REPRESENTATIVE OF THE HARRY R. HUGHES~~  
8 ~~AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND-USE RESEARCH,~~  
9 ~~APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND~~

10 ~~\_\_\_\_\_ (9) THE FOLLOWING FIVE MEMBERS, APPOINTED BY THE~~  
11 ~~GOVERNOR:~~

12 ~~\_\_\_\_\_ (I) A REPRESENTATIVE OF A NONGOVERNMENTAL~~  
13 ~~ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;~~

14 ~~\_\_\_\_\_ (II) A REPRESENTATIVE OF A NONGOVERNMENTAL~~  
15 ~~ORGANIZATION WITH EXPERTISE IN STORMWATER MANAGEMENT;~~

16 ~~\_\_\_\_\_ (III) A REPRESENTATIVE OF THE AGRICULTURAL~~  
17 ~~COMMUNITY;~~

18 ~~\_\_\_\_\_ (IV) A REPRESENTATIVE OF THE DEVELOPMENT~~  
19 ~~COMMUNITY; AND~~

20 ~~\_\_\_\_\_ (V) A REPRESENTATIVE OF THE SUSTAINABLE FORESTRY~~  
21 ~~COMMUNITY.~~

22 ~~\_\_\_\_\_ (C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COMMITTEE.~~

23 ~~\_\_\_\_\_ (D) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER GROUP~~  
24 ~~THAT IT DETERMINES NECESSARY.~~

25 ~~\_\_\_\_\_ (E) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4~~  
26 ~~YEARS.~~

27 ~~\_\_\_\_\_ (2) AT THE END OF A TERM, A MEMBER APPOINTED BY THE~~  
28 ~~GOVERNOR CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND~~  
29 ~~QUALIFIES.~~

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1 ~~—————(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~  
 2 ~~SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS~~  
 3 ~~APPOINTED AND QUALIFIES.~~

4 ~~————(F) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER~~  
 5 ~~OF THE COMMITTEE, THE LOBBYIST:~~

6 ~~—————(1) IS NOT SUBJECT TO § 15-504(D) OF THE STATE GOVERNMENT~~  
 7 ~~ARTICLE WITH RESPECT TO THAT SERVICE; AND~~

8 ~~—————(2) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE~~  
 9 ~~GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.~~

10 ~~————(G) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, A UNIT OF STATE OR~~  
 11 ~~LOCAL GOVERNMENT THAT EITHER RECEIVES A FUND DISTRIBUTION, RETAINS~~  
 12 ~~FUNDS FOR WATER QUALITY IMPROVEMENT PROJECTS, OR GRANTS AN OFFSET~~  
 13 ~~UNDER THIS SUBTITLE SHALL REPORT TO THE COMMITTEE REGARDING:~~

14 ~~—————(1) THE RECEIPT AND USE OF REVENUES FROM THE FUND AND~~  
 15 ~~THE PROVISION AND USE OF LOCAL RETAINED AND MATCHING FUNDS DURING~~  
 16 ~~THE PREVIOUS FISCAL YEAR;~~

17 ~~—————(2) THE TERMS, CONDITIONS, AND ACTION TAKEN FOR EACH~~  
 18 ~~OFFSET GRANTED BY A COUNTY;~~

19 ~~—————(3) ESTIMATES OF THE NUTRIENT POLLUTION REDUCTIONS,~~  
 20 ~~WATER QUALITY BENEFITS, OR PROGRESS IN MEETING OTHER BENCHMARKS~~  
 21 ~~ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN ACHIEVED WITH FUND~~  
 22 ~~DISTRIBUTIONS, LOCAL RETAINED AND MATCHING FUNDS, OR THROUGH~~  
 23 ~~COUNTY OFFSETS;~~

24 ~~—————(4) ACCOUNTABILITY MEASURES TO ENSURE THAT THE~~  
 25 ~~TRIBUTARY STRATEGIES AND WATER QUALITY OBJECTIVES ARE ADVANCED BY~~  
 26 ~~PROJECTS FINANCED UNDER THIS SUBTITLE; AND~~

27 ~~—————(5) ANY OTHER INFORMATION THE COMMITTEE DETERMINES~~  
 28 ~~NECESSARY.~~

29 ~~————(H) THE COMMITTEE SHALL:~~

30 ~~—————(1) MEET AT LEAST QUARTERLY;~~

31 ~~—————(2) ESTABLISH PERFORMANCE BENCHMARKS FOR THE FUND~~  
 32 ~~THAT REFLECT THE IMPLEMENTATION OF THE TRIBUTARY STRATEGIES AND~~

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## HOUSE BILL 23

1 ~~THE WATER QUALITY GOALS IN THE CHESAPEAKE 2000 AGREEMENT,~~  
 2 ~~INCLUDING NUTRIENT POLLUTION REDUCTIONS AND ANY OTHER APPROPRIATE~~  
 3 ~~STANDARDS;~~

4 ~~\_\_\_\_\_ (3) REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND~~  
 5 ~~MAKE CHANGES AS APPROPRIATE;~~

6 ~~\_\_\_\_\_ (4) MONITOR FUND DISTRIBUTION TO ENSURE THAT FUND USE~~  
 7 ~~IS COST EFFECTIVE, IS BASED ON SOUND SCIENCE, AND ACHIEVES DESIRED~~  
 8 ~~RESULTS;~~

9 ~~\_\_\_\_\_ (5) ON OR BEFORE DECEMBER 1 OF EACH YEAR, AND SUBJECT~~  
 10 ~~TO § 2-2146 OF THE STATE GOVERNMENT ARTICLE, PROVIDE AN ANNUAL~~  
 11 ~~PROGRESS REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY REGARDING:~~

12 ~~\_\_\_\_\_ (I) FUND REVENUES AND DISTRIBUTIONS;~~

13  
 14  
 15 ~~\_\_\_\_\_ (II) SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY~~  
 16 ~~THE FUND;~~

17 ~~\_\_\_\_\_ (III) PROGRESS TOWARDS MEETING PERFORMANCE~~  
 18 ~~BENCHMARKS; AND~~

19 ~~\_\_\_\_\_ (IV) ANY OTHER RELEVANT INFORMATION; AND~~

20 ~~\_\_\_\_\_ (6) AT LEAST ONCE EVERY 3 YEARS, INCLUDE IN THE REPORT A~~  
 21 ~~REVIEW OF THE DISTRIBUTION PERCENTAGES AND SUGGEST ANY~~  
 22 ~~RECOMMENDED MODIFICATIONS.~~

23 ~~\_\_\_\_\_ (i) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE~~  
 24 ~~STAFF SUPPORT FOR THE COMMITTEE.~~

25 ~~\_\_\_\_\_ (j) A MEMBER OF THE COMMITTEE:~~

26 ~~\_\_\_\_\_ (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~  
 27 ~~COMMITTEE; BUT~~

28 ~~\_\_\_\_\_ (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~  
 29 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE~~  
 30 ~~BUDGET.~~

31 SECTION 2 AND BE IT FURTHER ENACTED, That if any provision of this

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

6 Section 3. AND BE IT FURTHER ENACTED, that nothing herein shall limit the  
7 authority of a local government to establish a stormwater utility or other impervious  
8 surface fee.

9  
10 SECTION ~~3~~ 4 AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect June 1, 2008.