
By: **Delegates Weir and Minnick**

Introduced and read first time: March 7, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Navigable Water - Licenses for Improvements to Land - Fee Limits**

3 FOR the purpose of prohibiting the Board of Public Works from requiring
4 compensation exceeding a certain amount for a license issued for certain
5 riparian structures or activities not intended to increase revenue to a
6 commercial enterprise and for which a public hearing is not conducted; and
7 generally relating to fee limits for licenses for improvements to land in front of
8 navigable water.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 16-205
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 2004 Supplement)

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

16 **Article - Environment**

17 16-205.

18 (a) (1) [The] SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS
19 SUBSECTION, THE Board may require as a condition to issuance of a wetlands license
20 that compensation be made to the State, of a kind and in an amount deemed
21 appropriate by the Board.

22 (2) (I) FOR AN INDIVIDUAL LICENSE ISSUED FOR RIPARIAN
23 STRUCTURES OR ACTIVITIES WHERE THE STRUCTURE OR ACTIVITY IS NOT
24 INTENDED TO INCREASE REVENUE TO A COMMERCIAL ENTERPRISE AND FOR WHICH
25 A PUBLIC HEARING IS NOT CONDUCTED, THE BOARD MAY NOT REQUIRE
26 COMPENSATION EXCEEDING \$50.

1 (II) THE LIMIT ON REQUIRED COMPENSATION IN SUBPARAGRAPH
2 (I) OF THIS PARAGRAPH APPLIES REGARDLESS OF WHETHER THE RIPARIAN
3 STRUCTURES OR ACTIVITIES ARE INTENDED TO IMPROVE NAVIGATION.

4 (b) Monetary compensation received by the State in conjunction with a
5 wetlands license may not be applied to the State annuity bond fund account.

6 (c) (1) There is created a special fund, known as the Tidal Wetlands
7 Compensation Fund.

8 (2) The following money shall be deposited in the Tidal Wetlands
9 Compensation Fund:

10 (i) Any monetary compensation paid to the State in conjunction
11 with a wetlands license, including compensation paid by an applicant instead of
12 engaging in the creation, restoration, or enhancement of a tidal wetland;

13 (ii) Any penalty imposed by a court in accordance with this title;
14 and

15 (iii) Any penalty imposed by the Department under this title.

16 (d) Funds in the Tidal Wetlands Compensation Fund may be appropriated
17 only for acquisition and conservation of wetland areas by the State, including cost
18 sharing assistance to landowners in the management and control of phragmites
19 under Title 8, Subtitle 21 of the Natural Resources Article.

20 (e) Funds appropriated in the budget for wetlands acquisition and
21 conservation under this section:

22 (1) Shall remain available until expended; and

23 (2) May not be reverted under any other provision of law.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2005.