SENATE BILL 315

Q2, L2, M3 4lr0327

By: Senator Simonaire

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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Environment – Stormwater Remediation Fee – County Tax Limitations

- FOR the purpose of prohibiting certain counties or municipalities from setting a certain stormwater remediation fee that would generate revenues that, when combined with county property tax revenues, would exceed a certain county tax
- 6 limitation; and generally relating to subjecting stormwater remediation fees to
- 6 limitation; and generally relating to subjecting stormwater remediation fees to
- 7 county tax limitations.
- 8 BY repealing and reenacting, without amendments,
- 9 Article Environment
- 10 Section 4–202.1(a), (b), (c), and (d)
- 11 Annotated Code of Maryland
- 12 (2013 Replacement Volume)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Environment
- 15 Section 4–202.1(e)
- 16 Annotated Code of Maryland
- 17 (2013 Replacement Volume)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 19 MARYLAND, That the Laws of Maryland read as follows:

20 Article – Environment

- 21 4–202.1.
- 22 (a) (1) Except as provided in paragraph (2) of this subsection, this section
- 23 applies to a county or municipality that is subject to a national pollutant discharge
- 24 elimination system Phase I municipal separate storm sewer system permit.



- 1 This section does not apply to a county or municipality that, on or (2) 2 before July 1, 2012, has enacted and implemented a system of charges under § 4–204 3 of this subtitle for the purpose of funding a watershed protection and restoration 4 program, or similar program, in a manner consistent with the requirements of this section. 5 6 On or before July 1, 2013, a county or municipality shall adopt and (b) 7 implement local laws or ordinances necessary to establish a watershed protection and 8 restoration program. 9 A watershed protection and restoration program established under this 10 section shall include: 11 A stormwater remediation fee; and (1) 12 **(2)** A local watershed protection and restoration fund. 13 (d) A county or municipality shall maintain or administer a local (1) 14 watershed protection and restoration fund in accordance with this section. 15 The purpose of a local watershed protection and restoration fund is (2)16 to provide financial assistance for the implementation of local stormwater management plans through stormwater management practices and stream and 17 wetland restoration activities. 18 19 Except as provided in paragraph (2) of this subsection and (e) 20 subsection (f) of this section, a county or municipality shall establish and annually collect a stormwater remediation fee from owners of property located within the 2122county or municipality in accordance with this section. 23 (2)Property owned by the State, a unit of State government, a county, 24a municipality, or a regularly organized volunteer fire department that is used for 25 public purposes may not be charged a stormwater remediation fee under this section. 26 A county or municipality shall set a stormwater remediation (3)27 fee for property in an amount that is based on the share of stormwater management 28 services related to the property and provided by the county or municipality. 29 A county or municipality may set a stormwater remediation (ii) 30 fee under this paragraph based on:
- 31 1. A flat rate;
- 322. An amount that is graduated, based on the amount of 33 impervious surface on each property; or

$\frac{1}{2}$	3. Another method of calculation selected by the county or municipality.
3	(4) (I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS
4	HAVE THE MEANINGS INDICATED.
5	2. "COUNTY TAX LIMITATION" MEANS A PROVISION
6	OF A COUNTY CHARTER THAT LIMITS THE RATE OF GROWTH OF COUNTY
7	PROPERTY TAX REVENUES.
8	3. "STORMWATER REMEDIATION FEE" MEANS A FEE
9	IMPOSED BY A COUNTY OR A MUNICIPALITY UNDER PARAGRAPH (1) OF THIS
10	SUBSECTION.
11	(II) IN ANNE ARUNDEL COUNTY OR TALBOT COUNTY, THE
12	COUNTY OR A MUNICIPALITY WITHIN THE COUNTY MAY NOT SET A STORMWATER
13	REMEDIATION FEE THAT GENERATES REVENUES IN AN AMOUNT THAT, WHEN
14	COMBINED WITH COUNTY PROPERTY TAX REVENUES, WOULD EXCEED THE
15	COUNTY TAX LIMITATION.
16	[(4)] (5) A stormwater remediation fee established under this section
17	is separate from any charges that a county or municipality establishes related to
18	stormwater management for new developments under § 4-204 of this subtitle,
19	including fees for permitting, review of stormwater management plans, inspections, or
20	monitoring.
21	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

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July 1, 2014.