

HOUSE BILL 65

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1998 Regular Session
8r0600
CF 8r1218

(PRE-FILED)

By: **Delegates Owings, Hubbard, Stup, and Guns**

Requested: October 27, 1997

Introduced and read first time: January 14, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Soil Conservation Districts - Funding**

3 FOR the purpose of altering the mechanism for funding certain activities of certain
4 soil conservation districts through fee systems; requiring certain soil
5 conservation districts to develop certain costs in the preparation of certain fee
6 systems; requiring submission of certain fee systems to certain local governing
7 bodies; allowing certain local governing bodies to provide certain funding to soil
8 conservation districts in certain manners; providing that certain fee systems
9 shall take effect in a certain manner under certain circumstances; and generally
10 relating to soil conservation districts and funding.

11 BY repealing and reenacting, with amendments,
12 Article - Agriculture
13 Section 8-306(a)(18)
14 Annotated Code of Maryland
15 (1985 Replacement Volume and 1997 Supplement)

16 BY adding to
17 Article - Agriculture
18 Section 8-311
19 Annotated Code of Maryland
20 (1985 Replacement Volume and 1997 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Environment
23 Section 4-103(c)
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 1997 Supplement)

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

1

Article - Agriculture

2 8-306.

3 (a) A soil conservation district constitutes a political subdivision of the State,
4 and a public body corporate and politic, exercising public powers. The supervisors
5 may:

6 (18) Recommend a fee system to cover the cost of reviewing the grading
7 and sediment control plans. [Any] SUBJECT TO § 8-311 OF THIS SUBTITLE, ANY
8 recommended fee shall take effect upon enactment by the local governing body. Any
9 fees collected pursuant to this FEE system shall be supplementary to county and State
10 funds and may not (i) be used to reduce county or State funds, and (ii) exceed the cost
11 of reviewing the plans;

12 8-311.

13 (A) IN ORDER TO DEVELOP A FEE SYSTEM TO BE IMPLEMENTED UNDER §
14 8-306(A)(18) OF THIS SUBTITLE AND § 4-103(C) OF THE ENVIRONMENT ARTICLE, A SOIL
15 CONSERVATION DISTRICT SHALL EACH YEAR DETERMINE THE REASONABLE COSTS
16 OF REVIEW OF GRADING AND SEDIMENT CONTROL PLANS FOR THE SUCCEEDING
17 YEAR.

18 (B) THE SOIL CONSERVATION DISTRICT SHALL DEVELOP THE FEE SYSTEM
19 BASED ON THE COSTS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION, AND
20 SHALL SUBMIT THE FEE SYSTEM TO THE LOCAL GOVERNING BODY.

21 (C) WITHIN 90 DAYS AFTER THE SOIL CONSERVATION DISTRICT SUBMITS THE
22 FINAL FEE SYSTEM, THE LOCAL GOVERNING BODY MAY:

23 (1) ENACT THE FEE SYSTEM OF THE SOIL CONSERVATION DISTRICT, TO
24 TAKE EFFECT WITHIN 90 DAYS AFTER THE SOIL CONSERVATION DISTRICT SUBMITS
25 THE FINAL FEE SYSTEM TO THE LOCAL GOVERNING BODY; OR

26 (2) ENACT A DIFFERENT FEE SYSTEM OR OTHERWISE PROVIDE
27 FUNDING CALCULATED TO COVER THE REASONABLE COSTS DETERMINED UNDER
28 SUBSECTION (A) OF THIS SECTION.

29 (D) IF THE LOCAL GOVERNING BODY FAILS TO ADOPT THE FEE SYSTEM OR
30 OTHERWISE PROVIDE SUFFICIENT FUNDING TO COVER THE REASONABLE COSTS
31 DETERMINED UNDER SUBSECTION (A) OF THIS SECTION, THE FINAL FEE SYSTEM
32 SUBMITTED BY THE SOIL CONSERVATION DISTRICT SHALL TAKE EFFECT ON THE
33 91ST DAY AFTER THE DISTRICT SUBMITS THE FEE SYSTEM TO THE LOCAL
34 GOVERNING BODY, WITHOUT REQUIRING ENACTMENT BY THE LOCAL GOVERNING
35 BODY.

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Article - Environment

2 4-103.

3 (c) Each soil conservation district may recommend a fee system to cover the
4 cost of reviewing the grading and sediment control plans. [Any] SUBJECT TO § 8-311
5 OF THE AGRICULTURE ARTICLE, ANY recommended fee shall take effect upon
6 enactment by the local governing body. Any fees collected pursuant to this FEE system
7 shall be supplementary to county and State funds and may not (i) be used to reduce
8 county or State funds, and (ii) exceed the cost of reviewing the plans.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.