

HOUSE BILL 65

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1998 Regular Session
8r0600
CF 8r1218

(PRE-FILED)

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

Requested: October 27, 1997

Introduced and read first time: January 14, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 1998

CHAPTER _____

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; providing for
10 the application of this Act; and generally relating to soil conservation districts
11 and funding.

12 BY repealing and reenacting, with amendments,
13 Article - Agriculture
14 Section 8-306(a)(18)
15 Annotated Code of Maryland
16 (1985 Replacement Volume and 1997 Supplement)

17 BY adding to
18 Article - Agriculture
19 Section 8-311
20 Annotated Code of Maryland
21 (1985 Replacement Volume and 1997 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Environment

1 Section 4-103(c)
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 1997 Supplement)

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

6 **Article - Agriculture**

7 8-306.

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

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

17 8-311.

18 (A) IN ORDER TO DEVELOP A FEE SYSTEM TO BE IMPLEMENTED UNDER §
19 8-306(A)(18) OF THIS SUBTITLE AND § 4-103(C) OF THE ENVIRONMENT ARTICLE, A SOIL
20 CONSERVATION DISTRICT SHALL EACH YEAR DETERMINE THE REASONABLE COSTS
21 OF REVIEW OF GRADING AND SEDIMENT CONTROL PLANS FOR THE SUCCEEDING
22 YEAR.

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

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

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

31 (2) ENACT A DIFFERENT FEE SYSTEM OR OTHERWISE PROVIDE
32 FUNDING ~~CALCULATED TO COVER THE REASONABLE COSTS DETERMINED UNDER~~
33 ~~SUBSECTION (A) OF THIS SECTION.~~

34 (D) IF THE LOCAL GOVERNING BODY FAILS TO ~~ADOPT~~ ACCEPT OR MODIFY
35 THE FEE SYSTEM OR OTHERWISE PROVIDE SUFFICIENT FUNDING TO COVER THE
36 REASONABLE COSTS DETERMINED UNDER SUBSECTION (A) OF THIS SECTION
37 SUBMITTED BY THE SOIL CONSERVATION DISTRICT, THE FINAL FEE SYSTEM

1 SUBMITTED BY THE SOIL CONSERVATION DISTRICT SHALL TAKE EFFECT ON THE
2 91ST DAY AFTER THE DISTRICT SUBMITS THE FEE SYSTEM TO THE LOCAL
3 GOVERNING BODY, WITHOUT REQUIRING ENACTMENT BY THE LOCAL GOVERNING
4 BODY.

5

Article - Environment

6 4-103.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
14 may not be construed to affect a public local law or ordinance in effect before July 1,
15 1998 that relates to the review of grading and sediment control plans by a soil
16 conservation district and that establishes a mechanism for an annual review of fees
17 and provisions to amend the fee schedule.

18 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 1998.