

BY: Senator Colburn

AMENDMENTS TO SENATE BILL NO. 326, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 3, after “of” insert “altering the authority of the Maryland-National Capital Park and Planning Commission over certain actions in a certain area; altering the composition of the Chesapeake Bay Critical Area Commission; altering the boundaries of the Chesapeake Bay Critical Area;”; in line 11, after “language;” insert “providing that for the approval and adoption of a certain local program a certain date shall be deemed to be the date of adoption of certain criteria;”; in line 20, after “Section” insert “8-1802(b), 8-1804(a), 8-1807;”; and in the same line, after “8-1808” insert a comma.

AMENDMENT NO. 2

On page 3 of the bill, after line 29, insert:

“8-1802.

(b) Wherever this subtitle requires Prince George's County OR MONTGOMERY COUNTY to exercise any power or authority Prince George's County OR MONTGOMERY COUNTY shares with the Maryland-National Capital Park and Planning Commission, the obligation imposed by this subtitle rests on both the county and the Maryland-National Capital Park and Planning Commission in accordance with their respective powers and authorities.

8-1804.

(a) The Commission consists of [27] 29 voting members who are appointed by the Governor, as follows:

(1) A full-time chairman, appointed with the advice and consent of the Senate, who shall serve at the pleasure of the Governor;

(Over)

(2) [11] 12 individuals, appointed with the advice and consent of the Senate, each of whom is a resident and an elected or appointed official of a local jurisdiction. At least 1 of these [11] 12 individuals must be an elected or appointed official of a municipality. These individuals shall serve on the Commission only while they hold local office. Each shall be selected from certain counties or from municipalities within the counties as follows, and only after the Governor has consulted with elected county and municipal officials:

(i) 1 from each of Baltimore City and Anne Arundel, Baltimore, and Prince George's counties;

(ii) 1 from Harford County or Cecil County;

(iii) 1 from Kent County or Queen Anne's County;

(iv) 1 from Caroline County or Worcester County;

(v) 1 from Talbot County or Dorchester County;

(vi) 1 from Wicomico County or Somerset County; and

(vii) [2] 3 from Calvert County, Charles County, MONTGOMERY COUNTY, or St. Mary's County, [both] NO TWO of whom may [not] be from the same county;

(3) [8] 9 individuals, appointed with the advice and consent of the Senate, who shall represent diverse interests, and among whom shall be a resident from each of the 6 counties that are listed and from which an appointment has not been made under paragraph (2) of this subsection and [2] 3 of the 9 members appointed under this item shall be at large members; and

(4) The Secretaries of Agriculture, Business and Economic Development, Housing and Community Development, the Environment, Transportation, and Natural Resources, and the Director of Planning, ex officio, or the designee of the Secretaries or the Director.

8-1807.

(a) The initial planning area for determination of the Chesapeake Bay Critical Area consists of:

(1) All waters of and lands under the Chesapeake Bay and its tributaries to the head of tide as indicated on the State wetlands maps, and all State and private wetlands designated under Title 16 of the Environment Article; [and]

(2) All land and water areas within 1,000 feet beyond the landward boundaries of State or private wetlands and the heads of tides designated under Title 16 of the Environment Article; AND

(3) (I) ALL WATERS OF AND LANDS UNDER THE POTOMAC RIVER LOCATED IN MONTGOMERY COUNTY; AND

(II) ALL LAND AND WATER AREAS WITHIN 1,000 FEET BEYOND THE LANDWARD BOUNDARIES OF THE POTOMAC RIVER IN MONTGOMERY COUNTY.

(b) (1) (i) In determining the Chesapeake Bay Critical Area within its boundaries, a local jurisdiction may exclude those portions of the planning area designated in subsection (a) of this section which the local jurisdiction finds to be:

1. Part of a developed, urban area in which, in view of available public facilities and applicable laws and restrictions, the imposition of a program would not substantially improve protection of tidal water quality or conservation of fish, wildlife, or plant habitats OR, FOR MONTGOMERY COUNTY ONLY, NONTIDAL WATER QUALITY; or

2. Located at least 1,000 feet from open water and separated from open water by an area of wetlands which it is found will serve to protect tidal water quality, OR FOR MONTGOMERY COUNTY ONLY, NONTIDAL WATER QUALITY, and fish, wildlife, or plant habitats from adverse impacts of development in the excluded area.

(ii) A portion of urban area to be excluded shall be at least 50% developed and may not be less than 2,640,000 square feet in contiguous area or the entire initial planning area located within the boundaries of a municipality, whichever is less.

(2) A local jurisdiction shall include in any program submitted to the Commission

(Over)

under § 8-1809 of this subtitle a designation of those portions of the Chesapeake Bay Critical Area proposed for exclusion under paragraph (1) of this subsection, together with all factual information and expert opinion supporting its findings under this subsection.

(3) The Commission shall approve a local jurisdiction's designation of portions to be excluded unless the Commission finds, based on stated reasons, that the decision of the local jurisdiction was:

(i) Not supported by competent and material evidence; or

(ii) Arbitrary or capricious.

(4) If the Commission develops the program to be applied in a local jurisdiction, the Commission shall exclude areas as appropriate to meet the intent of paragraph (1) of this subsection.

(c) The Chesapeake Bay Critical Area shall consist of:

(1) Those areas designated in subsection (a) of this section, except any areas excluded in accordance with subsection (b) of this section; and

(2) Additional areas proposed for inclusion by local jurisdictions and approved by the Commission.”.

### AMENDMENT NO. 3

In the Education, Health, and Environmental Affairs Committee Amendments (SB0326/234136/1), in line 2 of Amendment No. 4, after “ENACTED.” insert “That, for purposes of the approval and adoption of a local program in Montgomery County under § 8-1809 of the Natural Resources Article, the date of adoption by the Chesapeake Bay Critical Area Commission of criteria for program development and approval under § 8-1808 of the Natural Resources Article shall be deemed to be July 1, 2002.”

SECTION 3. AND BE IT FURTHER ENACTED, That of the initial terms of the additional members appointed to the Chesapeake Bay Critical Area Commission under § 8-1804(a) of the

Natural Resources Article, as enacted by this Act:

- (1) one shall expire on June 30, 2004; and
- (2) one shall expire on June 30, 2006.

SECTION 4. AND BE IT FURTHER ENACTED.”.