

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Violations”; in the same line, strike “and Administrative”; strike beginning with “authorizing” in line 3 down through “penalties” in line 6 and substitute “altering certain criminal penalties for certain violations of certain tidal wetlands requirements; renaming the Wetland Compensation Fund; requiring certain money to be deposited into the Fund”; strike beginning with the second “the” in line 6 down through “of” in line 7; in the same line, strike “provisions”; and strike in their entirety lines 13 through 17, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 16-205

Annotated Code of Maryland

(1996 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, without amendments,

Article - Environment

Section 16-501(a)

Annotated Code of Maryland

(1996 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 8-2102(d)(1)(iii)

Annotated Code of Maryland

(2000 Replacement Volume and 2003 Supplement)”.

AMENDMENT NO. 2

(Over)

On page 1, after line 24, insert:
“16-205.

(a) The Board may require as a condition to issuance of a wetlands license that compensation be made to the State, of a kind and in an amount deemed appropriate by the Board.

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

(c) (1) There is created a special fund, known as the TIDAL Wetlands Compensation Fund. [Any monetary compensation paid to the State in conjunction with a wetlands license shall be credited to the Wetlands Compensation Fund.]

(2) THE FOLLOWING MONEY SHALL BE DEPOSITED IN THE TIDAL WETLANDS COMPENSATION FUND:

(I) ANY MONETARY COMPENSATION PAID TO THE STATE IN CONJUNCTION WITH A WETLANDS LICENSE, INCLUDING COMPENSATION PAID BY AN APPLICANT INSTEAD OF ENGAGING IN THE CREATION, RESTORATION, OR ENHANCEMENT OF A TIDAL WETLAND; AND

(II) ANY PENALTY IMPOSED BY A COURT IN ACCORDANCE WITH THIS TITLE.

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

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

(1) Shall remain available until expended; and

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

16-501.

(a) Any person who violates any provision of this title is guilty of a misdemeanor. Unless another penalty is specifically provided elsewhere in this title, the person, upon conviction, is subject to a fine not exceeding \$10,000, with costs imposed in the discretion of the court.”.

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 13 on page 3, inclusive.

On page 3, after line 13, insert:

“Article - Natural Resources

8-2102.

(d) (1) (iii) Moneys paid to a landowner under this section may be paid from the TIDAL Wetlands Compensation Fund, the Wildlife Management and Protection Fund, or federal funds. The Department shall coordinate cost sharing assistance paid from the funds under this section with the Department of the Environment.”.