

HB1220/580717/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1220

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Waldstreicher” and substitute “Waldstreicher, Ali, Glenn, Hucker, Manno, and Stein”; in lines 2, 3, and 23, in each instance, strike “Bay” and substitute “and Atlantic Coastal Bays”; in line 8, strike “development inside or outside priority funding areas” and substitute “types of developments”; in line 9, after “circumstances;” insert “authorizing the waiver of the Fee under certain circumstances; authorizing a local government to retain a certain percentage of certain revenue to be used for certain purposes;”; in line 10, strike “government-sponsored”; strike beginning with “requiring” in line 10 down through “requirements;” in line 11; strike beginning with “prohibiting” in line 17 down through “Fund;” in line 18; and in line 19, strike “remain in the” and substitute “revert to the General”.

On page 2, in line 10, after “report” insert “at least once”; in line 12, strike “and” and substitute a comma; in line 13, after “Planning” insert “, and certain interested parties”; in line 13, after “terms;” insert “declaring certain intent of the General Assembly; providing for the application of this Act; requiring the Department of the Environment and Department of Planning to jointly report to the Governor and General Assembly on or before a certain date; making the provisions of this Act severable;”; and in lines 14 and 19, in each instance, strike “Bay” and substitute “and Atlantic Coastal Bays”.

AMENDMENT NO. 2

On page 2, in line 25, strike “**BAY**” and substitute “**AND ATLANTIC COASTAL BAYS**”; and in line 33, after the first “**THE**” insert “**CHESAPEAKE**”.

(Over)

AMENDMENT NO. 3

On page 3 in line 7, on page 5 in line 1, on page 7 in line 13, on page 10 in line 12, on page 11 in line 14, and on page 14 in line 8, in each instance, strike “**BAY**” and substitute “**AND ATLANTIC COASTAL BAYS.**”.

On page 3, strike in their entirety lines 22 through 28, inclusive, and substitute:

“(G) **“JOB CREATION PROJECT” MEANS A DEVELOPMENT PROJECT THAT:**

(1) IS DESIGNED TO SECURE THE LOCATION OF A NEW BUSINESS OR THE EXPANSION OF AN EXISTING BUSINESS; AND

(2) HAS RECEIVED MEANINGFUL STATE OR LOCAL GOVERNMENT ASSISTANCE, INCLUDING TWO OR MORE OF THE FOLLOWING:

(I) FUNDING OR FINANCIAL ASSISTANCE;

(II) A TAX CREDIT, EXEMPTION, OR OTHER TAX BENEFIT;

(III) DONATION OR BELOW MARKET PURCHASE OF LAND;

AND

(IV) FUNDING OF ROAD, WATER OR SEWER IMPROVEMENTS.”.

AMENDMENT NO. 4

On page 4, in line 5, after “**EXISTING**” insert “**SINGLE-FAMILY**”; in line 6, strike “**PREEXISTING**” and substitute “**FOOTPRINT OF THE DWELLING UNIT OR**”; in the same line, after “**STRUCTURE**” insert “**AS IT EXISTED ON OR BEFORE JULY 1, 2007**”; strike beginning with “**NEW**” in line 7 down through “**PLAN**” in line 9 and

substitute “BUILDING, TOWER, OR OTHER STRUCTURE, OR A VALUE-ADDED IMPROVEMENT THAT IS INSTALLED AS PART OF AN AGRICULTURAL BUSINESS, LOCATED ON A FARM, OR A DRIVEWAY OR LANE LEADING TO THE BUILDING, TOWER, STRUCTURE, OR IMPROVEMENT;

(III) A DWELLING UNIT, OR A DRIVEWAY OR LANE LEADING TO A DWELLING UNIT, THAT IS BUILT ON A FARM FOR A FARMER, A FARMER’S CHILD, OR A TENANT WHO ACTIVELY WORKS IN THE FARM BUSINESS, IF THE DWELLING UNIT IS:

1. SITED SO AS TO PRESERVE AS MUCH QUALITY FARMLAND AS POSSIBLE; AND

2. BUILT IN COMPLIANCE WITH THE NUMERICAL PROVISIONS OF § 2-513(B) OF THE AGRICULTURE ARTICLE REGARDING RESIDENTIAL USE, WHETHER OR NOT THE FARM IS SUBJECT TO AN EASEMENT UNDER THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION OR A LOCAL CONSERVATION EASEMENT PROGRAM;

(IV) A STORAGE, PRODUCTION, OR PROCESSING FACILITY ASSOCIATED WITH FORESTRY OR BIOENERGY OPERATIONS; OR

(V) GRAVEL SURFACES”;

strike in their entirety lines 16 through 18, inclusive; in lines 19 and 21, strike “(K)” and “(L)”, respectively, and substitute “(J)” and “(K)”, respectively; and strike in their entirety lines 26 and 27.

AMENDMENT NO. 5

On page 5, in lines 1 and 23, in each instance, strike “**JANUARY**” and substitute “**JULY**”; in line 4, after “**BE**” insert “**GENERATED AND**”; in the same line, after “**USED**” insert “**ON A STATEWIDE BASIS**”; in line 5, strike “**THE**” and substitute “:

1. THE RESTORATION AND PRESERVATION OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND ALL WATERS OF THE STATE; AND

2. THE;

in line 17, after “**FUTURE**” insert “**COSTS FOR RESTORING THE**”; in the same line, strike “**BAY**” and substitute “**AND ATLANTIC COASTAL BAYS**”; in the same line, after “**AND**” insert “**IMPLEMENTING THE**”; in line 18, strike “**RESTORATION COSTS**”; in line 20, after “**FORESTS**” insert “**, AND RETAIN AND PROMOTE THE ECONOMIC VIABILITY OF THE STATE’S RESOURCE-BASED INDUSTRIES IN WAYS THAT ARE CONSISTENT WITH AND RESPONSIVE TO THE GOALS OF THE CHESAPEAKE 2000 AGREEMENT**”; after line 22, insert:

“(3) MONEY EXPENDED FROM THE FUND IN ACCORDANCE WITH § 8-2203 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING LEVELS AUTHORIZED FOR PROGRAMS LISTED UNDER THAT SECTION.”;

in line 25, strike “**BUILDING OR**”; and in the same line, after “**GRADING**” insert “**OR BUILDING**”.

AMENDMENT NO. 6

On page 6, in line 2, after “THE” insert “GRADING,”; in line 7, strike “**BUILDING OR**”; in the same line, after “GRADING” insert “OR BUILDING”; strike beginning with “**THE**” in line 11 down through “**AREAS.**” in line 15 and substitute:

“(I) THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A GRADING PERMIT, IS:

1. FOR RESIDENTIAL DEVELOPMENT, 50 CENTS PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE; AND

2. FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT, \$1 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE.

(II) FOR RESIDENTIAL DEVELOPMENT OR REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A BUILDING PERMIT, SHALL BE:

1. FOR LOTS WITH LESS THAN 1,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$100;

2. FOR LOTS WITH GREATER THAN OR EQUAL TO 1,000 SQUARE FEET BUT LESS THAN 2,500 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$250;

3. FOR LOTS WITH GREATER THAN OR EQUAL TO 2,500 SQUARE FEET BUT LESS THAN 5,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$500;

(Over)

4. FOR LOTS WITH GREATER THAN OR EQUAL TO 5,000 SQUARE FEET BUT LESS THAN 10,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$1,000; AND

5. FOR LOTS WITH GREATER THAN OR EQUAL TO 10,000 SQUARE FEET OF NEW IMPERVIOUS SURFACE.....\$1,500.

(III) FOR COMMERCIAL AND INDUSTRIAL DEVELOPMENT AND REDEVELOPMENT, THE IMPERVIOUS SURFACE FEE, TO BE COLLECTED BEFORE THE ISSUANCE OF A BUILDING PERMIT, IS \$1 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE.”;

in line 19, strike “25%” and substitute “75%”; in line 22, strike “AS A RESULT OF A” and substitute “**FOR:**

(I) A”;

in line 23, after “ACTIVITY” insert “;

(II) AS CALCULATED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PORTION OF A RESIDENTIAL HOUSING DEVELOPMENT THAT CONTAINS LOW INCOME OR WORKFORCE HOUSING; OR

(III) AN ECONOMIC DEVELOPMENT PROJECT IN A COUNTY FOR WHICH, OVER THE COURSE OF THE MOST RECENT 18 MONTHS PRECEDING THE MONTH IN WHICH AN APPLICATION FOR A GRADING OR BUILDING PERMIT IS FIRST FILED FOR THE PROJECT, DATA FROM THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT DEMONSTRATES THAT:

1. THE UNEMPLOYMENT AVERAGE IN THAT COUNTY IS MORE THAN 150% OF THE STATE AVERAGE; OR

2. THE AVERAGE PER CAPITA PERSONAL INCOME IN THAT COUNTY IS LESS THAN OR EQUAL TO 67% OF THE STATE AVERAGE.

(2) A LOCAL GOVERNMENT SHALL:

(I) DETERMINE WHAT PERCENTAGE OF THE TOTAL NUMBER OF UNITS IN A RESIDENTIAL DEVELOPMENT FALL BELOW THE MAXIMUM AGGREGATE ANNUAL INCOME LIMITS SET FOR WORKFORCE HOUSING, AS DEFINED IN § 4-1801 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE; AND

(II) REDUCE THE AMOUNT OF THE IMPERVIOUS SURFACE FEE FOR THE DEVELOPMENT BY THE PERCENTAGE DETERMINED UNDER ITEM (I) OF THIS PARAGRAPH”;

strike in their entirety lines 24 through 27, inclusive, and substitute:

“(D) (1) THIS SUBSECTION APPLIES TO THE REDEVELOPMENT OF AN EXISTING STRUCTURE, SIDEWALK, DRIVEWAY, OR LANE.

(2) A LOCAL GOVERNMENT MAY COLLECT AN IMPERVIOUS SURFACE FEE ONLY FOR THE AMOUNT OF IMPERVIOUS SURFACE RESULTING FROM DEVELOPMENT THAT EXCEEDS THE EXISTING AMOUNT OF IMPERVIOUS SURFACE.

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(E) (1) A LOCAL GOVERNMENT, WITH THE APPROVAL OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT, MAY WAIVE THE IMPERVIOUS SURFACE FEE FOR A JOB CREATION PROJECT.

(2) BEFORE WAIVING THE COLLECTION OF THE IMPERVIOUS SURFACE FEE FOR A JOB CREATION PROJECT, A LOCAL GOVERNMENT SHALL SUBMIT THE PROPOSED WAIVER AND INFORMATION REGARDING THE PROJECT TO THE DEPARTMENT.

(3) (I) THE DEPARTMENT SHALL HAVE 30 DAYS TO APPROVE OR DISAPPROVE THE PROPOSED WAIVER.

(II) IF THE DEPARTMENT FAILS TO NOTIFY A LOCAL GOVERNMENT IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE WAIVER SHALL BE TREATED AS BEING APPROVED BY THE DEPARTMENT.

(4) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT CONTAINING ALL APPROVALS OF WAIVERS ISSUED TO A LOCAL GOVERNMENT TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

(F) TO THE MAXIMUM EXTENT PRACTICABLE IN ITS DEVELOPMENT PROJECTS AND ACTIVITIES, A LOCAL GOVERNMENT SHALL IMPLEMENT OFFSETS IN ACCORDANCE WITH § 8-2205 OF THIS SUBTITLE AND REGULATIONS ADOPTED UNDER THAT SECTION.

(G) (1) FROM THE TOTAL IMPERVIOUS SURFACE FEE REVENUE COLLECTED BY A LOCAL GOVERNMENT UNDER SUBSECTION (B) OF THIS SECTION, THE LOCAL GOVERNMENT MAY:

(I) DISTRIBUTE TO AN ADMINISTRATIVE COST ACCOUNT THE AMOUNT THAT IS NECESSARY TO ADMINISTER THE FEE, WHICH MAY NOT EXCEED 8% OF THE TOTAL IN FISCAL YEAR 2009 AND 5% OF THE TOTAL IN EACH FISCAL YEAR THEREAFTER; AND

(II) RETAIN 30% OF THE TOTAL FOR THE USES SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(2) IF A COUNTY COLLECTS A FEE FOR A NEW IMPERVIOUS SURFACE LOCATED WITHIN A MUNICIPALITY, WITHIN 45 DAYS AFTER COLLECTION OF THE FEE, THE COUNTY SHALL:

(I) DEDUCT ITS ADMINISTRATIVE FEE; AND

(II) REMIT THE REMAINDER TO THE MUNICIPALITY WITH JURISDICTION OVER THE AREA WHERE THE NEW IMPERVIOUS SURFACE IS LOCATED.

(3) A LOCAL GOVERNMENT RETAINING FUNDS UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL USE THOSE FUNDS FOR:

(I) THE IMPLEMENTATION OF NONSTRUCTURAL OR STRUCTURAL STORMWATER MANAGEMENT OR STREAM RESTORATION PRACTICES APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT AS REDUCING NUTRIENT AND SEDIMENT LOADINGS TO WATERS OF THE STATE IN ACCORDANCE WITH THE STATE'S TRIBUTARY STRATEGIES;

(II) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL PROGRAMS, PROJECTS, PLANS, POLICIES, OR LAWS RELATED TO SEWER INFRASTRUCTURE OR LAND USE REQUIREMENTS THAT REDUCE NUTRIENT AND

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SEDIMENT LOADINGS IN ACCORDANCE WITH THE STATE'S TRIBUTARY STRATEGIES;

(III) THE IMPLEMENTATION OF ANY OTHER PRACTICE IDENTIFIED AS A MARYLAND TRIBUTARY STRATEGY BEST MANAGEMENT PRACTICE;

(IV) THE DEVELOPMENT OR IMPLEMENTATION OF LOCAL PROGRAMS, PROJECTS, PLANS, POLICIES, OR LAWS RELATED TO MONITORING, ASSESSMENT, PROTECTION, AND DEVELOPMENT OF WATER SUPPLIES RELATED TO WATER QUALITY, INCLUDING LAND USE REQUIREMENTS, ZONING, OR OTHER ORDINANCES THAT PROTECT DRINKING WATER SOURCE AREAS; OR

(V) CITIZEN EDUCATION REGARDING THE REDUCTION OF LAWN FERTILIZER USE, ENERGY AND WATER CONSERVATION PRACTICES, ECO-FRIENDLY LANDSCAPING, MAINTENANCE AND UPGRADES OF SEPTIC SYSTEMS, AND OTHER NUTRIENT REDUCTION STRATEGIES THAT CITIZENS MAY UNDERTAKE.”;

and in line 28, strike “(D)” and substitute “(H)”.

AMENDMENT NO. 7

On page 7, in line 2, after “COLLECTED” insert “, EXCEPT THOSE RETAINED BY THE LOCAL GOVERNMENT UNDER SUBSECTION (G)(1) OF THIS SECTION,”; in line 5, after “COLLECTED” insert “AND RETAINED”; strike beginning with the comma in line 6 down through “AREAS” in line 7; strike beginning with “BOTH” in line 11 down through “AREAS” in line 12; in line 23, strike “(E)” and substitute “(I)”; in the same line, strike “THE” and substitute “EXCEPT FOR THE PORTION OF THE FUND RETAINED BY LOCAL GOVERNMENTS UNDER SUBSECTION (G) OF THIS SECTION, THE”; and in line 28, strike “DECEMBER 31, 2007” and substitute “JUNE 30, 2008”.

AMENDMENT NO. 8

On page 8, strike in their entirety lines 1 through 10, inclusive, and substitute:

“(J) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND OF THE STATE IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.”;

in line 18, after “AGREEMENT” insert “, THE STATE’S SMART GROWTH POLICIES, AND CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006”; in line 19, strike “THE” and substitute “EXCEPT FOR THE PORTION OF THE FUND RETAINED BY LOCAL GOVERNMENTS UNDER § 8-2202(F) OF THIS SUBTITLE, THE”; strike beginning with “4.5%” in line 21 down through “35%” in line 27 and substitute “45%”; and in line 28, after “AGRICULTURE” insert “IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:”

(I) UP TO 2.5% EACH, BUT NOT TO EXCEED \$2,000,000 EACH, TO:

1. THE SOIL CONSERVATION DISTRICTS FOR STAFF AND OPERATING COSTS; AND

2. THE UNIVERSITY OF MARYLAND COOPERATIVE EXTENSION FOR THE PROVISION OF TECHNICAL ASSISTANCE RELATED TO THE IMPLEMENTATION OF THE STATE’S TRIBUTARY STRATEGIES;

(II) FOR FISCAL YEARS 2009 THROUGH 2012, UP TO A TOTAL OF \$5,000,000 PER YEAR FOR THE NEXT GENERATION FARMLAND

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ACQUISITION PROGRAM WITHIN THE MARYLAND AGRICULTURAL AND
RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION;

(III) FOR FISCAL YEAR 2013 AND EACH FISCAL YEAR
THEREAFTER, UP TO A TOTAL OF \$5,000,000 PER YEAR FOR THE MARYLAND
AGRICULTURAL LAND PRESERVATION FOUNDATION, ESTABLISHED UNDER
TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE; AND

(IV) THE REMAINDER”.

AMENDMENT NO. 9

On page 9, in line 2, strike “FARMERS” and substitute “AGRICULTURAL
NUTRIENT REDUCTION”; strike beginning with “AND” in line 2 down through the
“CORPORATION;” in line 7; in line 8, strike “(3) 10%” and substitute “(2) 8%”; in
line 20, after “EXCEED” insert “A TOTAL OF”; in the same line, strike “THE” and
substitute “:

1. THE”;

in line 23, after “PRACTICES;” insert “AND

2. THE NATIONAL CENTER FOR SMART GROWTH
RESEARCH AND EDUCATION AT THE UNIVERSITY OF MARYLAND TO ESTABLISH
A SMART GROWTH MONITORING SYSTEM AND TO RESEARCH THE
IMPLEMENTATION OF GREEN URBANISM, SUSTAINABLE URBAN DEVELOPMENT,
AND AFFORDABLE HOUSING;”;

in line 24, strike “(4) 15%” and substitute “(3) 12%”; in lines 24 and 25, strike
“ASSIST WITH LOCAL GOVERNMENT” and substitute “PROVIDE TO LOCAL

GOVERNMENTS TECHNICAL ASSISTANCE AND GRANTS RELATED TO THE"; and strike in their entirety lines 27 through 30, inclusive.

On page 10, in lines 1 and 4, strike "(II)" and "(III)", respectively, and substitute "(I)" and "(II)", respectively.

AMENDMENT NO. 10

On page 10, strike in their entirety lines 7 through 9, inclusive; in line 10, strike "(6) 10.5%" and substitute "(4) 15%"; in line 11, strike "AND RESTORE" and substitute ", RESTORE, AND MANAGE PUBLIC AND PRIVATE FORESTLAND AND ALL"; in the same line, after "IN" insert "THE STATE, PARTICULARLY"; in line 12, strike "ITS" and substitute "THEIR"; in line 17, after "BUFFER" insert ", FOREST,"; in the same line, strike the second "AND"; in line 19, strike "AND"; after line 19, insert:

"3. IMPLEMENTATION OF PRACTICES AND POLICIES CONSISTENT WITH THE TRIBUTARY STRATEGIES;

4. PROMOTION OF FOREST STEWARDSHIP, INCLUDING THE WOODLAND INCENTIVE FUND AND GRANTS TO LOCAL GOVERNMENTS FOR TREE PLANTING IN OZONE NON-ATTAINMENT AREAS; AND

5. COSTS ASSOCIATED WITH STAFFING OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS GREEN FUND OVERSIGHT AND ACCOUNTABILITY COMMITTEE ESTABLISHED UNDER § 8-2204 OF THIS SUBTITLE; AND

in line 20, strike "(7) 15%" and substitute "(5) 20%"; in line 21, strike "MATCHING" and substitute "TECHNICAL ASSISTANCE AND"; in the same line, strike "FOR" and substitute ", AS FOLLOWS"; in line 22, after "OF" insert "THE STATE'S TRIBUTARY STRATEGIES AND OTHER"; in the same line, after "POLICIES" insert "THAT ARE"; in

line 23, strike “AND”; and in line 24, strike “IMPLEMENTATION” and substitute “STORMWATER MANAGEMENT;

(III) PLANNING RELATING TO WATER AND SEWER FACILITIES;

(IV) FOR FISCAL YEARS 2009 THROUGH 2013, UP TO A TOTAL OF \$1,000,000 EACH YEAR TO CONDUCT A GEOGRAPHIC INFORMATION SYSTEMS STUDY OF THE STATE’S WATER RESOURCES LOCATED WITHIN THE PIEDMONT REGION; AND

(V) IMPLEMENTATION”.

AMENDMENT NO. 11

On page 11, strike beginning with “LOCAL” in line 3 down through “(E)” in line 6.

On page 11, in line 16, strike “13” and substitute “17”.

On page 12, in line 8, strike “AND”; after line 8, insert:

“(X) A REPRESENTATIVE OF THE HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;

(XI) A REPRESENTATIVE OF THE NATIONAL CENTER FOR SMART GROWTH RESEARCH AND EDUCATION, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND”;

in line 9, strike “(X)” and substitute “(XII)”; in the same line, strike “FOUR” and substitute “SIX”; in line 16, strike “AND”; and in line 18, after “COMMUNITY” insert “;

5. A REPRESENTATIVE OF THE FORESTRY COMMUNITY; AND

6. A REPRESENTATIVE OF THE HOME BUILDING COMMUNITY”.

AMENDMENT NO. 12

On page 13, in line 16, after “STATE” insert “OR LOCAL”; in line 26, strike “AND”; and in line 27, after “(IV)” insert “THE IMPACT OF FUND SUPPORT ON THE VIABILITY AND SUSTAINABILITY OF AGRICULTURE, FORESTRY, AND OTHER RESOURCE-BASED INDUSTRIES IN THE STATE, INCLUDING FINDINGS AND RECOMMENDATIONS REGARDING THE FUND’S IMPACT ON THE URBAN TREE CANOPY INITIATIVE AND THE AMOUNT OF ADDITIONAL FORESTED ACREAGE PRESERVED THROUGH CONSERVATION EASEMENT AGREEMENTS UNDER THE STATE’S LAND CONSERVATION PROGRAMS; AND

(V)”.

On page 14, in line 15, strike “ZONING,”; and in the same line, strike “, AND” and substitute “AND”.

AMENDMENT NO. 13

On page 15, in line 9, strike “EVERY” and substitute “AT LEAST ONCE EVERY”; in line 14, after “(D)” insert “(1)”; and after line 15, insert:

“(2) THE HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH AND THE NATIONAL CENTER FOR

SMART GROWTH SHALL PROVIDE ASSISTANCE TO THE COMMITTEE AS NEEDED IN THE ESTABLISHMENT, REVIEW, MONITORING, AND MODIFICATION OF PERFORMANCE BENCHMARKS UNDER SUBSECTION (C) OF THIS SECTION.

(E) A MEMBER OF THE COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.”.

On page 15, in line 17, strike “AND” and substitute a comma; in line 18, after “RESOURCES,” insert “AND INTERESTED PARTIES, INCLUDING MEMBERS OF THE MARYLAND STATE BUILDERS ASSOCIATION, AND COMMERCIAL AND INDUSTRIAL TRADE ORGANIZATIONS,”; in line 19, strike “DECEMBER 31, 2007” and substitute “JUNE 30, 2008”; and strike beginning with “AND” in line 25 down through “ACTIVITIES” in line 27 and substitute:

“(3) PROCEDURES FOR APPROVAL AND DENIAL OF OFFSET PROPOSALS;

(4) MINIMUM STANDARDS FOR IMPLEMENTATION AND MONITORING OF OFFSET PROJECTS OR ACTIVITIES; AND

(5) PROVISIONS ALLOWING FOR THE REVIEW AND APPROVAL OF NEW OFFSET PROPOSALS AT ANY TIME”.

AMENDMENT NO. 13

On page 16, in line 1, strike the second “(1)””; in line 9, after “1.” insert “**BE BASED ON:**”

A. AN ENVIRONMENTAL SITE DESIGN TECHNIQUE APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING: CONSERVATION OF A NATURAL AREA, THE DISCONNECTION OF ROOFTOP RUNOFF OR NON-ROOFTOP RUNOFF, SHEET FLOW TO BUFFER AREAS, OR USE OF AN OPEN CHANNEL; OR

B. ANY OTHER ENVIRONMENTALLY SENSITIVE SITE PLANNING OR DESIGN TECHNIQUE OR AT-THE-SOURCE INTEGRATED CONTROL TECHNIQUE THAT IS APPROVED BY THE DEPARTMENT OF THE ENVIRONMENT, INCLUDING BIORETENTION, A VEGETATED SWALE, A GREEN ROOF, A TREE-BOX FILTER, OR AN INFILTRATION DEVICE;

2.”;

in lines 11 and 14, strike “2.” and “3.”, respectively, and substitute “3.” and “4.”, respectively; strike beginning with “THE” in line 11 down through “ENVIRONMENT” in line 12 and substitute “**STORMWATER MANAGEMENT PLAN REVIEW AND APPROVAL AUTHORITIES, AS DEFINED BY REGULATIONS ADOPTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION,**”; and in line 14, after “ADEQUATE” insert “**LONG-TERM**”.

On pages 16 and 17, strike beginning with line 18 on page 16 through line 4 on page 17, inclusive, and substitute:

“(3) TO THE EXTENT DETERMINED APPROPRIATE BY THE DEPARTMENT OF THE ENVIRONMENT, THE AMOUNT OF AN OFFSET SHALL

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CORRELATE TO THE CUMULATIVE BENEFICIAL IMPACT ASSOCIATED WITH THE NATURE AND EXTENT OF THE OFFSET PROJECT OR ACTIVITY.”.

AMENDMENT NO. 14

On page 17, in line 6, strike “Bay” and substitute “and Atlantic Coastal Bays”; in line 11, strike “three” and substitute “four”; in lines 8, 9, and 10, in each instance, strike “two” and substitute “three”; in lines 8, 9, 10, and 11, strike “2008”, “2009”, “2010”, and “2011”, respectively, and substitute “2009”, “2010”, “2011”, and “2012”, respectively; after line 11, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the General Assembly:

(1) Recognizes:

(i) The vital importance of conserving and sustaining Maryland’s privately owned forested lands through existing land conservation programs, particularly Program Open Space, the Maryland Agricultural Land Preservation Foundation, and the Rural Legacy Program; and

(ii) That significant funds will be provided to further the conservation and resource protection goals under this Act and that, in addition to the Chesapeake and Atlantic Coastal Bays Green Fund itself, there will be an increased revenue attainment realized by the State real estate transfer tax as a result of this Act.

(2) Intends that Maryland’s land conservation programs make every reasonable effort to prioritize forest land retention through conservation easement agreements in the distribution of these funds.

SECTION 4. AND BE IT FURTHER ENACTED, That this Section 1 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to

have any effect on or application to an impervious surface for which a grading or building permit was issued before to the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before December 31, 2007 the Department of Environment and Department of Planning shall jointly:

(1) Consider and evaluate methods by which to assess a statewide fee on impervious surfaces that are in existence as of the effective date of this Act and for which a grading or building permit was issued before the effective date of this Act; and

(2) Subject to § 2-1246 of the State Government Article, report to the Governor and the General Assembly on the most equitable and practicable means by which to assess a statewide fee on impervious surfaces, including recommendations for the respective amount or amounts of the fee, its frequency, methods of collection, and most effective distribution in order to maximize water quality benefits.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.”;

and in line 12, strike “3.” and substitute “7.”.