

SENATE BILL 901

M2

71r3180
CF HB 1220

By: **Senators Conway, Frosh, and Pinsky**
Introduced and read first time: February 22, 2007
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake Bay Green Fund**

3 FOR the purpose of establishing a Chesapeake Bay Green Fund beginning on a certain
4 date; providing for the uses of the Fund; requiring a person to provide certain
5 information to a local government under certain circumstances; prohibiting a
6 local government from granting certain permits until a person pays a certain
7 fee; establishing an Impervious Surface Fee, beginning on a certain date, for
8 certain development inside or outside priority funding areas; authorizing the
9 Fee to be reduced under certain circumstances; exempting certain
10 government-sponsored projects from being subject to the Fee; requiring certain
11 government-sponsored projects to meet certain mitigation requirements;
12 requiring local governments to compile and submit certain information to a
13 certain committee; providing for the administration, collection, and enforcement
14 of the Fee; requiring the Comptroller to deposit the Fee in the Fund;
15 authorizing the State Central Collection Unit to collect certain delinquent
16 accounts under certain circumstances; requiring the Comptroller to adopt
17 certain regulations by a certain date; prohibiting money in the Fund from
18 reverting or being transferred to the General Fund; requiring that any unspent
19 funds remain in the Fund; requiring the Comptroller to distribute the Fund to
20 certain units of State government and the Chesapeake Bay Trust for certain
21 purposes; authorizing units of State government and the Trust that receive
22 certain allocations from the Fund to utilize a certain amount for certain
23 administrative purposes; establishing a Chesapeake Bay Green Fund Oversight
24 and Accountability Committee; providing for the membership and terms of the
25 Committee; specifying the terms of the initial members of the Committee;
26 requiring units of State government and the Trust to provide certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 information to the Committee annually on or before a certain date; requiring
2 the Committee to meet a certain minimum number of times a year; requiring
3 the Committee to establish and review certain performance benchmarks;
4 requiring the Committee to monitor certain financial and accountability
5 measures; requiring the Committee to submit certain reports annually on or
6 before a certain date; requiring the Committee to make and submit a certain
7 report every 3 years; requiring the Department of Natural Resources to provide
8 staff for the Committee; requiring the Department of the Environment, in
9 consultation with the Department of Natural Resources and the Department of
10 Planning, to adopt certain regulations by a certain date; defining certain terms;
11 and generally relating to a dedicated funding source for Chesapeake Bay
12 restoration.

13 BY adding to

14 Article – Natural Resources

15 Section 8–2201 through 8–2205 to be under the new subtitle “Subtitle 22.
16 Chesapeake Bay Green Fund”

17 Annotated Code of Maryland

18 (2000 Replacement Volume and 2006 Supplement)

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

21 **Article – Natural Resources**

22 **SUBTITLE 22. CHESAPEAKE BAY GREEN FUND.**

23 **8–2201.**

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) “CHESAPEAKE 2000 AGREEMENT” MEANS THE AGREEMENT
27 BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE
28 CHESAPEAKE BAY COMMISSION, AND THE U.S. ENVIRONMENTAL PROTECTION
29 AGENCY THAT WAS ENTERED INTO IN 2000 WHICH SPECIFIED RESTORATION
30 GOALS AND COMMITMENTS TO IMPROVE THE BAY AND TO REMOVE IT FROM THE
31 U.S. ENVIRONMENTAL PROTECTION AGENCY’S LIST OF IMPAIRED WATERS.

32 (C) “DWELLING UNIT” HAS THE MEANING STATED IN § 8–1802(A)(10)
33 OF THIS TITLE.

1 (D) “ENVIRONMENTAL SITE DESIGN TECHNIQUE” MEANS ANY
2 TECHNIQUE USED IN A SITE DESIGN STRATEGY INTENDED TO MAINTAIN OR
3 REPLICATE THE PREDEVELOPMENT HYDROLOGIC AND WATER QUALITY REGIME
4 OF A BUILDING SITE.

5 (E) “FUND” MEANS THE CHESAPEAKE BAY GREEN FUND ESTABLISHED
6 UNDER THIS SUBTITLE.

7 (F) (1) “GOVERNMENT-SPONSORED PROJECT OR ACTIVITY” MEANS A
8 DEVELOPMENT ACTIVITY THAT IS:

9 (I) INITIATED BY A FEDERAL, STATE, OR LOCAL
10 GOVERNMENT AGENCY FOR THE ACCOMPLISHMENT OF A PURPOSE RELATED TO
11 THE MISSION OF THE AGENCY;

12 (II) OWNED BY THE FEDERAL, STATE, OR LOCAL
13 GOVERNMENT; OR

14 (III) FUNDED PRIMARILY BY THE FEDERAL, STATE, OR
15 LOCAL GOVERNMENT IN WHICH THE AGENCY SERVES.

16 (2) “GOVERNMENT-SPONSORED PROJECT OR ACTIVITY” DOES
17 NOT INCLUDE A PROJECT OR ACTIVITY IN WHICH THE ONLY ROLE OF A
18 FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY IS TO PROVIDE FINANCIAL
19 ASSISTANCE FOR THE COMPLETION OF THE PROJECT OR ACTIVITY.

20 (G) “MITIGATION” MEANS THE RESTORATION, CREATION, OR
21 ENHANCEMENT OF ENVIRONMENTAL FEATURES IN ORDER TO
22 COUNTERBALANCE THE NEGATIVE IMPACTS ASSOCIATED WITH NEW
23 IMPERVIOUS SURFACES, INCLUDING THE RESTORATION OF FORESTED OR
24 WETLAND HABITAT ON-SITE, THE RETROFIT AND ENHANCEMENT OF EXISTING
25 STORMWATER ON-SITE OR OFF-SITE, OR OTHER PRACTICES THAT WILL RESULT
26 IN NET BENEFITS TO WATER QUALITY.

27 (H) (1) “NEW IMPERVIOUS SURFACE” INCLUDES NEW BUILDINGS,
28 DWELLING UNITS, ROADS, PARKING LOTS, DRIVEWAYS, AND ANY OTHER
29 IMPERVIOUS SURFACES CREATED AS A RESULT OF RESIDENTIAL, COMMERCIAL,
30 INDUSTRIAL, OR OTHER DEVELOPMENT.

1 **(2) “NEW IMPERVIOUS SURFACE” DOES NOT INCLUDE:**

2 **(I) AN ADDITION OR ACCESSORY STRUCTURE TO AN**
3 **EXISTING DWELLING UNIT THAT DOES NOT EXCEED 20% OF THE IMPERVIOUS**
4 **SURFACE OF THE PREEXISTING STRUCTURE;**

5 **(II) A NEW POULTRY HOUSE; OR**

6 **(III) ANY STRUCTURE INCLUDED IN AN APPROVED NUTRIENT**
7 **MANAGEMENT OR SOIL AND WATER CONSERVATION PLAN.**

8 **(I) “OFFSET” MEANS AN ACTIVITY THAT ELIMINATES OR MINIMIZES**
9 **THE NEGATIVE IMPACT ON NATURAL HYDROLOGY ASSOCIATED WITH A NEW**
10 **IMPERVIOUS SURFACE, INCLUDING THE IMPLEMENTATION OF ENVIRONMENTAL**
11 **SITE DESIGN TECHNIQUES, SUCH AS POROUS PAVERS, GREEN ROOFS,**
12 **MAINTENANCE OF NATURAL INFILTRATION CAPACITY, OR OTHER**
13 **ENVIRONMENTAL PRACTICES.**

14 **(J) “PRIORITY FUNDING AREAS” ARE THOSE AREAS IDENTIFIED OR**
15 **DESIGNATED AS PRIORITY FUNDING AREAS UNDER §§ 5-7B-02 AND 5-7B-03 OF**
16 **THE STATE FINANCE AND PROCUREMENT ARTICLE.**

17 **(K) “SMART GROWTH POLICIES” MEANS THE POLICIES ESTABLISHED**
18 **UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE.**

19 **(L) “TRIBUTARY STRATEGIES” MEANS MARYLAND’S**
20 **WATERSHED-SPECIFIC PLANS TO REDUCE THE AMOUNT OF NITROGEN,**
21 **PHOSPHORUS, AND SEDIMENT POLLUTION THAT ENTERS THE CHESAPEAKE**
22 **BAY AND ITS TRIBUTARIES, IN ORDER TO REMOVE THE BAY FROM THE U.S.**
23 **ENVIRONMENTAL PROTECTION AGENCY’S LIST OF IMPAIRED WATERS.**

24 **(M) “WORKFORCE HOUSING” HAS THE MEANING STATED IN § 4-1801 OF**
25 **THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.**

26 **8-2202.**

27 **(A) (1) BEGINNING JANUARY 1, 2008, THERE IS A CHESAPEAKE BAY**
28 **GREEN FUND.**

1 **(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE**
2 **FUND BE USED TO:**

3 **(I) PROVIDE CRITICAL FUNDING FOR THE**
4 **IMPLEMENTATION OF RESTORATION AND PROTECTION ACTIONS CONTAINED**
5 **WITHIN THE STATE'S TRIBUTARY STRATEGIES IN ORDER TO MEET THE STATE'S**
6 **NUTRIENT POLLUTION REDUCTION GOALS AND OTHER COMMITMENTS**
7 **CONTAINED WITHIN THE CHESAPEAKE 2000 AGREEMENT;**

8 **(II) PROVIDE CRITICAL PLANNING AND TECHNICAL**
9 **ASSISTANCE TOOLS CONSISTENT WITH NUTRIENT REDUCTION AND SMART**
10 **GROWTH POLICIES;**

11 **(III) FOCUS LIMITED FINANCIAL RESOURCES ON THE MOST**
12 **COST-EFFECTIVE PRACTICES FOR NUTRIENT POLLUTION REDUCTION,**
13 **INCLUDING MANY OF THE AGRICULTURAL ACTIVITIES CONTAINED IN THE**
14 **TRIBUTARY STRATEGIES;**

15 **(IV) REDUCE FUTURE CHESAPEAKE BAY AND TRIBUTARY**
16 **STRATEGIES RESTORATION COSTS;**

17 **(V) MAINTAIN THE PRODUCTIVITY AND OPEN SPACES OF**
18 **THE STATE'S FARMLAND AND FORESTS; AND**

19 **(VI) MINIMIZE THE ENVIRONMENTAL IMPACTS OF**
20 **DEVELOPMENT.**

21 **(B) (1) BEGINNING JANUARY 1, 2008, THERE IS AN IMPERVIOUS**
22 **SURFACE FEE.**

23 **(2) BEFORE THE ISSUANCE OF A BUILDING OR GRADING PERMIT**
24 **BY A LOCAL GOVERNMENT, A PERSON SHALL PROVIDE TO THE LOCAL**
25 **GOVERNMENT:**

26 **(I) THE TOTAL AREA OF NEW IMPERVIOUS SURFACE**
27 **PROPOSED TO BE DEVELOPED AS PART OF THE FINAL BUILDING, SUBDIVISION,**
28 **OR SIMILAR PLAN; AND**

1 **(II) ANY PROPOSALS FOR OFFSETS OF NEW IMPERVIOUS**
2 **SURFACE IN ACCORDANCE WITH PARAGRAPH (5) OF THIS SUBSECTION.**

3 **(3) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS**
4 **SECTION, A LOCAL GOVERNMENT MAY NOT GRANT A BUILDING OR GRADING**
5 **PERMIT TO A PERSON FOR THE DEVELOPMENT OF NEW IMPERVIOUS SURFACE**
6 **UNLESS THE PERSON HAS PAID AN IMPERVIOUS SURFACE FEE TO THE LOCAL**
7 **GOVERNMENT.**

8 **(4) THE IMPERVIOUS SURFACE FEE IS:**

9 **(I) \$2 PER SQUARE FOOT OF NEW IMPERVIOUS SURFACE**
10 **DEVELOPMENT OUTSIDE OF EXISTING PRIORITY FUNDING AREAS; AND**

11 **(II) 25 CENTS PER SQUARE FOOT OF NEW IMPERVIOUS**
12 **SURFACE DEVELOPMENT INSIDE OF EXISTING PRIORITY FUNDING AREAS.**

13 **(5) THE AMOUNT OF AN IMPERVIOUS SURFACE FEE:**

14 **(I) MAY BE REDUCED USING OFFSETS, IN ACCORDANCE**
15 **WITH REGULATIONS ADOPTED UNDER § 8-2205 OF THIS SUBTITLE; AND**

16 **(II) MAY NOT BE REDUCED BY MORE THAN 25% USING**
17 **OFFSETS.**

18 **(C) (1) A LOCAL GOVERNMENT MAY NOT COLLECT AN IMPERVIOUS**
19 **SURFACE FEE AS A RESULT OF A GOVERNMENT-SPONSORED PROJECT OR**
20 **ACTIVITY.**

21 **(2) THE CREATION OF NEW IMPERVIOUS SURFACE BY A**
22 **GOVERNMENT-SPONSORED PROJECT OR ACTIVITY SHALL MEET MITIGATION**
23 **REQUIREMENTS ESTABLISHED BY REGULATIONS ADOPTED UNDER § 8-2205 OF**
24 **THIS SUBTITLE.**

25 **(D) (1) A LOCAL GOVERNMENT SHALL:**

26 **(I) ON A QUARTERLY BASIS, REPORT AND SUBMIT UNDER**
27 **OATH ALL IMPERVIOUS SURFACE FEES COLLECTED TO THE COMPTROLLER**
28 **FOR THE BENEFIT OF THE FUND;**

1 **(II) COMPILE, ON AN ONGOING BASIS, THE TOTAL NEW**
2 **IMPERVIOUS SURFACE CREATED AND FOR WHICH REVENUES WERE COLLECTED**
3 **BY THE LOCAL GOVERNMENT, BOTH INSIDE AND OUTSIDE OF PRIORITY**
4 **FUNDING AREAS;**

5 **(III) COMPILE, ON AN ONGOING BASIS, THE EXTENT TO**
6 **WHICH IMPERVIOUS SURFACE OFFSETS HAVE BEEN IMPLEMENTED TO REDUCE**
7 **THE IMPACTS OF NEW IMPERVIOUS SURFACES AND THE RELATED REDUCTIONS**
8 **IN FEES COLLECTED DUE TO THE OFFSETS BOTH INSIDE AND OUTSIDE OF**
9 **PRIORITY FUNDING AREAS; AND**

10 **(IV) SUBMIT ANNUALLY TO THE CHESAPEAKE BAY GREEN**
11 **FUND OVERSIGHT AND ACCOUNTABILITY COMMITTEE ESTABLISHED UNDER §**
12 **8-2204 OF THIS SUBTITLE INFORMATION REGARDING ANY LOCAL**
13 **ADMINISTRATIVE COSTS AND THE INFORMATION COMPILED IN ACCORDANCE**
14 **WITH ITEMS (I), (II), AND (III) OF THIS PARAGRAPH.**

15 **(2) EXCEPT TO THE EXTENT OF ANY INCONSISTENCY WITH THIS**
16 **SUBSECTION, THE PROVISIONS OF TITLE 13 OF THE TAX - GENERAL ARTICLE**
17 **THAT ARE APPLICABLE TO THE SALES AND USE TAX SHALL GOVERN THE**
18 **ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE IMPERVIOUS**
19 **SURFACE FEE UNDER THIS SUBTITLE.**

20 **(E) (1) THE COMPTROLLER SHALL DEPOSIT THE IMPERVIOUS**
21 **SURFACE FEE IN THE FUND.**

22 **(2) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT**
23 **DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302**
24 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

25 **(3) BY DECEMBER 31, 2007, THE COMPTROLLER SHALL ADOPT**
26 **REGULATIONS NECESSARY TO ADMINISTER THE FUND AND COLLECT AND**
27 **ENFORCE THE IMPERVIOUS SURFACE FEE.**

28 **(F) (1) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND**
29 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**
30 **ARTICLE AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF**

1 PROVIDING FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF
2 THIS SUBTITLE.

3 (2) (I) MONEY IN THE FUND MAY NOT REVERT OR BE
4 TRANSFERRED TO THE GENERAL FUND OF THE STATE.

5 (II) ANY UNSPENT FUNDS SHALL REMAIN IN THE FUND FOR
6 FUTURE DISTRIBUTION BY THE CHESAPEAKE BAY GREEN FUND OVERSIGHT
7 AND ACCOUNTABILITY COMMITTEE.

8 **8-2203.**

9 (A) THE FUND SHALL PROVIDE FINANCIAL ASSISTANCE TO LOCAL
10 GOVERNMENTS, STATE AGENCIES, AND NONGOVERNMENTAL ORGANIZATIONS
11 FOR:

12 (1) THE SUPPORT OF PROJECTS AND ACTIVITIES RELATED TO
13 IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGIES; AND

14 (2) MEETING THE COMMITMENTS UNDER THE CHESAPEAKE 2000
15 AGREEMENT.

16 (B) THE COMPTROLLER SHALL DISTRIBUTE THE FUND ANNUALLY IN
17 ACCORDANCE WITH THE FOLLOWING ALLOCATIONS:

18 (1) 4.5% TO THE DEPARTMENT OF AGRICULTURE FOR THE SOIL
19 CONSERVATION DISTRICTS, THE UNIVERSITY OF MARYLAND COOPERATIVE
20 EXTENSION, AND THE DEPARTMENT OF THE ENVIRONMENT, AT A RATE OF 1.5%
21 EACH, NOT TO EXCEED \$2,000,000 EACH, FOR THE PROVISION OF TECHNICAL
22 ASSISTANCE RELATED TO THE IMPLEMENTATION OF THE TRIBUTARY
23 STRATEGIES;

24 (2) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, 35%
25 TO THE DEPARTMENT OF AGRICULTURE FOR THE IMPLEMENTATION OF BEST
26 MANAGEMENT PRACTICES THROUGH THE MARYLAND AGRICULTURAL
27 COST-SHARE PROGRAM, THE COVER CROP PROGRAM, AND ANY OTHER
28 COST-SHARE PROGRAMS FOR FARMERS; AND

1 **(II) FOR FISCAL YEAR 2009, HALF OF THE FUNDS**
2 **ALLOCATED UNDER THIS ITEM, NOT TO EXCEED \$20,000,000, TO THE NEXT**
3 **GENERATION FARMLAND ACQUISITION PROGRAM WITHIN THE MARYLAND**
4 **AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT**
5 **CORPORATION;**

6 **(3) 10% TO THE CHESAPEAKE BAY TRUST FOR:**

7 **(I) COMPETITIVE GRANTS AND LOANS RELATED TO THE**
8 **IMPLEMENTATION OF URBAN, SUBURBAN, OR AGRICULTURAL BEST**
9 **MANAGEMENT PRACTICES CONSISTENT WITH THE TRIBUTARY STRATEGIES;**

10 **(II) COMPETITIVE GRANTS TO ACADEMIC INSTITUTIONS,**
11 **UNITS OF STATE OR LOCAL GOVERNMENT, NONGOVERNMENTAL**
12 **ORGANIZATIONS, AND ANY OTHER PERSON IN ORDER TO ADVANCE**
13 **TECHNOLOGY OR DEMONSTRATE INNOVATIVE AGRICULTURAL NUTRIENT OR**
14 **STORMWATER MANAGEMENT TECHNIQUES;**

15 **(III) COMPETITIVE GRANTS TO LOCAL GOVERNMENTS AND**
16 **NONGOVERNMENTAL ORGANIZATIONS FOR ENVIRONMENTAL EDUCATION**
17 **PROGRAMMING; AND**

18 **(IV) DIRECT SUPPORT, NOT TO EXCEED \$1,000,000, TO THE**
19 **HARRY R. HUGHES AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND**
20 **USE RESEARCH TO ENHANCE THE EFFECTIVENESS OF CONSERVATION AND**
21 **AGRICULTURAL BEST MANAGEMENT PRACTICES;**

22 **(4) 15% TO THE DEPARTMENT OF PLANNING TO ASSIST WITH**
23 **LOCAL GOVERNMENT IMPLEMENTATION OF TRIBUTARY STRATEGIES**
24 **ACTIVITIES AND SMART GROWTH POLICIES, INCLUDING:**

25 **(I) GRANTS FOR TECHNICAL ASSISTANCE TO LOCAL**
26 **GOVERNMENTS FOR IMPLEMENTATION OF LOCAL ORDINANCES, ZONING, AND**
27 **PROGRAMS TO REDUCE DEVELOPMENT OUTSIDE PRIORITY FUNDING AREAS**
28 **AND TO PROTECT FARMLAND, FORESTS, AND OPEN SPACES;**

29 **(II) MATCHING GRANTS TO LOCAL GOVERNMENTS FOR**
30 **IMPLEMENTATION PRACTICES AND POLICIES CONSISTENT WITH THE**
31 **TRIBUTARY STRATEGIES; AND**

1 (III) IMPLEMENTATION OF THE REQUIREMENTS
2 ESTABLISHED UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY
3 OF 2006;

4 (5) 10% TO THE DEPARTMENT OF HOUSING AND COMMUNITY
5 DEVELOPMENT FOR INCENTIVES AND GRANTS TO LOCAL GOVERNMENTS TO
6 IMPLEMENT WORKFORCE HOUSING IN PRIORITY FUNDING AREAS;

7 (6) 10.5% TO THE DEPARTMENT OF NATURAL RESOURCES FOR
8 PROGRAMS TO PRESERVE AND RESTORE LIVING RESOURCES IN THE
9 CHESAPEAKE BAY AND ITS TRIBUTARIES, AS FOLLOWS:

10 (I) 0.5% FOR BAYSTAT TRACKING, NOT TO EXCEED
11 \$1,000,000; AND

12 (II) THE REMAINDER FOR:

13 1. PROGRAM DELIVERY AND INCENTIVES FOR
14 BUFFER AND WETLAND RESTORATION; AND

15 2. NATIVE OYSTER AND AQUATIC HABITAT
16 RESTORATION ACTIVITIES; AND

17 (7) 15% TO THE DEPARTMENT OF THE ENVIRONMENT FOR
18 MATCHING GRANTS TO LOCAL GOVERNMENTS FOR:

19 (I) IMPLEMENTATION OF PRACTICES AND POLICIES
20 CONSISTENT WITH THE TRIBUTARY STRATEGIES; AND

21 (II) IMPLEMENTATION OF THE REQUIREMENTS ENACTED
22 UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006.

23 (C) THE CHESAPEAKE BAY TRUST OR A UNIT OF GOVERNMENT THAT
24 RECEIVES A DIRECT ALLOCATION FROM THE FUND MAY UTILIZE UP TO 5% OF
25 ALLOCATED FUNDS FOR THE ADMINISTRATION OF FUNDED PROGRAMS AND
26 ACTIVITIES.

1 **(D) LOCAL GOVERNMENTS MAY USE UP TO 5% OF COLLECTED FEES FOR**
2 **COSTS ASSOCIATED WITH THE ADMINISTRATION OF FEE COLLECTION**
3 **ACTIVITIES.**

4 **(E) IN THE ADMINISTRATION OF FUNDS ALLOCATED FROM THE FUND,**
5 **AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CHESAPEAKE**
6 **BAY TRUST:**

7 **(1) IS EXEMPT FROM THE PROVISIONS OF ARTICLE 78A AND THE**
8 **STATE FINANCE AND PROCUREMENT ARTICLE; AND**

9 **(2) MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH**
10 **A UNIT OF STATE GOVERNMENT.**

11 **8-2204.**

12 **(A) (1) THERE IS A CHESAPEAKE BAY GREEN FUND OVERSIGHT AND**
13 **ACCOUNTABILITY COMMITTEE.**

14 **(2) THE COMMITTEE CONSISTS OF THE FOLLOWING 13 MEMBERS:**

15 **(I) THE SECRETARY OF NATURAL RESOURCES, OR THE**
16 **SECRETARY'S DESIGNEE;**

17 **(II) THE SECRETARY OF THE ENVIRONMENT, OR THE**
18 **SECRETARY'S DESIGNEE;**

19 **(III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S**
20 **DESIGNEE;**

21 **(IV) THE SECRETARY OF AGRICULTURE, OR THE**
22 **SECRETARY'S DESIGNEE;**

23 **(V) ONE MEMBER OF THE SENATE OF MARYLAND,**
24 **APPOINTED BY THE PRESIDENT OF THE SENATE;**

25 **(VI) ONE MEMBER OF THE HOUSE OF DELEGATES,**
26 **APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;**

1 **(VII) A REPRESENTATIVE OF THE CHESAPEAKE BAY TRUST,**
2 **APPOINTED BY THE CHAIR OF THE CHESAPEAKE BAY TRUST;**

3 **(VIII) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
4 **OF COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;**

5 **(IX) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL**
6 **LEAGUE, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND**

7 **(X) THE FOLLOWING FOUR MEMBERS, APPOINTED BY THE**
8 **GOVERNOR:**

9 **1. A REPRESENTATIVE OF A NONGOVERNMENTAL**
10 **ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;**

11 **2. A REPRESENTATIVE OF A NONGOVERNMENTAL**
12 **ORGANIZATION WITH EXPERTISE IN SMART GROWTH POLICIES AND PROGRAMS;**

13 **3. A REPRESENTATIVE OF THE AGRICULTURAL**
14 **COMMUNITY; AND**

15 **4. A REPRESENTATIVE OF THE DEVELOPMENT**
16 **COMMUNITY.**

17 **(3) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE**
18 **COMMITTEE FROM THE DESIGNATED MEMBERS OF THE COMMITTEE.**

19 **(4) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER**
20 **GROUP AS IT DETERMINES IS NECESSARY.**

21 **(5) (I) THE TERM OF A MEMBER IS 4 YEARS.**

22 **(II) A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR**
23 **IS APPOINTED.**

24 **(III) THE TERMS OF THE MEMBERS APPOINTED BY THE**
25 **GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR**
26 **MEMBERS OF THE COMMITTEE ON JULY 1, 2007.**

1 (IV) AT THE END OF A TERM, A MEMBER CONTINUES TO
2 SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

3 (V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS
4 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
5 APPOINTED AND QUALIFIES.

6 (6) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A
7 MEMBER OF THE COMMITTEE, THE LOBBYIST:

8 (I) IS NOT SUBJECT TO § 15-504(D) OF THE STATE
9 GOVERNMENT ARTICLE WITH RESPECT TO THAT SERVICE; AND

10 (II) IS NOT SUBJECT TO § 15-703(F)(3) OF THE STATE
11 GOVERNMENT ARTICLE AS A RESULT OF THAT SERVICE.

12 (B) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE CHESAPEAKE
13 BAY TRUST AND ANY UNIT OF STATE GOVERNMENT THAT IS A FUND RECIPIENT
14 UNDER THIS SUBTITLE SHALL:

15 (1) PROVIDE INFORMATION TO THE COMMITTEE REGARDING:

16 (I) THE SPECIFIC RECEIPT AND DISTRIBUTION OF
17 REVENUES FROM THE FUND DURING THE PREVIOUS FISCAL YEAR;

18 (II) ESTIMATES OF NUTRIENT POLLUTION REDUCTIONS OR
19 OTHER BENCHMARKS ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN
20 ACHIEVED WITH FUND DISTRIBUTIONS;

21 (III) ACCOUNTABILITY MEASURES TO ENSURE THAT THE
22 TRIBUTARY STRATEGIES AND SMART GROWTH OBJECTIVES ARE ADVANCED BY
23 USE OF THE FUND; AND

24 (IV) ANY OTHER INFORMATION DETERMINED TO BE
25 NECESSARY BY THE COMMITTEE; AND

26 (2) EVALUATE PERFORMANCE REQUIREMENTS AND
27 ACCOUNTABILITY MEASURES AND INCORPORATE THEM INTO ALL GRANTS, SO
28 AS TO MAXIMIZE CONSISTENCY AND ACCOUNTABILITY IN MEETING NUTRIENT

1 **POLLUTION REDUCTIONS AND PERFORMANCE BENCHMARKS ESTABLISHED**
2 **UNDER SUBSECTION (C) OF THIS SECTION.**

3 **(C) THE COMMITTEE SHALL:**

4 **(1) MEET AT LEAST QUARTERLY;**

5 **(2) ESTABLISH CHESAPEAKE BAY GREEN FUND PERFORMANCE**
6 **BENCHMARKS THAT REFLECT THE IMPLEMENTATION OF THE TRIBUTARY**
7 **STRATEGIES, THE CHESAPEAKE 2000 AGREEMENT, AND ACHIEVEMENT OF**
8 **SMART GROWTH OBJECTIVES, INCLUDING:**

9 **(I) NUTRIENT POLLUTION REDUCTIONS;**

10 **(II) PROGRESS TOWARDS SPECIFIC COMMITMENTS UNDER**
11 **THE CHESAPEAKE 2000 AGREEMENT;**

12 **(III) CHANGES IN LOCAL ZONING, ORDINANCES, AND**
13 **PROGRAMS; AND**

14 **(IV) ANY OTHER APPROPRIATE MEASURES;**

15 **(3) REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND**
16 **MAKE CHANGES AS APPROPRIATE;**

17 **(4) MONITOR FINANCIAL AND OTHER ACCOUNTABILITY**
18 **MEASURES UTILIZED BY THE CHESAPEAKE BAY TRUST AND UNITS OF STATE**
19 **GOVERNMENT THAT ARE FUND RECIPIENTS IN REGARD TO THEIR USE OF**
20 **ALLOTTED FUNDS SO AS TO ENSURE THAT FUND DISTRIBUTION IS**
21 **COST-EFFECTIVE, IS BASED ON SOUND SCIENCE, AND ACHIEVES DESIRED**
22 **RESULTS;**

23 **(5) ON OR BEFORE DECEMBER 1 OF EACH YEAR, AND SUBJECT**
24 **TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, PROVIDE AN ANNUAL**
25 **PROGRESS REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY**
26 **REGARDING:**

27 **(I) FUND REVENUES AND DISTRIBUTIONS;**

1 (II) SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY
2 THE FUND;

3 (III) PROGRESS TOWARDS PERFORMANCE BENCHMARKS;
4 AND

5 (IV) ANY OTHER RELEVANT INFORMATION; AND

6 (6) EVERY 3 YEARS, ON OR BEFORE DECEMBER 1 AND SUBJECT
7 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, REVIEW THE
8 DISTRIBUTION PERCENTAGES OF THE FUND AND REPORT IN WRITING TO THE
9 GOVERNOR AND GENERAL ASSEMBLY REGARDING ANY RECOMMENDED
10 MODIFICATIONS.

11 (D) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE
12 STAFF FOR THE COMMITTEE.

13 **8-2205.**

14 (A) IN CONSULTATION WITH THE DEPARTMENT OF PLANNING AND THE
15 DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF THE
16 ENVIRONMENT SHALL ADOPT REGULATIONS BY DECEMBER 31, 2007, THAT
17 ESTABLISH:

18 (1) AN OFFSET PROGRAM BY WHICH AN IMPERVIOUS SURFACE
19 FEE MAY BE REDUCED;

20 (2) METHODS OF CALCULATING TOTAL IMPERVIOUS SURFACES
21 AND PROPOSED OFFSETS FOR CALCULATIONS OF IMPERVIOUS SURFACE FEES;
22 AND

23 (3) MITIGATION REQUIREMENTS FOR NEW IMPERVIOUS
24 SURFACES CREATED BY GOVERNMENT-SPONSORED PROJECTS OR ACTIVITIES.

25 (B) (1) REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS
26 SECTION SHALL PROVIDE FOR THE USE OF AN OFFSET IN ORDER TO DECREASE
27 THE AMOUNT OF AN IMPERVIOUS SURFACE FEE IF THERE IS A SUBSTANTIAL
28 LIKELIHOOD THAT THE OFFSET WILL SIGNIFICANTLY REDUCE THE

1 **DETRIMENTAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE NEW**
2 **IMPERVIOUS SURFACE.**

3 **(2) AN OFFSET ESTABLISHED UNDER THIS SECTION:**

4 **(I) SHALL:**

5 **1. INCLUDE PLANS FOR LONG-TERM MAINTENANCE**
6 **OF PRACTICES;**

7 **2. BE REVIEWED AND APPROVED BY THE**
8 **DEPARTMENT OF THE ENVIRONMENT BEFORE THE ISSUANCE OF A LOCAL**
9 **GRADING OR BUILDING PERMIT; AND**

10 **3. INCLUDE ADEQUATE FINANCIAL ASSURANCES**
11 **THAT PRACTICES AND PROJECTS WILL FUNCTION AS SPECIFIED; AND**

12 **(II) MAY INCLUDE THE INSTALLATION AND PROVISION OF**
13 **LONG-TERM MAINTENANCE FOR ENVIRONMENTAL SITE DESIGN TECHNIQUES.**

14 **(C) REGULATIONS ADOPTED UNDER SUBSECTION (A)(2) OF THIS**
15 **SECTION:**

16 **(1) SHALL INCLUDE PLANS FOR LONG-TERM MAINTENANCE OF**
17 **PRACTICES; AND**

18 **(2) MAY INCLUDE:**

19 **(I) THE USE OF ENVIRONMENTAL SITE DESIGN**
20 **TECHNIQUES ON-SITE;**

21 **(II) ENVIRONMENTAL ENHANCEMENTS THAT MITIGATE**
22 **CHANGES IN HYDROLOGY ON-SITE OR OFF-SITE;**

23 **(III) RESTORATION, CREATION, OR ENHANCEMENT OF**
24 **FORESTED BUFFERS, WETLANDS, OR OTHER ENVIRONMENTAL FEATURES; AND**

25 **(IV) ANY OTHER ENVIRONMENTAL PRACTICES APPROVED**
26 **BY THE DEPARTMENT OF THE ENVIRONMENT FOR PURPOSES OF MITIGATION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
2 members of the Chesapeake Bay Green Fund Oversight and Accountability Committee
3 shall expire as follows:

- 4 (1) two members in 2008;
- 5 (2) two members in 2009;
- 6 (3) two members in 2010; and
- 7 (4) three members in 2011.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 July 1, 2007.