

SENATE BILL 329

M3
SB 155/08 – EHE & JPR

9lr2054

By: **Senator Colburn**

Introduced and read first time: January 28, 2009

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County - Bay Restoration Fee - Lien Against Property**

3 FOR the purpose of establishing in Dorchester County that an unpaid Bay Restoration
4 Fee is a lien against the property on which the wastewater facility, onsite
5 sewage disposal system, or holding tank is located; requiring a notice of lien to
6 be recorded in the land records of Dorchester County; and generally relating to
7 the Bay Restoration Fee.

8 BY repealing and reenacting, with amendments,
9 Article – Environment
10 Section 9–1605.2(d)
11 Annotated Code of Maryland
12 (2007 Replacement Volume and 2008 Supplement)

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

15 **Article – Environment**

16 9–1605.2.

17 (d) (1) Subject to the approval of the Administration, a local government
18 or a billing authority for a water or wastewater facility may establish a program to
19 exempt from the requirements of this section a residential dwelling able to
20 demonstrate substantial financial hardship as a result of the restoration fee.

21 (2) (i) Except as provided in subparagraph (ii) of this paragraph,
22 the Bay Restoration Fee shall be collected by the local government or the billing
23 authority for the water or wastewater facility, as appropriate, on behalf of the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) For a wastewater facility without a billing authority, the
2 Comptroller may collect the restoration fee from the facility owner.

3 (3) A local government, billing authority for a water or wastewater
4 facility, or any other authorized collecting agency:

5 (i) May use all of its existing procedures and authority for
6 collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding
7 tank bill in order to enforce the collection of the Bay Restoration Fee; and

8 (ii) Shall establish a segregated account for the deposit of funds
9 collected under this section.

10 (4) (I) **IN DORCHESTER COUNTY, AN UNPAID BAY**
11 **RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ON WHICH THE**
12 **WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR HOLDING TANK**
13 **IS LOCATED.**

14 (II) **A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND**
15 **RECORDS OF DORCHESTER COUNTY.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2009.