

# SENATE BILL 719

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By: **Senator Young**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Stormwater Remediation Fees – Municipalities**

3 FOR the purpose of authorizing a municipality to charge a stormwater remediation fee to  
4 property owned by the State, a unit of State government, a county, or an institution  
5 of higher education that is located within the municipality under certain  
6 circumstances; and generally relating to stormwater remediation fees and  
7 municipalities.

8 BY repealing and reenacting, without amendments,

9 Article – Education

10 Section 10–101(h)

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Environment

15 Section 4–202.1(d)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2015 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Environment

20 Section 4–202.1(e)

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2015 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

24 That the Laws of Maryland read as follows:

25 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10–101.

2 (h) (1) “Institution of higher education” means an institution of postsecondary  
3 education that generally limits enrollment to graduates of secondary schools, and awards  
4 degrees at either the associate, baccalaureate, or graduate level.

5 (2) “Institution of higher education” includes public, private nonprofit, and  
6 for–profit institutions of higher education.

7 **Article – Environment**

8 4–202.1.

9 (d) (1) A county or municipality shall maintain or administer a local  
10 watershed protection and restoration fund in accordance with this section.

11 (2) The purpose of a local watershed protection and restoration fund is to  
12 provide financial assistance for the implementation of local stormwater management plans  
13 through stormwater management practices and stream and wetland restoration activities.

14 (e) (1) (i) Except as provided in paragraph (2) of this subsection and  
15 subsection (f) of this section, a county or municipality may establish and annually collect a  
16 stormwater remediation fee from owners of property located within the county or  
17 municipality in accordance with this section.

18 (ii) Beginning fiscal year 2017, if a county funds the cost of  
19 stormwater remediation by using general revenues or through the issuance of bonds, the  
20 county shall meet with each municipality within its jurisdiction to mutually agree that the  
21 county will:

22 1. Assume responsibility for the municipality’s stormwater  
23 remediation obligations;

24 2. For a municipality that has established a stormwater  
25 remediation fee under this section or § 4–204 of this subtitle, adjust the county property  
26 tax rate within the municipality to offset the stormwater remediation fee charged by the  
27 municipality; or

28 3. Negotiate a memorandum of understanding with the  
29 municipality to mutually agree upon any other action.

30 (2) (i) Except as provided in subparagraphs (ii) [and], (iii), **AND (IV)** of  
31 this paragraph, property owned by the State, a unit of State government, a county, a  
32 municipality, a veterans’ organization that is exempt from taxation under § 501(c)(4) or  
33 (19) of the Internal Revenue Code, or a regularly organized volunteer fire department that  
34 is used for public purposes may not be charged a stormwater remediation fee under this  
35 section.

1 (ii) 1. Except as provided in subparagraph 2 of this  
2 subparagraph, property owned by the State or a unit of State government may be charged  
3 a stormwater remediation fee by a county under this section if:

4 A. The State or a unit of State government and a county  
5 agree to the collection of an annual stormwater remediation fee from the State or a unit of  
6 State government that is based on the share of stormwater management services related  
7 to property of the State or a unit of State government located within the county;

8 B. The county agrees to appropriate into its own local  
9 watershed protection and restoration fund, on an annual basis, an amount of money that  
10 is based on the share of stormwater management services related to county property on an  
11 annual basis; and

12 C. The county demonstrates to the satisfaction of the State or  
13 a unit of State government that the fees collected under item A of this subparagraph and  
14 the money appropriated under item B of this subparagraph were deposited into the county's  
15 local watershed protection and restoration fund.

16 2. A county or municipality may not charge a stormwater  
17 remediation fee to property specifically covered by a current national pollutant discharge  
18 elimination system municipal separate storm sewer system permit or industrial  
19 stormwater permit held by the State or a unit of State government.

20 (iii) A county or municipality may charge a stormwater remediation  
21 fee to property owned by a veterans' organization that is exempt from taxation under §  
22 501(c)(4) or (19) of the Internal Revenue Code or a regularly organized volunteer fire  
23 department if:

24 1. The county or municipality determines that the creation  
25 of a nondiscriminatory program for applying the stormwater remediation fee to federal  
26 properties under the federal facilities pollution control section of the Clean Water Act is  
27 necessary in order for the county or municipality to receive federal funding for stormwater  
28 remediation; and

29 2. A veterans' organization that is exempt from taxation  
30 under § 501(c)(4) or (19) of the Internal Revenue Code and a regularly organized volunteer  
31 fire department that is used for public purposes are provided with the opportunity to apply  
32 for an alternate compliance plan established under subsection (k)(3) of this section instead  
33 of paying a stormwater remediation fee charged by a county or municipality under item 1  
34 of this subparagraph.

35 **(IV) A MUNICIPALITY MAY CHARGE A STORMWATER**  
36 **REMEDATION FEE TO PROPERTY OWNED BY THE STATE, A UNIT OF STATE**  
37 **GOVERNMENT, A COUNTY, OR AN INSTITUTION OF HIGHER EDUCATION, AS DEFINED**

1 IN § 10-101 OF THE EDUCATION ARTICLE, THAT IS LOCATED WITHIN THE  
2 MUNICIPALITY IF:

3 1. THE MUNICIPALITY HAS ESTABLISHED A WATERSHED  
4 PROTECTION AND RESTORATION FUND IN ACCORDANCE WITH SUBSECTION (D) OF  
5 THIS SECTION; AND

6 2. THE MUNICIPALITY CHARGES A STORMWATER  
7 REMEDIATION FEE ON PROPERTY OWNED BY THE MUNICIPALITY.

8 (3) (i) If a county or municipality establishes a stormwater remediation  
9 fee under this section, a county or municipality shall set a stormwater remediation fee for  
10 property in an amount that is based on the share of stormwater management services  
11 related to the property and provided by the county or municipality.

12 (ii) A county or municipality may set a stormwater remediation fee  
13 under this paragraph based on:

14 1. A flat rate;

15 2. An amount that is graduated, based on the amount of  
16 impervious surface on each property; or

17 3. Another method of calculation selected by the county or  
18 municipality.

19 (4) If a county or municipality establishes a stormwater remediation fee  
20 under this section, the stormwater remediation fee established under this section is  
21 separate from any charges that a county or municipality establishes related to stormwater  
22 management for new developments under § 4-204 of this subtitle, including fees for  
23 permitting, review of stormwater management plans, inspections, or monitoring.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 2016.