

# HOUSE BILL 1220

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CF SB 901

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By: **Delegates McIntosh, Beidle, Bobo, Bromwell, Bronrott, Cane, V. Clagett, Frush, Haynes, Healey, Holmes, Hubbard, Lafferty, Lawton, Love, Malone, Montgomery, Morhaim, Niemann, Rosenberg, and Waldstreicher**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

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## 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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

16 BY adding to

17 Article – Natural Resources

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

20 Annotated Code of Maryland

21 (2000 Replacement Volume and 2006 Supplement)

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

24 **Article – Natural Resources**

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

26 **8–2201.**

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 28 INDICATED.

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

1           (C) **“DWELLING UNIT” HAS THE MEANING STATED IN § 8-1802(A)(10)**  
2 **OF THIS TITLE.**

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

7           (E) **“FUND” MEANS THE CHESAPEAKE BAY GREEN FUND ESTABLISHED**  
8 **UNDER THIS SUBTITLE.**

9           (F) (1) **“GOVERNMENT-SPONSORED PROJECT OR ACTIVITY” MEANS A**  
10 **DEVELOPMENT ACTIVITY THAT IS:**

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

14                   (II) **OWNED BY THE FEDERAL, STATE, OR LOCAL**  
15 **GOVERNMENT; OR**

16                   (III) **FUNDED PRIMARILY BY THE FEDERAL, STATE, OR**  
17 **LOCAL GOVERNMENT IN WHICH THE AGENCY SERVES.**

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

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

29           (H) (1) **“NEW IMPERVIOUS SURFACE” INCLUDES NEW BUILDINGS,**  
30 **DWELLING UNITS, ROADS, PARKING LOTS, DRIVEWAYS, AND ANY OTHER**

1 IMPERVIOUS SURFACES CREATED AS A RESULT OF RESIDENTIAL, COMMERCIAL,  
2 INDUSTRIAL, OR OTHER DEVELOPMENT.

3 (2) "NEW IMPERVIOUS SURFACE" DOES NOT INCLUDE:

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

7 (II) A NEW POULTRY HOUSE; OR

8 (III) ANY STRUCTURE INCLUDED IN AN APPROVED  
9 NUTRIENT MANAGEMENT OR SOIL AND WATER CONSERVATION PLAN.

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

16 (J) "PRIORITY FUNDING AREAS" ARE THOSE AREAS IDENTIFIED OR  
17 DESIGNATED AS PRIORITY FUNDING AREAS UNDER §§ 5-7B-02 AND 5-7B-03 OF  
18 THE STATE FINANCE AND PROCUREMENT ARTICLE.

19 (K) "SMART GROWTH POLICIES" MEANS THE POLICIES ESTABLISHED  
20 UNDER TITLE 9, SUBTITLE 14 OF THE STATE GOVERNMENT ARTICLE.

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

26 (M) "WORKFORCE HOUSING" HAS THE MEANING STATED IN § 4-1801 OF  
27 THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

28 8-2202.

1           (A) (1) BEGINNING JANUARY 1, 2008, THERE IS A CHESAPEAKE BAY  
2 GREEN FUND.

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

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

10                           (ii) PROVIDE CRITICAL PLANNING AND TECHNICAL  
11 ASSISTANCE TOOLS CONSISTENT WITH NUTRIENT REDUCTION AND SMART  
12 GROWTH POLICIES;

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

17                           (iv) REDUCE FUTURE CHESAPEAKE BAY AND TRIBUTARY  
18 STRATEGIES RESTORATION COSTS;

19                           (v) MAINTAIN THE PRODUCTIVITY AND OPEN SPACES OF  
20 THE STATE'S FARMLAND AND FORESTS; AND

21                           (vi) MINIMIZE THE ENVIRONMENTAL IMPACTS OF  
22 DEVELOPMENT.

23           (B) (1) BEGINNING JANUARY 1, 2008, THERE IS AN IMPERVIOUS  
24 SURFACE FEE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13           **(IV) SUBMIT ANNUALLY TO THE CHESAPEAKE BAY GREEN**  
14 **FUND OVERSIGHT AND ACCOUNTABILITY COMMITTEE ESTABLISHED UNDER §**  
15 **8-2204 OF THIS SUBTITLE INFORMATION REGARDING ANY LOCAL**  
16 **ADMINISTRATIVE COSTS AND THE INFORMATION COMPILED IN ACCORDANCE**  
17 **WITH ITEMS (I), (II), AND (III) OF THIS PARAGRAPH.**

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

23           **(E) (1) THE COMPTROLLER SHALL DEPOSIT THE IMPERVIOUS**  
24 **SURFACE FEE IN THE FUND.**

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

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

1           **(F) (1) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND**  
2 **THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT**  
3 **ARTICLE AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSE OF**  
4 **PROVIDING FINANCIAL ASSISTANCE IN ACCORDANCE WITH THE PROVISIONS OF**  
5 **THIS SUBTITLE.**

6           **(2) (I) MONEY IN THE FUND MAY NOT REVERT OR BE**  
7 **TRANSFERRED TO THE GENERAL FUND OF THE STATE.**

8           **(II) ANY UNSPENT FUNDS SHALL REMAIN IN THE FUND FOR**  
9 **FUTURE DISTRIBUTION BY THE CHESAPEAKE BAY GREEN FUND OVERSIGHT**  
10 **AND ACCOUNTABILITY COMMITTEE.**

11 **8-2203.**

12           **(A) THE FUND SHALL PROVIDE FINANCIAL ASSISTANCE TO LOCAL**  
13 **GOVERNMENTS, STATE AGENCIES, AND NONGOVERNMENTAL ORGANIZATIONS**  
14 **FOR:**

15           **(1) THE SUPPORT OF PROJECTS AND ACTIVITIES RELATED TO**  
16 **IMPLEMENTATION OF THE STATE'S TRIBUTARY STRATEGIES; AND**

17           **(2) MEETING THE COMMITMENTS UNDER THE CHESAPEAKE 2000**  
18 **AGREEMENT.**

19           **(B) THE COMPTROLLER SHALL DISTRIBUTE THE FUND ANNUALLY IN**  
20 **ACCORDANCE WITH THE FOLLOWING ALLOCATIONS:**

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

27           **(2) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, 35%**  
28 **TO THE DEPARTMENT OF AGRICULTURE FOR THE IMPLEMENTATION OF BEST**  
29 **MANAGEMENT PRACTICES THROUGH THE MARYLAND AGRICULTURAL**



1 **COST-SHARE PROGRAM, THE COVER CROP PROGRAM, AND ANY OTHER**  
2 **COST-SHARE PROGRAMS FOR FARMERS; AND**

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

8 **(3) 10% TO THE CHESAPEAKE BAY TRUST FOR:**

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

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

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

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

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

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

1                   **(II) MATCHING GRANTS TO LOCAL GOVERNMENTS FOR**  
2 **IMPLEMENTATION PRACTICES AND POLICIES CONSISTENT WITH THE**  
3 **TRIBUTARY STRATEGIES; AND**

4                   **(III) IMPLEMENTATION OF THE REQUIREMENTS**  
5 **ESTABLISHED UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY**  
6 **OF 2006;**

7                   **(5) 10% TO THE DEPARTMENT OF HOUSING AND COMMUNITY**  
8 **DEVELOPMENT FOR INCENTIVES AND GRANTS TO LOCAL GOVERNMENTS TO**  
9 **IMPLEMENT WORKFORCE HOUSING IN PRIORITY FUNDING AREAS;**

10                   **(6) 10.5% TO THE DEPARTMENT OF NATURAL RESOURCES FOR**  
11 **PROGRAMS TO PRESERVE AND RESTORE LIVING RESOURCES IN THE**  
12 **CHESAPEAKE BAY AND ITS TRIBUTARIES, AS FOLLOWS:**

13                   **(I) 0.5% FOR BAYSTAT TRACKING, NOT TO EXCEED**  
14 **\$1,000,000; AND**

15                   **(II) THE REMAINDER FOR:**

16                                 **1. PROGRAM DELIVERY AND INCENTIVES FOR**  
17 **BUFFER AND WETLAND RESTORATION; AND**

18                                 **2. NATIVE OYSTER AND AQUATIC HABITAT**  
19 **RESTORATION ACTIVITIES; AND**

20                   **(7) 15% TO THE DEPARTMENT OF THE ENVIRONMENT FOR**  
21 **MATCHING GRANTS TO LOCAL GOVERNMENTS FOR:**

22                                 **(I) IMPLEMENTATION OF PRACTICES AND POLICIES**  
23 **CONSISTENT WITH THE TRIBUTARY STRATEGIES; AND**

24                                 **(II) IMPLEMENTATION OF THE REQUIREMENTS ENACTED**  
25 **UNDER CHAPTER 381 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006.**

26                   **(C) THE CHESAPEAKE BAY TRUST OR A UNIT OF GOVERNMENT THAT**  
27 **RECEIVES A DIRECT ALLOCATION FROM THE FUND MAY UTILIZE UP TO 5% OF**

1 ALLOCATED FUNDS FOR THE ADMINISTRATION OF FUNDED PROGRAMS AND  
2 ACTIVITIES.

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

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

9 (1) IS EXEMPT FROM THE PROVISIONS OF ARTICLE 78A AND THE  
10 STATE FINANCE AND PROCUREMENT ARTICLE; AND

11 (2) MAY ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH  
12 A UNIT OF STATE GOVERNMENT.

13 8-2204.

14 (A) (1) THERE IS A CHESAPEAKE BAY GREEN FUND OVERSIGHT AND  
15 ACCOUNTABILITY COMMITTEE.

16 (2) THE COMMITTEE CONSISTS OF THE FOLLOWING 13 MEMBERS:

17 (I) THE SECRETARY OF NATURAL RESOURCES, OR THE  
18 SECRETARY'S DESIGNEE;

19 (II) THE SECRETARY OF THE ENVIRONMENT, OR THE  
20 SECRETARY'S DESIGNEE;

21 (III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S  
22 DESIGNEE;

23 (IV) THE SECRETARY OF AGRICULTURE, OR THE  
24 SECRETARY'S DESIGNEE;

25 (V) ONE MEMBER OF THE SENATE OF MARYLAND,  
26 APPOINTED BY THE PRESIDENT OF THE SENATE;

1                   (VI) ONE MEMBER OF THE HOUSE OF DELEGATES,  
2 APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

3                   (VII) A REPRESENTATIVE OF THE CHESAPEAKE BAY TRUST,  
4 APPOINTED BY THE CHAIR OF THE CHESAPEAKE BAY TRUST;

5                   (VIII) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION  
6 OF COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;

7                   (IX) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL  
8 LEAGUE, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND

9                   (X) THE FOLLOWING FOUR MEMBERS, APPOINTED BY THE  
10 GOVERNOR:

11                   1. A REPRESENTATIVE OF A NONGOVERNMENTAL  
12 ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;

13                   2. A REPRESENTATIVE OF A NONGOVERNMENTAL  
14 ORGANIZATION WITH EXPERTISE IN SMART GROWTH POLICIES AND PROGRAMS;

15                   3. A REPRESENTATIVE OF THE AGRICULTURAL  
16 COMMUNITY; AND

17                   4. A REPRESENTATIVE OF THE DEVELOPMENT  
18 COMMUNITY.

19                   (3) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE  
20 COMMITTEE FROM THE DESIGNATED MEMBERS OF THE COMMITTEE.

21                   (4) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER  
22 GROUP AS IT DETERMINES IS NECESSARY.

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

24                   (II) A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR  
25 IS APPOINTED.

1                   (III) THE TERMS OF THE MEMBERS APPOINTED BY THE  
2 GOVERNOR ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR  
3 MEMBERS OF THE COMMITTEE ON JULY 1, 2007.

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

6                   (V) A MEMBER WHO IS APPOINTED AFTER A TERM HAS  
7 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
8 APPOINTED AND QUALIFIES.

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

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

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

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

18                   (1) PROVIDE INFORMATION TO THE COMMITTEE REGARDING:

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

21                   (II) ESTIMATES OF NUTRIENT POLLUTION REDUCTIONS OR  
22 OTHER BENCHMARKS ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN  
23 ACHIEVED WITH FUND DISTRIBUTIONS;

24                   (III) ACCOUNTABILITY MEASURES TO ENSURE THAT THE  
25 TRIBUTARY STRATEGIES AND SMART GROWTH OBJECTIVES ARE ADVANCED BY  
26 USE OF THE FUND; AND

27                   (IV) ANY OTHER INFORMATION DETERMINED TO BE  
28 NECESSARY BY THE COMMITTEE; AND

1           **(2) EVALUATE PERFORMANCE REQUIREMENTS AND**  
2 **ACCOUNTABILITY MEASURES AND INCORPORATE THEM INTO ALL GRANTS, SO**  
3 **AS TO MAXIMIZE CONSISTENCY AND ACCOUNTABILITY IN MEETING NUTRIENT**  
4 **POLLUTION REDUCTIONS AND PERFORMANCE BENCHMARKS ESTABLISHED**  
5 **UNDER SUBSECTION (C) OF THIS SECTION.**

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

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

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

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

13                           **(II) PROGRESS TOWARDS SPECIFIC COMMITMENTS UNDER**  
14 **THE CHESAPEAKE 2000 AGREEMENT;**

15                           **(III) CHANGES IN LOCAL ZONING, ORDINANCES, AND**  
16 **PROGRAMS; AND**

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

18                   **(3) REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND**  
19 **MAKE CHANGES AS APPROPRIATE;**

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

26                   **(5) ON OR BEFORE DECEMBER 1 OF EACH YEAR, AND SUBJECT**  
27 **TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, PROVIDE AN ANNUAL**

1 **PROGRESS REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY**  
2 **REGARDING:**

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

4 (II) **SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY**  
5 **THE FUND;**

6 (III) **PROGRESS TOWARDS PERFORMANCE BENCHMARKS;**  
7 **AND**

8 (IV) **ANY OTHER RELEVANT INFORMATION; AND**

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

14 (D) **THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE**  
15 **STAFF FOR THE COMMITTEE.**

16 **8-2205.**

17 (A) **IN CONSULTATION WITH THE DEPARTMENT OF PLANNING AND THE**  
18 **DEPARTMENT OF NATURAL RESOURCES, THE DEPARTMENT OF THE**  
19 **ENVIRONMENT SHALL ADOPT REGULATIONS BY DECEMBER 31, 2007, THAT**  
20 **ESTABLISH:**

21 (1) **AN OFFSET PROGRAM BY WHICH AN IMPERVIOUS SURFACE**  
22 **FEE MAY BE REDUCED;**

23 (2) **METHODS OF CALCULATING TOTAL IMPERVIOUS SURFACES**  
24 **AND PROPOSED OFFSETS FOR CALCULATIONS OF IMPERVIOUS SURFACE FEES;**  
25 **AND**

26 (3) **MITIGATION REQUIREMENTS FOR NEW IMPERVIOUS**  
27 **SURFACES CREATED BY GOVERNMENT-SPONSORED PROJECTS OR ACTIVITIES.**

1           **(B) (1) REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS**  
2 **SECTION SHALL PROVIDE FOR THE USE OF AN OFFSET IN ORDER TO DECREASE**  
3 **THE AMOUNT OF AN IMPERVIOUS SURFACE FEE IF THERE IS A SUBSTANTIAL**  
4 **LIKELIHOOD THAT THE OFFSET WILL SIGNIFICANTLY REDUCE THE**  
5 **DETRIMENTAL ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE NEW**  
6 **IMPERVIOUS SURFACE.**

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

8                   **(I) SHALL:**

9                           **1. INCLUDE PLANS FOR LONG-TERM MAINTENANCE**  
10 **OF PRACTICES;**

11                           **2. BE REVIEWED AND APPROVED BY THE**  
12 **DEPARTMENT OF THE ENVIRONMENT BEFORE THE ISSUANCE OF A LOCAL**  
13 **GRADING OR BUILDING PERMIT; AND**

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

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

18           **(C) REGULATIONS ADOPTED UNDER SUBSECTION (A)(2) OF THIS**  
19 **SECTION:**

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

22                   **(2) MAY INCLUDE:**

23                           **1. THE USE OF ENVIRONMENTAL SITE DESIGN**  
24 **TECHNIQUES ON-SITE;**

25                           **2. ENVIRONMENTAL ENHANCEMENTS THAT MITIGATE**  
26 **CHANGES IN HYDROLOGY ON-SITE OR OFF-SITE;**



1                   **3. RESTORATION, CREATION, OR ENHANCEMENT OF**  
2 **FORESTED BUFFERS, WETLANDS, OR OTHER ENVIRONMENTAL FEATURES; AND**

3                   **4. ANY OTHER ENVIRONMENTAL PRACTICES APPROVED**  
4 **BY THE DEPARTMENT OF THE ENVIRONMENT FOR PURPOSES OF MITIGATION.**

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

- 8                   (1) two members in 2008;
- 9                   (2) two members in 2009;
- 10                  (3) two members in 2010; and
- 11                  (4) three members in 2011.

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