

HOUSE BILL 82

M3

6lr0304

By: **Delegates Carr, Barve, and Stein**

Introduced and read first time: January 15, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Stormwater Management – Assessment of Local Fees, Charges, and Excise Taxes**
3 **– Leasehold Interests**

4 FOR the purpose of requiring a leasehold or other limited interest in property that is owned
5 by the federal government, the State, a county, a municipality, or an agency or
6 instrumentality of the federal government, the State, a county, or a municipality to
7 be assessed a certain stormwater remediation fee, a certain stormwater management
8 charge, or a certain stormwater management excise tax by a county or municipality
9 under certain circumstances; and generally relating to the assessment of a
10 stormwater remediation fee, a stormwater management charge, or a stormwater
11 management excise tax by a county or municipality.

12 BY repealing and reenacting, without amendments,
13 Article – Environment
14 Section 4–202.1(e)(1)(i) and 4–204(d)(1)
15 Annotated Code of Maryland
16 (2013 Replacement Volume and 2015 Supplement)

17 BY adding to
18 Article – Environment
19 Section 4–202.1(e)(5) and 4–204(d)(5)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2015 Supplement)

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

24 **Article – Environment**

25 4–202.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

5 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
6 **PARAGRAPH, IF A COUNTY OR MUNICIPALITY ESTABLISHES A STORMWATER**
7 **REMEDATION FEE UNDER THIS SECTION OR CHARGES A STORMWATER**
8 **MANAGEMENT EXCISE TAX, A LEASEHOLD OR OTHER LIMITED INTEREST IN**
9 **PROPERTY THAT IS OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY,**
10 **A MUNICIPALITY, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL**
11 **GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPALITY SHALL BE ASSESSED A**
12 **FEE OR AN EXCISE TAX BY A COUNTY OR MUNICIPALITY AS THOUGH THE LESSEE OR**
13 **THE USER OF THE PROPERTY WERE THE OWNER OF THE PROPERTY IF THE**
14 **PROPERTY IS LEASED OR OTHERWISE MADE AVAILABLE TO THAT PERSON:**

15 **1. BY THE FEDERAL GOVERNMENT, THE STATE, A**
16 **COUNTY, A MUNICIPALITY, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL**
17 **GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPALITY; AND**

18 **2. FOR USE IN CONNECTION WITH A BUSINESS THAT IS**
19 **CONDUCTED FOR PROFIT.**

20 **(II) THIS PARAGRAPH DOES NOT APPLY TO PROPERTY OWNED**
21 **BY A PUBLIC-PRIVATE PARTNERSHIP.**

22 4-204.

23 (d) (1) Each governing body of a county or municipality may adopt a system of
24 charges to fund the implementation of stormwater management programs, including the
25 following:

26 (i) Reviewing stormwater management plans;

27 (ii) Inspection and enforcement activities;

28 (iii) Watershed planning;

29 (iv) Planning, design, land acquisition, and construction of
30 stormwater management systems and structures;

31 (v) Retrofitting developed areas for pollution control;

32 (vi) Water quality monitoring and water quality programs;

1 (vii) Operation and maintenance of facilities; and

2 (viii) Program development of these activities.

3 **(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
4 **PARAGRAPH, IF A COUNTY OR MUNICIPALITY ADOPTS A SYSTEM OF CHARGES UNDER**
5 **PARAGRAPH (1) OF THIS SUBSECTION OR CHARGES A STORMWATER MANAGEMENT**
6 **EXCISE TAX, A LEASEHOLD OR OTHER LIMITED INTEREST IN PROPERTY THAT IS**
7 **OWNED BY THE FEDERAL GOVERNMENT, THE STATE, A COUNTY, A MUNICIPALITY,**
8 **OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL GOVERNMENT, THE STATE,**
9 **A COUNTY, OR A MUNICIPALITY SHALL BE ASSESSED A CHARGE OR AN EXCISE TAX**
10 **BY A COUNTY OR MUNICIPALITY AS THOUGH THE LESSEE OR THE USER OF THE**
11 **PROPERTY WERE THE OWNER OF THE PROPERTY IF THE PROPERTY IS LEASED OR**
12 **OTHERWISE MADE AVAILABLE TO THAT PERSON:**

13 **1. BY THE FEDERAL GOVERNMENT, THE STATE, A**
14 **COUNTY, A MUNICIPALITY, OR AN AGENCY OR INSTRUMENTALITY OF THE FEDERAL**
15 **GOVERNMENT, THE STATE, A COUNTY, OR A MUNICIPALITY; AND**

16 **2. FOR USE IN CONNECTION WITH A BUSINESS THAT IS**
17 **CONDUCTED FOR PROFIT.**

18 **(II) THIS PARAGRAPH DOES NOT APPLY TO PROPERTY OWNED**
19 **BY A PUBLIC-PRIVATE PARTNERSHIP.**

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