

# HOUSE BILL 129

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By: **Chair, Environment and Transportation Committee (By Request –  
Departmental – Natural Resources)**

Introduced and read first time: January 18, 2017

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **BayStat Program and BayStat Subcabinet – Renaming**

3 FOR the purpose of renaming the BayStat Program to be the BayTrack Program; renaming  
4 the BayStat Subcabinet to be the Bay Cabinet; providing for the construction of this  
5 Act; and generally relating to renaming the BayStat Program and the BayStat  
6 Subcabinet.

7 BY repealing and reenacting, without amendments,

8 Article – Natural Resources

9 Section 8–2A–01(a)

10 Annotated Code of Maryland

11 (2012 Replacement Volume and 2016 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Natural Resources

14 Section 8–2A–01(b), 8–2A–03, and 8–2A–04

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2016 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 8–2A–01.

21 (a) In this subtitle the following words have the meanings indicated.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) ["BayStat Program"] "**BAYTRACK PROGRAM**" means the program  
2 established under § 8-2A-03 of this subtitle.

3 8-2A-03.

4 (a) (1) There is a [BayStat] **BAYTRACK** Program to:

5 (i) Measure and evaluate efforts to restore the Chesapeake and  
6 Atlantic Coastal Bays; and

7 (ii) Administer the Trust Fund.

8 (2) The [BayStat Subcabinet] **BAY CABINET** shall oversee the  
9 administration of the [BayStat] **BAYTRACK** Program.

10 (3) The [BayStat Subcabinet] **BAY CABINET** is composed of:

11 (i) The Secretary of Natural Resources;

12 (ii) The Secretary of the Environment;

13 (iii) The Secretary of Planning;

14 (iv) The Secretary of Agriculture;

15 (v) The President of the University of Maryland Center for  
16 Environmental Science;

17 (vi) The Dean of the College of Agriculture and Natural Resources at  
18 the University of Maryland, College Park Campus; and

19 (vii) The chair of the Critical Area Commission for the Chesapeake  
20 and Atlantic Coastal Bays.

21 (b) The [BayStat] **BAYTRACK** Program shall:

22 (1) Provide accurate and timely data to policymakers and the public about  
23 the efficacy and cost-effectiveness of local, State, and federal programs to restore the  
24 Chesapeake and Atlantic Coastal Bays;

25 (2) Track and assess the progress of State and federal programs to improve  
26 the health of the Chesapeake and Atlantic Coastal Bays;

27 (3) Assess the effectiveness of enforcement programs in curbing pollution  
28 and achieving Chesapeake and Atlantic Coastal Bays restoration goals and institute  
29 actions to improve the effectiveness of enforcement programs;

1 (4) Adopt measurable goals for Chesapeake and Atlantic Coastal Bays  
2 restoration;

3 (5) Identify new threats to the health of the Chesapeake and Atlantic  
4 Coastal Bays;

5 (6) Increase public awareness of, and participation in, efforts to restore the  
6 vitality of the Chesapeake and Atlantic Coastal Bays; and

7 (7) Direct the administration of the Trust Fund.

8 (c) The [BayStat Subcabinet] **BAY CABINET** shall:

9 (1) Report annually to the public regarding:

10 (i) The health of the Chesapeake Bay tributary basin;

11 (ii) The health of the Atlantic Coastal Bays and their tributaries;

12 (iii) The status of local, State, and federal programs to restore the  
13 Chesapeake and Atlantic Coastal Bays; and

14 (iv) Estimated nutrient reductions achieved through projects  
15 financed by the Trust Fund; and

16 (2) (i) Develop an annual work plan that identifies the planned work to  
17 be funded with money from the Trust Fund for the next fiscal year, including annual  
18 nutrient and sediment reduction targets, performance measures, and accountability  
19 criteria; and

20 (ii) Develop an annual expenditure plan that identifies planned  
21 expenditures for the work plan and includes an accounting of all moneys distributed from  
22 the Trust Fund in the previous fiscal year.

23 (d) The Governor shall submit the annual work and expenditure plans to the  
24 General Assembly as part of the annual budget submission.

25 (e) On an annual basis the [BayStat Subcabinet] **BAY CABINET** shall prepare a  
26 final work and expenditure plan based on the budget approved by the General Assembly.

27 8-2A-04.

28 (a) The [BayStat] **BAYTRACK** Program shall direct the administration of the  
29 Trust Fund in accordance with this section.

1 (b) (1) The [BayStat] **BAYTRACK** Program shall implement nonpoint source  
2 pollution reduction measures to:

3 (i) Support State and local watershed implementation plans by  
4 targeting limited financial resources on the most effective nonpoint source pollution control  
5 projects; and

6 (ii) Improve the health of the Atlantic Coastal Bays and their  
7 tributaries by targeting funds, geographically and by practice, to proven, scientifically  
8 based projects that provide the most cost-effective and measurable water quality benefits  
9 to the Atlantic Coastal Bays and their tributaries.

10 (2) To the maximum extent practicable, the [BayStat] **BAYTRACK**  
11 Program shall distribute the Trust Fund moneys on a competitive basis.

12 (c) (1) The [BayStat] **BAYTRACK** Program shall distribute funds from the  
13 Trust Fund to the [BayStat Subcabinet] **BAY CABINET** agencies in accordance with the  
14 final work and expenditure plans.

15 (2) The [BayStat Subcabinet] **BAY CABINET** agencies shall administer the  
16 funds in accordance with the final work and expenditure plans, including the distribution  
17 of funds:

18 (i) Through grants to:

19 1. Counties;

20 2. Bicounty agencies;

21 3. Municipalities;

22 4. Forest conservancy district boards;

23 5. Soil conservation districts;

24 6. Academic institutions; and

25 7. Nonprofit organizations having a demonstrated ability to  
26 implement nonpoint source pollution control projects;

27 (ii) To the Chesapeake and Atlantic Coastal Bays Nonpoint Source  
28 Fund established under § 9-1605.3 of the Environment Article;

29 (iii) To the Maryland Agricultural Cost-Share Program established  
30 under Title 8, Subtitle 7 of the Agriculture Article for nonpoint source pollution control  
31 projects; and

1 (iv) To the Mel Noland Woodland Incentives Fund established under  
2 § 5–307 of this article.

3 (3) (i) The [BayStat] **BAYTRACK** Program shall develop solicitations,  
4 guidelines, and applications for Trust Fund grants that shall include consideration of the  
5 extent to which a proposed project, both geographically and by practice, will deliver the  
6 greatest, most cost–effective, and measurable nonpoint source pollution reduction per Trust  
7 Fund dollar.

8 (ii) The [BayStat] **BAYTRACK** Program shall encourage and  
9 consider multi–year, multi–partner proposals, local match or cost–share agreements, or  
10 similar actions proposed by a grant applicant in evaluating a Trust Fund grant application.

11 (d) Any grant agreement regarding funds from the Trust Fund shall:

12 (1) Specify the use of the funds provided under the grant, accountability  
13 measures, and performance requirements;

14 (2) Take into account the need for efficient, multi–year funding and  
15 administration; and

16 (3) Include provisions for verification that practices are being  
17 implemented.

18 (e) (1) A recipient of funds from the Trust Fund in any fiscal year shall submit  
19 an annual report to the [BayStat] **BAYTRACK** Program by November 1 of the next fiscal  
20 year.

21 (2) The report required under paragraph (1) of this subsection shall  
22 include:

23 (i) For agencies receiving moneys from the Trust Fund:

24 1. A description of how the funds were allocated, including:

25 A. The number and amounts of grants awards; and

26 B. Direct expenditures by the agency;

27 2. How funding was leveraged; and

28 3. Estimated or calculated nutrient reductions associated  
29 with Trust Fund expenditures.

30 (ii) For recipients of competitive grants from the Trust Fund, a  
31 description of funded projects, including:

- 1 1. Project location;
- 2 2. Description of practices implemented;
- 3 3. Timeframes for project completion;
- 4 4. Estimated or calculated nutrient reductions; and
- 5 5. Provisions for long-term maintenance of practices.

6 (f) Funds from the Trust Fund may not be used to enable an individual cited for  
7 noncompliance with a nonpoint source pollution control law or regulation to achieve  
8 compliance.

9 (g) (1) There is a [BayStat] **BAYTRACK** Program Scientific Advisory Panel.

10 (2) The Governor shall appoint the chair and members of the [BayStat]  
11 **BAYTRACK** Program Scientific Advisory Panel.

12 (3) The [BayStat] **BAYTRACK** Program Scientific Advisory Panel shall  
13 include scientists and other technical experts with demonstrated expertise in the  
14 disciplines related to protection and restoration of the Chesapeake and Atlantic Coastal  
15 Bays.

16 (4) The [BayStat] **BAYTRACK** Program Scientific Advisory Panel shall:

17 (i) On or before August 1, annually provide recommendations to the  
18 [BayStat Subcabinet] **BAY CABINET** on the use of funds of the Trust Fund for the following  
19 fiscal year;

20 (ii) Monitor the distribution of funds from the Trust Fund;

21 (iii) Review the categories of grants made in the previous year to  
22 assess nutrient loading reduction estimates and cost efficiencies and the effectiveness of  
23 any innovative nonpoint source pollution reduction measure;

24 (iv) Review the proposed annual work plan and advise the [BayStat  
25 Subcabinet] **BAY CABINET** of any recommended changes;

26 (v) On request by the [BayStat Subcabinet] **BAY CABINET**, review  
27 individual grant applications; and

28 (vi) Annually review any Trust Fund moneys that are not distributed  
29 on a competitive basis to assess whether those moneys may be distributed on a competitive  
30 basis.

1 (h) The [BayStat Subcabinet] **BAY CABINET** agencies may distribute to an  
2 administrative cost account the amount that is necessary to administer grant programs,  
3 not to exceed 1.5% of the allocations to the [BayStat Subcabinet] **BAY CABINET** agencies.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be construed  
5 to have any effect on the purpose or function of the BayStat Program or BayStat  
6 Subcabinet.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2017.