

THE SENATOR BERNIE FOWLER PATUXENT RIVER CONSERVATION LAW

2013 Maryland Code
STATE FINANCE AND PROCUREMENT
§ 5-814 - Membership

Universal Citation: [MD State Fin & Pro Code § 5-814 \(2013\)](#)

§5-814.

(a) The Commission consists of the following 34 voting members appointed by the Governor **AND AN ADDITIONAL FOUR MEMBERS, TWO OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE. THE GOVERNOR'S APPOINTMENTS SHALL BE:**

(1) 7 individuals, 1 from each of the following 7 counties, on the recommendation of the governing body of that county:

(i) Anne Arundel County;

(ii) Calvert County;

(iii) Charles County;

(iv) Howard County;

(v) Montgomery County;

(vi) Prince George's County; and

(vii) St. Mary's County;

(2) 1 individual representing the Washington Suburban Sanitary Commission;

(3) 1 individual from each of the following regional planning agencies:

(i) the Maryland-National Capital Park and Planning Commission, Montgomery County;

(ii) the Maryland-National Capital Park and Planning Commission, Prince George's County; and

(iii) the Tri-County Council for Southern Maryland;

(4) 1 individual, representing a municipality in the watershed, on the recommendation of the corresponding governing body of that municipality;

(5) 1 individual representing a large federal facility in the watershed;

(6) as far as possible, the following individuals appointed by the Governor with the advice and consent of the Senate, shall be selected to represent broad geographic, economic, and social interests within the watershed:

(i) 2 individuals representing farming interests;

(ii) 1 individual representing business interests;

(iii) 4 individuals representing environmental and citizen interests **ONE OF WHOM SHALL BE THE PATUXENT RIVERKEEPER;**

(iv) 2 individuals representing developer interests;

(v) 2 individuals representing academic interests;

(vi) 2 individuals, 1 each, representing 2 soil conservation districts;

(vii) 1 individual representing the University of Maryland Cooperative Extension Service; and

(viii) 1 individual representing watermen interests; and

(7) as ex officio members:

(i) the Secretary of Agriculture or a designee;

(ii) the Secretary of the Environment or a designee;

(iii) the Secretary of Natural Resources or a designee;

(iv) the Secretary of Planning or a designee;

(v) the Secretary of Transportation or a designee; and

(vi) the Chief of the Planning Division, U.S. Army Corps of Engineers, Baltimore District or a designee.

THE TWO APPOINTEES OF THE PRESIDENT OF THE SENATE AND THE TWO APPOINTEES OF THE SPEAKER OF THE HOUSE SHALL BE MADE BASED ON THEIR PASSION AND CONCERNS FOR THE CONSERVATION AND RESTORATION OF THE PATUXENT RIVER AS EPITOMIZED BY THE LATE SENATOR BERNIE FOWLER AND AT LEAST ONE OF THE FOUR SHALL BE A RESIDENT OF CALVERT COUNTY. THESE FOUR APPOINTEES ARE NOT SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.

(b) (1) Except for ex officio members or their designees, **AND FOR THE PATUXENT RIVERKEEPER**, the term of a member appointed under subsection (a)(1) of this section is 4 years. **THE PATUXENT RIVERKEEPER SHALL SERVE AS A PERMANENT MEMBER OF THE COMMISSION.**

(2) At the end of a term, a member appointed under subsection (a)(1) of this section continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed under subsection (a)(1) of this section after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) The terms of the members are staggered as required by the terms provided for members of the Commission on October 1, 1995.

(c) (1) The Commission may establish and abolish nonvoting memberships.

(2) A nonvoting member shall be appointed by the Commission for a term set by the Commission.

§ 5-815. Officers

Chairman

(a) From among its voting members APPOINTED BY THE PRESIDENT OF THE SENATE OR SPEAKER OF THE HOUSE **BASED ON THEIR PASSION AND CONCERNS FOR THE CONSERVATION AND RESTORATION OF THE PATUXENT**

RIVER AS EPITOMIZED BY THE LATE SENATOR BERNIE FOWLER, the Commission shall elect a Chairman. .

§ 5-816. Additional powers and duties of Commission

In addition to its other powers and duties, the Commission shall:

(1) review the operation of units of State and local government that have responsibility for implementation of the Plan;

(2) provide a clearinghouse for information on the Patuxent River and its watershed;

(3) review and comment on plans and reports related to the Patuxent River and its watershed; ~~and (4) serve as the tributary strategy team for the Patuxent Watershed, coordinating the Patuxent tributary strategy with the Plan.~~

(4) REVIEW AND COMMENT ON ANY PROJECT RELATED TO LAND USE THAT MAY RESULT IN THE DETERIORATION OF THE WATER QUALITY OF THE PATUXENT RIVER; AND

(5) WORK TO ACHIEVE THE REDUCTIONS IN NITROGEN, PHOSPHORUS, AND SEDIMENT TO RESTORE THE WATER QUALITY OF THE PATUXENT RIVER AND ASSURE THE TOTAL MAXIMUM DAILY DISCHARGE (TMDL) LIMITS ESTABLISHED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY ARE MET AS REQUIRED.

PROVIDED THAT THIS ACT SHALL BE EFFECTIVE ON JUNE 1, 2022 AND THE PATUXENT RIVERKEEPER SHALL BE APPOINTED BY THE GOVERNOR BY THAT DATE AND SHALL SERVE ON THE COMMISSION AS OF THAT DATE PENDING THE ADVICE AND CONSENT OF THE SENATE. IF THE GOVERNOR FAILS TO APPOINT THE PATUXENT RIVERKEEPER BY JUNE 1, 2022, THEN THE PATUXENT RIVERKEEPER SHALL SERVE AS A MEMBER OF THE COMMISSION IN THE ABSENCE OF SUCH AN APPOINTMENT AND SHALL NOT REQUIRE SENATE ADVICE AND CONSENT.

PROVIDED THAT THIS ACT SHALL BE KNOWN AS THE SENATOR BERNIE FOWLER PATUXENT RIVER CONSERVATION LAW.