

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 65  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, before “authorizing” insert “authorizing the expenditure of funds from the Wildlife Management and Protection Fund, the Wetlands Compensation Fund, and federal funds for certain purposes and in coordination with the Department of the Environment;”; in line 10, after “phragmites;” insert “altering a certain reporting requirement;”; after line 16, insert:

“BY repealing and reenacting, with amendments,

Article - Environment

Section 16-205(d) and (e)

Annotated Code of Maryland

(1996 Replacement Volume)”;

in line 19, strike “and” and substitute “, 8-2103,”; and in the same line, after “8-2107” insert “, and 10-308.1(f)(1)”.

On page 2, in line 1, strike “and 8-2103”; and after line 3, insert:

“BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 10-308.1(f)(1)

Annotated Code of Maryland

(1990 Replacement Volume and 1995 Supplement)

(As enacted by Chapter 460 of the Acts of the General Assembly of 1994)”.

AMENDMENT NO. 2

On page 2, after line 19, insert:

(Over)

“Article - Environment

16-205.

(d) Funds in the Wetlands Compensation Fund may be appropriated only for acquisition AND CONSERVATION of wetland areas by the State, INCLUDING COST SHARING ASSISTANCE TO LANDOWNERS IN THE MANAGEMENT AND CONTROL OF PHRAGMITES UNDER TITLE 8, SUBTITLE 21 OF THE NATURAL RESOURCES ARTICLE.

(e) Funds appropriated in the budget for wetlands acquisition AND CONSERVATION under this section:

(1) Shall remain available until expended; and

(2) May not be reverted under any other provision of law.”;

in line 29, strike “(1) IF FUNDS ARE APPROPRIATED IN THE STATE BUDGET,”; and strike in their entirety lines 33 through 35, inclusive.

On page 3, after line 16, insert:

“(III) MONEYS PAID TO A LANDOWNER UNDER THIS SECTION MAY BE PAID FROM THE WETLANDS COMPENSATION FUND, THE WILDLIFE MANAGEMENT AND PROTECTION FUND, OR FEDERAL FUNDS. THE DEPARTMENT SHALL COORDINATE COST SHARING ASSISTANCE PAID FROM THE FUNDS UNDER THIS SECTION WITH THE DEPARTMENT OF THE ENVIRONMENT.

(IV) THE DEPARTMENT SHALL REQUIRE VERIFICATION OF A LANDOWNER’S EXPENSES BEFORE THE LANDOWNER MAY RECEIVE MONEY FROM THE COST SHARING PROGRAM.”;

after line 23, insert:

“(4) IN LIEU OF CASH PAYMENTS TO LANDOWNERS, THE DEPARTMENT MAY SUBSTITUTE IN-KIND SERVICES OF EQUAL VALUE.”;

in line 24, strike “(4)” and substitute “(5)”; strike beginning with “PROJECTS” in line 26 down

through “FUNCTIONS” in line 27 and substitute “IN AREAS INCLUDING THOSE WHERE:

(I) PHRAGMITES THREATEN RARE OR ENDANGERED WILDLIFE OR PLANTS;

(II) THE HIGHEST DIVERSITY AND ABUNDANCE OF NATIVE PLANTS, WILDLIFE, OR FISH EXIST; AND

(III) PHRAGMITES CAN BE EFFECTIVELY CONTROLLED”;

in line 29, after “(a)” insert “(1)”; in the same line, strike “the feasibility of establishing a” and substitute “AND ANALYZE THE EFFECTIVENESS OF THE”; in line 30, strike “to assist” and substitute “THAT ASSISTS”; and after line 31, insert:

“(2) THE ANALYSIS REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE INFORMATION ON HOW ASSISTANCE UNDER THE COST SHARING PROGRAM IS ALLOCATED.”.

On pages 3 and 4, strike beginning with “No” in line 37 on page 3 through the second “the” in line 1 on page 4 and substitute “THE”.

On page 4, in line 2, after “shall” insert “ANNUALLY”; in line 10, after “ASSISTANCE” insert “AND PROCEDURES FOR THE IMPLEMENTATION OF THE COST SHARING PROGRAM”; after line 10, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Natural Resources

10-308.1.

(f) (1) All revenues accruing to the Wildlife Management and Protection Fund from sales of

(Over)

the migratory wild waterfowl stamps shall be expended solely for the following purposes:

(i) Waterfowl projects included in an approved State program to create, develop, enhance, maintain, and manage nesting cover, winter foods, and other habitat components on public lands to satisfy the habitat requirements of a broad range of wintering waterfowl and native waterfowl species; and

(ii) Not more than 30% to adopt and implement a program to eradicate the species *Myocastor coypu* (nutria) and to control the species *Phragmites communis* (phragmites) [consistent with subparagraph (i) of this paragraph] ON PRIVATE LANDS.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Natural Resources

10-308.1.

(f) (1) All revenues accruing to the Wildlife Management and Protection Fund from sales of the migratory wild waterfowl stamps shall be expended solely for [waterfowl] THE FOLLOWING PURPOSES:

(I) WATERFOWL projects included in an approved State program to create, develop, enhance, maintain, and manage nesting cover, winter foods, and other habitat components on public lands to satisfy the habitat requirements of a broad range of wintering waterfowl and native waterfowl species; AND

(II) NOT MORE THAN 30% TO ADOPT AND IMPLEMENT A PROGRAM TO CONTROL THE SPECIES PHRAGMITES COMMUNIS (PHRAGMITES) ON PRIVATE LANDS.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act is contingent on the taking effect of the termination provision specified in Section 5 of Chapter 460 of the Acts of the General Assembly of 1994. If that termination provision takes effect, Section 2 of this Act shall

be void. This Act may not be interpreted to have any effect on that termination provision.”;

in line 11, strike “2.” and substitute “5.”; and in the same line, after “That” insert “, subject to the provisions of Section 4 of this Act.”.