

**HB0023/210612/1**

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 23

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stein” and substitute “Stein, Ali, Bobo, Cane, Glenn, Healey, Holmes, Hucker, and Manno”; and in line 2, strike “and Atlantic Coastal Bays – Maryland Green Fund” and substitute “Bay 2010 Trust Fund”; in lines 3 and 26, in each instance, strike “Maryland Green” and substitute “Chesapeake Bay 2010 Trust”; in line 5, strike “Fund;” and substitute “Trust Fund; establishing funding for the Trust Fund; authorizing the Department of the Environment to adopt certain regulations; providing for certain bonding authority relating to money in the Fund; establishing the BayStat accountability and management process and participants in the process; establishing the purpose of BayStat; requiring BayStat participants to analyze certain elements of certain Chesapeake Bay related programs; requiring BayStat participants to assess the effectiveness of programs financed by the Trust Fund and other State programs relating to the Chesapeake Bay, the Atlantic Coastal Bays, the Patuxent River, and all other waters of the State; requiring BayStat participants to prepare, based on certain criteria, a certain expenditure and work plan for the distribution of Trust Fund money; requiring BayStat participants to establish certain standards for the reallocation of a certain amount of money in the Trust Fund under certain circumstances; requiring BayStat participants to ensure that a certain percentage of the Trust Fund is allocated for certain grants to local governments; requiring local governments to submit a certain report to BayStat participants under certain circumstances; requiring BayStat participants to make a certain annual report; requiring BayStat participants to establish a certain Trust Fund Technical Review Committee; providing for the membership and cochairs of the Review Committee; requiring the Review Committee to review and suggest appropriate changes to the annual expenditure and work plan or any reallocation of Trust Fund money; requiring the Review Committee to adopt certain rules”; strike beginning with “establishing” in

(Over)

line 5 down through “severable” in line 25; in line 27, after “Bays” insert “, the Patuxent River,”; and after line 28, insert:

“BY adding to

Article - Environment

Section 9-1605.3

Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)

BY repealing and reenacting, with amendments,

Article - Environment

Section 9-1611 and 9-1616

Annotated Code of Maryland

(2007 Replacement Volume and 2007 Supplement)”.

On page 2, in line 2, strike “through 8-2206” and substitute “and 8-2202”; in line 3, strike “Maryland Green Fund” and substitute “BayStat”; in line 7, strike the first “and” and substitute “the Patuxent River, and other”; in line 14, after “Bay” insert “, the Atlantic coastal bays, and the Patuxent River”; and after line 23, insert:

“WHEREAS, Municipal parks are important to pollution reduction for all State waterways; and”.

## AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 31 on page 2 through line 28 on page 5, inclusive, and substitute:

“Article – Environment

### 9-1605.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHESAPEAKE 2000 AGREEMENT” MEANS THE AGREEMENT ENTERED INTO IN 2000 BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE CHESAPEAKE BAY COMMISSION, AND THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY THAT SPECIFIED RESTORATION GOALS AND COMMITMENTS TO:

(I) IMPROVE THE ECOLOGICAL HEALTH OF THE CHESAPEAKE BAY; AND

(II) REMOVE THE CHESAPEAKE BAY FROM THE LIST OF IMPAIRED WATERS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.

(3) (I) “NONPOINT SOURCE POLLUTION CONTROL PROJECT” MEANS A PROJECT TO IMPROVE WATER QUALITY BY A MEASURABLE REDUCTION OF NITROGEN, PHOSPHOROUS, OR SEDIMENT POLLUTION.

(II) “NONPOINT SOURCE POLLUTION CONTROL PROJECT” INCLUDES:

1. AN AGRICULTURAL BEST MANAGEMENT PRACTICE;

2. AN URBAN OR SUBURBAN STORM WATER PRACTICE;

3. STREAM RESTORATION; AND

**4. RIPARIAN BUFFER PLANTING.**

**(4) “TRIBUTARY STRATEGIES” MEANS MARYLAND’S WATERSHED-SPECIFIC PLANS TO REDUCE THE AMOUNT OF NITROGEN, PHOSPHOROUS, AND SEDIMENT POLLUTION THAT ENTERS THE CHESAPEAKE BAY AND ITS TRIBUTARIES.**

**(5) “TRUST FUND” MEANS THE CHESAPEAKE BAY 2010 TRUST FUND ESTABLISHED UNDER THIS SECTION.”.**

**AMENDMENT NO. 3**

On page 6, in lines 1, 3, 26, and 30, respectively, strike “(A)”, “(B)”, “(C)”, and “(D)”, respectively, and substitute “(B)”, “(C)”, “(D)”, and “(E)”, respectively; in line 1, strike “JANUARY 1, 2009” and substitute “JULY 1, 2008”; in the same line, strike “MARYLAND GREEN” and substitute “CHESAPEAKE BAY 2010 TRUST”; in lines 3, 26, 28, 29, and 30, in each instance, before “FUND” insert “TRUST”; in line 4, strike “GENERATED AND USED ON A STATEWIDE BASIS” and substitute “ESTABLISHED AND USED”; in line 7, after “BAYS” insert “, THE PATUXENT RIVER,”; strike beginning with “PRACTICES” in line 15 down through “PRACTICES” in line 18 and substitute “NONPOINT SOURCE POLLUTION CONTROL PROJECTS FOR ALL TRIBUTARY BASINS, INCLUDING THE PATUXENT RIVER, AS PROVIDED IN THE TRIBUTARY STRATEGIES, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE”; in line 23, strike “AND”; in line 25, after “BAYS” insert “, THE PATUXENT RIVER, AND THE OTHER WATERS OF THE STATE; AND”

**(7) DEVELOP AND SUSTAIN MUNICIPAL PARKS”;**

in line 26, after “SPECIAL,” insert “CONTINUING,”; in line 27, after “ARTICLE” insert “, AND SHALL BE AVAILABLE IN PERPETUITY FOR THE PURPOSES IDENTIFIED IN THIS SECTION”; and in line 28, strike “THE” and substitute “SUBJECT TO THE”

**PROVISIONS OF ANY APPLICABLE BOND RESOLUTION REGARDING THE HOLDING OR APPLICATION OF AMOUNTS IN THE TRUST FUND, THE**.

**AMENDMENT NO. 4**

On page 7, in lines 1, 3, and 5, in each instance, before “**FUND**” insert “**TRUST**”; strike beginning with “**FROM**” in line 1 down through “**SUBTITLE**” in line 2 and substitute “**IN THE ANNUAL STATE BUDGET**”; in line 3, after “**(2)**” insert “**THE NET PROCEEDS OF BONDS ISSUED BY THE ADMINISTRATION;**

**(3)**”;

in line 4, strike “**(3)**” and substitute “**(4)**”; strike in their entirety lines 6 and 7, inclusive, and substitute:

**“(F) (1) MONEY IN THE TRUST FUND SHALL BE ALLOCATED EACH FISCAL YEAR IN ACCORDANCE WITH THIS SECTION AND THE ANNUAL BAYSTAT EXPENDITURE AND WORK PLAN FOR THE TRUST FUND DEVELOPED UNDER § 8-2202 OF THE NATURAL RESOURCES ARTICLE.**

**(2) EACH FISCAL YEAR, AT LEAST 30% OF THE TOTAL AVAILABLE REVENUE IN THE TRUST FUND SHALL BE ALLOCATED TO THE DEPARTMENT OF AGRICULTURE TO BE USED FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:**

**(I) REASONABLE COSTS OF ADMINISTERING GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL ALLOCATION TO THE DEPARTMENT OF AGRICULTURE;**

**(II) COST-SHARING FOR BEST MANAGEMENT PRACTICES FOR REDUCING NITROGEN POLLUTION;**

(Over)

(III) COST-SHARING FOR PLANTING COVER CROPS; AND

(IV) TECHNICAL ASSISTANCE THROUGH THE SOIL CONSERVATION DISTRICTS AND THE MARYLAND COOPERATIVE EXTENSION SERVICE.

(3) (I) EACH FISCAL YEAR, NOT MORE THAN 10% OF THE TOTAL AVAILABLE REVENUE IN THE TRUST FUND MAY BE ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE AWARD OF COMPETITIVE GRANTS, IN ACCORDANCE WITH CRITERIA DEVELOPED BY THE DEPARTMENT OF NATURAL RESOURCES, TO MUNICIPAL CORPORATIONS FOR THE DEVELOPMENT AND SUSTAINABILITY OF MUNICIPAL PARKS.

(II) GRANTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE USED FOR:

1. THE DEVELOPMENT, IMPROVEMENT, AND MAINTENANCE OF PARKS;

2. THE ACQUISITION OF PARK LAND, IF THE MUNICIPAL CORPORATION DID NOT RECEIVE APPROPRIATIONS FOR PARKS AND RECREATION OUT OF PROGRAM OPEN SPACE FUNDS FOR THAT FISCAL YEAR; AND

3. ENVIRONMENTALLY ORIENTED PARKS AND RECREATION PROGRAMS.

**(III) ADDITIONAL FUNDS ALLOCATED TO THE DEPARTMENT OF NATURAL RESOURCES SHALL BE USED FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:**

**1. REASONABLE COSTS OF ADMINISTERING GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL ALLOCATION TO THE DEPARTMENT OF NATURAL RESOURCES;**

**2. IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;**

**3. GRANTS TO COUNTIES, BICOUNTY AGENCIES, MUNICIPAL CORPORATIONS, FOREST CONSERVANCY DISTRICT BOARDS, SOIL CONSERVATION DISTRICTS, WATERSHED ORGANIZATIONS, ACADEMIC INSTITUTIONS, AND NONPROFIT ORGANIZATIONS WITH A DEMONSTRATED ABILITY TO IMPLEMENT NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:**

**A. NONAGRICULTURAL WETLAND AND STREAM BUFFER RESTORATION;**

**B. NONORNAMENTAL URBAN AND SUBURBAN TREE PLANTING;**

**C. FOREST MANAGEMENT PRACTICES; AND**

**D. OYSTER AND SUBMERGED AQUATIC VEGETATION RESTORATION;**

4. TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS FOR TARGETED WATERSHED PLANNING AND IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;

5. TECHNICAL ASSISTANCE PROVIDED BY THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS FOR THE IMPLEMENTATION OF NONPOINT SOURCE POLLUTION CONTROL PROJECTS; AND

6. DEVELOPMENT OF FOREST STEWARDSHIP PLANNING EFFORTS.

(4) FUNDS ALLOCATED TO THE DEPARTMENT OF THE ENVIRONMENT SHALL BE USED:

(I) FOR THE REASONABLE COSTS OF ADMINISTERING THE GRANT PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 5% OF THE TOTAL TRUST FUND REVENUES;

(II) FOR NONPOINT SOURCE POLLUTION CONTROL PROJECTS, INCLUDING:

1. GRANTS TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS FOR SPECIFIC STORMWATER MANAGEMENT PROJECTS; AND

2. TECHNICAL ASSISTANCE FOR COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS TO IMPLEMENT STORMWATER MANAGEMENT PROJECTS.



**(5) FUNDS ALLOCATED TO THE DEPARTMENT OF PLANNING SHALL BE USED FOR TECHNICAL ASSISTANCE FOR IMPLEMENTING NONPOINT SOURCE POLLUTION CONTROL PROJECTS.**”;

in lines 8 and 10, strike “(F)” and “(G)” respectively, and substitute “(G)” and “(H)”, respectively; in lines 8 and 10, in each instance, before “FUND” insert “TRUST”; in line 11, strike “§ 8-2205 OF THIS SUBTITLE” and substitute “THIS SECTION”; in line 13, strike “THAT” and substitute “THIS”; and after line 13, insert:

**“(I) THE DEPARTMENT OF THE ENVIRONMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

9-1611.

(a) Bonds may be secured by a trust agreement by and between the Administration and a corporate trustee, which may be any trust company or bank having trust powers, within or without the State. Such trust agreement may pledge or assign all or any part of the revenues or corpus of the Water Quality Fund, Drinking Water Loan Fund, [or] THE Bay Restoration Fund, THE CHESAPEAKE BAY 2010 TRUST FUND, or any account within these funds, and may pledge or assign or grant a lien on or security interest in any loan agreement or loan obligation. Any such trust agreement or resolution authorizing the issuance of bonds may contain such provisions for the protection and enforcement of the rights and remedies of the bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the Administration in relation to the making, administration and enforcement of loans and the custody, safeguarding and application of moneys. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. In addition to the foregoing, such trust agreement may contain such other provisions as the Director may deem reasonable and proper for the security of the bondholders, including,

(Over)

without limitation, covenants pertaining to the issuance of additional parity bonds upon conditions stated therein consistent with the requirements of this subtitle.

(b) The proceeds of the sale of bonds shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(c) (1) The revenues and moneys designated as security for bonds shall be set aside at such regular intervals as may be provided in the bond resolution in a special account in the Water Quality Fund, if the net sale proceeds will be deposited in the Water Quality Fund, the Drinking Water Loan Fund, if the net sale proceeds will be deposited in the Drinking Water Loan Fund, [or] the Bay Restoration Fund, if the net sale proceeds will be deposited in the Bay Restoration Fund, **OR THE CHESAPEAKE BAY 2010 TRUST FUND, IF THE NET SALE PROCEEDS WILL BE DEPOSITED IN THE CHESAPEAKE BAY 2010 TRUST FUND**, which is pledged to, and charged with, the payment of:

(i) The interest upon such bonds as such interest falls due;

(ii) The principal of such bonds as it falls due;

(iii) The necessary charges of the trustee, bond registrar, and paying agents; and

(iv) The redemption price or purchase price of bonds retired by call or purchase as provided in the bond resolution or trust agreement.

(2) Any amounts set aside in such special account which are not needed to provide for the payment of the items included under paragraph (1) of this subsection may be used for any other lawful purpose, to the extent provided in the bond resolution. Such pledge shall be valid and binding from the time when the pledge is made. Such revenues or other moneys so pledged and thereafter received by the Administration shall immediately be subject to the lien of such pledge without any

physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having any claims of any kind in tort, contract, or otherwise against the Administration or the Water Quality Fund, the Drinking Water Loan Fund, [or] the Bay Restoration Fund, **OR THE CHESAPEAKE BAY 2010 TRUST FUND**, irrespective of whether such parties have notice thereof. Neither the bond resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Administration, any public general or public local law to the contrary notwithstanding.

(d) Any net earnings of the Administration, beyond that necessary for the retirement of bonds or to implement the public purposes or programs of the Administration, shall not inure to the benefit of any person, other than the State of Maryland for use to accomplish the purposes of this subtitle.

9-1616.

The Administration shall not be required to give any bond as security for costs, supersedeas, or any other security in any suit or action brought by or against it, or in proceedings to which it may be a party, in any court of this State, and the Administration shall have the remedies of appeal of whatever kind to all courts without bonds, supersedeas, or security of any kind. No builder's, materialman's, contractor's, laborer's, or mechanic's liens of any kind or character shall ever attach to or become a lien upon the Water Quality Fund, the Drinking Water Loan Fund, [or] the Bay Restoration Fund, **THE CHESAPEAKE BAY 2010 TRUST FUND**, or any property, real or personal, belonging to the Administration and no assignment of wages shall be binding upon or recognized by the Administration."

AMENDMENT NO. 5

On pages 7 through 15, strike in their entirety the lines beginning with line 14 on page 7 through line 16 on page 15, inclusive, and substitute:

"Article – Natural Resources

(Over)

SUBTITLE 22.BAYSTAT.

8-2201.

(A) (1) THERE IS A BAYSTAT ACCOUNTABILITY AND MANAGEMENT PROCESS.

(2) BAYSTAT IS A JOINT PROCESS THAT INCLUDES THE PARTICIPATION OF:

(I) THE SECRETARY OF AGRICULTURE;

(II) THE SECRETARY OF THE ENVIRONMENT;

(III) THE SECRETARY OF NATURAL RESOURCES;

(IV) THE SECRETARY OF PLANNING; AND

(V) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

(3) SUBJECT TO § 8-2202 OF THIS SUBTITLE, BAYSTAT PARTICIPANTS SHALL MEASURE AND EVALUATE GOVERNMENT PROGRAMS TO RESTORE THE CHESAPEAKE BAY.

(B) THE PURPOSE OF BAYSTAT IS TO:

(1) PROVIDE ACCURATE AND TIMELY DATA TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE PUBLIC ABOUT THE EFFICACY AND COST

EFFECTIVENESS OF GOVERNMENTAL PROGRAMS TO RESTORE THE CHESAPEAKE BAY;

(2) TRACK AND ASSESS THE PROGRESS OF GOVERNMENT PROGRAMS TO IMPROVE WATER QUALITY IN THE CHESAPEAKE BAY AND TO ENFORCE POLLUTION LAWS RELEVANT TO THE CHESAPEAKE BAY;

(3) IDENTIFY MEASURABLE GOALS FOR CHESAPEAKE BAY RESTORATION;

(4) IDENTIFY NEW THREATS TO THE HEALTH OF THE CHESAPEAKE BAY;

(5) INCREASE ACCOUNTABILITY TO THE CITIZENS OF MARYLAND ABOUT PROGRESS TOWARDS RESTORING THE CHESAPEAKE BAY; AND

(6) INCREASE AWARENESS OF AND PUBLIC PARTICIPATION IN THE RESTORATION OF THE CHESAPEAKE BAY.

(C) BAYSTAT PARTICIPANTS SHALL ANALYZE DATA, AND THE STATUS, COST, IMPLEMENTATION, AND ENFORCEMENT OF CHESAPEAKE BAY PROGRAMS, RELATED TO:

(1) WATER QUALITY;

(2) NUTRIENT AND SEDIMENT LOADS;

(3) BIOTIC INTEGRITY;

(4) FISHERIES AND OTHER LIVING RESOURCES;

(Over)

- (5) GROWTH AND DEVELOPMENT IMPACTS ON LAND AND WATER;**
- (6) ATMOSPHERIC EMISSIONS OF POLLUTANTS THAT REACH THE CHESAPEAKE BAY;**
- (7) WETLANDS AND FOREST BUFFERS;**
- (8) AGRICULTURAL PRACTICES TO REDUCE THE AMOUNT OF POLLUTANTS THAT ENTER WATERS OF THE STATE;**
- (9) WASTEWATER TREATMENT AND ON-SITE SEWAGE DISPOSAL;**
- (10) LAND PRESERVATION; AND**
- (11) ANY OTHER SUBJECT DETERMINED TO BE RELEVANT TO THE RESTORATION OF THE CHESAPEAKE BAY BY BAYSTAT PARTICIPANTS.**

**8-2202.**

**(A) (1) IN ADDITION TO ITS DUTIES UNDER § 8-2201 OF THIS SUBTITLE, BAYSTAT PARTICIPANTS SHALL:**

**(I) ASSESS THE EFFECTIVENESS OF PROJECTS FINANCED BY THE CHESAPEAKE BAY 2010 TRUST FUND UNDER § 9-1605.3 OF THE ENVIRONMENT ARTICLE AND ALL OTHER PROGRAMS TO RESTORE THE WATERS OF THE STATE; AND**

(II) PREPARE AN ANNUAL BAYSTAT EXPENDITURE AND WORK PLAN FOR THE TRUST FUND FOR SUBMISSION TO THE GOVERNOR FOR AN ALLOCATION OF FUNDS IN THE STATE BUDGET THAT:

1. COMPLIES WITH § 9-1605.3(F) OF THE ENVIRONMENT ARTICLE AND THE INTENT OF THE CHESAPEAKE BAY 2010 TRUST FUND; AND

2. MOST EFFECTIVELY REDUCES NUTRIENT AND SEDIMENT LOADINGS IN EACH OF THE TEN TRIBUTARY BASINS OF THE CHESAPEAKE BAY, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE, BASED ON THE FOLLOWING CRITERIA:

A. COST EFFICIENCY PER POUND OF POLLUTANT REDUCED IN EACH OF THE TEN TRIBUTARY BASINS, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE;

B. SCIENTIFIC ANALYSIS SHOWING TARGETED WATER QUALITY IMPROVEMENT; AND

C. EFFICACY OF PROGRAM PERFORMANCE IN PREVIOUS YEARS.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, BAYSTAT PARTICIPANTS SHALL ESTABLISH STANDARDS FOR ALLOWING THE REALLOCATION OF EXPENDITURES IN THE TRUST FUND EXPENDITURE AND WORK PLAN BASED ON CHANGED CONDITIONS AFFECTING THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND ALL OTHER WATERS OF THE STATE DURING THE FISCAL YEAR.

(Over)

**(II) BAYSTAT PARTICIPANTS MAY ALLOW REALLOCATION ONLY:**

**1. IF REALLOCATION WOULD ENHANCE NUTRIENT REDUCTION;**

**2. AFTER REVIEW BY THE TRUST FUND TECHNICAL REVIEW COMMITTEE ESTABLISHED UNDER THIS SECTION; AND**

**3. AFTER SUBMITTING THE PROPOSED REALLOCATION FOR REVIEW AND COMMENT TO THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE WAYS AND MEANS COMMITTEE, SENATE BUDGET AND TAXATION COMMITTEE, AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE.**

**(III) REALLOCATION MAY NOT:**

**1. APPLY TO AN ALLOCATION TO THE DEPARTMENT OF NATURAL RESOURCES FOR GRANTS TO MUNICIPAL PARKS UNDER § 9-1605.3(F)(3) OF THE ENVIRONMENT ARTICLE; OR**

**2. EXCEED 15% OF THE TOTAL TRUST FUND EXPENDITURES.**

**(B) (1) (I) IN PREPARING AN ANNUAL EXPENDITURE AND WORK PLAN FOR THE TRUST FUND, BAYSTAT PARTICIPANTS SHALL ENSURE THAT AT LEAST 30% OF THE MONEY IN THE TRUST FUND IS ALLOCATED FOR GRANTS TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS.**



(II) A GRANT TO A MUNICIPAL CORPORATION FOR MUNICIPAL PARKS UNDER § 9-1605.3 OF THE ENVIRONMENT ARTICLE DOES NOT COUNT TOWARD THE REQUIRED ALLOCATION TO COUNTIES, BI-COUNTY AGENCIES, AND MUNICIPAL CORPORATIONS UNDER THIS SUBSECTION.

(III) BAYSTAT PARTICIPANTS MAY REQUIRE A LOCAL MATCH FOR A GRANT FROM THE TRUST FUND TO COUNTIES, BICOUNTY AGENCIES, AND MUNICIPAL CORPORATIONS.

(2) A COUNTY, BICOUNTY AGENCY, OR MUNICIPAL CORPORATION THAT RECEIVES A GRANT FROM THE TRUST FUND IN ANY FISCAL YEAR SHALL SUBMIT AN ANNUAL REPORT TO BAYSTAT PARTICIPANTS BY SEPTEMBER 1 OF THE NEXT FISCAL YEAR THAT INCLUDES THE FOLLOWING FOR EACH GRANT:

(I) THE LOCATION OF THE PROJECT;

(II) A DESCRIPTION OF AND ESTIMATED COST FOR THE PROJECT;

(III) THE PROJECT SCHEDULE AND THE IDENTITY AND QUALIFICATIONS OF PARTIES RESPONSIBLE FOR COMPLETING THE PROJECT;

(IV) THE ESTIMATED NUTRIENT REDUCTIONS AND TIME FRAME FOR THE REDUCTIONS;

(V) ANY MAINTENANCE PROGRAM AND SCHEDULE;

(VI) THE STATUS OF ANY INCOMPLETE PROJECTS;

(Over)

(VII) A VERIFICATION OF COMPLETED PROJECTS OR MAINTENANCE; AND

(VIII) AN ASSESSMENT OF NUTRIENT LOADING REDUCTIONS AND WATER QUALITY BENEFITS ACHIEVED THROUGH COMPLETED PROJECTS.

(C) BEFORE THE GOVERNOR SUBMITS AN ANNUAL BUDGET REQUEST INCLUDING AN ANNUAL TRUST FUND EXPENDITURE AND WORK PLAN, BAYSTAT PARTICIPANTS SHALL:

(1) SUBMIT THE PROPOSED PLAN TO THE TRUST FUND TECHNICAL REVIEW COMMITTEE AS REQUIRED BY THIS SECTION AND MAKE THE PROPOSED PLAN AVAILABLE ON-LINE FOR PUBLIC COMMENT;

(2) REVIEW AND RESPOND TO REQUESTS FOR CHANGES TO THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN FROM THE TRUST FUND TECHNICAL REVIEW COMMITTEE; AND

(3) REPORT ANNUALLY TO THE PUBLIC REGARDING:

(I) THE HEALTH OF THE CHESAPEAKE BAY BY TRIBUTARY BASIN, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE;

(II) THE STATUS OF GOVERNMENT PROGRAMS TO RESTORE THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND ALL OTHER WATERS OF THE STATE;

(III) NUTRIENT REDUCTIONS ACHIEVED THROUGH PROJECTS FINANCED BY THE TRUST FUND;

(IV) EFFORTS RELATING TO THE RETENTION AND EXPANSION OF FORESTLAND; AND

(V) THE IMPLEMENTATION OF BAYSTAT.

(D) (1) BAYSTAT PARTICIPANTS SHALL DESIGNATE A TRUST FUND TECHNICAL REVIEW COMMITTEE CONSISTING OF:

(I) ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

(II) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THE FOLLOWING SEVEN MEMBERS APPOINTED BY THE GOVERNOR:

1. ONE REPRESENTATIVE OF THE CHESAPEAKE BAY COMMISSION;

2. ONE REPRESENTATIVE OF THE UNIVERSITY OF MARYLAND COLLEGE OF AGRICULTURE AND NATURAL RESOURCES;

3. ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY;

4. ONE REPRESENTATIVE OF THE FORESTRY INDUSTRY;

(Over)

**5. ONE REPRESENTATIVE OF AN ORGANIZATION WITH EXPERTISE IN WATER QUALITY RESTORATION;**

**6. ONE REPRESENTATIVE OF A COUNTY GOVERNMENT WITH EXPERTISE IN STORM WATER MANAGEMENT; AND**

**7. ONE REPRESENTATIVE OF A MUNICIPAL GOVERNMENT WITH EXPERTISE IN STORM WATER MANAGEMENT.**

**(2) THE MEMBERS OF THE MARYLAND HOUSE OF DELEGATES AND THE SENATE OF MARYLAND SHALL COCHAIR THE REVIEW COMMITTEE.**

**(3) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER OF THE REVIEW COMMITTEE, THE LOBBYIST:**

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

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

**(4) THE REVIEW COMMITTEE SHALL:**

**(I) MEET TWICE EACH FISCAL YEAR WITH BAYSTAT PARTICIPANTS TO REVIEW THE STATUS OF THE IMPLEMENTATION OF THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN FOR THAT FISCAL YEAR;**

**(II) REVIEW THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN PROPOSED FOR THE NEXT FISCAL YEAR BY SEPTEMBER 1 OF EACH YEAR TO DETERMINE WHETHER THE ALLOCATIONS IN THE PLAN ARE**

CONSISTENT WITH THIS SUBTITLE AND § 9-1605.3 OF THE ENVIRONMENT ARTICLE;

(III) PROVIDE A WRITTEN REQUEST TO BAYSTAT PARTICIPANTS FOR ANY CHANGES IN THE TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN BASED ON AN INCONSISTENCY WITH THIS SUBTITLE AND § 9-1605.3 OF THE ENVIRONMENT ARTICLE;

(IV) REVIEW ANY PROPOSED REALLOCATION OF FUNDS IN A TRUST FUND ANNUAL EXPENDITURE AND WORK PLAN AND PROVIDE A WRITTEN OBJECTION TO BAYSTAT IF THE COMMITTEE DOES NOT AGREE THAT THE PROPOSED REALLOCATION WILL PROVIDE GREATER REDUCTION OF NUTRIENT LOADINGS; AND

(V) ADOPT RULES NECESSARY TO PERFORM ITS DUTIES.”.

AMENDMENT NO. 6

On page 15, strike beginning with “if” in line 17 down through “That” in line 23.