

# HOUSE BILL 23

M1, M3, M4

8lr4542

---

By: **Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, and Stein**

Introduced and read first time: October 29, 2007

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Chesapeake and Atlantic Coastal Bays – Maryland Green Fund**

3 FOR the purpose of establishing the Maryland Green Fund as a special, continuing,  
4 nonlapsing fund beginning on a certain date; stating the intent of the General  
5 Assembly; providing for the uses of the Fund; establishing a statewide  
6 impervious surface fee, beginning on a certain date, for certain types of  
7 property; providing for the assessment and collection of the fee for deposit into  
8 the Fund; providing for the calculation of the fee using certain data or  
9 measurements; providing for a certain exemption from the fee; authorizing the  
10 reduction of the fee for certain property up to a certain amount using certain  
11 offsets; requiring the Department of the Environment, in consultation with the  
12 Department of Natural Resources, to adopt certain regulations by a certain date  
13 governing offsets granted under this Act; authorizing the Comptroller or a local  
14 government to retain a certain percentage of certain revenue under certain  
15 circumstances to be used for certain purposes; providing for the administration  
16 and distribution of the fee; establishing the Maryland Green Fund Oversight  
17 Committee; providing for the membership and terms for the Committee;  
18 requiring certain units of State and local government to provide annually  
19 certain information to the Committee; requiring the Committee to meet a  
20 certain minimum number of times per year; requiring the Committee to  
21 establish and review certain performance benchmarks; requiring the Committee  
22 to monitor certain accountability measures; requiring the Committee to provide  
23 a certain report annually on or before a certain date; requiring the Department  
24 of Natural Resources to provide staff for the Committee; making the provisions  
25 of this Act severable; defining certain terms; and generally relating to the  
26 establishment of the Maryland Green Fund as a dedicated funding source for  
27 the restoration of the Chesapeake and Atlantic Coastal Bays and the waters of  
28 the State.

29 BY adding to

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Natural Resources  
2 Section 8–2201 through 8–2206 to be under the new subtitle “Subtitle 22.  
3 Maryland Green Fund”  
4 Annotated Code of Maryland  
5 (2007 Replacement Volume)

6 Preamble

7 WHEREAS, The Chesapeake Bay, Atlantic Coastal Bays, and rivers and  
8 streams in Maryland are natural resources that need to be restored and protected; and

9 WHEREAS, The Department of Legislative Services released a report in  
10 January 2007 entitled “An Analysis of Maryland’s Efforts to Meet the Nutrient and  
11 Sediment Reduction Goals of the Chesapeake 2000 Agreement”, which report  
12 documents that nutrient overenrichment from agriculture, stormwater, point sources,  
13 and atmospheric sources represents the greatest threat to Maryland’s waterways,  
14 including the Chesapeake Bay; and

15 WHEREAS, This report notes that if Maryland fails to achieve its commitments  
16 under the Chesapeake 2000 Agreement, it will be bound by a court agreement signed  
17 in 1999 to develop an enforceable Total Maximum Daily Load for the Chesapeake Bay  
18 in 2011; and

19 WHEREAS, This report notes that Maryland’s projected fiscal shortfall in  
20 achieving its nutrient reduction commitments is significant and that, absent a  
21 significant increase in resources and implementation, Maryland will face additional  
22 challenges as it maintains limited progress in the face of continued growth and  
23 development; and

24 WHEREAS, Clean water is a necessity and a right for every citizen in  
25 Maryland; and

26 WHEREAS, Maryland benefits economically and ecologically from clean  
27 streams, rivers, and bays and must commit resources to ensure the economic and  
28 ecological health of its waters; now, therefore,

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

31 **Article – Natural Resources**

32 **SUBTITLE 22. MARYLAND GREEN FUND.**

33 **8–2201.**

34 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
35 **INDICATED.**

1           **(B) “APARTMENT” MEANS AN INDIVIDUAL UNIT IN A MULTIUNIT**  
2 **STRUCTURE DESIGNED TO PROVIDE RESIDENTIAL HOUSING FOR RENT.**

3           **(C) “CHESAPEAKE 2000 AGREEMENT” MEANS THE 2000 AGREEMENT**  
4 **BETWEEN THE CHESAPEAKE BAY STATES, THE DISTRICT OF COLUMBIA, THE**  
5 **CHESAPEAKE BAY COMMISSION, AND THE FEDERAL ENVIRONMENTAL**  
6 **PROTECTION AGENCY THAT SPECIFIED RESTORATION GOALS AND**  
7 **COMMITMENTS TO:**

8                   **(1) IMPROVE THE ECOLOGICAL HEALTH OF THE CHESAPEAKE**  
9 **BAY; AND**

10                   **(2) REMOVE THE CHESAPEAKE BAY FROM THE LIST OF**  
11 **IMPAIRED WATERS OF THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY.**

12           **(D) (1) “COMMERCIAL PROPERTY” MEANS IMPROVED REAL**  
13 **PROPERTY PRIMARILY USED FOR THE CONDUCT OF BUSINESS.**

14                   **(2) “COMMERCIAL PROPERTY” INCLUDES:**

15                           **(I) RETAIL OUTLETS;**

16                           **(II) ENTERTAINMENT, RECREATIONAL, CULTURAL, AND**  
17 **TOURISM-RELATED VENUES;**

18                           **(III) HOTELS AND MOTELS;**

19                           **(IV) OFFICE BUILDINGS; AND**

20                           **(V) PARKING AND ACCESS FACILITIES.**

21           **(E) (1) “ENCLOSED AREA” MEANS INTERIOR LIVING SPACE**  
22 **ASSOCIATED WITH RESIDENTIAL PROPERTIES.**

23                   **(2) “ENCLOSED AREA” DOES NOT INCLUDE A GARAGE, PATIO, OR**  
24 **OUTBUILDING.**

25           **(F) “FUND” MEANS THE MARYLAND GREEN FUND ESTABLISHED**  
26 **UNDER THIS SUBTITLE.**

27           **(G) “IMPERVIOUS SURFACE” MEANS A NONNATURAL SURFACE,**  
28 **INCLUDING A BUILDING, ROAD, OR PARKING LOT, THAT IS CONSTRUCTED WITH**  
29 **BRICK, ASPHALT, CONCRETE, WOOD, METAL, OR ANOTHER SIMILAR MATERIAL.**

1           **(H) (1) “INDUSTRIAL PROPERTY” MEANS IMPROVED REAL PROPERTY**  
2 **PRIMARYLY USED FOR MANUFACTURING OR PROCESSING, OR BY A PUBLIC**  
3 **UTILITY.**

4           **(2) “INDUSTRIAL PROPERTY” INCLUDES:**

5                   **(I) A MANUFACTURING FACILITY;**

6                   **(II) A WAREHOUSE;**

7                   **(III) MINING INFRASTRUCTURE;**

8                   **(IV) A COMMUNICATIONS STRUCTURE; AND**

9                   **(V) A STRUCTURE ASSOCIATED WITH RESEARCH AND**  
10 **DEVELOPMENT, INCLUDING RESEARCH AND DEVELOPMENT RELATED TO**  
11 **TECHNOLOGY AND BIOTECHNOLOGY.**

12           **(I) (1) “INSTITUTIONAL PROPERTY” INCLUDES:**

13                   **(I) A CHURCH, SYNAGOGUE, MOSQUE, OR OTHER HOUSE OF**  
14 **WORSHIP;**

15                   **(II) A HOSPITAL, ASSISTED LIVING FACILITY, OR OTHER**  
16 **MEDICAL FACILITY;**

17                   **(III) A DAY CARE CENTER;**

18                   **(IV) A FACILITY OPERATED BY AN ORGANIZATION THAT IS**  
19 **TAX EXEMPT UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND**

20                   **(V) A COLLEGE OR UNIVERSITY.**

21           **(2) “INSTITUTIONAL PROPERTY” DOES NOT INCLUDE FEDERAL,**  
22 **STATE, OR LOCAL GOVERNMENT PROPERTY.**

23           **(J) “LOW-INCOME HOUSEHOLD” MEANS AN INDIVIDUAL OR GROUP OF**  
24 **INDIVIDUALS WHO RESIDE TOGETHER AND WHOSE ANNUAL INCOME DOES NOT**  
25 **EXCEED:**

26                   **(1) 30% OF THE STATE OR AREA MEDIAN INCOME, WHICHEVER IS**  
27 **HIGHER; OR**

1           (2) A LOWER LIMIT ESTABLISHED BY THE SECRETARY OF  
2 HOUSING AND COMMUNITY DEVELOPMENT IN ACCORDANCE WITH § 4-1405 OF  
3 THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

4           (K) (1) “OFFSET” MEANS AN ACTIVITY THAT MINIMIZES OR  
5 MITIGATES THE NEGATIVE IMPACT ON NATURAL HYDROLOGY AND WATER  
6 QUALITY ASSOCIATED WITH IMPERVIOUS SURFACES.

7           (2) “OFFSET” INCLUDES:

8                   (I) A GREEN ROOF;

9                   (II) THE REMOVAL OF AN EXISTING IMPERVIOUS SURFACE  
10 THAT IS NOT SUBJECT TO THE IMPERVIOUS SURFACE FEE; AND

11                   (III) OTHER ENVIRONMENTAL BEST MANAGEMENT  
12 PRACTICES RELATED TO STORMWATER MANAGEMENT.

13           (L) (1) “RESIDENTIAL PROPERTY” MEANS REAL PROPERTY,  
14 INCLUDING AGRICULTURALLY ZONED REAL PROPERTY, ON WHICH THERE IS A  
15 DWELLING DESIGNED PRINCIPALLY AS A RESIDENCE.

16           (2) “RESIDENTIAL PROPERTY” INCLUDES REAL PROPERTY ON  
17 WHICH THE FOLLOWING DWELLINGS ARE CONSTRUCTED:

18                   (I) A SINGLE-FAMILY HOME;

19                   (II) AN APARTMENT;

20                   (III) A CONDOMINIUM;

21                   (IV) A DUPLEX;

22                   (V) A TOWNHOME; AND

23                   (VI) A MOBILE HOME.

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

1 (A) BEGINNING JANUARY 1, 2009, THERE IS A MARYLAND GREEN  
2 FUND.

3 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FUND BE  
4 GENERATED AND USED ON A STATEWIDE BASIS TO:

5 (1) PROVIDE CRITICAL FUNDING FOR:

6 (I) THE RESTORATION AND PRESERVATION OF THE  
7 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND ALL WATERS OF THE STATE;  
8 AND

9 (II) THE IMPLEMENTATION OF RESTORATION AND  
10 PROTECTION ACTIONS TO MEET THE COMMITMENTS OF THE STATE CONTAINED  
11 UNDER THE CHESAPEAKE 2000 AGREEMENT;

12 (2) HELP RETAIN AND PROMOTE THE ECONOMIC VIABILITY OF  
13 AGRICULTURE AND FORESTS IN THE STATE IN A MANNER CONSISTENT WITH  
14 AND IN FURTHERANCE OF THE GOALS OF THE CHESAPEAKE 2000 AGREEMENT;

15 (3) FOCUS LIMITED FINANCIAL RESOURCES ON PRACTICES FOR  
16 NUTRIENT POLLUTION REDUCTION CONTAINED IN THE TRIBUTARY  
17 STRATEGIES, INCLUDING AGRICULTURAL AND STORMWATER MANAGEMENT  
18 PRACTICES;

19 (4) ADDRESS WATER QUALITY NEEDS, INCLUDING STORMWATER  
20 MANAGEMENT, IN THE URBAN AND SUBURBAN AREAS OF THE STATE;

21 (5) ENSURE FOREST RETENTION AND EXPANSION THROUGH THE  
22 PROMOTION OF FOREST STEWARDSHIP PLANNING ON PRIVATELY OWNED  
23 FORESTLAND; AND

24 (6) REDUCE FUTURE COSTS FOR RESTORING THE CHESAPEAKE  
25 AND ATLANTIC COASTAL BAYS.

26 (C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
27 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (2) THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND  
29 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

30 (D) THE FUND CONSISTS OF:

1           (1) REVENUE DISTRIBUTED TO THE FUND FROM THE STATEWIDE  
2 IMPERVIOUS SURFACE FEE UNDER § 8-2203 OF THIS SUBTITLE;

3           (2) INVESTMENT EARNINGS OF THE FUND; AND

4           (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED  
5 FOR THE BENEFIT OF THE FUND.

6           (E) THE FUND MAY BE USED ONLY AS AUTHORIZED UNDER § 8-2205 OF  
7 THIS SUBTITLE.

8           (F) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE  
9 SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

10          (G) MONEY EXPENDED FROM THE FUND IN ACCORDANCE WITH  
11 § 8-2205 OF THIS SUBTITLE IS SUPPLEMENTAL TO AND MAY NOT TAKE THE  
12 PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR  
13 ACTIVITIES AUTHORIZED UNDER THAT SECTION.

14 **8-2203.**

15          (A) BEGINNING JANUARY 1, 2009, THERE IS AN ANNUAL STATEWIDE  
16 IMPERVIOUS SURFACE FEE.

17          (B) EACH COUNTY SHALL:

18               (1) ASSESS AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE  
19 FEE ON EACH COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND RESIDENTIAL  
20 PROPERTY IN THE COUNTY AND IN EACH MUNICIPAL CORPORATION IN THE  
21 COUNTY ON BEHALF OF THE STATE; AND

22               (2) SUBJECT TO § 8-2205 OF THIS SUBTITLE, PROMPTLY REMIT  
23 THE FEES COLLECTED TO THE COMPTROLLER FOR DEPOSIT INTO THE FUND.

24               (C) (1) A COUNTY MAY USE EXISTING ASSESSMENT COLLECTION  
25 PROCEDURES TO COLLECT PERIODICALLY THE STATEWIDE IMPERVIOUS  
26 SURFACE FEE, INCLUDING PROCEDURES FOR COLLECTING WATER OR SEWER  
27 ASSESSMENTS, THE BAY RESTORATION FEE UNDER § 9-1605.2 OF THE  
28 ENVIRONMENT ARTICLE, PROPERTY TAXES, OR ANY OTHER APPROPRIATE  
29 ASSESSMENT.

30               (2) FAILURE TO PAY THE STATEWIDE IMPERVIOUS SURFACE FEE  
31 MAY NOT BE CAUSE FOR PLACING A LIEN ON PROPERTY.

1           **(3) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT**  
2 **DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302**  
3 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4           **(D) A COUNTY SHALL CALCULATE THE STATEWIDE IMPERVIOUS**  
5 **SURFACE FEE FOR INDIVIDUAL PROPERTIES AS FOLLOWS:**

6           **(1) FOR EACH COMMERCIAL PROPERTY THE COUNTY SHALL**  
7 **CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:**

8                   **(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES**  
9 **0.72 TIMES 1 CENT; OR**

10                   **(II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE**  
11 **AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE**  
12 **FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;**

13           **(2) FOR EACH INDUSTRIAL PROPERTY, THE COUNTY SHALL**  
14 **CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:**

15                   **(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES**  
16 **0.53 TIMES 1 CENT; OR**

17                   **(II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE**  
18 **AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE**  
19 **FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;**

20           **(3) FOR EACH INSTITUTIONAL PROPERTY, THE COUNTY SHALL**  
21 **CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:**

22                   **(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES**  
23 **0.34 TIMES 1 CENT; OR**

24                   **(II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE**  
25 **AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE**  
26 **FEET OF IMPERVIOUS SURFACE TIMES 1 CENT; AND**

27           **(4) FOR EACH RESIDENTIAL PROPERTY, THE STATEWIDE**  
28 **IMPERVIOUS SURFACE FEE SHALL BE:**

29                   **(I) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS**  
30 **LESS THAN 1,500 SQUARE FEET, \$5;**



1                   (II) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS  
2 BETWEEN 1,501 SQUARE FEET AND 3,000 SQUARE FEET, INCLUSIVE, \$20; AND

3                   (III) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS  
4 GREATER THAN 3,000 SQUARE FEET, \$40.

5           (E) A COUNTY MAY ESTABLISH A PROGRAM TO EXEMPT A LOW-INCOME  
6 HOUSEHOLD FROM THE STATEWIDE IMPERVIOUS SURFACE FEE.

7 **8-2204.**

8           (A) THE STATEWIDE IMPERVIOUS SURFACE FEE FOR A COMMERCIAL,  
9 INDUSTRIAL, OR INSTITUTIONAL PROPERTY:

10                   (1) MAY BE REDUCED BY USING OFFSETS THAT PRODUCE  
11 TANGIBLE WATER QUALITY BENEFITS IN ACCORDANCE WITH REGULATIONS  
12 ADOPTED UNDER THIS SECTION; AND

13                   (2) MAY NOT BE REDUCED BY MORE THAN 50%.

14           (B) AN OFFSET ESTABLISHED UNDER THIS SECTION SHALL:

15                   (1) BE AGREED ON IN WRITING BETWEEN THE COUNTY AND THE  
16 OWNER OF A PROPERTY RECEIVING A REDUCTION IN THE STATEWIDE  
17 IMPERVIOUS SURFACE FEE AS A RESULT OF THE OFFSET; AND

18                   (2) INCLUDE PROVISIONS ADDRESSING THE DESIGN,  
19 IMPLEMENTATION, MAINTENANCE, AND MONITORING OF THE OFFSET.

20           (C) THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION WITH  
21 THE DEPARTMENT OF NATURAL RESOURCES, SHALL ADOPT REGULATIONS BY  
22 DECEMBER 31, 2008, GOVERNING:

23                   (1) THE TYPES OF OFFSETS THAT MAY BE USED TO REDUCE THE  
24 STATEWIDE IMPERVIOUS SURFACE FEE;

25                   (2) METHODS OF DETERMINING WATER QUALITY BENEFITS  
26 ASSOCIATED WITH PROPOSED OFFSETS;

27                   (3) PROCEDURES FOR COUNTIES TO REVIEW, APPROVE,  
28 CONDITION, OR DENY OFFSET PROPOSALS; AND

29                   (4) MINIMUM STANDARDS FOR IMPLEMENTING AND MONITORING  
30 AN OFFSET.

1 **8-2205.**

2 (A) FOR THE REASONABLE ADMINISTRATIVE COSTS INCURRED IN  
3 CALCULATING AND COLLECTING THE STATEWIDE IMPERVIOUS SURFACE FEE, A  
4 COUNTY MAY RETAIN AN AMOUNT NOT EXCEEDING:

5 (1) FOR THE FIRST YEAR OF CALCULATING AND COLLECTING THE  
6 FEE, 8% OF THE TOTAL REVENUE COLLECTED; AND

7 (2) FOR EACH YEAR THEREAFTER, 5% OF THE TOTAL REVENUE  
8 COLLECTED.

9 (B) (1) A COUNTY:

10 (I) MAY RETAIN UP TO 45% OF THE FUNDS REMAINING  
11 AFTER ADMINISTRATIVE COSTS ARE ACCOUNTED FOR UNDER SUBSECTION (A)  
12 OF THIS SECTION IF THE COUNTY PROVIDES, THROUGH THE USE OF COUNTY  
13 FUNDS OR COUNTY BONDING, A 50% MATCH FOR THE AMOUNT RETAINED; AND

14 (II) SHALL REMIT TO A MUNICIPAL CORPORATION IN THE  
15 COUNTY THE RETAINED FUNDS THAT WERE DERIVED FROM WITHIN THE  
16 MUNICIPAL CORPORATION IF THE MUNICIPAL CORPORATION PROVIDES,  
17 THROUGH THE USE OF MUNICIPAL FUNDS OR MUNICIPAL BONDING, THE 50%  
18 MATCH FOR THOSE FUNDS.

19 (2) A COUNTY OR MUNICIPAL CORPORATION SHALL USE FUNDS  
20 RETAINED OR PROVIDED AS A MATCH UNDER THIS SUBSECTION ONLY FOR  
21 STORMWATER MANAGEMENT AND RELATED WATER QUALITY NEEDS.

22 (C) (1) THE COMPTROLLER MAY ADOPT REGULATIONS NECESSARY  
23 TO ADMINISTER AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE FEE.

24 (2) THE COMPTROLLER SHALL DISTRIBUTE TO AN  
25 ADMINISTRATIVE COST ACCOUNT AN AMOUNT THAT IS NECESSARY TO  
26 ADMINISTER THE STATEWIDE IMPERVIOUS SURFACE FEE, NOT TO EXCEED 0.5%  
27 OF THE FEES COLLECTED BY THE COMPTROLLER.

28 (3) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER  
29 PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL DEPOSIT THE  
30 STATEWIDE IMPERVIOUS SURFACE FEE INTO THE FUND.

31 (D) THE COMPTROLLER SHALL DISTRIBUTE THE MONEY IN THE FUND  
32 IN EACH CALENDAR YEAR BY TRANSFERRING:

1           **(1) 40% OF THE MONEY OR \$30,000,000, WHICHEVER IS**  
2 **GREATER, TO THE DEPARTMENT OF AGRICULTURE TO BE USED FOR:**

3                   **(I) COST-SHARING FOR BEST MANAGEMENT PRACTICES**  
4 **FOR REDUCING NITROGEN POLLUTION;**

5                   **(II) COST-SHARING FOR PLANTING COVER CROPS; AND**

6                   **(III) TECHNICAL ASSISTANCE THROUGH THE SOIL**  
7 **CONSERVATION DISTRICTS AND THE MARYLAND COOPERATIVE EXTENSION**  
8 **SERVICE;**

9           **(2) 10% OF THE MONEY OR \$8,000,000, WHICHEVER IS GREATER,**  
10 **TO THE DEPARTMENT OF NATURAL RESOURCES TO BE USED FOR:**

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

14                   **(II) IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;**

15                   **(III) GRANTS TO MUNICIPAL AND COUNTY GOVERNMENTS,**  
16 **FOREST CONSERVANCY DISTRICT BOARDS, SOIL CONSERVATION DISTRICTS,**  
17 **WATERSHED ORGANIZATIONS, AND OTHER NONPROFIT ORGANIZATIONS FOR:**

18                           **1. NONAGRICULTURAL WETLAND AND STREAM**  
19 **BUFFER RESTORATION;**

20                           **2. URBAN AND SUBURBAN TREE PLANTING;**

21                           **3. FOREST MANAGEMENT PRACTICES; AND**

22                           **4. OYSTER AND SUBMERGED AQUATIC VEGETATION**  
23 **RESTORATION; AND**

24                   **(IV) TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS FOR**  
25 **TARGETED WATERSHED PLANNING AND IMPLEMENTATION OF THE TRIBUTARY**  
26 **STRATEGIES; AND**

27           **(3) THE REMAINING FUNDS TO THE DEPARTMENT OF THE**  
28 **ENVIRONMENT TO BE USED FOR:**

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

4                   (II)   **GRANTS TO MUNICIPAL OR COUNTY GOVERNMENTS FOR**  
5 **SPECIFIC STORMWATER MANAGEMENT PROJECTS; AND**

6                   (III)   **TECHNICAL ASSISTANCE FOR MUNICIPAL OR COUNTY**  
7 **GOVERNMENTS TO IMPLEMENT STORMWATER MANAGEMENT PROJECTS.**

8 **8-2206.**

9           (A)    **THERE IS A MARYLAND GREEN FUND OVERSIGHT COMMITTEE.**

10          (B)    **THE COMMITTEE CONSISTS OF THE FOLLOWING 13 MEMBERS:**

11                   (1)    **A MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY**  
12 **THE PRESIDENT OF THE SENATE;**

13                   (2)    **A MEMBER OF THE MARYLAND HOUSE OF DELEGATES,**  
14 **APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;**

15                   (3)    **THE SECRETARY OF NATURAL RESOURCES, OR THE**  
16 **SECRETARY'S DESIGNEE;**

17                   (4)    **THE SECRETARY OF THE ENVIRONMENT, OR THE**  
18 **SECRETARY'S DESIGNEE;**

19                   (5)    **THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S**  
20 **DESIGNEE;**

21                   (6)    **A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF**  
22 **COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;**

23                   (7)    **A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE,**  
24 **APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;**

25                   (8)    **A REPRESENTATIVE OF THE HARRY R. HUGHES**  
26 **AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH,**  
27 **APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND**

28                   (9)    **THE FOLLOWING FIVE MEMBERS, APPOINTED BY THE**  
29 **GOVERNOR:**

1 (I) A REPRESENTATIVE OF A NONGOVERNMENTAL  
2 ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;

3 (II) A REPRESENTATIVE OF A NONGOVERNMENTAL  
4 ORGANIZATION WITH EXPERTISE IN STORMWATER MANAGEMENT;

5 (III) A REPRESENTATIVE OF THE AGRICULTURAL  
6 COMMUNITY;

7 (IV) A REPRESENTATIVE OF THE DEVELOPMENT  
8 COMMUNITY; AND

9 (V) A REPRESENTATIVE OF THE SUSTAINABLE FORESTRY  
10 COMMUNITY.

11 (C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COMMITTEE.

12 (D) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER GROUP  
13 THAT IT DETERMINES NECESSARY.

14 (E) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4  
15 YEARS.

16 (2) AT THE END OF A TERM, A MEMBER APPOINTED BY THE  
17 GOVERNOR CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND  
18 QUALIFIES.

19 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
20 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
21 APPOINTED AND QUALIFIES.

22 (F) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER  
23 OF THE COMMITTEE, THE LOBBYIST:

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

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

28 (G) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, A UNIT OF STATE OR  
29 LOCAL GOVERNMENT THAT EITHER RECEIVES A FUND DISTRIBUTION, RETAINS  
30 FUNDS FOR WATER QUALITY IMPROVEMENT PROJECTS, OR GRANTS AN OFFSET  
31 UNDER THIS SUBTITLE SHALL REPORT TO THE COMMITTEE REGARDING:

1           (1)    **THE RECEIPT AND USE OF REVENUES FROM THE FUND AND**  
2 **THE PROVISION AND USE OF LOCAL RETAINED AND MATCHING FUNDS DURING**  
3 **THE PREVIOUS FISCAL YEAR;**

4           (2)    **THE TERMS, CONDITIONS, AND ACTION TAKEN FOR EACH**  
5 **OFFSET GRANTED BY A COUNTY;**

6           (3)    **ESTIMATES OF THE NUTRIENT POLLUTION REDUCTIONS,**  
7 **WATER QUALITY BENEFITS, OR PROGRESS IN MEETING OTHER BENCHMARKS**  
8 **ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN ACHIEVED WITH FUND**  
9 **DISTRIBUTIONS, LOCAL RETAINED AND MATCHING FUNDS, OR THROUGH**  
10 **COUNTY OFFSETS;**

11           (4)    **ACCOUNTABILITY MEASURES TO ENSURE THAT THE**  
12 **TRIBUTARY STRATEGIES AND WATER QUALITY OBJECTIVES ARE ADVANCED BY**  
13 **PROJECTS FINANCED UNDER THIS SUBTITLE; AND**

14           (5)    **ANY OTHER INFORMATION THE COMMITTEE DETERMINES**  
15 **NECESSARY.**

16           **(H)    THE COMMITTEE SHALL:**

17               (1)    **MEET AT LEAST QUARTERLY;**

18               (2)    **ESTABLISH PERFORMANCE BENCHMARKS FOR THE FUND**  
19 **THAT REFLECT THE IMPLEMENTATION OF THE TRIBUTARY STRATEGIES AND**  
20 **THE WATER QUALITY GOALS IN THE CHESAPEAKE 2000 AGREEMENT,**  
21 **INCLUDING NUTRIENT POLLUTION REDUCTIONS AND ANY OTHER APPROPRIATE**  
22 **STANDARDS;**

23               (3)    **REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND**  
24 **MAKE CHANGES AS APPROPRIATE;**

25               (4)    **MONITOR FUND DISTRIBUTION TO ENSURE THAT FUND USE**  
26 **IS COST-EFFECTIVE, IS BASED ON SOUND SCIENCE, AND ACHIEVES DESIRED**  
27 **RESULTS;**

28               (5)    **ON OR BEFORE DECEMBER 1 OF EACH YEAR, AND SUBJECT**  
29 **TO § 2-2146 OF THE STATE GOVERNMENT ARTICLE, PROVIDE AN ANNUAL**  
30 **PROGRESS REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY REGARDING:**

31                    **(I)    FUND REVENUES AND DISTRIBUTIONS;**

1                   (II)   **SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY**  
2 **THE FUND;**

3                   (III) **PROGRESS   TOWARDS   MEETING   PERFORMANCE**  
4 **BENCHMARKS; AND**

5                   (IV) **ANY OTHER RELEVANT INFORMATION; AND**

6                   (6)   **AT LEAST ONCE EVERY 3 YEARS, INCLUDE IN THE REPORT A**  
7 **REVIEW OF THE DISTRIBUTION PERCENTAGES AND SUGGEST ANY**  
8 **RECOMMENDED MODIFICATIONS.**

9                   (I)   **THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE**  
10 **STAFF SUPPORT FOR THE COMMITTEE.**

11                  (J)   **A MEMBER OF THE COMMITTEE:**

12                   (1)   **MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**  
13 **COMMITTEE; BUT**

14                   (2)   **IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
15 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**  
16 **BUDGET.**

17                  SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
18 Act or the application thereof to any person or circumstance is held invalid for any  
19 reason in a court of competent jurisdiction, the invalidity does not affect other  
20 provisions or any other application of this Act which can be given effect without the  
21 invalid provision or application, and for this purpose the provisions of this Act are  
22 declared severable.

23                  SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 June 1, 2008.