

HOUSE BILL 23

M1, M3, M4

8lr4542

By: **Delegates McIntosh, V. Clagett, Frush, Lafferty, Lawton, Niemann, ~~and Stein~~ Stein, Ali, Bobo, Cane, Glenn, Healey, Holmes, Hucker, and Manno**

Introduced and read first time: October 29, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: November 8, 2007

CHAPTER _____

1 AN ACT concerning

2 **~~Chesapeake and Atlantic Coastal Bays—Maryland Green Fund~~ Bay 2010**
3 **Trust Fund**

4 FOR the purpose of establishing the ~~Maryland Green~~ Chesapeake Bay 2010 Trust
5 Fund as a special, continuing, nonlapsing fund beginning on a certain date;
6 stating the intent of the General Assembly; providing for the uses of the ~~Fund,~~
7 Trust Fund; establishing funding for the Trust Fund; authorizing the
8 Department of the Environment to adopt certain regulations; providing for
9 certain bonding authority relating to money in the Fund; establishing the
10 BayStat accountability and management process and participants in the
11 process; establishing the purpose of BayStat; requiring BayStat participants to
12 analyze certain elements of certain Chesapeake Bay related programs;
13 requiring BayStat participants to assess the effectiveness of programs financed
14 by the Trust Fund and other State programs relating to the Chesapeake Bay,
15 the Atlantic Coastal Bays, the Patuxent River, and all other waters of the State;
16 requiring BayStat participants to prepare, based on certain criteria, a certain
17 expenditure and work plan for the distribution of Trust Fund money; requiring
18 BayStat participants to establish certain standards for the reallocation of a
19 certain amount of money in the Trust Fund under certain circumstances;
20 requiring BayStat participants to ensure that a certain percentage of the Trust
21 Fund is allocated for certain grants to local governments; requiring local
22 governments to submit a certain report to BayStat participants under certain
23 circumstances; requiring BayStat participants to make a certain annual report;
24 requiring BayStat participants to establish a certain Trust Fund Technical

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Review Committee; providing for the membership and cochairs of the Review~~
 2 ~~Committee; requiring the Review Committee to review and suggest appropriate~~
 3 ~~changes to the annual expenditure and work plan or any reallocation of Trust~~
 4 ~~Fund money; requiring the Review Committee to adopt certain rules~~
 5 ~~establishing a statewide impervious surface fee, beginning on a certain date, for~~
 6 ~~certain types of property; providing for the assessment and collection of the fee~~
 7 ~~for deposit into the Fund; providing for the calculation of the fee using certain~~
 8 ~~data or measurements; providing for a certain exemption from the fee;~~
 9 ~~authorizing the reduction of the fee for certain property up to a certain amount~~
 10 ~~using certain offsets; requiring the Department of the Environment, in~~
 11 ~~consultation with the Department of Natural Resources, to adopt certain~~
 12 ~~regulations by a certain date governing offsets granted under this Act;~~
 13 ~~authorizing the Comptroller or a local government to retain a certain~~
 14 ~~percentage of certain revenue under certain circumstances to be used for certain~~
 15 ~~purposes; providing for the administration and distribution of the fee;~~
 16 ~~establishing the Maryland Green Fund Oversight Committee; providing for the~~
 17 ~~membership and terms for the Committee; requiring certain units of State and~~
 18 ~~local government to provide annually certain information to the Committee;~~
 19 ~~requiring the Committee to meet a certain minimum number of times per year;~~
 20 ~~requiring the Committee to establish and review certain performance~~
 21 ~~benchmarks; requiring the Committee to monitor certain accountability~~
 22 ~~measures; requiring the Committee to provide a certain report annually on or~~
 23 ~~before a certain date; requiring the Department of Natural Resources to provide~~
 24 ~~staff for the Committee; making the provisions of this Act severable; defining~~
 25 ~~certain terms; and generally relating to the establishment of the Maryland~~
 26 ~~Green Chesapeake Bay 2010 Trust Fund as a dedicated funding source for the~~
 27 ~~restoration of the Chesapeake and Atlantic Coastal Bays, the Patuxent River,~~
 28 ~~and the waters of the State.~~

29 BY adding to

30 Article – Environment
 31 Section 9-1605.3
 32 Annotated Code of Maryland
 33 (2007 Replacement Volume and 2007 Supplement)

34 BY repealing and reenacting, with amendments,

35 Article – Environment
 36 Section 9-1611 and 9-1616
 37 Annotated Code of Maryland
 38 (2007 Replacement Volume and 2007 Supplement)

39 BY adding to

40 Article – Natural Resources
 41 Section 8-2201 through 8-2206 and 8-2202 to be under the new subtitle
 42 “Subtitle 22. ~~Maryland Green Fund~~ BayStat”
 43 Annotated Code of Maryland
 44 (2007 Replacement Volume)

1 Preamble

2 WHEREAS, The Chesapeake Bay, Atlantic Coastal Bays, ~~and the Patuxent~~
3 River, and other rivers and streams in Maryland are natural resources that need to be
4 restored and protected; and

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

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

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

20 WHEREAS, Municipal parks are important to pollution reduction for all State
21 waterways; and

22 WHEREAS, Clean water is a necessity and a right for every citizen in
23 Maryland; and

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

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

29 ~~Article – Natural Resources~~

30 ~~SUBTITLE 22. MARYLAND GREEN FUND.~~

31 ~~§ 2201.~~

32 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
33 ~~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~~

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

~~(K) (1) "OFFSET" MEANS AN ACTIVITY THAT MINIMIZES OR MITIGATES THE NEGATIVE IMPACT ON NATURAL HYDROLOGY AND WATER QUALITY ASSOCIATED WITH IMPERVIOUS SURFACES.~~

~~(2) "OFFSET" INCLUDES:~~

~~(I) A GREEN ROOF;~~

~~(H) THE REMOVAL OF AN EXISTING IMPERVIOUS SURFACE THAT IS NOT SUBJECT TO THE IMPERVIOUS SURFACE FEE; AND~~

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

~~(L) (1) "RESIDENTIAL PROPERTY" MEANS REAL PROPERTY, INCLUDING AGRICULTURALLY ZONED REAL PROPERTY, ON WHICH THERE IS A DWELLING DESIGNED PRINCIPALLY AS A RESIDENCE.~~

~~(2) "RESIDENTIAL PROPERTY" INCLUDES REAL PROPERTY ON WHICH THE FOLLOWING DWELLINGS ARE CONSTRUCTED:~~

~~(I) A SINGLE FAMILY HOME;~~

~~(II) AN APARTMENT;~~

~~(III) A CONDOMINIUM;~~

~~(IV) A DUPLEX;~~

~~(V) A TOWNHOME; AND~~

~~(VI) A MOBILE HOME.~~

~~(M) "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.~~

~~§ 2202.~~

1 **9-1605.3.**

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

4 **(2) "CHESAPEAKE 2000 AGREEMENT" MEANS THE AGREEMENT**
5 **ENTERED INTO IN 2000 BETWEEN THE CHESAPEAKE BAY STATES, THE**
6 **DISTRICT OF COLUMBIA, THE CHESAPEAKE BAY COMMISSION, AND THE**
7 **FEDERAL ENVIRONMENTAL PROTECTION AGENCY THAT SPECIFIED**
8 **RESTORATION GOALS AND COMMITMENTS TO:**

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

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

13 **(3) (I) "NONPOINT SOURCE POLLUTION CONTROL PROJECT"**
14 **MEANS A PROJECT TO IMPROVE WATER QUALITY BY A MEASURABLE REDUCTION**
15 **OF NITROGEN, PHOSPHOROUS, OR SEDIMENT POLLUTION.**

16 **(II) "NONPOINT SOURCE POLLUTION CONTROL PROJECT"**
17 **INCLUDES:**

18 **1. AN AGRICULTURAL BEST MANAGEMENT**
19 **PRACTICE;**

20 **2. AN URBAN OR SUBURBAN STORM WATER**
21 **PRACTICE;**

22 **3. STREAM RESTORATION; AND**

23 **4. RIPARIAN BUFFER PLANTING.**

24 **(4) "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.**

28 **(5) "TRUST FUND" MEANS THE CHESAPEAKE BAY 2010 TRUST**
29 **FUND ESTABLISHED UNDER THIS SECTION.**

30 **(A) (B) BEGINNING ~~JANUARY 1, 2009~~ JULY 1, 2008, THERE IS A**
31 **MARYLAND GREEN CHESAPEAKE BAY 2010 TRUST FUND.**

1 ~~(B)~~ (C) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
2 TRUST FUND BE GENERATED AND USED ON A STATEWIDE BASIS ESTABLISHED
3 AND USED TO:

4 (1) PROVIDE CRITICAL FUNDING FOR:

5 (I) THE RESTORATION AND PRESERVATION OF THE
6 CHESAPEAKE AND ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND ALL
7 WATERS OF THE STATE; AND

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

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

14 (3) FOCUS LIMITED FINANCIAL RESOURCES ON ~~PRACTICES FOR~~
15 ~~NUTRIENT POLLUTION REDUCTION CONTAINED IN THE TRIBUTARY~~
16 ~~STRATEGIES, INCLUDING AGRICULTURAL AND STORMWATER MANAGEMENT~~
17 PRACTICES NONPOINT SOURCE POLLUTION CONTROL PROJECTS FOR ALL
18 TRIBUTARY BASINS, INCLUDING THE PATUXENT RIVER, AS PROVIDED IN THE
19 TRIBUTARY STRATEGIES, THE ATLANTIC COASTAL BAYS, AND ALL OTHER
20 WATERS OF THE STATE;

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

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

26 (6) REDUCE FUTURE COSTS FOR RESTORING THE CHESAPEAKE
27 AND ATLANTIC COASTAL BAYS, THE PATUXENT RIVER, AND THE OTHER
28 WATERS OF THE STATE; AND

29 (7) DEVELOP AND SUSTAIN MUNICIPAL PARKS.

30 ~~(C)~~ (D) (1) THE TRUST FUND IS A SPECIAL, CONTINUING,
31 NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE
32 AND PROCUREMENT ARTICLE, AND SHALL BE AVAILABLE IN PERPETUITY FOR
33 THE PURPOSES IDENTIFIED IN THIS SECTION.

1 (2) ~~THE~~ THE SUBJECT TO THE PROVISIONS OF ANY APPLICABLE BOND
2 RESOLUTION REGARDING THE HOLDING OR APPLICATION OF AMOUNTS IN THE
3 TRUST FUND, THE TREASURER SHALL HOLD THE TRUST FUND SEPARATELY,
4 AND THE COMPTROLLER SHALL ACCOUNT FOR THE TRUST FUND.

5 ~~(D)~~ (E) THE TRUST FUND CONSISTS OF:

6 (1) REVENUE DISTRIBUTED TO THE TRUST FUND FROM THE
7 STATEWIDE IMPERVIOUS SURFACE FEE UNDER § 8-2203 OF THIS SUBTITLE IN
8 THE ANNUAL STATE BUDGET;

9 (2) THE NET PROCEEDS OF BONDS ISSUED BY THE
10 ADMINISTRATION;

11 (3) INVESTMENT EARNINGS OF THE TRUST FUND; AND

12 ~~(3)~~ (4) ANY OTHER MONEY FROM ANY OTHER SOURCE
13 ACCEPTED FOR THE BENEFIT OF THE TRUST FUND.

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

16 (F) (1) MONEY IN THE TRUST FUND SHALL BE ALLOCATED EACH
17 FISCAL YEAR IN ACCORDANCE WITH THIS SECTION AND THE ANNUAL BAYSTAT
18 EXPENDITURE AND WORK PLAN FOR THE TRUST FUND DEVELOPED UNDER
19 § 8-2202 OF THE NATURAL RESOURCES ARTICLE.

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

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

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

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

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

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

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

9 **1. THE DEVELOPMENT, IMPROVEMENT, AND**
10 **MAINTENANCE OF PARKS;**

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

15 **3. ENVIRONMENTALLY ORIENTED PARKS AND**
16 **RECREATION PROGRAMS.**

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

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

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

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

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

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

35 **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.

~~(F)~~ **(G) THE TREASURER SHALL INVEST THE MONEY OF THE TRUST FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

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

1 (I) THE DEPARTMENT OF THE ENVIRONMENT MAY ADOPT
2 REGULATIONS TO IMPLEMENT THIS SECTION.

3 9-1611.

4 (a) Bonds may be secured by a trust agreement by and between the
5 Administration and a corporate trustee, which may be any trust company or bank
6 having trust powers, within or without the State. Such trust agreement may pledge or
7 assign all or any part of the revenues or corpus of the Water Quality Fund, Drinking
8 Water Loan Fund, [or] THE Bay Restoration Fund, THE CHESAPEAKE BAY 2010
9 TRUST FUND, or any account within these funds, and may pledge or assign or grant a
10 lien on or security interest in any loan agreement or loan obligation. Any such trust
11 agreement or resolution authorizing the issuance of bonds may contain such
12 provisions for the protection and enforcement of the rights and remedies of the
13 bondholders as may be deemed reasonable and proper, including covenants setting
14 forth the duties of the Administration in relation to the making, administration and
15 enforcement of loans and the custody, safeguarding and application of moneys. Such
16 trust agreement may set forth the rights and remedies of the bondholders and of the
17 trustee and may restrict the individual right of action by bondholders. In addition to
18 the foregoing, such trust agreement may contain such other provisions as the Director
19 may deem reasonable and proper for the security of the bondholders, including,
20 without limitation, covenants pertaining to the issuance of additional parity bonds
21 upon conditions stated therein consistent with the requirements of this subtitle.

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

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

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

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

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

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

1 (2) Any amounts set aside in such special account which are not
 2 needed to provide for the payment of the items included under paragraph (1) of this
 3 subsection may be used for any other lawful purpose, to the extent provided in the
 4 bond resolution. Such pledge shall be valid and binding from the time when the pledge
 5 is made. Such revenues or other moneys so pledged and thereafter received by the
 6 Administration shall immediately be subject to the lien of such pledge without any
 7 physical delivery thereof or further act, and the lien of any such pledge shall be valid
 8 and binding as against all parties having any claims of any kind in tort, contract, or
 9 otherwise against the Administration or the Water Quality Fund, the Drinking Water
 10 Loan Fund, [or] the Bay Restoration Fund, **OR THE CHESAPEAKE BAY 2010 TRUST**
 11 **FUND**, irrespective of whether such parties have notice thereof. Neither the bond
 12 resolution nor any trust agreement by which a pledge is created need be filed or
 13 recorded except in the records of the Administration, any public general or public local
 14 law to the contrary notwithstanding.

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

19 9-1616.

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

30 ~~**§ 2203.**~~

31 ~~(A) **BEGINNING JANUARY 1, 2009, THERE IS AN ANNUAL STATEWIDE**~~
 32 ~~**IMPERVIOUS SURFACE FEE.**~~

33 ~~(B) **EACH COUNTY SHALL:**~~

34 ~~(1) **ASSESS AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE**~~
 35 ~~**FEE ON EACH COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND RESIDENTIAL**~~
 36 ~~**PROPERTY IN THE COUNTY AND IN EACH MUNICIPAL CORPORATION IN THE**~~
 37 ~~**COUNTY ON BEHALF OF THE STATE; AND**~~

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

3 ~~(C) (1) A COUNTY MAY USE EXISTING ASSESSMENT COLLECTION~~
4 ~~PROCEDURES TO COLLECT PERIODICALLY THE STATEWIDE IMPERVIOUS~~
5 ~~SURFACE FEE, INCLUDING PROCEDURES FOR COLLECTING WATER OR SEWER~~
6 ~~ASSESSMENTS, THE BAY RESTORATION FEE UNDER § 9-1605.2 OF THE~~
7 ~~ENVIRONMENT ARTICLE, PROPERTY TAXES, OR ANY OTHER APPROPRIATE~~
8 ~~ASSESSMENT.~~

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

11 ~~(3) THE STATE CENTRAL COLLECTION UNIT MAY COLLECT~~
12 ~~DELINQUENT ACCOUNTS UNDER THIS SECTION IN ACCORDANCE WITH § 3-302~~
13 ~~OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

14 ~~(D) A COUNTY SHALL CALCULATE THE STATEWIDE IMPERVIOUS~~
15 ~~SURFACE FEE FOR INDIVIDUAL PROPERTIES AS FOLLOWS:~~

16 ~~(1) FOR EACH COMMERCIAL PROPERTY THE COUNTY SHALL~~
17 ~~CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:~~

18 ~~(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES~~
19 ~~0.72 TIMES 1 CENT; OR~~

20 ~~(II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE~~
21 ~~AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE~~
22 ~~FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;~~

23 ~~(2) FOR EACH INDUSTRIAL PROPERTY, THE COUNTY SHALL~~
24 ~~CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:~~

25 ~~(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES~~
26 ~~0.53 TIMES 1 CENT; OR~~

27 ~~(II) DIRECTLY MEASURING THE IMPERVIOUS SURFACE~~
28 ~~AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE~~
29 ~~FEET OF IMPERVIOUS SURFACE TIMES 1 CENT;~~

30 ~~(3) FOR EACH INSTITUTIONAL PROPERTY, THE COUNTY SHALL~~
31 ~~CALCULATE THE STATEWIDE IMPERVIOUS SURFACE FEE BY:~~

32 ~~(I) MULTIPLYING THE PARCEL SIZE IN SQUARE FEET TIMES~~
33 ~~0.34 TIMES 1 CENT; OR~~

1 ~~(H) DIRECTLY MEASURING THE IMPERVIOUS SURFACE~~
2 ~~AREA OF THE INDIVIDUAL PARCEL AND MULTIPLYING THE NUMBER OF SQUARE~~
3 ~~FEET OF IMPERVIOUS SURFACE TIMES 1 CENT; AND~~

4 ~~(4) FOR EACH RESIDENTIAL PROPERTY, THE STATEWIDE~~
5 ~~IMPERVIOUS SURFACE FEE SHALL BE:~~

6 ~~(I) FOR A PROPERTY WITH AN ENCLOSED AREA THAT IS~~
7 ~~LESS THAN 1,500 SQUARE FEET, \$5;~~

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

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

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

14 ~~§ 2204.~~

15 ~~(A) THE STATEWIDE IMPERVIOUS SURFACE FEE FOR A COMMERCIAL,~~
16 ~~INDUSTRIAL, OR INSTITUTIONAL PROPERTY:~~

17 ~~(1) MAY BE REDUCED BY USING OFFSETS THAT PRODUCE~~
18 ~~TANGIBLE WATER QUALITY BENEFITS IN ACCORDANCE WITH REGULATIONS~~
19 ~~ADOPTED UNDER THIS SECTION; AND~~

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

21 ~~(B) AN OFFSET ESTABLISHED UNDER THIS SECTION SHALL:~~

22 ~~(1) BE AGREED ON IN WRITING BETWEEN THE COUNTY AND THE~~
23 ~~OWNER OF A PROPERTY RECEIVING A REDUCTION IN THE STATEWIDE~~
24 ~~IMPERVIOUS SURFACE FEE AS A RESULT OF THE OFFSET; AND~~

25 ~~(2) INCLUDE PROVISIONS ADDRESSING THE DESIGN,~~
26 ~~IMPLEMENTATION, MAINTENANCE, AND MONITORING OF THE OFFSET.~~

27 ~~(C) THE DEPARTMENT OF THE ENVIRONMENT, IN CONSULTATION WITH~~
28 ~~THE DEPARTMENT OF NATURAL RESOURCES, SHALL ADOPT REGULATIONS BY~~
29 ~~DECEMBER 31, 2008, GOVERNING:~~

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

3 ~~(2) METHODS OF DETERMINING WATER QUALITY BENEFITS~~
4 ~~ASSOCIATED WITH PROPOSED OFFSETS;~~

5 ~~(3) PROCEDURES FOR COUNTIES TO REVIEW, APPROVE,~~
6 ~~CONDITION, OR DENY OFFSET PROPOSALS; AND~~

7 ~~(4) MINIMUM STANDARDS FOR IMPLEMENTING AND MONITORING~~
8 ~~AN OFFSET.~~

9 ~~8-2205.~~

10 ~~(A) FOR THE REASONABLE ADMINISTRATIVE COSTS INCURRED IN~~
11 ~~CALCULATING AND COLLECTING THE STATEWIDE IMPERVIOUS SURFACE FEE, A~~
12 ~~COUNTY MAY RETAIN AN AMOUNT NOT EXCEEDING:~~

13 ~~(1) FOR THE FIRST YEAR OF CALCULATING AND COLLECTING THE~~
14 ~~FEE, 8% OF THE TOTAL REVENUE COLLECTED; AND~~

15 ~~(2) FOR EACH YEAR THEREAFTER, 5% OF THE TOTAL REVENUE~~
16 ~~COLLECTED.~~

17 ~~(B) (1) A COUNTY:~~

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

22 ~~(II) SHALL REMIT TO A MUNICIPAL CORPORATION IN THE~~
23 ~~COUNTY THE RETAINED FUNDS THAT WERE DERIVED FROM WITHIN THE~~
24 ~~MUNICIPAL CORPORATION IF THE MUNICIPAL CORPORATION PROVIDES,~~
25 ~~THROUGH THE USE OF MUNICIPAL FUNDS OR MUNICIPAL BONDING, THE 50%~~
26 ~~MATCH FOR THOSE FUNDS.~~

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

30 ~~(C) (1) THE COMPTROLLER MAY ADOPT REGULATIONS NECESSARY~~
31 ~~TO ADMINISTER AND COLLECT THE STATEWIDE IMPERVIOUS SURFACE FEE.~~

1 ~~(2) THE COMPTROLLER SHALL DISTRIBUTE TO AN~~
2 ~~ADMINISTRATIVE COST ACCOUNT AN AMOUNT THAT IS NECESSARY TO~~
3 ~~ADMINISTER THE STATEWIDE IMPERVIOUS SURFACE FEE, NOT TO EXCEED 0.5%~~
4 ~~OF THE FEES COLLECTED BY THE COMPTROLLER.~~

5 ~~(3) AFTER MAKING THE DISTRIBUTION REQUIRED UNDER~~
6 ~~PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL DEPOSIT THE~~
7 ~~STATEWIDE IMPERVIOUS SURFACE FEE INTO THE FUND.~~

8 ~~(D) THE COMPTROLLER SHALL DISTRIBUTE THE MONEY IN THE FUND~~
9 ~~IN EACH CALENDAR YEAR BY TRANSFERRING:~~

10 ~~(1) 40% OF THE MONEY OR \$30,000,000, WHICHEVER IS~~
11 ~~GREATER, TO THE DEPARTMENT OF AGRICULTURE TO BE USED FOR:~~

12 ~~(I) COST SHARING FOR BEST MANAGEMENT PRACTICES~~
13 ~~FOR REDUCING NITROGEN POLLUTION;~~

14 ~~(II) COST SHARING FOR PLANTING COVER CROPS; AND~~

15 ~~(III) TECHNICAL ASSISTANCE THROUGH THE SOIL~~
16 ~~CONSERVATION DISTRICTS AND THE MARYLAND COOPERATIVE EXTENSION~~
17 ~~SERVICE;~~

18 ~~(2) 10% OF THE MONEY OR \$8,000,000, WHICHEVER IS GREATER,~~
19 ~~TO THE DEPARTMENT OF NATURAL RESOURCES TO BE USED FOR:~~

20 ~~(I) REASONABLE COSTS OF ADMINISTERING GRANT~~
21 ~~PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL~~
22 ~~DEPARTMENT ALLOCATION;~~

23 ~~(II) IMPLEMENTATION OF THE TRIBUTARY STRATEGIES;~~

24 ~~(III) GRANTS TO MUNICIPAL AND COUNTY GOVERNMENTS,~~
25 ~~FOREST CONSERVANCY DISTRICT BOARDS, SOIL CONSERVATION DISTRICTS,~~
26 ~~WATERSHED ORGANIZATIONS, AND OTHER NONPROFIT ORGANIZATIONS FOR:~~

27 ~~1. NONAGRICULTURAL WETLAND AND STREAM~~
28 ~~BUFFER RESTORATION;~~

29 ~~2. URBAN AND SUBURBAN TREE PLANTING;~~

30 ~~3. FOREST MANAGEMENT PRACTICES; AND~~

1 ~~4. OYSTER AND SUBMERGED AQUATIC VEGETATION~~
2 ~~RESTORATION; AND~~

3 ~~(IV) TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS FOR~~
4 ~~TARGETED WATERSHED PLANNING AND IMPLEMENTATION OF THE TRIBUTARY~~
5 ~~STRATEGIES; AND~~

6 ~~(3) THE REMAINING FUNDS TO THE DEPARTMENT OF THE~~
7 ~~ENVIRONMENT TO BE USED FOR:~~

8 ~~(I) REASONABLE COSTS OF ADMINISTERING THE GRANT~~
9 ~~PROGRAMS UNDER THIS PARAGRAPH NOT TO EXCEED 1.5% OF THE ANNUAL~~
10 ~~DEPARTMENT ALLOCATION;~~

11 ~~(II) GRANTS TO MUNICIPAL OR COUNTY GOVERNMENTS FOR~~
12 ~~SPECIFIC STORMWATER MANAGEMENT PROJECTS; AND~~

13 ~~(III) TECHNICAL ASSISTANCE FOR MUNICIPAL OR COUNTY~~
14 ~~GOVERNMENTS TO IMPLEMENT STORMWATER MANAGEMENT PROJECTS.~~

15 ~~§ 2206.~~

16 ~~(A) THERE IS A MARYLAND GREEN FUND OVERSIGHT COMMITTEE.~~

17 ~~(B) THE COMMITTEE CONSISTS OF THE FOLLOWING 13 MEMBERS:~~

18 ~~(1) A MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY~~
19 ~~THE PRESIDENT OF THE SENATE;~~

20 ~~(2) A MEMBER OF THE MARYLAND HOUSE OF DELEGATES,~~
21 ~~APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES;~~

22 ~~(3) THE SECRETARY OF NATURAL RESOURCES, OR THE~~
23 ~~SECRETARY'S DESIGNEE;~~

24 ~~(4) THE SECRETARY OF THE ENVIRONMENT, OR THE~~
25 ~~SECRETARY'S DESIGNEE;~~

26 ~~(5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S~~
27 ~~DESIGNEE;~~

28 ~~(6) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF~~
29 ~~COUNTIES, APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;~~

1 ~~(7) A REPRESENTATIVE OF THE MARYLAND MUNICIPAL LEAGUE,~~
2 ~~APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS;~~

3 ~~(8) A REPRESENTATIVE OF THE HARRY R. HUGHES~~
4 ~~AGRO-ECOLOGY CENTER FOR AGRICULTURAL AND LAND USE RESEARCH,~~
5 ~~APPOINTED BY THE PRESIDENT OF THE BOARD OF DIRECTORS; AND~~

6 ~~(9) THE FOLLOWING FIVE MEMBERS, APPOINTED BY THE~~
7 ~~GOVERNOR;~~

8 ~~(I) A REPRESENTATIVE OF A NONGOVERNMENTAL~~
9 ~~ORGANIZATION WITH EXPERTISE IN CHESAPEAKE BAY RESTORATION;~~

10 ~~(II) A REPRESENTATIVE OF A NONGOVERNMENTAL~~
11 ~~ORGANIZATION WITH EXPERTISE IN STORMWATER MANAGEMENT;~~

12 ~~(III) A REPRESENTATIVE OF THE AGRICULTURAL~~
13 ~~COMMUNITY;~~

14 ~~(IV) A REPRESENTATIVE OF THE DEVELOPMENT~~
15 ~~COMMUNITY; AND~~

16 ~~(V) A REPRESENTATIVE OF THE SUSTAINABLE FORESTRY~~
17 ~~COMMUNITY.~~

18 ~~(C) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COMMITTEE.~~

19 ~~(D) THE COMMITTEE MAY CONSULT WITH ANY STAKEHOLDER GROUP~~
20 ~~THAT IT DETERMINES NECESSARY.~~

21 ~~(E) (1) THE TERM OF A MEMBER APPOINTED BY THE GOVERNOR IS 4~~
22 ~~YEARS.~~

23 ~~(2) AT THE END OF A TERM, A MEMBER APPOINTED BY THE~~
24 ~~GOVERNOR CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND~~
25 ~~QUALIFIES.~~

26 ~~(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN~~
27 ~~SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS~~
28 ~~APPOINTED AND QUALIFIES.~~

29 ~~(F) IF A REGULATED LOBBYIST IS APPOINTED TO SERVE AS A MEMBER~~
30 ~~OF THE COMMITTEE, THE LOBBYIST;~~

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

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

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

9 ~~(1) THE RECEIPT AND USE OF REVENUES FROM THE FUND AND~~
10 ~~THE PROVISION AND USE OF LOCAL RETAINED AND MATCHING FUNDS DURING~~
11 ~~THE PREVIOUS FISCAL YEAR;~~

12 ~~(2) THE TERMS, CONDITIONS, AND ACTION TAKEN FOR EACH~~
13 ~~OFFSET GRANTED BY A COUNTY;~~

14 ~~(3) ESTIMATES OF THE NUTRIENT POLLUTION REDUCTIONS,~~
15 ~~WATER QUALITY BENEFITS, OR PROGRESS IN MEETING OTHER BENCHMARKS~~
16 ~~ESTABLISHED BY THE COMMITTEE THAT HAVE BEEN ACHIEVED WITH FUND~~
17 ~~DISTRIBUTIONS, LOCAL RETAINED AND MATCHING FUNDS, OR THROUGH~~
18 ~~COUNTY OFFSETS;~~

19 ~~(4) ACCOUNTABILITY MEASURES TO ENSURE THAT THE~~
20 ~~TRIBUTARY STRATEGIES AND WATER QUALITY OBJECTIVES ARE ADVANCED BY~~
21 ~~PROJECTS FINANCED UNDER THIS SUBTITLE; AND~~

22 ~~(5) ANY OTHER INFORMATION THE COMMITTEE DETERMINES~~
23 ~~NECESSARY.~~

24 ~~(H) THE COMMITTEE SHALL:~~

25 ~~(1) MEET AT LEAST QUARTERLY;~~

26 ~~(2) ESTABLISH PERFORMANCE BENCHMARKS FOR THE FUND~~
27 ~~THAT REFLECT THE IMPLEMENTATION OF THE TRIBUTARY STRATEGIES AND~~
28 ~~THE WATER QUALITY GOALS IN THE CHESAPEAKE 2000 AGREEMENT,~~
29 ~~INCLUDING NUTRIENT POLLUTION REDUCTIONS AND ANY OTHER APPROPRIATE~~
30 ~~STANDARDS;~~

31 ~~(3) REVIEW THE PERFORMANCE BENCHMARKS ANNUALLY AND~~
32 ~~MAKE CHANGES AS APPROPRIATE;~~

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

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

~~(i) FUND REVENUES AND DISTRIBUTIONS;~~

~~(ii) SPECIFIC PROGRAMS AND ACTIVITIES SUPPORTED BY THE FUND;~~

~~(iii) PROGRESS TOWARDS MEETING PERFORMANCE BENCHMARKS; AND~~

~~(iv) ANY OTHER RELEVANT INFORMATION; AND~~

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

~~(i) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE STAFF SUPPORT FOR THE COMMITTEE.~~

~~(j) A MEMBER OF THE COMMITTEE:~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT~~

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

Article - Natural Resources

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:

- 1 **(I) THE SECRETARY OF AGRICULTURE;**
2 **(II) THE SECRETARY OF THE ENVIRONMENT;**
3 **(III) THE SECRETARY OF NATURAL RESOURCES;**
4 **(IV) THE SECRETARY OF PLANNING; AND**
5 **(V) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND**
6 **CENTER FOR ENVIRONMENTAL SCIENCE.**

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

10 **(B) THE PURPOSE OF BAYSTAT IS TO:**

11 **(1) PROVIDE ACCURATE AND TIMELY DATA TO THE GOVERNOR,**
12 **THE GENERAL ASSEMBLY, AND THE PUBLIC ABOUT THE EFFICACY AND COST**
13 **EFFECTIVENESS OF GOVERNMENTAL PROGRAMS TO RESTORE THE**
14 **CHESAPEAKE BAY;**

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

18 **(3) IDENTIFY MEASURABLE GOALS FOR CHESAPEAKE BAY**
19 **RESTORATION;**

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

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

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

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

29 **(1) WATER QUALITY;**

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

14 **8-2202.**

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

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

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

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

27 **2. MOST EFFECTIVELY REDUCES NUTRIENT AND**
28 **SEDIMENT LOADINGS IN EACH OF THE TEN TRIBUTARY BASINS OF THE**
29 **CHESAPEAKE BAY, INCLUDING THE PATUXENT RIVER, THE ATLANTIC**

1 COASTAL BAYS, AND ALL OTHER WATERS OF THE STATE, BASED ON THE
2 FOLLOWING CRITERIA:

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

6 B. SCIENTIFIC ANALYSIS SHOWING TARGETED
7 WATER QUALITY IMPROVEMENT; AND

8 C. EFFICACY OF PROGRAM PERFORMANCE IN
9 PREVIOUS YEARS.

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

16 (II) BAYSTAT PARTICIPANTS MAY ALLOW REALLOCATION
17 ONLY:

18 1. IF REALLOCATION WOULD ENHANCE NUTRIENT
19 REDUCTION;

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

22 3. AFTER SUBMITTING THE PROPOSED
23 REALLOCATION FOR REVIEW AND COMMENT TO THE HOUSE ENVIRONMENTAL
24 MATTERS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE
25 HOUSE WAYS AND MEANS COMMITTEE, SENATE BUDGET AND TAXATION
26 COMMITTEE, AND THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
27 AFFAIRS COMMITTEE.

28 (III) REALLOCATION MAY NOT:

29 1. APPLY TO AN ALLOCATION TO THE DEPARTMENT
30 OF NATURAL RESOURCES FOR GRANTS TO MUNICIPAL PARKS UNDER § 9-
31 1605.3(F)(3) OF THE ENVIRONMENT ARTICLE; OR

32 2. EXCEED 15% OF THE TOTAL TRUST FUND
33 EXPENDITURES.

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

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

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

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

16 **(I) THE LOCATION OF THE PROJECT;**

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

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

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

23 **(V) ANY MAINTENANCE PROGRAM AND SCHEDULE;**

24 **(VI) THE STATUS OF ANY INCOMPLETE PROJECTS;**

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

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

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

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

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

7 **(3) REPORT ANNUALLY TO THE PUBLIC REGARDING:**

8 **(i) THE HEALTH OF THE CHESAPEAKE BAY BY TRIBUTARY**
9 **BASIN, INCLUDING THE PATUXENT RIVER, THE ATLANTIC COASTAL BAYS, AND**
10 **ALL OTHER WATERS OF THE STATE;**

11 **(ii) THE STATUS OF GOVERNMENT PROGRAMS TO RESTORE**
12 **THE CHESAPEAKE BAY, THE ATLANTIC COASTAL BAYS, THE PATUXENT RIVER,**
13 **AND ALL OTHER WATERS OF THE STATE;**

14 **(iii) NUTRIENT REDUCTIONS ACHIEVED THROUGH**
15 **PROJECTS FINANCED BY THE TRUST FUND;**

16 **(iv) EFFORTS RELATING TO THE RETENTION AND**
17 **EXPANSION OF FORESTLAND; AND**

18 **(v) THE IMPLEMENTATION OF BAYSTAT.**

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

21 **(i) ONE MEMBER OF THE MARYLAND HOUSE OF**
22 **DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;**

23 **(ii) ONE MEMBER OF THE SENATE OF MARYLAND,**
24 **APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

25 **(iii) THE FOLLOWING SEVEN MEMBERS APPOINTED BY THE**
26 **GOVERNOR:**

27 **1. ONE REPRESENTATIVE OF THE CHESAPEAKE BAY**
28 **COMMISSION;**

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

1 **3. ONE REPRESENTATIVE OF THE AGRICULTURAL**
2 **COMMUNITY;**

3 **4. ONE REPRESENTATIVE OF THE FORESTRY**
4 **INDUSTRY;**

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

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

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

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

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

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

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

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

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

23 **(II) REVIEW THE TRUST FUND ANNUAL EXPENDITURE AND**
24 **WORK PLAN PROPOSED FOR THE NEXT FISCAL YEAR BY SEPTEMBER 1 OF EACH**
25 **YEAR TO DETERMINE WHETHER THE ALLOCATIONS IN THE PLAN ARE**
26 **CONSISTENT WITH THIS SUBTITLE AND § 9-1605.3 OF THE ENVIRONMENT**
27 **ARTICLE;**

28 **(III) PROVIDE A WRITTEN REQUEST TO BAYSTAT**
29 **PARTICIPANTS FOR ANY CHANGES IN THE TRUST FUND ANNUAL EXPENDITURE**
30 **AND WORK PLAN BASED ON AN INCONSISTENCY WITH THIS SUBTITLE AND**
31 **§ 9-1605.3 OF THE ENVIRONMENT ARTICLE;**

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

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That ~~if any provision of this~~
 8 ~~Act or the application thereof to any person or circumstance is held invalid for any~~
 9 ~~reason in a court of competent jurisdiction, the invalidity does not affect other~~
 10 ~~provisions or any other application of this Act which can be given effect without the~~
 11 ~~invalid provision or application, and for this purpose the provisions of this Act are~~
 12 ~~declared severable.~~

13 ~~SECTION 3. AND BE IT FURTHER ENACTED, That~~ this Act shall take effect
 14 June 1, 2008.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.