

SENATE BILL 958

M1, M3

8lr3135
CF HB 947

By: **Senator Edwards**

Introduced and read first time: February 5, 2018

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Chesapeake and Atlantic Coastal Bays 2010 Trust Fund –**
3 **Purpose and Authorized Use of Funds**

4 FOR the purpose of renaming the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund
5 to be the Chesapeake Bay and State Waters Trust Fund; modifying the purpose of
6 the Fund to include the restoration and protection of the health of the waters of the
7 State; expanding the use of the Fund to include certain projects to improve and
8 protect the health of the waters of the State; requiring the publisher of the Annotated
9 Code of Maryland, in consultation with and subject to the approval of the
10 Department of Legislative Services, to correct any cross–references or terminology
11 rendered incorrect by this Act; making conforming changes; and generally relating
12 to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.

13 BY repealing and reenacting, with amendments,
14 Article – Environment
15 Section 9–1617.1(a)(2)
16 Annotated Code of Maryland
17 (2014 Replacement Volume and 2017 Supplement)

18 BY repealing and reenacting, without amendments,
19 Article – Natural Resources
20 Section 5–307(a) and 8–2A–01(a)
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2017 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Natural Resources
25 Section 5–307(f)(3); and 8–2A–01(d) and 8–2A–02(a), (b), (f), and (h) to be under the
26 amended subtitle “Subtitle 2A. Chesapeake Bay and State Waters Trust
27 Fund”
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume and 2017 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Tax – General
4 Section 2–1104(a)(1) and (b)(3) and 2–1302.1(a)(2) and (b)(2)
5 Annotated Code of Maryland
6 (2016 Replacement Volume and 2017 Supplement)

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

9 **Article – Environment**

10 9–1617.1.

11 (a) (2) All accounting systems and records, auditing procedures and
12 standards, and financial reporting for the Water Quality Fund, the Drinking Water Loan
13 Fund, the Bay Restoration Fund, and the Chesapeake and Atlantic Coastal Bays Nonpoint
14 Source Fund shall conform to the requirements of Title VI of the Federal Water Pollution
15 Control Act, the federal Safe Drinking Water Act, the Bay Restoration Fund Act, and the
16 Chesapeake [and Atlantic Coastal Bays 2010] **BAY AND STATE WATERS** Trust Fund
17 under Title 8, Subtitle 2A of the Natural Resources Article, as applicable, and generally
18 accepted principles of governmental accounting.

19 **Article – Natural Resources**

20 5–307.

21 (a) In this section, “Fund” means the Mel Noland Woodland Incentives Fund.

22 (f) The Fund consists of:

23 (3) Money distributed from the Chesapeake [and Atlantic Coastal Bays
24 2010] **BAY AND STATE WATERS** Trust Fund under § 8–2A–04 of this article; and

25 Subtitle 2A. Chesapeake [and Atlantic Coastal Bays 2010] **BAY AND STATE WATERS**
26 Trust Fund.

27 8–2A–01.

28 (a) In this subtitle the following words have the meanings indicated.

29 (d) “Trust Fund” means the Chesapeake [and Atlantic Coastal Bays 2010] **BAY**
30 **AND STATE WATERS** Trust Fund.

31 8–2A–02.

1 (a) There is a Chesapeake [and Atlantic Coastal Bays 2010] **BAY AND STATE**
2 **WATERS** Trust Fund.

3 (b) The purpose of the Fund is to provide financial assistance necessary to
4 advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay
5 Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries,
6 including the Patuxent River, and to restore **AND PROTECT** the health of the [Atlantic
7 Coastal Bays and their tributaries] **WATERS OF THE STATE**, by focusing limited financial
8 resources on nonpoint source pollution control projects in all regions of the State.

9 (f) (1) The Fund may be used only for the implementation of nonpoint source
10 pollution control projects to:

11 (i) Support State and local watershed implementation plans by
12 targeting limited financial resources on the most effective nonpoint source pollution control
13 projects; and

14 (ii) Improve **AND PROTECT** the health of the [Atlantic Coastal Bays
15 and their tributaries] **WATERS OF THE STATE**.

16 (2) It is the intent of the General Assembly that, when possible, moneys in
17 the Fund shall be granted to local governments and other political subdivisions for
18 agricultural, forestry, stream and wetland restoration, and urban and suburban
19 stormwater nonpoint source pollution control projects, including up to 25% in matching
20 funds to local governments and other political subdivisions that have enacted a stormwater
21 remediation fee under § 4-202.1 of the Environment Article.

22 (h) Money expended from the Fund for the restoration of the Chesapeake [and
23 Atlantic Coastal Bays] **BAY** and [their] **ITS** tributaries, including the Patuxent River, **AND**
24 **THE RESTORATION AND PROTECTION OF THE WATERS OF THE STATE** is supplemental
25 to and is not intended to take the place of funding that otherwise would be appropriated for
26 [bay] restoration.

27 **Article – Tax – General**

28 2-1104.

29 (a) Except as otherwise provided in this section, after making the distributions
30 required under §§ 2-1101 through 2-1103 of this subtitle, from the remaining motor fuel
31 tax revenue, the Comptroller shall distribute:

32 (1) 2.3% to the Chesapeake [and Atlantic Coastal Bays 2010] **BAY AND**
33 **STATE WATERS** Trust Fund;

34 (b) For each fiscal year beginning on or before July 1, 2015, instead of the

1 distribution required under subsection (a)(1) of this section, the Comptroller shall
2 distribute 2.3% of the remaining motor fuel tax revenue as follows:

3 (3) the balance to the Chesapeake [and Atlantic Coastal Bays 2010] **BAY**
4 **AND STATE WATERS** Trust Fund.

5 2–1302.1.

6 (a) Except as otherwise provided in this section, after making the distributions
7 required under §§ 2–1301 and 2–1302 of this subtitle, of the sales and use tax collected on
8 short-term vehicle rentals under § 11–104(c) of this article the Comptroller shall distribute:

9 (2) the remainder to the Chesapeake [and Atlantic Coastal Bays 2010]
10 **BAY AND STATE WATERS** Trust Fund.

11 (b) For each fiscal year beginning on or before July 1, 2015, after the distribution
12 required under subsection (a)(1) of this section, the Comptroller shall distribute the
13 remainder of the sales and use tax collected on short-term vehicle rentals under § 11–104(c)
14 of this article as follows:

15 (2) the remainder to the Chesapeake [and Atlantic Coastal Bays 2010]
16 **BAY AND STATE WATERS** Trust Fund.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
18 Annotated Code of Maryland, in consultation with and subject to the approval of the
19 Department of Legislative Services, shall correct, with no further action required by the
20 General Assembly, cross-references and terminology rendered incorrect by this Act. The
21 publisher shall adequately describe any correction that is made in an editor's note following
22 the section affected.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2018.