

# HOUSE BILL 1165

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CF SB 969

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By: **Delegates Love, Ivey, and Stein**

Introduced and read first time: February 7, 2024

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Stream and Watershed Restoration – Stream Restoration Contractor Licensing**  
3 **and Chesapeake and Atlantic Coastal Bays Restoration and Funding**  
4 **(Whole Watershed Act)**

5 FOR the purpose of establishing the Stream Restoration Contractors Licensing Board;  
6 requiring a person to be licensed as a stream restoration contractor or be employed  
7 by an individual or entity that is licensed as a stream restoration contractor before  
8 the person performs or solicits to perform stream restoration contractor services in  
9 the State, subject to a certain exception; requiring the Department of the  
10 Environment to provide notice of a certain violation to a stream restoration  
11 contractor; requiring that up to a certain amount of funding from the Chesapeake  
12 and Atlantic Coastal Bays 2010 Trust Fund be used to fund certain grants;  
13 establishing the Whole Watershed Restoration Partnership to accelerate restoration  
14 of the Chesapeake and Atlantic Coastal Bays and their watersheds; requiring the  
15 Secretary of Natural Resources to establish a State management team to administer  
16 the Partnership; establishing the Whole Watershed Fund as a special, nonlapsing  
17 fund; requiring interest earnings of the Fund to be credited to the Fund; altering the  
18 use and purpose of certain funds and accounts to include accelerating the restoration  
19 of the Chesapeake Bay and Atlantic Coastal Bays and their watershed and providing  
20 funding for the Fund; authorizing the use of the Waterway Improvement Fund for  
21 projects that involve the beneficial use of dredged material; requiring all persons  
22 performing or soliciting to perform stream restoration contractor services in the  
23 State to register with the Department and pay a registration fee on or before a  
24 certain date; requiring the Department to select certain registrants as the initial  
25 three licensed stream restoration contractor members of the Stream Restoration  
26 Contractors Licensing Board; and generally relating to stream and watershed  
27 restoration in the State.

28 BY repealing and reenacting, with amendments,  
29 Article – Agriculture  
30 Section 2–505(a) and (c)(1), 8–702(a), and 8–704(a)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 Annotated Code of Maryland  
2 (2016 Replacement Volume and 2023 Supplement)
- 3 BY repealing and reenacting, with amendments,  
4 Article – Business Regulation  
5 Section 8–301  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2023 Supplement)
- 8 BY repealing and reenacting, with amendments,  
9 Article – Environment  
10 Section 1–406  
11 Annotated Code of Maryland  
12 (2013 Replacement Volume and 2023 Supplement)
- 13 BY repealing and reenacting, without amendments,  
14 Article – Environment  
15 Section 9–1605.2(a)(1) and 9–1605.4(b)  
16 Annotated Code of Maryland  
17 (2014 Replacement Volume and 2023 Supplement)
- 18 BY repealing and reenacting, with amendments,  
19 Article – Environment  
20 Section 9–1605.2(a)(2) and (i)(2)(xiii) and (xiv) and 9–1605.4(c) and (f)  
21 Annotated Code of Maryland  
22 (2014 Replacement Volume and 2023 Supplement)
- 23 BY adding to  
24 Article – Environment  
25 Section 9–1605.2(i)(2)(xv); and 18–101 through 18–501 to be under the new title  
26 “Title 18. Stream Restoration Contractors”  
27 Annotated Code of Maryland  
28 (2014 Replacement Volume and 2023 Supplement)
- 29 BY repealing and reenacting, without amendments,  
30 Article – Natural Resources  
31 Section 8–2A–02(a) and (b) and 8–701(a)  
32 Annotated Code of Maryland  
33 (2023 Replacement Volume and 2023 Supplement)
- 34 BY adding to  
35 Article – Natural Resources  
36 Section 8–2A–02(f)(5); 8–2B–01 through 8–2B–03 to be under the new subtitle  
37 “Subtitle 2B. Whole Watershed Restoration Partnership and Fund”; and  
38 8–701(a–1)  
39 Annotated Code of Maryland  
40 (2023 Replacement Volume and 2023 Supplement)

1 BY repealing and reenacting, with amendments,  
2 Article – Natural Resources  
3 Section 8–707(a) and 8–708(b)  
4 Annotated Code of Maryland  
5 (2023 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, without amendments,  
7 Article – State Finance and Procurement  
8 Section 6–226(a)(2)(i)  
9 Annotated Code of Maryland  
10 (2021 Replacement Volume and 2023 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – State Finance and Procurement  
13 Section 6–226(a)(2)(ii)189. and 190.  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2023 Supplement)

16 BY adding to  
17 Article – State Finance and Procurement  
18 Section 6–226(a)(2)(ii)191.  
19 Annotated Code of Maryland  
20 (2021 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – State Government  
23 Section 8–402  
24 Annotated Code of Maryland  
25 (2021 Replacement Volume and 2023 Supplement)

26 BY adding to  
27 Article – State Government  
28 Section 8–403(62)  
29 Annotated Code of Maryland  
30 (2021 Replacement Volume and 2023 Supplement)

31 BY repealing and reenacting, with amendments,  
32 Article – State Government  
33 Section 8–403(62) through (64)  
34 Annotated Code of Maryland  
35 (2021 Replacement Volume and 2023 Supplement)

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

38 **Article – Agriculture**

1 2-505.

2 (a) The Maryland Agricultural Land Preservation Fund is created and continued  
3 for [the]:

4 (1) **THE** purposes specified in this subtitle; **AND**

5 (2) **ACCELERATING THE RESTORATION OF THE CHESAPEAKE BAY**  
6 **AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

7 (c) (1) The Comptroller of the Treasury may not disburse any money from the  
8 Maryland Agricultural Land Preservation Fund other than:

9 (i) For costs associated with the staffing and administration of the  
10 Maryland Agricultural Land Preservation Foundation;

11 (ii) For reasonable expenses incurred by the members of the board  
12 of trustees of the Maryland Agricultural Land Preservation Foundation in the performance  
13 of official duties;

14 (iii) For consideration in the purchase of agricultural land  
15 preservation easements beginning with fiscal year 1979 and each fiscal year thereafter;

16 (iv) For costs associated with acquisition of agricultural land  
17 preservation easements approved by the Foundation through the Critical Farms Program,  
18 as provided in § 2-517 of this subtitle; **[and]**

19 (v) For the reimbursement of money paid by a landowner for a  
20 preliminary release of a lot under § 2-513(b)(2) of this subtitle in accordance with  
21 paragraph (5) of this subsection; **AND**

22 (VI) **TO PROVIDE FUNDING FOR THE WHOLE WATERSHED FUND**  
23 **ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

24 8-702.

25 (a) (1) The General Assembly finds and declares that agriculturally related  
26 nonpoint sources of water pollution may potentially contribute to the degradation of the  
27 water resources of this State and that prevention and control efforts have been hampered  
28 because of the cost and lack of income producing potential in many agricultural practices  
29 designed to protect water quality.

30 (2) To assist in the implementation of agricultural practices which  
31 minimize water pollution from erosion, animal wastes, nutrients, and agricultural  
32 chemicals **AND TO ADDRESS THE WATER POLLUTION IMPACTS OF AGRICULTURE**, a

1 cost sharing program between the State and eligible applicants is established for the public  
2 benefit.

3 8-704.

4 (a) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
5 State cost-sharing funds for a project being considered for State cost-sharing may be made  
6 available:

7 [(1)] **(I)** For up to 100% of eligible costs, not to exceed a dollar amount of  
8 up to \$200,000 as determined by a regulation adopted jointly by the Secretary of  
9 Agriculture and the Secretary of the Environment; and

10 [(2)] **(II)** If:

11 [(i)] **1.** The Department of Agriculture, the soil conservation  
12 district, and a person have executed an agreement which, among other things, obligates  
13 the person to:

14 [1.] **A.** Establish, construct, or install the best  
15 management practice or fixed natural filter practice in accordance with technical  
16 specifications;

17 [2.] **B.** Maintain the best management practice or fixed  
18 natural filter practice for its expected life span; and

19 [3.] **C.** Provide the required matching funds, if any, for the  
20 project;

21 [(ii)] **2.** The Board of Public Works has given approval to the  
22 project when the proceeds of State bonds are to be used to finance the State share; and

23 [(iii)] **3.** The soil conservation district has certified to the  
24 Department that the project meets all applicable technical standards, and that all  
25 submitted invoices properly represent eligible costs.

26 **(2) STATE COST-SHARING FUNDS MAY BE MADE AVAILABLE TO FUND**  
27 **THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL**  
28 **RESOURCES ARTICLE.**

29 (3) A reduction in State cost-sharing rates for riparian forest buffers,  
30 riparian herbaceous cover, wetland restoration, or pasture management may not be based  
31 on tons of soil saved or an amortization formula.

1 (4) State cost-sharing rates for pasture management shall be based on the  
2 applicable rate established by the U.S. Department of Agriculture's Environmental Quality  
3 Incentives Program.

4 (5) State cost-sharing rates paid for the planting of multiple species of  
5 cover crops shall equal or exceed the rates paid for the planting of a single species of cover  
6 crop.

7 (6) (i) 1. Except as authorized under subsubparagraph 2 of this  
8 subparagraph and before the Department of Agriculture executes a cost-sharing  
9 agreement with a farm tenant, it shall obtain the consent of the landlord to the terms and  
10 conditions of the agreement.

11 2. The Department may execute the agreement without the  
12 consent of the landlord if:

13 A. The agreement concerns a short-term project that  
14 involves only the planting of a cover crop; and

15 B. The Department has sent by first-class mail written  
16 notice of a cover crop project to the landlord at least 10 calendar days before executing the  
17 agreement for the first cover crop project during the term of the lease.

18 (ii) The Department may also require the granting to the State of an  
19 appropriate security interest in any equipment, structures or similar items purchased with  
20 State money.

21 (7) A cost-sharing agreement executed as required under this subtitle may  
22 be assigned and transferred to a successor in title of all or part of a tract of land subject to  
23 a best management practice.

## 24 Article – Business Regulation

25 8–301.

26 (a) Except as otherwise provided in this title, a person must have a contractor  
27 license whenever the person acts as a contractor in the State.

28 (b) Except as otherwise provided in this title, a person must have a salesperson  
29 license or contractor license whenever the person sells a home improvement in the State.

30 (c) This section does not apply to:

31 (1) an individual who works for a contractor for a salary or wages but who  
32 is not a salesperson for the contractor;

1 (2) a clerical employee, retail clerk, or other employee of a licensed  
2 contractor who is not a salesperson, as to a transaction on the premises of the licensed  
3 contractor;

4 (3) a solicitor for a contractor who calls an owner by telephone only;

5 (4) an architect, electrician, plumber, heating, ventilation,  
6 air-conditioning, or refrigeration contractor, or other person who:

7 (i) is required by State or local law to meet standards of competency  
8 or experience before engaging in an occupation or profession;

9 (ii) currently is licensed in that occupation or profession under State  
10 or local law; and

11 (iii) is:

12 1. acting only within the scope of that occupation or  
13 profession; or

14 2. installing a central heating or air-conditioning system;

15 (5) a security systems technician licensed under Title 18 of the Business  
16 Occupations and Professions Article;

17 (6) a marine contractor licensed under Title 17, Subtitle 3 of the  
18 Environment Article; [or]

19 **(7) A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE**  
20 **18, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR**

21 **[(7)] (8)** a person who is selling a home improvement to be performed by  
22 a person described in item (4) of this subsection.

### 23 Article – Environment

24 1–406.

25 The following units, among other units, are included in the Department:

26 (1) Air Quality Control Advisory Council;

27 (2) Hazardous Substances Advisory Council;

28 (3) Radiation Control Advisory Board;

29 (4) Science and Health Advisory Group;

1 (5) Board of Waterworks and Waste System Operators;

2 (6) Board of Well Drillers;

3 (7) Hazardous Waste Facilities Siting Board;

4 (8) Marine Contractors Licensing Board; [and]

5 (9) Board of On-Site Wastewater Professionals; AND

6 **(10) STREAM RESTORATION CONTRACTORS LICENSING BOARD.**

7 9-1605.2.

8 (a) (1) There is a Bay Restoration Fund.

9 (2) It is the intent of the General Assembly that the Bay Restoration Fund  
10 be:

11 (i) Used, in part, to provide the funding necessary to upgrade any of  
12 the wastewater treatment facilities that are located in the State or used by citizens of the  
13 State in order to achieve enhanced nutrient removal where it is cost-effective to do so; [and]

14 (ii) Available for treatment facilities discharging into the Atlantic  
15 Coastal Bays or other waters of the State, but that priority be given to treatment facilities  
16 discharging into the Chesapeake Bay; AND

17 **(III) USED TO ACCELERATE THE RESTORATION OF THE**  
18 **CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

19 (i) (2) Funds in the Bay Restoration Fund shall be used only:

20 (xiii) After funding any eligible costs identified under item (iv)1 and 2  
21 of this paragraph, for transfers to the Clean Water Commerce Account in accordance with  
22 paragraph (3) of this subsection; [and]

23 (xiv) After funding any eligible costs identified under item (iv)1 and 2  
24 of this paragraph, for the transfers required under paragraph (11) of this subsection; AND

25 **(XV) TO FUND THE WHOLE WATERSHED FUND ESTABLISHED**  
26 **UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

27 9-1605.4.

28 (b) There is a Clean Water Commerce Account.



1 (c) The purpose of the Account is to [purchase]:

2 (1) PURCHASE environmental outcomes in support of the State's efforts to  
3 achieve the Chesapeake Bay TMDL; AND

4 (2) ACCELERATE RESTORATION OF THE CHESAPEAKE BAY AND  
5 ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.

6 (f) (1) Subject to the provisions of this subsection, the Account may be used  
7 only for the purchase of cost-effective environmental outcomes that:

8 (i) Support the State's efforts to achieve the Chesapeake Bay  
9 TMDL; and

10 (ii) Have an expected life of at least 10 years.

11 (2) Except as provided in paragraph (3) of this subsection, in each fiscal  
12 year:

13 (i) At least 35% shall be used to procure environmental outcomes  
14 from agricultural practices, with priority given to projects that are:

15 1. A fixed natural filter practice, as defined in § 8-701 of the  
16 Agriculture Article; or

17 2. An agricultural ditch management practice, as defined by  
18 the Chesapeake Bay Program;

19 (ii) At least 20% shall be used to procure environmental outcomes  
20 from projects, including stormwater management and green infrastructure projects,  
21 established in communities disproportionately burdened by environmental harms and risks  
22 as identified by the Department in consultation with the Commission on Environmental  
23 Justice and Sustainable Communities; and

24 (iii) At least 10% shall be used to procure environmental outcomes  
25 from nonagricultural landscape restoration projects that take into consideration the  
26 project's ecological suitability, including the hydrological conditions and other physical  
27 characteristics of the location at which the project will be implemented.

28 (3) Any unencumbered funds not used to purchase environmental  
29 outcomes as specified under paragraph (2) of this subsection are:

30 (i) No longer subject to the allocation requirements specified under  
31 paragraph (2) of this subsection; and

1 (ii) Available for use consistent with this section in subsequent fiscal  
2 years, **INCLUDING TO FUND THE WHOLE WATERSHED FUND ESTABLISHED UNDER §**  
3 **8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

4 (4) A project may include environmental outcomes from one or more of the  
5 project types specified under paragraph (2) of this subsection.

## 6 TITLE 18. STREAM RESTORATION CONTRACTORS.

### 7 SUBTITLE 1. DEFINITIONS.

#### 8 18-101.

9 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) "BOARD" MEANS THE STREAM RESTORATION CONTRACTORS  
12 LICENSING BOARD.

13 (C) "ENTITY" MEANS A BUSINESS WITH ITS PRINCIPAL OFFICE IN THE  
14 STATE THAT EMPLOYS MORE THAN ONE INDIVIDUAL TO PROVIDE STREAM  
15 RESTORATION CONTRACTOR SERVICES IN THE STATE.

16 (D) "LICENSE" MEANS A PROFESSIONAL LICENSE ISSUED BY THE BOARD TO  
17 AN INDIVIDUAL OR ENTITY TO PERFORM STREAM RESTORATION CONTRACTOR  
18 SERVICES IN THE STATE.

19 (E) "LICENSED STREAM RESTORATION CONTRACTOR" MEANS AN  
20 INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO  
21 PERFORM STREAM RESTORATION CONTRACTOR SERVICES.

22 (F) (1) "STREAM RESTORATION CONTRACTOR SERVICES" MEANS  
23 CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE  
24 ACTIVITIES LOCATED IN, ON, OR UNDER STATE OR PRIVATE STREAMS OR NONTIDAL  
25 WETLANDS.

26 (2) "STREAM RESTORATION CONTRACTOR SERVICES" INCLUDES:

27 (I) IN-STREAM STRUCTURE INSTALLATION;

28 (II) STREAM CHANNEL RELOCATION;

29 (III) STREAM BANK STABILIZATION;

1 (IV) INFRASTRUCTURE PROTECTION;

2 (V) HABITAT CREATION;

3 (VI) FLOOR PROTECTION; AND

4 (VII) STREAM CHANNEL FILLING.

5 SUBTITLE 2. STREAM RESTORATION CONTRACTORS LICENSING BOARD.

6 18-201.

7 (A) THERE IS A STREAM RESTORATION CONTRACTORS LICENSING BOARD  
8 IN THE DEPARTMENT.

9 (B) SUBJECT TO THE PROVISIONS OF THIS TITLE, THE BOARD IS  
10 RESPONSIBLE FOR THE LICENSING AND REGULATION OF INDIVIDUALS AND  
11 ENTITIES THAT PROVIDE STREAM RESTORATION CONTRACTOR SERVICES IN THE  
12 STATE.

13 18-202.

14 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE  
15 GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND  
16 CONSENT OF THE SENATE.

17 (2) OF THE SEVEN MEMBERS:

18 (I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

19 (II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF  
20 NATURAL RESOURCES;

21 (III) THREE SHALL BE LICENSED STREAM RESTORATION  
22 CONTRACTORS AS FOLLOWS:

23 1. ONE FROM:

24 A. BALTIMORE CITY;

25 B. ANNE ARUNDEL COUNTY;

26 C. BALTIMORE COUNTY;

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- 1           **D. CALVERT COUNTY;**
- 2           **E. CHARLES COUNTY;**
- 3           **F. HARFORD COUNTY;**
- 4           **G. PRINCE GEORGE'S COUNTY; OR**
- 5           **H. ST. MARY'S COUNTY;**
- 6           **2. ONE FROM:**
- 7           **A. ALLEGANY COUNTY;**
- 8           **B. CARROLL COUNTY;**
- 9           **C. FREDERICK COUNTY;**
- 10          **D. GARRETT COUNTY;**
- 11          **E. HOWARD COUNTY;**
- 12          **F. MONTGOMERY COUNTY; OR**
- 13          **G. WASHINGTON COUNTY; AND**
- 14          **3. ONE FROM:**
- 15          **A. CAROLINE COUNTY;**
- 16          **B. CECIL COUNTY;**
- 17          **C. DORCHESTER COUNTY;**
- 18          **D. KENT COUNTY;**
- 19          **E. QUEEN ANNE'S COUNTY;**
- 20          **F. SOMERSET COUNTY;**
- 21          **G. TALBOT COUNTY;**

1 H. WICOMICO COUNTY; OR

2 I. WORCESTER COUNTY; AND

3 (IV) TWO SHALL BE PRIVATE CITIZENS, APPOINTED AT LARGE,  
4 WHO REPRESENT DIVERSE INTERESTS AS FOLLOWS:

5 1. ONE FROM:

6 A. BALTIMORE CITY;

7 B. ALLEGANY COUNTY;

8 C. ANNE ARUNDEL COUNTY;

9 D. CARROLL COUNTY;

10 E. BALTIMORE COUNTY;

11 F. FREDERICK COUNTY;

12 G. GARRETT COUNTY;

13 H. HARFORD COUNTY;

14 I. HOWARD COUNTY;

15 J. MONTGOMERY COUNTY;

16 K. PRINCE GEORGE'S COUNTY; OR

17 L. WASHINGTON COUNTY; AND

18 2. ONE FROM:

19 A. CALVERT COUNTY;

20 B. CAROLINE COUNTY;

21 C. CECIL COUNTY;

22 D. CHARLES COUNTY;

1 E. DORCHESTER COUNTY;

2 F. KENT COUNTY;

3 G. QUEEN ANNE'S COUNTY;

4 H. SOMERSET COUNTY;

5 I. ST. MARY'S COUNTY;

6 J. TALBOT COUNTY;

7 K. WICOMICO COUNTY; OR

8 L. WORCESTER COUNTY.

9 (B) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE  
10 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

11 (C) (1) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS.

12 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL  
13 A SUCCESSOR IS APPOINTED AND QUALIFIES.

14 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
15 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
16 QUALIFIES.

17 (D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR  
18 INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTY, OR OTHER SUFFICIENT CAUSE.

19 18-203.

20 (A) EACH YEAR, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND  
21 SECRETARY FROM AMONG ITS MEMBERS.

22 (B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF  
23 OFFICERS.

24 18-204.

25 (A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND  
26 PLACES THAT THE BOARD DETERMINES.

1           **(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR**  
2 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN**  
3 **THE STATE BUDGET.**

4           **(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE**  
5 **BUDGET.**

6 **18-205.**

7           **(A) THE BOARD MAY:**

8                   **(1) AS NECESSARY, OBTAIN ASSISTANCE FROM THE DEPARTMENT TO**  
9 **CARRY OUT AND ENFORCE THE PROVISIONS OF THIS TITLE; AND**

10                   **(2) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING**  
11 **ANY APPLICANT FOR A LICENSE.**

12           **(B) THE BOARD SHALL:**

13                   **(1) RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY**  
14 **THAT:**

15                           **(I) ESTABLISH LICENSING STANDARDS FOR STREAM**  
16 **RESTORATION CONTRACTORS; AND**

17                           **(II) CARRY OUT THE PROVISIONS OF THIS TITLE;**

18                   **(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER**  
19 **THIS TITLE; AND**

20                   **(3) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES**  
21 **LICENSED UNDER THIS TITLE, INCLUDING:**

22                           **(I) THE NAMES OF INDIVIDUALS AND ENTITIES THAT ARE**  
23 **LICENSED;**

24                           **(II) THE ISSUANCE AND EXPIRATION DATES OF THE LICENSES;**  
25 **AND**

26                           **(III) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS**  
27 **APPROPRIATE.**

1 **18-206.**

2 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE  
3 AND RENEWAL OF LICENSES AND OTHER SERVICES THAT THE BOARD PROVIDES.

4 (2) THE FEES IMPOSED BY THE BOARD SHALL BE SET SO AS TO  
5 PRODUCE FUNDS TO APPROXIMATE THE COSTS OF MAINTAINING THE BOARD.

6 (B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE  
7 INTO THE WETLANDS AND WATERWAYS PROGRAM FUND UNDER § 5-203.1 OF THIS  
8 ARTICLE FOR THE ADMINISTRATION OF THE BOARD.

9 SUBTITLE 3. LICENSING.

10 **18-301.**

11 (A) EXCEPT AS PROVIDED IN THIS SECTION AND § 18-306 OF THIS  
12 SUBTITLE, A PERSON SHALL BE LICENSED BY THE BOARD AS A STREAM  
13 RESTORATION CONTRACTOR OR BE EMPLOYED BY AN INDIVIDUAL OR ENTITY THAT  
14 IS LICENSED AS A STREAM RESTORATION CONTRACTOR BEFORE THE PERSON MAY:

15 (1) PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE  
16 STATE; OR

17 (2) SOLICIT TO PERFORM STREAM RESTORATION CONTRACTOR  
18 SERVICES IN THE STATE.

19 (B) AN INDIVIDUAL OR ENTITY MAY QUALIFY FOR A LICENSE.

20 (C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL  
21 GOVERNMENT, A LOCAL GOVERNMENT, OR THE STATE MAY PERFORM STREAM  
22 RESTORATION CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE  
23 DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE  
24 BOARD UNDER THIS TITLE.

25 (D) A RESIDENTIAL OR COMMERCIAL PROPERTY OWNER MAY PERFORM  
26 STREAM RESTORATION CONTRACTOR SERVICES ON THE PROPERTY OWNER'S OWN  
27 PROPERTY WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS  
28 TITLE.

29 **18-302.**



1           **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE**  
2 **REQUIREMENTS OF THIS SECTION AND ANY REGULATIONS ADOPTED UNDER THIS**  
3 **SECTION.**

4           **(B) IF THE APPLICANT IS AN ENTITY, THE ENTITY SHALL APPOINT A**  
5 **MEMBER OF THE ENTITY AS THE REPRESENTATIVE MEMBER TO MAKE THE**  
6 **APPLICATION ON BEHALF OF THE ENTITY.**

7           **(C) AN INDIVIDUAL APPLICANT OR, IF THE APPLICANT IS AN ENTITY, THE**  
8 **REPRESENTATIVE MEMBER SHALL:**

9                   **(1) HAVE AT LEAST 2 YEARS OF EXPERIENCE AS A FULL-TIME**  
10 **STREAM RESTORATION CONTRACTOR OR DEMONSTRATE SIMILAR CONTRACTOR**  
11 **EXPERIENCE;**

12                   **(2) PASS A WRITTEN STREAM RESTORATION CONTRACTOR TEST**  
13 **RECOGNIZED BY THE SECRETARY AND PREPARED IN CONSULTATION WITH THE**  
14 **BOARD OF THE MARYLAND STREAM RESTORATION ASSOCIATION;**

15                   **(3) BE REGISTERED AND IN GOOD STANDING WITH THE STATE**  
16 **DEPARTMENT OF ASSESSMENTS AND TAXATION;**

17                   **(4) IF APPLICABLE, HAVE RESOLVED ALL NOTICES OF VIOLATION**  
18 **FROM THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE**  
19 **U.S. ENVIRONMENTAL PROTECTION AGENCY;**

20                   **(5) HAVE A FEDERAL TAX IDENTIFICATION NUMBER; AND**

21                   **(6) CARRY:**

22                           **(I) COMMERCIAL GENERAL LIABILITY INSURANCE WITH A**  
23 **\$1,000,000 TOTAL AGGREGATE MINIMUM; AND**

24                           **(II) WORKERS' COMPENSATION INSURANCE, UNLESS EXEMPT**  
25 **BY LAW.**

26 **18-303.**

27           **(A) (1) TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

28                   **(I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM**  
29 **THAT THE BOARD PROVIDES;**

1 (II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;  
2 AND

3 (III) PAY TO THE BOARD AN APPLICATION FEE OF \$500.

4 (2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER  
5 SHALL COMPLETE THE APPLICATION FORM AND OTHERWISE BE RESPONSIBLE FOR  
6 THE ENTITY'S COMPLIANCE WITH THIS SECTION.

7 (B) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM  
8 PROVIDED BY THE BOARD SHALL REQUIRE:

9 (I) THE NAME OF THE APPLICANT;

10 (II) THE ADDRESS OF THE APPLICANT; AND

11 (III) THE CURRENT AND PREVIOUS EMPLOYMENT OF THE  
12 APPLICANT RELEVANT TO THE FIELD OF STREAM RESTORATION CONTRACTING.

13 (2) IF THE APPLICANT IS AN ENTITY, THE APPLICATION FORM  
14 PROVIDED BY THE BOARD SHALL REQUIRE:

15 (I) A LIST OF THE ENTITY'S OWNERS; AND

16 (II) FOR EACH ENTITY OWNER, THE SAME INFORMATION  
17 REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF THIS  
18 SUBSECTION.

19 (3) FOR ALL APPLICANTS, THE APPLICATION FORM SHALL REQUIRE:

20 (I) THE ADDRESS OF THE APPLICANT'S PROPOSED PRINCIPAL  
21 PLACE OF BUSINESS AND OF EACH PROPOSED BRANCH OFFICE;

22 (II) ALL TRADE OR FICTITIOUS NAMES THAT THE APPLICANT  
23 INTENDS TO USE WHILE PERFORMING STREAM RESTORATION CONTRACTOR  
24 SERVICES; AND

25 (III) AS THE BOARD CONSIDERS APPROPRIATE, ANY OTHER  
26 INFORMATION TO ASSIST IN THE EVALUATION OF:

27 1. AN INDIVIDUAL APPLICANT; OR

1                                   **2. IF THE APPLICANT IS AN ENTITY, ANY ENTITY**  
2 **MEMBER.**

3           **(C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A**  
4 **STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §**  
5 **18-403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.**

6           **(D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE INDIVIDUAL SHALL**  
7 **SIGN THE APPLICATION FORM UNDER OATH.**

8                                   **(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER**  
9 **OF THE ENTITY SHALL:**

10                                   **(I) SIGN THE APPLICATION FORM UNDER OATH; AND**

11                                   **(II) PROVIDE PROOF TO THE BOARD THAT THE**  
12 **REPRESENTATIVE MEMBER IS A MEMBER OF THE ENTITY.**

13           **(E) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION**  
14 **PROOF OF THE INSURANCE REQUIRED UNDER § 18-302(C)(6) OF THIS SUBTITLE.**

15 **18-304.**

16           **THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT WHOSE TRADE OR**  
17 **FICTITIOUS NAME OR TRADEMARK IS SO SIMILAR TO THAT USED BY ANOTHER**  
18 **LICENSEE THAT THE PUBLIC MAY BE CONFUSED OR MISLED BY THE SIMILARITY.**

19 **18-305.**

20           **(A) THE BOARD SHALL ISSUE A LICENSE THAT IS VALID FOR 2 YEARS TO ANY**  
21 **APPLICANT WHO MEETS THE REQUIREMENTS OF THIS TITLE AND ANY REGULATION**  
22 **ADOPTED UNDER THIS TITLE.**

23           **(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD**  
24 **ISSUES:**

25                                   **(1) THE FULL NAME OF THE LICENSEE;**

26                                   **(2) THE LICENSE NUMBER;**

27                                   **(3) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH BRANCH**  
28 **OFFICE IF THE LICENSEE IS AN ENTITY;**

1           **(4) THE DATE OF ISSUANCE OF THE LICENSE;**

2           **(5) THE DATE ON WHICH THE LICENSE EXPIRES; AND**

3           **(6) THE NAME OF THE REPRESENTATIVE MEMBER IF THE LICENSEE**  
4 **IS AN ENTITY.**

5 **18-306.**

6           **WHILE A LICENSE TO AN ENTITY IS IN EFFECT, THE LICENSE AUTHORIZES THE**  
7 **ENTITY TO:**

8           **(1) EMPLOY AS STREAM RESTORATION CONTRACTORS INDIVIDUALS**  
9 **WHO ARE NOT LICENSED STREAM RESTORATION CONTRACTORS TO PROVIDE**  
10 **STREAM RESTORATION CONTRACTOR SERVICES TO THE PUBLIC ON BEHALF OF THE**  
11 **LICENSEE; AND**

12           **(2) REPRESENT ITSELF TO THE PUBLIC AS A LICENSED STREAM**  
13 **RESTORATION CONTRACTOR ENTITY.**

14 **18-307.**

15           **A LICENSED STREAM RESTORATION CONTRACTOR SHALL:**

16           **(1) INCLUDE THE CONTRACTOR'S STREAM RESTORATION**  
17 **CONTRACTOR LICENSE NUMBER IN ALL ADVERTISING RELATED TO THE PROVISION**  
18 **OF STREAM RESTORATION CONTRACTOR SERVICES; AND**

19           **(2) PROMINENTLY DISPLAY THE CONTRACTOR'S STREAM**  
20 **RESTORATION CONTRACTOR LICENSE NUMBER ON ALL LARGE EQUIPMENT USED IN**  
21 **THE COURSE OF THE LICENSEE'S WORK AS A STREAM RESTORATION CONTRACTOR.**

22 **18-308.**

23           **(A) THE SECRETARY SHALL ADOPT REGULATIONS TO STAGGER THE TERMS**  
24 **OF THE LICENSES.**

25           **(B) A LICENSE EXPIRES ON THE DATE THE SECRETARY SETS, IN**  
26 **ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

27           **(C) AT LEAST 2 MONTHS BEFORE A LICENSE EXPIRES, THE BOARD SHALL**  
28 **SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR ELECTRONICALLY, TO THE LAST**  
29 **KNOWN ADDRESS OF THE LICENSEE:**

1           **(1) A RENEWAL APPLICATION FORM; AND**

2           **(2) A NOTICE THAT STATES:**

3                   **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

4                   **(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE**  
5 **RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE**  
6 **LICENSE EXPIRES; AND**

7                   **(III) THE AMOUNT OF THE RENEWAL FEE.**

8           **(D) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW THE LICENSE**  
9 **FOR AN ADDITIONAL 2-YEAR TERM IF THE LICENSEE:**

10           **(1) IS OTHERWISE ENTITLED TO BE LICENSED;**

11           **(2) PAYS TO THE BOARD:**

12                   **(I) THE REQUIRED RENEWAL FEE SET BY THE BOARD; AND**

13                   **(II) ANY OUTSTANDING FEES; AND**

14           **(3) SUBMITS TO THE BOARD:**

15                   **(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**  
16 **CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF**  
17 **THIS SECTION;**

18                   **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE**  
19 **INSURANCE REQUIREMENTS ESTABLISHED UNDER § 18-302(C)(6) OF THIS**  
20 **SUBTITLE;**

21                   **(III) SATISFACTORY EVIDENCE OF THE RESOLUTION OF ANY**  
22 **LICENSE VIOLATIONS, SUSPENSIONS, DENIALS, REVOCATIONS, OR OTHER BOARD**  
23 **ACTIONS TAKEN UNDER THIS TITLE; AND**

24                   **(IV) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**  
25 **PROVIDES.**

1           **(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING**  
2 **EDUCATION INSTRUCTION COVERING STREAM RESTORATION CONTRACTOR**  
3 **SUBJECT MATTER APPROVED BY THE BOARD.**

4           **(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM**  
5 **OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:**

6                           **1. OFFERED BY A QUALIFIED INSTRUCTOR; OR**

7                           **2. CONDUCTED BY AN EDUCATIONAL INSTITUTION**  
8 **APPROVED BY THE BOARD.**

9                           **(II) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY**  
10 **CONTINUING EDUCATION COURSE.**

11           **(F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE THAT**  
12 **MEETS THE REQUIREMENTS OF THIS SECTION.**

13 **18-309.**

14           **WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO THE**  
15 **BOARD WRITTEN NOTICE OF:**

16                           **(1) ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN**  
17 **EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS; AND**

18                           **(2) IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH**  
19 **OFFICE.**

20 **18-310.**

21           **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
22 **GOVERNMENT ARTICLE, AND SUBJECT TO THE NOTICE AND HEARING**  
23 **REQUIREMENTS IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY DENY,**  
24 **REFUSE TO RENEW, SUSPEND, OR REVOKE A LICENSE IF THE APPLICANT OR**  
25 **LICENSEE:**

26                           **(1) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION**  
27 **ADOPTED UNDER THIS TITLE;**

28                           **(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
29 **OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;**

1           **(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

2           **(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR**  
3 **MISCONDUCT WHILE PRACTICING STREAM RESTORATION CONTRACTOR SERVICES;**  
4 **OR**

5           **(5) IN THE CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THE**  
6 **NATURAL RESOURCES ARTICLE, FAILS TO COMPLY WITH:**

7                   **(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR**  
8 **APPROVAL; OR**

9                   **(II) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER**  
10 **LEGAL REQUIREMENT.**

11           **(B) THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND**  
12 **ATLANTIC COASTAL BAYS, ESTABLISHED UNDER TITLE 8, SUBTITLE 18 OF THE**  
13 **NATURAL RESOURCES ARTICLE, SHALL NOTIFY THE BOARD OF ANY LICENSED**  
14 **STREAM RESTORATION CONTRACTOR OR APPLICANT FOR A LICENSE THAT FAILS TO**  
15 **COMPLY WITH ANY REQUIREMENT UNDER SUBSECTION (A)(5) OF THIS SECTION.**

16           **(C) (1) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**  
17 **SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE THE APPLICANT OR**  
18 **LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND THE**  
19 **OPPORTUNITY FOR A HEARING BEFORE THE BOARD.**

20                   **(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN**  
21 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

22                   **(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**  
23 **SHALL BE:**

24                           **(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR**

25                           **(II) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,**  
26 **BEARING A POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN**  
27 **ADDRESS OF THE INDIVIDUAL OR ENTITY.**

28                   **(4) IF, AFTER DUE NOTICE, THE APPLICANT OR LICENSEE AGAINST**  
29 **WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD**  
30 **MAY HEAR AND DETERMINE THE MATTER.**

1 (D) EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, ANY  
2 PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD MAY TAKE AN APPEAL AS  
3 AUTHORIZED UNDER §§ 10-222 AND 10-223 OF THE STATE GOVERNMENT ARTICLE.

4 (E) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY  
5 PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE  
6 CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS  
7 WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.

8 18-311.

9 (A) ON BECOMING AWARE OF A VIOLATION BY A LICENSEE UNDER THIS  
10 TITLE, THE DEPARTMENT SHALL PROVIDE NOTICE OF THE VIOLATION TO THE  
11 LICENSEE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A  
12 POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN ADDRESS OF THE  
13 INDIVIDUAL OR ENTITY.

14 (B) A LICENSE ISSUED UNDER THIS TITLE IS VOIDED IF:

15 (1) THERE IS A LAPSE OF THE INSURANCE REQUIRED UNDER §  
16 18-302(C)(6) OF THIS SUBTITLE; OR

17 (2) THE DEPARTMENT ISSUES THREE NOTICES OF VIOLATION TO THE  
18 LICENSEE IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.

19 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

20 18-401.

21 EXCEPT AS PROVIDED IN §§ 18-301 AND 18-306 OF THIS TITLE, AN  
22 INDIVIDUAL OR ENTITY MAY NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO  
23 CONDUCT ANY STREAM RESTORATION CONTRACTOR SERVICES UNLESS THE  
24 INDIVIDUAL OR ENTITY IS LICENSED BY THE BOARD TO PERFORM THE SERVICES.

25 18-402.

26 UNLESS AUTHORIZED TO PERFORM STREAM RESTORATION CONTRACTOR  
27 SERVICES UNDER THIS TITLE, AN INDIVIDUAL OR ENTITY MAY NOT REPRESENT TO  
28 THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES,  
29 OR OTHERWISE, THAT THE INDIVIDUAL OR ENTITY IS AUTHORIZED TO PERFORM  
30 STREAM RESTORATION CONTRACTOR SERVICES IN THE STATE.

31 18-403.



1           **(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON**  
2 **THAT VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED**  
3 **UNDER THIS TITLE IS SUBJECT TO AN ADMINISTRATIVE PENALTY NOT EXCEEDING:**

4                           **(I) \$500 FOR A FIRST VIOLATION;**

5                           **(II) \$1,000 FOR A SECOND VIOLATION; AND**

6                           **(III) \$5,000 FOR A THIRD OR SUBSEQUENT VIOLATION.**

7           **(2) THE SUM OF ADMINISTRATIVE PENALTIES IMPOSED ON A PERSON**  
8 **UNDER THIS SECTION MAY NOT EXCEED \$25,000.**

9           **(3) EACH DAY THAT A PERSON CONDUCTS STREAM RESTORATION**  
10 **CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.**

11           **(B) ANY PENALTIES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO**  
12 **THE WETLANDS AND WATERWAYS PROGRAM FUND, ESTABLISHED UNDER § 5-203.1**  
13 **OF THIS ARTICLE, TO BE USED FOR THE ADMINISTRATION OF THE BOARD.**

14           **(C) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL ADOPT**  
15 **REGULATIONS TO CARRY OUT THIS SECTION.**

16                           **SUBTITLE 5. TERMINATION OF TITLE.**

17 **18-501.**

18           **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**  
19 **MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS**  
20 **ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY**  
21 **1, 2033.**

22                           **Article – Natural Resources**

23 **8-2A-02.**

24           **(a) There is a Chesapeake and Atlantic Coastal Bays 2010 Trust Fund.**

25           **(b) The purpose of the Fund is to provide financial assistance necessary to**  
26 **advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay**  
27 **Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries,**  
28 **including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and**

1 their tributaries, by focusing limited financial resources on nonpoint source pollution  
2 control projects in all regions of the State.

3 (f) (5) IN EACH FISCAL YEAR FROM 2026 THROUGH 2030, INCLUSIVE, UP  
4 TO \$100,000 FROM THE FUND SHALL BE USED TO FUND THE OPERATIONS GRANTS  
5 UNDER § 8-2B-02(G)(3) OF THIS TITLE AT A RATE OF \$20,000 PER GRANT  
6 RECIPIENT EACH FISCAL YEAR.

7 **SUBTITLE 2B. WHOLE WATERSHED RESTORATION PARTNERSHIP AND FUND.**

8 **8-2B-01.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) (1) "ACTION" MEANS THE INSTALLATION, RESTORATION, OR  
12 ENHANCEMENT OF:

13 (I) A NATURAL FEATURE;

14 (II) AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A  
15 NATURAL FEATURE; OR

16 (III) LAND CONSERVATION MEASURES.

17 (2) "ACTION" INCLUDES THE PLANNING, DESIGN, ENGINEERING,  
18 DRAFTING OF LEGAL INSTRUMENTS, AND MAINTENANCE NECESSARY TO ESTABLISH  
19 A NATURAL FEATURE, AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A  
20 NATURAL FEATURE, OR LAND CONSERVATION MEASURES.

21 (C) "FUND" MEANS THE WHOLE WATERSHED FUND.

22 (D) "OVERBURDENED COMMUNITY" HAS THE MEANING STATED IN § 1-701  
23 OF THE ENVIRONMENT ARTICLE.

24 (E) "PARTNERSHIP" MEANS THE WHOLE WATERSHED RESTORATION  
25 PARTNERSHIP.

26 (F) "PROJECT" MEANS A COLLECTION OF RESTORATION AND  
27 CONSERVATION ACTIONS COORDINATED BY MULTIPLE ENTITIES TO IMPROVE  
28 SHALLOW WATER HABITAT.

1 (G) "PROJECT SPONSOR" MEANS THE ENTITY RESPONSIBLE FOR  
2 ADMINISTERING A PROJECT, INCLUDING ACCOUNTING FOR FUNDS, COORDINATING  
3 PARTNERS AND ACTIONS, AND REPORTING OUTCOMES.

4 (H) (1) "SHALLOW WATER HABITAT" MEANS THE PORTION OF THE  
5 CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES FOR WHICH  
6 THE STATE HAS ADOPTED WATER QUALITY CRITERIA TO SUPPORT SUBMERGED  
7 AQUATIC VEGETATION.

8 (2) "SHALLOW WATER HABITAT" INCLUDES THE SUSQUEHANNA  
9 RIVER AND ITS TRIBUTARIES WITHIN THE STATE.

10 (I) "STATE MANAGEMENT TEAM" MEANS THE REPRESENTATIVES  
11 DESIGNATED TO ADMINISTER THE PARTNERSHIP.

12 (J) "UNDERSERVED COMMUNITY" HAS THE MEANING STATED IN § 1-701 OF  
13 THE ENVIRONMENT ARTICLE.

14 8-2B-02.

15 (A) THERE IS A WHOLE WATERSHED RESTORATION PARTNERSHIP.

16 (B) THE PURPOSE OF THE PARTNERSHIP IS TO ACCELERATE RESTORATION  
17 OF THE CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS BY  
18 EQUITABLY FOCUSING ASSISTANCE ON ACTIONS AND AREAS THAT ARE:

19 (1) COST-EFFECTIVE;

20 (2) LIKELY TO DEMONSTRATE A RAPID SYSTEMIC RESPONSE TO  
21 RESTORATION ACTIVITY, INCLUDING RAPID DE-LISTING OF IMPAIRED STREAMS  
22 IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT; AND

23 (3) SUPPORTED BY THE LOCAL COMMUNITY.

24 (C) (1) THE SECRETARY SHALL ESTABLISH A STATE MANAGEMENT TEAM  
25 TO ADMINISTER THE PARTNERSHIP.

26 (2) THE STATE MANAGEMENT TEAM SHALL INCLUDE:

27 (I) ONE REPRESENTATIVE OF THE DEPARTMENT, DESIGNATED  
28 BY THE SECRETARY;

1 (II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE  
2 ENVIRONMENT, DESIGNATED BY THE SECRETARY OF ENVIRONMENT;

3 (III) ONE REPRESENTATIVE OF THE DEPARTMENT OF  
4 AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE;

5 (IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF  
6 PLANNING, DESIGNATED BY THE SECRETARY OF PLANNING;

7 (V) ONE REPRESENTATIVE OF THE CRITICAL AREA  
8 COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, DESIGNATED  
9 BY THE CHAIR OF THE COMMISSION; AND

10 (VI) THE CHIEF RESILIENCE OFFICER, OR THE CHIEF  
11 RESILIENCE OFFICER'S DESIGNEE.

12 (3) THE REPRESENTATIVE OF THE DEPARTMENT SHALL CHAIR THE  
13 STATE MANAGEMENT TEAM.

14 (4) THE STATE MANAGEMENT TEAM SHALL COORDINATE WITH  
15 OTHER ENTITIES, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS AND THE U.S.  
16 ENVIRONMENTAL PROTECTION AGENCY, AS NECESSARY TO CARRY OUT ITS  
17 FUNCTIONS AND DUTIES UNDER THIS SUBTITLE.

18 (D) (1) THE PARTNERSHIP SHALL EMPLOY STAFF IN ACCORDANCE WITH  
19 THE STATE BUDGET.

20 (2) STATE AGENCIES MAY PROVIDE STAFF OR OTHER ASSISTANCE TO  
21 THE PARTNERSHIP.

22 (E) ON OR BEFORE OCTOBER 1, 2024, AND EVERY 5 YEARS THEREAFTER,  
23 THE STATE MANAGEMENT TEAM SHALL ISSUE A REQUEST FOR PROPOSALS FOR  
24 PROJECTS THAT:

25 (1) OCCUR WITHIN A SINGLE MARYLAND 8-DIGIT WATERSHED AS  
26 IDENTIFIED IN THE STATEWIDE DIGITAL WATERSHED FILE MAINTAINED BY THE  
27 DEPARTMENT OF INFORMATION TECHNOLOGY;

28 (2) INCLUDE A STRATEGY DESCRIBING THE PARTNERS, ACTIONS,  
29 AND BENEFITS THAT THE PROJECT WILL INCORPORATE OVER A 5-YEAR PERIOD;

30 (3) PROVIDE AT LEAST FIVE OF THE BENEFITS SPECIFIED UNDER  
31 SUBSECTION (F)(2)(VIII) OF THIS SECTION; AND

1           **(4) ARE ENDORSED BY EACH COUNTY AND MUNICIPAL CORPORATION**  
2 **IN WHICH THE PROJECT WILL OCCUR.**

3           **(F) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON OR**  
4 **BEFORE MARCH 1, 2025, AND EVERY 5 YEARS THEREAFTER, THE STATE**  
5 **MANAGEMENT TEAM MAY APPROVE UP TO FIVE PROJECTS TO RECEIVE ASSISTANCE**  
6 **UNDER THIS SECTION.**

7           **(2) THE STATE MANAGEMENT TEAM SHALL EVALUATE A PROPOSED**  
8 **PROJECT BASED ON WHETHER THE PROPOSED PROJECT:**

9                   **(I) IS LOCATED IN A WATERSHED IN WHICH HABITAT**  
10 **RESTORATION AND POLLUTION REDUCTION WILL:**

11                           **1. RESULT IN THE GREATEST IMPROVEMENTS TO**  
12 **SHALLOW WATER HABITAT AND LIVING RESOURCES;**

13                           **2. ACHIEVE RAPID DE-LISTING OF IMPAIRED STREAMS**  
14 **IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT AND PUBLISHED**  
15 **IN THE DEPARTMENT OF THE ENVIRONMENT'S TRIENNIAL REVIEW OF WATER**  
16 **QUALITY STANDARDS; OR**

17                           **3. GENERATE RAPIDLY-IMPROVING CONDITIONS IN**  
18 **THE LOCAL ECOSYSTEM;**

19                           **(II) EMPHASIZES ACTIONS THAT ARE EXPECTED TO PROVIDE**  
20 **THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE AMOUNT OF POLLUTION**  
21 **REDUCTION;**

22                           **(III) SUPPORTS LAND USE POLICIES, CONSERVATION**  
23 **PROGRAMS, AND RESTORATION PROTOCOLS AT THE LOCAL LEVEL THAT WILL**  
24 **SUSTAIN PROJECT ACTIONS AND OUTCOMES;**

25                           **(IV) HAS DOCUMENTED INTEREST FROM A GROUP OF PROPERTY**  
26 **OWNERS TO ALLOW RESTORATION OR CONSERVATION ACTIONS ON THEIR**  
27 **PROPERTY;**

28                           **(V) MINIMIZES THE LOSS OF TREES AND OTHER NATURAL**  
29 **HABITATS;**

1                   **(VI) DEMONSTRATES OPPORTUNITIES TO IMPLEMENT ACTIONS**  
2 **THAT REDUCE ENVIRONMENTAL DISPARITIES EXPERIENCED BY OVERBURDENED**  
3 **OR UNDERSERVED COMMUNITIES;**

4                   **(VII) DEMONSTRATES OPPORTUNITIES TO FOSTER INNOVATION**  
5 **IN RESTORATION SCIENCE OR PRACTICES;**

6                   **(VIII) IN ADDITION TO LAND-BASED HABITAT RESTORATION AND**  
7 **WATER QUALITY IMPROVEMENT, ANTICIPATES BENEFITS RELATED TO:**

8                   1.   **THE CREATION OR RESTORATION OF WILDLIFE**  
9 **HABITAT, RIPARIAN BUFFERS, AND WETLAND RESTORATION;**

10                  2.   **THE RESTORATION OF AQUATIC RESOURCES, SUCH**  
11 **AS FRESH WATER MUSSELS, FISH PASSAGE, OR OYSTER REEFS;**

12                  3.   **CARBON SEQUESTRATION;**

13                  4.   **CLIMATE CHANGE MITIGATION, ADAPTATION, OR**  
14 **RESILIENCE;**

15                  5.   **LOCAL EMPLOYMENT OPPORTUNITIES;**

16                  6.   **IMPROVING AND PROTECTING PUBLIC HEALTH; AND**

17                  7.   **RECREATIONAL OPPORTUNITIES AND PUBLIC**  
18 **ACCESS TO WATERWAYS AND NATURAL HABITATS; AND**

19                   **(IX) CREATES PARTNERSHIP OPPORTUNITIES AMONG**  
20 **NONPROFIT AND FOR PROFIT ORGANIZATIONS, COMMUNITY ORGANIZATIONS, ALL**  
21 **LEVELS OF GOVERNMENT, AND SCIENTISTS.**

22                  **(3) THE STATE MANAGEMENT TEAM SHALL:**

23                   **(I) WORK TO ENSURE THAT THE PROJECTS APPROVED**  
24 **INCLUDE:**

25                   1.   **ONE PROJECT LOCATED IN A PREDOMINANTLY**  
26 **URBAN AREA;**

27                   2.   **ONE PROJECT LOCATED IN A PREDOMINANTLY**  
28 **SUBURBAN AREA;**

1                   **3. TWO PROJECTS PRIMARILY FOCUSED ON REDUCING**  
2 **POLLUTION IN A PREDOMINANTLY AGRICULTURAL AREA; AND**

3                   **4. ONE PROJECT THAT INCORPORATES**  
4 **COLLABORATIVE EFFORTS WITH AN ADJOINING STATE; AND**

5                   **(II) ENSURE THAT AT LEAST TWO APPROVED PROJECTS ARE**  
6 **LOCATED IN AND PROVIDE BENEFITS TO AN OVERBURDENED OR UNDERSERVED**  
7 **COMMUNITY.**

8                   **(4) THE STATE MANAGEMENT TEAM MAY REQUIRE SITING, DESIGN,**  
9 **CONSTRUCTION, MAINTENANCE, AND OPERATION PRINCIPLES AND STANDARDS FOR**  
10 **A PROJECT THAT ARE IN ADDITION TO THOSE REQUIRED BY LAW OR REGULATION IF**  
11 **THE TEAM DETERMINES THAT THOSE PRINCIPLES AND STANDARDS ARE NECESSARY**  
12 **TO PRESERVE THE BENEFITS OF THE PROJECT.**

13                   **(G) FOR A PERIOD OF 5 YEARS AFTER APPROVING A PROJECT, THE STATE**  
14 **MANAGEMENT TEAM SHALL:**

15                   **(1) ASSIST THE PROJECT SPONSOR IN DEVELOPING AN**  
16 **IMPLEMENTATION AND FINANCING PLAN, INCLUDING MEASURABLE OUTCOMES,**  
17 **FOR THE DURATION OF THE PROJECT;**

18                   **(2) AWARD IMPLEMENTATION GRANTS FROM THE FUND AND OTHER**  
19 **APPROPRIATE STATE FUNDS AND ACCOUNTS:**

20                   **(I) FOR UP TO 50% OF PROJECT COSTS;**

21                   **(II) IN ACCORDANCE WITH THE IMPLEMENTATION AND**  
22 **FINANCING PLAN DEVELOPED UNDER ITEM (1) OF THIS SUBSECTION; AND**

23                   **(III) WITH CONSIDERATION GIVEN TO THE PROGRESS OF THE**  
24 **PROJECT AS DOCUMENTED IN THE REPORT REQUIRED UNDER SUBSECTION (I)(2) OF**  
25 **THIS SECTION;**

26                   **(3) AWARD OPERATIONS GRANTS TO THE PROJECT SPONSOR FOR**  
27 **PROJECT ADMINISTRATION COSTS IN ACCORDANCE WITH § 8-2A-02(F)(5) OF THIS**  
28 **TITLE;**

29                   **(4) PROVIDE FOR COORDINATED AND TRANSPARENT STATE**  
30 **PERMITTING TO THE EXTENT ALLOWED BY STATE AND FEDERAL LAW, INCLUDING**  
31 **THE USE OF THE PERMIT TRACKING DASHBOARD ESTABLISHED BY THE SECRETARY**  
32 **UNDER SUBSECTION (K) OF THIS SECTION;**

1           **(5) PROVIDE FUNDING TO THE PROJECT SPONSOR TO SUPPORT**  
2 **WATER QUALITY MONITORING AT THE PROJECT SITE; AND**

3           **(6) MEET WITH THE PROJECT SPONSOR AND PARTICIPATING LOCAL**  
4 **GOVERNMENTS AT LEAST SIX TIMES EACH CALENDAR YEAR TO REVIEW AND**  
5 **FACILITATE PROGRESS ON THE PROJECT.**

6           **(H) A PROJECT SPONSOR SHALL PROVIDE OPPORTUNITIES FOR**  
7 **COMMUNITY ENGAGEMENT FOR THE DURATION OF THE PROJECT BY INCLUDING:**

8           **(1) AT LEAST FOUR COMMUNITY MEETINGS THAT INCLUDE**  
9 **REPRESENTATION FROM EACH LOCAL GOVERNMENT ENDORSING THE PROJECT;**  
10 **AND**

11           **(2) AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PRELIMINARY**  
12 **DESIGN OF EACH RESTORATION ACTION PROPOSED BY THE PROJECT.**

13           **(I) (1) A PROJECT SPONSOR SHALL IDENTIFY APPROPRIATE METRICS TO**  
14 **TRACK PROGRESS ON MEETING THE OUTCOMES IDENTIFIED IN THE PROJECT'S**  
15 **IMPLEMENTATION AND FINANCING PLAN.**

16           **(2) (I) A PROJECT SPONSOR SHALL REPORT ON THE PROGRESS OF**  
17 **THE PROJECT AT THE INTERVALS AND IN THE FORMAT REQUIRED BY THE STATE**  
18 **MANAGEMENT TEAM.**

19           **(II) A REPORT UNDER THIS PARAGRAPH SHALL INCLUDE**  
20 **INFORMATION ON:**

21                   1.   **COMMUNITY ENGAGEMENT EFFORTS;**

22                   2.   **RESTORATION AND CONSERVATION ACTIONS**  
23 **INITIATED AND COMPLETED;**

24                   3.   **TREES AFFECTED AND TREES AT IMMEDIATE OR**  
25 **FUTURE RISK OF IMPACT DUE TO RESTORATION ACTIONS;**

26                   4.   **FUNDING FROM ALL SOURCES THAT WAS SOLICITED,**  
27 **AWARDED, OR SPENT; AND**

28                   5.   **THE PROGRESS MADE TOWARD MEETING THE**  
29 **OUTCOMES IDENTIFIED IN THE PROJECT'S IMPLEMENTATION AND FINANCING**



1 PLAN, INCLUDING THE METRICS USED FOR TRACKING PROGRESS UNDER  
2 PARAGRAPH (1) OF THIS SUBSECTION.

3 (3) THE STATE MANAGEMENT TEAM MAY REQUIRE A PROJECT  
4 SPONSOR TO PERFORM AND REPORT ON WATER QUALITY MONITORING FOR MORE  
5 THAN 5 YEARS.

6 (J) ON OR BEFORE NOVEMBER 1, 2025, AND EACH NOVEMBER 1  
7 THEREAFTER, THE STATE MANAGEMENT TEAM SHALL REPORT TO THE GENERAL  
8 ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE,  
9 ON THE STATUS OF EACH APPROVED PROJECT.

10 (K) (1) THE SECRETARY SHALL ESTABLISH A PERMIT TRACKING  
11 DASHBOARD THAT PROVIDES PUBLICLY AVAILABLE INFORMATION ON THE PERMIT  
12 SCHEDULES AND REQUIREMENTS FOR ACTIONS THAT REQUIRE A STATE PERMIT.

13 (2) THE PERMIT TRACKING DASHBOARD SHALL BE MADE AVAILABLE  
14 TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.

15 8-2B-03.

16 (A) THERE IS A WHOLE WATERSHED FUND.

17 (B) THE PURPOSE OF THE FUND IS TO FUND PROJECTS APPROVED BY THE  
18 STATE MANAGEMENT TEAM UNDER § 8-2B-02 OF THIS SUBTITLE.

19 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

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

22 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,  
23 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

24 (E) THE FUND CONSISTS OF:

25 (1) REVENUE DISTRIBUTED TO THE FUND FROM:

26 (I) THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010  
27 TRUST FUND ESTABLISHED UNDER § 8-2A-02 OF THIS TITLE;

28 (II) THE BAY RESTORATION FUND ESTABLISHED UNDER §  
29 9-1605.2 OF THE ENVIRONMENT ARTICLE;

1 (III) THE CLEAN WATER COMMERCE ACCOUNT ESTABLISHED  
2 UNDER § 9-1605.4 OF THE ENVIRONMENT ARTICLE;

3 (IV) THE MARYLAND AGRICULTURAL LAND PRESERVATION  
4 FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE ARTICLE;

5 (V) THE COST-SHARING PROGRAM ESTABLISHED UNDER §  
6 8-702 OF THE AGRICULTURE ARTICLE; AND

7 (VI) THE WATERWAY IMPROVEMENT FUND ESTABLISHED  
8 UNDER § 8-707 OF THIS TITLE;

9 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

10 (3) INTEREST EARNINGS; AND

11 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR  
12 THE BENEFIT OF THE FUND.

13 (F) (1) THE FUND MAY BE USED ONLY TO SUPPORT ACTIONS ASSOCIATED  
14 WITH A PROJECT APPROVED BY THE STATE MANAGEMENT TEAM UNDER § 8-2B-02  
15 OF THIS SUBTITLE.

16 (2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,  
17 MONEY TRANSFERRED TO THE FUND UNDER SUBSECTION (E)(1) OF THIS SECTION  
18 SHALL BE SUBJECT TO THE CONDITIONS SPECIFIED IN THE ORIGINATING FUND OR  
19 ACCOUNT.

20 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PORTION  
21 OF FUNDS FOR AN ACTION MAY BE PROVIDED AS AN ADVANCE PAYMENT AT THE  
22 BEGINNING OF EACH FISCAL YEAR.

23 (4) ANY REMAINING FUNDS NOT USED TO SUPPORT AN ACTION IN  
24 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL BE AVAILABLE FOR  
25 USE CONSISTENT WITH THIS SECTION IN SUBSEQUENT FISCAL YEARS.

26 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
27 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

28 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
29 THE FUND.

1           **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**  
2 **WITH THE STATE BUDGET.**

3           **(I) MONEY EXPENDED FROM THE FUND FOR PROJECTS APPROVED BY THE**  
4 **PARTNERSHIP IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF**  
5 **FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PARTNERSHIP.**

6           **(J) A CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER THIS**  
7 **SECTION SHALL:**

8                   **(1) BE CONSISTENT WITH THE IMPLEMENTATION AND FINANCING**  
9 **PLAN DEVELOPED UNDER § 8-2B-02(G) OF THIS SUBTITLE;**

10                   **(2) FOR AN ACTION INVOLVING STREAM RESTORATION, REQUIRE THE**  
11 **USE OF A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE 18 OF THE**  
12 **ENVIRONMENT ARTICLE; AND**

13                   **(3) REQUIRE THAT FUNDS PROVIDED FROM THE FUND BE RETURNED**  
14 **IF THE ACTION IS NOT COMPLETED IN ACCORDANCE WITH THE IMPLEMENTATION**  
15 **AND FINANCING PLAN.**

16           **(K) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION**  
17 **THAT IS PARTIALLY FINANCED WITH ANOTHER SOURCE OF STATE FUNDS MAY BE**  
18 **FUNDED UNDER THIS SECTION.**

19                   **(2) FUNDING PROVIDED TO AN ACTION UNDER THIS SUBSECTION**  
20 **SHALL BE PRORATED TO COVER ONLY THE PORTION OF THE ACTION NOT FUNDED**  
21 **BY ANOTHER STATE SOURCE.**

22 8-701.

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

24                   **(A-1) “BENEFICIAL USE OF DREDGED MATERIAL” HAS THE MEANING STATED**  
25 **IN § 5-1101 OF THE ENVIRONMENT ARTICLE.**

26 8-707.

27           (a) **(1) There is a Waterway Improvement Fund for the purposes specified in**  
28 **this subtitle, INCLUDING THE ACCELERATED RESTORATION OF THE CHESAPEAKE**  
29 **AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.**

30                   **(2) Except as provided in § 8-709 of this subtitle, any money received into**  
31 **the Waterway Improvement Fund shall be used solely for the following projects:**

- 1           **[(1)] (I)** Marking channels and harbors and establishing aids to  
2 navigation in cooperation with and as an extension of operations of the United States Coast  
3 Guard;
- 4           **[(2)] (II)** Clearing debris, aquatic vegetation, and obstruction from waters  
5 of the State;
- 6           **[(3)] (III)** Dredging channels and harbors and construction of jetties and  
7 breakwaters in cooperation with and as an extension of operations of the United States  
8 Army Corps of Engineers;
- 9           **[(4)] (IV)** Dredging ponds, lakes, and reservoirs owned by the State;
- 10           **[(5)] (V)** Constructing and maintaining marine facilities beneficial to the  
11 boating public, including constructing pump-out stations for use by the general boating  
12 public at public and private marinas. The Secretary may use the funds to install pump-out  
13 stations for use by the general boating public and to supplement maintenance costs at the  
14 discretion of the Secretary. Before approving the construction of any pump-out station at  
15 a public or private marina, the Secretary shall consult with the Department of the  
16 Environment to assure that the wastewater collection and treatment system of the marina  
17 is adequate to handle any increased flow. The Department may adopt regulations to govern  
18 the use and operation of pump-out stations for use by the general boating public  
19 constructed or supported by State funds under this section;
- 20           **[(6)] (VI)** Improvement, reconstruction, or removal of bridges,  
21 drawbridges, or similar structures over or across waters, if those structures delay, impede,  
22 or obstruct the boating public. With the approval of the Board of Public Works, funds from  
23 another public or any private source may be received and used to supplement and increase  
24 the funds in the Waterway Improvement Fund for the purpose of this subsection. Also, the  
25 Board of Public Works may enter into an agreement with a private company or person  
26 which owns such a structure, for the improvement, reconstruction, or removal of the  
27 structure, in order to provide a sharing of the cost of the improvement, reconstruction, or  
28 removal;
- 29           **[(7)] (VII)** Evaluation of water-oriented recreation needs and recreational  
30 capacities of Maryland waterways and development of comprehensive plans for waterway  
31 improvements;
- 32           **[(8)] (VIII)** To provide matching grants to local governments for the  
33 construction of marine facilities for marine firefighting, marine police, or medical services  
34 and for the acquisition of vessels and equipment for vessels for marine firefighting, police,  
35 medical, and communication equipment for promoting safety of life and property and  
36 general service to the boating public utilizing the waters of the State. The ownership,  
37 operation, and maintenance of any equipment acquired under this subtitle shall be the  
38 responsibility of the local governing body;



1 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
2 Fund of the State.

3 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
4 to the following funds:

5 189. the Teacher Retention and Development Fund; [and]

6 190. the Protecting Against Hate Crimes Grant Fund; AND

7 **191. THE WHOLE WATERSHED FUND.**

8 **Article – State Government**

9 8–402.

10 (a) The General Assembly finds that:

11 (1) a framework that allows for periodic, legislative review of the  
12 regulatory, licensing, and other governmental activities of the Executive Branch of the  
13 State government is essential for the maintenance of a government in which the citizens  
14 have confidence and of a healthy State economy; and

15 (2) this legislative review is consistent with other activities and goals of the  
16 General Assembly.

17 (b) The purposes of this subtitle are to:

18 (1) establish a system of legislative review that will:

19 (i) determine whether a governmental activity is necessary for the  
20 public interest; and

21 (ii) make units that are responsible for necessary governmental  
22 activities accountable and responsive to the public interest; and

23 (2) ensure that the legislative review takes place by establishing, by  
24 statute, a process for the review and other legislative action.

25 8–403.

26 This subtitle applies only to the following governmental activities and units:

27 **(62) STREAM RESTORATION CONTRACTORS LICENSING BOARD (§**  
28 **18–201 OF THE ENVIRONMENT ARTICLE);**

1            **[(62)] (63)** Veterinary Medical Examiners, State Board of (§ 2–302 of the  
2 Agriculture Article);

3            **[(63)] (64)** Waterworks and Waste Systems Operators, State Board of (§  
4 12–201 of the Environment Article); and

5            **[(64)] (65)** Well Drillers, State Board of (§ 13–201 of the Environment  
6 Article).

7            SECTION 2. AND BE IT FURTHER ENACTED, That:

8            (a) In this section, “stream restoration contractor services” has the meaning  
9 stated in § 18–101 of the Environment Article, as enacted by Section 1 of this Act.

10            (b) (1) On or before December 31, 2024, all persons performing stream  
11 restoration contractor services in the State or soliciting to perform stream restoration  
12 contractor services in the State shall:

13                            (i) register with the Department of the Environment; and

14                            (ii) pay to the Department of the Environment a registration fee in  
15 an amount determined by the Department.

16            (2) The registration required under paragraph (1) of this subsection shall  
17 expire on December 31, 2026, unless extended by an action by the Stream Restoration  
18 Contractors Licensing Board established under Section 1 of this Act.

19            (c) After December 31, 2024, a person that fails to register with the Department  
20 of the Environment to perform stream restoration contractor services in accordance with  
21 subsection (b) of this section:

22                            (1) may not perform stream restoration contractor services in the State;  
23 and

24                            (2) shall be subject to the penalties established in § 18–403 of the  
25 Environment Article, as enacted by Section 1 of this Act.

26            (d) For the initial three licensed stream restoration contractor members required  
27 to be appointed to the Stream Restoration Contractors Licensing Board in accordance with  
28 § 18–202 of the Environment Article, as enacted by Section 1 of this Act, the Department  
29 of the Environment shall select stream restoration contractors from the list of the  
30 registrants compiled under subsection (b) of this section for recommendation to the  
31 Governor for appointment to the Board.

32            SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
33 1, 2024.