

HOUSE BILL 1165

M3, M1

4lr2118
CF SB 969

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

Introduced and read first time: February 7, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

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 and for certain water
22 quality monitoring; ~~requiring all persons performing or soliciting to perform stream~~
23 ~~restoration contractor services in the State to register with the Department and pay~~
24 ~~a registration fee on or before a certain date; requiring the Department to select~~
25 ~~certain registrants as the initial three licensed stream restoration contractor~~

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 ~~members of the Stream Restoration Contractors Licensing Board,~~ and generally
2 relating to ~~stream and~~ watershed restoration in the State.

3 BY repealing and reenacting, with amendments,
4 Article – Agriculture
5 Section 2–505(a) and (c)(1), 8–702(a), and 8–704(a)
6 Annotated Code of Maryland
7 (2016 Replacement Volume and 2023 Supplement)

8 ~~BY repealing and reenacting, with amendments,~~
9 ~~Article – Business Regulation~~
10 ~~Section 8–301~~
11 ~~Annotated Code of Maryland~~
12 ~~(2015 Replacement Volume and 2023 Supplement)~~

13 ~~BY repealing and reenacting, with amendments,~~
14 ~~Article – Environment~~
15 ~~Section 1–406~~
16 ~~Annotated Code of Maryland~~
17 ~~(2013 Replacement Volume and 2023 Supplement)~~

18 BY repealing and reenacting, without amendments,
19 Article – Environment
20 Section 9–1605.2(a)(1) and 9–1605.4(b)
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2023 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Environment
25 Section 9–1605.2(a)(2) and (i)(2)(xiii) and (xiv) and 9–1605.4(c) and (f)
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2023 Supplement)

28 BY adding to
29 Article – Environment
30 Section 9–1605.2(i)(2)(xv); ~~and 18–101 through 18–501 to be under the new title~~
31 ~~“Title 18, Stream Restoration Contractors”~~
32 Annotated Code of Maryland
33 (2014 Replacement Volume and 2023 Supplement)

34 BY repealing and reenacting, without amendments,
35 Article – Natural Resources
36 Section 8–2A–02(a) and (b) and 8–701(a)
37 Annotated Code of Maryland
38 (2023 Replacement Volume and 2023 Supplement)

39 BY adding to

- 1 Article – Natural Resources
2 Section 8–2A–02(f)(5); 8–2B–01 through 8–2B–03 to be under the new subtitle
3 “Subtitle 2B. Whole Watershed Restoration Partnership and Fund”; and
4 8–701(a–1)
5 Annotated Code of Maryland
6 (2023 Replacement Volume and 2023 Supplement)
- 7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 8–707(a) and 8–708(b)
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2023 Supplement)
- 12 BY repealing and reenacting, without amendments,
13 Article – State Finance and Procurement
14 Section 6–226(a)(2)(i)
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)
- 17 BY repealing and reenacting, with amendments,
18 Article – State Finance and Procurement
19 Section 6–226(a)(2)(ii)189. and 190.
20 Annotated Code of Maryland
21 (2021 Replacement Volume and 2023 Supplement)
- 22 BY adding to
23 Article – State Finance and Procurement
24 Section 6–226(a)(2)(ii)191.
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2023 Supplement)
- ~~27 BY repealing and reenacting, without amendments,
28 Article – State Government
29 Section 8–402
30 Annotated Code of Maryland
31 (2021 Replacement Volume and 2023 Supplement)~~
- ~~32 BY adding to
33 Article – State Government
34 Section 8–403(62)
35 Annotated Code of Maryland
36 (2021 Replacement Volume and 2023 Supplement)~~
- ~~37 BY repealing and reenacting, with amendments,
38 Article – State Government
39 Section 8–403(62) through (64)
40 Annotated Code of Maryland~~

~~(2021 Replacement Volume and 2023 Supplement)~~

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

Article – Agriculture

2–505.

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

(1) THE purposes specified in this subtitle; AND

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

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

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

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

(iii) For consideration in the purchase of agricultural land preservation easements beginning with fiscal year 1979 and each fiscal year thereafter, **INCLUDING TARGETED ACQUISITIONS OF EASEMENTS OBTAINED IN CONJUNCTION WITH ACTIONS AND PROJECTS UNDER TITLE 8, SUBTITLE 2B OF THE NATURAL RESOURCES ARTICLE;**

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

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

(VI) ~~TO~~ IN A MANNER CONSISTENT WITH THE PURPOSES SPECIFIED IN ITEMS (I) THROUGH (V) OF THIS PARAGRAPH, TO PROVIDE FUNDING FOR THE WHOLE WATERSHED FUND ESTABLISHED UNDER § 8–2B–03 OF THE NATURAL RESOURCES ARTICLE, INCLUDING FOR PROJECTS THAT OCCUR ON LAND SUBJECT TO AN AGRICULTURAL LAND PRESERVATION EASEMENT.

1 8-702.

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

7 (2) To assist in the implementation of agricultural practices which
8 minimize water pollution from erosion, animal wastes, nutrients, and agricultural
9 chemicals **AND TO ADDRESS THE WATER POLLUTION IMPACTS OF AGRICULTURE**, a
10 cost sharing program between the State and eligible applicants is established for the public
11 benefit.

12 8-704.

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

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

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

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

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

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

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

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

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

4 (2) **CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION, STATE**
5 **COST-SHARING FUNDS MAY BE MADE AVAILABLE TO FUND THE WHOLE WATERSHED**
6 **FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

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

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

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

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

20 2. The Department may execute the agreement without the
21 consent of the landlord if:

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

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

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

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

33 **~~Article - Business Regulation~~**

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

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

5 ~~(c) This section does not apply to:~~

6 ~~(1) an individual who works for a contractor for a salary or wages but who~~
7 ~~is not a salesperson for the contractor;~~

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

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

12 ~~(4) an architect, electrician, plumber, heating, ventilation,~~
13 ~~air conditioning, or refrigeration contractor, or other person who:~~

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

16 ~~(ii) currently is licensed in that occupation or profession under State~~
17 ~~or local law; and~~

18 ~~(iii) is:~~

19 ~~1. acting only within the scope of that occupation or~~
20 ~~profession; or~~

21 ~~2. installing a central heating or air conditioning system;~~

22 ~~(5) a security systems technician licensed under Title 18 of the Business~~
23 ~~Occupations and Professions Article;~~

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

26 ~~(7) A STREAM RESTORATION CONTRACTOR LICENSED UNDER TITLE~~
27 ~~18, SUBTITLE 3 OF THE ENVIRONMENT ARTICLE; OR~~

28 ~~[(7)] (8) a person who is selling a home improvement to be performed by~~
29 ~~a person described in item (4) of this subsection.~~

1 ~~1-406.~~

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

3 ~~(1) Air Quality Control Advisory Council;~~

4 ~~(2) Hazardous Substances Advisory Council;~~

5 ~~(3) Radiation Control Advisory Board;~~

6 ~~(4) Science and Health Advisory Group;~~

7 ~~(5) Board of Waterworks and Waste System Operators;~~

8 ~~(6) Board of Well Drillers;~~

9 ~~(7) Hazardous Waste Facilities Siting Board;~~

10 ~~(8) Marine Contractors Licensing Board; [and]~~

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

12 ~~(10) STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

13 9-1605.2.

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

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

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

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

23 (III) USED TO ACCELERATE THE RESTORATION OF THE
24 CHESAPEAKE BAY AND ATLANTIC COASTAL BAYS AND THEIR WATERSHEDS.

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

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

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

6 (xv) ~~TO~~ AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED
 7 UNDER ITEM (IV)1 AND 2 OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED
 8 FUND ESTABLISHED UNDER § 8-2B-03 OF THE NATURAL RESOURCES ARTICLE.

9 9-1605.4.

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

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

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

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

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

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

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

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

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

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

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

29 (ii) At least 20% shall be used to procure environmental outcomes
 30 from projects, including stormwater management and green infrastructure projects,
 31 established in communities disproportionately burdened by environmental harms and risks

1 as identified by the Department in consultation with the Commission on Environmental
2 Justice and Sustainable Communities; and

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

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

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

11 (ii) Available for use consistent with this section in subsequent fiscal
12 years, **INCLUDING TO FUND THE WHOLE WATERSHED FUND ESTABLISHED UNDER §**
13 **8-2B-03 OF THE NATURAL RESOURCES ARTICLE.**

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

16 ~~**TITLE 18. STREAM RESTORATION CONTRACTORS.**~~

17 ~~**SUBTITLE 1. DEFINITIONS.**~~

18 ~~**18-101.**~~

19 ~~**(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**~~
20 ~~**INDICATED.**~~

21 ~~**(B) "BOARD" MEANS THE STREAM RESTORATION CONTRACTORS**~~
22 ~~**LICENSING BOARD.**~~

23 ~~**(C) "ENTITY" MEANS A BUSINESS WITH ITS PRINCIPAL OFFICE IN THE**~~
24 ~~**STATE THAT EMPLOYS MORE THAN ONE INDIVIDUAL TO PROVIDE STREAM**~~
25 ~~**RESTORATION CONTRACTOR SERVICES IN THE STATE.**~~

26 ~~**(D) "LICENSE" MEANS A PROFESSIONAL LICENSE ISSUED BY THE BOARD TO**~~
27 ~~**AN INDIVIDUAL OR ENTITY TO PERFORM STREAM RESTORATION CONTRACTOR**~~
28 ~~**SERVICES IN THE STATE.**~~

29 ~~**(E) "LICENSED STREAM RESTORATION CONTRACTOR" MEANS AN**~~
30 ~~**INDIVIDUAL OR ENTITY THAT HAS RECEIVED A LICENSE FROM THE BOARD TO**~~
31 ~~**PERFORM STREAM RESTORATION CONTRACTOR SERVICES.**~~

1 ~~(F) (1) "STREAM RESTORATION CONTRACTOR SERVICES" MEANS~~
2 ~~CONSTRUCTION, DEMOLITION, INSTALLATION, ALTERATION, REPAIR, OR SALVAGE~~
3 ~~ACTIVITIES LOCATED IN, ON, OR UNDER STATE OR PRIVATE STREAMS OR NONTIDAL~~
4 ~~WETLANDS.~~

5 ~~(2) "STREAM RESTORATION CONTRACTOR SERVICES" INCLUDES:~~

6 ~~(I) IN-STREAM STRUCTURE INSTALLATION;~~

7 ~~(II) STREAM CHANNEL RELOCATION;~~

8 ~~(III) STREAM BANK STABILIZATION;~~

9 ~~(IV) INFRASTRUCTURE PROTECTION;~~

10 ~~(V) HABITAT CREATION;~~

11 ~~(VI) FLOOR PROTECTION; AND~~

12 ~~(VII) STREAM CHANNEL FILLING.~~

13 ~~SUBTITLE 2. STREAM RESTORATION CONTRACTORS LICENSING BOARD.~~

14 ~~18-201.~~

15 ~~(A) THERE IS A STREAM RESTORATION CONTRACTORS LICENSING BOARD~~
16 ~~IN THE DEPARTMENT.~~

17 ~~(B) SUBJECT TO THE PROVISIONS OF THIS TITLE, THE BOARD IS~~
18 ~~RESPONSIBLE FOR THE LICENSING AND REGULATION OF INDIVIDUALS AND~~
19 ~~ENTITIES THAT PROVIDE STREAM RESTORATION CONTRACTOR SERVICES IN THE~~
20 ~~STATE.~~

21 ~~18-202.~~

22 ~~(A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE~~
23 ~~GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND~~
24 ~~CONSENT OF THE SENATE.~~

25 ~~(2) OF THE SEVEN MEMBERS:~~

26 ~~(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;~~

27 ~~(II) ONE SHALL BE EMPLOYED BY THE DEPARTMENT OF~~
28 ~~NATURAL RESOURCES;~~

1 ~~(H) THREE SHALL BE LICENSED STREAM RESTORATION~~
2 ~~CONTRACTORS AS FOLLOWS:~~

3 ~~1. ONE FROM:~~

4 ~~A. BALTIMORE CITY;~~

5 ~~B. ANNE ARUNDEL COUNTY;~~

6 ~~C. BALTIMORE COUNTY;~~

7 ~~D. CALVERT COUNTY;~~

8 ~~E. CHARLES COUNTY;~~

9 ~~F. HARFORD COUNTY;~~

10 ~~G. PRINCE GEORGE'S COUNTY; OR~~

11 ~~H. ST. MARY'S COUNTY;~~

12 ~~2. ONE FROM:~~

13 ~~A. ALLEGANY COUNTY;~~

14 ~~B. CARROLL COUNTY;~~

15 ~~C. FREDERICK COUNTY;~~

16 ~~D. GARRETT COUNTY;~~

17 ~~E. HOWARD COUNTY;~~

18 ~~F. MONTGOMERY COUNTY; OR~~

19 ~~G. WASHINGTON COUNTY; AND~~

20 ~~3. ONE FROM:~~

21 ~~A. CAROLINE COUNTY;~~

22 ~~B. CECIL COUNTY;~~

23 ~~C. DORCHESTER COUNTY;~~

- ~~D. KENT COUNTY;~~
- ~~E. QUEEN ANNE'S COUNTY;~~
- ~~F. SOMERSET COUNTY;~~
- ~~G. TALBOT COUNTY;~~
- ~~H. WICOMICO COUNTY; OR~~
- ~~I. WORCESTER COUNTY; AND~~

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

- ~~1. ONE FROM:~~
 - ~~A. BALTIMORE CITY;~~
 - ~~B. ALLEGANY COUNTY;~~
 - ~~C. ANNE ARUNDEL COUNTY;~~
 - ~~D. CARROLL COUNTY;~~
 - ~~E. BALTIMORE COUNTY;~~
 - ~~F. FREDERICK COUNTY;~~
 - ~~G. GARRETT COUNTY;~~
 - ~~H. HARFORD COUNTY;~~
 - ~~I. HOWARD COUNTY;~~
 - ~~J. MONTGOMERY COUNTY;~~
 - ~~K. PRINCE GEORGE'S COUNTY; OR~~
 - ~~L. WASHINGTON COUNTY; AND~~
- ~~2. ONE FROM:~~
 - ~~A. CALVERT COUNTY;~~

- 1 ~~B. CAROLINE COUNTY;~~
 2 ~~C. CECIL COUNTY;~~
 3 ~~D. CHARLES COUNTY;~~
 4 ~~E. DORCHESTER COUNTY;~~
 5 ~~F. KENT COUNTY;~~
 6 ~~G. QUEEN ANNE'S COUNTY;~~
 7 ~~H. SOMERSET COUNTY;~~
 8 ~~I. ST. MARY'S COUNTY;~~
 9 ~~J. TALBOT COUNTY;~~
 10 ~~K. WICOMICO COUNTY; OR~~
 11 ~~L. WORCESTER COUNTY.~~

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

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

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

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

20 ~~(D) THE GOVERNOR MAY REMOVE A MEMBER FROM THE BOARD FOR~~
 21 ~~INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF DUTY, OR OTHER SUFFICIENT CAUSE.~~

22 ~~18-203.~~

23 ~~(A) EACH YEAR, THE BOARD SHALL ELECT A CHAIR, VICE CHAIR, AND~~
 24 ~~SECRETARY FROM AMONG ITS MEMBERS.~~

25 ~~(B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF~~
 26 ~~OFFICERS.~~

1 ~~18-204.~~

2 ~~(A) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND~~
3 ~~PLACES THAT THE BOARD DETERMINES.~~

4 ~~(B) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR~~
5 ~~EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN~~
6 ~~THE STATE BUDGET.~~

7 ~~(C) THE BOARD MAY EMPLOY STAFF IN ACCORDANCE WITH THE STATE~~
8 ~~BUDGET.~~

9 ~~18-205.~~

10 ~~(A) THE BOARD MAY:~~

11 ~~(1) AS NECESSARY, OBTAIN ASSISTANCE FROM THE DEPARTMENT TO~~
12 ~~CARRY OUT AND ENFORCE THE PROVISIONS OF THIS TITLE; AND~~

13 ~~(2) MAKE INQUIRIES AND CONDUCT AN INVESTIGATION REGARDING~~
14 ~~ANY APPLICANT FOR A LICENSE.~~

15 ~~(B) THE BOARD SHALL:~~

16 ~~(1) RECOMMEND REGULATIONS FOR ADOPTION BY THE SECRETARY~~
17 ~~THAT:~~

18 ~~(I) ESTABLISH LICENSING STANDARDS FOR STREAM~~
19 ~~RESTORATION CONTRACTORS; AND~~

20 ~~(II) CARRY OUT THE PROVISIONS OF THIS TITLE;~~

21 ~~(2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER~~
22 ~~THIS TITLE; AND~~

23 ~~(3) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES~~
24 ~~LICENSED UNDER THIS TITLE, INCLUDING:~~

25 ~~(I) THE NAMES OF INDIVIDUALS AND ENTITIES THAT ARE~~
26 ~~LICENSED;~~

27 ~~(II) THE ISSUANCE AND EXPIRATION DATES OF THE LICENSES;~~
28 ~~AND~~

1 ~~(H) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS~~
2 ~~APPROPRIATE.~~

3 ~~18-206.~~

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

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

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

11 ~~SUBTITLE 3. LICENSING.~~

12 ~~18-301.~~

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

17 ~~(1) PERFORM STREAM RESTORATION CONTRACTOR SERVICES IN THE~~
18 ~~STATE; OR~~

19 ~~(2) SOLICIT TO PERFORM STREAM RESTORATION CONTRACTOR~~
20 ~~SERVICES IN THE STATE.~~

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

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

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

31 ~~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 ~~(H) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;~~
 2 ~~AND~~

3 ~~(HH) 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~~

28 ~~2. IF THE APPLICANT IS AN ENTITY, ANY ENTITY~~
 29 ~~MEMBER.~~

1 ~~(C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A~~
2 ~~STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §~~
3 ~~18 403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.~~

4 ~~(D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE INDIVIDUAL SHALL~~
5 ~~SIGN THE APPLICATION FORM UNDER OATH.~~

6 ~~(2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER~~
7 ~~OF THE ENTITY SHALL:~~

8 ~~(i) SIGN THE APPLICATION FORM UNDER OATH; AND~~

9 ~~(ii) PROVIDE PROOF TO THE BOARD THAT THE~~
10 ~~REPRESENTATIVE MEMBER IS A MEMBER OF THE ENTITY.~~

11 ~~(E) AN APPLICANT FOR A LICENSE SHALL SUBMIT WITH THE APPLICATION~~
12 ~~PROOF OF THE INSURANCE REQUIRED UNDER § 18 302(C)(6) OF THIS SUBTITLE.~~

13 ~~18 304.~~

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

17 ~~18 305.~~

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

21 ~~(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD~~
22 ~~ISSUES:~~

23 ~~(1) THE FULL NAME OF THE LICENSEE;~~

24 ~~(2) THE LICENSE NUMBER;~~

25 ~~(3) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH BRANCH~~
26 ~~OFFICE IF THE LICENSEE IS AN ENTITY;~~

27 ~~(4) THE DATE OF ISSUANCE OF THE LICENSE;~~

28 ~~(5) THE DATE ON WHICH THE LICENSE EXPIRES; AND~~

~~(6) THE NAME OF THE REPRESENTATIVE MEMBER IF THE LICENSEE IS AN ENTITY.~~

~~18-306.~~

~~WHILE A LICENSE TO AN ENTITY IS IN EFFECT, THE LICENSE AUTHORIZES THE ENTITY TO:~~

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

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

~~18-307.~~

~~A LICENSED STREAM RESTORATION CONTRACTOR SHALL:~~

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

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

~~18-308.~~

~~(A) THE SECRETARY SHALL ADOPT REGULATIONS TO STAGGER THE TERMS OF THE LICENSES.~~

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

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

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

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

1 ~~(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;~~

2 ~~(II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE~~
3 ~~RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE~~
4 ~~LICENSE EXPIRES; AND~~

5 ~~(III) THE AMOUNT OF THE RENEWAL FEE.~~

6 ~~(D) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW THE LICENSE~~
7 ~~FOR AN ADDITIONAL 2 YEAR TERM IF THE LICENSEE:~~

8 ~~(1) IS OTHERWISE ENTITLED TO BE LICENSED;~~

9 ~~(2) PAYS TO THE BOARD:~~

10 ~~(I) THE REQUIRED RENEWAL FEE SET BY THE BOARD; AND~~

11 ~~(II) ANY OUTSTANDING FEES; AND~~

12 ~~(3) SUBMITS TO THE BOARD:~~

13 ~~(I) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~
14 ~~CONTINUING EDUCATION REQUIREMENTS ESTABLISHED UNDER SUBSECTION (E) OF~~
15 ~~THIS SECTION;~~

16 ~~(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE~~
17 ~~INSURANCE REQUIREMENTS ESTABLISHED UNDER § 18 302(C)(6) OF THIS~~
18 ~~SUBTITLE;~~

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

22 ~~(IV) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD~~
23 ~~PROVIDES.~~

24 ~~(E) (1) A LICENSEE SHALL COMPLETE 12 HOURS OF CONTINUING~~
25 ~~EDUCATION INSTRUCTION COVERING STREAM RESTORATION CONTRACTOR~~
26 ~~SUBJECT MATTER APPROVED BY THE BOARD.~~

27 ~~(2) (I) THE BOARD SHALL APPROVE THE SUBSTANCE AND FORM~~
28 ~~OF A CONTINUING EDUCATION COURSE IF THE COURSE IS:~~

29 ~~1. OFFERED BY A QUALIFIED INSTRUCTOR; OR~~

1 ~~2. CONDUCTED BY AN EDUCATIONAL INSTITUTION~~
2 ~~APPROVED BY THE BOARD.~~

3 ~~(H) THE LICENSEE IS RESPONSIBLE FOR THE COST OF ANY~~
4 ~~CONTINUING EDUCATION COURSE.~~

5 ~~(F) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE THAT~~
6 ~~MEETS THE REQUIREMENTS OF THIS SECTION.~~

7 ~~18-309.~~

8 ~~WITHIN 5 DAYS AFTER THE CHANGE, A LICENSEE SHALL SUBMIT TO THE~~
9 ~~BOARD WRITTEN NOTICE OF:~~

10 ~~(1) ANY CHANGE IN THE ADDRESS OR TELEPHONE NUMBER OF AN~~
11 ~~EXISTING OFFICE OR PRINCIPAL PLACE OF BUSINESS; AND~~

12 ~~(2) IF THE LICENSEE IS AN ENTITY, THE ADDITION OF A BRANCH~~
13 ~~OFFICE.~~

14 ~~18-310.~~

15 ~~(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE~~
16 ~~GOVERNMENT ARTICLE, AND SUBJECT TO THE NOTICE AND HEARING~~
17 ~~REQUIREMENTS IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY DENY,~~
18 ~~REFUSE TO RENEW, SUSPEND, OR REVOKE A LICENSE IF THE APPLICANT OR~~
19 ~~LICENSEE:~~

20 ~~(1) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION~~
21 ~~ADOPTED UNDER THIS TITLE;~~

22 ~~(2) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO~~
23 ~~OBTAIN A LICENSE FOR THE APPLICANT, LICENSEE, OR ANOTHER PERSON;~~

24 ~~(3) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;~~

25 ~~(4) COMMITS ANY GROSS NEGLIGENCE, INCOMPETENCE, OR~~
26 ~~MISCONDUCT WHILE PRACTICING STREAM RESTORATION CONTRACTOR SERVICES;~~
27 ~~OR~~

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

1 ~~(I) THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE, OR~~
2 ~~APPROVAL; OR~~

3 ~~(H) ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR OTHER~~
4 ~~LEGAL REQUIREMENT.~~

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

10 ~~(C) (1) BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER~~
11 ~~SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL GIVE THE APPLICANT OR~~
12 ~~LICENSEE AGAINST WHOM THE ACTION IS CONTEMPLATED NOTICE AND THE~~
13 ~~OPPORTUNITY FOR A HEARING BEFORE THE BOARD.~~

14 ~~(2) THE BOARD SHALL PROVIDE NOTICE AND HOLD A HEARING IN~~
15 ~~ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.~~

16 ~~(3) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE~~
17 ~~SHALL BE:~~

18 ~~(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR~~

19 ~~(H) SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,~~
20 ~~BEARING A POSTMARK FROM THE U.S. POSTAL SERVICE, TO THE LAST KNOWN~~
21 ~~ADDRESS OF THE INDIVIDUAL OR ENTITY.~~

22 ~~(4) IF, AFTER DUE NOTICE, THE APPLICANT OR LICENSEE AGAINST~~
23 ~~WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD~~
24 ~~MAY HEAR AND DETERMINE THE MATTER.~~

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

28 ~~(E) FOR PURPOSES OF THIS SECTION, AN ACT OR OMISSION OF ANY~~
29 ~~PRINCIPAL, AGENT, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MAY BE~~
30 ~~CONSTRUED TO BE THE ACT OR OMISSION OF THE APPLICANT OR LICENSEE, AS~~
31 ~~WELL AS OF THE PRINCIPAL, AGENT, OR EMPLOYEE.~~

32 ~~18-311.~~

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

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

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

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

~~SUBTITLE 4. PROHIBITED ACTS; PENALTIES.~~

~~18-401.~~

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

~~18-402.~~

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

~~18-403.~~

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

~~(I) \$500 FOR A FIRST VIOLATION;~~

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

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

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

3 ~~(3) EACH DAY THAT A PERSON CONDUCTS STREAM RESTORATION~~
 4 ~~CONTRACTOR SERVICES WITHOUT A LICENSE CONSTITUTES A SEPARATE OFFENSE.~~

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

8 ~~(C) THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL ADOPT~~
 9 ~~REGULATIONS TO CARRY OUT THIS SECTION.~~

10 ~~SUBTITLE 5. TERMINATION OF TITLE.~~

11 ~~18-501.~~

12 ~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE~~
 13 ~~MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS~~
 14 ~~ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY~~
 15 ~~1, 2033.~~

16 Article – Natural Resources

17 8-2A-02.

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

19 (b) The purpose of the Fund is to provide financial assistance necessary to
 20 advance Maryland's progress in meeting the goals established in the 2014 Chesapeake Bay
 21 Watershed Agreement for the restoration of the Chesapeake Bay and its tributaries,
 22 including the Patuxent River, and to restore the health of the Atlantic Coastal Bays and
 23 their tributaries, by focusing limited financial resources on nonpoint source pollution
 24 control projects in all regions of the State.

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

29 SUBTITLE 2B. WHOLE WATERSHED RESTORATION PARTNERSHIP AND FUND.

30 8-2B-01.

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

3 **(B) (1) “ACTION” MEANS THE INSTALLATION, RESTORATION, OR**
4 **ENHANCEMENT OF:**

5 **(I) A NATURAL FEATURE;**

6 **(II) AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A**
7 **NATURAL FEATURE; OR**

8 **(III) LAND CONSERVATION MEASURES.**

9 **(2) “ACTION” INCLUDES THE PLANNING, DESIGN, ENGINEERING,**
10 **DRAFTING OF LEGAL INSTRUMENTS, AND MAINTENANCE NECESSARY TO ESTABLISH**
11 **A NATURAL FEATURE, AN ACTIVITY RELATED TO THE FORM AND FUNCTION OF A**
12 **NATURAL FEATURE, OR LAND CONSERVATION MEASURES.**

13 **(C) “FUND” MEANS THE WHOLE WATERSHED FUND.**

14 **(D) “OVERBURDENED COMMUNITY” HAS THE MEANING STATED IN § 1-701**
15 **OF THE ENVIRONMENT ARTICLE.**

16 **(E) “PARTNERSHIP” MEANS THE WHOLE WATERSHED RESTORATION**
17 **PARTNERSHIP.**

18 **(F) “PROJECT” MEANS A COLLECTION OF RESTORATION AND**
19 **CONSERVATION ACTIONS COORDINATED BY MULTIPLE ENTITIES TO IMPROVE**
20 **SHALLOW WATER HABITAT.**

21 **(G) “PROJECT SPONSOR” MEANS THE ENTITY RESPONSIBLE FOR**
22 **ADMINISTERING A PROJECT, INCLUDING ACCOUNTING FOR FUNDS, COORDINATING**
23 **PARTNERS AND ACTIONS, AND REPORTING OUTCOMES.**

24 **(H) (1) “SHALLOW WATER HABITAT” MEANS THE PORTION OF THE**
25 **CHESAPEAKE AND ATLANTIC COASTAL BAYS AND THEIR TRIBUTARIES FOR WHICH**
26 **THE STATE HAS ADOPTED WATER QUALITY CRITERIA TO SUPPORT SUBMERGED**
27 **AQUATIC VEGETATION.**

28 **(2) “SHALLOW WATER HABITAT” INCLUDES THE SUSQUEHANNA**
29 **RIVER AND ITS TRIBUTARIES WITHIN THE STATE.**

30 **(I) “STATE MANAGEMENT TEAM” MEANS THE REPRESENTATIVES**
31 **DESIGNATED TO ADMINISTER THE PARTNERSHIP.**

1 **(J) “UNDERSERVED COMMUNITY” HAS THE MEANING STATED IN § 1-701 OF**
2 **THE ENVIRONMENT ARTICLE.**

3 **8-2B-02.**

4 **(A) THERE IS A WHOLE WATERSHED RESTORATION PARTNERSHIP.**

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

8 **(1) COST-EFFECTIVE;**

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

12 **(3) SUPPORTED BY THE LOCAL ~~COMMUNITY~~ GOVERNMENT.**

13 **(C) (1) THE SECRETARY SHALL ESTABLISH A STATE MANAGEMENT TEAM**
14 **TO ADMINISTER THE PARTNERSHIP.**

15 **(2) THE STATE MANAGEMENT TEAM SHALL INCLUDE:**

16 **(I) ONE REPRESENTATIVE OF THE DEPARTMENT, DESIGNATED**
17 **BY THE SECRETARY;**

18 **(II) ONE REPRESENTATIVE OF THE DEPARTMENT OF THE**
19 **ENVIRONMENT, DESIGNATED BY THE SECRETARY OF ENVIRONMENT;**

20 **(III) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
21 **AGRICULTURE, DESIGNATED BY THE SECRETARY OF AGRICULTURE;**

22 **(IV) ONE REPRESENTATIVE OF THE DEPARTMENT OF**
23 **PLANNING, DESIGNATED BY THE SECRETARY OF PLANNING;**

24 **(V) ONE REPRESENTATIVE OF THE CRITICAL AREA**
25 **COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, DESIGNATED**
26 **BY THE CHAIR OF THE COMMISSION; AND**

27 **(VI) THE CHIEF RESILIENCE OFFICER, OR THE CHIEF**
28 **RESILIENCE OFFICER’S DESIGNEE.**

1 **(3) THE REPRESENTATIVE OF THE DEPARTMENT SHALL CHAIR THE**
2 **STATE MANAGEMENT TEAM.**

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

7 **(D) (1) THE PARTNERSHIP SHALL EMPLOY STAFF IN ACCORDANCE WITH**
8 **THE STATE BUDGET.**

9 **(2) STATE AGENCIES MAY PROVIDE STAFF OR OTHER ASSISTANCE TO**
10 **THE PARTNERSHIP.**

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

14 **(1) OCCUR WITHIN A SINGLE MARYLAND 8-DIGIT WATERSHED AS**
15 **IDENTIFIED IN THE STATEWIDE DIGITAL WATERSHED FILE MAINTAINED BY THE**
16 **DEPARTMENT OF INFORMATION TECHNOLOGY;**

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

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

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

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

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

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

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

1 2. **ACHIEVE RAPID DE-LISTING OF IMPAIRED STREAMS**
2 **IDENTIFIED UNDER § 303(D) OF THE FEDERAL CLEAN WATER ACT AND PUBLISHED**
3 **IN THE DEPARTMENT OF THE ENVIRONMENT’S TRIENNIAL REVIEW OF WATER**
4 **QUALITY STANDARDS; OR**

5 3. **GENERATE RAPIDLY-IMPROVING CONDITIONS IN**
6 **THE LOCAL ECOSYSTEM;**

7 (ii) **EMPHASIZES ACTIONS THAT ARE EXPECTED TO PROVIDE**
8 **THE GREATEST, MOST COST-EFFECTIVE, AND MEASURABLE AMOUNT OF POLLUTION**
9 **REDUCTION;**

10 (iii) **SUPPORTS LAND USE POLICIES, CONSERVATION**
11 **PROGRAMS, AND RESTORATION PROTOCOLS AT THE LOCAL LEVEL THAT WILL**
12 **SUSTAIN PROJECT ACTIONS AND OUTCOMES;**

13 (iv) **HAS DOCUMENTED INTEREST FROM A GROUP OF AFFECTED**
14 **PROPERTY OWNERS TO ALLOW RESTORATION OR CONSERVATION ACTIONS ON**
15 **THEIR PROPERTY;**

16 (v) **MINIMIZES THE LOSS OF TREES AND OTHER NATURAL**
17 **HABITATS;**

18 (vi) **DEMONSTRATES OPPORTUNITIES TO IMPLEMENT ACTIONS**
19 **THAT REDUCE ENVIRONMENTAL DISPARITIES EXPERIENCED BY OVERBURDENED**
20 **OR UNDERSERVED COMMUNITIES;**

21 (vii) **DEMONSTRATES OPPORTUNITIES TO FOSTER INNOVATION**
22 **IN RESTORATION SCIENCE OR PRACTICES;**

23 (viii) **IN ADDITION TO LAND-BASED HABITAT RESTORATION AND**
24 **WATER QUALITY IMPROVEMENT, ANTICIPATES BENEFITS RELATED TO:**

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

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

29 3. **CARBON SEQUESTRATION;**

30 4. **CLIMATE CHANGE MITIGATION, ADAPTATION, OR**
31 **RESILIENCE;**

1 **5. LOCAL EMPLOYMENT OPPORTUNITIES;**

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

3 **7. RECREATIONAL OPPORTUNITIES AND PUBLIC**
4 **ACCESS TO WATERWAYS AND NATURAL HABITATS; AND**

5 **(IX) CREATES PARTNERSHIP OPPORTUNITIES AMONG**
6 **NONPROFIT AND FOR PROFIT ORGANIZATIONS, COMMUNITY ORGANIZATIONS, ALL**
7 **LEVELS OF GOVERNMENT, AND SCIENTISTS.**

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

9 **(I) WORK TO ENSURE THAT THE PROJECTS APPROVED**
10 **INCLUDE:**

11 **1. ONE PROJECT LOCATED IN A PREDOMINANTLY**
12 **URBAN AREA;**

13 **2. ONE PROJECT LOCATED IN A PREDOMINANTLY**
14 **SUBURBAN AREA;**

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

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

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

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

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

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

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

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

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

9 **(III) WITH CONSIDERATION GIVEN TO THE PROGRESS OF THE**
10 **PROJECT AS DOCUMENTED IN THE REPORT REQUIRED UNDER SUBSECTION (1)(2) OF**
11 **THIS SECTION;**

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

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

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

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

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

26 **(1) AT LEAST FOUR COMMUNITY MEETINGS THAT INCLUDE**
27 **REPRESENTATION FROM EACH LOCAL GOVERNMENT ENDORSING THE PROJECT;**
28 **AND**

29 **(2) AN OPPORTUNITY FOR PUBLIC COMMENT ON THE PRELIMINARY**
30 **DESIGN OF EACH ~~RESTORATION~~ MAJOR OR LARGE-SCALE ACTION PROPOSED BY**
31 **THE PROJECT.**

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

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

7 **(II) A REPORT UNDER THIS PARAGRAPH SHALL INCLUDE**
8 **INFORMATION ON:**

9 1. **COMMUNITY ENGAGEMENT EFFORTS;**

10 2. **RESTORATION AND CONSERVATION ACTIONS**
11 **INITIATED AND COMPLETED;**

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

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

16 5. **THE PROGRESS MADE TOWARD MEETING THE**
17 **OUTCOMES IDENTIFIED IN THE PROJECT'S IMPLEMENTATION AND FINANCING**
18 **PLAN, INCLUDING THE METRICS USED FOR TRACKING PROGRESS UNDER**
19 **PARAGRAPH (1) OF THIS SUBSECTION.**

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

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

27 **(K) (1) THE SECRETARY SHALL ESTABLISH A PERMIT TRACKING**
28 **DASHBOARD THAT PROVIDES PUBLICLY AVAILABLE INFORMATION ON THE PERMIT**
29 **SCHEDULES AND REQUIREMENTS FOR ACTIONS THAT REQUIRE A STATE PERMIT.**

30 **(2) THE PERMIT TRACKING DASHBOARD SHALL BE MADE AVAILABLE**
31 **TO THE PUBLIC ON THE DEPARTMENT'S WEBSITE.**

1 (A) THERE IS A WHOLE WATERSHED FUND.

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

4 (C) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

9 (E) THE FUND CONSISTS OF:

10 (1) REVENUE DISTRIBUTED TO THE FUND FROM:

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

13 (II) THE BAY RESTORATION FUND ESTABLISHED UNDER §
14 9-1605.2 OF THE ENVIRONMENT ARTICLE;

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

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

19 (V) THE COST-SHARING PROGRAM ESTABLISHED UNDER §
20 8-702 OF THE AGRICULTURE ARTICLE; AND

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

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

24 (3) INTEREST EARNINGS; AND

25 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
26 THE BENEFIT OF THE FUND.

1 **(F) (1) THE FUND MAY BE USED ONLY TO SUPPORT ACTIONS ASSOCIATED**
2 **WITH A PROJECT APPROVED BY THE STATE MANAGEMENT TEAM UNDER § 8-2B-02**
3 **OF THIS SUBTITLE, INCLUDING:**

4 **(I) TO SATISFY MATCH REQUIREMENTS OF ANY FEDERAL**
5 **SOURCE; OR**

6 **(II) MATCHING WITH COUNTY, MUNICIPAL, OR PRIVATE FUNDS**
7 **OR IN-KIND SUPPORT FOR A PROJECT.**

8 **(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,**
9 **MONEY TRANSFERRED TO THE FUND UNDER SUBSECTION (E)(1) OF THIS SECTION**
10 **SHALL BE SUBJECT TO THE CONDITIONS SPECIFIED IN THE ORIGINATING FUND OR**
11 **ACCOUNT.**

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

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

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

20 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
21 **THE FUND.**

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

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

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

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

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

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

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

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

13 8-701.

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

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

17 8-707.

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

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

23 **[(1)] (I) Marking channels and harbors and establishing aids to**
24 **navigation in cooperation with and as an extension of operations of the United States Coast**
25 **Guard;**

26 **[(2)] (II) Clearing debris, aquatic vegetation, and obstruction from waters**
27 **of the State;**

28 **[(3)] (III) Dredging channels and harbors and construction of jetties and**
29 **breakwaters in cooperation with and as an extension of operations of the United States**
30 **Army Corps of Engineers;**

31 **[(4)] (IV) Dredging ponds, lakes, and reservoirs owned by the State;**

1 **[(5)] (V)** Constructing and maintaining marine facilities beneficial to the
2 boating public, including constructing pump-out stations for use by the general boating
3 public at public and private marinas. The Secretary may use the funds to install pump-out
4 stations for use by the general boating public and to supplement maintenance costs at the
5 discretion of the Secretary. Before approving the construction of any pump-out station at
6 a public or private marina, the Secretary shall consult with the Department of the
7 Environment to assure that the wastewater collection and treatment system of the marina
8 is adequate to handle any increased flow. The Department may adopt regulations to govern
9 the use and operation of pump-out stations for use by the general boating public
10 constructed or supported by State funds under this section;

11 **[(6)] (VI)** Improvement, reconstruction, or removal of bridges,
12 drawbridges, or similar structures over or across waters, if those structures delay, impede,
13 or obstruct the boating public. With the approval of the Board of Public Works, funds from
14 another public or any private source may be received and used to supplement and increase
15 the funds in the Waterway Improvement Fund for the purpose of this subsection. Also, the
16 Board of Public Works may enter into an agreement with a private company or person
17 which owns such a structure, for the improvement, reconstruction, or removal of the
18 structure, in order to provide a sharing of the cost of the improvement, reconstruction, or
19 removal;

20 **[(7)] (VII)** Evaluation of water-oriented recreation needs and recreational
21 capacities of Maryland waterways and development of comprehensive plans for waterway
22 improvements;

23 **[(8)] (VIII)** To provide matching grants to local governments for the
24 construction of marine facilities for marine firefighting, marine police, or medical services
25 and for the acquisition of vessels and equipment for vessels for marine firefighting, police,
26 medical, and communication equipment for promoting safety of life and property and
27 general service to the boating public utilizing the waters of the State. The ownership,
28 operation, and maintenance of any equipment acquired under this subtitle shall be the
29 responsibility of the local governing body;

30 **[(9)] (IX)** Structural and nonstructural shore erosion control under
31 subsection (b) of this section;

32 **[(10)] (X)** Acquisition of equipment and State vessels for firefighting,
33 policing, first aid and medical assistance, and communications, in order to promote safety
34 of life and property and general service to the boating public utilizing waters of the State;

35 **[(11)] (XI)** Boating information and education; **[and]**

36 **[(12)] (XII)** To provide interest-free loans to a governing body for the benefit
37 of a residential property owner, or group of residential property owners, with land abutting
38 a channel adjacent to a federal, State, county, or municipal main channel or harbor for
39 dredging the adjacent channel; **AND**

1 **(XIII) ~~TO~~ CONSISTENT WITH OTHER USES IN ITEMS (I) THROUGH**
 2 **(XII) OF THIS PARAGRAPH, TO FUND THE WHOLE WATERSHED FUND ESTABLISHED**
 3 **UNDER § 8-2B-03 OF THIS TITLE.**

4 8-708.

5 (b) (1) Except for the construction of pump-out stations for use by the general
 6 boating public at public and private marinas, the governing body and the Waterway
 7 Improvement Fund jointly shall finance projects to construct marine facilities beneficial to
 8 the boating public.

9 (2) Except as provided in paragraph (3) of this subsection, the contribution
 10 of the Waterway Improvement Fund shall be limited to not more than 50% of the cost of
 11 each project.

12 (3) The Waterway Improvement Fund may finance completely [any]:

13 **(I) ANY construction project beneficial to the boating public which**
 14 **costs \$250,000 or less, regardless of its location; ~~AND~~**

15 **(II) A PROJECT THAT INVOLVES THE BENEFICIAL USE OF**
 16 **DREDGED MATERIAL; AND**

17 **(III) ANY WATER QUALITY MONITORING BY THE DEPARTMENT.**

18 **Article – State Finance and Procurement**

19 6-226.

20 (a) (2) (i) Notwithstanding any other provision of law, and unless
 21 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 22 terms of a gift or settlement agreement, net interest on all State money allocated by the
 23 State Treasurer under this section to special funds or accounts, and otherwise entitled to
 24 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
 25 Fund of the State.

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

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

29 190. the Protecting Against Hate Crimes Grant Fund; **AND**

30 **191. THE WHOLE WATERSHED FUND.**

~~Article State Government~~~~§ 402.~~~~(a) The General Assembly finds that:~~~~(1) a framework that allows for periodic, legislative review of the regulatory, licensing, and other governmental activities of the Executive Branch of the State government is essential for the maintenance of a government in which the citizens have confidence and of a healthy State economy; and~~~~(2) this legislative review is consistent with other activities and goals of the General Assembly.~~~~(b) The purposes of this subtitle are to:~~~~(1) establish a system of legislative review that will:~~~~(i) determine whether a governmental activity is necessary for the public interest; and~~~~(ii) make units that are responsible for necessary governmental activities accountable and responsive to the public interest; and~~~~(2) ensure that the legislative review takes place by establishing, by statute, a process for the review and other legislative action.~~~~§ 403.~~~~This subtitle applies only to the following governmental activities and units:~~~~**(62) STREAM RESTORATION CONTRACTORS LICENSING BOARD (§ 18-201 OF THE ENVIRONMENT ARTICLE);**~~~~**[(62)] (63) Veterinary Medical Examiners, State Board of (§ 2-302 of the Agriculture Article);**~~~~**[(63)] (64) Waterworks and Waste Systems Operators, State Board of (§ 12-201 of the Environment Article); and**~~~~**[(64)] (65) Well Drillers, State Board of (§ 13-201 of the Environment Article).**~~~~SECTION 2. AND BE IT FURTHER ENACTED, That:~~~~(a) In this section, “stream restoration contractor services” has the meaning stated in § 18-101 of the Environment Article, as enacted by Section 1 of this Act.~~

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

4 ~~(i) register with the Department of the Environment; and~~

5 ~~(ii) pay to the Department of the Environment a registration fee in~~
6 ~~an amount determined by the Department.~~

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

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

13 ~~(1) may not perform stream restoration contractor services in the State;~~
14 ~~and~~

15 ~~(2) shall be subject to the penalties established in § 18-403 of the~~
16 ~~Environment Article, as enacted by Section 1 of this Act.~~

17 ~~(d) For the initial three licensed stream restoration contractor members required~~
18 ~~to be appointed to the Stream Restoration Contractors Licensing Board in accordance with~~
19 ~~§ 18-202 of the Environment Article, as enacted by Section 1 of this Act, the Department~~
20 ~~of the Environment shall select stream restoration contractors from the list of the~~
21 ~~registrants compiled under subsection (b) of this section for recommendation to the~~
22 ~~Governor for appointment to the Board.~~

23 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.