

SENATE BILL 798

M3

4lr1459

By: **Senator Hester**

Introduced and read first time: February 1, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Stream Restoration Contractors Licensing Board, Stream Restoration**
3 **Contractors, and Stream Restoration Project Requirements**

4 FOR the purpose of establishing the Stream Restoration Contractors Licensing Board;
5 requiring a person to be licensed as a stream restoration contractor or be employed
6 by an individual or entity that is licensed as a stream restoration contractor before
7 the person performs or solicits to perform stream restoration contractor services in
8 the State, subject to a certain exception; requiring the Department of the
9 Environment, in consultation with the Chesapeake Bay Trust, to develop an
10 assessment to determine whether a stream restoration project meets certain
11 requirements on or before a certain date; prohibiting a stream restoration contractor
12 from developing a stream restoration project in the State unless certain criteria are
13 met; requiring all persons performing or soliciting to perform stream restoration
14 contractor services in the State to register with the Department and pay a
15 registration fee on or before a certain date; and generally relating to stream
16 restoration in the State.

17 BY repealing and reenacting, with amendments,
18 Article – Business Regulation
19 Section 8–301
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article – Environment
24 Section 1–406
25 Annotated Code of Maryland
26 (2013 Replacement Volume and 2023 Supplement)

27 BY adding to
28 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 18–101 through 18–601 to be under the new title “Title 18. Stream Restoration Contractors”
Annotated Code of Maryland
(2014 Replacement Volume and 2023 Supplement)

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

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

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(62) through (64)
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 – Business Regulation

8–301.

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

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

(c) This section does not apply to:

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

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

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

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

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

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

(iii) is:

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

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

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

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

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

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

Article – Environment

1–406.

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

(1) Air Quality Control Advisory Council;

(2) Hazardous Substances Advisory Council;

(3) Radiation Control Advisory Board;

(4) Science and Health Advisory Group;

(5) Board of Waterworks and Waste System Operators;

(6) Board of Well Drillers;

(7) Hazardous Waste Facilities Siting Board;

(8) Marine Contractors Licensing Board; [and]

(9) Board of On–Site Wastewater Professionals; AND

(10) STREAM RESTORATION CONTRACTORS LICENSING BOARD.

TITLE 18. STREAM RESTORATION CONTRACTORS.

SUBTITLE 1. DEFINITIONS.

18–101.

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

(B) “BOARD” MEANS THE STREAM RESTORATION CONTRACTORS LICENSING BOARD.

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

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

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

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

(2) “STREAM RESTORATION CONTRACTOR SERVICES” INCLUDES:

(I) IN–STREAM STRUCTURE INSTALLATION;

(II) STREAM CHANNEL RELOCATION;

(III) STREAM BANK STABILIZATION;

(IV) INFRASTRUCTURE PROTECTION;

(V) HABITAT CREATION;

(VI) FLOOR PROTECTION; AND

(VII) STREAM CHANNEL FILLING.

(3) "STREAM RESTORATION CONTRACTOR SERVICES" DOES NOT INCLUDE THE ROUTINE MAINTENANCE AND REPAIR OF AN EXISTING STREAM RESTORATION EROSION CONTROL STRUCTURE IF THE MAINTENANCE AND REPAIR DOES NOT INVOLVE THE USE OF HEAVY MACHINERY.

SUBTITLE 2. STREAM RESTORATION CONTRACTORS LICENSING BOARD.

18-201.

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

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

18-202.

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

(2) OF THE SEVEN MEMBERS:

(I) ONE SHALL BE EMPLOYED BY THE DEPARTMENT;

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

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

1 1. ONE FROM ANNE ARUNDEL, CALVERT, CHARLES,
2 PRINCE GEORGE'S, OR ST. MARY'S COUNTIES;

3 2. ONE FROM BALTIMORE CITY OR BALTIMORE, CECIL,
4 HARFORD, KENT, OR QUEEN ANNE'S COUNTIES; AND

5 3. ONE FROM CAROLINE, DORCHESTER, SOMERSET,
6 TALBOT, WICOMICO, OR WORCESTER COUNTIES; AND

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

9 1. ONE FROM BALTIMORE CITY OR ANNE ARUNDEL,
10 BALTIMORE, CALVERT, CHARLES, HARFORD, PRINCE GEORGE'S, OR ST. MARY'S
11 COUNTIES; AND

12 2. ONE FROM CAROLINE, CECIL, DORCHESTER, KENT,
13 QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, OR WORCESTER COUNTIES.

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

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

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

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

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

24 18-203.

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

27 (B) THE BOARD SHALL DETERMINE THE MANNER OF THE ELECTION OF
28 OFFICERS.

29 18-204.

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

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

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

8 18-205.

9 (A) THE BOARD MAY:

10 (1) TO CARRY OUT THE PROVISIONS OF THIS TITLE, RECOMMEND
11 REGULATIONS FOR ADOPTION BY THE SECRETARY; AND

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

14 (B) THE BOARD SHALL:

15 (1) CARRY OUT THE PROVISIONS OF THIS TITLE;

16 (2) COLLECT AND ACCOUNT FOR THE FEES PROVIDED FOR UNDER
17 THIS TITLE; AND

18 (3) KEEP A CURRENT RECORD OF ALL INDIVIDUALS AND ENTITIES
19 LICENSED UNDER THIS TITLE, INCLUDING:

20 (I) THE NAMES OF INDIVIDUALS AND ENTITIES THAT ARE
21 LICENSED;

22 (II) THE ISSUANCE AND EXPIRATION DATES OF THE LICENSES;
23 AND

24 (III) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
25 APPROPRIATE.

26 18-206.

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

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

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

SUBTITLE 3. LICENSING.

18-301.

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

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

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

(B) AN INDIVIDUAL, AN ENTITY, OR A UNIT OF LOCAL GOVERNMENT MAY QUALIFY FOR A LICENSE.

(C) AN INDIVIDUAL WHO IS EMPLOYED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR THE STATE MAY PERFORM STREAM RESTORATION CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THE INDIVIDUAL'S EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.

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

(E) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS EMPLOYED BY A COUNTY OR MUNICIPALITY IN THE STATE.

1 **(2) AN INDIVIDUAL WHO PERFORMS STREAM RESTORATION**
2 **CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THE**
3 **INDIVIDUAL’S EMPLOYMENT IS NOT REQUIRED TO PAY A FEE FOR:**

4 **(I) THE ISSUANCE OR RENEWAL OF A LICENSE; OR**

5 **(II) A TEST ADMINISTERED BY THE BOARD.**

6 **(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
7 **PARAGRAPH, AN INDIVIDUAL MAY PERFORM STREAM RESTORATION CONTRACTOR**
8 **SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THE INDIVIDUAL’S**
9 **EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER**
10 **THIS TITLE IF THE INDIVIDUAL IS PERFORMING STREAM RESTORATION**
11 **CONTRACTOR SERVICES THAT:**

12 **1. WOULD PRESENT A DE MINIMIS RISK TO HUMAN**
13 **HEALTH OR THE ENVIRONMENT;**

14 **2. DO NOT REQUIRE A FEDERAL OR STATE PERMIT; AND**

15 **3. IF THE STREAM RESTORATION CONTRACTOR**
16 **SERVICES INVOLVE AN EXISTING STRUCTURE, DO NOT INCREASE THE FOOTPRINT**
17 **OF THE STRUCTURE.**

18 **(II) AN INDIVIDUAL SHALL OBTAIN A LICENSE FROM THE**
19 **BOARD UNDER THIS TITLE IF THE INDIVIDUAL IS PERFORMING STREAM**
20 **RESTORATION CONTRACTOR SERVICES FOR THE ROUTINE MAINTENANCE OR**
21 **REPAIR OF AN EXISTING MAN-MADE STRUCTURE THAT IS WITHIN THE FOOTPRINT**
22 **OF AN EXISTING OR PROPOSED STREAM CHANNEL.**

23 **18-302.**

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

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

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

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

4 **(2) PASS A WRITTEN STREAM RESTORATION CONTRACTOR TEST**
5 **RECOGNIZED BY THE BOARD;**

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

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

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

12 **(6) CARRY:**

13 **(I) COMMERCIAL GENERAL LIABILITY INSURANCE WITH A**
14 **\$300,000 TOTAL AGGREGATE MINIMUM; AND**

15 **(II) WORKERS' COMPENSATION INSURANCE, UNLESS EXEMPT**
16 **BY LAW.**

17 **18-303.**

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

19 **(I) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM**
20 **THAT THE BOARD PROVIDES;**

21 **(II) SUBMIT THE DOCUMENTS REQUIRED UNDER THIS SECTION;**
22 **AND**

23 **(III) PAY TO THE BOARD THE REQUIRED APPLICATION FEE SET**
24 **BY THE BOARD.**

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

28 **(B) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE APPLICATION FORM**
29 **PROVIDED BY THE BOARD SHALL REQUIRE:**

1 (I) THE NAME OF THE APPLICANT;

2 (II) THE ADDRESS OF THE APPLICANT; AND

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

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

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

8 (II) FOR EACH ENTITY OWNER, THE SAME INFORMATION
9 REQUIRED REGARDING AN INDIVIDUAL APPLICANT UNDER PARAGRAPH (1) OF THIS
10 SUBSECTION.

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

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

14 (II) ALL TRADE OR FICTITIOUS NAMES THAT THE APPLICANT
15 INTENDS TO USE WHILE PERFORMING STREAM RESTORATION CONTRACTOR
16 SERVICES; AND

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

19 1. AN INDIVIDUAL APPLICANT; OR

20 2. IF THE APPLICANT IS AN ENTITY, ANY ENTITY
21 MEMBER.

22 (C) THE APPLICATION FORM PROVIDED BY THE BOARD SHALL CONTAIN A
23 STATEMENT ADVISING THE APPLICANT OF THE PENALTIES PROVIDED UNDER §
24 18-403 OF THIS TITLE FOR A VIOLATION OF THIS TITLE.

25 (D) (1) IF THE APPLICANT IS AN INDIVIDUAL, THE INDIVIDUAL SHALL
26 SIGN THE APPLICATION FORM UNDER OATH.

27 (2) IF THE APPLICANT IS AN ENTITY, THE REPRESENTATIVE MEMBER
28 OF THE ENTITY SHALL:

(I) SIGN THE APPLICATION FORM UNDER OATH; AND

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

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

18-304.

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

18-305.

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

(B) THE BOARD, BY REGULATION, MAY ESTABLISH LICENSE CATEGORIES THAT SPECIFY THE STREAM RESTORATION CONTRACTOR SERVICES THAT EACH LICENSE AUTHORIZES A LICENSEE TO PERFORM.

(C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

(1) THE LICENSE CATEGORY;

(2) THE FULL NAME OF THE LICENSEE;

(3) THE LICENSE NUMBER;

(4) THE LOCATION OF THE PRINCIPAL OFFICE AND OF EACH BRANCH OFFICE IF THE LICENSEE IS AN ENTITY;

(5) THE DATE OF ISSUANCE OF THE LICENSE;

(6) THE DATE ON WHICH THE LICENSE EXPIRES; AND

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

1 18-306.

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

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

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

10 18-307.

11 A LICENSED STREAM RESTORATION CONTRACTOR SHALL:

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

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

18 18-308.

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

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

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

26 (1) A RENEWAL APPLICATION FORM; AND

27 (2) A NOTICE THAT STATES:

28 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

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

(III) THE AMOUNT OF THE RENEWAL FEE.

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

(1) IS OTHERWISE ENTITLED TO BE LICENSED;

(2) PAYS TO THE BOARD:

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

(II) ANY OUTSTANDING FEES; AND

(3) SUBMITS TO THE BOARD:

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

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

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

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

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

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

1. OFFERED BY A QUALIFIED INSTRUCTOR; OR

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

3 **(II) 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, THE 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 **(5) FAILS TO COMPLY WITH THE TERMS OF A TIDAL WETLANDS**
28 **AUTHORIZATION ISSUED UNDER § 16-202 OR § 16-307 OF THIS ARTICLE;**

1 **(6) VIOLATES ANY PROVISION OF, OR REGULATIONS ADOPTED**
2 **UNDER, § 16–202 OR § 16–307 OF THIS ARTICLE; OR**

3 **(7) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL**
4 **AREA, AS DEFINED UNDER § 8–1802 OF THE NATURAL RESOURCES ARTICLE, FAILS**
5 **TO COMPLY WITH:**

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

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

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

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

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

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

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

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

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

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

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

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) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

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

(B) (1) IN ADDITION TO ANY OTHER SANCTION UNDER THIS SUBTITLE, A CIVIL ACTION MAY BE BROUGHT AGAINST A PERSON FOR A VIOLATION OF THIS TITLE OR ANY REGULATION ADOPTED UNDER THIS TITLE.

(2) A PERSON MAY BE LIABLE FOR A CIVIL PENALTY UNDER THIS SUBSECTION NOT TO EXCEED \$10,000 FOR EACH VIOLATION.

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

SUBTITLE 5. STREAM RESTORATION PROJECTS AND ASSESSMENTS.

18-501.

(A) ON OR BEFORE DECEMBER 1, 2025, THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE MANAGEMENT OF STREAM RESTORATION PROJECTS IN THE STATE.

(B) REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) INCORPORATE THE CONTENT FROM THE DEPARTMENT'S "MS4/CHESAPEAKE BAY/TMDL/TRUST FUND RESTORATION PROJECT WETLANDS & WATERWAYS PERMIT PACKAGE CHECKLIST";

(2) REQUIRE THAT A STREAM RESTORATION PROJECT IN THE STATE INCLUDE:

(I) A PUBLIC COMMENT PERIOD OF AT LEAST 60 DAYS;

(II) AT LEAST TWO PUBLIC MEETINGS THAT ALLOW FOR IN-PERSON AND VIRTUAL PARTICIPATION DURING WHICH PARTICIPANTS MAY COMMENT ON THE PROPOSED RESTORATION PROJECT; AND

(III) PUBLIC NOTICE OF THE PROJECT TO:

1. RESIDENTS OF THE ENTIRE COUNTY IN WHICH THE STREAM RESTORATION PROJECT IS TO OCCUR; AND

2. COMMUNITIES DIRECTLY ADJACENT TO THE PROPOSED PROJECT SITE;

(3) (I) REQUIRE THAT, FOR PROJECTS THAT ARE NOT COVERED UNDER THE FOREST CONSERVATION ACT, THE STREAM RESTORATION CONTRACTOR FOR THE PROJECT SUBMIT A FOREST CONSERVATION PLAN TO THE DEPARTMENT OF NATURAL RESOURCES THAT INCLUDES APPLICABLE BEST PRACTICES FOUND IN THE CENTER FOR WATERSHED PROTECTION, INC.'S "MAINTAINING FORESTS IN STREAM CORRIDOR RESTORATION: A BEST PRACTICES GUIDE FOR PROJECTS IN PENNSYLVANIA, MARYLAND, AND VIRGINIA"; AND

1 **(II) ALTER THE INDEX OF BIOTIC INTEGRITY REQUIREMENT**
2 **FOR RESTORATION TO APPLY ONLY TO STREAMS THAT ARE POOR OR VERY POOR;**

3 **(4) IF THE PROPOSED STREAM RESTORATION PROJECT IS INTENDED**
4 **TO CREATE CREDITS UNDER THE DEPARTMENT'S WATER QUALITY TRADING**
5 **PROGRAM TO MEET A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**
6 **PERMIT OR TOTAL MAXIMUM DAILY LOAD REQUIREMENT, REQUIRE THE STREAM**
7 **RESTORATION CONTRACTOR FOR A PROJECT TO SUBMIT TO THE DEPARTMENT A**
8 **STATEMENT ON HOW THE PROJECT WILL TARGET AND MITIGATE POLLUTANTS IN**
9 **THE STREAM; AND**

10 **(5) REQUIRE THE DEPARTMENT TO ENSURE THAT THE PERMITS ARE**
11 **ALLOCATED EQUITABLY BY PERFORMING AN ANALYSIS OF THE MS4 PERMIT**
12 **SCORING ALLOCATION USED BY THE DEPARTMENT.**

13 **(C) (1) (I) ON OR BEFORE DECEMBER 30, 2025, THE DEPARTMENT, IN**
14 **CONSULTATION WITH THE CHESAPEAKE BAY TRUST, SHALL DEVELOP AN**
15 **ASSESSMENT TO DETERMINE WHETHER A STREAM RESTORATION PROJECT MEETS**
16 **THE REQUIREMENTS OF THE REGULATIONS ADOPTED UNDER THIS SECTION.**

17 **(II) THE ASSESSMENT DEVELOPED UNDER THIS PARAGRAPH**
18 **SHALL:**

19 **1. ADDRESS THE FOLLOWING ITEMS WITH RESPECT TO**
20 **EACH STREAM RESTORATION PROJECT:**

21 **A. STORMWATER MANAGEMENT;**

22 **B. REGROWTH OF VEGETATION; AND**

23 **C. EFFECTS ON LOCAL BIODIVERSITY POPULATIONS IN**
24 **THE STREAM CHANNEL OR RIPARIAN AREA; AND**

25 **2. ALLOW FOR PUBLIC INPUT ON WHETHER THE STREAM**
26 **RESTORATION PROJECT MEETS THE REQUIREMENTS OF THE REGULATIONS**
27 **ADOPTED UNDER THIS SECTION.**

28 **(2) THE DEPARTMENT SHALL PERFORM THE ASSESSMENT**
29 **DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION 3 YEARS AFTER**
30 **COMPLETION OF EACH STREAM RESTORATION PROJECT.**

31 **(3) IF THE DEPARTMENT DETERMINES, BASED ON AN ASSESSMENT**
32 **PERFORMED UNDER THIS SECTION, THAT A STREAM RESTORATION PROJECT DOES**

1 NOT MEET THE REQUIREMENTS OF THE REGULATIONS ADOPTED UNDER THIS
2 SECTION, THE CONTRACTOR RESPONSIBLE FOR THE PROJECT SHALL BE LIABLE
3 FOR THE COST OF BRINGING THE STREAM RESTORATION PROJECT INTO
4 COMPLIANCE.

5 (D) NOTWITHSTANDING AN EXISTING WETLANDS AND WATERWAYS
6 AUTHORIZATION FOR A STREAM RESTORATION PROJECT, A STREAM RESTORATION
7 CONTRACTOR MAY NOT CONSTRUCT A STREAM RESTORATION PROJECT IN THE
8 STATE UNLESS:

9 (1) (I) THE DEPARTMENT ADOPTS REGULATIONS IN ACCORDANCE
10 WITH THIS SECTION; OR

11 (II) TO THE SATISFACTION OF THE DEPARTMENT'S WETLANDS
12 AND WATERWAYS PROGRAM DIVISION, THE APPLICATION FOR THE STREAM
13 RESTORATION PROJECT DEMONSTRATES COMPLIANCE WITH THE REQUIREMENTS
14 OF THIS SECTION; AND

15 (2) THE STREAM RESTORATION CONTRACTOR MAKES ALL STREAM
16 RESTORATION MONITORING REPORTS AVAILABLE FOR PUBLIC INSPECTION.

17 **SUBTITLE 6. TERMINATION OF SUBTITLES.**

18 **18-601.**

19 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
20 **MARYLAND PROGRAM EVALUATION ACT, SUBTITLES 1 THROUGH 4 AND 6 OF THIS**
21 **TITLE AND ALL REGULATIONS ADOPTED UNDER SUBTITLES 1 THROUGH 4 AND 6 OF**
22 **THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2028.**

23 **Article – State Government**

24 **8-402.**

25 (a) The General Assembly finds that:

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

30 (2) this legislative review is consistent with other activities and goals of the
31 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.

8–403.

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.

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

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

(ii) pay to the Department of the Environment a \$300 registration fee.

(2) The registration required under paragraph (1) of this subsection shall expire on December 31, 2025, unless extended by an action by the Stream Restoration Contractors Licensing Board established under Section 1 of this Act.

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

4 (1) may not perform stream restoration contractor services in the State;
5 and

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

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
9 1, 2024.