

# HOUSE BILL 488

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9lr2591  
CF SB 467

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By: **Delegate McIntosh**

Introduced and read first time: February 1, 2019

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Forestry – Mel Noland Fellowship Program – Establishment**

3 FOR the purpose of establishing the Mel Noland Fellowship Program in the Department of  
4 Natural Resources; establishing the purpose of the Fellowship Program; requiring  
5 the Department to develop criteria for the selection of fellows and ~~receiving~~  
6 managing organizations; requiring the Department to select a certain managing  
7 organization; requiring the Department and managing organization to select a  
8 certain number of fellows and ~~place them in receiving organizations working in~~  
9 ~~certain areas~~ support them in their matriculation in certain fields of study at an  
10 institution of higher education; authorizing the Department or managing  
11 organization to require a fellow to complete certain tasks; requiring a fellow to  
12 receive a certain stipend ~~in addition to a certain salary~~; providing for the use of  
13 certain funds; renaming a certain special fund to be the Mel Noland Woodland  
14 Incentives and Fellowship Fund; expanding the authorized uses of the Fund to  
15 include funding the Fellowship Program; expanding the sources of the Fund;  
16 requiring the Governor to appropriate a certain amount to the Fund for certain fiscal  
17 years; requiring the Department to direct a certain amount from the Fund to the  
18 Fellowship Program for certain purposes in certain fiscal years; defining certain  
19 terms; altering certain definitions; and generally relating to the Mel Noland  
20 Fellowship Program.

21 BY repealing and reenacting, without amendments,

22 Article – Natural Resources

23 Section 5–301(a)

24 Annotated Code of Maryland

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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 (2018 Replacement Volume)

2 BY repealing and reenacting, with amendments,  
3 Article – Natural Resources  
4 Section 5–301(g) and 5–307 to be under the amended subtitle “Subtitle 3. Woodland  
5 Incentives and Mel Noland Fellowship Programs”  
6 Annotated Code of Maryland  
7 (2018 Replacement Volume)

8 BY adding to  
9 Article – Natural Resources  
10 Section 5–308  
11 Annotated Code of Maryland  
12 (2018 Replacement Volume)

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

15 **Article – Natural Resources**

16 Subtitle 3. Woodland Incentives [Program] AND MEL NOLAND FELLOWSHIP  
17 PROGRAMS.

18 5–301.

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

20 (g) “Mel Noland Woodland Incentives AND FELLOWSHIP Fund” means the  
21 special fund established in the State Treasury under § 5–307 of this subtitle.

22 5–307.

23 (a) In this section, “Fund” means the Mel Noland Woodland Incentives AND  
24 FELLOWSHIP Fund.

25 (b) There is a Mel Noland Woodland Incentives AND FELLOWSHIP Fund in the  
26 Department.

27 (c) The purpose of the Fund is to finance [the]:

28 (1) THE Woodland Incentives Program and the cost–share assistance  
29 established under this subtitle; AND

30 (2) THE MEL NOLAND FELLOWSHIP PROGRAM ESTABLISHED UNDER  
31 THIS SUBTITLE.

1 (d) The Department shall administer the Fund.

2 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of  
3 the State Finance and Procurement Article.

4 (2) The Treasurer shall hold the Fund separately and the Comptroller shall  
5 account for the Fund.

6 (f) (1) The Fund consists of:

7 [(1)] (I) As provided in § 13–306 of the Tax – Property Article, up to  
8 \$200,000 annually of the proceeds of the tax imposed by § 13–302 of the Tax – Property  
9 Article that are attributable to the taxation of instruments of writing that transfer title to  
10 parcels of land that are entirely woodland;

11 [(2)] (II) Revenues collected by the Department from the payment of  
12 charges imposed for Department assistance in implementation of an approved practice;

13 [(3)] (III) Money distributed from the Chesapeake and Atlantic Coastal  
14 Bays 2010 Trust Fund under § 8–2A–04 of this article; [and]

15 [(4)] (IV) Subject to approval by the Secretary and the Board of Public  
16 Works, a portion of the revenues derived from the forestry practices on designated lands  
17 owned and managed by the Department, that are conducted in accordance with applicable  
18 State law and regulation; AND

19 (V) **MONEY APPROPRIATED TO THE FUND UNDER PARAGRAPH**  
20 **(2) OF THIS SUBSECTION.**

21 (2) **FOR FISCAL YEAR 2021 AND EACH SUBSEQUENT FISCAL YEAR,**  
22 **THE GOVERNOR SHALL APPROPRIATE \$50,000 TO THE FUND.**

23 (g) The Department shall use the Fund:

24 (1) To help fund the Woodland Incentives Program and the cost–share  
25 assistance established under this subtitle;

26 (2) **TO FUND THE MEL NOLAND FELLOWSHIP PROGRAM**  
27 **ESTABLISHED UNDER THIS SUBTITLE;**

28 (3) For administrative costs calculated in accordance with § 1–103(b)(2) of  
29 this article;

30 [(3)] (4) To offset the costs of the Forest and Park Service for developing  
31 and approving forest stewardship plans on privately owned forest lands;

1            **[(4)] (5)**        To provide annual grants to the forest conservancy district  
2 boards under § 5–605 of this title, to help facilitate their respective outreach efforts to  
3 encourage forest land owners to develop forest stewardship and other forest conservation  
4 management plans;

5            **[(5)] (6)**        To establish a forest health emergency contingency program to  
6 help:

7                    (i)        Maintain the health and vitality of publicly owned and privately  
8 owned forest lands; and

9                    (ii)        Prevent or control large degradation caused by natural threats;

10           **[(6)] (7)**        To provide financial assistance, as provided in the State budget,  
11 for the administration of an urban and community forestry program established under §  
12 5–426 of this title, including:

13                    (i)        Increasing the number of communities with tree canopy goals;

14                    (ii)        Facilitating compliance with the Chesapeake Bay Program’s  
15 forestry targets;

16                    (iii)        Supporting the use of urban tree canopy expansion for air quality  
17 improvement purposes; and

18                    (iv)        Helping achieve implementation of Regional Greenhouse Gas  
19 Initiative offset opportunities in urban areas;

20           **[(7)] (8)**        To help fund a forest marketing and utilization program in the  
21 Department to provide financial assistance to help support, stimulate, and market  
22 innovative and creative ways to enhance the production of value-added wood products;

23           **[(8)] (9)**        To help the Department, in cooperation with appropriate public  
24 and private sector entities, develop and expand:

25                    (i)        A forest mitigation banking system;

26                    (ii)        A carbon credit or carbon sequestration program;

27                    (iii)        A clean water credit trading system;

28                    (iv)        An environmental services credit trading program; and

29                    (v)        A renewable energy credit trading system; and

1            ~~[(9)]~~ **(10)**    To help offset administrative costs for providing staff assistance  
2 to the Sustainable Forestry Council established under § 5–204 of this title.

3            (h)    The amount of revenues collected under subsection ~~[(f)(1)]~~ **(F)(1)(I)** of this  
4 section shall be included in the report required under § 16–103 of the Local Government  
5 Article.

6            (i)    **(1)**    The amount of the grants under subsection ~~[(g)(4)]~~ **(G)(5)** of this section  
7 shall be determined by the Department and eligibility for the grants shall be contingent on  
8 each board providing an in–kind match as certified by the Secretary.

9            **(2)    FOR FISCAL YEAR 2021 AND EACH SUBSEQUENT FISCAL YEAR,**  
10 **THE DEPARTMENT SHALL DIRECT \$50,000 FROM THE FUND TO THE MEL NOLAND**  
11 **FELLOWSHIP PROGRAM FOR THE PURPOSE OF:**

12                    **(I)    PAYING STIPENDS TO FELLOWS, IN ACCORDANCE WITH §**  
13 **5–308 OF THIS SUBTITLE; AND**

14                    **(II)   OFFSETTING THE COST TO THE DEPARTMENT OF**  
15 **ADMINISTERING THE MEL NOLAND FELLOWSHIP PROGRAM, INCLUDING THE COST**  
16 **OF RECRUITING, SELECTING, AND MANAGING FELLOWS.**

17            (j)    On or before September 30 of each year, the Department shall report to the  
18 Senate Education, Health, and Environmental Affairs Committee and the House  
19 Environment and Transportation Committee, in accordance with § 2–1246 of the State  
20 Government Article, on the use of funds credited to the Fund, including an identification of  
21 and the reasons for those revenues derived from forestry practices on designated lands  
22 owned and managed by the Department that were not credited to the Fund.

23            (k)    (1)    The Treasurer shall invest the money of the Fund in the same manner  
24 as other State money may be invested.

25                    (2)    Any investment earnings of the Fund shall be credited to the General  
26 Fund of the State.

27            (l)    Expenditures from the Fund may be made only in accordance with the State  
28 budget.

29 **5–308.**

30            **(A)    (1)    IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
31 **INDICATED.**

32                    **(2)    “FELLOW” MEANS AN INDIVIDUAL SELECTED TO PARTICIPATE IN**  
33 **THE FELLOWSHIP PROGRAM.**

1           (3) "FELLOWSHIP PROGRAM" MEANS THE MEL NOLAND  
2 FELLOWSHIP PROGRAM.

3           (4) "~~RECEIVING~~ MANAGING ORGANIZATION" MEANS AN  
4 ORGANIZATION WHERE A FELLOW IS PLACED SELECTED BY THE DEPARTMENT TO  
5 COORDINATE THE ADMINISTRATION OF THE FELLOWSHIP PROGRAM WITH THE  
6 DEPARTMENT.

7           (B) THERE IS A MEL NOLAND FELLOWSHIP PROGRAM IN THE  
8 DEPARTMENT.

9           (C) THE PURPOSE OF THE FELLOWSHIP PROGRAM IS TO SUPPORT ~~THE~~  
10 ~~PROFESSIONAL DEVELOPMENT OF INDIVIDUALS BEGINNING A CAREER IN~~  
11 ~~FORESTRY MANAGEMENT~~ STUDENTS SEEKING A CAREER IN FIELDS RELATING TO  
12 NATURAL RESOURCES AS THEY MATRICULATE AND GRADUATE FROM AN  
13 INSTITUTION OF HIGHER EDUCATION.

14           (D) THE DEPARTMENT SHALL DEVELOP CRITERIA FOR THE SELECTION OF:

15                   (1) FELLOWS; AND

16                   (2) ~~RECEIVING~~ MANAGING ORGANIZATIONS.

17           (E) THE DEPARTMENT SHALL SELECT A MANAGING ORGANIZATION WITH  
18 WHICH THE DEPARTMENT SHALL COORDINATE TO ADMINISTER THE FELLOWSHIP  
19 PROGRAM UNDER THIS SECTION.

20           ~~(E)~~ (F) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, EACH  
21 YEAR, THE DEPARTMENT AND THE MANAGING ORGANIZATION SHALL SELECT TWO  
22 FELLOWS AND ~~PLACE THEM IN RECEIVING ORGANIZATIONS~~ SUPPORT THEM IN  
23 THEIR MATRICULATION IN A NATURAL RESOURCES FIELD AT AN INSTITUTION OF  
24 HIGHER EDUCATION.

25                   (2) ONE FELLOW SHALL BE ~~PLACED AT A RECEIVING ORGANIZATION~~  
26 ~~WORKING IN THE AREA OF FORESTRY MANAGEMENT~~ SEEKING A DEGREE TO WORK  
27 IN THE FIELD OF NATURAL RESOURCES MANAGEMENT.

28                   (3) ONE FELLOW SHALL BE ~~PLACED AT A RECEIVING ORGANIZATION~~  
29 ~~WORKING IN THE AREA OF~~ SEEKING A DEGREE TO WORK IN THE FIELD OF URBAN  
30 AND COMMUNITY FORESTRY.

31           (G) THE DEPARTMENT OR THE MANAGING ORGANIZATION MAY REQUIRE A  
32 FELLOW TO COMPLETE TASKS RELATED TO THE FELLOWSHIP PROGRAM IN  
33 ADDITION TO THE FELLOW'S COURSE OF STUDY.

1           ~~(F) (H) (1) IN ADDITION TO ANY SALARY PROVIDED BY THE RECEIVING~~  
 2 ~~ORGANIZATION, A~~ A FELLOW SHALL RECEIVE AN ANNUAL STIPEND OF \$20,000 PAID  
 3 FROM THE MEL NOLAND WOODLAND INCENTIVES AND FELLOWSHIP FUND.

4           (2) ANY FUNDS REMAINING AFTER THE STIPENDS UNDER  
 5 PARAGRAPH (1) OF THIS SUBSECTION ARE DISTRIBUTED FROM THE GOVERNOR'S  
 6 APPROPRIATION REQUIRED UNDER § 5-307 OF THIS SUBTITLE SHALL BE USED FOR  
 7 THE ADMINISTRATION OF THE FELLOWSHIP PROGRAM, INCLUDING THE  
 8 RECRUITMENT, SELECTION, AND SUPERVISION OF THE FELLOWS BY THE  
 9 DEPARTMENT AND THE MANAGING ORGANIZATION.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 11 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.