

**HB0991/594438/1**

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 991  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3, and substitute “Tree Solutions Now Act of 2021”; and in line 10, after “purposes;” insert “requiring a certain landowner who enrolls in the Conservation Reserve Enhancement Program in certain fiscal years to receive a certain signing bonus; requiring certain signing bonuses to be funded in a certain manner; establishing the policy of the State to support and encourage certain tree-planting efforts, with a goal of planting and helping to maintain in the State a certain number of sustainable trees of species native to the State by the end of a certain year; specifying that this goal is in addition to certain trees projected to be planted under certain programs and includes certain tree plantings accomplished through certain State programs and private efforts; establishing the intent of the General Assembly that a certain minimum number of trees should be planted in certain underserved areas; making the Department of the Environment responsible for tracking the State’s progress toward meeting certain tree-planting goals and requiring the Department of the Environment to serve as the lead agency to receive certain data; establishing a 5 Million Tree Program Coordinator within the Department of the Environment; establishing the responsibilities of the Program Coordinator and requiring the Program Coordinator to consolidate certain data and make a certain report to certain committees of the General Assembly on or before a certain date each year; requiring the Governor to formally pledge the State’s commitment to achieving certain tree-planting goals through the U.S. Chapter of the World Economic Forum’s One Trillion Trees Initiative; requiring a certain amount from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used for certain purposes in certain fiscal years; requiring the BayStat Subcabinet agencies to distribute certain funds through grants to the Green Shores Program; establishing an Urban Trees Program administered by the Chesapeake Bay Trust; providing for the purpose of the Urban Trees Program; requiring the Trust to make grants to qualified organizations for certain purposes; specifying certain eligible

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 2 of 26**

Program expenses for the Urban Trees Program; providing for the funding of the Urban Trees Program; requiring the Trust to seek certain funds, grants, and donations for the purpose of the Urban Trees Program; requiring a certain grant agreement to specify the allowed uses of certain funds and include provisions for the verification of certain information; requiring the Trust to report certain information concerning certain grant awards to the Department of Natural Resources and the Department of the Environment on or before a certain date each year; requiring the Department of the Environment to make certain transfers from the Bay Restoration Fund for certain purposes in a certain fiscal year, after funding certain eligible costs; establishing certain authorizations and restrictions regarding the distribution and use of certain funds in the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund; providing that certain funds transferred from the Bay Restoration Fund are supplemental to and may not take the place of certain other funding; establishing the Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings; providing for the composition, chair, and staffing of the Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings; prohibiting a member of the Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings to study and make recommendations regarding certain matters; requiring the Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the Governor to include certain appropriations in the State budget for certain programs and purposes in certain fiscal years; providing that certain money is supplemental to and may not take the place of certain funding;”; in line 18, after “Assembly;” insert “making certain provisions of this Act subject to a certain contingency;”; and in line 20, after “bank” insert “and tree planting in the State”.

On page 2, after line 23, insert:

“BY adding to

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 3 of 26**

Article – Agriculture  
Section 8–706  
Annotated Code of Maryland  
(2016 Replacement Volume and 2020 Supplement)

BY adding to

Article – Environment  
Section 2–1212  
Annotated Code of Maryland  
(2013 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Natural Resources  
Section 8–2A–02(a), 8–2A–04(a), and 8–1901  
Annotated Code of Maryland  
(2012 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources  
Section 8–2A–02(f) and 8–2A–04(c)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2020 Supplement)

BY adding to

Article – Natural Resources  
Section 8–1911  
Annotated Code of Maryland  
(2012 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment  
Section 9–1605.2(i)(1)

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 4 of 26**

Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment  
Section 9–1605.2(i)(2)(xii) and (xiii)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)

BY adding to

Article – Environment  
Section 9–1605.2(i)(2)(xiv) and (11)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment  
Section 9–1605.2(i)(1)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)  
(As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

BY repealing and reenacting, with amendments,

Article – Environment  
Section 9–1605.2(i)(2)(xi) and (xii)  
Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)  
(As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

BY adding to

Article – Environment  
Section 9–1605.2(i)(2)(xiii) and (10)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 5 of 26**

Annotated Code of Maryland  
(2014 Replacement Volume and 2020 Supplement)  
(As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)”.

AMENDMENT NO. 2

On page 3, in line 7, strike “**IS**”; in line 8, strike “**APPROVED**” and substitute “**WAS APPROVED ON OR BEFORE DECEMBER 31, 2020,**”; and in line 11, strike “**ENCUMBERED**” and substitute “**IS ENCUMBERED**”.

On page 4, in line 28, strike “**50%**” and substitute “**20%**”.

On page 7, in line 15, strike the second “and”; in line 17, strike the second “and”; and after line 17 insert:

“6. the extent to which existing forest mitigation banks are composed of forests that have been created or restored versus forests that are under qualified conservation; and

7. the effect of using qualified conservation completed in a forest mitigation bank to meet afforestation or reforestation requirements under State or local programs on the State’s policy of achieving no net loss of forest; and”.

AMENDMENT NO. 3

On page 6, after line 6, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Agriculture

8-706.

(Over)

(A) TO MAXIMIZE PARTICIPATION IN THE CONSERVATION RESERVE ENHANCEMENT PROGRAM, IN FISCAL YEARS 2023 THROUGH 2031, INCLUSIVE, A LANDOWNER WHO ENROLLS LAND PLANTED WITH A FORESTED STREAMSIDE BUFFER SHALL RECEIVE A ONE-TIME SIGNING BONUS OF UP TO \$1,000 PER ACRE OF LAND ENROLLED.

(B) SIGNING BONUSES PROVIDED UNDER THIS SECTION SHALL BE FUNDED WITH:

(1) MONEY APPROPRIATED UNDER SUBSECTION (C) OF THIS SECTION; AND

(2) THE AMOUNT SPECIFIED IN § 9-1605.2(I)(11)(I) OF THE ENVIRONMENT ARTICLE.

(C) (1) FOR FISCAL YEARS 2024 THROUGH 2031, IN EACH YEAR THE GOVERNOR SHALL APPROPRIATE \$2,500,000 IN THE ANNUAL STATE BUDGET TO FUND TREE PLANTING UNDER THIS SECTION AND OTHER TREE PLANTING PROGRAMS ON AGRICULTURAL LAND.

(2) MONEY APPROPRIATED UNDER THIS SUBSECTION IS SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR TREE PLANTINGS UNDER THIS SECTION AND OTHER TREE PLANTING PROGRAMS ON AGRICULTURAL LAND.

Article – Environment

2-1212.

(A) (1) IT IS THE POLICY OF THE STATE TO SUPPORT AND ENCOURAGE PUBLIC AND PRIVATE TREE-PLANTING EFFORTS, WITH A GOAL OF PLANTING AND HELPING TO MAINTAIN IN THE STATE 5,000,000 SUSTAINABLE TREES OF SPECIES NATIVE TO THE STATE BY THE END OF CALENDAR YEAR 2031.

(2) THIS GOAL:

(I) IS IN ADDITION TO ANY TREES PROJECTED TO BE PLANTED UNDER PROGRAMS DESCRIBED IN THE 2019 DRAFT GREENHOUSE GAS EMISSIONS REDUCTION PLAN; AND

(II) INCLUDES NATIVE TREE PLANTINGS ACCOMPLISHED THROUGH STATE PROGRAMS AND THROUGH THE EFFORTS OF NONPROFIT AND PRIVATE ORGANIZATIONS.

(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AT LEAST 500,000 OF THE 5,000,000 TREES CALLED FOR BY THIS SUBSECTION SHOULD BE PLANTED IN AN "UNDERSERVED AREA", AS DEFINED IN § 8-1911 OF THE NATURAL RESOURCES ARTICLE.

(B) (1) THE DEPARTMENT:

(I) IS RESPONSIBLE FOR TRACKING THE STATE'S PROGRESS TOWARD MEETING THE GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND

(II) SHALL SERVE AS THE LEAD AGENCY TO RECEIVE DATA FROM:

1. THE MARYLAND DEPARTMENT OF AGRICULTURE REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH THE CONSERVATION RESERVE ENHANCEMENT PROGRAM AND OTHER AGRICULTURAL INITIATIVES;

2. THE DEPARTMENT OF NATURAL RESOURCES REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND, THE MEL NOLAND WOODLAND INCENTIVES FUND, AND OTHER FORESTRY INITIATIVES; AND

3. THE CHESAPEAKE BAY TRUST REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH THE URBAN TREES PROGRAM.

(2) (I) THERE IS A 5 MILLION TREE PROGRAM COORDINATOR WITHIN THE DEPARTMENT.

(Over)

(II) THE PRIMARY RESPONSIBILITY OF THE PROGRAM COORDINATOR IS TO PROMOTE, FACILITATE, AND ALIGN THE STATE'S EFFORTS TO ACHIEVE THE GOALS ESTABLISHED UNDER SUBSECTION (A)(1) OF THIS SECTION.

(III) ON OR BEFORE DECEMBER 1 EACH YEAR, THE PROGRAM COORDINATOR SHALL:

1. CONSOLIDATE DATA ON TREE PLANTINGS FROM MULTIPLE SOURCES; AND

2. REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE ON THE STATE'S PROGRESS TOWARD MEETING THE GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(C) THE GOVERNOR SHALL FORMALLY PLEDGE THE STATE'S COMMITMENT TO ACHIEVING THE GOALS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION THROUGH THE U.S. CHAPTER OF THE WORLD ECONOMIC FORUM'S ONE TRILLION TREES INITIATIVE.

Article – Natural Resources

8-2A-02.

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

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

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



**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 9 of 26**

(ii) Improve the health of the Atlantic Coastal Bays and their tributaries.

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

**(3) (I) IN EACH FISCAL YEAR FROM 2023 THROUGH 2031, INCLUSIVE, \$1,250,000 FROM THE FUND SHALL BE USED TO FUND:**

**1. THE 5 MILLION TREE PROGRAM COORDINATOR POSITION IN THE DEPARTMENT OF THE ENVIRONMENT; AND**

**2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, 13 CONTRACTOR POSITIONS IN THE FOREST SERVICE OF THE DEPARTMENT TO PROVIDE TECHNICAL ASSISTANCE, PLANNING, AND COORDINATION RELATED TO TREE PLANTINGS, TREE BUFFER MANAGEMENT, AND FOREST MANAGEMENT, INCLUDING INVASIVE VINE REMOVAL, ON PUBLIC, PRIVATE, AND AGRICULTURAL LANDS AND IN “UNDERSERVED AREAS” AS DEFINED IN § 8–1911 OF THIS ARTICLE.**

**(II) THE DEPARTMENT SHALL MAKE REASONABLE EFFORTS TO ENSURE THAT CONTRACTORS HIRED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE STATE.**

(Over)

(4) (I) IN EACH FISCAL YEAR FROM 2024 THROUGH 2031, INCLUSIVE, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF \$2,500,000 TO THE FUND, TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR TREE PLANTINGS ON PUBLIC AND PRIVATE LAND.

(II) THE MONEY APPROPRIATED UNDER THIS PARAGRAPH:

1. MAY BE DISTRIBUTED IN ACCORDANCE WITH § 8-2A-04(C)(2) OF THIS SUBTITLE;

2. MAY BE USED TO COVER THE COSTS OF:

A. SITE PREPARATION, LABOR, AND MATERIALS FOR TREE-PLANTING PROJECTS;

B. MAINTAINING TREES FOLLOWING A TREE-PLANTING PROJECT; AND

C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;

3. MAY NOT BE USED TO PLANT TREES INTENDED FOR TIMBER HARVEST; AND

4. MAY BE USED ONLY FOR TREE PLANTINGS ON PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.

(III) MONEY APPROPRIATED UNDER THIS PARAGRAPH IS SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR TREE PLANTINGS ON PUBLIC AND PRIVATE LAND.

8-2A-04.

(a) The BayStat Program shall direct the administration of the Trust Fund in accordance with this section.

(c) (1) The BayStat Program shall distribute funds from the Trust Fund to the BayStat Subcabinet agencies in accordance with the final work and expenditure plans.

(2) The BayStat Subcabinet agencies shall administer the funds in accordance with the final work and expenditure plans, including the distribution of funds:

(i) Through grants to:

1. Counties;
2. Bicounty agencies;
3. Municipalities;
4. Forest conservancy district boards;
5. Soil conservation districts;
6. Academic institutions; and

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 12 of 26**

7. Nonprofit organizations having a demonstrated ability to implement nonpoint source pollution control projects;

(ii) To the Chesapeake and Atlantic Coastal Bays Nonpoint Source Fund established under § 9–1605.3 of the Environment Article;

(iii) To the Maryland Agricultural Cost–Share Program established under Title 8, Subtitle 7 of the Agriculture Article for nonpoint source pollution control projects; [and]

(iv) TO THE GREEN SHORES PROGRAM ESTABLISHED UNDER § 5–429 OF THIS ARTICLE; AND

(v) To the Mel Noland Woodland Incentives Fund established under § 5–307 of this article.

8–1901.

- (a) In this part the following words have the meanings indicated.
- (b) “Board” means the Board of Trustees of the Chesapeake Bay Trust.
- (c) “Trust” means the Chesapeake Bay Trust.

8–1911.

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

(2) “PROGRAM” MEANS THE URBAN TREES PROGRAM.

**(3) “QUALIFIED ORGANIZATION” MEANS:**

**(I) A NONPROFIT ORGANIZATION;**

**(II) A SCHOOL;**

**(III) A COMMUNITY ASSOCIATION;**

**(IV) A SERVICE, YOUTH, OR CIVIC GROUP;**

**(V) AN INSTITUTION OF HIGHER EDUCATION;**

**(VI) A COUNTY OR MUNICIPALITY; OR**

**(VII) A FOREST CONSERVANCY DISTRICT BOARD.**

**(4) “UNDERSERVED AREA” MEANS AN AREA OF THE STATE FALLING WITHIN THE BOUNDARIES OF:**

**(I) AN URBAN AREA, AS DELINEATED BY THE UNITED STATES CENSUS BUREAU; AND**

**(II) 1. A NEIGHBORHOOD THAT WAS, AT ANY POINT IN TIME, REDLINED OR GRADED AS “HAZARDOUS” BY THE HOME OWNERS’ LOAN CORPORATION;**

**2. A CENSUS TRACT WITH AN AVERAGE RATE OF UNEMPLOYMENT FOR THE MOST RECENT 24-MONTH PERIOD FOR WHICH DATA ARE AVAILABLE THAT EXCEEDS THE AVERAGE RATE OF UNEMPLOYMENT FOR THE STATE;**

(Over)

3. A CENSUS TRACT WITH A MEDIAN HOUSEHOLD INCOME FOR THE MOST RECENT 24-MONTH PERIOD FOR WHICH DATA ARE AVAILABLE THAT IS EQUAL TO OR LESS THAN 75% OF THE MEDIAN HOUSEHOLD INCOME FOR THE STATE DURING THAT PERIOD; OR

4. A HOUSING PROJECT AS DEFINED IN § 12-101 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE.

(B) THERE IS AN URBAN TREES PROGRAM ADMINISTERED BY THE TRUST.

(C) THE PURPOSE OF THE PROGRAM IS TO PLANT NATIVE SPECIES OF TREES IN UNDERSERVED AREAS, IN FURTHERANCE OF THE GOALS ESTABLISHED UNDER § 2-1212 OF THE ENVIRONMENT ARTICLE.

(D) (1) BEGINNING IN FISCAL YEAR 2023, THE TRUST SHALL MAKE GRANTS TO QUALIFIED ORGANIZATIONS FOR TREE-PLANTING PROJECTS IN UNDERSERVED AREAS.

(2) ELIGIBLE PROGRAM EXPENSES INCLUDE PERSONNEL COSTS, SUPPLIES, SITE PREPARATION, AND OTHER EXPENSES AND MATERIALS RELATED TO PLANNING, IMPLEMENTING, AND MAINTAINING TREE-PLANTING PROJECTS IN UNDERSERVED AREAS.

(3) IN AWARDING PROGRAM GRANTS UNDER THIS SECTION, THE TRUST SHALL PRIORITIZE:

(I) GRANT APPLICATIONS FROM QUALIFIED ORGANIZATIONS LOCATED IN THE UNDERSERVED AREAS WHERE THE PROPOSED TREE-PLANTING PROJECTS WILL BE IMPLEMENTED; AND

(II) GRANT APPLICATIONS THAT INCLUDE PLANS FOR ENGAGING INDIVIDUALS, ORGANIZATIONS, OR BUSINESSES LOCATED IN UNDERSERVED AREAS TO IMPLEMENT AND MAINTAIN TREE-PLANTING PROJECTS IN THEIR COMMUNITIES.

(E) (1) THE PROGRAM SHALL BE FUNDED WITH:

(I) THE AMOUNT SPECIFIED IN § 9-1605.2(I)(11)(I) OF THE ENVIRONMENT ARTICLE; AND

(II) ANY ADDITIONAL FUNDS THAT MAY BE ALLOCATED BY THE TRUST THROUGH ITS ANNUAL BUDGET PROCESS.

(2) THE TRUST SHALL SEEK FEDERAL FUNDS AND GRANTS AND DONATIONS FROM PRIVATE SOURCES TO BE MADE TO THE TRUST FOR THE PURPOSE OF THE PROGRAM.

(F) A GRANT AGREEMENT REGARDING FUNDS FROM THE TRUST FOR THE PROGRAM SHALL:

(1) SPECIFY THE ALLOWED USE OF THE FUNDS PROVIDED UNDER THE GRANT; AND

(2) INCLUDE PROVISIONS FOR VERIFICATION THAT TREE-PLANTING PROJECTS ARE BEING IMPLEMENTED AND MAINTAINED AS PLANNED.

(Over)

(G) ON OR BEFORE OCTOBER 1 EACH YEAR, THE TRUST SHALL REPORT TO THE DEPARTMENT AND THE DEPARTMENT OF THE ENVIRONMENT ON THE GRANTS AWARDED BY THE PROGRAM DURING THE IMMEDIATELY PRECEDING FISCAL YEAR, INCLUDING:

(1) THE NAMES AND DESCRIPTIONS OF GRANT RECIPIENTS;

(2) THE NUMBER AND LOCATION OF TREES PLANTED BY GRANT RECIPIENTS; AND

(3) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR THE DEPARTMENT OF THE ENVIRONMENT.

(H) (1) FOR FISCAL YEARS 2024 THROUGH 2031, IN EACH YEAR THE GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF \$10,000,000 FOR THE PROGRAM.

(2) MONEY APPROPRIATED UNDER THIS SUBSECTION IS SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAM.

SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

9–1605.2.

(i) (1) In this subsection, “eligible costs” means the additional costs that would be attributable to upgrading a wastewater facility to enhanced nutrient removal, as determined by the Department.



**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 17 of 26**

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

(xii) For costs associated with the implementation of alternate compliance plans authorized in § 4–202.1(k)(3) of this article; [and]

(xiii) After funding any eligible costs identified under item (iv)1 and 2 of this paragraph, for costs associated with the purchase of cost-effective nitrogen, phosphorus, or sediment load reductions in support of the State’s efforts to restore the health of the Chesapeake Bay, not to exceed \$4,000,000 in fiscal year 2018, \$6,000,000 in fiscal year 2019, and \$10,000,000 per year in fiscal years 2020 and 2021; AND

(XIV) AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED UNDER ITEM (IV)1 AND 2 OF THIS PARAGRAPH, FOR THE TRANSFERS REQUIRED UNDER PARAGRAPH (11) OF THIS SUBSECTION.

(11) (i) IN FISCAL YEAR 2023 THE DEPARTMENT SHALL TRANSFER FROM THE BAY RESTORATION FUND:

1. \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8–1911 OF THE NATURAL RESOURCES ARTICLE;

2. \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES, TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND

3. \$2,500,000 TO THE MARYLAND DEPARTMENT OF AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE

(Over)

ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8-706 OF THE AGRICULTURE ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.

(II) FUNDS TRANSFERRED TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH:

1. MAY BE DISTRIBUTED IN ACCORDANCE WITH § 8-2A-04(C)(2) OF THE NATURAL RESOURCES ARTICLE;

2. MAY BE USED TO COVER THE COSTS OF:

A. SITE PREPARATION, LABOR, AND MATERIALS FOR TREE-PLANTING PROJECTS;

B. MAINTAINING TREES FOLLOWING A TREE-PLANTING PROJECT; AND

C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;

3. MAY NOT BE USED TO PLANT TREES INTENDED FOR TIMBER HARVEST; AND

4. MAY BE USED ONLY FOR TREE PLANTINGS ON PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.

(III) FUNDS TRANSFERRED FROM THE BAY RESTORATION FUND UNDER THIS PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE

PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND INITIATIVES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

9-1605.2.

(i) (1) In this subsection, “eligible costs” means the additional costs that would be attributable to upgrading a wastewater facility to enhanced nutrient removal, as determined by the Department.

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

(xi) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from on-site sewage disposal systems and cover crop activities; [and]

(xii) For costs associated with the implementation of alternate compliance plans authorized in § 4-202.1(k)(3) of this article; AND

(XIII) AFTER FUNDING ANY ELIGIBLE COSTS IDENTIFIED UNDER ITEM (IV)1 AND 2 OF THIS PARAGRAPH, FOR THE TRANSFERS REQUIRED UNDER PARAGRAPH (10) OF THIS SUBSECTION.

(10) (I) IN FISCAL YEAR 2023 THE DEPARTMENT SHALL TRANSFER FROM THE BAY RESTORATION FUND:

(Over)

1. \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8-1911 OF THE NATURAL RESOURCES ARTICLE;

2. \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES, TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND

3. \$2,500,000 TO THE MARYLAND DEPARTMENT OF AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8-706 OF THE AGRICULTURE ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.

(II) FUNDS TRANSFERRED TO THE CHESAPEAKE AND ATLANTIC COASTAL BAYS 2010 TRUST FUND UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH:

1. MAY BE DISTRIBUTED IN ACCORDANCE WITH § 8-2A-04(C)(2) OF THE NATURAL RESOURCES ARTICLE;

2. MAY BE USED TO COVER THE COSTS OF:

A. SITE PREPARATION, LABOR, AND MATERIALS FOR TREE-PLANTING PROJECTS;

B. MAINTAINING TREES FOLLOWING A PLANTING PROJECT; AND

C. LANDOWNER INCENTIVE PAYMENTS OR SIGNING BONUSES OF UP TO \$1,000 PER ACRE OF TREES PLANTED;

3. MAY NOT BE USED TO PLANT TREES INTENDED FOR TIMBER HARVEST; AND

4. MAY BE USED ONLY FOR TREE PLANTINGS ON PRIVATE LAND IF THE LANDOWNER ENTERS INTO A BINDING LEGAL AGREEMENT TO MAINTAIN THE PLANTED AREA IN TREE COVER FOR AT LEAST 15 YEARS.

(III) FUNDS TRANSFERRED FROM THE BAY RESTORATION FUND UNDER THIS PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND INITIATIVES SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission for the Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings.

(b) The Commission consists of the following members:

(1) the Secretary of the Environment, or the Secretary's designee;

(2) the Secretary of Natural Resources, or the Secretary's designee;

(3) the Secretary of Agriculture, or the Secretary's designee;

(4) the State Treasurer, or the State Treasurer's designee;

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 22 of 26**

(5) one representative of the Maryland Association of Counties, selected by the Maryland Association of Counties;

(6) one representative of the Maryland Municipal League, selected by the Maryland Municipal League;

(7) one representative of the Commission on Environmental Justice and Sustainable Communities, appointed by the Commission on Environmental Justice and Sustainable Communities;

(8) one representative of the Chesapeake Bay Foundation, appointed by the Chesapeake Bay Foundation;

(9) one representative of the Maryland League of Conservation Voters, appointed by the Maryland League of Conservation Voters;

(10) one representative of Blue Water Baltimore, appointed by Blue Water Baltimore;

(11) one representative of the Maryland Chapter of the Nature Conservancy, selected by the Maryland Chapter of the Nature Conservancy;

(12) one representative of the Maryland Farm Bureau, selected by the Maryland Farm Bureau;

(13) one researcher from the University of Maryland, College Park, who has expertise in forestry-based carbon sequestration, selected by the President of the University of Maryland, College Park;

(14) one representative of Patapsco Heritage Greenway, selected by Patapsco Heritage Greenway; and

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 23 of 26**

(15) the President of the Maryland Forestry Foundation, or the President's designee.

(c) The Secretary of the Environment, or the Secretary's designee, shall chair the Commission.

(d) The Department of the Environment and, as necessary, the Department of Natural Resources shall provide staff for the Commission.

(e) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) The Commission shall develop:

(i) a plan to achieve the State's carbon mitigation goal of planting 5,000,000 native trees by 2030 in accordance with § 2-1212 of the Environment Article, as enacted by Section 4 of this Act;

(ii) a plan to ensure that trees planted under this Act are properly maintained;

(iii) recommendations regarding the establishment of a Maryland-based carbon offset market to support the State's tree-planting goals; and

(iv) recommendations on reviewing State policies to reduce and fully mitigate the clearing of trees during the construction of State highways and other transportation projects.

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 24 of 26**

(2) The plans and recommendations shall include:

(i) science-based guidelines to inform a State strategy for using trees to maximize carbon sequestration, mitigate heat deserts, and improve water and air quality;

(ii) recommendations regarding potential planting sites, including the impact that planting trees at these sites will have on agricultural and other private land and associated ecological services;

(iii) a strategy for ensuring that at least 500,000 trees are planted in underserved areas, in accordance with § 2-1212 of the Environment Article, as enacted by Section 4 of this Act;

(iv) a list of native tree species that will be planted;

(v) a review of existing programs and current resource capacity for tree plantings;

(vi) a plan for expanding or creating new capacities necessary to achieve the State's tree-planting goals;

(vii) an analysis of trees scheduled to be cut down and the impact that will have on carbon sequestration;

(viii) an overview and analysis of logistical and policy barriers to achieving the State's tree-planting goals;

(ix) a plan for seeking private capital to support tree plantings and forest conservation in the State;



**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 25 of 26**

(x) a plan for establishing a State-based carbon offset market to support the State's tree-planting goals;

(xi) recommendations for policy changes necessary to facilitate the use of the Water Quality Revolving Loan Fund and Environmental Impact Bonds for tree plantings; and

(xii) a plan for reviewing future transportation procurement to minimize and fully mitigate tree clearing.

(g) On or before October 31, 2022, the Commission shall report its plan and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.”;

and in line 7, strike “3.” and substitute “7.”.

On page 7, in line 30, strike “4.” and substitute “8.”.

On page 8, in line 1, after “section.” insert “Section 1 of”; in line 9, strike “5.” and substitute “9.”; in line 11, strike “3” and substitute “7”; after line 14, insert:

“SECTION 10. AND BE IT FURTHER ENACTED, That Section 5 of this Act shall take effect on the taking effect of the termination provision specified in Section 5 of Chapters 366 and 367 of the Acts of the General Assembly of 2017. If that termination provision takes effect, Section 4 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.”;

in line 15, strike “6.” and substitute “11.”; in the same line, after “That” insert “, except as provided in Section 10 of this Act.”; in lines 16 and 17, in each instance, strike “Section 3” and substitute “Sections 1, 2, and 7”; in line 16, after “years” insert “and 1 month”; in line 17, strike “May 31” and substitute “June 30”; and in line 18, after “effect.” insert

(Over)

**HB0991/594438/1 Education, Health, and Environmental Affairs Committee  
Amendments to HB 991  
Page 26 of 26**

“Subject to Section 10 of this Act, Sections 3, 4, and 5 of this Act shall remain effective for a period of 10 years and 1 month and, at the end of June 30, 2031, Sections 3, 4, and 5 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect. Section 6 of this Act shall remain effective for a period of 2 years and 1 month and, at the end of June 30, 2023, Section 6 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.