

## **BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment**

**Join by phone**

**(US) +1 628-888-1450 PIN: 658 448 960#**

**And Keep Your Phone Muted Unless Speaking**

**April 15, 2021**

**1:00 p.m. to 4:00 p.m.**

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### **Meeting Agenda**

- Introduction – Chris Murphy, Acting Committee Chairman
- Approve previous meeting minutes – Chris Murphy, Acting Committee Chairman
- Update on Major and Minor WWTPs ENR Implementation – Walid Saffouri, MDE
- Update on Cover Crops Activities – Jason Keppler, MDA
- Update on Onsite Sewage Disposal Systems (OSDS) – Jeff Fretwell, MDE
- Update on BRF Fee Collection and Budget – Jeff Fretwell, MDE
- Update on the O&M Grant Regulations Change – Jeff Fretwell, MDE
- Update on Legislative Bills – Jeff Fretwell, MDE
- Next meetings and other administrative issues to be discussed with the committee – Chris Murphy, Acting Committee Chairman
- 2021 Pre-Scheduled Meetings:           Thursday July 15, 2021  
  Thursday October 14, 2021
- ADJOURNMENT

# **BAY RESTORATION FUND ADVISORY COMMITTEE**

**Maryland Department of the Environment**

Virtual Meeting

**January 14, 2021**

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## **Meeting Minutes**

### **Welcome/Introduction**

- The meeting was opened by Mr. Chris Murphy, Acting Chairman of the Bay Restoration Fund Advisory Committee.
- Mr. Murphy welcomed the committee members and other attendees.

### **Review of Meeting Minutes**

- Previous meeting minutes from the October 15, 2020 meeting were shared with the committee members for their review and comments. An electronic copy of the meeting minutes was also e-mailed to the committee members prior to the meeting.
- Mr. Murphy asked if anyone had any questions, comments, or a motion to approve. The minutes were approved and they will be posted on the web.

### **Discussion**

#### **I. Update on Onsite Sewage Disposal Systems (OSDS):**

- Mr. Fretwell updated the committee on the Onsite Sewage Disposal System (OSDS) funding in FY21. Mr. Fretwell provided a handout showing that 239 BAT upgrades and 103 sewer connections that were funded to date in FY21. The number of upgrades and connections are close to the FY20 counts around this time of the year.
- Mr. Dinkel asked if there is anything in the legislative session for this year that would impact the program. Mr. Fretwell responded that there isn't any that would impact the septic program directly.

## **II. Update on BRF Fee Collection and Budget:**

- Mr. Fretwell updated the committee on the BRF fee collection using the Comptroller's report through November 30, 2020. Mr. Fretwell advised the committee that the report showed the up to date revenues for FY21, which is roughly \$34 million for the Wastewater Fund (Line 1). This is close to what we had around the same time last year, which was \$30.4 million. It appears that BRF revenues are not impacted by COVID-19. The grand total since the start of the program was \$1.349 billion. As for the Septic Fund (Line 2), revenues were \$18,437,700. \$11 million of that was for MDE septic upgrades, and \$7 million was for MDA cover crops. The grand total since the start of the program was almost \$339 million for both the septic and cover crop programs.

## **III. Update on HB78:**

- Mr. Fretwell presented to the committee the new Integrated Project Priority System for Water Quality Capital Projects, which was revised to assist in implementing HB78 by including climate resiliency and flood control as factors that MDE will consider when determining priority of funding for the projects. The goal is to allow more projects with this focus to be selected for BRF grants.
- Mr. Murphy stated that the committee should be able to review the future funding lists and determine whether or not the new priority system is successful in achieving this objective.
- Ms. Lewis added that the new priority system may help some of the smaller communities that have been working on flood insurance, and meeting the CRS and other goals, by having their projects rise to the top of the funding priority list. Mr. Fretwell agreed.

## **IV. O&M Grant Proposed Change to Regulations:**

- Mr. Fretwell and Mr. Saffouri provided an overview of the options, which were discussed at the previous committee meetings on July 16, 2020 and October 15, 2020:

Option 1: Provide Additional Grants for Additional Load Reductions.

Option 2: Provide Additional Grants for Additional Flow above 10 MGD (up to 20 MGD) and the Remaining for Additional Load Reductions.

Each option was evaluated based on two scenarios, the current situation and the long-term, when all major WWTPs are upgraded and meeting ENR. Also, four spreadsheets, which were previously email to the committee members, were presented as examples showing how the different scenarios would benefit the major and currently upgraded minor WWTPs. In addition, MAMWA's new proposal was presented, which is the same as Option 2 except the grants for the additional flow will be capped at 15 MGD instead of 20.

- Mr. Murphy and Dr. Ball asked for clarifications and more detailed explanations about the different scenarios, which were provided by Mr. Saffouri. Dr. Ball stated that capping the base grant to 10 MGD appears to be somewhat arbitrary. It is just a way to adequately distribute the grant among large and small WWTPs. There is probably a whole continuum of ways that could be done to achieve this objective of optimization the grant distribution.
- Mr. Hoffman stated that as a matter of policy, additional grants should be used for the options that provide incentives for additional load reductions in support Phase III WIP. Mr. Myers agreed. Mr. Saffouri added that the additional grants for additional load reduction (Option 1) will proportionally provide incentives to both minor and major. Ms. Lewis stated that it is important that smaller plants be rewarded for their efforts. Many of them discharge to smaller tributaries, which are also very important.
- Mr. Murphy asked that if we select an option that would lead to a deficit, would we be able to get funding from another fund source to cover the deficit. Mr. Saffouri responded no because the O&M grant is limited to only 10% of the revenues. Mr. Fretwell added that probably we would have to look at some kind of proration based on the flow if a deficit occurs. This contingency would have to be included in the regulations change if Option 2 is selected.
- Mr. Murphy asked whether MDE is looking towards the Advisory Committee to provide some sort of recommendation on the three options above (Options 1 and 2, and MAMWA's new proposal). Mr. Fretwell responded that ideally we would like to have the Advisory Committee's advice on this.
- Mr. Dinkel suggested that the committee members can post their votes in the chat area. The members voted accordingly. The majority of the attending committee members voted to recommend Option 1 (Provide Additional Grants for Additional Load Reductions).
- Mr. Buglass suggested that the Department should consider the new proposal submitted by MAMWA (provide additional grants for additional flow up to 15 MGD instead of 20) before finalizing the regulations.

**V. Update on Major and Minor WWTPs ENR Implementation:**

- Mr. Saffouri provided an update on major WWTPs. There has been no change in status of the projects. Currently, there are only two WWTPs under construction and one is in planning. All the three projects are progressing without any issues.
- As for minor plants, construction started at Chesapeake City WWTP, and Hancock has progressed from planning to design. Construction continues to progress well at the plants that are under construction.

- Mr. Murphy asked whether MDE has been approaching the minor plants and asking them if they are interested in upgrading to ENR. Mr. Saffouri responded that we have not been doing that because the ENR upgrade for minor WWPs is voluntary. Minor plants usually ask MDE for financial assistance through BRF when they need to upgrade to be in compliance with the discharge permit (mostly ammonia limits) or if they need to expand. Also, in some cases they may be in compliance, but they need to replace an old WWTP before it goes out compliance.

#### **VI. Update on the Annual Report:**

- Mr. Saffouri presented the final report (the Bay Restoration Fund Advisory Committee Annual Status Report), which was submitted to the Governor and General Assembly. The report was finalized with some comments and edits received from Mr. Murphy, Mr. Buglass, and Maryland Department of Planning.
- Ms. Mussman asked whether the report has been posted on the committee webpage. Mr. Saffouri responded that it will be posted after the meeting.
- Ms. Trescott stated that Ms. Julie Mackert should be removed from the list because she is no longer a member of the committee. Also, Ms. Trescott should be listed as the Conference of Environmental Health Directors representative instead of Washington County Health Department. Mr. Saffouri responded that these corrections will be made in the next report.

#### **VII. Update on Cover Crops Activities:**

- Mr. Astle provided an update on the Cover Crops Program. MDA has had a very good sign-up considering dealing with COVID. Currently, MDA is working with the fall certification process. The initial estimates for the fall certifications are about 433,000 acres.
- Mr. Murphy asked whether the climate change is having any impact on the growing season or any part of the program. Mr. Astle responded that we don't know for sure, but it seems like in the last three years we've gotten a lot of wet weather impacting both spring and fall planting seasons. MDA may, in the near future, be developing some recommended practices that farmers can implement to address climate change.

- VIII.** Mr. Murphy reminded the Committee members that the next meeting will be held on April 16, 2021.

## **Materials Distributed at the Meeting**

- Meeting Agenda
- Previous Meeting Minutes
- Wastewater Treatment Plants ENR Upgrade Status
- Annual Status Report – January 2021
- Program-to-Date BRF Fee Collection Report (Comptroller Report)
- BRF Septic Program Funded Installations
- Integrated Project Priority System for Water Quality Capital Projects
- Increasing O&M Grants
- January 7, 2021 Letter from Maryland Association of Municipal Wastewater Agencies, Inc.

## **Attendance**

### **Advisory Committee Members or Designees Attending:**

Chris Murphy, BRF Advisory Committee Acting Chairman  
Jeff Fretwell, Maryland Department of the Environment  
Walid Saffouri, Maryland Department of the Environment  
Bob Buglass, Washington Suburban Sanitary District  
Gabe Cohee, Department of Natural Resources  
Norman Astle, Maryland Department of Agriculture  
Ellen Mussman, Maryland Department of Planning  
Sara L. Trescott, Conference of Local Environmental Health Directors  
Doug Myers, Chesapeake Bay Foundation  
William Ball, Chesapeake Research Consortium  
John Dinkel, DBD  
Cheryl Lewis, Town of Oxford

### **Others in Attendance:**

Mark Hoffman, Chesapeake Bay Commission  
Chris Pomeroy, Maryland Association of Municipal Wastewater Agencies, Inc.  
Kathleen Kennedy, Department of Legislative Services  
Andrew Gray, Department of Legislative Services  
Mary Sheppard, Office of the Attorney General  
Amy Parrish, Board of Environmental Health Directors

### **Maryland Department of the Environment (MDE) Attendees:**

Rajiv Chawla	Robin Pellicano
Greg Busch	Paul Emmart
Cheryl Reilly	Michael Roberts
Nony Howell	

## Wastewater Treatment Plants ENR Upgrade Status

(April 15, 2021)

### Major WWTPs

#### Status Update:

##### Previous Meeting

64 facilities are in operation  
2 facilities are under construction  
0 facilities are under design  
1 facilities are in planning  
67 total

##### Current

64 facilities are in operation  
2 facilities are under construction  
0 facilities are under design  
1 facilities are in planning  
67 total

#### Status Changes from Previous Meeting:

- No change in status.

#### Percentage completion for facilities under construction for ENR Upgrade:

Facility	Previous Meeting Percentage Complete	Current Percentage Complete
Hampstead	85%	94%
Westminster	44%	55%

### Minor WWTPs

#### Status Update:

##### Previous Meeting

8 facilities are in operation  
7 facilities are under construction  
5 facilities are under design  
9 facilities are in planning  
29 total

##### Current

8 facilities are in operation  
7 facilities are under construction  
5 facilities are under design  
11 facilities are in planning  
31 total

#### Status Changes from Previous Meeting:

- New Windsor and Union Bridge were selected for funding and signed the funding agreements to start planning.
- Valley Proteins was also selected for funding, but has not signed the agreement.

#### Percentage completion for facilities under construction for ENR Upgrade:

Facility	Previous Meeting Percentage Complete	Current Percentage Complete
Chesapeake City	0%	6%
Port Deposit	72%	84%
Preston	91%	98%
Smith Island	10%	10%
Harbour View	91%	91%
Oxford	99%	99%
Betterton	99%	99%

**BRF Septic Program**  
**Funded Installations FY21 to Date**  
**July 1, 2020- April 8, 2021**

<b>County</b>	<b># Septic Systems funded FY 21</b>	<b># Sewer Connections funded FY 21</b>
Allegany (CVI)	0	3
Anne Arundel	109	5
Baltimore	14	11
Calvert	76	2
Caroline	13	0
Carroll	10	2
Cecil	11	0
Charles	8	1
Dorchester	27	0
Frederick (CVI)	4	0
Garrett	1	0
Harford	28	2
Howard (CVI)	0	5
Kent	22	0
Montgomery (CVI)	6	1
Prince George's	0	1
Queen Anne's	54	80
Somerset	6	0
St. Mary's	23	0
Talbot	24	0
Washington (CVI)	5	0
Wicomoco	5	0
Worcester	6	0
<b>Totals</b>	<b>452</b>	<b>113</b>

**Comptroller of Maryland  
Revenue Administration Division  
Bay Restoration Fee - By County  
Program To Date Through February 28, 2021**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$ 21,216,769.67	\$ 4,115,455.00	\$ 25,391,616.15	\$ 25,388,384.39	676	64	\$ 246,048.46	\$ 239,564.20
200 Anne Arundel	125,737,683.92	32,522,160.86	158,438,850.88	158,313,140.50	794	241	555,261.59	550,647.34
300 Baltimore County	233,310,836.88	24,615,084.93	257,942,139.67	257,963,145.31	557	142	259,696.29	231,217.67
400 Baltimore City	170,429,359.25	3,137,077.91	173,599,909.10	187,139,292.60	205	109	15,901.24	15,900.14
500 Calvert	5,539,235.47	19,983,628.57	25,565,982.42	26,220,410.91	530	36	357,681.97	335,782.87
600 Caroline	3,792,621.21	6,538,928.95	10,353,883.21	10,354,662.48	507	17	56,240.01	54,708.94
700 Carroll	15,473,578.58	33,382,229.61	48,872,893.04	48,878,430.86	735	112	515,542.15	247,216.58
800 Cecil	13,211,674.78	18,247,124.66	32,097,469.29	31,888,262.72	1,424	128	328,112.57	252,429.51
900 Charles	28,750,774.45	13,404,107.88	42,435,332.87	42,435,498.56	1,521	131	174,381.57	168,575.85
1000 Dorchester	6,998,641.77	8,271,656.87	15,378,889.37	15,381,065.99	455	105	312,912.50	273,349.71
1100 Frederick	47,845,021.34	21,592,354.21	69,607,371.46	69,639,626.53	814	210	1,985,958.75	159,474.48
1200 Garrett	3,892,629.79	5,871,925.03	9,764,943.14	9,765,053.26	295	43	93,769.58	93,884.60
1300 Harford	46,085,823.40	24,864,194.79	71,058,842.81	71,098,349.62	566	149	608,238.39	604,903.89
1400 Howard	71,311,034.17	12,384,525.98	83,709,908.34	83,713,304.48	304	83	74,089.14	70,648.60
1500 Kent	5,200,600.67	3,632,970.36	8,868,440.11	8,753,361.05	501	32	120,172.72	90,745.38
1600 Montgomery	12,641,279.10	11,312,568.79	24,105,574.39	24,073,531.28	507	104	1,858,945.97	1,022,563.42
1700 Prince George's	448,305,323.87	21,906,680.24	471,076,148.64	481,173,236.37	404	153	5,073,716.69	5,073,424.17
1800 Queen Anne's	8,901,560.19	8,257,308.45	17,194,547.89	17,187,113.22	405	111	442,006.68	436,198.38
1900 St. Mary's	13,010,559.33	20,486,475.30	33,501,080.35	33,505,501.46	407	80	79,472.62	77,092.59
2000 Somerset	3,888,320.08	3,835,308.65	7,746,453.87	7,754,070.03	189	7	433,130.00	330,413.95
2100 Talbot	9,566,401.59	6,383,582.20	15,964,572.03	16,041,055.88	645	14	106,153.62	75,989.86
2200 Washington	31,204,346.54	14,248,655.81	45,497,527.61	45,487,260.23	686	18	260,111.55	233,249.12
2300 Wicomico	14,790,753.83	20,065,182.60	34,892,860.24	34,897,533.53	734	109	427,971.34	423,286.90
2400 Worcester	21,697,680.41	5,684,642.80	27,414,257.03	27,412,213.52	503	90	852,257.20	463,341.04
Undesignated	229,985.71	479,195.48	709,660.15	709,239.01	71	43	56,691.03	32,873.42
<b>Total</b>	<b>\$ 1,363,032,496.00</b>	<b>\$ 345,223,025.93</b>	<b>\$ 1,711,189,154.06</b>	<b>\$ 1,735,172,743.79</b>	<b>14,435</b>	<b>2,331</b>	<b>\$ 15,294,463.63</b>	<b>\$ 11,557,482.61</b>

Note - Some facilities may cross county lines in the performance of services. For example, the Washington Suburban Sanitary Commission is headquartered in Prince George's County and, as such, revenue collected by them is reported under Prince George's County. However, the Commission performs services in more than one county.

**Comptroller of Maryland  
Revenue Administration Division  
Bay Restoration Fee - By County  
Tax Year 2020 Through February 28, 2021**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$ 1,564,646.41	\$ 206,666.00	\$ 1,771,314.41	\$ 1,771,316.36	36		\$ 5,185.78	\$ 5,186.38
200 Anne Arundel	10,537,593.96	2,647,311.18	13,186,462.95	13,182,411.54	52		32,981.92	33,670.81
300 Baltimore County	18,117,626.03	2,025,980.27	20,143,606.30	20,171,020.77	27	12	550.00	27,822.64
400 Baltimore City	10,061,418.64	191,403.00	10,256,998.55	10,222,791.69	12	7	1.10	-
500 Calvert	372,943.79	1,156,710.72	1,531,411.54	2,178,298.23	25	1	28,606.01	27,604.65
600 Caroline	265,550.53	540,825.34	807,625.64	810,486.48	28		1,950.84	1,950.84
700 Carroll	1,142,759.52	2,893,160.46	4,035,919.53	4,035,929.95	47	4	39,847.67	18,540.76
800 Cecil	1,197,923.25	1,336,097.75	2,534,179.44	2,534,130.80	77	3	25,274.65	19,653.38
900 Charles	2,488,189.05	1,143,547.97	3,631,738.03	3,631,804.89	91		16,672.24	15,955.59
1000 Dorchester	336,468.59	978,701.94	1,316,018.20	1,319,507.07	27	7	26,641.33	24,109.71
1100 Frederick	4,194,785.80	1,778,506.49	5,973,339.09	5,993,598.24	46	12	206,129.40	12,775.78
1200 Garrett	222,448.15	422,032.46	644,481.80	644,548.78	16		5,464.12	5,579.14
1300 Harford	3,860,914.34	2,060,628.42	5,922,421.14	5,933,289.46	36	3	26,538.13	27,901.19
1400 Howard	5,980,765.08	1,100,909.57	7,081,837.65	7,080,470.21	16	1	1,538.56	2,254.58
1500 Kent	227,462.57	471,091.37	703,753.00	708,997.30	29	1	18,569.74	6,004.00
1600 Montgomery	1,032,419.40	757,316.45	1,790,004.21	1,789,349.99	24	8	151,223.54	79,110.79
1700 Prince George's	35,606,335.66	1,635,664.03	37,242,000.60	47,338,128.86	21	12	1,798,248.52	1,798,248.56
1800 Queen Anne's	769,980.43	663,928.92	1,435,011.88	1,427,114.03	21	12	36,627.45	35,499.16
1900 St. Mary's	243,794.85	2,603,150.35	2,850,007.79	2,850,007.79	13	3	3,644.04	3,643.04
2000 Somerset	324,068.99	333,521.21	657,589.46	660,041.06	12		32,099.56	30,099.36
2100 Talbot	803,545.41	516,161.12	1,319,708.47	1,329,709.59	27	1	6,304.66	5,471.79
2200 Washington	2,614,328.30	1,119,591.65	3,736,068.53	3,724,674.12	39	1	24,360.66	19,704.51
2300 Wicomico	945,942.97	1,787,632.53	2,734,296.25	2,734,261.03	36	7	22,646.04	22,671.33
2400 Worcester	1,267,207.83	84,027.65	1,351,235.48	1,351,381.84	24		39,682.54	18,351.13
Undesignated	192,081.19	448,575.48	640,656.67	640,656.65	13	7	55,057.28	31,661.57
<b>Total</b>	<b>\$ 104,371,200.74</b>	<b>\$ 28,903,142.33</b>	<b>\$ 133,297,686.61</b>	<b>\$ 144,063,926.73</b>	<b>795</b>	<b>102</b>	<b>\$ 2,605,845.78</b>	<b>\$ 2,273,470.69</b>

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**Comptroller of Maryland  
Revenue Administration Division  
Bay Restoration Fee - By County  
Fourth Quarter of Tax Year 2020 Through February 28, 2021**

	<u>Sewer</u>	<u>Septic</u>	<u>Liability</u>	<u>Collection</u>	<u>Returns w/\$</u>	<u>Zero \$ Returns</u>	<u>Expenses Claimed</u>	<u>Expenses Paid</u>
100 Allegany	\$ 343,698.74	\$ 113,372.06	\$ 457,071.80	\$ 457,073.01	9		\$ 1,253.15	\$ 1,253.15
200 Anne Arundel	2,839,307.00	906,742.18	3,746,049.38	3,746,051.29	14		12,873.32	12,698.74
300 Baltimore County	4,504,980.66	589,676.25	5,094,656.91	5,094,657.09	6	3	75.00	75.00
400 Baltimore City	103.60	33,705.00	34,210.65	30,107.73	2	2	-	-
500 Calvert	38,265.86	86,150.08	124,415.94	115,203.81	5		4,473.76	3,446.86
600 Caroline	65,387.31	150,816.72	216,205.03	215,831.02	6		365.92	365.92
700 Carroll	286,986.40	338,338.19	625,324.59	625,327.74	12	1	11,603.71	4,616.74
800 Cecil	300,662.50	402,672.98	703,335.48	703,011.28	18	1	5,696.81	4,650.01
900 Charles	610,171.56	98,633.28	708,804.84	708,805.75	23		4,220.71	3,977.96
1000 Dorchester	144,840.28	199,744.00	344,584.28	344,584.87	6	2	4,505.67	4,362.67
1100 Frederick	1,079,739.18	117,031.99	1,196,789.02	1,196,891.99	12	3	51,449.69	3,162.03
1200 Garrett	49,333.77	54,661.49	103,996.26	103,997.09	4		1,440.00	1,574.91
1300 Harford	966,781.88	216,512.21	1,183,294.09	1,194,860.15	9	1	6,129.70	6,196.14
1400 Howard	1,483,957.28	98,826.10	1,582,783.38	1,582,784.86	4		384.73	617.28
1500 Kent	56,099.64	125,354.82	181,454.46	181,454.46	7		7,177.91	1,564.00
1600 Montgomery	253,236.00	311,862.96	565,098.96	565,632.94	5	2	64,828.26	25,483.77
1700 Prince George's	8,645,228.74	365,908.72	9,011,137.46	8,847,548.44	5	4	435,890.41	435,890.41
1800 Queen Anne's	194,211.59	211,346.60	405,558.19	405,558.19	5	3	10,068.81	9,448.53
1900 St. Mary's	66,069.70	787,910.17	853,979.87	853,979.87	3	1	953.48	953.48
2000 Somerset	73,288.97	34,328.07	107,617.04	107,617.53	3		9,299.82	5,380.87
2100 Talbot	189,150.81	36,037.16	225,187.97	235,187.96	6		2,048.73	1,304.91
2200 Washington	570,691.12	121,729.17	692,420.29	692,420.39	9		6,101.43	4,364.82
2300 Wicomico	223,935.41	223,621.50	447,556.91	447,555.15	8	2	2,173.79	2,227.62
2400 Worcester	322,629.32	13,324.85	335,954.17	335,954.68	6		5,336.84	3,393.09
Undesignated	64,175.74	42,414.19	106,589.93	106,589.92	4	2	18,424.48	5,237.74
<b>Total</b>	<b>\$ 23,372,933.06</b>	<b>\$ 5,680,720.74</b>	<b>\$ 29,054,076.90</b>	<b>\$ 28,898,687.21</b>	<b>191</b>	<b>27</b>	<b>\$ 666,776.13</b>	<b>\$ 542,246.65</b>

Note - Some facilities may cross county lines in the performance of services. For example, the Washington Suburban Sanitary Commission is headquartered in Prince George's County and, as such, revenue collected by them is reported under Prince George's County. However, the Commission performs services in more than one county.

**Comptroller of Maryland**  
**Distribution of Bay Restoration Fee**  
**through February 28, 2021**

<u>MD Dept of Environment</u>			
<u>Line 1:</u>			
4/05 - 6/05:			
Total Fiscal Year 2005	\$ 7,022,667.18	Total Fiscal Year 2006	\$ 57,686,674.75
Total Fiscal Year 2007	\$ 69,141,379.76	Total Fiscal Year 2008	\$ 54,695,910.00
Total Fiscal Year 2009	\$ 53,339,463.89	Total Fiscal Year 2010	\$ 54,398,088.37
Total Fiscal Year 2011	\$ 55,461,809.59	Total Fiscal Year 2012	\$ 55,971,051.91
Total Fiscal Year 2013	\$ 102,145,356.32	Total Fiscal Year 2014	\$ 110,688,785.91
Total Fiscal Year 2015	\$ 109,796,411.58	Total Fiscal Year 2016	\$ 124,301,135.01
Total Fiscal Year 2017	\$ 115,989,051.47	Total Fiscal Year 2018	\$ 115,308,016.48
Total Fiscal Year 2019	\$ 107,545,498.54	Total Fiscal Year 2020	\$ 121,185,706.78
Total Fiscal Year 2021	\$ 58,494,420.77		

August 2020	\$ -
September	-
October	34,326,745.38
November	-
December	-
January 2021	24,167,675.39
February	-
March	-
April	-
May	-
June	-
July 2021 accrual	-
Total FY 2021	\$ 58,494,420.77

**Program Grand Total \$ 1,373,171,428.31**

<u>Line 2:</u>	<u>MD Dept of Environment</u>	<u>MD Dept of Agriculture</u>	<u>Total Line 2</u>
4/05 - 6/05			
Total Fiscal Year 2005 60% MDE 40% MDA	\$ 156,580.00	\$ 104,386.66	\$ 260,966.66
Total Fiscal Year 2006 60% MDE 40% MDA	\$ 4,782,770.15	\$ 3,188,513.44	\$ 7,971,283.59
Total Fiscal Year 2007 60% MDE 40% MDA	\$ 8,094,089.27	\$ 5,396,059.51	\$ 13,490,148.78
Total Fiscal Year 2008 60% MDE 40% MDA	\$ 8,489,069.61	\$ 5,659,379.72	\$ 14,148,449.33
Total Fiscal Year 2009 60% MDE 40% MDA	\$ 9,484,117.74	\$ 6,322,745.15	\$ 15,806,862.89
Total Fiscal Year 2010 22.4% MDE 77.6% MDA	\$ 3,118,419.66	\$ 10,803,096.68	\$ 13,921,516.34

Total Fiscal Year 2011 60% MDE 40% MDA	\$ 8,173,632.20	\$ 5,449,088.14	\$ 13,622,720.34
Total Fiscal Year 2012 60% MDE 40% MDA	\$ 8,271,087.10	\$ 5,514,058.08	\$ 13,785,145.18
Total Fiscal Year 2013 60% MDE 40% MDA	\$ 15,992,799.08	\$ 10,661,866.06	\$ 26,654,665.14
Total Fiscal Year 2014 60% MDE 40% MDA	\$ 16,801,348.71	\$ 11,200,899.10	\$ 28,002,247.81
Total Fiscal Year 2015 60% MDE 40% MDA	\$ 17,456,798.39	\$ 11,637,865.59	\$ 29,094,663.98
Total Fiscal Year 2016 60% MDE 40% MDA	\$ 17,311,866.76	\$ 11,541,244.49	\$ 28,853,111.25
Total Fiscal Year 2017 60% MDE 40% MDA	\$ 17,113,840.66	\$ 11,409,227.10	\$ 28,523,067.76
Total Fiscal Year 2018 60% MDE 40% MDA	\$ 17,811,270.90	\$ 11,874,180.60	\$ 29,685,451.50
Total Fiscal Year 2019 60% MDE 40% MDA	\$ 16,883,720.52	\$ 11,255,813.67	\$ 28,139,534.19
Total Fiscal Year 2020 60% MDE 40% MDA	\$ 17,397,453.75	\$ 11,598,302.51	\$ 28,995,756.26
Total Fiscal Year 2021 60% MDE 40% MDA	\$ 13,043,612.42	\$ 8,695,741.61	\$ 21,739,354.03

Fiscal Year 2021	60%	40%	Total
August 2020	\$ -	\$ -	\$ -
September	-	-	\$ -
October	11,062,617.85	7,375,078.57	\$ 18,437,696.42
November	-	-	-
December	-	-	-
January 2021	1,980,994.57	1,320,663.04	3,301,657.61
February	-	-	-
March	-	-	-
April	-	-	-
May	-	-	-
June	-	-	-
July 2021 accrual	-	-	-
<b>Total FY 2021</b>	<b>\$ 13,043,612.42</b>	<b>\$ 8,695,741.61</b>	<b>\$ 21,739,354.03</b>

<b>Program Grand Total</b>	<b>\$ 200,382,476.92</b>	<b>\$ 142,312,468.11</b>	<b>\$ 342,694,945.03</b>
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Administrative cost recovery by Comptroller

FY 2005	\$ 44,941.58	FY 2014	120,303.41
FY 2006	52,122.42	FY 2015	152,674.27
FY 2007	57,482.53	FY 2016	158,749.94
FY 2008	57,777.62	FY 2017	158,735.88
FY 2009	46,721.16	FY 2018	168,013.19
FY 2010	112,654.00	FY 2019	188,999.78
FY 2011	59,098.66	FY 2020	219,425.05
FY 2012	94,566.86	FY 2021	97,340.84
FY 2013	102,423.14		

<b>Program Grand Total</b>	<b>\$ 1,892,030.33</b>
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## Maryland Association of Municipal Wastewater Agencies, Inc.

Washington Suburban Sanitary Commission

14501 Sweitzer Lane, 7<sup>th</sup> Floor

Laurel, MD 20707

Tel: 301-206-7008

### MEMBER AGENCIES

March 1, 2021

Allegany County  
Anne Arundel County  
City of Baltimore  
Baltimore County  
Town of Berlin  
Cecil County  
Charles County  
City of Cumberland  
D.C. Water  
Frederick County  
City of Hagerstown  
Harford County  
City of Havre de Grace  
Howard County  
Ocean City  
Pocomoke City  
Queen Anne's County  
City of Salisbury  
Somerset County  
St. Mary's Metro. Comm.  
Washington County  
WSSC

By Email ([Jeffrey.fretwell@maryland.gov](mailto:Jeffrey.fretwell@maryland.gov))

Mr. Jeffrey Fretwell  
Program Manager  
Water Quality Finance Administration  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

**Re: Comments on Proposed Amendments to BRF Implementation Regulations**

Dear Mr. Fretwell:

On behalf of the Maryland Association of Municipal Wastewater Agencies (MAMWA), attached please find comments regarding the proposed amendments to the BRF Implementation Regulations (COMAR 26.03.13).

### CONSULTANT MEMBERS

Please feel free to contact me at [lisa@aqualaw.com](mailto:lisa@aqualaw.com) or 804-716-9021 with any questions.

Black & Veatch  
GHD Inc.  
Greeley and Hansen  
Hazen & Sawyer  
HDR Engineering, Inc.  
Jacobs  
O'Brien & Gere  
Whitman, Requardt & Assoc.

Sincerely,

Lisa Ochsenhirt  
Deputy General Counsel

### GENERAL COUNSEL

AquaLaw PLC

Attachment



**COMMENTS OF THE  
MARYLAND ASSOCIATION OF MUNICIPAL WASTEWATER AGENCIES, INC.  
ON BRF IMPLEMENTATION REGULATORY AMENDMENTS  
March 1, 2021**

**I. INTRODUCTION**

On January 15, 2021, the Secretary of the Environment published a Notice of Proposed Action proposing amendments to COMAR 26.03.13 (Bay Restoration Fund Implementation) (Proposed Regulation) and invited public comment through February 16, 2021 (extended to March 1, 2021 in the January 29, 2021 *Maryland Register*).

The Maryland Association of Municipal Wastewater Agencies (MAMWA) is a statewide association of owners and operators of municipal wastewater treatment plants (WWTPs), which the Clean Water Act refers to as publicly owned treatment works (POTWs). Many MAMWA members' facilities clean and discharge highly treated wastewater within the Chesapeake Bay watershed pursuant to state-issued National Pollutant Discharge Elimination System (NPDES) permits.

As owners and operators of these highly regulated facilities, whose ratepayers pay money each month to fund the Bay Restoration Fund (BRF), MAMWA's members have a direct stake in the implementation of the BRF regulations, including Section (E) (Enhanced Nutrient Removal (ENR) Operation and Maintenance Grants), which is the focus of this regulatory proceeding.

MAMWA supports the State's decision in the Phase III Watershed Implementation Plan (Phase III WIP) to identify O&M grants as one incentive to drive lower nutrient concentrations at wastewater treatment plants. (Phase III WIP, p. B-46). As we have previously stated,<sup>1</sup> MAMWA wants to work with MDE to establish incentives for exceptional nutrient removal performance that will lead to successful implementation of the Phase III WIP. Unfortunately, the Proposed Regulation does not establish an approach that will ensure MDE fully deploys the grants consistent with the BRF statute and that will direct grants to the largest users, who have the most potential to produce load reductions for Phase III WIP targets.

MAMWA requests that MDE make the following changes to the Proposed Regulation:

- **#1: Clarify that MDE Will Fully Use O&M Funding Authorization** – MAMWA recommends that MDE clarify that it will make full use of the O&M grants provided for by statute.
- **#2: Adopt a Hybrid Approach to O&M Grants** – MAMWA supports a hybrid approach to O&M grants that would increase the current 10 million gallon per day (MGD) base grant to 15 MGD with remaining funds provided to WWTPs who treat below ENR concentrations for total nitrogen (TN). This approach would:

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<sup>1</sup> For ease of reference, copies of MAMWA's previous letters to the Department are attached as Appendix A to these comments.

March 1, 2021

- Award the existing base grants of \$30,000 per MDG of *permitted capacity*, up to the current cap of 10 MGD, for meeting 3 mg/L TN and 0.3 mg/L TP.
- Make additional grants on the basis of *actual flow* above 10 MGD treated to 3 mg/L TN and 0.3 mg/L TP at the same rate of \$30,000 per MGD, up to a cap of 15 MGD.
- Apply any additional funds to load reductions achieved by operating below 3 mg/L TN.

MAMWA requests that MDE move forward quickly to finalize the revised regulation. MAMWA's Members would like the opportunity to qualify for enhanced O&M grants for calendar year 2021 to the benefit of the Bay.

MAMWA appreciates the opportunity to submit these comments. Additional discussion of each of MAMWA's requests is provided below.

## II. DISCUSSION

### A. MAMWA Urges MDE To Use the Full Amount of Available Funding for O&M

The Proposed Regulations state that "The Department **may** offer additional operation and maintenance grants for facilities achieving above the enhanced nutrient removal treatment level based on the additional load reductions achieved." (emphasis added)

MAMWA requests that MDE clarify that it will fully deploy O&M funding each year consistent with the BRF statute, which envisions MDE spending up to 10% of the total BRF wastewater account for O&M expense. The use of the word "may" in the Proposed Regulation suggests that MDE may decide in a particular year that it will not use the full O&M allowance to reward excellent performance. If MDE's goal is to create an incentive for drive this exceptional performance, MDE should set clear expectations for POTWs in the regulations.

MAMWA provides the following textual changes for MDE's consideration:

"If after the Department provides operation and maintenance base grants consistent with the language in subsections (2) and (3) above there is money remaining up to 10% of the total BRF wastewater account, ~~T~~he Department ~~may~~ shall offer additional operation and maintenance grants for facilities achieving above the enhanced nutrient removal treatment level based on the additional load reductions achieved."

### B. MDE Should Adopt A Hybrid Approach to O&M Grant Funding

The Proposed Regulation makes no changes to the current base cap that sets grants at \$30,000 per MGD of treatment capacity subject to a 10 MGD cap, i.e., a maximum of \$300,000 per facility.

On January 7, 2021, MAMWA sent a letter to MDE proposing a hybrid approach that would increase base grants from 10 MGD to 15 MGD and use the remaining funds for additional load reductions below ENR treatment levels. MAMWA continues to support this approach.

MAMWA's hybrid approach would invest \$1.7 Million of the \$3.1 Million remaining after payments based on plants achieving a TN concentration of 3 mg/l in the statutory purpose of funding ENR O&M and it would increase incentives for additional nutrient reductions below 3 mg/l for TN by \$1.4 Million. If some

March 1, 2021

facilities do not achieve 3 mg/L in any given year, then the resulted forfeited base grant money would be applied exclusively to increase the MDE-preferred approach above \$1.4 Million.

MAMWA's hybrid approach would partially address the equity problem in the current O&M program that disadvantages ratepayers in larger urban areas (i.e., BRF O&M grants are capped at 10 MGD). MDE's current 10 MGD cap collects fees from all users, but then disqualifies some because their flows are conveyed to a larger plant.

MAMWA's hybrid approach would also reimburse these larger plants for an increased level of O&M expense associated with ENR technologies. MDE's current 10 MGD cap fails to capture or accurately reflect certain expenses that are intrinsic to advanced wastewater treatment including, for example, supplemental carbon addition for nitrogen removal to 3 mg/l. Maryland's largest facilities are incurring millions of dollars in additional costs just for supplemental carbon. In Fiscal Year 2019, the City of Baltimore alone spent \$4.5 Million dollars to purchase methanol for the Back River and Patapsco plants. An O&M grant of \$300,000 does little to encourage a wastewater treatment plant facing these kinds of costs to make the additional purchases necessary to drive additional reductions.

MDE need not worry about sufficient funding to implement MAMWA's hybrid approach. As the spreadsheet attached to MAMWA's January 7, 2021 letter shows, remaining funds are likely to be at least \$3.1 Million. This is a conservative estimate because it assumes that every facility will achieve ideal annual performance (i.e., every facility achieves a TN concentration of 3 mg/L, other than Blue Plains). This would leave at least \$1.4 Million for MDE's grants for load reductions achieved by operating below 3 mg/L TN. This would be a powerful incentive to encourage POTWs to make the commitments needed to treat at sub-ENR levels.

MAMWA recommends the hybrid approach as a blend and compromise that pulls together the best of MAMWA's and MDE's related concepts. We request that MDE adopt a hybrid approach and make the following changes to COMAR 26.03.13.03:

E. Enhanced Nutrient Removal Operation and Maintenance Grants.

(1) (text unchanged)

(2) The operation and maintenance grant for wastewater treatment plants operating at the enhanced nutrient removal treatment levels shall be at the base rate of \$30,000 per year for every one million gallons per day design flow up to 10 million gallons per day, not to exceed \$300,000 per facility per year, with an additional \$30,000 per year paid for every one million gallons per day in actual annual flow above 10 million gallons per day, up to 15 million gallons per day. Facilities with less than one million gallons per day design flow shall receive the base rate of \$30,000 per year. This formula may be adjusted if there is a change in the Bay Restoration Fund statute, or if the amount appropriated in the budget is reduced.

(3) (text unchanged)

\*\*\*\*\*



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

April 2, 2021

Ms. Lisa Ochsenhirt  
Deputy General Counsel  
Maryland Association of Municipal Wastewater Agencies, Inc.  
Washington Suburban Sanitary Commission  
14501 Sweitzer Lane, 7<sup>th</sup> Floor  
Laurel, MD 20707

Re: Comments on Proposed Amendment to BRF Regulations

Dear Ms. Ochsenhirt:

Thank you for your March 1, 2021 letter and MAMWA's comments on the proposed amendment to BRF regulations.

We have carefully reviewed the submitted information and have determined that there is not sufficient technical justification to warrant any changes to the proposed amendment. Specifically, we would like to offer the following in response to the comments submitted by MAMWA:

1. We have reviewed the submitted Table 2 (Supplemental Carbon Addition for Selected WWTPs), which has confirmed that neither the proposed amendment nor your proposed changes will come close to covering the actual O&M costs being incurred by the WWTPs. Both proposals will provide some additional incentive to achieve ENR goals. However, the Department's proposed amendment will offer approximately three times more in additional grants for those exceeding the ENR goals (see the attached Scenarios 2 and 5).
2. Larger plants will have more incentive to outperform under Scenario 2 (the proposed amendment). For example, Back River WWTP would get \$1,136,240 under Scenario 2 versus \$730,777 under Scenario 5 (MAMWA suggested changes to the amendment). It is in the best interests of the Department and the State for these larger WWTPs to outperform the ENR goals, as this will better position us to meet our WIP obligations.
3. The unused O&M grant authority in statute (10% of wastewater funds) is currently being utilized to fund additional capital projects such as SSO/CSO corrections, septic connections and stormwater, which offer load reductions toward Maryland's obligations under the WIP. The Department does not support any alternative use of these grants that does not offer additional reductions to offset any load reductions that would be achieved by funding additional capital projects.
4. The current O&M grant (base grant) is designed to be fully utilized after all major WWTPs and 60 additional minor WWTPs are meeting ENR goals. Any change in the base grant amount, such as the proposed changes MAMWA has offered, will likely lead to a deficit in the grant in the future. In addition, the base grant is designed to have a cushion to protect against the

Ms. Lisa Ochsenhirt

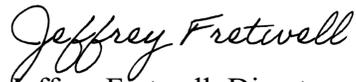
Page 2

revenue variations. For example in fiscal years 2015 and 2019 BRF-Wastewater revenues were less than \$110 million yielding less than \$11 million in the authorized O&M grants.

Thank you again for taking the time to review and comment on our proposed amendment. We look forward to continuing working with you and your members to assist Maryland in meeting its obligations under the WIP, which is for the best interest of both the Department and your members.

Should you have any questions please contact me at [Jeffrey.fretwell@maryland.gov](mailto:Jeffrey.fretwell@maryland.gov) or 410-537-3981.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Fretwell".

Jeffrey Fretwell, Director

Maryland Water Quality Financing Administration

# HOUSE BILL 589

B1

(11r0140)

## ENROLLED BILL

— Appropriations/Budget and Taxation —

Introduced by **The Speaker (By Request – Administration)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

### 2 **Budget Reconciliation and Financing Act of 2021**

3 FOR the purpose of *altering the source of funding for certain required appropriations;*  
4 ~~altering the source of funding for certain required appropriations; requiring a certain~~  
5 ~~percentage of certain raffle proceeds to be deposited into a certain fund; altering the~~  
6 ~~area in which certain raffle proceeds are required to be used to benefit certain~~  
7 ~~individuals; altering certain requirements for certain raffles to be held in~~  
8 ~~conjunction with a certain football game; providing that the Maryland Stadium~~  
9 ~~Authority is not required to submit certain reports for a certain fiscal year;~~  
10 ~~expanding the authorized uses of certain funds; altering, for certain fiscal years, the~~  
11 ~~total State operating fund per full-time equivalent student for certain community~~  
12 ~~colleges that the Governor is required to request; altering, for certain fiscal years,~~  
13 ~~the total State operating funds required to be distributed to certain community~~  
14 ~~colleges; altering, for certain fiscal years, the annual apportionment for each~~  
15 ~~institution that qualifies for aid under the Joseph A. Sellinger Program; requiring~~

#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



~~1 certain scholarship funds to be deposited in a certain student financial assistance~~  
~~2 fund under certain circumstances; requiring certain funding to be used to disburse~~  
~~3 assistance under a certain loan assistance repayment program; *altering the*~~  
~~4 *percentage of eligible costs that may be paid from the Bay Restoration Fund for*~~  
~~5 *upgrading certain privately owned wastewater treatment facilities; establishing the*~~  
~~6 *Maternal and Child Health Population Health Improvement Fund as a special,*~~  
~~7 *nonlapsing fund; specifying the purpose of the Fund; requiring the Maryland*~~  
~~8 *Department of Health and the Health Services Cost Review Commission to administer*~~  
~~9 *the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to*~~  
~~10 *account for the Fund; specifying the contents of the Fund; specifying the purpose for*~~  
~~11 *which the Fund may be used; providing for the investment of money in and*~~  
~~12 *expenditures from the Fund; requiring interest earnings of the Fund to be credited to*~~  
~~13 *the Fund; exempting the Fund from a certain provision of law requiring interest*~~  
~~14 *earnings on State money to accrue to the General Fund of the State; specifying that*~~  
~~15 *the Fund is subject to a certain audit; altering the amount the Governor is authorized*~~  
~~16 *to appropriate to a certain fund in certain budgets; limiting the amount of a certain*~~  
~~17 *subsidy that a certain commission may receive ~~each~~ *for a certain* fiscal year;*~~  
~~18 *requiring that a certain subsidy for a certain program must be at least a certain*~~  
~~19 *amount ~~each~~ *for a certain* fiscal year *and a certain amount for each following fiscal**~~  
~~20 *year; requiring the Governor or the Insurance Commissioner, under certain*~~  
~~21 *circumstances, to transfer certain funds collected from a certain assessment to a*~~  
~~22 *certain provider reimbursement program; expanding the purpose of a certain fund;*~~  
~~23 *reducing the amount the State is required to appropriate in the State budget as a*~~  
~~24 *payment to a certain city for certain services; repealing a requirement that a certain*~~  
~~25 *appropriation to a certain city be increased each year by a certain amount; providing*~~  
~~26 *that, for certain fiscal years, a certain revenue estimate adjustment made by the*~~  
~~27 *Bureau of Revenue Estimates may not exceed certain amounts; requiring, for a*~~  
~~28 *certain fiscal year, the distribution of certain revenues to a certain fund to be used*~~  
~~29 *for a certain purpose; requiring the Governor to include in the budget bill submitted*~~  
~~30 *at a certain General Assembly session an appropriation equal to a certain amount to*~~  
~~31 *be used for a certain purpose; altering a requirement that for a certain fiscal year*~~  
~~32 *the Governor include in the budget bill a certain appropriation to the accumulation*~~  
~~33 *funds of the State Retirement and Pension System; expanding the uses of State bond*~~  
~~34 *premiums transferred to the Annuity Bond Fund; requiring local governments to be*~~  
~~35 *responsible for a certain percentage of payments owed to certain erroneously*~~  
~~36 *convicted individuals; increasing the percentage of certain costs for which each*~~  
~~37 *county and Baltimore City are responsible for reimbursing the State; altering the*~~  
~~38 *rate at which the land of certain country clubs and golf courses is valued for property*~~  
~~39 *tax assessment purposes; altering the frequency of a certain increase in the valuation*~~  
~~40 *rate for certain country clubs and golf courses; altering certain requirements that for*~~  
~~41 *certain fiscal years the Governor appropriate certain amounts from the General*~~  
~~42 *Fund to a certain special fund; altering the amount of a required appropriation from*~~  
~~43 *the Transportation Trust Fund for the operation of the Maryland Transit*~~  
~~44 *Administration for a certain fiscal year; providing the budgeted Medicaid Deficit*~~  
~~45 *Assessment for certain fiscal years; providing that payments to certain providers*~~  
~~46 *with rates set by a certain committee may not increase by more than a certain*~~  
~~47 *amount for a certain fiscal year; authorizing the Governor to transfer certain*~~

1 amounts from certain funds; *authorizing certain State agencies to temporarily charge*  
 2 *certain expenditures to a certain account; providing a process to reimburse a certain*  
 3 *account for certain charged expenditures; authorizing certain State agencies to*  
 4 ~~temporarily charge certain expenditures to a certain account; providing a process to~~  
 5 ~~reimburse a certain account for certain charged expenditures;~~ authorizing the  
 6 Governor to print a reduced number of budget books for a certain fiscal year;  
 7 ~~requiring the Comptroller to transfer a certain amount from a certain special fund if~~  
 8 ~~certain conditions are not met;~~ making certain grants to local jurisdictions in a  
 9 certain fiscal year contingent on certain local funding; exempting certain retirees of  
 10 the Employees' and Teachers' Pension Systems from a certain earnings limitation  
 11 for a certain period of time; providing for the application and termination of a certain  
 12 provision relating to a certain retiree earnings limitation; *requiring certain*  
 13 *employees in positions in certain Department of Public Safety and Correctional*  
 14 *Services facilities to be transferred to certain vacancies in certain other facilities;*  
 15 *defining certain terms; providing for the termination of certain provisions of this Act;*  
 16 ~~requiring certain employees in positions in certain Department of Public Safety and~~  
 17 ~~Correctional Services facilities to be transferred to certain vacancies in certain other~~  
 18 ~~facilities;~~ *requiring certain appropriations to be reduced and certain funds to be*  
 19 *transferred;* and generally relating to the financing of State and local government.

20 ~~BY repealing and reenacting, with amendments,~~

21 ~~Article – Commercial Law~~

22 ~~Section 14–4104(a)~~

23 ~~Annotated Code of Maryland~~

24 ~~(2013 Replacement Volume and 2020 Supplement)~~

25 BY repealing and reenacting, without amendments,

26 Article – Criminal Law

27 Section 13–1911.1(a) and (f)

28 Annotated Code of Maryland

29 (2012 Replacement Volume and 2020 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Criminal Law

32 Section 13–1911.1(d) and (e)

33 Annotated Code of Maryland

34 (2012 Replacement Volume and 2020 Supplement)

35 BY repealing and reenacting, without amendments,

36 Article – Economic Development

37 Section 10–612.2(a) through (c)

38 Annotated Code of Maryland

39 (2018 Replacement Volume and 2020 Supplement)

40 (As enacted by Chapter 33 of the Acts of the General Assembly of 2021)

41 BY repealing and reenacting, with amendments,

42 Article – Economic Development

1 Section 10–612.2(f)  
 2 Annotated Code of Maryland  
 3 (2018 Replacement Volume and 2020 Supplement)  
 4 (As enacted by Chapter 33 of the Acts of the General Assembly of 2021)

5 BY repealing and reenacting, with amendments,  
 6 Article – Economic Development  
 7 Section 10–625  
 8 Annotated Code of Maryland  
 9 (2018 Replacement Volume and 2020 Supplement)

10 BY repealing and reenacting, without amendments,  
 11 Article – Education  
 12 Section 5–206(a) through (c)  
 13 Annotated Code of Maryland  
 14 (2018 Replacement Volume and 2020 Supplement)  
 15 (As enacted by Chapters 36, 37, and 38 of the Acts of the General Assembly of 2021)

16 BY repealing and reenacting, with amendments,  
 17 Article – Education  
 18 Section 5–206(g)  
 19 Annotated Code of Maryland  
 20 (2018 Replacement Volume and 2020 Supplement)  
 21 (As enacted by Chapters 36, 37, and 38 of the Acts of the General Assembly of 2021)

22 ~~BY repealing and reenacting, without amendments,~~  
 23 ~~Article – Education~~  
 24 ~~Section 5–219(a) through (e), 18–401, 18–501(a), 18–3201(a), (b), and (d), and 24–201~~  
 25 ~~Annotated Code of Maryland~~  
 26 ~~(2018 Replacement Volume and 2020 Supplement)~~

27 ~~BY repealing and reenacting, with amendments,~~  
 28 ~~Article – Education~~  
 29 ~~Section 5–219(g), 16–305(e)(1), 17–104(a), 18–407(d), 18–501(e), 18–3203, and~~  
 30 ~~24–204(d)~~  
 31 ~~Annotated Code of Maryland~~  
 32 ~~(2018 Replacement Volume and 2020 Supplement)~~

33 BY repealing and reenacting, with amendments,  
 34 Article – Environment  
 35 Section 9–1605.2(i)(1) and (2)(i)  
 36 Annotated Code of Maryland  
 37 (2014 Replacement Volume and 2020 Supplement)

38 BY repealing and reenacting, without amendments,  
 39 Article – Health – General  
 40 Section 19–2201(a) and (e)(1)

- 1 Annotated Code of Maryland  
2 (2019 Replacement Volume and 2020 Supplement)
- 3 BY repealing and reenacting, with amendments,  
4 Article – Health – General  
5 Section 19–2201(e)(2)(iv)  
6 Annotated Code of Maryland  
7 (2019 Replacement Volume and 2020 Supplement)
- 8 BY adding to  
9 Article – Health – General  
10 Section 19–210 and 19–2201(e)(2)(v)  
11 Annotated Code of Maryland  
12 (2019 Replacement Volume and 2020 Supplement)
- 13 BY repealing and reenacting, with amendments,  
14 Article – Insurance  
15 Section 6–102.1, 14–106(d) and (e), 31–107(b) and (f), and 31–107.2(a)  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2020 Supplement)
- 18 BY repealing and reenacting, without amendments,  
19 Article – Insurance  
20 Section 31–107(a) and (e)  
21 Annotated Code of Maryland  
22 (2017 Replacement Volume and 2020 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article – Natural Resources  
25 Section 4–209(k)  
26 Annotated Code of Maryland  
27 (2018 Replacement Volume and 2020 Supplement)
- 28 BY repealing and reenacting, with amendments,  
29 Article – State Finance and Procurement  
30 Section ~~4–608, 6–104(e), 7–311(j)(1), 7–325, 8–132, and 10–501(a) 7–329(b–1) and~~  
31 6–226(a)(2)(ii)127. and 128., 7–329(b–1), and 7–330(g) and (j)(3)  
32 Annotated Code of Maryland  
33 (2015 Replacement Volume and 2020 Supplement)
- 34 BY repealing and reenacting, without amendments,  
35 Article – State Finance and Procurement  
36 Section ~~10–501(b) 7–329(a) and (b) and~~ 6–226(a)(2)(i), 7–329(a) and (b), and  
37 7–330(b), (c), (f), and (j)(1)  
38 Annotated Code of Maryland  
39 (2015 Replacement Volume and 2020 Supplement)

1 BY adding to

2 Article – State Finance and Procurement

3 Section 6-226(a)(2)(ii)129.

4 Annotated Code of Maryland

5 (2015 Replacement Volume and 2020 Supplement)

6 (As enacted by Chapters 20 and 538 of the Acts of the General Assembly of 2020 and

7 Chapters 4, 8, 25, 28, 33, and 36 of the Acts of the General Assembly of 2021)

8 ~~BY repealing and reenacting, with amendments,~~

9 ~~Article – Tax – General~~

10 ~~Section 2-1303~~

11 ~~Annotated Code of Maryland~~

12 ~~(2016 Replacement Volume and 2020 Supplement)~~

13 BY repealing and reenacting, with amendments,

14 Article – Tax – Property

15 Section ~~2-106 and 13-209(d-1) and (g)(2), (3), and (4)~~ 8-213 and 13-209(g)(3) and

16 (4)

17 Annotated Code of Maryland

18 (2019 Replacement Volume and 2020 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Tax – Property

21 Section ~~13-209(d)~~ 13-209(g)(2)

22 Annotated Code of Maryland

23 (2019 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Transportation

26 Section 7-205

27 Annotated Code of Maryland

28 (2020 Replacement Volume)

29 ~~BY repealing and reenacting, with amendments,~~

30 ~~Chapter 397 of the Acts of the General Assembly of 2011, as amended by Chapter~~  
 31 ~~425 of the Acts of the General Assembly of 2013, Chapter 464 of the Acts of~~  
 32 ~~the General Assembly of 2014, Chapter 489 of the Acts of the General~~  
 33 ~~Assembly of 2015, Chapter 23 of the Acts of the General Assembly of 2017,~~  
 34 ~~Chapter 10 of the Acts of the General Assembly of 2018, Chapter 16 of the~~  
 35 ~~Acts of the General Assembly of 2019, and Chapter 538 of the Acts of the~~  
 36 ~~General Assembly of 2020~~

37 ~~Section 16(e)~~

38 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

39 That the Laws of Maryland read as follows:

40 ~~Article – Commercial Law~~

1 ~~14-4104.~~

2 (a) (1) ~~For fiscal year [2020] 2022 and each fiscal year thereafter, the~~  
 3 ~~Governor shall include an appropriation of at least \$700,000 in [general] SPECIAL funds~~  
 4 ~~in the State budget for the Office for the purposes of enforcement of:~~

5 (i) ~~Consumer protection laws under this title;~~

6 (ii) ~~Consumer protection laws under Title 13 of this article; and~~

7 (iii) ~~Financial consumer protection laws.~~

8 (2) ~~The Office shall use the funds under paragraph (1) of this subsection~~  
 9 ~~for:~~

10 (i) ~~Staffing costs associated with hiring new employees; and~~

11 (ii) ~~Investigations of alleged violations of consumer protection laws~~  
 12 ~~in the State.~~

### 13 Article – Criminal Law

14 13-1911.1.

15 (a) A raffle may be conducted by a charitable foundation that:

16 (1) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code;

17 (2) is affiliated with a professional football team that plays its home games  
 18 in Prince George's County; and

19 (3) has an office and conducts operations in Prince George's County.

20 (d) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
 21 SUBSECTION, THE proceeds of a raffle shall be used to:

22 (i) benefit the residents of ~~Prince George's County~~ *THE COMMON*  
 23 *OWNERSHIP AND COOPERATIVE COMMUNITIES LOCATED IN WHOLE OR IN PART*  
 24 *WITHIN AN ESTIMATED 1-MILE RADIUS OF PROPERTY OWNED OR UNDER THE*  
 25 *CONTROL OF THE PROFESSIONAL FOOTBALL TEAM;*

26 (ii) pay for prizes awarded to winners; and

27 (iii) pay for reasonable costs for necessary equipment and supplies.

1           **(2) FOR EACH RAFFLE, 10% OF THE PROCEEDS OF THE RAFFLE**  
 2 **SHALL BE DEPOSITED INTO THE MICHAEL ERIN BUSCH SPORTS FUND**  
 3 **ESTABLISHED UNDER § 10-612.2 OF THE ECONOMIC DEVELOPMENT ARTICLE.**

4           ~~[(2)]~~ **(3)**     Proceeds of a raffle may not be used to help cover costs involved  
 5 in conducting the raffle, including any compensation to ticket sellers or individuals who  
 6 operate the raffle.

7           (e)   (1)   A raffle shall be held in conjunction with a specific professional football  
 8 game [played in Prince George's County.

9                   (2)   A permit to hold a raffle is valid for not more than 24 hours].

10           ~~[(3)]~~ **(2)**     All raffle tickets shall be sold and received[:

11                   (i)]   on property owned or under the control of the professional  
 12 football team with which the charitable foundation is affiliated[; and

13                   (ii)   may not be sold on the Internet or otherwise to an individual not  
 14 physically present on the property].

15           (f)   On or before March 30 of each year, the charitable foundation shall send to  
 16 the designated county agency a report detailing the amount and disposition of the money  
 17 raised by raffles in the previous calendar year.

### 18                                   **Article – Economic Development**

19   10-612.2.

20           (a)   In this section, "Fund" means the Michael Erin Busch Sports Fund.

21           (b)   There is a Michael Erin Busch Sports Fund.

22           (c)   The purpose of the Fund is to provide funding for the Youth and Amateur  
 23 Sports Grants Program established under § 10-612.1 of this subtitle.

24           (f)   The Fund consists of:

25                   (1)   revenue distributed to the Fund under § 9-120(b)(1)(iv) of the State  
 26 Government Article;

27                   **(2) PROCEEDS OF A RAFFLE DEPOSITED IN THE FUND IN**  
 28 **ACCORDANCE WITH § 13-1911.1 OF THE CRIMINAL LAW ARTICLE;**

29                   ~~[(2)]~~ **(3)**     money appropriated in the State budget to the Fund;



~~1 education to students so they are prepared for college and a career in the global economy  
2 of the 21st century, based on the recommendations of the Commission on Innovation and  
3 Excellence in Education.~~

~~4 (g) The Fund may be used only to assist in providing adequate funding for:~~

~~5 (1) Early childhood education and primary and secondary education based  
6 on the recommendations of the Commission on Innovation and Excellence in Education,  
7 including revised education funding formulas; [and]~~

~~8 (2) Maryland prekindergarten expansion grants; AND~~

~~9 (3) EARLY CHILDHOOD EDUCATION AND PRIMARY AND SECONDARY  
10 EDUCATION FOR COSTS ASSOCIATED WITH THE CORONAVIRUS DISEASE 2019  
11 (COVID-19), INCLUDING ONE-TIME PRIMARY AND SECONDARY EDUCATION AID  
12 GRANTS PROVIDED IN FISCAL YEAR 2022 TO:~~

~~13 (I) ADDRESS ENROLLMENT DECLINES RELATED TO THE  
14 COVID-19 PANDEMIC; AND~~

~~15 (H) ENSURE THAT EVERY COUNTY BOARD RECEIVES AN  
16 INCREASE IN STATE EDUCATION AID OVER THE AMOUNT OF STATE EDUCATION AID  
17 THE COUNTY BOARD RECEIVED IN FISCAL YEAR 2021.~~

~~18 5-206.~~

~~19 (a) In this section, "Fund" means the Blueprint for Maryland's Future Fund.~~

~~20 (b) There is the Blueprint for Maryland's Future Fund.~~

~~21 (c) The purpose of the Fund is to assist in providing adequate funding for early  
22 childhood education and primary and secondary education to provide a world-class  
23 education to students so they are prepared for college and a career in the global economy  
24 of the 21st century, based on the recommendations of the Commission on Innovation and  
25 Excellence in Education.~~

~~26 (g) (1) The Fund may be used only to assist in providing adequate funding for:~~

~~27 (i) Early childhood education, primary and secondary education,  
28 and other programs, based on the recommendations of the Commission on Innovation and  
29 Excellence in Education, including revised education funding formulas; [and]~~

~~30 (ii) Maryland prekindergarten expansion grants; AND~~

1 (III) EARLY CHILDHOOD EDUCATION, PRIMARY AND SECONDARY  
 2 EDUCATION, AND OTHER PROGRAMS FOR COSTS ASSOCIATED WITH THE  
 3 CORONAVIRUS DISEASE 2019 (COVID-19), INCLUDING:

4 1. ONE-TIME PRIMARY AND SECONDARY EDUCATION  
 5 AID GRANTS PROVIDED IN FISCAL YEAR 2022 TO:

6 A. ADDRESS ENROLLMENT DECLINES RELATED TO THE  
 7 COVID-19 PANDEMIC; AND

8 B. ENSURE THAT EVERY COUNTY BOARD RECEIVES AN  
 9 INCREASE IN STATE EDUCATION AID OVER THE AMOUNT OF STATE EDUCATION AID  
 10 THE COUNTY BOARD RECEIVED IN FISCAL YEAR 2021; AND

11 2. GRANTS PROVIDED IN FISCAL YEARS 2021 AND 2022  
 12 FOR:

13 A. SUMMER SCHOOL PROGRAMS, TUTORING, AND  
 14 OTHER SUPPLEMENTAL INSTRUCTION PROGRAMS TO ADDRESS STUDENT LEARNING  
 15 LOSS;

16 B. IDENTIFICATION OF AND SUPPORT FOR STUDENTS  
 17 DEALING WITH TRAUMA OR BEHAVIORAL HEALTH ISSUES; AND

18 C. SCHOOLS TO SAFELY REOPEN FOR IN-PERSON  
 19 INSTRUCTION.

20 (2) The Fund may not be used for school construction under Subtitle 3 of  
 21 this title.

22 ~~16-305.~~

23 ~~(e) (1) (i) Except as provided in subparagraphs (iii), (iv), [and] (v), (VI),~~  
 24 ~~AND (VII) of this paragraph, the total State operating fund per full-time equivalent student~~  
 25 ~~to the community colleges for each fiscal year as requested by the Governor shall be:~~

26 ~~1. In fiscal year 2009, not less than an amount equal to~~  
 27 ~~26.25% of the State's General Fund appropriation per full-time equivalent student to the~~  
 28 ~~4-year public institutions of higher education in the State as designated by the Commission~~  
 29 ~~for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this~~  
 30 ~~article in the previous fiscal year;~~

31 ~~2. In fiscal year 2010, not less than an amount equal to 23.6%~~  
 32 ~~of the State's General Fund appropriation per full-time equivalent student to the 4-year~~  
 33 ~~public institutions of higher education in the State as designated by the Commission for~~

~~1 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
2 in the same fiscal year;~~

~~3 3. In fiscal year 2011, not less than an amount equal to 21.8%  
4 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
5 public institutions of higher education in the State as designated by the Commission for  
6 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
7 in the same fiscal year;~~

~~8 4. In fiscal year 2012, not less than an amount equal to 20%  
9 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
10 public institutions of higher education in the State as designated by the Commission for  
11 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
12 in the same fiscal year;~~

~~13 5. In fiscal year 2014, an amount that is the greater of 19.7%  
14 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
15 public institutions of higher education in the State as designated by the Commission for  
16 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
17 in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~18 6. In fiscal year 2015, an amount that is the greater of 19.7%  
19 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
20 public institutions of higher education in the State as designated by the Commission for  
21 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
22 in the same fiscal year or \$1,839.47 per full-time equivalent student;~~

~~23 7. In fiscal year 2017, not less than an amount equal to 20.5%  
24 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
25 public institutions of higher education in the State as designated by the Commission for  
26 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
27 in the same fiscal year;~~

~~28 8. In fiscal year 2018, not less than an amount equal to 21.0%  
29 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
30 public institutions of higher education in the State as designated by the Commission for  
31 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
32 in the same fiscal year;~~

~~33 9. In fiscal year 2019, not less than an amount equal to 22.0%  
34 of the State's General Fund appropriation per full-time equivalent student to the 4-year  
35 public institutions of higher education in the State as designated by the Commission for  
36 the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article  
37 in the same fiscal year;~~

~~38 10. In fiscal year 2020, not less than an amount equal to 23%  
39 of the State's General Fund appropriation per full-time equivalent student to the 4-year~~

~~public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; AND~~

~~11. In fiscal year 2021, not less than an amount equal to 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year[;~~

~~12. In fiscal year 2022, not less than an amount equal to 27% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year; and~~

~~13. In fiscal year 2023 and each fiscal year thereafter, not less than an amount equal to 29% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the same fiscal year[;~~

~~(ii) For purposes of this subsection, the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State for a fiscal year shall include noncapital appropriations from the Higher Education Investment Fund.~~

~~(iii) Notwithstanding the provisions of subparagraph (i) of this paragraph, the total State operating funds to be distributed under this subsection to the community colleges for each of fiscal years 2011 and 2012 shall be \$194,407,432.~~

~~(iv) In fiscal year 2013, the total State operating funds for community colleges shall be \$199,176,114, to be distributed as follows:~~

- ~~1. Allegany College.....\$4,773,622;~~
- ~~2. Anne Arundel Community College.....\$27,235,320;~~
- ~~3. Community College of Baltimore County.....\$34,398,366;~~
- ~~4. Carroll Community College.....\$6,851,515;~~
- ~~5. Cecil Community College.....\$4,645,751;~~
- ~~6. College of Southern Maryland.....\$10,002,580;~~

HOUSE BILL 589

1	<del>7.</del>	<del>Chesapeake College.....</del>	<del>\$5,675,815;</del>
2	<del>8.</del>	<del>Frederick Community College.....</del>	<del>\$8,145,648;</del>
3	<del>9.</del>	<del>Garrett College.....</del>	<del>\$2,246,700;</del>
4	<del>10.</del>	<del>Hagerstown Community College.....</del>	<del>\$6,965,064;</del>
5	<del>11.</del>	<del>Harford Community College.....</del>	<del>\$9,990,806;</del>
6	<del>12.</del>	<del>Howard Community College.....</del>	<del>\$12,584,485;</del>
7	<del>13.</del>	<del>Montgomery College.....</del>	<del>\$35,998,553;</del>
8	<del>14.</del>	<del>Prince George's Community College.....</del>	<del>\$22,013,074;</del>
9	<del>and</del>		
10	<del>15.</del>	<del>Wor-Wic Community College.....</del>	<del>\$6,748,796;</del>

11                                   (v) In fiscal year 2016, the total State operating funds for community  
 12 colleges shall be ~~\$222,744,620~~, to be distributed as follows:

13	<del>1.</del>	<del>Allegany College.....</del>	<del>\$4,850,443;</del>
14	<del>2.</del>	<del>Anne Arundel Community College.....</del>	<del>\$28,715,483;</del>
15	<del>3.</del>	<del>Community College of Baltimore County.....</del>	<del>\$38,637,668;</del>
16	<del>4.</del>	<del>Carroll Community College.....</del>	<del>\$7,345,653;</del>
17	<del>5.</del>	<del>Cecil Community College.....</del>	<del>\$5,108,064;</del>
18	<del>6.</del>	<del>College of Southern Maryland.....</del>	<del>\$13,017,885;</del>
19	<del>7.</del>	<del>Chesapeake College.....</del>	<del>\$6,142,473;</del>
20	<del>8.</del>	<del>Frederick Community College.....</del>	<del>\$8,975,284;</del>
21	<del>9.</del>	<del>Garrett College.....</del>	<del>\$2,561,002;</del>
22	<del>10.</del>	<del>Hagerstown Community College.....</del>	<del>\$7,620,412;</del>
23	<del>11.</del>	<del>Harford Community College.....</del>	<del>\$10,865,634;</del>
24	<del>12.</del>	<del>Howard Community College.....</del>	<del>\$15,723,055;</del>
25	<del>13.</del>	<del>Montgomery College.....</del>	<del>\$40,000,786;</del>

1  
2 and

~~14. Prince George's Community College.....\$26,072,537;~~

3  
~~15. Wor Wic Community College.....\$7,108,241.~~

4 ~~(VI) IN FISCAL YEAR 2022, THE TOTAL STATE OPERATING~~  
5 ~~FUNDS FOR THE COMMUNITY COLLEGES SHALL BE \$263,481,740 TO BE~~  
6 ~~DISTRIBUTED AS FOLLOWS:~~

7 ~~1. ALLEGANY COLLEGE OF MARYLAND.....\$5,475,489;~~

8 ~~2. ANNE ARUNDEL COMMUNITY~~  
9 ~~COLLEGE.....\$31,172,213;~~

10 ~~3. COMMUNITY COLLEGE OF BALTIMORE~~  
11 ~~COUNTY.....\$44,790,747;~~

12 ~~4. CARROLL COMMUNITY COLLEGE.....\$8,108,664;~~

13 ~~5. CECIL COLLEGE.....\$5,698,602;~~

14 ~~6. COLLEGE OF SOUTHERN MARYLAND.....\$15,179,325;~~

15 ~~7. CHESAPEAKE COLLEGE.....\$6,480,975;~~

16 ~~8. FREDERICK COMMUNITY COLLEGE.....\$11,768,685;~~

17 ~~9. GARRETT COLLEGE.....\$3,025,651;~~

18 ~~10. HAGERSTOWN COMMUNITY COLLEGE.....\$9,002,527;~~

19 ~~11. HARFORD COMMUNITY COLLEGE.....\$12,759,322;~~

20 ~~12. HOWARD COMMUNITY COLLEGE.....\$20,901,077;~~

21 ~~13. MONTGOMERY COLLEGE.....\$47,749,060;~~

22 ~~14. PRINCE GEORGE'S COMMUNITY~~  
23 ~~COLLEGE.....\$32,967,142; AND~~

24 ~~15. WOR WIC COMMUNITY COLLEGE.....\$8,402,261.~~

1 ~~(VII) BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR~~  
2 ~~THEREAFTER, THE TOTAL STATE OPERATING FUNDS TO BE DISTRIBUTED UNDER~~  
3 ~~THIS SUBSECTION TO EACH COMMUNITY COLLEGE SHALL BE THE AMOUNT OF AID~~  
4 ~~PROVIDED IN THE CURRENT FISCAL YEAR AS APPROVED IN THE STATE BUDGET AS~~  
5 ~~ENACTED BY THE GENERAL ASSEMBLY INCREASED BY THE PERCENTAGE BY WHICH~~  
6 ~~THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL~~  
7 ~~YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR~~  
8 ~~THE CURRENT FISCAL YEAR, AS CONTAINED IN THE DECEMBER REPORT OF~~  
9 ~~ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES~~  
10 ~~TO THE GOVERNOR UNDER § 6-106 OF THE STATE FINANCE AND PROCUREMENT~~  
11 ~~ARTICLE.~~

12 ~~17-104.~~

13 ~~(a) (1) Except as provided in paragraphs (2), (3), (4), [and] (5), (6), AND (7) of~~  
14 ~~this subsection, the Maryland Higher Education Commission shall compute the amount of~~  
15 ~~the annual apportionment for each institution that qualifies under this subtitle by~~  
16 ~~multiplying the number of full-time equivalent students enrolled at the institution during~~  
17 ~~the fall semester of the fiscal year preceding the fiscal year for which the aid apportionment~~  
18 ~~is made, as determined by the Maryland Higher Education Commission by:~~

19 ~~(i) In fiscal year 2009, an amount not less than 16% of the State's~~  
20 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
21 ~~institutions of higher education in this State for the preceding fiscal year;~~

22 ~~(ii) In fiscal year 2010, an amount not less than 12.85% of the State's~~  
23 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
24 ~~institutions of higher education in the State for the same fiscal year;~~

25 ~~(iii) In fiscal year 2011, an amount not less than 9.8% of the State's~~  
26 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
27 ~~institutions of higher education in this State for the same fiscal year;~~

28 ~~(iv) In fiscal year 2012, an amount not less than 9.2% of the State's~~  
29 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
30 ~~institutions of higher education in this State for the same fiscal year;~~

31 ~~(v) In fiscal year 2014, an amount that is the greater of 9.4% of the~~  
32 ~~State's General Fund per full-time equivalent student appropriation to the 4-year public~~  
33 ~~institutions of higher education in this State for the same fiscal year or \$875.53 per~~  
34 ~~full-time equivalent student;~~

35 ~~(vi) In fiscal year 2015, an amount that is the greater of 9.4% of the~~  
36 ~~State's General Fund per full-time equivalent student appropriation to the 4-year public~~  
37 ~~institutions of higher education in this State for the same fiscal year or \$875.53 per~~  
38 ~~full-time equivalent student;~~

1                   (vii) ~~In fiscal year 2017, an amount not less than 10.1% of the State's~~  
2 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
3 ~~institutions of higher education in this State for the same fiscal year;~~

4                   (viii) ~~In fiscal year 2018, an amount not less than 10.5% of the State's~~  
5 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
6 ~~institutions of higher education in this State for the same fiscal year;~~

7                   (ix) ~~In fiscal year 2019, an amount not less than 10.8% of the State's~~  
8 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
9 ~~institutions of higher education in this State for the same fiscal year; AND~~

10                   (x) ~~In fiscal year 2020, an amount not less than 11.1% of the State's~~  
11 ~~General Fund per full-time equivalent student appropriation to the 4-year public~~  
12 ~~institutions of higher education in this State for the same fiscal year]; and~~

13                   (xi) ~~In fiscal year 2022 and each fiscal year thereafter, an amount not~~  
14 ~~less than 15.5% of the State's General Fund per full-time equivalent student appropriation~~  
15 ~~to the 4-year public institutions of higher education in this State for the same fiscal year].~~

16                   (2) ~~For each of fiscal years 2011 and 2012, the total amount of the aid~~  
17 ~~provided under this subtitle shall be \$38,445,958, to be allocated among the institutions~~  
18 ~~that qualify under this subtitle in proportion to the number of full-time equivalent students~~  
19 ~~enrolled at each institution during the fall semester of the fiscal year preceding the fiscal~~  
20 ~~year for which the aid apportionment is made, as determined by the Maryland Higher~~  
21 ~~Education Commission.~~

22                   (3) ~~In fiscal year 2013, the total amount of aid due to all institutions shall~~  
23 ~~be \$38,056,175.~~

24                   (4) ~~In fiscal year 2016, the total amount of the aid provided under this~~  
25 ~~subtitle shall be \$42,822,240, to be allocated among the institutions that qualify under this~~  
26 ~~subtitle in proportion to the number of full-time equivalent students enrolled at each~~  
27 ~~institution during the fall semester of fiscal year 2015, as determined by the Maryland~~  
28 ~~Higher Education Commission.~~

29                   (5) ~~In fiscal year 2021, the total amount of the aid provided under this~~  
30 ~~subtitle shall be \$69,624,905, to be allocated among the institutions that qualify under this~~  
31 ~~subtitle in proportion to the number of full-time equivalent students enrolled at each~~  
32 ~~institution during the fall semester of fiscal year 2020, as determined by the Maryland~~  
33 ~~Higher Education Commission.~~

34                   **(6) ~~IN FISCAL YEAR 2022, THE TOTAL AMOUNT OF AID DUE TO ALL~~**  
35 **~~INSTITUTIONS SHALL BE \$59,024,905 TO BE DISTRIBUTED AS FOLLOWS:~~**

1	(I)	<del>CAPITOL TECHNOLOGY UNIVERSITY.....</del>	<del>\$670,957;</del>
2	(II)	<del>GOUCHER COLLEGE.....</del>	<del>\$2,466,084;</del>
3	(III)	<del>HOOD COLLEGE.....</del>	<del>\$1,834,286;</del>
4	(IV)	<del>JOHNS HOPKINS UNIVERSITY.....</del>	<del>\$29,019,524;</del>
5	(V)	<del>LOYOLA UNIVERSITY MARYLAND.....</del>	<del>\$6,534,728;</del>
6	(VI)	<del>MARYLAND INSTITUTE COLLEGE OF ART.....</del>	<del>\$2,823,062;</del>
7	(VII)	<del>MCDANIEL COLLEGE.....</del>	<del>\$2,771,043;</del>
8	(VIII)	<del>MOUNT ST. MARY'S UNIVERSITY.....</del>	<del>\$2,676,349;</del>
9	(IX)	<del>NOTRE DAME OF MARYLAND UNIVERSITY.....</del>	<del>\$1,842,589;</del>
10	(X)	<del>ST. JOHN'S COLLEGE.....</del>	<del>\$843,131;</del>
11	(XI)	<del>STEVENSON UNIVERSITY.....</del>	<del>\$4,358,920;</del>
12	(XII)	<del>WASHINGTON ADVENTIST UNIVERSITY.....</del>	<del>\$1,171,808;</del>
13	<b>AND</b>		
14	(XIII)	<del>WASHINGTON COLLEGE.....</del>	<del>\$2,012,424.</del>

15 ~~(7) BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR~~  
16 ~~THEREAFTER, THE TOTAL AMOUNT OF AID PROVIDED TO EACH ELIGIBLE~~  
17 ~~INSTITUTION UNDER THIS SUBTITLE SHALL BE THE AMOUNT OF AID PROVIDED IN~~  
18 ~~THE CURRENT FISCAL YEAR INCREASED BY ONE PERCENTAGE POINT LESS THAN~~  
19 ~~THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES~~  
20 ~~FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL~~  
21 ~~GENERAL FUND REVENUES FOR THE CURRENT FISCAL YEAR, AS CONTAINED IN THE~~  
22 ~~DECEMBER REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD~~  
23 ~~OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106 OF THE STATE~~  
24 ~~FINANCE AND PROCUREMENT ARTICLE.~~

25 ~~18-401.~~

26 ~~There is a program of senatorial scholarships in this State that are awarded under~~  
27 ~~this subtitle.~~

28 ~~18-407.~~

1       ~~(d) (1) To the extent a scholarship awarded under § 18-404 of this subtitle is~~  
2 ~~not used by a student, money appropriated to the Commission for that award not used by~~  
3 ~~the end of the fiscal year shall be retained by the Commission for use by the awarding~~  
4 ~~Senator in the Senatorial Scholarship Program during THE subsequent fiscal [years]~~  
5 ~~YEAR.~~

6       ~~(2) AT THE CLOSE OF A FISCAL YEAR, ANY FUNDS NOT USED AS~~  
7 ~~PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DEPOSITED IN THE~~  
8 ~~NEED-BASED STUDENT FINANCIAL ASSISTANCE FUND ESTABLISHED UNDER §~~  
9 ~~18-107 OF THIS TITLE.~~

10 ~~18-501.~~

11       ~~(a) There is a program of Delegate Scholarships in this State that are awarded~~  
12 ~~under this subtitle.~~

13       ~~(e) (1) Money appropriated to the Commission for scholarships awarded under~~  
14 ~~this section that is not used by the end of the fiscal year shall be retained by the Commission~~  
15 ~~for use by the awarding Delegate in the Delegate Scholarship Program during THE~~  
16 ~~subsequent fiscal [years] YEAR.~~

17       ~~(2) AT THE CLOSE OF A FISCAL YEAR, ANY FUNDS NOT USED AS~~  
18 ~~PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DEPOSITED IN THE~~  
19 ~~NEED-BASED STUDENT FINANCIAL ASSISTANCE FUND ESTABLISHED UNDER §~~  
20 ~~18-107 OF THIS TITLE.~~

21 ~~18-3201.~~

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

23       ~~(b) "Foster care recipient" means an individual who was placed in an out-of-home~~  
24 ~~placement by a state's or unit of a state government's department of social services for 3~~  
25 ~~years or more.~~

26       ~~(d) "Program" means the Maryland Loan Assistance Repayment Program for~~  
27 ~~Foster Care Recipients.~~

28 ~~18-3203.~~

29       ~~(a) Subject to the availability of funds [appropriated] under subsection (b) of this~~  
30 ~~section, the award amount under the Program shall be equal to the lesser of:~~

31       ~~(1) \$5,000; or~~

~~(2) 10% of the eligible individual's total higher education loan debt for each year the individual qualifies for the Program.~~

~~(b) [The Governor annually shall include an appropriation of \$100,000 in the State budget for] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, the Commission SHALL USE A PORTION OF THE FUNDING PROVIDED IN THE STATE BUDGET FOR THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM ESTABLISHED UNDER SUBTITLE 15 OF THIS TITLE to disburse assistance under this subtitle.~~

~~24-201.~~

~~There is a Maryland Public Broadcasting Commission.~~

~~24-204.~~

~~(d) (1) [Beginning in] FOR fiscal [year] YEARS 2019 AND 2020, [and for each fiscal year thereafter,] the Governor shall include in the annual budget bill a General Fund appropriation to the Commission in an amount not less than the General Fund appropriation for the current fiscal year as approved in the State budget as enacted by the General Assembly and increased by the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the December report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6-106 of the State Finance and Procurement Article.~~

~~(2) (i) [In] FOR FISCAL YEARS 2019 THROUGH 2021, IN addition to the appropriation required under paragraph (1) of this subsection, if the actual amount of special funds in special fund code R15304 Community Services Grant and CPB Grant in budget code R15P00 Maryland Public Broadcasting Commission received by the Commission in the second previous fiscal year is lower than the amount that was budgeted for the Commission as approved in the State budget as enacted by the General Assembly for the second previous fiscal year, the Governor shall include in the annual budget bill, for the upcoming fiscal year, a General Fund appropriation to the Commission in an amount not less than the difference between the actual funds and the budgeted funds.~~

~~(ii) The general funds appropriated under subparagraph (i) of this paragraph may not be included in the calculation under paragraph (1) of this subsection for any subsequent fiscal year.~~

### *Article – Environment*

9-1605.2.

(i) (1) (I) In this subsection[, “eligible] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (II) “ELIGIBLE costs” means the additional costs that would be  
 2 attributable to upgrading a wastewater facility to enhanced nutrient removal, as determined  
 3 by the Department.

4 (III) “PRIVATELY OWNED WASTEWATER FACILITY” MEANS A  
 5 WASTEWATER FACILITY THAT IS OWNED BY A PRIVATE ENTITY.

6 (IV) “PUBLICLY OWNED WASTEWATER FACILITY” MEANS A  
 7 WASTEWATER FACILITY THAT IS OWNED BY THIS STATE OR A POLITICAL  
 8 SUBDIVISION, MUNICIPAL CORPORATION, OR OTHER PUBLIC ENTITY.

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

10 (i) 1. To award grants for up to 100% of eligible costs of projects  
 11 relating to planning, design, construction, and upgrade of a PUBLICLY OWNED wastewater  
 12 facility for flows up to the design capacity of the wastewater facility, as approved by the  
 13 Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this  
 14 subsection; AND

15 2. TO AWARD GRANTS FOR UP TO 50% OF ELIGIBLE  
 16 COSTS OF PROJECTS RELATING TO PLANNING, DESIGN, CONSTRUCTION, AND  
 17 UPGRADE OF A PRIVATELY OWNED WASTEWATER FACILITY FOR FLOWS UP TO THE  
 18 DESIGN CAPACITY OF THE WASTEWATER FACILITY, AS APPROVED BY THE  
 19 DEPARTMENT, TO ACHIEVE ENHANCED NUTRIENT REMOVAL IN ACCORDANCE WITH  
 20 PARAGRAPH (3) OF THIS SUBSECTION;

21 Article – Health – General

22 19–210.

23 (A) IN THIS SECTION, “FUND” MEANS THE MATERNAL AND CHILD HEALTH  
 24 POPULATION HEALTH IMPROVEMENT FUND.

25 (B) THERE IS A MATERNAL AND CHILD HEALTH POPULATION HEALTH  
 26 IMPROVEMENT FUND.

27 (C) THE PURPOSE OF THE FUND IS TO INVEST IN MATERNAL AND CHILD  
 28 POPULATION HEALTH IMPROVEMENTS THROUGH THE MEDICAL CARE PROGRAMS  
 29 ADMINISTRATION AND THE PREVENTION AND HEALTH PROMOTION  
 30 ADMINISTRATION.

31 (D) THE DEPARTMENT AND THE COMMISSION SHALL ADMINISTER THE  
 32 FUND.

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

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

5           (F) THE FUND CONSISTS OF:

6           (1) A UNIFORM, BROAD-BASED ASSESSMENT OF A REASONABLE  
7 AMOUNT IN HOSPITAL RATES IN ORDER TO INVEST IN MATERNAL AND CHILD  
8 POPULATION HEALTH IMPROVEMENTS UNDER § 19-207 OF THIS SUBTITLE;

9           (2) INTEREST EARNINGS; AND

10           (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE  
11 BENEFIT OF THE FUND.

12           (G) THE FUND MAY BE USED ONLY FOR EXPENSES ASSOCIATED WITH  
13 MATERNAL AND CHILD HEALTH POPULATION HEALTH IMPROVEMENTS THROUGH  
14 DECEMBER 31, 2025.

15           (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
16 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

17           (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO  
18 THE FUND.

19           (I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY:

20           (1) IN ACCORDANCE WITH THE STATE BUDGET; AND

21           (2) AFTER THE APPROVAL OF A MAJORITY OF THE MEMBERS OF THE  
22 COMMISSION.

23           (J) MONEY EXPENDED FROM THE FUND IS SUPPLEMENTAL TO AND IS NOT  
24 INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE  
25 APPROPRIATED FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM.

26           (K) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE  
27 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

1 (a) In this section, “Fund” means the Community Health Resources Commission  
2 Fund.

3 (e) (1) Subject to paragraph (2) of this subsection, the Fund may be used only  
4 to:

5 (i) Cover the administrative costs of the Commission;

6 (ii) Cover the actual documented direct costs of fulfilling the  
7 statutory and regulatory duties of the Commission in accordance with the provisions of this  
8 subtitle;

9 (iii) Provide operating grants to qualifying community health  
10 resources; and

11 (iv) Provide funding for the development, support, and monitoring of  
12 a unified data information system among primary and specialty care providers, hospitals,  
13 and other providers of services to community health resource members.

14 (2) (iv) For fiscal [year] YEARS 2019 [and each fiscal year thereafter]  
15 THROUGH 2021, the Fund may be used for any project or initiative authorized under Title  
16 10, Subtitle 2 and Title 13, Subtitle 3 of this article and approved by the Commission if no  
17 less than \$8,000,000 of the subsidy required under § 14–106(d)(2)(ii)2 of the Insurance  
18 Article is used in each fiscal year for the purposes under paragraph (1) of this subsection.

19 (V) FOR FISCAL YEAR 2022 ~~AND EACH FISCAL YEAR~~  
20 ~~THEREAFTER~~, THE FUND MAY BE USED FOR ANY PROJECT OR INITIATIVE  
21 AUTHORIZED UNDER TITLE 10, SUBTITLE 2 AND TITLE 13, SUBTITLE 3 OF THIS  
22 ARTICLE AND APPROVED BY THE COMMISSION IF NOT MORE THAN \$8,000,000 OF  
23 THE SUBSIDY REQUIRED UNDER § 14–106(D)(2)(II)2 OF THE INSURANCE ARTICLE  
24 IS USED IN ~~EACH~~ THAT FISCAL YEAR FOR THE PURPOSES UNDER PARAGRAPH (1) OF  
25 THIS SUBSECTION.

## 26 Article – Insurance

27 6–102.1.

28 (a) This section applies to:

29 (1) an insurer, a nonprofit health service plan, a health maintenance  
30 organization, a dental plan organization, a fraternal benefit organization, and any other  
31 person subject to regulation by the State that provides a product that:

32 (i) was subject to § 9010 of the Affordable Care Act, as in effect on  
33 December 1, 2019; and

1 (ii) may be subject to an assessment by the State; and

2 (2) a managed care organization authorized under Title 15, Subtitle 1 of  
3 the Health – General Article.

4 (b) The purpose of this section is to assist in the stabilization of the individual  
5 health insurance market by assessing a health insurance provider fee that is attributable  
6 to State health risk for calendar years 2019 through 2023, both inclusive, as provided for  
7 under subsection (c) of this section.

8 (c) (1) In calendar year 2019, in addition to the amounts otherwise due under  
9 this subtitle, an entity subject to this section shall be subject to an assessment of 2.75% on  
10 all amounts used to calculate the entity's premium tax liability under § 6–102 of this  
11 subtitle or the amount of the entity's premium tax exemption value for calendar year 2018.

12 (2) In calendar years 2020 through 2023, both inclusive, in addition to the  
13 amounts otherwise due under this subtitle, an entity subject to this section shall be subject  
14 to an assessment of 1% on all amounts used to calculate the entity's premium tax liability  
15 under § 6–102 of this subtitle or the amount of the entity's premium tax exemption value  
16 for the immediately preceding calendar year.

17 (3) The assessments required in paragraphs (1) and (2) of this subsection  
18 are for products that:

19 (i) were subject to § 9010 of the Affordable Care Act, as in effect on  
20 December 1, 2019; and

21 (ii) may be subject to an assessment by the State.

22 (4) The calculation of the assessments required under paragraphs (1) and  
23 (2) of this subsection shall be made without regard to:

24 (i) the threshold limits established in § 9010(b)(2)(A) of the  
25 Affordable Care Act; or

26 (ii) the partial exclusion of net premiums provided for in §  
27 9010(b)(2)(B) of the Affordable Care Act.

28 (d) **(1) (I) IN EACH OF FISCAL YEARS 2021 THROUGH 2026 AND 2022,**  
29 ~~THE GOVERNOR SHALL TRANSFER \$100,000,000 OF THE FUNDS COLLECTED FROM~~  
30 ~~THE ASSESSMENT REQUIRED UNDER THIS SECTION SHALL BE TRANSFERRED IN~~  
31 ~~ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH TO~~  
32 ~~MEDICAL CARE PROVIDER REIMBURSEMENTS (M00Q01.03) WITHIN THE MEDICAL~~  
33 ~~CARE PROGRAMS ADMINISTRATION OF THE MARYLAND DEPARTMENT OF HEALTH.~~

1                   **(II) IF ALL OR A PORTION OF THE FUNDS REQUIRED TO BE**  
 2 **TRANSFERRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAVE BEEN**  
 3 **RECEIVED AND ARE HELD IN THE MARYLAND HEALTH BENEFIT EXCHANGE FUND**  
 4 **ESTABLISHED UNDER § 31-107 OF THIS ARTICLE, THE GOVERNOR SHALL TRANSFER**  
 5 **THE AVAILABLE AMOUNT IN THE FUND.**

6                   **(III) IF THE AMOUNT OF FUNDS TRANSFERRED UNDER**  
 7 **SUBPARAGRAPH (II) OF THIS PARAGRAPH IS LESS THAN THE AMOUNT REQUIRED TO**  
 8 **BE TRANSFERRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE**  
 9 **INSURANCE COMMISSIONER SHALL TRANSFER THE REMAINING AMOUNT FROM THE**  
 10 **FUNDS COLLECTED FROM THE ASSESSMENT REQUIRED UNDER THIS SECTION.**

11                   **(2) AT THE BEGINNING OF EACH OF FISCAL YEARS 2023 AND 2024,**  
 12 **THE GOVERNOR SHALL TRANSFER THE FIRST \$8,000,000 OF THE FUNDS COLLECTED**  
 13 **FROM THE ASSESSMENT REQUIRED UNDER THIS SECTION TO THE COMMUNITY**  
 14 **HEALTH RESOURCES COMMISSION.**

15                   ~~(2)~~ **(3)** Notwithstanding § 2-114 of this article, the **REMAINDER OF**  
 16 **THE** assessment required under this section **AFTER ANY TRANSFERS MADE UNDER**  
 17 ~~PARAGRAPH (1)~~ **PARAGRAPHS (1) AND (2)** OF THIS SUBSECTION shall be distributed  
 18 by the Commissioner to the Maryland Health Benefit Exchange Fund established under §  
 19 31-107 of this article.

20 14-106.

21                   (d) (1) Notwithstanding subsection (c) of this section, a nonprofit health  
 22 service plan that is subject to this section and issues comprehensive health care benefits in  
 23 the State shall:

24                               (i) offer health care products in the individual market;

25                               (ii) offer health care products in the small employer group market in  
 26 accordance with Title 15, Subtitle 12 of this article;

27                               (iii) subsidize the Senior Prescription Drug Assistance Program  
 28 established under Title 15, Subtitle 10 of the Health – General Article;

29                               (iv) subsidize the Kidney Disease Program under Title 13, Subtitle 3  
 30 of the Health – General Article;

31                               (v) support the costs of the Community Health Resources  
 32 Commission under Title 19, Subtitle 21 of the Health – General Article, including:

33                                       1. operating grants to community health resources;

1 2. funding for a unified data information system;

2 3. the documented direct costs of fulfilling the statutory and  
3 regulatory duties of the Commission; and

4 4. the administrative costs of the Commission; and

5 (vi) subsidize the provision of mental health services to the  
6 uninsured under Title 10, Subtitle 2 of the Health – General Article.

7 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the  
8 support provided under paragraph (1)(iv), (v), and (vi) of this subsection to the Kidney  
9 Disease Program, the Community Health Resources Commission, and the Maryland  
10 Department of Health, respectively, shall be the value of the premium tax exemption less  
11 the subsidy required under this subsection for the Senior Prescription Drug Assistance  
12 Program.

13 (ii) ~~¶The~~ ~~SUBJECT TO SUBPARAGRAPH (III) OF THIS~~  
14 ~~PARAGRAPH, THE~~ subsidy provided under this subsection to the Community Health  
15 Resources Commission may not be less than:

16 1. \$3,000,000 for each of fiscal years 2012 and 2013; and

17 2. \$8,000,000 for EACH OF fiscal [year] YEARS 2014 [and  
18 each fiscal year thereafter] THROUGH ~~2021~~ 2022.

19 ~~(III) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR~~  
20 ~~THEREAFTER, THE SUBSIDY PROVIDED UNDER THIS SUBSECTION TO THE~~  
21 ~~COMMUNITY HEALTH RESOURCES COMMISSION MAY NOT EXCEED \$8,000,000.~~

22 (3) For any year, the subsidy and funding required under this subsection  
23 by a nonprofit health service plan subject to this section may not exceed the value of the  
24 nonprofit health service plan's premium tax exemption under § 6–101(b) of this article.

25 (e) The subsidy that a nonprofit health service plan is required to provide to the  
26 Senior Prescription Drug Assistance Program under subsection (d)(1)(iii) of this section  
27 [may not exceed]:

28 (1) for the period of January 1, 2006 through June 30, 2006, MAY NOT  
29 EXCEED \$8,000,000;

30 (2) for fiscal years 2008 through [2025] **2021**, MAY NOT EXCEED  
31 \$14,000,000; [and]

32 (3) ~~FOR FISCAL YEAR 2022 AND EACH YEAR THEREAFTER,~~ MAY NOT  
33 ~~BE LESS THAN~~ EXCEED \$14,000,000; AND \$11,500,000; \$14,000,000; AND

1 ~~(4) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER,~~  
 2 ~~MAY NOT BE LESS THAN \$14,000,000; AND~~

3 ~~(4) (5) (4)~~ for any year AFTER FISCAL YEAR 2022, MAY NOT EXCEED the  
 4 value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this  
 5 article.

6 31-107.

7 (a) There is a Maryland Health Benefit Exchange Fund.

8 (b) (1) The purpose of the Fund is to:

9 (i) provide funding for the operation and administration of the  
 10 Exchange in carrying out the purposes of the Exchange under this subtitle; [and]

11 (ii) provide funding for the establishment and operation of the State  
 12 Reinsurance Program authorized under this subtitle; AND

13 (III) PROVIDE FUNDING FOR THE MEDICAL ASSISTANCE  
 14 PROGRAM AND THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM.

15 (2) The operation and administration of the Exchange and the State  
 16 Reinsurance Program may include functions delegated by the Exchange to a third party  
 17 under law or by contract.

18 (e) The Fund consists of:

19 (1) any user fees or other assessments collected by the Exchange;

20 (2) all revenue deposited into the Fund that is received from the distribution  
 21 of the premium tax under § 6-103.2 of this article;

22 (3) income from investments made on behalf of the Fund;

23 (4) interest on deposits or investments of money in the Fund;

24 (5) money collected by the Board as a result of legal or other actions taken  
 25 by the Board on behalf of the Exchange or the Fund;

26 (6) money donated to the Fund;

27 (7) money awarded to the Fund through grants;

1           (8) any pass-through funds received from the federal government under a  
2 waiver approved under § 1332 of the Affordable Care Act;

3           (9) any funds designated by the federal government to provide reinsurance  
4 to carriers that offer individual health benefit plans in the State;

5           (10) any funds designated by the State to provide reinsurance to carriers that  
6 offer individual health benefit plans in the State;

7           (11) any federal funds received in accordance with § 31–121 of this subtitle  
8 for the administration of small business tax credits; and

9           (12) any other money from any other source accepted for the benefit of the  
10 Fund.

11       (f) The Fund may be used only:

12           (1) for the operation and administration of the Exchange in carrying out the  
13 purposes authorized under this subtitle; [and]

14           (2) for the establishment and operation of the State Reinsurance Program;

15           (3) IN FISCAL YEARS 2021 AND 2022, FOR THE MEDICAL ASSISTANCE  
16 PROGRAM WITHIN THE MEDICAL CARE PROGRAMS ADMINISTRATION OF THE  
17 MARYLAND DEPARTMENT OF HEALTH; AND

18           (4) IN FISCAL YEAR 2022, FOR THE SENIOR PRESCRIPTION DRUG  
19 ASSISTANCE PROGRAM ESTABLISHED UNDER TITLE 15, SUBTITLE 10 OF THE  
20 HEALTH – GENERAL ARTICLE.

21 31–107.2.

22       (a) (1) For State fiscal year 2015 and for each State fiscal year thereafter, from  
23 the funds received from the distribution of the premium tax under § 6–103.2 of this article,  
24 the Governor shall provide an appropriation in the State budget adequate to fully fund the  
25 operations of the Exchange.

26           (2) (i) For State fiscal year 2015, the appropriation shall be no less than  
27 \$10,000,000.

28           (ii) For State fiscal year 2021, the appropriation shall be  
29 \$31,500,000.

30           (iii) For [each] State fiscal year **2022 AND EACH FISCAL YEAR**  
31 thereafter, the appropriation shall be [not less than \$35,000,000] **\$32,000,000.**

## Article – Natural Resources

4–209.

(k) [The] **BEGINNING IN FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE** Governor shall include in the ANNUAL budget bill [for each fiscal year] a General Fund appropriation to the Fisheries Research and Development Fund of not less than \$1,794,000.

## Article – State Finance and Procurement

~~4–608.~~

~~[(a)] Annually, the State shall appropriate in the State budget and pay to the Mayor and Aldermen of the City of Annapolis at least [\$750,000] **\$367,000** as payment for services provided to the State by the City of Annapolis.~~

~~[(b)] For fiscal year 2022 and each fiscal year thereafter, the appropriation required under subsection (a) of this section shall be increased by the percent increase in the Consumer Price Index for All Urban Consumers for the Baltimore Metropolitan Statistical Area.]~~

~~6–104.~~

~~(e) (1) Beginning with the revenue estimate for fiscal year 2020, the Bureau shall calculate the share of General Fund revenues represented by nonwithholding income tax revenues in accordance with this subsection.~~

~~(2) (i) For each fiscal year, the Bureau shall calculate the 10-year average share of General Fund revenues represented by nonwithholding income tax revenues.~~

~~(ii) 1. For each fiscal year, the 10-year average shall use the 10 most recently completed fiscal years for which data are available when the estimate is prepared in the September before the beginning of the fiscal year.~~

~~2. The same 10-year average shall be used in all subsequent revisions to the revenue estimate for that fiscal year.~~

~~(3) (i) Subject to subparagraph (ii) of this paragraph, for each fiscal year, if the Bureau's estimate of the share of General Fund revenues from nonwithholding income tax revenues is above the 10-year average share, the Bureau shall adjust the revenue estimate by reducing General Fund revenues from nonwithholding income tax revenues by an amount sufficient to align the estimated share of General Fund revenues from nonwithholding income tax revenues with the 10-year average share of General Fund revenues from nonwithholding income taxes.~~

~~(ii) The adjustment made under subparagraph (i) of this paragraph may not exceed the following percentage of total General Fund revenues or dollar value in a specified fiscal year:~~

~~1. 0.225% for fiscal year 2020;~~

~~2. \$0 for fiscal year 2021;~~

~~3. [\$80,000,000] \$0 for fiscal year 2022;~~

~~4. \$100,000,000 for fiscal year 2023;~~

~~5. \$120,000,000 for fiscal year 2024;~~

~~6. \$140,000,000 for fiscal year 2025; and~~

~~7. 2% for fiscal year 2026 and each fiscal year thereafter.~~

~~(iii) The capped estimate calculated under this paragraph shall be incorporated in the revenue estimate the Bureau shall report to the Board in the report required under subsection (b)(2) of this section.~~

~~6-226.~~

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

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

127. the Michael Erin Busch Sports Fund; [and]

128. the Coordinated Community Supports Partnership Fund;

AND

129. THE MATERNAL AND CHILD HEALTH POPULATION HEALTH IMPROVEMENT FUND.

~~7-329.~~

(a) (1) In this section the following words have the meanings indicated.

1           (2) “Fund” means the Fiscal Responsibility Fund established under §  
2 7–330 of this subtitle.

3           (3) (i) “Nonwithholding income tax revenues” means the State share of  
4 income tax quarterly estimated and final payments with returns made by individuals, as  
5 defined in § 10–101 of the Tax – General Article.

6                   (ii) “Nonwithholding income tax revenues” does not include:

7                           1. the county share of income tax quarterly estimated and  
8 final payments with returns made by individuals;

9                           2. income tax payments made by corporations;

10                          3. income tax refunds paid to individuals or corporations; or

11                          4. income tax withholding.

12           (b) At the end of fiscal year 2020, and each fiscal year thereafter, if General Fund  
13 revenues for the fiscal year are less than the March estimate of the Board of Revenue  
14 Estimates, the amount of nonwithholding income tax revenues that exceeds the capped  
15 estimate determined under § 6–104(e) of this article shall be applied to close the gap in  
16 revenues for that fiscal year.

17           (b–1) At the end of fiscal year [2020] 2022 only, if the amount of nonwithholding  
18 income tax revenues that exceeds the capped estimate determined under § 6–104(e) of this  
19 article exceeds the amount necessary to close the gap in revenues under subsection (b) of  
20 this section, the State Comptroller shall distribute the remainder to the Fiscal  
21 Responsibility Fund established under § 7–330 of this subtitle for the purpose of providing,  
22 beginning July 1, [2020] 2022, A COST–OF–LIVING ADJUSTMENT OF UP TO 4.5% for  
23 permanent employees in the Executive Branch of State government who are in a bargaining  
24 unit that is represented by [one of the following exclusive representatives, a cost–of–living  
25 adjustment as follows:

26                   (1) up to 1% for] the American Federation of State, County and Municipal  
27 Employees, AFL–CIO, excluding a bargaining unit represented by the American  
28 Federation of State, County and Municipal Employees, AFL–CIO Local 1859]; and

29                   (2) any revenues that exceed the amount needed for the cost–of–living  
30 adjustment in item (1) of this subsection shall be distributed proportionally to provide up  
31 to 2% for the following:

32                           (i) the American Federation of State, County and Municipal  
33 Employees, AFL–CIO, excluding a bargaining unit represented by the American  
34 Federation of State, County and Municipal Employees, AFL–CIO Local 1859;

1                   (ii) AFT Healthcare–Maryland, AFT, AFL–CIO Local 5197; and

2                   (iii) the Maryland Professional Employees Council/AFT/AFL–CIO  
3 Local 6197].

4 7–330.

5           (b) There is a Fiscal Responsibility Fund.

6           (c) The purpose of the Fund is to retain the amount of nonwithholding income tax  
7 revenues deposited to the Fund in accordance with § 7–329(d)(2) of this subtitle until the  
8 revenues are appropriated in the State budget.

9           (f) The Fund consists of nonwithholding income tax revenues that exceed the  
10 capped estimate determined under § 6–104(e) of this article deposited into the Fund by the  
11 State Comptroller under § 7–329(d)(2) of this subtitle.

12           (g) (1) Except as provided in paragraph (2) of this subsection, the Fund may  
13 be used only to provide pay–as–you–go capital funds for:

14                   (i) public school construction and public school capital improvement  
15 projects, in accordance with Title 5, Subtitle 3 of the Education Article;

16                   (ii) capital projects at public community colleges; and

17                   (iii) capital projects at four–year public institutions of higher  
18 education.

19           (2) For fiscal year [2021] 2023 only, money in the Fund shall be used to  
20 provide, beginning July 1, [2020] 2022, A COST–OF–LIVING ADJUSTMENT OF UP TO  
21 4.5% for permanent employees in the Executive Branch of State government who are in a  
22 bargaining unit that is represented by [one of the following exclusive representatives, a  
23 cost–of–living adjustment as follows:

24                   (i) up to 1% for] the American Federation of State, County and  
25 Municipal Employees, AFL–CIO, excluding a bargaining unit represented by the American  
26 Federation of State, County and Municipal Employees, AFL–CIO Local 1859]; and

27                   (ii) any revenues that exceed the amount needed for the  
28 cost–of–living adjustment in item (i) of this paragraph shall be distributed proportionally  
29 to provide up to 2% for the following:

30                           1. the American Federation of State, County and Municipal  
31 Employees, AFL–CIO, excluding a bargaining unit represented by the American  
32 Federation of State, County and Municipal Employees, AFL–CIO Local 1859;



~~to one half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;~~

~~(ii) for fiscal year 2020:~~

~~1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$50,000,000, that is equal to one half of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and~~

~~2. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriation under item 1 of this item;~~

~~(iii) for fiscal year 2021, to the Account in the amount of \$291,439,149; [and]~~

~~(iv) for fiscal year 2022 [and each fiscal year thereafter], TO THE ACCOUNT IN THE AMOUNT OF \$103,763,517; AND~~

~~(v) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER:~~

~~1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of \$25,000,000, that is equal to one quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000;~~

~~2. to the Postretirement Health Benefits Trust Fund established under § 34-101 of the State Personnel and Pensions Article an amount, up to a maximum of \$25,000,000, that is equal to one quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000; and~~

~~3. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000, less the amount of the appropriations under items 1 and 2 of this item.~~

~~7-325.~~

~~(a) (1) In each of fiscal years 2011 and 2012, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council of not less than \$13,298,434.~~

~~(2) For fiscal [year] YEARS 2013 [and each fiscal year thereafter] THROUGH 2021, the Governor shall include in the annual budget bill submitted to the~~

~~General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of this article.~~

~~(3) IN FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF \$22,410,253.~~

~~(4) FOR FISCAL YEAR 2023 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL IN AN AMOUNT NOT LESS THAN THE AMOUNT OF THE GENERAL FUND APPROPRIATION FOR THE COUNCIL AS APPROVED IN THE STATE BUDGET AS ENACTED BY THE GENERAL ASSEMBLY FOR THE PRIOR FISCAL YEAR, INCREASED BY ONE PERCENTAGE POINT LESS THAN THE PERCENTAGE BY WHICH THE PROJECTED TOTAL GENERAL FUND REVENUES FOR THE UPCOMING FISCAL YEAR EXCEED THE REVISED ESTIMATE OF TOTAL GENERAL FUND REVENUES FOR THE CURRENT FISCAL YEAR, AS CONTAINED IN THE REPORT OF ESTIMATED STATE REVENUES SUBMITTED BY THE BOARD OF REVENUE ESTIMATES TO THE GOVERNOR UNDER § 6-106(B) OF THIS ARTICLE.~~

~~(b) The Legislative Auditor has the authority to conduct a review or audit of any recipient of a grant from the Maryland State Arts Council.~~

~~§ 132.~~

~~(a) There is an Annuity Bond Fund.~~

~~(b) The Comptroller shall:~~

~~(1) credit to the Annuity Bond Fund any money appropriated in the State budget to:~~

~~(i) meet the debt service requirements on State bonds; and~~

~~(ii) pay the costs of fiscal agents and other contracting parties appointed by the State Treasurer under §§ 8-121 and 8-136 of this subtitle; and~~

~~(2) as specified in the appropriation, use the money to meet the debt service on the State bonds and pay fiscal agents and other contracting parties' costs.~~



1           ~~(a) After making the distributions required under §§ 2-1301 through 2-1302.1 of~~  
2 ~~this subtitle, the Comptroller shall pay:~~

3           ~~(1) revenues from the hotel surcharge into the Dorchester County~~  
4 ~~Economic Development Fund established under § 10-130 of the Economic Development~~  
5 ~~Article;~~

6           ~~(2) subject to [subsection] SUBSECTIONS (b) AND (c) of this section, to~~  
7 ~~The Blueprint for Maryland's Future Fund established under § 5-219 of the Education~~  
8 ~~Article, revenues collected and remitted by:~~

9                   ~~(i) a marketplace facilitator; or~~

10                   ~~(ii) a person that engages in the business of an out-of-state vendor~~  
11 ~~and that is required to collect and remit sales and use tax as specified in COMAR~~  
12 ~~03.06.01.33B(5); and~~

13           ~~(3) the remaining sales and use tax revenue into the General Fund of the~~  
14 ~~State.~~

15           ~~(b) For each fiscal year, the Comptroller shall pay into the General Fund of the~~  
16 ~~State the first \$100,000,000 of revenues collected and remitted by:~~

17                   ~~(1) a marketplace facilitator; or~~

18                   ~~(2) a person that engages in the business of an out-of-state vendor and~~  
19 ~~that is required to collect and remit sales and use tax as specified in COMAR~~  
20 ~~03.06.01.33B(5).~~

21           ~~(c) FOR FISCAL YEAR 2021, AFTER THE DISTRIBUTION MADE UNDER~~  
22 ~~SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER SHALL TRANSFER TO THE~~  
23 ~~EDUCATION TRUST FUND ESTABLISHED UNDER § 9-1A-30 OF THE STATE~~  
24 ~~GOVERNMENT ARTICLE \$144,566,291 TO SUPPLEMENT PRIOR YEAR OBLIGATIONS~~  
25 ~~AND \$30,278,726 TO SUPPLEMENT THE SHORTFALL IN FISCAL YEAR 2021 OF THE~~  
26 ~~REVENUES COLLECTED AND REMITTED BY:~~

27                   ~~(1) A MARKETPLACE FACILITATOR; OR~~

28                   ~~(2) A PERSON THAT ENGAGES IN THE BUSINESS OF AN OUT-OF-STATE~~  
29 ~~VENDOR AND THAT IS REQUIRED TO COLLECT AND REMIT SALES AND USE TAX AS~~  
30 ~~SPECIFIED IN COMAR 03.06.01.33B(5).~~

31                                   Article - Tax - Property

1       ~~(a) Each county shall provide the supervisor of the county with an office in the~~  
2 ~~county seat or in Baltimore City, for the supervisor of Baltimore City. The Department is~~  
3 ~~responsible for providing each supervisor with clerical staff, equipment, and other facilities~~  
4 ~~and assistance that the Department considers necessary and as provided in the State~~  
5 ~~budget.~~

6       ~~(b) (1) Except as provided in [paragraph] PARAGRAPHS (2), (3), AND (4) of~~  
7 ~~this subsection, each county and Baltimore City shall be responsible for reimbursing the~~  
8 ~~State for the costs of administering the Department as follows:~~

9               ~~(i) 50% of the costs of real property valuation;~~

10              ~~(ii) 50% of the costs of business personal property valuation; and~~

11              ~~(iii) 50% of the costs of the Office of Information Technology within~~  
12 ~~the Department, including any funding for departmental projects in the Major Information~~  
13 ~~Technology Development Project Fund established under § 3A-309 of the State Finance~~  
14 ~~and Procurement Article.~~

15       ~~(2) For each of fiscal years 2012 and 2013, each county and Baltimore City~~  
16 ~~shall be responsible for reimbursing the State 90% instead of 50% of the costs of~~  
17 ~~administering the Department described in paragraph (1) of this subsection.~~

18       ~~(3) FOR EACH OF FISCAL YEARS 2022 THROUGH 2025, EACH COUNTY~~  
19 ~~AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR~~  
20 ~~THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:~~

21              ~~(I) 60% OF THE COSTS OF REAL PROPERTY VALUATION IN~~  
22 ~~FISCAL YEAR 2022 INCREASING BY 10 PERCENTAGE POINTS IN EACH SUBSEQUENT~~  
23 ~~FISCAL YEAR TO 90%;~~

24              ~~(II) 60% OF THE COSTS OF BUSINESS PERSONAL PROPERTY~~  
25 ~~VALUATION IN FISCAL YEAR 2022 INCREASING BY 10 PERCENTAGE POINTS IN EACH~~  
26 ~~SUBSEQUENT FISCAL YEAR TO 90%; AND~~

27              ~~(III) 60% OF THE COSTS OF THE OFFICE OF INFORMATION~~  
28 ~~TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR~~  
29 ~~DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY~~  
30 ~~DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE~~  
31 ~~FINANCE AND PROCUREMENT ARTICLE, IN FISCAL YEAR 2022 INCREASING BY 10~~  
32 ~~PERCENTAGE POINTS IN EACH SUBSEQUENT FISCAL YEAR TO 90%.~~

33       ~~(4) FOR FISCAL YEAR 2026 AND EACH FISCAL YEAR THEREAFTER,~~  
34 ~~EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING~~  
35 ~~THE STATE FOR THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:~~

1                   ~~(I) 90% OF THE COSTS OF REAL PROPERTY VALUATION;~~

2                   ~~(II) 90% OF THE COSTS OF BUSINESS PERSONAL PROPERTY~~  
3 ~~VALUATION; AND~~

4                   ~~(III) 90% OF THE COSTS OF THE OFFICE OF INFORMATION~~  
5 ~~TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR~~  
6 ~~DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY~~  
7 ~~DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A-309 OF THE STATE~~  
8 ~~FINANCE AND PROCUREMENT ARTICLE.~~

9           ~~(e) Costs under subsection (b) of this section shall be allocated among the counties~~  
10 ~~and Baltimore City as follows:~~

11                   ~~(1) costs under subsection (b)(1)(i) and (iii) of this section will be allocated~~  
12 ~~based on the number of real property accounts of a county or Baltimore City as a percentage~~  
13 ~~of the total number of real property accounts statewide as of July 1 of the preceding fiscal~~  
14 ~~year; and~~

15                   ~~(2) costs under subsection (b)(1)(ii) of this section will be allocated based on~~  
16 ~~the business personal property assessable base of a county or Baltimore City as a~~  
17 ~~percentage of the total business personal property assessable bases statewide as of July 1~~  
18 ~~of the preceding fiscal year.~~

19           ~~(d) Each county and Baltimore City shall remit a quarterly payment to the~~  
20 ~~Comptroller for 25% of the jurisdiction's share of costs on the following dates:~~

21                   ~~(1) July 1;~~

22                   ~~(2) October 1;~~

23                   ~~(3) January 1; and~~

24                   ~~(4) April 1.~~

25           ~~(e) The Comptroller may withhold a portion of a local income tax distribution of~~  
26 ~~a county or Baltimore City that fails to make timely payment in accordance with this~~  
27 ~~section.~~

28 8-213.

29           (a) (1) In this section the following words have the meanings indicated.

30                   (2) "Agreement" means an agreement made under subsection (b) of this  
31 section.

1           (3) “Assessment rate index” means the percentage, if any, by which the  
 2 amount of the State assessable base for the taxable year exceeds the average annual  
 3 amount of the State assessable base in the immediately preceding assessment cycle.

4           (4) “State assessable base” means the total assessable base, as determined  
 5 by the Supervisor of Assessments, of all real property in the State subject to taxation.

6           (b) The Department may make agreements with country clubs and golf courses  
 7 that specify the manner of assessing the land of a country club or golf course. All  
 8 agreements shall contain uniform provisions.

9           (c) (1) (i) Except as provided in paragraph (2) of this subsection and  
 10 subject to subparagraphs (iii) and (iv) of this paragraph, the land of a country club or golf  
 11 course that is actively used as a country club or golf course that meets the requirements of  
 12 § 8–212 of this subtitle shall be valued:

13                   1. at rates equivalent to land assessed under § 8–219 of this  
 14 subtitle, if the land is subject to an agreement entered into before June 1, 2020, that has  
 15 not been extended for a term of years beginning on or after June 1, 2020; or

16                   2. at the rates specified under subparagraph (ii) of this  
 17 paragraph, if the land is subject to an agreement entered into:

18                           A. on or after June 1, 2020; or

19                           B. before June 1, 2020, that is extended for a term of years  
 20 beginning on or after June 1, 2020.

21           (ii) The land of a country club or golf course subject to an agreement  
 22 described under subparagraph [(i)2] (I)2A of this paragraph shall be valued[:

23                   1.], for the [first taxable year after] DATE OF FINALITY NEXT  
 24 FOLLOWING the DATE OF THE agreement [or extension takes effect], at the lesser of:

25                           [A.] 1. market value per acre; or

26                           [B.] 2. [\$2,000] \$5,000 per acre[:

27                   2. for the second taxable year after the agreement or  
 28 extension takes effect, at the lesser of:

29                           A. market value per acre; or

30                           B. \$3,500 per acre; or

1                                   3.     for the third taxable year after the agreement or extension  
 2 takes effect, at the lesser of:

3                                   A.     market value per acre; or

4                                   B.     \$5,000 per acre].

5                                   [(iii) The rate of valuation required for the land of a country club or  
 6 golf course under subparagraph (ii)3A of this paragraph shall be increased annually by an  
 7 amount equal to the product of multiplying:

8                                   1.     the greater of:

9                                   A.     the valuation rate for the last assessment of the land; or

10                                  B.     market value per acre; and

11                                  2.     the assessment rate index.]

12                                  **(III) THE LAND OF A COUNTRY CLUB OR GOLF COURSE SUBJECT**  
 13 **TO AN AGREEMENT DESCRIBED UNDER SUBPARAGRAPH (I)2B OF THIS PARAGRAPH**  
 14 **SHALL BE VALUED, FOR THE ASSESSMENT CYCLE NEXT FOLLOWING THE DATE OF**  
 15 **THE EXTENSION, AT THE LESSER OF:**

16                                  1.     **MARKET VALUE PER ACRE; OR**

17                                  2.     **\$5,000 PER ACRE.**

18                                  (iv) The rate of valuation required for the land of a country club or  
 19 golf course under [subparagraph (ii)3B] SUBPARAGRAPHS (II)2 AND (III)2 of this  
 20 paragraph shall be increased [annually] TRIENNIALLY by an amount equal to the product  
 21 of multiplying:

22                                  1.     the greater of:

23                                  A.     the valuation rate for the last assessment of the land; or

24                                  B.     \$5,000 per acre; and

25                                  2.     the assessment rate index.

26                                  (2)    If the land of a country club or golf course that meets the requirements  
 27 of § 8–212 of this subtitle has a greater market value than its value when used as a country  
 28 club or golf course, the land shall also be assessed on the basis of the greater value.

1           (3) Except as provided under § 8–216 of this subtitle, the property tax  
 2 payable by a country club or golf course under this section is based on the assessment of  
 3 the land under paragraph (1) of this subsection.

4           (4) If an assessment is made on the greater value under paragraph (2) of  
 5 this subsection, the assessment records for the country club or golf course shall record the  
 6 assessment under paragraphs (1) and (2) of this subsection.

7           (5) Any assessment of the land of a country club or golf course under this  
 8 section is effective on the date of finality next following the date of an agreement.

9           (d) (1) An agreement shall be for at least 10 consecutive years or for a longer  
 10 period as determined by the country club or golf course and the Department.

11           (2) An agreement may be extended, but only in increments of at least 5  
 12 years.

13 13–209.

14           ~~(d) Subject to subsections (d–1) and (e) of this section, for the fiscal year beginning~~  
 15 ~~July 1, 2002 and for each subsequent fiscal year, the balance of the revenue in the special~~  
 16 ~~fund, not required under subsection (b) of this section and not allocated to the General Fund~~  
 17 ~~under subsection (e)(1) of this section shall be allocated in the State budget as follows:~~

18           (1) (i) ~~75.15% for the purposes specified in Title 5, Subtitle 9 of the~~  
 19 ~~Natural Resources Article (Program Open Space); and~~

20           (ii) ~~an additional 1% for Program Open Space, for land acquisition~~  
 21 ~~purposes as specified in § 5–903(a)(2) of the Natural Resources Article;~~

22           (2) ~~17.05% for the Agricultural Land Preservation Fund established under~~  
 23 ~~§ 2–505 of the Agriculture Article;~~

24           (3) ~~5% for the Rural Legacy Program established under § 5–9A–01 of the~~  
 25 ~~Natural Resources Article; and~~

26           (4) ~~1.8% for the Heritage Conservation Fund established under § 5–1501~~  
 27 ~~of the Natural Resources Article.~~

28           ~~(d–1) (1) In this subsection, “eligible purpose” means a purpose, program, or fund~~  
 29 ~~to which revenue in the special fund is required to be allocated under subsection (d) of this~~  
 30 ~~section.~~

31           (2) ~~For any [fiscal year beginning on or after July 1, 2010, but before July~~  
 32 ~~1, 2013, for] OF THE FISCAL YEARS 2011, 2012, 2013, AND 2022 IN which funding is~~  
 33 ~~provided for an eligible purpose through the State Consolidated Capital Bond Funding~~  
 34 ~~Program or other bond enabling act;~~

~~(i) from the balance of the special fund, before the allocations under subsection (d) of this section are made, an amount shall be allocated to the General Fund of the State equal to the total amount of funding provided for eligible purposes through the bond enabling act; and~~

~~(ii) except as otherwise expressly provided under the bond enabling act through which the funding is provided, the allocations provided under subsection (d) of this section shall be adjusted to reduce the amount that would otherwise be allocated for each eligible purpose by the amount of funding provided for that purpose under the bond enabling act.~~

~~(3) Notwithstanding any other provision of law, a transfer under this subsection may not be taken into account for purposes of determining any allocation or appropriation required under subsection (f) or (g) of this section.~~

(g) (2) (i) 1. The Governor shall include in the annual budget bill for fiscal year 2021 a General Fund appropriation to the special fund in the amount of \$5,690,501.

2. The Governor shall include in each of the annual budget bills for fiscal years ~~2022 and~~ 2023 ~~AND 2024~~ a General Fund appropriation to the special fund in the amount of \$12,500,000.

3. The Governor shall include in the annual budget bill for fiscal year ~~2024~~ 2025 a General Fund appropriation to the special fund in the amount of \$6,809,499.

(ii) The appropriations required under subparagraph (i) of this paragraph:

~~1. cumulatively represent reimbursement for 50% of the cumulative amount of any appropriation or transfer from the special fund to the General Fund for fiscal year 2006;~~

~~1.~~ are not subject to the provisions of subsections (a), (b), (c), and (f) of this section;

~~2.~~ shall be allocated as provided in subsection (d) of this section and § 5-903 of the Natural Resources Article; and

~~3.~~ shall be reduced by the amount of any appropriation from the General Fund to the special fund that:

A. exceeds the required appropriation under this paragraph;

and

1 B. is identified as an appropriation for reimbursement under  
2 this paragraph.

3 (3) (i) 1. The Governor shall include in each of the annual budget  
4 bills for fiscal year 2019 and fiscal years [2022] **2023** through ~~[2026]~~ ~~2027~~ a General Fund  
5 appropriation to the special fund in the amount of \$6,000,000 and for fiscal year ~~[2027]~~  
6 ~~2028~~ a General Fund appropriation to the special fund in the amount of \$4,000,000 for  
7 park development and the critical maintenance of State projects located on lands managed  
8 by the Department of Natural Resources for public purposes.

9 2. THE GOVERNOR SHALL INCLUDE IN THE ANNUAL  
10 BUDGET BILL FOR FISCAL YEAR 2022 ONLY A GENERAL FUND APPROPRIATION TO  
11 THE SPECIAL FUND IN THE AMOUNT OF \$21,930,475 FOR THE CRITICAL  
12 MAINTENANCE OF STATE PROJECTS LOCATED ON LANDS MANAGED BY THE  
13 DEPARTMENT OF NATURAL RESOURCES FOR PUBLIC PURPOSES.

14 (ii) The appropriations required under subparagraph (i) of this  
15 paragraph:

16 ~~1. represent reimbursement for 44.4% **62.1%** of the~~  
17 ~~cumulative amount of any appropriation or transfer from the special fund to the General~~  
18 ~~Fund for fiscal year 2006;~~

19 ~~2. 1.~~ are not subject to the provisions of subsections (a), (b), (c),  
20 and (f) of this section;

21 ~~3. 2.~~ shall be made until the cumulative total amount  
22 appropriated under subparagraph (i) of this paragraph is equal to ~~\$40,000,000~~  
23 **\$55,930,475**; and

24 ~~4. 3.~~ shall be reduced by the amount of any appropriation from  
25 the General Fund to the special fund that:

26 A. exceeds the required appropriation under this paragraph;

27 B. is identified as an appropriation for reimbursement under  
28 this paragraph; and

29 C. supplements rather than supplants the Department of  
30 Natural Resources funding for the critical maintenance of State projects on State lands,  
31 based on the average critical maintenance budget of the 10 years preceding the  
32 appropriation.

1 (4) (i) 1. Subject to subparagraph (ii) of this paragraph, the  
 2 Governor shall appropriate from the General Fund to the special fund ~~\$152,165,700~~  
 3 ~~\$136,235,225~~ \$119,800,225, which equals the cumulative amount of the appropriations  
 4 or transfers from the special fund to the General Fund for fiscal years 2016, 2017, and 2018,  
 5 less ~~\$72,000,000~~ \$104,365,475.

6 2. FOR FISCAL YEAR 2022 ONLY, THE GOVERNOR SHALL  
 7 INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION IN THE  
 8 AMOUNT OF \$1,200,000 TO THE STATE LAKES PROTECTION AND RESTORATION  
 9 FUND ESTABLISHED UNDER § 8-205 OF THE NATURAL RESOURCES ARTICLE TO BE  
 10 USED ONLY TO FUND A PILOT DREDGING PROJECT AT DEEP CREEK LAKE, WHICH IS  
 11 NOT REQUIRED TO BE MATCHED BY LOCAL FUNDS.

12 3. FOR EACH OF FISCAL YEARS 2023, 2024, 2025, 2026,  
 13 AND 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL A  
 14 GENERAL FUND APPROPRIATION IN THE AMOUNT OF \$2,500,000 TO THE MARYLAND  
 15 AGRICULTURAL AND RESOURCE-BASED INDUSTRY DEVELOPMENT CORPORATION  
 16 FOR THE NEXT GENERATION FARMLAND ACQUISITION PROGRAM AUTHORIZED  
 17 UNDER § 10-523(A)(3)(II) OF THE ECONOMIC DEVELOPMENT ARTICLE.

18 4. FOR FISCAL YEAR 2025 ONLY, THE GOVERNOR SHALL  
 19 INCLUDE IN THE ANNUAL BUDGET BILL A GENERAL FUND APPROPRIATION IN THE  
 20 AMOUNT OF \$2,735,000 TO THE MARYLAND AGRICULTURAL AND RESOURCE-BASED  
 21 INDUSTRY DEVELOPMENT CORPORATION ESTABLISHED UNDER TITLE 10,  
 22 SUBTITLE 5 OF THE ECONOMIC DEVELOPMENT ARTICLE TO BE USED AS FOLLOWS:

23 A. \$2,300,000 TO SUPPORT THE CORPORATION'S RURAL  
 24 BUSINESS LOAN PROGRAMS AND SMALL MATCHING GRANT PROGRAMS; AND

25 B. \$435,000 FOR GRANTS AND NEAR-EQUITY  
 26 INVESTMENTS TO:

27 I. SUPPORT THE CREATION OR EXPANSION OF  
 28 AGRICULTURAL PRODUCT AGGREGATION AND STORAGE SITES; AND

29 II. FACILITATE PARTICIPATION IN THE CERTIFIED  
 30 LOCAL FARM ENTERPRISE PROGRAM.

31 (ii) The Governor shall appropriate at least:

32 1. ~~[\$25,360,950~~ ~~\$9,430,475~~ \$8,230,475 on or before June  
 33 30, 2022;

1 an additional ~~1~~ ~~\$50,721,900~~ **\$37,986,900** on or before June  
2 30, 2026;

3 ~~3.~~ ~~2.~~ an additional ~~\$50,721,900~~ **\$48,221,900** on or before June  
4 30, 2030; and

5 ~~4.~~ ~~3.~~ an additional ~~[\$25,360,950]~~ ~~\$50,721,900~~ on or before  
6 June 30, ~~[2031]~~ **2032**.

7 (iii) The appropriations required under subparagraphs (i) and (ii) of  
8 this paragraph:

9 1. represent reimbursement for the cumulative amount of  
10 any appropriation or transfer from the special fund to the General Fund for fiscal years  
11 2016, 2017, and 2018, less ~~\$72,000,000~~ **\$104,365,475**;

12 2. are not subject to the provisions of subsections (a), (b), (c),  
13 and (f) of this section;

14 3. shall be allocated as provided in subsection (d) of this  
15 section and § 5-903 of the Natural Resources Article;

16 4. shall be made until the cumulative total appropriated  
17 under subparagraphs (i) and (ii) of this paragraph is equal to the cumulative amount of any  
18 appropriation or transfer from the special fund to the General Fund for fiscal years 2016,  
19 2017, and 2018, less ~~\$72,000,000~~ **\$104,365,475**; and

20 5. shall be reduced by the amount of any appropriation from  
21 the General Fund to the special fund that:

22 A. exceeds the required appropriation under this paragraph;  
23 and

24 B. is identified as an appropriation for reimbursement under  
25 this paragraph.

### **Article – Transportation**

26 **7-205.**

28 *(a) For fiscal year 2020, the Governor shall include in the State budget an*  
29 *appropriation from the Transportation Trust Fund for the operation of the Administration*  
30 *that is equal to the appropriation for the operation of the Administration in the fiscal year*  
31 *2019 State budget as introduced, increased by at least 4.4%.*

1           **(b)** For [each of fiscal years] FISCAL YEAR 2021 [and 2022], the Governor shall  
 2 include in the State budget an appropriation from the Transportation Trust Fund for the  
 3 operation of the Administration that is equal to the appropriation for the operation of the  
 4 Administration in the State budget for the immediately preceding fiscal year, increased by  
 5 at least 4.4%.

6           **(C)** FOR FISCAL YEAR 2022, THE GOVERNOR SHALL INCLUDE IN THE STATE  
 7 BUDGET AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND FOR THE  
 8 OPERATION OF THE ADMINISTRATION THAT MAY NOT BE LESS THAN THE FISCAL  
 9 YEAR 2021 APPROPRIATION FOR THE OPERATION OF THE ADMINISTRATION.

10           **[(c)] (D)** (1) For each of fiscal years 2020 through 2022, the Governor shall  
 11 include in the State budget an appropriation for the capital needs of the Administration of  
 12 at least \$29,100,000 from the revenues available for the State capital program in the  
 13 Transportation Trust Fund.

14           **(2)** The appropriation required under paragraph (1) of this subsection may  
 15 not supplant any other capital funding otherwise available for the Administration.

16 ~~Chapter 397 of the Acts of 2011, as amended by Chapter 425 of the Acts of 2013,~~  
 17 ~~Chapter 464 of the Acts of 2014, Chapter 489 of the Acts of 2015, Chapter 23 of~~  
 18 ~~the Acts of 2017, Chapter 10 of the Acts of 2018, Chapter 16 of the Acts of 2019,~~  
 19 ~~and Chapter 538 of the Acts of 2020~~

20           ~~SECTION 16. AND BE IT FURTHER ENACTED, That, in addition to any other~~  
 21 ~~revenue generated under § 19-214 of the Health General Article, as amended by this Act:~~

22           ~~(e) (1) For fiscal year 2015 and 2016, the Commission and the Maryland~~  
 23 ~~Department of Health shall adopt policies that will provide up to \$389,825,000 in special~~  
 24 ~~fund revenues from hospital assessment and remittance revenue.~~

25           ~~(2) For fiscal year 2017, the Governor shall reduce the budgeted Medicaid~~  
 26 ~~Deficit Assessment by \$25,000,000 over the assessment level for the prior year.~~

27           ~~(3) For fiscal year 2018, the budgeted Medicaid Deficit Assessment shall be~~  
 28 ~~\$364,825,000.~~

29           ~~(4) For fiscal year 2019, the budgeted Medicaid Deficit Assessment shall be~~  
 30 ~~\$334,825,000.~~

31           ~~(5) For fiscal year 2020, the budgeted Medicaid Deficit Assessment shall be~~  
 32 ~~\$309,825,000.~~

33           ~~(6) For fiscal year 2021 and each fiscal year thereafter, the budgeted~~  
 34 ~~Medicaid Deficit Assessment shall be [\$294,825,000] \$329,825,000.~~

1           ~~(7) To the extent that the Commission takes other actions that reduce~~  
2 ~~Medicaid costs, those savings shall also be used to reduce the budgeted Medicaid Deficit~~  
3 ~~Assessment.~~

4           ~~(8) To the maximum extent possible, the Commission and the Maryland~~  
5 ~~Department of Health shall adopt policies that preserve the State's Medicare waiver.~~

6           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other  
7 provision of law, on or before June 30, 2021, the Governor may transfer to the General Fund  
8 \$30,000,000 from the reserve account established by the State to pay unemployment  
9 compensation benefits for State employees.

10           SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, for fiscal year 2022,  
11 payments to providers with rates set by the Interagency Rates Committee under § 8-417  
12 of the Education Article may not increase by more than 4% over the rates in effect on  
13 ~~December 31, 2020~~ JANUARY 1, 2021 *January 1, 2021*.

14           ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
15 ~~provision of law, on or before June 30, 2022, the Governor may transfer to the Office of~~  
16 ~~Controlled Substances Administration within the Maryland Department of Health~~  
17 ~~\$500,000 of the fund balance in the State Board of Pharmacy Fund established under §~~  
18 ~~12-206 of the Health Occupations Article.~~

19           SECTION ~~5~~ 4 5. AND BE IT FURTHER ENACTED, That, notwithstanding any  
20 other provision of law, on or before June 30, 2022, the Governor may transfer to the  
21 Behavioral Health Administration within the Maryland Department of Health ~~\$2,000,000~~  
22 \$1,500,000 of the fund balance in the State Board of Professional Counselors and  
23 Therapists Fund established under § 17-206 of the Health Occupations Article.

24           SECTION ~~6~~ 5 6. AND BE IT FURTHER ENACTED, That, notwithstanding any  
25 other provision of law, on or before June 30, 2022, the Governor may transfer to the  
26 Behavioral Health Administration within the Maryland Department of Health ~~\$6,000,000~~  
27 \$3,000,000 \$2,000,000 of the fund balance in the Natalie M. LaPrade Medical Cannabis  
28 Commission Fund established under § 13-3303 of the Health Occupations Article.

29           ~~SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
30 ~~provision of law under § 2-606 of the Tax General Article:~~

31           ~~(a) The Maryland Department of Health and other appropriate State agencies are~~  
32 ~~authorized to temporarily charge expenditures related to the Coronavirus Disease 2019~~  
33 ~~(COVID-19) response that are eligible for reimbursement from the Federal Emergency~~  
34 ~~Management Agency's Public Assistance process to the Local Reserve Account established~~  
35 ~~to comply with § 2-606 of the Tax General Article.~~

36           ~~(b) Once reimbursement is received from the Federal Emergency Management~~  
37 ~~Agency's Public Assistance process, the revenue shall be used to offset the eligible~~

~~expenditures authorized under subsection (a) of this section to reimburse the Local Reserve Account.~~

~~(e) Any charges against the Local Reserve Account that are not fully reimbursed under subsection (b) of this section shall be reimbursed by the General Fund at the Maryland General Assembly session following a determination by the Federal Emergency Management Agency to ensure the Local Reserve Account is fully reimbursed for the temporary charges made under subsection (a) of this section.~~

~~(d) This provision shall be in effect until June 30, 2022, or until the Federal Emergency Management Agency has made a final determination on all expenditures that are temporarily charged under subsection (a) of this section. On the effective date of this Act, the Department of Budget and Management may appropriate these funds through the budget amendment process, as needed.~~

SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law under § 2-606 of the Tax – General Article:

(a) The Maryland Department of Health and other appropriate State agencies are authorized to temporarily charge expenditures related to the Coronavirus Disease 2019 (COVID-19) response that are eligible for reimbursement from the Federal Emergency Management Agency’s Public Assistance process to the Local Reserve Account established to comply with § 2-606 of the Tax – General Article.

(b) Once reimbursement is received from the Federal Emergency Management Agency’s Public Assistance process, the revenue shall be used to offset the eligible expenditures authorized under subsection (a) of this section to reimburse the Local Reserve Account.

(c) Any charges against the Local Reserve Account that are not fully reimbursed under subsection (b) of this section shall be reimbursed by the General Fund at the Maryland General Assembly session following a determination by the Federal Emergency Management Agency to ensure the Local Reserve Account is fully reimbursed for the temporary charges made under subsection (a) of this section.

(d) This provision shall be in effect until June 30, 2022, or until the Federal Emergency Management Agency has made a final determination on all expenditures that are temporarily charged under subsection (a) of this section. On the effective date of this Act, the Department of Budget and Management may appropriate these funds through the budget amendment process, as needed.

SECTION ~~8.~~ 8. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, due to public health precautions required by the Coronavirus Disease 2019 (COVID-19) pandemic, the Governor may print a reduced number of fiscal year 2022 budget books for distribution to the Maryland General Assembly and the Department of Legislative Services.

1 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
2 ~~provision of law, if the Office of the Attorney General does not transfer \$10,000,000 from~~  
3 ~~the Consumer Protection Recoveries to the General Fund on or before May 1, 2022, the~~  
4 ~~Comptroller shall transfer \$10,000,000 from the Consumer Protection Recoveries to the~~  
5 ~~General Fund.~~

6 SECTION ~~10.~~ 7. 9. AND BE IT FURTHER ENACTED, That, notwithstanding any  
7 other provision of law, a one-time education aid grant for a county for fiscal year 2022  
8 authorized under § 5-219(f) of the Education Article, as enacted by Section 1 of this Act, is  
9 contingent on the county's appropriation of local funds to the county board of education  
10 operating budget for fiscal year 2022 exceeding the local appropriation for fiscal year 2021.

11 SECTION ~~11.~~ ~~8.~~ 10. AND BE IT FURTHER ENACTED, That:

12 (a) Except for individuals whose retirement allowance is subject to a reduction as  
13 provided under § 22-406(c)(1)(iii) and (3) or § 23-407(c)(1)(iii) and (3) of the State Personnel  
14 and Pensions Article, the reduction of a retirement allowance under § 22-406 or § 23-407  
15 of the State Personnel and Pensions Article does not apply to:

16 (1) an individual who was previously employed by the Maryland  
17 Department of Health, retired, and is rehired by the Maryland Department of Health for a  
18 period not to exceed 2 years to assist in the administration of federally funded grants  
19 related to the Coronavirus Disease 2019 (COVID-19) pandemic; and

20 (2) an individual who was previously employed by the Maryland  
21 Department of Labor, retired, and is rehired by the Maryland Department of Labor for a  
22 period not to exceed 2 years within the Division of Unemployment Insurance to assist with  
23 the administration of benefits related to the COVID-19 pandemic.

24 (b) (1) The provisions of subsection (a) of this section shall be construed to  
25 apply retroactively to January 1, 2020.

26 (2) The provisions of subsection (a) of this section shall terminate and be of  
27 no effect after December 31, 2021.

28 ~~SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
29 ~~provision of law, employees in positions at Department of Public Safety and Correctional~~  
30 ~~Services facilities that are closed effective June 30, 2021, shall be transferred to existing~~  
31 ~~vacancies in comparable job classifications within other Department of Public Safety and~~  
32 ~~Correctional Services facilities. These transfers shall be effective not later than July 1,~~  
33 ~~2021, and shall be made without any loss of status, compensation, or benefits.~~

34 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any other  
35 provision of law, employees in positions at Department of Public Safety and Correctional  
36 Services facilities that are closed effective June 30, 2021, shall be transferred to existing  
37 vacancies in comparable job classifications within other Department of Public Safety and

1 Correctional Services facilities. These transfers shall be effective not later than July 1, 2021,  
2 and shall be made without any loss of status, compensation, or benefits.

3 ~~SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
4 ~~provision of law, on or before June 30, 2022, the Governor may transfer to the Behavioral~~  
5 ~~Health Administration within the Maryland Department of Health \$700,000 of the fund~~  
6 ~~balance in the State Board of Examiners for Psychologists Fund established under §~~  
7 ~~18-207 of the Health Occupations Article.~~

8 ~~SECTION 10. 12. AND BE IT FURTHER ENACTED, That, notwithstanding any~~  
9 ~~other provision of law, on or before June 30, 2021, the Governor may transfer to the General~~  
10 ~~Fund \$5,000,000 from the Maryland Health Care Provider Rate Stabilization Fund~~  
11 ~~established under § 19-802 of the Insurance Article.~~

12 ~~SECTION 11. 13. AND BE IT FURTHER ENACTED, That, on or before June 30,~~  
13 ~~2021, the \$235,000 identified in the fiscal year 2020 closeout audit as being improperly~~  
14 ~~encumbered by Headquarters (R00A01) within the Maryland State Department of~~  
15 ~~Education shall revert to the General Fund.~~

16 ~~SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any other~~  
17 ~~provision of law, on or before June 30, 2022, the Governor may transfer to the General Fund~~  
18 ~~\$1,000,000 from the Charlotte Hall Veterans Home Fund established under § 9-012.2 of~~  
19 ~~the State Government Article.~~

20 ~~SECTION 13. 14. AND BE IT FURTHER ENACTED, That the unexpended~~  
21 ~~appropriation for Statewide Expenses (F10A02.08) within the Department of Budget and~~  
22 ~~Management, that was included in the fiscal year 2021 operating budget (Chapter 19 of the~~  
23 ~~Acts of 2020) is reduced by \$1,784,036 in general funds.~~

24 ~~SECTION 14. 15. AND BE IT FURTHER ENACTED, That the unexpended~~  
25 ~~appropriation for the Medicaid Behavioral Health Provider Reimbursement Program~~  
26 ~~(M00Q01.10) within the Maryland Department of Health, that was included in the fiscal~~  
27 ~~year 2020 operating budget (Chapter 565 of the Acts of 2019) is reduced by \$5,000,000 in~~  
28 ~~general funds.~~

29 ~~SECTION 15. 16. AND BE IT FURTHER ENACTED, That the unexpended~~  
30 ~~appropriation for Aid to Education, Nonpublic Placements Program (R00A02.07) within the~~  
31 ~~Maryland State Department of Education, that was included in the fiscal year 2020~~  
32 ~~operating budget (Chapter 565 of the Acts of 2019) is reduced by \$7,500,000 in general~~  
33 ~~funds.~~

34 ~~SECTION 16. 17. AND BE IT FURTHER ENACTED, That:~~

35 (a) Subject to subsection (b) of this section, on or before October 1, 2021, the  
36 Maryland-National Capital Park and Planning Commission shall transfer to the General  
37 Fund ~~\$5,000,000~~ \$100,000 from the balance of funds collected in Prince George's County in  
38 accordance with § 18-304(b) of the Land Use Article.

1 (b) The amount of money transferred under this section:

2 (1) may not exceed the lesser of ~~\$5,000,000~~ \$100,000 or the amount  
 3 remaining from the balance of funds collected after all fiscal year 2022 debt service  
 4 obligations are satisfied; and

5 (2) may not result in a projected deficit in the balance of funds collected.

6 SECTION ~~13~~, ~~17~~, 18. AND BE IT FURTHER ENACTED, That this Act shall take  
 7 effect June 1, 2021. Section 1 of this Act shall remain effective for a period of 3 years and 1  
 8 month and, at the end of June 30, 2024, Section 1 of this Act, with no further action required  
 9 by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

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Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.

# HOUSE BILL 878

L6, M3

(11r2174)

## ENROLLED BILL

— Appropriations/Education, Health, and Environmental Affairs —

Introduced by **Delegate Chang**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

2 **Bay Restoration Fund – ~~Authorized Uses and~~ County Authority to Incur**  
3 **Indebtedness**

4 FOR the purpose of ~~authorizing the use of certain funds in a certain separate account for~~  
5 ~~certain costs associated with the installation of a certain new on-site sewage disposal~~  
6 ~~system or the repair or replacement of a failing on-site sewage disposal system with~~  
7 ~~a certain new system;~~ authorizing a county to borrow money and incur indebtedness  
8 through the issuance and sale of notes in anticipation of the receipt of the county's  
9 allocation of funds from a certain account of the Bay Restoration Fund; authorizing  
10 a county to expend the net proceeds of the sale of a certain issue of notes only for  
11 certain purposes; authorizing the principal of certain notes and the interest on  
12 certain notes to be paid from certain sources; authorizing a county to pledge its full  
13 faith and credit and taxing power to the payment of the principal of and interest on  
14 certain notes under certain circumstances; providing that the authority to borrow  
15 money and issue notes granted to counties by this Act is supplemental to and not in

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 derogation of certain other powers; and generally relating to the Bay Restoration  
2 Fund.

3 ~~BY repealing and reenacting, with amendments,~~  
4 ~~Article – Environment~~  
5 ~~Section 9–1605.2(h)(2)(i)1.C.~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(2014 Replacement Volume and 2020 Supplement)~~

8 BY adding to  
9 Article – Local Government  
10 Section 19–1001 through 19–1004 to be under the new subtitle “Subtitle 10. Public  
11 Debt – Grants and Loans for Septic Upgrades”  
12 Annotated Code of Maryland  
13 (2013 Volume and 2020 Supplement)

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

16 ~~Article – Environment~~

17 ~~9–1605.2.~~

18 ~~(h) (2) The Comptroller shall:~~

19 ~~(i) Deposit 60% of the funds in the separate account to be used for:~~

20 ~~1. Subject to paragraphs (3), (4), (5), and (6) of this~~  
21 ~~subsection, with priority first given to failing systems and holding tanks located in the~~  
22 ~~Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the~~  
23 ~~Department determines are a threat to public health or water quality, grants or loans for~~  
24 ~~up to 100% of:~~

25 ~~C. [The cost of repairing or replacing a failing on-site sewage~~  
26 ~~disposal system with a system that uses the best available technology for nitrogen~~  
27 ~~removal;] ALL COSTS ASSOCIATED WITH THE INSTALLATION OF A NEW ON-SITE~~  
28 ~~SEWAGE DISPOSAL SYSTEM THAT USES THE BEST AVAILABLE TECHNOLOGY FOR THE~~  
29 ~~REMOVAL OF NITROGEN, OR THE REPAIR OR REPLACEMENT OF A FAILING ON-SITE~~  
30 ~~SEWAGE DISPOSAL SYSTEM WITH A NEW SYSTEM THAT UTILIZES THE BEST~~  
31 ~~AVAILABLE TECHNOLOGY FOR NITROGEN REMOVAL, INCLUDING ENGINEERING~~  
32 ~~COSTS AND COSTS ASSOCIATED WITH THE INSTALLATION OR REPLACEMENT OF A~~  
33 ~~DISPOSAL SYSTEM;~~

34 Article – Local Government

35 SUBTITLE 10. PUBLIC DEBT – GRANTS AND LOANS FOR SEPTIC UPGRADES.

1 19-1001.

2 A COUNTY MAY BORROW MONEY AND INCUR INDEBTEDNESS THROUGH THE  
3 ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE RECEIPT OF THE COUNTY'S  
4 ALLOCATION OF FUNDS FROM THE SEPARATE ACCOUNT OF THE BAY RESTORATION  
5 FUND ESTABLISHED UNDER § 9-1605.2(H) OF THE ENVIRONMENT ARTICLE.

6 19-1002.

7 A COUNTY MAY EXPEND THE NET PROCEEDS OF THE SALE OF AN ISSUE OF  
8 NOTES ONLY TO:

9 (1) MAKE GRANTS AND LOANS IN ACCORDANCE WITH §  
10 9-1605.2(H)(2)(I) OF THE ENVIRONMENT ARTICLE; ~~OR~~

11 (2) MAKE GRANTS AND LOANS TO COVER ENGINEERING COSTS AND  
12 NON-BEST-AVAILABLE-TECHNOLOGY COMPONENTS, INCLUDING DRAINFIELDS,  
13 NEEDED FOR THE REPAIR OF EXISTING ON-SITE SEWAGE DISPOSAL SYSTEMS OR THE  
14 INSTALLATION OF NEW ON-SITE SEWAGE DISPOSAL SYSTEMS THAT USE THE BEST  
15 AVAILABLE TECHNOLOGY FOR NITROGEN REMOVAL; OR

16 ~~(2)~~ (3) REFUND ONE OR MORE ISSUES OF NOTES.

17 19-1003.

18 (A) THE PRINCIPAL OF THE NOTES MAY BE PAID FROM:

19 (1) THE COUNTY'S ALLOCATION OF FUNDS FROM THE SPECIAL  
20 ACCOUNT OF THE BAY RESTORATION FUND ESTABLISHED UNDER § 9-1605.2(H) OF  
21 THE ENVIRONMENT ARTICLE; AND

22 (2) ANY OTHER REVENUES THAT ARE PLEDGED TO THE PAYMENT OF  
23 THE NOTES IN THE AUTHORIZING RESOLUTION.

24 (B) THE INTEREST ON THE NOTES MAY BE PAID FROM:

25 (1) ANY REVENUES, OTHER THAN THE COUNTY'S ALLOCATION OF  
26 FUNDS FROM THE SPECIAL ACCOUNT OF THE BAY RESTORATION FUND, THAT ARE  
27 PLEDGED TO THE PAYMENT OF THE NOTES IN THE AUTHORIZING RESOLUTION; OR

28 (2) MONEY MADE AVAILABLE TO THE COUNTY TO FINANCE UPGRADES  
29 TO ON-SITE SEWAGE DISPOSAL SYSTEMS FROM:

1                   **(I) THE STATE OR A UNIT OF THE STATE, EXCEPT FOR THE**  
2 **FUNDS FROM *THE SPECIAL ACCOUNT OF* THE BAY RESTORATION FUND ALLOCATED**  
3 **UNDER THIS SUBTITLE FOR GRANTS AND LOANS;**

4                   **(II) THE FEDERAL GOVERNMENT OR A UNIT OF THE FEDERAL**  
5 **GOVERNMENT; OR**

6                   **(III) ANY OTHER SOURCE.**

7           **(C) (1) A COUNTY MAY PLEDGE ITS FULL FAITH AND CREDIT AND TAXING**  
8 **POWER TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE NOTES IN**  
9 **THE AUTHORIZING RESOLUTION.**

10                   **(2) A COUNTY THAT MAKES A PLEDGE UNDER PARAGRAPH (1) OF**  
11 **THIS SUBSECTION SHALL, IN EACH FISCAL YEAR THAT ANY OF THE NOTES ARE**  
12 **OUTSTANDING, IMPOSE AD VALOREM TAXES ON ALL ASSESSABLE PROPERTY IN THE**  
13 **COUNTY AT A RATE AND AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND**  
14 **INTEREST ON THE NOTES MATURING IN THAT FISCAL YEAR.**

15                   **(3) IF THE PROCEEDS FROM THE TAXES IMPOSED IN ANY FISCAL YEAR**  
16 **PROVE INADEQUATE FOR THE PAYMENT, THE COUNTY SHALL IMPOSE ADDITIONAL**  
17 **TAXES IN THE SUCCEEDING FISCAL YEAR TO MAKE UP THE DEFICIENCY.**

18 **19-1004.**

19           **THE AUTHORITY TO BORROW MONEY AND ISSUE NOTES GRANTED TO A**  
20 **COUNTY UNDER THIS SUBTITLE IS:**

21                   **(1) SUPPLEMENTAL TO ANY OTHER POWER GRANTED TO A COUNTY BY**  
22 **ANY OTHER LAW; AND**

23                   **(2) NOT IN DEROGATION OF ANY OTHER EXISTING POWER OF A**  
24 **COUNTY TO BORROW MONEY.**

25           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
26 **1, 2021.**

# HOUSE BILL 991

M1

(11r2544)

## ENROLLED BILL

— Environment and Transportation/Education, Health, and Environmental Affairs —

Introduced by **Delegate Gilchrist**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

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

1 AN ACT concerning

2 ~~Natural Resources—Forest Mitigation Banks—Qualified Preservation~~

3 ~~Conservation~~

4 *Tree Solutions Now Act of 2021*

5 FOR the purpose of establishing the use of qualified ~~preservation~~ conservation in a forest  
6 mitigation bank of all or a part of certain existing forests as a standard for meeting  
7 afforestation or reforestation requirements under the Forest Conservation Act;  
8 defining the term “qualified ~~preservation~~ conservation” as it applies to the Forest  
9 Conservation Act; altering the defined term “forest mitigation banking” as it applies  
10 to the Forest Conservation Act to include the qualified ~~preservation~~ conservation  
11 of forests for certain purposes; requiring a certain landowner who enrolls in the  
12 Conservation Reserve Enhancement Program in certain fiscal years to receive a  
13 certain signing bonus; requiring certain signing bonuses to be funded in a certain  
14 manner; establishing the policy of the State to support and encourage certain  
15 tree-planting efforts, with a goal of planting and helping to maintain in the State a

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 certain number of sustainable trees of species native to the State by the end of a certain  
2 year; specifying that this goal is in addition to certain trees projected to be planted  
3 under certain programs and includes certain tree plantings accomplished through  
4 certain State programs and private efforts; establishing the intent of the General  
5 Assembly that a certain minimum number of trees should be planted in certain  
6 underserved areas; making the Department of the Environment responsible for  
7 tracking the State's progress toward meeting certain tree-planting goals and  
8 requiring the Department of the Environment to serve as the lead agency to receive  
9 certain data; establishing a 5 Million Tree Program Coordinator within the  
10 Department of the Environment; establishing the responsibilities of the Program  
11 Coordinator and requiring the Program Coordinator to consolidate certain data and  
12 make a certain report to certain committees of the General Assembly on or before a  
13 certain date each year; requiring the Governor to formally pledge the State's  
14 commitment to achieving certain tree-planting goals through the U.S. Chapter of the  
15 World Economic Forum's One Trillion Trees Initiative; requiring a certain amount  
16 from the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund to be used for  
17 certain purposes in certain fiscal years; requiring the BayStat Subcabinet agencies to  
18 distribute certain funds through grants to the Green Shores Program; establishing an  
19 Urban Trees Program administered by the Chesapeake Bay Trust; providing for the  
20 purpose of the Urban Trees Program; requiring the Trust to make grants to qualified  
21 organizations for certain purposes; specifying certain eligible Program expenses for  
22 the Urban Trees Program; providing for the funding of the Urban Trees Program;  
23 requiring the Trust to seek certain funds, grants, and donations for the purpose of the  
24 Urban Trees Program; requiring a certain grant agreement to specify the allowed uses  
25 of certain funds and include provisions for the verification of certain information;  
26 requiring the Trust to report certain information concerning certain grant awards to  
27 the Department of Natural Resources and the Department of the Environment on or  
28 before a certain date each year; requiring the Department of the Environment to make  
29 certain transfers from the Bay Restoration Fund for certain purposes in a certain  
30 fiscal year, after funding certain eligible costs; establishing certain authorizations  
31 and restrictions regarding the distribution and use of certain funds in the Chesapeake  
32 and Atlantic Coastal Bays 2010 Trust Fund; providing that certain funds transferred  
33 from the Bay Restoration Fund are supplemental to and may not take the place of  
34 certain other funding; establishing the Commission for the Innovation and  
35 Advancement of Carbon Markets and Sustainable Tree Plantings; providing for the  
36 composition, chair, and staffing of the Commission for the Innovation and  
37 Advancement of Carbon Markets and Sustainable Tree Plantings; prohibiting a  
38 member of the Commission for the Innovation and Advancement of Carbon Markets  
39 and Sustainable Tree Plantings from receiving certain compensation, but authorizing  
40 the reimbursement of certain expenses; requiring the Commission for the Innovation  
41 and Advancement of Carbon Markets and Sustainable Tree Plantings to study and  
42 make recommendations regarding certain matters; requiring the Commission for the  
43 Innovation and Advancement of Carbon Markets and Sustainable Tree Plantings to  
44 report its findings and recommendations to the Governor and the General Assembly  
45 on or before a certain date; requiring the Governor to include certain appropriations  
46 in the State budget for certain programs and purposes in certain fiscal years;  
47 providing that certain money is supplemental to and may not take the place of certain

1  *funding*; requiring the Harry R. Hughes Center for Agro–Ecology, in consultation  
 2 with the Department of Natural Resources, the Department of the Environment, the  
 3 Department of Planning, the Department of Agriculture, and the Chesapeake Bay  
 4 Program, to conduct a technical study to review changes in forest cover and tree  
 5 canopy in the State; providing for the scope of the technical study; requiring the  
 6 Harry R. Hughes Center for Agro–Ecology to submit a report of its findings to the  
 7 Governor and the General Assembly on or before a certain date; providing for the  
 8 termination of certain provisions of this Act; providing for the application of this Act;  
 9 stating a certain intent of the General Assembly; *making certain provisions of this*  
 10 *Act subject to a certain contingency*; making conforming changes and a stylistic  
 11 change; and generally relating to the use of qualified ~~preservation~~ conservation in a  
 12 forest mitigation bank *and tree planting in the State*.

13 BY renumbering

14 Article – Natural Resources  
 15 Section 5–1601(gg) through (pp), respectively  
 16 to be Section 5–1601(hh) through (qq), respectively  
 17 Annotated Code of Maryland  
 18 (2018 Replacement Volume and 2020 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – Natural Resources  
 21 Section 5–1601(a) and (b) and 5–1607(a)  
 22 Annotated Code of Maryland  
 23 (2018 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Natural Resources  
 26 Section 5–1601(o), 5–1607(b), and 5–1610.1  
 27 Annotated Code of Maryland  
 28 (2018 Replacement Volume and 2020 Supplement)

29 BY adding to

30 Article – Natural Resources  
 31 Section 5–1601(gg)  
 32 Annotated Code of Maryland  
 33 (2018 Replacement Volume and 2020 Supplement)

34 BY repealing and reenacting, without amendments,

35 Article – Natural Resources  
 36 Section 5–1601(hh)  
 37 Annotated Code of Maryland  
 38 (2018 Replacement Volume and 2020 Supplement)  
 39 (As enacted by Section 1 of this Act)

40 *BY adding to*

41 *Article – Agriculture*

1 Section 8-706  
2 Annotated Code of Maryland  
3 (2016 Replacement Volume and 2020 Supplement)

4 BY adding to  
5 Article – Environment  
6 Section 2-1212  
7 Annotated Code of Maryland  
8 (2013 Replacement Volume and 2020 Supplement)

9 BY repealing and reenacting, without amendments,  
10 Article – Natural Resources  
11 Section 8-2A-02(a), 8-2A-04(a), and 8-1901  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Natural Resources  
16 Section 8-2A-02(f) and 8-2A-04(c)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2020 Supplement)

19 BY adding to  
20 Article – Natural Resources  
21 Section 8-1911  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2020 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – Environment  
26 Section 9-1605.2(i)(1)  
27 Annotated Code of Maryland  
28 (2014 Replacement Volume and 2020 Supplement)

29 BY repealing and reenacting, with amendments,  
30 Article – Environment  
31 Section 9-1605.2(i)(2)(xii) and (xiii)  
32 Annotated Code of Maryland  
33 (2014 Replacement Volume and 2020 Supplement)

34 BY adding to  
35 Article – Environment  
36 Section 9-1605.2(i)(2)(xiv) and (11)  
37 Annotated Code of Maryland  
38 (2014 Replacement Volume and 2020 Supplement)

39 BY repealing and reenacting, without amendments,

1 Article – Environment  
 2 Section 9–1605.2(i)(1)  
 3 Annotated Code of Maryland  
 4 (2014 Replacement Volume and 2020 Supplement)  
 5 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

6 BY repealing and reenacting, with amendments,  
 7 Article – Environment  
 8 Section 9–1605.2(i)(2)(xi) and (xii)  
 9 Annotated Code of Maryland  
 10 (2014 Replacement Volume and 2020 Supplement)  
 11 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

12 BY adding to  
 13 Article – Environment  
 14 Section 9–1605.2(i)(2)(xiii) and (10)  
 15 Annotated Code of Maryland  
 16 (2014 Replacement Volume and 2020 Supplement)  
 17 (As enacted by Chapters 366 and 367 of the Acts of the General Assembly of 2017)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 19 That Section(s) 5–1601(gg) through (pp), respectively, of Article – Natural Resources of the  
 20 Annotated Code of Maryland be renumbered to be Section(s) 5–1601(hh) through (qq),  
 21 respectively.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 23 as follows:

24 **Article – Natural Resources**

25 5–1601.

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

27 (b) “Afforestation” means the establishment of a tree cover on an area from which  
 28 it has always or very long been absent, or the planting of open areas which are not presently  
 29 in forest cover.

30 (c) “Forest mitigation banking” means the intentional restoration [or creation],  
 31 **CREATION, OR QUALIFIED ~~PRESERVATION~~ CONSERVATION** of forests undertaken  
 32 expressly for the purpose of providing credits for afforestation or reforestation  
 33 requirements with enhanced environmental benefits from future activities.

34 (GG) **“QUALIFIED ~~PRESERVATION~~ CONSERVATION”** MEANS THE  
 35 **~~PRESERVATION~~ CONSERVATION** OF ALL OR A PART OF AN EXISTING FOREST THAT  
 36 **IS:**

1           (1) ~~APPROVED~~ WAS APPROVED ON OR BEFORE DECEMBER 31, 2020,  
2 BY THE APPROPRIATE STATE OR LOCAL FOREST CONSERVATION PROGRAM FOR THE  
3 PURPOSE OF ESTABLISHING A FOREST MITIGATION BANK; AND

4           (2) ~~ENCUMBERED~~ IS ENCUMBERED IN PERPETUITY BY A  
5 RESTRICTIVE EASEMENT, COVENANT, OR ANOTHER SIMILAR MECHANISM  
6 RECORDED IN THE COUNTY LAND RECORDS TO ~~PRESERVE~~ CONSERVE ITS  
7 CHARACTER AS A FOREST.

8           (hh) (1) “Reforestation” or “reforested” means the creation of a biological  
9 community dominated by trees and other woody plants containing at least 100 trees per  
10 acre with at least 50% of those trees having the potential of attaining a 2 inch or greater  
11 diameter measured at 4.5 feet above the ground, within 7 years.

12           (2) “Reforestation” includes landscaping of areas under an approved  
13 landscaping plan that establishes a forest that is at least 35 feet wide and covering 2,500  
14 square feet of area.

15           (3) “Reforestation” for a linear project which involves overhead  
16 transmission lines may consist of a biological community dominated by trees and woody  
17 shrubs with no minimum height or diameter criteria.

18 5–1607.

19           (a) The preferred sequence for afforestation and reforestation shall be established  
20 by the State or local authority in accordance with the following after all techniques for  
21 retaining existing forest cover on–site have been exhausted:

22           (1) Those techniques that enhance existing forest and involve selective  
23 clearing or supplemental planting on–site;

24           (2) On–site afforestation or reforestation may be utilized where the  
25 retention options have been exhausted. In those cases, the method shall be selected in  
26 accordance with subsection (b) of this section, and the location shall be selected in  
27 accordance with subsection (d) of this section;

28           (3) (i) Off–site afforestation or reforestation in the same watershed or  
29 in accordance with an approved master plan may be utilized where the applicant has  
30 demonstrated that no reasonable on–site alternative exists, or where:

31                   1. Any on–site priority areas for afforestation or  
32 reforestation have been planted in accordance with subsection (d) of this section; and

1                   2.     The applicant has justified to the satisfaction of the State  
2 or local jurisdiction that environmental benefits associated with off-site afforestation or  
3 reforestation would exceed those derived from on-site planting;

4                   (ii)    In these cases, the method shall be selected in accordance with  
5 subsection (b) of this section, and the location shall be selected in accordance with  
6 subsection (d) of this section; and

7                   (iii)   Off-site afforestation or reforestation may include the use of  
8 forest mitigation banks which have been so designated in advance by the State or local  
9 forest conservation program which is approved by the Department; and

10                  (4)    The State or local jurisdiction may allow an alternative sequence for a  
11 specific project if necessary to achieve the objectives of a local jurisdiction's land use plans  
12 or policies or to take advantage of opportunities to consolidate forest conservation efforts.

13                  (b)    Standards for meeting afforestation or reforestation requirements shall be  
14 established by the State or local program using one or more of the following methods:

15                  (1)    Forest creation in accordance with a forest conservation plan using one  
16 or more of the following:

17                   (i)    Transplanted or nursery stock;

18                   (ii)   Whip and seedling stock; or

19                   (iii)   Natural regeneration where it can be shown to adequately meet  
20 the objective of the forest conservation plan.

21                  (2)    **THE USE OF QUALIFIED ~~PRESERVATION~~ CONSERVATION**  
22 **COMPLETED IN A FOREST MITIGATION BANK, IN WHICH CASE, THE AFFORESTATION**  
23 **OR REFORESTATION CREDIT GRANTED MAY NOT EXCEED 50% OF THE FOREST AREA**  
24 **ENCUMBERED IN PERPETUITY.**

25                  (3)    The use of street trees in a municipal corporation with a tree  
26 management plan, in an existing population center designated in a county master plan that  
27 has been adopted to conform with the Economic Growth, Resource Protection, and Planning  
28 Act of 1992, or in any other designated area approved by the Department as part of a local  
29 program, under criteria established by the local program, subject to the approval of the  
30 Department, using:

31                   (i)    Street trees as a permissible step in the priority sequence for  
32 afforestation or reforestation and, based on a mature canopy coverage, may grant full credit  
33 as a mitigation technique; and

1 (ii) Acquisition as a mitigation technique of an off-site protective  
2 easement for existing forested areas not currently protected in perpetuity, in which case  
3 the afforestation or reforestation credit granted may not exceed 50% of the area of forest  
4 cover protected.

5 [(3)] (4) When all other options, both on-site and off-site, have been  
6 exhausted, landscaping as a mitigation technique, conducted under an approved  
7 landscaping plan that establishes a forest at least 35 feet wide and covering at least 2,500  
8 square feet of area.

9 5-1610.1.

10 (a) The Department shall develop standards and adopt regulations for the  
11 creation and use of forest mitigation banks, including criteria for tracking, crediting,  
12 maintaining, bonding, and reporting mitigation bank activities.

13 (b) A local jurisdiction may develop procedures for establishing forest mitigation  
14 banks as part of its forest conservation program.

15 (c) Mitigation banks may be [permitted] **ALLOWED** only in priority areas as  
16 identified in § 5-1607(d) of this subtitle or as identified in a comprehensive plan adopted  
17 by a local jurisdiction.

18 (d) The establishment of mitigation banks and their use may not alter the  
19 sequence for retention, reforestation, or afforestation on a development site as outlined in  
20 § 5-1607 of this subtitle.

21 (e) Criteria established by local or State programs for the use and establishment  
22 of forest mitigation banks shall include protection and conservation in perpetuity of forest  
23 mitigation banks consistent with reasonable management plans, through methods that  
24 include easements, covenants, or similar mechanisms that shall be in place at the time  
25 credits are withdrawn.

26 (f) This section may not be construed to require the Department or a local  
27 jurisdiction to:

28 (1) Establish or fund State or local mitigation banks;

29 (2) Fund the establishment of forest mitigation banking by the private  
30 sector; or

31 (3) Use State or local government land for forest mitigation banking.

32 (g) (1) Credits in a mitigation bank may not be approved for debiting until  
33 construction **OR QUALIFIED PRESERVATION CONSERVATION** of the mitigation bank is  
34 complete.

1 (2) A mitigation bank THAT REQUIRES CONSTRUCTION shall maintain  
2 sufficient credits in reserve to cover anticipated expenses of completion of the mitigation  
3 bank.

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

6 Article – Agriculture

7 8–706.

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

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

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

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

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

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

27 Article – Environment

28 2–1212.

29 (A) (1) IT IS THE POLICY OF THE STATE TO SUPPORT AND ENCOURAGE  
30 PUBLIC AND PRIVATE TREE-PLANTING EFFORTS, WITH A GOAL OF PLANTING AND

1 HELPING TO MAINTAIN IN THE STATE 5,000,000 SUSTAINABLE TREES OF SPECIES  
2 NATIVE TO THE STATE BY THE END OF CALENDAR YEAR 2031.

3 **(2) THIS GOAL:**

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

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

10 **(3) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT AT LEAST**  
11 **500,000 OF THE 5,000,000 TREES CALLED FOR BY THIS SUBSECTION SHOULD BE**  
12 **PLANTED IN AN "UNDERSERVED AREA", AS DEFINED IN § 8-1911 OF THE NATURAL**  
13 **RESOURCES ARTICLE.**

14 **(B) (1) THE DEPARTMENT:**

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

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

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

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

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

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

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

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

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

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

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

17 Article – Natural Resources

18 8-2A-02.

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

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

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

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

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

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

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

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

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

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

21 (II) THE MONEY APPROPRIATED UNDER THIS PARAGRAPH:

22 1. MAY BE DISTRIBUTED IN ACCORDANCE WITH §  
23 8-2A-04(C)(2) OF THIS SUBTITLE;

24 2. MAY BE USED TO COVER THE COSTS OF:

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

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

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

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

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

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

7 8-2A-04.

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

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

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

14                                    (i) Through grants to:

15    1. Counties;

16    2. Bicounty agencies;

17    3. Municipalities;

18    4. Forest conservancy district boards;

19    5. Soil conservation districts;

20    6. Academic institutions; and

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

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

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

28    **(iv) TO THE GREEN SHORES PROGRAM ESTABLISHED UNDER §**  
29 **5-429 OF THIS ARTICLE; AND**

1                                    **(V)** To the Mel Noland Woodland Incentives Fund established under  
 2 § 5-307 of this article.

3 8-1901.

4            **(a)** In this part the following words have the meanings indicated.

5            **(b)** “Board” means the Board of Trustees of the Chesapeake Bay Trust.

6            **(c)** “Trust” means the Chesapeake Bay Trust.

7 8-1911.

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

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

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

12                                    **(I)** A NONPROFIT ORGANIZATION;

13                                    **(II)** A SCHOOL;

14                                    **(III)** A COMMUNITY ASSOCIATION;

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

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

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

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

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

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

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

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

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

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

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

11            (C) THE PURPOSE OF THE PROGRAM IS TO PLANT NATIVE SPECIES OF TREES  
12 IN UNDERSERVED AREAS, IN FURTHERANCE OF THE GOALS ESTABLISHED UNDER §  
13 2-1212 OF THE ENVIRONMENT ARTICLE.

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

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

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

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

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

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

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

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

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

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

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

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

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

16                    (1) THE NAMES AND DESCRIPTIONS OF GRANT RECIPIENTS;

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

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

21                    (H) (1) FOR FISCAL YEARS 2024 THROUGH 2031, IN EACH YEAR THE  
22 GOVERNOR SHALL INCLUDE IN THE ANNUAL STATE BUDGET AN APPROPRIATION OF  
23 \$10,000,000 FOR THE PROGRAM.

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

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

29                    Article – Environment

30                    9-1605.2.

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

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

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

7                   (xiii) After funding any eligible costs identified under item (iv)1 and 2  
8 of this paragraph, for costs associated with the purchase of cost-effective nitrogen,  
9 phosphorus, or sediment load reductions in support of the State’s efforts to restore the health  
10 of the Chesapeake Bay, not to exceed \$4,000,000 in fiscal year 2018, \$6,000,000 in fiscal year  
11 2019, and \$10,000,000 per year in fiscal years 2020 and 2021; AND

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

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

17                   1.   \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR  
18 THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8–1911 OF THE NATURAL  
19 RESOURCES ARTICLE;

20                   2.   \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC  
21 COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES,  
22 TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND

24                   3.   \$2,500,000 TO THE MARYLAND DEPARTMENT OF  
25 AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE  
26 ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8–706 OF THE AGRICULTURE  
27 ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.

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

31                   1.   MAY BE DISTRIBUTED IN ACCORDANCE WITH §  
32 8–2A–04(C)(2) OF THE NATURAL RESOURCES ARTICLE;

33                   2.   MAY BE USED TO COVER THE COSTS OF:

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

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

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

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

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

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

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

18 Article – Environment

19 9-1605.2.

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

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

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

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

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

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

3                   **1. \$10,000,000 TO THE CHESAPEAKE BAY TRUST FOR**  
4 **THE URBAN TREES PROGRAM ESTABLISHED UNDER § 8-1911 OF THE NATURAL**  
5 **RESOURCES ARTICLE;**

6                   **2. \$2,500,000 TO THE CHESAPEAKE AND ATLANTIC**  
7 **COASTAL BAYS 2010 TRUST FUND IN THE DEPARTMENT OF NATURAL RESOURCES,**  
8 **TO BE USED, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS**  
9 **PARAGRAPH, FOR TREE PLANTING ON PUBLIC AND PRIVATE LAND; AND**

10                   **3. \$2,500,000 TO THE MARYLAND DEPARTMENT OF**  
11 **AGRICULTURE TO FUND TREE PLANTINGS UNDER THE CONSERVATION RESERVE**  
12 **ENHANCEMENT PROGRAM IN ACCORDANCE WITH § 8-706 OF THE AGRICULTURE**  
13 **ARTICLE AND OTHER TREE-PLANTING PROGRAMS ON AGRICULTURAL LAND.**

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

17                   **1. MAY BE DISTRIBUTED IN ACCORDANCE WITH §**  
18 **8-2A-04(C)(2) OF THE NATURAL RESOURCES ARTICLE;**

19                   **2. MAY BE USED TO COVER THE COSTS OF:**

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

22                   **B. MAINTAINING TREES FOLLOWING A PLANTING**  
23 **PROJECT; AND**

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

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

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

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

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

3 SECTION 6. AND BE IT FURTHER ENACTED, That:

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

6 (b) The Commission consists of the following members:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9           (e) A member of the Commission:

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

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

13           (f) (1) The Commission shall develop:

14           (i) a plan to achieve the State's carbon mitigation goal of planting  
15 5,000,000 native trees by 2030 in accordance with § 2-1212 of the Environment Article, as  
16 enacted by Section 4 of this Act;

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

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

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

24           (2) The plans and recommendations shall include:

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

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

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

- 1                    (iv) a list of native tree species that will be planted;
- 2                    (v) a review of existing programs and current resource capacity for  
 3 tree plantings;
- 4                    (vi) a plan for expanding or creating new capacities necessary to  
 5 achieve the State's tree-planting goals;
- 6                    (vii) an analysis of trees scheduled to be cut down and the impact that  
 7 will have on carbon sequestration;
- 8                    (viii) an overview and analysis of logistical and policy barriers to  
 9 achieving the State's tree-planting goals;
- 10                   (ix) a plan for seeking private capital to support tree plantings and  
 11 forest conservation in the State;
- 12                   (x) a plan for establishing a State-based carbon offset market to  
 13 support the State's tree-planting goals;
- 14                   (xi) recommendations for policy changes necessary to facilitate the use  
 15 of the Water Quality Revolving Loan Fund and Environmental Impact Bonds for tree  
 16 plantings; and
- 17                   (xii) a plan for reviewing future transportation procurement to  
 18 minimize and fully mitigate tree clearing.
- 19                   (g) On or before October 31, 2022, the Commission shall report its plan and  
 20 recommendations to the Governor and, in accordance with § 2-1257 of the State Government  
 21 Article, the General Assembly.

22                   SECTION ~~8~~ 7. AND BE IT FURTHER ENACTED, That:

- 23                   (a) (1) The Harry R. Hughes Center for Agro-Ecology, in consultation with the  
 24 Department of Natural Resources, the Department of the Environment, the Department of  
 25 Planning, the Department of Agriculture, and the Chesapeake Bay Program, as  
 26 appropriate, shall conduct a technical study to review changes in forest cover and tree  
 27 canopy in the State.
- 28                   (2) The technical study required under paragraph (1) of this subsection  
 29 shall, to the extent practicable, include:
- 30                   (i) a survey and mapping of:
- 31                   1. existing forest cover and tree canopy in the State; and



1 5. whether expanding the use of forest mitigation banks  
 2 could provide water quality improvements and other beneficial results; ~~and~~

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

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

9 (vii) a programmatic and funding review of federal, State, and local  
 10 tree and forest planting programs such as:

11 1. Marylanders Plant Trees;

12 2. Lawn to Woodland;

13 3. Backyard Buffers;

14 4. Conservation Reserve Enhance Program; and

15 5. other programs used to further TMDL Watershed  
 16 Implementation Plans and MS4 permit compliance.

17 (b) On or before December 1, 2023, the Harry R. Hughes Center for Agro-Ecology  
 18 shall submit a report of the findings of the technical study required under subsection (a) of  
 19 this section to the Governor and, in accordance with § 2-1257 of the State Government  
 20 Article, the General Assembly.

21 SECTION ~~4~~ 8. AND BE IT FURTHER ENACTED, That:

22 (a) Subject to subsection (b) of this section, Section 1 of this Act shall be construed  
 23 to apply retroactively and shall be applied to and interpreted to affect any qualified  
 24 conservation completed, and any resulting afforestation or reforestation credits given, to  
 25 the extent they were approved in good faith under a State or local program as a forest  
 26 mitigation bank before the effective date of this Act.

27 (b) Nothing in this section requires a State or local program to reevaluate or alter  
 28 any of its final determinations related to the granting or denial of afforestation or  
 29 reforestation credits for qualified conservation made before the effective date of this Act.

30 SECTION ~~5~~ 9. AND BE IT FURTHER ENACTED, That it is the intent of the  
 31 General Assembly to review the findings in the technical study on changes in forest cover  
 32 and tree canopy in Maryland required under Section ~~3~~ 7 of this Act and, based on the  
 33 findings, to consider any legislative or other changes necessary to improve the

1 implementation and effectiveness of the Forest Conservation Act, including any changes to  
 2 the forest mitigation banking program in the State.

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

9 SECTION ~~9~~ ~~6~~ 11. AND BE IT FURTHER ENACTED, That , except as provided in  
 10 Section 10 of this Act, this Act shall take effect ~~October~~ June 1, 2021. ~~Section 3~~ Sections 1,  
 11 2, and 7 of this Act shall remain effective for a period of 3 years and 1 month and, at the  
 12 end of ~~May 31~~ June 30, 2024, ~~Section 3~~ Sections 1, 2, and 7 of this Act, with no further  
 13 action required by the General Assembly, shall be abrogated and of no further force and  
 14 effect. Subject to Section 10 of this Act, Sections 3, 4, and 5 of this Act shall remain effective  
 15 for a period of 10 years and 1 month and, at the end of June 30, 2031, Sections 3, 4, and 5  
 16 of this Act, with no further action required by the General Assembly, shall be abrogated and  
 17 of no further force and effect. Section 6 of this Act shall remain effective for a period of 2  
 18 years and 1 month and, at the end of June 30, 2023, Section 6 of this Act, with no further  
 19 action required by the General Assembly, shall be abrogated and of no further force and  
 20 effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.

# SENATE BILL 22

M3

(11r0571)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senator Young**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

#### 2 **On-Site Sewage Disposal Systems – Inspection – Licensing**

3 FOR the purpose of prohibiting an individual from engaging in the business of inspecting  
4 an on-site sewage disposal system unless the individual holds a certain license  
5 issued by the Department of the Environment on or after a certain date; requiring  
6 the Department to adopt regulations establishing certain eligibility criteria, training  
7 requirements, renewal procedures, and fees for a certain license on or before a  
8 certain date; requiring an applicant for a certain license to submit a certain  
9 application and pay a certain fee; establishing certain penalties for violations of this  
10 Act; requiring certain penalties to be paid into a certain account in a certain fund;  
11 authorizing a local government to establish certain additional requirements for  
12 inspections of on-site sewage disposal systems; repealing certain provisions of law  
13 relating to the inspection of on-site sewage disposal systems; providing for the  
14 application of this Act; providing for a delayed effective date for certain provisions of  
15 this Act; and generally relating to the inspection of on-site sewage disposal systems.

**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.

*Italics* indicate opposite chamber/conference committee amendments.



1 BY adding to  
2 Article – Environment  
3 Section 9–217.2  
4 Annotated Code of Maryland  
5 (2014 Replacement Volume and 2020 Supplement)

6 BY repealing  
7 Article – Environment  
8 Section 9–217.1  
9 Annotated Code of Maryland  
10 (2014 Replacement Volume and 2020 Supplement)

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

13 **Article – Environment**

14 **9–217.2.**

15 (A) IN THIS SECTION, “LICENSE HOLDER” MEANS AN INDIVIDUAL WHO  
16 HOLDS A VALID ON–SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSE  
17 ISSUED BY THE DEPARTMENT UNDER THIS SECTION.

18 (B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO INSPECTS AN  
19 ON–SITE SEWAGE DISPOSAL SYSTEM AS A PART OF THE INDIVIDUAL’S DUTIES AS AN  
20 EMPLOYEE OF THE FEDERAL GOVERNMENT, THE STATE, OR ANY LOCAL  
21 GOVERNMENT OF THE STATE.

22 (C) ON OR AFTER JULY 1, 2022, AN INDIVIDUAL MAY NOT ENGAGE IN THE  
23 BUSINESS OF INSPECTING AN ON–SITE SEWAGE DISPOSAL SYSTEM UNLESS THE  
24 INDIVIDUAL HOLDS A VALID ON–SITE WASTEWATER PROPERTY TRANSFER  
25 INSPECTION LICENSE ISSUED BY THE DEPARTMENT.

26 (D) (1) ON OR BEFORE JANUARY 1, 2022, THE DEPARTMENT SHALL  
27 ADOPT REGULATIONS ESTABLISHING ELIGIBILITY CRITERIA, MINIMUM TRAINING  
28 STANDARDS FOR ON–SITE WASTEWATER PROPERTY TRANSFER INSPECTION  
29 LICENSES, THE FREQUENCY WITH WHICH LICENSES MUST BE RENEWED, AND THE  
30 FEES FOR LICENSE APPLICATIONS AND RENEWALS.

31 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL  
32 REQUIRE THAT:

33 (I) THE TRAINING INCLUDE INSTRUCTION ON DETERMINING  
34 WHETHER AN ON–SITE SEWAGE DISPOSAL SYSTEM IS:

1                   1.     **IN NEED OF REPLACEMENT OR REPAIR; AND**

2                   2.     **NOT IN COMPLIANCE WITH STATUTORY OR**  
3 **REGULATORY REQUIREMENTS; AND**

4                   **(II) EACH INSPECTION PERFORMED BY A LICENSE HOLDER**  
5 **FOLLOWS THE INSPECTION FORMAT PROVIDED BY THE DEPARTMENT.**

6           **(E) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL:**

7                   **(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM**  
8 **THE DEPARTMENT PROVIDES; AND**

9                   **(2) PAY AN APPLICATION FEE SET BY THE DEPARTMENT.**

10           **(F) (1) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SECTION OR**  
11 **ANY REGULATION ADOPTED UNDER THIS SECTION IS SUBJECT TO AN**  
12 **ADMINISTRATIVE PENALTY NOT EXCEEDING \$10,000.**

13                   **(2) EACH ~~DAY THAT AN INDIVIDUAL INSPECTS AN~~ ON-SITE SEWAGE**  
14 **DISPOSAL SYSTEM THAT AN INDIVIDUAL KNOWINGLY INSPECTS WITHOUT A VALID**  
15 **ON-SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSE CONSTITUTES A**  
16 **SEPARATE VIOLATION OF THIS SECTION.**

17                   **(3) ANY ADMINISTRATIVE PENALTY COLLECTED BY THE**  
18 **DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE SEPARATE**  
19 **ACCOUNT WITHIN THE BAY RESTORATION FUND ESTABLISHED UNDER §**  
20 **9-1605.2(H) OF THIS TITLE.**

21           **(G) A LOCAL GOVERNMENT MAY ESTABLISH ADDITIONAL REQUIREMENTS**  
22 **FOR INSPECTIONS OF ON-SITE SEWAGE DISPOSAL SYSTEMS.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
24 as follows:

25   **Article – Environment**

26           **[9-217.1.**

27           (a) After July 1, 1999, every person engaged in the business of inspecting an  
28 on-site sewage disposal system for a transfer of property must certify to the Department  
29 of the Environment that the person has completed a course of instruction, approved by the  
30 Department, in the proper inspection of on-site sewage disposal systems.

1 (b) Every person engaged in the business of inspecting an on-site sewage disposal  
2 system for a transfer of property shall make available to persons contracting for the  
3 inspection service evidence of completion of the course of instruction.

4 (c) The Department shall adopt regulations to implement the provisions of this  
5 section.]

6 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take  
7 effect January 1, 2022.

8 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section  
9 3 of this Act, this Act shall take effect October 1, 2021.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.

# SENATE BILL 119

M3, M4

(PRE-FILED)

11r1320  
CF HB 507

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By: **Senators Guzzone and Elfreth**

Requested: October 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 22, 2021

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

1 AN ACT concerning

2 **Clean Water Commerce Act of 2021**

3 FOR the purpose of establishing the Clean Water Commerce ~~Fund as a special, nonlapsing~~  
4 ~~fund~~ Account within the Bay Restoration Fund; requiring the Department of the  
5 Environment to transfer a certain amount from the ~~Bay Restoration~~ Fund to the  
6 ~~Clean Water Commerce Fund~~ Account for certain purposes in certain fiscal years;  
7 altering the authorized uses of the ~~Bay Restoration~~ Fund to include certain transfers  
8 to the ~~Clean Water Commerce Fund~~ Account; repealing a certain authorization to  
9 use funds in the ~~Bay Restoration~~ Fund for costs associated with certain nutrient or  
10 sediment load reductions; altering the membership of the Bay Restoration Fund  
11 Advisory Committee; specifying the purpose of the ~~Clean Water Commerce Fund~~  
12 Account; requiring the Secretary of the Environment to administer the ~~Clean Water~~  
13 ~~Commerce Fund~~ Account; ~~requiring the State Treasurer to hold the Clean Water~~  
14 ~~Commerce Fund and the Comptroller to account for the Clean Water Commerce~~  
15 ~~Fund~~; specifying the contents of the ~~Clean Water Commerce Fund~~ Account;  
16 specifying the purpose for which the ~~Clean Water Commerce Fund~~ Account may be  
17 used; limiting the use of the Account to the purchase of certain cost-effective  
18 environmental outcomes; requiring that a certain percentage of the Account be used  
19 for certain purposes in each fiscal year; specifying that a certain project may include  
20 certain environmental outcomes; providing for the disposition of certain  
21 unencumbered money in the Clean Water Commerce Fund Account; authorizing the  
22 Department to establish certain accounts and subaccounts within the Clean Water  
23 Commerce Fund Account; providing for the investment of money in and expenditures  
24 from the Clean Water Commerce Fund; requiring interest earnings of the Clean

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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.



~~Water Commerce Fund to be credited to the Clean Water Commerce Fund; exempting the Clean Water Commerce Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; prohibiting certain environmental outcomes from being resold or transferred to a certain person separately from the property on which the environmental outcome is located; requiring credit for certain reductions to be attributed to certain sectors; requiring the Department to use a certain process to invite certain funding proposals, develop and use a certain scoring system, provide each person that submits a proposal with certain information, and to publicly announce a request for proposals or otherwise initiate a certain process at least once a year; requiring the Department to require certain information to be included in a certain funding proposal; requiring the Department to announce the criteria that will be used to evaluate certain funding proposals when initiating a certain process; requiring the Department to prioritize certain factors when evaluating certain funding proposals; requiring the Department to ~~establish and implement~~ approve a certain verification process and use certain standards and processes for verifying certain environmental outcomes; establishing requirements for environmental outcomes purchased under certain provisions of this Act; authorizing a certain contract to be funded for a certain period of time; establishing requirements for ~~payment under a certain~~ contract entered into by the Department under this Act; requiring the Department to ~~establish~~ maintain a certain registry and make the registry available to the public on the Department's website; authorizing a certain project ~~or~~ practice, and environmental outcome to be partially funded under this Act subject to certain conditions; requiring the ~~Department~~ Bay Restoration Fund Advisory Committee to make a certain annual report to ~~the Bay Restoration Fund Advisory Committee and, in accordance with a certain provision of law,~~ certain committees of the General Assembly; making certain conforming changes; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; defining certain terms; and generally relating to the Bay Restoration Fund and the Clean Water Commerce ~~Fund~~ Account.~~

31 BY repealing and reenacting, without amendments,  
 32 Article – Environment  
 33 Section 9–1605.2(a)(1) and (j)(1)  
 34 Annotated Code of Maryland  
 35 (2014 Replacement Volume and 2020 Supplement)

36 BY repealing and reenacting, with amendments,  
 37 Article – Environment  
 38 Section 9–1605.2(i)(2) and (3), (j)(2), and (l)  
 39 Annotated Code of Maryland  
 40 (2014 Replacement Volume and 2020 Supplement)

41 BY adding to  
 42 Article – Environment  
 43 Section 9–1605.4  
 44 Annotated Code of Maryland

1 (2014 Replacement Volume and 2020 Supplement)

2 ~~BY repealing and reenacting, without amendments,~~  
 3 ~~Article – State Finance and Procurement~~  
 4 ~~Section 6 – 226(a)(2)(i)~~  
 5 ~~Annotated Code of Maryland~~  
 6 ~~(2015 Replacement Volume and 2020 Supplement)~~

7 ~~BY repealing and reenacting, with amendments,~~  
 8 ~~Article – State Finance and Procurement~~  
 9 ~~Section 6 – 226(a)(2)(ii) 122. and 123.~~  
 10 ~~Annotated Code of Maryland~~  
 11 ~~(2015 Replacement Volume and 2020 Supplement)~~

12 ~~BY adding to~~  
 13 ~~Article – State Finance and Procurement~~  
 14 ~~Section 6 – 226(a)(2)(ii) 124.~~  
 15 ~~Annotated Code of Maryland~~  
 16 ~~(2015 Replacement Volume and 2020 Supplement)~~

17 BY repealing  
 18 Chapter 366 of the Acts of the General Assembly of 2017  
 19 Section 2 through 4

20 BY repealing and reenacting, with amendments,  
 21 Chapter 366 of the Acts of the General Assembly of 2017  
 22 Section 5

23 BY repealing  
 24 Chapter 367 of the Acts of the General Assembly of 2017  
 25 Section 2 through 4

26 BY repealing and reenacting, with amendments,  
 27 Chapter 367 of the Acts of the General Assembly of 2017  
 28 Section 5

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

31 **Article – Environment**

32 9–1605.2.

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

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

1 (i) To award grants for up to 100% of eligible costs of projects  
2 relating to planning, design, construction, and upgrade of a wastewater facility for flows up  
3 to the design capacity of the wastewater facility, as approved by the Department, to achieve  
4 enhanced nutrient removal in accordance with paragraph (3) of this subsection;

5 (ii) In fiscal years 2016 and thereafter, for up to 87.5% of the total  
6 cost of projects, as approved by the Department, relating to combined sewer overflows  
7 abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including  
8 pumping stations;

9 (iii) In fiscal years 2010 and thereafter, for a portion of the operation  
10 and maintenance costs related to the enhanced nutrient removal technology, which may  
11 not exceed 10% of the total restoration fee collected from users of wastewater facilities  
12 under this section by the Comptroller annually;

13 (iv) In fiscal years 2018 and thereafter, after payment of outstanding  
14 bonds and the allocation of funds to other required uses of the Bay Restoration Fund for  
15 funding in the following order of priority:

16 1. For funding the eligible costs to upgrade a wastewater  
17 facility to enhanced nutrient removal at wastewater facilities with a design capacity of  
18 500,000 gallons or more per day;

19 2. For funding the eligible costs of the most cost-effective  
20 enhanced nutrient removal upgrades at wastewater facilities with a design capacity of less  
21 than 500,000 gallons per day; and

22 3. As determined by the Department and based on water  
23 quality, climate resiliency, flood control, and public health benefits, for the following:

24 A. For costs identified under item (ii) of this paragraph;

25 B. For costs identified under subsection (h)(2)(i)1 of this  
26 section; and

27 C. With respect to a local government that has enacted and  
28 implemented a system of charges to fully fund the implementation of a stormwater  
29 management program, for grants to the local government for a portion of the costs of the  
30 most cost-effective and efficient stormwater control measures, including stormwater  
31 measures relating to water quality, climate resiliency, or flood control, as determined and  
32 approved by the Department, from the restoration fees collected annually by the  
33 Comptroller from users of wastewater facilities under this section;

34 (v) As a source of revenue or security for the payment of principal  
35 and interest on bonds issued by the Administration if the proceeds of the sale of the bonds  
36 will be deposited in the Bay Restoration Fund;

- 1 (vi) To earn interest on Bay Restoration Fund accounts;
- 2 (vii) For the reasonable costs of administering the Bay Restoration  
3 Fund, which may not exceed 1.5% of the total restoration fees imposed on users of  
4 wastewater facilities that are collected by the Comptroller annually;
- 5 (viii) For the reasonable administrative costs incurred by a local  
6 government or a billing authority for a water or wastewater facility collecting the  
7 restoration fees, in an amount not to exceed 5% of the total restoration fees collected by  
8 that local government or billing authority;
- 9 (ix) For future upgrades of wastewater facilities to achieve additional  
10 nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7)  
11 of this subsection;
- 12 (x) For costs associated with the issuance of bonds;
- 13 (xi) Subject to the allocation of funds and the conditions under  
14 subsection (h) of this section, for projects related to the removal of nitrogen from on-site  
15 sewage disposal systems and cover crop activities;
- 16 (xii) For costs associated with the implementation of alternate  
17 compliance plans authorized in § 4-202.1(k)(3) of this article; and
- 18 (xiii) After funding any eligible costs identified under item (iv)1 and 2  
19 of this paragraph, for [costs associated with the purchase of cost-effective nitrogen,  
20 phosphorus, or sediment load reductions in support of the State's efforts to restore the  
21 health of the Chesapeake Bay, not to exceed \$4,000,000 in fiscal year 2018, \$6,000,000 in  
22 fiscal year 2019, and \$10,000,000 per year in fiscal years 2020 and 2021] **TRANSFERS TO  
23 THE CLEAN WATER COMMERCE ~~FUND~~ ACCOUNT IN ACCORDANCE WITH  
24 PARAGRAPH (3) OF THIS SUBSECTION.**
- 25 (3) [The nitrogen, phosphorus, and sediment load reductions purchased  
26 under paragraph (2)(xiii) of this subsection:
- 27 (i) Cannot be from the agricultural sector; and
- 28 (ii) **Must be created on or after July 1, 2017.] IN FISCAL YEAR 2022  
29 AND EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL TRANSFER  
30 \$20,000,000 FROM THE BAY RESTORATION FUND TO THE CLEAN WATER  
31 COMMERCE ~~FUND~~ ACCOUNT ESTABLISHED UNDER § 9-1605.4 OF THIS SUBTITLE,  
32 TO BE USED FOR THE PURPOSES SPECIFIED IN § 9-1605.4 OF THIS SUBTITLE.**
- 33 (j) (1) There is a Bay Restoration Fund Advisory Committee.
- 34 (2) The Committee consists of the following members:

1 (i) The Secretaries of the Environment, Agriculture, Planning,  
2 Natural Resources, and Budget and Management, or their designees;

3 (ii) One member of the Senate, appointed by the President of the  
4 Senate;

5 (iii) One member of the House of Delegates, appointed by the Speaker  
6 of the House of Delegates;

7 (iv) Two individuals representing publicly owned wastewater  
8 facilities, appointed by the Governor;

9 (v) Two individuals representing environmental organizations,  
10 appointed by the Governor;

11 (vi) One individual each from the Maryland Association of Counties  
12 and the Maryland Municipal League, appointed by the Governor;

13 (vii) Two individuals representing the business community,  
14 appointed by the Governor;

15 (viii) Two individuals representing local health departments who have  
16 expertise in on-site sewage disposal systems, appointed by the Governor; [and]

17 (ix) One individual representing a university or research institute  
18 who has expertise in nutrient pollution, appointed by the Governor; ~~AND~~

19 (x) **ONE INDIVIDUAL REPRESENTING THE CHESAPEAKE BAY**  
20 **COMMISSION, APPOINTED BY THE CHAIR OF THE MARYLAND DELEGATION TO THE**  
21 **COMMISSION; AND**

22 **(xi) ONE INDIVIDUAL REPRESENTING COMMUNITIES**  
23 **DISPROPORTIONATELY BURDENED BY ENVIRONMENTAL HARMS AND RISKS AS**  
24 **IDENTIFIED BY THE DEPARTMENT IN CONSULTATION WITH THE COMMISSION ON**  
25 **ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES.**

26 (l) [(1) Subject to paragraph (2) of this subsection, the] **THE** Department shall  
27 adopt regulations that are necessary or appropriate to carry out the provisions of this  
28 section.

29 [(2) Regulations adopted to carry out subsection (i)(2)(xiii) of this section  
30 shall:

31 (i) Be adopted before the purchase of any load reductions;

1 (ii) Specify that a load reduction purchased should provide the  
2 lowest cost per pound in reduction and be purchased in accordance with a competitive  
3 process; and

4 (iii) Be adopted in consultation with the Secretary of Transportation,  
5 the Secretary of Natural Resources, the Secretary of Commerce, the Secretary of  
6 Agriculture, and public and private sector stakeholders.]

7 **9-1605.4.**

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

10 (2) “ACCOUNT” MEANS THE CLEAN WATER COMMERCE ACCOUNT.

11 (3) “AGGREGATOR” MEANS A PERSON THAT FACILITATES OR  
12 COORDINATES THE ESTABLISHMENT OF PRACTICES OR PROJECTS THAT:

13 (I) ARE IMPLEMENTED BY THE PERSON OR BY OTHERS;

14 (II) PRODUCE A QUANTIFIABLE ENVIRONMENTAL OUTCOME;

15 (III) ARE REGISTERED BY THE PERSON; AND

16 (IV) ARE MADE AVAILABLE FOR PURCHASE BY THE  
17 DEPARTMENT UNDER THIS SECTION.

18 ~~(3)~~ (4) (I) “AGRICULTURAL PRACTICE” MEANS A BEST  
19 MANAGEMENT PRACTICE THAT IS:

20 1. APPROVED BY THE CHESAPEAKE BAY PROGRAM  
21 PARTNERSHIP; AND

22 2. IMPLEMENTED ON LAND OR WATER THAT IS USED  
23 FOR THE PRODUCTION OR PROCESSING OF AN AGRICULTURAL CROP.

24 (II) “AGRICULTURAL PRACTICE” INCLUDES AGRICULTURAL,  
25 HORTICULTURAL, SILVICULTURAL, AND AQUACULTURAL OPERATIONS.

26 (5) “CHESAPEAKE BAY TMDL” MEANS THE TOTAL MAXIMUM DAILY  
27 LOAD ~~ADOPTED~~ APPROVED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY  
28 UNDER THE CLEAN WATER ACT FOR THE CHESAPEAKE BAY.

29 ~~(4)~~ (6) “ENVIRONMENTAL OUTCOME” MEANS ~~ANY OF THE~~  
30 FOLLOWING QUANTITATIVE OUTCOMES NITROGEN LOAD REDUCTIONS THAT CAN BE

1 DIRECTLY MEASURED OR MODELED ~~AT THE EDGE OF TIDE~~ USING THE CHESAPEAKE  
 2 BAY PROGRAM ~~WATERSHED MODEL MODELS OR ANY OTHER METHOD OR MODEL~~  
 3 ~~IN A QUANTIFICATION PLAN;~~

4 ~~(I) NITROGEN LOAD REDUCTION;~~

5 ~~(II) PHOSPHORUS LOAD REDUCTION; OR~~

6 ~~(III) SEDIMENT LOAD REDUCTION.~~

7 ~~(5) "FUND" MEANS THE CLEAN WATER COMMERCE FUND.~~

8 ~~(6)~~ (7) (I) "NONAGRICULTURAL LANDSCAPE RESTORATION  
 9 PROJECT" MEANS A PROJECT THAT:

10 ~~(I)~~ 1. IS INSTALLED ON NONAGRICULTURAL LANDS;

11 ~~(II)~~ 2. HAS AN INTENDED LIFESPAN OF AT LEAST ~~15~~ 10  
 12 YEARS; AND

13 ~~(III)~~ 3. ~~IS ESTIMATED BY THE CHESAPEAKE BAY PROGRAM~~  
 14 ~~CHESAPEAKE ASSESSMENT TOOL TO PROVIDE~~ PROVIDES ENVIRONMENTAL  
 15 OUTCOMES.

16 (II) "NONAGRICULTURAL LANDSCAPE RESTORATION  
 17 PROJECT" INCLUDES A PROJECT THAT RETURNS LAND TO NATIVE OR NATURAL  
 18 LAND COVER, SUCH AS AFFORESTATION OR REFORESTATION PROJECTS.

19 ~~(7)~~ (8) "QUANTIFICATION PLAN" MEANS A PLAN APPROVED BY THE  
 20 DEPARTMENT THAT DESCRIBES:

21 (I) THE METHOD THAT WILL BE USED TO MEASURE OR MODEL  
 22 ENVIRONMENTAL OUTCOMES;

23 (II) THE REQUIRED COMPLIANCE MONITORING THAT WILL  
 24 OCCUR TO ENSURE THAT THE PROPOSED ACTIONS WERE TAKEN;

25 (III) ANY VERIFICATION STEPS THAT MAY BE CARRIED OUT BY  
 26 THE DEPARTMENT OR THE OWNER OF A PROJECT OR PRACTICE TO CONFIRM ~~THE~~  
 27 ~~MODEL RESULTS OR THE ACCURATE MEASUREMENT OF~~ ENVIRONMENTAL  
 28 OUTCOMES; AND

29 (IV) THE TIMELINE FOR PROPOSED PAYMENTS UNDER A  
 30 CONTRACT WITH THE DEPARTMENT.

1 (B) THERE IS A CLEAN WATER COMMERCE ~~FUND~~ ACCOUNT.

2 (C) THE PURPOSE OF THE ~~FUND~~ ACCOUNT IS TO PURCHASE  
3 ENVIRONMENTAL OUTCOMES IN SUPPORT OF THE STATE'S EFFORTS TO ACHIEVE  
4 THE CHESAPEAKE BAY TMDL.

5 (D) THE SECRETARY SHALL ADMINISTER THE ~~FUND~~ ACCOUNT.

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

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

10 ~~(F)~~ THE ~~FUND~~ ACCOUNT CONSISTS OF:

11 (1) REVENUE ~~DISTRIBUTED~~ TRANSFERRED TO THE ~~FUND~~ ACCOUNT  
12 UNDER § 9-1605.2(I)(2)(XIII) OF THIS SUBTITLE; AND

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

14 (3) ~~ANY INVESTMENT EARNINGS OF THE FUND; AND~~

15 (4) ANY OTHER MONEY FROM ANY OTHER SOURCES ACCEPTED FOR  
16 THE BENEFIT OF THE ~~FUND~~ ACCOUNT.

17 ~~(G)~~ (F) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE  
18 ~~FUND~~ ACCOUNT MAY BE USED ONLY FOR THE PURCHASE OF COST-EFFECTIVE  
19 ENVIRONMENTAL OUTCOMES ~~IN SUPPORT OF~~ THAT:

20 (I) SUPPORT THE STATE'S EFFORTS TO ACHIEVE THE  
21 CHESAPEAKE BAY TMDL; AND

22 (II) HAVE AN EXPECTED LIFE OF AT LEAST 10 YEARS.

23 (2) ~~IN~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS  
24 SUBSECTION, IN EACH FISCAL YEAR:

25 (I) AT LEAST 35% SHALL BE USED TO PROCURE  
26 ENVIRONMENTAL OUTCOMES FROM ~~PROJECTS ON AGRICULTURAL LANDS~~  
27 PRACTICES, WITH PRIORITY GIVEN TO PROJECTS THAT ARE:

28 1. A FIXED NATURAL FILTER PRACTICE, AS DEFINED IN  
29 § 8-701 OF THE AGRICULTURE ARTICLE; OR

1                                   **2. AN AGRICULTURAL DITCH MANAGEMENT PRACTICE,**  
 2 **AS DEFINED BY THE CHESAPEAKE BAY PROGRAM;**

3                                   **(II) AT LEAST 20% SHALL BE USED TO PROCURE**  
 4 **ENVIRONMENTAL OUTCOMES FROM PROJECTS, INCLUDING STORMWATER**  
 5 **MANAGEMENT AND GREEN INFRASTRUCTURE PROJECTS, ESTABLISHED IN**  
 6 **~~DISADVANTAGED COMMUNITIES IMPACTED BY ENVIRONMENTAL JUSTICE~~**  
 7 **~~CONCERNS,~~ DISPROPORTIONATELY BURDENED BY ENVIRONMENTAL HARMS AND**  
 8 **RISKS AS IDENTIFIED BY THE DEPARTMENT IN CONSULTATION WITH THE**  
 9 **COMMISSION ON ENVIRONMENTAL JUSTICE AND SUSTAINABLE COMMUNITIES;**  
 10 **AND**

11                                   **(III) AT LEAST 10% SHALL BE USED TO PROCURE**  
 12 **ENVIRONMENTAL OUTCOMES FROM NONAGRICULTURAL LANDSCAPE RESTORATION**  
 13 **PROJECTS THAT TAKE INTO CONSIDERATION THE PROJECT'S ECOLOGICAL**  
 14 **SUITABILITY, INCLUDING THE HYDROLOGICAL CONDITIONS AND OTHER PHYSICAL**  
 15 **CHARACTERISTICS OF THE LOCATION AT WHICH THE PROJECT WILL BE**  
 16 **IMPLEMENTED.**

17                                   **(3) ANY UNENCUMBERED FUNDS NOT USED TO PURCHASE**  
 18 **ENVIRONMENTAL OUTCOMES AS SPECIFIED UNDER PARAGRAPH (2) OF THIS**  
 19 **SUBSECTION ARE:**

20                                   **(I) NO LONGER SUBJECT TO THE ALLOCATION REQUIREMENTS**  
 21 **SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND**

22                                   **(II) AVAILABLE FOR USE CONSISTENT WITH THIS SECTION IN**  
 23 **SUBSEQUENT FISCAL YEARS.**

24                                   **(4) A PROJECT MAY INCLUDE ENVIRONMENTAL OUTCOMES FROM**  
 25 **ONE OR MORE OF THE PROJECT TYPES SPECIFIED UNDER PARAGRAPH (2) OF THIS**  
 26 **SUBSECTION.**

27                                   **~~(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND~~**  
 28 **~~IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~**

29                                   **~~(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED~~**  
 30 **~~TO THE FUND.~~**

31                                   **~~(I) (G)~~ EXPENDITURES FROM THE FUND ACCOUNT MAY BE MADE ONLY**  
 32 **IN ACCORDANCE WITH THE STATE BUDGET.**

1 ~~(J) IF THE UNENCUMBERED BALANCE OF THE FUND EXCEEDS \$20,000,000~~  
2 ~~AT THE END OF A FISCAL YEAR, ANY MONEY IN EXCESS OF THAT \$20,000,000 SHALL~~  
3 ~~REVERT TO THE BAY RESTORATION FUND.~~

4 ~~(K) (H)~~ THE DEPARTMENT MAY ESTABLISH ~~ACCOUNTS AND~~  
5 SUBACCOUNTS WITHIN THE ~~FUND~~ ACCOUNT TO CARRY OUT THE PURPOSES OF THIS  
6 SECTION.

7 ~~(L) (I)~~ AN ENVIRONMENTAL OUTCOME PURCHASED UNDER THIS  
8 SECTION MAY NOT BE RESOLD OR TRANSFERRED TO ANY OTHER PERSON  
9 SEPARATELY FROM THE PROPERTY ON WHICH THE ENVIRONMENTAL OUTCOME IS  
10 LOCATED.

11 ~~(M) (J)~~ IN CALCULATING POLLUTION REDUCTIONS UNDER THE  
12 CHESAPEAKE BAY TMDL BY VARIOUS MAJOR SOURCE SECTORS RECOGNIZED IN  
13 THE WATERSHED IMPLEMENTATION PLAN, CREDIT FOR ANY REDUCTIONS FUNDED  
14 UNDER THIS SECTION SHALL BE ATTRIBUTED TO THE SECTOR OF THE SOURCE THAT  
15 MAKES THE REDUCTIONS.

16 ~~(N) (K)~~ (1) THE DEPARTMENT SHALL:

17 (I) USE A COMPETITIVE PROCESS TO INVITE FUNDING  
18 PROPOSALS FROM AGGREGATORS AND OTHER PERSONS FOR THE PROVISION OF  
19 ENVIRONMENTAL OUTCOMES THAT WILL CONTRIBUTE TOWARD THE ACHIEVEMENT  
20 OF THE CHESAPEAKE BAY TMDL;

21 (II) DEVELOP AND USE A SCORING SYSTEM TO EVALUATE A  
22 SUBMITTED FUNDING PROPOSAL;

23 (III) PROVIDE EACH PERSON THAT SUBMITS A FUNDING  
24 PROPOSAL WITH A COPY OF THE SCORING SYSTEM, INCLUDING THE WEIGHT GIVEN  
25 TO THE CO-BENEFITS SPECIFIED UNDER PARAGRAPH (3)(II)2 OF THIS SUBSECTION;  
26 AND

27 ~~(H) (IV)~~ AT LEAST ONCE A YEAR, PUBLICLY ANNOUNCE A  
28 REQUEST FOR PROPOSALS OR OTHERWISE INITIATE A PROCUREMENT PROCESS FOR  
29 ENVIRONMENTAL OUTCOMES TO BE FUNDED UNDER THIS SECTION.

30 (2) THE DEPARTMENT SHALL REQUIRE EACH FUNDING PROPOSAL  
31 SUBMITTED UNDER THIS SECTION TO INCLUDE:

32 (I) THE LEGAL NAME OF THE PERSON SUBMITTING THE  
33 PROPOSAL;

1           **(II) A DESCRIPTION OF THE PROJECTS OR PRACTICES TO BE**  
2 **USED OR IMPLEMENTED TO ACHIEVE THE ENVIRONMENTAL OUTCOMES;**

3           ~~**(III)**~~ **(III) THE LOCATION WHERE THE PROJECTS OR PRACTICES**  
4 **WILL BE USED OR IMPLEMENTED;**

5           ~~**(IV)**~~ **(IV) THE EXPECTED LIFE OF EACH ENVIRONMENTAL**  
6 **OUTCOME THAT WILL BE ACHIEVED UNDER THE PROJECTS OR PRACTICES;**

7           **(V) TO ENSURE THAT THE APPLICANT HAS THE LEGAL**  
8 **AUTHORITY TO IMPLEMENT THE PROJECTS OR PRACTICES, A DESCRIPTION OF THE**  
9 **OWNERSHIP OF EACH PARCEL OF LAND OR FACILITY THAT WILL BE USED IN THE**  
10 **PROJECTS OR PRACTICES;**

11           **(VI) A PROPOSED QUANTIFICATION PLAN AND VERIFICATION**  
12 **PROCEDURE;**

13           ~~**(VII)**~~ **(VII) AN IMPLEMENTATION TIMETABLE FOR THE**  
14 **PROJECTS OR PRACTICES;**

15           **(VIII) A PROPOSED COST AND PAYMENT SCHEDULE;**

16           ~~**(IX)**~~ **(IX) AN EXPLANATION OF WHETHER THE PROPOSAL**  
17 **MEETS THE REQUIREMENTS FOR FUNDING SPECIFIED IN SUBSECTION (G) OF THIS**  
18 **SECTION;**

19           **(X) IF THE PROJECTS OR PRACTICES WILL ACHIEVE A**  
20 **CO-BENEFIT SPECIFIED UNDER PARAGRAPH (3)(II)2 OF THIS SUBSECTION, A**  
21 **DESCRIPTION OF THE CO-BENEFIT, INCLUDING AS MUCH INFORMATION AS IS**  
22 **REASONABLY POSSIBLE REGARDING THE NATURE, EXTENT, DURATION, AND MEANS**  
23 **OF VERIFYING THE CO-BENEFIT;**

24           **(XI) A STATEMENT ON WHETHER ANY PORTION OF THE**  
25 **PROJECTS OR PRACTICES ARE BEING FUNDED OR WILL BE FUNDED, IN WHOLE OR**  
26 **IN PART, WITH FEDERAL FUNDS, LOCAL FUNDS, OR STATE FUNDS OTHER THAN**  
27 **FUNDS PROVIDED UNDER THIS SECTION, AND A DESCRIPTION OF ANY SUCH**  
28 **FUNDING, INCLUDING;**

29           **1. THE NAME OF THE DEPARTMENT OR AGENCY**  
30 **PROVIDING THE FUNDS;**

31           **2. THE AMOUNT OF FUNDING RECEIVED OR THAT WILL**  
32 **BE RECEIVED; AND**

1                                   **3.     THE PORTION OF THE PROJECTS OR PRACTICES FOR**  
 2 **WHICH THE FUNDS ARE BEING OR WILL BE PROVIDED; AND**

3                                   ~~(VI)~~ **(XII)** ANY OTHER INFORMATION REQUIRED BY THE  
 4 DEPARTMENT.

5                                   **(3)     (I)     WHEN INITIATING A COMPETITIVE PROCESS UNDER THIS**  
 6 **SUBSECTION, THE DEPARTMENT SHALL ANNOUNCE THE CRITERIA THAT WILL BE**  
 7 **USED TO EVALUATE FUNDING PROPOSALS.**

8                                   **(II)     WHEN EVALUATING FUNDING PROPOSALS, THE**  
 9 **DEPARTMENT SHALL PRIORITIZE THE FOLLOWING FACTORS IN THE FOLLOWING**  
 10 **ORDER:**

11                                   **1.     THE DOLLAR COST PER UNIT OF ENVIRONMENTAL**  
 12 **OUTCOME; AND**

13                                   **2.     THE PROVISION OF EXPECTED CO-BENEFITS**  
 14 **RELATED TO:**

15                                   **A.     ENHANCING THE MITIGATION OF AND RESILIENCY TO**  
 16 **THE ANTICIPATED ADVERSE EFFECTS OF CLIMATE CHANGES;**

17                                   **B.     ~~ADDRESSING DIVERSITY, EQUITY, OR~~**  
 18 **~~ENVIRONMENTAL JUSTICE CONCERNS; OR~~ ALLEVIATING THE ENVIRONMENTAL**  
 19 **HARMS AND RISKS BORNE BY COMMUNITIES DISPROPORTIONATELY BURDENED BY**  
 20 **ENVIRONMENTAL HARMS AND RISKS AS IDENTIFIED BY THE DEPARTMENT IN**  
 21 **CONSULTATION WITH THE COMMISSION ON ENVIRONMENTAL JUSTICE AND**  
 22 **SUSTAINABLE COMMUNITIES;**

23                                   **C.     CONTRIBUTING TOWARD THE ATTAINMENT OF**  
 24 **WATER QUALITY STANDARDS IN A LOCALLY IMPAIRED WATERSHED; OR**

25                                   **D.     REDUCTIONS IN PHOSPHORUS OR SEDIMENT LOADS**  
 26 **THAT ARE DIRECTLY MEASURED OR MODELED BY THE CHESAPEAKE BAY PROGRAM**  
 27 **MODELS AND CAN BE COUNTED TOWARD THE STATE'S POLLUTION LOAD**  
 28 **REDUCTIONS REQUIRED UNDER THE CHESAPEAKE BAY TMDL.**

29                                   ~~(E)~~ **(L)**     **THE DEPARTMENT SHALL:**

30                                   **(1)     ~~ESTABLISH AND IMPLEMENT~~ APPROVE A PROCESS TO VERIFY**  
 31 **ENVIRONMENTAL OUTCOMES FOR WHICH FUNDING IS PROVIDED UNDER THIS**  
 32 **SECTION; AND**

1           **(2) USE CONSISTENT STANDARDS AND PROCESSES FOR VERIFYING**  
 2 **ENVIRONMENTAL OUTCOMES THROUGH THE CONFIRMATION OF MODELING**  
 3 **RESULTS, THE CONFIRMATION OF INSTALLATIONS, ~~AND OR~~, WHERE APPROPRIATE,**  
 4 **THE MEASUREMENT OF OUTCOMES DURING OR AFTER THE INITIATION OF A**  
 5 **PROJECT OR PRACTICE.**

6           ~~(P)~~ **(M) AN ENVIRONMENTAL OUTCOME PURCHASED UNDER THIS**  
 7 **SECTION SHALL:**

8           **(1) RESULT FROM A NEW PROJECT OR PRACTICE DESIGNED AND**  
 9 **ESTABLISHED FOLLOWING THE SELECTION OF A PROPOSAL AND THE EXECUTION OF**  
 10 **A CONTRACT IN ACCORDANCE WITH THIS SECTION;**

11           **(2) BE IN ADDITION TO ANY LOAD REDUCTION REQUIRED BY ANY**  
 12 **FEDERAL, STATE, OR LOCAL LAW, REGULATION, POLICY, OR PERMIT, INCLUDING**  
 13 **ANY APPLICABLE TOTAL MAXIMUM DAILY LOAD; AND**

14           **(3) BE CONSISTENT WITH THE CHESAPEAKE BAY ~~PARTNERSHIP~~**  
 15 **~~ACCOUNTING PROCEDURES~~ PROGRAM MODELS SO AS TO ENSURE THE LOAD**  
 16 **REDUCTIONS WILL COUNT TOWARD THE ACHIEVEMENT OF THE CHESAPEAKE BAY**  
 17 **TMDL.**

18           ~~(Q)~~ **(N) A CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER THIS**  
 19 **SECTION MAY BE FUNDED FOR THE EXPECTED LIFE OF THE PROJECT OR PRACTICE**  
 20 **YIELDING THE ENVIRONMENTAL OUTCOME, NOT TO EXCEED ~~15~~ 20 YEARS.**

21           ~~(R)~~ **(O) ~~(1) PROVISIONS FOR PAYMENT UNDER A CONTRACT FOR~~**  
 22 **~~ENVIRONMENTAL OUTCOMES SHALL BE AS:~~**

23           ~~(I) ANNUAL OR LESS FREQUENT PAYMENTS OVER THE~~  
 24 **~~DURATION OF THE CONTRACT FOLLOWING VERIFICATION OF ENVIRONMENTAL~~**  
 25 **~~OUTCOMES; OR~~**

26           ~~(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FULL~~  
 27 **~~OR SUBSTANTIAL PAYMENT AFTER CONSTRUCTION IS COMPLETED AND~~**  
 28 **~~INCREMENTAL PAYMENTS AFTER LONG TERM ENVIRONMENTAL OUTCOMES ARE~~**  
 29 **~~VERIFIED UNDER A PAY FOR SUCCESS CONTRACT.~~**

30           ~~(2) INITIAL AND INCREMENTAL PAYMENTS MAY BE MADE UNDER A~~  
 31 **~~PAY FOR SUCCESS CONTRACT AS WARRANTED BY THE FINANCIAL RESOURCES OF~~**  
 32 **~~THE APPLICANT, THE NATURE OF THE PROJECT OR PRACTICE, AND OTHER~~**  
 33 **~~RELEVANT CIRCUMSTANCES.~~**

1 A CONTRACT ENTERED INTO BY THE DEPARTMENT UNDER THIS  
2 SECTION SHALL:

3 (1) REQUIRE THE OWNER OF THE PROJECT OR PRACTICE TO  
4 PERIODICALLY SUBMIT STATUS UPDATES IN ACCORDANCE WITH THE  
5 QUANTIFICATION PLAN FOR THE ENVIRONMENTAL OUTCOMES OF THE PROJECT OR  
6 PRACTICE;

7 (2) REQUIRE THAT PAYMENT FOR ENVIRONMENTAL OUTCOMES BE  
8 CONDITIONED ON THE ACHIEVEMENT AND VERIFICATION OF THE ENVIRONMENTAL  
9 OUTCOMES IN ACCORDANCE WITH THE QUANTIFICATION PLAN;

10 (3) INCLUDE A SCHEDULE OF PAYMENTS THAT WILL BE MADE AS  
11 ENVIRONMENTAL OUTCOMES ARE ACHIEVED AND VERIFIED; AND

12 (4) REQUIRE REPORTING ON THE AMOUNT OF NITROGEN AND, TO  
13 THE EXTENT THAT IT CAN BE FEASIBLY DETERMINED WITHOUT SIGNIFICANT  
14 EXPENSE, PHOSPHORUS AND SEDIMENT THAT ARE REMOVED ANNUALLY BY THE  
15 PROJECT OR PRACTICE.

16 ~~(S)~~ (P) THE DEPARTMENT SHALL:

17 (1) ~~ESTABLISH~~ MAINTAIN A PUBLIC REGISTRY, ~~INCLUDING~~ FOR THE  
18 ENVIRONMENTAL OUTCOMES OF EACH PROJECT OR PRACTICE THAT INCLUDES:

19 (I) A DESCRIPTION OF THE PROJECT OR PRACTICE AND THE  
20 ASSOCIATED SPATIAL INFORMATION, ~~OF PROJECTS AND PRACTICES FUNDED~~  
21 ~~UNDER THIS SECTION THAT SHALL INCLUDE INFORMATION SUFFICIENT TO TRACK~~  
22 ~~THE OWNERSHIP OF THE PROJECT OR PRACTICE; AND~~

23 (II) TO ENSURE THAT THE ENVIRONMENTAL OUTCOMES ARE  
24 MAINTAINED FOR THE LIFE EXPECTANCY OF THE ENVIRONMENTAL OUTCOME, A  
25 SUMMARY OF THE CONTRACT PROVISIONS FOR THE PROJECT OR PRACTICE; AND

26 (2) MAKE THE REGISTRY AVAILABLE TO THE PUBLIC ON THE  
27 DEPARTMENT'S WEBSITE.

28 ~~(T)~~ (Q) (1) (I) SUBJECT TO ~~PARAGRAPH (2)~~ SUBPARAGRAPH (II) OF  
29 THIS ~~SUBSECTION~~ PARAGRAPH, A PROJECT OR PRACTICE THAT IS PARTIALLY  
30 FINANCED WITH ANOTHER SOURCE OF STATE FUNDS MAY BE FUNDED UNDER THIS  
31 SECTION.

1           ~~(2)~~ (II) FUNDING PROVIDED TO A PROJECT OR PRACTICE UNDER  
 2 THIS SUBSECTION SHALL BE PRORATED TO COVER ONLY THE PORTION OF THE  
 3 ENVIRONMENTAL BENEFIT NOT FUNDED BY ANOTHER STATE SOURCE.

4           (2) (I) AN ENVIRONMENTAL OUTCOME THAT IS FUNDED ENTIRELY  
 5 WITH PUBLIC FUNDS IS NOT ELIGIBLE TO BE PURCHASED WITH FUNDS FROM THE  
 6 ACCOUNT.

7           (II) IF AN ENVIRONMENTAL OUTCOME IS PARTIALLY FUNDED  
 8 WITH PUBLIC FUNDS AND IS VERIFIED UNDER SUBSECTION (L) OF THIS SECTION,  
 9 FUNDS FROM THE ACCOUNT MAY BE USED TO PURCHASE THE REMAINING PORTION  
 10 OF THE ENVIRONMENTAL OUTCOME THAT IS NOT FUNDED WITH PUBLIC FUNDS.

11           ~~(U)~~ (R) ON IN CONJUNCTION WITH THE REPORT REQUIRED UNDER §  
 12 9-1605.2(J)(6) OF THIS SUBTITLE, ON OR BEFORE DECEMBER 31 EACH YEAR, THE  
 13 DEPARTMENT BAY RESTORATION FUND ADVISORY COMMITTEE SHALL REPORT TO  
 14 THE BAY RESTORATION FUND ADVISORY COMMITTEE AND, IN ACCORDANCE WITH  
 15 § 2-1257 OF THE STATE GOVERNMENT, TO THE SENATE EDUCATION, HEALTH, AND  
 16 ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND  
 17 TRANSPORTATION COMMITTEE ON:

18           (1) THE TOTAL AMOUNT EXPENDED AND ENCUMBERED UNDER THIS  
 19 SECTION:

20           (I) DURING THE IMMEDIATELY PRECEDING FISCAL YEAR; AND

21           (II) SINCE JULY 1, 2022;

22           (2) THE AMOUNT AND TYPE OF ENVIRONMENTAL OUTCOMES  
 23 PURCHASED UNDER THIS SECTION AND THE TYPES OF PROJECTS OR PRACTICES  
 24 THAT PRODUCED THOSE OUTCOMES, INCLUDING INFORMATION ON:

25           (I) THE COST PER UNIT OF NITROGEN, ~~PHOSPHORUS, OR~~  
 26 ~~SEDIMENT~~ REDUCED OR REMOVED; AND

27           (II) THE RELATIVE CONTRIBUTION OF EACH ENVIRONMENTAL  
 28 OUTCOME TOWARD CLOSING ANY GAPS IN ACHIEVING THE NUTRIENT AND  
 29 SEDIMENT TARGETS OF THE CHESAPEAKE BAY TMDL;

30           (3) THE TYPE AND VALUE OF ANY CO-BENEFITS PROVIDED BY  
 31 PROJECTS OR PRACTICES FUNDED UNDER THIS SECTION;

32           (4) ~~INFORMATION ON THE~~ THE COST-EFFECTIVENESS OF  
 33 ENVIRONMENTAL OUTCOMES PURCHASED UNDER THIS SECTION AS COMPARED

1 WITH OTHER APPROACHES TO REDUCING NITROGEN, PHOSPHORUS, AND SEDIMENT;  
 2 AND

3 (5) FOR FISCAL YEAR 2025 ONLY, ~~RECOMMENDATIONS REGARDING~~  
 4 ANY AMENDMENTS TO THIS SECTION NECESSARY TO REFLECT HISTORIC AND  
 5 PROJECTED DEMAND FOR FUNDING FROM THE ~~FUND ACCOUNT~~ AND THE BAY  
 6 RESTORATION FUND, INCLUDING AN ASSESSMENT AND RECOMMENDATION ON  
 7 POSSIBLE CHANGES TO THE PERCENTAGES SPECIFIED UNDER SUBSECTION (F) OF  
 8 THIS SECTION.

9 ~~(v)~~ (s) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT  
 10 THIS SECTION.

11 ~~Article—State Finance and Procurement~~

12 ~~6-226.~~

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

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

21 ~~122. the Racing and Community Development Financing Fund;~~  
 22 ~~[and]~~

23 ~~123. the Racing and Community Development Facilities Fund;~~  
 24 ~~AND~~

25 ~~124. THE CLEAN WATER COMMERCE FUND.~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
 27 as follows:

28 Chapter 366 of the Acts of 2017

29 [SECTION 2. AND BE IT FURTHER ENACTED, That the nutrient load reductions  
 30 purchased under § 9-1605.2(i)(2)(xiii) of the Environment Article, as enacted by Section 1  
 31 of this Act, must be consistent with the Chesapeake Bay Program Partnership Accounting  
 32 Procedures.

1 SECTION 3. AND BE IT FURTHER ENACTED, That: (a) Beginning July 1, 2018,  
2 the Department of the Environment shall report each year to the Bay Restoration Fund  
3 Advisory Committee on the implementation of this Act. (b) On or before October 1, 2020,  
4 the Department of the Environment shall report, in accordance with § 2–1246 of the State  
5 Government Article, to the House Environment and Transportation Committee and the  
6 Senate Education, Health, and Environmental Affairs Committee on the implementation  
7 of this Act.

8 SECTION 4. AND BE IT FURTHER ENACTED, That:

9 (a) The Department of the Environment may enter into any contracts for the  
10 purchase of nutrient load reductions under this Act until June 30, 2021.

11 (b) Any contract entered into by the Department of the Environment under this  
12 Act may be funded for the expected life of the best management practice resulting from a  
13 nutrient load reduction.]

14 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2017. It shall remain effective for a period of [4] 13 years and, at the end of June 30,  
16 [2021] 2030, with no further action required by the General Assembly, this Act shall be  
17 abrogated and of no further force and effect.

#### 18 Chapter 367 of the Acts of 2017

19 [SECTION 2. AND BE IT FURTHER ENACTED, That the nutrient load reductions  
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3 [2021] 2030, with no further action required by the General Assembly, this Act shall be  
4 abrogated and of no further force and effect.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
6 1, 2021. It shall remain effective for a period of 9 years and 1 month and, at the end of June  
7 30, 2030, this Act, with no further action required by the General Assembly, shall be  
8 abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.