

HOUSE BILL 1133

M3, M1

11r2286

By: **Delegate Bridges**

Introduced and read first time: February 5, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Tree Planting – Urban Trees Program and Commission for the Innovation and**
3 **Advancement of Carbon Markets and Sustainable Tree Plantings**

4 FOR the purpose of establishing the policy of the State to support and encourage certain
5 tree-planting efforts, with a goal of planting and helping to maintain in the State's
6 underserved areas a certain number of sustainable trees of species native to the
7 State by the end of a certain year; specifying that this goal is in addition to certain
8 trees planted under certain programs and includes certain tree plantings
9 accomplished through certain State programs and nonprofit and private efforts;
10 making the Department of the Environment responsible for tracking the State's
11 progress toward meeting certain tree-planting goals and requiring the Department
12 of the Environment to serve as the lead agency to receive certain data; requiring the
13 Department of the Environment and the Chesapeake Bay Trust to jointly make a
14 certain report to certain committees of the General Assembly on or before a certain
15 date each year; establishing an Urban Trees Program administered by the
16 Chesapeake Bay Trust; providing for the purpose of the Urban Trees Program;
17 requiring the Trust to make grants to qualified organizations for certain purposes;
18 specifying certain eligible Program expenses for the Urban Trees Program; providing
19 for the funding of the Urban Trees Program; requiring the Trust to seek certain
20 funds, grants, and donations for the purpose of the Urban Trees Program; requiring
21 a certain grant agreement to specify the allowed uses of certain funds and include
22 provisions for the verification of certain information; requiring the Trust to report
23 certain information concerning certain grant awards to the Department of Natural
24 Resources and the Department of the Environment on or before a certain date each
25 year; requiring the Department of the Environment to make certain transfers from
26 the Bay Restoration Fund for certain purposes in certain fiscal years, after funding
27 certain eligible costs; providing that certain funds transferred from the Bay
28 Restoration Fund are supplemental to and may not take the place of certain other
29 funding; establishing the Commission for the Innovation and Advancement of
30 Carbon Markets and Sustainable Tree Plantings; providing for the composition,
31 chair, and staffing of the Commission; prohibiting a member of the Commission from

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 receiving certain compensation, but authorizing the reimbursement of certain
2 expenses; requiring the Commission to develop certain plans and recommendations
3 regarding certain matters; requiring the Commission to report its findings and
4 recommendations to the Governor and the General Assembly on or before a certain
5 date; defining certain terms; providing for the application of certain provisions of this
6 Act; providing for the effective date of certain provisions of this Act; providing for the
7 termination of certain provisions of this Act; and generally relating to urban tree
8 planting in the State.

9 BY adding to
10 Article – Environment
11 Section 2–1212
12 Annotated Code of Maryland
13 (2013 Replacement Volume and 2020 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 8–1901
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) and (2)(xii)
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)(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)(11)
37 Annotated Code of Maryland
38 (2014 Replacement Volume and 2020 Supplement)

39 BY repealing and reenacting, without amendments,
40 Article – Environment

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

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

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

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

19 **Article – Environment**

20 **2–1212.**

21 **(A) (1) IT IS THE POLICY OF THE STATE TO SUPPORT AND ENCOURAGE**
22 **PUBLIC AND PRIVATE TREE-PLANTING EFFORTS, WITH A GOAL OF PLANTING AND**
23 **HELPING TO MAINTAIN IN THE STATE’S UNDERSERVED AREAS, AS DEFINED IN §**
24 **8–1911 OF THE NATURAL RESOURCES ARTICLE, 500,000 SUSTAINABLE TREES OF**
25 **SPECIES NATIVE TO THE STATE BY THE END OF CALENDAR YEAR 2030.**

26 **(2) THIS GOAL:**

27 **(I) IS IN ADDITION TO ANY TREES PLANTED UNDER PROGRAMS**
28 **DESCRIBED IN THE 2019 DRAFT GREENHOUSE GAS EMISSIONS REDUCTION PLAN;**
29 **AND**

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

33 **(B) THE DEPARTMENT:**

34 **(1) IS RESPONSIBLE FOR TRACKING THE STATE’S PROGRESS TOWARD**

1 MEETING THE GOAL ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND

2 (2) SHALL SERVE AS THE LEAD AGENCY TO RECEIVE DATA FROM THE
3 CHESAPEAKE BAY TRUST REGARDING TREE PLANTINGS ACCOMPLISHED THROUGH
4 THE URBAN TREES PROGRAM.

5 (C) ON OR BEFORE DECEMBER 1, 2021, AND EACH DECEMBER 1
6 THEREAFTER, THE DEPARTMENT AND THE CHESAPEAKE BAY TRUST JOINTLY
7 SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
8 AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION
9 COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
10 ARTICLE, ON THE STATE'S PROGRESS TOWARD MEETING THE GOAL ESTABLISHED
11 UNDER SUBSECTION (A) OF THIS SECTION.

12 Article – Natural Resources

13 8–1901.

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

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

16 (c) “Trust” means the Chesapeake Bay Trust.

17 8–1911.

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

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

21 (3) “QUALIFIED ORGANIZATION” MEANS:

22 (I) A NONPROFIT ORGANIZATION;

23 (II) A SCHOOL;

24 (III) A COMMUNITY ASSOCIATION;

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

26 (V) AN INSTITUTION OF HIGHER EDUCATION;

27 (VI) A COUNTY OR MUNICIPALITY; OR

1 (VII) A FOREST CONSERVANCY DISTRICT BOARD.

2 (4) "UNDERSERVED AREA" MEANS AN AREA OF THE STATE FALLING
3 WITHIN THE BOUNDARIES OF:

4 (I) AN URBAN AREA THAT IS:

5 1. DELINEATED AS AN URBAN AREA BY THE U.S.
6 CENSUS BUREAU; AND

7 2. UNDER THE AUTHORITY OF A LOCAL HOUSING
8 AUTHORITY; AND

9 (II) 1. A NEIGHBORHOOD THAT WAS, AT ANY POINT IN TIME,
10 REDLINED OR GRADED AS "HAZARDOUS" BY THE HOME OWNERS' LOAN
11 CORPORATION;

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

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

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

21 (C) THE PURPOSE OF THE PROGRAM IS TO PLANT AND MAINTAIN NATIVE
22 SPECIES OF TREES IN UNDERSERVED AREAS, IN FURTHERANCE OF THE GOAL
23 ESTABLISHED UNDER § 2-1212 OF THE ENVIRONMENT ARTICLE.

24 (D) (1) THE TRUST SHALL MAKE GRANTS TO QUALIFIED ORGANIZATIONS
25 FOR TREE-PLANTING PROJECTS IN UNDERSERVED AREAS.

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

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

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

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

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

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

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

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

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

18 **(1) THE NAMES AND DESCRIPTIONS OF GRANT RECIPIENTS;**

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

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

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

25 **Article - Environment**

26 9-1605.2.

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

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

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

4 (xiii) After funding any eligible costs identified under item (iv)1 and 2
5 of this paragraph, for [costs]:

6 1. COSTS associated with the purchase of cost-effective
7 nitrogen, phosphorus, or sediment load reductions in support of the State’s efforts to restore
8 the health of the Chesapeake Bay, not to exceed \$4,000,000 in fiscal year 2018, \$6,000,000
9 in fiscal year 2019, and \$10,000,000 per year in fiscal years 2020 and 2021; AND

10 2. THE TRANSFERS REQUIRED UNDER PARAGRAPH (11)
11 OF THIS SUBSECTION.

12 (11) (I) IN FISCAL YEARS 2022 THROUGH 2030, THE DEPARTMENT
13 SHALL TRANSFER FROM THE BAY RESTORATION FUND \$10,000,000 EACH FISCAL
14 YEAR TO THE CHESAPEAKE BAY TRUST FOR THE URBAN TREES PROGRAM
15 ESTABLISHED UNDER § 8–1911 OF THE NATURAL RESOURCES ARTICLE.

16 (II) FUNDS TRANSFERRED IN ACCORDANCE WITH THIS
17 PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING
18 THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND INITIATIVES
19 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

22 **Article – Environment**

23 9–1605.2.

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

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

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

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

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

4 **(10) (I) IN FISCAL YEARS 2022 THROUGH 2030, THE DEPARTMENT**
5 **SHALL TRANSFER FROM THE BAY RESTORATION FUND \$10,000,000 EACH FISCAL**
6 **YEAR TO THE CHESAPEAKE BAY TRUST FOR THE URBAN TREES PROGRAM**
7 **ESTABLISHED UNDER § 8-1911 OF THE NATURAL RESOURCES ARTICLE.**

8 **(II) FUNDS TRANSFERRED IN ACCORDANCE WITH THIS**
9 **PARAGRAPH ARE SUPPLEMENTAL TO AND MAY NOT TAKE THE PLACE OF FUNDING**
10 **THAT OTHERWISE WOULD BE APPROPRIATED FOR THE PROGRAMS AND INITIATIVES**
11 **SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

12 SECTION 4. AND BE IT FURTHER ENACTED, That:

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

15 (b) The Commission consists of the following members:

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

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

18 (3) the State Treasurer, or the State Treasurer's designee;

19 (4) one representative of the Maryland Association of Counties, selected by
20 the Maryland Association of Counties;

21 (5) one representative of the Maryland Municipal League, selected by the
22 Maryland Municipal League;

23 (6) one representative of the Commission on Environmental Justice and
24 Sustainable Communities, selected by the Commission on Environmental Justice and
25 Sustainable Communities;

26 (7) one representative of the Chesapeake Bay Foundation, selected by the
27 Chesapeake Bay Foundation;

28 (8) one representative of the Maryland League of Conservation Voters,
29 selected by the Maryland League of Conservation Voters;

30 (9) one representative of Blue Water Baltimore, selected by Blue Water
31 Baltimore;

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

4 (11) one representative of Patapsco Heritage Greenway, selected by
5 Patapsco Heritage Greenway; and

6 (12) the President of the Maryland Forestry Foundation, or the President's
7 designee.

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

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

12 (e) A member of the Commission:

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

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

16 (f) (1) The Commission shall develop:

17 (i) a plan to achieve the State's carbon mitigation goal of planting
18 500,000 native trees by 2030 in accordance with § 2-1212 of the Environment Article, as
19 enacted by Section 1 of this Act;

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

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

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

27 (2) The plans and recommendations shall include:

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

31 (ii) recommendations regarding potential planting sites, including

1 the impact that planting trees at these sites will have on private land and associated
2 ecological services;

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

4 (iv) a review of existing programs and current resource capacity for
5 tree plantings;

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

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

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

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

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

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

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

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

24 SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
25 effect June 1, 2021. It shall remain effective for a period of 9 years and 1 month and, at the
26 end of June 30, 2030, Section 1 of this Act, with no further action required by the General
27 Assembly, shall be abrogated and of no further force and effect.

28 SECTION 6. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
29 effect on the taking effect of the termination provision specified in Section 5 of Chapters
30 366 and 367 of the Acts of the General Assembly of 2017. If that termination provision takes
31 effect, Section 3 of this Act, with no further action required by the General Assembly, shall
32 be abrogated and of no further force and effect. This Act may not be interpreted to have any
33 effect on that termination provision.

34 SECTION 7. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take

1 effect June 1, 2021. It shall remain effective for a period of 2 years and 1 month and, at the
2 end of June 30, 2023, Section 4 of this Act, with no further action required by the General
3 Assembly, shall be abrogated and of no further force and effect.

4 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in
5 Sections 5 through 7 of this Act, this Act shall take effect June 1, 2021.