



Report of the  
**Transportation and the  
Environment Subcommittee**  
To the House Appropriations Committee

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2020 SESSION

Recommendations, Reductions, and Summary of  
Action Pertaining to:  
Senate Bill 190



**General Assembly of Maryland**  
**House Appropriations Committee**  
**Transportation and the Environment Subcommittee**  
**2020 Session Membership Roster**

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**Committee Staff**

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**Recommended Reductions  
Transportation and the Environment Subcommittee**

<u>Agency</u>	<u>General Funds</u>	<u>Special Funds</u>	<u>Federal Funds</u>	<u>Higher Ed. Funds</u>	<u>Total Funds</u>	<u>Positions</u>
<b>2021 Budget Request</b>						
Department of Planning	\$104,221	\$0	\$0	\$0	\$104,221	1.0
MDOT State Highway Administration	0	10,500,266	0	0	10,500,266	
MDOT Maryland Aviation Administration	0	270,000	0	0	270,000	
Department of Natural Resources	0	59,828	0	0	59,828	1.0
Department of Agriculture	0	1,500,000	0	0	1,500,000	
Department of the Environment	0	192,177	375,750	0	567,927	10.0
<b>Fiscal 2021 Total Budget</b>	<b>\$104,221</b>	<b>\$12,522,271</b>	<b>\$375,750</b>	<b>\$0</b>	<b>\$13,002,242</b>	<b>12.0</b>
<b>Fiscal 2020 Deficiency Budget</b>						
Maryland Energy Administration	0	241,153	0	0	241,153	
<b>Total Fiscal 2020 Deficiency Budget</b>	<b>\$0</b>	<b>\$241,153</b>	<b>\$0</b>	<b>\$0</b>	<b>\$241,153</b>	
<b>Grand Total Budget Bill</b>	<b>\$104,221</b>	<b>\$12,763,424</b>	<b>\$375,750</b>	<b>\$0</b>	<b>\$13,243,395</b>	<b>12.0</b>

MDOT: Maryland Department of Transportation





# C90G00

## Public Service Commission

### Committee Narrative

#### C90G00.01 General Administration and Hearings

**Electric Vehicle Recharging Station Pilot Program:** The committees are interested in receiving additional information about the ongoing pilot program for the installation and ownership of electric vehicle recharging stations by investor-owned utilities (IOU). The Public Service Commission (PSC) ordered IOUs to install and own a certain number of these stations, which were required to be installed on land owned or leased by a unit of State, county, or municipal government for public use. PSC reported that it receives information regularly on the pilot program. The committees request PSC provide information on the status of installation by IOU including the location of the installations, the cost by IOU for the utility and for ratepayers, the cost for use of the recharging station, and information on benefits to the State and ratepayers from these installations.

Information Request	Author	Due Date
Report on electric vehicle recharging station pilot program	PSC	December 1, 2020

~~**Energy Supplier Pricing and Marketing:** The committees continue to be concerned about energy supplier marketing and pricing. In particular, the committees are concerned that certain energy suppliers may be targeting certain communities with high rate and high fee plans. The committees request that the Public Service Commission (PSC) provide a report on the use of variable rates for both electric and natural gas suppliers and termination fees. The information provided should include the companies that currently use variable rates, how the variable rates are incorporated in plans (for example, fixed rates that become variable at renewal or some other time during the contract period), how the use of variable rates has changed over time, companies currently using termination fees, the structure of termination fees, and how the use of termination fees has changed over time. PSC should also provide information on the number of customers, separately for electric and natural gas, energy suppliers by zip code for fiscal 2019 and 2020 and (if available) any bill level data collected by PSC. PSC should also report on the reported door to door marketing and telephone solicitations by energy suppliers by zip code by month for fiscal 2019 and 2020.~~

***Energy Supplier Pricing and Marketing:** The committees continue to be concerned about energy supplier marketing and pricing. In particular, the committees are concerned that certain energy suppliers may be targeting certain communities with high rate and high fee plans. The committees request that the Public Service Commission (PSC) provide a report on the current offers as posted on the PSC website for energy supplier pricing that contain variable rates and/or termination fees. The information provided should describe the use of variable rates in*

## C90G00

*the current offers posted on the PSC website for energy supplier pricing, including current rates, how the listed rates compare to the Standard Offer Service rate for that period, and the trigger for a change in the variable rates (if available). The report should also include information provided on the website about offers that have termination fees in the reported pricing and the structure of those termination fees (if available). PSC should also report on the monthly number of electricity customers enrolled with suppliers by utility service territory in recent years. PSC should also report on the door-to-door sales activities reported by retail energy suppliers, including the number of suppliers reporting activities by zip code. PSC should note the period that the marketing data covers.*

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on energy supplier pricing and marketing	PSC	<del>August 1</del> December 15, 2020

**D13A13**  
**Maryland Energy Administration**

**Committee Narrative**

**D13A13.01 General Administration**

**Strategic Energy Investment Fund Revenue, Spending, and Fund Balance:** The committees are interested in ensuring transparency in Regional Greenhouse Gas Initiative (RGGI) revenue assumptions and spending included in the budget as well as available fund balance. The committees request that the Department of Budget and Management (DBM) provide an annual report on the revenue from the RGGI carbon dioxide emission allowance auctions, set aside allowance, and interest income in conjunction with the submission of the fiscal 2022 budget as an appendix to the Governor’s Budget Books. The report shall include information on the actual fiscal 2020 budget, the fiscal 2021 working appropriation, and the fiscal 2022 allowance. The report shall detail:

- revenue assumptions used to calculate the available Strategic Energy Investment Fund (SEIF) from RGGI auctions for each fiscal year, including the number of auctions, the number of allowances sold, the allowance price in each auction, and the anticipated revenue from set-aside allowances;
- interest income received on the SEIF;
- amount of the SEIF from RGGI auction revenue available to each agency that receives funding through each required statutory allocation, dues owed to RGGI, Inc., and transfers or diversions of revenue made to other funds; and
- fund balance for each SEIF subaccount for the fiscal 2019 actual, the fiscal 2020 actual, the fiscal 2021 working appropriation, and the fiscal 2022 allowance.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on revenue assumptions and use of RGGI auction revenue	DBM	With the submission of the Governor’s Fiscal 2022 Budget Books

## D13A13

### Fiscal 2020 Deficiency

#### D13A13.07 Energy Efficiency and Conservation Programs, All Other Sectors

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Reduce the deficiency appropriation for the Combined Heat and Power Program to reflect the available funding from the Exelon Corporation and Pepco Holdings, Inc. merger for this program.	241,153 SF	
Total Reductions	241,153	0.00

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Special Fund	367,061	125,908	241,153	
<b>Total Funds</b>	<b>367,061</b>	<b>125,908</b>	<b>241,153</b>	

### Budget Amendments

#### D13A13.08 Renewable and Clean Energy Programs and Initiatives

Add the following language to the special fund appropriation:

, provided that, contingent upon the enactment of HB 982 or SB 740, \$6,500,000 of this appropriation made for the purpose of Maryland Energy Infrastructure Grants, Contributions in Aid of Construction Dispensation Fund, and technical assistance from the Maryland Gas Expansion Fund may not be expended for that purpose but instead may be transferred by budget amendment to the Department of Housing and Community Development program S00A25.04 Housing and Building Energy Programs to be used only for low-income residential weatherization as part of the Electric Universal Service Program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

## D13A13

**Explanation:** *This language restricts the funding in the Renewable and Clean Energy Programs and Initiatives program of the Maryland Energy Administration from the Maryland Gas Expansion Fund created as a result of a condition of approval of the WGL Holdings, Inc. and AltaGas Ltd. to be used in the Department of Housing and Community Development for low-income residential weatherization. This restriction is contingent on the enactment of HB 982 or SB 740, which would authorize the use of these funds for that purpose beginning in fiscal 2021.*

Amendment No. \_\_\_\_\_

### Committee Narrative

**Revenue from Electric Vehicle Recharging Equipment:** The fiscal 2021 allowance includes \$1.8 million to continue supporting the Electric Vehicle Recharging Equipment Rebate Program. The State, through the Strategic Energy Investment Fund, has supported the purchase and installation of electric vehicle recharging equipment through a tax credit and later the rebate program since fiscal 2011. As the use of electric vehicles grows and the State support for recharging equipment continues, the committees are interested in understanding more about the potential for generating revenue from the use of electricity for vehicle recharging. The committees request that the Maryland Energy Administration (MEA) submit a report on options for revenue generation from the sale of electricity for vehicle recharging including a description of the method (for example, point of sale or fees). MEA should include a review of efforts in other states, including a discussion of both enacted revenue generation options and those under current or previous consideration.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on revenue generating options from electric vehicle recharging equipment	MEA	November 15, 2020

**D40W01**  
**Department of Planning**

**Committee Narrative**

**D40W01.03 Planning Data and Research**

**Outcome of the 2020 Census:** The committees are interested in the outcome from the 2020 Census in terms of (1) the immediate self-response rate and feedback from the Maryland Department of Planning and local jurisdictions to increase the self-response rate and (2) the influence on Maryland’s self-response rate of the 2020 Census Grant Program created by Chapter 18 of 2018 (2020 Census Grant Program – Establishment and Funding), the Maryland Department of Planning’s (MDP) own census outreach efforts, and the work of the Maryland Complete Count Committee. Therefore, the budget committees request that MDP report by May 15, 2020, on the status of census outreach by MDP and the local jurisdictions in response to real-time self-response rate information. In addition, the budget committees request that MDP report by January 1, 2021, on whether Maryland met its goal of being in the top 10 states for self-response rate; the lessons learned from the 2020 Census Grant Program, MDP’s own census outreach efforts, and the work of the Maryland Complete Count Committee; and the funding and resources needed to improve the self-response rate for the 2030 census.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Outcome of the 2020 Census	MDP	May 15, 2020 January 1, 2021

**Budget Amendments**

**D40W01.04 Planning Coordination**

Reduce appropriation for the purposes indicated:	<u><b>Funds</b></u>	<u><b>Positions</b></u>
1. Abolish a vacant principal planner position in the Planning Coordination program. PIN 032069 has been vacant for over a year, and the agency claims that the position is being held vacant to meet turnover expectancy despite the agency having sufficient vacancies year-round to satisfy projected turnover.	104,221 GF	1.00
Total Reductions	104,221	1.00

**D40W01**

<b><u>Effect</u></b>	<b><u>Allowance</u></b>	<b><u>Appropriation</u></b>	<b><u>Amount Reduction</u></b>	<b><u>Position Reduction</u></b>
Position	22.00	21.00		1.00
General Fund	1,771,556	1,667,335	104,221	
Federal Fund	61,772	61,772	0	
<b>Total Funds</b>	<b>1,833,328</b>	<b>1,729,107</b>	<b>104,221</b>	

**D70J00**  
**Maryland Automobile Insurance Fund**

**Committee Narrative**

**Report on the Likelihood and Impact of a Maryland Automobile Insurance Fund Assessment:** The Maryland Automobile Insurance Fund (Maryland Auto) is required to assess a surcharge on automobile insurance companies in the State after the following two triggers occur: (1) the surplus of the Insured Division falls below 25% of the three-year average of direct written premiums; and (2) Maryland Auto experiences an operating loss. The surplus to assessment ratio is estimated to stand at 1.29 at the end of calendar 2019. Due to the concern that an assessment on automobile insurance companies would be passed through to Marylanders, the committees request that Maryland Auto and the Maryland Insurance Administration (MIA) prepare a report on the likelihood of an assessment and the impact that it would have on the price of automobile insurance premiums in Maryland. The report should include projections on the likelihood of an assessment during calendar 2020 through 2025. The report should also note the impacts of the expiration of the Maryland Auto premium tax exemption in 2022 and the impact of declining investment revenue in the event of a market slowdown. Additionally, the report should include information on potential legislative initiatives that would address this issue. The report shall be provided to the budget committees by October 1, 2020.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Report on the likelihood and impact of a Maryland Auto assessment	Maryland Auto MIA	October 1, 2020



**J00**  
**Department of Transportation**

**Budget Amendments**

Add the following language:

Provided that it is the intent of the General Assembly that projects and funding levels appropriated for capital projects, as well as total estimated project costs within the Consolidated Transportation Program, shall be expended in accordance with the plan approved during the legislative session. The department shall prepare a report to notify the budget committees of the proposed changes in the event that the department modifies the program to:

- (1) add a new project to the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that was not previously contained within a plan reviewed in a prior year by the General Assembly and will result in the need to expend funds in the current budget year; or
- (2) change the scope of a project in the construction program or development and evaluation program meeting the definition of a “major project” under Section 2-103.1 of the Transportation Article that will result in an increase of more than 10% or \$1,000,000, whichever is greater, in the total project costs as reviewed by the General Assembly during a prior session.

For each change, the report shall identify the project title, justification for adding the new project or modifying the scope of the existing project, current year funding levels, and the total project cost as approved by the General Assembly during the prior session compared with the proposed current year funding and total project cost estimate resulting from the project addition or change in scope.

Further provided that notification of project additions, as outlined in paragraph (1) above; changes in the scope of a project, as outlined in paragraph (2) above; or moving projects from the development and evaluation program to the construction program shall be made to the General Assembly 45 days prior to the expenditure of funds or the submission of any contract for approval to the Board of Public Works.

**Explanation:** This annual budget bill language requires the department to notify the budget committees of proposed changes to the transportation capital program that will add a new project that was not in the fiscal 2020-2025 Consolidated Transportation Program (CTP) or will increase a total project’s cost by more than 10%, or \$1 million, due to a change in scope. Reports are to be submitted with the draft and final versions of the CTP with each using the 2020 session CTP as the basis for comparison. In addition, notification is required as needed throughout the budget year if certain changes to projects are made.

## J00

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Capital budget changes from one CTP version to the next	Maryland Department of Transportation (MDOT)	With draft CTP With final CTP
Capital budget changes throughout the year	MDOT	45 days prior to the expenditure of funds or seeking Board of Public Works approval

Add the following language:

The Maryland Department of Transportation (MDOT) may not expend funds on any job or position of employment approved in this budget in excess of 9,057.5 positions and 122.2 contractual full-time equivalent (FTE) positions paid through special payments payroll (defined as the quotient of the sum of the hours worked by all such employees in the fiscal year divided by 2,080 hours) of the total authorized amount established in the budget for MDOT at any one time during fiscal 2021. The level of contractual FTE positions may be exceeded only if MDOT notifies the budget committees of the need and justification for additional contractual personnel due to:

- (1) business growth at the Helen Delich Bentley Port of Baltimore or Baltimore-Washington International Thurgood Marshall Airport, that demands additional personnel; or
- (2) emergency needs that must be met, such as transit security or highway maintenance.

The Secretary shall use the authority under Sections 2-101 and 2-102 of the Transportation Article to implement this provision. However, any authorized job or position to be filled above the regular position ceiling approved by the Board of Public Works shall count against the Rule of 100 imposed by the General Assembly. The establishment of new jobs or positions of employment not authorized in the fiscal 2021 budget shall be subject to Section 7-236 of the State Finance and Procurement Article and the Rule of 100.

**Explanation:** This annual budget bill language establishes a position ceiling for MDOT each year to limit growth in regular positions and contractual FTEs.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Need for additional regular or contractual positions	MDOT	As needed

**J00A01**  
**Department of Transportation**  
**The Secretary's Office**

**Committee Narrative**

**J00A01.01 Executive Direction**

**Project-based Scoring System Modifications:** The committees believe that the project-based scoring system required by Chapter 30 of 2017 should be modified:

- to create a separate category to evaluate projects procured as a public-private partnership (P3) according to criteria specific to P3 projects; and
- to provide preferential points for projects that span more than one jurisdiction.

The committees request that the Maryland Department of Transportation (MDOT) study these proposals and provide a report to the committees that:

- discusses the advantages and disadvantages of each proposed change; and
- provides draft legislation for necessary changes to current law to implement each proposal.

MDOT should submit this report by October 1, 2020.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report and draft legislation on changes to project-based scoring pursuant to Chapter 30	MDOT	October 1, 2020

**Budget Amendments**

**J00A01.02 Operating Grants-In-Aid**

Add the following language to the special fund appropriation:

, provided that no more than \$5,855,901 of this appropriation may be expended for operating grants-in-aid, except for:

- (1) any additional special funds necessary to match unanticipated federal fund attainments;  
or

## J00A01

- (2) any proposed increase either to provide funds for a new grantee or to increase funds for an existing grantee.

Further provided that no expenditures in excess of \$5,855,901 may occur unless the department provides notification to the budget committees to justify the need for additional expenditures due to either item (1) or (2) above, and the committees provide review and comment or 45 days elapse from the date such notification is provided to the committees.

**Explanation:** This annual language caps the level of special funds provided for operating grants-in-aid. The cap may be increased to match unanticipated federal dollars or to provide new or expanded grant funding upon notification to the budget committees.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Explanation of need for additional special funds for operating grants-in-aid	Maryland Department of Transportation	45 days prior to expenditure

### J00A01.03 Facilities and Capital Equipment

Add the following language to the special fund appropriation:

provided that no funds may be expended by the Secretary's Office for any system preservation or minor project with a total project cost in excess of \$500,000 that is not currently included in the fiscal 2020-2025 Consolidated Transportation Program, except as outlined below:

- (1) the Secretary shall notify the budget committees of any proposed system preservation or minor project with a total project cost in excess of \$500,000, including the need and justification for the project and its total cost; and
- (2) the budget committees shall have 45 days from the date of notification to review and comment on the proposed system preservation or minor project.

**Explanation:** This language provides legislative oversight of grants exceeding \$500,000 that are not listed in the current Consolidated Transportation Program (CTP).

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Notification of the intent to fund a capital grant exceeding \$500,000 that is not listed in the current CTP	Maryland Department of Transportation	45 days prior to expenditure

**J00A04**  
**Department of Transportation**  
**Debt Service Requirements**

**Budget Amendments**

Add the following language:

Consolidated Transportation Bonds may be issued in any amount, provided that the aggregate outstanding and unpaid balance of these bonds and bonds of prior issues may not exceed \$3,877,330,000 as of June 30, 2021.

**Explanation:** Section 3-202 of the Transportation Article requires the General Assembly to establish the maximum debt outstanding each year in the budget bill. The level is based on the outstanding debt as of June 30, 2019, plus projected debt to be issued during fiscal 2020 and 2021 in support of the transportation capital program.

Add the following language:

The Maryland Department of Transportation (MDOT) shall submit with its annual September and January financial forecasts information on:

- (1) anticipated and actual nontraditional debt outstanding as of June 30 of each year; and
- (2) anticipated and actual debt service payments for each outstanding nontraditional debt issuance from fiscal 2020 through 2030.

Nontraditional debt is defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond; such debt includes, but is not limited to, Certificates of Participation, debt backed by customer facility charges, passenger facility charges or other revenues, and debt issued by the Maryland Economic Development Corporation or any other third party on behalf of MDOT.

**Explanation:** The General Assembly is interested in monitoring the use of nontraditional debt by MDOT. The information requested provides the budget committees with additional information on the usage and annual costs of nontraditional debt.

## J00A04

Information Request	Author	Due Date
Nontraditional debt outstanding and anticipated debt service payments	MDOT	With the September forecast
Nontraditional debt outstanding and anticipated debt service payments	MDOT	With the January forecast

Add the following language:

The total aggregate outstanding and unpaid principal balance of nontraditional debt, defined as any debt instrument that is not a Consolidated Transportation Bond or a Grant Anticipation Revenue Vehicle bond issued by the Maryland Department of Transportation (MDOT), exclusive of any draws on the federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Purple Line Light Rail Project, may not exceed \$1,226,530,000 as of June 30, 2021. The total aggregate outstanding and unpaid principal balance on the Purple Line TIFIA loan may not exceed \$925,315,170 as of June 30, 2021. Provided, however, that in addition to the limits established under this provision, MDOT may increase the aggregate outstanding unpaid and principal balance of nontraditional debt so long as:

- (1) MDOT provides notice to the Senate Budget and Taxation Committee and the House Appropriations Committee stating the specific reason for the additional issuance and providing specific information regarding the proposed issuance, including information specifying the total amount of nontraditional debt that would be outstanding on June 30, 2021, and the total amount by which the fiscal 2021 debt service payment for all nontraditional debt would increase following the additional issuance; and
- (2) the Senate Budget and Taxation Committee and the House Appropriations Committee have 45 days to review and comment on the proposed additional issuance before the publication of a preliminary official statement. The Senate Budget and Taxation Committee and the House Appropriations Committee may hold a public hearing to discuss the proposed increase and shall signal their intent to hold a hearing within 45 days of receiving notice from MDOT.

**Explanation:** This language limits the amount of nontraditional debt outstanding at the end of fiscal 2021 for non-TIFIA debt to the total amount that was outstanding from all previous nontraditional debt issuances as of June 30, 2019, plus an anticipated issuance of \$350 million for the concourse A/B connector and baggage handling system at the Baltimore-Washington International Thurgood Marshall Airport. TIFIA debt outstanding for the Purple Line Project is capped at the projected maximum debt outstanding level that will occur during the construction phase of the Purple Line Project. The language allows MDOT to increase the amount of

## **J00A04**

nontraditional debt outstanding in fiscal 2021 by providing notification to the budget committees regarding the reason that the additional debt is required.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Justification for increasing nontraditional debt outstanding	MDOT	45 days prior to publication of a preliminary official statement

**J00B01**  
**Department of Transportation**  
**State Highway Administration**

**Budget Amendments**

Add the following language:

Further provided that \$10,500,266 in special funds is reduced to increase turnover. The department may allocate this reduction among the department's programs.

Further provided that the Maryland Department of Transportation is authorized to increase by budget amendment the special fund capital appropriation for the Maryland Port Administration by \$10,000,000 to provide a portion of the funds needed for the Howard Street Tunnel Project.

**Explanation:** This language reduces funding in order to increase turnover and authorizes the department to increase the special fund capital appropriation for the Maryland Port Administration by budget amendment by \$10 million in support of the Howard Street Tunnel Project using the funds freed up through this reduction.

**J00B01.01 State System Construction and Equipment**

Add the following language to the special fund appropriation:

Further provided that \$1,000,000 of this appropriation made for the purpose of Safety, Congestion Relief and Community Enhancement projects may not be expended for that purpose but instead may only be used for preliminary planning for Segment D of MD 28, Norbeck Road, and MD 198, Spencerville Road/Sandy Spring Road. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

**Explanation:** This language restricts funds for preliminary planning for a specific project.

Amendment No. \_\_\_\_\_



## J00B01

### Committee Narrative

~~**Brunswick Parking Garage Study:** The budget committees request that the State Highway Administration (SHA) conduct a study on where a parking garage in Brunswick, Maryland that is in close proximity to the MARC station and the downtown area could be constructed. SHA should submit the study to the budget committees by December 1, 2020.~~

<del>Information Request</del>	<del>Author</del>	<del>Due Date</del>
<del>Study on the Brunswick, Maryland parking garage location</del>	<del>SHA</del>	<del>December 1, 2020</del>

### Budget Amendments

#### J00B01.05 County and Municipality Funds

Strike the following language:

~~provided that \$28,157 of this appropriation made for the purpose of providing transportation aid to Deer Park in Garrett County may not be expended until the town has submitted the audit reports and the Uniform Financial Reports as required under Sections 16-304 and 16-306 of the Local Government Article for fiscal 2017, 2018, and 2019. Funds restricted pending the receipt of these documents may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.~~

~~**Explanation:** Deer Park has not submitted the required audit reports and the Uniform Financial Reports for several years. This language restricts transportation aid to Deer Park until the required documents have been submitted for all delinquent years.~~

<del>Information Request</del>	<del>Author</del>	<del>Due Date</del>
<del>Audit reports and Uniform Financial Reports for fiscal 2017 through 2019</del>	<del>Deer Park</del>	<del>Prior to distribution of funds</del>

Amendment No. \_\_\_\_\_

**J00B01**

Add the following language to the special fund appropriation:

*. provided that \$200,000 of this appropriation made for the purpose of providing transportation aid to Baltimore City may be used only for a traffic engineering study of York Road in Baltimore City.*

***Explanation:*** *This language restricts a portion of Baltimore City's transportation aid to be used only for a traffic engineering study of York Road.*

Amendment No. \_\_\_\_\_

**J00D00**  
**Department of Transportation**  
**Maryland Port Administration**

**Committee Narrative**

***Monitoring and Intercepting of Firearms and Controlled Substances at Port of Baltimore Report:*** *The Maryland Transportation Authority (MDTA) Police provide security and police services for the Maryland Port Administration (MPA) at the Port of Baltimore. This is in addition to the U.S. Customs and Border Protection (CBP) and U.S. Coast Guard presence at the Port of Baltimore. Given the concern about the Port of Baltimore being used as an entry point into the State for firearms and controlled substances, the budget committees request that MPA, in consultation with MDTA, submit a report that outlines, without divulging information that might jeopardize public safety or national security, the MDTA Police procedures for the monitoring and interception of these materials, as well as efforts to improve these measures. Additionally, the report should highlight the role that MDTA Police, private security contractors, CBP, and the U.S. Coast Guard each play in the effort to intercept firearms at the Port of Baltimore and the coordination between MDTA, private security, and these Federal agencies. The report should include the types of inspections carried out, explanation of what triggers an inspection of cargo, and the frequency of these inspections. The report shall be provided by October 1, 2020.*

<b><i>Information Request</i></b>	<b><i>Authors</i></b>	<b><i>Due Date</i></b>
<i>Report on monitoring and interception of firearms and controlled substances</i>	<i>MPA MDTA</i>	<i>October 1, 2020</i>

**J00D00.02 Port Facilities and Capital Equipment**

**Howard Street Tunnel Project Funding Report:** The Howard Street Tunnel project was awarded a \$125 million U.S. Department of Transportation Infrastructure for Rebuilding America (INFRA) grant in July 2019. Federal funds are in conjunction with CSX funds and the following sources of State funding: general obligation bonds; general funds; Baltimore City highway user revenue; a Maryland Transportation Authority loan; and the Transportation Trust Fund. Due to the significant reliance on nontransportation related sources of State funding and the potential negative consequences to the viability of the project if the funding falls through and the INFRA grant is lost, the budget committees request that the Maryland Port Administration (MPA) submit a report outlining the plan if one or more of the State funding sources is unavailable and who will be responsible for funding any cost overruns during the course of the project. The report shall be provided by October 1, 2020.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on Howard Street Tunnel project funding	MPA	October 1, 2020

**J00E00**  
**Department of Transportation**  
**Motor Vehicle Administration**

**Committee Narrative**

**Maryland REAL ID Act Implementation Report:** Federal law requires that starting October 1, 2020, all state-issued drivers' licenses and identification cards be in compliance with the REAL ID Act requirements if an individual seeks to enter a federal facility or board a commercial domestic airline flight. Due to the potential consequences for Maryland residents who are not in compliance with the REAL ID Act when the deadline passes, the budget committees request that the Motor Vehicle Administration (MVA) submit a pre- and post-deadline report regarding the implementation of the October 1, 2020 REAL ID deadline. These reports should include the number of Maryland residents not in compliance as of June 1, 2020, and November 1, 2020, respectively, providing a breakdown by gender, age, ethnicity, zip code, and jurisdiction. The pre-deadline report should also provide information on the number of outstanding recalled drivers' licenses and identification cards and MVA's efforts to meet the deadline, along with an explanation of the rubric that was used to decide which MVA facilities would be open for additional days and extended hours. The post-deadline report should include information on MVA's plan to address Maryland residents still not in compliance, including the agency's actions to reach communities that are more difficult to contact. The reports shall be provided by July 1, 2020, and December 1, 2020, respectively.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Pre-deadline report on REAL ID implementation	MVA	July 1, 2020
Post-deadline report on REAL ID implementation	MVA	December 1, 2020

**J00H01**  
**Department of Transportation**  
**Maryland Transit Administration**

**Budget Amendments**

Add the following language:

. provided that \$5,000,000 of this appropriation made for the purpose of Safety, Congestion Relief and Community Enhancement projects may not be expended for that purpose but instead may be transferred by budget amendment to the Maryland Transit Administration program J00H01.02 Bus Operations to be used only for contributions to the Maryland Transit Administration pension plan. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled.

**Explanation:** The Maryland General Assembly added intent language to the fiscal 2020 budget that funding for the Maryland Transit Administration (MTA) pension plan be increased by \$5 million each year until the budgeted amount equaled the actuarially determined contribution contained in the most recent actuarial valuation report. The budget as introduced does not comply with this intent with the amount budgeted for the MTA pension plan increasing by less than \$500 over the fiscal 2020 amount despite the actuarially determined contribution exceeding the amount budgeted by more than \$10 million. This language restricts \$5 million of the State Highway Administration (SHA) capital appropriation because SHA has the largest capital appropriation among the department's units and since the department should adequately cover its operating expenses prior to funding the capital program, a reduction to the capital appropriation is consistent with the priority of use of Transportation Trust Fund resources.

**J00I00**  
**Department of Transportation**  
**Maryland Aviation Administration**

**Budget Amendments**

**J00I00.02 Airport Operations**

Reduce appropriation for the purposes indicated:	<b><u>Funds</u></b>	<b><u>Positions</u></b>
1. Reduce funds for new consulting contract due to fiscal constraints.	270,000	SF
 Total Reductions	 270,000	 0.00

<b><u>Effect</u></b>	<b><u>Allowance</u></b>	<b><u>Appropriation</u></b>	<b><u>Amount Reduction</u></b>	<b><u>Position Reduction</u></b>
Position	451.50	451.50		0.00
Special Fund	218,779,812	218,509,812	270,000	
Federal Fund	645,500	645,500	0	
<b>Total Funds</b>	<b>219,425,312</b>	<b>219,155,312</b>	<b>270,000</b>	

**J00J**  
**Maryland Transportation Authority**

**Committee Narrative**

**Future I-95 Northbound Express Toll Lane Expansion Report:** The Maryland Transportation Authority (MDTA) has currently completed or started construction of Express Toll Lanes (ETL) on two of the four I-95 sections identified in its 2003 I-95 Master Plan. Given the possibility of future ETL development on the remaining two sections, the budget committees request that MDTA submit a report that outlines any further ETL development plans that MDTA has for I-95 along with updated cost estimates and project timelines. The report should also include discussion of any alternatives to ETLs on the remaining northbound sections of I-95 that MDTA is considering. The report shall be provided by November 2, 2020.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on future I-95 northbound ETL expansion	MDTA	November 2, 2020

**I-495 and I-270 Public-private Partnership Maryland Transportation Authority Bonds Report:** The plan for financing the I-495 and I-270 project involves the Maryland Transportation Authority (MDTA) issuing one or more series of bonds to pay for a portion of the project. The repayment of these would come solely from revenue generated from the public-private partnership (P3) program and would not be backed by toll revenue from MDTA facilities. Given that this constitutes a new form of MDTA financing of non-MDTA facilities, the committees request that MDTA submit a report that outlines the scope of MDTA loans to this project, the use of these funds, and MDTA's claim on toll revenue from the project. Additionally, this report should include an explanation of the need for a second trust agreement and how it will differ from the existing trust agreement. The report shall be provided by October 1, 2020.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Report on MDTA involvement in I-495 and I-270 P3	MDTA	October 1, 2020

~~**Maryland Transportation Authority Facilities:** It is the intent of the budget committees that the Maryland Transportation Authority construct no new facilities on MD 152 north of Taylor Brook Lane.~~

## **J00J**

**Maryland Transportation Authority Third Chesapeake Bay Bridge Span Construction Local Aid Report:** *The Maryland Transportation Authority (MDTA) is responsible for the ongoing planning process for the construction of a third Chesapeake Bay Bridge span. Given the impact of the existing spans on the counties on both sides of the Chesapeake Bay, the budget committees request that MDTA, in consultation with the Maryland Department of Transportation (MDOT), submit a report regarding the support that would be provided to local communities during and after the construction of a third Chesapeake Bay Bridge span. This report should outline the anticipated financial support by the State, MDTA, and MDOT to counties to handle increased traffic due to the third Chesapeake Bay Bridge span. Additionally, this report should identify the level of funding, the State agency responsible, the rubric that will be used to determine the funding split between the counties involved, and a timeline for providing the State funding. If there are no current plans for State aid to the counties involved in a potential third Chesapeake Bay Bridge span, the report should explain why this is the case and how counties are expected to fund the increased costs associated with the higher levels of traffic. The report shall be provided by October 1, 2020.*

<b><i>Information Request</i></b>	<b><i>Authors</i></b>	<b><i>Due Date</i></b>
<i>Report on local aid for the construction of a third Chesapeake Bay Bridge span</i>	<i>MDTA MDOT</i>	<i>October 1, 2020</i>



**K00A**  
**Department of Natural Resources**

**Committee Narrative**

**OFFICE OF THE SECRETARY**

**K00A01.01 Secretariat**

**Multi-year Special Fund Overhead Replacement Plan:** The budget committees are concerned that insufficient information has been provided about the scope of the Department of Natural Resources' (DNR) multi-year plan to replace the special fund overhead charged to the Office of the Secretary with general funds. In addition, the budget committees are concerned that DNR appears to be shifting from a funding model of self-sustaining special funds to a funding model making greater use of general funds. Therefore, the budget committees request that DNR submit a report on its multi-year special fund overhead replacement plan with additional information about its special funds and interunit reimbursable fund arrangements. The report shall be submitted by January 20, 2021. The additional information about DNR's special funds and interunit reimbursable fund arrangements shall include an analysis of the following:

- the relative burden to be shared by the general public and the user community for the work funded by each special fund;
- the revenue goals, expenditure plans, and desired fund balance levels for each special fund and explanations for these determinations;
- the fee structure history for each special fund;
- scenarios for future fee increases, expenditure reductions, or both in order to address the revenue goals, expenditure plans, and desired fund balance for each special fund;
- the source of the reimbursable funds supporting DNR's interunit reimbursable fund arrangements by fund and fund type;
- the equitableness of DNR's reimbursable fund arrangements; and
- the implementation of the special fund overhead replacement plan in fiscal 2022 and the out-years.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Multi-year special fund overhead replacement plan	DNR	January 20, 2021

**K00A**

**Budget Amendments**

**WILDLIFE AND HERITAGE SERVICE**

**K00A03.01 Wildlife and Heritage Service**

Reduce appropriation for the purposes indicated:	<u>Funds</u>		<u>Positions</u>
1. <del>Abolish vacant positions in the Wildlife and Heritage Service. PINs 013561 and 013799 have been vacant for more than a year.</del>	96,136	SF	2.00
	45,015	FF	
 Total Reductions	 141,151		 2.00
	0		0.00

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
		82.00		2.00
Position	84.00	84.00		0.00
		5,118,330	96,136	
Special Fund	5,214,466	5,214,466	0	
		5,968,169	45,015	
Federal Fund	6,013,184	6,013,184	0	
<b>Total Funds</b>	<b>11,227,650</b>	<b>11,086,499</b>	<b>141,151</b>	
		<b>11,227,650</b>	<b>0</b>	

Amendment No. \_\_\_\_\_

**CHESAPEAKE AND COASTAL SERVICE**

**K00A14.02 Chesapeake and Coastal Service**

Add the following language to the special fund appropriation:

, provided that \$200,000 of this appropriation made for the purpose of administration may not be expended until the Department of Natural Resources submits the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund annual work and expenditure plans as required by Section 8-2A-03 of the Natural Resources Article. The work plan shall identify the planned work to be funded with money from the Trust Fund for fiscal 2022, including annual nutrient and sediment reduction targets, performance measures, and accountability criteria. The expenditure plan shall identify planned expenditures for the work plan and include an accounting of all money distributed from the Trust Fund in fiscal 2020. The report shall be submitted with the fiscal 2022 budget submission, and the budget committees shall have 45 days from the date of

## K00A

the receipt of the report to review and comment. Funds restricted pending the receipt of the report may not be transferred by budget amendment or otherwise to any other purpose and shall be canceled if the report is not submitted.

**Explanation:** This language restricts funding in the Department of Natural Resources (DNR) pending the submission of the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund annual work and expenditure plans as required by § 8-2A-03 of the Natural Resources Article.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Chesapeake and Atlantic Coastal Bays 2010 Trust Fund annual work and expenditure plans	DNR	Fiscal 2022 budget submission

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Abolish a vacant position in the Chesapeake and Coastal Service. PIN 224528 has been vacant for more than a year.	59,828 SF	1.00
 Total Reductions	 59,828	 1.00

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	67.00	66.00		1.00
General Fund	2,040,990	2,040,990	0	
Special Fund	59,830,874	59,771,046	59,828	
Federal Fund	9,324,013	9,324,013	0	
<b>Total Funds</b>	<b>71,195,877</b>	<b>71,136,049</b>	<b>59,828</b>	

## K00A

### Committee Narrative

**Summary of Chesapeake Bay Restoration Spending:** The budget committees request that the Department of Budget and Management (DBM), the Department of Natural Resources (DNR), and the Maryland Department of the Environment (MDE) provide a report on Chesapeake Bay restoration spending. The report shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The scope of the report is as follows: Chesapeake Bay restoration operating and capital expenditures by agency, fund type, and particular fund source based on programs that have over 50% of their activities directly related to Chesapeake Bay restoration for the fiscal 2020 actual, fiscal 2021 working appropriation, and fiscal 2022 allowance to be included as an appendix in the fiscal 2022 budget volumes and submitted electronically in disaggregated form to DLS.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Summary of Chesapeake Bay restoration spending for programs that have over 50% of their activities directly related to Chesapeake Bay restoration	DBM DNR MDE	Fiscal 2022 budget submission

**L00A**  
**Department of Agriculture**

**Committee Narrative**

**OFFICE OF THE SECRETARY**

**L00A11.01 Executive Direction**

**Maryland’s Agricultural Strategic Plan Implementation:** The budget committees appreciate the submission of Maryland’s agricultural strategic plan and understand that there are ongoing stakeholder discussions about implementation of the plan. The budget committees request that the Maryland Department of Agriculture (MDA) submit a report on the status of these discussions, including any information about action items, responsible parties, and implementation status. The report is requested to be submitted by December 1, 2020.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Maryland’s agricultural strategic plan implementation	MDA	December 1, 2020

**OFFICE OF MARKETING, ANIMAL INDUSTRIES, AND CONSUMER SERVICES**

**L00A12.10 Marketing and Agriculture Development**

**Dairy Industry Status Report:** The budget committees are concerned that the dairy industry in Maryland is facing the dual challenge of low milk prices and high feed costs. Therefore, the budget committees request that the Maryland Department of Agriculture (MDA) submit a report on the overall status of the dairy industry in Maryland including the number of farms, milk production in million pounds, and average milk price for calendar 2015 through 2020; and what actions are being taken to mitigate the concerns of low milk price and high feed cost. In addition, the budget committees request that the report include the following calendar 2019 and 2020 measures by month for the Dairy Margin Coverage Program: all milk prices in dollars per hundredweight; feed cost for the program in dollars per hundredweight; the milk margin above the feed cost; and the Maryland dairy farmer payment with \$9.50 protection. The report is requested to be submitted by January 1, 2021.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Dairy industry status report	MDA	January 1, 2021

## L00A

### Budget Amendments

#### L00A12.20 Maryland Agricultural and Resource-Based Industry Development Corporation

Add the following language to the general fund appropriation:

, provided that contingent on the enactment of SB 985 or HB 1488, \$140,000 of this appropriation made for the purpose of making grants to or providing equity investment financing for agricultural and resource-based businesses may not be expended by the Maryland Agricultural and Resource-Based Industry Development Corporation for that purpose but instead may be transferred only by budget amendment to the Maryland Department of Agriculture, program L00A12.10 Marketing and Agriculture Development for the hiring of two staff and equipping of the Office of the Certified Local Farm Enterprise Program. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund.

**Explanation:** SB 985 and HB 1488 have been introduced in the 2020 legislative session to establish the Office for the Certified Local Farm Enterprise Program. The legislation requires the Maryland Department of Agriculture to create 2 positions to provide staff for the Office for the Certified Local Farm Enterprise Program. The Maryland Agricultural and Resource-Based Industry Development Corporation (MARBIDCO) is specified as the administrator of the Certified Local Farm Enterprise Food Aggregation Grant Fund – also established by the legislation. This action restricts MARBIDCO funding for the hiring of two staff and equipping of the Office of the Certified Local Farm Enterprise Program.

### OFFICE OF RESOURCE CONSERVATION

#### L00A15.02 Program Planning and Development

Reduce appropriation for the purposes indicated:

	<u>Funds</u>	<u>Positions</u>
1. Delete funding for the Animal Waste Technology Fund. The funding was budgeted as being supported by Strategic Energy Investment Fund special funds that were a condition of approval for the Exelon/Constellation merger. This funding is not available for this purpose, so the special fund appropriation is unnecessary.	1,500,000	SF
Total Reductions	1,500,000	0.00

## L00A

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	4.00	4.00		0.00
General Fund	354,131	354,131	0	
Special Fund	1,892,126	392,126	1,500,000	
Federal Fund	1,050,000	1,050,000	0	
<b>Total Funds</b>	<b>3,296,257</b>	<b>1,796,257</b>	<b>1,500,000</b>	

### Committee Narrative

#### L00A15.04 Resource Conservation Grants

**Office of Resource Conservation Grants Funding Report:** The budget committees are concerned that there is insufficient information in the support materials provided with the fiscal 2021 budget to determine the grant funding in the Maryland Department of Agriculture's (MDA) Office of Resource Conservation. Therefore, the budget committees request that MDA submit a report on the Office of Resource Conservation grant funding levels for the fiscal 2021 working appropriation and fiscal 2022 allowance by fund and fund source including, but not limited to, the following grants: Manure Transport Program; Cover Crop Program; Animal Waste Technology Fund; Conservation Reserve Enhancement Program; Phosphorus Management Tool; grants to farmers; and agricultural technical assistance to soil conservation districts. The report is requested to be submitted with the fiscal 2022 budget submission.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Office of Resource Conservation grants funding report	MDA	Fiscal 2022 budget submission

**U00A**  
**Department of the Environment**

**Budget Amendments**

**WATER AND SCIENCE ADMINISTRATION**

**U00A04.01 Water and Science Administration**

Reduce appropriation for the purposes indicated:	<b><u>Funds</u></b>	<b><u>Positions</u></b>
1. Abolish vacant positions in the Water and Science Administration. PINs 073045, 014618, and 075388 have been vacant for more than a year.	185,315 FF	3.00
 Total Reductions	 185,315	 3.00

<b><u>Effect</u></b>	<b><u>Allowance</u></b>	<b><u>Appropriation</u></b>	<b><u>Amount Reduction</u></b>	<b><u>Position Reduction</u></b>
Position	328.50	325.50		3.00
General Fund	19,288,723	19,288,723	0	
Special Fund	8,782,771	8,782,771	0	
Federal Fund	13,030,662	12,845,347	185,315	
<b>Total Funds</b>	<b>41,102,156</b>	<b>40,916,841</b>	<b>185,315</b>	

**LAND AND MATERIALS ADMINISTRATION**

**U00A06.01 Land and Materials Administration**

Add the following language to the general fund appropriation:

, provided that \$200,000 of this appropriation made for the purpose of general administrative expenses in the Land and Materials Administration may not be expended pending the submission of the Maryland Scrap Tire annual report and a separate report on ways to make the Maryland Used Tire Cleanup and Recycling Fund solvent. The report on ways to make the Maryland Used Tire Cleanup and Recycling Fund solvent shall include information concerning all of the fund's expenditure categories – Scrap Tire Program, Land and Materials Administration, department indirect costs, stockpile cleanups, and Maryland Environmental Service projects and administration – as follows:

- (1) an analysis of the appropriate level at which the recycling fee per tire should be set and expenditures should be prioritized in order to address all of the funding needs;



**U00A**

- (2) a description of what is included in each of the expenditure categories for each fiscal year from fiscal 2012 to 2021 and explanations for changes between fiscal years;
- (3) the impact of the fiscal 2012 Water Quality Revolving Loan Fund loan for the Garner/Brandywine stockpile cleanup on the sustainability of the Maryland Used Tire Cleanup and Recycling Fund; and
- (4) a five-year funding plan for fiscal 2021 through 2025 for the known and estimated stockpile cleanup projects, as well as the other expenditure categories based on the revenue and expenditure analysis outlined above.

The requested reports shall be submitted no later than November 1, 2020. The budget committees shall have 45 days from the date the reports are received to review and comment. Funds restricted pending the receipt of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

**Explanation:** This action restricts funding pending the submission of the Maryland Scrap Tire Annual Report and a report on ways to make the Maryland Used Tire Cleanup and Recycling Fund solvent by November 1, 2020. Section 9-275(c) of the Environment Article specifies that an annual status report is due on or before November 1 of each year, which has not been consistently met. In addition, the Maryland Used Tire Cleanup and Recycling Fund is exhibiting a declining fund balance.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Maryland Used Tire Cleanup and Recycling Fund annual and solvency reports	Maryland Department of the Environment	November 1, 2020

Amendment No. \_\_\_\_\_

Reduce appropriation for the purposes indicated:

	<b><u>Funds</u></b>	<b><u>Positions</u></b>
1. Abolish vacant positions in the Land and Materials Administration. PINs 014484 and 080144 have been vacant for more than a year.	127,064 FF	2.00
 Total Reductions	 127,064	 2.00

## U00A

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	243.50	241.50		2.00
General Fund	2,722,231	2,722,231	0	
Special Fund	19,875,425	19,875,425	0	
Federal Fund	10,116,041	9,988,977	127,064	
<b>Total Funds</b>	<b>32,713,697</b>	<b>32,586,633</b>	<b>127,064</b>	

### AIR AND RADIATION ADMINISTRATION

#### U00A07.01 Air and Radiation Administration

Add the following language to the general fund appropriation:

. provided that \$100,000 of this appropriation made for the purpose of general operating expenses in the Air and Radiation Administration may not be expended until the Maryland Department of the Environment submits the fiscal 2020 Maryland Clean Air Fund annual report and a separate report on ways to make the Maryland Clean Air Fund solvent. The report on ways to make the Maryland Clean Air Fund solvent shall include:

- (1) a fiscal year summary of the amount of emissions that were billed to all Title V sources;
- (2) the total amount of revenue received against those billable emissions;
- (3) the direct and indirect operating expenses charged to the Title V operating permits, including a breakdown of one-time and ongoing costs for fiscal 2015 through 2020;
- (4) the fiscal 2020 revenue structure for the Title V operating permits; and
- (5) recommendations to address the long-term solvency of the Maryland Clean Air Fund.

The requested reports shall be submitted no later than November 1, 2020. The budget committees shall have 45 days from the date the reports are received to review and comment. Funds restricted pending the submission of the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

## U00A

**Explanation:** The fiscal 2021 operating budget bill includes a \$750,000 general fund deficiency appropriation for the Air and Radiation Administration due to declining Clean Air Act Title V operating permits, which reflects ongoing revenue concerns. This action restricts fiscal 2021 funding until the submission of both the fiscal 2020 Maryland Clean Air Fund annual report and a report on ways to make the Maryland Clean Air Fund solvent.

Information Request	Author	Due Date
Maryland Clean Air Fund annual and solvency reports	Maryland Department of the Environment	November 1, 2020

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Abolish vacant Air and Radiation Administration positions. PINs 077321, 087262, and 018394 have been vacant for more than a year.	148,500 SF	3.00
Total Reductions	148,500	3.00

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	164.00	161.00		3.00
General Fund	3,252,844	3,252,844	0	
Special Fund	9,739,184	9,590,684	148,500	
Federal Fund	4,884,813	4,884,813	0	
<b>Total Funds</b>	<b>17,876,841</b>	<b>17,728,341</b>	<b>148,500</b>	

### Fiscal 2020 Deficiency

#### U00A07.01 Air and Radiation Administration

Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation made for the purpose of supporting air quality monitoring, permitting, and compliance in the Air and Radiation Administration may not be expended until the Maryland Department of the Environment submits the delinquent fiscal 2015 through 2019 Maryland Clean Air Fund annual reports required by Section 2-107(3) of the Environment Article by May 1, 2020. The budget committees shall have 45 days from the date of the receipt of the reports to review and comment. Funds restricted pending the submission of

## U00A

the reports may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees.

**Explanation:** The Maryland Department of the Environment (MDE) has not submitted the fiscal 2015 through 2019 Maryland Clean Air Fund annual reports required by Environment Article Section 2-107(3). This action restricts funding in the fiscal 2020 general fund deficiency appropriation pending the submission of the delinquent reports.

<b>Information Request</b>	<b>Author</b>	<b>Due Date</b>
Maryland Clean Air Fund annual reports	MDE	May 1, 2020

### Budget Amendments

#### COORDINATING OFFICES

##### U00A10.01 Coordinating Offices

Reduce appropriation for the purposes indicated:	<u>Funds</u>	<u>Positions</u>
1. Abolish vacant Coordinating Offices positions. PINs 018216 and 055160 have been vacant for more than a year.	43,677 SF 63,371 FF	2.00
<b>Total Reductions</b>	<b>107,048</b>	<b>2.00</b>

<u>Effect</u>	<u>Allowance</u>	<u>Appropriation</u>	<u>Amount Reduction</u>	<u>Position Reduction</u>
Position	98.00	96.00		2.00
General Fund	4,700,023	4,700,023	0	
Special Fund	28,835,108	28,791,431	43,677	
Federal Fund	1,703,689	1,640,318	63,371	
<b>Total Funds</b>	<b>35,238,820</b>	<b>35,131,772</b>	<b>107,048</b>	

**U10B00**  
**Maryland Environmental Service**

**Committee Narrative**

**U10B00.41 General Administration**

**Maryland Environmental Service Funding Statement:** The committees request that the Maryland Environmental Service (MES) provide a report on the following:

- undesignated unrestricted net assets for fiscal 2020, 2021, and 2022 estimated and an explanation for any changes between each of these years, including revenues credited to and expenditures debited from the net assets;
- overhead rate for fiscal 2020, 2021, and 2022 estimated;
- project reserve fund status by beginning balance, approved retainage, funds used, and interest earned for fiscal 2020 and 2021 for the State Reimbursable Project Contingency Fund, the Eastern Correctional Institution Steam Turbine Contingency Fund, and the Department of Natural Resources Project Contingency Fund; and
- justification for the changes in reimbursable project funding for fiscal 2020, 2021, and 2022 estimated based on a discussion about how MES’s undesignated unrestricted net assets allow for reducing MES’s overhead rate for State reimbursable projects and how project reserve funds are available for any under budgeting.

The report should be submitted in coordination with the Department of Budget and Management (DBM) with the fiscal 2022 budget submission.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
MES funding statement	MES DBM	Fiscal 2022 budget submission

## Sections

### Budget Amendments

Add the following section:

#### Section 34 Chesapeake Bay Restoration Spending

SECTION 34. AND BE IT FURTHER ENACTED, That \$200,000 of the general fund appropriation in the Maryland Department of Planning, \$200,000 of the general fund appropriation in the Department of Natural Resources, \$200,000 of the general fund appropriation in the Maryland Department of Agriculture, \$200,000 of the general fund appropriation in the Maryland Department of the Environment, and \$200,000 of the general fund appropriation in the Department of Budget and Management made for the purpose of general operating expenses may not be expended unless the agencies provide a report to the budget committees on Chesapeake Bay restoration spending. The report shall be drafted subject to the concurrence of the Department of Legislative Services (DLS) in terms of both electronic format to be used and data to be included. The report shall include:

- (1) fiscal 2020 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and “chlorophyll a” for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;
- (2) projected fiscal 2021 to 2025 annual spending by fund, fund source, program, and State government agency; associated nutrient and sediment reductions; and the impact on living resources and ambient water quality criteria for dissolved oxygen, water clarity, and “chlorophyll a” for the Chesapeake Bay and its tidal tributaries to be submitted electronically in disaggregated form to DLS;
- (3) an overall framework discussing the needed regulations, revenues, laws, and administrative actions and their impacts on individuals, organizations, governments, and businesses by year from fiscal 2020 to 2025 in order to reach the calendar 2025 requirement of having all best management practices in place to meet water quality standards for restoring the Chesapeake Bay, to be both written in narrative form and tabulated in spreadsheet form that is submitted electronically in disaggregated form to DLS;
- (4) an analysis of the various options for financing Chesapeake Bay restoration including public-private partnerships, a regional financing authority, nutrient trading, technological developments, and any other policy innovations that would improve the effectiveness of Maryland and other states’ efforts toward Chesapeake Bay restoration;

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- (5) an analysis on how cost effective the existing State funding sources, such as the Bay Restoration Fund, Chesapeake and Atlantic Coastal Bays 2010 Trust Fund, and Water Quality Revolving Loan Fund among others, are for Chesapeake Bay restoration purposes; and
- (6) updated information on the Phase III WIP implementation and how the loads associated with the Conowingo Dam infill, growth of people and animals, and climate change will be addressed.

The report shall be submitted by December 1, 2020, and the budget committees shall have 45 days from the date of the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

**Explanation:** This language restricts funding in the Maryland Department of Planning (MDP), the Department of Natural Resources (DNR), the Maryland Department of Agriculture (MDA), the Maryland Department of the Environment (MDE), and the Department of Budget and Management (DBM) unless the agencies provide a report by December 1, 2020, on recent and projected Chesapeake Bay restoration spending and associated impacts and the overall framework to meet the calendar 2025 requirement of having all best management practices in place to meet water quality standards for restoring the Chesapeake Bay. In addition, the language expresses the interest that the report include information on policy innovations that improve the effectiveness of Maryland and other states' efforts toward Chesapeake Bay restoration; an analysis of how cost effective the State funding sources are that are being used; updated information on the Phase III WIP implementation; and how Conowingo Dam infill, people and animal growth, and climate change will be addressed.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Historical and projected Chesapeake Bay restoration spending	MDP DNR MDA MDE DBM	December 1, 2020

Add the following section:

### ***Section 45 Enforcement and Inspection Position Strength Assessment and Vacant Position Filling***

SECTION 45. AND BE IT FURTHER ENACTED, That \$200,000 of the general fund appropriation in the Maryland Department of the Environment (MDE) and \$200,000 of the general fund appropriation in the Maryland Department of Agriculture (MDA) made for the purpose of general operating expenses may be expended only for the purpose of filling vacant

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compliance and enforcement positions, provided, however, that no funds may be expended until MDE and MDA jointly prepare and submit quarterly reports on July 1, 2020; October 1, 2020; January 1, 2021; and April 1, 2021, which shall include:

- (1) an evaluation of the adequacy of Maryland's current authorized compliance and enforcement positions in the departments. In completing the assessment, the departments shall:
  - (a) provide information on the delegation of authority to other entities; and
  - (b) assess the impact of the role that technology has played on compliance and enforcement responsibilities;
- (2) a comparison of the size, roles, and responsibilities of the departments' compliance and enforcement positions to neighboring or similar states;
- (3) a list of all inspection activities conducted by the MDE Water and Science Administration, the Land and Materials Administration, the Air and Radiation Administration, and the MDA Office of Resource Conservation;
- (4) the number of:
  - (a) regular positions and contractual full-time equivalents associated with the inspections, including the number of vacancies for fiscal 2013 through 2020 actuals; and
  - (b) fiscal 2021 current and fiscal 2022 estimated appropriations;
- (5) PINs and titles for all positions filled with restricted funding and how the positions are being used; and
- (6) a description of the use of and outcomes from any next generation compliance techniques to increase compliance with Maryland's environmental regulations.

Further provided that funding restricted for this purpose may be released quarterly in \$50,000 installments for each agency upon receipt of the required quarterly reports by the budget committees. The budget committees shall have 45 days from the date the reports are received to review and comment. Funds restricted may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the reports are not submitted to the budget committees and the released funding is not used to fill vacant compliance and enforcement positions.



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**Explanation:** This language restricts funding until the submission of quarterly reports from MDE and MDA to the budget committees on compliance and enforcement inspections and positions and then further restricts the funding for filling vacant compliance and enforcement positions. The 2019 Joint Chairmen's Report included the request for a similar report on compliance and enforcement inspections and positions for Chesapeake Bay restoration.

<b>Information Request</b>	<b>Authors</b>	<b>Due Date</b>
Enforcement and inspection	MDA	July 1, 2020
position strength assessment and	MDE	October 1, 2020
vacant position filling		January 1, 2021
		April 1, 2021

Amendment No. \_\_\_\_\_