

SENATE BILL 470

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CF 3lr1856

By: **Senators Elfreth, Gile, Guzzone, Hettleman, Jackson, James, King, Rosapepe, and Zucker**

Introduced and read first time: February 3, 2023

Assigned to: Budget and Taxation and Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Land Conservation – Establishment of Goals and Programs**
3 **(Maryland the Beautiful Act)**

4 FOR the purpose of establishing certain goals and programs related to land conservation;
5 establishing the Local Land Trust Revolving Loan Program to provide loans to
6 certain land trusts to purchase land for conservation purposes; establishing the Local
7 Land Trust Revolving Loan Fund as a special, nonlapsing fund; requiring interest
8 earnings of the Fund to be credited to the Fund; requiring the Governor, beginning
9 in a certain fiscal year, to include in the annual budget bill a certain appropriation
10 to the Maryland Environmental Trust to be used to provide certain grants through
11 the Keep Maryland Beautiful Program; establishing the 40 x 40 Land Conservation
12 Implementation Grant Program to support implementation of land conservation
13 goals; and generally relating to land conservation in the State.

14 BY adding to

15 Article – Natural Resources
16 New part designation “Part I. General Provisions” to immediately precede Section
17 3–201; Section 3–214 through 3–216 to be under the new part “Part II. Local
18 Land Trust Revolving Loan Program”; and 5–104
19 Annotated Code of Maryland
20 (2018 Replacement Volume and 2022 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Natural Resources
23 Section 3–210
24 Annotated Code of Maryland
25 (2018 Replacement Volume and 2022 Supplement)

26 BY repealing and reenacting, without amendments,

27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 170. and 171.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii) 172.
Annotated Code of Maryland
(2021 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the new part designation “Part I. General Provisions” be added to immediately
precede Section 3–201 of Article – Natural Resources of the Annotated Code of Maryland.

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

Article – Natural Resources

3–210.

(A) (1) Any function or activity of the Governor’s Committee to Keep Maryland
Beautiful is transferred to the Trust.

(2) These functions and activities include, by way of enumeration and not
limitation:

[(1)] (I) Educating Maryland citizens and visitors in their individual
responsibility in litter prevention and care of the out-of-doors through a two-fold
approach:

[(i)] 1. Awareness–publicity through radio, TV, newspapers, and
other public media; and

[(ii)] 2. Action–cleanup and beautification projects carried out by
civic organizations, county committees, and community groups in cooperation with public
agencies;

[(2)] (II) Efficient use of public and private funds spent on cleaning up
highways, parks, beaches, and other public and private property;

1 [(3)] (III) Increasing beauty through stimulation of private business,
2 community, and public planting projects; and

3 [(4)] (IV) Stimulating pride and appreciation for home, community, and
4 State.

5 **(B) (1) IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE**
6 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF**
7 **\$235,000 TO THE TRUST, TO BE USED IN THE FOLLOWING AMOUNTS FOR THE**
8 **FOLLOWING PURPOSES:**

9 **(I) \$50,000 PER YEAR TO PROVIDE LAND STEWARDSHIP**
10 **CAPACITY-BUILDING GRANTS OF UP TO \$10,000 TO LAND TRUSTS TO SUPPORT**
11 **MONITORING AND STEWARDSHIP SCHOLARSHIPS, LAND MONITORING AND**
12 **STEWARDSHIP EQUIPMENT, OR ORGANIZATIONAL ACCREDITATION AND**
13 **CERTIFICATION TRAININGS;**

14 **(II) \$50,000 PER YEAR TO PROVIDE LAND STEWARDSHIP**
15 **IMPROVEMENT GRANTS OF UP TO \$10,000 TO LAND TRUSTS TO SUPPORT IMPROVED**
16 **MONITORING AND STEWARDSHIP OF AGRICULTURAL LANDS, FOREST LANDS, OR**
17 **LANDS FACING A HIGH DEGREE OF THREAT FROM INVASIVE SPECIES OR THE**
18 **EFFECTS OF CLIMATE CHANGE; AND**

19 **(III) \$135,000 PER YEAR TO PROVIDE CITIZEN STEWARDSHIP**
20 **GRANTS OF UP TO \$5,000 TO NONPROFIT ORGANIZATIONS, COMMUNITY**
21 **ORGANIZATIONS, SCHOOLS, AND MUNICIPAL CORPORATIONS TO ENGAGE**
22 **COMMUNITY MEMBERS, ESPECIALLY CHILDREN AND YOUNG ADULTS, IN**
23 **ENVIRONMENTAL EDUCATION AND STEWARDSHIP.**

24 **(2) FUNDS PROVIDED TO THE TRUST UNDER PARAGRAPH (1) OF THIS**
25 **SUBSECTION ARE SUPPLEMENTAL TO AND ARE NOT INTENDED TO TAKE THE PLACE**
26 **OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED TO THE TRUST FOR**
27 **GRANTS ADMINISTERED UNDER THE KEEP MARYLAND BEAUTIFUL PROGRAM.**

28 **3-212. RESERVED.**

29 **3-213. RESERVED.**

30 **PART II. LOCAL LAND TRUST REVOLVING LOAN PROGRAM.**

31 **3-214.**

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

(B) "ADVISORY COMMITTEE" MEANS THE LAND PRESERVATION RAPID RESPONSE ADVISORY COMMITTEE.

(C) "BOARD OF TRUSTEES" MEANS THE BOARD OF TRUSTEES OF THE MARYLAND ENVIRONMENTAL TRUST.

(D) "EXECUTIVE COMMITTEE" MEANS THE EXECUTIVE COMMITTEE OF THE MARYLAND ENVIRONMENTAL TRUST.

(E) "FUND" MEANS THE LOCAL LAND TRUST REVOLVING LOAN FUND.

(F) "PROGRAM" MEANS THE LOCAL LAND TRUST REVOLVING LOAN PROGRAM.

3-215.

(A) THERE IS A LOCAL LAND TRUST REVOLVING LOAN PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO:

(1) SUPPORT THE EFFORTS OF LOCAL LAND TRUSTS THAT WORK WITH STATE AND LOCAL GOVERNMENTAL ENTITIES AND THAT HAVE DIFFICULTY ACCESSING MONEY FROM EXISTING PROGRAM OPEN SPACE PRESERVATION PROGRAMS IN A TIMELY MANNER; AND

(2) PROVIDE REVOLVING LOANS TO LAND TRUSTS ON A ROLLING BASIS TO ASSIST THE LAND TRUSTS TO PURCHASE PROPERTY.

(C) A LAND TRUST THAT RECEIVES A PROGRAM LOAN TO PURCHASE PROPERTY IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL REPAY THE FUND:

(1) AT A RATE TO BE DETERMINED BY THE MARYLAND ENVIRONMENTAL TRUST, NOT TO EXCEED ONE POINT BELOW THE PRIME INTEREST RATE; AND

(2) AFTER THE PROPERTY IS:

(I) PLACED UNDER EASEMENT; OR

(II) TRANSFERRED TO A STATE OR LOCAL GOVERNMENTAL ENTITY.

(D) THE PROGRAM IS ADMINISTERED BY THE MARYLAND ENVIRONMENTAL TRUST.

(E) (1) THERE IS A LAND PRESERVATION RAPID RESPONSE ADVISORY COMMITTEE.

(2) THE PURPOSE OF THE ADVISORY COMMITTEE IS TO:

(I) REVIEW AND PRIORITIZE PROGRAM LOAN APPLICATIONS FOR FINAL APPROVAL BY THE EXECUTIVE COMMITTEE; AND

(II) MAKE RECOMMENDATIONS TO THE EXECUTIVE COMMITTEE ON:

1. WHICH PROJECTS TO FUND, WHETHER IN WHOLE OR IN PART; AND

2. THE FUNDING TO BE ALLOCATED TO EACH PROJECT.

(3) THE ADVISORY COMMITTEE CONSISTS OF:

(I) A REPRESENTATIVE OF THE DEPARTMENT, SELECTED BY THE SECRETARY; AND

(II) THE FOLLOWING MEMBERS, SELECTED BY THE BOARD OF TRUSTEES:

1. A REPRESENTATIVE OF THE MARYLAND ENVIRONMENTAL TRUST THAT IS NOT A MEMBER OF THE EXECUTIVE COMMITTEE;

2. A REPRESENTATIVE OF A NONPROFIT LAND CONSERVATION ORGANIZATION IN THE STATE;

3. A REPRESENTATIVE OF A LOCAL PARKS AND RECREATION DEPARTMENT IN THE STATE; AND

4. AN INDIVIDUAL WITH EXPERIENCE IN LOAN UNDERWRITING.

3-216.

1 (A) **THERE IS A LOCAL LAND TRUST REVOLVING LOAN FUND.**

2 (B) **THE PURPOSE OF THE FUND IS TO FINANCE THE PROGRAM.**

3 (C) **THE MARYLAND ENVIRONMENTAL TRUST SHALL ADMINISTER THE**
4 **FUND.**

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

7 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
8 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

9 (E) **THE FUND CONSISTS OF:**

10 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

11 **(2) INTEREST EARNINGS; AND**

12 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
13 **THE BENEFIT OF THE FUND.**

14 (F) **IN FISCAL YEAR 2025, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL**
15 **BUDGET BILL AN APPROPRIATION OF \$10,000,000 TO THE FUND.**

16 (G) **THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE**
17 **PROGRAM.**

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

20 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
21 **THE FUND.**

22 (I) **EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
23 **WITH THE STATE BUDGET.**

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

27 **5-104.**

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

3 (2) “CONSERVE” MEANS TO PERMANENTLY PROTECT LAND FROM
4 DEVELOPMENT THROUGH PURCHASE, DONATION, A PERPETUAL CONSERVATION OR
5 AN OPEN SPACE EASEMENT, OR FEE OWNERSHIP IN ORDER TO PRESERVE THE
6 CULTURAL, HISTORICAL, ECOLOGICAL, OR AGRICULTURAL VALUE OF THE LAND.

7 (3) “PROGRAM” MEANS THE 40 X 40 LAND CONSERVATION
8 IMPLEMENTATION GRANT PROGRAM ESTABLISHED UNDER SUBSECTION (C) OF
9 THIS SECTION.

10 (4) “SMART GROWTH SUBCABINET” MEANS THE SMART GROWTH
11 SUBCABINET ESTABLISHED UNDER § 9-1406 OF THE STATE GOVERNMENT
12 ARTICLE.

13 (5) “TRUST” MEANS THE MARYLAND ENVIRONMENTAL TRUST.

14 (B) (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

15 (I) BY 2030, 30% OF LANDS IN THE STATE BE CONSERVED; AND

16 (II) BY 2040, 40% OF LANDS IN THE STATE BE CONSERVED.

17 (2) THE CONSERVATION GOALS ESTABLISHED UNDER PARAGRAPH
18 (1) OF THIS SUBSECTION SHALL BE ACCOMPLISHED THROUGH MULTIPLE EFFORTS,
19 INCLUDING:

20 (I) WORKING WITH LOCAL COMMUNITIES, COUNTIES,
21 MUNICIPALITIES, AMERICAN INDIAN COMMUNITIES, AND PRIVATE LANDOWNERS TO
22 CONSERVE NATURAL PLACES AND RESOURCES;

23 (II) IMPROVING ACCESS TO NATURE FOR ALL INDIVIDUALS IN
24 THE STATE, INCLUDING COMMUNITIES OF COLOR AND ECONOMICALLY
25 DISADVANTAGED COMMUNITIES;

26 (III) SEQUESTERING CARBON AND GREENHOUSE GAS EMISSIONS
27 IN THE LANDS AND WATERS OF THE STATE;

28 (IV) INCREASING PUBLIC INCENTIVES FOR PRIVATE
29 LANDOWNERS TO VOLUNTARILY CONSERVE AND PROTECT AREAS OF

1 DEMONSTRATED CONSERVATION VALUE AND AREAS THAT HAVE A HIGH CAPACITY
2 TO SEQUESTER CARBON AND GREENHOUSE GAS EMISSIONS;

3 (V) FOCUSING CONSERVATION WORK AT A LARGE LANDSCAPE
4 SCALE THAT IS BIOLOGICALLY AND ECOLOGICALLY MEANINGFUL;

5 (VI) PREVENTING THE EXTINCTION OF NATIVE PLANT AND
6 ANIMAL SPECIES BY RECOVERING AND RESTORING THE SPECIES;

7 (VII) STABILIZING ECOSYSTEMS AND ECOSYSTEM SERVICES,
8 RESTORING DEGRADED ECOSYSTEMS, AND MAINTAINING ECOLOGICAL FUNCTIONS;
9 AND

10 (VIII) INCREASING ECONOMIC OPPORTUNITIES FOR FARMERS,
11 RANCHERS, FISHERS, AND FORESTERS.

12 (C) (1) THE TRUST SHALL ADMINISTER A 40 X 40 LAND CONSERVATION
13 IMPLEMENTATION GRANT PROGRAM TO SUPPORT IMPLEMENTATION OF THE
14 GOALS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION.

15 (2) PROGRAM GRANTS SHALL:

16 (I) BE AWARDED EACH YEAR ON A COMPETITIVE BASIS TO A
17 STATEWIDE NONPROFIT ORGANIZATION THAT FOCUSES ON SUPPORTING THE
18 PERMANENT CONSERVATION OF THE LANDS OF THE STATE; AND

19 (II) PROVIDE AT LEAST:

20 1. \$150,000 TO THE GRANT RECIPIENT FOR THE
21 PURPOSE OF PROVIDING TOOLS AND RESOURCES, ORGANIZATIONAL SUPPORT, AND
22 CAPACITY BUILDING TO LOCAL LAND TRUSTS; AND

23 2. \$100,000 TO THE GRANT RECIPIENT FOR THE
24 PURPOSE OF PROVIDING STATEWIDE EDUCATIONAL CONFERENCES AND TRAININGS
25 FOR LOCAL LAND TRUSTS ON THE TOPICS OF EASEMENT ACQUISITION,
26 CONSERVATION PROGRAMS AND TOOLS, LAND MANAGEMENT AND STEWARDSHIP,
27 AND OTHER RELEVANT SUBJECTS.

28 (3) IN FISCAL YEAR 2025 AND EACH FISCAL YEAR THEREAFTER, THE
29 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
30 \$250,000 TO THE TRUST FOR THE PURPOSE OF PROVIDING THE GRANTS REQUIRED
31 UNDER THIS SUBSECTION.

(D) (1) IN ORDER TO MEET THE CONSERVATION GOALS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, THE SMART GROWTH SUBCABINET, IN COORDINATION WITH RELEVANT STAKEHOLDERS, SHALL:

(I) COORDINATE THE ACTIONS OF STATE AGENCIES, LOCAL GOVERNMENTS, AND NONGOVERNMENTAL PARTNERS;

(II) ON OR BEFORE JULY 1, 2024, DEVELOP AND PUBLISH A PLAN TO MEET THE STATE'S CONSERVATION GOALS AND UPDATE THE PLAN AS NEEDED, BUT NOT LESS THAN EVERY 5 YEARS THEREAFTER; AND

(III) ON OR BEFORE DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER, REPORT TO THE SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE STATE'S PROGRESS TOWARD MEETING THE CONSERVATION GOALS.

(2) THE SMART GROWTH SUBCABINET SHALL MAKE THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION AVAILABLE ON ITS WEBSITE.

Article – State Finance and Procurement

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:

170. the Cannabis Public Health Fund; [and]

171. the Community Reinvestment and Repair Fund; AND

172. THE LOCAL LAND TRUST REVOLVING LOAN FUND.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.