

HOUSE BILL 1352

M1

0lr0367
CF SB 914

By: **Delegates Stein, Ali, Bobo, Carr, V. Clagett, Frush, Glenn, Healey, Hucker, Lafferty, and Morhaim**

Introduced and read first time: February 18, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

CHAPTER _____

1 AN ACT concerning

2 **Forest Conservation Fund – Contribution Rates – Priority Funding Areas**

3 FOR the purpose of altering the rates for contributions required to be made to the
4 Forest Conservation Fund and a local forest conservation fund on the basis of
5 whether a project is inside or outside a priority funding area under certain
6 circumstances; making a clarifying change; defining a certain term; and
7 generally relating to contribution rates for the Forest Conservation Fund.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–1610(a), (c), and (h)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2009 Supplement)

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

15 **Article – Natural Resources**

16 5–1610.

17 (a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(2)** “Fund” means the Forest Conservation Fund.

2 **(3)** **“PRIORITY FUNDING AREA” HAS THE MEANING STATED IN §**
3 **5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

4 (c) Except as provided in subsection (h) of this section, if any person subject
5 to this subtitle demonstrates to the satisfaction of the appropriate State or local
6 authority that the requirements for reforestation or afforestation on-site or off-site
7 cannot be reasonably accomplished, the person shall contribute money to the Fund:

8 (1) [Until] **ON OR BEFORE** September 30, 2014:

9 **(I)** **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA**, at a
10 rate of 30 cents per square foot of the area of required planting; and

11 **(II)** **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA,**
12 **AT A RATE OF 36 CENTS PER SQUARE FOOT OF THE AREA OF REQUIRED**
13 **PLANTING; AND**

14 (2) After September 30, 2014:

15 **(I)** **FOR A PROJECT INSIDE A PRIORITY FUNDING AREA**, at a
16 rate adjusted for inflation as determined by the Department annually by regulation;
17 **AND**

18 **(II)** **FOR A PROJECT OUTSIDE A PRIORITY FUNDING AREA,**
19 **AT A RATE THAT IS 20% HIGHER THAN THE RATE SET UNDER ITEM (2)(I) OF THIS**
20 **SUBSECTION.**

21 (h) (1) In lieu of a State Forest Conservation Fund, any local authority
22 with an approved forest conservation program may establish a forest conservation
23 fund, to be administered by the local authority, to allow a payment by any person who
24 has demonstrated to the satisfaction of the local authority that the requirements for
25 reforestation and afforestation on-site and off-site cannot be reasonably
26 accomplished.

27 (2) **(I) ~~The~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS**
28 **PARAGRAPH, THE [rate] RATES** shall be:

29 ~~(I)~~ **1.** **FOR A PROJECT INSIDE A PRIORITY FUNDING**
30 **AREA, AT LEAST** the same as the [rate] RATES established for the State Forest
31 Conservation Fund under subsection (c) of this section; **AND**

32 ~~(II)~~ **2.** **FOR A PROJECT OUTSIDE A PRIORITY FUNDING**
33 **AREA, 20% HIGHER THAN THE RATES ESTABLISHED UNDER ITEM (I) OF THIS**
34 **PARAGRAPH.**

1 (II) IF A LOCAL JURISDICTION ESTABLISHES RATES FOR
 2 PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER
 3 SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR
 4 PROJECTS INSIDE OF A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN
 5 THE RATE CALCULATED UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 7 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.