

HOUSE BILL 1352

M1

(0lr0367)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

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

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



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

3 **Article – Natural Resources**

4 5–1610.

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

7 (2) “Fund” means the Forest Conservation Fund.

8 (3) **“PRIORITY FUNDING AREA” HAS THE MEANING STATED IN §**
9 **5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

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

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

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

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

20 (2) After September 30, 2014:

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

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

27 (h) (1) In lieu of a State Forest Conservation Fund, any local authority
28 with an approved forest conservation program may establish a forest conservation
29 fund, to be administered by the local authority, to allow a payment by any person who
30 has demonstrated to the satisfaction of the local authority that the requirements for
31 reforestation and afforestation on–site and off–site cannot be reasonably
32 accomplished.

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

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

6 ~~(II)~~ 2. FOR A PROJECT OUTSIDE A PRIORITY FUNDING
 7 AREA, 20% HIGHER THAN THE RATES ESTABLISHED UNDER ITEM ~~(I)~~ OF THIS
 8 PARAGRAPH 1 OF THIS SUBPARAGRAPH.

9 ~~(II) IF A LOCAL JURISDICTION ESTABLISHES RATES FOR~~
 10 ~~PROJECTS THAT ARE HIGHER THAN THE MINIMUM RATES ESTABLISHED UNDER~~
 11 ~~SUBSECTION (C) OF THIS SECTION, THE LOCAL AUTHORITY MAY USE A RATE FOR~~
 12 ~~PROJECTS INSIDE OF A PRIORITY FUNDING AREA THAT IS 20% LOWER THAN~~
 13 ~~THE RATE CALCULATED UNDER SUBPARAGRAPH ~~(I)~~2 OF THIS PARAGRAPH~~
 14 SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF A LOCAL
 15 JURISDICTION ESTABLISHES RATES FOR PROJECTS THAT ARE HIGHER THAN
 16 THE MINIMUM RATES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION,
 17 THE LOCAL AUTHORITY MAY USE A RATE FOR A PROJECT:

18 1. INSIDE A PRIORITY FUNDING AREA THAT IS 20%
 19 LOWER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH ~~(I)~~2 OF THIS
 20 PARAGRAPH; OR

21 2. OUTSIDE A PRIORITY FUNDING AREA THAT IS 20%
 22 HIGHER THAN THE RATE CALCULATED UNDER SUBPARAGRAPH ~~(I)~~1 OF THIS
 23 PARAGRAPH.

24 (III) THE RATE ESTABLISHED UNDER SUBPARAGRAPH ~~(II)~~1
 25 OF THIS PARAGRAPH FOR A PROJECT INSIDE A PRIORITY FUNDING AREA MAY
 26 NOT BE LOWER THAN THE RATE ESTABLISHED FOR THE STATE FOREST
 27 CONSERVATION FUND UNDER SUBSECTION (C) OF THIS SECTION.

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