

Chapter 466

(House Bill 1352)

AN ACT concerning

Forest Conservation Fund – Contribution Rates – Priority Funding Areas

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

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

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

Article – Natural Resources

5–1610.

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

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

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

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

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

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

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

(2) After September 30, 2014:

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 4, 2010.