

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 513

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "inculpable"; in line 10, after "circumstances;" insert "providing that certain low-interest loans convert to market rate loans under certain circumstances; providing for the ownership of the information contained in certain environmental site assessments; providing for the application of certain provisions;"; strike beginning with "requiring" in line 12 down through "fund" in line 17 and substitute "requiring that certain moneys deposited by certain jurisdictions into the Brownfields Revitalization Incentive Fund be used to provide incentives for qualified brownfields sites in certain jurisdictions that enacted certain tax credit ordinances by a certain date"; in lines 18 and 19, strike "exclude properties for which there exists certain responsible persons; defining a certain term;" and substitute "include properties for which there exists certain innocent purchasers; altering the requirements for jurisdictions electing to provide certain property tax credits for certain property;"; in line 23, strike "and 3-902" and substitute "3-902, and 3-905"; and strike in their entirety lines 26 through 30, inclusive.

On page 2, in line 2, strike "9-229(c)" and substitute "9-229(b) and (c)".

AMENDMENT NO. 2

On page 2, in line 13, strike "an" and substitute ":

A. AN;

in line 14, strike "and" and substitute "OR

B. AN INNOCENT PURCHASER THAT MEETS THE REQUIREMENTS SET FORTH IN § 7-201(X)(2)(I) OF THE ENVIRONMENT ARTICLE; AND;

in lines 28 and 29, in each instance, strike the bracket; in line 29, strike "FOR WHICH THERE

(Over)

EXISTS a FINANCIALLY VIABLE” and substitute “a”; in line 30, strike “FINANCIALLY VIABLE”; strike in their entirety lines 31 through 34, inclusive; in line 35, strike the brackets; and in the same line, strike “(D)”.

On page 3, in lines 1 and 4, in each instance, strike the brackets; in lines 1 and 4, strike “(E)” and “(F)”, respectively.

AMENDMENT NO. 3

On page 3, in line 20, strike the second “THE”; in line 26, after “(1)” insert “NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,”; in the same line, after “PERSON” insert “, INCLUDING A RESPONSIBLE PERSON,”; in line 27, after “A” insert “POTENTIAL”; in line 32, strike “ARTICLE,” and substitute “ARTICLE, BUT IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THAT PROGRAM; AND”; strike in their entirety lines 33 through 35, inclusive.

On page 4, in line 1, strike “(III)” and substitute “(II)”; after line 2, insert:

“(2)(I) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED IN WHOLE OR IN PART WITH A GRANT FROM THE DEPARTMENT, OR BY A LOAN THAT IS IN PAYMENT DEFAULT, THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ASSESSMENT IS THE PROPERTY OF THE STATE.

“(II) IF AN ENVIRONMENTAL ASSESSMENT IS FINANCED BY A LOAN FROM THE DEPARTMENT, OR BY A GRANT THAT IS REPAID, THE INFORMATION CONTAINED IN THE ENVIRONMENTAL ASSESSMENT IS THE PROPERTY OF THE PERSON WHO CONTRACTED FOR THE ASSESSMENT.

“(3) ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR ENVIRONMENTAL ASSESSMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION DOES NOT CONSTITUTE ELIGIBILITY FOR ANY OTHER FINANCIAL INCENTIVES UNDER THIS SUBTITLE OR FOR THE TAX CREDITS PROVIDED UNDER § 9-229 OF THE TAX - PROPERTY ARTICLE.”;

in lines 3 and 11, strike “(2)” and “(3)”, respectively, and substitute “(4)” and “(6)”, respectively; after line 10, insert:

“(5) A LOW-INTEREST LOAN PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL CONVERT TO A MARKET RATE LOAN IF THE RECIPIENT OF THE LOAN, WITHIN 12 MONTHS AFTER RECEIVING THE LOAN, DOES NOT APPLY TO AND RECEIVE APPROVAL FROM THE DEPARTMENT OF THE ENVIRONMENT:

(I) TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE; OR

(II) FOR THE IMPLEMENTATION OF A CORRECTIVE ACTION PLAN UNDER TITLE 4 OF THE ENVIRONMENT ARTICLE.”;

strike in their entirety lines 14 through 17, inclusive, and substitute:

“3-905.

This subtitle does not affect, and may not be construed as affecting[.]:

(1) [the] THE planning and zoning authority of a county or municipal corporation;

OR

(2) ANY PROVISION OF THE ENVIRONMENT ARTICLE.”.

AMENDMENT NO. 4

On pages 4 and 5, strike beginning with line 18 on page 4 through line 7 on page 5.

AMENDMENT NO. 5

On page 5, after line 9, insert:

“(b) (1) (I) A taxing jurisdiction may elect to participate in the Brownfields Revitalization Incentive Program under Article 83A, Title 3, Subtitle 9 of the Code THROUGH THE ENACTMENT OF LEGISLATION THAT GRANTS PROPERTY TAX CREDITS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(Over)

(II) IF A TAXING JURISDICTION ELECTS TO PARTICIPATE IN THE PROGRAM IN ACCORDANCE WITH THIS SECTION, THE TAXING JURISDICTION SHALL NOTIFY THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT.

(2) [If a taxing jurisdiction elects to participate in the Brownfields Revitalization Incentive Program, the taxing jurisdiction shall:

(i) enact the necessary legislation to grant the property tax credits established under this section; and

(ii) notify the Department of Business and Economic Development.

(3)] If a taxing jurisdiction elects to participate in the Brownfields Revitalization Incentive Program IN ACCORDANCE WITH THIS SECTION, the property tax credits under this section shall also apply to the State property tax in that jurisdiction in the same percentage and for the same duration as provided for the property tax of the taxing jurisdiction.”;

and in line 12, after “each” insert “PARTICIPATING”.

AMENDMENT NO. 6

On page 5, in lines 13, 14, 19, and 24, in each instance, strike the bracket; and after line 24, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That any money received by the Brownfields Revitalization Fund from a taxing jurisdiction shall only be used for Brownfields sites in the taxing jurisdictions that have enacted a Brownfields property tax credit ordinance on or before June 1, 2000.”;

and in line 25, strike “2.” and substitute “3.”.