

BY: Conference Committee

AMENDMENTS TO SENATE BILL NO. 513

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 28, after "property;" insert "providing for a certain contingency;".

On page 2, in line 4, after "3-901" insert a comma; and after line 16, insert:

"BY repealing and reenacting, with amendments,

Article 83A - Department of Business and Economic Development

Section 5-1401(f) and 5-1408

Annotated Code of Maryland

(1998 Replacement Volume and 1999 Supplement)

(As enacted by Chapter _____ (S.B. 783/H.B. 972) of the Acts of the General Assembly of 2000)".

AMENDMENT NO. 2

On page 6, after line 16, insert:

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

On page 7, in line 3, strike "participating" and substitute "PARTICIPATING"; after line 15, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 83A - Department of Business and Economic Development

(Over)

5-1401.

(f) (1) “Brownfields site” means:

(i) An eligible property, as defined in § 7-501 of the Environment Article,
that is:

1. Owned or operated by [an]:

A. AN inculpable person, as defined in § 7-501 of the
Environment Article; OR

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

2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
CORPORATION that has elected to participate in the Brownfields Revitalization Incentive Program
in accordance with [§ 9-229 of the Tax - Property Article] § 5-1408(A) OF THIS SUBTITLE; or

(ii) Property where there is a release, discharge, or threatened release of
oil, as defined in § 4-401 of the Environment Article, that is:

1. Subject to a corrective action plan approved by the Department
of the Environment in accordance with Title 4 of the Environment Article; and

2. Located in a [taxing jurisdiction] COUNTY OR MUNICIPAL
CORPORATION that has elected to participate in the Brownfields Revitalization Incentive Program
in accordance with [§ 9-229 of the Tax - Property Article] § 5-1408(A) OF THIS SUBTITLE.

(2) “Brownfields site” does not include property that is owned or operated by a
responsible person or a person responsible for the discharge.

5-1408.

(A) A COUNTY OR MUNICIPAL CORPORATION MAY ELECT TO PARTICIPATE
IN THE BROWNFIELDS REVITALIZATION INCENTIVE PROGRAM BY:

(1) SUBMITTING TO THE DEPARTMENT A LIST OF POTENTIAL
BROWNFIELDS SITES IN THE COUNTY OR MUNICIPAL CORPORATION, RANKED IN

THE ORDER OF PRIORITY FOR REDEVELOPMENT RECOMMENDED BY THE COUNTY OR MUNICIPAL CORPORATION; AND

(2) ANNUALLY UPDATING THE LIST SUBMITTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT MAY PROVIDE A PERSON, INCLUDING A RESPONSIBLE PERSON, WITH A LOW-INTEREST LOAN OR GRANT FOR CONDUCTING THE ENVIRONMENTAL SITE ASSESSMENT OF A POTENTIAL BROWNFIELDS SITE THAT IS REQUIRED FOR PARTICIPATION IN THE VOLUNTARY CLEANUP PROGRAM IF THE PERSON:

(I) HAS NOT ALREADY APPLIED TO PARTICIPATE IN THE VOLUNTARY CLEANUP PROGRAM UNDER TITLE 7, SUBTITLE 5 OF THE ENVIRONMENT ARTICLE, BUT IS OTHERWISE ELIGIBLE TO PARTICIPATE IN THAT PROGRAM; AND

(II) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE DEPARTMENT.

(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 REPAYED, 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.

(4) A RECIPIENT OF A GRANT UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST REPAY THE GRANT IF THE RECIPIENT, WITHIN 12 MONTHS AFTER RECEIVING THE GRANT, 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.

(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.

(6) THE DEPARTMENT MAY ESTABLISH PROCEDURES AND ELIGIBILITY REQUIREMENTS FOR THE APPROVAL OF REQUESTS FOR LOANS AND GRANTS UNDER PARAGRAPH (1) OF THIS SUBSECTION.

[(a)] (C) (1) At the time a person applies to participate in the Voluntary Cleanup Program under Title 7, Subtitle 5 of the Environment Article or receives approval from the Department of the Environment for the implementation of a corrective action plan under Title 4 of the Environment Article, the person may submit a request to the Department to determine whether the person qualifies for financial assistance for the potential redevelopment of a brownfields site.

(2) (i) Within 30 days after receipt of a request under paragraph (1) of this subsection, the Department shall notify an applicant whether, if approved to participate in the Voluntary Cleanup Program or a corrective action plan, and if approved by the Authority, the applicant qualifies for financial assistance for the redevelopment of a brownfields site.

(ii) In the Department's notice of an applicant's qualification for financial incentives under subparagraph (i) of this paragraph, the Department shall specify which of the criteria set forth in paragraph (4) of this subsection the applicant met.

(3) The Department shall determine the eligibility of a site as a qualified brownfields site based on whether:

(i) The property is located in a densely populated urban center and is substantially underutilized; or

(ii) The property is an existing or former industrial or commercial site that poses a threat to public health or the environment.

(4) The Department may consider the following criteria when selecting a qualified brownfields site:

(i) The feasibility of redevelopment;

(ii) The public benefit provided to the community and the State through the redevelopment of the property;

(iii) The extent of releases or threatened releases at the site and the degree to which the cleanup and redevelopment of the site will protect public health or the environment;

(iv) The potential to attract or retain manufacturing or other economic base employers;

(Over)

(v) The absence of identifiable and financially solvent responsible persons; or

(vi) Any other factor relevant and appropriate to economic development.

~~[(b)]~~ (D) During the course of evaluating potential qualified brownfields sites, the Department shall consult with:

(1) The Department of the Environment, the Office of Planning, and relevant local officials;

(2) The neighboring community and any citizens groups located in the community;

(3) Representatives of State and local environmental organizations;

(4) Public health experts; and

(5) Any other person the Department considers appropriate.

~~[(c)]~~ (E) The Department shall develop a program of financial incentives, including low-interest loans and grants, to assist persons who participate in the Brownfields Revitalization Incentive Program.

~~[(d)]~~ (F) This section does not affect, and may not be construed as affecting [, the]:

(1) THE planning and zoning authority of a county or municipal corporation; OR

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

AMENDMENT NO. 3

On page 7, in lines 16 and 20, strike “2.” and “3.”, respectively, and substitute “4.” and “6.”,

respectively; after line 19, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect October 1, 2000, contingent on the taking effect of Chapter _____ (S.B. 783/H.B. 972) of the Acts of the General Assembly of 2000, and if Chapter _____ does not become effective, Section 3 of this Act shall be null and void without the necessity of further action by the General Assembly. If Chapter _____ (S.B. 783/H.B. 972) of the Acts of the General Assembly of 2000 takes effect, Section 1 of this Act shall be null and void without the necessity of further action by the General Assembly.”;

and in line 20, after “That” insert “, subject to Section 5 of this Act,”.