

CHAPTER 267

(House Bill 1175)

AN ACT concerning

~~Charter Counties - Express Powers - Agreements to Purchase Easements to~~ Restrict of Development Rights

FOR the purpose of authorizing a ~~charter~~ county to enter into ~~a certain~~ an agreement to purchase ~~an easement to restrict~~ development rights under certain circumstances; authorizing ~~the county council of a charter~~ a county to determine, by resolution, certain provisions, terms, conditions, and the duration of a certain agreement; providing that a certain payment obligation in a certain agreement shall be a general obligation of the county and may not be subject to a certain annual appropriation; authorizing a ~~certain~~ county to undertake a certain payment obligation without regard to certain limitations and without complying with certain procedures; providing that the exercise of certain authority constitutes the exercise of certain borrowing authority; providing that a certain agreement, the transfer or assignment of a certain agreement, and the payment required by a certain agreement is exempt from certain taxes; providing ~~that a certain provision of law does not apply to a county that adopts code home rule~~ for the application of this Act; and generally relating to ~~agreements to the purchase easements to restrict~~ of development entered into by charter rights by counties.

BY adding to

~~Article 25A - Chartered Counties of Maryland~~ 24 - Political Subdivisions -
Miscellaneous Provisions

~~Section 5(CG) 20-101 and 20-102~~ to be under the new title "Title 20. Purchase
of Development Rights"

Annotated Code of Maryland
(2005 Replacement Volume and 2006 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article 25B - Home Rule for Code Counties~~

~~Section 13~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

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

Article 25A — Chartered Counties of Maryland 24 — Political Subdivisions — Miscellaneous Provisions

TITLE 20. PURCHASE OF DEVELOPMENT RIGHTS.

20-101.

THIS TITLE APPLIES ONLY IN:

- (1) ANNE ARUNDEL COUNTY;**
- (2) BALTIMORE COUNTY;**
- (3) HOWARD COUNTY; AND**
- (4) PRINCE GEORGE’S COUNTY.**

20-102.

~~5.~~

~~The following enumerated express powers are granted to and conferred upon any county or counties which hereafter form a charter under the provisions of Article XI A of the Constitution, that is to say:~~

~~(C) (1) (A) TO ENTER AN AGREEMENT TO PURCHASE AN EASEMENT TO RESTRICT DEVELOPMENT~~ **A COUNTY MAY ENTER INTO AN AGREEMENT TO PURCHASE DEVELOPMENT RIGHTS.**

~~(2) (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE TITLE, A COUNTY COUNCIL~~ **MAY DETERMINE BY RESOLUTION THE PROVISIONS, TERMS, CONDITIONS, AND THE DURATION OF THE AN AGREEMENT AUTHORIZED UNDER THIS TITLE.**

~~(3) (C) A PAYMENT OBLIGATION IN AN AGREEMENT AUTHORIZED BY THIS SUBSECTION~~ **UNDER THIS TITLE:**

~~(H)~~ (1) SHALL BE A GENERAL OBLIGATION OF THE COUNTY TO WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS PLEDGED; AND

~~(H)~~ (2) MAY NOT BE SUBJECT TO ANNUAL APPROPRIATION BY THE COUNTY.

~~(4)~~ (D) A COUNTY MAY UNDERTAKE A PAYMENT OBLIGATION IN AN AGREEMENT AUTHORIZED ~~BY THIS SUBSECTION~~ UNDER THIS TITLE:

~~(H)~~ (1) WITHOUT REGARD TO ANY LIMITATIONS CONTAINED IN ITS CHARTER OR OTHER APPLICABLE PUBLIC LOCAL LAW OR PUBLIC GENERAL LAW THAT WOULD OTHERWISE APPLY; AND

~~(H)~~ (2) WITHOUT COMPLYING WITH ANY PROCEDURES CONTAINED IN ITS CHARTER OR OTHER APPLICABLE PUBLIC LOCAL OR PUBLIC GENERAL LAW THAT OTHERWISE WOULD BE REQUIRED.

~~(5)~~ (E) THE EXERCISE OF THE AUTHORITY GRANTED IN THIS ~~SUBSECTION~~ TITLE TO ENTER INTO AN AGREEMENT WITH A PAYMENT OBLIGATION FOR A TERM OF YEARS CONSTITUTES THE EXERCISE OF BORROWING AUTHORITY.

~~(6)~~ (F) AN AGREEMENT AUTHORIZED ~~BY THIS SUBSECTION~~ UNDER THIS TITLE, THE TRANSFER OR ASSIGNMENT OF THE AGREEMENT, AND ANY PAYMENT REQUIRED BY THE AGREEMENT SHALL BE EXEMPT FROM TAXATION BY THE STATE, ~~OR ANY POLITICAL SUBDIVISION~~ COUNTY, MUNICIPAL CORPORATION, OR PUBLIC AGENCY.

~~Article 25B – Home Rule for Code Counties~~

~~13.~~

~~If a county adopts code home rule status under the provisions of Article XI F of the Maryland Constitution and this article, it may exercise those powers enumerated in § 3 of Article 25, in subtitle “Draining Lands” of Article 25, and in § 5 of Article 25A, except for subsections (A), [(P) and] (P), (S), AND (GG) of § 5 of Article 25A, of the Annotated Code of Maryland, 1957 Edition as amended; and no county adopting code home rule status shall be excepted. These powers are in addition to any powers any county may now have under any public general or local law applicable to the county.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2007.

Approved by the Governor, April 24, 2007.