

SENATE BILL 543

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SB 475/95 - EEA

1999 Regular Session
9r1674

By: **Senator Colburn**

Introduced and read first time: February 5, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Forest Conservation - Exemption of Municipal Corporations**

3 FOR the purpose of exempting municipal corporations from the requirements of a
4 certain State forest conservation law; and generally relating to forest
5 conservation and municipal corporations.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 5-1601(e) and (dd), 5-1602(b)(10) and (11), 5-1603(a), and 5-1607(b)(2)
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1998 Supplement)

11 BY adding to
12 Article - Natural Resources
13 Section 5-1602(b)(12)
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)

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

18 **Article - Natural Resources**

19 5-1601.

20 (e) "Champion Tree" means the largest tree of its species within the United
21 States, the State, OR county, [or municipality,] as appropriate.

22 (dd) "Person" includes the federal government, the State, OR any county,
23 [municipal corporation, or other political subdivision of the State,] or any of their
24 units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary,
25 or representative of any kind, or any partnership, firm, association, public or private
26 corporation, or any of their affiliates, or any other entity.

1 5-1602.

2 (b) The provisions of this subtitle do not apply to:

3 (10) A county that has and maintains 200,000 acres or more of its land
4 area in forest cover; [and]

5 (11) The cutting or clearing of trees to comply with the requirements of 14
6 C.F.R. § 77.25 relating to objects affecting navigable airspace, provided that the
7 Federal Aviation Administration has determined that the trees are a hazard to
8 aviation; AND

9 (12) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SUBTITLE
10 APPLICABLE TO A UNIT OF LOCAL GOVERNMENT, A MUNICIPAL CORPORATION.

11 5-1603.

12 (a) (1) A unit of local government having planning and zoning authority
13 shall develop a local forest conservation program, consistent with the intent,
14 requirements, and standards of this subtitle.

15 (2) By April 30, 1992 all units of government with planning and zoning
16 authority shall submit a proposed forest conservation program, which meets or is
17 more stringent than the requirements and standards of this subtitle, to the
18 Department for its review and approval.

19 (3) A unit of local government which has an existing program of forest
20 conservation, or subsequently adopts such a program prior to December 31, 1992,
21 may continue to administer its program prior to approval by the Department of the
22 local forest conservation program.

23 [(4) A municipality which has planning and zoning authority may, with
24 the concurrence of the county and the Department, assign its obligations under this
25 subtitle to the county.]

26 5-1607.

27 (b) Standards for meeting afforestation or reforestation requirements shall be
28 established by the State or local program using one or more of the following methods:

29 (2) The use of street trees [in a municipal corporation with a tree
30 management plan,] in an existing population center designated in a county master
31 plan that has been adopted to conform with the Economic Growth, Resource
32 Protection, and Planning Act of 1992, or in any other designated area approved by the
33 Department as part of a local program, under criteria established by the local
34 program, subject to the approval of the Department, using:

35 (i) Street trees as a permissible step in the priority sequence for
36 afforestation or reforestation and, based on a mature canopy coverage, may grant full
37 credit as a mitigation technique; and

1 (ii) Acquisition as a mitigation technique of an off-site protective
2 easement for existing forested areas not currently protected, in which case the
3 afforestation or reforestation credit granted may not exceed 50% of the area of forest
4 cover protected.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1999.