

HOUSE BILL 1175

L1

71r2941

By: **Delegate Davis**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Charter Counties – Express Powers – Agreements to Purchase Easements to**
3 **Restrict Development**

4 FOR the purpose of authorizing a charter county to enter into a certain agreement to
5 purchase an easement to restrict development; authorizing the county council of
6 a charter county to determine, by resolution, certain provisions, terms,
7 conditions, and the duration of a certain agreement; providing that a certain
8 payment obligation in a certain agreement shall be a general obligation of the
9 county and may not be subject to a certain annual appropriation; authorizing a
10 certain county to undertake a certain payment obligation without regard to
11 certain limitations and without complying with certain procedures; providing
12 that the exercise of certain authority constitutes the exercise of certain
13 borrowing authority; providing that a certain agreement, the transfer or
14 assignment of a certain agreement, and the payment required by a certain
15 agreement is exempt from certain taxes; providing that a certain provision of
16 law does not apply to a county that adopts code home rule; and generally
17 relating to agreements to purchase easements to restrict development entered
18 into by charter counties.

19 BY adding to
20 Article 25A – Chartered Counties of Maryland
21 Section 5(GG)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

24 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article 25B – Home Rule for Code Counties
 2 Section 13
 3 Annotated Code of Maryland
 4 (2005 Replacement Volume and 2006 Supplement)

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

7 **Article 25A – Chartered Counties of Maryland**

8 5.

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

12 **(GG) (1) TO ENTER AN AGREEMENT TO PURCHASE AN EASEMENT TO**
 13 **RESTRICT DEVELOPMENT.**

14 **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
 15 **COUNTY COUNCIL MAY DETERMINE BY RESOLUTION THE PROVISIONS, TERMS,**
 16 **CONDITIONS, AND THE DURATION OF THE AGREEMENT.**

17 **(3) A PAYMENT OBLIGATION IN AN AGREEMENT AUTHORIZED BY**
 18 **THIS SUBSECTION:**

19 **(I) SHALL BE A GENERAL OBLIGATION OF THE COUNTY TO**
 20 **WHICH ITS FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER IS**
 21 **PLEDGED; AND**

22 **(II) MAY NOT BE SUBJECT TO ANNUAL APPROPRIATION BY**
 23 **THE COUNTY.**

24 **(4) A COUNTY MAY UNDERTAKE A PAYMENT OBLIGATION IN AN**
 25 **AGREEMENT AUTHORIZED BY THIS SUBSECTION:**

26 **(I) WITHOUT REGARD TO ANY LIMITATIONS CONTAINED IN**
 27 **ITS CHARTER OR OTHER APPLICABLE PUBLIC LOCAL LAW OR PUBLIC GENERAL**
 28 **LAW THAT WOULD OTHERWISE APPLY; AND**

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

4 **(5) THE EXERCISE OF THE AUTHORITY GRANTED IN THIS**
5 **SUBSECTION TO ENTER INTO AN AGREEMENT WITH A PAYMENT OBLIGATION**
6 **FOR A TERM OF YEARS CONSTITUTES THE EXERCISE OF BORROWING**
7 **AUTHORITY.**

8 **(6) AN AGREEMENT AUTHORIZED BY THIS SUBSECTION, THE**
9 **TRANSFER OR ASSIGNMENT OF THE AGREEMENT, AND ANY PAYMENT REQUIRED**
10 **BY THE AGREEMENT SHALL BE EXEMPT FROM TAXATION BY THE STATE, ANY**
11 **POLITICAL SUBDIVISION, MUNICIPAL CORPORATION, OR PUBLIC AGENCY.**

12 **Article 25B – Home Rule for Code Counties**

13 13.

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

21 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
22 October 1, 2007.