

HOUSE BILL 1175

L1

71r2941

By: **Delegate Davis**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 5, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2007

CHAPTER _____

1 AN ACT concerning

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article ~~25A~~ Chartered Counties of Maryland 24 – Political Subdivisions –
 3 Miscellaneous Provisions
 4 Section ~~5(GC)~~ 20–101 and 20–102 to be under the new title “Title 20. Purchase
 5 of Development Rights”
 6 Annotated Code of Maryland
 7 (2005 Replacement Volume and 2006 Supplement)

8 ~~BY repealing and reenacting, with amendments,~~
 9 ~~Article 25B – Home Rule for Code Counties~~
 10 ~~Section 13~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2005 Replacement Volume and 2006 Supplement)~~

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

15 ~~Article 25A – Chartered Counties of Maryland 24 – Political Subdivisions –~~
 16 ~~Miscellaneous Provisions~~

17 **TITLE 20. PURCHASE OF DEVELOPMENT RIGHTS.**

18 **20–101.**

19 **THIS TITLE APPLIES ONLY IN:**

20 **(1) ANNE ARUNDEL COUNTY;**

21 **(2) BALTIMORE COUNTY;**

22 **(3) HOWARD COUNTY; AND**

23 **(4) PRINCE GEORGE’S COUNTY.**

24 **20–102.**

25 ~~5.~~

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

1 ~~(GG)~~ (1) (A) ~~TO ENTER AN AGREEMENT TO PURCHASE AN EASEMENT~~
2 ~~TO RESTRICT DEVELOPMENT~~ A COUNTY MAY ENTER INTO AN AGREEMENT TO
3 PURCHASE DEVELOPMENT RIGHTS.

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

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

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

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

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

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

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

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

27 ~~(6)~~ (F) AN AGREEMENT AUTHORIZED ~~BY THIS SUBSECTION~~
28 UNDER THIS TITLE, THE TRANSFER OR ASSIGNMENT OF THE AGREEMENT, AND
29 ANY PAYMENT REQUIRED BY THE AGREEMENT SHALL BE EXEMPT FROM

1 TAXATION BY THE STATE, ~~OR ANY POLITICAL SUBDIVISION~~ COUNTY, MUNICIPAL
2 CORPORATION, OR PUBLIC AGENCY.

3 ~~Article 25B — Home Rule for Code Counties~~

4 ~~13.~~

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.