

HOUSE BILL 606

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CF SB 361

By: **Delegates Love, Beidle, Costa, George, King, Kipke, McConkey, Schuh,
and Sophocleus**

Introduced and read first time: February 3, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Local Forest Conservation Funds – Use of Money**

3 FOR the purpose of repealing the requirement that, at the end of a certain time
4 period, unused money in a local forest conservation fund be returned to certain
5 persons for certain purposes; and generally relating to the use of money in a
6 local forest conservation fund.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 5–1610
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2009 Supplement)

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

14 **Article – Natural Resources**

15 5–1610.

16 (a) In this section, “Fund” means the Forest Conservation Fund.

17 (b) There is a Forest Conservation Fund in the Department.

18 (c) Except as provided in subsection (h) of this section, if any person subject
19 to this subtitle demonstrates to the satisfaction of the appropriate State or local
20 authority that the requirements for reforestation or afforestation on–site or off–site
21 cannot be reasonably accomplished, the person shall contribute money to the Fund:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) Until September 30, 2014, at a rate of 30 cents per square foot of
2 the area of required planting; and

3 (2) After September 30, 2014, at a rate adjusted for inflation as
4 determined by the Department annually by regulation.

5 (d) Money collected by the State or a local authority under § 5–1608(c) or §
6 5–1612 of this subtitle for noncompliance with this subtitle or regulations adopted
7 under this subtitle or for noncompliance with a forest conservation plan or the
8 associated 2–year management agreement shall be deposited in the Fund.

9 (e) (1) The Department shall accomplish the reforestation or afforestation
10 for which the money is deposited within 2 years or 3 growing seasons, as appropriate,
11 after receipt of the money.

12 (2) Money deposited in the Fund under subsection (c) of this section
13 shall remain in the Fund for a period of 2 years or 3 growing seasons, and at the end of
14 that time period, any portion that has not been used to meet the afforestation or
15 reforestation requirements shall be returned to the person who provided the money to
16 be used for documented tree planting in the same county or watershed beyond that
17 required by this subtitle or other applicable statutes.

18 (f) (1) (i) Money deposited in the Fund under subsection (c) of this
19 section may only be spent on reforestation and afforestation, including site
20 identification, acquisition, and preparation, maintenance of existing forests, and
21 achieving urban canopy goals, and may not revert to the General Fund of the State.

22 (ii) Any investment earnings of the Fund shall be credited to the
23 General Fund of the State.

24 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
25 paragraph, the reforestation or afforestation requirement under this subsection shall
26 occur in the county and watershed in which the project is located.

27 (ii) If the reforestation or afforestation cannot be reasonably
28 accomplished in the county and watershed in which the project is located, then the
29 reforestation or afforestation shall occur in the county or watershed in the State in
30 which the project is located.

31 (iii) If the reforestation or afforestation cannot be reasonably
32 accomplished in the county or watershed in which the project is located, then the
33 reforestation or afforestation shall be accomplished through purchase of credits in,
34 establishment, or maintenance of a forest mitigation bank in accordance with
35 regulations of the Department. The Reforestation Fund may not be used to finance
36 administrative activities associated with a mitigation bank and any credits created by
37 the Reforestation Fund may not be sold to compensate for additional forest impacts.

1 (g) Money deposited in the Fund under subsection (d) of this section may be
2 used by the Department for the purpose of implementing this subtitle.

3 (h) (1) In lieu of a State Forest Conservation Fund, any local authority
4 with an approved forest conservation program may establish a forest conservation
5 fund, to be administered by the local authority, to allow a payment by any person who
6 has demonstrated to the satisfaction of the local authority that the requirements for
7 reforestation and afforestation on-site and off-site cannot be reasonably
8 accomplished.

9 (2) The rate shall be the same as the rate established for the State
10 Forest Conservation Fund under subsection (c) of this section.

11 (i) [Money deposited in the local forest conservation fund under subsection
12 (h) of this section shall remain in the fund for a period of 2 years or 3 growing seasons.
13 At the end of that time period, any portion that has not been used to meet the
14 afforestation or reforestation requirements shall be returned to the person who
15 provided the money to be used for documented tree planting in the same county or
16 watershed beyond that required by this subtitle or other applicable statutes.

17 (j)] (1) Money deposited in the local forest conservation fund under
18 subsection (h) of this section may only be spent on reforestation and afforestation,
19 including the costs directly related to site identification, acquisition, prepurchase, and
20 preparation, maintenance of existing forests, and achieving urban canopy goals, and
21 may not revert to any other local general fund.

22 (2) (i) Except as provided in subparagraph (ii) or (iii) of this
23 paragraph, the reforestation or afforestation requirement under this subsection shall
24 occur in the county and watershed in which the project is located.

25 (ii) If the reforestation or afforestation cannot be reasonably
26 accomplished in the county and watershed in which the project is located, then the
27 reforestation or afforestation shall occur in the county or watershed in the State in
28 which the project is located.

29 (iii) If the reforestation or afforestation cannot be reasonably
30 accomplished in the county or watershed in which the project is located, then the
31 reforestation or afforestation shall be accomplished through purchase of credits in,
32 establishment, or maintenance of a forest mitigation bank in accordance with
33 regulations of the local forest conservation program. The Reforestation Fund may not
34 be used to finance administrative activities associated with a mitigation bank and any
35 credits created by the Reforestation Fund may not be sold to compensate for additional
36 forest impacts.

37 [(k)] (J) Money collected by the local authority under § 5-1608(c) of this
38 subtitle for noncompliance with this subtitle or regulations or ordinances adopted
39 under this subtitle for noncompliance with a forest conservation plan or the associated

1 2-year management agreement shall be deposited in the local fund. The rate shall be
2 30 cents per square foot of the area found to be in noncompliance with the required
3 forest conservation.

4 ~~[(l)]~~ **(K)** Money deposited in a local forest conservation fund under
5 subsection ~~[(k)]~~ **(J)** of this section may be used by the local authority for purposes
6 related to implementing this subtitle.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2010.