

# SENATE BILL 361

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By: **Senator Astle**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

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## 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:

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3           (d) Money collected by the State or a local authority under § 5–1608(c) or §  
4 5–1612 of this subtitle for noncompliance with this subtitle or regulations adopted  
5 under this subtitle or for noncompliance with a forest conservation plan or the  
6 associated 2–year management agreement shall be deposited in the Fund.

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

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

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

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

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 Department. The Reforestation Fund may not be used to finance  
34 administrative activities associated with a mitigation bank and any credits created by  
35 the Reforestation Fund may not be sold to compensate for additional forest impacts.

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

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

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

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

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

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

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

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

35 [(k)] (J) Money collected by the local authority under § 5-1608(c) of this  
36 subtitle for noncompliance with this subtitle or regulations or ordinances adopted  
37 under this subtitle for noncompliance with a forest conservation plan or the associated  
38 2-year management agreement shall be deposited in the local fund. The rate shall be  
39 30 cents per square foot of the area found to be in noncompliance with the required  
40 forest conservation.

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

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