



House Bill 706

Natural Resources – Forest Preservation Act of 2013

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environmental Matters Committee
From: Leslie Knapp Jr.

Date: February 27, 2013

The Maryland Association of Counties (MACo) **SUPPORTS** HB 706 **WITH AMENDMENTS**. This Department of Natural Resources (DNR) bill makes numerous changes to the laws pertaining to State and private forestlands, including setting a policy of achieving a 40% tree canopy cover statewide by 2020.

The Department has worked early and extensively to reach out to counties and accommodate concerns. Based on a preliminary draft shared well before the legislative session, MACo had serious concerns with several of the bill's provisions that would negatively affect the counties. Over the course of several months, DNR has modified the bill to address most of MACo's concerns. MACo expects that if a provision of the bill causes county concern in the future, DNR will work with MACo to address the issue.

MACo is supportive of the bill's provisions that clarify how the forest conservation act applies to the maintenance and retrofitting of stormwater management structures and certain stream restoration projects. Additionally, MACo also supports the expanded uses of the Reforestation Fund and the increased flexibility given to local forest conservation programs.

However, MACo does have one remaining concern. The bill provides that if DNR finds a local forest conservation program deficient, DNR can require the local program to submit payment to the State Conservation Fund for the amount of any misappropriated local conservation funds. MACo does not believe DNR should be able to unilaterally impose such a penalty on local governments and requests the attached amendment that would provide an additional procedural safeguard prior to DNR being able to exercise that ability.

While MACo appreciates certain of the provisions of HB 706, MACo remains concerned with ability of DNR to require payments from local conservation funds. Accordingly, MACo requests the Committee give HB 706 a report of **FAVORABLE WITH AMENDMENTS**.

MACo Proposed Amendment to HB 706

On page 15, strike in their entirety lines 24-29 and substitute:

“2. REQUEST THAT THE ATTORNEY GENERAL INVESTIGATE PAYMENTS AND EXPENDITURES OF FUNDS COLLECTED BY THE LOCAL AUTHORITY UNDER THIS SUBTITLE; AND

3. UPON A FINDING BY THE ATTORNEY GENERAL, BASED ON RECOGNIZED LEGAL AND AUDIT PRINCIPLES, THAT A LOCAL AUTHORITY HAS MISAPPROPRIATED LOCAL CONSERVATION FUNDS, REQUIRE THE LOCAL AUTHORITY TO SUBMIT PAYMENT TO THE STATE CONSERVATION FUND FOR THE AMOUNT OF ANY MISAPPROPRIATED FUNDS.”