

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 1

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Vallario” and substitute “Vallario, Donoghue, Harrison, Kirk, Krysiak, and Love”; in line 5, after “Authority” insert “and the terms of the Authority members”; in line 6, after “Authority;” insert “requiring the Department to dedicate certain staff to the Authority in accordance with the State budget; allowing certain units of government to detail staff to recognized or certified heritage areas under certain circumstances; providing that employees of units of State government that are dedicated to the Authority or detailed to recognized or certified heritage areas retain a certain status under certain circumstances;”; in line 7, after the first “of” insert “recognized heritage areas and certified”; in the same line, after “areas;” insert “providing that a certain area is the initial certified heritage area; requiring certain heads of units of State government and certain units of State government to take certain actions concerning recognized heritage areas and certified heritage areas;”; in line 10, after “bonds” insert “under certain circumstances”; strike beginning with “authorizing” in line 11 down through “tax;” in line 12 and substitute “allowing certain credits against certain State taxes for certain amounts expended in the rehabilitation of certain structures; repealing a subtraction modification under the income tax for certain expenses for the rehabilitation of certain structures; allowing certain credits against the State income tax for certain wages paid by certain business entities to certain employees; providing for the allocation of certain funds from the State’s share of Program Open Space funds to the Maryland Heritage Areas Financing Fund;”; in line 12, after “credits;” insert “providing a certain administrative appeal from certain actions of the Authority; providing that certain provisions of law governing the Maryland Heritage Areas Authority, and the Maryland Heritage Areas Financing Authority shall be construed in a certain manner; defining certain terms;”; in line 13, after “of” insert “certain provisions of”; in line 14, after “State” insert “, the Maryland Heritage Areas Authority, the Maryland Heritage Areas Authority Financing Fund, and the designation of, management of, and benefits to persons in recognized heritage areas and certified heritage areas”; and in line 17, strike “13-1125” and substitute “13-1124”.

(Over)

On page 2, strike in their entirety lines 11 through 15, inclusive; in line 18, after “9-204.1,” insert “and 13-209(d)”; and after line 20, insert:

“BY adding to

Article 83B - Department of Housing and Community Development
Section 5-801 to be under the new subtitle “Subtitle 8. Rehabilitation Tax Credits”
Annotated Code of Maryland
(1995 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 5-903(a)
Annotated Code of Maryland
(1989 Replacement Volume and 1995 Supplement)”;

in line 30, strike “13-1105” and substitute “13-1103”; in line 32, after “NOTES” insert “REVENUE ANTICIPATION NOTES, GRANT ANTICIPATION NOTES, NOTES”; after line 34, insert:

“(D) “CERTIFIED HERITAGE AREA” MEANS A HERITAGE AREA DESIGNATED IN ACCORDANCE WITH § 13-1111 OF THIS SUBTITLE.”;

in line 35, strike “(D)” and substitute “(E)”; and in line 36, strike “13-1116” and substitute “13-1114”.

On page 3, in line 1, strike “(E)” and substitute “(F)”; in the same line, strike “DEFINABLE SETTLED” and substitute “DEVELOPED”; in line 3, strike “MUNICIPALITY” and substitute “COUNTY OR MUNICIPAL CORPORATION”; in line 4, strike “AND”; in line 6, strike “PLAY” and substitute “HAVE PLAYED”; in the same line, strike “LIFE” and substitute “HISTORIC LIFE AND DEVELOPMENT”; in the same line, after “CONTRIBUTE” insert “TO THE PUBLIC”; in lines 7 and 8, strike “TO THE PUBLIC.” and substitute a semicolon; strike in their entirety lines 9 through 14, inclusive, and substitute:

“(III) IS COMPOSED OF CONTIGUOUS OR NONCONTIGUOUS GEOGRAPHIC AREAS; AND

(IV) MAY INCLUDE TRADITIONAL PARKS AND HISTORIC PLACES OR PROPERTY ON THE NATIONAL OR STATE REGISTER OF HISTORIC PROPERTIES.

(G) (1) “LOCAL PLAN” MEANS THE POLICIES, STATEMENTS, GOALS, AND INTERRELATED PLANS FOR PRIVATE AND PUBLIC LAND USE, TRANSPORTATION, AND COMMUNITY FACILITIES DOCUMENTED IN TEXTS AND MAPS WHICH CONSTITUTE THE GUIDE FOR THE AREA’S FUTURE DEVELOPMENT.

(2) “LOCAL PLAN” INCLUDES A GENERAL PLAN, MASTER PLAN, COMPREHENSIVE PLAN, COMMUNITY PLAN, AND THE LIKE AS ADOPTED IN ACCORDANCE WITH ARTICLE 66B, §§ 3.01 THROUGH 3.09.”; in line 15, strike “(F)” and substitute “(H)”; in line 16, strike “13-1113” and substitute “13-1111”; in line 19, after “OF” insert “THE”; in lines 20 and 21, strike “STATE DESIGNATED” and substitute “CERTIFIED”; strike in their entirety lines 22 and 23, inclusive, and substitute:

“(I) “RECOGNIZED HERITAGE AREA” MEANS A HERITAGE AREA THAT:

(1) THE LOCAL JURISDICTIONS WITHIN THE HERITAGE AREA HAVE NOMINATED FOR DESIGNATION AS A RECOGNIZED HERITAGE AREA UNDER § 13-1110 OF THIS SUBTITLE; AND

(2) THE HERITAGE AREAS AUTHORITY HAS DESIGNATED AS ELIGIBLE TO APPLY FOR DESIGNATION AS A CERTIFIED HERITAGE AREA UNDER § 13-1111 OF THIS SUBTITLE.”.

On pages 3 and 4, strike in their entirety the lines beginning with line 24 on page 3 through line 5 on page 4, inclusive.

AMENDMENT NO. 2

On page 4, in line 6, strike “13-1104.” and substitute “13-1102.”; in line 8, strike “BUT” and substitute “AND”; in line 9, strike “MAY NOT” and substitute “SHALL”; in the same line, strike “TO BE INCONSISTENT” and substitute “CONSISTENTLY”; in line 12, strike “STATE”; in line 13, strike “13-1105.” and substitute “13-1103.”; strike in their entirety lines 14 through 22 and substitute:

“(A) THERE IS A MARYLAND HERITAGE AREAS AUTHORITY, ESTABLISHED AS:

(1) A BODY CORPORATE AND POLITIC; AND

(2) AN INSTRUMENTALITY OF THE STATE.

(B) THE AUTHORITY IS AN INDEPENDENT UNIT OF GOVERNMENT IN THE EXECUTIVE BRANCH OF GOVERNMENT THAT OPERATES IN THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(C) THE EXERCISE BY THE AUTHORITY OF THE POWERS CONFERRED BY THIS SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.”;

in line 23, strike “13-1106.” and substitute “13-1104.”; in line 26, strike the period and substitute a semicolon; in line 32, strike “AND”; after line 32, insert:

“(8) THE DIRECTOR OF THE FORVM FOR RURAL MARYLAND; AND”; and in line 33, strike “(8) “ and substitute “(9)”; and in the same line, strike “EIGHT” and substitute “NINE”.

On page 5, in line 4, strike “AND”; and in line 6, after “DELEGATES” insert “;

(IV) ONE OF WHOM IS A PUBLIC MEMBER OF THE MARYLAND GREENWAYS COMMISSION;

(V) ONE OF WHOM IS A PUBLIC MEMBER OF THE MARYLAND TOURISM BOARD; AND

(VI) ONE OF WHOM IS A MEMBER OF THE PUBLIC WHO HAS SIGNIFICANT EDUCATION OR EXPERIENCE IN HISTORIC PRESERVATION OR HERITAGE TOURISM.

(B) OF THE ELECTED OFFICIALS OR REPRESENTATIVES FROM LOCAL JURISDICTIONS, THE GOVERNOR SHALL APPOINT:

(1) ONE ELECTED OFFICIAL OR REPRESENTATIVE FROM A LIST SUBMITTED BY THE MARYLAND ASSOCIATION OF COUNTIES; AND

(2) ONE ELECTED OFFICIAL OR REPRESENTATIVE FROM A LIST SUBMITTED BY THE MARYLAND MUNICIPAL LEAGUE.

(C) THE MEMBERS APPOINTED TO THE AUTHORITY SHALL REPRESENT THE GENDER, RACIAL, AND GEOGRAPHIC MAKEUP OF THE STATE"; strike beginning with the comma in line 8 down through "RANK" in line 10; and in lines 7, 11, and 24, strike "(B)", "(C)", and "(D)", respectively, and substitute "(D)", "(E)", and "(F)", respectively.

On page 5, in line 24, after "MEMBER" insert "THAT A GOVERNOR APPOINTED"; in line 26, strike "13-1107." and substitute "13-1105."; in line 27, strike "EIGHT" and substitute "NINE VOTING"; and in line 29, strike "SIX MEMBERS" and substitute "A MAJORITY OF THE VOTING MEMBERS OF THE AUTHORITY".

On page 6, in lines 1 and 10, strike "13-1108." and "13-1109.", respectively, and substitute "13-1106." and "13-1107.", respectively; in line 2, after "(A)" insert "IN ACCORDANCE WITH THE STATE BUDGET,"; in line 3, strike "PROVIDE" and substitute "DEDICATE ADMINISTRATIVE"; strike in their entirety lines 5 through 9, inclusive, and substitute:

"(B)(1) AS THE AUTHORITY CONSIDERS APPROPRIATE, THE AUTHORITY MAY REQUEST OTHER UNITS OF STATE GOVERNMENT TO DETAIL STAFF OR PROVIDE TECHNICAL ASSISTANCE TO RECOGNIZED AND CERTIFIED HERITAGE AREAS.

(2) ON REQUEST OF THE AUTHORITY, OTHER UNITS OF STATE GOVERNMENT MAY DETAIL STAFF OR TECHNICAL ASSISTANCE TO SPECIFIC RECOGNIZED OR CERTIFIED HERITAGE AREAS.";

after line 12, insert:

"(1) RECOGNIZE HERITAGE AREAS IN ACCORDANCE WITH §13-1110 OF THIS SUBTITLE AND CERTIFY RECOGNIZED HERITAGE AREAS IN ACCORDANCE WITH §13-1111 OF THIS SUBTITLE;

(Over)

(2) APPROVE OR REJECT MANAGEMENT PLANS FOR CERTIFIED HERITAGE AREAS IN ACCORDANCE WITH §13-1111 OF THIS SUBTITLE;”;
in lines 13, 14, 15, 17, 20, 25, and 37, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, and “(10)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(11)”, respectively; in line 26, strike “COMMUNITY” and substitute “AND PRESERVATION COMMUNITIES”; strike in their entirety lines 28 through 31, inclusive; in lines 32 and 33, strike “AND THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS”; in line 34, strike “REAL OR”; in the same line, strike the second and third commas; in the same line, after “IN” insert “PERSONAL”; in line 35, after “TO” insert “SUPPORT A CERTIFIED HERITAGE AREA AND”; and after line 36, insert:

“(10) SUBJECT TO ANNUAL APPROPRIATION AND TO THE PRIOR APPROVAL OF THE BOARD OF PUBLIC WORKS, ACQUIRE IN ITS OWN NAME, BY GIFT OR PURCHASE, ANY REAL PROPERTY OR INTERESTS IN REAL PROPERTY NECESSARY OR CONVENIENT TO SUPPORT A CERTIFIED HERITAGE AREA AND CARRY OUT THE RESPONSIBILITIES OF THE AUTHORITY UNDER THIS SUBTITLE;”.

On page 7, in lines 1, 5, 13, 14, 16, and 18, strike “(11)”, “(12)”, “(13)”, “(14)”, “(15)”, and “(16)”, respectively, and substitute “(12)”, “(13)”, “(14)”, “(15)”, “(16)”, and “(17)”, respectively; in lines 5 and 6, strike “CORPORATE PURPOSE” and substitute “PURPOSE OF THIS SUBTITLE”; in line 18, before “DO” insert “SUBJECT TO THE LIMITATIONS UNDER THIS SUBTITLE”; in line 20, strike “13-1110.” and substitute “13-1108.”; in line 23, strike “PROMULGATE” and substitute “ADOPT”; in line 24, after “OF” insert “RECOGNIZED AND CERTIFIED”; and in line 25, strike “AS PROVIDED IN” and substitute “REQUIRED UNDER”.

AMENDMENT NO. 3

On page 8, in lines 2 and 8, strike “13-1111.” and “13-1112.”, respectively, and substitute “13-1109.” and “13-1110.”, respectively; in lines 3 and 4, strike “HERITAGE AREAS THAT CONSISTS OF STATE DESIGNATED HERITAGE AREAS,” and substitute “RECOGNIZED HERITAGE AREAS AND CERTIFIED HERITAGE AREAS THAT:

(1)”; in line 5, strike the first comma and substitute a semicolon; in the same line, after “AND” insert:

“(2)”; strike in their entirety lines 9 through 27, inclusive, and substitute:

“(A)(1) THE AUTHORITY MAY CONSIDER PROPOSALS SUBMITTED BY LOCAL JURISDICTIONS TO DESIGNATE A HERITAGE AREA AS A RECOGNIZED HERITAGE AREA.

(2) THE AUTHORITY SHALL ADOPT REGULATIONS THAT SPECIFY CRITERIA AND PROCEDURES FOR DESIGNATING RECOGNIZED HERITAGE AREAS.”;

in lines 28 and 29, strike “STATE DESIGNATED” and substitute “RECOGNIZED”; in line 30, after “BY” insert “THE GOVERNING BODIES OF”; in line 32, strike “DESIGNATION” and substitute “THE RECOGNIZED HERITAGE AREA”;

(2) TO THE MAXIMUM EXTENT PRACTICABLE, BE DEVELOPED IN CONSULTATION WITH AFFECTED STATE AGENCIES”;

in lines 33, 34, and 37, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 33, after the second “THE” insert “RECOGNIZED”; and in line 35, strike “13-1113” and substitute “13-1111”.

On page 9, in lines 1, 3, 5, 8, and 11, strike “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively, and substitute “(6)”, “(7)”, “(8)”, “(9)”, and “(10)”, respectively; in line 11, strike “GENERAL”; in line 14, after “AREA” insert “, INCLUDING ZONING, SUBDIVISION CONTROLS, AND OTHER GROWTH MANAGEMENT TECHNIQUES”; in lines 15 and 16, strike “STATE DESIGNATED” and substitute “RECOGNIZED”; in line 20, after “MORE” insert “;”;

(I)”; in line 23, after the semicolon insert “OR

(II) NATURAL OR RECREATIONAL RESOURCES DETERMINED BY THE SECRETARY OF NATURAL RESOURCES TO BE OF STATEWIDE SIGNIFICANCE;”;

in line 25, strike “AND” and substitute “, JOB CREATION, AND”; in lines 27, 31, and 37, in each

(Over)

instance, strike “STATE DESIGNATED” and substitute “RECOGNIZED”; in line 33, after “OF” insert “ALL OF”; and in lines 39 and 40, strike “STATE DESIGNATED” and substitute “RECOGNIZED”.

On page 10, strike in their entirety lines 1 through 8, inclusive; in line 9, strike “(F)” and substitute “(E)”; in lines 9 and 10, strike “STATE DESIGNATED” and substitute “RECOGNIZED”; strike in their entirety lines 12 through 15, inclusive; in line 16, strike “13-1113.” and substitute “13-1111.”; strike lines 17 through 26, inclusive, and substitute:

“(A)(1) THE AUTHORITY MAY CONSIDER PROPOSALS SUBMITTED BY THE LOCAL JURISDICTIONS WITHIN A RECOGNIZED HERITAGE AREA TO DESIGNATE RECOGNIZED HERITAGE AREAS AS CERTIFIED HERITAGE AREAS.

(2) THE SPONSORING LOCAL JURISDICTIONS SHALL PREPARE A PROPOSAL THAT INCLUDES A MANAGEMENT PLAN FOR THE RECOGNIZED HERITAGE AREA.

(3) THE LOCAL JURISDICTIONS SHALL DEVELOP THE MANAGEMENT PLAN IN COOPERATION AND CONSULTATION WITH THE AUTHORITY AND RELEVANT PRIVATE INTERESTS.

(4) ON APPROVAL OF THE MANAGEMENT PLAN BY THE AUTHORITY:

(I) THE AUTHORITY SHALL DESIGNATE THE RECOGNIZED HERITAGE AREA AS A CERTIFIED HERITAGE AREA; AND

(II) THE MANAGEMENT PLAN SHALL BE THE PLAN FOR PURPOSES OF IMPLEMENTING THE CERTIFIED HERITAGE AREA FOR BOTH THE STATE AND LOCAL JURISDICTIONS.

(B) THE AUTHORITY SHALL ADOPT REGULATIONS THAT SPECIFY THE CRITERIA AND PROCEDURES FOR THE CONSIDERATION AND ADOPTION OF A PROPOSED MANAGEMENT PLAN.

(C) THE AUTHORITY MAY NOT DESIGNATE MORE THAN TWO RECOGNIZED HERITAGE AREAS AS CERTIFIED HERITAGE AREAS IN EACH FISCAL YEAR.”;

in lines 27, 31, 35, and 37, strike “(B)”, “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively; in line 28, strike “DRAFT” and substitute “PROPOSED”; in the same line, after “A” insert “RECOGNIZED”; in the same line, after “EACH” insert “RECOGNIZED”; in line 29, strike “STATE DESIGNATED” and substitute “CERTIFIED”; in line 33, strike “STATE DESIGNATED” and substitute “RECOGNIZED”; in line 34, after “AREA” insert “IN THE FORM OF AN AMENDMENT TO THE LOCAL PLAN”; in line 36, strike “LOCAL”; in the same line, after “APPROVAL” insert “BY ALL LOCAL JURISDICTIONS WITHIN THE RECOGNIZED HERITAGE AREA”; and in line 37, strike “STATE DESIGNATED” and substitute “CERTIFIED”.

On page 11, in lines 1, 4, 9, 11, 18, 24, 28, and 40, in each instance, strike “HERITAGE AREA” and substitute “RECOGNIZED HERITAGE AREA”; in line 3, strike “AND”; in line 4, after “(II)” insert “THE LAND USE RECOMMENDATIONS OF THE LOCAL PLANS OF ALL OF THE LOCAL JURISDICTIONS WITHIN THE RECOGNIZED HERITAGE AREA; AND

(III)”; in line 11, strike “ACCOMMODATED” and substitute “ENCOURAGED”; in line 12, after “ACQUIRED” insert “, IN WHOLE OR IN PART”; in line 14, after “THE” insert “RECOGNIZED”; in line 25, after “APPROPRIATE” insert “EXISTING OR PROPOSED”; in line 29, strike “AT A MINIMUM, ENACTMENT OF AN ORDINANCE” and substitute “IF THE PLAN PROPOSES THE ENACTMENT OF ONE OR MORE ORDINANCES TO PROVIDE FOR ONE OR MORE HISTORIC PRESERVATION COMMISSIONS FOR SPECIFIC SITES, STRUCTURES, OR DISTRICTS WITHIN THE RECOGNIZED HERITAGE AREA, PROVISIONS”; in line 30, after “1.” insert “ARE”; in lines 31 and 32, strike “, CREATES A HISTORIC PRESERVATION COMMISSION FOR THE HERITAGE AREA”; in lines 33 and 37, in each instance, strike “PROVIDES” and substitute “PROVIDE”; and in line 39, after “AFFECT” insert “DESIGNATED HISTORIC”.

On page 12, in lines 6 and 8, in each instance, strike “HERITAGE AREA” and substitute “RECOGNIZED HERITAGE AREA”; in lines 7, 17, 22, 25, 28, 31 and 34, strike “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, “(K)”, and “(L)”, respectively, and substitute “(H)”, “(I)”, “(J)”, “(K)”, “(L)”,

(Over)

“(M)”, and “(N)”, respectively; in line 8, strike “AT THE LOCAL LEVEL”; in line 14, strike “PROMULGATE” and substitute “ADOPT”; in lines 17 and 18, strike “A PREVIOUSLY SUBMITTED MANAGEMENT PLAN PROVIDES SUFFICIENT DATA” and substitute “INFORMATION IN A PREVIOUSLY SUBMITTED MANAGEMENT PLAN CONTAINS SUFFICIENT INFORMATION”; in line 24, strike “A LOCAL JURISDICTION” and substitute “THE LOCAL JURISDICTIONS”; in line 29, strike “JURISDICTION” and substitute “JURISDICTIONS IN WRITING”; in line 33, strike “(H) THROUGH (J)” and substitute “(J) THROUGH (L)”; after line 34, insert:

“(1) ESTABLISH THE DESIGNATION OF A RECOGNIZED HERITAGE AREA AS A CERTIFIED HERITAGE AREA.”; in line 35, strike “(1)” and substitute “(2)”; and in line 37, strike “DEFINED” and substitute “CERTIFIED”.

On page 13, in line 1, strike “(2)” and substitute “(3)”; strike in their entirety lines 4 through 6, inclusive, and substitute:

“(4) FOR CONTINUANCE OF THE CERTIFIED HERITAGE AREA, REQUIRE APPROPRIATE LOCAL ACTION TO PROTECT AND SAFEGUARD THE SIGNIFICANT RESOURCES IN THE CERTIFIED HERITAGE AREA.”

(O) THE CANAL PLACE HISTORIC PRESERVATION DISTRICT ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE IS THE INITIAL CERTIFIED HERITAGE AREA DESIGNATED UNDER THIS SUBTITLE.”;

in lines 7 and 16, strike “(M)” and “(N)”, respectively, and substitute “(P)” and “(Q)”, respectively; in line 7, strike “STATE DESIGNATED” and substitute “CERTIFIED”; in line 10, strike “JURISDICTION” and substitute “JURISDICTIONS”; in the same line, after the second “THE” insert “CERTIFIED”; in line 13, after “SIGNIFICANT” insert “CERTIFIED”; in line 18, strike “DEEMED TO BE” and substitute “DESIGNATED AS”; in line 19, strike “STATE DESIGNATED” and substitute “CERTIFIED”; in line 23, strike “13-1114.” and substitute “13-112.”; in line 24, strike “SPECIFIED IN” and substitute “UNDER”; in line 25, strike “WITH” and substitute “WHO HAVE”; in the same line, strike “AFFECTING” and substitute “THAT AFFECT”; in lines 29 and 30, strike “STATE DESIGNATED” and substitute “CERTIFIED”; in line 33, after “PRESERVATION” insert a comma; in line 35, after “DEVELOPMENT” insert “AND”

JOB CREATION"; and in line 38, after "RESOURCES" insert ", INCLUDING STATE GREENWAYS".

On page 14, in line 2, strike "STATE DESIGNATED" and substitute "CERTIFIED"; and in the same line, after "AREAS" insert ", INCLUDING THE SCENIC BYWAYS PROGRAM AND PROGRAMS FOR SPECIAL SIGNAGE".

On pages 14 and 15, strike in their entirety the lines beginning with line 8 on page 14 through line 14 on page 15, inclusive, and substitute:

"(B) UNITS OF STATE GOVERNMENT THAT CONDUCT OR SUPPORT ACTIVITIES AFFECTING A CERTIFIED HERITAGE AREA SHALL:

(1) CONSULT, COOPERATE, AND TO THE MAXIMUM EXTENT FEASIBLE, COORDINATE THEIR ACTIVITIES WITH THE UNIT OR ENTITY RESPONSIBLE FOR THE MANAGEMENT OF EACH CERTIFIED HERITAGE AREA;

(2) TO THE MAXIMUM EXTENT PRACTICABLE, CARRY OUT THE ACTIVITIES OF THE UNIT IN A MANNER THAT IS CONSISTENT WITH THE APPROVED MANAGEMENT PLAN FOR THE CERTIFIED HERITAGE AREA; AND

(3) WHEN CONDUCTING A REVIEW OF ACTIVITIES UNDER ARTICLE 83B, §§ 5-617 AND 5-618 OF THE CODE, ASSURE THAT THE ACTIVITIES WILL NOT HAVE AN ADVERSE EFFECT ON THE HISTORIC AND CULTURAL RESOURCES OF THE CERTIFIED HERITAGE AREA, UNLESS THERE IS NO PRUDENT AND FEASIBLE ALTERNATIVE.

13-1113.

(A) AS PROVIDED IN THE STATE BUDGET, THE AUTHORITY MAY AWARD:

(1) GRANTS AND LOANS TO LOCAL JURISDICTIONS OR OTHER APPROPRIATE ENTITIES FOR PLANNING, DESIGN, ACQUISITION, DEVELOPMENT, PRESERVATION, RESTORATION, INTERPRETATION, MARKETING, AND

(Over)

PROGRAMMING OF CERTIFIED HERITAGE AREAS; AND

(2) GRANTS TO LOCAL JURISDICTIONS OR OTHER APPROPRIATE ENTITIES TO DEVELOP MANAGEMENT PLANS IN RECOGNIZED HERITAGE AREAS.

(B) A GRANT TO DEVELOP A MANAGEMENT PLAN MAY NOT EXCEED 50 % OF THE COST OF THE MANAGEMENT PLAN.

(C)(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE AUTHORITY MAY MAKE ACQUISITION AND DEVELOPMENT GRANTS TO A LOCAL JURISDICTION OR OTHER APPROPRIATE ENTITY UNDER SUBSECTION (A) OF THIS SECTION FOR A PERIOD OF UP TO 5 YEARS AFTER THE DAY ON WHICH THE AUTHORITY APPROVES THE MANAGEMENT PLAN FOR THE CERTIFIED HERITAGE AREA WITHIN THE LOCAL JURISDICTION.

(2) THE AUTHORITY MAY MAKE ACQUISITION OR DEVELOPMENT GRANTS FOR A PROJECT AFTER THE 5-YEAR PERIOD IF THE AUTHORITY DETERMINES THAT THE PROJECT IS ESSENTIAL FOR THE SUCCESS OF THE MANAGEMENT PLAN FOR THE CERTIFIED HERITAGE AREA.

(3) AN ACQUISITION OR DEVELOPMENT GRANT:

(I) MAY NOT BE USED FOR ANY PURPOSE OTHER THAN IMPLEMENTATION OF THE CERTIFIED HERITAGE AREA IN CONFORMITY WITH THE APPROVED MANAGEMENT PLAN; AND

(II) MAY NOT EXCEED 50% OF THE TOTAL PROJECT COST FOR WHICH THE GRANT IS AWARDED.”.

On page 15, in lines 20 and 23, in each instance, strike “STATE DESIGNATED” and substitute “CERTIFIED”; and in line 31, strike “13-1116.” and substitute “13-1114.”.

AMENDMENT NO. 4

On page 16, in line 15, strike “13-1121” and substitute “13-1119”; in line 23, strike

“13-1117.” and substitute “13-1115.”; in line 24, after “PART” insert “AND SUBJECT TO PRIOR APPROVAL BY THE BOARD OF PUBLIC WORKS”; in the same line, after “(A)” insert “(1)”; strike beginning with “ANY” in line 25 down through “INTEREST.” in line 26 and substitute “THE PURPOSES OF THIS SUBTITLE TO OBTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE FOR OR OTHERWISE SUPPORT A CERTIFIED HERITAGE AREA.”

(2) THE AUTHORITY MAY ISSUE THE BONDS ONLY IF IT DETERMINES THAT THE ISSUANCE IS NECESSARY TO ACHIEVE THE PURPOSES OF THIS SUBTITLE.

(B) IN SUBMITTING A PROPOSAL TO ISSUE BONDS TO THE BOARD OF PUBLIC WORKS, THE AUTHORITY SHALL IDENTIFY THE SOURCE OF REVENUE THAT SUPPORTS THE DEBT SERVICE ON THE BONDS.”;

in line 27, strike “(B)” and substitute “(C)”; and strike in their entirety lines 34 and 35, inclusive, and substitute:

“(D) EXCEPT AS OTHERWISE EXPRESSLY REQUIRED BY THIS SUBTITLE, THE AUTHORITY MAY ISSUE THE BONDS OR NOTES WITHOUT:

(1) OBTAINING THE CONSENT OF ANY OTHER UNIT OF STATE GOVERNMENT;

(2) ANY PROCEEDINGS; OR

(3) THE OCCURRENCE OF ANY CONDITIONS.”.

On page 17, in lines 1 and 13, strike “13-1118.” and “13-1119.”, respectively, and substitute “13-1116.” and “13-1117.”, respectively; in line 2, before the first “THE” insert “(A)”; in line 10, strike “PURSUANT TO” and substitute “UNDER”; after line 12, insert:

“(B) THE BONDS DO NOT CONSTITUTE A DEBT, LIABILITY, OR PLEDGE OF FULL FAITH AND CREDIT OF THE STATE AND MAY NOT BE DEEMED TO CONSTITUTE A DEBT, LIABILITY, OR PLEDGE OF THE FULL FAITH AND CREDIT OF THE STATE.”;

(Over)

in line 23, after “BOTH,” insert “REGISTRABLE AS TO PRINCIPAL AND INTEREST ALONE OR AS TO BOTH”; and in line 33, after “PLACE” insert “, INCLUDING ONE OR MORE BANKS OR TRUST COMPANIES”.

On page 18, in line 1, after “VALID” insert “FOR ALL PURPOSES”; in line 6, strike “13-1120.” and substitute “13-1118.”; and in line 8, strike “13-1117” and substitute “13-1115”.

On page 19, in line 2, strike “SHALL BE” and substitute “MAY BE MADE”; in lines 4, 20, and 31, strike “13-1121.”, “13-1122.”, and “13-1123.”, respectively, and substitute “13-1119.”, “13-1120.”, and “13-1121.”, respectively; in line 8, strike “ARE” and substitute “MAY BE MADE”; in line 21, strike “(A)”; strike in their entirety lines 25 through 30, inclusive; in line 36, after “ISSUED” insert “IN THE DISCRETION OF THE AUTHORITY AND FOR ANY PURPOSE AUTHORIZED BY THIS SUBTITLE, INCLUDING”; and in line 40, strike “AND” and substitute “OR”

(III) FOR ANY OTHER PUBLIC PURPOSE THAT THE AUTHORITY DETERMINES IS IN THE BEST INTERESTS OF AND CONSISTENT WITH THE AUTHORITY’S LONG-TERM FINANCING PLAN.”.

On page 20, in line 1, after “SERIES” insert “; AND”

(3)”;

in lines 3 and 11, strike “13-1124.” and “13-1125.”, respectively, and substitute “13-1122.” and “13-1123.”, respectively; in line 8, strike “AND”; and in line 9, after “FIDUCIARY,” insert “AND ANY OTHER PUBLIC OFFICER OR UNIT OF THE STATE OR A SUBDIVISION OF THE STATE”.

AMENDMENT NO. 5

On page 20, after line 16, insert:

“PART V. MISCELLANEOUS.

13-1124.

(A) IN THIS SECTION, "AGGRIEVED PERSON" MEANS:

(1) A PERSON THAT:

(I) IS A PARTY TO A DISPUTE THAT THE AUTHORITY RESOLVES UNDER § 13-1108(4)(II) OF THIS SUBTITLE; AND

(II) IS AGGRIEVED BY THE AUTHORITY'S FINAL ACTION IN RESOLVING THE DISPUTE UNDER § 13-1108(4)(II) OF THIS SUBTITLE; OR

(2) THE LOCAL JURISDICTIONS WITHIN A CERTIFIED HERITAGE AREA FROM WHICH THE AUTHORITY HAS WITHDRAWN APPROVAL OF A MANAGEMENT PLAN UNDER § 13-1111(P) OF THIS SUBTITLE.

(B) THIS SECTION DOES NOT APPLY TO:

(1) THE FAILURE OF THE AUTHORITY TO DESIGNATE:

(I) A HERITAGE AREA AS A RECOGNIZED HERITAGE AREA; OR

(II) A RECOGNIZED HERITAGE AREA AS A CERTIFIED HERITAGE AREA THROUGH THE APPROVAL OF A MANAGEMENT PLAN;

(2) ACTIONS TAKEN BY THE AUTHORITY UNDER ITS POWERS TO ISSUE BONDS UNDER PART IV OF THIS SUBTITLE;

(3) THE FAILURE OF THE AUTHORITY TO AWARD OR ENFORCE THE TERMS OF GRANTS, LOANS, OR OTHER FINANCING.

(C) AN AGGRIEVED PERSON MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR A HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE

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STATE GOVERNMENT ARTICLE.

(D) THE DECISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS IS THE FINAL ADMINISTRATIVE DECISION.

(E) THE OFFICE OF ADMINISTRATIVE HEARINGS MAY NOT MODIFY THE AUTHORITY'S RESOLUTION OF A DISPUTE UNLESS THE AGGRIEVED PERSON SHOWS BY A PREPONDERANCE OF THE EVIDENCE THAT:

(1) THE FINAL ACTION OF THE AUTHORITY WAS ARBITRARY OR CAPRICIOUS; OR

(2) THE AUTHORITY FAILED TO FOLLOW ITS OWN PROCEDURES OR REGULATIONS FOR RESOLVING A DISPUTE UNDER § 13-1108(4) OF THIS SUBTITLE.”.

AMENDMENT NO. 6

On page 20, in line 21, strike “§ 10-704.4 OF THE TAX - GENERAL ARTICLE” and substitute “ARTICLE 83B, § 5-801 OF THE CODE”; in lines 26 and 30, in each instance, strike “§ 10-704.4 OF THIS ARTICLE” and substitute “ARTICLE 83B, § 5-801 OF THE CODE”.

On pages 22 through 24, strike in their entirety the lines beginning with line 4 on page 22 through line 14 on page 24, inclusive.

On page 25, after line 19 insert:

“AN INDIVIDUAL OR CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE INCOME TAX FOR A CERTIFIED REHABILITATION AS PROVIDED UNDER ARTICLE 83B, § 5-801 OF THE CODE.

Article 83B - Department of Housing and Community Development

SUBTITLE 8. REHABILITATION TAX CREDITS

5-801.”;

strike in their entirety lines 22 and 23 and substitute:

“(2) “BUSINESS ENTITY” MEANS A PERSON CONDUCTING OR OPERATING A TRADE OR BUSINESS IN THE STATE.”;

and in lines 31 and 33, in each instance, strike “STATE DESIGNATED” and substitute “CERTIFIED”.

On page 24, in line 19, strike “13-1105” and substitute “13-1103”; strike in their entirety lines 21 through 37, inclusive, and substitute:

“(3) “BUSINESS ENTITY” MEANS A PERSON CONDUCTING OR OPERATING A TRADE OR BUSINESS IN THE STATE.

(4) “HERITAGE TOURISM ENTERPRISE” MEANS A BUSINESS ENTITY THAT:

(I) IS LOCATED IN A CERTIFIED HERITAGE AREA; AND

(II) WHOSE ACTIVITIES ARE CONSISTENT WITH THE PURPOSES OF THE MANAGEMENT PLAN OF THE CERTIFIED HERITAGE AREA.

(5) “CERTIFIED HERITAGE AREA” HAS THE MEANING STATED IN § 13-1101(D) OF THE FINANCIAL INSTITUTIONS ARTICLE.

(6)(I) “QUALIFIED EMPLOYEE” MEANS AN INDIVIDUAL WHO IS A NEW EMPLOYEE IN A NEWLY CREATED POSITION OF A HERITAGE TOURISM ENTERPRISE.

(II) “QUALIFIED EMPLOYEE” DOES NOT INCLUDE AN INDIVIDUAL WHO:

1. WAS HIRED TO REPLACE ANOTHER INDIVIDUAL WHOM THE HERITAGE TOURISM ENTERPRISE EMPLOYED IN ANY OF THE 3 TAXABLE YEARS

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PRECEDING THE HIRING;

2. WAS REHIRED AFTER BEING LAID OFF BY THE HERITAGE TOURISM ENTERPRISE FOR 6 MONTHS OR LESS; OR

3. WAS EMPLOYED BY THE HERITAGE TOURISM ENTERPRISE AND WHOSE JOB FUNCTION WAS TRANSFERRED FROM A LOCATION WITHIN THE STATE, BUT OUTSIDE OF THE CERTIFIED HERITAGE AREA, BEFORE THE HERITAGE TOURISM ENTERPRISE CLAIMED THE CREDIT.”;

and in line 39, strike “SUBSECTIONS (C) AND (D)” and substitute “SUBSECTION (C)”.

On page 25, strike in their entirety lines 3 through 14, inclusive, and substitute:

“(C) FOR EACH TAXABLE YEAR, FOR THE WAGES PAID TO EACH QUALIFIED EMPLOYEE, A CREDIT SHALL BE ALLOWED IN AN AMOUNT EQUAL TO:

(1) 5% OF UP TO THE FIRST \$20,000 OF THE WAGES PAID TO THE QUALIFIED EMPLOYEE DURING THE FIRST YEAR OF EMPLOYMENT; AND

(2) 2.5% OF UP TO THE FIRST \$20,000 OF THE WAGES PAID TO THE QUALIFIED EMPLOYEE DURING EACH OF THE SECOND, THIRD, FOURTH, AND FIFTH YEARS OF EMPLOYMENT.”;

in line 15, strike “(E)” and substitute “(D)”; in line 18, strike “THE”; in the same line, after “YEARS” insert “UNTIL THE FULL AMOUNT OF THE EXCESS IS USED”; after line 18, insert:

“(E) THE ENTITY THAT IS RESPONSIBLE FOR IMPLEMENTING THE MANAGEMENT PLAN OF A CERTIFIED HERITAGE AREA, AS DESIGNATED BY THE LOCAL JURISDICTIONS, SHALL CERTIFY THAT A BUSINESS ENTITY IS A HERITAGE TOURISM ENTERPRISE.

(F) IF THE ENTITY THAT IS RESPONSIBLE FOR IMPLEMENTING THE MANAGEMENT PLAN, DESIGNATED BY THE LOCAL JURISDICTIONS, CERTIFIES THAT

A BUSINESS ENTITY IS A HERITAGE TOURISM ENTERPRISE, THE ENTITY SHALL FORWARD A COPY OF THE CERTIFICATION TO THE COMPTROLLER.

(G) THE COMPTROLLER SHALL:

(1) CERTIFY THAT THE EMPLOYEES OF A BUSINESS ENTITY ARE QUALIFIED EMPLOYEES; AND

(2) ADOPT REGULATIONS FOR THE CERTIFICATION OF QUALIFIED EMPLOYEES AND CALCULATION OF THE CREDIT UNDER THIS SECTION.”;

before line 24, insert:

“(3) “CERTIFIED HERITAGE AREA” HAS THE MEANING STATED IN § 13-1101(D) OF THE FINANCIAL INSTITUTIONS ARTICLE.”;

and in lines 24 and 35, strike “(3)” and “(4)”, respectively, and substitute “(4)” and “(5)”, respectively.

On page 26, in lines 1, 3, and 7, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; strike in their entirety lines 10 and 11; strike in their entirety lines 20 through 32, inclusive, and substitute:

“(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR THE TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION IS COMPLETED, A BUSINESS ENTITY OR AN INDIVIDUAL MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 25% OF THE TAXPAYER’S QUALIFIED REHABILITATION EXPENDITURES FOR THE REHABILITATION.

(2) THE SAME TAX CREDIT MAY NOT BE APPLIED MORE THAN ONCE AGAINST DIFFERENT TAXES.

(C) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE BUSINESS ENTITY OR AN

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INDIVIDUAL FOR THAT TAXABLE YEAR, THE BUSINESS ENTITY OR INDIVIDUAL MAY APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING YEARS UNTIL THE EARLIER OF:

(1) THE FULL AMOUNT OF THE EXCESS IS USED; OR

(2) THE EXPIRATION OF THE FIFTEENTH TAXABLE YEAR AFTER THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED.”;

in line 33, strike “(E)” and substitute “(D)”; and strike in their entirety lines 38 through 40, inclusive.

On page 27, in line 1, strike “(G)” and substitute “(E)”; and in line 3, strike “REHABILITATION” and substitute “REHABILITATIONS”.

On page 28, in line 21, strike “§ 10-704.4 OF THE TAX - GENERAL ARTICLE” and substitute “ARTICLE 83B, § 5-801 OF THE CODE”; in line 27, strike “, shall” and substitute “: (1) Shall”; in line 29, after “Article” insert “as in effect before its repeal under Section 1 of this Act; and

(2) May not claim the tax credit allowed under Article 83B, § 5-801 of the Code with respect to the rehabilitation for which the taxpayer has elected to take the amortization deduction”; and in line 31, strike “eight” and substitute “nine”.

AMENDMENT NO. 7

On page 27, in lines 7, 10, 13, 19, and 21, in each instance, strike the brackets; and in the same lines, in each instance, strike “HERITAGE” and substitute “OR HERITAGE”.

On page 28, in line 11, strike “STATE DESIGNATED” and substitute “CERTIFIED”; in the same line strike “13-1112” and substitute “13-1111”; in line 13, after “(ii)” insert “FOR A PROPERTY OR DISTRICT UNDER PARAGRAPH (3)(I)1 OR 2 OF THIS SUBSECTION,”; after line 14 insert:

“13-209.”

(d) (1) Subject to subsection (e) of this section, for the fiscal year commencing July 1, 1995 and for each subsequent fiscal year, the balance of the revenue in the special fund, not required under subsection (b) of this section, shall be allocated as provided in this subsection.

(2) Until the outstanding debt authorized under the Outdoor Recreation Land Loan of 1969 has been reduced to zero, at least \$1,000,000 shall be allocated in the State budget for reduction of State debt authorized under that loan.

(3) The balance in excess of the amounts allocated in paragraph (2) of this subsection shall be allocated in the State budget as follows:

(i) 83.5% for the purposes specified in Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space), OF WHICH \$1,000,000 SHALL BE ALLOCATED TO THE MARYLAND HERITAGE AREAS FINANCING FUND, AS REQUIRED BY § 5-903 OF THE NATURAL RESOURCES ARTICLE;

(ii) 14.5% for the Agricultural Land Preservation Fund established under § 2-505 of the Agriculture Article; and

(iii) 2% for the Heritage Conservation Fund established under Title 5, Subtitle 15 of the Natural Resources Article.

Article - Natural Resources

5-903.

(a) One half of the funds shall be used for THE MARYLAND HERITAGE AREAS FINANCING FUND AND FOR recreation and open space purposes by the Department and the Historic St. Mary's City Commission. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(1) A portion of the State's share of funds available under this program shall be

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utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(2) \$1,000,000 OF THE STATE'S SHARE OF THE FUNDS AVAILABLE UNDER THIS PROGRAM SHALL BE ALLOCATED TO THE MARYLAND HERITAGE AREAS FINANCING FUND AS ESTABLISHED UNDER § 13-1113 OF THE FINANCIAL INSTITUTIONS ARTICLE.”;

in line 22, strike “this Act is” and substitute “the changes made under this Act to the Tax-General Article, the Tax - Property Article, Article 48A of the Code, and Article 83B of the Code shall be”; and in line 32, strike “13-1106(a)(8)” and substitute “13-1104(a)(9)”.

AMENDMENT NO. 8

On page 29, in line 3, strike “and”; strike in their entirety lines 4 and 5 and substitute:

“(4) of the members that represent the Maryland Greenways Commission and the Maryland Tourism Board, one shall serve a term of 2 years and one shall serve a term of 4 years; and

(5) the additional member who has significant experience or education in historic preservation or heritage tourism, shall serve a term of 4 years.

SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, employees of any unit of State government that are dedicated or detailed to the Maryland Heritage Areas Authority are not subject to a change in their current classifications or other rights under Division I of the State Personnel and Pensions Article because they have been dedicated or detailed to the Maryland Heritage Areas Authority.”;

in lines 6 and 8, strike “6.” and “7.”, respectively, and substitute “7.” and “8.”, respectively; in line 7, strike “1998” and substitute “1997”; and in line 9, strike “6” and substitute “7”.