
By: **Washington County Delegation and Frederick County Delegation**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

CHAPTER 673

1 AN ACT concerning

2 **South Mountain Battlefield**

3 FOR the purpose of establishing a Civil War State Battlefield at South Mountain;
4 requiring the Department of Natural Resources to manage the Battlefield;
5 authorizing the Department to adopt regulations concerning the Battlefield and
6 set and charge fees based upon approximate costs to cover the cost of operating
7 the Battlefield; providing that any excess revenue is to be remitted to the State
8 general fund; requiring the Governor to appropriate certain funds for the
9 purposes of this Act under certain circumstances; and generally relating to
10 establishing a Civil War State Battlefield at South Mountain.

11 BY adding to

12 Article - Natural Resources

13 Section 5-1801 to be under the new subtitle "Subtitle 18. South Mountain
14 Battlefield"

15 Annotated Code of Maryland

16 (1997 Replacement Volume and 1999 Supplement)

17 **Preamble**

18 WHEREAS, The South Mountain Battlefield Historic Tourism Initiative Task
19 Force, which included representatives from the Central Maryland Heritage League,
20 Friends of Washington Monument State Park, Friends of Gathland State Park, and
21 the Catoctin Center for Regional Studies, has undertaken a thorough review of the
22 feasibility of establishing the first Civil War State Battlefield in Maryland; and

23 WHEREAS, The Civil War was one of the defining events in United States

24 history; and

1 WHEREAS, The Battle of South Mountain was the first battle of the Civil War
2 fought on Maryland soil; and

3 WHEREAS, The Union showing at South Mountain and two days later at
4 Antietam enabled President Lincoln to issue the preliminary Emancipation
5 Proclamation; and

6 WHEREAS, The Task Force discovered that the State of Maryland owns 2,600
7 acres of land on South Mountain where the Battle was fought and has purchased
8 conservation easements for an additional 1,400 acres of land relevant to the Battle of
9 South Mountain; and

10 WHEREAS, The Civil War Sites Advisory Commission has designated South
11 Mountain as a Priority I battlefield; and

12 WHEREAS, The Task Force report of January 19, 2000, strongly recommends
13 that a State Battlefield be created at South Mountain; now, therefore,

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

16 **Article - Natural Resources**

17 **SUBTITLE 18. SOUTH MOUNTAIN BATTLEFIELD.**

18 5-1801.

19 (A) THE GENERAL ASSEMBLY FINDS THAT:

20 (1) ON SEPTEMBER 14, 1862, THE UNION AND CONFEDERATE ARMIES
21 FOUGHT A MAJOR BATTLE ALONG A SEVEN MILE STRETCH OF SOUTH MOUNTAIN,
22 WHICH WAS THE FIRST BATTLE OF THE CIVIL WAR FOUGHT ON MARYLAND SOIL.

23 (2) THE SOUTH MOUNTAIN BATTLEFIELD HAS BEEN RECOGNIZED AS
24 ONE OF THE 11 MOST ENDANGERED HISTORIC PLACES IN AMERICA FOR 2000.

25 (3) IN ORDER TO PRESERVE THE LAND WHERE THE BATTLE WAS
26 FOUGHT AND TO PROVIDE THE PUBLIC WITH ACCESS TO APPRECIATE THE LAND
27 WHERE THE BATTLE WAS FOUGHT, IT IS DECLARED TO BE THE PUBLIC POLICY OF
28 THIS STATE TO ESTABLISH THE FIRST CIVIL WAR STATE BATTLEFIELD AT SOUTH
29 MOUNTAIN AND TO PROVIDE THE AUTHORITY AND RESOURCES TO DEVELOP AND
30 OPERATE THE BATTLEFIELD.

31 (B) (1) THE DEPARTMENT SHALL MANAGE THE DEVELOPMENT AND
32 OPERATION OF THE SOUTH MOUNTAIN BATTLEFIELD.

33 (2) THE DEPARTMENT SHALL EXERCISE THE SAME POWERS OF
34 ADOPTING REGULATIONS AND MANAGING THE BATTLEFIELD AS THAT;

35 (I) ARE EXERCISED BY THE DEPARTMENT FOR A STATE PARK; AND

1 (II) ARE CONSISTENT WITH THE HISTORIC SIGNIFICANCE OF THE
2 BATTLEFIELD.

3 (3) (I) THE DEPARTMENT MAY SET AND CHARGE FEES BASED UPON
4 THE APPROXIMATE COST OF OPERATING THE BATTLEFIELD TO COVER THE COST OF
5 OPERATING THE BATTLEFIELD.

6 (II) ANY EXCESS REVENUE AT THE END OF A FISCAL YEAR SHALL
7 BE REMITTED TO THE GENERAL FUND.

8 (C) THE SOUTH MOUNTAIN BATTLEFIELD SHALL ENCOMPASS THE PROPERTY
9 OWNED BY THE STATE ALONG SOUTH MOUNTAIN BETWEEN THE NORTHERN
10 PORTION OF WASHINGTON MONUMENT STATE PARK IN WASHINGTON AND
11 FREDERICK COUNTIES AND THE PROPERTY NEAR THE TOWN OF BROWNSVILLE,
12 SOUTH OF GATHLAND STATE PARK IN WASHINGTON COUNTY.

13 (D) SUBJECT TO THE AVAILABILITY OF FUNDS, THE GOVERNOR SHALL
14 APPROPRIATE THE NECESSARY FUNDS IN THE STATE BUDGET EACH YEAR TO THE
15 DEPARTMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, AND
16 ADMINISTRATION OF THE SOUTH MOUNTAIN BATTLEFIELD.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.