

HOUSE BILL 1401

Unofficial Copy
C8

2001 Regular Session
(11r2677)

ENROLLED BILL
-- Economic Matters/Budget and Taxation --

Introduced by **Delegate Taylor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 556

1 AN ACT concerning

2 **Canal Place Preservation and Development Authority**

3 FOR the purpose of renaming the Canal Place Historic Preservation District to be the
4 Canal Place Heritage Area ~~and expanding the purposes and areas covered by~~
5 ~~the Heritage Area;~~ authorizing the modification of the boundaries of the Heritage
6 Area under certain circumstances; expanding the purposes and altering the
7 authority of the Canal Place Preservation and Development Authority;
8 repealing certain condemnation powers of the Authority; ~~granting to~~
9 ~~jurisdictions newly covered by the Heritage Area the authority to issue parking~~
10 ~~citations and providing for the amount of the fines which may be imposed under~~
11 ~~those citations;~~ authorizing local jurisdictions within the Heritage Area to lease,
12 lend, grant, or otherwise convey property or property interests to the Authority;
13 transferring certain approval authority and duties from the Maryland Historical
14 Trust to the Maryland Heritage Areas Authority; authorizing the Canal Place
15 Preservation and Development Authority to provide or contract to provide
16 tourism marketing and promotional services for the Heritage Area, the City of
17 Cumberland, and Allegany County under certain circumstances; narrowing a

1 certain personnel exemption applicable to the Canal Place Preservation and
 2 Development Authority; clarifying that the terms of *the appointed members of*
 3 *the Authority members* are staggered *as required by the terms of the members*
 4 *-serving on a certain date*; making provisions of this Act severable; and generally
 5 relating to the Canal Place Heritage Area, the Canal Place Preservation and
 6 Development Authority, and the Maryland Heritage Areas Authority.

7 BY repealing and reenacting, with amendments,
 8 Article - Financial Institutions
 9 Section 13-1001, 13-1002, 13-1005, 13-1007, 13-1008, ~~13-1008.1~~ 13-1009
 10 through 13-1016, 13-1027, 13-1029, and 13-1030
 11 Annotated Code of Maryland
 12 (1998 Replacement Volume and 2000 Supplement)

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

15 **Article - Financial Institutions**

16 13-1001.

17 (a) In this subtitle the following words have the meanings indicated.

18 (b) "Authority" means the Canal Place Preservation and Development
 19 Authority.

20 (c) "Bonds" means taxable or tax-exempt bonds, including refunding bonds,
 21 bond anticipation notes, notes in the nature of commercial paper, certificates, or any
 22 other evidence of obligation issued by the Authority.

23 (d) "Fund" means the Canal Place Preservation and Development Authority
 24 Financing Fund established under § 13-1017 of this subtitle.

25 (E) "HERITAGE AREA" MEANS THE CANAL PLACE HERITAGE AREA, INITIALLY
 26 KNOWN AS THE CANAL PLACE HISTORIC PRESERVATION DISTRICT, THE
 27 BOUNDARIES OF WHICH ARE DESCRIBED:

28 (1) IN THE ADDENDUM OF JANUARY 1993, ENTITLED "THE CANAL PLACE
 29 HISTORIC PRESERVATION DISTRICT", TO THE REPORT OF MAY 1992 OF THE
 30 MARYLAND STATE HIGHWAY ADMINISTRATION ENTITLED "THE CANAL PARKWAY
 31 DEVELOPMENT - STATION SQUARE PROJECT"; AND

32 (2) IN ANY REVISIONS THAT ARE:

33 (I) MADE BY THE AUTHORITY UNDER ~~§ 13-1008(8)~~ § 13-1008(8) OR
 34 (10) OF THIS SUBTITLE; AND

35 (II) APPROVED BY THE MARYLAND HERITAGE AREAS AUTHORITY
 36 IN ACCORDANCE WITH § 13-1111 OF THIS TITLE.

1 (F) "LOCAL JURISDICTION" MEANS:

2 (1) ANY OF THE 23 COUNTIES OF THE STATE;

3 (2) THE CITY OF BALTIMORE; OR

4 (3) ANY MUNICIPAL CORPORATION SUBJECT TO THE PROVISIONS
5 OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION.

6 (G) "MARYLAND HERITAGE AREAS AUTHORITY" MEANS THE MARYLAND
7 HERITAGE AREAS AUTHORITY CREATED UNDER TITLE 13, SUBTITLE 11 OF THIS
8 ARTICLE.

9 [(e)] (H) "Park corridor" means the land area within the [Preservation
10 District] HERITAGE AREA the boundaries of which are described:

11 (1) In the report of May 1992 of the Maryland State Highway
12 Administration entitled "The Canal Parkway Development - Station Square Project";
13 and

14 (2) In any revision that the Authority makes under § 13-1008(8) of this
15 subtitle to the report of May 1992 of the Maryland State Highway Administration
16 entitled "The Canal Parkway Development - Station Square Project".

17 [(f)] "Preservation District" or "District" means the Canal Place Historic
18 Preservation District the boundaries of which are described:

19 (1) In the addendum of January 1993, entitled "The Canal Place Historic
20 Preservation District", to the report of May 1992 of the Maryland State Highway
21 Administration entitled "The Canal Parkway Development - Station Square Project";
22 and

23 (2) In any revisions that the Authority makes under § 13-1008(8) of this
24 subtitle to the addendum of January 1993, entitled "The Canal Place Historic
25 Preservation District", to the report of May 1992 of the Maryland State Highway
26 Administration entitled "The Canal Parkway Development - Station Square
27 Project".]

28 13-1002.

29 The General Assembly makes the following findings:

30 (1) The Chesapeake and Ohio Canal is one of the great historic
31 waterways of the United States extending 185 miles from Georgetown in the District
32 of Columbia to its western terminus in Cumberland, Maryland;

33 (2) The current physical condition of the Chesapeake and Ohio Canal in
34 the City of Cumberland is one of severe deterioration with the last mile of the canal
35 buried under a flood control project during the 1950s;

1 (3) An opportunity now exists to rediscover the value of this waterway by
 2 transforming the canal and adjacent areas [in the City of Cumberland] to a
 3 showpiece of historic preservation that will enhance recreational, commercial, civic,
 4 transportation, educational, and ecological values;

5 (4) It is in the interest of the State, ~~Allegany County, the City of~~
 6 ~~Cumberland~~ THE LOCAL JURISDICTIONS WITHIN AND SURROUNDING THE
 7 HERITAGE AREA, and the United States that [an area in the City of Cumberland to be
 8 known as "The Canal Place Historic Preservation District"] ~~AREAS IN ALLEGANY~~
 9 ~~COUNTY~~ THE HERITAGE AREA be preserved, developed, maintained, and used in a
 10 manner suitable to [its] ~~THEIR~~ significance, INCLUDING THE HISTORIC AND
 11 CULTURAL SIGNIFICANCE OF [as] the western terminus of the historic Chesapeake
 12 and Ohio Canal;

13 (5) To ensure suitable preservation, development, maintenance, and use
 14 of the [Preservation District] HERITAGE AREA, it is essential that there be developed
 15 and carried out [as an entirety] a management plan for the [Preservation District]
 16 HERITAGE AREA AS AN ENTIRETY that will specify:

17 (i) The uses, both public and private, for the buildings, structures,
 18 and other property in the [Preservation District] HERITAGE AREA AND ANY
 19 NECESSARY ACQUISITIONS, CONSTRUCTION, RECREATION, AND OTHER ACTIVITIES;
 20 and

21 (ii) The programming and financing for the rewatering of the
 22 Chesapeake and Ohio Canal [and for necessary acquisitions, construction,
 23 reconstruction, and other activities];

24 (6) The responsibility for developing and implementing a management
 25 plan for the [Preservation District] HERITAGE AREA can best be carried out by
 26 vesting the requisite powers in a public corporation that can take maximum
 27 advantage of the public and private resources necessary to ensure success of the
 28 management plan; and

29 (7) Any management plan for the development of the [Preservation
 30 District] HERITAGE AREA should be prepared and implemented in cooperation with
 31 the United States Department of the Interior.

32 13-1005.

33 (a) The Authority consists of:

34 (1) Six members appointed by the Governor with the advice and consent
 35 of the Senate;

36 (2) One representative of the United States Department of the Interior,
 37 as designated by the Department of the Interior;

38 (3) One representative of the Maryland Historical Trust; and

1 (4) One representative of the Mayor and City Council of the City of
2 Cumberland.

3 (b) The Governor shall designate one of the members of the Authority as
4 chairman.

5 (c) (1) The term of a member is 4 years.

6 (2) The terms of members appointed by the Governor are staggered as
7 required by the terms ~~provided for~~ OF THE members SERVING on [June 1, 1993]
8 JULY 1, 2001.

9 (3) At the end of a term, a member continues to serve until a successor is
10 appointed and qualifies.

11 (4) A member who is appointed after a term has begun serves only for
12 the rest of the term and until a successor is appointed and qualifies.

13 (5) At the end of the term of a member or on the resignation or removal
14 of a member, the Governor shall appoint a member to the Authority with the advice
15 and consent of the Senate.

16 (d) The Governor may remove a nonfederal member for incompetence,
17 misconduct, or failure to perform the duties of the position.

18 13-1007.

19 (a) With the approval of the Governor, the Authority shall appoint an
20 Executive Director, who is the Chief Administrative Officer and Secretary of the
21 Authority.

22 (b) The Executive Director serves at the pleasure of the Authority, subject to
23 the concurrence of the Governor.

24 (c) The Executive Director shall:

25 (1) Direct and supervise the administrative affairs and activities of the
26 Authority in accordance with its regulations and policies;

27 (2) Attend all meetings of the Authority;

28 (3) Keep minutes of all proceedings of the Authority;

29 (4) Approve:

30 (i) All accounts for salaries, per diem payments, and allowable
31 expenses of the Authority and its employees and consultants; and

32 (ii) All expenses incidental to the operation of the Authority;

1 (5) Report and make recommendations to the Authority on the merits
2 and status of any management plan for the [Preservation District] HERITAGE AREA;
3 and

4 (6) Perform any other duty that the Authority requires for carrying out
5 the provisions of this subtitle.

6 13-1008.

7 In addition to the powers set forth elsewhere in this subtitle, the Authority may:

8 (1) Adopt and alter an official seal;

9 (2) Sue and be sued, plead, and be impleaded;

10 (3) Adopt bylaws to regulate its affairs and the conduct of its business;

11 (4) In accordance with Title 10, Subtitle 1 of the State Government
12 Article, adopt regulations to carry out the provisions of this subtitle;

13 (5) Maintain an office at a place that the Authority designates;

14 (6) Employ, either as regular employees or as independent contractors,
15 and fix the compensation of, accountants, architects, attorneys, construction experts
16 and personnel, consultants, engineers, financial experts, managers, superintendents,
17 and other professional personnel, personnel, and agents;

18 (7) Appoint advisory committees composed of local officials,
19 representatives of the business community, and such other interests as may be
20 appropriate;

21 (8) Subject to the requirements of this subtitle, adopt and implement a
22 management plan for the [Preservation District] HERITAGE AREA;

23 (9) Determine the locations of, develop, establish, construct, erect,
24 acquire, own, repair, remodel, add to, extend, improve, equip, rewater, operate,
25 regulate, and maintain, and contribute to the maintenance and operating costs of
26 land, water, buildings, and structures to accomplish the purposes of the Authority;

27 (10) By publishing a revised drawing or other boundary description in the
28 Maryland Register, revise the boundaries of the [Preservation District] HERITAGE
29 AREA or the park corridor with the consent of:

30 (i) The [Mayor and City Council of the City of Cumberland]
31 GOVERNING BODY OF EACH LOCAL JURISDICTION WHICH IN WHOLE OR IN PART IS
32 TO BE ADDED TO OR DELETED FROM THE HERITAGE AREA; and

33 (ii) The Maryland [Historical Trust] HERITAGE AREAS
34 AUTHORITY;

1 (11) Subject to § 13-1009 of this subtitle, acquire, hold, lease, use,
2 encumber, transfer, or dispose of real and personal property;

3 (12) PROVIDE OR CONTRACT TO PROVIDE TOURISM MARKETING AND
4 PROMOTIONAL SERVICES FOR THE CANAL PLACE HERITAGE AREA, AND PROVIDE
5 FINANCIAL ASSISTANCE FOR TOURISM MARKETING AND PROMOTION IN ALLEGANY
6 COUNTY AND ITS MUNICIPAL JURISDICTIONS, IF THE EXPENDITURES BY THE
7 AUTHORITY FOR THOSE PURPOSES ARE MATCHED EQUALLY WITH NONSTATE
8 FUNDS;

9 (13) Enter into contracts of any kind and execute all instruments
10 necessary or convenient to carry out its powers under this subtitle;

11 [(13)] (14) Make and participate in making loans or grants, or otherwise
12 provide financial assistance for any project that serves to preserve, develop, maintain,
13 or protect the [Preservation District] HERITAGE AREA;

14 [(14)] (15) Through covenants, regulations, agreements, or otherwise,
15 establish restrictions, standards, and requirements necessary to assure preservation,
16 development, maintenance, and protection of the [Preservation District] HERITAGE
17 AREA in accordance with a management plan that the Authority adopts;

18 [(15)] (16) Fix and revise from time to time and charge and collect rates,
19 rents, fees, or other charges for the use of, or for services rendered in connection with,
20 buildings, structures, land, and water to accomplish the purposes of the Authority;

21 [(16)] (17) (i) Borrow money from any source for any corporate purpose,
22 including working capital for its operations, reserve funds, or interest;

23 (ii) Mortgage, pledge, or otherwise encumber the property and
24 funds of the Authority; and

25 (iii) Contract with or engage the services of any person for any
26 financing, including underwriters, placement agents, financial institutions, issuers of
27 letters of credit, or insurers;

28 [(17)] (18) Subject to Part III of this subtitle, issue bonds;

29 [(18)] (19) Receive and accept from any public or private source
30 contributions, gifts, or grants of money or property;

31 [(19)] (20) Exercise all the corporate powers granted Maryland
32 corporations under the Maryland General Corporation Law; and

33 [(20)] (21) Do all things necessary or convenient to carry out the powers
34 granted by this subtitle.

1 ~~13-1008.1.~~

2 (a) ~~The Authority may adopt and enforce regulations for the parking of motor~~
3 ~~vehicles in and on any facilities or property the Authority owns or controls.~~

4 (b) ~~The regulations shall:~~

5 (1) ~~Be reasonably necessary for the efficient operation of facilities or~~
6 ~~property owned or controlled by the Authority;~~

7 (2) ~~Provide for a uniform system for accessible parking for individuals~~
8 ~~with disabilities, to enhance the safety of individuals with disabilities in conformity~~
9 ~~with the federal Uniform System for Parking for Persons with Disabilities and the~~
10 ~~federal Americans with Disabilities Act accessibility guidelines for buildings and~~
11 ~~facilities; and~~

12 (3) ~~Include procedures for the voluntary payment of fines directly to the~~
13 ~~Authority in uncontested parking cases.~~

14 (c) ~~The Maryland State Police or the Police Department of the [City of~~
15 ~~Cumberland] LOCAL JURISDICTION IN WHICH THE FACILITY OR PROPERTY IS~~
16 ~~LOCATED may issue citations for violations of the regulations adopted under this~~
17 ~~section.~~

18 (d) ~~The issuance of citations under this section shall comply with the~~
19 ~~requirements of Title 26, Subtitle 3 of the Transportation Article.~~

20 (e) (1) ~~A person who violates a parking regulation under this section is~~
21 ~~subject to a fine established by the Authority in accordance with paragraph (2) of this~~
22 ~~subsection.~~

23 (2) ~~The Authority shall adopt regulations to establish fines that are~~
24 ~~equal to the fines that the [City of Cumberland] LOCAL JURISDICTION IN WHICH~~
25 ~~THE FACILITY OR PROPERTY IS LOCATED, by ordinance, may impose for similar~~
26 ~~parking violations.~~

27 (f) ~~All regulations adopted under this section shall be posted conspicuously in~~
28 ~~a public place on facilities or property owned or controlled by the Authority.~~

29 (g) ~~The Executive Director of the Authority may designate employees of the~~
30 ~~Authority or security personnel under contract with the Authority to issue citations,~~
31 ~~to the extent authorized by the Executive Director of the Authority, for violations of~~
32 ~~motor vehicle parking regulations adopted under this section.~~

33 (h) ~~The Executive Director of the Authority, in consultation with the chief~~
34 ~~police officer of the Maryland State Police and the Maryland Police Training~~
35 ~~Commission, shall adopt regulations establishing:~~

1 (1) ~~Qualifications for individuals appointed under subsection (g) of this~~
 2 ~~section, which may include prerequisites of character, training, experience, and~~
 3 ~~education; and~~

4 (2) ~~Standards for the performance of the duties assigned to individuals~~
 5 ~~appointed under subsection (g) of this section.~~

6 13-1009.

7 (a) This section does not affect the right of the Authority to acquire an option
 8 or institute any condemnation proceeding for later acquisition of property once the
 9 approval required by this section occurs.

10 (b) (1) Subject to annual appropriations and this subtitle, the Authority may
 11 acquire in its own name, by gift, purchase, or condemnation, any real or personal
 12 property, or interests in property, necessary or convenient to carry out its
 13 responsibilities under this subtitle.

14 (2) When acquiring in its own name any real or personal property, or
 15 interests in property as specified in paragraph (1) of this subsection, the Authority
 16 shall first attempt to acquire the property through negotiation and purchase.

17 (3) If it is not able to acquire property through negotiation and purchase,
 18 the Authority may exercise the powers of condemnation for private property, as
 19 provided in subsection (c) of this section.

20 (4) If it determines that action under paragraphs (2) and (3) of this
 21 subsection is inappropriate, the Authority may exercise the powers of condemnation
 22 for private property under subsection (d) of this section.]

23 (c) Subject to subsection (b) of this section, prior approval of the Board of
 24 Public Works, and review by the Legislative Policy Committee, the Authority may
 25 exercise the power of ordinary condemnation for any private property for any purpose
 26 of the Authority:

27 (1) In accordance with Title 12 of the Real Property Article; and

28 (2) In the park corridor only.

29 (d) [Subject to subsection (b) of this section, prior approval of the Board of
 30 Public Works, and review by the Legislative Policy Committee, the Authority may
 31 exercise the power conferred by Article III, § 40 of the State Constitution to acquire in
 32 the City of Cumberland for this State by quick take condemnation any private
 33 property for any purpose of the Authority:

34 (1) In accordance with §§ 8-334 through 8-339 of the Transportation
 35 Article and applicable provisions of Title 12 of the Real Property Article; and

36 (2) In the park corridor only.

1 (e)] (1) Subject to the prior approval of the Board of Public Works:

2 (i) The State, its agencies, [Allegany County, and the City of
3 Cumberland] AND ANY LOCAL JURISDICTION WITHIN THE HERITAGE AREA may
4 lease, lend, grant, or otherwise convey to the Authority, at its request, any property or
5 interest therein, including property devoted to public use, that is necessary or
6 convenient for the purposes of this subtitle; or

7 (ii) The State may lease or sublease any property or interest
8 therein from or to the Authority, whether or not any building or structure is
9 constructed or usable thereon.

10 (2) Lease payments appropriated by the State to the Authority shall be
11 transferred to the Fund.

12 [(f)] (E) For any acquisition of real or personal property or interest in
13 property in the City of Cumberland or in Allegany County, other than in the park
14 corridor, the Authority shall comply with any applicable local planning, zoning, and
15 development regulations to the same extent as a private commercial or industrial
16 enterprise.

17 13-1010.

18 The Authority shall:

19 (1) Administer the [Preservation District] HERITAGE AREA in
20 accordance with this subtitle;

21 (2) Subject to § 13-1011 of this subtitle, develop a management plan for
22 the [Preservation District] HERITAGE AREA;

23 (3) Preserve or assist in the preservation of buildings, structures, and
24 settings of historic value in the [Preservation District] HERITAGE AREA;

25 (4) Conduct activities to educate the public about the history and
26 significance of the [Preservation District] HERITAGE AREA;

27 (5) Provide for recreational uses of the [Preservation District]
28 HERITAGE AREA for both active and passive pursuits;

29 (6) Facilitate economic development in the [Preservation District]
30 HERITAGE AREA through public and private investment in adaptive reuse,
31 interpretative attractions, or other activities;

32 (7) To the extent practicable, consult and coordinate its activities with
33 the [State] STATES of West Virginia AND PENNSYLVANIA and appropriate regional
34 entities;

35 (8) Keep records consistent with sound business practices and
36 accounting records consistent with generally accepted accounting principles;

1 (9) Cause an audit by an independent licensed certified public
2 accountant to be made of the accounts and transactions of the Authority at the
3 conclusion of each fiscal year;

4 (10) Be subject to audit and examination at any reasonable time by the
5 Office of Legislative Audits of the Department of Legislative Services concerning the
6 accounts and transactions of the Authority; and

7 (11) For inclusion for informational purposes in the State budget book,
8 submit annually to the Department of Budget and Management a budget reflecting
9 the operating and capital program of the Authority.

10 13-1011.

11 Subject to § 13-1012 of this subtitle, within 18 months after the date on which
12 the Authority conducts its first meeting, the Authority shall develop and submit to the
13 Maryland [Historical Trust] ~~HERITAGE AREAS AUTHORITY~~ a management plan that:

14 (1) Specifies the goals and objectives for the preservation, development,
15 and management of the [Preservation District] HERITAGE AREA;

16 (2) Provides an inventory of the significant resources in the
17 [Preservation District] HERITAGE AREA, including its cultural, historic, and natural
18 resources;

19 (3) Identifies the types of public and private uses to be accommodated in
20 the [Preservation District] HERITAGE AREA;

21 (4) Describes the educational, interpretative, and recreational programs
22 and projects concerning the [Preservation District] HERITAGE AREA;

23 (5) Describes plans for encouraging and accommodating visitation to and
24 economic development of the [Preservation District] HERITAGE AREA;

25 (6) Provides an economic assessment of the long and short term costs
26 and benefits related to the implementation of the management plan, including an
27 identification of expected sources of funding;

28 (7) Describes the specific techniques or means for the long term
29 preservation and protection of the significant resources in the [Preservation District]
30 HERITAGE AREA, including its cultural, historic, and natural resources;

31 (8) Describes the public and private organizational structure to be
32 utilized for planning, development, and management of the [Preservation District]
33 HERITAGE AREA; and

34 (9) Provides a schedule for the planning, development, and management
35 of the [Preservation District] HERITAGE AREA.

1 13-1012.

2 (a) At least 30 days before submitting a management plan to the Maryland
3 ~~Historical Trust] HERITAGE AREAS AUTHORITY~~ under § 13-1011 of this subtitle, the
4 Authority shall:

5 (1) Hold a public hearing in the City of Cumberland for the purpose of
6 soliciting public comment; and

7 (2) Submit the management plan to, and obtain the preliminary
8 approval of, the Mayor and City Council of the City of Cumberland.

9 (b) (1) At least 30 days before the public hearing required by subsection
10 (a)(1) of this section, the Authority shall notify the Mayor and City Council of the City
11 of Cumberland of the hearing and advertise the notice in a newspaper of general
12 circulation in the City of Cumberland.

13 (2) The notice shall include:

14 (i) A description of the management plan for the [Preservation
15 District] HERITAGE AREA; and

16 (ii) The date, time, and location of the public hearing.

17 13-1013.

18 (a) Within 90 days after receipt from the Authority of a management plan, the
19 Maryland Historical Trust shall approve or disapprove the plan.

20 (b) (1) Unless the Maryland Historical Trust determines that a
21 management plan would adequately carry out the purposes of this subtitle, it may not
22 approve the management plan.

23 (2) In considering whether to approve a management plan, the Maryland
24 Historical Trust shall consult with appropriate units of the State government,
25 including the Department of Business and Economic Development, the Department of
26 Natural Resources, and the Department of Planning.

27 (c) If the Maryland Historical Trust disapproves a management plan, the
28 Trust shall advise the Authority of the reason for the disapproval and provide
29 recommendations for a revision of the plan.

30 (d) The Maryland [Historical Trust] HERITAGE AREAS AUTHORITY shall
31 approve or disapprove any revisions to an existing management plan FOR THE
32 HERITAGE AREA in [the same manner as specified in subsections (a) through (c) of
33 this section] ACCORDANCE WITH § 13-1111(M) OF THIS TITLE.

1 13-1014.

2 (a) Except as provided in subsection (b) of this section and notwithstanding
3 any power vested in the Authority by this subtitle, the Authority may not make any
4 expenditure until:

5 (1) The Maryland Historical Trust approves a management plan for the
6 [Preservation District] HERITAGE AREA;

7 (2) The management plan has been adopted by the Authority;

8 (3) The Mayor and City Council of the City of Cumberland:

9 (i) Adopt the management plan through formal amendment of the
10 City's comprehensive plan; and

11 (ii) Enact an ordinance that:

12 1. Consistent with §§ 8.01 through 8.17 of Article 66B of the
13 Code, creates a Historic District Commission for [the Preservation District]
14 PORTIONS OF THE HERITAGE AREA WITHIN THE CITY OF CUMBERLAND;

15 2. Provides for membership on the Historic District
16 Commission in accordance with the minimum professional requirements of the
17 United States Department of the Interior for certifying local governments under 36
18 C.F.R. Part 61;

19 3. To the extent necessary to meet the requirements of items
20 1 and 2 of this subparagraph, provides for the appointment of members of the Historic
21 District Commission who are not residents of the City of Cumberland;

22 4. Requires that within 18 months after the Historic District
23 Commission conducts its first meeting, the Commission shall develop and submit for
24 approval to the Maryland Historical Trust design standards and criteria applicable to
25 all construction, preservation, rehabilitation, and restoration within the
26 [Preservation District] PORTIONS OF THE HERITAGE AREA WITHIN THE CITY OF
27 CUMBERLAND; and

28 5. Provides that the Historic District Commission review and
29 approve the design of all projects that the City of Cumberland conducts, assists,
30 licenses, or permits that affect properties within the [Preservation District]
31 HERITAGE AREA; and

32 (4) The Authority and the Mayor and City Council of the City of
33 Cumberland execute a memorandum of agreement that specifies detailed policies and
34 procedures for mutual notification and review and consultation regarding their
35 respective actions and undertakings in the [Preservation District] HERITAGE AREA.

36 (b) Before the requirements of subsection (a) of this section occur, the
37 Authority may make expenditures only to:

- 1 (1) Support the basic administrative operations of the Authority;
- 2 (2) Develop the management plan for the [Preservation District]
3 HERITAGE AREA and related preliminary plans; and
- 4 (3) Acquire complete or partial interests in, or preserve or assist in the
5 preservation of, properties within the park corridor that:
 - 6 (i) Are listed on or determined to be eligible for listing on the
7 Maryland Register of Historic Properties; and
 - 8 (ii) Would be subject to demolition or major alteration in a manner
9 that is inconsistent with the purposes of this subtitle, unless acquired, preserved, or
10 assisted by the Authority.

11 13-1015.

12 The City of Cumberland shall submit to the Authority for review and approval
13 any plan for any activity the City proposes to conduct, assist, license, or permit that
14 will affect property within the park corridor:

- 15 (1) After the Authority's adoption of a management plan for the
16 [Preservation District] HERITAGE AREA in accordance with this subtitle; and
- 17 (2) Before the City implements its plan for the activity.

18 13-1016.

19 For the purpose of reviewing the development of the management plan for the
20 [Preservation District] HERITAGE AREA, the Authority shall appoint a task force that
21 includes:

- 22 (1) Members of the General Assembly who reside in Allegany County;
- 23 (2) A representative of each of:
 - 24 (i) The Board of County Commissioners of Allegany County;
 - 25 (ii) The Chesapeake and Ohio Canal National Historical Park
26 Commission;
 - 27 (iii) The Department of Natural Resources;
 - 28 (iv) The Maryland Historical Trust;
 - 29 (v) The Mayor of the City of Cumberland;
 - 30 (vi) The United States Department of the Interior, as designated by
31 the Department of the Interior;
 - 32 (vii) The Department of Planning; and

1 (viii) The State Highway Administration of the Department of
2 Transportation;

3 (3) Residents and business representatives from the area within and
4 adjacent to the [Preservation District] HERITAGE AREA; and

5 (4) Other representatives as the Authority deems appropriate.

6 13-1027.

7 The Authority is exempt:

8 (1) From the payment of taxes or assessments of any kind;

9 (2) Except as provided in Title 14, Subtitle 3 of the State Finance and
10 Procurement Article, from the provisions of Division II of the State Finance and
11 Procurement Article; and

12 (3) From the provisions of DIVISION I OF the State Personnel and
13 Pensions Article THAT GOVERN THE STATE PERSONNEL MANAGEMENT SYSTEM.

14 13-1029.

15 (a) Any unit of the State government that conducts or supports activities
16 affecting the [Preservation District] HERITAGE AREA shall:

17 (1) Consult, cooperate, and, to the maximum extent possible, coordinate
18 its activities with the Authority; and

19 (2) Conduct or support the activities of the unit in a manner that:

20 (i) To the maximum extent practicable, is consistent with the
21 management plan established under § 13-1011 of this subtitle; and

22 (ii) As determined under Article 83B, §§ 5-617 and 5-618 of the
23 Code, does not have an adverse effect on the historic resources of the [Preservation
24 District] HERITAGE AREA.

25 (b) A unit of the State government may not issue any license or permit to any
26 person to conduct any activity within the [Preservation District] HERITAGE AREA
27 unless the unit determines that the proposed activity:

28 (1) Will be conducted in a manner that is consistent with the
29 management plan established under § 13-1011 of this subtitle; and

30 (2) As determined under Article 83B, §§ 5-617 and 5-618 of the Code,
31 does not have an adverse effect on the historic resources of the [Preservation
32 District] HERITAGE AREA.

1 13-1030.

2 If the Board of Public Works finds that the Authority or the City of Cumberland
3 has failed to make good faith efforts to implement any responsibility under this Act or
4 a management plan for the [Preservation District] HERITAGE AREA, the Board may
5 refuse to obligate, expend, or approve any financial commitment on behalf of the
6 Authority.

7 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
8 Act or the application thereof to any person or circumstances is held invalid for any
9 reason in a court of competent jurisdiction, the invalidity does not affect other
10 provisions or any other application of this Act which can be given effect without the
11 invalid provision or application, and for this purpose the provisions of this Act are
12 declared severable.

13 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the members of the~~
14 ~~Canal Place Preservation and Development Authority appointed by the Governor~~
15 ~~under this Act shall serve terms staggered such that no more than two appointments~~
16 ~~expire each year.~~

17 ~~SECTION 4. AND BE IT FURTHER ENACTED, That notwithstanding any~~
18 ~~other provision of this Act, the members of the Authority whose terms have not~~
19 ~~expired as of July 1, 2001, shall continue as members of the Authority until their then~~
20 ~~current terms expire.~~

21 SECTION ~~5.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect July 1, 2001.