

HOUSE BILL 1379

Unofficial Copy
M1

2001 Regular Session
(1r2809)

ENROLLED BILL

-- Environmental Matters/Economic and Environmental Affairs and Budget and Taxation --

Introduced by **Delegate Guns**

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 570

1 AN ACT concerning

2 **Department of Natural Resources - Maryland GreenPrint Program**

3 FOR the purpose of establishing a certain Maryland GreenPrint Program in the
4 Department of Natural Resources; specifying a certain purpose for the Program;
5 requiring the Department to identify certain areas in a certain manner, to
6 publish certain information, and to periodically review and update certain
7 information; prohibiting the acquisition of certain property by use of a certain
8 authority; prohibiting the Department from utilizing Program funding for
9 certain acquisitions unless under a certain circumstance; authorizing the
10 Department to use certain funds in a certain manner; requiring the Department
11 to use a certain percentage of certain funds in a certain manner; providing for
12 the duration of a certain easement; authorizing a landowner to engage in certain
13 activities in a certain manner and under certain circumstances; requiring the
14 Department to submit certain plans to certain committees of the General
15 Assembly by a certain time; requiring the Department under certain
16 circumstances to give priority to certain expenditures; authorizing the
17 Department to adopt certain regulations; ~~prohibiting the Program from funding~~

1 ~~certain acquisitions~~; providing for the construction of this Act; providing for the
 2 termination of this Act; defining certain terms; requiring the Department to
 3 provide certain reports and plans by certain dates; and generally relating to the
 4 establishment of the Maryland GreenPrint Program in the Department of
 5 Natural Resources.

6 BY adding to
 7 Article - Natural Resources
 8 Section 5-15A-01 through 5-15A-05 to be under the new subtitle "Subtitle 15A.
 9 Maryland GreenPrint Program"
 10 Annotated Code of Maryland
 11 (2000 Replacement Volume)

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 **SUBTITLE 15A. MARYLAND GREENPRINT PROGRAM.**

16 5-15A-01.

17 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
 18 ~~INDICATED.~~

19 ~~(B) "PRIORITY FUNDING AREA" HAS THE MEANING STATED IN § 5-7B-02 OF~~
 20 ~~THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

21 ~~(C) "PROGRAM" MEANS THE MARYLAND GREENPRINT PROGRAM~~
 22 ~~ESTABLISHED UNDER THIS SUBTITLE.~~

23 5-15A-02.

24 (A) THERE IS A MARYLAND GREENPRINT PROGRAM IN THE DEPARTMENT.

25 (B) THE PURPOSE OF THE PROGRAM IS TO CREATE A STATEWIDE GREEN
 26 INFRASTRUCTURE NETWORK BY THE ACQUISITION OF PROPERTY AND PROPERTY
 27 INTERESTS, INCLUDING EASEMENTS, IN A MANNER THAT COMPLIMENTS ALREADY
 28 EXISTING CONSERVATION PROGRAMS, INCLUDING:

29 (I) PROGRAM OPEN SPACE UNDER SUBTITLE 9 OF THIS TITLE;

30 (II) THE RURAL LEGACY PROGRAM UNDER SUBTITLE 9A OF THIS
 31 TITLE; AND

32 (III) THE MARYLAND AGRICULTURAL LAND PRESERVATION
 33 PROGRAM UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE

1 (C) (1) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE
2 BUDGET.

3 (2) (I) 25 PERCENT OF THE FUNDS PROVIDED UNDER TOTAL FUNDS
4 APPROPRIATED IN THE ANNUAL STATE BUDGET FOR THIS PROGRAM SHALL BE
5 SPENT ON THE ACQUISITION OF EASEMENTS ON AGRICULTURAL LAND WITHIN
6 MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION APPROVED
7 DISTRICTS THAT CONTAIN LAND WITHIN THE GREEN INFRASTRUCTURE NETWORK.

8 (II) FUNDS USED TO PURCHASE AGRICULTURAL LAND IN
9 ACCORDANCE WITH THIS PARAGRAPH SHALL BE ENCUMBERED ANNUALLY IN
10 ACCORDANCE WITH THE MARYLAND AGRICULTURAL LAND PRESERVATION
11 FOUNDATION PROCEDURES IN TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE.

12 (III) AN EASEMENT PURCHASED IN ACCORDANCE WITH THIS
13 PARAGRAPH IS PERPETUAL AND MAY NOT BE EXTINGUISHED OR RELEASED.

14 (D) THE DEPARTMENT MAY USE PROGRAM FUNDS TO:

15 (1) ACQUIRE REAL PROPERTY INTERESTS IN THE ~~GREENPRINT~~ GREEN
16 INFRASTRUCTURE NETWORK IN ACCORDANCE WITH THIS SUBTITLE AND THE
17 ACQUISITION PROCEDURES FOR PROGRAM OPEN SPACE PROJECTS SET FORTH IN
18 TITLE 4, SUBTITLE 4, PART III OF THE STATE FINANCE AND PROCUREMENT ARTICLE
19 AND SECTION 5-904(D) OF THIS ARTICLE; AND

20 (2) PROVIDE GRANTS TO LOCAL GOVERNMENTS AND LAND TRUSTS TO
21 ACQUIRE REAL PROPERTY INTERESTS IN THE GREEN INFRASTRUCTURE NETWORK.

22 (E) THE DEPARTMENT SHALL:

23 (1) IDENTIFY AREAS THAT FORM THE ~~GREENPRINT~~ GREEN
24 INFRASTRUCTURE NETWORK;

25 (2) PUBLISH THE RESULTS OF THE IDENTIFICATION PROCESS; AND

26 (3) PERIODICALLY REVIEW AND UPDATE THE IDENTIFICATION OF THE
27 ~~GREENPRINT~~ GREEN INFRASTRUCTURE NETWORK.

28 (F) A PROPERTY OR PROPERTY INTEREST MAY NOT BE ACQUIRED FOR THE
29 PURPOSES OF THE PROGRAM BY USE OF STATE OR LOCAL CONDEMNATION
30 AUTHORITY.

31 (G) A LAND OWNER WHO PARTICIPATES IN THIS PROGRAM MAY RESERVE THE
32 ABILITY TO ENGAGE IN SILVICULTURAL PRACTICES IN ACCORDANCE WITH A FOREST
33 MANAGEMENT PLAN APPROVED BY THE SECRETARY AND THE TERMS OF THE
34 EASEMENT, PROVIDED THAT THESE PRACTICES DO NOT CONFLICT WITH THE GOALS
35 OF THE PROGRAM.

36 (H) THE DEPARTMENT SHALL SUBMIT PLANS FOR ANY PURCHASES OF A REAL
37 PROPERTY INTEREST THAT INVOLVE AMOUNTS OVER \$2 MILLION TO THE HOUSE OF

1 DELEGATES APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND
 2 TAXATION COMMITTEE FOR REVIEW AND COMMENT AT LEAST 45 DAYS BEFORE THE
 3 TRANSACTION IS SUBMITTED TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

4 5-15A-03.

5 UNLESS EACH AFFECTED LOCAL GOVERNMENT APPROVES ~~BY RESOLUTION~~ AN
 6 ACQUISITION OF PROPERTY OR A PROPERTY INTEREST LOCATED WITHIN ITS
 7 JURISDICTION, THE DEPARTMENT MAY NOT UTILIZE PROGRAM FUNDING RELATED
 8 TO AN ACQUISITION:

9 (A) ~~WITHIN A PRIORITY FUNDING AREA; OR~~

10 (B) ~~LESS THAN 1 MILE FROM THE BOUNDARY OF A PRIORITY FUNDING AREA.~~
 11 5-15A-04.

12 ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT
 13 ON EXPENDITURES MADE THROUGH THE GREENPRINT PROGRAM TO THE GOVERNOR
 14 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
 15 GENERAL ASSEMBLY.

16 5-15A-05.

17 THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE
 18 PROVISIONS OF THIS SUBTITLE.

19 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the GreenPrint Program~~
 20 ~~may not fund the acquisition of property or property interests in a manner that is~~
 21 ~~inconsistent with county comprehensive plans or in a manner intending to, or~~
 22 ~~resulting in, substantial restriction of the future expansion of a priority funding area.~~

23 ~~SECTION 3. 2.~~ AND BE IT FURTHER ENACTED, That nothing in this Act may
 24 be construed to limit, expand, or otherwise alter the authority of local governments,
 25 the Maryland-National Capital Park and Planning Commission, or the Washington
 26 Suburban Sanitary Commission to regulate planning, zoning, and subdivision, as
 27 provided under Articles 23A, 25, 25A, 28, and 66B of the Code.

28 SECTION 3. AND BE IT FURTHER ENACTED, That, for purposes other than
 29 purchasing agricultural land under this Act, the Department of Natural Resources
 30 shall, to the extent possible, give priority in expending funds for the Maryland
 31 GreenPrint Program in counties where the Department holds a real property interest
 32 on less than 9 percent of land in a county.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
 34 July 1, 2001. It shall remain effective for a period of 5 years and, at the end of June
 35 30, 2006, with no further action required by the General Assembly, this Act shall be
 36 abrogated and of no further force and effect.

