
By: **Delegate Glassman**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Certified Heritage Areas - Notice and Approval of Permits, Licenses, or**
3 **Financial Assistance Affecting Property in Certified Heritage Areas**

4 FOR the purpose of requiring the Maryland Heritage Area Authority to coordinate
5 with State units, persons managing certified heritage areas, and applicants
6 regarding applications to the State units for permits, licenses, or financial
7 assistance affecting property located in certified heritage areas under certain
8 circumstances; requiring a State unit to cooperate with the Authority, with
9 reference to a permit, license, or financial assistance affecting property located
10 in a certified heritage area, by providing notice of the application when
11 requested by the Authority or a certain person; requiring the applicant, when
12 appropriate, to consult with the Authority or a certain person before taking final
13 action on the application, and imposing reasonable conditions or withholding
14 temporarily final action on the application under certain circumstances; and
15 generally relating to notice and approval of permits, licenses, or financial
16 assistance affecting property located in certified heritage areas.

17 BY repealing and reenacting, with amendments,
18 Article - Financial Institutions
19 Section 13-1108 and 13-1112
20 Annotated Code of Maryland
21 (2003 Replacement Volume and 2004 Supplement)

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

24 **Article - Financial Institutions**

25 13-1108.

26 The Authority shall:

27 (1) Meet at least twice each year;

1 (2) Develop and adopt standards, criteria, and guidance for its review
2 and approval of recognized and certified heritage area designations, management
3 plans, grants and loans, or other approvals required under this subtitle;

4 (3) Assist in coordinating State actions with the objectives of the system
5 of heritage areas and assist and make recommendations necessary to carry out the
6 purposes of this subtitle;

7 (4) (i) Review complaints made by local governments or other entities
8 established to administer heritage areas that relate to activities undertaken by State
9 agencies which may adversely affect heritage area resources; and

10 (ii) Resolve any disputes that may arise in connection with the
11 exercise of its authority under this subtitle; [and]

12 (5) COORDINATE WITH STATE UNITS, PERSONS MANAGING CERTIFIED
13 HERITAGE AREAS, AND APPLICANTS REGARDING APPLICATIONS TO THE STATE
14 UNITS FOR PERMITS, LICENSES, OR FINANCIAL ASSISTANCE AFFECTING
15 PROPERTIES LOCATED IN CERTIFIED HERITAGE AREAS AS PROVIDED UNDER §
16 13-1112(C) OF THIS SUBTITLE; AND

17 [(5)] (6) Not less than once a year, submit reports to the Governor and
18 the General Assembly concerning progress toward implementing the heritage areas
19 system, including recommendations for the future.

20 13-1112.

21 (a) (1) The State officials under items (i) through (vi) of this subsection who
22 have program responsibilities that affect aspects of the interpretation, preservation,
23 development, and use of heritage area resources shall prepare a program statement
24 detailing actions in the areas of planning, development, use, assistance, and
25 regulation that support and assist the establishment and management of certified
26 heritage areas, as follows:

27 (i) Secretary of Housing and Community Development regarding
28 housing, neighborhood revitalization, historic preservation, and museum programs;

29 (ii) Secretary of Business and Economic Development regarding the
30 State tourism program and economic development and job creation activities;

31 (iii) Secretary of Natural Resources regarding outdoor recreation
32 and the management of natural resources, including State greenways;

33 (iv) Secretary of Higher Education regarding educational resources
34 and their interpretation;

35 (v) Secretary of Transportation regarding access to and
36 transportation within certified heritage areas, including the Scenic Byways Program
37 and programs for special signage; and

1 (vi) Secretary of General Services regarding the management and
2 disposition of State property.

3 (2) The State officials shall submit the program statements required
4 under paragraph (1) of this subsection, and any revisions of the statements, to the
5 Authority.

6 (b) Units of State government that conduct or support activities affecting a
7 certified heritage area shall:

8 (1) Consult, cooperate, and to the maximum extent feasible, coordinate
9 their activities with the unit or entity responsible for the management of each
10 certified heritage area;

11 (2) To the maximum extent practicable, carry out the activities of the
12 unit in a manner that is consistent with the approved management plan for the
13 certified heritage area; and

14 (3) When conducting a review of activities under Article 83B, §§ 5-617
15 and 5-618 of the Code, assure that the activities will not have an adverse effect on the
16 historic and cultural resources of the certified heritage area, unless there is no
17 prudent and feasible alternative.

18 (C) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (B) OF THIS
19 SECTION, WITH REFERENCE TO AN APPLICATION FOR A PERMIT, LICENSE, OR
20 FINANCIAL ASSISTANCE AFFECTING PROPERTY LOCATED IN A CERTIFIED HERITAGE
21 AREA, A STATE UNIT SHALL COOPERATE WITH THE AUTHORITY BY:

22 (1) PROVIDING NOTICE OF THE APPLICATION WHEN REQUESTED BY
23 THE AUTHORITY OR THE PERSON MANAGING THE CERTIFIED HERITAGE AREA;

24 (2) REQUIRING THE APPLICANT, WHEN APPROPRIATE, TO CONSULT
25 WITH THE AUTHORITY OR THE PERSON MANAGING THE CERTIFIED HERITAGE AREA
26 BEFORE TAKING FINAL ACTION ON THE APPLICATION; AND

27 (3) IF THE AUTHORITY DETERMINES THAT THE ACTIVITY PROPOSED IN
28 THE APPLICATION WILL HAVE A SIGNIFICANT ADVERSE EFFECT ON THE CERTIFIED
29 HERITAGE AREA:

30 (I) IMPOSING REASONABLE CONDITIONS ON THE APPLICATION SO
31 AS TO AVOID, MITIGATE, OR SATISFACTORILY REDUCE ANY SIGNIFICANT ADVERSE
32 EFFECT ON THE CERTIFIED HERITAGE AREA; OR

33 (II) WITHHOLDING TEMPORARILY FINAL ACTION ON THE
34 APPLICATION UNTIL:

35 1. THE APPLICATION IS MODIFIED SO AS TO AVOID,
36 MITIGATE, OR SATISFACTORILY REDUCE ANY SIGNIFICANT ADVERSE EFFECT ON
37 THE CERTIFIED HERITAGE AREA; OR

1
2 AREA IS REVISED.

2. THE MANAGEMENT PLAN FOR THE CERTIFIED HERITAGE

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2005.