

**By: Delegates Taylor, Busch, Cummings, Hurson, Guns, Hixson, Rawlings, and Vallario
Vallario, Donoghue, Harrison, Kirk, Krysiak, and Love**

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 1996

CHAPTER ____

1 AN ACT concerning

2 **Heritage Preservation and Tourism Areas**

3 FOR the purpose of establishing a Maryland Heritage Areas Authority as an independent
4 unit of the Executive Branch that functions in the Department of Housing and
5 Community Development; specifying the composition of the Authority and the
6 terms of the Authority members; specifying the powers and duties of the Authority;
7 requiring the Department to dedicate certain staff to the Authority in accordance
8 with the State budget; allowing certain units of government to detail staff to
9 recognized or certified heritage areas under certain circumstances; providing that
10 employees of units of State government that are dedicated to the Authority or
11 detailed to recognized or certified heritage areas retain a certain status under
12 certain circumstances; establishing a Maryland System of Heritage Areas; providing
13 for the designation of recognized heritage areas and certified heritage areas;
14 providing that a certain area is the initial certified heritage area; requiring certain
15 heads of units of State government and certain units of State government to take
16 certain actions concerning recognized heritage areas and certified heritage areas;
17 requiring the preparation of certain management plans; authorizing the award of
18 certain grants and loans; establishing a Maryland Heritage Areas Authority
19 Financing Fund; providing for the sources and uses of the Fund; authorizing the
20 Authority to issue certain bonds under certain circumstances; providing for the
21 issuance, sale, and repayment of the bonds; ~~authorizing certain tax credits against~~
22 ~~the State income tax~~; allowing certain credits against certain Statetaxes for certain
23 amounts expended in the rehabilitation of certain structures; repealing a
24 subtraction modification under the income tax for certain expenses for the
25 rehabilitation of certain structures; allowing certain credits against the State income
26 tax for certain wages paid by certain business entities to certain employees;

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2

1 providing for the allocation of certain funds from the State's share of Program Open
2 Space funds to the Maryland Heritage Areas Financing Fund; providing for certain
3 property tax credits; providing a certain administrative appeal from certain actions
4 of the Authority; providing that certain provisions of law governing the Maryland
5 Heritage Areas Authority, and the Maryland Heritage Areas Financing Authority
6 shall be construed in a certain manner; defining certain terms; providing for the
7 application of certain provisions of this Act; and generally relating to the
8 preservation of heritage areas in the State, the Maryland Heritage Areas Authority,
9 the Maryland Heritage Areas Authority Financing Fund, and the designation of,
10 management of, and benefits to persons in recognized heritage areas and certified
11 heritage areas.

12 BY adding to

13 Article - Financial Institutions
14 Section 13-1101 through ~~13-1125~~ 13-1124, inclusive, to be under the new subtitle
15 "Subtitle 11. Heritage Areas"
16 Annotated Code of Maryland
17 (1992 Replacement Volume and 1995 Supplement)

18 BY adding to

19 Article 48A - Insurance Code
20 Section 634A
21 Annotated Code of Maryland
22 (1994 Replacement Volume and 1995 Supplement)

23 BY adding to

24 Article - Insurance
25 Section 6-105.1
26 Annotated Code of Maryland
27 (1995 Volume)
28 (As enacted by Chapter 36 of the Acts of the General Assembly of 1995)

29 BY adding to

30 Article - Tax - General
31 Section 8-208.1, 8-406.1, 10-702.1, and 10-704.4
32 Annotated Code of Maryland
33 (1988 Volume and 1995 Supplement)

34 BY repealing

35 Article - Tax - General
36 Section 10-208(h)
37 Annotated Code of Maryland
38 (1988 Volume and 1995 Supplement)

39 ~~BY repealing and reenacting, with amendments,~~

40 ~~Article - Tax - General~~

3

1 ~~Section 10-208(i), (i-1), (i-2), (j), and (k)~~
2 ~~Annotated Code of Maryland~~
3 ~~(1988 Volume and 1995 Supplement)~~

4 BY repealing and reenacting, with amendments,
5 Article - Tax - Property
6 Section 9-204.1 and 13-209(d)
7 Annotated Code of Maryland
8 (1994 Replacement Volume and 1995 Supplement)

9 BY adding to
10 Article 83B - Department of Housing and Community Development
11 Section 5-801 to be under the new subtitle "Subtitle 8. Rehabilitation Tax Credits"
12 Annotated Code of Maryland
13 (1995 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article - Natural Resources
16 Section 5-903(a)
17 Annotated Code of Maryland
18 (1989 Replacement Volume and 1995 Supplement)

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

21 **Article - Financial Institutions**

22 SUBTITLE 11. HERITAGE AREAS.

23 PART I. DEFINITIONS; GENERAL PROVISIONS.

24 13-1101.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
26 INDICATED.

27 (B) "AUTHORITY" MEANS THE MARYLAND HERITAGE AREAS AUTHORITY
28 ESTABLISHED UNDER ~~§ 13-1105~~ 13-1103 OF THIS SUBTITLE.

29 (C) "BONDS" MEANS TAXABLE OR TAX-EXEMPT BONDS, INCLUDING
30 REFUNDING BONDS, BOND ANTICIPATION NOTES, REVENUE ANTICIPATION NOTES,
31 GRANT ANTICIPATION NOTES, NOTES IN THE NATURE OF COMMERCIAL PAPER,
32 CERTIFICATES, OR ANY OTHER EVIDENCE OF OBLIGATION ISSUED BY THE
33 AUTHORITY.

34 (D) "CERTIFIED HERITAGE AREA" MEANS A HERITAGE AREA DESIGNATED IN
35 ACCORDANCE WITH § 13-1111 OF THIS SUBTITLE.

4

1 ~~(D)~~ (E) "FUND" MEANS THE MARYLAND HERITAGE AREAS AUTHORITY
2 FINANCING FUND ESTABLISHED UNDER § ~~43-1116~~ 13-1114 OF THIS SUBTITLE.

3 ~~(E)~~ (F) (1) "HERITAGE AREA" MEANS A ~~DEFINABLE SETTLED~~ DEVELOPED
4 AREA OF PUBLIC AND PRIVATE USES THAT:

5 (I) RANGES IN SIZE FROM A PORTION OF A ~~MUNICIPALITY~~
6 COUNTY OR MUNICIPAL CORPORATION TO A REGIONAL AREA WITH A SPECIAL
7 COHERENCE; ~~AND~~

8 (II) IS DISTINGUISHED BY PHYSICAL AND CULTURAL RESOURCES
9 WHICH ~~PLAY HAVE PLAYED~~ A VITAL ROLE IN THE ~~LIFE~~ HISTORIC LIFE AND
10 DEVELOPMENT OF THE COMMUNITY AND CONTRIBUTE TO THE PUBLIC THROUGH
11 INTERPRETIVE, EDUCATIONAL, AND RECREATIONAL USE ~~TO THE PUBLIC.~~ ;

12 ~~(2) "HERITAGE AREA" INCLUDES TRADITIONAL PARKS AND HISTORIC~~
13 ~~PLACES OR PROPERTY ON THE NATIONAL OR STATE REGISTER OF HISTORIC~~
14 ~~PROPERTIES.~~

15 ~~(3) "HERITAGE AREA" DOES NOT INCLUDE A PARK OR HISTORIC PLACE~~
16 ~~AS THOSE TERMS ARE USED IN OTHER LAWS, INCLUDING LAWS RELATING TO~~
17 ~~ALIENATION OF PARKLAND AND REGULATION OF PUBLIC OR PRIVATE ACTIVITIES.~~

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

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

22 (G) (1) "LOCAL PLAN" MEANS THE POLICIES, STATEMENTS, GOALS, AND
23 INTERRELATED PLANS FOR PRIVATE AND PUBLIC LAND USE, TRANSPORTATION,
24 AND COMMUNITY FACILITIES DOCUMENTED IN TEXTS AND MAPS WHICH
25 CONSTITUTE THE GUIDE FOR THE AREA'S FUTURE DEVELOPMENT.

26 (2) "LOCAL PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN,
27 COMPREHENSIVE PLAN, COMMUNITY PLAN, AND THE LIKE AS ADOPTED IN
28 ACCORDANCE WITH ARTICLE 66B, §§ 3.01 THROUGH 3.09.

29 ~~(F)~~ (H) "MANAGEMENT PLAN" MEANS A DOCUMENT PREPARED IN
30 ACCORDANCE WITH § ~~43-1113~~ 13-1111 OF THIS SUBTITLE THAT INCLUDES A
31 COMPREHENSIVE STATEMENT IN WORDS, MAPS, ILLUSTRATIONS, OR OTHER MEDIA
32 OF COMMUNICATION OF THE OBJECTIVES, POLICIES, AND STANDARDS TO GUIDE
33 PUBLIC AND PRIVATE ACTION FOR THE PRESERVATION, INTERPRETATION,
34 DEVELOPMENT, AND USE OF THE CULTURAL, HISTORIC, NATURAL, AND
35 ARCHITECTURAL RESOURCES OF A ~~STATE DESIGNATED~~ CERTIFIED HERITAGE
36 AREA.

37 ~~(G)~~ "STATE DESIGNATED HERITAGE AREA" MEANS A HERITAGE AREA
38 DESIGNATED IN ACCORDANCE WITH PART II OF THIS SUBTITLE.

39 (I) "RECOGNIZED HERITAGE AREA" MEANS A HERITAGE AREA THAT:

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1 (1) THE LOCAL JURISDICTIONS WITHIN THE HERITAGE AREA HAVE
2 NOMINATED FOR DESIGNATION AS A RECOGNIZED HERITAGE AREA UNDER §
3 13-1110 OF THIS SUBTITLE; AND

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

7 ~~13-1102.~~

8 ~~THE GENERAL ASSEMBLY MAKES THE FOLLOWING FINDINGS:~~

9 ~~(1) THE URBAN AND RURAL AREAS OF THE STATE ARE RICH IN~~
10 ~~CULTURAL AND NATURAL RESOURCES OF STATEWIDE SIGNIFICANCE ASSOCIATED~~
11 ~~WITH STATE GROWTH AND ATTAINMENTS OVER TIME;~~

12 ~~(2) THESE RESOURCES OFFER EDUCATIONAL, INSPIRATIONAL,~~
13 ~~RECREATIONAL, AND ECONOMIC BENEFITS FOR PRESENT AND FUTURE~~
14 ~~GENERATIONS;~~

15 ~~(3) IT IS IN THE INTEREST OF THE STATE TO PRESERVE THESE~~
16 ~~RESOURCES THROUGH THEIR IDENTIFICATION, INTERPRETATION, DEVELOPMENT,~~
17 ~~AND USE IN A SYSTEM MADE UP OF STATE DESIGNATED HERITAGE AREAS; AND~~

18 ~~(4) IN COOPERATION WITH THE FEDERAL GOVERNMENT, REGIONS,~~
19 ~~LOCAL JURISDICTIONS, AND OTHER PUBLIC AND PRIVATE ORGANIZATIONS AND~~
20 ~~CONCERNED INDIVIDUALS, THE STATE SHOULD IMPROVE AND COORDINATE THE~~
21 ~~PLANS, FUNCTIONS, POWERS, AND PROGRAMS OF THE STATE AS THEY AFFECT THE~~
22 ~~STATE'S URBAN AND RURAL CULTURAL AND NATURAL RESOURCES.~~

23 ~~13-1103.~~

24 ~~OTHER LAWS OF THE STATE THAT APPLY TO SPECIFIC PARKS OR HISTORIC~~
25 ~~PLACES, INCLUDING LAWS RELATING TO THE ALIENATION OF PARKLAND AND THE~~
26 ~~REGULATION OF PUBLIC OR PRIVATE ACTIVITIES, APPLY WITHIN A STATE~~
27 ~~DESIGNATED HERITAGE AREA.~~

28 ~~13-1104. 13-1102.~~

29 THIS SUBTITLE:

30 (1) SHALL BE LIBERALLY CONSTRUED TO EFFECT ITS PURPOSES; ~~BUT~~
31 AND

32 (2) ~~MAY NOT~~ SHALL BE CONSTRUED ~~TO BE INCONSISTENT~~
33 CONSISTENTLY WITH ANY APPLICABLE FEDERAL LAW OR WITH THE AUTHORITY OF
34 ANY FEDERAL AGENCY UNDER THAT LAW.

35 PART II. MARYLAND STATE HERITAGE AREAS AUTHORITY.

36 ~~13-1105. 13-1103.~~

37 ~~(A) THERE IS A BODY CORPORATE AND POLITIC KNOWN AS THE MARYLAND~~
38 ~~HERITAGE AREAS AUTHORITY.~~

1 ~~(B) THE AUTHORITY IS AN INSTRUMENTALITY OF THE STATE AND A PUBLIC~~
2 ~~CORPORATION BY THAT NAME, STYLE, AND TITLE.~~

3 ~~(C) THE AUTHORITY IS AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH~~
4 ~~OF THE STATE GOVERNMENT THAT FUNCTIONS IN THE DEPARTMENT OF HOUSING~~
5 ~~AND COMMUNITY DEVELOPMENT.~~

6 ~~(D) THE EXERCISE BY THE AUTHORITY OF THE POWERS CONFERRED BY THIS~~
7 ~~SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.~~

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

9 (1) A BODY CORPORATE AND POLITIC; AND

10 (2) AN INSTRUMENTALITY OF THE STATE.

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

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

16 ~~43-1106. 13-1104.~~

17 (A) THE AUTHORITY CONSISTS OF:

18 (1) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT,
19 WHO SHALL SERVE AS CHAIRMAN OF THE AUTHORITY;

20 (2) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT;

21 (3) THE SECRETARY OF HIGHER EDUCATION;

22 (4) THE SECRETARY OF TRANSPORTATION;

23 (5) THE SECRETARY OF NATURAL RESOURCES;

24 (6) THE DIRECTOR OF THE OFFICE OF PLANNING;

25 (7) THE STATE HISTORIC PRESERVATION OFFICER; ~~AND~~

26 (8) THE DIRECTOR OF THE FORVM FOR RURAL MARYLAND; AND

27 ~~(8)~~ (9) EIGHT NINE MEMBERS APPOINTED BY THE GOVERNOR WITH
28 THE ADVICE AND CONSENT OF THE SENATE:

29 (I) TWO OF WHOM SHALL BE ELECTED OFFICIALS OR
30 REPRESENTATIVES OF LOCAL JURISDICTIONS;

31 (II) TWO OF WHOM SHALL BE APPOINTED FROM NAMES
32 RECOMMENDED BY THE PRESIDENT OF THE MARYLAND SENATE; ~~AND~~

33 (III) TWO OF WHOM SHALL BE APPOINTED FROM NAMES
34 RECOMMENDED BY THE SPEAKER OF THE HOUSE OF DELEGATES;

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

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

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

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

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

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

14 (C) THE MEMBERS APPOINTED TO THE AUTHORITY SHALL REPRESENT THE
15 GENDER, RACIAL, AND GEOGRAPHIC MAKEUP OF THE STATE.

16 ~~(B)~~ (D) A CABINET MEMBER OF THE AUTHORITY MAY DESIGNATE A
17 REPRESENTATIVE TO ACT IN THE ABSENCE OF THE CABINET MEMBER, ~~IF THE~~
18 ~~REPRESENTATIVE IS NOT BELOW THE LEVEL OF ASSISTANT SECRETARY OR~~
19 ~~EQUIVALENT RANK.~~

20 ~~(E)~~ (E) (1) EXCEPT FOR STATE OFFICIALS, THE TERM OF A MEMBER OF
21 THE AUTHORITY IS 4 YEARS.

22 (2) THE TERMS OF MEMBERS APPOINTED BY THE GOVERNOR ARE
23 STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON OCTOBER
24 1, 1996.

25 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
26 SUCCESSOR IS APPOINTED AND QUALIFIES.

27 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
28 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
29 QUALIFIES.

30 (5) AT THE END OF THE TERM OF A MEMBER OR ON THE RESIGNATION
31 OR REMOVAL OF A MEMBER, THE GOVERNOR SHALL APPOINT A MEMBER TO THE
32 AUTHORITY WITH THE ADVICE AND CONSENT OF THE SENATE.

33 ~~(F)~~ (F) THE GOVERNOR MAY REMOVE A MEMBER THAT A GOVERNOR
34 APPOINTED FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE
35 DUTIES OF THE POSITION.

36 ~~43-1107-13-1105.~~

37 (A) ~~EIGHT~~ NINE VOTING MEMBERS OF THE AUTHORITY ARE A QUORUM.

8

1 (B) AN ACTION OF THE AUTHORITY MUST RECEIVE THE AFFIRMATIVE VOTE
2 OF AT LEAST ~~SIX MEMBERS~~ A MAJORITY OF THE VOTING MEMBERS OF THE
3 AUTHORITY.

4 (C) THE AUTHORITY SHALL DETERMINE THE TIMES AND PLACES OF ITS
5 MEETINGS.

6 (D) A MEMBER OF THE AUTHORITY:

7 (1) MAY NOT RECEIVE COMPENSATION; BUT

8 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
9 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

10 ~~43-1108.~~ 13-1106.

11 (A) IN ACCORDANCE WITH THE STATE BUDGET, THE DIVISION OF
12 HISTORICAL AND CULTURAL PROGRAMS WITHIN THE DEPARTMENT OF HOUSING
13 AND COMMUNITY DEVELOPMENT SHALL ~~PROVIDE~~ DEDICATE ADMINISTRATIVE
14 STAFF FOR THE AUTHORITY.

15 ~~(B) THE STAFF PROVIDED BY THE DIVISION OF HISTORICAL AND CULTURAL~~
16 ~~PROGRAMS UNDER SUBSECTION (A) OF THIS SECTION SHALL CONSIST OF THREE~~
17 ~~PROFESSIONAL AND ONE SUPPORT STAFF.~~

18 ~~(C) ON THE REQUEST OF THE AUTHORITY, OTHER UNITS OF STATE~~
19 ~~GOVERNMENT SHALL DETAIL STAFF TO THE AUTHORITY.~~

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

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

27 ~~43-1109.~~ 13-1107.

28 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE
29 AUTHORITY MAY:

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

33 (2) APPROVE OR REJECT MANAGEMENT PLANS FOR CERTIFIED
34 HERITAGE AREAS IN ACCORDANCE WITH § 13-1111 OF THIS SUBTITLE;

35 ~~(3)~~ (3) ADOPT AND ALTER AN OFFICIAL SEAL;

36 ~~(4)~~ (4) SUE AND BE SUED, PLEAD, AND BE IMPEADED;

37 ~~(5)~~ (5) ADOPT BYLAWS TO REGULATE ITS AFFAIRS AND THE
38 CONDUCT OF ITS BUSINESS;

1 ~~(4)~~ (6) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE
2 GOVERNMENT ARTICLE, ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF
3 THIS SUBTITLE;

4 ~~(5)~~ (7) EMPLOY, EITHER AS REGULAR EMPLOYEES OR AS
5 INDEPENDENT CONTRACTORS, AND FIX THE COMPENSATION OF, ACCOUNTANTS,
6 ARCHITECTS, ATTORNEYS, CONSTRUCTION EXPERTS, PERSONNEL CONSULTANTS,
7 ENGINEERS, FINANCIAL EXPERTS, MANAGERS, SUPERINTENDENTS, AND OTHER
8 PROFESSIONAL PERSONNEL AND AGENTS;

9 ~~(6)~~ (8) APPOINT ADVISORY COMMITTEES COMPOSED OF LOCAL
10 OFFICIALS, REPRESENTATIVES OF THE BUSINESS ~~COMMUNITY~~ AND PRESERVATION
11 COMMUNITIES, AND REPRESENTATIVES OF OTHER INTERESTS AS THE AUTHORITY
12 DEEMS APPROPRIATE;

13 ~~(7)~~ ~~DESIGNATE HERITAGE AREAS IN ACCORDANCE WITH § 13-1112 OF~~
14 ~~THIS SUBTITLE;~~

15 ~~(8)~~ ~~APPROVE OR REJECT MANAGEMENT PLANS FOR HERITAGE AREAS~~
16 ~~IN ACCORDANCE WITH § 13-1113 OF THIS SUBTITLE;~~

17 (9) SUBJECT TO ANNUAL APPROPRIATIONS ~~AND THE PRIOR APPROVAL~~
18 ~~OF THE BOARD OF PUBLIC WORKS~~, ACQUIRE IN ITS OWN NAME, BY GIFT OR
19 PURCHASE, ANY ~~REAL OR~~ PERSONAL PROPERTY; OR INTERESTS IN PERSONAL
20 PROPERTY; NECESSARY OR CONVENIENT TO SUPPORT A CERTIFIED HERITAGE
21 AREA AND CARRY OUT THE RESPONSIBILITIES OF THE AUTHORITY UNDER THIS
22 SUBTITLE;

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

28 ~~(10)~~ (11) ENTER INTO CONTRACTS OF ANY KIND AND EXECUTE ALL
29 INSTRUMENTS NECESSARY OR CONVENIENT TO CARRY OUT ITS POWERS UNDER
30 THIS SUBTITLE;

31 ~~(11)~~ (12) MAKE AND PARTICIPATE IN MAKING LOANS OR GRANTS, OR
32 OTHERWISE PROVIDE FINANCIAL ASSISTANCE FOR ANY PROJECT THAT SERVES TO
33 PRESERVE, DEVELOP, MAINTAIN, OR PROTECT A STATE DESIGNATED HERITAGE
34 AREA;

35 ~~(12)~~ (13) (I) BORROW MONEY FROM ANY SOURCE FOR ANY ~~CORPORATE~~
36 ~~PURPOSE~~ PURPOSE OF THIS SUBTITLE, INCLUDING CAPITAL FOR ITS OPERATIONS,
37 RESERVE FUNDS, OR INTEREST;

38 (II) MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE
39 PROPERTY AND FUNDS OF THE AUTHORITY; AND

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1 (III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY PERSON
2 FOR ANY FINANCING, INCLUDING UNDERWRITERS, PLACEMENT AGENTS,
3 FINANCIAL INSTITUTIONS, ISSUERS OF LETTERS OF CREDIT, OR INSURERS;

4 ~~(13)~~ (14) SUBJECT TO PART IV OF THIS SUBTITLE, ISSUE BONDS;

5 ~~(14)~~ (15) RECEIVE AND ACCEPT FROM ANY PUBLIC OR PRIVATE
6 SOURCE CONTRIBUTIONS, GIFTS, OR GRANTS OF MONEY OR PROPERTY;

7 ~~(15)~~ (16) EXERCISE ALL THE CORPORATE POWERS GRANTED
8 MARYLAND CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION
9 LAW; AND

10 ~~(16)~~ (17) SUBJECT TO THE LIMITATIONS UNDER THIS SUBTITLE, DO ALL
11 THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS GRANTED BY
12 THIS SUBTITLE.

13 ~~43-1110.~~ 13-1108.

14 THE AUTHORITY SHALL:

15 (1) MEET AT LEAST TWICE EACH YEAR;

16 (2) DEVELOP AND ~~PROMULGATE~~ ADOPT STANDARDS, CRITERIA, AND
17 GUIDANCE FOR ITS REVIEW AND APPROVAL OF RECOGNIZED AND CERTIFIED
18 HERITAGE AREA DESIGNATIONS, MANAGEMENT PLANS, GRANTS AND LOANS, OR
19 OTHER APPROVALS ~~AS PROVIDED IN~~ REQUIRED UNDER THIS SUBTITLE;

20 (3) ASSIST IN COORDINATING STATE ACTIONS WITH THE OBJECTIVES
21 OF THE SYSTEM OF HERITAGE AREAS AND ASSIST AND MAKE RECOMMENDATIONS
22 NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBTITLE;

23 (4) (I) REVIEW COMPLAINTS MADE BY LOCAL GOVERNMENTS OR
24 OTHER ENTITIES ESTABLISHED TO ADMINISTER HERITAGE AREAS THAT RELATE TO
25 ACTIVITIES UNDERTAKEN BY STATE AGENCIES WHICH MAY ADVERSELY AFFECT
26 HERITAGE AREA RESOURCES; AND

27 (II) RESOLVE ANY DISPUTES THAT MAY ARISE IN CONNECTION
28 WITH THE EXERCISE OF ITS AUTHORITY UNDER THIS SUBTITLE; AND

29 (5) NOT LESS THAN ONCE A YEAR, SUBMIT REPORTS TO THE
30 GOVERNOR AND THE GENERAL ASSEMBLY CONCERNING PROGRESS TOWARD
31 IMPLEMENTING THE HERITAGE AREAS SYSTEM, INCLUDING RECOMMENDATIONS
32 FOR THE FUTURE.

33 PART III. MARYLAND SYSTEM OF HERITAGE AREAS.

34 ~~43-1111.~~ 13-1109.

35 THERE IS A MARYLAND SYSTEM OF ~~HERITAGE AREAS THAT CONSISTS OF~~
36 ~~STATE DESIGNATED HERITAGE AREAS,~~ RECOGNIZED HERITAGE AREAS AND
37 CERTIFIED HERITAGE AREAS THAT:

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1 (1) REFLECTS THE CULTURAL THEMES OF THE STATE'S
2 DEVELOPMENT; AND

3 (2) PROVIDES EDUCATIONAL, INSPIRATIONAL, ECONOMIC, AND
4 RECREATIONAL BENEFITS FOR PRESENT AND FUTURE GENERATIONS.

5 ~~13-1112. 13-1110.~~

6 ~~(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE AUTHORITY
7 MAY CONSIDER PROPOSALS FOR STATE DESIGNATED HERITAGE AREAS SUBMITTED
8 BY LOCAL JURISDICTIONS AND DESIGNATE UP TO ONE HERITAGE AREA AS A STATE
9 DESIGNATED HERITAGE AREA IN EACH OF THE FOLLOWING REGIONS:~~

10 ~~(I) WESTERN MARYLAND INCLUDING ALLEGANY, GARRETT, AND
11 WASHINGTON COUNTIES;~~

12 ~~(II) CAPITAL CORRIDOR INCLUDING FREDERICK, MONTGOMERY,
13 AND PRINCE GEORGE'S COUNTIES;~~

14 ~~(III) CENTRAL MARYLAND INCLUDING ANNE ARUNDEL,
15 BALTIMORE, CARROLL, HARFORD, AND HOWARD COUNTIES;~~

16 ~~(IV) BALTIMORE CITY;~~

17 ~~(V) SOUTHERN MARYLAND INCLUDING CALVERT, CHARLES, AND
18 ST. MARY'S COUNTIES; AND~~

19 ~~(VI) EASTERN SHORE INCLUDING CECIL, KENT, CAROLINE, QUEEN
20 ANNE'S, DORCHESTER, TALBOT, SOMERSET, WICOMICO, AND WORCESTER
21 COUNTIES.~~

22 ~~(2) THE CANAL PLACE HISTORIC PRESERVATION DISTRICT
23 ESTABLISHED UNDER SUBTITLE 10 OF THIS TITLE IS THE INITIAL HERITAGE AREA
24 FOR THE WESTERN MARYLAND REGION.~~

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

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

30 (B) A PROPOSAL FOR THE DESIGNATION OF A HERITAGE AREA AS A STATE
31 ~~DESIGNATED~~ RECOGNIZED HERITAGE AREA SHALL:

32 (1) BE PREVIOUSLY APPROVED AND SUBMITTED BY THE GOVERNING
33 BODIES OF ALL OF THE LOCAL JURISDICTIONS LOCATED WITHIN THE SPECIFIC
34 BOUNDARIES PROPOSED FOR ~~DESIGNATION~~ THE RECOGNIZED HERITAGE AREA;

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

37 ~~(2)~~ (3) SPECIFY THE BOUNDARIES FOR THE RECOGNIZED HERITAGE
38 AREA;

12

1 ~~(3)~~ (4) IDENTIFY THE LOCAL ENTITY RESPONSIBLE FOR
2 COORDINATING DEVELOPMENT OF THE MANAGEMENT PLAN REQUIRED UNDER §
3 ~~13-1113~~ 13-1111 OF THIS SUBTITLE;

4 ~~(4)~~ (5) DESCRIBE THE CULTURAL, HISTORIC, AND NATURAL
5 RESOURCES WHICH CONTRIBUTE TO THE SPECIAL CHARACTER OF THE HERITAGE
6 AREA;

7 ~~(5)~~ (6) SPECIFY THE GENERAL GOALS AND OBJECTIVES FOR THE
8 PRESERVATION, DEVELOPMENT, AND MANAGEMENT OF THE HERITAGE AREA;

9 ~~(6)~~ (7) IDENTIFY THE TYPES OF PUBLIC AND PRIVATE USES TO BE
10 ACCOMMODATED IN THE HERITAGE AREA;

11 ~~(7)~~ (8) DESCRIBE STRATEGIES FOR ENCOURAGING AND
12 ACCOMMODATING VISITATION TO AND COMPATIBLE ECONOMIC DEVELOPMENT OF
13 THE HERITAGE AREA;

14 ~~(8)~~ (9) PROVIDE AN ECONOMIC OVERVIEW OF THE LONG AND SHORT
15 TERM COSTS AND BENEFITS RELATED TO THE DEVELOPMENT OF THE HERITAGE
16 AREA; AND

17 ~~(9)~~ (10) DESCRIBE THE ~~GENERAL~~ TECHNIQUES AND MEANS TO BE
18 INSTITUTED BY THE LOCAL JURISDICTIONS TO ASSURE THE LONG TERM
19 PRESERVATION AND PROTECTION OF THE CULTURAL, HISTORIC, AND NATURAL
20 RESOURCES WITHIN THE HERITAGE AREA, INCLUDING ZONING, SUBDIVISION
21 CONTROLS, AND OTHER GROWTH MANAGEMENT TECHNIQUES.

22 (C) THE AUTHORITY MAY NOT DESIGNATE A HERITAGE AREA AS A ~~STATE~~
23 ~~DESIGNATED~~ RECOGNIZED HERITAGE AREA UNLESS THE AUTHORITY FINDS THAT:

24 (1) THE HERITAGE AREA CONTAINS RESOURCES OF STATEWIDE
25 SIGNIFICANCE THAT HAVE RETAINED INTEGRITY OF SETTING AND A COHESIVE
26 CHARACTER;

27 (2) THE HERITAGE AREA CONTAINS AT LEAST ONE OR MORE:

28 (I) HISTORIC DISTRICTS EITHER LISTED IN, OR DETERMINED TO
29 BE ELIGIBLE FOR LISTING IN, THE MARYLAND REGISTER OF HISTORIC PROPERTIES
30 IN ACCORDANCE WITH ARTICLE 83B, § 5-615 OF THE CODE; OR

31 (II) NATURAL OR RECREATIONAL RESOURCES DETERMINED BY
32 THE SECRETARY OF NATURAL RESOURCES TO BE OF STATEWIDE SIGNIFICANCE;
33 AND

34 (3) PUBLIC ASSISTANCE FOR THE HERITAGE AREA IS REASONABLY
35 EXPECTED TO PRODUCE ADDITIONAL PRIVATE INVESTMENTS ~~AND~~ JOB CREATION,
36 AND TOURISM REVENUES.

37 (D) (1) THE BOUNDARIES FOR EACH ~~STATE DESIGNATED~~ RECOGNIZED
38 HERITAGE AREA ARE THE BOUNDARIES DEPICTED ON THE MAP ACCOMPANYING
39 EACH PROPOSAL AS APPROVED BY THE AUTHORITY.

13

1 (2) AFTER INITIAL APPROVAL BY THE AUTHORITY OF THE
2 BOUNDARIES OF A ~~STATE DESIGNATED~~ RECOGNIZED HERITAGE AREA, THE
3 AUTHORITY MAY AMEND OR REVISE THE BOUNDARIES:

4 (I) WITH THE APPROVAL OF ALL OF THE LOCAL JURISDICTIONS
5 WHERE THE PROPERTY TO BE ADDED OR REMOVED IS LOCATED; AND

6 (II) ON PUBLICATION OF A REVISED DRAWING OR BOUNDARY
7 DESCRIPTION IN THE MARYLAND REGISTER.

8 (3) BOUNDARY MAPS FOR EACH ~~STATE DESIGNATED~~ RECOGNIZED
9 HERITAGE AREA SHALL BE KEPT ON FILE AT THE DEPARTMENT OF HOUSING AND
10 COMMUNITY DEVELOPMENT AND AT THE OFFICE OF THE COUNTY CLERK WHERE
11 THE ~~STATE DESIGNATED~~ RECOGNIZED HERITAGE AREA IS LOCATED.

12 ~~(E) (1) A HERITAGE AREA DESIGNATED TO BE A STATE DESIGNATED~~
13 ~~HERITAGE AREA THAT HAS NOT HAD A MANAGEMENT PLAN APPROVED BY THE~~
14 ~~AUTHORITY WITHIN THREE YEARS OF THE EFFECTIVE DATE OF DESIGNATION~~
15 ~~LOSES THAT DESIGNATION.~~

16 ~~(2) IN EACH CASE WHERE THE THREE YEAR PERIOD SPECIFIED IN~~
17 ~~PARAGRAPH (1) OF THIS SUBSECTION EXPIRES, THE AUTHORITY SHALL NOTIFY THE~~
18 ~~GOVERNOR AND GENERAL ASSEMBLY IN WRITING OF THE REASONS WHY THE~~
19 ~~AUTHORITY DID NOT APPROVE THE MANAGEMENT PLAN.~~

20 ~~(F) (E)~~ DESIGNATION OF A HERITAGE AREA BY THE AUTHORITY AS A
21 ~~STATE DESIGNATED~~ RECOGNIZED HERITAGE AREA ESTABLISHES ELIGIBILITY FOR
22 MATCHING GRANT ASSISTANCE FOR THE DEVELOPMENT OF MANAGEMENT PLANS.

23 ~~(G) THE AUTHORITY MAY RECOMMEND LEGISLATION TO THE GOVERNOR~~
24 ~~AND THE GENERAL ASSEMBLY TO PERMIT THE DESIGNATION OF ADDITIONAL~~
25 ~~STATE DESIGNATED HERITAGE AREAS BEYOND THOSE AUTHORIZED BY THIS~~
26 ~~SUBTITLE.~~

27 ~~43-1113. 13-1111.~~

28 ~~(A) FOR EACH HERITAGE AREA DESIGNATED AS A STATE DESIGNATED~~
29 ~~HERITAGE AREA, THE SPONSORING LOCAL JURISDICTION SHALL PREPARE A~~
30 ~~MANAGEMENT PLAN THAT SHALL:~~

31 ~~(1) BE DEVELOPED IN COOPERATION AND CONSULTATION WITH THE~~
32 ~~AUTHORITY AND RELEVANT PRIVATE INTERESTS;~~

33 ~~(2) ON APPROVAL OF THE AUTHORITY, BE DEEMED TO BE THE PLAN~~
34 ~~FOR BOTH THE STATE AND THE LOCAL JURISDICTION; AND~~

35 ~~(3) BE COMPLETED AND SUBMITTED TO THE AUTHORITY FOR~~
36 ~~APPROVAL WITHIN THREE YEARS OF THE HERITAGE AREA'S DESIGNATION AS A~~
37 ~~STATE DESIGNATED HERITAGE AREA.~~

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

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

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

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

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

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

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

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

18 ~~(B)~~ (D) THE AUTHORITY SHALL HOLD AT LEAST ONE PUBLIC HEARING
19 CONCERNING THE ~~DRAFT~~ PROPOSED MANAGEMENT PLAN FOR A RECOGNIZED
20 HERITAGE AREA IN EACH RECOGNIZED HERITAGE AREA PROPOSED FOR
21 DESIGNATION AS A ~~STATE DESIGNATED~~ CERTIFIED HERITAGE AREA.

22 ~~(C)~~ (E) BEFORE SUBMISSION OF A MANAGEMENT PLAN TO THE AUTHORITY
23 FOR APPROVAL, THE MANAGEMENT PLAN MUST BE SUBMITTED FOR APPROVAL TO
24 THE LOCAL GOVERNING BODY OF EACH JURISDICTION WITHIN THE ~~STATE~~
25 ~~DESIGNATED~~ RECOGNIZED HERITAGE AREA IN THE FORM OF AN AMENDMENT TO
26 THE LOCAL PLAN.

27 ~~(D)~~ (F) THE MANAGEMENT PLAN SHALL BE SUBMITTED TO THE
28 AUTHORITY WITHIN FORTY-FIVE DAYS AFTER ~~LOCAL~~ APPROVAL BY ALL LOCAL
29 JURISDICTIONS WITHIN THE RECOGNIZED HERITAGE AREA.

30 ~~(E)~~ (G) A MANAGEMENT PLAN FOR A ~~STATE DESIGNATED~~ CERTIFIED
31 HERITAGE AREA SHALL INCLUDE:

32 (1) AN IDENTIFICATION OF:

33 (I) THE BOUNDARIES OF THE ~~HERITAGE AREA~~ RECOGNIZED
34 HERITAGE AREA AS SET FORTH IN THE ORIGINAL DESIGNATION OR AS PROPOSED
35 FOR REVISION BY THE MANAGEMENT PLAN; ~~AND~~

36 (II) THE LAND USE RECOMMENDATIONS OF THE LOCAL PLANS OF
37 ALL OF THE LOCAL JURISDICTIONS WITHIN THE RECOGNIZED HERITAGE AREA;
38 AND

1 (III) THE ZONES WITHIN THE ~~HERITAGE AREA~~ RECOGNIZED
2 HERITAGE AREA FOR PARTICULAR NATURE AND INTENSITY OF USE, INCLUDING
3 ZONES MOST APPROPRIATELY DEVOTED TO PUBLIC USE AND DEVELOPMENT BY
4 STATE OR LOCAL GOVERNMENT, AND FOR PRIVATE USE;

5 (2) AN INVENTORY AND EVALUATION OF THE SIGNIFICANT NATURAL
6 AND CULTURAL RESOURCES WITHIN THE ~~HERITAGE AREA~~ RECOGNIZED HERITAGE
7 AREA;

8 (3) AN IDENTIFICATION OF THE TYPES OF PUBLIC AND PRIVATE USES
9 TO BE ~~ACCOMMODATED~~ ENCOURAGED WITHIN THE ~~HERITAGE AREA~~ RECOGNIZED
10 HERITAGE AREA;

11 (4) AN IDENTIFICATION OF PROPERTIES, IF ANY, TO BE ACQUIRED, IN
12 WHOLE OR IN PART;

13 (5) A DESCRIPTION OF THE EDUCATIONAL, INTERPRETIVE, AND
14 RECREATIONAL PROGRAMS AND PROJECTS TO BE UNDERTAKEN IN THE
15 RECOGNIZED HERITAGE AREA;

16 (6) A DESCRIPTION OF PLANS FOR ENCOURAGING AND
17 ACCOMMODATING VISITATION TO AND COMPATIBLE ECONOMIC DEVELOPMENT OF
18 THE ~~HERITAGE AREA~~ RECOGNIZED HERITAGE AREA;

19 (7) AN ECONOMIC ASSESSMENT OF THE LONG AND SHORT TERM COSTS
20 AND BENEFITS RELATED TO THE IMPLEMENTATION OF THE MANAGEMENT PLAN,
21 INCLUDING AN IDENTIFICATION OF EXPECTED SOURCES OF FUNDING;

22 (8) A DESCRIPTION OF THE TECHNIQUES OR MEANS FOR THE
23 PRESERVATION AND PROTECTION OF THE NATURAL AND CULTURAL RESOURCES
24 WITHIN THE ~~HERITAGE AREA~~ RECOGNIZED HERITAGE AREA, INCLUDING:

25 (I) APPROPRIATE EXISTING OR PROPOSED LOCAL LEGISLATION
26 FOR THE DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES OR NATURAL
27 AREAS TO ASSURE THAT FUTURE LOCAL ACTIONS AND DEVELOPMENT WILL BE
28 CONSISTENT WITH THE GOALS AND OBJECTIVES FOR THE ~~HERITAGE AREA~~
29 RECOGNIZED HERITAGE AREA; AND

30 (II) AT A MINIMUM, ENACTMENT OF AN ORDINANCE IF THE PLAN
31 PROPOSES THE ENACTMENT OF ONE OR MORE ORDINANCES TO PROVIDE FOR ONE
32 OR MORE HISTORIC PRESERVATION COMMISSIONS FOR SPECIFIC SITES,
33 STRUCTURES, OR DISTRICTS WITHIN THE RECOGNIZED HERITAGE AREA,
34 PROVISIONS THAT:

35 1. ARE CONSISTENT WITH ARTICLE 66B, §§ 8.01 THROUGH
36 8.17 OF THE CODE; ~~CREATES A HISTORIC PRESERVATION COMMISSION FOR THE~~
37 ~~HERITAGE AREA~~;

38 2. ~~PROVIDES~~ PROVIDE FOR MEMBERSHIP ON THE HISTORIC
39 PRESERVATION COMMISSION IN ACCORDANCE WITH THE MINIMUM PROFESSIONAL
40 REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF THE INTERIOR FOR
41 CERTIFYING LOCAL GOVERNMENTS UNDER 36 C.F.R. PART 61; AND

16

1 3. ~~PROVIDES~~ PROVIDE THAT THE HISTORIC PRESERVATION
2 COMMISSION REVIEW AND APPROVE THE DESIGN OF ALL PROJECTS THAT THE
3 LOCAL JURISDICTION CONDUCTS, ASSISTS, LICENSES, OR PERMITS THAT AFFECT
4 DESIGNATED HISTORIC PROPERTIES WITHIN THE ~~HERITAGE AREA~~ RECOGNIZED
5 HERITAGE AREA;

6 (9) A DESCRIPTION OF THE ORGANIZATIONAL STRUCTURE TO BE
7 UTILIZED FOR PLANNING, DEVELOPMENT, AND MANAGEMENT OF THE HERITAGE
8 AREA, INCLUDING THE RESPONSIBILITIES AND INTERRELATIONSHIPS OF LOCAL
9 AND STATE AGENCIES; AND

10 (10) A SCHEDULE FOR THE PLANNING, DEVELOPMENT, AND
11 MANAGEMENT OF THE ~~HERITAGE AREA~~ RECOGNIZED HERITAGE AREA.

12 ~~(F)~~ (H) EACH MANAGEMENT PLAN MUST DEMONSTRATE THAT THE
13 CAPABILITY EXISTS ~~AT THE LOCAL LEVEL~~ TO IMPLEMENT AND MANAGE THE
14 ~~HERITAGE AREA~~ RECOGNIZED HERITAGE AREA, INCLUDING THE CAPABILITY:

15 (1) TO ACCEPT AND DISBURSE FUNDS;

16 (2) TO ACQUIRE, IMPROVE, AND DISPOSE OF PROPERTY;

17 (3) TO MANAGE, OPERATE, AND MAINTAIN APPROPRIATE PUBLIC
18 FACILITIES; AND

19 (4) TO ~~PROMULGATE~~ ADOPT AND ENFORCE LAND USE AND
20 PRESERVATION STANDARDS AS REQUIRED TO PROTECT THE RESOURCES WITHIN
21 THE HERITAGE AREA.

22 ~~(G)~~ (I) IF THE AUTHORITY DETERMINES THAT ~~A PREVIOUSLY SUBMITTED~~
23 ~~MANAGEMENT PLAN PROVIDES SUFFICIENT DATA~~ INFORMATION IN A PREVIOUSLY
24 SUBMITTED MANAGEMENT PLAN CONTAINS SUFFICIENT INFORMATION TO FULFILL
25 THE PURPOSE OF THE MANAGEMENT PLAN, THE AUTHORITY MAY WAIVE IN WHOLE
26 OR IN PART SELECTED INDIVIDUAL REQUIREMENTS REGARDING THE SUBMISSION
27 OF THE MANAGEMENT PLAN.

28 ~~(H)~~ (J) THE AUTHORITY SHALL APPROVE OR DISAPPROVE THE
29 MANAGEMENT PLAN WITHIN 90 DAYS AFTER THE AUTHORITY RECEIVES A
30 MANAGEMENT PLAN FROM ~~A LOCAL JURISDICTION~~ THE LOCAL JURISDICTIONS.

31 ~~(I)~~ (K) THE AUTHORITY MAY NOT APPROVE A MANAGEMENT PLAN UNLESS
32 THE AUTHORITY DETERMINES THAT A MANAGEMENT PLAN WOULD ADEQUATELY
33 CARRY OUT THE PURPOSES OF THIS SUBTITLE.

34 ~~(J)~~ (L) IF THE AUTHORITY DISAPPROVES A MANAGEMENT PLAN, THE
35 AUTHORITY SHALL ADVISE THE LOCAL ~~JURISDICTION~~ JURISDICTIONS IN WRITING
36 OF THE REASON FOR THE DISAPPROVAL AND PROVIDE RECOMMENDATIONS FOR A
37 REVISION OF THE PLAN.

38 ~~(K)~~ (M) THE AUTHORITY SHALL APPROVE OR DISAPPROVE ANY REVISIONS
39 TO AN EXISTING MANAGEMENT PLAN IN THE SAME MANNER AS SPECIFIED IN
40 SUBSECTIONS ~~(H) THROUGH (I)~~ (J) THROUGH (L) OF THIS SECTION.

17

1 ~~(N)~~ (N) APPROVAL OF A MANAGEMENT PLAN BY THE AUTHORITY SHALL:

2 (1) ESTABLISH THE DESIGNATION OF A RECOGNIZED HERITAGE AREA
3 AS A CERTIFIED HERITAGE AREA;

4 ~~(2)~~ (2) ESTABLISH ELIGIBILITY FOR THE RECEIPT OF ACQUISITION,
5 DEVELOPMENT, AND PROGRAMMING ASSISTANCE FROM THE STATE WITHIN THE
6 ~~DEFINED~~ CERTIFIED HERITAGE AREA BOUNDARIES;

7 ~~(3)~~ (3) ESTABLISH ELIGIBILITY FOR QUALIFYING PROPERTIES AND
8 PERSONS FOR CERTAIN TAX INCENTIVES FOR ACTIVITIES WITHIN THE DEFINED
9 HERITAGE AREA BOUNDARIES; AND

10 ~~(3)~~ ~~FOR CONTINUANCE IN THE PROGRAM, REQUIRE APPROPRIATE~~
11 ~~LOCAL ACTION TO PROTECT AND SAFEGUARD THE DEFINED SIGNIFICANT~~
12 ~~RESOURCES IN THE HERITAGE AREA.~~

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

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

19 ~~(M)~~ (P) AFTER HOLDING A PUBLIC HEARING IN THE ~~STATE DESIGNATED~~
20 CERTIFIED HERITAGE AREA THAT IS THE SUBJECT OF THE AUTHORITY'S REVIEW,
21 THE AUTHORITY MAY WITHDRAW ITS APPROVAL OF A MANAGEMENT PLAN IF THE
22 AUTHORITY FINDS THAT THE LOCAL ~~JURISDICTION~~ JURISDICTIONS RESPONSIBLE
23 FOR THE CERTIFIED HERITAGE AREA:

24 (1) HAS TAKEN ACTIONS WHICH HAVE HAD A SIGNIFICANT ADVERSE
25 IMPACT UPON SIGNIFICANT CERTIFIED HERITAGE AREA RESOURCES; OR

26 (2) HAS FAILED TO IMPLEMENT ITS ROLE UNDER A MANAGEMENT
27 PLAN.

28 ~~(N)~~ (Q) IF THE AUTHORITY WITHDRAWS ITS APPROVAL OF A MANAGEMENT
29 PLAN:

30 (1) THE HERITAGE AREA SHALL NO LONGER BE ~~DEEMED TO BE~~
31 DESIGNATED AS A STATE DESIGNATED CERTIFIED HERITAGE AREA; AND

32 (2) THE AUTHORITY SHALL REPORT ITS WITHDRAWAL OF APPROVAL
33 TO THE GOVERNOR AND THE GENERAL ASSEMBLY STATING THE REASONS FOR THE
34 ACTION OF THE AUTHORITY.

35 ~~43-1114. 13-112.~~

36 (A) (1) THE STATE OFFICIALS ~~SPECIFIED IN~~ UNDER ITEMS (I) THROUGH (VI)
37 OF THIS SUBSECTION ~~WITH WHO HAVE~~ PROGRAM RESPONSIBILITIES ~~AFFECTING~~
38 THAT AFFECT ASPECTS OF THE INTERPRETATION, PRESERVATION, DEVELOPMENT,
39 AND USE OF HERITAGE AREA RESOURCES SHALL PREPARE A PROGRAM

HOUSE BILL 1

18

1 STATEMENT DETAILING ACTIONS IN THE AREAS OF PLANNING, DEVELOPMENT, USE,
2 ASSISTANCE, AND REGULATION THAT SUPPORT AND ASSIST THE ESTABLISHMENT
3 AND MANAGEMENT OF ~~STATE DESIGNATED~~ CERTIFIED HERITAGE AREAS, AS
4 FOLLOWS:

5 (I) SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT
6 REGARDING HOUSING, NEIGHBORHOOD REVITALIZATION, HISTORIC
7 PRESERVATION, AND MUSEUM PROGRAMS;

8 (II) SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT
9 REGARDING THE STATE TOURISM PROGRAM AND ECONOMIC DEVELOPMENT AND
10 JOB CREATION ACTIVITIES;

11 (III) SECRETARY OF NATURAL RESOURCES REGARDING OUTDOOR
12 RECREATION AND THE MANAGEMENT OF NATURAL RESOURCES, INCLUDING STATE
13 GREENWAYS;

14 (IV) SECRETARY OF HIGHER EDUCATION REGARDING
15 EDUCATIONAL RESOURCES AND THEIR INTERPRETATION;

16 (V) SECRETARY OF TRANSPORTATION REGARDING ACCESS TO
17 AND TRANSPORTATION WITHIN ~~STATE DESIGNATED~~ CERTIFIED HERITAGE AREAS,
18 INCLUDING THE SCENIC BYWAYS PROGRAM AND PROGRAMS FOR SPECIAL
19 SIGNAGE; AND

20 (VI) SECRETARY OF GENERAL SERVICES REGARDING THE
21 MANAGEMENT AND DISPOSITION OF STATE PROPERTY.

22 (2) THE STATE OFFICIALS SHALL SUBMIT THE PROGRAM STATEMENTS
23 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, AND ANY REVISIONS OF
24 THE STATEMENTS, TO THE AUTHORITY.

25 ~~(B) ANY UNIT OF THE STATE GOVERNMENT THAT CONDUCTS OR SUPPORTS~~
26 ~~ACTIVITIES AFFECTING A STATE DESIGNATED HERITAGE AREA SHALL:~~

27 ~~(1) CONSULT, COOPERATE AND, TO THE MAXIMUM EXTENT FEASIBLE,~~
28 ~~COORDINATE ITS ACTIVITIES WITH THE AGENCY OR ENTITY RESPONSIBLE FOR THE~~
29 ~~MANAGEMENT OF THE STATE DESIGNATED HERITAGE AREA; AND~~

30 ~~(2) CONDUCT OR SUPPORT THE ACTIVITIES OF THE UNIT IN A MANNER~~
31 ~~THAT:~~

32 ~~(i) TO THE MAXIMUM EXTENT PRACTICABLE, IS CONSISTENT~~
33 ~~WITH THE APPROVED MANAGEMENT PLAN FOR THE STATE DESIGNATED HERITAGE~~
34 ~~AREA; AND~~

35 ~~(ii) AS DETERMINED UNDER §§ 5-617 AND 5-618 OF ARTICLE 83B OF~~
36 ~~THE CODE, DOES NOT HAVE AN ADVERSE EFFECT ON THE HISTORIC AND CULTURAL~~
37 ~~RESOURCES OF THE STATE DESIGNATED HERITAGE AREA.~~

38 ~~(C) A UNIT OF THE STATE GOVERNMENT MAY NOT ISSUE A LICENSE OR~~
39 ~~PERMIT TO ANY PERSON TO CONDUCT ANY ACTIVITY WITHIN THE STATE~~

19

1 ~~DESIGNATED HERITAGE AREA UNLESS THE UNIT DETERMINES THAT THE~~
2 ~~PROPOSED ACTIVITY:~~

3 ~~(1) WILL BE CONDUCTED IN A MANNER THAT IS CONSISTENT WITH THE~~
4 ~~APPROVED MANAGEMENT PLAN FOR THE STATE DESIGNATED HERITAGE AREA;~~
5 ~~AND~~

6 ~~(2) AS DETERMINED UNDER §§ 5-617 AND 5-618 OF ARTICLE 83B OF THE~~
7 ~~CODE, DOES NOT HAVE AN ADVERSE EFFECT ON THE HISTORIC OR CULTURAL~~
8 ~~RESOURCES OF THE STATE DESIGNATED HERITAGE AREA.~~

9 ~~13-1115.~~

10 ~~(A) AS PROVIDED IN THE STATE BUDGET, THE AUTHORITY MAY AWARD~~
11 ~~GRANTS OR LOANS TO LOCAL JURISDICTIONS OR OTHER APPROPRIATE ENTITIES~~
12 ~~FOR PLANNING, DESIGN, ACQUISITION, DEVELOPMENT, AND PROGRAMMING OF~~
13 ~~STATE DESIGNATED HERITAGE AREAS.~~

14 ~~(B) (1) THE AUTHORITY MAY MAKE A PLANNING GRANT TO LOCAL~~
15 ~~JURISDICTIONS OR OTHER APPROPRIATE ENTITIES WITHIN STATE DESIGNATED~~
16 ~~HERITAGE AREAS.~~

17 ~~(2) A PLANNING GRANT:~~

18 ~~(I) MUST BE FOR THE PURPOSE OF ASSISTING LOCALITIES TO~~
19 ~~PREPARE MANAGEMENT PLANS; AND~~

20 ~~(II) MAY COVER UP TO 50 PERCENT OF THE MANAGEMENT PLAN~~
21 ~~COST.~~

22 ~~(C) (1) THE AUTHORITY MAY MAKE ACQUISITION AND DEVELOPMENT~~
23 ~~GRANTS TO LOCAL JURISDICTIONS OR OTHER APPROPRIATE ENTITIES AFTER THE~~
24 ~~AUTHORITY APPROVES A MANAGEMENT PLAN FOR THE STATE DESIGNATED~~
25 ~~HERITAGE AREA FOR WHICH THE GRANT WILL BE USED.~~

26 ~~(2) AN ACQUISITION AND DEVELOPMENT GRANT:~~

27 ~~(I) SHALL BE FOR THE PURPOSE OF IMPLEMENTING THE STATE~~
28 ~~DESIGNATED HERITAGE AREA PROGRAM IN CONFORMANCE WITH THE APPROVED~~
29 ~~MANAGEMENT PLAN; AND~~

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

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

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

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

1 (3) WHEN CONDUCTING A REVIEW OF ACTIVITIES UNDER ARTICLE 83B,
2 §§ 5-617 AND 5-618 OF THE CODE, ASSURE THAT THE ACTIVITIES WILL NOT HAVE AN
3 ADVERSE EFFECT ON THE HISTORIC AND CULTURAL RESOURCES OF THE
4 CERTIFIED HERITAGE AREA, UNLESS THERE IS NO PRUDENT AND FEASIBLE
5 ALTERNATIVE.

6 13-1113.

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

8 (1) GRANTS AND LOANS TO LOCAL JURISDICTIONS OR OTHER
9 APPROPRIATE ENTITIES FOR PLANNING, DESIGN, ACQUISITION, DEVELOPMENT,
10 PRESERVATION, RESTORATION, INTERPRETATION, MARKETING, AND
11 PROGRAMMING OF CERTIFIED HERITAGE AREAS; AND

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

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

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

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

26 (3) AN ACQUISITION OR DEVELOPMENT GRANT:

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

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

32 (D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE AUTHORITY
33 MAY MAKE PROGRAM GRANTS TO LOCAL JURISDICTIONS AND OTHER
34 APPROPRIATE ENTITIES:

35 (I) TO DEVELOP AND PRESENT INTERPRETIVE EXHIBITS,
36 MATERIALS OR OTHER APPROPRIATE PRODUCTS TO FURTHER THE EDUCATIONAL
37 AND RECREATIONAL OBJECTIVES OF THE ~~STATE DESIGNATED~~ CERTIFIED
38 HERITAGE AREAS PROGRAM; AND

39 (II) TO ENCOURAGE REVITALIZATION OF, AND REINVESTMENT IN,
40 ~~STATE DESIGNATED~~ CERTIFIED HERITAGE AREA RESOURCES.

21

1 (2) A PROGRAM GRANT MADE BY THE AUTHORITY UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 50% OF THE ESTIMATED
3 PROJECT COST.

4 (E) THROUGH THE RESOURCES OF THE MEMBERS OF THE AUTHORITY AND
5 IN COOPERATION WITH OTHER STATE AGENCIES, THE AUTHORITY SHALL PROVIDE
6 TECHNICAL ASSISTANCE TO MANAGEMENT ENTITIES IMPLEMENTING A
7 MANAGEMENT PLAN.

8 ~~13-1116.~~ 13-1114.

9 (A) THERE IS A MARYLAND HERITAGE AREAS AUTHORITY FINANCING FUND.

10 (B) (1) THE AUTHORITY SHALL USE THE FUND AS A CONTINUING,
11 NONLAPSING, REVOLVING FUND FOR CARRYING OUT THE PURPOSES OF THIS
12 SUBTITLE.

13 (2) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO THE
14 GENERAL FUND OR TO ANY OTHER SPECIAL FUND OF THE STATE.

15 (C) THE AUTHORITY SHALL PLACE ALL OF THE FOLLOWING RECEIPTS IN THE
16 FUND:

17 (1) PROCEEDS FROM THE SALE OF BONDS;

18 (2) REVENUES THAT THE AUTHORITY COLLECTS OR RECEIVES FROM
19 ANY SOURCE UNDER THIS SUBTITLE; AND

20 (3) ANY ADDITIONAL REVENUE, GIFT, DONATION, OR MONEYS
21 RECEIVED OR PAID TO IT FROM ANY OTHER SOURCE AUTHORIZED BY LAW.

22 (D) THE AUTHORITY SHALL PAY ALL EXPENSES AND MAKE ALL
23 EXPENDITURES FROM THE FUND.

24 (E) (1) THE AUTHORITY MAY PLEDGE AND CHARGE ALL OR A PORTION OF
25 THE RECEIPTS OF THE FUND FOR THE PAYMENT OF:

26 (I) DEBT SERVICE ON BONDS OF THE AUTHORITY; AND

27 (II) ALL REASONABLE CHARGES AND EXPENSES RELATED TO
28 BORROWING BY THE AUTHORITY AND MANAGEMENT OF THE OBLIGATIONS OF THE
29 AUTHORITY.

30 (2) A PLEDGE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
31 EFFECTIVE AS PROVIDED IN § ~~13-1124~~ 13-1119 OF THIS SUBTITLE AND ANY
32 APPLICABLE RESOLUTION OF THE AUTHORITY.

33 (F) THE STATE TREASURER SHALL:

34 (1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS STATE
35 FUNDS; AND

36 (2) TRANSFER ANY INVESTMENT EARNINGS TO THE CREDIT OF THE
37 FUND.

22

1 PART IV. BONDS.

2 ~~13-1117.~~ 13-1115.

3 (A) ~~(1) SUBJECT TO THIS PART AND SUBJECT TO PRIOR APPROVAL BY THE~~
4 ~~BOARD OF PUBLIC WORKS,~~ THE AUTHORITY MAY AT ANY TIME AND FROM TIME TO
5 TIME ISSUE BONDS FOR ~~ANY CORPORATE PURPOSE, INCLUDING THE~~
6 ~~ESTABLISHMENT OF RESERVES AND THE PAYMENT OF INTEREST. THE PURPOSES OF~~
7 ~~THIS SUBTITLE TO OBTAIN FUNDS TO PROVIDE FINANCIAL ASSISTANCE FOR OR~~
8 ~~OTHERWISE SUPPORT A CERTIFIED HERITAGE AREA.~~

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

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

14 ~~(B)~~ (C) THE AUTHORITY:

15 (1) SHALL BY RESOLUTION AUTHORIZE ANY BONDS THAT IT ISSUES;
16 AND

17 (2) MAY SECURE THE BONDS BY A TRUST AGREEMENT BETWEEN THE
18 AUTHORITY AND A CORPORATE TRUSTEE OR TRUSTEES, WHICH MAY BE ANY
19 TRUST COMPANY OR BANK THAT HAS THE POWERS OF A TRUST COMPANY WITHIN
20 OR WITHOUT THE STATE.

21 ~~(C) THE AUTHORITY SHALL NOTIFY THE BOARD OF PUBLIC WORKS OF ITS~~
22 ~~INTENTION TO ISSUE BONDS UP TO A STATED AMOUNT.~~

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

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

27 (2) ANY PROCEEDINGS; OR

28 (3) THE OCCURRENCE OF ANY CONDITIONS.

29 ~~13-1118.~~ 13-1116.

30 (A) THE BONDS OF ANY ISSUE SHALL BE PAYABLE SOLELY FROM THE
31 PROPERTY OR RECEIPTS OF THE AUTHORITY, INCLUDING WITHOUT LIMITATION:

32 (1) FEES, CHARGES, OR OTHER REVENUES PAYABLE TO THE
33 AUTHORITY;

34 (2) PAYMENTS BY FINANCIAL INSTITUTIONS, INSURANCE COMPANIES,
35 OR OTHERS PURSUANT TO LETTERS OR LINES OF CREDIT, POLICIES OF INSURANCE,
36 OR PURCHASE AGREEMENTS;

37 (3) INVESTMENT EARNINGS FROM FUNDS OR ACCOUNTS MAINTAINED
38 ~~PURSUANT TO~~ UNDER A BOND RESOLUTION OR TRUST AGREEMENT;

23

1 (4) PROCEEDS OF REFUNDING BONDS; AND

2 (5) ANY OTHER SOURCE AUTHORIZED BY LAW.

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

6 ~~13-1119.~~ 13-1117.

7 THE BONDS THAT THE AUTHORITY ISSUES SHALL:

8 (1) BE ISSUED AT, ABOVE, OR BELOW PAR VALUE, FOR CASH OR OTHER
9 VALUABLE CONSIDERATION, AND MATURE AT A TIME OR TIMES, WHETHER AS
10 SERIAL BONDS OR AS TERM BONDS OR BOTH, NOT EXCEEDING THE MATURITY
11 DATE ESTABLISHED BY THE AUTHORITY;

12 (2) BEAR INTEREST AT THE FIXED OR VARIABLE RATE OR RATES
13 DETERMINED BY THE METHOD PROVIDED IN THE RESOLUTION OR TRUST
14 AGREEMENT;

15 (3) BE PAYABLE AT A TIME OR TIMES, IN THE DENOMINATIONS AND
16 FORM, EITHER COUPON OR REGISTERED OR BOTH, REGISTRABLE AS TO PRINCIPAL
17 AND INTEREST ALONE OR AS TO BOTH AND CARRY THE REGISTRATION AND
18 PRIVILEGES AS TO CONVERSION AND FOR THE REPLACEMENT OF MUTILATED,
19 LOST, OR DESTROYED BONDS AS THE RESOLUTION OR TRUST AGREEMENT MAY
20 PROVIDE;

21 (4) NOTWITHSTANDING ANY OTHER LAW, BE DEEMED A "SECURITY"
22 WITHIN THE MEANING OF § 8-102 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR
23 NOT IT IS EITHER ONE OF A CLASS OR A SERIES OR BY ITS TERMS IS DIVISIBLE INTO
24 A CLASS OR SERIES OF INSTRUMENTS AND NEGOTIABLE FOR ALL PURPOSES
25 ALTHOUGH PAYABLE FROM A LIMITED SOURCE;

26 (5) BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES AT A
27 DESIGNATED PLACE, INCLUDING ONE OR MORE BANKS OR TRUST COMPANIES;

28 (6) BE SUBJECT TO THE TERMS OF PURCHASE, PAYMENT, REDEMPTION,
29 REFUNDING, OR REFINANCING THAT THE RESOLUTION OR TRUST AGREEMENT
30 PROVIDES;

31 (7) BE EXECUTED BY THE MANUAL OR FACSIMILE SIGNATURES OF THE
32 OFFICERS OF THE AUTHORITY DESIGNATED BY THE AUTHORITY, WHICH
33 SIGNATURES SHALL BE VALID FOR ALL PURPOSES AT DELIVERY EVEN FOR AN
34 OFFICER WHO HAS CEASED TO HOLD OFFICE; AND

35 (8) BE SOLD IN THE MANNER AND ON THE TERMS DETERMINED BY THE
36 AUTHORITY, INCLUDING PRIVATE (NEGOTIATED) SALE AND BE EXEMPT FROM §§
37 8-206, 8-208, AND 8-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 ~~13-1120.~~ 13-1118.

2 (A) ANY RESOLUTION OR TRUST AGREEMENT THE AUTHORITY ADOPTS OR
3 ENTERS INTO UNDER § ~~13-1117~~ 13-1115 OF THIS SUBTITLE MAY CONTAIN PROVISIONS
4 THAT:

5 (1) PLEDGE, ASSIGN, OR DIRECT THE USE, INVESTMENT, OR
6 DISPOSITION OF ALL OR A PORTION OF THE RECEIPTS OF THE AUTHORITY OR ALL
7 OR A PORTION OF THE PROCEEDS OR BENEFITS OF ANY CONTRACT AND CONVEY
8 OR OTHERWISE SECURE ANY PROPERTY OR PROPERTY RIGHTS;

9 (2) SET ASIDE LOAN FUNDING DEPOSITS, DEBT SERVICE RESERVES,
10 CAPITALIZED INTEREST ACCOUNTS, COST OF ISSUANCE ACCOUNTS, AND SINKING
11 FUNDS, AND REGULATE, INVEST, AND DISPOSE OF THESE DEPOSITS, RESERVES,
12 ACCOUNTS, AND FUNDS;

13 (3) LIMIT THE PURPOSE TO WHICH OR THE INVESTMENTS IN WHICH
14 THE PROCEEDS OF SALE OF ANY ISSUE OF BONDS MAY BE APPLIED AND RESTRICT
15 THE INVESTMENT OF REVENUES OR BOND PROCEEDS AS DEEMED NECESSARY,
16 WHICH MAY INCLUDE LIMITING INVESTMENTS TO GOVERNMENT OBLIGATIONS FOR
17 WHICH PRINCIPAL AND INTEREST ARE UNCONDITIONALLY GUARANTEED BY THE
18 UNITED STATES;

19 (4) LIMIT THE ISSUANCE OF ADDITIONAL BONDS AND SPECIFY THE
20 TERMS ON WHICH ADDITIONAL BONDS MAY BE ISSUED, SECURED, AND RANK ON
21 PARITY WITH, OR BE SUBORDINATE OR SUPERIOR TO OTHER BONDS;

22 (5) REFUND OR REFINANCE OUTSTANDING BONDS;

23 (6) ESTABLISH ANY PROCEDURE CONCERNING THE MANNER IN WHICH
24 THE TERMS OF ANY CONTRACT WITH BONDHOLDERS MAY BE ALTERED OR
25 AMENDED, THE AMOUNT OF BONDS TO WHICH THE HOLDERS MUST CONSENT, AND
26 THE MANNER IN WHICH THE HOLDERS MUST CONSENT;

27 (7) DEFINE THE ACTS OR OMISSIONS THAT CONSTITUTE A DEFAULT IN
28 THE DUTIES OF THE AUTHORITY TO HOLDERS OF BONDS AND PROVIDE THE RIGHTS
29 AND REMEDIES OF THE HOLDERS IN THE EVENT OF A DEFAULT, WHICH MAY
30 INCLUDE PROVISIONS THAT RESTRICT INDIVIDUAL RIGHT OF ACTION BY
31 BONDHOLDERS;

32 (8) PROVIDE FOR GUARANTEES, PLEDGES OF PROPERTY, LETTERS OF
33 CREDIT, OR OTHER SECURITY, OR INSURANCE FOR THE BENEFIT OF
34 BONDHOLDERS; AND

35 (9) PROVIDE FOR ANY OTHER MATTER RELATING TO THE BONDS THAT
36 THE AUTHORITY DEEMS APPROPRIATE.

37 (B) ANY PROVISIONS UNDER SUBSECTION (A) OF THIS SECTION THAT THE
38 AUTHORITY INCLUDES IN A RESOLUTION OR TRUST AGREEMENT ~~SHALL BE~~ MAY BE
39 MADE PART OF THE CONTRACT WITH THE HOLDERS OF THE BONDS.

25

1 ~~13-1124.~~ 13-1119.

2 (A) A PLEDGE BY THE AUTHORITY OF REVENUES AS SECURITY FOR AN ISSUE
3 OF BONDS SHALL BE VALID AND BINDING ON AND AFTER THE DATE WHEN THE
4 DOCUMENTS EVIDENCING THE PLEDGE ARE EXECUTED BY THE AUTHORITY.

5 (B) (1) THE REVENUES THAT THE AUTHORITY PLEDGES ~~ARE~~ MAY BE MADE
6 IMMEDIATELY SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY PHYSICAL
7 DELIVERY OR FURTHER ACT.

8 (2) THE LIEN OF ANY PLEDGE OF REVENUE IS VALID AND BINDING
9 AGAINST ANY PERSON WHO HAS ANY CLAIM IN TORT, CONTRACT, OR OTHERWISE
10 AGAINST THE AUTHORITY, WHETHER OR NOT THE PERSON HAS NOTICE.

11 (C) IN ORDER TO PERFECT THE LIEN ON THE REVENUE PLEDGED BY THE
12 AUTHORITY AGAINST THIRD PERSONS, A RESOLUTION, TRUST AGREEMENT OR
13 FINANCING STATEMENT, CONTINUATION STATEMENT, OR OTHER INSTRUMENT
14 THAT THE AUTHORITY ADOPTS OR ENTERS INTO NEED NOT BE FILED OR
15 RECORDED IN ANY PUBLIC RECORD OTHER THAN THE RECORDS OF THE
16 AUTHORITY.

17 ~~13-1122.~~ 13-1120.

18 ~~(A)~~ NO MEMBER OF THE AUTHORITY NOR ANY PERSON EXECUTING THE
19 BONDS OF THE AUTHORITY SHALL BE LIABLE PERSONALLY ON THE BONDS OR
20 SUBJECT TO ANY PERSONAL LIABILITY BY REASON OF THE ISSUANCE OF THE
21 BONDS.

22 ~~(B) EXCEPT AS OTHERWISE PROVIDED BY AN APPLICABLE RESOLUTION OR~~
23 ~~TRUST AGREEMENT, A HOLDER OF BONDS ISSUED UNDER THIS SUBTITLE, OR A~~
24 ~~TRUSTEE ACTING UNDER A TRUST AGREEMENT ENTERED INTO UNDER THIS~~
25 ~~SUBTITLE, MAY, BY ANY SUITABLE FORM OF LEGAL PROCEEDINGS, PROTECT AND~~
26 ~~ENFORCE ANY RIGHTS GRANTED UNDER THE LAWS OF THIS STATE OR BY ANY~~
27 ~~APPLICABLE RESOLUTION OR TRUST AGREEMENT.~~

28 ~~13-1123.~~ 13-1121.

29 (A) THE AUTHORITY MAY ISSUE BONDS TO REFUND ANY OF ITS BONDS THEN
30 OUTSTANDING, INCLUDING THE PAYMENT OF ANY REDEMPTION PREMIUM AND
31 ANY INTEREST ACCRUED OR TO ACCRUE TO THE EARLIEST OR ANY SUBSEQUENT
32 DATE OF REDEMPTION, PURCHASE, OR MATURITY OF THE BONDS.

33 (B) REFUNDING BONDS MAY BE ISSUED IN THE DISCRETION OF THE
34 AUTHORITY AND FOR ANY PURPOSE AUTHORIZED BY THIS SUBTITLE, INCLUDING:

35 (1) (I) FOR THE PUBLIC PURPOSES OF REALIZING SAVINGS IN THE
36 EFFECTIVE COSTS OF DEBT SERVICE, DIRECTLY OR THROUGH A DEBT
37 RESTRUCTURING; OR

38 (II) FOR ALLEVIATING IMPENDING OR ACTUAL DEFAULT; ~~AND~~ OR

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

4 (2) IN ONE OR MORE SERIES; AND

5 (3) IN AN AMOUNT IN EXCESS OF THAT OF THE BONDS TO BE
6 REFUNDED.

7 ~~13-1124.~~ 13-1122.

8 (A) THE AUTHORITY MAY ENTER INTO AGREEMENTS WITH AGENTS, BANKS,
9 INSURERS, OR OTHERS FOR THE PURPOSE OF ENHANCING THE MARKETABILITY OF,
10 OR AS A SECURITY FOR, ITS BONDS.

11 (B) ANY FINANCIAL INSTITUTION, INVESTMENT COMPANY, INSURANCE
12 COMPANY OR ASSOCIATION, ~~AND~~ ANY PERSONAL REPRESENTATIVE, GUARDIAN,
13 TRUSTEE, OR OTHER FIDUCIARY, AND ANY OTHER PUBLIC OFFICER OR UNIT OF
14 THE STATE OR A SUBDIVISION OF THE STATE MAY LEGALLY INVEST ANY MONEYS
15 BELONGING TO THEM OR WITHIN THEIR CONTROL IN ANY BONDS ISSUED BY THE
16 AUTHORITY.

17 ~~13-1125.~~ 13-1123.

18 THE BONDS OF THE AUTHORITY, THEIR TRANSFER, THE INTEREST PAYABLE
19 ON THEM, AND ANY INCOME DERIVED FROM THEM, INCLUDING ANY PROFIT
20 REALIZED IN THEIR SALE OR EXCHANGE, ARE EXEMPT AT ALL TIMES FROM EVERY
21 KIND OF TAXATION BY THIS STATE OR BY ANY OF ITS POLITICAL SUBDIVISIONS,
22 MUNICIPAL CORPORATIONS, OR PUBLIC AGENCIES.

23 PART V. MISCELLANEOUS.

24 ~~13-1124.~~

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

26 (1) A PERSON THAT:

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

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

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

34 (B) THIS SECTION DOES NOT APPLY TO:

35 (1) THE FAILURE OF THE AUTHORITY TO DESIGNATE:

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

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

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

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

7 (C) AN AGGRIEVED PERSON MAY APPEAL TO THE OFFICE OF
8 ADMINISTRATIVE HEARINGS FOR A HEARING IN ACCORDANCE WITH TITLE 10,
9 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

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

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

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

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

19 **Article 48A - Insurance Code**

20 634A.

21 A PERSON SUBJECT TO THE TAX IMPOSED UNDER THIS SUBTITLE MAY CLAIM A
22 CREDIT AGAINST THE TAX FOR A CERTIFIED REHABILITATION AS PROVIDED
23 UNDER ~~§ 10-704.4 OF THIS ARTICLE~~ ARTICLE 83B, § 5-801 OF THE
24 CODE.

25 **Article - Tax - General**

26 8-208.1.

27 A FINANCIAL INSTITUTION MAY CLAIM A CREDIT AGAINST THE FINANCIAL
28 INSTITUTION FRANCHISE TAX FOR A CERTIFIED REHABILITATION AS PROVIDED
29 UNDER ~~§ 10-704.4 OF THIS ARTICLE~~ ARTICLE 83B, § 5-801 OF THE CODE.

30 8-406.1.

31 A PUBLIC SERVICE COMPANY MAY CLAIM A CREDIT AGAINST THE PUBLIC
32 SERVICE COMPANY FRANCHISE TAX FOR A CERTIFIED REHABILITATION AS
33 PROVIDED UNDER ~~§ 10-704.4 OF THIS ARTICLE~~ ARTICLE 83B, § 5-801 OF THE CODE.

34 10-208.

35 [(h) (1) (i) In this subsection the following words have the meanings
36 indicated.

28

1 (ii) "Amortizable basis" means the part of the basis attributable to
2 amounts spent for the rehabilitation of a certified nondepreciable historic structure that
3 is consistent with the historic character of the property or district under the regulations of
4 the Comptroller.

5 (iii) "Certified local government" means a political subdivision in the
6 State that:

7 1. participates in the United States Department of Interior
8 National Park Service Certified Local Government Program as stipulated in 36 Code of
9 Federal Regulations 61;

10 2. conducts a historic preservation program that the National
11 Park Service certifies as meeting all of the requirements and criteria of the program as
12 stipulated in 36 Code of Federal Regulations 61; and

13 3. for the designation of individual historic properties and
14 historic districts, employs criteria that the Maryland Historical Trust approves as being
15 consistent with criteria used by the Trust.

16 (iv) "Certified nondepreciable historic structure" means a structure
17 that is not subject to the depreciation allowance under § 167 or § 168 of the Internal
18 Revenue Code and is:

19 1. listed in the National Register of Historic Places;

20 2. designated as an individual historic site by a certified local
21 government;

22 3. located in a registered historic district and certified as being
23 of historic significance by the United States Secretary of the Interior or the Maryland
24 Historical Trust; or

25 4. located in a district designated as historic by a certified local
26 government and certified as being of historic significance by the certified local
27 government.

28 (2) The subtraction under subsection (a) of this section includes the amount
29 allowed under paragraph (3) of this subsection for the amortization of the amortizable
30 basis of a certified nondepreciable historic structure based on a period of 60 months.

31 (3) (i) The allowable amortization deduction is the sum of the
32 amortization expenses for the several months of the taxable year.

33 (ii) The amortization expense for a month is the amortizable basis at
34 the end of the month divided by the number of months, including the month for which the
35 deduction is computed, remaining in the 60-month period.

36 (iii) The amortizable basis at the end of a month is computed without
37 regard to the amortization expense for that month.

38 (4) To take the amortization for a certified nondepreciable historic
39 structure, an individual shall file with the Comptroller or the Comptroller's designee, in

29

1 the manner and at the time that the Comptroller or designee may require, by the
2 regulation of the Comptroller, a statement of election to:

3 (i) take the amortization deduction; and

4 (ii) begin the 60-month period with:

5 1. the month after the month in which the basis is acquired; or

6 2. the taxable year after the year in which the basis

7 acquired.]

8 ~~[(i)] (H) (1) The subtraction under subsection (a) of this section includes twice~~
9 ~~the amount of expenses for reforestation or timber stand improvement activity on 10 to~~
10 ~~100 acres of commercial forest land, exclusive of federal funds.~~

11 ~~(2) Of the amount under paragraph (1) of this subsection:~~

12 ~~(i) 50% may be claimed in the taxable year in which the Department~~
13 ~~of Natural Resources issues an initial certificate of reforestation or timber stand~~
14 ~~improvement; and~~

15 ~~(ii) 50% may be claimed in the taxable year in which the Department~~
16 ~~of Natural Resources issues a final certificate of reforestation or timber stand~~
17 ~~improvement.~~

18 ~~[(i 1)] (I) (1) The subtraction under subsection (a) of this section includes an~~
19 ~~amount equal to \$3,000 if an individual is a qualifying volunteer fire, rescue, or emergency~~
20 ~~medical services member for the taxable year, as determined under paragraph (2) of this~~
21 ~~subsection.~~

22 ~~(2) An individual is a qualifying volunteer fire, rescue, or emergency~~
23 ~~medical services member for the taxable year eligible for the subtraction modification~~
24 ~~under this subsection if the individual:~~

25 ~~(i) is an active member of a bona fide Maryland fire, rescue, or~~
26 ~~emergency medical services organization;~~

27 ~~(ii) serves the organization in a volunteer capacity without~~
28 ~~compensation, except nominal expenses or meals;~~

29 ~~(iii) 1. qualifies for active status during the taxable year under:~~

30 ~~A. a volunteer fire, rescue, or emergency medical services~~
31 ~~personnel length of service award program operated by a county or municipal corporation~~
32 ~~of the State, if the length of service award program requires for active status qualification~~
33 ~~a minimum of 50 points per year and that points be earned in at least two different~~
34 ~~categories; or~~

35 ~~B. a point system established by a county or municipal~~
36 ~~corporation that does not operate a volunteer fire, rescue, or emergency medical services~~
37 ~~personnel length of service award program, to identify active volunteer fire, rescue, or~~
38 ~~emergency medical services members, if the point system requires for active status~~

31

1 ~~[(j)] (K) (1) The subtraction under subsection (a) of this section includes~~
2 ~~unreimbursed automobile travel expenses for volunteer service:~~

3 ~~(i) to a nonprofit volunteer fire company;~~

4 ~~(ii) to an organization whose principal purpose is to provide medical,~~
5 ~~health, or nutritional care and to which a contribution is deductible under § 170 of the~~
6 ~~Internal Revenue Code; or~~

7 ~~(iii) to provide assistance, other than transportation, to a handicapped~~
8 ~~individual, as defined under § 190 of the Internal Revenue Code, who is enrolled as a~~
9 ~~student in a community college of the State.~~

10 ~~(2) The amount of the travel expenses under paragraph (1) of this~~
11 ~~subsection shall be:~~

12 ~~(i) computed using the standard mileage rate allowed for~~
13 ~~unreimbursed automobile travel expenses under § 162 of the Internal Revenue Code; and~~

14 ~~(ii) reduced by the amount of unreimbursed automobile travel~~
15 ~~expenses claimed as an itemized deduction for the same organization on the federal tax~~
16 ~~return under § 170 of the Internal Revenue Code.~~

17 ~~[(k)] (L) The subtraction under subsection (a) of this section includes the amount~~
18 ~~of salary or wages paid for which a deduction is not allowed under § 280C(a) of the~~
19 ~~Internal Revenue Code, not exceeding the credit allowed for targeted jobs under § 51 of~~
20 ~~the Internal Revenue Code.~~

21 10-702.1.

22 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
23 INDICATED.

24 (2) "AUTHORITY" MEANS THE MARYLAND HERITAGE AREAS
25 AUTHORITY ESTABLISHED UNDER § 43-4405 13-1103 OF THE FINANCIAL INSTITUTIONS
26 ARTICLE.

27 ~~(3) "BUSINESS ENTITY" MEANS A CORPORATION, ASSOCIATION,~~
28 ~~PARTNERSHIP, JOINT VENTURE, OR OTHER LEGALLY ORGANIZED ENTITY.~~

29 ~~(4) "STATE DESIGNATED HERITAGE AREA" HAS THE MEANING STATED~~
30 ~~IN § 13-1101(G) OF THE FINANCIAL INSTITUTIONS ARTICLE.~~

31 ~~(5) "HERITAGE TOURISM ENTERPRISE" MEANS A BUSINESS ENTITY OR~~
32 ~~A NEW BUSINESS ENTITY THAT:~~

33 ~~(i) IS LOCATED IN A STATE DESIGNATED HERITAGE AREA THAT~~
34 ~~THE AUTHORITY DETERMINES TO EXIST; AND~~

35 ~~(ii) OPERATES PRINCIPALLY TO PROVIDE GOODS AND SERVICES~~
36 ~~TO VISITORS WHO RESIDE OUTSIDE THE STATE DESIGNATED HERITAGE AREA IN~~
37 ~~WHICH THE BUSINESS ENTITY OR NEW BUSINESS ENTITY IS LOCATED.~~

1 ~~(6) "NEW BUSINESS ENTITY" MEANS A BUSINESS ENTITY THAT HAS~~
2 ~~NEWLY RELOCATED TO THE STATE FROM OUTSIDE THE STATE OR THAT HAS BEEN~~
3 ~~NEWLY ESTABLISHED IN THE STATE.~~

4 ~~(7) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO IS A NEW~~
5 ~~EMPLOYEE OF A BUSINESS ENTITY OR NEW BUSINESS ENTITY LOCATED WITHIN A~~
6 ~~STATE DESIGNATED HERITAGE AREA.~~

7 (3) "BUSINESS ENTITY" MEANS A PERSON CONDUCTING OR OPERATING
8 A TRADE OR BUSINESS IN THE STATE.

9 (4) "HERITAGE TOURISM ENTERPRISE" MEANS A BUSINESS ENTITY
10 THAT:

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

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

14 (5) "CERTIFIED HERITAGE AREA" HAS THE MEANING STATED IN §
15 13-1101(D) OF THE FINANCIAL INSTITUTIONS ARTICLE.

16 (6) (I) "QUALIFIED EMPLOYEE" MEANS AN INDIVIDUAL WHO IS A
17 NEW EMPLOYEE IN A NEWLY CREATED POSITION OF A HERITAGE TOURISM
18 ENTERPRISE.

19 (II) "QUALIFIED EMPLOYEE" DOES NOT INCLUDE AN INDIVIDUAL
20 WHO:

21 1. WAS HIRED TO REPLACE ANOTHER INDIVIDUAL WHOM
22 THE HERITAGE TOURISM ENTERPRISE EMPLOYED IN ANY OF THE 3 TAXABLE YEARS
23 PRECEDING THE HIRING;

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

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

30 (B) A HERITAGE TOURISM ENTERPRISE MAY CLAIM A CREDIT AGAINST THE
31 STATE INCOME TAX ONLY FOR THE WAGES SPECIFIED IN ~~SUBSECTIONS (C) AND (D)~~
32 SUBSECTION (C) OF THIS SECTION THAT ARE PAID TO QUALIFIED EMPLOYEES IN
33 THE TAXABLE YEAR FOR WHICH THE HERITAGE TOURISM ENTERPRISE CLAIMS THE
34 CREDIT.

35 ~~(C) A CREDIT IS ALLOWED TO A HERITAGE TOURISM ENTERPRISE THAT~~
36 ~~EQUALS 100% OF THE STATE INCOME TAX PAID BY EACH QUALIFIED EMPLOYEE OF~~
37 ~~THE HERITAGE TOURISM ENTERPRISE WHO:~~

1 ~~(1) IS NOT HIRED TO REPLACE AN INDIVIDUAL WHOM THE HERITAGE~~
2 ~~TOURISM ENTERPRISE EMPLOYED IN THAT OR IN ANY OF THE 3 PRECEDING~~
3 ~~TAXABLE YEARS; AND~~

4 ~~(2) WAS NOT REHIRED AFTER BEING LAID OFF FOR MORE THAN 6~~
5 ~~MONTHS BY THE HERITAGE TOURISM ENTERPRISE.~~

6 ~~(D) FOR EACH TAXABLE YEAR AFTER THE TAXABLE YEAR SPECIFIED IN~~
7 ~~SUBSECTION (C) OF THIS SECTION, WHILE AN AREA IS DESIGNATED AS A STATE~~
8 ~~DESIGNATED HERITAGE AREA, A CREDIT IS ALLOWED THAT EQUALS 50% OF THE~~
9 ~~STATE INCOME TAX PAID BY EACH QUALIFIED EMPLOYEE.~~

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

12 (1) 5% OF UP TO THE FIRST \$20,000 OF THE WAGES PAID TO THE
13 QUALIFIED EMPLOYEE DURING THE FIRST YEAR OF EMPLOYMENT; AND

14 (2) 2.5% OF UP TO THE FIRST \$20,000 OF THE WAGES PAID TO THE
15 QUALIFIED EMPLOYEE DURING EACH OF THE SECOND, THIRD, FOURTH, AND FIFTH
16 YEARS OF EMPLOYMENT.

17 ~~(E) (D)~~ IF THE CREDIT AUTHORIZED BY THIS SECTION IN ANY TAXABLE
18 YEAR EXCEEDS THE STATE INCOME TAX FOR THAT TAXABLE YEAR, A HERITAGE
19 TOURISM ENTERPRISE MAY APPLY THE EXCESS AS A CREDIT AGAINST THE STATE
20 INCOME TAX FOR THE SUCCEEDING TAXABLE YEARS UNTIL THE FULL AMOUNT OF
21 THE EXCESS IS USED.

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

26 (F) IF THE ENTITY THAT IS RESPONSIBLE FOR IMPLEMENTING THE
27 MANAGEMENT PLAN, DESIGNATED BY THE LOCAL JURISDICTIONS, CERTIFIES THAT
28 A BUSINESS ENTITY IS A HERITAGE TOURISM ENTERPRISE, THE ENTITY SHALL
29 FORWARD A COPY OF THE CERTIFICATION TO THE COMPTROLLER.

30 (G) THE COMPTROLLER SHALL:

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

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

35 10-704.4.

36 AN INDIVIDUAL OR CORPORATION MAY CLAIM A CREDIT AGAINST THE STATE
37 INCOME TAX FOR A CERTIFIED REHABILITATION AS PROVIDED UNDER ARTICLE
38 83B, § 5-801 OF THE CODE.

34

1 **Article 83B - Department of Housing and Community Development**

2 **SUBTITLE 8. REHABILITATION TAX CREDITS**

3 5-801.

4 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 ~~(2) "BUSINESS ENTITY" MEANS A CORPORATION, ASSOCIATION,~~
7 ~~PARTNERSHIP, JOINT VENTURE, OR OTHER LEGAL ENTITY.~~

8 (2) "BUSINESS ENTITY" MEANS A PERSON CONDUCTING OR OPERATING
9 A TRADE OR BUSINESS IN THE STATE.

10 (3) "CERTIFIED HERITAGE AREA" HAS THE MEANING STATED IN §
11 13-1101(D) OF THE FINANCIAL INSTITUTIONS ARTICLE.

12 ~~(3)~~ (4) "CERTIFIED HERITAGE STRUCTURE" MEANS A STRUCTURE
13 THAT IS:

14 (I) LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES;

15 (II) DESIGNATED AS A HISTORIC PROPERTY UNDER LOCAL LAW;

16 (III) 1. LOCATED IN A HISTORIC DISTRICT LISTED ON THE
17 NATIONAL REGISTER OF HISTORIC PLACES OR IN A LOCAL HISTORIC DISTRICT; AND

18 2. CERTIFIED BY THE DIRECTOR OF THE MARYLAND
19 HISTORICAL TRUST AS CONTRIBUTING TO THE SIGNIFICANCE OF THE DISTRICT; OR

20 (IV) LOCATED IN A ~~STATE-DESIGNATED~~ CERTIFIED HERITAGE
21 AREA AND WHICH HAS BEEN CERTIFIED BY THE MARYLAND HERITAGE AREAS
22 AUTHORITY AS CONTRIBUTING TO THE SIGNIFICANCE OF THE ~~STATE-DESIGNATED~~
23 CERTIFIED HERITAGE AREA.

24 ~~(4)~~ (5) "CERTIFIED REHABILITATION" MEANS REHABILITATION OF A
25 CERTIFIED HERITAGE STRUCTURE WHICH THE DIRECTOR CERTIFIES IS
26 SUBSTANTIAL REHABILITATION IN CONFORMANCE WITH THE REHABILITATION
27 STANDARDS OF THE UNITED STATES SECRETARY OF THE INTERIOR.

28 ~~(5)~~ (6) "DIRECTOR" MEANS THE DIRECTOR OF THE MARYLAND
29 HISTORICAL TRUST.

30 ~~(6)~~ (7) "LOCAL HISTORIC DISTRICT" MEANS A DISTRICT THAT THE
31 GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION, OR THE MAYOR
32 AND CITY COUNCIL OF BALTIMORE, HAS DESIGNATED UNDER LOCAL LAW AS
33 HISTORIC.

34 ~~(7)~~ (8) "QUALIFIED REHABILITATION EXPENDITURE" MEANS ANY
35 AMOUNT EXPENDED IN THE REHABILITATION OF A STRUCTURE THAT IS PROPERLY
36 CHARGEABLE TO CAPITAL ACCOUNT.

35

1 ~~(8) "STATE DESIGNATED HERITAGE AREA" HAS THE MEANING STATED~~
2 ~~IN § 13-1101(G) OF THE FINANCIAL INSTITUTIONS ARTICLE.~~

3 (9) "SUBSTANTIAL REHABILITATION" MEANS REHABILITATION OF A
4 STRUCTURE FOR WHICH THE QUALIFIED REHABILITATION EXPENDITURES,
5 DURING THE 24-MONTH PERIOD SELECTED BY THE TAXPAYER ENDING WITH OR
6 WITHIN THE TAXABLE YEAR, EXCEED:

7 (I) FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY, \$5,000; OR

8 (II) FOR ALL OTHER PROPERTY, THE GREATER OF:

9 1. THE ADJUSTED BASIS OF THE STRUCTURE; OR

10 2. \$5,000.

11 ~~(B) SUBJECT TO SUBSECTIONS (C) THROUGH (E) OF THIS SECTION, AN~~
12 ~~INDIVIDUAL OR BUSINESS ENTITY THAT COMPLETES A CERTIFIED REHABILITATION~~
13 ~~MAY CLAIM A CREDIT AGAINST STATE INCOME TAX IN AN AMOUNT UP TO 25% OF~~
14 ~~QUALIFIED REHABILITATION EXPENDITURES MADE BY THE TAXPAYER FOR THE~~
15 ~~REHABILITATION.~~

16 ~~(C) FOR THE TAXABLE YEAR IN WHICH A CERTIFIED REHABILITATION HAS~~
17 ~~BEEN COMPLETED, THE CREDIT ALLOWED UNDER SUBSECTION (B) OF THIS SECTION~~
18 ~~IS ALLOWED UP TO AN AMOUNT THAT EQUALS THE TAXPAYER'S STATE INCOME~~
19 ~~TAX FOR THAT TAXABLE YEAR.~~

20 ~~(D) IF THE CREDIT ALLOWED UNDER SUBSECTION (B) OF THIS SECTION~~
21 ~~EXCEEDS THE CREDIT ALLOWED UNDER SUBSECTION (C) OF THIS SECTION, THE~~
22 ~~EXCESS MAY BE APPLIED AS A CREDIT AGAINST THE TAXPAYER'S STATE INCOME~~
23 ~~TAX IN EACH SUCCEEDING TAXABLE YEAR UP TO 15 SUCCEEDING TAXABLE YEARS.~~

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

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

31 (C) IF THE CREDIT ALLOWED UNDER THIS SECTION IN ANY TAXABLE YEAR
32 EXCEEDS THE TOTAL TAX OTHERWISE PAYABLE BY THE BUSINESS ENTITY OR AN
33 INDIVIDUAL FOR THAT TAXABLE YEAR, THE BUSINESS ENTITY OR INDIVIDUAL MAY
34 APPLY THE EXCESS AS A CREDIT FOR SUCCEEDING YEARS UNTIL THE EARLIER OF:

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

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

38 ~~(E) (D) IF A CERTIFIED HERITAGE STRUCTURE FOR WHICH A CERTIFIED~~
39 ~~REHABILITATION HAS BEEN COMPLETED IS SOLD OR TRANSFERRED, THE AMOUNT~~

36

1 OF ANY CREDIT UNUSED AT THE TIME OF SALE OR TRANSFER MAY BE
2 TRANSFERRED TO THE INDIVIDUAL OR BUSINESS ENTITY TO WHICH THE BUILDING
3 IS SOLD OR TRANSFERRED.

4 ~~(F) THE DIRECTOR AND THE MARYLAND HERITAGE AREAS AUTHORITY MAY~~
5 ~~CHARGE A REASONABLE FEE TO CERTIFY A HERITAGE STRUCTURE OR A~~
6 ~~REHABILITATION UNDER THIS SECTION.~~

7 ~~(G)~~ (E) THE DIRECTOR AND THE MARYLAND HERITAGE AREAS
8 AUTHORITY MAY ADOPT REGULATIONS TO ESTABLISH PROCEDURES AND
9 STANDARDS FOR CERTIFYING HERITAGE STRUCTURES AND ~~REHABILITATION~~
10 REHABILITATIONS UNDER THIS SECTION.

11 **Article - Tax - Property**

12 9-204.1.

13 (a) In this section, "eligible improvements" means significant improvements to, or
14 restoration or rehabilitation of, ~~historic~~ HERITAGE OR HERITAGE properties.

15 (b) The General Assembly declares that it is in the general public interest to
16 foster and encourage historic preservation AND HERITAGE TOURISM activities through
17 improvement, restoration, and rehabilitation of, ~~historic~~ HERITAGE OR HERITAGE
18 property so as to:

19 (1) preserve and protect the [architectural] heritage of the State as
20 represented by its remaining historic buildings and structures;

21 (2) stimulate the positive aspects of ~~historic~~ HERITAGE OR HERITAGE
22 preservation, such as economic development and employment opportunities; and

23 (3) implement and effect local government planning activities aimed at
24 preserving historic structures, sites, [and] districts, AND HERITAGE AREAS.

25 (c) It is the intent of the General Assembly that:

26 (1) the taxation of significant improvements to, and restoration or
27 rehabilitation of, ~~historic~~ HERITAGE OR HERITAGE properties be maintained, for a
28 period of up to 10 years, at taxation levels not greater than those in place before the
29 eligible improvements if approved as part of a local government plan for ~~historic~~
30 HERITAGE OR HERITAGE preservation;

31 (2) the methods and procedures to implement a program for the purposes of
32 this section be determined by the applicable local government; and

33 (3) State financial assistance to a local government not be conditioned upon
34 the local government implementing a program under this section.

35 (d) The Mayor and City Council of Baltimore, the governing body of each county,
36 and the governing body of each municipal corporation may:

37 (1) implement, by law, a program that provides for a property tax credit not
38 to exceed the difference between:

37

1 (i) the property tax that, but for the tax credit, would be payable after
2 the completion of eligible improvements; and

3 (ii) the property tax that would be payable if the eligible improvements
4 were not made; and

5 (2) adopt any requirements and procedures that are necessary or
6 appropriate to carry out the purposes of this section.

7 (e) A property tax credit provided for under this section shall:

8 (1) be subject to eligibility requirements no less stringent than those
9 applicable to credits authorized under § 9-204 of this subtitle;

10 (2) be for a period that does not exceed 10 years for each property;

11 (3) apply to eligible improvements which are:

12 (i) located within the boundaries of:

13 1. a property listed individually on the National Register of
14 Historic Places, or a national register historic or landmark district; or

15 2. a property or district designated as a historic property or
16 district under local law; [and] OR

17 3. A PROPERTY INCLUDED WITHIN THE BOUNDARIES OF A
18 ~~STATE DESIGNATED CERTIFIED HERITAGE AREA UNDER § 43-442~~ 13-1111 OF THE
19 FINANCIAL INSTITUTIONS ARTICLE; AND

20 (ii) FOR A PROPERTY OR DISTRICT UNDER PARAGRAPH (3)(I)1 OR 2
21 OF THIS SUBSECTION, determined by the local historic district commission to be
22 compatible with local historic preservation standards.

23 13-209.

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

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

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

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

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

38

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

3 **Article - Natural Resources**

4 5-903.

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

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

19 (2) \$1,000,000 OF THE STATE'S SHARE OF THE FUNDS AVAILABLE UNDER
20 THIS PROGRAM SHALL BE ALLOCATED TO THE MARYLAND HERITAGE AREAS
21 FINANCING FUND AS ESTABLISHED UNDER § 13-1113 OF THE FINANCIAL
22 INSTITUTIONS ARTICLE.

23 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
24 read as follows:

25 **Article - Insurance**

26 6-105.1.

27 A PERSON SUBJECT TO THE TAX IMPOSED UNDER THIS SUBTITLE MAY CLAIM A
28 CREDIT AGAINST THE TAX FOR A CERTIFIED REHABILITATION AS PROVIDED
29 UNDER ~~§ 10-704.4 OF THE TAX - GENERAL ARTICLE~~ ARTICLE 83B, § 5-801 OF THE
30 CODE.

31 SECTION 3. AND BE IT FURTHER ENACTED, That ~~this Act is~~ the changes
32 made under this Act to the Tax - General Article, the Tax - Property Article, Article 48A
33 of the Code, and Article 83B of the Code shall be applicable to all taxable years beginning
34 after December 31, 1996.

35 SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding Sections
36 1 and 2 of this Act, an individual or business entity that elects to take the amortization
37 deduction specified in § 10-208(h) of the Tax - General Article and to begin the
38 60-month amortization period in a taxable year before January 1, 1997, ~~shall~~:

39 (1) Shall take any balance of the deduction in the taxable years after
40 December 31, 1996, as specified under § 10-208(h) of the Tax - General Article as in
41 effect before its repeal under Section 1 of this Act; and

1 (2) May not claim the tax credit allowed under Article 83B, § 5-801 of the
2 Code with respect to the rehabilitation for which the taxpayer has elected to take the
3 amortization deduction.

4 SECTION 5. AND BE IT FURTHER ENACTED, That the initial terms of the
5 ~~eight~~ nine members of the Maryland Heritage Areas Authority appointed by the
6 Governor under § ~~13-1106(a)(8)~~ 13-1104(a)(9) of the Financial Institutions Article, as
7 added by Section 1 of this Act, are as follows:

8 (1) of the two elected officials or representatives of local jurisdictions, one
9 shall serve a term of 2 years and one shall serve a term of 4 years;

10 (2) of the two persons appointed from names recommended by the
11 President of the Maryland Senate, one shall serve a term of 2 years and one shall serve a
12 term of 4 years;

13 (3) of the two persons appointed from names recommended by the Speaker
14 of the House of Delegates, one shall serve a term of 2 years and one shall serve a term of
15 4 years; ~~and~~

16 ~~(4) of the two additional members appointed by the Governor, one shall~~
17 ~~serve a term of 2 years and one shall serve a term of 4 years.~~

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

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

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

29 SECTION ~~6.~~ 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act is
30 effective October 1, ~~1998~~ 1997.

31 SECTION ~~7.~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in
32 Section ~~6~~ 7 of this Act, this Act shall take effect October 1, 1996.