

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL NO. 507

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “agricultural,” insert “forestry.”; in line 13, after the second semicolon, insert “specifying the amount of Program Open Space funds that may be used for capital purposes.”; and in line 18, after “5-903(a)” insert “and (g)(1)”.

AMENDMENT NO. 2

On page 2, in line 26, after “(III)” insert “1.”; in line 30, strike “\$7” and substitute “\$5”; in the same line, strike “\$9” and substitute “\$6”; in line 31, strike the first “\$9” and substitute “\$7”; in the same line, strike the second “\$9” and substitute “\$8”; and in line 31, strike the period and substitute “; PROVIDED THAT IN EACH OF THOSE FISCAL YEARS, THE FOLLOWING AMOUNTS OF GENERAL OBLIGATION BONDS HAVE BEEN AUTHORIZED FOR THE RURAL LEGACY PROGRAM: FISCAL YEAR 1998 (\$5 MILLION), FISCAL YEAR 1999 (\$10 MILLION), FISCAL YEAR 2000 (\$15 MILLION), FISCAL YEAR 2001 (\$20 MILLION) AND FISCAL YEAR 2002 (\$30 MILLION). IF IN ANY YEAR, THE AMOUNT OF GENERAL OBLIGATION BONDS AUTHORIZED IS LESS THAN THE AMOUNT SPECIFIED ABOVE, THE AMOUNT OF FUNDS TRANSFERRED SHALL BE REDUCED PROPORTIONALLY.”

2.”;

in line 32, strike “\$9” and substitute “\$8”; in line 34, strike “\$35” and substitute “\$30”; in line 35, after the period, insert “IF, IN ANY OF THE FISCAL YEARS FROM 2003 THROUGH 2011, THE AMOUNT OF GENERAL OBLIGATION BONDS AUTHORIZED FOR THE RURAL LEGACY PROGRAM IS LESS THAN \$30 MILLION, THE AMOUNT OF FUNDS TRANSFERRED AS A CONTRIBUTION TO DEBT SERVICE SHALL BE REDUCED PROPORTIONALLY.”

3.”;

(Over)

and in line 36, strike “NOT ATTRIBUTABLE TO THE SALE OF GENERAL OBLIGATION BONDS”.

AMENDMENT NO. 3

On page 2, after line 37, insert:

“(g) (1) For the fiscal year commencing July 1, 1990, any amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State's share of funds THAT WOULD BE AVAILABLE UNDER THE PROGRAM IF 100 PERCENT OF THE FUNDS NOT REQUIRED UNDER § 13-209(B) OF THE TAX - PROPERTY ARTICLE WERE AVAILABLE FOR DISTRIBUTION AS PROVIDED IN § 13-209(D)(3) OF THE TAX - PROPERTY ARTICLE [available under the program] may be used for capital improvements on land owned by the State for the use of the Department if the improvements are:

(i) Approved in the State budget; and

(ii) Compatible with:

1. Any master plan developed for the land; and

2. The natural features of the land.”.

AMENDMENT NO. 4

On page 3, in line 1, strike “AND” and substitute a comma; in the same line, after “AGRICULTURAL”, insert “, AND FORESTRY”; strike beginning with “WHILE” in line 14 down through “AREAS,” in line 16; in line 19, after the second comma, insert “FORESTRY,”; in line 20, after “SECTION” insert “WHILE MAINTAINING THE VIABILITY OF RESOURCE-BASED LAND USAGE AND PROPER MANAGEMENT OF TILLABLE AND WOODED AREAS THROUGH ACCEPTED AGRICULTURAL AND SILVICULTURAL PRACTICES FOR FARM PRODUCTION AND TIMBER HARVESTS.”; in the same line, strike “BY PROVIDING”; in the same line, before “FUNDS”, insert “(2) THE PROGRAM PROVIDES”; in line 21, strike “STATE,”; in line 24, strike “(2)” and substitute “(3)”; in the same line, strike “CREATE” and substitute “ENCOURAGE”; in the same line, after the second “THE” insert “FEDERAL,”; and in line 27, strike “(3)” and substitute “(4)”.

On page 4, in line 9, after “IN” insert “A MULTIPLE OF”; in the same line, after “AGRICULTURAL,” insert “FORESTRY,”.

On page 5, in line 18, after “AGRICULTURAL” insert “,FORESTRY,”; and in line 22, after “AGRICULTURAL” insert “,FORESTRY,”.

AMENDMENT NO. 5

On page 3, in line 22, after “REAL PROPERTY” insert “FROM WILLING SELLERS”.

AMENDMENT NO. 6

On page 4, in line 32, after “ACQUISITIONS.” insert “THE AUTHORITY GRANTED UNDER THIS SUBSECTION MAY NOT BE CONSTRUED TO PERMIT ADOPTION OF A REGULATION APPLICABLE TO LAND THAT IS NOT SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE.”.

AMENDMENT NO. 7

On page 4, in line 33, after “(C)” insert “(1)”; in the same line, after “OF” insert “THE FAIR MARKET VALUE OF”; in line 34, after “SUBTITLE” insert a period; strike beginning with “WHICH” in line 34 down through “VALUES.” in line 35 and substitute “ANY METHOD FOR APPRAISAL ESTABLISHED BY THE BOARD:

(2) SHALL INCLUDE CONSIDERATION OF ANY VALUE OF THE PROPERTY FOR:

(I) DEVELOPMENT;

(II) AGRICULTURE;

(III) NATURAL RESOURCES;

(IV) FORESTRY;

(V) CULTURAL AND HISTORIC RESOURCES; AND

(VI) MINERAL RESOURCES; AND

(3) MAY NOT INCLUDE A VALUE FOR ANY RESOURCE USED OR RESERVED BY THE OWNER FOR PRIVATE ECONOMIC BENEFIT.”.

AMENDMENT NO. 8

On page 5, in line 10, after “DESIGNATION” insert “INSIDE ANOTHER JURISDICTION’S”; in the same line, strike “OUTSIDE ITS”; and in the same line, after “BOUNDARIES” insert “WITHOUT THAT JURISDICTION’S APPROVAL”.

On page 7, in line 3, after “(E)”, insert “(1)”; and after line 5, insert:

“(2) IF AN APPLICATION PROPOSES A RURAL LEGACY AREA LOCATED WITHIN 1 MILE OF THE BOUNDARY OF A MUNICIPAL CORPORATION, THE SPONSOR SHALL CONSULT WITH THE GOVERNING BODY OF THE MUNICIPAL CORPORATION BEFORE FILING THE APPLICATION AND SHALL PROVIDE THE BOARD WITH A SUMMARY OF THAT CONSULTATION.”.

AMENDMENT NO. 9

On page 5, in line 12, after “PLAN,” insert “IDENTIFY EXISTING PROTECTED LANDS,”; in the same line, after “STATE” insert “THE ANTICIPATED LEVEL OF INITIAL LANDOWNER PARTICIPATION IN THE PROGRAM AND”; in line 26, after “PLANT SPECIES,” insert “INCLUDING RARE, THREATENED, OR ENDANGERED SPECIES,”; and in line 35, after “AREAS” insert “AND THE DEGREE TO WHICH THE PROPOSED FEE OR EASEMENT PURCHASES WILL PROTECT THE CULTURAL AND HISTORIC RESOURCES”.

On page 6, in line 1, after “(I)” insert “THE DEGREE TO WHICH”; in the same line, after “EXISTING” insert “PLANNING,”; in the same line, after “ZONING”, insert a comma; in line 2, strike “CONTRIBUTING” and substitute “CONTRIBUTE”; in the same line, after “CONSERVATION” insert “AND THE PROTECTION OF CULTURAL RESOURCES”; after line 2, insert:

“(II) THE DEGREE TO WHICH THE PROPOSED PLAN IS CONSISTENT WITH THE APPLICABLE LOCAL COMPREHENSIVE PLAN, INCLUDING PROTECTION OF SENSITIVE AREAS AND MINERAL RESOURCES;”;

in lines 3, 5, 9, 12, 14, 16, and 18, strike “(II)”, “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, and “(VIII)”, respectively, and substitute “(III)”, “(IV)”, “(V)”, “(VI)”, “(VII)”, “(VIII)”, and “(IX)”, respectively;

in line 21, after “AMONG” insert “FEDERAL,”; and in the same line, after “STATE” insert a comma.

AMENDMENT NO. 10

On page 7, after line 19, insert:

“(K) A LAND OR MINERAL OWNER WHO PARTICIPATES IN THIS PROGRAM MAY RESERVE MINERAL RIGHTS FOR EXTRACTION IN ACCORDANCE WITH APPLICABLE LAW AND THE TERMS OF THE EASEMENT OR FEE ACQUISITION.

“(L) STATE AND LOCAL CONDEMNATION AUTHORITY MAY NOT BE USED TO ACQUIRE REAL PROPERTY INTERESTS FOR THE PURPOSES OF THIS PROGRAM.”

AMENDMENT NO. 11

On page 7, in line 28, strike “, INCLUDING” and substitute “AND”; in the same line, strike “ASSOCIATED WITH THE” and substitute “OF”; in line 29, after “EASEMENT” insert “FOR PROGRAM COMPLIANCE. PAYMENT FOR ADMINISTRATIVE COSTS MAY NOT EXCEED 3 PERCENT OF THE GRANT AMOUNT, AND THE AMOUNT OF MONITORING COSTS SHALL BE SET IN THE GRANT”.

AMENDMENT NO. 12

On page 8, in line 2, strike “APPROVED”; in the same line, after “SPONSOR” insert “OF A DESIGNATED RURAL LEGACY AREA”; in lines 14 and 15, strike “A SPONSOR MAY SEEK PAYMENT FOR AN ACQUISITION FROM THE DEPARTMENT OF NATURAL RESOURCES” and substitute “THE STATE SHALL PAY THE SPONSOR FOR THE ACQUISITION”; and after line 17, insert:

“(G) THE BOARD SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY BEFORE NOVEMBER 1 OF EACH YEAR ON:

(1) THE FINANCIAL STATUS OF THE PROGRAM FOR THE PRECEDING FISCAL YEAR, INCLUDING THE AMOUNT OF GRANTS ENCUMBERED AND DISBURSED;

(2) THE NUMBER OF APPLICATIONS RECEIVED;

(3) THE NUMBER AND LOCATION OF RURAL LEGACY AREAS DESIGNATED; AND

(4) THE PROGRAM'S PROGRESS IN CONTRIBUTING TO LAND PRESERVATION EFFORTS.”.

AMENDMENT NO. 13

On page 8, in line 25, strike “NINE” and substitute “11”; and in line 35, strike “LOCAL” and substitute “COUNTY”.

On page 9, in line 1, strike “AND”; in line 2, strike “PRIVATE LAND OWNER” and substitute “REPRESENTATIVE OF THE MINERAL RESOURCES INDUSTRY”; in the same line, strike the period and substitute a semicolon; after line 2, insert:

“(10) A REPRESENTATIVE OF A NONPROFIT CULTURAL OR HISTORICAL ORGANIZATION; AND

(11) A REPRESENTATIVE OF A MUNICIPAL CORPORATION.”;

after line 4, insert:

“(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JULY 1, 1997.”;

in line 5, strike “(2)” and substitute “(3)”; in line 7, strike “(3)” and substitute “(4)”; and in line 7, after “GEOGRAPHICALLY” insert “AND ETHNICALLY”.

AMENDMENT NO. 14

On page 10, in line 10, after “ALLOCATED” insert “AS FOLLOWS:”

(I) 30%”;

in line 11, strike the period and substitute a semicolon; and after line 11, insert:

“(II) 40% TO THE AGRICULTURAL LAND PRESERVATION FUND ESTABLISHED UNDER § 2-205 OF THE AGRICULTURE ARTICLE; AND

(III) 30 % TO PROGRAM OPEN SPACE, FOR LAND ACQUISITION AS SPECIFIED IN § 5-903(A)(2) OF THE NATURAL RESOURCES ARTICLE.”.

AMENDMENT NO. 15

On page 10, after line 11, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Advisory Committee to the Rural Legacy Board shall expire as follows:

(1) 4 members in 2000;

(2) 4 members in 2001; and

(3) 3 members in 2002.”;

and in line 12, strike “2.” and substitute “3.”.