

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 388

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “agricultural,” insert “forestry,”; and in line 13, after “designations;” insert “requiring the Board to report annually to the Governor and General Assembly;”.

AMENDMENT NO. 2

On page 2, strike beginning with “FOR” in line 32 down through “PROGRAM” in line 36 and substitute “FOR FISCAL YEAR 2003 AND EACH FISCAL YEAR THEREAFTER, FUNDS MAY BE TRANSFERRED TO THE RURAL LEGACY PROGRAM AS PROVIDED IN THE STATE BUDGET, OF WHICH UP TO \$2 MILLION MAY BE USED TO ISSUE ZERO COUPON BONDS FOR EASEMENTS”; and in line 37, strike “NOT ATTRIBUTABLE TO THE SALE OF GENERAL OBLIGATION BONDS”.

AMENDMENT NO. 3

On page 3, in line 3, strike “AND” and substitute a comma; in the same line, after “AGRICULTURAL” insert “, AND FORESTRY”; strike beginning with “WHILE” in line 16 down through “AREAS,” in line 18; in line 21, after “AGRICULTURAL,” insert “FORESTRY,”; and in line 22, strike “BY PROVIDING” and substitute “, 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.”

(2) THE PROGRAM PROVIDES”.

On page 4, strike beginning with “AS” in line 4 down through “ARTICLE.” in line 5 and substitute “THAT:”

(Over)

(1) IS A QUALIFIED ORGANIZATION UNDER § 170(H)(3) OF THE INTERNAL REVENUE CODE AND REGULATIONS ADOPTED UNDER § 170 (H)(3); AND

(2) HAS EXECUTED A COOPERATIVE AGREEMENT WITH THE MARYLAND ENVIRONMENTAL TRUST.”;

and in line 10, after “NATURAL,” insert “FORESTRY”.

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

AMENDMENT NO. 4

On page 3, in line 23, strike “STATE,”; in line 24, after “PROPERTY” insert “FROM WILLING SELLERS”; in lines 26 and 29, strike “(2)” and “(3)”, respectively, and substitute “(3)” and “(4)”, respectively; in line 26, strike “CREATE” and substitute “ENCOURAGE”; in the same line, after the second “THE” insert “FEDERAL,”; in the same line, after “STATE,” insert “AND”; in line 28, strike “LOCAL”; and strike beginning with the second “THE” in line 32 down through the second “ARTICLE” in line 34 and substitute “:

(1) FUNDS DISTRIBUTED PURSUANT TO § 13-209 OF THE TAX - PROPERTY ARTICLE AND § 5-903 OF THE NATURAL RESOURCES ARTICLE; AND

(2) THE SALE OF BONDS”.

On page 6, in line 21, after “AMONG” insert “FEDERAL,”; and in the same line, after “STATE” insert a comma.

AMENDMENT NO. 5

On page 4, in line 31, after “(B)” insert “(1)”; after line 32, insert:

“(2) 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.”;

in line 33, after “(C)” insert “(1)”; in the same line, after “OF” insert “THE FAIR MARKET VALUE OF”; strike beginning with “WHICH” in line 34 down through “VALUES” in line 35; and after line 35, insert:

“(2) ANY METHOD FOR APPRAISAL ESTABLISHED BY THE BOARD:

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

1. DEVELOPMENT;

2. AGRICULTURE;

3. NATURAL RESOURCES;

4. FORESTRY; AND

5. MINERAL RESOURCES; AND

(II) MAY NOT INCLUDE A VALUE FOR ANY RESOURCE USED OR
RESERVED FOR PRIVATE ECONOMIC BENEFIT.”.

AMENDMENT NO. 6

On page 6, in line 1, strike “EXISTING ZONING” and substitute “THE DEGREE TO WHICH EXISTING PLANNING, ZONING,”; in line 2, strike “CONTRIBUTING” and substitute “CONTRIBUTE”; in line 3, after “(II)” insert “THE DEGREE TO WHICH THE PROPOSED PLAN IS CONSISTENT WITH THE APPLICABLE LOCAL COMPREHENSIVE PLAN, INCLUDING PROTECTION OF SENSITIVE AREAS AND MINERAL RESOURCES;

(III)”;

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

AMENDMENT NO. 7

(Over)

On page 5, in line 10, strike “OUTSIDE ITS” and substitute “INSIDE ANOTHER JURISDICTION’S”; in the same line, after “BOUNDARIES” insert “WITHOUT THAT JURISDICTION’S APPROVAL”; and in line 12, after “STATE” insert “THE ANTICIPATED LEVEL OF INITIAL LANDOWNER PARTICIPATION IN THE PROGRAM AND”.

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

“(2) IF AN APPLICATION PROPOSES THAT A RURAL LEGACY AREA BE LOCATED WITHIN 1 MILE OF THE BOUNDARY OF A MUNICIPAL CORPORATION, THE MUNICIPAL CORPORATION SHALL HAVE 45 DAYS TO REVIEW AND COMMENT ON THE APPLICATION BEFORE THE APPLICATION IS SUBMITTED TO THE BOARD.”;

in line 6, after “(F)” insert “(1)”; in line 7, strike “, AND” and substitute “.

(2)”;

and in line 7, after “APPROVE” insert “OR AMEND”.

AMENDMENT NO. 8

On page 7, after line 19, insert:

“(K) ALL EASEMENT ACQUISITIONS MUST BE RECORDED AMONG THE LAND RECORDS WHERE THE REAL PROPERTY IS LOCATED.

(L) STATE OR LOCAL CONDEMNATION AUTHORITY MAY NOT BE USED TO ACQUIRE REAL PROPERTY INTERESTS UNDER THIS PROGRAM.

(M) FUNDS MAY BE USED TO PURCHASE AN EASEMENT FOR THE PROTECTION OF HISTORIC SITES OR SIGNIFICANT ARCHEOLOGICAL AREAS IF THE SPONSOR IS ACQUIRING REAL PROPERTY INTERESTS THROUGH A FEE ESTATE PURCHASE.

(N) A LAND OR MINERAL OWNER WHO PARTICIPATES IN THIS PROGRAM MAY RESERVE MINERAL RIGHTS FOR EXTRACTION IN ACCORDANCE WITH APPLICABLE

LAWS AND THE TERMS OF THE EASEMENT OR FEE ACQUISITION.”.

AMENDMENT NO. 9

On page 7, strike beginning with “ADMINISTRATIVE” in line 28 down through “EASEMENT” in line 29 and substitute “:

(I) ADMINISTRATIVE COSTS, NOT TO EXCEED 3 PERCENT OF THE GRANT AMOUNT; AND

(II) PROGRAM COMPLIANCE COSTS FOR MONITORING EASEMENTS, AS STATED IN THE GRANT AGREEMENT”.

On page 8, in line 2, strike “APPROVED”; in the same line, after “SPONSOR” insert “OF A DESIGNATED RURAL LEGACY AREA”; in line 16, strike “RURAL”; in line 17, strike “LEGACY”; strike beginning with “A” in line 14 down through “RESOURCES” in line 15, 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.”.

(Over)

AMENDMENT NO. 10

On page 8, in line 25, strike “NINE” and substitute “10”; and in line 35, strike “LOCAL” and substitute “COUNTY”.

On page 9, in line 1, strike “AND”; in line 2, after “OWNER” insert “; AND

(10) A REPRESENTATIVE OF A MUNICIPAL CORPORATION”;

after line 6, insert:

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

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

AMENDMENT NO. 11

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

(I) SIXTY PERCENT”;

and in line 11, after “ARTICLE”, insert “; AND

(II) FORTY PERCENT TO THE MARYLAND AGRICULTURAL LAND PRESERVATION FUND ESTABLISHED UNDER § 2-505 OF THE AGRICULTURE ARTICLE”;

and in line 12, after “SECTION 2.” insert “AND BE IT FURTHER ENACTED, That the provisions of this Act shall govern the distribution of funds as contained in Chapter _____ (H.B. 175) of the Acts of the General Assembly of 1997 for fiscal year 1998.

SECTION 3. 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 fiscal 2000;

(2) 4 members in fiscal 2001; and

(3) 2 members in fiscal 2002.

SECTION 4.”.