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By: The Speaker (Administration) and Delegates Fry, Rosapepe, Frush, Hammen, Turner, Preis, Harkins, Kopp, and Pitkin

Introduced and read first time: January 27, 1997

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 1997

CHAPTER ____

1 AN ACT concerning

2 **"Smart Growth" and Neighborhood Conservation - Rural Legacy Program**

3 FOR the purpose of creating a Rural Legacy Program in the Department of Natural
4 Resources; establishing a Rural Legacy Board to administer the Program; providing
5 for the membership of the Board; providing that the Program is established to
6 enhance natural resources, agricultural, forestry, and environmental protection by
7 providing funds for the purchase of certain interests in real property; providing for
8 the funding of the Program; specifying criteria that the Board will apply in
9 administering the Program; providing for the approval of certain of the Board's
10 actions by the Board of Public Works; requiring that the Board and an approved
11 sponsor in the Program shall execute a certain grant agreement; providing for an
12 advisory committee to the Board to make recommendations for rural legacy
13 designations; providing for the composition of the advisory committee; specifying
14 the amount of Program Open Space funds that may be used for capital purposes;
15 defining certain terms; and generally relating to the establishment of the Rural
16 Legacy Program.

17 BY repealing and reenacting, with amendments,
18 Article - Natural Resources
19 Section 5-903(a) and (g)(1)
20 Annotated Code of Maryland
21 (1989 Replacement Volume and 1996 Supplement)

22 BY adding to
23 Article - Natural Resources
24 Section 5-9A-01 through 5-9A-08, inclusive, to be under the new subtitle "Subtitle
25 9A. Rural Legacy Program"

2

1 Annotated Code of Maryland
2 (1989 Replacement Volume and 1996 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Tax - Property
5 Section 13-209(c)
6 Annotated Code of Maryland
7 (1994 Replacement Volume and 1996 Supplement)

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

10 **Article - Natural Resources**

11 5-903.

12 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of the
13 Tax - Property Article, \$1,000,000 may be transferred by an appropriation in the State
14 budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State
15 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing
16 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be
17 used for the purposes provided in that subtitle.

18 (2) (i) Of the remaining funds not appropriated under paragraph (1) of
19 this subsection, one half of the funds shall be used for recreation and open space
20 purposes by the Department and the Historic St. Mary's City Commission. Except as
21 otherwise provided in this section, any funds the General Assembly appropriates to the
22 State under this subsection shall be used only for land acquisition projects.

23 (ii) A portion of the State's share of funds available under this
24 program shall be utilized to make grants to Baltimore City for projects which meet park
25 purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive
26 under subsection (b) of this section, and may be used for acquisition or development. In
27 order for Baltimore City to be eligible for a State grant, the Department shall review
28 projects or land to be acquired within Baltimore City, and upon the Department's
29 recommendation, the Board of Public Works may approve projects and land including the
30 cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore
31 City. The State is not responsible for costs involved in the development or maintenance of
32 the land.

33 (III) 1. A PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE
34 UNDER THIS PROGRAM NOT TO EXCEED THE AMOUNTS SPECIFIED BELOW MAY BE
35 TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE RURAL
36 LEGACY PROGRAM UNDER TITLE 5, SUBTITLE 9A OF THIS ARTICLE: FISCAL YEAR
37 1998 (\$4 MILLION), FISCAL YEAR 1999 (\$7 \$5 MILLION), FISCAL YEAR 2000 (\$9 \$6
38 MILLION), FISCAL YEAR 2001 (\$9 \$7 MILLION), AND FISCAL YEAR 2002 (\$9 \$8 MILLION);
39 PROVIDED THAT IN EACH OF THOSE FISCAL YEARS, THE FOLLOWING AMOUNTS OF
40 GENERAL OBLIGATION BONDS HAVE BEEN AUTHORIZED FOR THE RURAL LEGACY
41 PROGRAM: FISCAL YEAR 1998 (\$5 MILLION), FISCAL YEAR 1999 (\$10 MILLION), FISCAL
42 YEAR 2000 (\$15 MILLION), FISCAL YEAR 2001 (\$20 MILLION) AND FISCAL YEAR 2002 (\$30

3

1 MILLION). IF IN ANY YEAR, THE AMOUNT OF GENERAL OBLIGATION BONDS
 2 AUTHORIZED IS LESS THAN THE AMOUNT SPECIFIED ABOVE, THE AMOUNT OF
 3 FUNDS TRANSFERRED SHALL BE REDUCED PROPORTIONALLY.

4 2. FOR FISCAL YEARS 2003-2011, UP TO \$9 \$8 MILLION MAY BE
 5 TRANSFERRED TO THE GENERAL FUND AS A CONTRIBUTION TO DEBT SERVICE,
 6 PROVIDED THAT IN EACH OF THOSE FISCAL YEARS, \$35 \$30 MILLION IN GENERAL
 7 OBLIGATION BONDS HAS BEEN AUTHORIZED FOR THE RURAL LEGACY PROGRAM.
 8 IF, IN ANY OF THE FISCAL YEARS FROM 2003 THROUGH 2011, THE AMOUNT OF
 9 GENERAL OBLIGATION BONDS AUTHORIZED FOR THE RURAL LEGACY PROGRAM IS
 10 LESS THAN \$30 MILLION, THE AMOUNT OF FUNDS TRANSFERRED AS A
 11 CONTRIBUTION TO DEBT SERVICE SHALL BE REDUCED PROPORTIONALLY.

12 3. SUMS ALLOCATED TO THE RURAL LEGACY PROGRAM
 13 NOT ATTRIBUTABLE TO THE SALE OF GENERAL OBLIGATION BONDS MAY NOT
 14 REVERT TO THE GENERAL FUND OF THE STATE.

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

23 (i) Approved in the State budget; and

24 (ii) Compatible with:

25 1. Any master plan developed for the land; and

26 2. The natural features of the land.

27 SUBTITLE 9A. RURAL LEGACY PROGRAM.

28 5-9A-01.

29 (A) THE GENERAL ASSEMBLY DECLARES THAT:

30 (1) SPRAWL DEVELOPMENT AND OTHER MODIFICATIONS TO THE
 31 LANDSCAPE IN MARYLAND CONTINUE AT AN ALARMING RATE, CONSUMING LAND
 32 RICH IN NATURAL RESOURCE ~~AND~~ AGRICULTURAL, AND FORESTRY VALUE,
 33 ADVERSELY AFFECTING WATER QUALITY, WETLANDS AND HABITAT,
 34 THREATENING RESOURCE-BASED ECONOMIES AND CULTURAL ASSETS, AND
 35 RENDING THE FABRIC OF RURAL LIFE;

36 (2) CURRENT STATE, COUNTY, AND LOCAL LAND CONSERVATION
 37 PROGRAMS HELP TO LIMIT THE EFFECT OF SPRAWL DEVELOPMENT BUT LACK
 38 SUFFICIENT FUNDING AND FOCUS TO PRESERVE KEY AREAS BEFORE ESCALATING
 39 LAND VALUES MAKE THEIR PROTECTION IMPOSSIBLE OR THE LAND IS LOST TO
 40 DEVELOPMENT; AND

4

1 (3) A GRANT PROGRAM THAT LEVERAGES AVAILABLE FUNDING,
 2 FOCUSES ON PRESERVATION OF STRATEGIC RESOURCES, INCLUDING THOSE
 3 RESOURCES THREATENED BY SPRAWL DEVELOPMENT, STREAMLINES REAL
 4 PROPERTY ACQUISITION PROCEDURES TO EXPEDITE LAND PRESERVATION, AND
 5 PROMOTES A GREATER LEVEL OF NATURAL AND ENVIRONMENTAL RESOURCES
 6 PROTECTION THAN IS PROVIDED BY EXISTING EFFORTS, ~~WHILE MAINTAINING THE~~
 7 ~~VIABILITY OF RESOURCE-BASED LAND USAGE AND PROPER MANAGEMENT OF~~
 8 ~~TILLABLE AND WOODED AREAS~~, WILL ESTABLISH A RURAL LEGACY FOR FUTURE
 9 GENERATIONS.

10 (B) (1) A RURAL LEGACY PROGRAM IS ESTABLISHED TO ENHANCE
 11 NATURAL RESOURCE, AGRICULTURAL, FORESTRY, AND ENVIRONMENTAL
 12 PROTECTION AS PROVIDED IN SUBSECTION (A) OF THIS SECTION WHILE
 13 MAINTAINING THE VIABILITY OF RESOURCE-BASED LAND USAGE AND PROPER
 14 MANAGEMENT OF TILLABLE AND WOODED AREAS THROUGH ACCEPTED
 15 AGRICULTURAL AND SILVICULTURAL PRACTICES FOR FARM PRODUCTION AND
 16 TIMBER HARVESTS, ~~BY PROVIDING~~

17 (2) THE PROGRAM PROVIDES FUNDS TO THE STATE, LOCAL
 18 GOVERNMENTS AND LAND TRUSTS TO PURCHASE INTERESTS IN REAL PROPERTY
 19 FROM WILLING SELLERS, INCLUDING EASEMENTS AND FEE ESTATES, FOCUSED IN
 20 DESIGNATED RURAL LEGACY AREAS.

21 ~~(2)~~ (3) THE PROGRAM SHALL ~~CREATE~~ ENCOURAGE PARTNERSHIPS
 22 AMONG THE FEDERAL, STATE, LOCAL GOVERNMENTS, AND NONPROFIT LAND
 23 TRUST ORGANIZATIONS AND ENCOURAGE LOCAL LAND CONSERVATION
 24 INITIATIVES.

25 ~~(3)~~ (4) THE PROGRAM IS ADMINISTERED BY A RURAL LEGACY
 26 BOARD IN THE DEPARTMENT OF NATURAL RESOURCES, AN ADVISORY COMMITTEE,
 27 AND EXISTING STATE STAFF.

28 (C) THE PROGRAM IS FUNDED WITH PROCEEDS FROM THE SALE OF
 29 GENERAL OBLIGATION BONDS AND PURSUANT TO § 13-209 OF THE TAX - PROPERTY
 30 ARTICLE AND § 5-903 OF THE NATURAL RESOURCES ARTICLE.

31 5-9A-02.

32 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 33 INDICATED.

34 (B) "APPLICATION" MEANS AN APPLICATION TO THE RURAL LEGACY BOARD
 35 TO DESIGNATE A RURAL LEGACY AREA.

36 (C) "BOARD" MEANS THE RURAL LEGACY BOARD.

37 (D) "BPW" MEANS THE MARYLAND STATE BOARD OF PUBLIC WORKS.

38 (E) "GRANT AGREEMENT" MEANS AN AGREEMENT BETWEEN THE BOARD
 39 AND A SPONSOR TO IMPLEMENT A RURAL LEGACY PLAN IN A DESIGNATED RURAL
 40 LEGACY AREA.

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1 (F) "LAND TRUST" MEANS A QUALIFIED CONSERVATION ORGANIZATION AS
2 DEFINED IN § 3-2A-01(D) OF THIS ARTICLE.

3 (G) "PROGRAM" MEANS THE RURAL LEGACY PROGRAM ESTABLISHED BY
4 THIS SUBTITLE.

5 (H) "RURAL LEGACY AREA" MEANS A REGION WITHIN OR OUTSIDE A
6 METROPOLITAN AREA DESIGNATED BY THE BOARD AS RICH IN A MULTIPLE OF
7 AGRICULTURAL, FORESTRY, NATURAL, AND CULTURAL RESOURCES.

8 (I) "RURAL LEGACY PLAN" MEANS A PLAN ACCEPTED BY THE BOARD FOR
9 ACQUISITION OF EASEMENTS AND FEE INTERESTS IN RURAL LEGACY AREAS.

10 (J) "SPONSOR" MEANS A LOCAL GOVERNMENT, GROUP OF LOCAL
11 GOVERNMENTS, OR A LAND TRUST.

12 5-9A-03.

13 (A) THERE IS A RURAL LEGACY BOARD ESTABLISHED IN THE DEPARTMENT
14 OF NATURAL RESOURCES TO ADMINISTER THE RURAL LEGACY PROGRAM.

15 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

16 (1) THE SECRETARY OF AGRICULTURE;

17 (2) THE SECRETARY OF NATURAL RESOURCES; AND

18 (3) THE DIRECTOR OF THE OFFICE OF PLANNING.

19 (C) THE SECRETARY OF NATURAL RESOURCES SHALL SERVE AS CHAIRMAN
20 OF THE BOARD.

21 (D) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE STAFF
22 TO THE BOARD.

23 (2) THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF
24 PLANNING MAY PROVIDE ADDITIONAL STAFF.

25 5-9A-04.

26 (A) THE BOARD HAS AND MAY EXERCISE ALL POWERS NECESSARY TO
27 CARRY OUT THE PURPOSES OF THIS SUBTITLE.

28 (B) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE PURPOSES
29 OF THIS SUBTITLE, INCLUDING PROCEDURES FOR EXPEDITING ACQUISITIONS. THE
30 AUTHORITY GRANTED UNDER THIS SUBSECTION MAY NOT BE CONSTRUED TO
31 PERMIT ADOPTION OF A REGULATION APPLICABLE TO LAND THAT IS NOT SUBJECT
32 TO AN EASEMENT UNDER THIS SUBTITLE.

33 (C) (1) THE BOARD SHALL ESTABLISH A METHOD FOR APPRAISAL OF THE
34 FAIR MARKET VALUE OF REAL PROPERTY INTERESTS ACQUIRED UNDER THIS
35 SUBTITLE, ~~WHICH SHALL REFLECT FAIR MARKET, NATURAL RESOURCE, AND~~
36 ~~AGRICULTURAL VALUES. ANY METHOD FOR APPRAISAL ESTABLISHED BY THE~~
37 BOARD:

6

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

3 (I) DEVELOPMENT:

4 (II) AGRICULTURE:

5 (III) NATURAL RESOURCES:

6 (IV) FORESTRY:

7 (V) CULTURAL AND HISTORIC RESOURCES; AND

8 (VI) MINERAL RESOURCES; AND

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

11 (D) THE BOARD AND SPONSORS MAY ENTER INTO AGREEMENTS WITH
 12 OTHER GOVERNMENTAL AGENCIES, INCLUDING THE MARYLAND AGRICULTURAL
 13 LAND PRESERVATION FOUNDATION AND THE MARYLAND ENVIRONMENTAL TRUST,
 14 FOR THE PURPOSE OF ESTABLISHING PARTNERSHIPS TO CARRY OUT THIS
 15 PROGRAM.

16 5-9A-05.

17 (A) A SPONSOR MAY FILE AN APPLICATION TO DESIGNATE A RURAL LEGACY
 18 AREA IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE BOARD. A LOCAL
 19 GOVERNMENT MAY NOT APPLY FOR OR APPROVE AN APPLICATION FOR A RURAL
 20 LEGACY AREA DESIGNATION INSIDE ANOTHER JURISDICTION'S OUTSIDE ITS
 21 BOUNDARIES WITHOUT THAT JURISDICTION'S APPROVAL.

22 (B) THE APPLICATION SHALL DESCRIBE THE PROPOSED RURAL LEGACY
 23 AREA, INCLUDE A RURAL LEGACY AREA PLAN, IDENTIFY EXISTING PROTECTED
 24 LANDS, STATE THE ANTICIPATED LEVEL OF INITIAL LANDOWNER PARTICIPATION IN
 25 THE PROGRAM AND THE AMOUNT OF THE GRANT REQUESTED, AND COMPLY WITH
 26 THE CRITERIA SET FORTH BELOW.

27 (C) THE BOARD SHALL EVALUATE AND COMPARE APPLICATIONS IN
 28 ACCORDANCE WITH THE FOLLOWING CRITERIA IN ORDER TO SELECT THOSE THAT
 29 BEST CARRY FORWARD THE GOALS AND OBJECTIVES OF THE PROGRAM SET FORTH
 30 IN § 5-9A-01 OF THIS SUBTITLE:

31 (1) THE SIGNIFICANCE OF THE AGRICULTURAL, FORESTRY, AND
 32 NATURAL RESOURCES PROPOSED FOR PROTECTION, INCLUDING:

33 (I) THE DEGREE TO WHICH PROPOSED FEE OR EASEMENT
 34 PURCHASES WILL PROTECT THE LOCATION, PROXIMITY, AND SIZE OF CONTIGUOUS
 35 BLOCKS OF LANDS, GREEN BELTS OR GREENWAYS, OR AGRICULTURAL, FORESTRY,
 36 OR NATURAL RESOURCE CORRIDORS;

37 (II) THE NATURE, SIZE, AND IMPORTANCE OF THE LAND AREA TO
 38 BE PROTECTED, SUCH AS FARMLAND, FORESTS, WETLANDS, WILDLIFE HABITAT

7

1 AND PLANT SPECIES, INCLUDING RARE, THREATENED, OR ENDANGERED SPECIES,
 2 VEGETATIVE BUFFERS, OR BAY OR WATERFRONT ACCESS; AND

3 (III) THE QUALITY AND PUBLIC OR ECONOMIC VALUE OF THE
 4 LAND;

5 (2) THE DEGREE OF THREAT TO THE RESOURCES AND CHARACTER OF
 6 THE AREA PROPOSED FOR PRESERVATION, AS REFLECTED BY PATTERNS AND
 7 TRENDS OF DEVELOPMENT AND LANDSCAPE MODIFICATIONS IN AND
 8 SURROUNDING THE PROPOSED RURAL LEGACY AREA;

9 (3) THE SIGNIFICANCE AND EXTENT OF THE CULTURAL RESOURCES
 10 PROPOSED FOR PROTECTION, INCLUDING THE IMPORTANCE OF HISTORIC SITES
 11 AND SIGNIFICANT ARCHAEOLOGICAL AREAS AND THE DEGREE TO WHICH THE
 12 PROPOSED FEE OR EASEMENT PURCHASES WILL PROTECT THE CULTURAL AND
 13 HISTORIC RESOURCES;

14 (4) THE ECONOMIC VALUE OF THE RESOURCE-BASED INDUSTRIES OR
 15 SERVICES PROPOSED FOR PROTECTION THROUGH LAND CONSERVATION, SUCH AS
 16 AGRICULTURE, FORESTRY, RECREATION, AND TOURISM;

17 (5) THE OVERALL QUALITY AND COMPLETENESS OF THE RURAL
 18 LEGACY PLAN, INCLUDING:

19 (I) THE DEGREE TO WHICH EXISTING PLANNING, ZONING, AND
 20 GROWTH MANAGEMENT POLICIES CONTRIBUTING CONTRIBUTE TO LAND
 21 CONSERVATION AND THE PROTECTION OF CULTURAL RESOURCES;

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

25 ~~(III)~~ (III) HOW WELL EXISTING OR NEW CONSERVATION
 26 PROGRAMS ARE COORDINATED WITH THE PROPOSED ACQUISITION PLAN;

27 ~~(IV)~~ (IV) HOW WELL THE PLAN WILL MAXIMIZE ACQUISITION OF
 28 REAL PROPERTY INTERESTS IN CONTIGUOUS BLOCKS OF LAND WITHIN THE RURAL
 29 LEGACY AREA WHILE PROVIDING FOR PROTECTION OF ISOLATED ACQUISITIONS
 30 IMPORTANT TO THE PLAN;

31 ~~(V)~~ (V) PROVISIONS FOR PROTECTION OF RESOURCES, SUCH AS
 32 VOLUNTARILY GRANTED OR PURCHASED EASEMENTS, FEE ESTATE PURCHASES, OR
 33 GIFTS OF LANDS;

34 ~~(VI)~~ (VI) HOW THE SPONSOR PLANS TO MANAGE, PRIORITIZE, AND
 35 SEQUENCE EASEMENT AND LAND ACQUISITIONS;

36 ~~(VII)~~ (VII) METHODOLOGY FOR PRIORITIZING AND VALUING OR
 37 APPRAISING EASEMENTS;

38 ~~(VIII)~~ (VIII) PROPOSED TITLEHOLDERS FOR EASEMENT OR FEE
 39 ESTATE ACQUISITIONS; AND

8

1 ~~(VIII)~~ (IX) THE QUALITY OF THE PROPOSED STEWARDSHIP
2 PROGRAM FOR HOLDING AND MONITORING OF EASEMENT RESTRICTIONS IN
3 PERPETUITY;

4 (6) THE STRENGTH AND QUALITY OF PARTNERSHIPS CREATED FOR
5 LAND CONSERVATION AMONG FEDERAL, STATE, AND LOCAL GOVERNMENTS AND
6 LAND TRUSTS FOR IMPLEMENTING THE PLAN, INCLUDING:

7 (I) FINANCIAL SUPPORT;

8 (II) DEDICATION OF STAFF AND RESOURCES; AND

9 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL LAND
10 CONSERVATION POLICIES, SUCH AS CHANGES IN ZONING AND USE OF
11 TRANSFERABLE DEVELOPMENT RIGHTS;

12 (7) THE EXTENT TO WHICH FEDERAL OR OTHER GRANT PROGRAMS
13 WILL SERVE AS A FUNDING MATCH; AND

14 (8) A SPONSOR'S ABILITY TO CARRY OUT THE PROPOSED RURAL
15 LEGACY PLAN AND THE GOALS AND OBJECTIVES OF THE PROGRAM.

16 (D) THE BOARD:

17 (1) SHALL REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
18 INFORMATION FROM A SPONSOR;

19 (2) SHALL SUBMIT APPLICATIONS TO APPROPRIATE STATE AGENCIES
20 AND TO THE ADVISORY COMMITTEE ESTABLISHED BY THIS SUBTITLE AND
21 CONSIDER ANY RECOMMENDATIONS MADE REGARDING THE APPLICATIONS; AND

22 (3) MAY NEGOTIATE THE TERMS OF AN APPLICATION AND PROPOSED
23 RURAL LEGACY AREA AND PLAN WITH A SPONSOR.

24 (E) (1) A SPONSOR SHALL ASSURE ADEQUATE PUBLIC PARTICIPATION IN
25 THE DEVELOPMENT OF AN APPLICATION AND PROVIDE THE BOARD WITH A
26 SUMMARY OF THAT PARTICIPATION.

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

32 (F) A LAND TRUST SHALL CONSULT WITH A LOCAL GOVERNMENT PRIOR TO
33 FILING AN APPLICATION, AND THE BOARD MAY NOT APPROVE AN APPLICATION
34 WITHOUT LOCAL GOVERNMENT APPROVAL.

35 (G) THE RIGHT OF PUBLIC ACCESS MAY NOT BE REQUIRED UNDER A
36 CONSERVATION EASEMENT.

37 (H) A LAND TRUST MAY NOT HOLD EXCLUSIVE TITLE TO REAL PROPERTY
38 INTERESTS ACQUIRED UNDER THIS SUBTITLE.

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1 (I) AN EASEMENT ACQUIRED UNDER THIS SUBTITLE IS PERPETUAL AND
2 MAY NOT BE EXTINGUISHED OR RELEASED.

3 (J) WITH THE APPROVAL OF A LANDOWNER, FUNDS UNDER THIS PROGRAM
4 MAY BE USED TO PURCHASE A DEVELOPMENT RIGHT AS PART OF AN EASEMENT OR
5 FEE ESTATE ACQUISITION. A DEVELOPMENT RIGHT SHALL BE HELD BY THE
6 TITLEHOLDER AND THE BOARD AND MAY BE SOLD ONLY WITHIN THE SAME
7 JURISDICTION PURSUANT TO LOCAL LAW.

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

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

13 5-9A-06.

14 (A) THE BOARD MAY DESIGNATE A RURAL LEGACY AREA AND ACCEPT A
15 RURAL LEGACY PLAN IN ACCORDANCE WITH THE CRITERIA SET FORTH IN THIS
16 SUBTITLE AND THE OVERALL GOALS AND OBJECTIVES OF THE PROGRAM.

17 (B) (1) THE BOARD MAY AWARD A GRANT TO A SPONSOR OF A
18 DESIGNATED RURAL LEGACY AREA IN AN AMOUNT DETERMINED BY THE BOARD
19 AND PURSUANT TO THE TERMS OF A GRANT AGREEMENT.

20 (2) A PORTION OF THE GRANT MAY BE USED TO PAY FOR
21 ADMINISTRATIVE COSTS, ~~INCLUDING AND COSTS ASSOCIATED WITH THE OF~~
22 MONITORING OF AN EASEMENT FOR PROGRAM COMPLIANCE. PAYMENT FOR
23 ADMINISTRATIVE COSTS MAY NOT EXCEED 3 PERCENT OF THE GRANT AMOUNT.
24 AND THE AMOUNT OF MONITORING COSTS SHALL BE SET IN THE GRANT.

25 (3) THE BOARD MAY ESTABLISH TIME LIMITATIONS ON THE USE OF
26 GRANT FUNDS.

27 (C) (1) THE BOARD'S ACTIONS IN SUBSECTIONS (A) AND (B) OF THIS
28 SECTION ARE SUBJECT TO APPROVAL BY THE BOARD OF PUBLIC WORKS.

29 (2) BPW APPROVAL ENCUMBERS THE GRANT FUNDS.

30 (D) THE BOARD SHALL ENCOURAGE LOCAL GOVERNMENTS TO REFLECT
31 RURAL LEGACY PLANS IN THEIR COMPREHENSIVE LAND USE PLANS AS UPDATED
32 AND REVISED.

33 5-9A-07.

34 (A) THE BOARD AND THE ~~APPROVED~~ SPONSOR OF A DESIGNATED RURAL
35 LEGACY AREA SHALL EXECUTE A GRANT AGREEMENT.

36 (B) THE SPONSOR SHALL COMPLY WITH THE TERMS OF THE GRANT
37 AGREEMENT, CARRY OUT THE RURAL LEGACY PLAN, AND ADHERE TO
38 REGULATIONS ADOPTED BY THE BOARD.

10

1 (C) IF A SPONSOR VIOLATES ANY PROVISION OF THE GRANT AGREEMENT OR
2 CEASES TO MEET THE REQUIREMENTS OF THIS SUBTITLE, THE BOARD MAY
3 EXERCISE ANY REMEDY PROVIDED BY THE AGREEMENT OR BY LAW.

4 (D) (1) THE SPONSOR SHALL SUBMIT TO THE BOARD FOR APPROVAL
5 CONTRACTS FOR EASEMENT OR FEE ESTATE ACQUISITIONS.

6 (2) THE BOARD MAY ACCEPT A CONTRACT SUBJECT TO APPROVAL BY
7 THE BOARD OF PUBLIC WORKS.

8 (E) UPON BPW APPROVAL, ~~A SPONSOR MAY SEEK PAYMENT FOR AN~~
9 ~~ACQUISITION FROM THE DEPARTMENT OF NATURAL RESOURCES~~ THE STATE SHALL
10 PAY THE SPONSOR FOR THE ACQUISITION.

11 (F) THE SPONSOR SHALL SUBMIT AN ANNUAL REPORT TO THE RURAL
12 LEGACY BOARD.

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

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

19 (2) THE NUMBER OF APPLICATIONS RECEIVED;

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

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

24 5-9A-08.

25 (A) (1) THERE IS AN ADVISORY COMMITTEE TO THE BOARD IN THE
26 DEPARTMENT OF NATURAL RESOURCES.

27 (2) THE COMMITTEE IS ESTABLISHED TO REVIEW APPLICATIONS FOR
28 RURAL LEGACY AREAS, MAKE RECOMMENDATIONS FOR RURAL LEGACY AREA
29 DESIGNATIONS TO THE BOARD, AND CONSIDER SUCH OTHER MATTERS AS
30 REQUESTED BY THE BOARD.

31 (B) THE COMMITTEE HAS ~~NINE~~ 11 MEMBERS AS FOLLOWS:

32 (1) A TRUSTEE OF THE MARYLAND AGRICULTURAL LAND
33 PRESERVATION FOUNDATION;

34 (2) A TRUSTEE OF THE MARYLAND ENVIRONMENTAL TRUST;

35 (3) A REPRESENTATIVE OF THE AGRICULTURE INDUSTRY;

36 (4) A REPRESENTATIVE OF A NONPROFIT LAND CONSERVATION
37 ORGANIZATION;

11

1 (5) A REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL
2 ORGANIZATION;

3 (6) A REPRESENTATIVE OF THE FOREST INDUSTRY;

4 (7) A REPRESENTATIVE OF A ~~LOCAL~~ COUNTY GOVERNMENT
5 DEPARTMENT OF PARKS AND RECREATION;

6 (8) A REPRESENTATIVE OF A BUSINESS ORGANIZATION; ~~AND~~

7 (9) A ~~PRIVATE LAND OWNER~~ REPRESENTATIVE OF THE MINERAL
8 RESOURCES INDUSTRY;

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

11 (11) A REPRESENTATIVE OF A MUNICIPAL CORPORATION.

12 (C) (1) COMMITTEE MEMBERS ARE APPOINTED BY THE GOVERNOR WITH
13 THE ADVICE AND CONSENT OF THE SENATE.

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

16 ~~(2)~~ (3) THE GOVERNOR SHALL SOLICIT NOMINEES FROM INDUSTRIES
17 AND GROUPS WHICH ARE REPRESENTED ON THE COMMITTEE.

18 ~~(3)~~ (4) THE MEMBERS SHALL REPRESENT GEOGRAPHICALLY AND
19 ETHNICALLY DIVERSE AREAS.

20 (D) (1) THE TERM OF MEMBERSHIP IS 3 YEARS.

21 (2) A PERSON MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

22 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRPERSON OF THE
23 COMMITTEE.

24 (F) THE DEPARTMENT OF NATURAL RESOURCES, IN COOPERATION WITH
25 THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PLANNING, SHALL
26 PROVIDE STAFF SUPPORT FOR THE COMMITTEE.

27 **Article - Tax - Property**

28 13-209.

29 (c) (1) Subject to subsection (e) of this section, [for fiscal years commencing
30 before July 1, 1997] the balance of the revenue in the special fund, not required under
31 subsection (b) of this section, shall be allocated as provided in this subsection.

32 (2) For the fiscal year commencing July 1, 1993, 50% of the balance shall be
33 allocated as provided under paragraph (5) of this subsection and 50% shall be allocated
34 to the General Fund of the State.

12

1 (3) For the fiscal year commencing July 1, 1994, 70% of the balance shall be
 2 allocated as provided under paragraph (5) of this subsection and 30% shall be allocated
 3 to the General Fund of the State.

4 (4) For each of the fiscal years commencing July 1, 1995 and July 1, 1996,
 5 90% of the balance shall be allocated as provided under subsection (d) of this section and
 6 10% shall be allocated to the General Fund of the State.

7 (5) For each of the fiscal years commencing July 1, 1993 and July 1, 1994,
 8 the percentage of the balance specified for the fiscal year under paragraph (2) or (3) of
 9 this subsection shall be allocated as follows:

10 (i) not less than \$1,000,000 for reduction of State debt authorized
 11 under the Outdoor Recreation Land Loan of 1969; and

12 (ii) the remainder not allocated under item (i) of this paragraph shall
 13 be allocated as follows:

14 1. 84.2% in the State budget for the purposes specified in Title
 15 5, Subtitle 9 of the Natural Resources Article (Program Open Space);

16 2. 13.2% in the State budget for the Agricultural Land
 17 Preservation Fund established under § 2-505 of the Agriculture Article; and

18 3. 2.6% in the State budget for the Heritage Conservation Fund
 19 established under Title 5, Subtitle 15 of the Natural Resources Article.

20 (6) FOR THE FISCAL YEAR COMMENCING JULY 1, 1997 AND FOR EACH
 21 SUBSEQUENT FISCAL YEAR, 90% OF THE BALANCE SHALL BE ALLOCATED AS
 22 PROVIDED UNDER SUBSECTION (D) OF THIS SECTION AND 10% SHALL BE
 23 ALLOCATED AS FOLLOWS:

24 (I) 30% TO THE RURAL LEGACY PROGRAM ESTABLISHED UNDER
 25 TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

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

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

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

32 (1) 4 members in 2000;

33 (2) 4 members in 2001; and

34 (3) 3 members in 2002.

35 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take
 36 effect July 1, 1997.

