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By: The President (Administration) and Senators Collins, Blount, Frosh, Hollinger, Craig, Green, Van Hollen, Dorman, and Middleton

Introduced and read first time: January 27, 1997

Rule 32(d) suspended

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 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; requiring the Board to report annually to the Governor and General
14 Assembly; providing for the composition of the advisory committee; defining certain
15 terms; and generally relating to the establishment of the Rural Legacy Program.

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

21 BY adding to
22 Article - Natural Resources
23 Section 5-9A-01 through 5-9A-08, inclusive, to be under the new subtitle "Subtitle
24 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) 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 MILLION), FISCAL YEAR 2000 (\$9 MILLION),
38 FISCAL YEAR 2001 (\$9 MILLION), AND FISCAL YEAR 2002 (\$9 MILLION). ~~FOR FISCAL~~
39 ~~YEARS 2003-2011, UP TO \$9 MILLION MAY BE TRANSFERRED TO THE GENERAL FUND~~
40 ~~AS A CONTRIBUTION TO DEBT SERVICE, PROVIDED THAT IN EACH OF THOSE FISCAL~~
41 ~~YEARS, \$35 MILLION IN GENERAL OBLIGATION BONDS HAS BEEN AUTHORIZED FOR~~
42 ~~THE RURAL LEGACY PROGRAM FOR FISCAL YEAR 2003 AND EACH FISCAL YEAR~~

3

1 THEREAFTER, FUNDS MAY BE TRANSFERRED TO THE RURAL LEGACY PROGRAM AS
 2 PROVIDED IN THE STATE BUDGET, OF WHICH UP TO \$2 MILLION MAY BE USED TO
 3 ISSUE ZERO COUPON BONDS FOR EASEMENTS. SUMS ALLOCATED TO THE RURAL
 4 LEGACY PROGRAM ~~NOT ATTRIBUTABLE TO THE SALE OF GENERAL OBLIGATION~~
 5 ~~BONDS~~ MAY NOT REVERT TO THE GENERAL FUND OF THE STATE.

6 SUBTITLE 9A. RURAL LEGACY PROGRAM.

7 5-9A-01.

8 (A) THE GENERAL ASSEMBLY DECLARES THAT:

9 (1) SPRAWL DEVELOPMENT AND OTHER MODIFICATIONS TO THE
 10 LANDSCAPE IN MARYLAND CONTINUE AT AN ALARMING RATE, CONSUMING LAND
 11 RICH IN NATURAL RESOURCE ~~AND~~ AGRICULTURAL, AND FORESTRY VALUE,
 12 ADVERSELY AFFECTING WATER QUALITY, WETLANDS AND HABITAT,
 13 THREATENING RESOURCE-BASED ECONOMIES AND CULTURAL ASSETS, AND
 14 RENDING THE FABRIC OF RURAL LIFE;

15 (2) CURRENT STATE, COUNTY, AND LOCAL LAND CONSERVATION
 16 PROGRAMS HELP TO LIMIT THE EFFECT OF SPRAWL DEVELOPMENT BUT LACK
 17 SUFFICIENT FUNDING AND FOCUS TO PRESERVE KEY AREAS BEFORE ESCALATING
 18 LAND VALUES MAKE THEIR PROTECTION IMPOSSIBLE OR THE LAND IS LOST TO
 19 DEVELOPMENT; AND

20 (3) A GRANT PROGRAM THAT LEVERAGES AVAILABLE FUNDING,
 21 FOCUSES ON PRESERVATION OF STRATEGIC RESOURCES, INCLUDING THOSE
 22 RESOURCES THREATENED BY SPRAWL DEVELOPMENT, STREAMLINES REAL
 23 PROPERTY ACQUISITION PROCEDURES TO EXPEDITE LAND PRESERVATION, AND
 24 PROMOTES A GREATER LEVEL OF NATURAL AND ENVIRONMENTAL RESOURCES
 25 PROTECTION THAN IS PROVIDED BY EXISTING EFFORTS, ~~WHILE MAINTAINING THE~~
 26 ~~VIABILITY OF RESOURCE-BASED LAND USAGE AND PROPER MANAGEMENT OF~~
 27 ~~TILLABLE AND WOODED AREAS~~, WILL ESTABLISH A RURAL LEGACY FOR FUTURE
 28 GENERATIONS.

29 (B) (1) A RURAL LEGACY PROGRAM IS ESTABLISHED TO ENHANCE
 30 NATURAL RESOURCE, AGRICULTURAL, FORESTRY, AND ENVIRONMENTAL
 31 PROTECTION AS PROVIDED IN SUBSECTION (A) OF THIS SECTION ~~BY PROVIDING,~~
 32 WHILE MAINTAINING THE VIABILITY OF RESOURCE-BASED LAND USAGE AND
 33 PROPER MANAGEMENT OF TILLABLE AND WOODED AREAS THROUGH ACCEPTED
 34 AGRICULTURAL AND SILVICULTURAL PRACTICES FOR FARM PRODUCTION AND
 35 TIMBER HARVESTS.

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

40 ~~(2)~~ (3) THE PROGRAM SHALL ~~CREATE~~ ENCOURAGE PARTNERSHIPS
 41 AMONG THE FEDERAL, STATE, AND LOCAL GOVERNMENTS, AND NONPROFIT LAND

4

1 TRUST ORGANIZATIONS AND ENCOURAGE ~~LOCAL~~ LAND CONSERVATION
2 INITIATIVES.

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

6 (C) THE PROGRAM IS FUNDED WITH PROCEEDS FROM ~~THE SALE OF~~
7 ~~GENERAL OBLIGATION BONDS AND PURSUANT TO § 13-209 OF THE TAX - PROPERTY~~
8 ~~ARTICLE AND § 5-903 OF THE NATURAL RESOURCES ARTICLE;~~

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

11 (2) THE SALE OF BONDS.

12 5-9A-02.

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

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

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

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

19 (E) "GRANT AGREEMENT" MEANS AN AGREEMENT BETWEEN THE BOARD
20 AND A SPONSOR TO IMPLEMENT A RURAL LEGACY PLAN IN A DESIGNATED RURAL
21 LEGACY AREA.

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

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

26 (2) HAS EXECUTED A COOPERATIVE AGREEMENT WITH THE
27 MARYLAND ENVIRONMENTAL TRUST.

28 (G) "PROGRAM" MEANS THE RURAL LEGACY PROGRAM ESTABLISHED BY
29 THIS SUBTITLE.

30 (H) "RURAL LEGACY AREA" MEANS A REGION WITHIN OR OUTSIDE A
31 METROPOLITAN AREA DESIGNATED BY THE BOARD AS RICH IN AGRICULTURAL,
32 NATURAL, FORESTRY AND CULTURAL RESOURCES.

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

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

5

1 5-9A-03.

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

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

5 (1) THE SECRETARY OF AGRICULTURE;

6 (2) THE SECRETARY OF NATURAL RESOURCES; AND

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

8 (C) THE SECRETARY OF NATURAL RESOURCES SHALL SERVE AS CHAIRMAN
9 OF THE BOARD.

10 (D) (1) THE DEPARTMENT OF NATURAL RESOURCES SHALL PROVIDE STAFF
11 TO THE BOARD.

12 (2) THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF
13 PLANNING MAY PROVIDE ADDITIONAL STAFF.

14 5-9A-04.

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

17 (B) (1) THE BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THE
18 PURPOSES OF THIS SUBTITLE, INCLUDING PROCEDURES FOR EXPEDITING
19 ACQUISITIONS.

20 (2) THE AUTHORITY GRANTED UNDER THIS SUBSECTION MAY NOT BE
21 CONSTRUED TO PERMIT ADOPTION OF A REGULATION APPLICABLE TO LAND THAT
22 IS NOT SUBJECT TO AN EASEMENT UNDER THIS SUBTITLE.

23 (C) (1) THE BOARD SHALL ESTABLISH A METHOD FOR APPRAISAL OF THE
24 FAIR MARKET VALUE OF REAL PROPERTY INTERESTS ACQUIRED UNDER THIS
25 SUBTITLE WHICH SHALL REFLECT FAIR MARKET, NATURAL RESOURCE, AND
26 AGRICULTURAL VALUES.

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

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

30 1. DEVELOPMENT;

31 2. AGRICULTURE;

32 3. NATURAL RESOURCES;

33 4. FORESTRY; AND

34 5. MINERAL RESOURCES; AND

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

3 (D) THE BOARD AND SPONSORS MAY ENTER INTO AGREEMENTS WITH
4 OTHER GOVERNMENTAL AGENCIES, INCLUDING THE MARYLAND AGRICULTURAL
5 LAND PRESERVATION FOUNDATION AND THE MARYLAND ENVIRONMENTAL TRUST,
6 FOR THE PURPOSE OF ESTABLISHING PARTNERSHIPS TO CARRY OUT THIS
7 PROGRAM.

8 5-9A-05.

9 (A) A SPONSOR MAY FILE AN APPLICATION TO DESIGNATE A RURAL LEGACY
10 AREA IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE BOARD. A LOCAL
11 GOVERNMENT MAY NOT APPLY FOR OR APPROVE AN APPLICATION FOR A RURAL
12 LEGACY AREA DESIGNATION ~~OUTSIDE ITS~~ INSIDE ANOTHER JURISDICTION'S
13 BOUNDARIES WITHOUT THAT JURISDICTION'S APPROVAL.

14 (B) THE APPLICATION SHALL DESCRIBE THE PROPOSED RURAL LEGACY
15 AREA, INCLUDE A RURAL LEGACY AREA PLAN, STATE THE ANTICIPATED LEVEL OF
16 INITIAL LANDOWNER PARTICIPATION IN THE PROGRAM AND THE AMOUNT OF THE
17 GRANT REQUESTED, AND COMPLY WITH THE CRITERIA SET FORTH BELOW.

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

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

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

28 (II) THE NATURE, SIZE, AND IMPORTANCE OF THE LAND AREA TO
29 BE PROTECTED, SUCH AS FARMLAND, FORESTS, WETLANDS, WILDLIFE HABITAT
30 AND PLANT SPECIES, VEGETATIVE BUFFERS, OR BAY OR WATERFRONT ACCESS; AND

31 (III) THE QUALITY AND PUBLIC OR ECONOMIC VALUE OF THE
32 LAND;

33 (2) THE DEGREE OF THREAT TO THE RESOURCES AND CHARACTER OF
34 THE AREA PROPOSED FOR PRESERVATION, AS REFLECTED BY PATTERNS AND
35 TRENDS OF DEVELOPMENT AND LANDSCAPE MODIFICATIONS IN AND
36 SURROUNDING THE PROPOSED RURAL LEGACY AREA;

37 (3) THE SIGNIFICANCE AND EXTENT OF THE CULTURAL RESOURCES
38 PROPOSED FOR PROTECTION, INCLUDING THE IMPORTANCE OF HISTORIC SITES
39 AND SIGNIFICANT ARCHAEOLOGICAL AREAS;

7

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

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

6 (I) ~~EXISTING ZONING~~ THE DEGREE TO WHICH EXISTING
 7 PLANNING, ZONING, AND GROWTH MANAGEMENT POLICIES ~~CONTRIBUTING~~
 8 CONTRIBUTE TO LAND CONSERVATION;

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

12 (III) HOW WELL EXISTING OR NEW CONSERVATION PROGRAMS
 13 ARE COORDINATED WITH THE PROPOSED ACQUISITION PLAN;

14 ~~(III)~~ (IV) HOW WELL THE PLAN WILL MAXIMIZE ACQUISITION OF
 15 REAL PROPERTY INTERESTS IN CONTIGUOUS BLOCKS OF LAND WITHIN THE RURAL
 16 LEGACY AREA WHILE PROVIDING FOR PROTECTION OF ISOLATED ACQUISITIONS
 17 IMPORTANT TO THE PLAN;

18 ~~(IV)~~ (V) PROVISIONS FOR PROTECTION OF RESOURCES, SUCH AS
 19 VOLUNTARILY GRANTED OR PURCHASED EASEMENTS, FEE ESTATE PURCHASES, OR
 20 GIFTS OF LANDS;

21 ~~(V)~~ (VI) HOW THE SPONSOR PLANS TO MANAGE, PRIORITIZE, AND
 22 SEQUENCE EASEMENT AND LAND ACQUISITIONS;

23 ~~(VI)~~ (VII) METHODOLOGY FOR PRIORITIZING AND VALUING OR
 24 APPRAISING EASEMENTS;

25 ~~(VII)~~ (VIII) PROPOSED TITLEHOLDERS FOR EASEMENT OR FEE
 26 ESTATE ACQUISITIONS; AND

27 ~~(VIII)~~ (IX) THE QUALITY OF THE PROPOSED STEWARDSHIP
 28 PROGRAM FOR HOLDING AND MONITORING OF EASEMENT RESTRICTIONS IN
 29 PERPETUITY;

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

33 (I) FINANCIAL SUPPORT;

34 (II) DEDICATION OF STAFF AND RESOURCES; AND

35 (III) COMMITMENT TO AND DEVELOPMENT OF LOCAL LAND
 36 CONSERVATION POLICIES, SUCH AS CHANGES IN ZONING AND USE OF
 37 TRANSFERABLE DEVELOPMENT RIGHTS;

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

8

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

3 (D) THE BOARD:

4 (1) SHALL REVIEW APPLICATIONS AND MAY REQUEST ADDITIONAL
5 INFORMATION FROM A SPONSOR;

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

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

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

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

18 (F) (1) A LAND TRUST SHALL CONSULT WITH A LOCAL GOVERNMENT
19 PRIOR TO FILING AN APPLICATION; AND,

20 (2) THE BOARD MAY NOT APPROVE OR AMEND AN APPLICATION
21 WITHOUT LOCAL GOVERNMENT APPROVAL.

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

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

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

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

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

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

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

1 (N) A LAND OR MINERAL OWNER WHO PARTICIPATES IN THIS PROGRAM MAY
2 RESERVE MINERAL RIGHTS FOR EXTRACTION IN ACCORDANCE WITH APPLICABLE
3 LAWS AND THE TERMS OF THE EASEMENT OR FEE ACQUISITION.

4 5-9A-06.

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

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

11 (2) A PORTION OF THE GRANT MAY BE USED TO PAY FOR
12 ~~ADMINISTRATIVE COSTS, INCLUDING COSTS ASSOCIATED WITH THE MONITORING~~
13 ~~OF AN EASEMENT;~~

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

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

18 (3) THE BOARD MAY ESTABLISH TIME LIMITATIONS ON THE USE OF
19 GRANT FUNDS.

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

22 (2) BPW APPROVAL ENCUMBERS THE GRANT FUNDS.

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

26 5-9A-07.

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

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

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

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

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

10

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

4 (F) THE SPONSOR SHALL SUBMIT AN ANNUAL REPORT TO THE ~~RURAL~~
 5 ~~LEGACY BOARD.~~

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

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

12 (2) THE NUMBER OF APPLICATIONS RECEIVED;

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

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

17 5-9A-08.

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

20 (2) THE COMMITTEE IS ESTABLISHED TO REVIEW APPLICATIONS FOR
 21 RURAL LEGACY AREAS, MAKE RECOMMENDATIONS FOR RURAL LEGACY AREA
 22 DESIGNATIONS TO THE BOARD, AND CONSIDER SUCH OTHER MATTERS AS
 23 REQUESTED BY THE BOARD.

24 (B) THE COMMITTEE HAS ~~NINE~~ 10 MEMBERS AS FOLLOWS:

25 (1) A TRUSTEE OF THE MARYLAND AGRICULTURAL LAND
 26 PRESERVATION FOUNDATION;

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

28 (3) A REPRESENTATIVE OF THE AGRICULTURE INDUSTRY;

29 (4) A REPRESENTATIVE OF A NONPROFIT LAND CONSERVATION
 30 ORGANIZATION;

31 (5) A REPRESENTATIVE OF A NONPROFIT ENVIRONMENTAL
 32 ORGANIZATION;

33 (6) A REPRESENTATIVE OF THE FOREST INDUSTRY;

34 (7) A REPRESENTATIVE OF A ~~LOCAL~~ COUNTY GOVERNMENT
 35 DEPARTMENT OF PARKS AND RECREATION;

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

11

1 (9) A PRIVATE LAND OWNER; AND

2 (10) A REPRESENTATIVE OF A MUNICIPAL CORPORATION.

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

5 (2) THE GOVERNOR SHALL SOLICIT NOMINEES FROM INDUSTRIES AND
6 GROUPS WHICH ARE REPRESENTED ON THE COMMITTEE.

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

9 ~~(3)~~ (4) THE MEMBERS SHALL REPRESENT GEOGRAPHICALLY AND
10 ETHNICALLY DIVERSE AREAS.

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

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

13 (E) THE GOVERNOR SHALL DESIGNATE THE CHAIRPERSON OF THE
14 COMMITTEE.

15 (F) THE DEPARTMENT OF NATURAL RESOURCES, IN COOPERATION WITH
16 THE DEPARTMENT OF AGRICULTURE AND THE OFFICE OF PLANNING, SHALL
17 PROVIDE STAFF SUPPORT FOR THE COMMITTEE.

18 **Article - Tax - Property**

19 13-209.

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

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

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

29 (4) For each of the fiscal years commencing July 1, 1995 and July 1, 1996,
30 90% of the balance shall be allocated as provided under subsection (d) of this section and
31 10% shall be allocated to the General Fund of the State.

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

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

12

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

3 1. 84.2% in the State budget for the purposes specified in Title
4 5, Subtitle 9 of the Natural Resources Article (Program Open Space);

5 2. 13.2% in the State budget for the Agricultural Land
6 Preservation Fund established under § 2-505 of the Agriculture Article; and

7 3. 2.6% in the State budget for the Heritage Conservation Fund
8 established under Title 5, Subtitle 15 of the Natural Resources Article.

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

13 (I) SIXTY PERCENT TO THE RURAL LEGACY PROGRAM
14 ESTABLISHED UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;
15 AND

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this
19 Act shall govern the distribution of funds as contained in Chapter (H.B. 175) of the
20 Acts of the General Assembly of 1997 for fiscal year 1998.

21 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
22 members of the advisory committee to the Rural Legacy Board shall expire as follows:

23 (1) 4 members in fiscal 2000;

24 (2) 4 members in fiscal 2001; and

25 (3) 2 members in fiscal 2002.

26 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 1997.