

HOUSE BILL 1254

Unofficial Copy
C8

1998 Regular Session
(8lr2634)

ENROLLED BILL
-- Economic Matters/Budget and Taxation --

Introduced by **Delegate Taylor**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **The Maryland Heritage Areas Authority and the Maryland System of**
3 **Recognized and Certified Heritage Areas**

4 FOR the purpose of clarifying the procedure for adoption of certified heritage area
5 management plans; clarifying the number of heritage areas that may be
6 certified; repealing a sunset provision on certain uses of certain funds in the
7 Maryland Heritage Areas Authority Financing Fund; and generally relating to
8 the Maryland Heritage Areas Authority.

9 BY repealing and reenacting, with amendments,
10 Article - Financial Institutions
11 Section 13-1111 and 13-1114
12 Annotated Code of Maryland
13 (1998 Replacement Volume)

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

1

Article - Financial Institutions

2 13-1111.

3 (a) (1) The Authority may consider proposals submitted by the local
4 jurisdictions within a recognized heritage area to designate recognized heritage areas
5 as certified heritage areas.

6 (2) The sponsoring local jurisdictions shall prepare a proposal that
7 includes a management plan for the recognized heritage area.

8 (3) The local jurisdictions shall develop the management plan in
9 cooperation and consultation with the Authority and relevant private interests.

10 (4) On approval of the management plan by the Authority AND ALL
11 LOCAL JURISDICTIONS WITHIN THE RECOGNIZED HERITAGE AREA:

12 (i) The Authority shall designate the recognized heritage area as a
13 certified heritage area; and

14 (ii) The management plan shall be the plan for purposes of
15 implementing the certified heritage area for both the State and local jurisdictions.

16 (b) The Authority shall adopt regulations that specify the criteria and
17 procedures for the consideration and adoption of a proposed management plan.

18 (c) The Authority may not designate more than two recognized heritage areas
19 as certified heritage areas [in] FOR each fiscal year.

20 (d) The Authority shall hold at least one public hearing concerning the
21 proposed management plan for a recognized heritage area in each recognized heritage
22 area proposed for designation as a certified heritage area.

23 (e) Before submission of a management plan to the Authority for approval, the
24 management plan must be submitted for approval to the local governing body of each
25 jurisdiction within the recognized heritage area in the form of an amendment to the
26 local plan.

27 (f) The management plan shall be submitted to the Authority within
28 forty-five days after PRELIMINARY approval by all local jurisdictions within the
29 recognized heritage area.

30 (g) A management plan for a certified heritage area shall include:

31 (1) An identification of:

32 (i) The boundaries of the recognized heritage area as set forth in
33 the original designation or as proposed for revision by the management plan;

34 (ii) The land use recommendations of the local plans of all of the
35 local jurisdictions within the recognized heritage area; and

1 (iii) The zones within the recognized heritage area for particular
2 nature and intensity of use, including zones most appropriately devoted to public use
3 and development by State or local government, and for private use;

4 (2) An inventory and evaluation of the significant natural and cultural
5 resources within the recognized heritage area;

6 (3) An identification of the types of public and private uses to be
7 encouraged within the recognized heritage area;

8 (4) An identification of properties, if any, to be acquired, in whole or in
9 part;

10 (5) A description of the educational, interpretive, and recreational
11 programs and projects to be undertaken in the recognized heritage area;

12 (6) A description of plans for encouraging and accommodating visitation
13 to and compatible economic development of the recognized heritage area;

14 (7) An economic assessment of the long and short term costs and benefits
15 related to the implementation of the management plan, including an identification of
16 expected sources of funding;

17 (8) A description of the techniques or means for the preservation and
18 protection of the natural and cultural resources within the recognized heritage area,
19 including:

20 (i) Appropriate existing or proposed local legislation for the
21 designation and protection of historic properties or natural areas to assure that future
22 local actions and development will be consistent with the goals and objectives for the
23 recognized heritage area; and

24 (ii) If the plan proposes the enactment of one or more ordinances to
25 provide for one or more historic preservation commissions for specific sites,
26 structures, or districts within the recognized heritage area, provisions that:

27 1. Are consistent with Article 66B, §§ 8.01 through 8.17 of
28 the Code;

29 2. Provide for membership on the Historic Preservation
30 Commission in accordance with the minimum professional requirements of the
31 United States Department of the Interior for certifying local governments under 36
32 C.F.R. Part 61; and

33 3. Provide that the Historic Preservation Commission review
34 and approve the design of all projects that the local jurisdiction conducts, assists,
35 licenses, or permits that affect designated historic properties within the recognized
36 heritage area;

1 (9) A description of the organizational structure to be utilized for
2 planning, development, and management of the heritage area, including the
3 responsibilities and interrelationships of local and State agencies; and

4 (10) A schedule for the planning, development, and management of the
5 recognized heritage area.

6 (h) Each management plan must demonstrate that the capability exists to
7 implement and manage the recognized heritage area, including the capability:

8 (1) To accept and disburse funds;

9 (2) To acquire, improve, and dispose of property;

10 (3) To manage, operate, and maintain appropriate public facilities; and

11 (4) To adopt and enforce land use and preservation standards as
12 required to protect the resources within the heritage area.

13 (i) If the Authority determines that information in a previously submitted
14 management plan contains sufficient information to fulfill the purpose of the
15 management plan, the Authority may waive in whole or in part selected individual
16 requirements regarding the submission of the management plan.

17 (j) The Authority shall approve or disapprove the management plan within 90
18 days after the Authority receives a management plan from the local jurisdictions.

19 (k) The Authority may not approve a management plan unless the Authority
20 determines that a management plan would adequately carry out the purposes of this
21 subtitle.

22 (l) If the Authority disapproves a management plan, the Authority shall
23 advise the local jurisdictions in writing of the reason for the disapproval and provide
24 recommendations for a revision of the plan.

25 (m) The Authority shall approve or disapprove any revisions to an existing
26 management plan in the same manner as specified in subsections (j) through (l) of
27 this section.

28 (n) Approval of a management plan by the Authority AND FINAL APPROVAL
29 OF THE PLAN BY ALL LOCAL JURISDICTIONS WITHIN A RECOGNIZED HERITAGE AREA
30 shall:

31 (1) Establish the designation of a recognized heritage area as a certified
32 heritage area;

33 (2) Establish eligibility for the receipt of acquisition, development, and
34 programming assistance from the State within the certified heritage area boundaries;

35 (3) Establish eligibility for qualifying properties and persons for certain
36 tax incentives for activities within the defined heritage area boundaries; and

1 (4) For continuance of the certified heritage area, require appropriate
2 local action to protect and safeguard the significant resources in the certified heritage
3 area.

4 (o) The Canal Place Historic Preservation District established under Subtitle
5 10 of this title is the initial certified heritage area designated under this subtitle.

6 (p) After holding a public hearing in the certified heritage area that is the
7 subject of the Authority's review, the Authority may withdraw its approval of a
8 management plan if the Authority finds that a local jurisdiction responsible for the
9 certified heritage area:

10 (1) Has taken actions which have had a significant adverse impact upon
11 significant certified heritage area resources; or

12 (2) Has failed to implement its role under a management plan.

13 (q) If the Authority withdraws its approval of a management plan:

14 (1) The heritage area shall no longer be designated as a certified
15 heritage area; and

16 (2) The Authority shall report its withdrawal of approval to the Governor
17 and the General Assembly stating the reasons for the action of the Authority.

18 13-1114.

19 (a) There is a Maryland Heritage Areas Authority Financing Fund.

20 (b) (1) The Authority shall use the Fund as a continuing, nonlapsing,
21 revolving fund for carrying out the purposes of this subtitle.

22 (2) No part of the Fund may revert or be credited to the General Fund or
23 to any other special fund of the State.

24 (c) The Authority shall place all of the following receipts in the Fund:

25 (1) Proceeds from the sale of bonds;

26 (2) Revenues that the Authority collects or receives from any source
27 under this subtitle; and

28 (3) Any additional revenue, gift, donation, or moneys received or paid to
29 it from any other source authorized by law.

30 (d) The Authority shall pay all expenses and make all expenditures from the
31 Fund.

32 (e) (1) The Authority may pledge and charge all or a portion of the receipts
33 of the Fund for the payment of:

- 1 (i) Debt service on bonds of the Authority; and
- 2 (ii) All reasonable charges and expenses related to borrowing by the
3 Authority and management of the obligations of the Authority.
- 4 (2) A pledge made under paragraph (1) of this subsection is effective as
5 provided in § 13-1119 of this subtitle and any applicable resolution of the Authority.
- 6 (f) The State Treasurer shall:
- 7 (1) Invest and reinvest the Fund in the same manner as State funds; and
- 8 (2) Transfer any investment earnings to the credit of the Fund.
- 9 (g) (1) In this subsection, "Program Open Space funds transferred to the
10 Authority" means the moneys appropriated to the Fund from Program Open Space
11 funds under § 5-903(a) of the Natural Resources Article.
- 12 (2) Except as provided in paragraph (3) of this subsection, Program Open
13 Space funds transferred to the Authority may not be used to pay the operating
14 expenses of the Authority, debt service of bonds issued by the Authority, or
15 administrative expenses related to bonds issued by the Authority.
- 16 (3) ~~For the period beginning October 1, 1996 and ending on September~~
17 ~~30, 1998~~ 2001:
- 18 (i) ~~Up to 10% of Program Open Space funds transferred to the~~
19 ~~Authority may be used to pay the operating expenses of the Authority;~~ and
- 20 (ii) ~~Up to 50% of Program Open Space funds transferred~~
21 ~~to the Authority may be expended for debt service on bonds issued by the Authority.~~
- 22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect July 1, 1998.