
By: **Delegate Taylor**
Introduced and read first time: February 13, 1998
Assigned to: Economic Matters

A BILL ENTITLED

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:

16 **Article - Financial Institutions**

17 13-1111.

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

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

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

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

- 1 (i) The Authority shall designate the recognized heritage area as a
2 certified heritage area; and
- 3 (ii) The management plan shall be the plan for purposes of
4 implementing the certified heritage area for both the State and local jurisdictions.
- 5 (b) The Authority shall adopt regulations that specify the criteria and
6 procedures for the consideration and adoption of a proposed management plan.
- 7 (c) The Authority may not designate more than two recognized heritage areas
8 as certified heritage areas [in] FOR each fiscal year.
- 9 (d) The Authority shall hold at least one public hearing concerning the
10 proposed management plan for a recognized heritage area in each recognized heritage
11 area proposed for designation as a certified heritage area.
- 12 (e) Before submission of a management plan to the Authority for approval, the
13 management plan must be submitted for approval to the local governing body of each
14 jurisdiction within the recognized heritage area in the form of an amendment to the
15 local plan.
- 16 (f) The management plan shall be submitted to the Authority within
17 forty-five days after PRELIMINARY approval by all local jurisdictions within the
18 recognized heritage area.
- 19 (g) A management plan for a certified heritage area shall include:
- 20 (1) An identification of:
- 21 (i) The boundaries of the recognized heritage area as set forth in
22 the original designation or as proposed for revision by the management plan;
- 23 (ii) The land use recommendations of the local plans of all of the
24 local jurisdictions within the recognized heritage area; and
- 25 (iii) The zones within the recognized heritage area for particular
26 nature and intensity of use, including zones most appropriately devoted to public use
27 and development by State or local government, and for private use;
- 28 (2) An inventory and evaluation of the significant natural and cultural
29 resources within the recognized heritage area;
- 30 (3) An identification of the types of public and private uses to be
31 encouraged within the recognized heritage area;
- 32 (4) An identification of properties, if any, to be acquired, in whole or in
33 part;
- 34 (5) A description of the educational, interpretive, and recreational
35 programs and projects to be undertaken in the recognized heritage area;

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

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

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

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

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

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

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

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

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

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

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

33 (1) To accept and disburse funds;

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

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

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

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

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

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

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

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

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

21 (1) Establish the designation of a recognized heritage area as a certified
22 heritage area;

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

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

27 (4) For continuance of the certified heritage area, require appropriate
28 local action to protect and safeguard the significant resources in the certified heritage
29 area.

30 (o) The Canal Place Historic Preservation District established under Subtitle
31 10 of this title is the initial certified heritage area designated under this subtitle.

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

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

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

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

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

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

7 13-1114.

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

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

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

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

14 (1) Proceeds from the sale of bonds;

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

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

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

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

23 (i) Debt service on bonds of the Authority; and

24 (ii) All reasonable charges and expenses related to borrowing by the
25 Authority and management of the obligations of the Authority.

26 (2) A pledge made under paragraph (1) of this subsection is effective as
27 provided in § 13-1119 of this subtitle and any applicable resolution of the Authority.

28 (f) The State Treasurer shall:

29 (1) Invest and reinvest the Fund in the same manner as State funds; and

30 (2) Transfer any investment earnings to the credit of the Fund.

1 (g) (1) In this subsection, "Program Open Space funds transferred to the
2 Authority" means the moneys appropriated to the Fund from Program Open Space
3 funds under § 5-903(a) of the Natural Resources Article.

4 (2) Except as provided in paragraph (3) of this subsection, Program Open
5 Space funds transferred to the Authority may not be used to pay the operating
6 expenses of the Authority, debt service of bonds issued by the Authority, or
7 administrative expenses related to bonds issued by the Authority.

8 (3) [For the period beginning October 1, 1996 and ending on September
9 30, 1998:

10 (i] Up to 10% of Program Open Space funds transferred to the
11 Authority may be used to pay the operating expenses of the Authority[; and

12 (ii) Up] AND UP to 50% of Program Open Space funds transferred
13 to the Authority may be expended for debt service on bonds issued by the Authority.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect July 1, 1998.