
By: **Delegate Guns**

Introduced and read first time: February 22, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2001

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2001

CHAPTER _____

1 AN ACT concerning

2 **Department of Natural Resources - Maryland GreenPrint Program**

3 FOR the purpose of establishing a certain Maryland GreenPrint Program in the
4 Department of Natural Resources; specifying a certain purpose for the Program;
5 requiring the Department to identify certain areas in a certain manner, to
6 publish certain information, and to periodically review and update certain
7 information; prohibiting the acquisition of certain property by use of a certain
8 authority; prohibiting the Department from utilizing Program funding for
9 certain acquisitions unless under a certain circumstance; authorizing the
10 Department to use certain funds in a certain manner; requiring the Department
11 to use a certain percentage of funds in a certain manner; providing for the
12 duration of a certain easement; authorizing a landowner to engage in certain
13 activities in a certain manner and under certain circumstances; requiring the
14 Department to submit certain plans to certain committees of the General
15 Assembly by a certain time; requiring the Department under certain
16 circumstances to give priority to certain expenditures; authorizing the
17 Department to adopt certain regulations; ~~prohibiting the Program from funding~~
18 ~~certain acquisitions~~; providing for the construction of this Act; providing for the
19 termination of this Act; defining certain terms; requiring the Department to
20 provide certain reports and plans by certain dates; and generally relating to the
21 establishment of the Maryland GreenPrint Program in the Department of
22 Natural Resources.

23 BY adding to

24 Article - Natural Resources

25 Section 5-15A-01 through 5-15A-05 to be under the new subtitle "Subtitle 15A.

26 Maryland GreenPrint Program"

1 Annotated Code of Maryland
2 (2000 Replacement Volume)

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

5 **Article - Natural Resources**

6 SUBTITLE 15A. MARYLAND GREENPRINT PROGRAM.

7 5-15A-01.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "PRIORITY FUNDING AREA" HAS THE MEANING STATED IN § 5-7B-02 OF
11 THE STATE FINANCE AND PROCUREMENT ARTICLE.

12 (C) "PROGRAM" MEANS THE MARYLAND GREENPRINT PROGRAM
13 ESTABLISHED UNDER THIS SUBTITLE.

14 5-15A-02.

15 (A) THERE IS A MARYLAND GREENPRINT PROGRAM IN THE DEPARTMENT.

16 (B) THE PURPOSE OF THE PROGRAM IS TO CREATE A STATEWIDE GREEN
17 INFRASTRUCTURE NETWORK BY THE ACQUISITION OF PROPERTY AND PROPERTY
18 INTERESTS, INCLUDING EASEMENTS, IN A MANNER THAT COMPLIMENTS ALREADY
19 EXISTING CONSERVATION PROGRAMS, INCLUDING:

20 (I) PROGRAM OPEN SPACE UNDER SUBTITLE 9 OF THIS TITLE;

21 (II) THE RURAL LEGACY PROGRAM UNDER SUBTITLE 9A OF THIS
22 TITLE; AND

23 (III) THE MARYLAND AGRICULTURAL LAND PRESERVATION
24 PROGRAM UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE

25 (C) (1) THE PROGRAM SHALL BE FUNDED AS PROVIDED IN THE STATE
26 BUDGET.

27 (2) (I) 25 PERCENT OF THE FUNDS PROVIDED UNDER THIS PROGRAM
28 SHALL BE SPENT ON THE ACQUISITION OF EASEMENTS ON AGRICULTURAL LAND
29 WITHIN MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION APPROVED
30 DISTRICTS THAT CONTAIN LAND WITHIN THE GREEN INFRASTRUCTURE NETWORK.

31 (II) FUNDS USED TO PURCHASE AGRICULTURAL LAND IN
32 ACCORDANCE WITH THIS PARAGRAPH SHALL BE ENCUMBERED ANNUALLY IN
33 ACCORDANCE WITH THE MARYLAND AGRICULTURAL LAND PRESERVATION
34 FOUNDATION PROCEDURES IN TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE.

1 (III) AN EASEMENT PURCHASED IN ACCORDANCE WITH THIS
2 PARAGRAPH IS PERPETUAL AND MAY NOT BE EXTINGUISHED OR RELEASED.

3 (D) THE DEPARTMENT MAY USE PROGRAM FUNDS TO:

4 (1) ACQUIRE REAL PROPERTY INTERESTS IN THE ~~GREENPRINT GREEN~~
5 INFRASTRUCTURE NETWORK IN ACCORDANCE WITH THIS SUBTITLE AND THE
6 ACQUISITION PROCEDURES FOR PROGRAM OPEN SPACE PROJECTS SET FORTH IN
7 TITLE 4, SUBTITLE 4, PART III OF THE STATE FINANCE AND PROCUREMENT ARTICLE
8 AND SECTION 5-904(D) OF THIS ARTICLE; AND

9 (2) PROVIDE GRANTS TO LOCAL GOVERNMENTS AND LAND TRUSTS TO
10 ACQUIRE REAL PROPERTY INTERESTS IN THE GREEN INFRASTRUCTURE NETWORK.

11 (E) THE DEPARTMENT SHALL:

12 (1) IDENTIFY AREAS THAT FORM THE ~~GREENPRINT GREEN~~
13 INFRASTRUCTURE NETWORK;

14 (2) PUBLISH THE RESULTS OF THE IDENTIFICATION PROCESS; AND

15 (3) PERIODICALLY REVIEW AND UPDATE THE IDENTIFICATION OF THE
16 ~~GREENPRINT GREEN~~ INFRASTRUCTURE NETWORK.

17 (F) A PROPERTY OR PROPERTY INTEREST MAY NOT BE ACQUIRED FOR THE
18 PURPOSES OF THE PROGRAM BY USE OF STATE OR LOCAL CONDEMNATION
19 AUTHORITY.

20 (G) A LAND OWNER WHO PARTICIPATES IN THIS PROGRAM MAY RESERVE THE
21 ABILITY TO ENGAGE IN SILVICULTURAL PRACTICES IN ACCORDANCE WITH A FOREST
22 MANAGEMENT PLAN APPROVED BY THE SECRETARY AND THE TERMS OF THE
23 EASEMENT, PROVIDED THAT THESE PRACTICES DO NOT CONFLICT WITH THE GOALS
24 OF THE PROGRAM.

25 (H) THE DEPARTMENT SHALL SUBMIT PLANS FOR ANY PURCHASES OF A REAL
26 PROPERTY INTEREST THAT INVOLVE AMOUNTS OVER \$2 MILLION TO THE HOUSE OF
27 DELEGATES APPROPRIATIONS COMMITTEE AND THE SENATE BUDGET AND
28 TAXATION COMMITTEE FOR REVIEW AND COMMENT AT LEAST 45 DAYS BEFORE THE
29 TRANSACTION IS SUBMITTED TO THE BOARD OF PUBLIC WORKS FOR APPROVAL.

30 5-15A-03.

31 UNLESS EACH AFFECTED LOCAL GOVERNMENT APPROVES ~~BY RESOLUTION AN~~
32 ACQUISITION OF PROPERTY OR A PROPERTY INTEREST LOCATED WITHIN ITS
33 JURISDICTION, THE DEPARTMENT MAY NOT UTILIZE PROGRAM FUNDING RELATED
34 TO AN ACQUISITION:

35 (A) ~~WITHIN A PRIORITY FUNDING AREA; OR~~

36 (B) ~~LESS THAN 1 MILE FROM THE BOUNDARY OF A PRIORITY FUNDING AREA.~~

1 5-15A-04.

2 ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL REPORT
3 ON EXPENDITURES MADE THROUGH THE GREENPRINT PROGRAM TO THE GOVERNOR
4 AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
5 GENERAL ASSEMBLY.

6 5-15A-05.

7 THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE
8 PROVISIONS OF THIS SUBTITLE.

9 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the GreenPrint Program~~
10 ~~may not fund the acquisition of property or property interests in a manner that is~~
11 ~~inconsistent with county comprehensive plans or in a manner intending to, or~~
12 ~~resulting in, substantial restriction of the future expansion of a priority funding area.~~

13 SECTION 3. 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
14 be construed to limit, expand, or otherwise alter the authority of local governments,
15 the Maryland-National Capital Park and Planning Commission, or the Washington
16 Suburban Sanitary Commission to regulate planning, zoning, and subdivision, as
17 provided under Articles 23A, 25, 25A, 28, and 66B of the Code.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, for purposes other than
19 purchasing agricultural land under this Act, the Department of Natural Resources
20 shall, to the extent possible, give priority in expending funds for the Maryland
21 GreenPrint Program in counties where the Department holds a real property interest
22 on less than 9 percent of land in a county.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2001. It shall remain effective for a period of 5 years and, at the end of June
25 30, 2006, with no further action required by the General Assembly, this Act shall be
26 abrogated and of no further force and effect.