
By: **Delegates Trueschler, Bobo, Cardin, V. Clagett, Heller, Kach, and
Quinter**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Resource Conservation Planning Act of 2005**

3 FOR the purpose of conserving land resources through the implementation of locally
4 enacted resource conservation zoning; conserving energy through the renovation
5 of inefficient building components in certain public buildings; directing the
6 Department of Planning to coordinate certain aspects of the resource
7 conservation programs; requiring certain local governmental entities to develop
8 certain land conservation plans and adopt certain zoning regulations; requiring
9 the counties of the State and Baltimore City to develop certain energy
10 conservation plans; altering, for a certain period, the distribution of revenue
11 from the State transfer tax; stating the intent of the General Assembly that,
12 during certain years, a certain percentage of the total amount provided in the
13 State budget for school construction be allocated for repair or replacement of
14 energy-inefficient building components in school buildings; providing for the
15 delayed effective date and termination of a certain provision of this Act; and
16 generally relating to resource conservation.

17 BY adding to
18 Article - State Finance and Procurement
19 Section 5-901 through 5-911 to be under the new subtitle "Subtitle 9. Resource
20 Conservation"
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2004 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article - Tax - Property
25 Section 13-209
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2004 Supplement)

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

1

Article - State Finance and Procurement

2

SUBTITLE 9. RESOURCE CONSERVATION.

3

PART I. IN GENERAL.

4 5-901.

5 THE GENERAL ASSEMBLY FINDS THAT:

6 (1) A WIDE VARIETY OF LAND CONSERVATION PROGRAMS AT THE STATE
7 AND LOCAL LEVELS HAVE HELPED TO LIMIT THE EFFECTS OF SPRAWL
8 DEVELOPMENT, BUT THEY LACK SUFFICIENT FUNDING AND FOCUS TO PRESERVE
9 KEY AREAS BEFORE ESCALATING LAND VALUES MAKE THEIR PROTECTION
10 UNAFFORDABLE OR THE LAND IS LOST TO DEVELOPMENT;

11 (2) SCARCE FISCAL RESOURCES, COMBINED WITH ESCALATING COSTS
12 OF EDUCATION, HEALTH PROGRAMS, AND OTHER IMPORTANT GOVERNMENTAL
13 RESPONSIBILITIES, HAVE PUT ADDITIONAL STRAIN ON FUNDING FOR LAND
14 CONSERVATION;

15 (3) ENERGY-INEFFICIENT COMPONENTS IN PUBLIC BUILDINGS ARE A
16 SIGNIFICANT DRAIN ON THE FISCAL RESOURCES OF GOVERNMENTS IN THE STATE;

17 (4) RENOVATION OR REPLACEMENT OF SUCH COMPONENTS AS
18 HEATING AND AIR-CONDITIONING SYSTEMS, WINDOWS, DOORS, ROOFS, AND
19 LIGHTING CAN PRODUCE A NET FISCAL SAVINGS OVER A PERIOD OF TIME;

20 (5) A COMPREHENSIVE APPROACH TO CONSERVATION, MERGING THE
21 CONCEPTS OF LAND, ENERGY, AND FISCAL CONSERVATION, AND INTEGRATING THE
22 EFFORTS OF STATE AND LOCAL PLANNERS, IS REQUIRED TO ACHIEVE
23 CONSERVATION GOALS AT REDUCED COST; AND

24 (6) THE ADOPTION OF LOCAL CONSERVATION PLANS AND RESOURCE
25 CONSERVATION ZONING, ALONG WITH LOCAL ENERGY CONSERVATION PLANS, WILL
26 EXPAND LAND PRESERVATION, CONSERVE ENERGY, AND ENABLE THE STATE TO
27 MORE EFFECTIVELY ALLOCATE FISCAL RESOURCES.

28 5-902. RESERVED.

29 5-903. RESERVED.

30

PART II. LAND CONSERVATION PLANNING.

31 5-904.

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

1 (B) (1) "APPLICABLE JURISDICTION" MEANS A GOVERNMENTAL ENTITY IN
2 THE STATE HAVING PLANNING AND ZONING AUTHORITY.

3 (2) "APPLICABLE JURISDICTION" DOES NOT INCLUDE:

4 (I) A MUNICIPAL CORPORATION OF THE STATE;

5 (II) BALTIMORE CITY; OR

6 (III) A COUNTY IN WHICH AT LEAST 18% OF THE LAND AREA IS
7 OWNED BY THE STATE OR FEDERAL GOVERNMENT.

8 (C) "RESOURCE CONSERVATION ZONING" MEANS A LAND USE
9 CLASSIFICATION FOR RURAL LAND THAT:

10 (1) IS ENACTED, APPLIED, AND ENFORCED BY AN APPLICABLE
11 JURISDICTION;

12 (2) ALLOWS LOW-INTENSITY USES AND ACTIVITIES THAT ARE
13 COMPATIBLE WITH MAINTAINING THE RURAL CHARACTER OF THE LAND;

14 (3) PROMOTES THE CONSERVATION OF FARMLAND AND ENCOURAGES
15 AGRICULTURAL ACTIVITY;

16 (4) ALLOWS SUBDIVISION OF A LOT OF RECORD AS OF DECEMBER 31,
17 2006, ONLY IN ACCORDANCE WITH THE FOLLOWING, MORE STRINGENT STANDARDS:

18 (I) A PARCEL OF LAND HAVING A GROSS AREA OF LESS THAN 2
19 ACRES MAY NOT BE SUBDIVIDED;

20 (II) A PARCEL OF LAND HAVING A GROSS AREA OF BETWEEN 2 AND
21 100 ACRES MAY BE DIVIDED INTO NO MORE THAN TWO LOTS; AND

22 (III) A PARCEL OF LAND HAVING A GROSS AREA OF MORE THAN 100
23 ACRES MAY BE SUBDIVIDED ONLY AT A RATE OF ONE LOT FOR EACH 50 ACRES OF
24 GROSS AREA; AND

25 (5) CONTAINS OTHER PROCEDURES AND RESTRICTIONS THAT THE
26 APPLICABLE JURISDICTION CONSIDERS NECESSARY AND PROPER.

27 5-905.

28 (A) EACH APPLICABLE JURISDICTION SHALL DEVELOP A LAND
29 CONSERVATION PLAN CONSISTING OF:

30 (1) AN INVENTORY OF CURRENT CONSERVATION PRACTICES IN THE
31 JURISDICTION, AS DESCRIBED IN § 5-906 OF THIS SUBTITLE;

32 (2) A LAND CONSERVATION MASTER PLAN THAT IDENTIFIES LAND IN
33 THE JURISDICTION BEING CONSIDERED FOR CONSERVATION; AND

1 (3) A PROPOSED RESOURCE CONSERVATION ZONING REGULATION THAT
2 MEETS, OR IS MORE STRINGENT THAN, THE STANDARDS ADOPTED BY THE
3 DEPARTMENT UNDER § 5-907 OF THIS SUBTITLE.

4 (B) ON OR BEFORE APRIL 30, 2006, EACH APPLICABLE JURISDICTION SHALL
5 SUBMIT TO THE DEPARTMENT FOR ITS REVIEW A PROPOSED LAND CONSERVATION
6 PLAN AS PROVIDED IN SUBSECTION (A) OF THIS SECTION.

7 (C) IF THE DEPARTMENT DETERMINES THAT A PROPOSED LAND
8 CONSERVATION PLAN IS NOT IN COMPLIANCE WITH THIS PART II OF THIS SUBTITLE,
9 THE DEPARTMENT SHALL PROVIDE WRITTEN COMMENT TO THE APPLICABLE
10 JURISDICTION ON OR BEFORE OCTOBER 1, 2006.

11 (D) ON OR BEFORE DECEMBER 31, 2006, EACH APPLICABLE JURISDICTION
12 SHALL ADOPT A RESOURCE CONSERVATION ZONING REGULATION THAT MEETS, OR
13 IS MORE STRINGENT THAN, THE STANDARDS ADOPTED UNDER § 5-907 OF THIS
14 SUBTITLE.

15 (E) APPLICATION OF RESOURCE CONSERVATION ZONING TO LAND IN AN
16 APPLICABLE JURISDICTION IS THE EXCLUSIVE RIGHT OF THE LOCAL GOVERNING
17 AUTHORITY OF THE JURISDICTION.

18 (F) AN APPLICABLE JURISDICTION HAVING AN EXISTING RESOURCE
19 CONSERVATION ZONING REGULATION THAT MEETS THE REQUIREMENTS OF THIS
20 PART II OF THIS SUBTITLE IS NOT REQUIRED TO REENACT OR OTHERWISE ALTER
21 THE REGULATION.

22 5-906.

23 (A) THE INVENTORY OF CURRENT CONSERVATION PRACTICES SUBMITTED
24 UNDER § 5-905 OF THIS SUBTITLE SHALL CONTAIN:

25 (1) A DESCRIPTION OF THE LOCATION AND SIZE OF EACH PARCEL OF
26 LAND HELD IN CONSERVATION, INCLUDING WHETHER THE LAND IS CONSERVED BY
27 EASEMENT OR IN FEE SIMPLE;

28 (2) AS TO EACH EASEMENT, THE NAME OF THE EASEMENT OWNER, THE
29 NAME OF THE FEE SIMPLE OWNER, AND THE DURATION OF THE EASEMENT; AND

30 (3) A MAP OR MAPS SHOWING EACH PARCEL.

31 (B) THE INVENTORY SHALL BE INDEXED UNDER THE FOLLOWING
32 CATEGORIES:

33 (1) FEDERAL PARKS AND FORESTS;

34 (2) STATE PARKS AND FORESTS;

35 (3) OTHER GOVERNMENTAL PARKS AND OPEN SPACE DEDICATED TO
36 PASSIVE RECREATION; AND

1 (4) LAND PRESERVATION AND CONSERVATION EASEMENTS HELD BY
2 GOVERNMENTAL ENTITIES, INCLUDING:

3 (I) BUFFER EASEMENTS;

4 (II) FLOOD PLAIN EASEMENTS;

5 (III) FOREST CONSERVATION EASEMENTS;

6 (IV) GREENPRINT EASEMENTS ACQUIRED UNDER TITLE 5,
7 SUBTITLE 15A OF THE NATURAL RESOURCES ARTICLE;

8 (V) HERITAGE CONSERVATION EASEMENTS ACQUIRED UNDER
9 TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

10 (VI) MARYLAND AGRICULTURAL LAND CONSERVATION EASEMENTS
11 ACQUIRED UNDER TITLE 2, SUBTITLE 5 OF THE AGRICULTURE ARTICLE;

12 (VII) MARYLAND ENVIRONMENTAL TRUST EASEMENTS ACQUIRED
13 UNDER TITLE 3, SUBTITLE 2 OF THE NATURAL RESOURCES ARTICLE;

14 (VIII) RURAL LEGACY EASEMENTS ACQUIRED UNDER TITLE 5,
15 SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

16 (IX) STATE WILDLANDS; AND

17 (X) ANY OTHER EASEMENT INTENDED TO:

18 1. ENHANCE RURAL CONSERVATION;

19 2. DETER SPRAWL DEVELOPMENT; OR

20 3. PROTECT OPEN SPACE, SCENIC AREAS, WATERSHED,
21 WILDLIFE, OR VEGETATION.

22 (C) THE FORMAT OF MAPS AND OTHER DATA PROVIDED IN AN INVENTORY
23 SHALL BE IN ACCORDANCE WITH STANDARDS DEVELOPED BY THE DEPARTMENT.

24 5-907. RESERVED.

25 5-908. RESERVED.

26 PART III. ENERGY CONSERVATION.

27 5-909.

28 (A) IN THIS PART III OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
29 MEANINGS INDICATED.

30 (B) (1) "APPLICABLE PUBLIC BUILDING" MEANS A STRUCTURE THAT:

- 1 (I) HAS AT LEAST 10,000 SQUARE FEET OF FLOOR SPACE;
- 2 (II) HAS BEEN IN EXISTENCE, IN WHOLE OR IN PART, FOR AT LEAST
3 30 YEARS;
- 4 (III) PROVIDES A METHOD OF CONTROLLING ENERGY USAGE
5 WITHIN ITS EXTERIOR ENVELOPE;
- 6 (IV) HAS A PERMANENT HEATING SYSTEM; AND
- 7 (V) IS OWNED BY A COUNTY.
- 8 (2) "APPLICABLE PUBLIC BUILDING" INCLUDES A PUBLIC SCHOOL
9 BUILDING.

10 (C) "ENERGY CODE" MEANS THE ENERGY CONSERVATION STANDARDS
11 ADOPTED UNDER COMAR 05.02.07.04, MARYLAND BUILDING PERFORMANCE
12 STANDARDS (MBPS), UNDER THE AUTHORITY OF TITLE 12, SUBTITLE 5 OF THE
13 PUBLIC SAFETY ARTICLE.

14 5-910.

15 (A) EACH COUNTY SHALL DEVELOP AN ENERGY CONSERVATION PLAN
16 CONSISTING OF:

- 17 (1) AN INVENTORY OF APPLICABLE PUBLIC BUILDINGS IN THE COUNTY;
18 AND
- 19 (2) FOR EACH APPLICABLE PUBLIC BUILDING:
- 20 (I) AN ENERGY EFFICIENCY EVALUATION CHART; AND
- 21 (II) AN ENERGY CONSERVATION MASTER PLAN.

22 (B) ON OR BEFORE APRIL 30, 2006, EACH COUNTY SHALL SUBMIT TO THE
23 DEPARTMENT FOR ITS REVIEW A PROPOSED ENERGY CONSERVATION PLAN AS
24 PROVIDED IN SUBSECTION (A) OF THIS SECTION.

25 (C) (1) THE DEPARTMENT SHALL REVIEW THE PLANS IN COORDINATION
26 WITH THE MARYLAND ENERGY ADMINISTRATION.

27 (2) IF THE DEPARTMENT DETERMINES THAT A PROPOSED ENERGY
28 CONSERVATION PLAN IS NOT IN COMPLIANCE WITH THIS PART III OF THIS SUBTITLE,
29 THE DEPARTMENT SHALL PROVIDE WRITTEN COMMENT TO THE COUNTY ON OR
30 BEFORE OCTOBER 1, 2006.

31 5-911.

32 (A) THE INVENTORY REQUIRED UNDER § 5-910(A)(1) OF THIS SUBTITLE SHALL
33 INCLUDE THE FOLLOWING INFORMATION FOR EACH APPLICABLE PUBLIC BUILDING:

1 (1) BUILDING NAME;

2 (2) ADDRESS;

3 (3) DATE OF ORIGINAL CONSTRUCTION AND THE DATE OF ANY
4 ADDITION TO OR SUBSTANTIAL RENOVATION OF THE ORIGINAL CONSTRUCTION;

5 (4) APPROXIMATE SIZE OF ENCLOSED SPACE, IN SQUARE FEET; AND

6 (5) NUMBER OF STORIES.

7 (B) THE ENERGY EFFICIENCY EVALUATION CHART REQUIRED UNDER §
8 5-910(A)(2)(I) OF THIS SUBTITLE SHALL INCLUDE THE FOLLOWING INFORMATION AS
9 TO EACH APPLICABLE PUBLIC BUILDING:

10 (1) TOTAL ENERGY CONSUMED PER YEAR, INDICATED BY:

11 (I) ENERGY TYPE;

12 (II) ENERGY UNITS CONSUMED; AND

13 (III) ENERGY COST; AND

14 (2) A DESCRIPTION, INCLUDING AN ENERGY EFFICIENCY ESTIMATE, OF
15 THE FOLLOWING COMPONENTS IN THE BUILDING:

16 (I) HEATING, VENTILATION, AND AIR-CONDITIONING SYSTEM;

17 (II) HOT WATER HEATER;

18 (III) LIGHTING;

19 (IV) WINDOWS;

20 (V) DOORS;

21 (VI) ROOF; AND

22 (VII) ANY OTHER APPLICABLE COMPONENT SPECIFIED IN THE
23 ENERGY CODE.

24 (C) THE ENERGY CONSERVATION MASTER PLAN REQUIRED UNDER
25 § 5-910(A)(2)(II) OF THIS SUBTITLE SHALL INCLUDE THE FOLLOWING INFORMATION
26 AS TO EACH APPLICABLE PUBLIC BUILDING:

27 (1) THE BUILDING COMPONENTS, AMONG THOSE LISTED IN THE
28 ENERGY EFFICIENCY EVALUATION CHART, THAT MUST BE REPAIRED OR REPLACED
29 IN ORDER FOR THE BUILDING TO BE IN COMPLIANCE WITH THE ENERGY CODE;

30 (2) THE ESTIMATED COST OF REPAIR OR REPLACEMENT;

1 (3) THE ENERGY EFFICIENCY RATING OF EACH PROPOSED
2 REPLACEMENT;

3 (4) THE ESTIMATED ANNUAL ENERGY CONSUMPTION FOR EACH
4 REPAIRED OR REPLACEMENT COMPONENT;

5 (5) THE ESTIMATED TIME FOR EACH REPAIRED OR REPLACEMENT
6 COMPONENT TO RETURN ITS COST THROUGH ENERGY SAVINGS; AND

7 (6) THE TOTAL ESTIMATED ANNUAL ENERGY SAVINGS AFTER
8 REPAIRING OR REPLACING THE COMPONENTS.

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article - Tax - Property**

12 13-209.

13 [(a)] The revenue from transfer tax [is payable to the Comptroller for deposit in
14 a special fund] SHALL BE ALLOCATED AS PROVIDED IN THE STATE BUDGET.

15 [(b)] For the fiscal year beginning July 1, 2002 and for subsequent fiscal years,
16 up to 3% of the revenues in the special fund may be appropriated in the State budget
17 for salaries and related expenses in the Departments of General Services and Natural
18 Resources and in the Department of Planning necessary to administer Title 5,
19 Subtitle 9 of the Natural Resources Article (Program Open Space).

20 (c) (1) Subject to subsection (e) of this section, of the balance of the revenue
21 in the special fund, not required under subsection (b) of this section:

22 (i) for the fiscal year beginning July 1, 2002, \$47,268,585 shall be
23 allocated to the General Fund of the State and the remainder shall be allocated as
24 provided in subsection (d) of this section;

25 (ii) for the fiscal year beginning July 1, 2003, \$102,833,869 shall be
26 allocated to the General Fund of the State and the remainder shall be allocated as
27 provided in the State budget; and

28 (iii) for the fiscal year beginning July 1, 2004, \$147,374,444 shall be
29 allocated to the General Fund of the State, and the remainder shall be allocated as
30 provided in the State budget.

31 (2) Subject to subsection (e) of this section, for the fiscal years beginning
32 July 1, 2005 and each subsequent fiscal year, the balance of the revenue in the special
33 fund, not required under subsection (b) of this section shall be allocated as provided in
34 subsection (d) of this section.

35 (d) Subject to subsection (e) of this section, for the fiscal year beginning July 1,
36 2002 and for each subsequent fiscal year, the balance of the revenue in the special

1 fund, not required under subsection (b) of this section and not allocated to the General
2 Fund under subsection (c)(1) of this section shall be allocated in the State budget as
3 follows:

4 (1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the
5 Natural Resources Article (Program Open Space); and

6 (ii) an additional 1% for Program Open Space, for land acquisition
7 purposes as specified in § 5-903(a)(2) of the Natural Resources Article;

8 (2) 17.05% for the Agricultural Land Preservation Fund established
9 under § 2-505 of the Agriculture Article;

10 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of the
11 Natural Resources Article; and

12 (4) 1.8% for the Heritage Conservation Fund established under § 5-1501
13 of the Natural Resources Article.

14 (e) The sums allocated in subsection (d) of this section may not revert to the
15 General Fund of the State.

16 (f) (1) For any fiscal year in which the actual transfer tax revenue
17 collections are greater than the revenue estimates used as the basis for the
18 appropriations required under this section for the fiscal year, the amount of the
19 excess shall be allocated to the special fund under subsection (a) of this section as
20 provided under subsections (c) and (d) of this section for the second fiscal year
21 following the fiscal year in which there is an excess.

22 (2) For any fiscal year in which the actual transfer tax revenue
23 collections are less than the revenue estimates used as the basis for the
24 appropriations required under this section, the amount of the deficiency shall be
25 reconciled as follows:

26 (i) for the first \$3,000,000 of any deficiency, the allocation to the
27 special fund under subsection (a) of this section as provided under subsections (c) and
28 (d) of this section for the second fiscal year following the deficiency shall be reduced
29 by either the amount of the deficiency or \$3,000,000, whichever is less; and

30 (ii) for any deficiency in excess of \$3,000,000, the amount in excess
31 of \$3,000,000 shall be reconciled either by the reduction of the allocation to the special
32 fund under subsection (a) of this section as provided under subsections (c) and (d) of
33 this section for the second fiscal year following the deficiency or by the
34 deauthorization of projects authorized in prior fiscal years.

35 (3) (i) Any amounts to be deauthorized from prior fiscal years under
36 paragraph (2)(ii) of this subsection shall be proposed by the Governor in the budget of
37 the second fiscal year following the fiscal year in which there is a deficiency.

1 (ii) An amount may be deauthorized under this paragraph only as
2 provided in the State budget bill, as enacted.]

3 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
4 General Assembly that, for the fiscal year beginning July 1, 2006, through the fiscal
5 year beginning July 1, 2015, at least 20% of the total amount provided in the State
6 budget for school construction shall be allocated for repair or replacement of
7 energy-inefficient building components in school buildings owned by counties of the
8 State and Baltimore City.

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect July 1, 2007. It shall remain effective for a period of 10 years and, at the
11 end of June 30, 2017, with no further action required by the General Assembly,
12 Section 2 of this Act shall be abrogated and of no further force and effect.

13 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
14 Section 4 of this Act, this Act shall take effect October 1, 2005.