

ENROLLED BILL*-- Environmental Matters/Education, Health, and Environmental Affairs --*

Introduced by **Delegates Stull, Aumann, Bartlett, Bobo, Bohanan, Boteler, Bozman, G. Clagett, Cluster, Conway, Edwards, Elliott, Elmore, Frank, Glassman, Haddaway, Jameson, Krebs, Kullen, Levy, Mayer, McComas, McConkey, McKee, Montgomery, Myers, O'Donnell, Rudolph, Shank, Smigiel, Sossi, Stocksdales, and Wood**

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 **Agriculture - Preservation of Historic Structures**

3 FOR the purpose of establishing the Maryland Advisory Committee on Historic
 4 Agricultural Structure Preservation; providing for the membership, term, and
 5 compensation of the Committee; establishing a Maryland Barn Preservation
 6 Fund to preserve historic agricultural structures; ~~providing that the Fund is a~~
 7 ~~special, nonlapsing fund~~; providing for the uses of the Fund; requiring the Board
 8 of Public Works to make certain grants from the Fund; requiring the Committee
 9 to make a certain report to the Governor and the General Assembly; requiring
 10 the Department of Planning to adopt certain regulations; requiring a recipient of
 11 a grant or a certain subsequent owner to make certain repayment under certain
 12 circumstances; requiring a certain recordation in certain land records; defining
 13 certain terms; and generally relating to the preservation of historic agricultural

1 structures.

2 BY adding to

3 Article - State Finance and Procurement

4 Section 5A-401 through 5A-406, inclusive, to be under the new subtitle

5 "Subtitle 4. Agricultural Structures"

6 Annotated Code of Maryland

7 (2001 Replacement Volume and 2005 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - State Finance and Procurement**

11 **SUBTITLE 4. AGRICULTURAL STRUCTURES.**

12 5A-401.

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

15 (B) "COMMITTEE" MEANS THE MARYLAND ADVISORY COMMITTEE ON
16 HISTORIC AGRICULTURAL STRUCTURE PRESERVATION.

17 (C) "FUND" MEANS THE MARYLAND BARN PRESERVATION FUND.

18 5A-402.

19 (A) THERE IS A MARYLAND ADVISORY COMMITTEE ON HISTORIC
20 AGRICULTURAL STRUCTURE PRESERVATION.

21 (B) (1) THE COMMITTEE CONSISTS OF ~~NINE~~ NINE ~~VOTING~~ 10 MEMBERS.

22 (2) THE EX OFFICIO MEMBERS ARE:

23 (I) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S
24 DESIGNEE;

25 (II) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT,
26 OR THE SECRETARY'S DESIGNEE;

27 (III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S
28 DESIGNEE;

29 (IV) THE DIRECTOR OF THE MARYLAND HISTORICAL TRUST; AND

30 (V) THE DIRECTOR OF THE MARYLAND COOPERATIVE EXTENSION.

31 (3) THE GOVERNOR SHALL APPOINT THE OTHER ~~FOUR~~ FIVE MEMBERS,
32 OF WHOM:

1 (I) ONE SHALL BE FROM A LIST OF AT LEAST TWO NOMINEES
2 REPRESENTING THE MARYLAND STATE GRANGE;

3 (II) ONE SHALL BE FROM A LIST OF AT LEAST TWO NOMINEES
4 REPRESENTING THE MARYLAND FARM BUREAU; ~~AND~~

5 (III) TWO SHALL BE INDIVIDUALS ACTIVELY ENGAGED IN
6 AGRICULTURE; AND

7 (IV) ONE SHALL BE A MEMBER OF THE MARYLAND
8 ENVIRONMENTAL TRUST.

9 (C) THE SECRETARY OF PLANNING SERVES AS CHAIR.

10 (D) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

11 (E) A MEMBER OF THE COMMITTEE:

12 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER; BUT

13 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
14 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

15 5A-403.

16 (A) THERE IS A BARN PRESERVATION FUND IN THE DEPARTMENT OF
17 PLANNING.

18 (B) ~~(4)~~ THE FUND SHALL BE USED TO MAKE GRANTS TO PRESERVE
19 HISTORIC BARNs AND AGRICULTURAL STRUCTURES IN THE STATE.

20 ~~(2) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT~~
21 ~~SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

22 ~~(3) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND~~
23 ~~THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

24 ~~(4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME~~
25 ~~MANNER AS OTHER STATE FUNDS.~~

26 ~~(5) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO~~
27 ~~THE FUND.~~

28 (C) THE FUND CONSISTS OF:

29 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND

30 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
31 BENEFIT OF THE FUND.

1 (D) TO APPLY FOR A GRANT, AN APPLICANT SHALL SUBMIT TO THE
2 COMMITTEE AN APPLICATION IN THE FORM THAT THE COMMITTEE REQUIRES.

3 (E) ON A RECOMMENDATION FROM THE COMMITTEE, THE BOARD OF PUBLIC
4 WORKS SHALL APPROVE EXPENDITURES FROM THE FUND IN THE FORM OF GRANTS
5 TO PRESERVE HISTORIC BARNs AND AGRICULTURAL STRUCTURES.

6 (F) IN RECOMMENDING GRANTS UNDER THIS SUBTITLE, THE COMMITTEE
7 SHALL CONSIDER:

8 (1) ANY HISTORIC BUILDING FEATURES;

9 (2) IMPORTANT EXAMPLES OF HISTORIC AGRICULTURAL BUILDING
10 TYPES;

11 (3) THE PRODUCTIVE LONG-TERM USE OF THE PROPERTY;

12 (4) IMPORTANT LOCAL LANDMARKS;

13 (5) STRUCTURES THAT ARE LOCATED ON DESIGNATED SCENIC AND
14 CULTURAL BYWAYS; AND

15 (6) STRUCTURES THAT ACCEPT A PRESERVATION EASEMENT.

16 (G) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE COMMITTEE SHALL
17 REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
18 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE FINANCIAL STATUS
19 AND THE ACTIVITIES OF THE FUND FOR THE PRECEDING FISCAL YEAR.

20 5A-404.

21 THE DEPARTMENT OF PLANNING SHALL ADOPT ANY REGULATIONS NECESSARY
22 TO IMPLEMENT THIS SUBTITLE.

23 5A-405.

24 IF A RECIPIENT OF A GRANT UNDER THIS SUBTITLE OR SUBSEQUENT OWNER
25 OF A PROPERTY THAT WAS ASSISTED BY A GRANT UNDER THIS SUBTITLE TAKES ANY
26 ACTION WITHIN 10 YEARS OF THE GRANT AWARD WITH RESPECT TO THE ASSISTED
27 BUILDING OR STRUCTURE, SUCH AS DISMANTLEMENT, REMOVAL, OR SUBSTANTIAL
28 ALTERATION, WHICH CAUSES IT TO NO LONGER BE ELIGIBLE FOR LISTING ON THE
29 NATIONAL REGISTER OF HISTORIC PLACES, WITHIN 1 YEAR FROM THE DATE OF LOSS
30 OF ELIGIBILITY, THE PRESERVATION GRANT SHALL BE REPAID IN FULL TO THE
31 FUND.

32 5A-406.

33 RECEIPT OF A GRANT AWARD UNDER THIS PROGRAM AND CONDITIONS OF THE
34 AWARD SHALL BE RECORDED IN THE LAND RECORDS FOR THE COUNTY IN WHICH
35 THE HISTORIC BARN OR AGRICULTURAL STRUCTURE IS LOCATED.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2006.