
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,
Stocksdale, and Wood**

Introduced and read first time: February 6, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

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
14 structures.

15 BY adding to
16 Article - State Finance and Procurement
17 Section 5A-401 through 5A-406, inclusive, to be under the new subtitle
18 "Subtitle 4. Agricultural Structures"
19 Annotated Code of Maryland
20 (2001 Replacement Volume and 2005 Supplement)

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

1 **Article - State Finance and Procurement**

2 SUBTITLE 4. AGRICULTURAL STRUCTURES.

3 5A-401.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
5 INDICATED.

6 (B) "COMMITTEE" MEANS THE MARYLAND ADVISORY COMMITTEE ON
7 HISTORIC AGRICULTURAL STRUCTURE PRESERVATION.

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

9 5A-402.

10 (A) THERE IS A MARYLAND ADVISORY COMMITTEE ON HISTORIC
11 AGRICULTURAL STRUCTURE PRESERVATION.

12 (B) (1) THE COMMITTEE CONSISTS OF NINE VOTING MEMBERS.

13 (2) THE EX OFFICIO MEMBERS ARE:

14 (I) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S
15 DESIGNEE;

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

18 (III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S
19 DESIGNEE;

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

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

22 (3) THE GOVERNOR SHALL APPOINT THE OTHER FOUR MEMBERS, OF
23 WHOM:

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

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

28 (III) TWO SHALL BE INDIVIDUALS ACTIVELY ENGAGED IN
29 AGRICULTURE.

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

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

1 (E) A MEMBER OF THE COMMITTEE:

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

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

5 5A-403.

6 (A) THERE IS A BARN PRESERVATION FUND IN THE DEPARTMENT OF
7 PLANNING.

8 (B) (1) THE FUND SHALL BE USED TO MAKE GRANTS TO PRESERVE
9 HISTORIC BARNs AND AGRICULTURAL STRUCTURES IN THE STATE.

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

12 (3) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND
13 THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

14 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
15 MANNER AS OTHER STATE FUNDS.

16 (5) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO
17 THE FUND.

18 (C) THE FUND CONSISTS OF:

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

20 (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE
21 BENEFIT OF THE FUND.

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

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

27 (F) IN RECOMMENDING GRANTS UNDER THIS SUBTITLE, THE COMMITTEE
28 SHALL CONSIDER:

29 (1) ANY HISTORIC BUILDING FEATURES;

30 (2) IMPORTANT EXAMPLES OF HISTORIC AGRICULTURAL BUILDING
31 TYPES;

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

1 (4) IMPORTANT LOCAL LANDMARKS;

2 (5) STRUCTURES THAT ARE LOCATED ON DESIGNATED SCENIC AND
3 CULTURAL BYWAYS; AND

4 (6) STRUCTURES THAT ACCEPT A PRESERVATION EASEMENT.

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

9 5A-404.

10 THE DEPARTMENT OF PLANNING SHALL ADOPT ANY REGULATIONS NECESSARY
11 TO IMPLEMENT THIS SUBTITLE.

12 5A-405.

13 IF A RECIPIENT OF A GRANT UNDER THIS SUBTITLE OR SUBSEQUENT OWNER
14 OF A PROPERTY THAT WAS ASSISTED BY A GRANT UNDER THIS SUBTITLE TAKES ANY
15 ACTION WITHIN 10 YEARS OF THE GRANT AWARD WITH RESPECT TO THE ASSISTED
16 BUILDING OR STRUCTURE, SUCH AS DISMANTLEMENT, REMOVAL, OR SUBSTANTIAL
17 ALTERATION, WHICH CAUSES IT TO NO LONGER BE ELIGIBLE FOR LISTING ON THE
18 NATIONAL REGISTER OF HISTORIC PLACES, WITHIN 1 YEAR FROM THE DATE OF LOSS
19 OF ELIGIBILITY, THE PRESERVATION GRANT SHALL BE REPAYED IN FULL TO THE
20 FUND.

21 5A-406.

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

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