

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 346

(Chair, Environmental Matters Committee)(By Request -
Departmental - Planning)

Environmental Matters

Budget and Taxation

Maryland Historical Trust - Review of Capital Projects - Duties of Director

This departmental bill clarifies the duties of the Director of the Maryland Historical Trust with respect to the review of capital projects affecting historic properties.

Fiscal Summary

State Effect: The bill does not affect overall State finances.

Local Effect: The bill does not affect overall local finances.

Small Business Effect: The Maryland Department of Planning (MDP) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary: The bill makes the director, instead of the Maryland Historical Trust, the party certain State units consult with regarding capital projects that may have an adverse affect on a property listed in or eligible for listing in the Maryland Register of Historic Properties. The bill also requires that certain State units cooperate with the trust by giving notice to and consulting with the director, instead of the trust, on application for and prior to the approval of a permit, license, or financial assistance regarding such capital projects. The bill also makes conforming and clarifying changes regarding (1) the trust's adoption of procedures and regulations and (2) a person's right to appeal the reasonableness of a condition imposed by a State unit on a permit or license.

Current Law: State agencies are required to work with the trust for the preservation and protection of properties of State historical significance.

The applicable State unit must consult with the trust under the following circumstances:

- to determine whether a nonstate capital project financed with general obligation bonds or State-owned capital project will adversely affect any property listed in or eligible for listing in the Historic Register; and
- to develop plans or interagency agreements to identify, evaluate, and manage any properties listed in or eligible to be listed in the Historic Register.

The director is responsible for determining whether a project will adversely affect a property.

A State unit that issues permits or licenses or provides financial assistance for a capital project is required to cooperate with the trust by:

- giving notice to the trust, on request, of an application for a permit, license, or financial assistance; and
- requiring an applicant consult with the trust prior to final State unit action on an application.

After consultation with the trust, and under certain circumstances, a State unit may put reasonable conditions on a license, permit, or award of financial assistance. A person may appeal the reasonableness of a condition imposed on a license or permit.

Background: MDP advises that the bill formalizes current practice, as the trust's duties with respect to capital projects affecting historic properties have been carried out by the director since 1985.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Budget and Management, Maryland Department of Planning, Department of Legislative Services

Fiscal Note History: First Reader - February 4, 2014
ncs/ljm

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Maryland Historical Trust – Review of Capital Projects - Duties of Director

BILL NUMBER: HB 346

PREPARED BY: Department of Planning

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS