

SENATE BILL 1070

L6, I1, P1

4lr1549
CF 4lr1550

By: **Senator McKay**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Financial Institutions – Heritage Areas – Canal Place**

3 FOR the purpose of altering the Canal Place Preservation and Development Authority to
4 be the Passages of the Western Potomac Heritage Area Authority; altering and
5 repealing certain duties and powers of the Authority; establishing the Canal Place
6 Preservation and Development Board to manage the Canal Place Properties;
7 requiring the Board, to the extent practicable, to enter into certain memoranda of
8 understanding to delegate the management of certain Canal Place Properties and
9 other projects; establishing the Canal Place Preservation and Development Board
10 Financing Fund as a special, nonlapsing fund; altering the employees of the
11 Authority who are eligible to participate in the Employees' Pension System; and
12 generally relating to heritage areas in the State.

13 BY repealing and reenacting, with amendments,
14 Article – Financial Institutions
15 Section 13–1001 to be under the amended subtitle “Subtitle 10. Passages of the
16 Western Potomac Heritage Area Authority”; 13–1004, 13–1008, and
17 13–1017(a) to be under the amended part “Part II. Passages of the Western
18 Potomac Heritage Area Authority”; and 13–1031
19 Annotated Code of Maryland
20 (2020 Replacement Volume and 2023 Supplement)

21 BY repealing
22 Article – Financial Institutions
23 Section 13–1008.1 and 13–1009
24 Annotated Code of Maryland
25 (2020 Replacement Volume and 2023 Supplement)

26 BY adding to
27 Article – Financial Institutions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 13–1201 through 13–1208 to be under the new subtitle “Subtitle 12. Canal
Place Preservation and Development Board”
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 3–307(a)(2) and 5–103(b)(4)
Annotated Code of Maryland
(2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)189. and 190.
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)191.
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 31–102(2)(v) and 31–105
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–211(b)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2023 Supplement)

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

Article – Financial Institutions

Subtitle 10. [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority.

13–1001.

(a) In this subtitle the following words have the meanings indicated.

(b) “Authority” means the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority.

(c) “Bonds” means taxable or tax–exempt bonds, including refunding bonds, bond anticipation notes, notes in the nature of commercial paper, certificates, or any other evidence of obligation issued by the Authority.

(d) **“CANAL PLACE PROPERTIES” HAS THE MEANING STATED IN § 13–1201 OF THIS TITLE.**

(E) “Fund” means the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority Financing Fund established under § 13–1017 of this subtitle.

[(e)] (F) (1) “Heritage Area” means the Canal Place Heritage Area, initially known as the Canal Place Historic Preservation District, the boundaries of which are described:

[(1)] (I) In the addendum of January 1993, entitled “The Canal Place Historic Preservation District”, to the report of May 1992 of the Maryland State Highway Administration entitled “The Canal Parkway Development – Station Square Project”; and

[(2)] (II) In any revisions that are:

[(i)] 1. Made by the Authority under [§ 13–1008(8) or (10)] **§ 13–1008(7) OR (8)** of this subtitle; and

[(ii)] 2. Approved by the Maryland Heritage Areas Authority in accordance with § 13–1111 of this title.

(2) **“HERITAGE AREA” DOES NOT INCLUDE THE CANAL PLACE PROPERTIES.**

[(f)] (G) “Local jurisdiction” means:

(1) Any of the 23 counties of the State;

(2) The City of Baltimore; or

(3) Any municipal corporation subject to the provisions of Article XI–E of the Maryland Constitution.

[(g)] (H) “Maryland Heritage Areas Authority” means the Maryland Heritage Areas Authority created under Subtitle 11 of this title.

[(h)] (I) (1) “Park corridor” means the land area within the Heritage Area the boundaries of which are described:

[(1)] (I) In the report of May 1992 of the Maryland State Highway Administration entitled “The Canal Parkway Development – Station Square Project”; and

[(2)] (II) In any revision that the Authority makes under **[§ 13–1008(8)] § 13–1008(7)** of this subtitle to the report of May 1992 of the Maryland State Highway Administration entitled “The Canal Parkway Development – Station Square Project”.

(2) “PARK CORRIDOR” DOES NOT INCLUDE THE CANAL PLACE PROPERTIES.

Part II. **[Canal Place Preservation and Development] PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority.

13–1004.

(a) There is a body corporate and politic known as the **[Canal Place Preservation and Development] PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority.

(b) The Authority is an instrumentality of the State and a public corporation by that name, style, and title.

(c) The Authority is an independent unit in the Executive Branch of the State government.

(d) The exercise by the Authority of the powers conferred by this subtitle is the performance of an essential public function.

13–1008.

In addition to the powers set forth elsewhere in this subtitle, the Authority may:

(1) Adopt and alter an official seal;

(2) Sue and be sued, plead, and be impleaded;

(3) Adopt bylaws to regulate its affairs and the conduct of its business;

1 (4) In accordance with Title 10, Subtitle 1 of the State Government Article,
2 adopt regulations to carry out the provisions of this subtitle;

3 (5) Maintain an office at a place that the Authority designates;

4 (6) [Employ, either as regular employees or as independent contractors,
5 and fix the compensation of, accountants, architects, attorneys, construction experts and
6 personnel, consultants, engineers, financial experts, managers, superintendents, and other
7 professional personnel, personnel, and agents;

8 (7)] Appoint advisory committees composed of local officials,
9 representatives of the business community, and such other interests as may be appropriate;

10 [(8)] (7) Subject to the requirements of this subtitle, adopt and implement
11 a management plan for the Heritage Area;

12 [(9) Determine the locations of, develop, establish, construct, erect, acquire,
13 own, repair, remodel, add to, extend, improve, equip, rewater, operate, regulate, and
14 maintain, and contribute to the maintenance and operating costs of land, water, buildings,
15 and structures to accomplish the purposes of the Authority;

16 (10)] (8) By publishing a revised drawing or other boundary description
17 in the Maryland Register, revise the boundaries of the Heritage Area or the park corridor
18 with the consent of:

19 (i) The governing body of each local jurisdiction which in whole or
20 in part is to be added to or deleted from the Heritage Area; and

21 (ii) The Maryland Heritage Areas Authority;

22 [(11) Subject to § 13–1009 of this subtitle, acquire, hold, lease, use,
23 encumber, transfer, or dispose of real and personal property;

24 (12)] (9) Provide or contract to provide tourism marketing and
25 promotional services for the Canal Place Heritage Area, and provide financial assistance
26 for tourism marketing and promotion in Allegany County and its municipal jurisdictions,
27 if the expenditures by the Authority for those purposes are matched equally with nonstate
28 funds;

29 [(13)] (10) Enter into contracts of any kind and execute all instruments
30 necessary or convenient to carry out its powers under this subtitle;

31 [(14)] (11) Make and participate in making loans or grants, or otherwise
32 provide financial assistance for any project that serves to preserve, develop, maintain, or
33 protect the Heritage Area;

1 **[(15)] (12)** Through covenants, regulations, agreements, or otherwise,
2 establish restrictions, standards, and requirements necessary to assure preservation,
3 development, maintenance, and protection of the Heritage Area in accordance with a
4 management plan that the Authority adopts;

5 **[(16)]** Fix and revise from time to time and charge and collect rates, rents,
6 fees, or other charges for the use of, or for services rendered in connection with, buildings,
7 structures, land, and water to accomplish the purposes of the Authority;

8 (17) (i) Borrow money from any source for any corporate purpose,
9 including working capital for its operations, reserve funds, or interest;

10 (ii) Mortgage, pledge, or otherwise encumber the property and funds
11 of the Authority; and

12 (iii) Contract with or engage the services of any person for any
13 financing, including underwriters, placement agents, financial institutions, issuers of
14 letters of credit, or insurers;

15 **[(18)] (13)** Subject to Part III of this subtitle, issue bonds;

16 **[(19)] (14)** Receive and accept from any public or private source
17 contributions, gifts, or grants of money or property;

18 **[(20)] (15)** Exercise all the corporate powers granted Maryland corporations
19 under the Maryland General Corporation Law; and

20 **[(21)] (16)** Do all things necessary or convenient to carry out the powers
21 granted by this subtitle.

22 **[13–1008.1.**

23 (a) The Authority may adopt and enforce regulations for the parking of motor
24 vehicles in and on any facilities or property the Authority owns or controls.

25 (b) The regulations shall:

26 (1) Be reasonably necessary for the efficient operation of facilities or
27 property owned or controlled by the Authority;

28 (2) Provide for a uniform system for accessible parking for individuals with
29 disabilities, to enhance the safety of individuals with disabilities in conformity with the
30 federal Uniform System for Parking for Persons with Disabilities and the federal
31 Americans with Disabilities Act accessibility guidelines for buildings and facilities; and

(3) Include procedures for the voluntary payment of fines directly to the Authority in uncontested parking cases.

(c) The Maryland State Police or the Police Department of the City of Cumberland may issue citations for violations of the regulations adopted under this section.

(d) The issuance of citations under this section shall comply with the requirements of Title 26, Subtitle 3 of the Transportation Article.

(e) (1) A person who violates a parking regulation under this section is subject to a fine established by the Authority in accordance with paragraph (2) of this subsection.

(2) The Authority shall adopt regulations to establish fines that are equal to the fines that the City of Cumberland, by ordinance, may impose for similar parking violations.

(f) All regulations adopted under this section shall be posted conspicuously in a public place on facilities or property owned or controlled by the Authority.

(g) The Executive Director of the Authority may designate employees of the Authority or security personnel under contract with the Authority to issue citations, to the extent authorized by the Executive Director of the Authority, for violations of motor vehicle parking regulations adopted under this section.

(h) The Executive Director of the Authority, in consultation with the chief police officer of the Maryland State Police and the Maryland Police Training and Standards Commission, shall adopt regulations establishing:

(1) Qualifications for individuals appointed under subsection (g) of this section, which may include prerequisites of character, training, experience, and education; and

(2) Standards for the performance of the duties assigned to individuals appointed under subsection (g) of this section.]

[13–1009.

(a) This section does not affect the right of the Authority to acquire an option or institute any condemnation proceeding for later acquisition of property once the approval required by this section occurs.

(b) (1) Subject to annual appropriations and this subtitle, the Authority may acquire in its own name, by gift, purchase, or condemnation, any real or personal property, or interests in property, necessary or convenient to carry out its responsibilities under this subtitle.

(2) When acquiring in its own name any real or personal property, or interests in property as specified in paragraph (1) of this subsection, the Authority shall first attempt to acquire the property through negotiation and purchase.

(3) If it is not able to acquire property through negotiation and purchase, the Authority may exercise the powers of condemnation for private property, as provided in subsection (c) of this section.

(c) Subject to subsection (b) of this section, prior approval of the Board of Public Works, and review by the Legislative Policy Committee, the Authority may exercise the power of ordinary condemnation for any private property for any purpose of the Authority:

(1) In accordance with Title 12 of the Real Property Article; and

(2) In the park corridor only.

(d) (1) Subject to the prior approval of the Board of Public Works:

(i) The State, its agencies, and any local jurisdiction within the Heritage Area may lease, lend, grant, or otherwise convey to the Authority, at its request, any property or interest therein, including property devoted to public use, that is necessary or convenient for the purposes of this subtitle; or

(ii) The State may lease or sublease any property or interest therein from or to the Authority, whether or not any building or structure is constructed or usable thereon.

(2) Lease payments appropriated by the State to the Authority shall be transferred to the Fund.

(e) For any acquisition of real or personal property or interest in property in the City of Cumberland or in Allegany County, other than in the park corridor, the Authority shall comply with any applicable local planning, zoning, and development regulations to the same extent as a private commercial or industrial enterprise.]

13–1017.

(a) There is a [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority Financing Fund.

13–1031.

This subtitle may be cited as the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority Act.

SUBTITLE 12. CANAL PLACE PRESERVATION AND DEVELOPMENT BOARD.

1 **13-1201.**

2 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 **(B) “BOARD” MEANS THE CANAL PLACE PRESERVATION AND**
5 **DEVELOPMENT BOARD.**

6 **(C) “CANAL PLACE PROPERTIES” MEANS THE PROPERTIES AND**
7 **IMPROVEMENTS IDENTIFIED IN THE REPORT OF THE DEPARTMENT OF PLANNING**
8 **AND THE DEPARTMENT OF GENERAL SERVICES, DATED JANUARY 6, 2015, AND**
9 **ENTITLED “REPORT ON POTENTIAL ALTERNATIVES FOR OWNERSHIP AND**
10 **MANAGEMENT OF CANAL PLACE”.**

11 **(D) “FUND” MEANS THE CANAL PLACE PRESERVATION AND**
12 **DEVELOPMENT BOARD FINANCING FUND ESTABLISHED UNDER § 13-1208 OF THIS**
13 **SUBTITLE.**

14 **13-1202.**

15 **(A) THERE IS A CANAL PLACE PRESERVATION AND DEVELOPMENT BOARD.**

16 **(B) THE BOARD IS AN INSTRUMENTALITY OF THE STATE AND A PUBLIC**
17 **CORPORATION BY THAT NAME, STYLE, AND TITLE.**

18 **(C) THE BOARD IS AN INDEPENDENT UNIT IN THE EXECUTIVE BRANCH OF**
19 **THE STATE GOVERNMENT.**

20 **(D) THE EXERCISE BY THE BOARD OF THE POWERS CONFERRED BY THIS**
21 **SUBTITLE IS THE PERFORMANCE OF AN ESSENTIAL PUBLIC FUNCTION.**

22 **13-1203.**

23 **(A) THE BOARD CONSISTS OF:**

24 **(1) THE PRESIDENT OF THE ALLEGANY COUNTY COMMISSIONERS,**
25 **OR THE PRESIDENT’S DESIGNEE;**

26 **(2) THE MAYOR OF THE CITY OF CUMBERLAND, OR THE MAYOR’S**
27 **DESIGNEE; AND**

(3) ONE MEMBER APPOINTED BY THE ALLEGANY COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY.

(B) THE BOARD SHALL SELECT A CHAIR FROM AMONG ITS MEMBERS.

(C) THE TERM OF THE MEMBER APPOINTED BY THE ALLEGANY COUNTY DELEGATION IS 4 YEARS.

(D) A MEMBER OF THE BOARD:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD; BUT

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

13-1204.

IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS SUBTITLE, THE BOARD MAY:

(1) ADOPT AND ALTER AN OFFICIAL SEAL;

(2) SUE AND BE SUED, PLEAD, AND BE IMPEADED;

(3) ADOPT BYLAWS TO REGULATE ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS;

(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE;

(5) MAINTAIN AN OFFICE AT A PLACE THAT THE BOARD DESIGNATES;

(6) EMPLOY, EITHER AS REGULAR EMPLOYEES OR AS INDEPENDENT CONTRACTORS, AND FIX THE COMPENSATION OF:

(I) ACCOUNTANTS;

(II) ARCHITECTS;

(III) ATTORNEYS;

1 (IV) CONSTRUCTION EXPERTS AND PERSONNEL;

2 (V) CONSULTANTS;

3 (VI) ENGINEERS;

4 (VII) FINANCIAL EXPERTS;

5 (VIII) MANAGERS;

6 (IX) SUPERINTENDENTS; AND

7 (X) OTHER PROFESSIONAL PERSONNEL, PERSONNEL, AND
8 AGENTS;

9 (7) APPOINT ADVISORY COMMITTEES COMPOSED OF LOCAL
10 OFFICIALS, REPRESENTATIVES OF THE BUSINESS COMMUNITY, AND SUCH OTHER
11 INTERESTS AS MAY BE APPROPRIATE;

12 (8) DETERMINE THE LOCATIONS OF, DEVELOP, ESTABLISH,
13 CONSTRUCT, ERECT, ACQUIRE, OWN, REPAIR, REMODEL, ADD TO, EXTEND,
14 IMPROVE, EQUIP, REWATER, OPERATE, REGULATE, AND MAINTAIN AND
15 CONTRIBUTE TO THE MAINTENANCE AND OPERATING COSTS OF LAND, WATER,
16 BUILDINGS, AND STRUCTURES TO ACCOMPLISH THE PURPOSES OF THE BOARD;

17 (9) SUBJECT TO § 13-1206 OF THIS SUBTITLE, ACQUIRE, HOLD,
18 LEASE, USE, ENCUMBER, TRANSFER, OR DISPOSE OF REAL AND PERSONAL
19 PROPERTY;

20 (10) PROVIDE OR CONTRACT TO PROVIDE TOURISM MARKETING AND
21 PROMOTIONAL SERVICES FOR THE CANAL PLACE PROPERTIES, AND PROVIDE
22 FINANCIAL ASSISTANCE FOR TOURISM MARKETING AND PROMOTION IN ALLEGANY
23 COUNTY AND ITS MUNICIPAL JURISDICTIONS, IF THE EXPENDITURES BY THE BOARD
24 FOR THOSE PURPOSES ARE MATCHED EQUALLY WITH NON-STATE FUNDS;

25 (11) ENTER INTO CONTRACTS OF ANY KIND AND EXECUTE ALL
26 INSTRUMENTS NECESSARY OR CONVENIENT TO CARRY OUT ITS POWERS UNDER THIS
27 SUBTITLE;

28 (12) MAKE AND PARTICIPATE IN MAKING LOANS OR GRANTS OR
29 OTHERWISE PROVIDE FINANCIAL ASSISTANCE FOR ANY PROJECT THAT SERVES TO
30 PRESERVE, DEVELOP, MAINTAIN, OR PROTECT THE CANAL PLACE PROPERTIES;

1 **(13) FIX AND REVISE FROM TIME TO TIME AND CHARGE AND COLLECT**
2 **RATES, RENTS, FEES, OR OTHER CHARGES FOR THE USE OF, OR FOR SERVICES**
3 **RENDERED IN CONNECTION WITH, BUILDINGS, STRUCTURES, LAND, AND WATER TO**
4 **ACCOMPLISH THE PURPOSES OF THE BOARD;**

5 **(14) (I) BORROW MONEY FROM ANY SOURCE FOR ANY CORPORATE**
6 **PURPOSE, INCLUDING WORKING CAPITAL FOR ITS OPERATIONS, RESERVE FUNDS,**
7 **OR INTEREST;**

8 **(II) MORTGAGE, PLEDGE, OR OTHERWISE ENCUMBER THE**
9 **PROPERTY AND FUNDS OF THE BOARD; AND**

10 **(III) CONTRACT WITH OR ENGAGE THE SERVICES OF ANY**
11 **PERSON FOR ANY FINANCING, INCLUDING UNDERWRITERS, PLACEMENT AGENTS,**
12 **FINANCIAL INSTITUTIONS, ISSUERS OF LETTERS OF CREDIT, OR INSURERS;**

13 **(15) RECEIVE AND ACCEPT FROM ANY PUBLIC OR PRIVATE SOURCE**
14 **CONTRIBUTIONS, GIFTS, OR GRANTS OF MONEY OR PROPERTY;**

15 **(16) EXERCISE ALL THE CORPORATE POWERS GRANTED MARYLAND**
16 **CORPORATIONS UNDER THE MARYLAND GENERAL CORPORATION LAW; AND**

17 **(17) DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE**
18 **POWERS GRANTED BY THIS SUBTITLE.**

19 **13-1205.**

20 **(A) THE BOARD MAY ADOPT AND ENFORCE REGULATIONS FOR THE**
21 **PARKING OF MOTOR VEHICLES IN AND ON ANY FACILITIES OR PROPERTY THE**
22 **BOARD OWNS OR CONTROLS.**

23 **(B) THE REGULATIONS SHALL:**

24 **(1) BE REASONABLY NECESSARY FOR THE EFFICIENT OPERATION OF**
25 **FACILITIES OR PROPERTY OWNED OR CONTROLLED BY THE BOARD;**

26 **(2) PROVIDE FOR A UNIFORM SYSTEM FOR ACCESSIBLE PARKING FOR**
27 **INDIVIDUALS WITH DISABILITIES, TO ENHANCE THE SAFETY OF INDIVIDUALS WITH**
28 **DISABILITIES IN CONFORMITY WITH THE FEDERAL UNIFORM SYSTEM FOR PARKING**
29 **FOR PERSONS WITH DISABILITIES AND THE FEDERAL AMERICANS WITH**
30 **DISABILITIES ACT ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES;**
31 **AND**

1 **(3) INCLUDE PROCEDURES FOR THE VOLUNTARY PAYMENT OF FINES**
2 **DIRECTLY TO THE AUTHORITY IN UNCONTESTED PARKING CASES.**

3 **(C) THE MARYLAND STATE POLICE OR THE POLICE DEPARTMENT OF THE**
4 **CITY OF CUMBERLAND MAY ISSUE CITATIONS FOR VIOLATIONS OF THE**
5 **REGULATIONS ADOPTED UNDER THIS SECTION.**

6 **(D) THE ISSUANCE OF CITATIONS UNDER THIS SECTION SHALL COMPLY**
7 **WITH THE REQUIREMENTS OF TITLE 26, SUBTITLE 3 OF THE TRANSPORTATION**
8 **ARTICLE.**

9 **(E) (1) A PERSON WHO VIOLATES A PARKING REGULATION UNDER THIS**
10 **SECTION IS SUBJECT TO A FINE ESTABLISHED BY THE BOARD IN ACCORDANCE WITH**
11 **PARAGRAPH (2) OF THIS SUBSECTION.**

12 **(2) THE BOARD SHALL ADOPT REGULATIONS TO ESTABLISH FINES**
13 **THAT ARE EQUAL TO THE FINES THAT THE CITY OF CUMBERLAND, BY ORDINANCE,**
14 **MAY IMPOSE FOR SIMILAR PARKING VIOLATIONS.**

15 **(F) ALL REGULATIONS ADOPTED UNDER THIS SECTION SHALL BE POSTED**
16 **CONSPICUOUSLY IN A PUBLIC PLACE ON FACILITIES OR PROPERTY OWNED OR**
17 **CONTROLLED BY THE BOARD.**

18 **(G) THE BOARD MAY DESIGNATE EMPLOYEES OF THE BOARD OR SECURITY**
19 **PERSONNEL UNDER CONTRACT WITH THE BOARD TO ISSUE CITATIONS, TO THE**
20 **EXTENT AUTHORIZED BY THE BOARD, FOR VIOLATIONS OF MOTOR VEHICLE**
21 **PARKING REGULATIONS ADOPTED UNDER THIS SECTION.**

22 **(H) THE BOARD, IN CONSULTATION WITH THE CHIEF POLICE OFFICER OF**
23 **THE MARYLAND STATE POLICE AND THE MARYLAND POLICE TRAINING AND**
24 **STANDARDS COMMISSION, SHALL ADOPT REGULATIONS ESTABLISHING:**

25 **(1) QUALIFICATIONS FOR INDIVIDUALS APPOINTED UNDER**
26 **SUBSECTION (G) OF THIS SECTION, WHICH MAY INCLUDE PREREQUISITES OF**
27 **CHARACTER, TRAINING, EXPERIENCE, AND EDUCATION; AND**

28 **(2) STANDARDS FOR THE PERFORMANCE OF THE DUTIES ASSIGNED**
29 **TO INDIVIDUALS APPOINTED UNDER SUBSECTION (G) OF THIS SECTION.**

30 **13-1206.**

31 **(A) (1) SUBJECT TO ANNUAL APPROPRIATIONS AND THIS SUBTITLE, THE**
32 **BOARD MAY ACQUIRE IN ITS OWN NAME, BY GIFT, PURCHASE, OR CONDEMNATION,**

1 ANY REAL OR PERSONAL PROPERTY, OR INTERESTS IN PROPERTY, NECESSARY OR
2 CONVENIENT TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS SUBTITLE.

3 (2) WHEN ACQUIRING IN ITS OWN NAME ANY REAL OR PERSONAL
4 PROPERTY OR INTERESTS IN PROPERTY AS SPECIFIED IN PARAGRAPH (1) OF THIS
5 SUBSECTION, THE BOARD SHALL FIRST ATTEMPT TO ACQUIRE THE PROPERTY
6 THROUGH NEGOTIATION AND PURCHASE.

7 (B) FOR ANY ACQUISITION OF REAL OR PERSONAL PROPERTY OR INTEREST
8 IN PROPERTY IN THE CITY OF CUMBERLAND OR IN ALLEGANY COUNTY, THE BOARD
9 SHALL COMPLY WITH ANY APPLICABLE LOCAL PLANNING, ZONING, AND
10 DEVELOPMENT REGULATIONS TO THE SAME EXTENT AS A PRIVATE COMMERCIAL OR
11 INDUSTRIAL ENTERPRISE.

12 13-1207.

13 THE BOARD SHALL:

14 (1) ADMINISTER THE CANAL PLACE PROPERTIES IN ACCORDANCE
15 WITH THIS SUBTITLE;

16 (2) PRESERVE OR ASSIST IN THE PRESERVATION OF BUILDINGS,
17 STRUCTURES, AND SETTINGS OF HISTORIC VALUE IN THE CANAL PLACE
18 PROPERTIES;

19 (3) CONDUCT ACTIVITIES TO EDUCATE THE PUBLIC ABOUT THE
20 HISTORY AND SIGNIFICANCE OF THE CANAL PLACE PROPERTIES;

21 (4) PROVIDE FOR RECREATIONAL USES OF THE CANAL PLACE
22 PROPERTIES FOR BOTH ACTIVE AND PASSIVE PURSUITS;

23 (5) FACILITATE ECONOMIC DEVELOPMENT IN THE CANAL PLACE
24 PROPERTIES THROUGH PUBLIC AND PRIVATE INVESTMENT IN ADAPTIVE REUSE,
25 INTERPRETATIVE ATTRACTIONS, OR OTHER ACTIVITIES;

26 (6) TO THE EXTENT PRACTICABLE, CONSULT AND COORDINATE ITS
27 ACTIVITIES WITH THE STATES OF WEST VIRGINIA AND PENNSYLVANIA AND
28 APPROPRIATE REGIONAL ENTITIES;

29 (7) KEEP RECORDS CONSISTENT WITH SOUND BUSINESS PRACTICES
30 AND ACCOUNTING RECORDS CONSISTENT WITH GENERALLY ACCEPTED
31 ACCOUNTING PRINCIPLES;

1 **(8) CAUSE AN AUDIT BY AN INDEPENDENT LICENSED CERTIFIED**
2 **PUBLIC ACCOUNTANT TO BE MADE OF THE ACCOUNTS AND TRANSACTIONS OF THE**
3 **BOARD AT THE CONCLUSION OF EACH FISCAL YEAR;**

4 **(9) BE SUBJECT TO AUDIT AND EXAMINATION AT ANY REASONABLE**
5 **TIME BY THE OFFICE OF LEGISLATIVE AUDITS OF THE DEPARTMENT OF**
6 **LEGISLATIVE SERVICES CONCERNING THE ACCOUNTS AND TRANSACTIONS OF THE**
7 **BOARD;**

8 **(10) FOR INCLUSION FOR INFORMATIONAL PURPOSES IN THE STATE**
9 **BUDGET BOOK, SUBMIT ANNUALLY TO THE DEPARTMENT OF BUDGET AND**
10 **MANAGEMENT A BUDGET REFLECTING THE OPERATING AND CAPITAL PROGRAM OF**
11 **THE BOARD; AND**

12 **(11) TO THE EXTENT PRACTICABLE, ENTER INTO MEMORANDA OF**
13 **UNDERSTANDING WITH OTHER ENTITIES TO DELEGATE THE MANAGEMENT OF:**

14 **(I) THE CONSTITUENT PROPERTIES OF THE CANAL PLACE**
15 **PROPERTIES AS FOLLOWS:**

16 1. **THE “WESTERN MARYLAND RAILWAY STATION” AND**
17 **THREE “PARKING LOTS” TO BE MANAGED BY THE DEPARTMENT OF GENERAL**
18 **SERVICES;**

19 2. **“THE SHOPS AT CANAL PLACE” TO BE MANAGED BY**
20 **THE CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION;**

21 3. **“THE FESTIVAL GROUNDS” TO BE MANAGED BY THE**
22 **CITY OF CUMBERLAND; AND**

23 4. **THE GROUND RENTS FROM THE “FOOTER DYE**
24 **WORKS BUILDING” AND THE “FAIRFIELD INN LAND” TO BE COLLECTED BY THE**
25 **DEPARTMENT OF GENERAL SERVICES; AND**

26 **(II) THE RIVER PARK PROJECT (D90U00.02) TO BE MANAGED**
27 **BY THE ALLEGANY COUNTY COMMISSIONERS.**

28 **13-1208.**

29 **(A) THERE IS A CANAL PLACE PRESERVATION AND DEVELOPMENT BOARD**
30 **FINANCING FUND.**

(B) (1) THE BOARD SHALL ADMINISTER THE FUND TO CARRY OUT THE PURPOSES OF THIS SUBTITLE.

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

(II) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO ANY OTHER SPECIAL FUND OF THE STATE.

(C) THE BOARD SHALL PLACE ALL OF THE FOLLOWING RECEIPTS IN THE FUND:

(1) REVENUES THAT THE BOARD COLLECTS OR RECEIVES FROM ANY SOURCE UNDER THIS SUBTITLE; AND

(2) ANY ADDITIONAL REVENUE, GIFT, DONATION, OR MONEY RECEIVED OR PAID TO IT FROM ANY OTHER SOURCE AUTHORIZED BY LAW.

(D) THE BOARD SHALL PAY ALL EXPENSES AND MAKE ALL EXPENDITURES FROM THE FUND.

(E) THE STATE TREASURER SHALL:

(1) INVEST AND REINVEST THE FUND IN THE SAME MANNER AS STATE FUNDS; AND

(2) TRANSFER ANY INVESTMENT EARNINGS TO THE CREDIT OF THE FUND.

(F) THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

Article – General Provisions

3–307.

(a) This section applies only to the following public bodies:

(2) the [Canal Place Preservation and Development] PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA Authority;

5–103.

(b) Except as provided in subsection (f) of this section, the following individuals in executive units are public officials:

(4) a member, appointee, or employee of the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority;

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

189. the Teacher Retention and Development Fund; [and]

190. the Protecting Against Hate Crimes Grant Fund; **AND**

191. THE CANAL PLACE PRESERVATION AND DEVELOPMENT BOARD FINANCING FUND.

Article – State Personnel and Pensions

31–102.

Subject to § 22–202(b) of this article and § 31–109 of this subtitle, the governmental units that are eligible to participate in the employees’ systems are:

(2) the following governmental units:

(v) subject to § 31–105 of this subtitle, the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority;

31–105.

The only [employees] **EMPLOYEE** of the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority who [are] **IS** eligible to participate in the Employees’ Pension System under this subtitle [are] **IS** the Executive Director [and the regular full–time employees that are employed by the Canal Place Preservation and Development Authority under § 13–1008(6) of the Financial Institutions Article].

Article – Tax – Property

7–211.

(b) (1) This subsection does not apply to:

(i) property owned by the Maryland–National Capital Park and Planning Commission in Prince George’s County that is located in a public airport and is used for a restaurant concession; and

(ii) property owned by the [Canal Place Preservation and Development] **PASSAGES OF THE WESTERN POTOMAC HERITAGE AREA** Authority in Allegany County if:

1. the property is leased for a concession for a term of 10 years or more; or

2. the lessee has made a capital investment in the property or improvements on the property in excess of \$500,000.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.