

SENATE BILL 43

P1, N1

4lr1084

(PRE-FILED)

By: **Senator Hayes**

Requested: October 23, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Historical Trust – Arbitration**

3 FOR the purpose of authorizing arbitration for disputes regarding certain applications for
4 a certain permit, grant, tax credit, or authorization for a change or alteration of
5 property subject to a certain historic easement; and generally relating to the
6 Maryland Historical Trust.

7 BY repealing and reenacting, without amendments,
8 Article – State Finance and Procurement
9 Section 5A–309 and 5A–310
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)

12 BY adding to
13 Article – State Finance and Procurement
14 Section 5A–321
15 Annotated Code of Maryland
16 (2021 Replacement Volume and 2023 Supplement)

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

19 **Article – State Finance and Procurement**

20 5A–309.

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

22 (b) “Board” means the Board of Trustees of the Maryland Historical Trust.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) "Trustee" means a member of the Board.

2 5A-310.

3 (a) There is a Maryland Historical Trust.

4 (b) (1) The Trust is an instrumentality of the State, is a body corporate, and
5 has perpetual existence.

6 (2) The General Assembly may terminate the Trust if the purposes of the
7 Trust end.

8 **5A-321.**

9 **(A) IN THIS SECTION, "APPLICATION" MEANS AN APPLICATION:**

10 **(1) FOR A PERMIT, GRANT, OR TAX CREDIT UNDER THIS SUBTITLE;**
11 **AND**

12 **(2) MADE IN ACCORDANCE WITH § 5A-326 OF THIS SUBTITLE FOR A**
13 **CHANGE OR ALTERATION OF A PROPERTY SUBJECT TO A HISTORIC EASEMENT.**

14 **(B) IF THERE IS AN UNRESOLVED DISPUTE OVER AN APPLICATION THAT IS**
15 **MADE UNDER THIS SUBTITLE, AND FOR WHICH APPROVAL FROM THE TRUST IS**
16 **REQUIRED, EITHER PARTY MAY REQUEST ARBITRATION.**

17 **(C) (1) IF A PARTY REQUESTS ARBITRATION, THE PARTIES SHALL**
18 **MUTUALLY SELECT AN ARBITRATOR.**

19 **(2) IF THE PARTIES ARE UNABLE TO AGREE ON AN ARBITRATOR, AN**
20 **ARBITRATOR SHALL BE SELECTED THROUGH THE AMERICAN ARBITRATION**
21 **ASSOCIATION IN ACCORDANCE WITH ITS PROCEDURES.**

22 **(3) THE ARBITRATOR SHALL ASSESS ALL FEES THAT RESULT FROM**
23 **THE ARBITRATION EQUALLY BETWEEN THE PARTIES.**

24 **(D) (1) A DECISION OF THE ARBITRATOR IS FINAL AND BINDING ON ALL**
25 **PARTIES.**

26 **(2) EITHER PARTY MAY APPEAL A DECISION UNDER THIS SECTION TO**
27 **THE MARYLAND STATE BOARD OF CONTRACT APPEALS.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2024.