

SENATE BILL 163

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EMERGENCY BILL

9lr0136

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 20, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Use of Funds – Indoor or Outdoor Recreational**
3 **Facilities**

4 FOR the purpose of authorizing a local government body to use certain Program Open
5 Space funds for the construction of certain indoor or outdoor recreational
6 facilities; making this Act an emergency measure; and generally relating to the
7 use of funds for Program Open Space.

8 BY repealing and reenacting, without amendments,
9 Article – Natural Resources
10 Section 5–903(a)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 5–903(b)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Natural Resources**

21 5–903.

22 (a) (1) Of the funds distributed to Program Open Space under § 13–209 of
23 the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in
24 the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the State Finance and Procurement Article, to the Maryland Heritage Areas Authority
2 Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions
3 Article to be used for the purposes provided in that subtitle.

4 (2) (i) 1. Of the remaining funds not appropriated under
5 paragraph (1) of this subsection:

6 A. One half of the funds shall be used for recreation and
7 open space purposes by the Department and the Historic St. Mary's City Commission;
8 and

9 B. 20% of the funds or \$21,000,000, whichever is greater,
10 shall be appropriated to the Forest and Park Service in the Department to operate
11 State forests and parks.

12 2. Except as otherwise provided in this section, any
13 funds the General Assembly appropriates to the State under this subsection shall be
14 used only for land acquisition projects.

15 (ii) At least \$1,500,000 of the State's share of funds available
16 under subparagraph (i)1A of this paragraph for this program shall be utilized to make
17 grants to Baltimore City for projects which meet park purposes. The grants shall be in
18 addition to any funds Baltimore City is eligible to receive under subsection (b) of this
19 section, and may be used for acquisition or development. In order for Baltimore City to
20 be eligible for a State grant, the Department shall review projects or land to be
21 acquired within Baltimore City, and upon the Department's recommendation, the
22 Board of Public Works may approve projects and land including the cost. Title to the
23 land shall be in the name of the Mayor and City Council of Baltimore City. The State
24 is not responsible for costs involved in the development or maintenance of the land.

25 (iii) 1. A portion of the State's share of funds available under
26 subparagraph (i)1A of this paragraph for this Program not to exceed \$8,000,000 for
27 each fiscal year may be transferred by an appropriation in the State budget to the
28 Rural Legacy Program under Subtitle 9A of this title.

29 2. In each fiscal year, up to \$2 million of the funds
30 transferred under this subparagraph to the Rural Legacy Program may be used to
31 purchase zero coupon bonds for easements.

32 3. Sums allocated to the Rural Legacy Program may not
33 revert to the General Fund of the State.

34 (b) (1) The General Assembly shall appropriate the remaining funds not
35 appropriated under subsection (a) of this section to assist local governing bodies in
36 acquisition and development of land for recreation and open space purposes.

1 **(2) FUNDS APPROPRIATED UNDER PARAGRAPH (1) OF THIS**
2 **SUBSECTION FOR DEVELOPMENT OF LAND FOR RECREATION AND OPEN SPACE**
3 **PURPOSES MAY BE USED FOR INDOOR OR OUTDOOR RECREATION AND OPEN**
4 **SPACE PURPOSES, INCLUDING THE CONSTRUCTION OF INDOOR OR OUTDOOR**
5 **RECREATIONAL FACILITIES SUCH AS AQUATIC, GOLF, COMMUNITY, AND NATURE**
6 **CENTERS.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety,
9 has been passed by a yea and nay vote supported by three-fifths of all the members
10 elected to each of the two Houses of the General Assembly, and shall take effect from
11 the date it is enacted.