

## Chapter 100

**(House Bill 331)**

AN ACT concerning

**Program Open Space – Funding for Capital Improvements**

FOR the purpose of altering the funds under Program Open Space that are authorized to be used for certain capital improvements under certain circumstances; making this Act an emergency measure; and generally relating to funding for capital improvements under Program Open Space.

BY repealing and reenacting, with amendments,  
 Article – Natural Resources  
 Section 5–903(g)(1)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
 Article – Tax – Property  
 Section 13–209(d)  
 Annotated Code of Maryland  
 (2012 Replacement Volume and 2015 Supplement)

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

**Article – Natural Resources**

5–903.

(g) (1) Any amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State’s share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property Article were available for distribution as provided in § [13–209(d)(3)] **13–209(D)** of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department, the Maryland Historical Trust for museums operated by the Trust, or the Historic St. Mary’s Commission, if the improvements are:

- (i) Approved in the State budget; and
- (ii) Compatible with:
  1. Any master plan developed for the land; and
  2. The natural features of the land.

**Article – Tax – Property**

13–209.

(d) Subject to subsections (d–1) and (e) of this section, for the fiscal year beginning July 1, 2002 and for each subsequent fiscal year, the balance of the revenue in the special fund, not required under subsection (b) of this section and not allocated to the General Fund under subsection (c)(1) of this section shall be allocated in the State budget as follows:

(1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the Natural Resources Article (Program Open Space); and

(ii) an additional 1% for Program Open Space, for land acquisition purposes as specified in § 5–903(a)(2) of the Natural Resources Article;

(2) 17.05% for the Agricultural Land Preservation Fund established under § 2–505 of the Agriculture Article;

(3) 5% for the Rural Legacy Program established under § 5–9A–01 of the Natural Resources Article; and

(4) 1.8% for the Heritage Conservation Fund established under § 5–1501 of the Natural Resources Article.

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

**Approved by the Governor, April 12, 2016.**