

HOUSE BILL 462

Q1

6lr0156
CF SB 383

By: **The Speaker (By Request – Administration) and Delegates Adams, Afzali, Anderton, Arentz, Aumann, Beitzel, Bromwell, Buckel, Carozza, Cassilly, Ciliberti, Cluster, Fisher, Flanagan, Folden, Gaines, Ghrist, Glass, Hornberger, S. Howard, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McDonough, McKay, Metzgar, Miele, W. Miller, Morgan, Otto, Reilly, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, B. Wilson, and Wivell**

Introduced and read first time: January 29, 2016

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 12, 2016

CHAPTER _____

1 AN ACT concerning

2 ~~State Transfer Tax – Distribution of Revenue~~
3 **Program Open Space – Transfer Tax Repayment – Use of Funds**

4 FOR the purpose of increasing a certain statutory minimum grant to Baltimore City,
5 payable from the State’s share of the proceeds of Program Open Space, for certain
6 purposes related to Program Open Space; specifying that certain funds be used only
7 for certain capital projects; requiring certain appropriations from the General Fund
8 to the Program Open Space special fund to repay certain appropriations or transfers
9 from the special fund to the General Fund; requiring that certain appropriations to
10 the special fund be distributed and used for certain purposes; requiring a certain
11 appropriation to the ~~Agricultural Land Preservation Fund~~ Maryland Agricultural
12 and Resource-Based Industry Development Corporation for a certain purpose;
13 declaring the intent of the General Assembly; requiring that certain funds be
14 allocated as a certain grant; reducing certain transfers from a certain special fund to
15 the General Fund of the State for certain fiscal years; requiring in certain fiscal years
16 the distribution of certain amounts from a certain special fund for certain purposes;
17 providing that certain distributions may not be utilized or considered for certain
18 purposes; and generally relating to ~~the distribution of State transfer tax revenue~~
19 Program Open Space.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~BY repealing and reenacting, without amendments,~~
 2 ~~Article – Tax – Property~~
 3 ~~Section 13–209(f) and (g)~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2012 Replacement Volume and 2015 Supplement)~~

6 BY repealing and reenacting, with amendments,
 7 Article – Natural Resources
 8 Section 5–903(a)
 9 Annotated Code of Maryland
 10 (2012 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, without amendments,
 12 Article – Natural Resources
 13 Section 5–903(b)
 14 Annotated Code of Maryland
 15 (2012 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
 17 Article – Tax – Property
 18 Section ~~13–209(h)~~ 13–209
 19 Annotated Code of Maryland
 20 (2012 Replacement Volume and 2015 Supplement)

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

23 **Article – Natural Resources**

24 5–903.

25 (a) (1) Of the funds distributed to Program Open Space under § 13–209 of the
 26 Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in the
 27 State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State
 28 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing
 29 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used
 30 for the purposes provided in that subtitle.

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

33 A. One half of the funds shall be used for recreation and open
 34 space purposes by the Department and the Historic St. Mary’s City Commission; and

1 **C. \$300,000 FOR DRUID HILL PARK TRAIL HEAD;**

2 **D. \$300,000 FOR JAMES MOSHER PARK; AND**

3 **E. \$300,000 FOR PATTERSON PARK.**

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

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

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

13 (iv) The Department may acquire real property under subparagraph
14 (i)1A of this paragraph based on an offer by the State that is less than the lowest approved
15 appraisal for the property.

16 (v) For each of fiscal years 2010 through 2015, \$1,217,000 of the
17 State's share of funds available under subparagraph (i)1A of this paragraph may be
18 appropriated in the budgets of the Department, the Department of General Services, and
19 the Department of Planning for expenses necessary to administer this Program.

20 (b) (1) The General Assembly shall appropriate the remaining funds not
21 appropriated under subsection (a) of this section to assist local governing bodies in
22 acquisition and development of land for recreation and open space purposes, including the
23 provision of public access to the land.

24 (2) Except as provided in paragraph (3) of this subsection, funds
25 appropriated under paragraph (1) of this subsection for development of land for recreation
26 and open space purposes may be used for indoor or outdoor recreation and open space
27 purposes, including the construction of indoor or outdoor recreational facilities such as
28 aquatic, golf, community, and nature centers.

29 (3) An indoor recreational facility funded under paragraph (1) of this
30 subsection shall:

31 (i) If the facility is 7,500 square feet or greater, meet or exceed the
32 current version of the U.S. Green Building Council's LEED Green Building Rating System
33 Silver rating, however, the facility is not required to be certified through the LEED
34 certification process; and

1 (ii) Incorporate, to the maximum extent practicable, the
2 nonstructural site design practices in the Maryland Stormwater Design Manual,
3 incorporated by reference in COMAR 26.17.02.

4 **Article – Tax – Property**

5 13–209.

6 (a) (1) Before any other distribution under this section, in any fiscal year that
7 bonds secured by a pledge of the State transfer tax are outstanding, the revenue from the
8 transfer tax shall be used to pay, as and when due, the principal of and interest on the
9 bonds.

10 (2) The Department shall deduct the cost of administering the transfer tax
11 from the taxes collected under this title and credit those revenues to the fund established
12 under § 1–203.3 of the Corporations and Associations Article.

13 (3) Except as provided in paragraph (4) of this subsection, after deducting
14 the revenues required under paragraphs (1) and (2) of this subsection, the revenue from
15 transfer tax is payable to the Comptroller for deposit in a special fund.

16 (4) In any fiscal year in which transfer tax revenue is used to pay debt
17 service on outstanding bonds under paragraph (1) of this subsection, the distribution of
18 revenues in the special fund under this section and as specified in § 5–903(a)(2)(i)1A of the
19 Natural Resources Article, for State land acquisition, or to the Agricultural Land
20 Preservation Fund to the extent any debt service is attributable to that Fund, shall be
21 reduced by an amount equal to the debt service for the fiscal year.

22 (b) For the fiscal year beginning July 1, 2002 and for subsequent fiscal years, up
23 to 3% of the revenues in the special fund may be appropriated in the State budget for
24 salaries and related expenses in the Departments of General Services and Natural
25 Resources and in the Department of Planning necessary to administer Title 5, Subtitle 9 of
26 the Natural Resources Article (Program Open Space).

27 (c) (1) Subject to subsection (e) of this section, of the balance of the revenue in
28 the special fund, not required under subsection (b) of this section:

29 (i) for the fiscal year beginning July 1, 2002, \$47,268,585 shall be
30 allocated to the General Fund of the State and the remainder shall be allocated as provided
31 in subsection (d) of this section;

32 (ii) for the fiscal year beginning July 1, 2003, \$102,833,869 shall be
33 allocated to the General Fund of the State and the remainder shall be allocated as provided
34 in the State budget;

1 (iii) for the fiscal year beginning July 1, 2004, \$147,374,444 shall be
2 allocated to the General Fund of the State, and the remainder shall be allocated as provided
3 in the State budget; and

4 (iv) for the fiscal year beginning July 1, 2005, \$68,223,132 shall be
5 allocated to the General Fund of the State and the remainder shall be allocated as provided
6 in subsection (d) of this section.

7 (2) Subject to subsection (e) of this section, for the fiscal years beginning
8 July 1, 2006 and each subsequent fiscal year, the balance of the revenue in the special fund,
9 not required under subsection (b) of this section shall be allocated as provided in subsection
10 (d) of this section.

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

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

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

19 (2) 17.05% for the Agricultural Land Preservation Fund established under
20 § 2-505 of the Agriculture Article;

21 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of the
22 Natural Resources Article; and

23 (4) 1.8% for the Heritage Conservation Fund established under § 5-1501
24 of the Natural Resources Article.

25 (d-1) (1) In this subsection, “eligible purpose” means a purpose, program, or fund
26 to which revenue in the special fund is required to be allocated under subsection (d) of this
27 section.

28 (2) For any fiscal year beginning on or after July 1, 2010, but before July
29 1, 2013, for which funding is provided for an eligible purpose through the State
30 Consolidated Capital Bond Funding Program or other bond enabling act:

31 (i) from the balance of the special fund, before the allocations under
32 subsection (d) of this section are made, an amount shall be allocated to the General Fund
33 of the State equal to the total amount of funding provided for eligible purposes through the
34 bond enabling act; and

1 (ii) except as otherwise expressly provided under the bond enabling
2 act through which the funding is provided, the allocations provided under subsection (d) of
3 this section shall be adjusted to reduce the amount that would otherwise be allocated for
4 each eligible purpose by the amount of funding provided for that purpose under the bond
5 enabling act.

6 (3) Notwithstanding any other provision of law, a transfer under this
7 subsection may not be taken into account for purposes of determining any allocation or
8 appropriation required under subsection (f) or (g) of this section.

9 (e) The sums allocated in subsection (d) of this section may not revert to the
10 General Fund of the State.

11 (f) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this
12 paragraph, for any fiscal year in which the actual transfer tax revenue collections are
13 greater than the revenue estimates used as the basis for the appropriations required under
14 this section for the fiscal year, the amount of the excess shall be allocated to the special
15 fund under subsection (a) of this section as provided under subsections (c) and (d) of this
16 section for the second fiscal year following the fiscal year in which there is an excess.

17 (ii) Notwithstanding subparagraph (i) of this paragraph or any other
18 provision of law, \$21,776,868 of the transfer tax collected but not appropriated or
19 transferred in fiscal 2004 shall be transferred to the General Fund of the State.

20 (iii) Notwithstanding subparagraph (i) of this paragraph or any other
21 provision of law, in any fiscal year in which an appropriation or transfer is made from the
22 special fund to the General Fund, if the actual transfer tax revenue collections for the prior
23 fiscal year exceed the budget estimate for the prior fiscal year, the excess shall be allocated
24 in the current fiscal year for Program Open Space, the Agricultural Land Preservation
25 Fund, the Rural Legacy Program, and the Heritage Conservation Fund. Funds made
26 available under this subparagraph shall be allocated as provided under subsection (d) of
27 this section.

28 (2) For any fiscal year in which the actual transfer tax revenue collections
29 are less than the revenue estimates used as the basis for the appropriations required under
30 this section, the amount of the deficiency shall be reconciled as follows:

31 (i) for the first \$3,000,000 of any deficiency, the allocation to the
32 special fund under subsection (a) of this section as provided under subsections (c) and (d)
33 of this section for the second fiscal year following the deficiency shall be reduced by either
34 the amount of the deficiency or \$3,000,000, whichever is less;

35 (ii) for any deficiency in excess of \$3,000,000, the amount in excess
36 of \$3,000,000 shall be reconciled either by the reduction of the allocation to the special fund
37 under subsection (a) of this section as provided under subsections (c) and (d) of this section
38 for the second fiscal year following the deficiency or by the deauthorization of projects
39 authorized in prior fiscal years;

1 (iii) for the allocation of the special fund under subsection (a) of this
 2 section, in the fiscal year beginning July 1, 2016, transfer tax revenue under attainment
 3 from the fiscal year beginning July 1, 2014, will not be applied; and

4 (iv) transfer tax revenue in fiscal year 2015, that is in excess of
 5 \$161,016,000 may be transferred by budget amendment in fiscal year 2016 for:

6 1. administrative expenses related to land acquisition for
 7 Program Open Space;

8 2. critical maintenance projects in the Department of
 9 Natural Resources;

10 3. Natural Resources Development Fund projects in the
 11 Department of Natural Resources; and

12 4. replacement of General Fund appropriations in the
 13 Maryland Park Service.

14 (3) (i) Any amounts to be deauthorized from prior fiscal years under
 15 paragraph (2)(ii) of this subsection shall be proposed by the Governor in the budget of the
 16 second fiscal year following the fiscal year in which there is a deficiency.

17 (ii) An amount may be deauthorized under this paragraph only as
 18 provided in the State budget bill, as enacted.

19 ~~(g) (1) Notwithstanding § 7-311(j) of the State Finance and Procurement~~
 20 ~~Article, subject to paragraph (3) of this subsection, for fiscal year 2010 and for each~~
 21 ~~subsequent fiscal year, if the unappropriated General Fund surplus as of June 30 of the~~
 22 ~~second preceding year exceeds \$10,000,000, the Governor shall include in the budget bill a~~
 23 ~~General Fund appropriation to the special fund under subsection (a) of this section in an~~
 24 ~~amount equal to at least the lesser of \$50,000,000 or the excess surplus over \$10,000,000.~~

25 ~~(2) For any fiscal year to which this subsection applies:~~

26 ~~(i) unless the unappropriated General Fund surplus as of June 30~~
 27 ~~of the second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required~~
 28 ~~to be appropriated to the special fund under paragraph (1) of this subsection, the~~
 29 ~~appropriation to the Revenue Stabilization Account under § 7-311(j) of the State Finance~~
 30 ~~and Procurement Article is not required; and~~

31 ~~(ii) if the unappropriated General Fund surplus as of June 30 of the~~
 32 ~~second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required to be~~
 33 ~~appropriated to the special fund under paragraph (1) of this subsection, the appropriation~~
 34 ~~required to the Revenue Stabilization Account under § 7-311(j) of the State Finance and~~
 35 ~~Procurement Article shall equal the amount by which that surplus exceeds the sum of~~

~~1 \$10,000,000 and the amount appropriated to the special fund under paragraph (1) of this
2 subsection.~~

~~3 (3) (i) The cumulative amount required to be appropriated to the
4 special fund under paragraph (1) of this subsection for all fiscal years shall equal the
5 cumulative amount of any appropriation or transfer from the special fund to the General
6 Fund for fiscal year 2006 and for each subsequent fiscal year, reduced by:~~

~~7 1. the amount of any appropriation or transfer from the
8 General Fund to the special fund for any fiscal year in excess of the amount required under
9 paragraph (1) of this subsection for that fiscal year; and~~

~~10 2. the amount of any appropriation or transfer from the
11 General Fund to the special fund for any fiscal year in which the appropriation under
12 paragraph (1) of this subsection is not required.~~

~~13 (ii) This subsection does not apply to any fiscal year if a cumulative
14 amount has been appropriated to the special fund for prior fiscal years under this
15 subsection equal to the cumulative amount of any appropriation or transfer from the special
16 fund to the General Fund for fiscal year 2006 and for each subsequent fiscal year, reduced
17 by:~~

~~18 1. the amount of any appropriation or transfer from the
19 General Fund to the special fund for any fiscal year in excess of the amount required under
20 paragraph (1) of this subsection for that fiscal year; and~~

~~21 2. the amount of any appropriation or transfer from the
22 General Fund to the special fund for any fiscal year in which the appropriation under
23 paragraph (1) of this subsection is not required.~~

**24 (G) (1) (I) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR
25 FISCAL YEAR 2018 A GENERAL FUND APPROPRIATION IN THE AMOUNT OF
26 \$5,000,000 TO THE AGRICULTURAL LAND PRESERVATION FUND ESTABLISHED
27 UNDER § 2-505 OF THE AGRICULTURE ARTICLE MARYLAND AGRICULTURAL AND
28 RECOURSE-BASED INDUSTRY DEVELOPMENT CORPORATION TO PROVIDE GRANTS
29 FOR THE USE OF THE NEXT GENERATION FARMLAND ACQUISITION PROGRAM
30 AUTHORIZED UNDER § 10-523(A)(3)(II) OF THE ECONOMIC DEVELOPMENT
31 ARTICLE.**

**32 (II) THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH
33 (I) OF THIS PARAGRAPH:**

**34 1. REPRESENTS REIMBURSEMENT FOR 5.6% OF THE
35 CUMULATIVE AMOUNT APPROPRIATED OR TRANSFERRED FROM THE SPECIAL FUND
36 TO THE GENERAL FUND FOR FISCAL YEAR 2006; AND**

1 2. IS NOT SUBJECT TO THE PROVISIONS OF
2 SUBSECTIONS (A) THROUGH (F) OF THIS SECTION.

3 (2) (I) THE GOVERNOR SHALL INCLUDE IN EACH OF THE ANNUAL
4 BUDGET BILLS FOR FISCAL YEARS 2019, 2020, AND 2021 A GENERAL FUND
5 APPROPRIATION TO THE SPECIAL FUND IN THE AMOUNT OF \$15,000,000.

6 (II) THE APPROPRIATIONS REQUIRED UNDER SUBPARAGRAPH
7 (I) OF THIS PARAGRAPH:

8 1. CUMULATIVELY REPRESENT REIMBURSEMENT FOR
9 50% OF THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM
10 THE SPECIAL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006;

11 2. ARE NOT SUBJECT TO THE PROVISIONS OF
12 SUBSECTIONS (A), (B), (C), AND (F) OF THIS SECTION;

13 3. SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION
14 (D) OF THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE; AND

15 4. SHALL BE REDUCED BY THE AMOUNT OF ANY
16 APPROPRIATION FROM THE GENERAL FUND TO THE SPECIAL FUND THAT:

17 A. EXCEEDS THE REQUIRED APPROPRIATION UNDER
18 THIS PARAGRAPH; AND

19 B. IS IDENTIFIED AS AN APPROPRIATION FOR
20 REIMBURSEMENT UNDER THIS PARAGRAPH.

21 (3) (I) THE GOVERNOR SHALL INCLUDE IN EACH OF THE ANNUAL
22 BUDGET BILLS FOR FISCAL YEAR 2019 THROUGH FISCAL YEAR 2024 A GENERAL
23 FUND APPROPRIATION TO THE SPECIAL FUND IN THE AMOUNT OF \$6,000,000 AND
24 FOR FISCAL YEAR 2025 A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND
25 IN THE AMOUNT OF \$4,000,000 FOR THE CRITICAL MAINTENANCE OF STATE
26 PROJECTS LOCATED ON LANDS MANAGED BY THE DEPARTMENT OF NATURAL
27 RESOURCES FOR PUBLIC PURPOSES.

28 (II) THE APPROPRIATIONS REQUIRED UNDER SUBPARAGRAPH
29 (I) OF THIS PARAGRAPH:

30 1. REPRESENT REIMBURSEMENT FOR 44.4% OF THE
31 CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL
32 FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006;

1 **2. ARE NOT SUBJECT TO THE PROVISIONS OF**
2 **SUBSECTIONS (A), (B), (C), AND (F) OF THIS SECTION;**

3 **3. SHALL BE MADE UNTIL THE CUMULATIVE TOTAL**
4 **AMOUNT APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS EQUAL**
5 **TO \$40,000,000; AND**

6 **4. SHALL BE REDUCED BY THE AMOUNT OF ANY**
7 **APPROPRIATION FROM THE GENERAL FUND TO THE SPECIAL FUND THAT:**

8 **A. EXCEEDS THE REQUIRED APPROPRIATION UNDER**
9 **THIS PARAGRAPH;**

10 **B. IS IDENTIFIED AS AN APPROPRIATION FOR**
11 **REIMBURSEMENT UNDER THIS PARAGRAPH; AND**

12 **C. SUPPLEMENTS RATHER THAN SUPPLANTS THE**
13 **DEPARTMENT OF NATURAL RESOURCES FUNDING FOR THE CRITICAL**
14 **MAINTENANCE OF STATE PROJECTS ON STATE LANDS, BASED ON THE AVERAGE**
15 **CRITICAL MAINTENANCE BUDGET OF THE 10 YEARS PRECEDING THE**
16 **APPROPRIATION.**

17 **(4) (I) THE GOVERNOR SHALL INCLUDE IN EACH OF THE BUDGET**
18 **BILLS FOR FISCAL YEARS 2021, 2025, AND 2029 A GENERAL FUND APPROPRIATION**
19 **TO THE SPECIAL FUND EQUAL TO ONE-THIRD OF THE CUMULATIVE AMOUNT OF THE**
20 **APPROPRIATIONS OR TRANSFERS FROM THE SPECIAL FUND TO THE GENERAL FUND**
21 **FOR FISCAL YEARS 2016, 2017, AND 2018, LESS ANY GENERAL OBLIGATION BONDS**
22 **AUTHORIZED FOR PROGRAM OPEN SPACE IN CHAPTER 2 OF THE ACTS OF THE**
23 **GENERAL ASSEMBLY OF 2016.**

24 **(II) THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH**
25 **(I) OF THIS PARAGRAPH:**

26 **1. REPRESENTS REIMBURSEMENT FOR THE**
27 **CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL**
28 **FUND TO THE GENERAL FUND FOR FISCAL YEARS 2016, 2017, AND 2018;**

29 **2. IS NOT SUBJECT TO THE PROVISIONS OF**
30 **SUBSECTIONS (A), (B), (C), AND (F) OF THIS SECTION;**

31 **3. SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION**
32 **(D) OF THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE;**

1 4. SHALL BE MADE UNTIL THE CUMULATIVE TOTAL
2 APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS EQUAL TO THE
3 CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL
4 FUND TO THE GENERAL FUND FOR FISCAL YEARS 2016, 2017, AND 2018; AND

5 5. SHALL BE REDUCED BY THE AMOUNT OF ANY
6 APPROPRIATION FROM THE GENERAL FUND TO THE SPECIAL FUND THAT:

7 A. EXCEEDS THE REQUIRED APPROPRIATION UNDER
8 THIS PARAGRAPH; AND

9 B. IS IDENTIFIED AS AN APPROPRIATION FOR
10 REIMBURSEMENT UNDER THIS PARAGRAPH.

11 (H) (1) IF AN APPROPRIATION OR A TRANSFER FROM THE SPECIAL FUND
12 TO THE GENERAL FUND OCCURS AFTER THE FISCAL YEAR ENDING JUNE 30, 2018,
13 THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILLS FOR EACH OF THE
14 3 SUCCESSIVE FISCAL YEARS FOLLOWING THE FISCAL YEAR IN WHICH A TRANSFER
15 IS MADE A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND EQUAL TO
16 ONE-THIRD OF THE CUMULATIVE AMOUNT OF THE APPROPRIATION OR TRANSFER
17 FROM THE SPECIAL FUND TO THE GENERAL FUND FOR THE APPLICABLE FISCAL
18 YEAR.

19 (2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS
20 SUBSECTION:

21 (I) REPRESENTS REIMBURSEMENT FOR THE CUMULATIVE
22 AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL FUND TO THE
23 GENERAL FUND FOR THE APPLICABLE FISCAL YEAR;

24 (II) IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (A),
25 (B), (C), AND (F) OF THIS SECTION;

26 (III) SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF
27 THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE;

28 (IV) SHALL BE MADE UNTIL THE CUMULATIVE TOTAL
29 APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EQUAL TO THE
30 CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL
31 FUND TO THE GENERAL FUND FOR THE APPLICABLE FISCAL YEAR; AND

32 (V) SHALL BE REDUCED BY THE AMOUNT OF ANY
33 APPROPRIATION FROM THE GENERAL FUND TO THE SPECIAL FUND THAT:

1 1. EXCEEDS THE REQUIRED APPROPRIATION UNDER
2 THIS SUBSECTION; AND

3 2. IS IDENTIFIED AS AN APPROPRIATION FOR
4 REIMBURSEMENT UNDER THIS SUBSECTION.

5 ~~(h)~~ **(I)** (1) The distributions required under this subsection may not be utilized or
6 considered for the purposes of calculating any allocation or appropriation under subsection
7 (f) or (g) of this section.

8 (2) Notwithstanding any other provision of law, the Governor may transfer
9 funds from the special fund established under this section to the General Fund as follows:

- 10 (i) on or before June 30, 2014, \$89,198,555;
- 11 (ii) for the fiscal year beginning July 1, 2014, \$144,188,544;
- 12 (iii) for the fiscal year beginning July 1, 2015, \$115,366,700;
- 13 (iv) for the fiscal year beginning July 1, 2016, ~~[\$82,771,000]~~
14 **\$62,771,000**; and
- 15 (v) for the fiscal year beginning July 1, 2017, ~~[\$86,028,000]~~
16 **\$46,028,000**.

17 SECTION 2. AND BE IT FURTHER ENACTED, That:

18 (a) Notwithstanding any other provision of law:

19 (1) in the fiscal year beginning July 1, 2016, \$20,000,000 shall be
20 distributed from the special fund established in § 13–209 of the Tax – Property Article as
21 follows:

22	Program Open Space – State.....	\$4,000,000
23	Program Open Space – Local.....	\$5,000,000 <u>\$4,500,000</u>
24	Rural Legacy	\$4,862,000
25	Critical Maintenance	\$2,000,000
26	Natural Resources Development Fund	\$138,000
27	Ocean City Beach Maintenance	\$500,000
28	<u>Maryland Zoo in Baltimore.....</u>	<u>\$500,000</u>

1 Maryland Agricultural Land Preservation Fund \$3,500,000; and

2 (2) in the fiscal year beginning July 1, 2017, \$40,000,000 shall be
3 distributed from the special fund established in § 13–209 of the Tax – Property Article as
4 follows:

5 Program Open Space – State \$3,412,000

6 Program Open Space – Local \$11,000,000

7 Rural Legacy \$9,000,000

8 Critical Maintenance \$2,000,000

9 Natural Resources Development Fund \$5,088,000

10 Ocean City Beach Maintenance \$500,000

11 Maryland Agricultural Land Preservation Fund \$9,000,000.

12 (b) The distributions required under this section of this Act may not be utilized
13 or considered for the purposes of calculating any allocation or appropriation under §
14 13–209(f) or (g) of the Tax – Property Article.

15 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
16 Assembly that, beginning in fiscal year 2019, the special fund under § 13–209 of the Tax –
17 Property Article return to full funding through the distribution of State transfer tax
18 revenues in accordance with the provisions of this Act.

19 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
20 Assembly that, beginning in fiscal year 2018, if the Governor appropriates or transfers
21 funds from the special fund under § 13–209 of the Tax – Property Article to the General
22 Fund, the Department of Budget and Management shall submit, in accordance with §
23 2–1246 of the State Government Article, to the Senate Budget and Taxation Committee
24 and the House Appropriations Committee a report that:

25 (1) specifies a plan for reimbursement of the appropriation or transfer in
26 future fiscal years; and

27 (2) identifies alternative funding sources in the fiscal year in which the
28 funds are to be appropriated or transferred for the ongoing operations of programs affected
29 by the appropriation or transfer.

30 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the
31 provisions of the budget bill for fiscal year 2017, \$500,000 of the \$5,000,000 allocated to
32 Program Open Space – Local from the \$20,000,000 reduction in transfers from the special

1 fund to the General Fund for fiscal year 2017 be allocated as a grant to the Maryland Zoo
2 in Baltimore for expenses related to zoo operations.

3 SECTION ~~3~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.