
By: Chairman, Appropriations Committee (Departmental - Natural Resources)

Introduced and read first time: February 14, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space**

3 FOR the purpose of allocating a certain percentage of those funds not required to pay
4 bonds issued under the Outdoor Recreation Land Loan of 1969, or salaries and
5 expenses necessary to administer Program Open Space to the General Fund of the
6 State; and generally relating to Program Open Space.

7 BY repealing and reenacting, with amendments,
8 Article - Tax - Property
9 Section 13-209
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

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

14 **Article - Tax - Property**

15 13-209.

16 (a) The revenue from transfer tax is payable to the Comptroller for deposit in a
17 special fund.

18 (b) (1) The special fund under subsection (a) of this section is used to pay
19 principal and interest on the bonds issued under the Outdoor Recreation Land Loan of
20 1969.

21 (2) For the fiscal year commencing July 1, 1991 and for subsequent fiscal
22 years, up to 3% of the revenues in the special fund not required under paragraph (1) of
23 this subsection may be appropriated in the State budget for salaries and related expenses
24 in the Departments of General Services and Natural Resources and in the Office of
25 Planning necessary to administer Title 5, Subtitle 9 of the Natural Resources Article
26 (Program Open Space).

27 (c) (1) Subject to subsection [(e)] (D) of this section, [for fiscal years
28 commencing before July 1, 1997] the balance of the revenue in the special fund, not
29 required under subsection (b) of this section, shall be allocated as provided in this
30 subsection.

1 (2) For the fiscal year commencing July 1, 1993, 50% of the balance shall be
2 allocated as provided under paragraph (5) of this subsection and 50% shall be allocated
3 to the General Fund of the State.

4 (3) For the fiscal year commencing July 1, 1994, 70% of the balance shall be
5 allocated as provided under paragraph (5) of this subsection and 30% shall be allocated
6 to the General Fund of the State.

7 (4) For the fiscal year commencing July 1, 1995, AND FOR EACH
8 SUBSEQUENT FISCAL YEAR, 90% of the balance shall be allocated as provided under
9 paragraph [(5)] (6) of this subsection and 10% shall be allocated to the General Fund of
10 the State.

11 (5) For each of the fiscal years commencing July 1, 1993 and July 1, 1994,
12 the percentage of the balance specified for the fiscal year under paragraph (2)[,] OR
13 (3)[, or (4)] of this subsection shall be allocated as follows:

14 (i) not less than \$1,000,000 for reduction of State debt authorized
15 under the Outdoor Recreation Land Loan of 1969; and

16 (ii) the remainder not allocated under item (i) of this paragraph shall
17 be allocated as follows:

18 1. 84.2% in the State budget for the purposes specified in Title
19 5, Subtitle 9 of the Natural Resources Article (Program Open Space);

20 2. 13.2% in the State budget for the Agricultural Land
21 Preservation Fund established under § 2-505 of the Agriculture Article;and

22 3. 2.6% in the State budget for the Heritage Conservation Fund
23 established under Title 5, Subtitle 15 of the Natural Resources Article.

24 [(d) (1) Subject to subsection (e) of this section, for the fiscal year commencing
25 July 1, 1995 and for each subsequent fiscal year, the balance of the revenue in the special
26 fund, not required under subsection (b) of this section, shall be allocated as provided in
27 this subsection.

28 (2) Until the outstanding debt authorized under the Outdoor Recreation
29 Land Loan of 1969 has been reduced to zero, at least \$1,000,000 shall be allocated in the
30 State budget for reduction of State debt authorized under that loan.]

31 (6) FOR THE FISCAL YEAR COMMENCING JULY 1, 1995 AND FOR EACH
32 SUBSEQUENT FISCAL YEAR, THE PERCENTAGE OF THE BALANCE SPECIFIED FOR
33 THE FISCAL YEARS UNDER PARAGRAPH (4) OF THIS SUBSECTION SHALL BE
34 ALLOCATED AS FOLLOWS:

35 (I) NOT LESS THAN \$1,000,000 FOR REDUCTION OF STATE DEBT
36 AUTHORIZED UNDER THE OUTDOOR RECREATION LAND LOAN OF 1969; AND

37 [(3) The balance in excess of the amounts allocated in paragraph (2) of this
38 subsection shall be allocated in the State budget as follows:]

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1 (II) THE REMAINDER NOT ALLOCATED UNDER ITEM (I) OF THIS
2 PARAGRAPH SHALL BE ALLOCATED AS FOLLOWS:

3 [(i)] 1. 83.5% for the purposes specified in Title 5, Subtitle 9 of the
4 Natural Resources Article (Program Open Space);

5 [(ii)] 2. 14.5% for the Agricultural Land Preservation Fund
6 established under § 2-505 of the Agriculture Article; and

7 [(iii)] 3. 2% for the Heritage Conservation Fund established under
8 Title 5, Subtitle 15 of the Natural Resources Article.

9 [(e)] (D) The sums allocated in [subsections] SUBSECTION (c) (5) and[(d)] (6)
10 of this section may not revert to the General Fund of the State.

11 [(f)] (E) (1) For any fiscal year in which the actual transfer tax revenue
12 collections are greater than the revenue estimates used as the basis for the appropriations
13 required under this section for the fiscal year, the amount of the excess may be allocated
14 to the special fund under subsection (a) of this section as provided under [subsections]
15 SUBSECTION (c) [and (d)] of this section for the subsequent fiscal year.

16 (2) For any fiscal year in which the actual transfer tax revenue collections
17 are less than the revenue estimates used as the basis for the appropriations required
18 under this section, the allocation to the special fund under subsection(a) of this section
19 as provided under [subsections] SUBSECTION (c) [and (d)] of this section for the
20 subsequent fiscal year shall be reduced by the amount of the deficiency.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 1996.