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

Introduced and read first time: February 14, 1996

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: April 1, 1996

CHAPTER ____

1 AN ACT concerning

2 ~~Program Open Space~~ **Financing State Government**

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 FOR the purpose of altering the allocation of State transfer tax revenues for a certain
8 fiscal year; altering certain provisions for reconciliation of certain excesses or
9 deficiencies in State transfer tax revenues; requiring the Department of
10 Transportation to establish a selection process for a certain purpose; requiring a
11 transportation unit to comply with certain cost reimbursement limits established by
12 the Transportation Professional Services Selection Board; requiring the Board to
13 consider certain factors in establishing limits on cost reimbursement; altering a
14 certain requirement for the Governor to include certain appropriations in the
15 budget for certain fiscal years for the Maryland Emergency Medical System
16 Operations Fund; altering certain requirements for the Governor to include certain
17 appropriations and for the Comptroller to make certain distributions to the
18 Transportation Trust Fund for certain fiscal years; requiring the Governor to
19 include a certain proposed appropriation to the Citizen Tax Reduction and Fiscal
20 Reserve Account; authorizing the use of certain funds for certain purposes;
21 authorizing a transfer of certain funds for certain public school purposes; requiring
22 the Governor to include certain appropriations to the Dedicated Purpose Account
23 for certain fiscal years; exempting the design and construction of certain roads
24 relating to the Redskins stadium project in Prince George's County from certain
25 provisions of State procurement law, subject to certain management control by the
26 Department of Transportation; authorizing changes to certain requirements relating
27 to the reporting and presentation of certain budget and expenditure information
28 and authorizing a transfer of certain funds; and generally relating to the financing of

2

1 State and local government.

2 BY repealing and reenacting, with amendments,
3 Article - Tax - Property
4 Section 13-209
5 Annotated Code of Maryland
6 (1994 Replacement Volume and 1995 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - State Finance and Procurement
9 Section 13-311
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Transportation
14 Section 13-955(f)
15 Annotated Code of Maryland
16 (1992 Replacement Volume and 1995 Supplement)

17 BY repealing and reenacting, with amendments,
18 Chapter 204 of the Acts of the General Assembly of 1993
19 Section 9

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

22 **Article - Tax - Property**

23 13-209.

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

26 (b) (1) The special fund under subsection (a) of this section is used to pay
27 principal and interest on the bonds issued under the Outdoor Recreation Land Loan of
28 1969.

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

35 (c) (1) Subject to subsection ~~{(e)}~~ of this section, ~~{for fiscal years~~
36 ~~commencing before July 1, 1997}~~ the balance of the revenue in the special fund, not
37 required under subsection (b) of this section, shall be allocated as provided in this
38 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~~ EACH OF THE FISCAL YEARS commencing July 1,
8 1995, ~~AND FOR EACH SUBSEQUENT FISCAL YEAR AND JULY 1, 1996,~~ 90% of the balance
9 shall be allocated as provided under ~~paragraph (5)] (6) of this subsection~~ SUBSECTION
10 (D) OF THIS SECTION and 10% shall be allocated to the General Fund of 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 ~~{(1) 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 AND NOT ALLOCATED TO THE GENERAL FUND UNDER SUBSECTION (C)~~
39 ~~OF THIS SECTION shall be allocated in the State budget as follows:}~~

4

1 ~~(H) 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)} 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 SHALL be~~
14 ~~allocated to the special fund under subsection (a) of this section as provided under~~
15 ~~{subsections} SUBSECTION (c) {and (d)} of this section for the subsequent fiscal year~~
16 FOR THE SECOND FISCAL YEAR FOLLOWING THE FISCAL YEAR IN WHICH THERE IS
17 AN EXCESS.

18 (2) For any fiscal year in which the actual transfer tax revenue collections
19 are less than the revenue estimates used as the basis for the appropriations required
20 under this section, the ~~allocation to the special fund under subsection(a) of this section~~
21 ~~as provided under {subsections} SUBSECTION (e) {and (d)} of this section for the~~
22 ~~subsequent fiscal year shall be reduced by the amount of the deficiency~~AMOUNT OF THE
23 DEFICIENCY SHALL BE RECONCILED AS FOLLOWS:

24 (I) FOR THE FIRST \$3,000,000 OF ANY DEFICIENCY, THE
25 ALLOCATION TO THE SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION AS
26 PROVIDED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION FOR THE SECOND
27 FISCAL YEAR FOLLOWING THE DEFICIENCY SHALL BE REDUCED BY EITHER THE
28 AMOUNT OF THE DEFICIENCY OR \$3,000,000, WHICHEVER IS LESS; AND

29 (II) FOR ANY DEFICIENCY IN EXCESS OF \$3,000,000, THE AMOUNT IN
30 EXCESS OF \$3,000,000 SHALL BE RECONCILED EITHER BY THE REDUCTION OF THE
31 ALLOCATION TO THE SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION AS
32 PROVIDED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION FOR THE SECOND
33 FISCAL YEAR FOLLOWING THE DEFICIENCY OR BY THE DEAUTHORIZATION OF
34 PROJECTS AUTHORIZED IN PRIOR FISCAL YEARS.

35 (3) (I) ANY AMOUNTS TO BE DEAUTHORIZED FROM PRIOR FISCAL
36 YEARS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL BE PROPOSED BY
37 THE GOVERNOR IN THE BUDGET OF THE SECOND FISCAL YEAR FOLLOWING THE
38 FISCAL YEAR IN WHICH THERE IS A DEFICIENCY.

39 (II) AN AMOUNT MAY BE DEAUTHORIZED UNDER THIS
40 PARAGRAPH ONLY AS PROVIDED IN THE STATE BUDGET BILL, AS ENACTED.

5

1 **Article - State Finance and Procurement**

2 13-311.

3 (a) The Department of Transportation shall establish a selection process based on
4 a competitive procedure to:

5 (1) PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE
6 MAXIMUM COMPETITION BY PROFESSIONAL COMPANIES OF ALL SIZES PROVIDING
7 ARCHITECTURAL OR ENGINEERING SERVICES;

8 [(1)] (2) evaluate technical proposals and the qualifications of the persons
9 submitting proposals; and

10 [(2)] (3) determine an order of priority based on those evaluations.

11 (b) (1) From the results of the selection process under subsection (a) of this
12 section, the transportation unit shall:

13 (i) begin negotiations with the most qualified person; and

14 (ii) try to negotiate a procurement contract with that person at a rate
15 of compensation that is fair, competitive, and reasonable.

16 (2) In determining the rate of compensation under this subsection, the
17 transportation unit shall:

18 (i) consider the scope and complexity of the architectural or
19 engineering services required; [and]

20 (ii) conduct a detailed analysis of the cost of those services; AND

21 (III) COMPLY WITH LIMITS ON COSTS REIMBURSEMENT,
22 INCLUDING, BUT NOT LIMITED TO OVERHEAD LIMITS, ESTABLISHED BY THE
23 TRANSPORTATION SELECTION BOARD. IN SETTING SUCH LIMITS, THE BOARD SHALL
24 CONSIDER THE GOAL OF THE SELECTION PROCESS SET FORTH IN PARAGRAPH (1) OF
25 THIS SUBSECTION, AS WELL AS THE REASONABLE COST OF ARCHITECTURAL OR
26 ENGINEERING SERVICES.

27 (c) (1) If the transportation unit is unable to negotiate a satisfactory
28 procurement contract at a rate of compensation that is fair, competitive, and reasonable,
29 it shall:

30 (i) terminate negotiations with the most qualified person;and

31 (ii) negotiate in the same manner with the second and, if necessary,
32 the third most qualified person chosen under subsection (a) of this section.

33 (2) If the transportation unit is unable to negotiate a procurement contract
34 with any person chosen under subsection (a) of this section, the transportation unit shall:

35 (i) choose additional persons in order of their competenceand
36 qualification; and

1 (ii) continue negotiations in accordance with the procedures under
2 this section until it reaches an agreement.

3 (d) The Transportation Selection Board may delegate the negotiation process to
4 the Department of Transportation, but any negotiating team shall include a
5 representative of the transportation unit requesting the procurement.

6 **Article - Transportation**

7 13-955.

8 (f) For the purpose of reimbursing the Fund for the purchase of a helicopter and
9 for the State share of the expansion of the helicopter hangar in Centreville, Maryland, the
10 Governor shall include the following appropriations in the annual budget submission:

11 (1) For Fiscal Year 1997, \$2,000,000;

12 (2) For Fiscal Year 1998, [\$1,000,000] \$2,000,000; and

13 ~~(3)~~ (2) For Fiscal Year 1999, [\$1,075,000] \$2,075,000.

14 **Chapter 204 of the Acts of 1993**

15 SECTION 9. AND BE IT FURTHER ENACTED, That, for fiscal [years 1997
16 and] YEAR 1998, the Governor shall include an appropriation of \$21,000,000 [in each
17 fiscal year] from General Fund revenues to the Transportation Trust Fund for the use of
18 the Department of Transportation. The Comptroller shall distribute to the
19 Transportation Trust Fund \$1,750,000 on a monthly basis beginning in July [1996] 1997
20 and continuing through June 1998 to effect the transfer of these funds.

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

22 (1) For fiscal year 1997, subject to and in accordance with the provisions of
23 the State Budget Bill, as enacted, \$6,000,000 shall be transferred from the General Fund
24 to the Transportation Trust Fund;

25 (2) For fiscal year 1999, the Governor shall include in the budget submitted
26 at the 1998 Session an appropriation of \$15,000,000 from General Fund revenues to the
27 Transportation Trust Fund for the use of the Department of Transportation; and

28 (3) To effect the transfer of the \$15,000,000 for fiscal year 1999, the
29 Comptroller shall distribute to the Transportation Trust Fund \$1,250,000 on a monthly
30 basis beginning in July 1998 and continuing through June 1999.

31 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other
32 provision of law, as part of the budget submitted at the 1997 Session of the General
33 Assembly, the Governor shall include a proposed appropriation in an amount equal to
34 any unappropriated General Fund balance as of June 30, 1996 to the Citizen Tax
35 Reduction and Fiscal Reserve Account of the State Reserve Fund established under §
36 7-310.1 of the State Finance and Procurement Article. The amount of the proposed
37 appropriation required under this section shall be in addition to the amount of any
38 appropriation otherwise required by law.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, for fiscal year 1997,
2 notwithstanding any other provision of law, as provided in the Fiscal Year 1997 State
3 Budget Bill as enacted, up to \$7,000,000 from the State Used Tire Cleanup and Recycling
4 Fund established under § 9-273 of the Environment Article may be used for removal of
5 nutrients at publicly owned sewage treatment works, provided that these funds are
6 administered in a manner consistent with §§ 9-345 through 9-351 of the Environment
7 Article.

8 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any other
9 provision of law, the Governor:

10 (1) May transfer from the Dedicated Purpose Account established under §
11 7-310 of the State Finance and Procurement Article up to \$13,600,000 to the General
12 Fund to support appropriations for the public school purposes specified in the Fiscal
13 Year 1997 State Budget Bill, as enacted; and

14 (2) Shall include the following appropriations to the Dedicated Purpose
15 Account established under § 7-310 of the State Finance and Procurement Article, in the
16 annual budget submissions:

17 (a) For Fiscal Year 1998, \$6,800,000; and

18 (b) For Fiscal Year 1999, \$6,800,000.

19 SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding any other
20 provision of law, except as provided in Title 14, Subtitle 3 of the State Finance and
21 Procurement Article, the provisions of Division II of the State Finance and Procurement
22 Article do not apply for purposes of the design and construction of State highways
23 relating to the Redskins stadium project in Prince George's County. Provided, however,
24 that throughout all phases of construction on interstate and interstate related projects,
25 the Maryland Department of Transportation shall maintain management control similar
26 to all other highway projects to ensure compliance with all federal and Department
27 specifications, design standards, safety standards, operational standards, and quality
28 assurance.

29 SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding any
30 provision of the Fiscal Year 1997 Budget Bill as enacted, for the Fiscal Year 1998 budget,
31 except as otherwise provided in this section, the reporting and accounting of expenditures
32 and the presentation and format of budget data shall continue in the same manner as for
33 the Fiscal Year 1997 budget, subject to the requirements of the Department of Fiscal
34 Services and the Office of Legislative Data Processing in order to assure the ability of
35 these agencies to meet the information needs of the General Assembly. The budget and
36 expenditure data required for purposes of the Fiscal Year 1998 budget may be presented
37 in a revised coding structure to accommodate the Financial Management Information
38 Systems (FMIS), if:

39 (1) Record layouts and required data formatted in the new account code
40 structure are provided in sufficient time to enable conversion and testing of legislative
41 computer programs and operational systems, as agreed to by the Department of Budget
42 and Fiscal Planning, the Department of Fiscal Services, and the Office of Legislative Data
43 Processing; and

1 (2) By budget amendment, \$75,000 of the appropriation for the Financial
2 Management Information Systems is transferred to the budget of the Office of Legislative
3 Data Processing to permit the Office to perform the functions and services necessary to
4 accommodate the revised structure. This \$75,000 transfer is based on the equivalent of at
5 least 120 days of effort devoted to accomplish this purpose. A reduction on a pro rata
6 basis may be made if less effort is required. An accounting of this effort will be provided
7 to the Department of Budget and Fiscal Planning.

8 In accordance with the provisions of this section, the Governor may transfer the
9 \$75,000 or a lesser amount as provided under the conditions of item (2)above by budget
10 amendment from the appropriation for the Financial Management Information Systems
11 to the Office of Legislative Data Processing in the legislative branch.

12 SECTION ~~2- 8.~~ AND BE IT FURTHER ENACTED, That this Act shall take
13 effect ~~July 1, 1996~~ June 1, 1996.