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

Introduced and read first time: February 21, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Program Open Space - Use of Funds**

3 FOR the purpose of authorizing the Department of Natural Resources to use certain
4 Program Open Space funds for operating costs for land owned by the State under
5 certain circumstances; providing for an effective date; and generally relating to the
6 use of funds under Program Open Space.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-903
10 Annotated Code of Maryland
11 (1989 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 - Natural Resources**

15 5-903.

16 (a) One half of the funds shall be used for recreation and open space purposes by
17 the Department and the Historic St. Mary's City Commission. Except as otherwise
18 provided in this section, any funds the General Assembly appropriates to the State under
19 this subsection shall be used only for land acquisition projects. A portion of the State's
20 share of funds available under this program shall be utilized to make grants to Baltimore
21 City for projects which meet park purposes. The grants shall be in addition to any funds
22 Baltimore City is eligible to receive under subsection (b) of this section, and may be used
23 for acquisition or development. In order for Baltimore City to be eligible for a State
24 grant, the Department shall review projects or land to be acquired within Baltimore City,
25 and upon the Department's recommendation, the Board of Public Works may approve
26 projects and land including the cost. Title to the land shall be in the name of the Mayor
27 and City Council of Baltimore City. The State is not responsible for costs involved in the
28 development or maintenance of the land.

29 (b) The General Assembly shall appropriate the other half of the funds to assist
30 local governing bodies in acquisition and development of land for recreation and open
31 space purposes.

1 (c) A committee, appointed by the Governor, shall prepare and adopt an
2 apportionment formula relating to the percent of the total funds each subdivision will
3 receive. The committee consists of two members of the Senate, three members of the
4 House of Delegates, and four members of the public at large. The Director of the
5 Maryland Office of Planning and the Secretary shall serve as advisers to the committee.
6 The committee shall meet at least annually to review and update the apportionment
7 formula. In determining the allocation formula, the committee shall take into account for
8 each subdivision (1) current population, (2) projected population, and (3) other factors it
9 deems desirable. In determining the apportionment for any year the committee may
10 consider under-utilization of available funds and may transfer or advance unused
11 allocations that have not been utilized within a given period. The committee may
12 reallocate funds, subject however to the policy that over the ten-year period any
13 subdivision shall be allocated in the aggregate the funds it would have been entitled to
14 receive if able to utilize them. Before adopting an apportionment formula and before
15 allocating funds for any year, the committee shall notify the governing bodies of every
16 affected subdivision of its intended action and, after reasonable notice, afford an
17 opportunity for hearings on the apportionment or allocation.

18 (d) Any funds previously or subsequently appropriated or reimbursed to the
19 Department from the Land and Water Conservation Fund of the United States
20 Department of Interior, National Park Service shall be used to supplement the
21 acquisition and development program of the Department and of other eligible State
22 agencies and local government bodies.

23 (e) (1) The Department may, with the approval of the Board of Public Works,
24 use acquisition funds to make matching or refundable grants to land trusts for the
25 acquisition of interests or rights in real property for recreational or open space purposes.

26 (2) Notwithstanding the provisions of §§ 4-411 through 4-414 of the State
27 Finance and Procurement Article, subject to the availability of funds and in accordance
28 with other provisions of this article regarding open space and wildland areas, the
29 Department may enter into agreements with a land trust for the State to acquire title to
30 or an interest or right in property owned by the land trust or property on which the land
31 trust holds an option or a contract to purchase.

32 (3) An agreement under this subsection shall be subject to approval by the
33 Board of Public Works under § 4-415 of the State Finance and Procurement Article.

34 (f) (1) Subject to the limitation under paragraph (2) of this subsection, the
35 Department may use acquisition funds to stabilize the structural integrity of
36 improvements existing on land at the time of acquisition.

37 (2) The costs to stabilize the structural integrity of improvements existing on
38 land at the time of acquisition may not exceed 10 percent of the purchase price of the
39 land.

40 (g) (1) For the fiscal year commencing July 1, 1990, any amount appropriated in
41 the State budget, and for each subsequent fiscal year, up to 25 percent of the State's share
42 of funds available under the program may be used for capital improvements on land
43 owned by the State for the use of the Department if the improvements are:

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1 (i) Approved in the State budget; and

2 (ii) Compatible with:

3 1. Any master plan developed for the land; and

4 2. The natural features of the land.

5 (2) FOR THE FISCAL YEAR COMMENCING JULY 1, 1996, AND FOR EACH
6 FISCAL YEAR THEREAFTER, ANY PORTION OF THE STATE'S SHARE OF FUNDS
7 AVAILABLE FOR CAPITAL IMPROVEMENTS MAY BE USED FOR OPERATING COSTS OF
8 ANY LAND OWNED BY THE STATE FOR THE USE OF THE DEPARTMENT, BUT ONLY IF
9 THE FUNDS EXPENDED FOR OPERATING COSTS DO NOT EXCEED THE PORTION OF
10 THE STATE ALLOCATION AVAILABLE UNDER THIS SUBSECTION THAT IS DERIVED
11 FROM CURRENT REVENUES, AS DISTINGUISHED FROM PROCEEDS OF BOND ISSUES.

12 [(2)] (3) If the General Assembly amends the Budget Bill to strike out an
13 improvement OR OPERATING COSTS under this subsection submitted by the Governor,
14 the Governor may consider reallocating the funds through a supplemental budget for the
15 same fiscal year:

16 (i) To finance specific alternative land acquisition, [or] development
17 projects, OR OPERATING COSTS; or

18 (ii) To the Advance Option and Purchase Fund established under §
19 5-904(b) of this subtitle.

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