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

Introduced and read first time: February 21, 1996

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1996

CHAPTER ____

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 certain operating costs for land owned by the State
5 under certain circumstances; providing for an effective date; and generally relating
6 to the 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,

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1 and upon the Department's recommendation, the Board of Public Works may approve
2 projects and land including the cost. Title to the land shall be in the name of the Mayor
3 and City Council of Baltimore City. The State is not responsible for costs involved in the
4 development or maintenance of the land.

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

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

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

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

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

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

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

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

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

8 (i) Approved in the State budget; and

9 (ii) Compatible with:

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

11 2. The natural features of the land.

12 (2) ~~(I) FOR THE FISCAL YEAR COMMENCING JULY 1, 1996, AND FOR~~
13 ~~EACH FISCAL YEAR THEREAFTER, ANY PORTION UP TO 12.5% OF THE STATE'S SHARE~~
14 ~~OF FUNDS AVAILABLE FOR CAPITAL IMPROVEMENTS MAY BE USED FOR OPERATING~~
15 ~~COSTS OF ANY LAND OWNED BY THE STATE FOR THE USE OF THE DEPARTMENT TO~~
16 ~~OPERATE STATE FORESTS AND PARKS, BUT ONLY IF THE FUNDS EXPENDED FOR~~
17 ~~OPERATING COSTS DO NOT EXCEED THE PORTION OF THE STATE ALLOCATION~~
18 ~~AVAILABLE UNDER THIS SUBSECTION THAT IS DERIVED FROM CURRENT~~
19 ~~REVENUES, AS DISTINGUISHED FROM PROCEEDS OF BOND ISSUES.~~

20 (II) THE ONLY WAGES THAT CAN BE PAID WITH THE PORTION OF
21 THE STATE'S SHARE OF FUNDS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS
22 PARAGRAPH ARE THE WAGES OF SEASONAL EMPLOYEES IN THE STATE FORESTS
23 AND PARKS.

24 [(2)] (3) If the General Assembly amends the Budget Bill to strike out an
25 improvement OR OPERATING COSTS under this subsection submitted by the Governor,
26 the Governor may consider reallocating the funds through a supplemental budget for the
27 same fiscal year:

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

30 (ii) To the Advance Option and Purchase Fund established under §
31 5-904(b) of this subtitle.

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

