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

Introduced and read first time: January 29, 1997

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 Department;
5 and generally relating to funds distributed to Program Open Space.

6 BY repealing and reenacting, with amendments,
7 Article - Natural Resources
8 Section 5-903
9 Annotated Code of Maryland
10 (1989 Replacement Volume and 1996 Supplement)

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

13 **Article - Natural Resources**

14 5-903.

15 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of the
16 Tax - Property Article, \$1,000,000 may be transferred by an appropriation in the State
17 budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State
18 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing
19 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be
20 used for the purposes provided in that subtitle.

21 (2) (i) Of the remaining funds not appropriated under paragraph (1) of
22 this subsection, one half of the funds shall be used for recreation and open space
23 purposes by the Department and the Historic St. Mary's City Commission. Except as
24 otherwise provided in this section, any funds the General Assembly appropriates to the
25 State under this subsection shall be used only for land acquisition projects.

26 (ii) A portion of the State's share of funds available under this
27 program shall be utilized to make grants to Baltimore City for projects which meet park
28 purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive
29 under subsection (b) of this section, and may be used for acquisition or development. In
30 order for Baltimore City to be eligible for a State grant, the Department shall review
31 projects or land to be acquired within Baltimore City, and upon the Department's

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

5 (b) Of the remaining funds not appropriated under subsection (a)(1) of this
6 section, the General Assembly shall appropriate the other half of the funds to assist local
7 governing bodies in acquisition and development of land for recreation and open space
8 purposes.

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

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

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

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

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

42 (f) (1) Subject to the limitation under paragraph (2) of this subsection, the
43 Department may use acquisition funds to stabilize the structural integrity of
44 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, up to 12.5% of the
 13 State's share of funds available for capital improvements may be used to operate State
 14 forests and parks, but only if the funds expended for operating costs do not exceed the
 15 portion of the State allocation available under this subsection that is derived from current
 16 revenues, as distinguished from proceeds of bond issues.

17 (II) FOR THE FISCAL YEAR COMMENCING JULY 1, 1997, UP TO
 18 \$1,000,000 OF THE STATE'S SHARE OF FUNDS AVAILABLE FOR CAPITAL
 19 IMPROVEMENTS MAY BE USED TO OPERATE STATE FORESTS AND PARKS, BUT ONLY
 20 IF THE FUNDS EXPENDED FOR OPERATING COSTS DO NOT EXCEED THE PORTION OF
 21 THE STATE ALLOCATION AVAILABLE UNDER THIS SUBSECTION THAT IS DERIVED
 22 FROM CURRENT REVENUES, AS DISTINGUISHED FROM PROCEEDS OF BOND ISSUES.

23 (III) FOR THE FISCAL YEAR COMMENCING JULY 1, 1998, AND ALL
 24 SUBSEQUENT FISCAL YEARS, UP TO \$1,200,000 OF THE STATE'S SHARE OF FUNDS
 25 AVAILABLE FOR CAPITAL IMPROVEMENTS MAY BE USED TO OPERATE STATE
 26 FORESTS AND PARKS, BUT ONLY IF THE FUNDS EXPENDED FOR OPERATING COSTS
 27 DO NOT EXCEED THE PORTION OF THE STATE ALLOCATION AVAILABLE UNDER
 28 THIS SUBSECTION THAT IS DERIVED FROM CURRENT REVENUES, AS DISTINGUISHED
 29 FROM PROCEEDS OF BOND ISSUES.

30 [(ii) The only wages that can be paid with the portion of the State's
 31 share of funds authorized under subparagraph (i) of this paragraph are the wages of
 32 seasonal employees in the State forests and parks.]

33 (3) If the General Assembly amends the Budget Bill to strike out an
 34 improvement or operating costs under this subsection submitted by the Governor, the
 35 Governor may consider reallocating the funds through a supplemental budget for the
 36 same fiscal year:

37 (i) To finance specific alternative land acquisition, development
 38 projects, or operating costs; or

39 (ii) To the Advance Option and Purchase Fund established under §
 40 5-904(b) of this subtitle.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1997.