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

Introduced and read first time: February 4, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Forests and Parks - Program Open Space - Funds**

3 FOR the purpose of creating a Program Open Space Contingency Fund to
4 supplement appropriations for certain capital projects; providing that the Fund
5 is a continuing, nonlapsing, revolving fund consisting of certain funds;
6 authorizing the use of the Fund for certain purposes; requiring the Department
7 of Natural Resources to evaluate each request for an expenditure from the
8 Fund; authorizing the Department to request the Board of Public Works to
9 authorize an expenditure from the Fund under certain circumstances; requiring
10 the Secretary of Natural Resources to provide certain annual reports to the
11 General Assembly; and generally relating to the Program Open Space
12 Contingency Fund.

13 BY adding to
14 Article - Natural Resources
15 Section 5-903.1
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1997 Supplement)

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

20 **Article - Natural Resources**

21 5-903.1.

22 (A) IN THIS SECTION, "FUND" MEANS THE PROGRAM OPEN SPACE
23 CONTINGENCY FUND.

24 (B) THERE IS A PROGRAM OPEN SPACE CONTINGENCY FUND.

25 (C) THE FUND IS A CONTINUING, NONLAPSING, REVOLVING FUND THAT
26 CONSISTS OF THE AMOUNT OF APPROPRIATIONS FOR A CAPITAL PROJECT:

1 (1) IN EXCESS OF THE AMOUNT NEEDED FOR THE CAPITAL PROJECT;
2 AND

3 (2) ALLOCATED TO THE FUND BY THE GOVERNOR.

4 (D) THE FUND MAY BE USED TO:

5 (1) SUPPLEMENT AN EXISTING APPROPRIATION FOR A CAPITAL
6 PROJECT; AND

7 (2) UNDERTAKE CRITICAL MAINTENANCE PROJECTS.

8 (E) (1) THE DEPARTMENT SHALL EVALUATE EACH REQUEST FOR AN
9 EXPENDITURE FROM THE FUND.

10 (2) THE DEPARTMENT MAY REQUEST THE BOARD OF PUBLIC WORKS TO
11 AUTHORIZE AN EXPENDITURE FROM THE FUND IF:

12 (I) ALL REASONABLE ATTEMPTS TO REDUCE THE COST OF THE
13 CAPITAL PROJECT HAVE BEEN MADE;

14 (II) NO PRACTICAL ALTERNATIVE EXISTS FOR SECURING FUNDING
15 TO COMPLETE THE CAPITAL OR CRITICAL MAINTENANCE PROJECT;

16 (III) THE REQUESTED FUNDING DOES NOT INCREASE THE SCOPE OF
17 THE CAPITAL PROJECT; AND

18 (IV) THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE TO THE
19 SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS
20 COMMITTEE ON THE REQUEST AND THE PLANNED USE OF THE FUNDS.

21 (3) IF THE BOARD OF PUBLIC WORKS AUTHORIZES AN EXPENDITURE
22 FROM THE FUND, THE AMOUNT SPECIFIED BY THE BOARD OF PUBLIC WORKS MAY
23 BE TRANSFERRED FROM THE FUND TO THE PROGRAM OPEN SPACE ACCOUNT TO
24 SUPPLEMENT THE SPECIFIED AUTHORIZATION.

25 (F) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE SECRETARY OF NATURAL
26 RESOURCES SHALL REPORT TO THE GENERAL ASSEMBLY, SUBJECT TO § 2-1246 OF
27 THE STATE GOVERNMENT ARTICLE, ON THE MONEYS:

28 (1) DEPOSITED IN THE FUND;

29 (2) AUTHORIZED FOR EXPENDITURE FROM THE FUND; AND

30 (3) EXPENDED FROM THE FUND.

31 (G) MONEY IN THE FUND SHALL BE DEPOSITED WITH THE STATE TREASURER.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 July 1, 1998.