

HOUSE BILL 451

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1998 Regular Session
8lr6088

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

Introduced and read first time: February 4, 1998

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1998

CHAPTER _____

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; providing for notice to the budget committees on the planned use of the
9 funds; providing for review and comment by the budget committees with certain
10 exceptions; authorizing the Department to request the Board of Public Works to
11 authorize an expenditure from the Fund under certain circumstances; requiring
12 the Secretary of Natural Resources to provide certain annual reports to the
13 General Assembly; and generally relating to the Program Open Space
14 Contingency Fund.

15 BY adding to
16 Article - Natural Resources
17 Section 5-903.1
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 1997 Supplement)

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

1 **Article - Natural Resources**

2 5-903.1.

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

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

6 (C) THE FUND IS A CONTINUING, NONLAPSING, REVOLVING FUND NOT TO
7 EXCEED \$250,000 THAT CONSISTS OF THE AMOUNT OF APPROPRIATIONS FOR A
8 CAPITAL PROJECT:9 (1) IN EXCESS OF THE AMOUNT NEEDED FOR THE CAPITAL PROJECT;
10 AND

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

12 (D) THE FUND MAY BE USED TO:

13 (1) SUPPLEMENT AN EXISTING APPROPRIATION FOR A CAPITAL
14 PROJECT; AND

15 (2) UNDERTAKE CRITICAL MAINTENANCE PROJECTS.

16 (E) (1) THE DEPARTMENT SHALL EVALUATE EACH REQUEST FOR AN
17 EXPENDITURE FROM THE FUND.18 (2) THE DEPARTMENT MAY REQUEST THE BOARD OF PUBLIC WORKS TO
19 AUTHORIZE AN EXPENDITURE FROM THE FUND IF:20 (I) ALL REASONABLE ATTEMPTS TO REDUCE THE COST OF THE
21 CAPITAL PROJECT HAVE BEEN MADE;22 (II) NO PRACTICAL ALTERNATIVE EXISTS FOR SECURING FUNDING
23 TO COMPLETE THE CAPITAL OR CRITICAL MAINTENANCE PROJECT; AND24 (III) THE REQUESTED FUNDING DOES NOT INCREASE THE SCOPE OF
25 THE CAPITAL ~~PROJECT; AND~~ PROJECT.26 ~~(IV) THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE TO THE~~
27 ~~SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS~~
28 ~~COMMITTEE ON THE REQUEST AND THE PLANNED USE OF THE FUNDS.~~29 (3) PRIOR TO SEEKING APPROVAL FROM THE BOARD OF PUBLIC WORKS,
30 THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET
31 AND MANAGEMENT SHALL:32 (I) PROVIDE WRITTEN NOTICE TO THE BUDGET COMMITTEES ON
33 THE PLANNED USE OF THE FUNDS; AND

1 (II) ALLOW 45 DAYS FOR REVIEW AND COMMENT BY THE BUDGET
2 COMMITTEES UNLESS THE ADDITIONAL FUNDS NECESSARY DO NOT EXCEED 20% OF
3 THE ORIGINAL APPROPRIATION FOR ANY PROJECT AND IN THE JUDGMENT OF THE
4 DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND
5 MANAGEMENT THAT THE ADDITIONAL FUNDS ARE NECESSARY TO PREVENT A WORK
6 STOPPAGE ON THE PROJECT.

7 (↔) (4) IF THE BOARD OF PUBLIC WORKS AUTHORIZES AN
8 EXPENDITURE FROM THE FUND, THE AMOUNT SPECIFIED BY THE BOARD OF PUBLIC
9 WORKS MAY BE TRANSFERRED FROM THE FUND TO THE PROGRAM OPEN SPACE
10 ACCOUNT TO SUPPLEMENT THE SPECIFIED AUTHORIZATION.

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

14 (1) DEPOSITED IN THE FUND;

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

16 (3) EXPENDED FROM THE FUND.

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

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