

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL NO. 713

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “providing” in line 3 down through “authorizations;” in line 4 and substitute “providing that certain funds provided for the purposes of Program Open Space shall be provided to the Department of Natural Resources; providing that the Department shall allocate certain funds to local jurisdictions using a certain apportionment formula; providing that Program Open Space funds provided by the Department to local jurisdictions shall be considered encumbered under certain circumstances for certain purposes; providing that certain provisions regarding the expiration of certain appropriations or debt authorizations do not apply to the Ocean Beach Replenishment Fund; providing that certain prior appropriations and authorizations for State debt allocated for certain purposes shall be considered encumbered as of a certain date for certain purposes;”; strike in their entirety lines 6 through 15, inclusive; in line 18 strike “5-9A-01(c), and 5-1505” and substitute “5-905(a), and 8-1103(a)”; and strike in their entirety lines 21 through 25, inclusive.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 12, inclusive.

On page 3, strike in their entirety lines 1 through 33, inclusive.

AMENDMENT NO. 3

On page 2, strike beginning with “ANY” in line 30 down through “ARTICLE.” in line 32 and substitute “IN ANY FISCAL YEAR IN WHICH FUNDING FOR PROGRAM OPEN SPACE IS PROVIDED THROUGH THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR OTHER BOND ENABLING ACT, THE DEBT ALLOCATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT SHALL ALLOCATE FUNDS AMONG LOCAL GOVERNING BODIES ACCORDING TO THE APPORTIONMENT FORMULA DESCRIBED IN § 5-903 OF THIS SUBTITLE.”

(Over)

5-905.

(a) (1) On or before May 1 of each year, the Department shall notify each local governing body of its allocation of local acquisition and development funds for the next fiscal year within the limits imposed by the formula developed for the apportionment of the annual appropriations for Program Open Space.

(2) (i) By the first of July each year, a participating local governing body shall submit an annual program of proposed acquisition and development projects, together with a list of projects submitted by any municipal corporation to the local governing body and not included in the local governing body's annual program, to the Department of Planning for review and to the Department for approval.

(ii) A municipal corporation may submit an annual program through its local governing body.

(3) (i) Upon review by the Department of Planning and approval by the Department and the Board of Public Works, THE ALLOCATED FUNDS SHALL BE ENCUMBERED FOR THE PURPOSES OF §§ 7-305(D)(3) AND 8-128(C) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND the annual program shall become the basis for a grant agreement for the total allocation to each of the local governing bodies.

(ii) Prior to approval of a local annual program, or any revision thereof, the Department shall provide the legislators from the district within which any part of the local jurisdiction is located the opportunity to review and comment on the annual program or its revisions.

(4) Any program may be revised by the local governing body and the revised program, after the Department of Planning reviews and the Department approves it, shall be substituted for the original program in the grant agreement.

(5) (i) In accordance with the Department's regulations, upon receipt of evidence from the local governing body of a county or municipal corporation that funds have been spent on a project that is approved in the grant agreement, the Department shall cause the requested amount of funds from the local governing body's allocation to be reimbursed to the local governing body.

(ii) Any municipal corporation may submit evidence of expenditures for approved projects through its local governing body to the Department.

8-1103.

(a) (1) There is an Ocean Beach Replenishment Fund, consisting of moneys appropriated for that purpose in the State budget or in any bond enabling act and any money contributed by local jurisdictions in accordance with this section.

(2) The Fund shall be maintained for the purposes stated in this section, and unspent portions of any appropriations to the Fund shall remain in the Fund and may not revert to the General Fund AND ANY PROJECT OR PROGRAM FUNDED UNDER THIS SUBTITLE IS NOT SUBJECT TO THE PROVISIONS OF §§ 7-305(D)(3) AND 8-128(C) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(3) Any interest earned by the State on any funds contributed by local jurisdictions shall:

(i) Accrue to the Fund; and

(ii) Be applied to reduce the annual maintenance payments of the local jurisdictions.”.

AMENDMENT NO. 4

On page 4, before line 1, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That all prior capital appropriations and all prior authorizations of State debt, if any, allocated for Program Open Space under § 5-905 of the Natural Resources Article, that are unexpended as of June 1, 2004, shall be deemed encumbered for the purposes of §§ 7-305(d)(3) and 8-128(c) of the State Finance and Procurement Article as of the date of approval of the annual program submitted by each local governing body under § 5-905 of the Natural Resources Article.”;

and in line 1, strike “2.” and substitute “3.”.

(Over)