

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 306

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “Land Preservation and State Asset Protection Act”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 23 on page 2, inclusive, and substitute:

“FOR the purpose of requiring the Department of Planning to provide notice regarding certain excess property to certain committees of the General Assembly, certain members of the General Assembly, and certain adjacent property owners; requiring units of State government to include certain information regarding certain excess property in a certain notification; requiring the Department to hold a public hearing under certain circumstances or accept and consider certain public comments regarding certain excess property; requiring the Department to determine, in conjunction with a certain local governing body, whether any proposed disposition of certain excess property would conform to the local comprehensive plan; requiring units and the Department to maintain public records about determinations made about certain property; requiring the Department to consolidate certain information and determinations into a public record and submit the record to a certain unit; authorizing certain units to rescind a certain notice of excess; requiring the Department to make a certain recommendation to a certain unit and the Board of Public Works and to notify certain persons of the recommendation; prohibiting the Board of Public Works from approving the sale, transfer, exchange, or grant of certain surplus property until it provides certain notices and, under certain circumstances, a certain justification to certain entities, it receives certain appraisals, certain time periods have elapsed, and, under a certain circumstance, the General Assembly or a certain committee of the General Assembly has approved, in accordance with certain procedures, the disposition of certain property; requiring the Department to maintain a current, updated list of certain real property; requiring the Board of Public Works to sell

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certain property for a certain price to a certain government or unit of government under certain circumstances; requiring the Governor under certain circumstances to include in the annual budget bill a certain general fund appropriation to a certain special fund; providing that a certain appropriation to a certain special fund is not required under certain circumstances; altering the amount of a certain required appropriation to a certain special fund under certain circumstances; requiring that certain transfer tax revenue in excess of a certain budget estimate be distributed in a certain manner for certain purposes in certain fiscal years; establishing a certain statutory minimum grant to Baltimore City, payable from the State's share of the proceeds of Program Open Space, for certain purposes related to Program Open Space; requiring the Department of Natural Resources, in cooperation with the Department of General Services, the Department of Budget and Management, and the Department of Planning, to study certain issues relating to lease, license, and easement interests and to report to certain persons on or before a certain date; making stylistic changes; providing for the application of this Act; and generally relating to the financing, management, and disposition of State-owned and financed property.”.

On page 2, in line 24, strike “without” and substitute “with”; in line 26, after “5-504,” insert “7-311(j).”; in the same line, strike “5-505” and substitute “10-305”; in line 29, strike “with” and substitute “without”; in line 31, strike “10-305(a)” and substitute “5-505”; and strike in their entirety lines 34 through 38, inclusive, and substitute:

“BY repealing and reenacting, with amendments,

Article - Tax - Property

Section 13-209(f)(1)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

BY adding to

Article - Tax - Property

Section 13-209(g)

Annotated Code of Maryland

(2001 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, with amendments,

Article - Natural Resources
Section 5-903(a)
Annotated Code of Maryland
(2000 Replacement Volume and 2004 Supplement)

BY repealing and reenacting, without amendments,

Article - Natural Resources
Section 5-903(b)
Annotated Code of Maryland
(2000 Replacement Volume and 2004 Supplement)".

AMENDMENT NO. 2

On page 3, in line 11, after "Department" insert "IN WRITING"; in line 14, strike "For" and substitute "SUBJECT TO SUBSECTION (C) OF THIS SECTION, FOR"; after line 20, insert:

"(C) (1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SUBSECTION APPLIES TO THE FOLLOWING CATEGORIES OF REAL PROPERTY OWNED BY THE STATE IN FEE SIMPLE:

1. PROPERTY ACQUIRED WITH PROGRAM OPEN SPACE FUNDS UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES ARTICLE;

2. PROPERTY ACQUIRED WITH RURAL LEGACY PROGRAM FUNDS UNDER TITLE 5, SUBTITLE 9A OF THE NATURAL RESOURCES ARTICLE;

3. PUBLIC PARK LAND AND RECREATIONAL AREAS ACQUIRED UNDER TITLE 5, SUBTITLE 10 OF THE NATURAL RESOURCES ARTICLE;

4. WILDLAND AND OPEN AREAS ACQUIRED UNDER TITLE 5, SUBTITLE 12 OF THE NATURAL RESOURCES ARTICLE;

5. HERITAGE CONSERVATION AREAS ACQUIRED WITH

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FUNDS UNDER TITLE 5, SUBTITLE 15 OF THE NATURAL RESOURCES ARTICLE;

6. FOREST CONSERVATION AREAS ACQUIRED UNDER TITLE 5, SUBTITLE 6 OF THE NATURAL RESOURCES ARTICLE;

7. GREENPRINT AREAS ACQUIRED UNDER TITLE 5, SUBTITLE 15A OF THE NATURAL RESOURCES ARTICLE;

8. PROPERTY IDENTIFIED IN THE MOST CURRENT PUBLIC LANDS ACREAGE REPORT PUBLISHED BY THE DEPARTMENT OF NATURAL RESOURCES THAT IS CLASSIFIED UNDER DESIGNATED LAND UNITS OR UNDER UNDESIGNATED LAND UNITS WITHIN AN AGENCY OR PROGRAM; AND

9. OUTDOOR RECREATION, OPEN SPACE, CONSERVATION, PRESERVATION, PARK, OR FOREST LAND PROPERTY IDENTIFIED BY THE DEPARTMENT OF NATURAL RESOURCES IN REGULATION.

(II) THIS SUBSECTION DOES NOT APPLY TO PROPERTY DECLARED EXCESS FOR PURPOSES OF CORRECTIVE DISPOSAL, INCLUDING BOUNDARY OR ACCESS CORRECTIONS AND MINOR ROAD IMPROVEMENTS FOR PUBLIC SAFETY.

(2) WHEN A UNIT NOTIFIES THE DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION, THE UNIT SHALL INCLUDE WITH THE NOTIFICATION:

(I) THE HISTORY OF THE ACQUISITION OF THE PROPERTY;

(II) THE RATIONALE FOR THE ACQUISITION PROVIDED TO THE BOARD OF PUBLIC WORKS AT THE TIME OF THE ACQUISITION;

(III) ANY FUTURE CONSERVATION PLANS FOR THE PROPERTY;

(IV) THE ENVIRONMENTAL AND ECOLOGICAL ATTRIBUTES OF THE PROPERTY;

(V) THE CULTURAL AND HISTORICAL SIGNIFICANCE OF THE PROPERTY;

(VI) THE RELATIONSHIP OF THE PROPERTY TO SURROUNDING AND NEARBY REAL PROPERTIES;

(VII) THE ACTUAL COST SAVINGS, IF ANY, THAT THE UNIT ANTICIPATES WILL RESULT FROM THE DISPOSAL OF THE PROPERTY;

(VIII) ANY EXPECTED REVENUES THAT WOULD BE GENERATED FROM THE DISPOSAL OF THE PROPERTY; AND

(IX) ANY OTHER JUSTIFICATION OR BASIS THAT THE UNIT RELIED ON IN ITS DETERMINATION THAT THE PROPERTY IS IN EXCESS OF ITS NEEDS.

(3) THE INFORMATION PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL BE MADE AVAILABLE BY THE UNIT OR THE DEPARTMENT ON REQUEST.

(4) AFTER THE DEPARTMENT RECEIVES NOTICE FROM A UNIT UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT SHALL:

(I) NOTIFY:

1. THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE BY ELECTRONIC MAIL OR FACSIMILE AND BY FIRST-CLASS MAIL;

2. THE GENERAL ASSEMBLY MEMBERS WHO REPRESENT THE LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED BY ELECTRONIC MAIL OR FACSIMILE AND BY CERTIFIED MAIL; AND

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3. OWNERS OF PROPERTY ADJACENT TO THE PROPERTY DECLARED EXCESS:

A. IN WRITING BY FIRST-CLASS MAIL; AND

B. IF PRACTICABLE, BY POSTING PUBLIC NOTIFICATION SIGNS ON THE PROPERTY DECLARED EXCESS:

(II) 1. HOLD A PUBLIC HEARING IN THE COUNTY OR LEGISLATIVE DISTRICT IN WHICH THE PROPERTY IS LOCATED WITHIN 14 DAYS AFTER RECEIVING A REQUEST FOR A HEARING IF:

A. WITHIN 14 DAYS AFTER THE DEPARTMENT PROVIDES THE NOTICE REQUIRED UNDER ITEM (I) OF THIS PARAGRAPH, THE DEPARTMENT RECEIVES A REQUEST FOR A PUBLIC HEARING FROM A PERSON WHO RECEIVED NOTICE UNDER ITEM (I) OF THIS PARAGRAPH OR WHO RESIDES IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED; AND

B. THE PROPERTY HAS AN ESTIMATED VALUE OF OVER \$100,000; OR

2. IF A PUBLIC HEARING IS NOT REQUIRED UNDER ITEM 1 OF THIS ITEM, ACCEPT AND CONSIDER WRITTEN PUBLIC COMMENTS ON THE DECLARATION OF THE PROPERTY AS EXCESS:

(III) IN CONJUNCTION WITH THE LOCAL GOVERNING BODY OF THE JURISDICTION IN WHICH THE PROPERTY IS LOCATED, DETERMINE WHETHER ANY PROPOSED DISPOSITION WOULD CONFORM TO THE LOCAL COMPREHENSIVE PLAN; AND

(IV) 1. CONSOLIDATE ALL INFORMATION RECEIVED BY AND ALL DETERMINATIONS MADE BY THE DEPARTMENT INTO A PUBLIC RECORD AVAILABLE ON REQUEST; AND

2. SUBMIT THE RECORD TO THE USING UNIT.

(5) AFTER REVIEW OF THE RECORD CREATED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE USING UNIT MAY RESCIND THE NOTICE OF EXCESS PROPERTY SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION.

(6) IF THE USING UNIT DOES NOT RESCIND THE NOTICE OF EXCESS PROPERTY, THE DEPARTMENT SHALL:

(I) BASED ON ALL OF THE INFORMATION COLLECTED BY THE DEPARTMENT, MAKE AN APPROPRIATE RECOMMENDATION TO THE USING UNIT AND THE BOARD OF PUBLIC WORKS; AND

(II) NOTIFY THE PERSONS IDENTIFIED UNDER PARAGRAPH (4)(I)1 AND 2 OF THIS SUBSECTION OF THE RECOMMENDATION.”;

and in line 26, after “a” insert “CURRENT, UPDATED”.

AMENDMENT NO. 3

On page 4, after line 7, insert:

“7-311.

(j) (1) Except as provided in paragraph (2) of this subsection [and], § 3-216(g) of the Transportation Article, AND § 13-209(G) OF THE TAX - PROPERTY ARTICLE, for fiscal year [2006] 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds \$10,000,000.

(2) The appropriation required under this subsection for any fiscal year may be reduced by the amount of any appropriation to the Account required to be included for that fiscal year under subsection (e) of this section.”;

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in line 9, strike “(1)”; in lines 13 and 15, strike “(i)” and “(ii)”, respectively, and substitute “(1)” and “(2)”, respectively; and strike beginning with “PARAGRAPH” in line 9 down through “SUBTITLE” in line 10 and substitute “SUBSECTION (B) OF THIS SECTION”.

On pages 4 through 8, strike beginning with “(2)” in line 17 on page 4 down through “FUND.” in line 15 on page 8 and substitute:

“(B) (1) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THIS SUBSECTION APPLIES TO THE SALE, TRANSFER, GRANT, OR EXCHANGE OF:

1. REAL PROPERTY IDENTIFIED UNDER § 5-310(C)(1) OF THIS ARTICLE; AND

2. STATE-OWNED REAL OR PERSONAL PROPERTY, FUNDED IN ACCORDANCE WITH AN APPROPRIATION ACT OF THE GENERAL ASSEMBLY, THAT HAS AN APPRAISED VALUE OVER \$100,000.

(II) THIS SUBSECTION DOES NOT APPLY TO THE FOLLOWING DISPOSITIONS OF PROPERTY IDENTIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. LEASING THE PROPERTY; OR

2. THE SALE, TRANSFER, GRANT, OR EXCHANGE OF A CORRECTIVE OR ACCESS EASEMENT ON THE PROPERTY.

(2) THE BOARD MAY NOT APPROVE THE SALE, TRANSFER, EXCHANGE, OR GRANT OF PROPERTY UNTIL:

(I) THE DEPARTMENT OF GENERAL SERVICES HAS SUBMITTED TO THE BOARD TWO INDEPENDENT APPRAISALS OF THE PROPERTY THAT:

1. WITH REGARD TO REAL PROPERTY, CONSIDER THE

VALUE OF ANY RESTRICTIVE COVENANT THAT MAY BE PLACED ON THE PROPERTY;
AND

2. MAY NOT BE PUBLICLY DISCLOSED IF THE
PROPERTY IS TO BE SOLD AT AUCTION;

(II) THE FOLLOWING INFORMATION HAS BEEN SUBMITTED, BY
ELECTRONIC MAIL OR FACSIMILE AND BY CERTIFIED MAIL, TO THE SENATE
BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE,
AND, FOR PROPERTY THAT MEETS BOTH CRITERIA OF PARAGRAPH (1)(I) OF THIS
SUBSECTION, THE LEGISLATIVE POLICY COMMITTEE:

1. A DESCRIPTION OF THE PROPERTY; AND

2. IF APPLICABLE, ANY JUSTIFICATION FOR NOT
SELLING, TRANSFERRING, EXCHANGING, OR GRANTING THE PROPERTY IN A
MANNER THAT GENERATES THE HIGHEST RETURN FOR THE STATE;

(III) 45 DAYS HAVE ELAPSED SINCE:

1. THE INFORMATION REQUIRED BY ITEM (II) OF THIS
PARAGRAPH WAS RECEIVED BY THE APPROPRIATE COMMITTEES; AND

2. THE BOARD DECLARED THE PROPERTY SURPLUS;

AND

(IV) EXCEPT FOR PROPERTY SOLD UNDER PARAGRAPH (4) OF
THIS SUBSECTION, FOR PROPERTY THAT MEETS BOTH CRITERIA UNDER
PARAGRAPH (1)(I) OF THIS SUBSECTION AND FOR WHICH THE BOARD INTENDS TO
APPROVE A FEE SIMPLE SALE, TRANSFER, EXCHANGE, OR GRANT, THE GENERAL
ASSEMBLY HAS APPROVED THE PROPOSED DISPOSITION AS PROVIDED UNDER
PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) WITHIN 45 DAYS AFTER RECEIVING THE INFORMATION

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SUBMITTED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE LEGISLATIVE POLICY COMMITTEE SHALL:

1. REVIEW THE INFORMATION AND THE PUBLIC RECORD CREATED BY THE DEPARTMENT OF PLANNING FOR THE PROPERTY; AND

2. A. APPROVE THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY AND REFER THE PROPERTY BACK TO THE BOARD FOR FINAL DISPOSITION; OR

B. REFER THE PROPOSED DISPOSITION OF THE PROPERTY TO THE FULL GENERAL ASSEMBLY AND NOTIFY THE BOARD OF THE REFERRAL.

(II) IF THE LEGISLATIVE POLICY COMMITTEE FAILS TO TAKE ANY ACTION UNDER SUBPARAGRAPH (I)2 OF THIS PARAGRAPH WITHIN THE SPECIFIED TIME PERIOD, THE PROPOSED DISPOSITION SHALL BE DEEMED APPROVED BY THE COMMITTEE.

(III) 1. IF THE PROPOSED DISPOSITION OF THE SURPLUS PROPERTY IS REFERRED BY THE LEGISLATIVE POLICY COMMITTEE TO THE FULL GENERAL ASSEMBLY, THE PROPOSED DISPOSITION MAY NOT BE APPROVED BY THE BOARD UNLESS IT IS APPROVED BY THE PASSAGE OF LEGISLATION DURING THE NEXT LEGISLATIVE SESSION OF THE GENERAL ASSEMBLY.

2. IN ANY LEGISLATION PASSED IN ACCORDANCE WITH SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH, THE GENERAL ASSEMBLY MAY APPROVE THE PROPOSED DISPOSITION WITH OR WITHOUT CONDITIONS.

(4) IF THE BOARD HAS DECLARED THE PROPERTY SURPLUS, THE BOARD SHALL SELL THE PROPERTY TO THE FEDERAL GOVERNMENT, A LOCAL GOVERNMENT, OR A UNIT OF FEDERAL OR LOCAL GOVERNMENT FOR \$1.00, IF:

(I) THE GOVERNMENT OR UNIT HAS INDICATED ITS INTEREST IN ACQUIRING THE LAND; AND

(II) A RESTRICTIVE COVENANT IS PLACED ON THE DEED OF TRANSFER, IN ACCORDANCE WITH § 5-906(E)(7) AND (8) OF THE NATURAL RESOURCES ARTICLE, THAT REQUIRES THE PROPERTY TO BE MAINTAINED IN A USE THAT IS CONSISTENT WITH ITS USE AT THE TIME OF TRANSFER.

(5) ANY REVENUES DERIVED FROM THE SALE, TRANSFER, EXCHANGE, OR GRANT OF PROPERTY IDENTIFIED UNDER PARAGRAPH (1)(I)1 OF THIS SUBSECTION SHALL BE DEPOSITED IN THE ADVANCE OPTION AND PURCHASE FUND UNDER § 5-904(B) OF THE NATURAL RESOURCES ARTICLE.

[(b)] (C) Except as otherwise provided in this section:

(1) if any real or personal property disposed of under this section is not under the jurisdiction or control of any particular unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the Board; and

(2) if any real or personal property disposed of under this section is under the jurisdiction or control of a unit of the State government, the deed, lease, or other evidence of conveyance of the real or personal property shall be executed by the highest official of the unit and by the Board.

[(c)] (D) (1) Whenever any unit of the State government leases any State-owned property under its jurisdiction and control to any State employee, agent, or servant, or to any other individual in State service, for the purpose of permitting the individual to maintain a residence on or in the property, the lease shall be:

(i) executed by the unit; and

(ii) approved by the Secretary of General Services.

(2) The lease is not valid unless the Secretary of General Services approves it.

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(3) Whenever any unit of the State government leases any State-owned property under its jurisdiction and control to any lessee, the lease shall include a provision which prohibits the lessee from assigning or subleasing that property without the prior approval of the Board of Public Works.

(4) Whenever the State Highway Administration leases any State-owned property under its jurisdiction and control to any person, the Administrator of the State Highway Administration may execute the lease if:

- (i) the lease is entered into on a 30-day renewable basis; and
- (ii) the duration of the tenancy does not exceed 1 year.

(5) At least twice each year, the Administrator of the State Highway Administration shall submit a report of the leases executed under the authority granted in paragraph (4) of this subsection to the Board of Public Works.

[(d)] (E) (1) On the sale, lease, transfer, exchange, or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System, any conveyancing document shall be executed in the manner provided in Division II of the State Personnel and Pensions Article.

(2) Any sale, lease, transfer, exchange or other disposition of any real or personal property owned or controlled by the State Retirement and Pension System or the State of Maryland for the use of the Board of Trustees of the State Retirement and Pension System by a conveyancing document executed by or for the Board of Trustees of the State Retirement and Pension System before October 1, 1994 in the manner provided under former Article 73B is ratified and confirmed.

[(e)] (F) All conveyances under this section shall be made in the name of the State of Maryland, acting through the executing authority provided for in this section.

[(f)] (G) This section does not apply to any lease or other temporary transfer, grant, or disposition of State real or personal property in connection with a procurement made subject to §

11-202(3) of this article.

[(g)] (H) The Department of Budget and Management and Department of General Services, with the approval of the Board, shall adopt regulations in accordance with Title 10, Subtitle 1 of the State Government Article to implement the provisions of this section.

Article - Tax - Property

13-209.

(f) (1) (I) [For] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, FOR any fiscal year in which the actual transfer tax revenue collections are greater than the revenue estimates used as the basis for the appropriations required under this section for the fiscal year, the amount of the excess shall be allocated to the special fund under subsection (a) of this section as provided under subsections (c) and (d) of this section for the second fiscal year following the fiscal year in which there is an excess.

(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH OR ANY OTHER PROVISION OF LAW, IN ANY FISCAL YEAR IN WHICH AN APPROPRIATION OR TRANSFER IS MADE FROM THE SPECIAL FUND TO THE GENERAL FUND, IF THE ACTUAL TRANSFER TAX REVENUE COLLECTIONS FOR THE PRIOR FISCAL YEAR EXCEED THE BUDGET ESTIMATE FOR THE PRIOR FISCAL YEAR, THE EXCESS SHALL BE ALLOCATED IN THE CURRENT FISCAL YEAR FOR PROGRAM OPEN SPACE, THE AGRICULTURAL LAND PRESERVATION FUND, THE RURAL LEGACY PROGRAM, AND THE HERITAGE CONSERVATION FUND. FUNDS MADE AVAILABLE UNDER THIS SUBPARAGRAPH SHALL BE ALLOCATED AS PROVIDED UNDER SUBSECTION (D) OF THIS SECTION.

(G) (1) NOTWITHSTANDING § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR FISCAL YEAR 2012 AND FOR EACH SUBSEQUENT FISCAL YEAR, IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING YEAR EXCEEDS \$10,000,000, THE GOVERNOR SHALL INCLUDE IN THE

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BUDGET BILL A GENERAL FUND APPROPRIATION TO THE SPECIAL FUND UNDER SUBSECTION (A) OF THIS SECTION IN AN AMOUNT EQUAL TO AT LEAST THE LESSER OF \$50,000,000 OR THE EXCESS SURPLUS OVER \$10,000,000.

(2) FOR ANY FISCAL YEAR TO WHICH THIS SUBSECTION APPLIES:

(I) UNLESS THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE IS NOT REQUIRED; AND

(II) IF THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE APPROPRIATION REQUIRED TO THE REVENUE STABILIZATION ACCOUNT UNDER § 7-311(J) OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL EQUAL THE AMOUNT BY WHICH THAT SURPLUS EXCEEDS THE SUM OF \$10,000,000 AND THE AMOUNT APPROPRIATED TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) (I) THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED TO THE SPECIAL FUND UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ALL FISCAL YEARS SHALL EQUAL THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006 AND FOR EACH SUBSEQUENT FISCAL YEAR, REDUCED BY:

1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN EXCESS OF THE AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THAT FISCAL YEAR; AND

2. THE AMOUNT OF ANY APPROPRIATION OR

TRANSFER FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT REQUIRED.

(II) THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR IF A CUMULATIVE AMOUNT HAS BEEN APPROPRIATED TO THE SPECIAL FUND FOR PRIOR FISCAL YEARS UNDER THIS SUBSECTION EQUAL TO THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE SPECIAL FUND TO THE GENERAL FUND FOR FISCAL YEAR 2006 AND FOR EACH SUBSEQUENT FISCAL YEAR, REDUCED BY:

1. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN EXCESS OF THE AMOUNT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR THAT FISCAL YEAR; AND

2. THE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE GENERAL FUND TO THE SPECIAL FUND FOR ANY FISCAL YEAR IN WHICH THE APPROPRIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT REQUIRED.

(III) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THIS SUBSECTION DOES NOT APPLY TO ANY FISCAL YEAR FOR WHICH THE GOVERNOR IS REQUIRED UNDER § 3-216(G) OF THE TRANSPORTATION ARTICLE TO INCLUDE AN APPROPRIATION TO THE TRANSPORTATION TRUST FUND.

2. THIS SUBSECTION APPLIES IN ANY FISCAL YEAR IN WHICH THE CUMULATIVE AMOUNT REQUIRED TO BE APPROPRIATED UNDER § 3-216(G) OF THE TRANSPORTATION ARTICLE HAS BEEN PAID AND THERE IS EXCESS SURPLUS UNDER SUBSECTION (G)(1) OF THIS SECTION.

5-903.

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

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

(ii) [A portion] AT LEAST \$1,500,000 of the State's share of funds available under this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(iii) 1. A portion of the State's share of funds available under this Program not to exceed the amounts specified below may be transferred by an appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle 9A of this article:

A. In fiscal year 1998, \$4 million;

B. In fiscal year 1999, \$5 million;

C. In fiscal year 2000, \$6 million;

- D. In fiscal year 2001, \$7 million; and
- E. In fiscal year 2002 and each fiscal year thereafter, \$8 million.
- 2. In each fiscal year, up to \$2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.
- 3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.

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

AMENDMENT NO. 4

On page 11, after line 33, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of this Act may not be interpreted to apply to outdoor recreation, open space, conservation, preservation, park, or forest real property located in Garrett County and owned by the State in fee simple that, on or before July 1, 2005, was subject to a pending or active sale, transfer, or disposal agreement between a county or counties and the State.”;

in line 34, strike “3.” and substitute “4.”; and in line 35, strike “October” and substitute “July”.