
By: **Delegates Doory and McIntosh**

Introduced and read first time: January 31, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Program Open Space Funds - Transfer to Maryland**
 3 **Heritage Areas Authority Financing Fund and Required Study**

4 FOR the purpose of increasing the amount of money authorized to be transferred in a
 5 certain manner to the Maryland Heritage Areas Authority Financing Fund from
 6 certain funds distributed to Program Open Space; requiring the Maryland
 7 Heritage Areas Authority to conduct a certain study and submit a certain report
 8 to the Governor and certain committees on or before a certain date; and
 9 generally relating to the Maryland Heritage Areas Authority Financing Fund
 10 and funding for Program Open Space.

11 BY repealing and reenacting, with amendments,
 12 Article - Natural Resources
 13 Section 5-903(a)
 14 Annotated Code of Maryland
 15 (2000 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, without amendments,
 17 Article - Natural Resources
 18 Section 5-903(b)
 19 Annotated Code of Maryland
 20 (2000 Replacement Volume and 2004 Supplement)

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

1

Article - Natural Resources

2 5-903.

3 (a) (1) Of the funds distributed to Program Open Space under § 13-209 of
4 the Tax - Property Article, [\$1,000,000] UP TO \$3,000,000 may be transferred by an
5 appropriation in the State budget, or by an amendment to the State budget under
6 Title 7, Subtitle 2 of the State Finance and Procurement Article, to the Maryland
7 Heritage Areas Authority Financing Fund established under Title 13, Subtitle 11 of
8 the Financial Institutions Article to be used for the purposes provided in that subtitle.

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

14 (ii) A portion of the State's share of funds available under this
15 program shall be utilized to make grants to Baltimore City for projects which meet
16 park purposes. The grants shall be in addition to any funds Baltimore City is eligible
17 to receive under subsection (b) of this section, and may be used for acquisition or
18 development. In order for Baltimore City to be eligible for a State grant, the
19 Department shall review projects or land to be acquired within Baltimore City, and
20 upon the Department's recommendation, the Board of Public Works may approve
21 projects and land including the cost. Title to the land shall be in the name of the
22 Mayor and City Council of Baltimore City. The State is not responsible for costs
23 involved in the development or maintenance of the land.

24 (iii) 1. A portion of the State's share of funds available under this
25 Program not to exceed the amounts specified below may be transferred by an
26 appropriation in the State budget to the Rural Legacy Program under Title 5, Subtitle
27 9A of this article:

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

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

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

31 D. In fiscal year 2001, \$7 million; and

32 E. In fiscal year 2002 and each fiscal year thereafter, \$8
33 million.

34 2. In each fiscal year, up to \$2 million of the funds
35 transferred under this subparagraph to the Rural Legacy Program may be used to
36 purchase zero coupon bonds for easements.

37 3. Sums allocated to the Rural Legacy Program may not
38 revert to the General Fund of the State.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,
6 2005, the Maryland Heritage Areas Authority shall study and report to the Governor
7 and, in accordance with § 2-1246 of the State Government Article, the Senate
8 Education, Health, and Environmental Affairs Committee, the Senate Budget and
9 Taxation Committee, the House Environmental Matters Committee, and the House
10 Appropriations Committee, regarding the status, expense, and achievements related
11 to certified heritage areas and to recognized heritage areas proposed for designation
12 as certified heritage areas, including:

13 (1) A summary of the goals and objectives for the preservation,
14 development, and management of each of the certified and recognized heritage areas
15 designated to date by the Authority;

16 (2) State grants and loans provided to date to local jurisdictions or other
17 entities receiving State grants or loans for the development of management plans in
18 recognized heritage areas and for the planning, design, acquisition, development,
19 preservation, restoration, interpretation, marketing, and programming of certified
20 heritage areas;

21 (3) The annual expenditures to date, including the purposes of the
22 expenditures, of Program Open Space funds transferred to the Authority;

23 (4) The significant cultural, historic, and natural resources acquired,
24 preserved, and protected within the certified heritage areas since the areas'
25 certifications; and

26 (5) The need for additional funding for the Authority's activities.

27 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2005.