

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1224

(Chair, Environmental Matters Committee)

(By Request – Departmental – Natural Resources)

Environmental Matters

Education, Health, and Environmental Affairs

---

**Program Open Space - Use of Acquisition Funds**

---

This departmental bill expands the allowable uses of Program Open Space (POS) State acquisition funds. The Department of Natural Resources (DNR) may use such funds to eliminate hazards to health and safety (including the treatment and removal of hazardous materials) and to protect water quality by implementing environmental improvements (including shore erosion control measures and vegetated buffers). The cost to perform these activities may not exceed 10% of the purchase price of the land.

The bill takes effect June 1, 2007.

---

**Fiscal Summary**

**State Effect:** None. Total POS finances would not be affected. The bill merely authorizes additional uses of existing funds.

**Local Effect:** None.

**Small Business Effect:** DNR has determined that this bill has minimal or no impact on small businesses (attached). Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

---

**Analysis**

**Current Law:** DNR is authorized to use POS State acquisition funds to stabilize the structural integrity of improvements existing on land at the time of acquisition. The costs may not exceed 10% of the purchase price of the land.

**Background:** POS was established by the General Assembly in 1969 (Chapter 403) to expedite the acquisition of outdoor recreation and open space before property cost and development made it impossible, and to accelerate the development of outdoor recreational facilities. POS provides for both State and local acquisition and development. POS is funded through special funds derived from the State's transfer tax, which imposes a 0.5% tax on all real property recorded in the State.

DNR advises that the bill is necessary to allow the use of "stabilization" funds for future acquisitions to make a structure safe in other ways – such as removing or stabilizing lead paint or removing underground storage tanks. Thus, the bill would enhance the program's ability to provide projects that help protect and/or improve water quality in the State.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources, Maryland Department of Planning, Allegany County, Montgomery County, Wicomico County, Department of Legislative Services

**Fiscal Note History:** First Reader - March 14, 2007  
ncs/ljm Revised - House Third Reader - March 27, 2007  
Revised - Enrolled Bill - April 24, 2007

---

Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510