

HOUSE BILL 625

M1

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By: **Delegates Niemann, Beidle, Ali, Bobo, Carr, V. Clagett, Frush, Glenn, Gutierrez, Healey, Holmes, Howard, Hubbard, Hucker, Lafferty, Lee, Manno, Shewell, and Stein**

Introduced and read first time: February 1, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Forests and Parks – Special Funds and Accounts – Payments to Counties**

3 FOR the purpose of eliminating certain annual payments made to counties from the
4 State Forest or Park Reserve Fund, the Forest and Park Concession Account,
5 and the Deep Creek Lake Recreation Maintenance and Management Fund; and
6 generally relating to forest and park funds and accounts.

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 5–212, 5–212.1, and 5–215
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2007 Supplement)

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

14 **Article – Natural Resources**

15 5–212.

16 (a) In this section, “Fund” means the Forest or Park Reserve Fund.

17 (b) There is a Forest or Park Reserve Fund in the Department.

18 (c) The purpose of the Fund is to enable the Department to purchase and
19 manage in the name of the State lands suitable for forest culture, reserves, watershed
20 protection, State parks, scenic preserves, historic monuments, parkways, and State
21 recreational reserves.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) The Department shall administer the Fund.

2 (e) (1) The Treasurer shall hold the Fund separately and the Comptroller
3 shall account for the Fund.

4 (2) The Fund is a special, nonlapsing fund that is not subject to §
5 7–302 of the State Finance and Procurement Article.

6 (f) The Fund consists of:

7 (1) Any money obtained from the State forest reserves, State parks,
8 scenic reserves, parkways, historic monuments, and recreation areas;

9 (2) Revenue distributed to the Fund from fines collected under §
10 5–1302 of this title; and

11 (3) Revenue received by the Fund under § 5–207(b) of this subtitle.

12 (g) The Fund may be used only for:

13 (1) Purchasing and managing in the name of the State lands suitable
14 for forest culture, reserves, watershed protection, State parks, scenic preserves,
15 historic monuments, parkways, and State recreational reserves; **AND**

16 (2) [Annual payments to counties in the amount of:

17 (i) If the State forest or park reserve comprises less than 10% of
18 the total land area of the county, a sum equal to 15% of the revenue derived from the
19 State forest or park reserve located in that county; and

20 (ii) If the State forest or park reserve comprises 10% or more of
21 the total land area of the county, a sum equal to 25% of the revenue derived from the
22 State forest or park reserve located in that county; and

23 (3)] Administrative costs calculated in accordance with § 1–103(b)(2) of
24 this article.

25 (h) (1) The Treasurer shall invest the money of the Fund in the same
26 manner as other State money may be invested.

27 (2) Any investment earnings of the Fund shall be credited to the
28 General Fund of the State.

29 (i) Expenditures from the Fund may be made only in accordance with the
30 State budget.

31 5–212.1.

- 1 (a) (1) In this section the following words have the meanings indicated.
- 2 (2) “Account” means the Forest and Park Concession Account.
- 3 (3) (i) “Concession operations” means activities within a State
4 forest or park that:
- 5 1. Raise revenue;
- 6 2. Function under a separate budget system; and
- 7 3. Supplement the operation of the facility where it is
8 located.
- 9 (ii) “Concession operations” includes:
- 10 1. Food concessions;
- 11 2. Boat rentals;
- 12 3. Gift shops;
- 13 4. Marine sales;
- 14 5. Snack bars; and
- 15 6. Camp stores.
- 16 (b) There is a Forest and Park Concession Account in the Department.
- 17 (c) The purpose of the Account is to finance:
- 18 (1) The maintenance and operation of concession operations; and
- 19 (2) The functions of State forests and parks.
- 20 (d) The Department shall administer the Account.
- 21 (e) (1) The Treasurer shall hold the Account separately and the
22 Comptroller shall reconcile the Account.
- 23 (2) The Account is a special, nonlapsing account that is not subject to §
24 7–302 of the State Finance and Procurement Article.
- 25 (f) The Account consists of any money derived from concession operations in
26 State forests and parks.

1 (g) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
2 Account shall be used only for:

3 [(i)] **(1)** The maintenance and operation of concession
4 operations;

5 [(ii)] **(2)** The function of State forests and parks to the extent
6 of the projected balance of the Account from the prior fiscal year; and

7 [(iii)] **(3)** Administrative costs calculated in accordance with §
8 1–103(b)(2) of this article.

9 [(2) Each county in which any State forest or park is located shall be
10 paid annually out of the Account:

11 (i) If the State forest or park reserve comprises less than 10% of
12 the total land area of the county, a sum equal to 15% of the net revenue derived from
13 concession operations within a State forest or park located in that county; or

14 (ii) If the State forest or park reserve comprises 10% or more of
15 the total land area of the county, a sum equal to 25% of the net revenue derived from
16 concession operations within a State forest or park located in that county.]

17 (h) (1) The Treasurer shall invest the money of the Account in the same
18 manner as other State money may be invested.

19 (2) Any investment earnings of the Account shall be credited to the
20 General Fund of the State.

21 (i) (1) Expenditures from the Account may be made only in accordance
22 with the State budget.

23 (2) The budget submitted by the Governor to the General Assembly
24 shall include the revenues and expenditures of the Account in the same detail as other
25 special fund accounts administered by the Department.

26 5–215.

27 (a) In this section, “Fund” means the Deep Creek Lake Recreation
28 Maintenance and Management Fund.

29 (b) There is a Deep Creek Lake Recreation Maintenance and Management
30 Fund in the Department for the maintenance and management of the land,
31 recreational facilities, and services that are related to Deep Creek Lake in Garrett
32 County.

1 (c) (1) Except as provided in [paragraphs (2) and (4)] **PARAGRAPH (3)** of
2 this subsection, the Department shall pay all fees collected for boat launching at Deep
3 Creek Lake State Park, all funds collected from lake and buffer use permits, contracts,
4 grants, and gifts as a result of the Deep Creek Lake management program, and any
5 investment earnings of the Fund, into the Fund.

6 (2) [At the end of each quarter of the fiscal year, the Department shall
7 pay 25% of the total revenue collected during the quarter under paragraph (1) of this
8 subsection to the Board of County Commissioners of Garrett County.

9 (3)] (i) The Fund is a special, nonlapsing fund that is not subject to
10 § 7–302 of the State Finance and Procurement Article.

11 (ii) Any investment earnings of the Fund may not be
12 transferred or revert to the General Fund of the State, but shall remain in the Fund.

13 [[4)] (3) Moneys in the Fund may be used for administrative costs
14 calculated in accordance with § 1–103(b)(2) of this article.

15 (d) Unless there is an agreement between the Secretary and the Deep Creek
16 Lake Policy and Review Board as to a proposed change, the fee for issuance and
17 processing of any permit covered under subsection (c) of this section may not be
18 changed.

19 (e) (1) Before the Department and the Deep Creek Lake Policy and
20 Review Board may change any fee for the issuance and processing of any permit
21 covered under subsection (c) of this section, the Secretary shall hold a public hearing
22 in Garrett County.

23 (2) Notice of the public hearing shall be published in two newspapers
24 of general circulation in Garrett County at least 30 days before the hearing.

25 (3) The notice shall include the proposed change in the fee and the
26 reason for the fee.

27 (f) (1) A person may apply to the Department for a lake and buffer use
28 permit.

29 (2) A person who is aggrieved by a decision of the Department to issue
30 or deny a lake and buffer use permit may seek judicial review of the decision in
31 accordance with Title 10, Subtitle 2 of the State Government Article.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2008.