

# HOUSE BILL 1604

M1, L3

(8lr3464)

## **ENROLLED BILL**

—*Environmental Matters / Budget and Taxation*—

Introduced by ~~Delegate Carr~~ **Delegates Carr, Ali, Cane, Frush, Glenn, Healey, Holmes, Hucker, Niemann, and Stein**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Natural Resources - ~~Community Municipal Parks~~ Community**  
3 **Parks and Playgrounds and ~~Playgrounds~~ Program**

4 FOR the purpose of ~~authorizing a portion of certain funds to be transferred from~~  
5 ~~Program Open Space to the Community Parks and Playgrounds Program;~~  
6 declaring a certain intent of the General Assembly; establishing a Community  
7 Municipal Parks Community Parks and Playgrounds and ~~Playgrounds~~  
8 Program; authorizing the Program to provide certain grants for certain  
9 purposes; providing for the administration of the Program; requiring the  
10 Secretary of Natural Resources to adopt regulations to carry out the Program;  
11 providing for funding for the Program; ~~requiring the Governor to include certain~~  
12 ~~funds in the annual capital budget in certain years for the Program;~~ defining a  
13 certain term; providing for the application of this Act; *declaring the intent of the*

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 General Assembly; and generally relating to the ~~Community Municipal Parks~~  
2 Community Parks and Playgrounds ~~and Playgrounds~~ Program.

3 ~~BY repealing and reenacting, with amendments,~~  
4 ~~Article – Natural Resources~~  
5 ~~Section 5–903(a)~~  
6 ~~Annotated Code of Maryland~~  
7 ~~(2005 Replacement Volume and 2007 Supplement)~~  
8 ~~(As enacted by Chapter 2 of the Acts of the General Assembly of the 2007~~  
9 ~~Special Session)~~

10 BY adding to  
11 Article – Natural Resources  
12 Section 5–9C–01 through ~~5–9C–04~~ 5–9C–03 to be under the new subtitle  
13 “Subtitle 9C. ~~Community Municipal Parks~~ Community Parks and  
14 Playgrounds ~~and Playgrounds~~ Program”  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2007 Supplement)

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

19 **Article – Natural Resources**

20 ~~5–903.~~

21 ~~(a) (1) Of the funds distributed to Program Open Space under § 13–200 of~~  
22 ~~the Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in~~  
23 ~~the State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of~~  
24 ~~the State Finance and Procurement Article, to the Maryland Heritage Areas Authority~~  
25 ~~Financing Fund established under Title 13, Subtitle 11 of the Financial Institutions~~  
26 ~~Article to be used for the purposes provided in that subtitle.~~

27 ~~(2) (i) 1. Of the remaining funds not appropriated under~~  
28 ~~paragraph (1) of this subsection:~~

29 ~~A. One half of the funds shall be used for recreation and~~  
30 ~~open space purposes by the Department and the Historic St. Mary’s City Commission;~~  
31 ~~and~~

32 ~~B. 20% of the funds or \$21,000,000, whichever is greater,~~  
33 ~~shall be appropriated to the Forest and Park Service in the Department to operate~~  
34 ~~State forests and parks.~~

35 ~~2. Except as otherwise provided in this section, any~~  
36 ~~funds the General Assembly appropriates to the State under this subsection shall be~~  
37 ~~used only for land acquisition projects.~~

1           (ii) ~~At least \$1,500,000 of the State's share of funds available~~  
 2 ~~under subparagraph (i)1A of this paragraph for this program shall be utilized to make~~  
 3 ~~grants to Baltimore City for projects which meet park purposes. The grants shall be in~~  
 4 ~~addition to any funds Baltimore City is eligible to receive under subsection (b) of this~~  
 5 ~~section, and may be used for acquisition or development. In order for Baltimore City to~~  
 6 ~~be eligible for a State grant, the Department shall review projects or land to be~~  
 7 ~~acquired within Baltimore City, and upon the Department's recommendation, the~~  
 8 ~~Board of Public Works may approve projects and land including the cost. Title to the~~  
 9 ~~land shall be in the name of the Mayor and City Council of Baltimore City. The State~~  
 10 ~~is not responsible for costs involved in the development or maintenance of the land.~~

11           (iii) 1. ~~A portion of the State's share of funds available under~~  
 12 ~~subparagraph (i)1A of this paragraph for this Program not to exceed \$8,000,000 for~~  
 13 ~~each fiscal year may be transferred by an appropriation in the State budget to the~~  
 14 ~~Rural Legacy Program under Subtitle 9A of this title.~~

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

18           3. ~~Sums allocated to the Rural Legacy Program may not~~  
 19 ~~revert to the General Fund of the State.~~

20           (IV) 1. ~~A PORTION OF THE STATE'S SHARE OF FUNDS~~  
 21 ~~AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR THIS~~  
 22 ~~PROGRAM NOT TO EXCEED \$5,000,000 FOR EACH FISCAL YEAR MAY BE~~  
 23 ~~TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE~~  
 24 ~~COMMUNITY PARKS AND PLAYGROUNDS PROGRAM UNDER SUBTITLE 9C OF~~  
 25 ~~THIS TITLE.~~

26           2. ~~NOTWITHSTANDING SUBPARAGRAPH (I)2 OF THIS~~  
 27 ~~PARAGRAPH, FUNDS TRANSFERRED UNDER THIS SUBPARAGRAPH TO THE~~  
 28 ~~COMMUNITY PARKS AND PLAYGROUNDS PROGRAM MAY BE USED FOR~~  
 29 ~~REHABILITATION OR IMPROVEMENT OF EXISTING PARKS OR TO BUY AND~~  
 30 ~~INSTALL PLAYGROUND EQUIPMENT IN AREAS SPECIFIED IN § 5-9C-02(A) OF~~  
 31 ~~THIS TITLE.~~

32           SUBTITLE 9C. ~~COMMUNITY MUNICIPAL PARKS~~ COMMUNITY PARKS AND  
 33           PLAYGROUNDS AND PLAYGROUNDS PROGRAM.

34           5-9C-01.

35           IN THIS SUBTITLE, "PROGRAM" MEANS THE ~~COMMUNITY MUNICIPAL~~  
 36 ~~PARKS~~ COMMUNITY PARKS AND PLAYGROUNDS AND PLAYGROUNDS PROGRAM.

1 **5-9C-02.**

2 (A) **THE GENERAL ASSEMBLY DECLARES THAT:**

3 (1) **IT IS STATE PUBLIC POLICY TO BOTH RESTORE EXISTING**  
 4 **PARK AND GREEN SPACE SYSTEMS AND CREATE NEW PARK AND GREEN SPACE**  
 5 **SYSTEMS IN THE ~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS OF THE STATE**  
 6 **AND BALTIMORE CITY; AND**

7 (2) **FUNDING SOURCES IN THE FORM OF FLEXIBLE GRANTS**  
 8 **~~SHOULD SHALL~~ BE MADE AVAILABLE TO ~~LOCAL GOVERNMENTS AND~~ THE**  
 9 **GOVERNING BODIES OF ~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS AND**  
 10 **BALTIMORE CITY TO REHABILITATE, EXPAND, OR IMPROVE EXISTING PARKS,**  
 11 **CREATE NEW PARKS, OR TO PURCHASE AND INSTALL PLAYGROUND EQUIPMENT**  
 12 **IN OLDER NEIGHBORHOODS AND INTENSELY DEVELOPED AREAS THROUGHOUT**  
 13 **THE STATE;**

14 (I) **REHABILITATE, EXPAND, IMPROVE, OR MAINTAIN**  
 15 **EXISTING PARKS;**

16 (II) **PURCHASE LAND TO CREATE NEW PARKS;**

17 (III) **DEVELOP NEW PARKS;**

18 (IV) **PURCHASE AND INSTALL PLAYGROUND EQUIPMENT IN**  
 19 **URBAN NEIGHBORHOODS AND RURAL AREAS THROUGHOUT THE STATE; OR**

20 (V) **BE USED FOR ENVIRONMENTALLY ORIENTED PARKS**  
 21 **AND RECREATION ~~PROGRAMS~~ PROJECTS.**

22 (B) (1) **THERE IS A ~~COMMUNITY MUNICIPAL PARKS~~ COMMUNITY**  
 23 **PARKS AND PLAYGROUNDS AND ~~PLAYGROUNDS~~ PROGRAM TO PROVIDE**  
 24 **FLEXIBLE GRANTS TO ~~LOCAL GOVERNMENTS AND~~ THE GOVERNING BODIES OF**  
 25 **~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS AND BALTIMORE CITY FOR THE**  
 26 **PURPOSES SET FORTH IN SUBSECTION (A) OF THIS SECTION.**

27 (2) **THE DEPARTMENT'S PROGRAM OPEN SPACE SHALL**  
 28 **ADMINISTER THE PROGRAM.**

29 (C) **THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS**  
 30 **SUBTITLE.**

31 **5-9C-03.**

1 THE PROGRAM ~~IS~~ MAY BE FUNDED:

2 (1) ~~UNDER § 5-903(A)(2)(IV) OF THIS TITLE FROM THE GENERAL~~  
3 FUND OF THE STATE; AND

4 (2) BY THE PROCEEDS FROM THE SALE OF STATE GENERAL  
5 OBLIGATION BONDS AS PROVIDED IN § 5-9C-04 OF THIS SUBTITLE.

6 ~~5-9C-04.~~

7 ~~IN FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER THE~~  
8 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AN AMOUNT NOT~~  
9 ~~LESS THAN \$5,000,000 FOR THE PROGRAM.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only to funding for projects that secure flexible grants through the  
12 Municipal Parks Community Parks and Playgrounds Program in accordance with  
13 Title 5, Subtitle 9C of the Natural Resources Article, as enacted by Section 1 of this  
14 Act, beginning in fiscal year 2010.

15 SECTION 3. AND BE IT FURTHER ENACTED, That, it is the intent of the  
16 General Assembly that the Community Parks and Playgrounds Program enacted by  
17 Section 1 of this Act replace the existing Community Parks and Playground Program  
18 within the Department of Natural Resources. It is also the intent of the General  
19 Assembly that, to the extent funds are available, the Governor provide funding for the  
20 Community Parks and Playgrounds Program for the purposes established under  
21 Section 1 of this Act.

22 SECTION ~~2.~~ 3. ~~4.~~ AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.