

HOUSE BILL 33

M1, L3

(PRE-FILED)

9lr0796

CF 9lr0794

By: **Delegates Holmes and Hubbard**

Requested: October 16, 2008

Introduced and read first time: January 14, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Municipal Corporations – Development Project Funds**

3 FOR the purpose of authorizing a municipal corporation to use up to a certain
4 percentage of its future annual apportionment funds from Program Open Space
5 for development projects provided that up to a specified percentage of those
6 funds may be used for capital renewal; and generally relating to the use of
7 Program Open Space development project funds by municipal corporations.

8 BY repealing and reenacting, without amendments,
9 Article – Natural Resources
10 Section 5–905(a)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2008 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Natural Resources
15 Section 5–905(c)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2008 Supplement)

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

20 **Article – Natural Resources**

21 5–905.

22 (a) (1) On or before May 1 of each year, the Department shall notify each
23 local governing body of its allocation of local acquisition and development funds for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 next fiscal year within the limits imposed by the formula developed for the
2 apportionment of the annual appropriations for Program Open Space.

3 (2) (i) By the first of July each year, a participating local governing
4 body shall submit an annual program of proposed acquisition and development
5 projects, together with a list of projects submitted by any municipal corporation to the
6 local governing body and not included in the local governing body's annual program, to
7 the Department of Planning for review and to the Department for approval.

8 (ii) A municipal corporation may submit an annual program
9 through its local governing body.

10 (3) (i) Upon review by the Department of Planning and approval
11 by the Department and the Board of Public Works, the allocated funds shall be
12 encumbered for the purposes of §§ 7-305(d)(3) and 8-128(c) of the State Finance and
13 Procurement Article, and the annual program shall become the basis for a grant
14 agreement for the total allocation to each of the local governing bodies.

15 (ii) Prior to approval of a local annual program, or any revision
16 thereof, the Department shall provide the legislators from the district within which
17 any part of the local jurisdiction is located the opportunity to review and comment on
18 the annual program or its revisions.

19 (4) Any program may be revised by the local governing body and the
20 revised program, after the Department of Planning reviews and the Department
21 approves it, shall be substituted for the original program in the grant agreement.

22 (5) (i) In accordance with the Department's regulations, upon
23 receipt of evidence from the local governing body of a county or municipal corporation
24 that funds have been spent on a project that is approved in the grant agreement, the
25 Department shall cause the requested amount of funds from the local governing body's
26 allocation to be reimbursed to the local governing body.

27 (ii) Any municipal corporation may submit evidence of
28 expenditures for approved projects through its local governing body to the
29 Department.

30 (c) (1) (i) One half of any local governing body's annual apportionment
31 shall be used for acquisition or development projects provided that up to 20 percent of
32 the funds authorized for acquisition or development projects under this subparagraph
33 may be used for capital renewal as defined in § 5-901 of this subtitle.

34 (ii) If the Department and the Department of Planning certify
35 that acquisition goals set forth in the current, approved local land preservation and
36 recreation plan have been met and that such acreage attainment equals or exceeds the
37 minimum recommended acreage goals developed for that jurisdiction under the
38 Maryland Land Preservation and Recreation Plan, a local governing body may use up
39 to 100 percent of its future annual apportionment for development projects for a period

1 of 5 years after attainment, provided that up to 20 percent of the funds authorized for
2 use for development projects under this subparagraph may be used for capital
3 renewal.

4 **(III) A MUNICIPAL CORPORATION MAY USE UP TO 100**
5 **PERCENT OF ITS FUTURE ANNUAL APPORTIONMENT FOR DEVELOPMENT**
6 **PROJECTS, PROVIDED THAT UP TO 20 PERCENT OF THE FUNDS AUTHORIZED**
7 **FOR USE FOR DEVELOPMENT PROJECTS UNDER THIS SUBPARAGRAPH MAY BE**
8 **USED FOR CAPITAL RENEWAL.**

9 ~~[(iii)]~~ (IV) If a county determines that it qualifies for the
10 additional funds for development and capital renewal projects under subparagraph (ii)
11 of this paragraph, before the due date for all local governing bodies to submit revised
12 local land preservation and recreation plans, that county may submit an interim local
13 land preservation and recreation plan:

14 1. Prior to the submission under subsection (b)(2) of this
15 section; and

16 2. In addition to the submission required under
17 subsection (b)(2).

18 (2) The State shall provide 100 percent of the total project cost of each
19 approved local acquisition project or, if federal funds are provided, 100 percent of the
20 difference between the total project cost and the federal contribution.

21 (3) (i) If the local governing body is unable to obtain federal funds
22 pursuant to § 5-906 of this subtitle, for each approved local development project the
23 State shall provide:

24 1. 75 percent of the total project cost; or

25 2. If the Department has certified pursuant to
26 paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the
27 total project cost.

28 (ii) If federal funds are provided on any acquisition or
29 development project cost, the State shall provide 50 percent of the difference between
30 the total project cost and the federal contribution. Subject to the limitation that total
31 State funds, when added to every other available fund, may not exceed 100 percent of
32 a project's cost, the minimum State contribution to a project shall be 25 percent. If the
33 federal funds are less than 50 percent of the total project cost, the State shall provide
34 an amount equal to the difference between the federal contribution and:

35 1. 75 percent of the total project cost; or

