

HOUSE BILL 783

M1, B2, Q6

9lr2311

By: **Delegates James, Bohanan, and Gaines**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Transfer Tax – Program Open Space Bonds – Land Acquisition**

3 FOR the purpose of authorizing the Department of Natural Resources, by resolution of
4 the Secretary of Natural Resources and subject to the approval of the Board of
5 Public Works, to issue certain bonds for the purpose of land acquisition;
6 providing for the use of the proceeds; dedicating certain revenues from the State
7 transfer tax to payment of principal and interest on the bonds; and generally
8 relating to the authority of the Department of Natural Resources to authorize
9 the issuance of Program Open Space bonds.

10 BY adding to

11 Article – Natural Resources

12 Section 5–902.1

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2008 Supplement)

15 BY adding to

16 Article – Tax – Property

17 Section 13–209(h)

18 Annotated Code of Maryland

19 (2007 Replacement Volume and 2008 Supplement)

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

22 **Article – Natural Resources**

23 **5–902.1.**

24 (A) (1) **SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC**
25 **WORKS, THE DEPARTMENT MAY, BY RESOLUTION OF THE SECRETARY, BORROW**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MONEY AND INCUR INDEBTEDNESS THROUGH ISSUANCE OF PROGRAM OPEN
2 SPACE BONDS.

3 (2) THE INDEBTEDNESS AUTHORIZED UNDER THIS SECTION
4 SHALL BE EVIDENCED BY THE ISSUANCE, SALE, AND DELIVERY OF PROGRAM
5 OPEN SPACE BONDS IN ACCORDANCE WITH TITLE 8, SUBTITLE 2 OF THE STATE
6 FINANCE AND PROCUREMENT ARTICLE AND ARTICLE 31, § 22 OF THE CODE.

7 (B) THE BONDS TO EVIDENCE THE INDEBTEDNESS AUTHORIZED UNDER
8 THIS SECTION OR INSTALLMENTS OF THE INDEBTEDNESS AUTHORIZED UNDER
9 THIS SECTION MAY BE SOLD AS A SINGLE ISSUE OR MAY BE CONSOLIDATED AND
10 SOLD AS PART OF A SINGLE ISSUE OF BONDS.

11 (C) THE CASH PROCEEDS OF THE SALE OF THE BONDS SHALL BE PAID
12 TO THE STATE TREASURER AND FIRST SHALL BE APPLIED TO THE PAYMENT OF
13 THE EXPENSES OF ISSUING, SELLING, AND DELIVERING THE BONDS, UNLESS
14 FUNDS FOR THIS PURPOSE ARE OTHERWISE PROVIDED, AND THEN SHALL BE
15 CREDITED ON THE BOOKS OF THE COMPTROLLER AND EXPENDED, ON
16 APPROVAL BY THE BOARD OF PUBLIC WORKS, FOR STATE LAND ACQUISITION
17 UNDER THIS SUBTITLE, INCLUDING ANY APPLICABLE ARCHITECTS' AND
18 ENGINEERS' FEES.

19 (D) (1) FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND
20 INTEREST ON THE BONDS, AS AND WHEN DUE AND UNTIL PAID IN FULL, THE
21 TRANSFER TAX UNDER TITLE 13, SUBTITLE 2 OF THE TAX - PROPERTY
22 ARTICLE IS HEREBY IMPOSED AND DEDICATED.

23 (2) THE PRINCIPAL SHALL BE DISCHARGED WITHIN 15 YEARS
24 AFTER THE DATE OF ISSUE OF THE BONDS.

25 **Article - Tax - Property**

26 13-209.

27 (H) THE AMOUNT ALLOCATED IN THE STATE BUDGET FOR LAND
28 ACQUISITION UNDER TITLE 5, SUBTITLE 9 OF THE NATURAL RESOURCES
29 ARTICLE (PROGRAM OPEN SPACE) SHALL BE APPROPRIATED IN THE FIRST
30 INSTANCE FOR PAYMENT OF PRINCIPAL AND INTEREST ON PROGRAM OPEN
31 SPACE BONDS ISSUED UNDER § 5-902.1 OF THE NATURAL RESOURCES
32 ARTICLE.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2009.