

HOUSE BILL 1415

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9lr0170

By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 25, 2009

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Program Open Space Contingency Fund**

3 FOR the purpose of altering the maximum amount that may be contained in the
4 Program Open Space Contingency Fund; and generally relating to the Program
5 Open Space Contingency Fund.

6 BY repealing and reenacting, with amendments,
7 Article – Natural Resources
8 Section 5–903.1
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2008 Supplement)

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

13 **Article – Natural Resources**

14 5–903.1.

15 (a) In this section, “Fund” means the Program Open Space Contingency
16 Fund.

17 (b) There is a Program Open Space Contingency Fund.

18 (c) The Fund is a continuing, nonlapsing, revolving fund not to exceed
19 ~~[\$250,000]~~ **\$750,000** that consists of the amount of appropriations for a capital
20 project:

21 (1) In excess of the amount needed for the capital project; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Allocated to the Fund by the Governor.

2 (d) The Fund may be used to:

3 (1) Supplement an existing appropriation for a capital project; and

4 (2) Undertake critical maintenance projects.

5 (e) (1) The Department shall evaluate each request for an expenditure
6 from the Fund.

7 (2) The Department may request the Board of Public Works to
8 authorize an expenditure from the Fund if:

9 (i) All reasonable attempts to reduce the cost of the capital
10 project have been made;

11 (ii) No practical alternative exists for securing funding to
12 complete the capital or critical maintenance project; and

13 (iii) The requested funding does not increase the scope of the
14 capital project.

15 (3) Prior to seeking approval from the Board of Public Works, the
16 Department of Natural Resources and the Department of Budget and Management
17 shall:

18 (i) Provide written notice to the budget committees on the
19 planned use of the funds; and

20 (ii) Allow 45 days for review and comment by the budget
21 committees unless the additional funds necessary do not exceed 20% of the original
22 appropriation for any project and in the judgment of the Department of Natural
23 Resources and the Department of Budget and Management that the additional funds
24 are necessary to prevent a work stoppage on the project.

25 (4) If the Board of Public Works authorizes an expenditure from the
26 Fund, the amount specified by the Board of Public Works may be transferred from the
27 Fund to the Program Open Space account to supplement the specified authorization.

28 (f) On or before January 1 of each year, the Secretary of Natural Resources
29 shall report to the General Assembly, subject to § 2-1246 of the State Government
30 Article, on the moneys:

31 (1) Deposited in the Fund;

32 (2) Authorized for expenditure from the Fund; and

1 (3) Expended from the Fund.

2 (g) Money in the Fund shall be deposited with the State Treasurer.

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