

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 357 (Dorchester County Delegation)
Environmental Matters

Natural Resources - Land Acquisition - Notification and Approval

This bill requires the Secretary of Natural Resources to notify counties of State Program Open Space (POS) land acquisition purchases in their jurisdictions that exceed \$2.0 million in State funds 45 days prior to seeking Board of Public Works (BPW) approval for the purchase. The bill prohibits State POS land acquisitions exceeding 100 acres in Dorchester County unless approval is given by the Dorchester County Council.

Fiscal Summary

State Effect: To the extent the Dorchester County Council disapproves of proposed POS acquisitions, Department of Natural Resources (DNR) POS expenditures may be redirected to other POS projects and/or other counties.

Local Effect: To the extent the Dorchester County Council disapproves POS acquisitions, DNR's POS expenditures may be redirected to other projects and/or other counties. However, Dorchester County may benefit to the extent land remains available for development and taxation.

Small Business Effect: Potential meaningful in Dorchester County.

Analysis

Current Law: At least 45 days before seeking BPW approval for the purchase of any interest in land for which the State contribution to the purchase exceeds \$2.0 million, the Secretary of Natural Resources must provide the Senate Budget and Taxation Committee and the House Appropriations Committee with (1) a description of the proposed

purchase; (2) a description of the interest DNR will hold in the property; and (3) a listing of the proposed sources of money to be used for the purchase.

The State may not acquire a tract of land in Allegany County exceeding 100 acres for open space preservation unless the Allegany County Commissioners approve the purchase.

Background: POS, established in 1969 and administered by DNR, provides funds for State and local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local jurisdiction's share is used primarily for the acquisition and development of high-impact recreational sites and facilities. As of January 6, 2010, the State share had preserved 302,538 acres and the local share had preserved 44,205 acres. While bond funds were provided most recently, POS is principally funded through special funds derived from the State's transfer tax which imposes a 0.5% tax on all real property recorded in the State.

Small Business Effect: The bill affects small businesses to the extent they are prevented from selling property in Dorchester County to DNR, or they acquire and successfully develop land in Dorchester County that otherwise would have been protected by DNR.

Additional Information

Prior Introductions: None.

Cross File: SB 746 (Senator Colburn) – Education, Health, and Environmental Affairs.

Information Source(s): Allegany County, Department of Natural Resources, Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2010
mlm/lgc

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