

Department of Legislative Services  
Maryland General Assembly  
2011 Session

FISCAL AND POLICY NOTE

House Bill 950 (Delegates Eckardt and Haddaway-Riccio)  
Environmental Matters

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Dorchester County - Land Acquisition - Approval Required

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This bill prohibits State Program Open Space (POS) land acquisitions exceeding 100 acres in Dorchester County unless approval is given by the Dorchester County Council.

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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 of proposed 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 impact in Dorchester County.

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Analysis

**Current Law:** At least 45 days before seeking Board of Public Works (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, 2011, the State share had preserved 309,234 acres and the local share had preserved 44,454 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.

At a September 2010 meeting with members of the Dorchester County Council, DNR agreed to contact the council prior to (1) starting any acquisition project in Dorchester County; and (2) going before BPW with any acquisition project in Dorchester County.

**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.

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### Additional Information

**Prior Introductions:** HB 357 of 2010 received a hearing in the House Environmental Matters Committee, but no further action was taken. Its cross file, SB 746, passed the Senate and received a hearing in the House Environmental Matters Committee, but no further action was taken.

**Cross File:** SB 25 (Senator Colburn) - Education, Health, and Environmental Affairs.

**Information Source(s):** Allegany and Dorchester counties, Department of Natural Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2011  
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