

SENATE BILL 357

M1, L6

5lr2287
CF 5lr1176

By: **Senator McFadden (By Request – Baltimore City Administration)**

Introduced and read first time: February 6, 2015

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Baltimore City Grants – Increase and**
3 **Inflation Adjustment**

4 FOR the purpose of increasing a certain statutory minimum grant to Baltimore City,
5 payable from the State's share of the proceeds of Program Open Space, for certain
6 purposes related to Program Open Space; requiring the Department of Natural
7 Resources to increase the grant by applying the growth in a certain consumer price
8 index to the amount of grants received in the prior fiscal year; providing for the
9 application of this Act; and generally relating to certain grants to Baltimore City
10 under Program Open Space.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 5–903(a)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Natural Resources
18 Section 5–903(b)
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2014 Supplement)

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

23 **Article – Natural Resources**

24 5–903.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Of the funds distributed to Program Open Space under § 13–209 of the
2 Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in the
3 State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State
4 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing
5 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used
6 for the purposes provided in that subtitle.

7 (2) (i) 1. Of the remaining funds not appropriated under paragraph
8 (1) of this subsection:

9 A. One half of the funds shall be used for recreation and open
10 space purposes by the Department and the Historic St. Mary’s City Commission; and

11 B. 20% of the funds or \$21,000,000, whichever is greater,
12 shall be appropriated to the Forest and Park Service in the Department to operate State
13 forests and parks.

14 2. Except as otherwise provided in this section, any funds the
15 General Assembly appropriates to the State under this subsection shall be used only for
16 land acquisition projects.

17 (ii) 1. At least ~~[\$1,500,000]~~ **\$6,000,000** of the State’s share of
18 funds available under subparagraph (i)1A of this paragraph for this program shall be
19 utilized to make grants to Baltimore City for projects which meet park purposes. The grants
20 shall be in addition to any funds Baltimore City is eligible to receive under subsection (b)
21 of this section, and may be used for acquisition or development. In order for Baltimore City
22 to be eligible for a State grant, the Department shall review projects or land to be acquired
23 within Baltimore City, and upon the Department’s recommendation, the Board of Public
24 Works may approve projects and land including the cost. Title to the land shall be in the
25 name of the Mayor and City Council of Baltimore City. The State is not responsible for costs
26 involved in the development or maintenance of the land.

27 2. **ON OR BEFORE JULY 1 OF EACH YEAR, THE MINIMUM**
28 **AMOUNT SPECIFIED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH FOR**
29 **GRANTS TO BALTIMORE CITY SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO**
30 **THE NEAREST \$50, THAT EQUALS THE PRODUCT OF MULTIPLYING:**

31 A. **THE AMOUNT OF THE GRANTS PROVIDED UNDER**
32 **SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IN THE PRIOR FISCAL YEAR; AND**

33 B. **THE PERCENTAGE GROWTH IN THE CONSUMER**
34 **PRICE INDEX FOR ALL URBAN CONSUMERS AS DETERMINED BY THE DEPARTMENT**
35 **UNDER SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH.**

36 3. A. **IN THIS SUBPARAGRAPH, “CONSUMER PRICE**
37 **INDEX FOR ALL URBAN CONSUMERS” MEANS THE INDEX PUBLISHED MONTHLY BY**

1 THE BUREAU OF LABOR STATISTICS OF THE U.S. DEPARTMENT OF LABOR THAT IS
2 THE U.S. CITY AVERAGE OF ALL ITEMS IN A BASKET OF CONSUMER GOODS AND
3 SERVICES.

4 B. THE PERCENTAGE GROWTH IN THE CONSUMER
5 PRICE INDEX FOR ALL URBAN CONSUMERS SHALL BE DETERMINED BY COMPARING
6 THE AVERAGE OF THE INDEX FOR THE 12 MONTHS ENDING ON THE PRECEDING
7 APRIL 30 TO THE AVERAGE OF THE INDEX FOR THE PRIOR 12 MONTHS.

8 4. IF THERE IS A DECLINE OR NO GROWTH IN THE
9 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS, THE AMOUNT OF GRANTS
10 FOR BALTIMORE CITY SHALL REMAIN UNCHANGED.

11 (iii) 1. A portion of the State's share of funds available under
12 subparagraph (i)1A of this paragraph for this program not to exceed \$8,000,000 for each
13 fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy
14 Program under Subtitle 9A of this title.

15 2. In each fiscal year, up to \$2 million of the funds
16 transferred under this subparagraph to the Rural Legacy Program may be used to purchase
17 zero coupon bonds for easements.

18 3. Sums allocated to the Rural Legacy Program may not
19 revert to the General Fund of the State.

20 (iv) The Department may acquire real property under subparagraph
21 (i)1A of this paragraph based on an offer by the State that is less than the lowest approved
22 appraisal for the property.

23 (v) For each of fiscal years 2010 through 2015, \$1,217,000 of the
24 State's share of funds available under subparagraph (i)1A of this paragraph may be
25 appropriated in the budgets of the Department, the Department of General Services, and
26 the Department of Planning for expenses necessary to administer this Program.

27 (b) (1) The General Assembly shall appropriate the remaining funds not
28 appropriated under subsection (a) of this section to assist local governing bodies in
29 acquisition and development of land for recreation and open space purposes, including the
30 provision of public access to the land.

31 (2) Except as provided in paragraph (3) of this subsection, funds
32 appropriated under paragraph (1) of this subsection for development of land for recreation
33 and open space purposes may be used for indoor or outdoor recreation and open space
34 purposes, including the construction of indoor or outdoor recreational facilities such as
35 aquatic, golf, community, and nature centers.

1 (3) An indoor recreational facility funded under paragraph (1) of this
2 subsection shall:

3 (i) If the facility is 7,500 square feet or greater, meet or exceed the
4 current version of the U.S. Green Building Council's LEED Green Building Rating System
5 Silver rating, however, the facility is not required to be certified through the LEED
6 certification process; and

7 (ii) Incorporate, to the maximum extent practicable, the
8 nonstructural site design practices in the Maryland Stormwater Design Manual,
9 incorporated by reference in COMAR 26.17.02.

10 SECTION 2. AND BE IT FURTHER ENACTED, That the inflation adjustment
11 required under § 5-903(a)(2)(ii)2 of the Natural Resources Article, as enacted by Section 1
12 of this Act, shall apply beginning in fiscal year 2017.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2015.