

# HOUSE BILL 717

M1, G2

5l0363  
CF 5l0364

---

By: **Chair, Environment and Transportation Committee (By Request –  
Departmental – Natural Resources)**

Introduced and read first time: January 27, 2025

Assigned to: Environment and Transportation

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Public Lands – Acquisition, Staffing, Operations, and**  
3 **Funding**

4 FOR the purpose of exempting certain officials or employees of the Department of Natural  
5 Resources from certain provisions of the Maryland Public Ethics Law; altering  
6 provisions of law regarding the Department's acquisition of real property;  
7 establishing a Land and Property Management Program in the Department to  
8 process certain real property transactions; authorizing the Department to establish  
9 affiliated foundations to work with certain services and offices of the Department to  
10 solicit and accept funds for certain improvements, promote certain activities, and  
11 partner with individuals and entities to support certain projects; altering the  
12 contents of the Forest or Park Reserve Fund; authorizing the Governor to transfer  
13 certain Program Open Space funds to the Department under certain circumstances  
14 and for certain uses; altering and repealing certain provisions of law regarding  
15 acreage attainment under Program Open Space; and generally relating to public  
16 lands.

17 BY repealing and reenacting, with amendments,  
18 Article – General Provisions  
19 Section 5–501, 5–502(a), 5–503(a), 5–504, and 5–608(c)  
20 Annotated Code of Maryland  
21 (2019 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Natural Resources  
24 Section 1–109, 5–212(f), 5–903(e)(3), and 5–905(c)(1)  
25 Annotated Code of Maryland  
26 (2023 Replacement Volume and 2024 Supplement)

27 BY adding to

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Natural Resources

2 Section 1–109.1; 1–1101 to be under the new subtitle “Subtitle 11. Affiliated  
3 Foundations”; and 5–903(i)

4 Annotated Code of Maryland

5 (2023 Replacement Volume and 2024 Supplement)

6 BY repealing and reenacting, without amendments,

7 Article – Natural Resources

8 Section 5–212(a) and (b)

9 Annotated Code of Maryland

10 (2023 Replacement Volume and 2024 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – General Provisions**

14 5–501.

15 **(A) THIS SECTION DOES NOT APPLY TO AN OFFICIAL OR EMPLOYEE OF THE**  
16 **DEPARTMENT OF NATURAL RESOURCES WHO ALSO SERVES AS A DIRECTOR OR AN**  
17 **OFFICIAL OF AN AFFILIATED FOUNDATION ESTABLISHED UNDER § 1–1101 OF THE**  
18 **NATURAL RESOURCES ARTICLE.**

19 **[(a)] (B)** Except as otherwise provided in subsection **[(c)] (E)** of this section, an  
20 official or employee may not participate in a matter if:

21 (1) the official or employee or a qualifying relative of the official or  
22 employee has an interest in the matter and the official or employee knows of the interest;  
23 or

24 (2) any of the following is a party to the matter:

25 (i) a business entity in which the official or employee has a direct  
26 financial interest of which the official or employee reasonably may be expected to know;

27 (ii) a business entity, including a limited liability company or a  
28 limited liability partnership, of which any of the following is an officer, a director, a trustee,  
29 a partner, or an employee:

30 1. the official or employee; or

31 2. if known to the official or employee, a qualifying relative  
32 of the official or employee;

33 (iii) a business entity with which any of the following has applied for  
34 a position, is negotiating employment, or has arranged prospective employment:

- 1                   1.     the official or employee; or
- 2                   2.     if known to the official or employee, a qualifying relative
- 3 of the official or employee;

4                   (iv)   if the contract reasonably could be expected to result in a conflict

5 between the private interest and the official State duties of the official or employee, a

6 business entity that is a party to a contract with:

- 7                   1.     the official or employee; or
- 8                   2.     if known to the official or employee, a qualifying relative
- 9 of the official or employee;

10                  (v)     a business entity, either engaged in a transaction with the State

11 or subject to regulation by the official's or employee's governmental unit, in which a direct

12 financial interest is owned by another business entity if the official or employee:

- 13                  1.     has a direct financial interest in the other business entity;
- 14 and
- 15                  2.     reasonably may be expected to know of both financial
- 16 interests; or

17                  (vi)   a business entity that:

- 18                  1.     the official or employee knows is a creditor or an obligee of
- 19 the official or employee, or of a qualifying relative of the official or employee, with respect
- 20 to a thing of economic value; and
- 21                  2.     as a creditor or an obligee, is in a position to affect directly
- 22 and substantially the interest of the official, employee, or qualifying relative.

23                  [(a-1)] (C) (1)   This subsection does not apply to an individual who is a public

24 official only as a member of a board and who receives annual compensation that is less than

25 25% of the lowest annual compensation at State grade level 16.

26                  (2)     A former regulated lobbyist who is or becomes subject to regulation

27 under this title as a public official or employee may not participate in a case, contract, or

28 other specific matter as a public official or employee for 1 calendar year after the

29 termination of the registration of the former regulated lobbyist if the former regulated

30 lobbyist previously assisted or represented another party for compensation in the matter.

31                  [(b)] (D) (1)   The prohibitions of subsection [(a)] (B) of this section do not

32 apply if participation is allowed:

1 (i) as to officials and employees subject to the authority of the Ethics  
2 Commission, by regulation of the Ethics Commission;

3 (ii) by the opinion of an advisory body; or

4 (iii) by another provision of this subtitle.

5 (2) This section does not prohibit participation by an official or employee  
6 that is limited to the exercise of an administrative or ministerial duty that does not affect  
7 the decision or disposition with respect to the matter.

8 **[(c)] (E)** (1) An official or employee who otherwise would be disqualified from  
9 participation under subsection **[(a)] (B)** of this section shall disclose the nature and  
10 circumstances of the conflict, and may participate or act, if:

11 (i) the disqualification would leave a body with less than a quorum  
12 capable of acting;

13 (ii) the disqualified official or employee is required by law to act; or

14 (iii) the disqualified official or employee is the only individual  
15 authorized to act.

16 (2) If the Governor, Lieutenant Governor, Attorney General, Treasurer, or  
17 Comptroller is required to make a disclosure under paragraph (1) of this subsection, the  
18 Governor, Lieutenant Governor, Attorney General, Treasurer, or Comptroller, as  
19 appropriate, shall send a copy of the disclosure to the presiding officers of the General  
20 Assembly and to the Ethics Commission.

21 **[(d)] (F)** (1) This subsection applies only to:

22 (i) the Governor;

23 (ii) the Lieutenant Governor;

24 (iii) the Attorney General;

25 (iv) the Treasurer;

26 (v) the Comptroller; and

27 (vi) a secretary of a principal department in the Executive Branch.

28 (2) (i) An official who takes executive action that the official knows or  
29 reasonably should know would have a material financial impact on the official or a person  
30 whose interests are attributable to the official under § 5–608 of this title shall provide the

1 Ethics Commission and the Joint Ethics Committee a description of the executive action  
2 and the circumstances of the potential impact.

3 (ii) An official is not required to make a disclosure under this  
4 paragraph if the impact is common to all members of:

- 5 1. the general public or a large class of the general public; or  
6 2. a profession or occupation of which the official is a  
7 member.

8 5-502.

9 (a) This section does not apply to:

10 (1) members of the General Assembly; OR

11 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF NATURAL  
12 RESOURCES WHO ALSO SERVES AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED  
13 FOUNDATION ESTABLISHED UNDER § 1-1101 OF THE NATURAL RESOURCES  
14 ARTICLE.

15 5-503.

16 (a) This section does not apply to:

17 (1) members of the General Assembly; OR

18 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT OF NATURAL  
19 RESOURCES WHO ALSO SERVES AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED  
20 FOUNDATION ESTABLISHED UNDER § 1-1101 OF THE NATURAL RESOURCES  
21 ARTICLE.

22 5-504.

23 (A) THIS SECTION DOES NOT APPLY TO AN OFFICIAL OR EMPLOYEE OF THE  
24 DEPARTMENT OF NATURAL RESOURCES WHO ALSO SERVES AS A DIRECTOR OR AN  
25 OFFICIAL OF AN AFFILIATED FOUNDATION ESTABLISHED UNDER § 1-1101 OF THE  
26 NATURAL RESOURCES ARTICLE.

27 [(a)] (B) (1) This subsection does not apply to members of the General  
28 Assembly.

1           (2) Except as provided in paragraph (3) of this subsection, an official or  
2 employee may not, for contingent compensation, assist or represent a party in any matter  
3 before or involving any unit of the State or a political subdivision of the State.

4           (3) Paragraph (2) of this subsection does not apply to assistance to or  
5 representation of a party:

6           (i) in a judicial or quasi-judicial proceeding, including a proceeding  
7 before an administrative law judge in the Office of Administrative Hearings, or a matter  
8 preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding; or

9           (ii) in a matter before or involving the Workers' Compensation  
10 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries  
11 Compensation Board.

12       **[(b)] (C)** (1) Except as provided in paragraph (2) of this subsection, a member  
13 of the General Assembly may not, for compensation, assist or represent a party in any  
14 matter before or involving any unit of the State or a political subdivision of the State.

15           (2) Paragraph (1) of this subsection does not apply to assistance to or  
16 representation of a party:

17           (i) in matters relating to the performance of ministerial acts by a  
18 governmental unit;

19           (ii) in matters involving the member's regular business,  
20 employment, or profession, in which contact with a governmental unit:

21                   1. is an incidental part of the business, employment, or  
22 profession;

23                   2. is made in the manner that is customary for persons in  
24 that business, employment, or profession; and

25                   3. is not for contingent compensation;

26           (iii) in a judicial or quasi-judicial proceeding, including a proceeding  
27 before an administrative law judge in the Office of Administrative Hearings, or a matter  
28 preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding;

29           (iv) in a matter before or involving the Workers' Compensation  
30 Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries  
31 Compensation Board; or

32           (v) in a matter in which the assistance or representation, other than  
33 for contingent compensation, was commenced by the member of the General Assembly  
34 before:

1                   1.     the member filed a certificate of candidacy for election to  
2 the General Assembly at a time when the member was not an incumbent; or

3                   2.     if the member was appointed to fill a vacancy, the date of  
4 appointment.

5           **[(c)] (D)**   (1)   A member of the General Assembly may not assist or represent  
6 a person, including himself or herself, for compensation before a State or local  
7 governmental agency in any matter involving:

8                   (i)    procurement; or

9                   (ii)   the adoption of regulations.

10                   (2)   Paragraph (1) of this subsection does not apply to an administrative  
11 proceeding conducted in accordance with Title 10, Subtitle 2 of the State Government  
12 Article.

13           **[(d)] (E)**   (1)   Except for a former member of the General Assembly, who shall  
14 be subject to the restrictions provided under paragraph (2) of this subsection, a former  
15 official or employee may not assist or represent a party, other than the State, in a case, a  
16 contract, or any other specific matter for compensation if:

17                   (i)    the matter involves State government; and

18                   (ii)   the former official or employee participated significantly in the  
19 matter as an official or employee.

20                   (2)   (i)    In this paragraph, “legislative action” does not include testimony  
21 or other advocacy in an official capacity as a member of the General Assembly before a unit  
22 of State or local government.

23                   (ii)   Except as provided in subparagraph (iii) of this paragraph:

24                   1.     a former member of the General Assembly may not assist  
25 or represent another party for compensation in a matter that is the subject of legislative  
26 action for 1 calendar year from the date the member leaves office; and

27                   2.     a former Governor, Lieutenant Governor, Attorney  
28 General, Comptroller, State Treasurer, or secretary of a principal department of the  
29 Executive Branch may not assist or represent another party for compensation in a matter  
30 that is the subject of legislative action for 1 calendar year from the date the official leaves  
31 State office.

32                   (iii)   The limitation under subparagraph (ii) of this paragraph on  
33 representation by a former member of the General Assembly, Governor, Lieutenant

1 Governor, Attorney General, Comptroller, State Treasurer, or secretary of a principal  
2 department of the Executive Branch does not apply to representation of a municipal  
3 corporation, county, or State governmental entity.

4 **[(e)] (F)** Notwithstanding subsection **[(a)(3)] (B)(3)** of this section or § 5–502 of  
5 this subtitle, a full–time official or employee in the Judicial Branch may not represent a  
6 party before a court or unit of the Judicial Branch except in the discharge of official duties.  
7 5–608.

8 (c) For the purposes of § 5–607 of this subtitle, interests held by a blind trust may  
9 not be considered to be interests of the person making the statement if the blind trust is  
10 approved by the Ethics Commission in accordance with regulations adopted under  
11 **[\$ 5–501(b)] § 5–501(D)** or § 5–502(c) of this title and is operated in compliance with those  
12 regulations.

### 13 **Article – Natural Resources**

14 1–109.

15 (a) **(1) IN THIS SECTION, “REAL PROPERTY INTEREST” MEANS A**  
16 **NONLEASEHOLD INTEREST IN REAL PROPERTY.**

17 **(2) “REAL PROPERTY INTEREST” INCLUDES A FEE SIMPLE**  
18 **ACQUISITION INTEREST, CONSERVATION EASEMENT INTEREST, OR ANOTHER**  
19 **PERPETUAL EASEMENT INTEREST.**

20 **(B) (1)** The Department shall negotiate the acquisition of real property  
21 **INTERESTS** for open space, recreation, conservation, and other purposes under this article.

22 (2) **[The] UNLESS OTHERWISE APPROVED BY THE BOARD OF PUBLIC**  
23 **WORKS, THE** Department shall make each acquisition under this subsection in the name  
24 of the State to the use of the Department.

25 **(3) (I) AFTER ACQUIRING A REAL PROPERTY INTEREST UNDER**  
26 **THIS SECTION, THE DEPARTMENT SHALL INCLUDE A REQUEST FOR FUNDS IN ITS**  
27 **ANNUAL BUDGET REQUEST TO THE DEPARTMENT OF BUDGET AND MANAGEMENT**  
28 **TO CREATE NEW PERMANENT, CLASSIFIED POSITIONS TO MANAGE AND ADMINISTER**  
29 **THE REAL PROPERTY.**

30 **(II) THE REQUEST FOR FUNDS SHALL BE:**

31 **1. BASED ON THE MOST RECENT DATA PROVIDED BY**  
32 **THE DEPARTMENT IN THE OPEN SPACE REPORT REQUIRED BY CHAPTER 584 OF THE**  
33 **ACTS OF THE GENERAL ASSEMBLY OF 1995; AND**



1                                   **2.     CALCULATED USING THE RATIO OF AT LEAST ONE**  
2 **PERMANENT, CLASSIFIED POSITION PER 400 ACRES OF NEWLY ACQUIRED REAL**  
3 **PROPERTY INTERESTS.**

4           **[(b)] (C)     (1)**     Except for A real property **INTEREST** that is acquired by gift **AND**  
5 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, before **[any]** A real property  
6 **INTEREST** is acquired from a private owner, the Department shall obtain two independent  
7 appraisals of the property.

8                                   **(2)     THE DEPARTMENT, WITH THE APPROVAL OF THE BOARD OF**  
9 **PUBLIC WORKS, MAY DEVELOP AND UTILIZE AN EASEMENT VALUATION SYSTEM TO**  
10 **VALUE CONSERVATION EASEMENT INTERESTS.**

11           **[(c)] (D)     (1)     [A] EXCEPT FOR A REAL PROPERTY INTEREST THAT IS**  
12 **ACQUIRED BY GIFT, A contract for the acquisition of [land] A REAL PROPERTY INTEREST**  
13 **under this section shall be approved, and MAY BE executed, by the Board of Public Works.**

14                                   **(2)**     At least 40 days before the Board of Public Works may act on a **[land]**  
15 **REAL PROPERTY INTEREST** acquisition under this section, the Department shall give  
16 written notice of a potential acquisition of **[land] A REAL PROPERTY INTEREST:**

17                                   **(i)**     To the governing body of the county in which the **[land] REAL**  
18 **PROPERTY INTEREST** is located; and

19                                   **(ii)**    If the **[land] REAL PROPERTY INTEREST** is located within a  
20 municipal corporation, to the governing body of the municipal corporation.

21                                   **(3)**     Within 30 days after receiving notice under this subsection, the  
22 governing body may submit written comments to the Department.

23           **[(d)] (E)**     The Board of Public Works shall supervise the expenditure of any  
24 money that the General Assembly appropriates for the acquisition of **[land] A REAL**  
25 **PROPERTY INTEREST** under this section.

26           **[(e)] (F)     (1)**     Subject to paragraphs (2) and (3) of this subsection, the  
27 Department may dispose of **[land] A REAL PROPERTY INTEREST** owned and managed by  
28 the Department as consideration for the acquisition of **[land] A REAL PROPERTY**  
29 **INTEREST** not owned by the Department.

30                                   **(2)**     Except as provided in paragraph (3) of this subsection, in implementing  
31 this subsection, the Department shall comply with the procedures established under Title  
32 5, Subtitle 3 and Title 10, Subtitle 3 of the State Finance and Procurement Article.

1           (3)   (i)    The Department may dispose of A real property **INTEREST**  
2 owned by the State for the use and benefit of the Department in exchange for A privately  
3 owned real property **INTEREST** without complying with the procedures established under  
4 §§ 5–301 through 5–311 or §§ 10–301 through 10–309 of the State Finance and  
5 Procurement Article, if:

6                   1.    The privately owned real property **INTEREST** subject to  
7 the exchange is adjacent to the real property **INTEREST** owned by the State for the use and  
8 benefit of the Department;

9                   2.    The real property **INTEREST** owned by the State for the  
10 use and benefit of the Department **AND** subject to the exchange is adjacent to the privately  
11 owned real property **INTEREST**;

12                  3.    The real property **INTEREST** owned by the State **AND**  
13 **SUBJECT TO THE EXCHANGE** does not exceed 5 acres in size; and

14                  4.    The owner of the privately owned real property **INTEREST**  
15 requesting the exchange pays all costs associated with the exchange of the real property  
16 **INTEREST**, including legal fees and boundary relocation, surveying, engineering, and  
17 recordation costs.

18           (ii)   Prior to a **REAL** property **INTEREST** exchange under this  
19 paragraph, the Department shall:

20                   1.    Notify in writing by electronic mail or first–class mail:

21                    A.    Owners of property adjacent to the privately owned real  
22 property **INTEREST** subject to the exchange;

23                    B.    The General Assembly members who represent the  
24 legislative district in which the real property **INTEREST** exchange is located; and

25                    C.    The governing body of the county in which the real  
26 property **INTEREST** exchange is located; and

27                   2.    Refer the proposed exchange to the Board of Public Works  
28 for final disposition.

29           **[(f)] (G)**   The Board of Public Works may exempt projects under this section from  
30 the provisions of this section.

31           **[(g)] (H)**   (1)   The Department shall adopt regulations to implement this  
32 section.

1           (2) The regulations adopted under paragraph (1) of this subsection shall  
2 include a system for appraisal review developed by the Department in consultation with  
3 the Department of General Services.

4 **1-109.1.**

5           (A) IN THIS SECTION, "PROGRAM" MEANS THE LAND AND PROPERTY  
6 MANAGEMENT PROGRAM.

7           (B) THERE IS A LAND AND PROPERTY MANAGEMENT PROGRAM IN THE  
8 DEPARTMENT.

9           (C) THE PURPOSE OF THE PROGRAM IS TO PROCESS REAL PROPERTY  
10 TRANSACTIONS THAT INVOLVE PROPERTY OWNED BY THE DEPARTMENT.

11           (D) THE PROGRAM IS RESPONSIBLE FOR:

12                   (1) PROCESSING LEASE AGREEMENTS, EASEMENTS, AND OTHER  
13 PROPERTY-RELATED DOCUMENTS; AND

14                   (2) FACILITATING ISSUING LEASES FOR DEPARTMENT HOUSING TO  
15 DEPARTMENT EMPLOYEES IN ACCORDANCE WITH THE DEPARTMENT'S  
16 RESIDENTIAL HOUSING POLICY.

17                                   SUBTITLE 11. AFFILIATED FOUNDATIONS.

18 **1-1101.**

19           (A) THE DEPARTMENT MAY ESTABLISH ONE OR MORE AFFILIATED  
20 FOUNDATIONS TO WORK WITH THE MARYLAND PARK SERVICE, THE MARYLAND  
21 FOREST SERVICE, THE WILDLIFE AND HERITAGE SERVICE, AND THE OFFICE OF  
22 OUTDOOR RECREATION.

23           (B) THE PURPOSES OF AN AFFILIATED FOUNDATION ARE TO:

24                   (1) SOLICIT AND ACCEPT FUNDS FOR IMPROVEMENTS DESIGNED TO  
25 EXPAND AND ENHANCE THE EQUITABLE USE OF AND ACCESS TO LANDS MANAGED  
26 BY THE DEPARTMENT FOR RECREATION AND CONSERVATION PURPOSES;

27                   (2) PROMOTE ACTIVITIES THAT:

28                                   (1) ENHANCE PUBLIC PROGRAMMING AND RECREATIONAL AND  
29 EDUCATIONAL OFFERINGS;

1                   **(II) RESTORE OR MAINTAIN PUBLIC ACCESS TO THE NATURAL**  
2 **RESOURCES OF THE STATE; OR**

3                   **(III) SUPPORT OPERATION AND MAINTENANCE ACTIVITIES**  
4 **WITHIN LANDS MANAGED BY THE DEPARTMENT; AND**

5                   **(3) PARTNER WITH INDIVIDUALS, CORPORATIONS, AND OTHER**  
6 **ENTITIES TO SUPPORT INNOVATIVE PROJECTS THAT ENHANCE VISITORS'**  
7 **EXPERIENCES AT LANDS MANAGED BY THE DEPARTMENT, INCLUDING EDUCATING**  
8 **VISITORS, INCREASING INCLUSIVITY, SUPPORTING SUSTAINABILITY, AND**  
9 **PROMOTING HEALTH AND WELLNESS.**

10           **(C) (1) THE DEPARTMENT SHALL:**

11                   **(I) DEVELOP POLICIES FOR OPERATING EACH AFFILIATED**  
12 **FOUNDATION THAT THE DEPARTMENT ESTABLISHES; AND**

13                   **(II) SUBMIT EACH POLICY DEVELOPED TO THE ATTORNEY**  
14 **GENERAL AND THE STATE ETHICS COMMISSION FOR REVIEW AND, IF**  
15 **APPROPRIATE, APPROVAL IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS**  
16 **SUBSECTION.**

17                   **(2) THE ATTORNEY GENERAL SHALL:**

18                   **(I) REVIEW THE POLICIES THE DEPARTMENT DEVELOPS**  
19 **UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR FORM AND LEGAL SUFFICIENCY;**  
20 **AND**

21                   **(II) IF APPROPRIATE, APPROVE THE POLICIES FOR USE IN**  
22 **GOVERNING THE AFFILIATED FOUNDATION.**

23                   **(3) THE STATE ETHICS COMMISSION SHALL:**

24                   **(I) REVIEW THE POLICIES THE DEPARTMENT DEVELOPS**  
25 **UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT PERTAIN TO CONFLICTS OF**  
26 **INTEREST; AND**

27                   **(II) IF APPROPRIATE, APPROVE THE POLICIES FOR USE IN**  
28 **GOVERNING AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT WHO ALSO SERVES**  
29 **AS A DIRECTOR OR AN OFFICIAL OF THE AFFILIATED FOUNDATION.**

30                   **(D) AN AFFILIATED FOUNDATION MAY SOLICIT AND RECEIVE**  
31 **CONTRIBUTIONS FROM BUSINESSES, GOVERNMENTAL ENTITIES, NONPROFIT**

1 ORGANIZATIONS, AND INDIVIDUALS INTERESTED IN THE PROMOTION OF LANDS  
2 MANAGED BY THE DEPARTMENT.

3 (E) (1) AN AFFILIATED FOUNDATION ESTABLISHED UNDER THIS  
4 SECTION MAY NOT BE CONSIDERED AN AGENCY OR INSTRUMENTALITY OF THE  
5 STATE OR A UNIT OF THE EXECUTIVE BRANCH FOR ANY PURPOSE.

6 (2) A FINANCIAL OBLIGATION OR LIABILITY OF AN AFFILIATED  
7 FOUNDATION ESTABLISHED UNDER THIS SECTION MAY NOT BE CONSIDERED A DEBT  
8 OR AN OBLIGATION OF THE STATE OR THE DEPARTMENT.

9 (F) (1) SECTIONS 5-501 THROUGH 5-504 OF THE GENERAL PROVISIONS  
10 ARTICLE DO NOT PROHIBIT AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT FROM  
11 ALSO BECOMING A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION  
12 ESTABLISHED UNDER THIS SECTION.

13 (2) AN OFFICIAL OR EMPLOYEE OF THE DEPARTMENT WHO SERVES  
14 AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION ESTABLISHED  
15 UNDER THIS SECTION:

16 (I) MAY NOT BE COMPENSATED, DIRECTLY OR INDIRECTLY, BY  
17 THE AFFILIATED FOUNDATION; AND

18 (II) MAY BE REIMBURSED FOR BONA FIDE EXPENSES INCURRED  
19 IN THE PERFORMANCE OF ACTIVITIES UNDERTAKEN ON BEHALF OF THE  
20 AFFILIATED FOUNDATION AS AUTHORIZED BY THE DEPARTMENT AND THE BOARD  
21 OF DIRECTORS OF THAT AFFILIATED FOUNDATION.

22 (3) (I) THE DEPARTMENT SHALL NOTIFY THE STATE ETHICS  
23 COMMISSION IN WRITING WHENEVER THE DEPARTMENT ALLOWS AN OFFICIAL OR  
24 EMPLOYEE OF THE DEPARTMENT TO SERVE AS A DIRECTOR OR AN OFFICIAL OF AN  
25 AFFILIATED FOUNDATION.

26 (II) WITHIN 30 DAYS AFTER RECEIPT OF THE NOTICE UNDER  
27 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE ETHICS COMMISSION SHALL  
28 NOTIFY THE DEPARTMENT OF ANY OBJECTIONS OR CONCERNS PERTAINING TO THE  
29 JOINT SERVICE IDENTIFIED IN THE NOTICE.

30 (III) ON RECEIPT OF A NOTICE FROM THE STATE ETHICS  
31 COMMISSION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT  
32 SHALL REEXAMINE THE JOINT SERVICE IDENTIFIED IN THE NOTICE.

1           **(4) THE DEPARTMENT SHALL REPORT ANNUALLY TO THE**  
2 **GOVERNOR, THE LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY**  
3 **IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, AND THE**  
4 **STATE ETHICS COMMISSION ON:**

5                   **(I) THE NAMES OF THE OFFICIALS AND EMPLOYEES SERVING**  
6 **AS A DIRECTOR OR AN OFFICIAL OF AN AFFILIATED FOUNDATION; AND**

7                   **(II) HOW THE POLICIES ADOPTED UNDER SUBSECTION (C) OF**  
8 **THIS SECTION HAVE BEEN IMPLEMENTED IN THE PRECEDING YEAR.**

9           **(G) EACH YEAR AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT SHALL**  
10 **AUDIT AN AFFILIATED FOUNDATION ESTABLISHED UNDER THIS SECTION.**

11 5-212.

12           (a) In this section, "Fund" means the Forest or Park Reserve Fund.

13           (b) There is a Forest or Park Reserve Fund in the Department.

14           (f) The Fund consists of:

15                   (1) Except as provided in § 5-307(f)(1)(iv) of this title, any money obtained  
16 from the State forest reserves, State parks, scenic reserves, parkways, historic monuments,  
17 and recreation areas;

18                   (2) Revenue distributed to the Fund from fines collected under § 5-1302 of  
19 this title; [and]

20                   (3) Revenue received by the Fund under § 5-207(b) of this subtitle; AND

21                   **(4) ANY MONEY TRANSFERRED TO THE FUND UNDER § 5-903(I)(3)(II)**  
22 **OF THIS TITLE.**

23 5-903.

24           (e) (3) An agreement under this subsection shall be subject to approval by the  
25 Board of Public Works under [§ 1-109(c)] **§ 1-109(D)** of this article.

26           **(I) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION OR**  
27 **THE ALLOCATION FORMULAS IN § 13-209 OF THE TAX - PROPERTY ARTICLE AND**  
28 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE GOVERNOR MAY TRANSFER**  
29 **TO THE DEPARTMENT FUNDS FROM THE PROGRAM OPEN SPACE STATE LAND**  
30 **ACQUISITION BALANCE IF:**

1           **(I) THE BALANCE IS MORE THAN \$80,000,000 AT THE END OF A**  
2 **GIVEN FISCAL YEAR; AND**

3           **(II) THE DEPARTMENT'S EXISTING SPECIAL FUND SOURCES**  
4 **ARE INSUFFICIENT TO COVER EXISTING SALARIES FOR PERMANENT, CLASSIFIED**  
5 **POSITIONS RESPONSIBLE FOR OPERATING AND MAINTAINING LANDS**  
6 **ADMINISTERED AND MANAGED BY THE DEPARTMENT.**

7           **(2) AFTER A FUND TRANSFER UNDER PARAGRAPH (1) OF THIS**  
8 **SUBSECTION, THE REMAINING BALANCE MUST BE AT LEAST \$80,000,000.**

9           **(3) (I) THE DEPARTMENT MAY USE ANY AMOUNT OF THE**  
10 **TRANSFERRED FUNDS AS A ONE-TIME FISCAL YEAR EXPENDITURE FOR:**

11                   **1. OPERATION AND MAINTENANCE OF LANDS**  
12 **ADMINISTERED AND MANAGED BY THE DEPARTMENT;**

13                   **2. ADMINISTRATIVE EXPENSES RELATED TO LAND**  
14 **ACQUIRED BY THE DEPARTMENT UNDER PROGRAM OPEN SPACE; OR**

15                   **3. LAW ENFORCEMENT ACTIVITIES, SERVICES,**  
16 **SALARIES, AND RELATED EXPENSES OF THE NATURAL RESOURCES POLICE.**

17           **(II) THE DEPARTMENT MAY TRANSFER ANY AMOUNT OF THE**  
18 **TRANSFERRED FUNDS TO THE FOREST OR PARK RESERVE FUND ESTABLISHED**  
19 **UNDER § 5-212 OF THIS TITLE.**

20           **(4) ANY FUND TRANSFER MADE UNDER THIS SUBSECTION**  
21 **SUPPLEMENTS RATHER THAN SUPPLANTS ANY OTHER FUNDING FOR OPERATION,**  
22 **MAINTENANCE, AND ADMINISTRATION OF LANDS ADMINISTERED AND MANAGED BY**  
23 **THE DEPARTMENT REGARDLESS OF THE SOURCE OF THE OTHER FUNDING.**

24 5-905.

25           (c) (1) (i) One half of any local governing body's annual apportionment  
26 shall be used for acquisition or development projects provided that up to [20 percent] **20%**  
27 of the funds authorized for acquisition or development projects under this subparagraph  
28 may be used for capital renewal as defined in § 5-901 of this subtitle.

29           (ii) [1. Except as provided in subparagraph 2 of this  
30 subparagraph, if] **IF** the Department and the Department of Planning certify that  
31 acquisition goals set forth in the current, approved local land preservation and recreation  
32 plan have been met [and that such acreage attainment equals or exceeds the minimum  
33 recommended acreage goals developed for that jurisdiction under the Maryland Land

1 Preservation and Recreation Plan], a local governing body may use up to [75 percent] **100%**  
2 of its future annual apportionment for development projects [for a period of 5 years after  
3 attainment], provided that up to [20 percent] **20%** of the funds authorized for use for  
4 development projects under this subparagraph may be used for capital renewal.

5 [2. If the Department and the Department of Planning certify  
6 that acquisition goals set forth in the current, approved local land preservation and  
7 recreation plan have been exceeded and that the acreage attainment exceeds the minimum  
8 recommended acreage goals developed for that jurisdiction under the Maryland Land  
9 Preservation and Recreation Plan, the local governing body of a jurisdiction that has more  
10 than 65,000 acres of land within the jurisdiction consisting of State forests, State parks, or  
11 wildlife management areas may use up to 100 percent of its future annual apportionment  
12 for development projects and capital renewal.]

13 (iii) If a county determines that it qualifies for the additional funds  
14 for development and capital renewal projects under subparagraph (ii) of this paragraph,  
15 before the due date for all local governing bodies to submit revised local land preservation  
16 and recreation plans, that county may submit an interim local land preservation and  
17 recreation plan:

- 18 1. Prior to the submission under subsection (b)(2) of this  
19 section; and
- 20 2. In addition to the submission required under subsection  
21 (b)(2) of this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2025.