

# HOUSE BILL 376

M1, L6  
HB 631/15 – ENV

6lr2027

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By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Carter, Clippinger, Glenn, Hammen, Hayes, Haynes, Lierman, McCray, McIntosh, Oaks, B. Robinson, Rosenberg, and M. Washington**

Introduced and read first time: January 28, 2016

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Baltimore City Grants – Increase**

3 FOR the purpose of increasing a certain statutory minimum grant to Baltimore City,  
4 payable from the State's share of the proceeds of Program Open Space, for certain  
5 purposes related to Program Open Space; and generally relating to certain grants to  
6 Baltimore City under Program Open Space.

7 BY repealing and reenacting, with amendments,  
8 Article – Natural Resources  
9 Section 5–903(a)  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2015 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Natural Resources  
14 Section 5–903(b)  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2015 Supplement)

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

19 **Article – Natural Resources**

20 5–903.

21 (a) (1) Of the funds distributed to Program Open Space under § 13–209 of the  
22 Tax – Property Article, up to \$3,000,000 may be transferred by an appropriation in the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State budget, or by an amendment to the State budget under Title 7, Subtitle 2 of the State  
2 Finance and Procurement Article, to the Maryland Heritage Areas Authority Financing  
3 Fund established under Title 13, Subtitle 11 of the Financial Institutions Article to be used  
4 for the purposes provided in that subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
24 1, 2016.