

SENATE BILL 927

M1, Q6

6lr1498
CF 6lr1499

By: **Senators Middleton, Astle, Benson, Currie, Edwards, Guzzone, King, Klausmeier, Madaleno, Mathias, McFadden, Rosapepe, and Young**

Introduced and read first time: February 5, 2016

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space Trust Fund Act of 2016**

3 FOR the purpose of establishing the Program Open Space Trust Fund; requiring certain
4 appropriations from the General Fund to the Fund to repay certain appropriations
5 or transfers from the Fund to the General Fund; providing that the Fund is a
6 continuing, nonlapsing fund not subject to certain provisions of law; providing for
7 the uses, purposes, sources of funding, and investment of money of the Fund;
8 requiring interest earnings of the Fund to be credited to the Fund; requiring that the
9 Department of Natural Resources report to certain committees of the General
10 Assembly regarding certain activities of the Fund; exempting the Fund from a
11 certain provision of law requiring interest on State money in special funds to accrue
12 to the General Fund of the State; altering the circumstances and terms under which
13 certain appropriations to the Fund must occur; requiring that certain appropriations
14 to the Fund be distributed and used for certain purposes; requiring a certain
15 appropriation to the Agricultural Land Preservation Fund; stating that the Fund be
16 considered a continuation of the Program Open Space special fund for the purposes
17 of repayment and transfers or appropriations; stating the intent of the General
18 Assembly; requiring the Department of Budget and Management to report to certain
19 committees of the General Assembly under certain circumstances; defining certain
20 terms; and generally relating to Program Open Space.

21 BY repealing and reenacting, with amendments,
22 Article – Natural Resources
23 Section 5–903(g)(1)
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2015 Supplement)

26 BY adding to
27 Article – Natural Resources
28 Section 5–903.2

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2015 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Finance and Procurement
5 Section 6–226(a)(1) and (2)(i)
6 Annotated Code of Maryland
7 (2015 Replacement Volume)

8 BY repealing and reenacting, with amendments,
9 Article – State Finance and Procurement
10 Section 6–226(a)(2)(ii)84. and 85. and 7–311(j)
11 Annotated Code of Maryland
12 (2015 Replacement Volume)

13 BY adding to
14 Article – State Finance and Procurement
15 Section 6–226(a)(2)(ii)86.
16 Annotated Code of Maryland
17 (2015 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Tax – Property
20 Section 13–209
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2015 Supplement)

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

25 **Article – Natural Resources**

26 5–903.

27 (g) (1) Any amount appropriated in the State budget, and for each subsequent
28 fiscal year, up to 25 percent of the State’s share of funds that would be available under the
29 program if 100 percent of the funds not required under § [13–209(b)] **13–209(C)** of the Tax
30 – Property Article were available for distribution as provided in § [13–209(d)(3)]
31 **13–209(E)(3)** of the Tax – Property Article may be used for capital improvements on land
32 owned by the State for the use of the Department, the Maryland Historical Trust for
33 museums operated by the Trust, or the Historic St. Mary’s Commission, if the
34 improvements are:

35 (i) Approved in the State budget; and

36 (ii) Compatible with:

- 1 1. Any master plan developed for the land; and
- 2 2. The natural features of the land.

3 **5-903.2.**

4 (A) IN THIS SECTION, "FUND" MEANS THE PROGRAM OPEN SPACE TRUST
5 FUND.

6 (B) THERE IS A PROGRAM OPEN SPACE TRUST FUND IN THE DEPARTMENT.

7 (C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING TO THE
8 DEPARTMENT FOR LAND PRESERVATION INITIATIVES AND RELATED ACTIVITIES IN
9 ACCORDANCE WITH § 13-209 OF THE TAX - PROPERTY ARTICLE AND § 5-903 OF
10 THIS SUBTITLE.

11 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
12 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

13 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY
14 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

15 (E) THE FUND CONSISTS OF:

16 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 13-209 OF THE
17 TAX - PROPERTY ARTICLE;

18 (2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

19 (3) INTEREST EARNINGS OF THE FUND; AND

20 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
21 THE BENEFIT OF THE FUND.

22 (F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING TO THE
23 DEPARTMENT FOR LAND PRESERVATION INITIATIVES AND RELATED ACTIVITIES IN
24 ACCORDANCE WITH § 13-209 OF THE TAX - PROPERTY ARTICLE AND § 5-903 OF
25 THIS SUBTITLE.

26 (G) ON OR BEFORE DECEMBER 15 EACH YEAR, IN ACCORDANCE WITH §
27 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT, IN
28 CONJUNCTION WITH THE DEPARTMENT OF AGRICULTURE, SHALL REPORT TO THE
29 SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH,
30 AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS

1 COMMITTEE, AND THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE
2 ON THE FOLLOWING ACTIVITIES PERTAINING TO THE FUND DURING THE
3 PRECEDING FISCAL YEAR:

4 (1) ALL FUNDS DEPOSITED INTO THE FUND;

5 (2) THE CUMULATIVE TOTAL OF ANY APPROPRIATIONS OR
6 TRANSFERS FROM THE FUND BEGINNING WITH FISCAL YEAR 2018, IDENTIFIED BY
7 FISCAL YEAR AND AMOUNT;

8 (3) THE TOTAL AMOUNT OF ANY APPROPRIATIONS OR TRANSFERS
9 FROM THE FUND TO PAY INTEREST ON STATE GENERAL OBLIGATION BONDS ISSUED
10 TO REPLACE FUNDS APPROPRIATED OR TRANSFERRED FROM THE FUND IN PRIOR
11 FISCAL YEARS;

12 (4) DISBURSEMENTS MADE FROM THE FUND IN ACCORDANCE WITH §
13 13-209 OF THE TAX – PROPERTY ARTICLE; AND

14 (5) ATTAINMENT OF LAND PRESERVATION GOALS BY EACH PROGRAM
15 RECEIVING REVENUES FROM THE FUND, INCLUDING:

16 (I) GOALS ESTABLISHED BY THE STATE'S LAND
17 PRESERVATION AND RECREATION PLAN; AND

18 (II) LAND PRESERVATION GOALS ATTRIBUTABLE TO THE STATE
19 UNDER THE MOST RECENT CHESAPEAKE BAY WATERSHED AGREEMENT.

20 **Article – State Finance and Procurement**

21 6-226.

22 (a) (1) Except as otherwise specifically provided by law or by regulation of the
23 Treasurer, the Treasurer shall credit to the General Fund any interest on or other income
24 from State money that the Treasurer invests.

25 (2) (i) Notwithstanding any other provision of law, and unless
26 inconsistent with a federal law, grant agreement, or other federal requirement or with the
27 terms of a gift or settlement agreement, net interest on all State money allocated by the
28 State Treasurer under this section to special funds or accounts, and otherwise entitled to
29 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
30 Fund of the State.

31 (ii) The provisions of subparagraph (i) of this paragraph do not apply
32 to the following funds:

1 84. the Economic Development Marketing Fund; [and]

2 85. the Military Personnel and Veteran–Owned Small
3 Business No–Interest Loan Fund; AND

4 **86. THE PROGRAM OPEN SPACE TRUST FUND.**

5 7–311.

6 (j) (1) Except as provided in paragraph (2) of this subsection [and § 13–209(g)
7 of the Tax – Property Article], for fiscal year 2007 and for each subsequent fiscal year, the
8 Governor shall include in the budget bill an appropriation:

9 (i) for each of the fiscal years 2017 through 2020:

10 1. to the accumulation funds of the State Retirement and
11 Pension System an amount, up to a maximum of \$50,000,000, that is equal to one–half of
12 the amount by which the unappropriated General Fund surplus as of June 30 of the second
13 preceding fiscal year exceeds \$10,000,000; and

14 2. to the Account equal to the amount by which the
15 unappropriated General Fund surplus as of June 30 of the second preceding fiscal year
16 exceeds \$10,000,000, less the amount of the appropriation under item 1 of this paragraph;
17 and

18 (ii) for fiscal year 2021 and each fiscal year thereafter, to the Account
19 equal to the amount by which the unappropriated General Fund surplus as of June 30 of
20 the second preceding fiscal year exceeds \$10,000,000.

21 (2) The appropriation required under this subsection for any fiscal year
22 may be reduced by the amount of any appropriation to the Account required to be included
23 for that fiscal year under subsection (e) of this section.

24 **Article – Tax – Property**

25 13–209.

26 **(A) IN THIS SECTION, “FUND” MEANS THE PROGRAM OPEN SPACE TRUST**
27 **FUND ESTABLISHED UNDER § 5–903.2 OF THE NATURAL RESOURCES ARTICLE.**

28 **[(a)](B)** (1) Before any other distribution under this section, in any fiscal
29 year that bonds secured by a pledge of the State transfer tax are outstanding, the revenue
30 from the transfer tax shall be used to pay, as and when due, the principal of and interest
31 on the bonds.

1 (2) The Department shall deduct the cost of administering the transfer tax
2 from the taxes collected under this title and credit those revenues to the fund established
3 under § 1–203.3 of the Corporations and Associations Article.

4 (3) Except as provided in paragraph (4) of this subsection, after deducting
5 the revenues required under paragraphs (1) and (2) of this subsection, the revenue from
6 transfer tax is payable to the Comptroller for deposit in [a special fund] **THE FUND**.

7 (4) In any fiscal year in which transfer tax revenue is used to pay debt
8 service on outstanding bonds under paragraph (1) of this subsection, the distribution of
9 revenues in [a special fund under this section] **THE FUND** and as specified in §
10 5–903(a)(2)(i)1A of the Natural Resources Article, for State land acquisition, or to the
11 Agricultural Land Preservation Fund to the extent any debt service is attributable to [that]
12 **THE AGRICULTURAL LAND PRESERVATION** Fund, shall be reduced by an amount equal
13 to the debt service for the fiscal year.

14 **[(b)](C)** For the fiscal year beginning July 1, 2002 and for subsequent fiscal
15 years, up to 3% of the revenues in the [special fund] **FUND** may be appropriated in the
16 State budget for salaries and related expenses in the Departments of General Services and
17 Natural Resources and in the Department of Planning necessary to administer Title 5,
18 Subtitle 9 of the Natural Resources Article (Program Open Space).

19 **[(c)](D)** (1) Subject to subsection **[(e)] (G)** of this section, of the balance of
20 the revenue in the [special fund] **FUND**, not required under subsection **[(b)] (C)** of this
21 section:

22 (i) for the fiscal year beginning July 1, 2002, \$47,268,585 shall be
23 allocated to the General Fund of the State and the remainder shall be allocated as provided
24 in subsection **[(d)] (E)** of this section;

25 (ii) for the fiscal year beginning July 1, 2003, \$102,833,869 shall be
26 allocated to the General Fund of the State and the remainder shall be allocated as provided
27 in the State budget;

28 (iii) for the fiscal year beginning July 1, 2004, \$147,374,444 shall be
29 allocated to the General Fund of the State, and the remainder shall be allocated as provided
30 in the State budget; and

31 (iv) for the fiscal year beginning July 1, 2005, \$68,223,132 shall be
32 allocated to the General Fund of the State and the remainder shall be allocated as provided
33 in subsection **[(d)] (E)** of this section.

34 (2) Subject to subsection **[(e)] (G)** of this section, for the fiscal years
35 beginning July 1, 2006 and each subsequent fiscal year, the balance of the revenue in the
36 [special fund] **FUND**, not required under subsection **[(b)] (C)** of this section shall be
37 allocated as provided in subsection **[(d)] (E)** of this section.

1 ~~[(d)]~~**(E)** Subject to subsections ~~[(d-1) and (e)]~~ **(F) AND (G)** of this section, for
2 the fiscal year beginning July 1, 2002 and for each subsequent fiscal year, the balance of
3 the revenue in the ~~[special fund]~~ **FUND**, not required under subsection ~~[(b)]~~ **(C)** of this
4 section and not allocated to the General Fund under subsection ~~[(c)(1)]~~ **(D)(1)** of this
5 section shall be allocated in the State budget as follows:

6 (1) (i) 75.15% for the purposes specified in Title 5, Subtitle 9 of the
7 Natural Resources Article (Program Open Space); and

8 (ii) an additional 1% for Program Open Space, for land acquisition
9 purposes as specified in § 5-903(a)(2) of the Natural Resources Article;

10 (2) 17.05% for the Agricultural Land Preservation Fund established under
11 § 2-505 of the Agriculture Article;

12 (3) 5% for the Rural Legacy Program established under § 5-9A-01 of the
13 Natural Resources Article; and

14 (4) 1.8% for the Heritage Conservation Fund established under § 5-1501
15 of the Natural Resources Article.

16 ~~[(d-1)]~~**(F)** (1) In this subsection, “eligible purpose” means a purpose, program,
17 or fund to which revenue in the ~~[special fund]~~ **FUND** is required to be allocated under
18 subsection ~~[(d)]~~ **(E)** of this section.

19 (2) For any fiscal year beginning on or after July 1, 2010, but before July
20 1, 2013, for which funding is provided for an eligible purpose through the State
21 Consolidated Capital Bond Funding Program or other bond enabling act:

22 (i) from the balance of the ~~[special fund]~~ **FUND**, before the
23 allocations under subsection ~~[(d)]~~ **(E)** of this section are made, an amount shall be allocated
24 to the General Fund of the State equal to the total amount of funding provided for eligible
25 purposes through the bond enabling act; and

26 (ii) except as otherwise expressly provided under the bond enabling
27 act through which the funding is provided, the allocations provided under subsection ~~[(d)]~~
28 **(E)** of this section shall be adjusted to reduce the amount that would otherwise be allocated
29 for each eligible purpose by the amount of funding provided for that purpose under the bond
30 enabling act.

31 (3) Notwithstanding any other provision of law, a transfer under this
32 subsection may not be taken into account for purposes of determining any allocation or
33 appropriation required under subsection ~~[(f) or (g)]~~ **(H) OR (I)** of this section.

1 [(e)](G) The sums allocated in subsection [(d)] (E) of this section may not revert
2 to the General Fund of the State.

3 [(f)](H) (1) (i) Except as provided in subparagraphs (ii) and (iii) of this
4 paragraph, for any fiscal year in which the actual transfer tax revenue collections are
5 greater than the revenue estimates used as the basis for the appropriations required under
6 this section for the fiscal year, the amount of the excess shall be allocated to the [special
7 fund] FUND under subsection [(a)] (B) of this section as provided under subsections [(c)
8 and (d)] (D) AND (E) of this section for the second fiscal year following the fiscal year in
9 which there is an excess.

10 (ii) Notwithstanding subparagraph (i) of this paragraph or any other
11 provision of law, \$21,776,868 of the transfer tax collected but not appropriated or
12 transferred in fiscal 2004 shall be transferred to the General Fund of the State.

13 (iii) Notwithstanding subparagraph (i) of this paragraph or any other
14 provision of law, in any fiscal year in which an appropriation or transfer is made from the
15 [special fund] FUND to the General Fund, if the actual transfer tax revenue collections for
16 the prior fiscal year exceed the budget estimate for the prior fiscal year, the excess shall be
17 allocated in the current fiscal year for Program Open Space, the Agricultural Land
18 Preservation Fund, the Rural Legacy Program, and the Heritage Conservation Fund.
19 Funds made available under this subparagraph shall be allocated as provided under
20 subsection [(d)] (E) of this section.

21 (2) For any fiscal year in which the actual transfer tax revenue collections
22 are less than the revenue estimates used as the basis for the appropriations required under
23 this section, the amount of the deficiency shall be reconciled as follows:

24 (i) for the first \$3,000,000 of any deficiency, the allocation to the
25 [special fund] FUND under subsection [(a)] (B) of this section as provided under
26 subsections [(c) and (d)] (D) AND (E) of this section for the second fiscal year following the
27 deficiency shall be reduced by either the amount of the deficiency or \$3,000,000, whichever
28 is less;

29 (ii) for any deficiency in excess of \$3,000,000, the amount in excess
30 of \$3,000,000 shall be reconciled either by the reduction of the allocation to the [special
31 fund] FUND under subsection [(a)] (B) of this section as provided under subsections [(c)
32 and (d)] (D) AND (E) of this section for the second fiscal year following the deficiency or by
33 the deauthorization of projects authorized in prior fiscal years;

34 (iii) for the allocation of the [special fund] FUND under subsection
35 [(a)] (B) of this section, in the fiscal year beginning July 1, 2016, transfer tax revenue
36 under-attainment from the fiscal year beginning July 1, 2014, will not be applied; and

37 (iv) transfer tax revenue in fiscal year 2015, that is in excess of
38 \$161,016,000 may be transferred by budget amendment in fiscal year 2016 for:

- 1 1. administrative expenses related to land acquisition for
2 Program Open Space;
- 3 2. critical maintenance projects in the Department of
4 Natural Resources;
- 5 3. Natural Resources Development Fund projects in the
6 Department of Natural Resources; and
- 7 4. replacement of General Fund appropriations in the
8 Maryland Park Service.

9 (3) (i) Any amounts to be deauthorized from prior fiscal years under
10 paragraph (2)(ii) of this subsection shall be proposed by the Governor in the budget of the
11 second fiscal year following the fiscal year in which there is a deficiency.

12 (ii) An amount may be deauthorized under this paragraph only as
13 provided in the State budget bill, as enacted.

14 [(g) (1) Notwithstanding § 7–311(j) of the State Finance and Procurement
15 Article, subject to paragraph (3) of this subsection, for fiscal year 2019 and for each
16 subsequent fiscal year, if the unappropriated General Fund surplus as of June 30 of the
17 second preceding year exceeds \$10,000,000, the Governor shall include in the budget bill a
18 General Fund appropriation to the special fund under subsection (a) of this section in an
19 amount equal to at least the lesser of \$50,000,000 or the excess surplus over \$10,000,000.

20 (2) For any fiscal year to which this subsection applies:

21 (i) unless the unappropriated General Fund surplus as of June 30
22 of the second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required
23 to be appropriated to the special fund under paragraph (1) of this subsection, the
24 appropriation to the Revenue Stabilization Account under § 7–311(j) of the State Finance
25 and Procurement Article is not required; and

26 (ii) if the unappropriated General Fund surplus as of June 30 of the
27 second preceding fiscal year exceeds the sum of \$10,000,000 and the amount required to be
28 appropriated to the special fund under paragraph (1) of this subsection, the appropriation
29 required to the Revenue Stabilization Account under § 7–311(j) of the State Finance and
30 Procurement Article shall equal the amount by which that surplus exceeds the sum of
31 \$10,000,000 and the amount appropriated to the special fund under paragraph (1) of this
32 subsection.

33 (3) (i) The cumulative amount required to be appropriated to the
34 special fund under paragraph (1) of this subsection for all fiscal years shall equal the
35 cumulative amount of any appropriation or transfer from the special fund to the General
36 Fund for fiscal year 2006 and for each subsequent fiscal year, reduced by:

1 1. the amount of any appropriation or transfer from the
2 General Fund to the special fund for any fiscal year in excess of the amount required under
3 paragraph (1) of this subsection for that fiscal year; and

4 2. the amount of any appropriation or transfer from the
5 General Fund to the special fund for any fiscal year in which the appropriation under
6 paragraph (1) of this subsection is not required.

7 (ii) This subsection does not apply to any fiscal year if a cumulative
8 amount has been appropriated to the special fund for prior fiscal years under this
9 subsection equal to the cumulative amount of any appropriation or transfer from the special
10 fund to the General Fund for fiscal year 2006 and for each subsequent fiscal year, reduced
11 by:

12 1. the amount of any appropriation or transfer from the
13 General Fund to the special fund for any fiscal year in excess of the amount required under
14 paragraph (1) of this subsection for that fiscal year; and

15 2. the amount of any appropriation or transfer from the
16 General Fund to the special fund for any fiscal year in which the appropriation under
17 paragraph (1) of this subsection is not required.]

18 **(I) (1) (I) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR**
19 **FISCAL YEAR 2018 A GENERAL FUND APPROPRIATION IN THE AMOUNT OF**
20 **\$5,000,000 TO THE AGRICULTURAL LAND PRESERVATION FUND ESTABLISHED**
21 **UNDER § 2-505 OF THE AGRICULTURE ARTICLE TO PROVIDE GRANTS FOR THE USE**
22 **OF THE NEXT GENERATION FARMLAND ACQUISITION PROGRAM.**

23 **(II) THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH**
24 **(I) OF THIS PARAGRAPH:**

25 1. **REPRESENTS REIMBURSEMENT FOR 5.6% OF THE**
26 **CUMULATIVE AMOUNT APPROPRIATED OR TRANSFERRED FROM THE FUND TO THE**
27 **GENERAL FUND FOR FISCAL YEAR 2006; AND**

28 2. **IS NOT SUBJECT TO THE PROVISIONS OF**
29 **SUBSECTIONS (B) THROUGH (H) OF THIS SECTION.**

30 **(2) (I) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR**
31 **FISCAL YEAR 2019 A GENERAL FUND APPROPRIATION TO THE FUND IN THE**
32 **AMOUNT OF \$45,000,000.**

33 **(II) THE APPROPRIATION REQUIRED UNDER SUBPARAGRAPH**
34 **(I) OF THIS PARAGRAPH:**

1 1. REPRESENTS REIMBURSEMENT FOR 50% OF THE
2 CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO
3 THE GENERAL FUND FOR FISCAL YEAR 2006;

4 2. IS NOT SUBJECT TO THE PROVISIONS OF
5 SUBSECTIONS (B), (C), (D), AND (H) OF THIS SECTION;

6 3. SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION
7 (E) OF THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE; AND

8 4. SHALL BE REDUCED BY THE AMOUNT OF ANY
9 APPROPRIATION FROM THE GENERAL FUND TO THE FUND THAT:

10 A. EXCEEDS THE REQUIRED APPROPRIATION UNDER
11 THIS PARAGRAPH; AND

12 B. IS IDENTIFIED AS AN APPROPRIATION FOR
13 REIMBURSEMENT UNDER THIS PARAGRAPH.

14 (3) (I) THE GOVERNOR SHALL INCLUDE IN EACH OF THE ANNUAL
15 BUDGET BILLS FOR FISCAL YEAR 2019 THROUGH FISCAL YEAR 2024 A GENERAL
16 FUND APPROPRIATION TO THE FUND IN THE AMOUNT OF \$6,000,000 AND FOR
17 FISCAL YEAR 2025 A GENERAL FUND APPROPRIATION TO THE FUND IN THE
18 AMOUNT OF \$4,000,000 FOR THE CRITICAL MAINTENANCE OF STATE PROJECTS
19 LOCATED ON LANDS MANAGED BY THE DEPARTMENT OF NATURAL RESOURCES FOR
20 PUBLIC PURPOSES.

21 (II) THE APPROPRIATIONS REQUIRED UNDER SUBPARAGRAPH
22 (I) OF THIS PARAGRAPH:

23 1. REPRESENT REIMBURSEMENT FOR 44.4% OF THE
24 CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO
25 THE GENERAL FUND FOR FISCAL YEAR 2006;

26 2. ARE NOT SUBJECT TO THE PROVISIONS OF
27 SUBSECTIONS (B), (C), (D), AND (H) OF THIS SECTION;

28 3. SHALL BE MADE UNTIL THE CUMULATIVE TOTAL
29 AMOUNT APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS EQUAL
30 TO \$40,000,000; AND

1 4. SHALL BE REDUCED BY THE AMOUNT OF ANY
2 APPROPRIATION FROM THE GENERAL FUND TO THE FUND THAT:

3 A. EXCEEDS THE REQUIRED APPROPRIATION UNDER
4 THIS PARAGRAPH;

5 B. IS IDENTIFIED AS AN APPROPRIATION FOR
6 REIMBURSEMENT UNDER THIS PARAGRAPH; AND

7 C. SUPPLEMENTS RATHER THAN SUPPLANTS THE
8 DEPARTMENT OF NATURAL RESOURCES FUNDING FOR THE CRITICAL
9 MAINTENANCE OF STATE PROJECTS ON STATE LANDS, BASED ON THE AVERAGE
10 CRITICAL MAINTENANCE BUDGET OF THE 10 YEARS PRECEDING THE
11 APPROPRIATION.

12 (J) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR
13 FISCAL YEAR 2018 A GENERAL FUND APPROPRIATION TO THE FUND THAT IS EQUAL
14 TO THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE
15 FUND TO THE GENERAL FUND FOR FISCAL YEAR 2016.

16 (2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION:

18 (I) REPRESENTS REIMBURSEMENT FOR THE CUMULATIVE
19 AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO THE GENERAL
20 FUND FOR FISCAL YEAR 2016;

21 (II) IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B),
22 (C), (D), AND (H) OF THIS SECTION;

23 (III) SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (E) OF
24 THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE; AND

25 (IV) SHALL BE REDUCED BY THE AMOUNT OF ANY
26 APPROPRIATION FROM THE GENERAL FUND TO THE FUND THAT:

27 1. EXCEEDS THE REQUIRED APPROPRIATION UNDER
28 THIS SUBSECTION; AND

29 2. IS IDENTIFIED AS AN APPROPRIATION FOR
30 REIMBURSEMENT UNDER THIS SUBSECTION.

1 **(K) (1) THE GOVERNOR SHALL INCLUDE IN THE BUDGET BILL FOR**
2 **FISCAL YEAR 2019 A GENERAL FUND APPROPRIATION TO THE FUND THAT IS EQUAL**
3 **TO THE CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE**
4 **FUND TO THE GENERAL FUND FOR FISCAL YEAR 2017.**

5 **(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION:**

7 **(I) REPRESENTS REIMBURSEMENT FOR THE CUMULATIVE**
8 **AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO THE GENERAL**
9 **FUND FOR FISCAL YEAR 2017;**

10 **(II) IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B),**
11 **(C), (D), AND (H) OF THIS SECTION;**

12 **(III) SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (E) OF**
13 **THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE; AND**

14 **(IV) SHALL BE REDUCED BY THE AMOUNT OF ANY**
15 **APPROPRIATION FROM THE GENERAL FUND TO THE FUND THAT:**

16 **1. EXCEEDS THE REQUIRED APPROPRIATION UNDER**
17 **THIS SUBSECTION; AND**

18 **2. IS IDENTIFIED AS AN APPROPRIATION FOR**
19 **REIMBURSEMENT UNDER THIS SUBSECTION.**

20 **(L) (1) IF AN APPROPRIATION OR A TRANSFER FROM THE FUND TO THE**
21 **GENERAL FUND OCCURS AFTER THE FISCAL YEAR ENDING JUNE 30, 2017, THE**
22 **GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILLS FOR EACH OF THE 3**
23 **SUCCESSIVE FISCAL YEARS FOLLOWING THE FISCAL YEAR IN WHICH A TRANSFER IS**
24 **MADE A GENERAL FUND APPROPRIATION TO THE FUND EQUAL TO ONE-THIRD OF**
25 **THE CUMULATIVE AMOUNT OF THE APPROPRIATION OR TRANSFER FROM THE FUND**
26 **TO THE GENERAL FUND FOR THE APPLICABLE FISCAL YEAR.**

27 **(2) THE APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS**
28 **SUBSECTION:**

29 **(I) REPRESENTS REIMBURSEMENT FOR THE CUMULATIVE**
30 **AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO THE GENERAL**
31 **FUND FOR THE APPLICABLE FISCAL YEAR;**

1 **(II) IS NOT SUBJECT TO THE PROVISIONS OF SUBSECTIONS (B),**
2 **(C), (D), AND (H) OF THIS SECTION;**

3 **(III) SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (E) OF**
4 **THIS SECTION AND § 5-903 OF THE NATURAL RESOURCES ARTICLE;**

5 **(IV) SHALL BE MADE UNTIL THE CUMULATIVE TOTAL**
6 **APPROPRIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS EQUAL TO THE**
7 **CUMULATIVE AMOUNT OF ANY APPROPRIATION OR TRANSFER FROM THE FUND TO**
8 **THE GENERAL FUND FOR THE APPLICABLE FISCAL YEAR; AND**

9 **(V) SHALL BE REDUCED BY THE AMOUNT OF ANY**
10 **APPROPRIATION FROM THE GENERAL FUND TO THE FUND THAT:**

11 **1. EXCEEDS THE REQUIRED APPROPRIATION UNDER**
12 **THIS SUBSECTION; AND**

13 **2. IS IDENTIFIED AS AN APPROPRIATION FOR**
14 **REIMBURSEMENT UNDER THIS SUBSECTION.**

15 **[(h)] (M) (1)** The distributions required under this subsection may not be
16 utilized or considered for the purposes of calculating any allocation or appropriation under
17 subsection **[(f)] (H)** or **[(g)] (I)** of this section.

18 (2) Notwithstanding any other provision of law, the Governor may transfer
19 funds from the **[special fund established under this section] FUND** to the General Fund as
20 follows:

21 (i) on or before June 30, 2014, \$89,198,555;

22 (ii) for the fiscal year beginning July 1, 2014, \$144,188,544;

23 (iii) for the fiscal year beginning July 1, 2015, \$115,366,700; **AND**

24 (iv) for the fiscal year beginning July 1, 2016, \$82,771,000[; and

25 (v) for the fiscal year beginning July 1, 2017, \$86,028,000].

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That the Program Open Space
27 Trust Fund established under § 5-903.2 of the Natural Resources Article, as enacted by
28 Section 1 of this Act, shall be construed to be a continuation of the special fund previously
29 established under § 13-209(a) of the Tax – Property Article.

1 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General
2 Assembly that, beginning in fiscal year 2018, the Fund return to full funding through the
3 distribution of State transfer tax revenues in accordance with the provisions of this Act.

4 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
5 Assembly that, beginning in fiscal year 2018, if the Governor appropriates or transfers
6 funds from the Program Open Space Trust Fund to the General Fund, the Department of
7 Budget and Management shall submit, in accordance with § 2-1246 of the State
8 Government Article, to the Senate Budget and Taxation Committee and the House
9 Appropriations Committee a report that:

10 (1) specifies a plan for reimbursement of the appropriation or transfer in
11 future fiscal years; and

12 (2) identifies alternative funding sources in the fiscal year in which the
13 funds are to be appropriated or transferred for the ongoing operations of programs affected
14 by the appropriation or transfer.

15 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2016.