

HOUSE BILL 105

M1

7lr0033

By: **Chair, Appropriations Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: January 16, 2017

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Apportionment Formula and Committee**

3 FOR the purpose of repealing a requirement that a certain committee adopt a certain
4 apportionment formula; requiring the Department of Natural Resources, in
5 consultation with a certain committee, to adopt an apportionment formula relating
6 to certain funds each subdivision will receive; altering the membership of a certain
7 committee; altering the date by which a certain committee must meet; altering a
8 certain factor that the apportionment formula must take into account for each
9 subdivision; repealing the authority of a certain committee, under certain
10 circumstances, to reallocate certain funds; repealing a requirement that a certain
11 committee provide certain notification and opportunity for a hearing before adopting
12 an apportionment formula and allocating certain funds; and generally relating to a
13 requirement that a certain committee develop a certain apportionment formula.

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 5–902(a) and (b)
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section 5–903(c)
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2016 Supplement)

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

26 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 5-902.

2 (a) The General Assembly declares that there is need for a program to make funds
3 available to State agencies and any subdivision to:

4 (1) Expedite acquisition of outdoor recreation and open space areas before
5 escalating cost of land prevents its purchase for public use and before potential areas are
6 devoted to some other use; and

7 (2) Accelerate development and capital renewal of needed outdoor
8 recreation facilities, including the provision of public access to the facilities.

9 (b) This program is known as Program Open Space and carries out the
10 recommendations of the 1968 Legislative Council committee on recreational areas. By
11 enacting this program, the General Assembly intends to provide funds to the State and its
12 subdivisions to enable them to acquire land for outdoor public recreation and open space
13 use and develop and provide public access to the land for public recreation.

14 5-903.

15 (c) (1) [A committee, appointed by the Governor,] **THE DEPARTMENT, IN**
16 **CONSULTATION WITH THE COMMITTEE DESCRIBED IN PARAGRAPH (2) OF THIS**
17 **SUBSECTION,** shall prepare and adopt an apportionment formula relating to the percent
18 of the total funds each subdivision will receive. [The committee consists of two members of
19 the Senate, three members of the House of Delegates, and four members of the public at
20 large.]

21 [(2) The Secretary of the Department of Planning and the Secretary shall
22 serve as advisors to the committee.]

23 **(2) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:**

24 **(I) THE SECRETARY OR THE SECRETARY'S DESIGNEE;**

25 **(II) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE**
26 **SECRETARY'S DESIGNEE;**

27 **(III) THE SECRETARY OF PLANNING, OR THE SECRETARY'S**
28 **DESIGNEE;**

29 **(IV) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
30 **OF COUNTIES, APPOINTED BY THE MARYLAND ASSOCIATION OF COUNTIES;**

1 **(V) ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION**
2 **OF COUNTY PARK AND RECREATION ADMINISTRATORS, APPOINTED BY THE**
3 **MARYLAND ASSOCIATION OF COUNTY PARK AND RECREATION ADMINISTRATORS;**
4 **AND**

5 **(VI) ONE REPRESENTATIVE OF THE MARYLAND MUNICIPAL**
6 **LEAGUE, APPOINTED BY THE MARYLAND MUNICIPAL LEAGUE.**

7 (3) **[The] ON OR BEFORE DECEMBER 1, 2017, AND EVERY 5 YEARS**
8 **THEREAFTER, OR AT THE REQUEST OF THE SECRETARY, THE** committee shall meet [at
9 least annually] to review and update the apportionment formula.

10 (4) In determining the [allocation] **APPORTIONMENT** formula, the
11 committee shall take into account for each subdivision:

- 12 (i) Current population;
- 13 (ii) [Projected population] **TRANSFER TAX REVENUE**
14 **COLLECTIONS;** and
- 15 (iii) Other factors [it] **THE COMMITTEE** deems desirable.

16 [(4) In determining the apportionment for any year the committee may
17 consider under-utilization of available funds and may transfer or advance unused
18 allocations that have not been utilized within a given period. The committee may reallocate
19 funds, subject however to the policy that over the 10-year period any subdivision shall be
20 allocated in the aggregate the funds it would have been entitled to receive if able to utilize
21 them.

22 (5) Before adopting an apportionment formula and before allocating funds
23 for any year, the committee shall notify the governing bodies of every affected subdivision
24 of its intended action and, after reasonable notice, afford an opportunity for hearings on
25 the apportionment or allocation.]

26 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
27 **1, 2017.**