

HOUSE BILL 1604

M1, L3

8lr3464

By: **Delegate Carr**

Introduced and read first time: March 3, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources – Community Parks and Playgrounds**
3 **Program**

4 FOR the purpose of authorizing a portion of certain funds to be transferred from
5 Program Open Space to the Community Parks and Playgrounds Program;
6 declaring a certain intent of the General Assembly; establishing a Community
7 Parks and Playgrounds Program; authorizing the Program to provide certain
8 grants for certain purposes; providing for the administration of the Program;
9 requiring the Secretary of Natural Resources to adopt regulations to carry out
10 the Program; providing for funding for the Program; requiring the Governor to
11 include certain funds in the annual capital budget in certain years for the
12 Program; defining a certain term; and generally relating to the Community
13 Parks and Playgrounds Program.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 5–903(a)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2007 Supplement)
19 (As enacted by Chapter 2 of the Acts of the General Assembly of the 2007
20 Special Session)

21 BY adding to
22 Article – Natural Resources
23 Section 5–9C–01 through 5–9C–04 to be under the new subtitle “Subtitle 9C.
24 Community Parks and Playgrounds Program”
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Natural Resources**

2 5–903.

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

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

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

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

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

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

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

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

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

3 (IV) 1. **A PORTION OF THE STATE'S SHARE OF FUNDS**
4 **AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR THIS**
5 **PROGRAM NOT TO EXCEED \$5,000,000 FOR EACH FISCAL YEAR MAY BE**
6 **TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE**
7 **COMMUNITY PARKS AND PLAYGROUNDS PROGRAM UNDER SUBTITLE 9C OF**
8 **THIS TITLE.**

9 2. **NOTWITHSTANDING SUBPARAGRAPH (I)2 OF THIS**
10 **PARAGRAPH, FUNDS TRANSFERRED UNDER THIS SUBPARAGRAPH TO THE**
11 **COMMUNITY PARKS AND PLAYGROUNDS PROGRAM MAY BE USED FOR**
12 **REHABILITATION OR IMPROVEMENT OF EXISTING PARKS OR TO BUY AND**
13 **INSTALL PLAYGROUND EQUIPMENT IN AREAS SPECIFIED IN § 5-9C-02(A) OF**
14 **THIS TITLE.**

15 **SUBTITLE 9C. COMMUNITY PARKS AND PLAYGROUNDS PROGRAM.**

16 **5-9C-01.**

17 **IN THIS SUBTITLE, "PROGRAM" MEANS THE COMMUNITY PARKS AND**
18 **PLAYGROUNDS PROGRAM.**

19 **5-9C-02.**

20 **(A) THE GENERAL ASSEMBLY DECLARES THAT:**

21 **(1) IT IS STATE PUBLIC POLICY TO BOTH RESTORE EXISTING**
22 **PARK AND GREEN SPACE SYSTEMS AND CREATE NEW PARK AND GREEN SPACE**
23 **SYSTEMS IN THE MUNICIPALITIES OF THE STATE; AND**

24 **(2) FUNDING SOURCES IN THE FORM OF FLEXIBLE GRANTS**
25 **SHOULD BE MADE AVAILABLE TO LOCAL GOVERNMENTS AND THE GOVERNING**
26 **BODIES OF MUNICIPALITIES TO REHABILITATE, EXPAND, OR IMPROVE EXISTING**
27 **PARKS, CREATE NEW PARKS, OR TO PURCHASE AND INSTALL PLAYGROUND**
28 **EQUIPMENT IN OLDER NEIGHBORHOODS AND INTENSELY DEVELOPED AREAS**
29 **THROUGHOUT THE STATE.**

30 **(B) (1) THERE IS A COMMUNITY PARKS AND PLAYGROUNDS**
31 **PROGRAM TO PROVIDE FLEXIBLE GRANTS TO LOCAL GOVERNMENTS AND THE**
32 **GOVERNING BODIES OF MUNICIPALITIES FOR THE PURPOSES SET FORTH IN**
33 **SUBSECTION (A) OF THIS SECTION.**

1 **(2) THE DEPARTMENT'S PROGRAM OPEN SPACE SHALL**
2 **ADMINISTER THE PROGRAM.**

3 **(C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
4 **SUBTITLE.**

5 **5-9C-03.**

6 **THE PROGRAM IS FUNDED:**

7 **(1) UNDER § 5-903(A)(2)(IV) OF THIS TITLE; AND**

8 **(2) BY THE PROCEEDS FROM THE SALE OF GENERAL OBLIGATION**
9 **BONDS AS PROVIDED IN § 5-9C-04 OF THIS SUBTITLE.**

10 **5-9C-04.**

11 **IN FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER THE**
12 **GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AN AMOUNT NOT**
13 **LESS THAN \$5,000,000 FOR THE PROGRAM.**

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
15 **October 1, 2008.**