

# SENATE BILL 1000

M1, L3

(8lr3501)

## ENROLLED BILL

—Budget and Taxation / Environmental Matters—

Introduced by **Senator Harrington**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

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;~~ providing for the application of this Act; declaring the intent of the  
13 General Assembly; defining a certain term; and generally relating to the  
14 Community Parks and Playgrounds Program.

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



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

BY adding to  
 Article – Natural Resources  
 Section 5-9C-01 through ~~5-9C-04~~ 5-9C-03 to be under the new subtitle  
 “Subtitle 9C. Community Parks and Playgrounds Program”  
 Annotated Code of Maryland  
 (2005 Replacement Volume and 2007 Supplement)

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

### Article – Natural Resources

~~5-903.~~

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

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

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

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

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

~~(ii) At least \$1,500,000 of the State’s share of funds available  
 under subparagraph (i)1A of this paragraph for this program shall be utilized to make  
 grants to Baltimore City for projects which meet park purposes. The grants shall be in~~

~~1 addition to any funds Baltimore City is eligible to receive under subsection (b) of this  
2 section, and may be used for acquisition or development. In order for Baltimore City to  
3 be eligible for a State grant, the Department shall review projects or land to be  
4 acquired within Baltimore City, and upon the Department's recommendation, the  
5 Board of Public Works may approve projects and land including the cost. Title to the  
6 land shall be in the name of the Mayor and City Council of Baltimore City. The State  
7 is not responsible for costs involved in the development or maintenance of the land.~~

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

~~12 2. In each fiscal year, up to \$2 million of the funds  
13 transferred under this subparagraph to the Rural Legacy Program may be used to  
14 purchase zero coupon bonds for easements.~~

~~15 3. Sums allocated to the Rural Legacy Program may not  
16 revert to the General Fund of the State.~~

~~17 (iv) 1. A PORTION OF THE STATE'S SHARE OF FUNDS  
18 AVAILABLE UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH FOR THIS  
19 PROGRAM NOT TO EXCEED \$5,000,000 FOR EACH FISCAL YEAR MAY BE  
20 TRANSFERRED BY AN APPROPRIATION IN THE STATE BUDGET TO THE  
21 COMMUNITY PARKS AND PLAYGROUNDS PROGRAM UNDER SUBTITLE 9C OF  
22 THIS TITLE.~~

~~23 2. NOTWITHSTANDING SUBPARAGRAPH (I)2 OF THIS  
24 PARAGRAPH, FUNDS TRANSFERRED UNDER THIS SUBPARAGRAPH TO THE  
25 COMMUNITY PARKS AND PLAYGROUNDS PROGRAM MAY BE USED FOR  
26 REHABILITATION OR IMPROVEMENT OF EXISTING PARKS OR TO BUY AND  
27 INSTALL PLAYGROUND EQUIPMENT IN AREAS SPECIFIED IN § 5-9C-02(A) OF  
28 THIS TITLE.~~

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

##### **5-9C-01.**

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

##### **5-9C-02.**

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

1           (1) IT IS STATE PUBLIC POLICY TO BOTH RESTORE EXISTING  
2 PARK AND GREEN SPACE SYSTEMS AND CREATE NEW PARK AND GREEN SPACE  
3 SYSTEMS IN THE ~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS OF THE STATE  
4 AND BALTIMORE CITY; AND

5           (2) FUNDING SOURCES IN THE FORM OF FLEXIBLE GRANTS  
6 ~~SHOULD SHALL~~ BE MADE AVAILABLE TO ~~LOCAL GOVERNMENTS AND THE~~  
7 GOVERNING BODIES OF ~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS AND  
8 BALTIMORE CITY TO REHABILITATE, EXPAND, OR IMPROVE EXISTING PARKS,  
9 PURCHASE LAND TO CREATE NEW PARKS, DEVELOP NEW PARKS, OR TO  
10 PURCHASE AND INSTALL PLAYGROUND EQUIPMENT IN OLDER URBAN  
11 NEIGHBORHOODS AND INTENSELY DEVELOPED RURAL AREAS THROUGHOUT  
12 THE STATE;

13                   (I) REHABILITATE, EXPAND, IMPROVE, OR MAINTAIN  
14 EXISTING PARKS;

15                   (II) PURCHASE LAND TO CREATE NEW PARKS;

16                   (III) DEVELOP NEW PARKS;

17                   (IV) PURCHASE AND INSTALL PLAYGROUND EQUIPMENT IN  
18 URBAN NEIGHBORHOODS AND RURAL AREAS THROUGHOUT THE STATE; OR

19                   (V) BE USED FOR ENVIRONMENTALLY ORIENTED PARKS  
20 AND RECREATION PROJECTS.

21           (B) (1) THERE IS A COMMUNITY PARKS AND PLAYGROUNDS  
22 PROGRAM TO PROVIDE FLEXIBLE GRANTS TO ~~LOCAL GOVERNMENTS AND THE~~  
23 GOVERNING BODIES OF ~~MUNICIPALITIES~~ MUNICIPAL CORPORATIONS AND  
24 BALTIMORE CITY FOR THE PURPOSES SET FORTH IN SUBSECTION (A) OF THIS  
25 SECTION.

26           (2) THE DEPARTMENT'S PROGRAM OPEN SPACE SHALL  
27 ADMINISTER THE PROGRAM.

28           (C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
29 SUBTITLE.

30 **5-9C-03.**

31 **THE PROGRAM ~~IS~~ MAY BE FUNDED:**

1 (1) ~~UNDER § 5-903(A)(2)(IV) OF THIS TITLE FROM THE GENERAL~~  
2 ~~FUND OF THE STATE; AND~~

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

5 ~~5-9C-04.~~

6 ~~IN FISCAL YEAR 2010 AND EACH FISCAL YEAR THEREAFTER THE~~  
7 ~~GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET AN AMOUNT NOT~~  
8 ~~LESS THAN \$5,000,000 FOR THE PROGRAM.~~

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
10 construed to apply only to funding for projects that secure flexible grants through the  
11 Community Parks and Playgrounds Program in accordance with Title 5, Subtitle 9C of  
12 the Natural Resources Article, as enacted by Section 1 of this Act, beginning in fiscal  
13 year 2010.

14 SECTION 3. AND BE IT FURTHER ENACTED, That, it is the intent of the  
15 General Assembly that the Community Parks and Playgrounds Program enacted by  
16 Section 1 of this Act replace the existing Community Parks and Playgrounds Program  
17 within the Department of Natural Resources. It is also the intent of the General  
18 Assembly that, to the extent funds are available, the Governor provide funding for  
19 the Community Parks and Playgrounds Program for the purposes established under  
20 Section 1 of this Act.

21 SECTION ~~2~~ 3 ~~4~~. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect October 1, 2008.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.