

West's Annotated Code of Maryland

Natural Resources

Title 5. Forests and Parks (Refs & Annos)

Subtitle 9. Program Open Space (Refs & Annos)

MD Code, Natural Resources, § 5-901

§ 5-901. Definitions

Currentness

In general

(a) In this subtitle the following terms have the meanings indicated.

Annual program

(b) "Annual program" means a schedule of acquisition or development for one fiscal year.

Capital renewal

(c)(1) "Capital renewal", except as provided in subsection (1)(5) of this section, means renewal of a capital project for which an improvement is necessary to ensure the physical integrity of:

(i) A facility;

(ii) Fixed equipment; or

(iii) An existing physical improvement.

(2) "Capital renewal" does not include:

(i) Preventive, routine, or operational maintenance projects instituted to ensure:

1. The aesthetic appeal of a project;
2. The general daily upkeep of a project; or
3. The maintenance of grounds surrounding a project; or

(ii) Preventive, routine, or operational road maintenance projects except for those park or recreation area road maintenance projects identified in the Governor's operating budget or the consolidated capital budget.

Funds available under this program

(d) "Funds available under this program" means the proceeds of Program Open Space and the annual apportionment of allocation of the Land and Water Conservation Fund to the State by the United States Department of Interior, National Park Service.

Governmental agency

(e) "Governmental agency" means the Department of Recreation and Parks of a local governing body which currently provides or is charged by the local governing body with providing public outdoor recreation and open space areas.

Land trust

(f) "Land trust" has the meaning stated in § 3-2A-01(d) of this article.

Local governing body

(g) "Local governing body" means the Maryland-National Capital Park and Planning Commission and the governing body of any county or Baltimore City.

Local projects

(h) "Local projects" means acquisition or development of projects sponsored by the local governing bodies or their units, and

in the case of Baltimore City it also means operation and maintenance of projects as provided in subsection (l) of this section.

Municipal corporation

(i) “Municipal corporation” means the incorporated towns of the State as defined in Article XI-E of the Maryland Constitution.

Subdivision

(j) “Subdivision” means one of the 23 counties of the State or Baltimore City.

Targeted areas

(k) “Targeted areas” means those resource areas facing the most intense or immediate development pressure as identified and recommended for State acquisition efforts under the Maryland Land Preservation and Recreation Plan.

Total project cost

(l) “Total project cost” means every direct cost attributable to a particular project, including the cost of:

(1) Materials;

(2) Equipment;

(3) Other capital expenditures;

(4) Acquisition of land including any incidental cost relating to acquisition of interests in real property, such as the cost of surveys, appraisals, title search, and legal fees, if the total projects which are reimbursed for incidental costs are limited to the fee schedules approved by the Board of Public Works for the incidental costs, which schedules shall be contained in regulations adopted by the Department of Natural Resources, with the approval of the Board of Public Works, in accordance with Title 10, Subtitle 1 of the State Government Article; or

(5) For Baltimore City operation and maintenance of any recreational facilities owned and operated by the City, if the amount of the funds expended does not exceed the proportion of the allocation to Baltimore City which is derived from current revenues, as distinguished from proceeds of bond issues.

Credits

Added by Acts 1973, 1st Sp. Sess., c. 4, § 1, eff. Jan. 1, 1974. Amended by Acts 1974, c. 685, § 1; Acts 1975, c. 256; Acts 1978, c. 530; Acts 1979, c. 358; Acts 1980, c. 200; Acts 1987, c. 641; [Acts 1990, c. 6, § 2](#); [Acts 1990, c. 63](#); [Acts 1992, c. 575](#); [Acts 1993, c. 5, § 1](#); [Acts 1995, c. 584, § 1, eff. Oct. 1, 1995](#).

Formerly Art. 66C, § 375C.

MD Code, Natural Resources, § 5-901, MD NAT RES § 5-901
Current through all legislation from the 2016 Regular Session of the General Assembly

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MD Code, Natural Resources, § 5-902

§ 5-902. Legislative findings

Effective: October 1, 2014

[Currentness](#)

Acquisition, development, and renewal of outdoor recreation and open space areas

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

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

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

Program Open Space to carry out recommendations of 1968 Legislative Council

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

Funding program

(c)(1) To effectuate the purposes of this section, the General Assembly has established a transfer tax funding program under Title 13, Subtitle 2 of the Tax--Property Article.

(2) In addition to or in lieu of the funding under paragraph (1) of this subsection, Program Open Space funding may be

provided in the State Consolidated Capital Bond Funding Program or in a separate bond enabling act.

(3) In any fiscal year for which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, except as otherwise expressly provided under the bond enabling act through which the funding is provided:

(i) The debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5-903 of this subtitle; and

(ii) For fiscal years 2011 through 2013 only, the allocations provided under § 5-903 of this subtitle of the funds distributed to Program Open Space under § 13-209 of the Tax--Property Article shall be adjusted to reduce the amount that would otherwise be allocated for any purpose by the amount of funding provided for that purpose under the bond enabling act.

Credits

Added by Acts 1976, c. 183, § 2. Amended by Acts 1995, c. 584, § 1, eff. Oct. 1, 1995; Acts 2004, c. 135, § 1, eff. June 1, 2004; Acts 2004, c. 432, § 2, eff. June 1, 2004; Acts 2009, c. 419, § 1, eff. June 1, 2009; Acts 2009, c. 487, § 1, eff. June 1, 2009; Acts 2014, c. 452, § 1, eff. Oct. 1, 2014.

MD Code, Natural Resources, § 5-902, MD NAT RES § 5-902

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