

WHEREAS, Chapter 403 of the Laws of Maryland of 1969 (the "Act") authorized and directed the Board of Public Works to issue a State loan to be known as the "Outdoor Recreation Land Loan of 1969" in the aggregate amount of \$60,000,000, the net actual cash proceeds of which are to be expended to fund Program Open Space; and

WHEREAS, It was the intention of the General Assembly of Maryland in enacting the Act that the bonds evidencing the Outdoor Recreation Land Loan of 1969 would be sold over a 5-year period, beginning with the fiscal year 1969-1970, and that appropriation of the net actual cash proceeds realized from the sale of such bonds could be made annually by Acts of the General Assembly of Maryland designating the State and local projects to which such proceeds should be allocated, and

WHEREAS, The primary source of debt service for the Outdoor Recreation Land Loan of 1969 is the State Property Transfer Tax laid by Section 6 of the Act and imposed pursuant to the provisions of Section 278A of Article 81 of the Annotated Code of Maryland as set forth in Section 10 of the Act and the secondary source of such debt service is the *ad valorem* property tax levied by Section 7 of the Act; and

WHEREAS, Question has been raised as to whether, considering the decisions of the Court of Appeals of Maryland in *Panitz v. Comptroller*, 247 Md. 501 (1967), and *Balenson v. Maryland Airport Authority*, 253 Md. 490 (1969), the General Assembly of Maryland can make the annual appropriations intended to be made under the Act without in the same bill expressly providing for the collection of an annual tax or taxes sufficient to cover the debt service on the bonds which will be sold under the Act to fund such appropriations; and

WHEREAS, The General Assembly wishes to resolve any such question by repealing the tax provisions of the Act, being Sections 6 and 7 thereof, as amended by Chapter 4 of the Acts of the Special Session of December 16, 1969 and re-enacting those provisions without change, and by adding new Sections 11A, ~~11B~~ and ~~11C~~, AND 11B to the Act, which allocates funds for the fiscal year 1971; now, therefore

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Sections 6 and 7 of Chapter 403 of the Acts of the General Assembly of 1969, as amended by Chapter 4 of the Acts of the Special Session of December 16, 1969, be and they are hereby repealed and re-enacted, without change, to read as follows:

6.

That for the primary source of payment of the principal of and the interest on the bonds or Certificates of Indebtedness issued under the provisions of this Act as the same become due and payable, there shall be and is hereby laid an annual tax which shall consist of such amounts as may be necessary of the proceeds of the tax on written instruments, imposed pursuant to the provisions of Section 278A of Article 81 of the Annotated Code of Maryland as set forth in Section 10 of this Act.