

**Article - Natural Resources**

5-903.1.

(A) IN THIS SECTION, "FUND" MEANS THE PROGRAM OPEN SPACE CONTINGENCY FUND.

(B) THERE IS A PROGRAM OPEN SPACE CONTINGENCY FUND.

(C) THE FUND IS A CONTINUING, NONLAPSING, REVOLVING FUND NOT TO EXCEED \$250,000 THAT CONSISTS OF THE AMOUNT OF APPROPRIATIONS FOR A CAPITAL PROJECT:

(1) IN EXCESS OF THE AMOUNT NEEDED FOR THE CAPITAL PROJECT;  
AND

(2) ALLOCATED TO THE FUND BY THE GOVERNOR.

(D) THE FUND MAY BE USED TO:

(1) SUPPLEMENT AN EXISTING APPROPRIATION FOR A CAPITAL PROJECT; AND

(2) UNDERTAKE CRITICAL MAINTENANCE PROJECTS.

(E) (1) THE DEPARTMENT SHALL EVALUATE EACH REQUEST FOR AN EXPENDITURE FROM THE FUND.

(2) THE DEPARTMENT MAY REQUEST THE BOARD OF PUBLIC WORKS TO AUTHORIZE AN EXPENDITURE FROM THE FUND IF:

(I) ALL REASONABLE ATTEMPTS TO REDUCE THE COST OF THE CAPITAL PROJECT HAVE BEEN MADE;

(II) NO PRACTICAL ALTERNATIVE EXISTS FOR SECURING FUNDING TO COMPLETE THE CAPITAL OR CRITICAL MAINTENANCE PROJECT; AND

(III) THE REQUESTED FUNDING DOES NOT INCREASE THE SCOPE OF THE CAPITAL PROJECT; AND PROJECT.

~~(IV) THE DEPARTMENT HAS PROVIDED WRITTEN NOTICE TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE REQUEST AND THE PLANNED USE OF THE FUNDS.~~

(3) PRIOR TO SEEKING APPROVAL FROM THE BOARD OF PUBLIC WORKS, THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND MANAGEMENT SHALL:

(I) PROVIDE WRITTEN NOTICE TO THE BUDGET COMMITTEES ON THE PLANNED USE OF THE FUNDS; AND

(II) ALLOW 45 DAYS FOR REVIEW AND COMMENT BY THE BUDGET COMMITTEES UNLESS THE ADDITIONAL FUNDS NECESSARY DO NOT EXCEED 20% OF THE ORIGINAL APPROPRIATION FOR ANY PROJECT AND IN THE JUDGMENT OF THE