

Chapter 470

(Senate Bill 421)

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Increased Allocation for Local Government

FOR the purpose of altering the amount a local government can spend on development projects after it has attained its acquisition goals under Program Open Space; repealing a certain limitation on the use of certain funds; authorizing a local government to use a certain amount of certain funds only for certain purposes; providing for the termination of this Act; and generally relating to the apportionment of local government funds for Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–905(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article – Natural Resources

5–905.

(c) (1) (i) One half of any local governing body's annual apportionment shall be used for acquisition or development projects provided that up to 20 percent of the funds authorized for acquisition or development projects under this subparagraph may be used for capital renewal as defined in § 5–901 of this subtitle.

(ii) If the Department and the Department of Planning certify that acquisition goals set forth in the current, approved local land preservation and recreation plan have been met and that such acreage attainment equals or exceeds the minimum recommended acreage goals developed for that jurisdiction under the Maryland Land Preservation and Recreation Plan, a local governing body may use up to [75] 100 percent of its future annual apportionment for development projects [for a period of 5 years after attainment], provided that up to 20 percent of the funds authorized for use for development projects under this subparagraph may be used for capital renewal.

(iii) If a county determines that it qualifies for the additional funds for development and capital renewal projects under subparagraph (ii) of this paragraph, before the due date for all local governing bodies to submit revised local land preservation and recreation plans, that county may submit an interim local land preservation and recreation plan:

1. Prior to the submission under subsection (b)(2) of this section; and

2. In addition to the submission required under subsection (b)(2).

(IV) IF A COUNTY QUALIFIES FOR THE ADDITIONAL FUNDS FOR DEVELOPMENT PROJECTS UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, 25% OF THE FUNDS MAY BE USED ONLY FOR:

1. LAND ACQUISITION;

2. REPAIR OR RENOVATION OF EXISTING RECREATIONAL FACILITIES OR STRUCTURES; OR

3. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, CAPITAL RENEWAL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011. It shall remain effective for a period of 3 years and, at the end of May 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2011.