

# HOUSE BILL 1224

M1

(71r0044)

## **ENROLLED BILL**

— *Environmental Matters/ Education, Health, and Environmental Affairs* —  
Introduced by **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

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.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Program Open Space – Use of Acquisition Funds**

3 FOR the purpose of authorizing the use of acquisition funds under Program Open  
4 Space for certain purposes; providing that the costs to perform certain activities  
5 may not exceed 10 percent of the purchase price of the land; ~~increasing the~~  
6 ~~percentage of funds that a local government can spend on development projects~~  
7 ~~after it has attained its acquisition goals under Program Open Space;~~ and  
8 generally relating to the use of funds for Program Open Space.

9 BY repealing and reenacting, with amendments,

---

### 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.*



1 Article – Natural Resources  
 2 Section 5–903(f) ~~and 5–905(e)(1)~~  
 3 Annotated Code of Maryland  
 4 (2005 Replacement Volume and 2006 Supplement)

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

7 **Article – Natural Resources**

8 5–903.

9 (f) (1) Subject to the limitation under paragraph (2) of this subsection,  
 10 the Department may use acquisition funds to:

11 (I) [stabilize] **STABILIZE** the structural integrity of  
 12 improvements existing on land at the time of acquisition;

13 (II) **ELIMINATE HAZARDS TO HEALTH AND SAFETY,**  
 14 **INCLUDING TREATMENT AND REMOVAL OF HAZARDOUS MATERIALS; AND**

15 (III) **PROTECT WATER QUALITY BY IMPLEMENTING**  
 16 **ENVIRONMENTAL IMPROVEMENTS, INCLUDING SHORE EROSION CONTROL**  
 17 **MEASURES AND VEGETATED BUFFERS.**

18 (2) The costs to [stabilize the structural integrity of improvements  
 19 existing on land at the time of acquisition] **PERFORM ANY OF THE ACTIVITIES**  
 20 **DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION** may not exceed 10 percent of  
 21 the purchase price of the land.

22 ~~5–905.~~

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

27 ~~(ii) If the Department and the Department of Planning certify~~  
 28 ~~that acquisition goals set forth in the current, approved local land preservation and~~  
 29 ~~recreation plan have been met and that such acreage attainment equals or exceeds the~~  
 30 ~~minimum recommended acreage goals developed for that jurisdiction under the~~  
 31 ~~Maryland Land Preservation and Recreation Plan, a local governing body may use up~~

1 ~~to [75] 100 percent of its future annual apportionment for development projects for a~~  
2 ~~period of 5 years after attainment, provided that up to 20 percent of the funds~~  
3 ~~authorized for use for development projects under this subparagraph may be used for~~  
4 ~~capital renewal.~~

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

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

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

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 ~~October~~ June 1, 2007.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
Speaker of the House of Delegates.

\_\_\_\_\_  
President of the Senate.