

HOUSE BILL 1224

M1

71r0044

By: **Chair, Environmental Matters Committee (By Request – Departmental – Natural Resources)**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

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,
10 Article – Natural Resources
11 Section 5–903(f) and 5–905(c)(1)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

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

16 **Article – Natural Resources**

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.



1 5-903.

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

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

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

8 (III) **PROTECT WATER QUALITY BY IMPLEMENTING**
9 **ENVIRONMENTAL IMPROVEMENTS, INCLUDING SHORE EROSION CONTROL**
10 **MEASURES AND VEGETATED BUFFERS.**

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

15 5-905.

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

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

29 (iii) If a county determines that it qualifies for the additional
30 funds for development and capital renewal projects under subparagraph (ii) of this
31 paragraph, before the due date for all local governing bodies to submit revised local

1 land preservation and recreation plans, that county may submit an interim local land
2 preservation and recreation plan:

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.