

CHAPTER 270

(House Bill 1224)

AN ACT concerning

Program Open Space – Use of Acquisition Funds

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

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–903(f) ~~and 5–905(e)(1)~~

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)

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

Article – Natural Resources

5–903.

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

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

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

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

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

~~5-905.~~

~~(e) (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).~~

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

Approved by the Governor, April 24, 2007.