

SENATE BILL 259

M1
SB 49/07 – EHE

8lr0877

By: **Senators Middleton and Edwards (Joint Subcommittee on Program Open Space/Agricultural Land Preservation) and Senators Astle, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Greenip, Haines, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin**

Introduced and read first time: January 24, 2008

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 2008

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of altering the amount a local government can spend on development
5 projects after it has attained its acquisition goals under Program Open Space;
6 providing for the termination of this Act; and generally relating to the
7 apportionment of local government funds for Program Open Space.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–905(c)(1)
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)

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

15 **Article – Natural Resources**

16 5–905.

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

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

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 June 1, 2008. It shall remain effective for a period of 2 years and, at the end of May 31,
 25 2010, with no further action required by the General Assembly, this Act shall be
 26 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.