

Chapter 406

(Senate Bill 116)

AN ACT concerning

Program Open Space – Attainment of Acquisition Goals – Local Government Apportionment and Use of Funds

FOR the purpose of altering the amount a certain local government may spend on development projects and capital renewal after it has ~~attained~~ exceeded its acquisition goals under Program Open Space; repealing a certain limitation on the use of certain funds for a certain local government; requiring the Joint Subcommittee on Program Open Space and Agricultural Land Preservation to review a certain standard, make a certain determination, and report to certain committees of the General Assembly on or before a certain date; and generally relating to the apportionment and use 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
 (2012 Replacement Volume and 2016 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) **1.** ~~¶~~ **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, 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~~ **AND** capital renewal.

2. 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 EXCEEDED AND THAT THE ACREAGE ATTAINMENT EXCEEDS THE MINIMUM RECOMMENDED ACREAGE GOALS DEVELOPED FOR THAT JURISDICTION UNDER THE MARYLAND LAND PRESERVATION AND RECREATION PLAN, THE LOCAL GOVERNING BODY OF A JURISDICTION THAT HAS MORE THAN 65,000 ACRES OF LAND WITHIN THE JURISDICTION CONSISTING OF STATE FORESTS, STATE PARKS, OR WILDLIFE MANAGEMENT AREAS MAY USE UP TO 100 PERCENT OF ITS FUTURE ANNUAL APPORTIONMENT FOR DEVELOPMENT PROJECTS AND 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) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That the Joint Subcommittee on Program Open Space and Agricultural Land Preservation shall:

(1) review the State's standard for land acquisition of 30 acres per 1,000 people to determine whether adjustments may be made to the standard to encourage the additional acquisition of land under Program Open Space; and

(2) on or before October 1, 2018, report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, May 4, 2017.