

SENATE BILL 421

M1

(11r1709)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Edwards and Middleton**

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.

President.

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 repealing a certain limitation on the use of certain funds; *authorizing a local*
7 *government to use a certain amount of certain funds only for certain purposes;*
8 *providing for the termination of this Act;* and generally relating to the
9 apportionment of local government funds for Program Open Space.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section 5–905(c)(1)
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2010 Supplement)

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

3 **Article – Natural Resources**

4 5–905.

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

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

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

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

25 2. In addition to the submission required under
26 subsection (b)(2).

27 **(IV) IF A COUNTY QUALIFIES FOR THE ADDITIONAL FUNDS**
28 **FOR DEVELOPMENT PROJECTS UNDER SUBPARAGRAPH (II) OF THIS**
29 **PARAGRAPH, 25% OF THE FUNDS MAY BE USED ONLY FOR:**

30 **1. LAND ACQUISITION;**

31 **2. REPAIR OR RENOVATION OF EXISTING**
32 **RECREATIONAL FACILITIES OR STRUCTURES; OR**

33 **3. SUBJECT TO SUBPARAGRAPH (II) OF THIS**
34 **PARAGRAPH, CAPITAL RENEWAL.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2011. It shall remain effective for a period of 3 years and, at the end of May 31,
3 2014, with no further action required by the General Assembly, this Act shall be
4 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.