

(3) The amount of the State grant to be made for any facility shall be determined after due consideration of all pending eligible applicants, the total of unallocated State Funds available at the time the application is received, and such priorities of area need as may have been established by the State Department of Health and Mental Hygiene.

(4) If, at any time within fifteen (15) years after completion of construction, an institution with respect to which funds have been paid under the provisions of this Act

(i) is sold or transferred to any person, agency, or organization which would not itself qualify as an applicant under the terms of this Act, or which is not approved as a transferee by the Secretary of Health and Mental Hygiene, or

(ii) ceases to be a public or ~~[[nonprofit]]~~ non-profit facility, as defined in this Act, then the State shall be entitled to recover from either the transferor ~~[[to]]~~ or transferee thereof or, in the case of an institution which has ceased to be a public or nonprofit facility, from the owner thereof, an amount bearing the same ratio to the then value (as determined by agreement of the ~~[[parties]]~~ State and such transferor or transferee or by action brought in a court of competent jurisdiction) of so much of the institution as constituted an approved project, as the amount of the State participation bore to the cost of the construction under that project. This right of recovery may not constitute a lien upon the property of the institution prior to this determination. All funds recovered pursuant to this right of recovery shall be deposited in the Annuity Bond Fund. The Secretary of Health and Mental Hygiene may waive the State's right of recovery if he determines that there is good cause for releasing the applicant or other owner from this obligation.

(e) The application in the first instance shall be directed to the Secretary of Health and Mental Hygiene. Upon the approval of the project and project plans by the Secretary of Health and Mental Hygiene, he shall promptly report the application to the Board of Public Works, together with his report that the project has been approved by him and that the Board of Public Works should make available the necessary funds as provided hereunder.

(f) The Board of Public Works shall make allocations from moneys available under this Act in accordance with the provisions, stipulations and limitations hereof. The Board of Public Works shall certify the allocation of State funds to the Treasurer of