

CONSEQUENTIAL DAMAGES, PAID TO PROPERTY OWNERS IN ACQUIRING THE PROPERTY; AND

(III) THE COST OF APPRAISALS, LEGAL SERVICES, COURT COSTS, RECORDING FEES, AND OTHER RELATED AND NECESSARY SERVICES INCURRED IN ACQUIRING THE PROPERTY.

(C) LIMIT ON EXPENDITURES.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE ADMINISTRATION MAY SPEND NOT MORE THAN \$5-MILLION FROM THE RIGHT-OF-WAY REVOLVING FUND IN ANY FISCAL YEAR.

(2) IF THE ADMINISTRATION SPENDS LESS THAN \$5-MILLION FROM THE FUND IN ANY ONE FISCAL YEAR, THE BALANCE MAY BE SPENT IN ANY OTHER FISCAL YEAR FOR ANY PURPOSE PERMITTED BY THIS SECTION.

(D) REIMBURSEMENT OF FUND.

(1) WHEN A CONTRACT IS AWARDED FOR ANY PROJECT FOR WHICH PROPERTY WAS PURCHASED FROM THE RIGHT-OF-WAY REVOLVING FUND, THE FUND SHALL BE REIMBURSED OR CREDITED AS PROVIDED IN THIS SUBSECTION.

(2) IF THE PROPERTY WAS ACQUIRED FOR A STATE POLICE POST SITE, THE MARYLAND STATE POLICE SHALL REIMBURSE THE FUND FOR THE MONEY SPENT, INCLUDING INTEREST FROM THE DATE OF ACQUISITION TO THE DATE OF REPAYMENT AT THE RATE PAID BY THE ADMINISTRATION FOR THE MONEY.

(3) IF THE PROPERTY WAS ACQUIRED FOR A HIGHWAY PROJECT, THE ADMINISTRATION SHALL CHARGE THE ENTIRE COST OF ACQUIRING THE PROPERTY AGAINST THE CONTRACT AND CREDIT THAT AMOUNT TO THE FUND.

(E) DESIGNATION OF FUND.

THE RIGHT-OF-WAY REVOLVING FUND SHALL BE DESIGNATED SPECIALLY ON THE BOOKS OF THE DEPARTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 89B, §211Q.

Subsection (a) of this section is revised to clarify that the Fund is "in the Transportation Trust Fund".

Throughout this section, present references to the acquisition of "rights-of-way" are revised to refer to the acquisition of "property". Although the term "right-of-way", as used here, has come to mean "property", including a fee simple interest, the term arguably could be construed to include only easements.