

2. Are on a tributary of the bay and are near the bay;

(ii) Are near a population center;

(iii) Are readily accessible by the public; and

(iv) Would fulfill a need for public water access identified in the Maryland Land Preservation and Recreation Plan or a local land preservation and recreation plan.

(5) (i) [The] BEFORE THE Department [may not make] MAKES AN EXPENDITURE [expenditures] from the Bay Access Areas [Fund until the] FUND, THE DEPARTMENT SHALL SUBMIT THE PROPOSED EXPENDITURE WITH COMPLETE SUPPORTING DOCUMENTATION TO THE budget committees of the General Assembly [have approved the release of the funds] FOR REVIEW AND COMMENT BY THOSE COMMITTEES.

(ii) The budget committees [of the General Assembly shall be deemed to have approved the release of funds for a project if they fail to respond within 45 days after written notice by the Department of a proposed project] HAVE 45 DAYS AFTER RECEIPT OF THE DOCUMENTATION TO SUBMIT COMMENTS TO THE BOARD OF PUBLIC WORKS.

(6) Any expenditure of funds from the Bay Access Areas Fund is subject to the approval of the Board of Public Works.

(D) (1) NOTWITHSTANDING § 4-412 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE DEPARTMENT AND THE MARYLAND ENVIRONMENTAL TRUST, WITH THE APPROVAL OF THE BOARD OF PUBLIC WORKS, MAY:

(I) USE STATE PROJECT FUNDS UNDER PROGRAM OPEN SPACE TO CONTRIBUTE TOWARDS, OR REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR, A PORTION OF THE COSTS OF ACQUIRING ANY FEE TITLES, RESTRICTIVE COVENANTS, OR CONSERVATION EASEMENTS FOR WHICH THE DEPARTMENT OF TRANSPORTATION SPENDS FEDERAL FUNDS FOR TRANSPORTATION ENHANCEMENTS, AS DEFINED IN TITLE 23, UNITED STATES CODE, §§ 101(A) AND 133; AND

(II) ACQUIRE THE FEE TITLES, RESTRICTIVE COVENANTS, OR CONSERVATION EASEMENTS FROM THE DEPARTMENT OF TRANSPORTATION OR ANY OF ITS AGENTS.

(2) STATE PROJECT FUNDS UNDER PROGRAM OPEN SPACE MAY BE USED TO CONTRIBUTE TOWARD, OR REIMBURSE THE DEPARTMENT OF TRANSPORTATION FOR, A PORTION OF THE COSTS OF ACQUIRING ANY FEE TITLES, AS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION, ONLY FOR ACQUISITIONS THAT ARE CONTAINED IN THE MOST CURRENT CONSOLIDATED TRANSPORTATION PLAN OF THE STATE.