
By: **Delegate Edwards**

Introduced and read first time: February 24, 2006

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space - Funding - Garrett County Amphitheater**

3 FOR the purpose of authorizing a certain appropriation for the Garrett County
4 Amphitheater to be used for improvements of land not owned by the State under
5 certain circumstances, notwithstanding a certain statutory provision;
6 prohibiting the conversion of certain improvements or development of land
7 without prior written approval of the Secretary of Natural Resources, the
8 Secretary of Planning, and the Secretary of Budget and Management;
9 prohibiting a certain approval unless the County Commissioners of Garrett
10 County propose to provide a certain replacement property and the proposed
11 replacement property has a certain appraised monetary value; providing the
12 method of making a certain calculation; authorizing the Department of Natural
13 Resources to inspect certain land; and generally relating to the funding of the
14 Garrett County Amphitheater.

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That:

17 (a) Notwithstanding the provisions of § 5-903(g) of the Natural Resources
18 Article, and subject to subsection (b) of this section, the State's share of Program Open
19 Space funds authorized in Chapter 102 of the Acts of the General Assembly of 2001 for
20 the design and construction of the Garrett County Amphitheater may be expended for
21 improvements of land that is not owned by the State if the improvements are made
22 available to the public for the purposes of open space and recreational use.

23 (b) (1) An improvement or development of land authorized under this Act
24 may not be converted from open space and recreational use to any other use without
25 the prior written approval of the Secretary of Natural Resources, the Secretary of
26 Planning, and the Secretary of Budget and Management.

27 (2) Approval under this subsection may not be granted unless:

28 (i) the County Commissioners of Garrett County propose to
29 provide a replacement property of equivalent size and geographic area and equal
30 recreation or open space value, as determined under paragraph (3) of this subsection;
31 and

1 (ii) the appraised monetary value of the proposed replacement
2 property is equal to or greater than the appraised monetary value of the State funded
3 land and improvements.

4 (3) The value of the proposed replacement property shall be calculated
5 by evaluating:

6 (i) the relative recreation and open space value of the land and any
7 improvements; and

8 (ii) the fair market value, usefulness, quality, and location.

9 (c) The Department of Natural Resources may inspect the land and the
10 improvements for compliance with the requirements of this Act.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2006.