

SENATE BILL 178

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2lr0093

(PRE-FILED)

By: **Chair, Education, Health, and Environmental Affairs Committee (By Request
– Departmental – Natural Resources)**

Requested: October 4, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Local Projects – Federal Funds**

3 FOR the purpose of altering a requirement for an applicant to make a certain certification
4 relating to the availability of federal funds for a certain project on an application for
5 a certain local projects grant under Program Open Space; and generally relating to
6 Program Open Space local projects.

7 BY repealing and reenacting, without amendments,

8 Article – Natural Resources

9 Section 5–906(c)

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Natural Resources

14 Section 5–906(e)

15 Annotated Code of Maryland

16 (2018 Replacement Volume and 2021 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 5–906.

21 (c) The Department shall administer the local projects portion of Program Open
22 Space and promulgate and adopt rules and regulations governing submission of
23 applications and allowable project costs.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) The applicant shall certify on each application that:

2 (1) The project conforms to the annual program of the local governing body
3 as provided for in § 5-905(a) of this subtitle;

4 (2) A governmental agency is charged to manage and administer an
5 outdoor public recreation and open space program;

6 (3) Funds are available or will be available within 12 months of the date of
7 submission of the application to pay the local share of the project cost;

8 (4) The value or interest in the land proposed for acquisition has been
9 established by qualified appraisers;

10 (5) The applicant has [applied for federal funds and has received
11 notification of federal approval or disapproval, or the applicant has applied for federal funds
12 and has not received notification of a grant approval or disapproval within 120 days of
13 submission of an official federal grant application, or has verified that the project is not
14 eligible for federal funds] **RECEIVED OR NOT RECEIVED FEDERAL FUNDS FOR THE**
15 **PROJECT**;

16 (6) The Department's rules and regulations have been complied with;

17 (7) Land acquired or developed under a State grant from Program Open
18 Space may not be converted, without written approval of the Secretary, the Secretary of the
19 Department of Budget and Management, and the Secretary of the Department of Planning
20 from outdoor public recreation or open space use to any other use. Any conversion in land
21 use may be approved only after the local governing body replaces the land with land of at
22 least equivalent area and of equal recreation or open space value; and

23 (8) (i) For any conversion of land acquired or developed under a State
24 grant from Program Open Space as provided in paragraph (7) of this subsection, the
25 appraised monetary value of the land proposed for acquisition shall be equal to or greater
26 than the appraised monetary value of the land to be converted, under the proposed new use
27 of the converted land.

28 (ii) The State shall consider these funds in excess of the encumbered
29 Program Open Space funds to the local jurisdiction.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
31 1, 2022.