

Chapter 87

(Senate Bill 178)

AN ACT concerning

Program Open Space – Local Projects – Federal Funds

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

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–906(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–906(e)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Natural Resources

5–906.

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, April 12, 2022.