



BILL NO.: House Bill 1058
TITLE: Program Open Space – Local Projects – Funding for Development
POSITION: **SUPPORT WITH AMENDMENTS**
DATE: March 7, 2012
COMMITTEE: Environmental Matters
CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** House Bill 1058 **WITH AMENDMENTS**. The bill refines and clarifies several provisions of the Program Open Space (POS) law.

With the proposed amendments, HB 1058 makes two alterations to the POS law. First, the bill creates a narrow exception to the rule that an indoor recreational facility located outside a Priority Funding Area (PFA) is limited to 50% State funding. The Department of Natural Resources (DNR) may waive the 50% limit if the facility is regional facility designed to service two or more PFAs or census designated places within a PFA. The facility must contain equipment or facilities, such as a swimming pool, that cannot be supported in multiple locations and the applicable local government planning agency must certify that the location of the facility is consistent with the local government’s comprehensive plan.

This provision is designed to address rural jurisdictions that can only support one recreational center to serve its population – such centers are often centrally located between several population sources. Second, the bill corrects a longstanding technical error regarding the use of federal funds for POS development projects once a county has met its land acquisition goal.

In 2009, the General Assembly passed legislation (SB 163) that forged a stronger link between POS funding and Smart Growth goals. However, some of SB 163’s provisions produced unintended consequences and this bill seeks to address those issues. The provisions of SB 442 are the result of a collaborative effort between MACo, local government parks and recreation directors, and the DNR.

HB 1058 makes reasonable clarifications to the POS law while preserving the intent of recent changes to the POS law to address Smart Growth. Accordingly, MACo recommends the Committee issue a report of **FAVORABLE WITH AMENDMENTS** for HB 1058.

AMENDMENT NO. 1

On page 1, strike beginning with “repealing” in line 5 down through “land;” in line 8.

On page 3, in line 11, strike the bracket; in line 12, strike “[If”]; in line 16, strike “3” and substitute “4”; in line 22, strike the bracket; and in line 26, strike the bracket.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 27 through 32, inclusive, and substitute:

“4. THE DEPARTMENT MAY WAIVE THE 50% FUNDING LIMIT UNDER SUBSUBPARAGRAPH 2. OF THIS SUBPARAGRAPH IF THE DEPARTMENT DETERMINES:

A. THE INDOOR RECREATIONAL FACILITY IS DESIGNED TO SERVE MULTIPLE PRIORITY FUNDING AREAS OR MULTIPLE CENSUS DESIGNATED PLACES WITHIN A PRIORITY FUNDING AREA;

B. THE INDOOR RECREATIONAL FACILITY CONTAINS EQUIPMENT OR FACILITIES, INCLUDING A SWIMMING POOL, THAT CANNOT BE SUPPORTED IN MULTIPLE LOCATIONS; AND

C. THE APPLICABLE LOCAL GOVERNMENT PLANNING AND ZONING AGENCY HAS VERIFIED THAT THE LOCATION OF THE INDOOR RECREATIONAL FACILITY IS CONSISTENT WITH THE LOCAL GOVERNMENT’S COMPREHENSIVE PLAN.”