



House Bill 1438

Natural Resources – Program Open Space – Use of Local Funds

MACo Position: **SUPPORT**

Date: March 7, 2017

To: Appropriations Committee

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1438. The bill would establish a responsible framework to allow counties greater flexibility to move local Program Open Space (POS) funding between land acquisition and facilities projects.

The Joint Chairman's Report (JCR) for the FY 2016 capital budget contained committee narrative that required key stakeholders to participate in a workgroup that would examine a variety of aspects of both state and local POS, including the issue of local flexibility to move dollars between land acquisition and facility projects.¹ The workgroup met and issued the following recommendation regarding local flexibility:

The recommendation of the workgroup is to revise [the] statute to give counties greater flexibility in how they spend their POS Local funding. Specifically, remove the current restriction on POS Local funding that sets aside a percentage only for acquisition. This would require a statutory change. This would begin with FY 17, and existing POS Local funding (from FY 16 back) would still be subject to the current restrictions until expended. The projects funded through POS Local should be based on the needs identified in the LPPRP using an analytical methodology that includes multiple factors (user demand, population density, land & facility distribution).²

HB 1438 represents over a year of work by the Maryland Association of County Parks and Recreation Administrators (MACPRA) to implement the workgroup's recommendation. The bill would allow counties to shift POS funding between land acquisition and facility projects if: (1) the project is consistent with and supports the goals, objectives, and priorities of a local governing body's land preservation and recreation plan and annual program; and (2) the plan determines that additional land acquisition is not merited. The bill also makes several corrective changes to the local POS statute.

¹ Report of the Fiscal 2016 State Operating Budget (HB 70) and the State Capital Budget (HB 71) and Related Recommendations, pp 221-222 (April, 2015).

² Maryland's Land Preservation Programs: Report to the Chairmen of the Senate Budget and Taxation Committee and the House Appropriations Committee, p.17 (December 1, 2015).

MACo has consistently supported local POS as a two-pronged program that funds both: (1) land acquisition; and (2) recreational facilities. HB 1438 would retain this duality by incorporating local POS funding decisions more closely with a county's 5-year land preservation and recreation plan. The plan would require counties to clearly specify their recreational goals, objectives, and priorities - much as a comprehensive plan includes a county's land use goals, objectives, and priorities. The bill's requirement that all projects must be consistent with the recreation plan mirrors the requirement that zoning must be consistent with a comprehensive plan.

The benefits of HB 1438 include allowing counties to maximize their funding effectiveness by adjusting projects based on current economic conditions and being better able to assist municipalities with their priority projects.

HB 1438 creates a framework that allows for the more effective and flexible use of local POS funds, requires counties to engage in long-term planning for their recreational needs and goals, and maintains the duality of the local POS program – land acquisition and recreational facilities. Accordingly, MACo requests the Committee give HB 1438 a **FAVORABLE** recommendation.