



BILL NO.: Senate Bill 442

TITLE: Program Open Space – Local Projects – Funding for Development

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: February 21, 2012

COMMITTEE: Education, Health, and Environmental Affairs

CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** Senate Bill 442 **WITH AMENDMENTS**. The bill refines and clarifies several provisions of the Program Open Space (POS) law.

As introduced, SB 442 makes three 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 50% limit would not apply if the facility is designed to service two or more PFAs consistent with the comprehensive plan of the county government as verified by the local planning and zoning agency. 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 repeals the provision that the State will provide an additional 15% funding for the total project cost if the local government agrees to limit the amount of impervious surface on land acquired within a PFA to no more than 10%. While the provision is designed as an incentive, it would be unlikely that a county could ever actually take advantage of it. Parks and recreation directors must look at the long term needs of their residents and cannot limit the impervious surface at a facility in the short term if it might limit their ability to provide adequate services to their residents in the future. Additionally, the cost of acquiring the additional land in a PFA to meet the 10% requirement will often make such an attempt unfeasible. Finally, 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 Department of Natural Resources. MACo will be providing additional amendments to address the concerns of some Committee members regarding locating a recreational facility outside of a PFA.

SB 442 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 SB 442.