



**MARYLAND ASSOCIATION  
OF COUNTIES, INC.**

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BILL NO.: Senate Bill 442  
TITLE: Program Open Space – Local Projects – Funding for Development  
POSITION: **SUPPORT**  
DATE: April 4, 2012  
COMMITTEE: Environmental Matters  
CONTACT: Leslie Knapp Jr.

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

As amended, SB 442 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 may waive the 50% limit if: (1) the facility is designed to service two or more PFAs; (2) the facility contains equipment or facilities that cannot be supported in multiple locations; and (3) the applicable local government’s planning and zoning agency has verified that the location of the facility is consistent with the local government’s comprehensive plan.

The indoor recreational facility 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. The bill also 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.

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 **FAVORABLE** report for SB 442.