

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

House Bill 404 (Delegate Edwards)
Appropriations

Budget and Taxation

Program Open Space - Attainment of Acquisition Goals - Increase in
Development Allocation

This bill increases the maximum percentage (from 75% to 100%) of Program Open Space (POS) funds that a local government may spend on development projects once it has been certified by the Department of Natural Resources (DNR) and the Maryland Department of Planning (MDP) that it has attained its acreage acquisition goals.

The bill sunsets September 30, 2006.

Fiscal Summary

State Effect: None. Total POS funding would not be affected.

Local Effect: While the bill does not increase the total amount of funds allocated to local governments under POS, it provides local governments that have met their acreage goals with greater flexibility in the use of their POS allocation. The extent to which local governments will use this flexibility is unknown; however, according to DNR, many local governments have requested additional funding for development projects.

Small Business Effect: Minimal.

Analysis

Current Law: One half of any local governing body's annual apportionment shall be used for acquisition or development projects provided that up to 20% of these funds may be used for capital renewal. If DNR and MDP certify that acquisition goals set forth in

the current, approved local land preservation and recreation plan have been met and that such acreage attainment equals or exceeds the minimum recommended acreage goals developed for that jurisdiction under the Maryland Land Preservation and Recreation Plan (LPRP), a local governing body may use up to 75% of its future annual apportionment for development projects for a period of five years after attainment, provided that up to 20% of the funds authorized for use for development projects may be used for capital renewal.

Background: POS was established by the General Assembly in 1969 (Chapter 403) to expedite the acquisition of outdoor recreation and open space before property cost and development made it impossible, and to accelerate the development of outdoor recreational facilities. POS provides for both State and local acquisition and development. POS is funded through special funds derived from the State's transfer tax, which imposes a 0.5% tax on all real property recorded in the State.

In its most recent LPRP, the State recommended a local recreational goal of 30 acres of recreation land per 1,000 persons. Each local governing body, in its own LPRP, may set a goal that differs from the State recommended goal. However, the higher of the two goals is used in determining whether a local governing body has met its acreage goal. The local recreation acreage goal is designed to encourage counties and municipalities to acquire sufficient land to meet the current and future active recreational and open space needs of their residents.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Calvert and Caroline counties, Department of Legislative Services

Fiscal Note History: First Reader – February 9, 2001
ncs/cer Revised – Enrolled Bill – April 25, 2001

Analysis by: Lesley Frymier

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510