

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 1613

(Delegate Edwards)

Appropriations

Budget and Taxation

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Program Open Space - Funding - Garrett County Amphitheater

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This bill provides that, subject to specified conditions, the State's share of Program Open Space funds authorized in Chapter 102 of 2001 for the design and construction of the Garrett County Amphitheater may be expended for improvements of land that is not owned by the State if the improvements are made available to the public for the purposes of open space and recreational use. The bill authorizes the Department of Natural Resources to inspect the land and the improvements for compliance.

The bill takes effect July 1, 2006.

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Fiscal Summary

**State Effect:** None. The bill would enable \$750,000 in State POS funding that was authorized in the FY 2002 budget for the Garrett County Amphitheater to be used on the site where the project was originally intended to be constructed.

**Local Effect:** The bill would not directly affect Garrett County finances.

**Small Business Effect:** Minimal direct impact on small businesses.

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Analysis

**Bill Summary:** An improvement authorized by the bill may not be converted from open space and recreational use to any other use without the prior written approval of the Secretary of Natural Resources, the Secretary of Planning, and the Secretary of Budget and Management. Approval may not be granted unless the Garrett County

Commissioners propose to provide a replacement property that meets specified conditions.

**Current Law/Background:** Chapter 102 of 2001 (the Budget Bill for Fiscal 2002) allocated \$750,000 in State POS funds for the design and construction of the Garrett County Amphitheater. Under current law, State-side POS capital improvement funds may only be used for improvements on State-owned land for the use of DNR. However, Garrett County advises that the affected land is owned by Adventure Sports Center International, Inc., a nonprofit organization. Accordingly, the funding previously appropriated for the amphitheater has not been able to be used.

The amphitheater will be part of the Adventure Sports Center Complex located adjacent to Deep Creek Lake in Garrett County. When completed, the center will consist of a central village complex and over 500 acres of trails and recreational venues, including the 600-seat amphitheater, a recirculating whitewater course, mountain bike trails, hiking and Nordic ski trails, recreational and therapeutic swimming pools and other fitness facilities, ice skating, rock climbing, and the International Whitewater Hall of Fame and Museum.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Natural Resources; Garrett County; *2005 Land Preservation, Parks, and Recreation Plan (Garrett County)*; Adventure Sports Center International; Department of Legislative Services

**Fiscal Note History:** First Reader - March 16, 2006  
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