

# SENATE BILL 442

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2lr2674  
CF HB 1058

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By: **Senator Colburn**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 14, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Program Open Space – Local Projects – Funding for Development**

3 FOR the purpose of limiting the dispersal of certain Program Open Space funding to  
4 the costs associated with development projects and the construction of  
5 recreational facilities under certain circumstances; ~~repealing a certain~~  
6 ~~requirement that, to obtain a certain percentage of State funding, certain land~~  
7 ~~acquired within a priority funding area be limited in the amount of impervious~~  
8 ~~surface on the land;~~ exempting certain indoor recreational facilities from certain  
9 funding limits if the Department of Natural Resources makes a certain  
10 determination; and generally relating to development of local projects under  
11 Program Open Space.

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section 5–905(c)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 5–905.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (c) (1) (i) One half of any local governing body's annual apportionment  
2 shall be used for acquisition or development projects provided that up to 20 percent of  
3 the funds authorized for acquisition or development projects under this subparagraph  
4 may be used for capital renewal as defined in § 5-901 of this subtitle.

5 (ii) If the Department and the Department of Planning certify  
6 that acquisition goals set forth in the current, approved local land preservation and  
7 recreation plan have been met and that such acreage attainment equals or exceeds the  
8 minimum recommended acreage goals developed for that jurisdiction under the  
9 Maryland Land Preservation and Recreation Plan, a local governing body may use up  
10 to 100 percent of its future annual apportionment for development projects, provided  
11 that up to 20 percent of the funds authorized for use for development projects under  
12 this subparagraph may be used for capital renewal.

13 (iii) If a county determines that it qualifies for the additional  
14 funds for development and capital renewal projects under subparagraph (ii) of this  
15 paragraph, before the due date for all local governing bodies to submit revised local  
16 land preservation and recreation plans, that county may submit an interim local land  
17 preservation and recreation plan:

18 1. Prior to the submission under subsection (b)(2) of this  
19 section; and

20 2. In addition to the submission required under  
21 subsection (b)(2).

22 (iv) If a county qualifies for the additional funds for development  
23 projects under subparagraph (ii) of this paragraph, 25% of the funds may be used only  
24 for:

25 1. Land acquisition;

26 2. Repair or renovation of existing recreational facilities  
27 or structures; or

28 3. Subject to subparagraph (ii) of this paragraph, capital  
29 renewal.

30 (2) The State shall provide 100 percent of the total project cost of each  
31 approved local acquisition project or, if federal funds are provided, 100 percent of the  
32 difference between the total project cost and the federal contribution.

33 (3) (i) Except as provided in subparagraph (iii) of this paragraph, if  
34 the local governing body is unable to obtain federal funds pursuant to § 5-906 of this  
35 subtitle, for each approved local development project the State shall provide:

36 1. 75 percent of the total project cost; or

1                   2. If the Department has certified pursuant to  
2 paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the  
3 total project cost.

4                   (ii) Except as provided in subparagraph (iii) of this paragraph, if  
5 federal funds are provided on any [acquisition or] development project cost, the State  
6 shall provide 50 percent of the difference between the total project cost and the federal  
7 contribution. Subject to the limitation that total State funds, when added to every  
8 other available fund, may not exceed 100 percent of a project's cost, the minimum  
9 State contribution to a project shall be 25 percent. If the federal funds are less than 50  
10 percent of the total project cost, the State shall provide an amount equal to the  
11 difference between the federal contribution and:

12                   1. 75 percent of the total project cost; or

13                   2. If the Department has certified pursuant to  
14 paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the  
15 total project cost.

16                   (iii) 1. ~~¶~~Subject to the requirement in subparagraph 3 of  
17 this subparagraph, if ~~¶~~ a local governing body uses its funds appropriated under §  
18 5-903(b)(1) of this subtitle to [acquire land] **BUILD A RECREATIONAL FACILITY**  
19 within a priority funding area, as defined in § 5-7B-02 of the State Finance and  
20 Procurement Article, the State shall provide 90 percent of the total project cost.

21                   2. **[If] SUBJECT TO SUBSUBPARAGRAPH ~~3~~ 4 OF THIS**  
22 **SUBPARAGRAPH, IF** a local governing body uses its funds appropriated under §  
23 5-903(b)(1) of this subtitle to construct an indoor recreational facility that is not  
24 ancillary and necessary for outdoor recreation, and will be located outside of a priority  
25 funding area, as defined in § 5-7B-02 of the State Finance and Procurement Article,  
26 the State shall provide 50 percent of the total project cost.

27                   ~~¶~~3. The State shall provide 90 percent of the total project  
28 cost under subparagraph 1 of this subparagraph if the local governing body agrees  
29 to limit the amount of impervious surface on the land acquired within a priority  
30 funding area, as defined in § 5-7B-02 of the State Finance and Procurement Article,  
31 to no more than 10 percent of the land.~~¶~~

32                   ~~3.4. THE 50% FUNDING LIMIT UNDER~~  
33 ~~SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT APPLY IF THE~~  
34 ~~INDOOR RECREATIONAL FACILITY IS DESIGNED TO SERVICE TWO OR MORE~~  
35 ~~PRIORITY FUNDING AREAS CONSISTENT WITH THE COMPREHENSIVE PLAN OF~~  
36 ~~THE LOCAL GOVERNMENT AS VERIFIED BY THE LOCAL PLANNING AND ZONING~~  
37 ~~AGENCY DEPARTMENT DETERMINES THAT:~~

1                   A. THE INDOOR RECREATIONAL FACILITY IS  
 2 DESIGNED TO SERVE MULTIPLE PRIORITY FUNDING AREAS, AS DEFINED IN §  
 3 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, OR MULTIPLE  
 4 CENSUS DESIGNATED PLACES WITHIN A PRIORITY FUNDING AREA;

5                   B. THE INDOOR RECREATIONAL FACILITY CONTAINS  
 6 EQUIPMENT OR FACILITIES, INCLUDING A SWIMMING POOL, THAT CANNOT BE  
 7 SUPPORTED IN MULTIPLE LOCATIONS; AND

8                   C. THE APPLICABLE LOCAL GOVERNMENT  
 9 PLANNING AND ZONING AGENCY HAS VERIFIED THAT THE LOCATION OF THE  
 10 INDOOR RECREATIONAL FACILITY IS CONSISTENT WITH THE LOCAL  
 11 GOVERNMENT’S COMPREHENSIVE PLAN.

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 13   October 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.