

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 442

(Senator Colburn)

Education, Health, and Environmental Affairs

Environmental Matters

Program Open Space - Local Projects - Funding for Development

This bill clarifies and modifies how local Program Open Space (POS) funds are distributed to land acquisition and recreational facility projects. The bill clarifies provisions governing the distribution of local POS funds for a land acquisition project when federal funds are provided for the project. The bill alters a provision to require the State to provide 90% of the total project funding if a local government builds a recreational facility, rather than acquires land, within a priority funding area (PFA). The State is required to provide 90% instead of 50% of the total project funding if the Department of Natural Resources (DNR) determines that (1) an indoor recreational facility is designed to serve multiple PFAs or multiple census designated places within a PFA; (2) the indoor recreational facility contains equipment or facilities, including a swimming pool, that cannot be supported in multiple locations; and (3) the applicable local government planning and zoning agency has verified that the location of an indoor recreational facility is consistent with the local comprehensive plan.

Fiscal Summary

State Effect: The bill does not substantially change State activities or operations.

Local Effect: No overall impact on the total amount of local POS funding allocated to each jurisdiction.

Small Business Effect: None.

Analysis

Current Law: State law specifies that POS funds are to be used by the State to acquire land for outdoor public recreation and open space use and by local governments for the acquisition and development of land for recreation and open space.

The State must provide 100% of the total project cost of each approved land acquisition project or, if federal funds are provided, 100% of the difference between the total project cost and the federal contribution.

If a local governing body cannot obtain specified federal funds, for each approved local POS development project the State must provide (1) 75% of the total project cost; or (2) 90% of the total project cost if specified land acquisition goals have been met. If federal funds are provided, the State provides 50% of the difference between the total cost and the federal contribution. The State contribution to a local POS project may not be more than 100%, or less than 25%, of a project's cost. If federal funds are less than 50% of a local POS development project's total cost, the State provides an amount equal to the difference between the federal contribution and (1) 75% of the total project cost; or (2) 90% of the total project cost if specified land acquisition goals have been met.

If a local governing body uses its local POS funds for an indoor recreational facility that is not ancillary and necessary for outdoor recreation and will be located outside a PFA, the State must provide the local jurisdiction 50% of the total project cost. However, if a local jurisdiction uses local POS funds for the acquisition of land inside a PFA and agrees to limit the amount of impervious surface on the land to no more than 10%, the State must provide the local jurisdiction 90% of the total project cost.

The Smart Growth and Neighborhood Conservation Act of 1997 (Priority Funding Areas Act) sought to strengthen the State's efforts to control sprawl, enhance land use, and control pollution. This Act capitalized on the influence of State expenditures on economic growth and development by directing State spending to PFAs. The broad purpose of PFAs is to focus State spending to make the most efficient and effective use of existing infrastructure; preserve existing neighborhoods; and preserve Maryland's fields, farms, and open spaces. The Act established certain areas as PFAs and allowed counties to designate additional areas if they meet minimum criteria.

Background: POS, established in 1969 and administered by DNR, provides funds for State and local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space. The State share focuses on the acquisition of land for natural resource conservation with the inclusion of low-impact recreational activities where appropriate. The local jurisdictions' share is used primarily for the acquisition and

development of high-impact recreational sites and facilities. As of January 12, 2012, the State share had preserved 312,345 acres and the local share had preserved 44,953 acres.

Additional Information

Prior Introductions: None.

Cross File: HB 1058 (Delegate Stein) - Environmental Matters.

Information Source(s): Baltimore City, Montgomery and Worcester counties, Department of Budget and Management, Department of Natural Resources, Maryland Department of Planning, Department of Legislative Services

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