

## Chapter 235

(Senate Bill 442)

AN ACT concerning

### Program Open Space – Local Projects – Funding for Development

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

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 5–905(c)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

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

#### Article – Natural Resources

5–905.

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

(ii) If the Department and the Department of Planning 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, a local governing body may use up to 100 percent of its future annual apportionment for development projects, provided that up to 20 percent of the funds authorized for use for development projects under this subparagraph may be used for capital renewal.

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

1. Prior to the submission under subsection (b)(2) of this section; and
2. In addition to the submission required under subsection (b)(2).

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

1. Land acquisition;
2. Repair or renovation of existing recreational facilities or structures; or
3. Subject to subparagraph (ii) of this paragraph, capital renewal.

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

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

1. 75 percent of the total project cost; or
2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

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

1. 75 percent of the total project cost; or

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

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

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

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

~~3 4. THE 50% FUNDING LIMIT UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH DOES NOT APPLY IF THE INDOOR RECREATIONAL FACILITY IS DESIGNED TO SERVICE TWO OR MORE PRIORITY FUNDING AREAS CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE LOCAL GOVERNMENT AS VERIFIED BY THE LOCAL PLANNING AND ZONING AGENCY DEPARTMENT DETERMINES THAT:~~

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

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

C. THE APPLICABLE LOCAL GOVERNMENT PLANNING AND ZONING AGENCY HAS VERIFIED THAT THE LOCATION OF THE

**INDOOR RECREATIONAL FACILITY IS CONSISTENT WITH THE LOCAL GOVERNMENT'S COMPREHENSIVE PLAN.**

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

**Approved by the Governor, May 2, 2012.**