

HOUSE BILL 123

M1
HB 896/13 – ENV

4lr1455

By: **Delegate Carr**
Introduced and read first time: January 10, 2014
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Program Open Space – Use of Funds – Artificial Turf Surfaces

FOR the purpose of prohibiting the use of certain funds under Program Open Space to build new or replace existing athletic fields with certain artificial or synthetic turf surfaces; and generally relating to the use of funds for Program Open Space.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(g) and 5–905(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

BY adding to
Article – Natural Resources
Section 5–903(i)
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Natural Resources

5–903.

(g) (1) **[Any] SUBJECT TO SUBSECTION (I) OF THIS SECTION, ANY** amount appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of the State’s share of funds that would be available under the program if 100 percent of the funds not required under § 13–209(b) of the Tax – Property Article were

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



available for distribution as provided in § 13–209(d)(3) of the Tax – Property Article may be used for capital improvements on land owned by the State for the use of the Department, the Maryland Historical Trust for museums operated by the Trust, or the Historic St. Mary’s Commission, if the improvements are:

- (i) Approved in the State budget; and
- (ii) Compatible with:
 1. Any master plan developed for the land; and
 2. The natural features of the land.

(2) (i) For the fiscal year commencing July 1, 1996, up to 12.5% of the State’s share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(ii) For the fiscal year commencing July 1, 1997, up to \$1,000,000 of the State’s share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(iii) **[For] SUBJECT TO SUBSECTION (I) OF THIS SECTION,** FOR the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to \$1,200,000 of the State’s share of funds available for capital improvements may be used to operate State forests and parks, but only if the funds expended for operating costs do not exceed the portion of the State allocation available under this subsection that is derived from current revenues, as distinguished from proceeds of bond issues.

(iv) The only wages that can be paid with the portion of the State’s share of funds authorized under subparagraphs (ii) and (iii) of this paragraph are the wages of employees in the State forests and parks.

(3) If the General Assembly amends the Budget Bill to strike out an improvement or operating costs under this subsection submitted by the Governor, the Governor may consider reallocating the funds through a supplemental budget for the same fiscal year:

- (i) To finance specific alternative land acquisition, development projects, or operating costs; or
- (ii) To the Advance Option and Purchase Fund established under § 5–904(b) of this subtitle.

(I) THE PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE FOR CAPITAL IMPROVEMENTS UNDER SUBSECTION (G) OF THIS SECTION MAY NOT BE USED TO BUILD NEW OR TO REPLACE EXISTING ATHLETIC FIELDS WITH ARTIFICIAL OR SYNTHETIC TURF SURFACES.

5-905.

(a) (1) On or before May 1 of each year, the Department shall notify each local governing body of its allocation of local acquisition and development funds for the next fiscal year within the limits imposed by the formula developed for the apportionment of the annual appropriations for Program Open Space.

(2) (i) By the first of July each year, a participating local governing body shall submit an annual program of proposed acquisition and development projects, together with a list of projects submitted by any municipal corporation to the local governing body and not included in the local governing body's annual program, to the Department of Planning for review and to the Department for approval.

(ii) A municipal corporation may submit an annual program through its local governing body.

(3) (i) Upon review by the Department of Planning and approval by the Department and the Board of Public Works, the allocated funds shall be encumbered for the purposes of §§ 7-305(d)(3) and 8-128(c) of the State Finance and Procurement Article, and the annual program shall become the basis for a grant agreement for the total allocation to each of the local governing bodies.

(ii) Prior to approval of a local annual program, or any revision thereof, the Department shall provide the legislators from the district within which any part of the local jurisdiction is located the opportunity to review and comment on the annual program or its revisions.

(4) Any program may be revised by the local governing body and the revised program, after the Department of Planning reviews and the Department approves it, shall be substituted for the original program in the grant agreement.

(5) (i) In accordance with the Department's regulations, upon receipt of evidence from the local governing body of a county or municipal corporation that funds have been spent on a project that is approved in the grant agreement, the Department shall cause the requested amount of funds from the local governing body's allocation to be reimbursed to the local governing body.

(ii) Any municipal corporation may submit evidence of expenditures for approved projects through its local governing body to the Department.

(6) THE LOCAL GOVERNING BODY'S ALLOCATION OF LOCAL ACQUISITION AND DEVELOPMENT FUNDS MAY NOT BE USED TO BUILD NEW OR TO REPLACE EXISTING ATHLETIC FIELDS WITH ARTIFICIAL OR SYNTHETIC TURF SURFACES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.