

HOUSE BILL 1118

M1, P2

9lr2272

By: **Delegates Solomon, Acevero, Barron, Carr, Charkoudian, Cullison, Fraser-Hidalgo, Kelly, Korman, Krimm, Lehman, Lierman, Lopez, Love, Luedtke, Moon, Qi, Queen, Shetty, Stewart, Wilkins, and K. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Use of Public Funds – Playground and Athletic Field Surfaces – Authorizations,**
3 **Preferences, and Prohibitions**

4 FOR the purpose of authorizing certain funds under Program Open Space to be used for
5 the maintenance and upkeep of certain grass athletic fields and drainage systems;
6 authorizing a certain subdivision to request funds for the maintenance and upkeep
7 of certain grass athletic fields and drainage systems as part of a certain annual
8 program; establishing a preference for the use of certain natural surface materials
9 in certain projects to construct playgrounds or athletic fields; prohibiting the use of
10 State funds to finance any portion of a project to build a new or replace an existing
11 playground or athletic field with a synthetic surface; defining a certain term;
12 providing for the application of this Act; and generally relating to playground and
13 athletic field surfaces.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 5–903(g) and 5–905(a)
17 Annotated Code of Maryland
18 (2018 Replacement Volume)

19 BY adding to
20 Article – Natural Resources
21 Section 5–903(i)
22 Annotated Code of Maryland
23 (2018 Replacement Volume)

24 BY adding to
25 Article – State Finance and Procurement
26 Section 14–417

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2018 Supplement)

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

5 **Article – Natural Resources**

6 5–903.

7 (g) (1) **[Any] SUBJECT TO SUBSECTION (I) OF THIS SECTION, ANY** amount
8 appropriated in the State budget, and for each subsequent fiscal year, up to 25 percent of
9 the State’s share of funds that would be available under the program if 100 percent of the
10 funds not required under § 13–209(b) of the Tax – Property Article were available for
11 distribution as provided in § 13–209(d) of the Tax – Property Article may be used for capital
12 improvements on land owned by the State for the use of the Department, the Maryland
13 Historical Trust for museums operated by the Trust, or the Historic St. Mary’s Commission,
14 if the improvements are:

15 (i) Approved in the State budget; and

16 (ii) Compatible with:

17 1. Any master plan developed for the land; and

18 2. The natural features of the land.

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

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

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

35 (iv) The only wages that can be paid with the portion of the State’s

1 share of funds authorized under subparagraphs (ii) and (iii) of this paragraph are the wages
2 of employees in the State forests and parks.

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

7 (i) To finance specific alternative land acquisition, development
8 projects, or operating costs; or

9 (ii) To the Advance Option and Purchase Fund established under §
10 5-904(b) of this subtitle.

11 **(I) THE PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE FOR**
12 **CAPITAL IMPROVEMENTS UNDER SUBSECTION (G) OF THIS SECTION MAY BE USED**
13 **FOR THE MAINTENANCE AND UPKEEP OF GRASS ATHLETIC FIELDS AND DRAINAGE**
14 **SYSTEMS FOR GRASS ATHLETIC FIELDS ON LAND OWNED BY THE STATE.**

15 5-905.

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

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

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

27 (iii) A subdivision, for each proposed project under this subsection,
28 shall consider whether it is feasible to provide public access to the proposed project.

29 (iv) When considering whether it is feasible to provide public access
30 to a proposed project under this paragraph, a subdivision may consider:

31 1. The availability of funds available under this program or
32 from other sources to provide public access to the proposed project;

33 2. Public safety and liability issues if public access were
34 provided to the site;

1 3. Whether the site for the proposed project was acquired as
2 a part of a larger recreational and open space project that is not yet completed and ready
3 for public access; and

4 4. The existence of a contractual commitment on the site for
5 a proposed project that would limit public access for a period of time, including a home,
6 agricultural, or hunting lease.

7 **(v) AS PART OF A LOCAL ANNUAL PROGRAM SUBMITTED UNDER**
8 **THIS PARAGRAPH, A SUBDIVISION MAY REQUEST FUNDS FOR THE MAINTENANCE**
9 **AND UPKEEP OF ANY GRASS ATHLETIC FIELDS AND DRAINAGE SYSTEMS FOR GRASS**
10 **ATHLETIC FIELDS ASSOCIATED WITH A PROPOSED PROJECT OVER THE COURSE OF**
11 **THE PROJECT’S LIFETIME.**

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

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

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

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

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

31 **Article – State Finance and Procurement**

32 **14–417.**

33 **(A) (1) IN THIS SECTION, “SYNTHETIC SURFACE” MEANS ANY ARTIFICIAL**
34 **SURFACE MATERIAL USED IN A PLAYGROUND OR ON AN ATHLETIC FIELD.**

35 **(2) “SYNTHETIC SURFACE” INCLUDES:**

1 **(I) ARTIFICIAL TURF; AND**

2 **(II) ANY GROUND COVER MADE FROM PLASTIC, RUBBER, OR**
3 **TIRES.**

4 **(B) A STATE OR LOCAL UNIT RESPONSIBLE FOR THE CONSTRUCTION OF**
5 **PLAYGROUNDS OR ATHLETIC FIELDS, TO THE MAXIMUM EXTENT PRACTICABLE,**
6 **SHALL GIVE CONSIDERATION AND PREFERENCE TO THE USE OF STATE-OF-THE-ART**
7 **NATURAL SURFACE MATERIALS IN ANY PROJECT TO CONSTRUCT A PLAYGROUND OR**
8 **AN ATHLETIC FIELD THAT IS TO BE PAID FOR WITH PUBLIC FUNDS.**

9 **(C) (1) STATE FUNDS MAY NOT BE USED TO FINANCE ANY PORTION OF A**
10 **PROJECT TO BUILD A NEW OR REPLACE AN EXISTING PLAYGROUND OR ATHLETIC**
11 **FIELD WITH A SYNTHETIC SURFACE.**

12 **(2) THE PROHIBITION IN PARAGRAPH (1) OF THIS SUBSECTION**
13 **APPLIES TO ALL PROJECT PHASES, INCLUDING BASE FOUNDATION CONSTRUCTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to any project for which funds have been allocated before the effective date of
17 this Act.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2019.