

HOUSE BILL 1098

M1, P2
HB 1118/19 – APP

0lr1967

By: **Delegates Solomon, Acevero, Barron, Bartlett, Carr, Charkoudian, Crutchfield, Cullison, Fraser-Hidalgo, Gilchrist, Guyton, Hettleman, Hornberger, Kelly, Korman, Krimm, Lehman, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Patterson, Qi, Queen, Reznik, Shetty, Stewart, Terrasa, Wilkins, and K. Young**

Introduced and read first time: February 6, 2020

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 **(Safe and Healthy Fields Act)**

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

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 5–903(g) and 5–905(a)
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

20 BY adding to
21 Article – Natural Resources
22 Section 5–903(i)
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – State Finance and Procurement
3 Section 14–417
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2019 Supplement)

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

8 **Article – Natural Resources**

9 5–903.

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

18 (i) Approved in the State budget; and

19 (ii) Compatible with:

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

21 2. The natural features of the land.

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

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

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

1 current revenues, as distinguished from proceeds of bond issues.

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

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

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

11 (ii) To the Advance Option and Purchase Fund established under §
12 5-904(b) of this subtitle.

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

17 5-905.

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

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

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

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

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

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

1 SURFACE MATERIAL USED IN A PLAYGROUND OR ON AN ATHLETIC FIELD.

2 (2) "SYNTHETIC SURFACE" INCLUDES:

3 (I) ARTIFICIAL TURF; AND

4 (II) ANY GROUND COVER MADE FROM PLASTIC, RUBBER, OR
5 TIRES.

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

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

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

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

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2020.