

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 39 (Delegate Arnick)
Environmental Matters

Health - Prohibit Smoking - Public Parks or Recreational Facilities

This bill prohibits smoking in a public park or recreational facility owned by the State, a county, a municipal corporation, or a bicounty agency. The bill requires a supervisor of a public park to provide for the posting and placement of conspicuous signs that clearly indicate that smoking is not permitted in a public park or recreational facility. The bill also requires the secretary of the Department of Natural Resources and the governing body of a county, a municipal corporation, or a bicounty agency to adopt regulations to enforce the provisions of the bill. Finally, a person violating the provisions of the bill is subject to a \$25 civil penalty.

Fiscal Summary

State Effect: Potential reduction in special fund revenue as a result of smokers no longer patronizing State owned parks and recreational facilities. Potential general fund increase of \$72,700 for enforcement in FY 2001. Potential minimal general fund revenue increase due to the bill's penalty provision.

Local Effect: Potential reduction in local government revenues as a result of smokers no longer patronizing locally owned parks and recreational facilities. Potential increase in local government expenditures associated with enforcing the provisions of the bill. Potential minimal increase in local revenues due to the bill's penalty provisions. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: Smoking is allowed in public parks or recreational facilities owned by the State, a county, a municipal corporation, or a bicounty agency.

State Fiscal Effect: The Department of Natural Resources (DNR) advises that special fund revenues could decrease by \$50,000 in fiscal 2001 as a result of individuals no longer patronizing State owned parks and recreational facilities due to the ban on smoking. However, the Department of Legislative Services advises that there is no basis upon which to reliably estimate any revenue decrease resulting from the bill, particularly since there is no way to accurately determine how people would not come to parks because of the smoking ban. Other factors, such as weather, could also contribute to reduced park attendance and revenue.

DNR also reports that expenditures would increase by approximately \$72,700 in fiscal 2001. This increase is associated with increased overtime pay for rangers that would be necessary to enforce the bill as well as production of signs notifying park patrons of the ban on smoking. DNR estimates that overtime would be paid at a rate of \$34.92 per hour, or \$62,856 for fiscal 2001. Also, five signs would be needed at 49 State owned facilities at a cost of \$5 each, or \$9,900 for fiscal 2001. DNR estimates that overtime costs will increase in future years while the cost of signs will decrease to approximately \$2,400 annually.

It is assumed that signs would need to be posted at all State owned facilities. However, the actual amount of overtime incurred by DNR police officers and park rangers depends on how enforcement is implemented, the number of individuals cited, and the number who contest the citations. As a result, actual overtime costs could be more or less than estimated.

Local Fiscal Effect: The Maryland-National Capital Park and Planning Commission reports that some smokers will choose not to patronize parks and recreational facilities owned and operated by the commission and that revenues would decline. For example, the commission advises that a 2% revenue reduction, a conservative estimate according to the commission, would result in a loss of approximately \$273,300. However, the actual amount of any revenue reduction directly resulting from the bill cannot be reliably estimated at this time.

Carroll County reports that it would incur no additional costs to implement the bill. Harford and Montgomery counties advise that they would incur increased expenditures in order to print signs to notify the public of the ban on smoking in parks and recreational facilities. Queen Anne's County reports that printing and posting signs would cost approximately \$2,900 in fiscal 2001.

In addition, local government expenditures would increase to the extent that enforcing the

provisions of the bill increase operating expenditures. However, at this time, it is not known how each local jurisdiction will enforce the bill and thus any increased operating costs cannot be reliably estimated.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources; Department of Health and Mental Hygiene; Maryland-National Capital Park and Planning Commission; Carroll, Harford, Montgomery, Prince George's, and Queen Anne's counties; Department of Legislative Services

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bc/jr

Analysis by: Mike Sanelli

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510