

HOUSE BILL 328

M1

8lr1023

By: **Delegate Ali**

Introduced and read first time: January 25, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Use of Funds – Artificial Turf Surfaces**

3 FOR the purpose of prohibiting the use of certain funds under Program Open Space to
4 replace certain existing natural grass athletic fields with certain artificial turf
5 surfaces; and generally relating to the use of funds for Program Open Space.

6 BY repealing and reenacting, with amendments,
7 Article – Natural Resources
8 Section 5–903(g)
9 Annotated Code of Maryland
10 (2005 Replacement Volume and 2007 Supplement)
11 (As enacted by Chapter 2 of the Acts of the General Assembly of the 2007
12 Special Session)

13 BY adding to
14 Article – Natural Resources
15 Section 5–903(h)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2007 Supplement)
18 (As enacted by Chapter 2 of the Acts of the General Assembly of the 2007
19 Special Session)

20 BY repealing and reenacting, with amendments,
21 Article – Natural Resources
22 Section 5–905(a)
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2007 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Natural Resources**

2 5–903.

3 (g) (1) **[For] SUBJECT TO SUBSECTION (H) OF THIS SECTION, FOR** the
4 fiscal year commencing July 1, 1990, any amount appropriated in the State budget,
5 and for each subsequent fiscal year, up to 25 percent of the State's share of funds that
6 would be available under the program if 100 percent of the funds not required under §
7 13–209(b) of the Tax – Property Article were available for distribution as provided in §
8 13–209(d)(3) of the Tax – Property Article may be used for capital improvements on
9 land owned by the State for the use of the Department if the improvements are:

10 (i) Approved in the State budget; and

11 (ii) Compatible with:

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

13 2. The natural features of the land.

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

19 (ii) For the fiscal year commencing July 1, 1997, up to
20 \$1,000,000 of the State's share of funds available for capital improvements may be
21 used to operate State forests and parks, but only if the funds expended for operating
22 costs do not exceed the portion of the State allocation available under this subsection
23 that is derived from current revenues, as distinguished from proceeds of bond issues.

24 (iii) **[For] SUBJECT TO SUBSECTION (H) OF THIS SECTION,**
25 **FOR** the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to
26 \$1,200,000 of the State's share of funds available for capital improvements may be
27 used to operate State forests and parks, but only if the funds expended for operating
28 costs do not exceed the portion of the State allocation available under this subsection
29 that is derived from current revenues, as distinguished from proceeds of bond issues.

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

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

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

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

5 **(H) THE PORTION OF THE STATE'S SHARE OF FUNDS AVAILABLE FOR**
6 **CAPITAL IMPROVEMENTS UNDER SUBSECTION (G) OF THIS SECTION MAY NOT**
7 **BE USED TO REPLACE EXISTING NATURAL GRASS ATHLETIC FIELDS WITH**
8 **ARTIFICIAL TURF SURFACES.**

9 5-905.

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

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

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

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

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

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

33 (5) (i) In accordance with the Department's regulations, upon
34 receipt of evidence from the local governing body of a county or municipal corporation
35 that funds have been spent on a project that is approved in the grant agreement, the

1 Department shall cause the requested amount of funds from the local governing body's
2 allocation to be reimbursed to the local governing body.

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

6 (6) THE LOCAL GOVERNING BODY'S ALLOCATION OF LOCAL
7 ACQUISITION AND DEVELOPMENT FUNDS MAY NOT BE USED TO REPLACE
8 EXISTING NATURAL GRASS ATHLETIC FIELDS WITH ARTIFICIAL TURF SURFACES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 July 1, 2008.