

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

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

7 BY repealing and reenacting, with amendments,
8 Article – Natural Resources
9 Section 5–903(g) and 5–905(a)
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2013 Supplement)

12 BY adding to
13 Article – Natural Resources
14 Section 5–903(i)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2013 Supplement)

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

19 **Article – Natural Resources**

20 5–903.

21 (g) (1) **[Any] SUBJECT TO SUBSECTION (I) OF THIS SECTION, ANY**
22 amount appropriated in the State budget, and for each subsequent fiscal year, up to 25
23 percent of the State’s share of funds that would be available under the program if 100
24 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.



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

5 (i) Approved in the State budget; and

6 (ii) Compatible with:

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

8 2. The natural features of the land.

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

14 (ii) For the fiscal year commencing July 1, 1997, up to
15 \$1,000,000 of the State’s share of funds available for capital improvements may be
16 used to operate State forests and parks, but only if the funds expended for operating
17 costs do not exceed the portion of the State allocation available under this subsection
18 that is derived from current revenues, as distinguished from proceeds of bond issues.

19 (iii) **[For] SUBJECT TO SUBSECTION (I) OF THIS SECTION,**
20 **FOR** the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to
21 \$1,200,000 of the State’s share of funds available for capital improvements may be
22 used to operate State forests and parks, but only if the funds expended for operating
23 costs do not exceed the portion of the State allocation available under this subsection
24 that is derived from current revenues, as distinguished from proceeds of bond issues.

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

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

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

34 (ii) To the Advance Option and Purchase Fund established
35 under § 5–904(b) of this subtitle.

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

5 5-905.

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

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

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

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

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

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

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

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

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

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