

# HOUSE BILL 1035

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HB 328/08 – ENV

2lr1039

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By: **Delegate Waldstreicher**

Introduced and read first time: February 10, 2012

Assigned to: Environmental Matters

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## 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) and 5–905(a)  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2011 Supplement)

11 BY adding to  
12 Article – Natural Resources  
13 Section 5–903(i)  
14 Annotated Code of Maryland  
15 (2005 Replacement Volume and 2011 Supplement)

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

18 **Article – Natural Resources**

19 5–903.

20 (g) (1) **[Any] SUBJECT TO SUBSECTION (I) OF THIS SECTION, ANY**  
21 amount appropriated in the State budget, and for each subsequent fiscal year, up to 25  
22 percent of the State’s share of funds that would be available under the program if 100  
23 percent of the funds not required under § 13–209(b) of the Tax – Property Article were  
24 available for distribution as provided in § 13–209(d)(3) of the Tax – Property Article

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 may be used for capital improvements on land owned by the State for the use of the  
2 Department, the Maryland Historical Trust for museums operated by the Trust, or the  
3 Historic St. Mary's Commission, if the improvements are:

4 (i) Approved in the State budget; and

5 (ii) Compatible with:

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

7 2. The natural features of the land.

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

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

18 (iii) **[For] SUBJECT TO SUBSECTION (I) OF THIS SECTION,**  
19 **FOR** the fiscal year commencing July 1, 1998, and all subsequent fiscal years, up to  
20 \$1,200,000 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 (iv) The only wages that can be paid with the portion of the  
25 State's share of funds authorized under subparagraphs (ii) and (iii) of this paragraph  
26 are the wages of employees in the State forests and parks.

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

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

33 (ii) To the Advance Option and Purchase Fund established  
34 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 REPLACE EXISTING NATURAL GRASS ATHLETIC FIELDS WITH**  
4 **ARTIFICIAL 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 REPLACE**  
3 **EXISTING NATURAL GRASS ATHLETIC FIELDS WITH ARTIFICIAL TURF SURFACES.**

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 July 1, 2012.