

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1332 (Delegate Hartman, *et al.*)
Environment and Transportation

State and Local Parks - Playground Accessibility - Communication Boards

This bill requires the Department of Natural Resources (DNR) and each local governing body responsible for the construction of playgrounds to construct a “communication board” in each playground under its jurisdiction by October 1, 2027. DNR must use Program Open Space (POS) State funding, and local governing bodies must apply for POS Local funding for the construction of the required communication boards. Funding for the construction of communication boards in playgrounds located on public school property must be provided by the county board of education.

Fiscal Summary

State Effect: DNR can implement the bill with existing resources. Overall POS funding is not affected. Revenues are not affected.

Local Effect: The bill does not change the amount of POS Local funding allocated to the counties overall or individually; it is assumed that local governing bodies redirect funds from other projects to construct communication boards. County school board expenditures increase significantly (by a *minimum* of \$750,000 in total), as discussed below. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: “Communication board” means a device that displays photos, symbols, or illustrations to enable individuals with limited language skills to express themselves and communicate.

Current Law: “County board” means the board of education of a county and includes the Baltimore County Board of School Commissioners. “Local governing body” means the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the governing body of any county or Baltimore City.

Program Open Space

DNR administers POS, which acquires and improves outdoor recreation and open space areas for public use. POS consists of a State and local component. Under the State component, POS preserves natural areas through fee-simple purchases and easement acquisitions. Under the local component, DNR allocates funds among the counties for local conservation acquisitions and development of public outdoor recreational sites, facilities, and open space.

To participate in the grant process, a local government must prepare a local Land Preservation and Recreation Plan every five years. Each participating local government must also submit an annual program of proposed acquisition and development projects to DNR and the Maryland Department of Planning (MDP). The annual program is the basis for total allocations to each local government. Additionally, local governments must submit either a consolidated application for funding for the acquisition or development projects or individual applications for each project.

Each participating local governing body must also submit an annual program of proposed acquisition and development projects to DNR and MDP by July 1 each year. Additionally, local governing bodies must submit either a consolidated application for funding for the acquisition or development projects or individual applications for each project.

On each application for POS Local funding, the applicant must certify that:

- the project conforms to the annual program of the local governing body;
- a governmental agency is charged to manage and administer an outdoor public recreation and open space program;
- funds are or will be available within 12 months of the date of submission of the application to pay the local share of the project cost;
- the value or interest of the land proposed for acquisition has been established by appraisers;
- the applicant has applied for federal funds and received notification of federal approval or disapproval, or applied for federal funds and has not received notification of a grant approval or disapproval within 120 days of submission of a federal grant application, or has verified that the project is not eligible for federal funds;

- rules and regulations have been complied with;
- land acquired or developed under a POS grant may not be converted, without specified written approval, from outdoor public recreation or open space use to any other use; and
- for any approved conversion of land acquired or developed under a POS grant, the appraised monetary value of the land proposed for acquisition to replace the converted land must be equal to or greater than the appraised monetary value of the land to be converted.

State Expenditures: DNR can evaluate POS Local project applications for the construction of communication boards in local playgrounds with existing resources.

DNR advises that there are approximately 38 playgrounds managed by the Maryland Park Service, and that there are currently bulletin boards near most playgrounds. Assuming these bulletin boards can be updated to display photos, symbols, or illustrations to enable individuals with limited language skills to express themselves and communicate, DNR advises that the bill has minimal impact on the department. To the extent that additional communication boards must be constructed, State POS funds are redirected from other projects to meet the requirements of the bill.

Local Fiscal Effect:

Program Open Space Local

Under the bill, local governing bodies must apply for POS Local funds to construct communication boards in playgrounds under their respective jurisdiction. However, the bill does not change the amount of POS Local funding allocated to the counties overall or individually; accordingly, it is assumed that affected local governing bodies redirect funds from other projects to construct communication boards as required by the bill.

Although costs are assumed to be covered by a local governing body's POS Local funding allocation, some counties provided the following information with respect to the anticipated costs of installing communication boards at their local playgrounds:

- Howard County advises that it has begun to install communication boards in all new county playgrounds; to install communication boards at *all* county playgrounds, costs increase by approximately \$100,000 (40 boards at a cost of \$2,500 each).
- M-NCPPC advises that, under its jurisdiction, there are approximately 250 playgrounds in Prince George's County and 270 playgrounds in Montgomery County. At an estimated cost of approximately \$2,000 per communication board, M-NCPPC estimates total costs of approximately \$1.0 million.

Public School Playgrounds

County boards of education expenditures increase to construct communication boards. Although the total number of communication boards that need to be constructed at public school playgrounds and the associated costs are unknown, the Maryland State Department of Education (MSDE) advises that there are approximately 900 public elementary and middle schools in the State, all of which have at least one playground. MSDE estimates that it costs between \$800 and \$2,500 to construct a communication board, and, therefore, the *minimum* costs to construct communication boards at all public school playgrounds totals \$720,000 (900 playgrounds at \$800 per board). This estimate does not include costs to maintain or repair communication boards or to replace them as needed in the future.

Small Business Effect: The bill may have a meaningful positive impact on small businesses that construct communication boards for affected playgrounds.

Additional Information

Prior Introductions: None.

Designated Cross File: SB 680 (Senator Gallion) - Education, Health, and Environmental Affairs.

Information Source(s): Calvert, Caroline, Howard, Montgomery, and Prince George's counties; Maryland-National Capital Park and Planning Commission; Maryland State Department of Education; Department of Natural Resources; Baltimore City Public Schools; Prince George's County Public Schools; Department of Legislative Services

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