

Department of Legislative Services
 Maryland General Assembly
 2016 Session

FISCAL AND POLICY NOTE
 Third Reader - Revised

House Bill 132

(Delegate Lafferty, *et al.*)

Environment and Transportation

Education, Health, and Environmental Affairs

State Government - Pollinator Habitat Plans

This bill requires the Department of Natural Resources (DNR), the Maryland Environmental Service (MES), and the State Highway Administration (SHA) to each establish, in consultation with the Maryland Department of Agriculture (MDA), a specified pollinator habitat plan by July 1, 2017. Each agency must (1) make the agency’s pollinator habitat plan available to the public on its website by September 1, 2017; (2) report to the Senate Education, Health, and Environmental Affairs Committee and House Environment and Transportation Committee on the plan by January 1, 2018; and (3) implement the plan by July 1, 2018.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: General fund expenditures increase by approximately \$50,000, Transportation Trust Fund (TTF) expenditures increase by \$160,000, and nonbudgeted expenditures increase by \$10,000 to \$20,000 in FY 2017 for DNR, SHA, and MES, respectively, to develop pollinator habitat plans. Expenditures may also increase in future years for the agencies to implement and/or update the plans. Revenues are not affected.

(in dollars)	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	50,000	-	-	-	-
SF Expenditure	160,000	-	-	-	-
NonBud Exp.	15,000	-	-	-	-
Net Effect	(\$225,000)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A pollinator habitat plan:

- must include best management practices for the maintenance, creation, enhancement, and restoration of pollinator habitats;
- must adhere to MDA's managed pollinator protection plan;
- may not require an action on land that is inconsistent with any federal, State, or local law, regulation, rule, or guidance that applies to the land; and
- may not require the creation of pollinator habitat on productive farmland.

Current Law/Background:

State Law Relating to Pollinators

MDA's Apiary Inspection Program registers and inspects managed bee colonies and honey houses in the State. The program also provides technical assistance and works to promote the beekeeping industry. MDA indicates that as of December 2015, there were 1,895 registered beekeepers with 14,594 colonies at 2,469 locations in the State. Statute imposes requirements on shipping and transporting of bees and used bee equipment into the State to help ensure that bees or equipment infected with an infectious bee disease are not brought into the State. A temporary Maryland Wild Pollinators Program was established in the State by Chapter 173 of 2008 to increase awareness of wild pollinators and the availability of noninvasive plants that are pollinator friendly. The program was subject to funding in the State budget, however, which MDA indicates was not available, and the program terminated in September 2010.

Pollinator Health

A Presidential Memorandum on creating a federal strategy to promote the health of honey bees and other pollinators was issued in June 2014 to the heads of federal agencies. The memorandum cited the importance of pollinators to the U.S. economy and significant loss of those pollinators, including honey bees, native bees, birds, bats, and butterflies, over the past few decades. MDA indicates that honey bees pollinate crops valued at more than \$40 million in Maryland alone.

The memorandum included various directives, including the establishment of a Pollinator Health Task Force, consisting of representatives of various federal agencies, to develop a National Pollinator Health Strategy, which was issued in May 2015. Among other directives to increase and improve pollinator habitat, the memorandum (1) required task force member agencies to develop and implement, as appropriate, plans to enhance pollinator habitat on their managed lands and facilities and (2) required the U.S. Environmental Protection Agency to engage State and tribal environmental, agricultural, and wildlife agencies in the development of State and tribal pollinator protection plans. The National Pollinator Health Strategy describes these plans as articulating means through which growers, applicators, and beekeepers can quickly and effectively communicate pesticide applications in close proximity to managed colonies. Maryland is currently in the process of developing its managed pollinator protection plan.

State Expenditures: State expenditures increase for the affected agencies due to (1) costs of consulting services or contractual personnel to develop the pollinator habitat plans (assumed for the purpose of this fiscal and policy note to be incurred in fiscal 2017, although some portion of the costs could instead be incurred in fiscal 2018) and (2) initial and any ongoing cost increases to implement the plans (from fiscal 2018 forward). To develop the pollinator habitat plans, the agencies are expected to incur the following costs:

- DNR (general funds) – approximately \$50,000 for a salary, fringe benefits, and associated operating costs for a contractual natural resources biologist;
- SHA (TTF) – \$160,000 for contractual services; and
- MES (nonbudgeted funds) – \$10,000 to \$20,000 for the initial development of the plan and minimal ongoing costs to maintain and update the plan (this assumes a plan is developed only for properties owned by MES).

Agencies appear to have discretion under the bill as to the level of resources put into plan implementation. Based on input from MDA and others, certain best management practices that might be included in a plan can involve minimal or no costs to implement, while more significant efforts to establish new habitat could increase costs by \$2,000 to \$3,500 per acre over the course of a couple of years. Presumably, agencies undertake any such efforts on a relatively selective basis.

MDA advises that it expects to provide written guidance as well as technical assistance (to the extent of its staff's availability) to affected agencies. Funding and assistance outside of State government may also be able to be leveraged.

Small Business Effect: Small businesses may benefit from providing services to the affected State agencies in developing and/or implementing the pollinator habitat plans. Small business beekeepers in proximity of State lands may meaningfully benefit from improved pollinator habitat.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture, Department of Natural Resources, Maryland Department of Transportation, Maryland School for the Deaf, Baltimore City Community College, University System of Maryland, Morgan State University, St. Mary's College of Maryland, Maryland Department of the Environment, Maryland Environmental Service, Department of General Services, Department of Health and Mental Hygiene, Department of Juvenile Services, Department of Public Safety and Correctional Services, Department of State Police, Maryland Department of Veterans Affairs, Maryland State Beekeepers Association, Maryland Association of Soil Conservation Districts, Xerces Society, The White House (Office of the Press Secretary), Pollinator Health Task Force, Department of Legislative Services

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