

HOUSE BILL 877

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CF SB 582

By: **Delegates Beitzel, Buckel, Hornberger, and McKay**

Introduced and read first time: February 3, 2020

Assigned to: Environment and Transportation and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – State Lakes Protection and Restoration Program and Fund**

3 FOR the purpose of altering the purpose and authorized uses of the State Lakes Protection
4 and Restoration Fund; establishing the State Lakes Protection and Restoration
5 Program in the Department of Natural Resources; establishing the purposes of the
6 Program; requiring the Secretary of Natural Resources to spend a certain minimum
7 amount from the Secretary’s budget on the Program in certain fiscal years; providing
8 for the effective date of certain provisions of this Act; providing for the termination
9 of certain provisions of this Act; and generally relating to the State Lakes Protection
10 and Restoration Fund and the State Lakes Protection and Restoration Program.

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 8–205
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Natural Resources
18 Section 8–205
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2019 Supplement)
21 (As enacted by Chapter 698 of the Acts of the General Assembly of 2018)

22 BY adding to
23 Article – Natural Resources
24 Section 8–205.1
25 Annotated Code of Maryland
26 (2012 Replacement Volume and 2019 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Natural Resources**

3 8–205.

4 (a) In this section, “Fund” means the State Lakes Protection and Restoration
5 Fund.

6 (b) There is a State Lakes Protection and Restoration Fund.

7 (c) The purpose of the Fund is to [protect and restore State–owned or
8 State–managed lakes by:

9 (1) Removing sediment;

10 (2) Treating contaminated sediment;

11 (3) Preventing the spread of invasive species;

12 (4) Improving ecological and recreational value; and

13 (5) Taking any other action the Department determines is necessary]
14 **PROVIDE MONEY TO CARRY OUT THE STATE LAKES PROTECTION AND**
15 **RESTORATION PROGRAM ESTABLISHED UNDER § 8–205.1 OF THIS SUBTITLE.**

16 (d) The Secretary shall administer the Fund.

17 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
18 the State Finance and Procurement Article.

19 (2) The State Treasurer shall hold the Fund separately, and the
20 Comptroller shall account for the Fund.

21 (f) The Fund consists of:

22 (1) Money appropriated in the State budget to the Fund; and

23 (2) Any other money from any other source accepted for the benefit of the
24 Fund.

25 (g) The Fund may be used only [for the protection or restoration of State–owned
26 or State–managed lakes by:

27 (1) Removing sediment;

28 (2) Treating contaminated sediment;

1 (3) Preventing the spread of invasive species;

2 (4) Improving ecological and recreational value; and

3 (5) Taking any other action the Department determines is necessary] **TO**
4 **CARRY OUT THE STATE LAKES PROTECTION AND RESTORATION PROGRAM.**

5 (h) (1) The State Treasurer shall invest the money of the Fund in the same
6 manner as other State money may be invested.

7 (2) Any interest earnings of the Fund shall be credited to the Fund.

8 (i) Expenditures from the Fund may be made only in accordance with the State
9 budget.

10 (j) Money expended from the Fund for the [protection or restoration of
11 State-owned or State-managed lakes] **STATE LAKES PROTECTION AND RESTORATION**
12 **PROGRAM** is supplemental to and is not intended to take the place of funding that would
13 otherwise be appropriated for the [protection or restoration of State-owned or
14 State-managed lakes] **PROGRAM.**

15 (k) For fiscal year 2020 and each fiscal year thereafter, the Governor shall include
16 in the annual budget bill an appropriation of \$1,000,000 to the Fund.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
18 as follows:

19 **Article – Natural Resources**

20 8–205.

21 (a) In this section, “Fund” means the State Lakes Protection and Restoration
22 Fund.

23 (b) There is a State Lakes Protection and Restoration Fund.

24 (c) The purpose of the Fund is to [protect and restore State-owned lakes]
25 **PROVIDE MONEY TO CARRY OUT THE STATE LAKES PROTECTION AND**
26 **RESTORATION PROGRAM ESTABLISHED UNDER § 8–205.1 OF THIS SUBTITLE.**

27 (d) The Secretary shall administer the Fund.

28 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
29 the State Finance and Procurement Article.

1 (2) The State Treasurer shall hold the Fund separately, and the
2 Comptroller shall account for the Fund.

3 (f) The Fund consists of:

4 (1) Money appropriated in the State budget to the Fund; and

5 (2) Any other money from any other source accepted for the benefit of the
6 Fund.

7 (g) The Fund may be used only [for the protection or restoration of State-owned
8 lakes] **TO CARRY OUT THE STATE LAKES PROTECTION AND RESTORATION**
9 **PROGRAM.**

10 (h) (1) The State Treasurer shall invest the money of the Fund in the same
11 manner as other State money may be invested.

12 (2) Any interest earnings of the Fund shall be credited to the Fund.

13 (i) Expenditures from the Fund may be made only in accordance with the State
14 budget.

15 (j) Money expended from the Fund for the [protection or restoration of
16 State-owned lakes] **STATE LAKES PROTECTION AND RESTORATION PROGRAM** is
17 supplemental to and is not intended to take the place of funding that would otherwise be
18 appropriated for the [protection or restoration of State-owned lakes] **PROGRAM.**

19 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
20 as follows:

21 **Article – Natural Resources**

22 **8–205.1.**

23 (A) **IN THIS SECTION, “PROGRAM” MEANS THE STATE LAKES PROTECTION**
24 **AND RESTORATION PROGRAM.**

25 (B) **THERE IS A STATE LAKES PROTECTION AND RESTORATION PROGRAM**
26 **IN THE DEPARTMENT.**

27 (C) **THE PURPOSE OF THE PROGRAM IS TO PROTECT AND RESTORE**
28 **STATE-OWNED AND STATE-MANAGED LAKES BY:**

29 (1) **REMOVING SEDIMENT;**

- 1 **(2) TREATING CONTAMINATED SEDIMENT;**
2 **(3) PREVENTING THE SPREAD OF INVASIVE SPECIES;**
3 **(4) IMPROVING ECOLOGICAL AND RECREATIONAL VALUE; AND**
4 **(5) TAKING ANY OTHER ACTION THE DEPARTMENT DETERMINES IS**
5 **NECESSARY.**

6 **(D) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE**
7 **SECRETARY SHALL SPEND AT LEAST \$3,000,000 FROM THE SECRETARY'S BUDGET**
8 **ON THE PROGRAM.**

9 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
10 effect on the taking effect of the termination provision specified in Section 3 of Chapter 698
11 of the Acts of the General Assembly of 2018. If that termination provision takes effect,
12 Section 1 of this Act, with no further action required by the General Assembly, shall be
13 abrogated and of no further force and effect. This Act may not be interpreted to have any
14 effect on that termination provision.

15 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions of
16 Section 4 of this Act, this Act shall take effect July 1, 2020.