SENATE BILL 582

By: Senator Edwards
Introduced and read first time: January 31, 2020
Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

AN ACT concerning

Natural Resources – State Lakes Protection and Restoration Program and Fund

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

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–205
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–205
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)
(As enacted by Chapter 698 of the Acts of the General Assembly of 2018)

BY adding to

Article – Natural Resources
Section 8–205.1
Annotated Code of Maryland
(2012 Replacement Volume and 2019 Supplement)

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.
That the Laws of Maryland read as follows:

**Article – Natural Resources**

8–205.

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

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

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

1. Removing sediment;
2. Treating contaminated sediment;
3. Preventing the spread of invasive species;
4. Improving ecological and recreational value; and
5. Taking any other action the Department determines is necessary.

PROVIDE MONEY TO CARRY OUT THE STATE LAKES PROTECTION AND RESTORATION PROGRAM ESTABLISHED UNDER § 8–205.1 OF THIS SUBTITLE.

(d) The Secretary shall administer the Fund.

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

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

(f) The Fund consists of:

1. Money appropriated in the State budget to the Fund; and
2. Any other money from any other source accepted for the benefit of the Fund.

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

1. Removing sediment;
2. Treating contaminated sediment;
(3) Preventing the spread of invasive species;

(4) Improving ecological and recreational value; and

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

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

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

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

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

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

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

Article – Natural Resources

8–205.

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

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

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

(d) The Secretary shall administer the Fund.

(e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of the State Finance and Procurement Article.
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(2) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(f) The Fund consists of:

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

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

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

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

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

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

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

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

Article – Natural Resources

8–205.1.

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

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

(C) THE PURPOSE OF THE PROGRAM IS TO PROTECT AND RESTORE STATE–OWNED AND STATE–MANAGED LAKES BY:

(1) REMOVING SEDIMENT;
(2) TREATING CONTAMINATED SEDIMENT;

(3) PREVENTING THE SPREAD OF INVASIVE SPECIES;

(4) IMPROVING ECOLOGICAL AND RECREATIONAL VALUE; AND

(5) TAKING ANY OTHER ACTION THE DEPARTMENT DETERMINES IS NECESSARY.

(D) IN FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER, THE SECRETARY SHALL SPEND AT LEAST $3,000,000 FROM THE SECRETARY’S BUDGET ON THE PROGRAM.

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

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