

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE

House Bill 273 (Delegate King)
 Health and Government Operations

Public Safety - Pool Lifeguards - Regulation (Connor's Law)

This bill requires the owner of a public pool, a recreational pool, a semi-public pool with a water surface area greater than 2,500 square feet, or a multiple pool facility with a combined water surface area that is greater than 2,500 square feet to have one lifeguard on duty for each group of 25 or fewer individuals in the water.

Fiscal Summary

State Effect: Special fund expenditures increase by \$63,400 in FY 2011 for State parks that operate pools due to an increase in the lifeguard-to-swimmer ratio. Future year expenditures reflect annualization and inflation. If the bill’s staffing requirements cannot be met, special fund revenues may decrease for State parks due to a decrease in admissions. Under this scenario, special fund expenditures increase by less than \$63,400 in FY 2011.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	63,400	82,300	85,900	89,600	93,400
Net Effect	(\$63,400)	(\$82,300)	(\$85,900)	(\$89,600)	(\$93,400)

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

Local Effect: Expenditures may increase significantly beginning in FY 2011 for counties that operate recreational programs with pools. Admission fees may have to be increased to cover the additional costs of operating pools. If public pools cannot hire enough lifeguards to fully staff the pools, revenues may instead decline due to fewer admissions. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Meaningful.

Analysis

Current Law: Maryland regulations set lifeguard-to-swimmer ratios for camps, limited-public use pools (including day care centers), and public pools and spas. A camp that offers an aquatic program has to have one lifeguard on duty for each group of 50 campers in the water. Public pools and spas are also required to have one lifeguard on duty for each group of 50 swimmers, while limited public-use pools are required to have one lifeguard on duty for each group of 25 swimmers.

Background: California, Maine, New Hampshire, Oregon, Texas, and Maryland all have regulations setting lifeguard-to-swimmer ratios in camps. Illinois, Kentucky, Oklahoma, and Maryland have regulations setting lifeguard-to-swimmer ratios in public pools, while Mississippi, Montana, North Carolina, Oregon, Vermont, and Maryland have regulations for lifeguard-to-swimmer ratios at child care centers.

The bill is named after a five-year-old boy named Connor who drowned in a country club pool in Anne Arundel County. In 2007, the boy's parents won a judgment of \$4 million against the pool management company, claiming that it did not post enough lifeguards or sufficiently train the ones on duty.

State Fiscal Effect: Two State parks (Dans Mountain and Pocomoke River) have swimming pools. In addition, the Department of Natural Resources (DNR) manages a pool at Somers Cover Marina. All the pools are special funded. While special fund expenditures may double as a result of hiring twice as many lifeguards to meet the new ratio set under the bill, DNR may not be able to double its staff due to the limited labor supply of certified lifeguards. If State-operated pools are unable to meet staffing requirements, pool admissions would have to be limited to meet the lifeguard-to-swimmer ratio under the bill's provisions, resulting in decreased special fund admissions revenues.

Local Fiscal Effect: Some local governments that operate recreational programs with pools report difficulty hiring enough lifeguards to meet the current one lifeguard to 50 swimmers ratio set in regulations. Doubling the ratio could exacerbate the shortage and cause local governments to limit the number of lessons, admissions, and class sizes offered. In that event, revenues could decrease in those counties.

For example, the City of Gaithersburg advises that pool revenues may decrease by \$135,000 in fiscal 2011 if it is unable to fill the additional staffing roles. However, if the city can acquire a sufficient labor supply to double its staff, this would result in a \$100,544 increase in expenditures in fiscal 2011. In comparison, the Maryland-National Capital Park and Planning Commission's (M-NCPPC) Department of Parks and Recreation foresees a \$3.4 million annual increase in expenditures, assuming the

commission will need to hire twice as many lifeguards in future years. Some counties advise that they will not need to hire twice as many lifeguards. For example, Anne Arundel County will require a 20% staffing increase due to the new lifeguard-to-swimmer ratio, resulting in a \$172,000 increase in expenditures in fiscal 2011. The county estimates that a 12% increase in user rates will be needed to recover expenditure increases.

However, some pools operated by local governments may already employ sufficient numbers of staff or, because the number of swimmers is small, will not need to hire additional lifeguards. For those that do need to hire additional lifeguards and successfully do so, expenditures increase accordingly.

Small Business Effect: Private pool owners may have to limit the number of patrons or hire additional lifeguards if they ever have more than 25 swimmers in the pool at one time. Owners of hotels, motels, campgrounds, and bed and breakfasts with pools would all be affected, as would health clubs, retirement communities, marinas, condominiums, apartment complexes, housing subdivisions, and mobile home parks.

Additional Information

Prior Introductions: HB 204 of 2008 received a hearing in the House Health and Government Operations Committee, but no further action was taken on the bill.

Cross File: None.

Information Source(s): Anne Arundel, Baltimore, Dorchester, Garrett, Howard, and Montgomery counties; towns of Berlin and Bladensburg; cities of College Park, Frostburg, Gaithersburg, and Rockville; Department of Natural Resources; Department of Health and Mental Hygiene; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2010
ncs/mwc

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