

Department of Legislative Services  
 Maryland General Assembly  
 2019 Session

FISCAL AND POLICY NOTE  
 Third Reader - Revised

Senate Bill 213

(Senator Edwards)

Education, Health, and Environmental Affairs

Environment and Transportation

Natural Resources – State Lakes Protection and Restoration Fund – Mandatory  
 Funding and Termination Date

This bill increases the mandated appropriation to the State Lakes Protection and Restoration Fund, from \$1 million to \$3 million. The bill also extends the termination date of Chapter 698 of 2018 from June 30, 2022, to June 30, 2023, making specified changes under Chapter 698 applicable for an additional year. **The bill takes effect July 1, 2019, and terminates June 30, 2023.**

Fiscal Summary

**State Effect:** General fund expenditures increase by \$2.2 million in FY 2021, by similar amounts through FY 2023, and by approximately \$3.2 million in FY 2024 (reflecting mandated funding and personnel costs). Special fund revenues and expenditures increase by \$2.0 million from FY 2021 through 2023 and by \$3.0 million in FY 2024 (reflecting receipt of the mandated funding and corresponding spending). **This bill increases an existing mandated appropriation beginning in FY 2021 and extends it an additional year (through FY 2024).**

| (in dollars)   | FY 2020 | FY 2021       | FY 2022       | FY 2023       | FY 2024       |
|----------------|---------|---------------|---------------|---------------|---------------|
| SF Revenue     | \$0     | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$3,000,000   |
| GF Expenditure | \$0     | \$2,223,100   | \$2,215,100   | \$2,222,300   | \$3,229,700   |
| SF Expenditure | \$0     | \$2,000,000   | \$2,000,000   | \$2,000,000   | \$3,000,000   |
| Net Effect     | \$0     | (\$2,223,100) | (\$2,215,100) | (\$2,222,300) | (\$3,229,700) |

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

**Local Effect:** The bill does not directly affect local government finances.

**Small Business Effect:** Potential meaningful.

## Analysis

**Current Law:** Chapters 404 and 405 of 2017 first established the State Lakes Protection and Restoration Fund, administered by the Secretary of Natural Resources, to protect and restore State-owned lakes. Under Chapters 404 and 405, the fund consisted of money appropriated in the State budget to the fund and any other money from any other source accepted for the benefit of the fund. Chapter 698 of 2018, however, requires the Governor to include in the annual budget bill an appropriation of \$1 million to the fund for fiscal 2020 and each fiscal year thereafter.

Chapter 698 also allows for the fund to be used to protect and restore State-managed lakes as well as State-owned lakes and specifies the following activities the fund may be used for in order to protect and restore State-owned or State-managed lakes: (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 of Natural Resources (DNR) determines necessary. Chapter 698 terminates June 30, 2022. (However, pursuant to Chapters 404 and 405, the fund continues.)

Pursuant to provisions established under Chapters 404 and 405, any interest earnings of the fund are credited to the fund. Money expended from the fund is supplemental to, and 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. DNR must develop (1) a working budget for the funding and (2) in coordination with local governments, organizations, and citizens, an annual work plan that prioritizes and details projects that will receive funding.

**Background:** There are 16 State-owned or State-managed lakes, with Deep Creek Lake being the largest. As required by Chapter 698, the Governor's proposed fiscal 2020 budget includes \$1 million for the State Lakes Protection and Restoration Fund, a small portion of which (\$47,500) is for a contractual position to help manage and track projects.

DNR held a series of State Lakes Protection and Restoration Fund "open houses" in the late fall of 2018. Stakeholder comments indicated that there are many issues impacting the health of the State-owned and State-managed lakes, including impacts and control of aquatic invasive species, a general lack of lake water quality and habitat formation, and sediment accumulation.

**State Fiscal Effect:** General fund expenditures increase by \$2,223,107 in fiscal 2021, which reflects the \$2 million increase in the mandated appropriation for the fund plus costs of additional personnel needed to administer a protection and restoration program at that level of funding. General fund costs for the same personnel were included in the fiscal and policy note for Senate Bill 501 of 2018 (Chapter 698) as an impact of that

bill beginning in fiscal 2020, independent of the \$1 million mandated appropriation. However, only a contractual position, funded with a portion of the \$1 million mandated appropriation, has been included in the Governor’s proposed fiscal 2020 budget. Those personnel are reflected again in this fiscal and policy note as a general fund impact (independent of the \$2 million increase in the mandated appropriation) because (1) the need for those personnel still exists and is even greater beginning in fiscal 2021 because of the increase in funding for the program required by the bill and (2) the bill does not explicitly allow for the mandated funding to be used for costs of personnel needed to administer the fund.

The necessary personnel include a project manager (to, among other things, coordinate development of the budget and work plan for the fund, oversee projects, and manage contracts), an environmental project reviewer (to complete necessary environmental impact review work for proposed projects), and an administrative specialist (to provide support in managing and tracking project bids and commenced projects). These responsibilities cannot be adequately managed by existing staff. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses.

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|---|--------------------|
| Positions                               | 3                  |
| Salaries and Fringe Benefits            | \$199,562          |
| Increased Mandated Appropriation        | 2,000,000          |
| Operating Expenses                      | <u>23,545</u>      |
| <b>Total FY 2021 State Expenditures</b> | <b>\$2,223,107</b> |

Future year expenditures reflect the continued increased mandated appropriation for fiscal 2022 and 2023, the full mandated appropriation for fiscal 2024 (due to the extension of the Chapter 698 of 2018 termination date to June 30, 2023), full salaries with annual increases and employee turnover, and ongoing operating expenses. While Chapter 698 is set to terminate June 30, 2022, it is assumed that, in the absence of this bill, the mandated appropriation continues through fiscal 2023, since Chapter 698 would still be in effect when the Governor introduces the annual budget bill for fiscal 2023 during the 2022 legislative session. Similarly, it is assumed that, under the bill, the mandated appropriation continues through fiscal 2024, despite Chapter 698 and the bill terminating June 30, 2023.

Because the fund is permanent and does not terminate when Chapter 698 and the bill terminate, it is assumed that permanent, as opposed to contractual, employees are hired. However, the employees may no longer be needed after the mandated appropriation terminates, unless continued funding is provided.

Special fund revenues to the fund and expenditures from the fund increase by \$2 million in fiscal 2021 through 2023 and by \$3 million annually in fiscal 2024, which reflects the

receipt of the mandated appropriation and corresponding spending. It is assumed that the entire mandated appropriation is spent in each year.

**Small Business Effect:** Small businesses may meaningfully benefit from the opportunity to bid on protection and restoration projects funded by the increased mandated funding under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 405 (Delegate Beitzel, *et al.*) - Environment and Transportation.

**Information Source(s):** Department of Natural Resources; Department of Budget and Management; Department of Legislative Services

**Fiscal Note History:** First Reader - February 8, 2019  
sb/lgc Third Reader - March 25, 2019  
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