

Legislation 2011 – 2/8/11 Update

HB 111 - Department of Natural Resources - Fishing - Regulatory Authority

(Hearing 2/9/11 at 1pm) Environmental Matters

This bill establishes broad regulatory authority for the Department to define the manner, methods and means of catching and possessing fish in State waters.

HB 208 - Aquaculture – Shellfish Leasing Areas- Expansion

(Hearing 2/23/11 at 1pm) Environmental Matters

This bill serves to correct minor references and text and removes text that were made obsolete by Senate Bill 271/House Bill 312, passed unanimously by the General Assembly in 2009. This bill makes definitions and terms consistent throughout the Fisheries Service title of Natural Resources law. This bill removes existing sanctuary leasing restrictions on bottom that are not historically charted Yates Bars.

HB 273 - Natural Resources – Oyster Poaching – Hearing – Cross-filed as SB 159

(Hearing 2/16/11 at 1pm) Environmental Matters

The bill allows the Department to revoke a commercial license if that licensee is issued a citation for taking oysters more than 200 feet within a closed or prohibited area, using illegal oyster gear, harvesting oysters outside of a legal time by more than 1 hour, harvesting oysters outside of a season, and taking oysters illegally from a leased area. The bill requires the Department to revoke the license through a contested case hearing process with the Office of Administrative Hearings (OAH). This hearing is required to occur within 60 days of the receiving a citation.

HB 396 – Natural Resources – Administrative Procedures – Electronic Citations, Inspections, and Hearings – Cross-filed as SB 414

(Hearing 2/23/11 at 1pm) Environmental Matters This bill allows the Natural Resources Police officers to issue electronic citations and provides for an acknowledgment receipt to be signed by the violator. The bill also repeals a section that requires the Department to hold a hearing before it can suspend a recreational or tidal fishing license, and replaces it with the requirement that the Department provide notice of a right to a hearing on request. If the licensee requests a hearing within the required time frame of 30 days of notice, the bill requires the Department to conduct a hearing, providing 10 days notice to the licensee. The Department may suspend the license without a hearing if the licensee does not request a hearing or if he doesn't appear for the scheduled hearing. The bill also specifies the scope of authorized inspections by the Department where a tidal fishing licensee has transferred his license, and what fishing gear may be seized if connected to a violation.

SB 159 – Natural Resources – Oyster Poaching – Hearing – Cross-filed as HB 273 (Hearing 2/8/11 at 1pm) Education, Health, and Environmental Affairs

The bill allows the Department to revoke a commercial license if that licensee is issued a citation for taking oysters more than 200 feet within a closed or prohibited area, using illegal oyster gear, harvesting oysters outside of a legal time by more than 1 hour, harvesting oysters outside of a season, and taking oysters illegally from a leased area. The bill requires the Department to revoke the license through a contested case hearing process with the Office of Administrative Hearings (OAH). This hearing is required to occur within 60 days of the receiving a citation.

SB 188 - Recreational Fishing Licenses – Exemption for Disabled Armed Forces Members (Hearing changed to 2/15/11 at 1pm) Education, Health, and Environmental Affairs
Senate Bill 188 would exempt any person serving in the U.S. military who has a service-connected disability from obtaining a recreational trout stamp, non-tidal license, or tidal license.

SB 414 – Natural Resources – Administrative Procedures – Electronic Citation, Inspections, and Hearings – Cross-filed as HB 396

(1st Reading 2/4/11) Education, Health, and Environmental Affairs

This bill alters procedures for citations issued by Natural Resources Police officers by permitting electronic citations and providing for an acknowledgment receipt to be signed by the violator. The bill also repeals a section that required the Department to hold a hearing before it could suspend a recreational fishing, and instead requires the Department to provide notice of a right to a hearing on request. If the licensee requests a hearing within the required time frame of 30 days of the notice, the bill requires the Department to conduct a hearing and provide 10 days notice to the licensee. The Department may suspend the license without a hearing if the licensee does not request a hearing or if he doesn't appear for the scheduled hearing. The bill also specifies the scope of authorized inspections by the Department where a tidal fishing licensee has transferred his license, and what fishing gear may be seized if possessed in connection with a violation.

SB 420 – Hunting and Recreational Fishing Licenses – Issuance by Agent – Service Charge

(1st reading 2/4/11) Education, Health, and Environmental Affairs

The bill would authorize an agent who issues angler's licenses, Chesapeake Bay and coastal sport fishing licenses, or hunting licenses to add a service charge not exceeding \$5 for each license issued.

SB 538 – Natural Resources - Oyster Sanctuaries - Designation

(1st reading 2/4/11) Education, Health, and Environmental Affairs

Prohibiting the Department of Natural Resources from designating more than 25% of the available oyster habitat in the waters of the State as oyster sanctuaries.

SB 635 - Natural Resources - Striped Bass and Crabs - Revocation

(1st reading 2/4/11) Education, Health, and Environmental Affairs

Providing that a person who receives a citation for a specified offense related to unlawfully taking striped bass or crabs may have a specified authorization revoked; requiring the Department of Natural Resources, in consultation with the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission, to adopt regulations that establish grounds for the revocation of a specified authorization, including specified categories of offenses; etc.

SB 655 - Natural Resources - Commercial Fishing Violations - Enhanced Penalties

(1st reading 2/4/11) Education, Health, and Environmental Affairs

Establishing specified enhanced penalties for a person who commits a specified separate commercial fisheries violation while the person's commercial fishing license or authorization is suspended or revoked or who engages in commercial fishing activities without an appropriate license or authorization; requiring that specified fines imposed under the Act be paid into the Fisheries Research and Development Fund; and clarifying specified commercial fishing violations.

SB 720 - Commercial Fishing Apprenticeship Permit - Eligibility

(1st reading 2/4/11) Education, Health, and Environmental Affairs

Providing that specified practical commercial fishing experience obtained in specified jurisdictions by specified individuals applies toward the requirements for obtaining a commercial tidal fishing license through the commercial fishing apprenticeship permit; requiring an apprenticeship permittee to obtain the required practical experience within 10 years before applying for a commercial fishing license or authorization; etc.