

# SENATE BILL 437

M2

4lr2007  
CF 4lr2745

---

By: **Senator Frosh**

Introduced and read first time: January 24, 2014

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Nonresident Recreational Fishing and Crabbing Licenses – Oyster**  
3 **Restoration Surcharge**

4 FOR the purpose of authorizing the Department of Natural Resources to require a  
5 nonresident to pay a surcharge in addition to any license fees imposed under  
6 certain laws and regulations for certain licenses; requiring the Department to  
7 establish the amount of the surcharge by regulation; requiring all surcharges  
8 collected under this Act to be credited to a certain fund and used only for certain  
9 activities; authorizing the Department to adopt regulations necessary to  
10 implement the provisions of this Act; and generally relating to surcharges on  
11 certain licenses issued to nonresidents.

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section 4–209  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2013 Supplement)

17 BY adding to  
18 Article – Natural Resources  
19 Section 4–1020.1  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2013 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Natural Resources**

25 4–209.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, "Fund" means the Fisheries Research and Development  
2 Fund.

3 (b) There is a Fisheries Research and Development Fund in the Department.

4 (c) The purpose of the Fund is to:

5 (1) Finance the replenishment of fisheries resources and related  
6 research; and

7 (2) Match federal funds available for research and development of  
8 fisheries resources.

9 (d) The Department shall administer the Fund.

10 (e) (1) The Fund is a special, nonlapsing fund that is not subject to §  
11 7-302 of the State Finance and Procurement Article.

12 (2) The Treasurer shall hold the Fund separately and the Comptroller  
13 shall account for the Fund.

14 (f) The Fund consists of:

15 (1) Any money received under this title for:

16 (i) Commercial licenses and permits;

17 (ii) Service fees, taxes, and royalties paid to the State for oyster  
18 shells and clam shells removed from the bottom beneath the tidal waters of the State;

19 (iii) The sale of seed oysters under § 4-1103 of this title; [and]

20 (iv) Any fine or forfeiture collected under § 4-1202 of this title;

21 **AND**

22 **(V) SURCHARGES ON NONRESIDENT RECREATIONAL**  
23 **FISHING AND CRABBING LICENSES COLLECTED UNDER § 4-1020.1 OF THIS**  
24 **TITLE;**

25 (2) Any investment earnings of the Fund;

26 (3) Money received from any other source; and

27 (4) Money appropriated from the General Fund of the State in  
28 accordance with subsection (j) of this section.

1 (g) Subject to §§ 4-701(q), 4-1020, **4-1020.1**, 4-1028, and 4-1035 of this  
2 title, the Fund may be used for:

3 (1) Replenishing fisheries resources and related research;

4 (2) Matching federal funds available for research and development of  
5 fisheries resources; and

6 (3) Administrative costs calculated in accordance with § 1-103(b)(2) of  
7 this article.

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

10 (2) Any investment earnings of the Fund may not be transferred or  
11 revert to the General Fund of the State, but shall remain in the Fund.

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

14 (j) Beginning with fiscal year 2009 and each fiscal year thereafter, the  
15 Governor may include in the budget bill an appropriation from the General Fund for  
16 the Fund.

17 (k) The Governor shall include in the budget bill for each fiscal year a  
18 General Fund appropriation to the Fisheries Research and Development Fund of not  
19 less than \$1,794,000.

20 **4-1020.1.**

21 **(A) THE DEPARTMENT MAY REQUIRE A NONRESIDENT TO PAY A**  
22 **SURCHARGE IN ADDITION TO ANY LICENSE FEES IMPOSED:**

23 **(1) UNDER § 4-604 OF THIS TITLE FOR AN ANGLER'S LICENSE OR**  
24 **A SHORT-TERM LICENSE;**

25 **(2) UNDER § 4-745 OF THIS TITLE FOR A CHESAPEAKE BAY AND**  
26 **COASTAL SPORT FISHING LICENSE OR SHORT-TERM LICENSE; AND**

27 **(3) UNDER COMAR 08.02.03.09 FOR A RECREATIONAL**  
28 **CRABBING LICENSE.**

29 **(B) THE DEPARTMENT SHALL ESTABLISH THE AMOUNT OF THE**  
30 **SURCHARGE BY REGULATION.**

1           **(C) ALL SURCHARGES COLLECTED UNDER THIS SECTION SHALL BE**  
2 **CREDITED TO THE FISHERIES RESEARCH AND DEVELOPMENT FUND AND USED**  
3 **ONLY FOR ACTIVITIES OF THE DEPARTMENT RELATING TO OYSTER**  
4 **RESTORATION.**

5           **(D) THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO**  
6 **IMPLEMENT THE PROVISIONS OF THIS SECTION.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2014.