

# FINAL Legislative Update – 4/14/2015

## **HB 67 – Natural Resources – General Assembly - Mandated Reports by State Agencies (Crossfiled with SB 220) PASSED**

Speaker of the House (Second reading was favorable with amendments by committee; third reading passed on 3/16/15. First reading in Senate Rules 3/20/15. Second reading passed on 3/24/15. Third reading favorable with amendments on 3/26/15. House concurred with Senate amendments 4/6/15. **PASSED** enrolled 4/6/15.) Health and Government Operations

It repeals requirements for the following reports from DNR:

- Biennial report on acid deposition (MSAR #884, NR 3-3A-04(a)).
- Annual report on collection of limited fishing guide license fees (NR 4-210(h)(3)).  
Annual report on collection of freshwater fishing guide license fees (NR 4-210.1(d)(2)).
- Annual status report on endangered or threatened fish species (MSAR #1968, NR 4-2A-04(g)).
- Annual report on results of striped bass survey (MSAR #1967, NR 4-746(b)).
- Annual report on building permits for additional dwelling units in the Critical Area (MSAR #2497, NR 8-1808.1(e)(3)).
- Annual and 5-year reports on phragmites infestation (MSAR #2052 and #2053, NR 8-2103(c)).
- Annual report on construction and operation of duck hatchery facilities (MSAR #6652, Chapter 791 of 1984).

The bill also modifies requirements for these reports from DNR:

- Biennial agency report becomes annual, no longer required to be printed (MSAR #867, NR 1-104(e)).
- Annual report on administration of the Chesapeake Bay and Endangered Species Fund now due September 30 instead of August 31 (MSAR #868, NR 1-706(a)).
- Annual Reforestation report now due September 30 instead of July 1 (MSAR #2054, NR 5-103(h)).
- Annual Mel Noland Woodland Incentives Fund report now due September 30 instead of June 1 (MSAR #8577, NR 5-307(j)).
- Annual Forest Conservation Act report now due September 30 instead of July 1 (MSAR #6958, NR 5-1613).

## **HB 287 – Natural Resources – Aquaculture – Liability for Trespass PASSED**

Delegate O'Donnell – (Favorable with Amendments report by Committee 3/3. Third Reading passed 3/5. First Reading in Senate Education, Health, and Environmental Affairs Committee on 3/6. Favorable report adopted by Committee 4/2/15. Third Reading passed 4/3/15. Returned **PASSED** 4/6/15.) Environment and Transportation.

As amended, this bill clarifies that the penalties created by this bill do not apply to a person engaging in aquaculture activity in accordance with the terms and conditions of either a shellfish aquaculture harvester registration card or operator card that is in their possession, or in the possession of another person present in the lease area. The amendments also remove the “written permission” provision.

This bill establishes specified damages for which specified persons are liable for entering an area leased to another person for aquaculture purposes, without the written permission of the leaseholder, to harvest, damage, or transfer shellfish in any manner or to alter, damage, or remove any markings or equipment; and requires a person who enters an area leased to another person for aquaculture purposes and engages in specified acts to display the written permission of the leaseholder on the request of a law enforcement officer.

### **HB 305 – Administrative Procedure Act – Limitation on Adoption of Regulations **FAILED****

Delegate Miller, et al. – Unfavorable Report 3/10 - Health and Government Operations

Prohibiting a unit authorized by law to adopt regulations from adopting proposed regulations during the period beginning the day after a statewide general election for Governor and ending the day when the succeeding Governor takes office if the Governor serving in office on the day of the general election is not a candidate for the office or is defeated in the general election.

### **HB 419 – Natural Resources – Aquaculture Leases – Consideration of User Conflicts (Crossfiled with SB 709) **FAILED****

Delegates Jacobs – (Hearing: 3/6 at 1 p.m.; Unfavorable report by committee on 3/19/15; **WITHDRAWN**) Environment and Transportation

Requiring the Department of Natural Resources to consider potential user conflicts, including navigation, recreation, and commercial fishing, in determining the location of submerged land aquaculture leases in the Chesapeake Bay and water column aquaculture leases in the waters of the State; requiring the Department to mitigate and minimize the effects of the proposed location of specified aquaculture leasing areas on other users if the Department determines that conflicts exist; etc.

### **HB 583 – Open Meetings Act – Requirements for Providing Agendas**

Delegates Krebs – (Hearing: 3/11 at 1 p.m.) Health and Government Operations

**FAILED**

Requiring a public body to provide an agenda containing specified information if the agenda has been determined at the time a public body gives notice of the meeting or if an agenda has not been determined at the time of the meeting notice, the public body shall provide the agenda at least 24 hours before the meeting; providing that specified

information does not need to be included in a specified agenda; and authorizing methods by which a public body may provide a specified agenda.

### **HB 638 – Natural Resources – Oysters – Shell Seeding, Shell Replenishment, and Rotational Harvest **FAILED****

Delegates Holmes and Frush – (Unfavorable report on 3/10.) Environment and Transportation **WITHDRAWN**

Authorizing a person to use a power dredge to harvest oysters from any natural oyster bar in the State during a specified time period, subject to specified requirements and exceptions; authorizing the licensed oyster harvesters of each county to elect a county commercial oyster committee; requiring an oyster committee to develop and submit to the Department of Natural Resources a specified rotational harvest plan on or before August 1 of each year, beginning in 2021; etc.

### **HB 760 – Food Fish and Shellfish – Labeling and Identification Requirements (Maryland Seafood Authenticity Act) (Crossfiled with SB 557) **FAILED****

Delegate Luedtke – (Unfavorable report 4/6/15) Environment and Transportation **WITHDRAWN**

Prohibiting a person from selling or offering for sale within the State specified food fish or shellfish unless the person identifies the species of food fish or shellfish in a specified manner; prohibiting a person from knowingly misidentifying the species of specified food fish or shellfish on a label, sign, or menu; prohibiting a person from knowingly selling or offering for sale within the State specified crab products identified as "blue crab" except under specified conditions; etc.

### **HB 785 – Recreational Fishing Licenses – Duration and Expiration Date (Crossfiled with SB 666) **PASSED****

Delegate Flanagan – (Favorable with Amendments by committee on 3/14/15; passed in Third Reading on 3/15/15. First Reading in Senate Education, Health, and Environmental Affairs Committee 3/19/15. Favorable with amendments report by Committee 4/6/15. Third reading passed 4/7/15. House refuses to concur with Senate Amendments; House requests Senate recede; Conference Committee appointed. Third Reading **PASSED** and Enrolled 4/11/15.) Environment and Transportation

Altering the expiration date for and, under specified circumstances, the duration of specified recreational fishing licenses; requiring the Department of Natural Resources to establish by regulation a term for a specified recreational fishing license; requiring the Department to proportionally prorate the annual license fees for specified recreational fishing licenses; etc. This bill will have recreational fishing licenses run for 365 days from the date of purchase, rather than a calendar year starting on January 1.

**HB 815 – Income Tax Credit – Oyster Shell Recycling – Transfer of Credit (Crossfiled with SB 694) **FAILED****

Delegate Lafferty – (Hearing: 3/10 at 1 p.m. Ways and Means. Favorable with Amendments 4/10/15. Third Reading Passed 4/10/15. First reading in Senate 4/11/15. Referred to Budget and Taxation)

As amended, this bill increases the credit from \$1 per bushel of oyster shells to \$2 per bushel of oyster shells. This bill authorizes an individual or a corporation to sell and transfer the verification required to claim a credit against the State income tax for each bushel of oyster shells recycled during the taxable year; requires the Department of Natural Resources and the Comptroller to jointly adopt regulations to establish a process for the sale and transfer of the verification; applies the Act to taxable years beginning after December 31, 2014; etc.

**HB 860 – Aquatic Invasive Species – Inspection and Decontamination of Vessels (State Lakes Invasive Species Act of 2015) **PASSED****

Delegate Stein – (Hearing: 3/6 at 1 p.m. Favorable with Amendments Report adopted by Committee 3/20/15, Second Reading Passed with Amendments. Third reading passed on 3/23/15. First hearing in Senate Education, Health and Environmental Affairs on 3/31/15 at 1 p.m. Second Reading Passed with Amendments 4/9/15. Third reading **PASSED** and enrolled 4/13/15.) Environment and Transportation

As amended, this bill, after April 1, 2017, prohibits a person from placing a vessel in a lake at a public launch ramp or public dock unless the owner has cleaned the vessel and removed all visible organic material. The violation shall not exceed \$100 for a first violation, \$250 for a second violation, and \$500 for a third or subsequent violation. Also as amended, the bill requires the Department to convene a workgroup to evaluate actions to reduce the spread of aquatic invasive species from vessels placed in lakes that are owned or managed by the State.

Authorizes the Department of Natural Resources to take specified actions for the detection and removal of aquatic invasive species on vessels; requires the Department to adopt specified regulations; prohibits a person from placing a vessel or having a vessel placed in a lake unless the person has taken specified actions; makes a person who violates the Act guilty of a misdemeanor and subject to specified penalties; and applying the Act.

**HB 914 – Natural Resources – Nuisance Organisms – Reward for Information (Crossfiled with SB 322) **FAILED****

Delegate Frush – (Unfavorable report 4/6/15) Environment and Transportation

As amended it would authorize the Department to award a reward to a person providing information leading to a conviction for a violation of specified nuisance organism laws or

regulations; requiring a specified reward to be paid from specified fine proceeds in an amount not to exceed a specified percentage of fines imposed; and prohibiting a reward from being awarded to a law enforcement officer or an employee of the Department of Natural Resources.

### **HB 939 – Proposed Regulations – Determination of Impact on Small Businesses (Crossfiled with SB 775) **PASSED****

Speaker of the House – (Favorable with Amendments Report adopted by Committee on 3/16/15. Third Reading passed 3/19/15. First reading Senate Finance Committee 3/23/15. Favorable with amendments report by Committee 3/27/15. Floor amendment adopted, second reading passed 3/30/15. Third reading passed with amendments 3/31/15. House Refuses to Concur; requests Senate Recede; Conference committee appointed 4/8/15. Third reading **PASSED** and enrolled 4/13/15.) Economic Matters

As amended, adding one minority business enterprise owner and one women’s business enterprise owner and requiring the promulgating units to provide the assistance of subject matter experts as needed to the staff of the Advisory Council. Establishing the Advisory Council on the Impact of Regulations on Small Businesses in the Department of Business and Economic Development; providing for the purpose, composition, chair, staffing, and meetings of the Advisory Council; prohibiting a member of the Advisory Council from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Advisory Council to take specified actions and make specified determinations about proposed regulations; etc.

### **HB 998 – Natural Resources – Striped Bass Permits – Annual Fees **FAILED****

Delegate Jacobs – (Favorable with Amendments Report adopted by Committee on 3/14/15; Third Reading passed on 3/15/15; First Reading ing in Senate Education, Health, and Environmental Affairs Committee on 3/19/15. **UNFAVORABLE** report 3/27/15.) Environment and Transportation

Altering the annual fee for the commercial striped bass permit; and providing for the termination of the Act.

### **HB 1002 – Natural Resources – County Oyster Committees – Authority **FAILED****

Delegate Jacobs – (Favorable with Amendments Report adopted by Committee 3/23/15. Second Reading Passed with Amendments 3/23/15. Third reading passed 3/23/15. First reading Senate Education, Health, and Environmental Affairs 3/24/15. **UNFAVORABLE** report 4/3/15.) Environment and Transportation

As amended, this bill solely requires the Department to form a workgroup with representatives of the county oyster committees to examine issues related to the

composition and duties of the committees and to report its findings and recommendations to the Governor, Senate Education, Health, and Environmental Affairs Committee and House Environment and Transportation Committee on or before December 1, 2015. Authorizing a county oyster committee to use funds that the committee receives from the Department of Natural Resources or any other source to purchase oyster shells, seed oysters, or spat-on-shell for use on the public oyster fishery.

### **HB 1005 – Natural Resources – Commercial Fisheries Offenses – Stay of Revocation **FAILED****

Delegate Mautz – (**UNFAVORABLE** Report by Committee on 3/19/15) Environment and Transportation

Requiring a presiding officer after a specified administrative finding on specified commercial fisheries offenses related to oysters, crabs, or striped bass to stay a license revocation pending conviction for the offense, unless the presiding officer finds or concludes that the licensee wantonly or willfully committed the offense.

### **HB 1036 – Natural Resources – Oyster Poaching – Administrative Penalties (Crossfiled with SB 696) **FAILED****

Delegate Jacobs – (Favorable with Amendments Report adopted by committee on 3/14/15; Third Reading passed on 3/15/15. First Reading in Senate Education, Health, and Environmental Affairs Committee 3/19/15.) Environment and Transportation

Altering the administrative penalties that apply to a person for knowingly committing specified offenses related to oyster poaching by authorizing the Department of Natural Resources to suspend the person's oyster license for a first offense; and clarifying that any of specified oyster poaching offenses qualifies as a second or subsequent offense for specified purposes under specified circumstances.

### **HB 1174 – Kent County – Fisheries – Use of Haul Seines**

Delegate Jacobs, et al. – (Hearing: not yet set) Rules and Executive Nominations Committee **FAILED**

Authorizing in Kent County a person to catch gizzard shad, also known as mud shad, under specified circumstances with a haul seine during the period from Friday midnight until sunrise on Monday; and requiring the Department of Natural Resources to adopt specified regulations.

### **HB 1274 – Oysters and Clams – Dredging by Auxiliary Yawl – Authorized Vessels **FAILED****

Delegate Jacobs – (Hearing: not yet set) Rules and Executive Nominations Committee

Establishing specified standards for dredge boats that harvest oysters or clams while propelled by an auxiliary yawl boat.

**HB 1287 – Tidal Fisheries Advisory Commission and Sport Fisheries Advisory Commission – Membership **PASSED****

Delegate O'Donnell – (Referred to House Environment and Transportation Committee 3/25/15. Favorable with Amendments report by Committee 3/30/15. Third reading passed 3/31/15. First Reading in Senate Rules Committee 4/1/15. Referred to Senate Education, Health, and Environmental Affairs Committee 4/2/15. Hearing: 4/7/15 at 1:00 p.m. Favorable Report by Education, Health and Enviro 4/9/15. Second reading passed 4/10/15. Third reading passed 4/11/15. Returned **PASSED** 4/13/15.) Rules and Executive Nominations Committee

As amended, the bill alters the composition of the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission; requiring the Governor, with the advice of the Secretary of Natural Resources, to appoint a member of Maryland's aquaculture industry to both the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission; providing for the terms of the membership of the Tidal Fisheries Advisory Commission and the Sport Fisheries Advisory Commission.

**SB 83 – Natural Resources – Vibrio Notice Regulations **PASSED****

Sen. Simonaire – (Favorable Report Adopted, Second Reading Passed, Third Reading Passed, First Reading in House Environment and Transportation Committee on 2/20. Hearing: 3/25/15 at 1:00 p.m. Favorable with Amendments 4/10/15. Third reading passed with Amendments. Senate Concur with House Amendments. Third reading passed. 4/13/15. **PASSED** enrolled 4/13/15.) – Education, Health, and Environmental Affairs

The bill as amended requires the Department of the Environment, in consultation with the Department of Natural Resources, the Department of Health and Mental Hygiene, and other interested State, local, and private stakeholders, to develop and implement an appropriate public information campaign about the health risks associated with the Vibrio bacteria in the waters of the State.

**SB 220 – General Assembly - Mandated Reports by State Agencies (Crossfiled with HB 67) **PASSED****

President of the Senate – (Favorable Report with Amendments by Committee 2/19. Third Reading passed 2/25. First Reading in House Health and Government Operations Committee 2/26. Favorable with Amendments report by Committee 3/31/15. Third Reading passed with amendments 4/2/15. Senate concur with House amendments, **PASSED** enrolled 4/3/15) Rules

It repeals requirements for the following reports from DNR:

- Biennial report on acid deposition (MSAR #884, NR 3-3A-04(a)).

- Annual report on collection of limited fishing guide license fees (NR 4-210(h)(3)).  
Annual report on collection of freshwater fishing guide license fees (NR 4-210.1(d)(2)).
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- Annual Forest Conservation Act report now due September 30 instead of July 1 (MSAR #6958, NR 5-1613).

### **SB 322 – Natural Resources – Nuisance Organisms – Reward for Information (Crossfiled with HB 914) **FAILED****

Senator Middleton – (Favorable with Amendments Report adopted by Committee 2/24; Third Reading passed on 3/17/15. First Reading in House Environment and Transportation Committee 3/17/15. Unfavorable report by Committee 4/6/15.)  
Education, Health and Environmental Affairs

As amended it would authorize the Department to award a reward to a person providing information leading to a conviction for a violation of specified nuisance organism laws or regulations; requiring a specified reward to be paid from specified fine proceeds in an amount not to exceed a specified percentage of fines imposed; and prohibiting a reward from being awarded to a law enforcement officer or an employee of the Department of Natural Resources.

### **SB 557 – Food Fish and Shellfish – Labeling and Identification Requirements (Maryland Seafood Authenticity Act) (Crossfiled with HB 760) **FAILED****

Senator Guzzone – (Unfavorable Report 2/19) Education, Health, and Environmental Affairs



Prohibiting a person from selling or offering for sale within the State specified food fish or shellfish unless the person identifies the species of food fish or shellfish in a specified manner; prohibiting a person from knowingly misidentifying the species of specified food fish or shellfish on a label, sign, or menu; prohibiting a person from knowingly selling or offering for sale within the State specified crab products identified as "blue crab" except under specified conditions; etc.

**SB 666 – Recreational Fish Licenses – Duration and Expiration Date (Crossfiled with HB 785) PASSED**

Senator Bates and Salling – (Favorable with Amendments Report adopted by committee on 3/16/15. Third Reading passed 3/20/15. First Reading in House Environment and Transportation 3/20/15. Favorable with Amendments report by Committee 4/6/15. Second reading passed with amendments. Third Reading passed with Amendments 4/7/15. House refuses to concur. Senate refuses to recede. Conference committee report adopted and third reading passed in house and senate 4/10, 4/11/15. Passed Enrolled 4/11/15) Education, Health, and Environmental Affairs

Altering the expiration date for and, under specified circumstances, the duration of specified recreational fishing licenses; requiring the Department of Natural Resources to establish by regulation a term for a specified recreational fishing license; requiring the Department to proportionally prorate the annual license fees for specified recreational fishing licenses; etc. This bill will have recreational fishing licenses run for 365 days from the date of purchase, rather than a calendar year starting on January 1.

**SB 694 – Income Tax Credit – Oyster Shell Recycling – Transfer of Credit (Crossfiled with HB 815) PASSED**

Senator Manno – (Favorable Report adopted by Committee 3/9, Second Reading Passed 3/11 by Budget and Taxation; Third Reading passed 3/11/15; First Reading in House Ways and Means Committee 3/13/15. Hearing: 3/31/15 at 1:00 p.m. Favorable with amendments 4/10/15. Third reading passed with amendments 4/10/15. Senate refuses to concur. House refuses to recede. Conference committee report adopted and third reading passed 4/13/15. Passed enrolled 4/13/15.) Budget and Taxation

As amended, the bill increases the amount per bushel of oyster shells recycled during a taxable year to \$5 per bushel for an individual or corporation. The maximum of \$750 remains in place.

**SB 696 – Natural Resources – Oyster Poaching – Administrative Penalties (Crossfiled with HB 1036) FAILED**

Senator Hershey – (Favorable with Amendments Report adopted by committee on 3/16/15. Third Reading Passed 3/20/15. First Reading in House Environment and

Transportation 3/20/15. Favorable with Amendments report by Committee 4/6/15. Third reading passed with Amendments 4/10/15) Education, Health, and Environmental Affairs

As amended, the bill would alter the administrative penalties that apply to a person for knowingly committing specified offenses related to oyster poaching by authorizing the Department of Natural Resources to suspend the person's oyster license for a first offense; and clarifying that any of specified oyster poaching offenses qualifies as a second or subsequent offense for specified purposes under specified circumstances.

### **SB 709 – Natural Resources – Aquaculture Leases – Consideration of User Conflicts (Crossfiled with HB 419) **FAILED****

Senator Conway – (Hearing: 3/17 at 1:00 p.m.) Education, Health and Environmental Affairs

Requiring the Department of Natural Resources to consider potential user conflicts, including navigation, recreation, and commercial fishing, in determining the location of submerged land aquaculture leases in the Chesapeake Bay and water column aquaculture leases in the waters of the State; requiring the Department to mitigate and minimize the effects of the proposed location of specified aquaculture leasing areas on other users if the Department determines that conflicts exist; etc.

### **SB 775 – Proposed Regulations – Determination of Impact on Small Businesses (Crossfiled with HB 939) **FAILED****

President of the Senate – (Hearing: 3/9 at 2:00 p.m.) Finance

Establishing the Advisory Council on the Impact of Regulations on Small Businesses in the Department of Business and Economic Development; providing for the purpose, composition, chair, staffing, and meetings of the Advisory Council; prohibiting a member of the Advisory Council from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Advisory Council to take specified actions and make specified determinations about proposed regulations; etc.

### **SB 808 – Natural Resources – Aquaculture – Liability for Trespass (Crossfiled with HB 287) **PASSED****

Senators Klausmeier, et al. – (Favorable with Amendments Report adopted by Committee 3/23/15. Third reading passed 3/24/15. First hearing in House Environment and Transportation Committee 3/25/15. Favorable report by Committee on 4/6/15. Favorable Report Adopted on 4/7/15. Third reading passed 4/10/15. Returned Passed 4/11/15) Education, Health, and Environmental Affairs

As amended, the bill specifies damages for which specified persons are liable for entering an area leased to another person for aquaculture purposes to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment; requiring a person who enters an area leased to another person for aquaculture purposes and engages in

specified acts to display specified documentation on the request of a law enforcement officer; providing for the application of specified provisions of the Act; etc.

**SB 858 – Creation of a State Debt – Talbot County – Phillips Wharf Aquaculture Job Training Center **FAILED****

Senator Eckardt– (Hearing: 3/14 at 1:00 p.m.) Budget and Taxation

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Phillips Wharf Environmental Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Phillips Wharf Aquaculture Job Training Center, located in Talbot County; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.

**SB 931 – Oysters – Oyster Committees and Harvest Reserve Areas **FAILED****

Senator Eckardt– (Hearing: 3/24 at 1:00 pm; Unfavorable report 3/27/15) Education, Health, and Environmental Affairs

Repealing specified provisions of law relating to the designation of a harvest reserve area for oysters; repealing specified provisions of law relating to county oyster committees and a statewide committee of oystermen; requiring the licensed oyster harvesters of each tidewater county to elect a county commercial oyster committee; providing for the composition and chair of a county commercial oyster committee; requiring a county commercial oyster committee to establish a specified sustainable oyster harvest plan; etc.