

## **DNR DEPARTMENTAL BILLS**

### **SB 163 – Program Open Space - Use of Funds - Indoor or Outdoor Recreational Facilities**

This bill authorizes the use of local Program Open Space (POS) funds for indoor recreation and open space purposes under certain conditions. If an indoor facility is funded with local POS funds, it must incorporate, to the maximum extent practicable, the nonstructural site design practices in the Maryland Stormwater Design Manual. Indoor facilities greater than 7,500 square feet must also meet or exceed a specified green building rating known as LEED Silver. The bill also alters State reimbursement provisions so that if a local governing body uses local POS funds for an indoor recreational facility that is not ancillary and necessary for outdoor recreation and located outside a Priority Funding Area (PFA), the State will reimburse the local jurisdiction 50% of the total project cost. Further, if a local jurisdiction uses local POS funds for the acquisition of land inside a PFA and agrees to limit the amount of impervious surface on the land to no more than 10%, the State must reimburse the local jurisdiction 90% of the total project cost. The bill also requires the Maryland Department of Planning, in consultation with DNR, to evaluate and report on the degree to which State goals for recreation, parks, open space, and land acquisition are being effectively addressed through the local side Program Open Space process. There is also uncodified language to state that this legislation is to apply prospectively and to not apply to projects already initiated prior to the bill's effective date. As an emergency measure, the legislation takes effect immediately.

### **SB 164 - Natural Resources - Recreational Fishing Licenses - Penalties**

The Task Force on Fisheries Management found that the statutory authority for recreational license suspensions differed for tidal and non-tidal licenses, preventing DNR from streamlining and clarifying a process for suspending recreational fishing licenses. This bill corrects antiquated and inconsistent laws regarding non-tidal recreational fishing license suspension and gives the Department consistent authority to suspend recreational fishing privileges across both tidal and non-tidal waters. The bill takes effect July 1, 2009.

### **SB 169 Department of Natural Resources - Antiquated Fish and Fisheries Laws - Repeal**

This bill repeals and modifies provisions of State fish and fisheries laws, primarily relating to the allowable manner, places, and times for catching, and size limits applicable to, certain species of fish (including crabs, oysters, and clams), that either are inconsistent with DNR regulations or fishery management plans, unnecessary, or obsolete. Developed in coordination with the Task Force on Fisheries Management, Senate Bill 169 reflects a fisheries law improvement recommendation by the Task Force. The bill takes effect July 1, 2009.

### **HB 1407 - Environmental Trust Fund - Environmental Surcharge - Sunset Extension**

This bill extends the termination date of the environmental surcharge from June 30, 2010, to June 30, 2015. An environmental surcharge per kilowatt hour of electricity distributed in the

State by an electric company is collected by the Comptroller and placed in the Environmental Trust Fund for the use by the Power Plant Research Program (PPRP) housed within DNR. PPRP is entirely funded through the environmental surcharge. The surcharge amount may not exceed 0.15 mills per kilowatt hour (kWh) or \$1,000 per month for any residential, commercial, or industrial customer.

PPRP evaluates and assesses the cultural, economic, and environmental impacts of electric power generation and transmission facilities and site suitability.

### **HB 1419 - Department of Natural Resources - Fish and Fisheries Laws Violations - Penalties**

Developed upon recommendations of the Task Force on Fishery Management and supported by the Tidal Fisheries and Sport Fishery Advisory Commissions' Penalties Workgroup, this bill increases the maximum fines applicable to misdemeanor violations of State fish and fisheries laws from \$500 to \$1,000 for a first violation, and from \$1,000 to \$2,000 for a second or subsequent violation. The maximum fines for violating fisheries law have not been increased since their adoption in 1973. Existing fines for commercial fishery violations are arguably too low to deter poaching and other illegal fishing activity.

The bill also allows the Secretary of Natural Resources to order a person convicted of a violation of State fish and fisheries laws, which causes or results in the injury, death, or destruction of any fish, to pay restitution to the Department of Natural Resources (DNR) for the resource value of the fish. DNR must adopt regulations, in consultation with the Tidal Fisheries and Sport Fisheries Advisory Commissions that establish a schedule of resource values for individual species. Restitution paid is credited to DNR to be used only for the replacement, habitat management, or enforcement programs for injured, killed, or destroyed fish or protected species. The bill takes effect July 1, 2009.