

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 346 (Chair, Education, Health, and Environmental Affairs Committee)(By Request - Departmental - Natural Resources)

Education, Health, and Environmental Affairs

Department of Natural Resources - Public Notices and Hearings

This departmental bill modifies various requirements under State fisheries laws and the State Boat Act relating primarily to publication of notices and to public hearings. The bill repeals or replaces numerous requirements for publication of notice in newspapers and repeals certain hearing requirements. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: General/special fund expenditures decrease by approximately \$20,000 annually, beginning in FY 2022. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF/SF Exp.	(20,000)	(20,000)	(20,000)	(20,000)	(20,000)
Net Effect	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000

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

Local Effect: None.

Small Business Effect: The Department of Natural Resources (DNR) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Bill Summary/Current Law: Exhibit 1 shows the changes made by the bill to various notice publication, hearing, and other requirements under State fisheries laws and the State Boat Act.

Exhibit 1 Changes Made by the Bill

Section	Subject	Notice	Hearing	Other
4-215.1	Closing an area of State waters to all finfishing	Replaces newspaper publication of notice of hearing, with providing notice through “other media so that an affected person has a reasonable opportunity to be informed”	--	--
4-739	Regulations governing catching, possession, and sale of sturgeon	Repeals newspaper publication of notice of hearing and newspaper publication of the regulations after adoption	Repeals hearing requirement	--
4-742	MDE restriction of an area for catching or storing shellfish	Replaces newspaper publication of notice of the restricted area, with notice given on the DNR website and through other media	--	Modifies the amount of time before arrests can be made after the notice appears, from “the next workday” to 48 hours

Section	Subject	Notice	Hearing	Other
4-803	Blue crab regulations	Repeals newspaper publication of notice of the hearings	Repeals hearing requirement	--
4-1009	Oyster catch limit regulations	Repeals requirements to give notice (1) to AELR; (2) by newspaper publication; and (3) on the DNR website	--	--
4-1009.1	Harvest reserve area measures	Replaces newspaper publication of notice, with posting on the DNR website	--	--
4-1039	Opening or closing an area for catching soft-shell clams by hydraulic dredge	Replaces newspaper publication of notice, with publishing notice on the DNR website and through "other media so that an affected person has a reasonable opportunity to be informed"	--	--
4-1043	Surf clam harvest measures (size limits and open or closed areas)	Repeals newspaper publication of notice of the proposal and hearing	Repeals hearing requirement	Authorizes action by "public notice"
4-1103	Reservation of oyster seed areas	Repeals requirement to give notice to	Repeals hearing requirement	Requires that changes be made through

Section	Subject	Notice	Hearing	Other
		AELR and by newspaper publication		adoption of regulations
4-11A-09	Aquaculture lease applications	Repeals newspaper publication (with notice on the DNR website, and other specified notice, remaining)	--	--
8-704	State Boat Act regulations	Repeals newspaper publication	Repeals requirement of a hearing upon petition of 50 citizens	--
8-721	No known owner or secured party of abandoned or sunken vessel	Replaces newspaper publication of notice of imminent seizure or removal, or of DNR custody, of the vessel, with giving notice on the DNR website and through other media	--	--

AELR: Joint Committee on Administrative, Executive, and Legislative Review

DNR: Department of Natural Resources

MDE: Maryland Department of the Environment

Background: DNR indicates that publishing legal notices in newspapers has become an expensive, inefficient method of reaching affected parties. The department currently also provides the notices on its website, as well as on social media accounts and through constituent email lists and text message lists, methods which it indicates are more effective in reaching affected individuals than the legal notice section of newspapers and less expensive. DNR indicates that it does not issue notices every year under all the statutes listed in the bill. The most commonly used provisions are for crab regulations, aquaculture leases, harvest reserve areas, and boating regulations.

State Fiscal Effect: General/special fund expenditures decrease by approximately \$20,000 annually, beginning in fiscal 2022, reflecting an approximate decrease each fiscal year of \$15,000 in costs for publishing notices in newspapers and \$5,000 in costs for hearings.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Natural Resources; Department of Legislative Services

Fiscal Note History: First Reader - January 12, 2021
rh/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Natural Resources – Public Notices and Hearings

BILL NUMBER: SB 346

PREPARED BY: James McKittrick, Director, Legislative and Constituent Services

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

OR

 WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON
MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

n/a