
By: **Delegate Hurson**

Introduced and read first time: February 8, 2002

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Aquaculture - Enforcement and Education Programs - Transfer to the**
3 **Department of Agriculture**

4 FOR the purpose of transferring certain functions, duties, and powers related to the
5 enforcement of certain aquaculture requirements and prohibitions from the
6 Department of Natural Resources to the Department of Agriculture;
7 transferring responsibility for certain aquaculture education programs from the
8 University of Maryland to the Department of Agriculture; altering the number
9 of members on the Aquaculture Advisory Committee; providing for the transfer
10 of certain employees to the Department of Agriculture; providing that, for
11 certain purposes, the Department of Agriculture and its Secretary are the
12 successors of the Department of Natural Resources and its Secretary and the
13 University of Maryland and its Chancellor; requiring the completion of certain
14 fund transfers by a certain date; requiring that the Secretaries of Agriculture
15 and Natural Resources and the Chancellor of the University of Maryland
16 collaborate in certain ways, and by a certain date jointly report on certain
17 findings and recommendations and prepare a certain legislative proposal;
18 providing for the continuity of certain laws, regulations, contracts, transactions,
19 and terms of office; making provisions of this Act severable; requiring the
20 publisher of the Annotated Code of Maryland to make certain corrections
21 necessitated by this Act; providing for a delayed effective date for certain
22 provisions of this act; altering certain definitions; and generally relating to the
23 transfer of certain aquaculture enforcement functions, duties, and powers and
24 certain aquaculture education programs to the Department of Agriculture.

25 BY repealing and reenacting, without amendments,
26 Article - Agriculture
27 Section 1-101(a), (c), and (h)
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2001 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - Natural Resources
32 Section 4-2A-05(f) and 4-2A-08(a) and (b)(1)(i)

1 Annotated Code of Maryland
2 (2000 Replacement Volume and 2001 Supplement)

3 BY repealing

4 Article - Natural Resources
5 Section 4-1103(f); and the subtitle designation "Subtitle 11A. Aquaculture" of
6 Title 4
7 Annotated Code of Maryland
8 (2000 Replacement Volume and 2001 Supplement)

9 BY renumbering

10 Article - Agriculture
11 Section 10-1301 and 10-1302, respectively
12 to be Section 10-1302 and 10-1303, respectively
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2001 Supplement)

15 BY transferring

16 Article - Natural Resources
17 Section 4-11A-01, 4-11A-02, and 4-11A-04 through 4-11A-22, respectively
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2001 Supplement)

20 to be

21 Article - Agriculture
22 Section 10-1301, 10-1304, and 10-1305 through 10-1323, respectively
23 Annotated Code of Maryland
24 (1999 Replacement Volume and 2001 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article - Agriculture
27 Section 10-1301(a)
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2001 Supplement)
30 (As enacted by Section 4 of this Act)

31 BY repealing and reenacting, with amendments,

32 Article - Agriculture
33 Section 10-1301(b) and (g), 10-1304(a)(1) and (2), 10-1305, 10-1308(d),
34 10-1310(c), 10-1314(c)(3), 10-1315(b), 10-1317(a), and 10-1319
35 Annotated Code of Maryland
36 (1999 Replacement Volume and 2001 Supplement)
37 (As enacted by Section 4 of this Act)

1 BY repealing and reenacting, with amendments,
2 Article - Agriculture
3 Section 10-1302 and 10-1303(b)
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2001 Supplement)
6 (As enacted by Section 3 of this Act)

7 BY repealing and reenacting, without amendments,
8 Article - Agriculture
9 Section 10-1303(a)
10 Annotated Code of Maryland
11 (1999 Replacement Volume and 2001 Supplement)
12 (As enacted by Section 3 of this Act)

13 BY adding to
14 Article - Agriculture
15 Section 10-1306(g)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)
18 (As enacted by Section 4 of this Act)

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

21 **Article - Agriculture**

22 1-101.

23 (a) In this article the following words have the meanings indicated.

24 (c) "Department" means the State Department of Agriculture.

25 (h) "Secretary" means Secretary of Agriculture or his designee.

26 **Article - Natural Resources**

27 4-2A-05.

28 (f) [(1) Subject to paragraph (2) of this subsection, the] THE Secretary may
29 issue a permit, under the terms and conditions he prescribes, to allow any act
30 otherwise prohibited by subsections (c) and (d) for scientific [purposes,] PURPOSES
31 AND to enhance the propagation or survival of the affected species[, and on or after
32 January 1, 1990, for aquaculture involving the affected species in nontidal ponds,
33 lakes, or impoundments].

1 [(2) Notwithstanding the provisions of paragraph (1), on or after June 1,
2 1989, the Secretary may issue a permit to allow the purchase of striped bass or
3 striped bass hybrid from out-of-state sources for possession and raising in
4 aquaculture operations in nontidal ponds, lakes, or impoundments in the State.]

5 4-2A-08.

6 (a) Except as provided in subsection (b) of this section, the provisions of this
7 subtitle do not prohibit:

8 (1) Importation into the State of fish which may be lawfully imported
9 into the United States or lawfully taken and removed from another state;

10 (2) Entry into this State or the possession, transportation, exportation,
11 processing, sale, offer for sale, or shipment of any fish which is designated an
12 endangered or threatened species in this State but not in the state where originally
13 taken, if the person engaging in the activity demonstrates by substantial evidence
14 that the fish was lawfully taken and lawfully removed from the state of origin; or

15 (3) Entry into this State or the possession, transportation, exportation,
16 processing, sale, offer for sale, or shipment of fish which are lawfully purchased for, or
17 which are products of, authorized aquaculture operations in nontidal ponds, lakes, or
18 impoundments, provided the fish are identified as such in accordance with
19 regulations adopted under [§ 4-11A-02 of this title] § 10-1304 OF THE AGRICULTURE
20 ARTICLE.

21 (b) (1) (i) This paragraph does not apply to striped bass or rockfish,
22 including hybrids, which are lawfully purchased for, or which are products of
23 authorized aquaculture operations in nontidal ponds, lakes, or impoundments,
24 provided the fish are identified as such in accordance with regulations adopted under
25 [§ 4-11A-02 of this title] § 10-1304 OF THE AGRICULTURE ARTICLE.

26 4-1103.

27 [(f) (1) In addition to the provisions of subsections (d) and (e) of this section
28 concerning the establishment of oyster seed areas and the sale of seed oysters to a
29 leaseholder, the Department may:

30 (i) Establish aquaculture seed areas not exceeding a total
31 aggregate of 90 acres in the State;

32 (ii) Designate the seed oysters produced in those aquaculture seed
33 areas for sale to a resident of the State who holds a valid lease or an aquaculture
34 permit to cultivate shellfish; and

35 (iii) Adopt regulations necessary to implement the provisions of this
36 subsection.

1 (2) The Department shall credit the proceeds of any sale of seed oysters
2 under this subsection to the Fisheries Research and Development Fund in the
3 Department for the benefit of the public oyster fishery.

4 (3) The Department shall:

5 (i) Sell, at prevailing market prices, seed oysters produced in an
6 aquaculture oyster seed area to a resident of the State who holds a valid lease or an
7 aquaculture permit to cultivate shellfish;

8 (ii) Use any revenue derived from the sale of seed oysters to
9 reimburse the Fisheries Research and Development Fund for any expenditure needed
10 to create the aquaculture oyster seed areas under this subsection;

11 (iii) Credit any net proceeds from the sale of seed oysters remaining,
12 after reimbursement is made under subparagraph (ii) of this paragraph, to the
13 exclusive use of the public oyster fishery;

14 (iv) Maintain for each aquaculture seed area a record detailing all
15 expenditures required to create and maintain the seed area and all proceeds of the
16 sale of seed oysters produced in the seed area;

17 (v) In establishing and maintaining the aquaculture seed areas,
18 limit expenditures to \$200,000 annually, and after the first year, any expenditure
19 required to maintain the seed areas shall be funded only from revenues derived from
20 the sale of seed oysters produced in the seed areas; and

21 (vi) Consult with the County Oyster Propagation Committee in
22 establishing an aquaculture seed area in that county.

23 (4) The Department may not create aquaculture seed areas within the
24 jurisdictional boundaries of Dorchester, Kent, Queen Anne's, Somerset, or Talbot
25 counties, or in the tidewater tributaries of Charles County, except the Patuxent
26 River.]

27 SECTION 2. AND BE IT FURTHER ENACTED, That the subtitle designation
28 "Subtitle 11A. Aquaculture" of Title 4 of Article - Natural Resources of the Annotated
29 Code of Maryland be repealed.

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 10-1301 and
31 10-1302, respectively, of Article - Agriculture of the Annotated Code of Maryland be
32 renumbered to be Section(s) 10-1302 and 10-1303, respectively.

33 SECTION 4. AND BE IT FURTHER ENACTED, That Section(s) 4-11A-01,
34 4-11A-02, and 4-11A-04 through 4-11A-22, respectively, of Article - Natural
35 Resources of the Annotated Code of Maryland be transferred to be Section(s) 10-1301,
36 10-1304, and 10-1305 through 10-1323, respectively, of Article - Agriculture of the
37 Annotated Code of Maryland.

1 SECTION 5. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Agriculture**

4 10-1301.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) "Aquaculture" means the commercial rearing of [fish or] FINFISH,
7 SHELLFISH, AND aquatic plants for sale, trade, barter, or shipment.

8 (g) "Natural oyster bar" means any submerged oyster bar, reef, rock, or area
9 represented as an oyster bar on the charts of the Oyster Survey of 1906 to 1912, and
10 its amendments, or any area declared by any circuit court to be a natural oyster bar,
11 or any area on which the Department plants oysters or shells. A natural oyster bar
12 also means any bar beneath the waters of the State where the natural growth of
13 oysters abounds to the extent that the public has resorted to the bar for a livelihood,
14 whether continuously or at intervals, during any oyster season within 5 years prior to
15 the filing of any application for a lease of the area in question, or within 5 years prior
16 to making of a resurvey under § 4-1102 of [this title] THE NATURAL RESOURCES
17 ARTICLE. The actual condition of the area in question at any time within the 5-year
18 period shall be considered in determining whether or not the area is a natural oyster
19 bar.

20 10-1302.

21 (a) [(1)] The General Assembly defines aquaculture as an agricultural
22 activity.

23 [(2)] "Aquaculture" includes the commercial rearing of finfish, shellfish,
24 and aquatic plants for sale, trade, barter, or shipment.]

25 (b) It is the intent of the General Assembly to create an advisory committee to
26 promote the development of an aquaculture industry in this State.

27 (c) The Maryland Department of Agriculture is [the] :

28 (1) THE lead agency for promoting, coordinating, and marketing
29 aquaculture and aquaculture products; AND

30 (2) RESPONSIBLE FOR:

31 (I) ENFORCEMENT OF LAWS, REGULATIONS, AND RULES RELATED
32 TO AQUACULTURE; AND

33 (II) DEVELOPMENT OF EDUCATION PROGRAMS WHICH PROMOTE
34 AQUACULTURE AS AN INDUSTRY.

1 (d) [The Department of Natural Resources is responsible for enforcement of
2 laws, regulations, and rules.

3 (e)] The University of Maryland is the lead agency for research in aquaculture
4 production and shall be responsible for development of [education and] extension
5 programs which promote aquaculture as an industry.

6 10-1303.

7 (a) There is an Aquaculture Advisory Committee.

8 (b) The Advisory Committee shall consist of [21] 19 members:

9 (1) 1 member of the Maryland Senate designated by the President of the
10 Senate;

11 (2) 1 member of the Maryland House of Delegates designated by the
12 Speaker of the House;

13 (3) 1 representative of the Department of Agriculture designated by the
14 Secretary of Agriculture;

15 (4) [1 representative of the Department of Natural Resources Police
16 designated by the Secretary of Natural Resources;

17 (5) 1 representative of the Department of Natural Resources, Tidewater
18 Administration, designated by the Secretary of Natural Resources;

19 (6)] 1 representative of the College of Agriculture at the University of
20 Maryland designated by the President of the University of Maryland, College Park;

21 [(7)] (5) 1 representative of the Department of Business and Economic
22 Development designated by the Secretary of Business and Economic Development,
23 who shall be a nonvoting member;

24 [(8)] (6) 1 representative of the Department of the Environment
25 designated by the Secretary of the Environment, who shall be a nonvoting member;

26 [(9)] (7) 1 representative of the Department of Health and Mental
27 Hygiene designated by the Secretary of Health and Mental Hygiene, who shall be a
28 nonvoting member; and

29 [(10)] (8) 12 members appointed by the Governor:

30 (i) 5 who shall represent the aquaculture or agriculture industry;

31 (ii) 1 who shall represent the aquaculture supplier industry;

32 (iii) 1 who shall represent licensed Maryland seafood harvesters;

33 (iv) 2 who shall represent the wholesale and retail seafood industry;

- 1 (v) 1 who shall represent seafood consumers;
- 2 (vi) 1 who shall represent the scientific community; and
- 3 (vii) 1 member of the Boat Act Advisory Commission or the Tidal
4 Fisheries Advisory Commission.

5 10-1304.

6 (a) (1) The Department shall promulgate by regulation requirements that
7 are necessary to ensure that aquaculture operations do not adversely impact wild
8 stocks of fish, including measures for identifying fish as products of an aquaculture
9 operation. In developing these regulations, the Department shall consult with the
10 Aquaculture Advisory Committee, established by [§ 10-1302 of the Agriculture
11 Article] § 10-1303 OF THIS SUBTITLE, and incorporate in the regulations public notice
12 provisions in accordance with [§ 4-11A-06] § 10-1307 of this subtitle.

13 (2) The Department may not issue a permit for the [raising] PURCHASE
14 OR POSSESSION of STRIPED BASS, ANY nonnative species, including hybrids of striped
15 bass, or nonnative stocks FOR THE PURPOSE OF RAISING IN AN AQUACULTURE
16 OPERATION unless:

17 (i) The permit limits the aquaculture operation to nontidal ponds,
18 lakes, or impoundments; and

19 (ii) The aquaculture operation is constructed in a manner that
20 assures that nonnative stocks are precluded from entering the tidal waters or
21 contaminating the native species of the State.

22 10-1305.

23 The Department may set aside for each tidewater public high school no more
24 than 5 acres of submerged barren tidewater lands to be used for the sole purpose of
25 experimental oyster farming or for the cultivation of other shellfish in conjunction
26 with regular scholastic conservation studies. These areas shall be set aside pursuant
27 to the procedures established in § 4-1103 of [this title] THE NATURAL RESOURCES
28 ARTICLE and marked in the manner provided in [§ 4-11A-10] § 10-1311 of this
29 subtitle. These high schools may introduce and use modern methods of planting,
30 harvesting, or marketing fishery products without regard to the restrictive provisions
31 of this subtitle. If a subject school does not use a barren bottom for its studies for
32 three years or if studies are discontinued, the submerged lands shall revert to the
33 State.

34 10-1306.

35 (G) (1) NOTWITHSTANDING THE PROVISIONS OF § 4-1103 OF THE NATURAL
36 RESOURCES ARTICLE REGARDING THE ESTABLISHMENT OF OYSTER SEED AREAS
37 AND THE SALE OF SEED OYSTERS TO A LEASEHOLDER, THE DEPARTMENT MAY:

1 (I) ESTABLISH AQUACULTURE SEED AREAS NOT EXCEEDING A
2 TOTAL AGGREGATE OF 90 ACRES IN THE STATE;

3 (II) DESIGNATE THE SEED OYSTERS PRODUCED IN THOSE
4 AQUACULTURE SEED AREAS FOR SALE TO A RESIDENT OF THE STATE WHO HOLDS A
5 VALID LEASE OR AN AQUACULTURE PERMIT TO CULTIVATE SHELLFISH; AND

6 (III) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE
7 PROVISIONS OF THIS SUBSECTION.

8 (2) PROCEEDS OF ANY SALE OF SEED OYSTERS UNDER THIS
9 SUBSECTION SHALL BE CREDITED TO THAT PORTION OF THE FISHERIES RESEARCH
10 AND DEVELOPMENT FUND IN THE DEPARTMENT THAT BENEFITS THE PUBLIC
11 OYSTER FISHERY.

12 (3) THE DEPARTMENT SHALL:

13 (I) SELL, AT PREVAILING MARKET PRICES, SEED OYSTERS
14 PRODUCED IN AN AQUACULTURE OYSTER SEED AREA TO A RESIDENT OF THE STATE
15 WHO HOLDS A VALID LEASE OR AN AQUACULTURE PERMIT TO CULTIVATE
16 SHELLFISH;

17 (II) USE ANY REVENUE DERIVED FROM THE SALE OF SEED
18 OYSTERS TO REIMBURSE THE FISHERIES RESEARCH AND DEVELOPMENT FUND FOR
19 ANY EXPENDITURE NEEDED TO CREATE THE AQUACULTURE OYSTER SEED AREAS
20 UNDER THIS SUBSECTION;

21 (III) CREDIT ANY NET PROCEEDS FROM THE SALE OF SEED
22 OYSTERS REMAINING, AFTER REIMBURSEMENT IS MADE UNDER ITEM (II) OF THIS
23 PARAGRAPH, TO THE EXCLUSIVE USE OF THE PUBLIC OYSTER FISHERY;

24 (IV) MAINTAIN FOR EACH AQUACULTURE SEED AREA A RECORD
25 DETAILING ALL EXPENDITURES REQUIRED TO CREATE AND MAINTAIN THE SEED
26 AREA AND ALL PROCEEDS OF THE SALE OF SEED OYSTERS PRODUCED IN THE SEED
27 AREA;

28 (V) IN ESTABLISHING AND MAINTAINING THE AQUACULTURE
29 SEED AREAS, LIMIT EXPENDITURES TO \$200,000 ANNUALLY, AND AFTER THE FIRST
30 YEAR, ANY EXPENDITURE REQUIRED TO MAINTAIN THE SEED AREAS SHALL BE
31 FUNDED ONLY FROM REVENUES DERIVED FROM THE SALE OF SEED OYSTERS
32 PRODUCED IN THE SEED AREAS; AND

33 (VI) CONSULT WITH THE COUNTY OYSTER PROPAGATION
34 COMMITTEE IN ESTABLISHING AN AQUACULTURE SEED AREA IN THAT COUNTY.

35 (4) THE DEPARTMENT MAY NOT CREATE AQUACULTURE SEED AREAS
36 WITHIN THE JURISDICTIONAL BOUNDARIES OF DORCHESTER, KENT, QUEEN ANNE'S,
37 SOMERSET, OR TALBOT COUNTIES, OR IN THE TIDEWATER TRIBUTARIES OF CHARLES
38 COUNTY, EXCEPT THE PATUXENT RIVER.

1 10-1308.

2 (d) A lease may not be invalidated in any way by facts determined in any
3 resurvey under § 4-1102 of [this title] THE NATURAL RESOURCES ARTICLE unless
4 the lessee forfeits his lease voluntarily, fails to pay rental or other fees, or fails to
5 actively utilize the lease areas within a period of 3 years.

6 10-1310.

7 (c) If a person attempts to assign any interest created by this subtitle to any
8 corporation or joint-stock company, the interest of the grantor or assignor shall revert
9 to the State as if a lease had not been made. If a person attempts to assign any
10 interest created by this subtitle to any person so that the assignee holds acreage
11 exceeding the maximum limits permitted by [§ 4-11A-05] § 10-1306 of this subtitle,
12 the interest of the grantor or assignor shall revert to the State as if a lease had not
13 been made.

14 10-1314.

15 (c) (3) The license fee shall be \$25 a year, and these fees shall be credited to
16 THAT PORTION OF the Fisheries Research and Development Fund [of]
17 ADMINISTERED BY the Department.

18 10-1315.

19 (b) Notwithstanding the licensing provisions in TITLE 4, Subtitle 10 OF THE
20 NATURAL RESOURCES ARTICLE , a person desiring to dredge on leased grounds first
21 shall obtain from the Department a special permit for the dredge boat. The fee for this
22 special permit is \$15.

23 10-1317.

24 (a) An owner or other lawful occupant shall have exclusive right to use any
25 creek, cove, or inlet for preserving or depositing oysters or other shellfish if the water
26 surface at the mouth of the creek, cove, or inlet is 300 feet or less in width at mean low
27 water. However, this cove, creek, or inlet may not be included in the lines of any
28 patent and all rights of the riparian proprietor shall extend only to the middle of the
29 creek, cove, or inlet. In the waters of St. Mary's County, the riparian grounds of any
30 creek, cove, or inlet meeting the qualifications enumerated above shall be considered
31 and treated as leased grounds for all of the purposes of [§ 4-11A-13] § 10-1314 of this
32 subtitle. However, any dredging license issued under [§ 4-11A-13] § 10-1314 of this
33 subtitle shall be issued only to the riparian owner for the purpose of dredging
34 shellfish on his riparian grounds. In the waters of Dorchester County, shellfish may
35 be dredged on riparian grounds by the riparian owner by any means in any creek,
36 cove, or inlet.

37 10-1319.

38 Notwithstanding any other provision of this title, the Department may adopt
39 regulations that allow taking, possession, transport, or sale of oysters, from leased

1 oyster bottoms only for the purpose of replanting on leased bottoms, that are less than
2 the minimum size limit in §§ 4-1015 and 4-1015.1 of [this title] THE NATURAL
3 RESOURCES ARTICLE. This section may not be construed to permit the sale of oysters
4 for human consumption that are less than the minimum size limit specified in §§
5 4-1015 and 4-1015.1 of [this title] THE NATURAL RESOURCES ARTICLE.

6 SECTION 6. AND BE IT FURTHER ENACTED, That all functions, powers,
7 duties, equipment, records, assets, and liabilities related to the enforcement of laws,
8 regulations, and rules related to aquaculture under Title 4, Subtitle 11A of the
9 Natural Resources Article, and all functions, powers, duties, equipment, records,
10 assets, and liabilities related to the development of education programs promoting
11 aquaculture as an industry, respectively, and all personnel assigned to these
12 functions, powers, and duties in the Department of Natural Resources and the
13 University of Maryland, respectively, be, and they are hereby transferred to the State
14 Department of Agriculture under Title 10, Subtitle 13 of the Agriculture Article. This
15 transfer shall begin immediately upon the effective date of this Act and shall be
16 complete by June 30, 2003.

17 SECTION 7. AND BE IT FURTHER ENACTED, That every person who is
18 employed by the Department of Natural Resources or the University of Maryland in
19 an aquaculture function covered under this Act and in a position authorized by the
20 State budget is hereby transferred to the Department of Agriculture effective July 1,
21 2003, without any change or loss of rights, benefits, or employment and retirement
22 status, except as otherwise specifically provided in this Act.

23 SECTION 8. AND BE IT FURTHER ENACTED, That with respect to functions,
24 powers, and duties transferred by this Act, the Department of Agriculture is the
25 successor of the Department of Natural Resources and the University of Maryland,
26 and the Secretary of Agriculture is the successor of the Secretary of Natural
27 Resources and the Chancellor of the University of Maryland. In every law, executive
28 order, regulation, policy, rule, or document created by any department, official,
29 employee, or unit of this State, the names and titles of that department, official,
30 employee, or unit mean the name and term of the successor department, official,
31 employee, or unit for purposes of the development of education programs promoting
32 aquaculture as an industry and the enforcement of laws, regulations, and rules
33 related to aquaculture, as provided in this Act.

34 SECTION 9. AND BE IT FURTHER ENACTED, That the following fund
35 transfers from the Department of Natural Resources or the University of Maryland to
36 the Department of the Agriculture shall be completed on or before July 1, 2003:

37 (1) all funds and credits associated with the administration of, and
38 licenses and permits for, private oyster culture under the Fisheries Research and
39 Development Fund; and

40 (2) all other State and federal funds received or to be received by the
41 Department of Natural Resources and the University of Maryland, respectively, that
42 are related to the enforcement of laws, regulations, and rules related to aquaculture

1 and the development of education programs promoting aquaculture as an industry,
2 respectively.

3 SECTION 10. AND BE IT FURTHER ENACTED, That the Secretary of
4 Agriculture, the Secretary of Natural Resources, and the Chancellor of the University
5 of Maryland shall:

6 (1) collaborate in all aspects of the transfer process required under this
7 Act; and

8 (2) jointly report by November 30, 2002 to the Governor and, in
9 accordance with § 2-1246 of the State Government Article, to the General Assembly
10 on their findings and recommended resolutions concerning any program,
11 enforcement, and administrative issues that are not specifically covered under this
12 Act, including:

13 (i) in addition to funds included under Section 9 of this Act, any
14 other general and special funds that would appropriately be transferred, in whole or
15 in part, to the Department of Agriculture under the general provisions and the intent
16 of this Act;

17 (ii) appropriate assignment of oversight responsibilities for any
18 areas under Title 4 of the Natural Resources Article that may overlap with
19 aquaculture functions under Title 10, Subtitle 13 of the Agriculture Article, as
20 enacted by Sections 3 through 5 of this Act;

21 (iii) 1. modifications that are necessary in the structure and
22 responsibilities of the Natural Resources Police Force and the University of Maryland
23 aquaculture education program as a result of this Act; and

24 2. the extent to which these structures and responsibilities
25 would appropriately be assumed by the Department of Agriculture, including the
26 feasibility of creating a police force and an independent aquaculture education
27 program within the Department of Agriculture; and

28 (iv) upon transfer to the Department of Agriculture, the
29 applicability of current penalties and other enforcement remedies applicable to
30 violations of aquaculture requirements; and

31 (3) jointly prepare by November 30, 2002 an appropriate legislative
32 proposal to effectuate these joint recommendations.

33 SECTION 11. AND BE IT FURTHER ENACTED, That, except as otherwise
34 provided in this Act, nothing in this Act affects the term of office of an appointed
35 member of any board, commission, committee, or other agency or unit. A person who
36 is a member of such a unit on the effective date of this Act shall remain a member for
37 the balance of the term to which the member was appointed, unless the member
38 sooner dies, resigns, or is removed pursuant to the provisions of law.

1 SECTION 12. AND BE IT FURTHER ENACTED, That, except as expressly
2 provided to the contrary in this Act, any transaction affected by or flowing from any
3 statute here amended, repealed, or transferred, and validly entered into before the
4 effective date of this Act and every right, duty, or interest following from it remains
5 valid after the effective date of this Act and may be terminated, completed,
6 consummated, or enforced pursuant to law.

7 SECTION 13. AND BE IT FURTHER ENACTED, That, except as otherwise
8 provided in this Act, all permits and licenses, applications for permits and licenses,
9 regulations, proposed regulations, standards and guidelines, proposed standards and
10 guidelines, orders and other directives, forms, plans, memberships, special funds,
11 appropriations, grants, applications for grants, contracts, properties, investigations,
12 administrative and judicial proceedings, rights to sue and be sued, and all other
13 duties and responsibilities associated with those functions transferred by this Act
14 shall continue in effect under the Department of Agriculture or the appropriate board,
15 commission, or other unit within the Department of Agriculture, until completed,
16 withdrawn, cancelled, modified, or otherwise changed pursuant to law.

17 SECTION 14. AND BE IT FURTHER ENACTED, That, pursuant to the plan of
18 reorganization proposed by this Act, in coordination with the Executive Director of
19 Legislative Services, the publishers of the Annotated Code of Maryland are hereby
20 directed to correct any cross-references, agency names, and titles that are rendered
21 incorrect by this Act, in accordance with this section.

22 SECTION 15. AND BE IT FURTHER ENACTED, That all laws or parts of laws,
23 public general or public local, or regulations, inconsistent with this Act, are repealed
24 to the extent of the inconsistency.

25 SECTION 16. AND BE IT FURTHER ENACTED, That if any provision of this
26 Act or the application thereof to any person or circumstance is held invalid for any
27 reason in a court of competent jurisdiction, the invalidity does not affect other
28 provisions or any other application of this Act which can be given effect without the
29 invalid provision or application, and for this purpose the provisions of this Act are
30 declared severable.

31 SECTION 17. AND BE IT FURTHER ENACTED, That Sections 1 through 5 of
32 this Act shall take effect July 1, 2003.

33 SECTION 18. AND BE IT FURTHER ENACTED, That, except as provided in
34 Section 17 of this Act, this Act shall take effect June 1, 2002.