

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 94
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after “Elmore” insert “and Queen Anne’s County Delegation”.

AMENDMENT NO. 2

On page 1, in line 2, before “Somerset” insert “Queen Anne’s and”; in the same line, strike “County” and substitute “Counties”; strike beginning with “Board” in line 4 down through “County” in line 5 and substitute “governing bodies of Queen Anne’s County and Somerset County”; in line 7, strike “requiring the County Commissioners” and substitute “clarifying that the governing body of the county in which the ordinance, resolution, or regulation will apply is required”; in line 10, after “adopted” insert “by a governing body under this Act”; in line 13, after “regulation” insert “adopted by a governing body under this Act; making conforming changes”; in lines 13 and 14, strike “Board of County Commissioners of Somerset County” and substitute “governing bodies of counties”; in line 16, strike “adding to” and substitute “repealing and reenacting, with amendments,”; and in line 18, strike “232A” and substitute “232”.

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 21 on page 2, inclusive, and substitute:

“232.

(a) Subject to subsection (b) of this section, the [County Council] GOVERNING BODY of Dorchester County, QUEEN ANNE’S COUNTY, OR SOMERSET COUNTY may adopt an ordinance, resolution, or regulation or take any other action that the [County Council] GOVERNING BODY considers necessary to authorize a person to:

(1) Use the person’s personal property or real estate to operate a seafood business;

(Over)

(2) Buy or sell seafood;

(3) Store equipment used in the person's seafood business;

(4) Enjoy the quiet conduct of the person's seafood business in conformance with county and State requirements; and

(5) Harvest seafood.

(b) (1) Before adopting an ordinance, resolution, or regulation under subsection (a) of this section, the [County Council] GOVERNING BODY OF THE COUNTY IN WHICH THE ORDINANCE, RESOLUTION, OR REGULATION WILL APPLY shall:

(i) Hold a public hearing and provide reasonable notice of the hearing;

and

(ii) Obtain the written consent of the Secretary of Natural Resources.

(2) An ordinance, resolution, or regulation adopted without the written consent of the Secretary of Natural Resources is void and without legal effect.

(c) In the event of a conflict, federal law, State law, or written program guidance issued by a federal or State agency shall preempt any ordinance, resolution, or regulation adopted or any action taken by the [County Council] GOVERNING BODY OF DORCHESTER COUNTY, QUEEN ANNE'S COUNTY, OR SOMERSET COUNTY under this section.”.