

Department of Legislative Services
 Maryland General Assembly
 2015 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 322 (Senators Middleton and King)
 Education, Health, and Environmental Affairs Environment and Transportation

Natural Resources - Nuisance Organisms - Reward for Information

This bill authorizes the Department of Natural Resources (DNR) to award a reward to a person providing information leading to a conviction of a violation of nonnative aquatic organism provisions in the Natural Resources Article. A reward is paid from the fine proceeds in an amount of up to one-half of the fine imposed on conviction and may not be awarded to a law enforcement officer or a DNR employee.

Fiscal Summary

State Effect: General fund expenditures increase by \$31,000 in FY 2016 due to one-time programming costs for the Judiciary. Potential minimal increase in general/special fund revenues and general fund expenditures for incarceration to the extent the bill’s changes result in additional convictions.

(in dollars)	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
GF Revenue	-	-	-	-	-
SF Revenue	-	-	-	-	-
GF Expenditure	\$31,000	-	-	-	-
Net Effect	(\$31,000)	\$0	\$0	\$0	\$0

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

Local Effect: Potential minimal increase in local expenditures for incarceration to the extent the bill’s changes result in additional convictions.

Small Business Effect: None.

Analysis

Current Law: A “nuisance organism” is a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms. Under provisions of the Natural Resources Article addressing nonnative aquatic organisms and nuisance organisms, the Secretary of Natural Resources is authorized to adopt regulations establishing prohibitions regarding nonnative aquatic organisms as well as management measures regarding nuisance organisms. The provisions also establish the Secretary of Natural Resources’ authority and responsibilities with respect to abatement of a “state of nuisance,” in which a nuisance organism will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized fish and other organisms. Interference with abatement efforts or refusal of entry on property for abatement purposes under the provisions is prohibited.

In addition to any other penalty provided under law, a person who violates the nonnative aquatic organism provisions of the Natural Resources Article or a regulation adopted under the provisions is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$2,500 and/or imprisonment for up to 30 days for each offense, but not exceeding a total of \$25,000 for offenses arising out of the same enforcement action. Each nuisance organism imported or possessed in violation of the nuisance organism provisions or a regulation adopted under the provisions constitutes a separate offense.

Generally, for a first offense, a person who violates fish and fisheries provisions of the Natural Resources Article and related regulations is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to \$1,000, with costs imposed in the discretion of the court. For a second or subsequent offense, a person is subject to a fine of up to \$2,000 and/or imprisonment for up to one year, with costs imposed in the discretion of the court. For cases heard in the District Court, fine revenue is generally paid into the general fund. For cases heard in the circuit courts, fine revenue is generally paid into the Fisheries Research and Development Fund in DNR.

Background: Nonnative species are plants, animals, or microbes that have been transported from one geographic region to an area where they did not live previously. The introduction may be intentional, as with beef cattle brought to the United States from Europe, or unintentional, as with Asian mussels carried across oceans in ships’ ballast water. In either case, a nonnative species’ full effect on its new environment is often unpredictable.

According to Maryland Sea Grant, the Chesapeake Bay watershed has become home to many nonnative species – some innocuous, some beneficial, but others destructive beyond expectation. Examples of nonnative aquatic species negatively impacting the

Chesapeake Bay watershed include the zebra mussel, northern snakehead fish, and water chestnut plant. Other nonnative species negatively impacting the watershed include nutria and mute swans.

Based on DNR information, convictions of nonnative aquatic organism violations have been rare.

State Fiscal Effect: General fund expenditures increase by \$30,986 in fiscal 2016 due to one-time programming costs to make changes in District Court computer systems to administer the allocation of fine proceeds for a reward under the bill. This estimate is based on costs estimated by the Judiciary information systems staff for accounting program changes and changes to allow for the allocation of fine proceeds for rewards to be administered and tracked through courthouse cash registers and the trial docket.

The bill may result in a minimal increase in general/special fund revenues and general fund expenditures for incarceration to the extent the bill's changes result in additional convictions.

Additional Information

Prior Introductions: None.

Cross File: HB 914 (Delegate Frush) - Environment and Transportation.

Information Source(s): Department of Natural Resources, Judiciary (Administrative Office of the Courts), Maryland Sea Grant, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2015
mar/lgc Revised - Senate Third Reader/Clarification - March 23, 2015

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