

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Joint Resolution 3 (Senator Bailey)  
Education, Energy, and the Environment

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**Commercial Fishery Disaster Declaration Due to Invasive Species**

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This joint resolution (1) supports the Governor's request to the U.S. Department of Commerce for a commercial fishery disaster declaration and (2) encourages further efforts to obtain federal assistance to protect and rehabilitate the State's commercial fisheries as a result of an abundance of invasive species.

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**Fiscal Summary**

**State Effect:** None. The bill does not directly affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under the federal Fishery Resource Disasters Improvement Act ([16 USC 1861a\(a\)](#); included in [P.L. 117-328](#), enacted December 2022), the U.S. Secretary of Commerce has authority to determine the existence, the extent, and beginning and end dates of a fishery resource disaster. If the Secretary determines that a fishery resource disaster has occurred, the Secretary is authorized to make funding available to be used by the affected state, Indian tribe, or interstate marine fisheries commission, or by the Secretary in cooperation with the affected state, Indian tribe, or interstate marine fisheries commission.

The term “fishery resource disaster” means a disaster that is determined by the Secretary in accordance with the Act and:

- is an unexpected large decrease in fish stock biomass or other change that results in significant loss of access to the fishery resource, which may include loss of fishing vessels and gear for a substantial period of time and results in significant revenue loss or negative subsistence impact due to an allowable cause; and
- does not include (1) reasonably predictable, foreseeable, and recurrent fishery cyclical variations in species distribution or stock abundance or (2) reductions in fishing opportunities resulting from specified conservation and management measures taken.

“Allowable cause” means a natural cause, discrete anthropogenic cause, or undetermined cause, including a cause that occurred not more than five years prior to the date of a request for a fishery resource disaster determination, that affected the fishery.

If the 12-month revenue loss for the affected fishery resource is less than 35%, the loss is not eligible for a fishery resource disaster determination.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HJ 6 (Delegate Jacobs, *et al.*) - Rules and Executive Nominations.

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

**Fiscal Note History:** First Reader - February 14, 2024  
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