

HOUSE BILL 1551

M2

EMERGENCY BILL

4r3406
CF SB 1111

By: **Delegates Jacobs, Arentz, Haddaway–Riccio, McDermott, Otto, and Weir**

Rules suspended

Introduced and read first time: March 9, 2014

Rules suspended

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Fresh Oyster Shells – Purchase by County Oyster**
3 **Committees**

4 FOR the purpose of requiring the Department of Natural Resources to authorize
5 county oyster committees to purchase annually up to a certain number of
6 bushels of fresh oyster shells that have not gone through a hatchery for
7 production of spat on the fresh oyster shell for placement on a public oyster
8 fishery bottom; making this Act an emergency measure; and generally relating
9 to the purchase of fresh oyster shells.

10 BY adding to

11 Article – Natural Resources

12 Section 4–1019.3

13 Annotated Code of Maryland

14 (2012 Replacement Volume and 2013 Supplement)

15 Preamble

16 WHEREAS, Fresh oyster shells are used as setting material for new spat to be
17 planted back into the Chesapeake Bay; and

18 WHEREAS, New oysters prefer to attach and grow onto other fresh oyster
19 shells; and

20 WHEREAS, A healthy oyster reef filters the Chesapeake Bay’s waters and
21 provides habitat for an underwater community that furnishes life support for blue
22 crabs and fish; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, There are not enough fresh oyster shells available to meet all of the
2 State's needs; and

3 WHEREAS, The Department of Natural Resources' current policy for
4 purchasing fresh oyster shells allows counties to purchase the fresh oyster shell only if
5 the shell has gone through a hatchery for production of spat on the shell; and

6 WHEREAS, The University of Maryland Center for Environmental Science's
7 Horn Point Hatchery has an 80% to 90% mortality rate for the spat that is placed on
8 fresh oyster shells and planted back into the water; and

9 WHEREAS, The price of fresh oyster shells that have gone through the Horn
10 Point Hatchery is ten times more expensive than the price of fresh oyster shells that
11 have not gone through the Horn Point Hatchery; and

12 WHEREAS, There are only 60,000 bushels of fresh oyster shells available to the
13 industry for purchase; and

14 WHEREAS, Authorizing the purchase of fresh oyster shells that have not gone
15 through a hatchery for production of spat on the fresh oyster shell will assist with
16 oyster restoration in the Chesapeake Bay; now, therefore,

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

19 **Article – Natural Resources**

20 **4-1019.3.**

21 **THE DEPARTMENT SHALL AUTHORIZE COUNTY OYSTER COMMITTEES TO**
22 **PURCHASE ANNUALLY UP TO 400,000 BUSHEL OF FRESH OYSTER SHELLS THAT**
23 **HAVE NOT GONE THROUGH A HATCHERY FOR PRODUCTION OF SPAT ON THE**
24 **FRESH OYSTER SHELL FOR PLACEMENT ON A PUBLIC OYSTER FISHERY BOTTOM.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
26 measure, is necessary for the immediate preservation of the public health or safety,
27 has been passed by a yea and nay vote supported by three-fifths of all the members
28 elected to each of the two Houses of the General Assembly, and shall take effect from
29 the date it is enacted.