

# SENATE BILL 1051

M1, M2

EMERGENCY BILL

9lr3349

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By: **Senator Eckardt**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 27, 2019

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Oysters – Public Fishery Pilot Program**

3 FOR the purpose of establishing the Public Fishery Pilot Program in the Department of  
4 Natural Resources; providing for the purpose of the Program; requiring the  
5 Department, in coordination with the Oyster Advisory Commission, to develop and  
6 operate the Program; requiring, on approval by the Commission, the operation of the  
7 Program in certain protected oyster sanctuaries; requiring the Program to maintain  
8 the State's Chesapeake Bay-wide oyster sanctuary ratio at or above a certain  
9 percentage; prohibiting the Program from utilizing more than a certain amount of  
10 historic oyster bottom; specifying the funding for the Program; requiring the  
11 Department, in coordination with the Commission, to annually submit a certain  
12 report to the Governor and the General Assembly on or before a certain date; making  
13 this Act an emergency measure; providing for the termination of this Act; defining a  
14 certain term; and generally relating to the Public Fishery Pilot Program.

15 BY adding to

16 Article – Natural Resources  
17 Section 4–222  
18 Annotated Code of Maryland  
19 (2018 Replacement Volume)

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

22 **Article – Natural Resources**

23 **4–222.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) IN THIS SECTION, "PROGRAM" MEANS THE PUBLIC FISHERY PILOT**  
2 **PROGRAM.**

3           **(B) THERE IS A PUBLIC FISHERY PILOT PROGRAM IN THE DEPARTMENT.**

4           **(C) THE PURPOSE OF THE PROGRAM IS TO:**

5                   **(1) INCREASE OYSTER ABUNDANCE IN THE FISHERIES IN WHICH THE**  
6 **PROGRAM IS OPERATED; AND**

7                   **(2) ENHANCE OYSTER SEED AND SUBSTRATE IN THE FISHERIES IN**  
8 **WHICH THE PROGRAM IS OPERATED.**

9           **(D) (1) THE DEPARTMENT, IN COORDINATION WITH THE OYSTER**  
10 **ADVISORY COMMISSION, SHALL DEVELOP AND OPERATE THE PROGRAM.**

11                   **(2) ON APPROVAL BY THE OYSTER ADVISORY COMMISSION, THE**  
12 **PROGRAM SHALL BE OPERATED IN NOT MORE THAN FOUR PROTECTED OYSTER**  
13 **SANCTUARIES IN ACCORDANCE WITH THIS ARTICLE IF:**

14                           **(I) NOT MORE THAN TWO OF THE PROTECTED OYSTER**  
15 **SANCTUARIES ARE LOCATED NORTH OF THE CHESAPEAKE BAY BRIDGE;**

16                           **(II) NOT MORE THAN TWO OF THE PROTECTED OYSTER**  
17 **SANCTUARIES ARE LOCATED SOUTH OF THE CHESAPEAKE BAY BRIDGE; AND**

18                           **(III) NOT MORE THAN TWO OF THE PROTECTED OYSTER**  
19 **SANCTUARIES ARE LOCATED ON EITHER THE EASTERN OR THE WESTERN SHORE OF**  
20 **THE CHESAPEAKE BAY.**

21           **(E) THE PROGRAM SHALL MAINTAIN THE STATE'S CHESAPEAKE BAY-WIDE**  
22 **OYSTER SANCTUARY RATIO AT OR ABOVE 20% AND UTILIZE NOT MORE THAN 2,500**  
23 **ACRES OF HISTORIC OYSTER BOTTOM.**

24           **(F) FUNDING FOR THE PROGRAM SHALL CONSIST OF:**

25                   **(1) THE COMBINED RESOURCES OF THE MARYLAND OYSTERMEN'S**  
26 **ASSOCIATION, THE MARYLAND WATERMEN'S ASSOCIATION, AND OTHER**  
27 **IDENTIFIED RESOURCES; AND**

28                   **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
29 **THE BENEFIT OF THE PROGRAM.**

1           **(G) ON OR BEFORE OCTOBER 1, 2019, AND EACH OCTOBER 1 THEREAFTER,**  
2 **THE DEPARTMENT, IN COORDINATION WITH THE OYSTER ADVISORY COMMISSION,**  
3 **SHALL REPORT ON THE PROGRAM TO THE GOVERNOR AND, IN ACCORDANCE WITH**  
4 **§ 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
6 measure, is necessary for the immediate preservation of the public health or safety, has  
7 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
8 each of the two Houses of the General Assembly, and shall take effect from the date it is  
9 enacted. It shall remain effective through October 1, 2023, and, at the end of October 1,  
10 2023, this Act, with no further action required by the General Assembly, shall be abrogated  
11 and of no further force and effect.