

# SENATE BILL 1111

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EMERGENCY BILL

4r3405  
CF HB 1551

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By: **Senators Colburn, Dyson, Hershey, Jacobs, and Mathias**

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

Introduced and read first time: March 9, 2014

Assigned to: Rules

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## 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

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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.