

HB1228/103622/1

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 1228
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike “and grants”; in line 11, strike “research” and substitute “evaluations”; in line 13, strike “construction and”; and in line 14, after “hatcheries;” insert “providing for oyster replenishment and restoration in Eastern Bay;”.

AMENDMENT NO. 2

On page 4, after line 13, insert:

“(4) “REPLETION” MEANS ENHANCING AREAS WHERE COMMERCIAL HARVEST IS PERMITTED.”;

in line 14, strike “AND GRANTS”; in line 16, after “SECTION” insert “, INCLUDING HISTORIC OYSTER SHUCKING FACILITIES, NOT TO EXCEED \$25,000 FOR EACH FULL-TIME JOB THAT IS PROJECTED TO BE CREATED OR RETAINED”; strike beginning with “RETURN” in line 18 down through “RESOURCES” in line 24 and substitute “COMPLY WITH THE PROVISIONS OF § 4-1019.2 OF THE NATURAL RESOURCES ARTICLE UNTIL THE LOAN IS REPAYED”; in line 25, strike “\$35 OF”; in line 26, after “SECTION” insert “AS FOLLOWS:

(I) THE CURRENT MARKET VALUE AS ESTABLISHED IN § 4-1019.2 OF THE NATURAL RESOURCES ARTICLE”;

in line 27, after “NATURAL RESOURCES” insert “AT NO COST;” and in lines 27 and 28, strike “DIRECTLY TO OYSTER BARS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION” and substitute:

“(II) \$25 FOR EACH BUSHEL OF SPAT-ON-SHELL THAT THE PERSON PLANTS ON A PUBLIC FISHERY BOTTOM AS VERIFIED BY THE DEPARTMENT OF NATURAL RESOURCES”.

AMENDMENT NO. 3

On page 5, in line 7, after “CORPORATION” insert “THROUGH A BUSINESS PLAN AND PRO FORMA FINANCIAL PROJECTIONS”; strike beginning with the colon in line 9 down through “(II)” in line 11 and substitute “HAVE THE POTENTIAL TO”; in line 11, strike “AND”; in line 13, after “CORPORATION” insert “; AND

(5) AGREES TO THE FINANCING TERMS AND CONDITIONS ESTABLISHED BY THE CORPORATION THAT ARE OTHERWISE IN CONFORMANCE WITH THIS SECTION”;

in line 14, after “(D)” insert “(1)”; in line 16, strike “GRANTS AND”; after line 16, insert:

“(2) THE APPROPRIATION IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DISTRIBUTED TO A SPECIAL ACCOUNT TO BE USED ONLY TO:

(I) PROVIDE LOANS UNDER THIS SECTION; AND

(II) PAY THE COSTS NECESSARY TO ADMINISTER AND OPERATE THIS SECTION.”;

in line 26, after “PROCESSORS” insert “AND DEALERS”; and in the same line, after “SHELLS” insert “BY PROVIDING THE SHELL TO AN AUTHORIZED SHELL RECYCLING COLLECTOR CERTIFIED BY THE DEPARTMENT”.

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On page 6, in lines 3 and 24, in each instance, after “PROCESSORS” insert “AND DEALERS”; strike beginning with “IN” in line 4 down through “YEAR” in line 16 and substitute “AT A RATE OF \$5 PER BUSHEL UP TO A MAXIMUM OF \$2,000 PER YEAR”; and after line 25, insert:

“(3) THE DEPARTMENT MAY ENTER INTO AGREEMENTS WITH NONPROFIT ORGANIZATIONS WITH EXPERTISE IN OYSTER SHELL RECYCLING TO EXECUTE THE PROVISIONS OF THIS SECTION.”

On page 7, in line 9, after “STATE” insert “TO MAP EXISTING AND POTENTIAL OYSTER HABITATS”; in lines 13 and 14, strike “: (I) PRIORITIZE” and substitute “PRIORITIZE”; in lines 15 and 16, strike “1.” and “2.”, respectively, and substitute “(I)” and “(II)”, respectively; in line 18, after “WITH” insert “THE DEPARTMENT, WHO SHALL CONSULT WITH COUNTY OYSTER COMMITTEES, AND”; strike beginning with the semicolon in line 19 down through “SPAWN” in line 21; and in line 26, after “\$2,000,000” insert “TO THE DEPARTMENT”.

AMENDMENT NO. 4

On page 8, in line 2, strike “research” and substitute “evaluate”; in lines 6 and 7, strike “larger stones versus smaller”; in line 7, after “stones” insert “of various sizes”; in line 9, strike “and”; in line 12, after “plantings” insert “; and

(5) the effect of spat size upon deployment on oyster abundance”;

in line 16, strike “research findings” and substitute “evaluations”; after line 19, insert:

“(d) The evaluations undertaken in accordance with this section shall be conducted in a manner that is not disruptive to the public oyster fishery, aquaculture, or restoration.”;

(Over)

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in line 23, strike “restoration and”; and in line 24, after “repletion” insert “, aquaculture, and restoration”.

On page 9, in line 5, after “of” insert “consistently”; in the same line, after “billion” insert “larvae or”; in the same line, strike “spat-on-shell” and substitute “spat”; in line 6, after “To” insert “help”; strike beginning with the colon in line 7 down through “(2)” in line 11; after line 13, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) (1) In recognition of the final report, dated December 1, 2021, of the Oyster Advisory Commission’s consensus recommendations, over the next 25 years, a combination of replenishment, restoration, and aquaculture activities should be collectively planned and undertaken in Eastern Bay, with an equal amount of funding for spat planting in sanctuaries (\$1,000,000 annually adjusted for inflation) and for spat and shell planting on fishery bars (\$1,000,000 annually adjusted for inflation) in addition to current replenishment and restoration activities.

(2) The effectiveness of the activities under paragraph (1) of this subsection shall be evaluated every 5 years.

(b) To help reach the goals established under subsection (a) of this section, for fiscal years 2024 through 2026, the Governor shall include in the annual operating or capital budget an appropriation of \$2,000,000 for the Department of Natural Resources.

(c) Any funding provided in the operating or capital budgets in accordance with subsection (b) of this section after fiscal year 2026 shall be contingent upon the evaluation provided for in subsection (a)(2) of this section.”;

in lines 14 and 16, strike “6.” and “7.”, respectively, and substitute “7.” and “8.”, respectively; in line 14, after “shall” insert “take effect July 1, 2023, and shall”; in line

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15, strike “2021” and substitute “2022”; and in line 16, after “That” insert “, except as provided in Section 7 of this Act,”.