

By: Hunter

H.B. No. 1809

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the establishment of the commercial oyster mariculture
3 advisory board.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 75, Parks and Wildlife Code, is amended
6 by adding Section 75.0108 to read as follows:

7 Sec. 75.0108. COMMERCIAL OYSTER MARICULTURE ADVISORY
8 BOARD. (a) In this section, "advisory board" means the commercial
9 oyster mariculture advisory board established under this section.

10 (b) The commercial oyster mariculture advisory board is
11 established within the department to advise all state agencies with
12 regulatory authority over the commercial oyster mariculture
13 industry.

14 (c) The advisory board consists of seven members appointed
15 by the governor as follows:

16 (1) four members must:

17 (A) represent the commercial oyster mariculture
18 industry, seafood industry, or related industries; and

19 (B) have a documented interest in the promotion
20 of entrepreneurship, free enterprise, and the increased use,
21 consumption, marketing, and sale of native oysters in this state;
22 and

23 (2) three members must:

24 (A) represent the scientific and conservation

1 community in this state; and

2 (B) have a documented interest in the
3 sustainability of the natural coastal environment of this state.

4 (d) At least one advisory board member must be a member of
5 the department's oyster advisory workgroup.

6 (e) Advisory board members serve staggered five-year terms,
7 with the terms of one or two members expiring February 1 of each
8 year.

9 (f) If a vacancy occurs on the advisory board, the governor
10 shall appoint a replacement who meets the qualifications for the
11 vacant position to serve for the remainder of the term.

12 (g) The governor shall designate an advisory board member
13 described by Subsection (c)(1) to serve as the advisory board's
14 presiding officer for a one-year term. The presiding officer may
15 vote on any matter before the advisory board.

16 (h) Advisory board members serve without compensation but
17 are entitled to reimbursement for actual and necessary expenses
18 incurred in performing official duties authorized by the office of
19 the governor.

20 (i) The advisory board shall make recommendations to the
21 governor and all relevant agencies concerning the commercial oyster
22 mariculture industry, including recommendations regarding:

23 (1) the promotion of the use, consumption, marketing,
24 and sale of maricultured oysters;

25 (2) the promotion of sustainable commercial oyster
26 mariculture; and

27 (3) commercial oyster mariculture permits and

1 regulations.

2 (j) In performing the advisory board's duties under this
3 section, the advisory board may consult with:

4 (1) industry and academic resources; and

5 (2) agencies of this state and the United States,
6 including the:

7 (A) department;

8 (B) General Land Office;

9 (C) Department of State Health Services,
10 including the seafood and aquatic life unit;

11 (D) National Marine Fisheries Service;

12 (E) United States Army Corps of Engineers; and

13 (F) United States Coast Guard.

14 (k) Chapter 2110, Government Code, does not apply to the
15 advisory board.

16 SECTION 2. Not later than December 31, 2023, the governor
17 shall appoint the initial members of the commercial oyster
18 mariculture advisory board under Section 75.0108, Parks and
19 Wildlife Code, as added by this Act. Notwithstanding Section
20 75.0108(e), Parks and Wildlife Code, as added by this Act, in making
21 the initial appointments, the governor shall designate one member
22 to a term expiring February 1, 2024, one member to a term expiring
23 February 1, 2025, one member to a term expiring February 1, 2026,
24 two members to terms expiring February 1, 2027, and two members to
25 terms expiring February 1, 2028.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 1809

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2023.