

By: Hunter

H.B. No. 3445

A BILL TO BE ENTITLED

AN ACT

relating to the oyster license moratorium program and the permanent retirement of certain commercial oyster boat licenses.

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

SECTION 1. Chapter 75, Parks and Wildlife Code, is amended by adding Section 75.01045 to read as follows:

Sec. 75.01045. WAIVER OF PERMIT APPLICATION FEE FOR CERTAIN FORMER COMMERCIAL OYSTER BOAT LICENSE HOLDERS. The department shall waive any application fee established under commission rules for a cultivated oyster mariculture permit if the applicant was the most recent holder of a commercial oyster boat license that was transferred to a nongovernmental organization under Section 76.4051.

SECTION 2. Section 76.1031, Parks and Wildlife Code, is amended to read as follows:

Sec. 76.1031. LICENSE EXPIRATIONS AND TRANSFERS. (a) Except as provided by Section 76.4051, a license ~~[All licenses]~~ issued under the authority of this chapter is ~~[Chapter 76 of this code are]~~ valid only during the yearly period for which the license is ~~[they are]~~ issued without regard to the date on which the license is ~~[licenses are]~~ acquired. Each yearly period begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission. The commission by rule may set the amount of a license fee for a license

1 issued during a transition period at an amount lower than
2 prescribed in this chapter and provide for a license term for a
3 transition period that is shorter or longer than a year.

4 (b) A license [~~All licenses~~] issued under the authority of
5 this chapter may not be transferred to another person or vessel
6 except as provided by this subsection. A license issued under the
7 authority of Section 76.101(c) may be transferred to another vessel
8 or [~~to~~] a new owner of the same vessel or to a nongovernmental
9 organization as provided by Section 76.4051. Except as provided by
10 Subsection (c), the [~~The~~] commission, by regulation, may prescribe
11 requirements necessary to clarify license transfer procedures and
12 may prescribe, by regulation, forms to be used and fees to be
13 charged for transfer of licenses in this chapter and for duplicate
14 license plates or duplicate or replacement licenses.

15 (c) The commission may not prescribe or collect a fee for
16 the transfer of a license to a nongovernmental organization under
17 Section 76.4051.

18 SECTION 3. Section 76.401, Parks and Wildlife Code, is
19 amended to read as follows:

20 Sec. 76.401. OYSTER LICENSE MORATORIUM PROGRAM. The
21 department shall implement an oyster license moratorium program to:

22 (1) promote efficiency and economic stability in the
23 oyster industry; and

24 (2) restore oyster reefs and the benefits the reefs
25 provide to the citizens of this state.

26 SECTION 4. Section 76.402, Parks and Wildlife Code, is
27 amended by adding Subsection (c) to read as follows:

1 (c) The department may not renew a commercial oyster boat
2 license issued for a vessel that has not been used by the license
3 holder to take or attempt to take oysters from the public water of
4 this state during the two years immediately preceding a request to
5 renew the license.

6 SECTION 5. Sections 76.405(b) and (c), Parks and Wildlife
7 Code, are amended to read as follows:

8 (b) The commission by rule shall establish criteria, using
9 reasonable classifications, for the department's use in selecting
10 licenses to be purchased. The department or executive director
11 shall consult with the oyster license moratorium review board and
12 any nongovernmental organization that has entered into an agreement
13 with the department under Section 76.4051 concerning establishment
14 of the criteria.

15 (c) The department shall permanently retire each license
16 purchased under the license buyback program [~~until the commission~~
17 ~~finds that management of the oyster fishery allows reissue of those~~
18 ~~licenses through auction or lottery)].~~

19 SECTION 6. Subchapter F, Chapter 76, Parks and Wildlife
20 Code, is amended by adding Section 76.4051 to read as follows:

21 Sec. 76.4051. TRANSFER OF COMMERCIAL OYSTER BOAT LICENSE TO
22 NONGOVERNMENTAL ORGANIZATION FOR PURPOSE OF RETIRING LICENSE. (a)
23 The department shall select and cooperate with one or more
24 nongovernmental organizations for the purpose of permanently
25 retiring commercial oyster boat licenses transferred under this
26 section.

27 (b) The department shall enter into an agreement with each

1 nongovernmental organization selected under Subsection (a) that:

2 (1) authorizes the organization to compensate the
3 holder of a commercial oyster boat license for the voluntary
4 transfer of the license to the organization under Subsection (c);

5 (2) requires the organization to hold in perpetuity
6 each license transferred to the organization under Subsection (c),
7 regardless of whether the oyster license moratorium remains in
8 effect; and

9 (3) prohibits the organization from taking or
10 attempting to take oysters from the public water of this state under
11 a license transferred to the organization under Subsection (c).

12 (c) The holder of a commercial oyster boat license may:

13 (1) transfer the license to a nongovernmental
14 organization that has entered into an agreement with the department
15 under this section; and

16 (2) receive compensation from the organization for the
17 transfer of the license under Subdivision (1).

18 (d) A nongovernmental organization that has entered into an
19 agreement with the department under this section:

20 (1) is not required to renew or pay a renewal fee for
21 any license transferred to the organization under Subsection (c);
22 and

23 (2) is not subject to department regulations or
24 policies applicable to the administration of the department's
25 buyback program.

26 SECTION 7. Section 76.405(g), Parks and Wildlife Code, is
27 repealed.

1 SECTION 8. This Act takes effect September 1, 2023.