

1-1 By: Kolkhorst S.B. No. 1032
 1-2 (In the Senate - Filed February 17, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on Water, Agriculture &
 1-4 Rural Affairs; March 15, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
 1-6 March 15, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1032 By: Kolkhorst

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to oyster certificates of location; authorizing a fee.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 76.001(2), Parks and Wildlife Code, is
 1-24 amended to read as follows:

1-25 (2) "Natural oyster bed" means an area with a
 1-26 substrate that is predominantly composed of oyster shell or live
 1-27 oysters [where at least five barrels of oysters are found within
 1-28 2,500 square feet of any position on a reef or bed].

1-29 SECTION 2. Section 76.003, Parks and Wildlife Code, is
 1-30 amended to read as follows:

1-31 Sec. 76.003. BEDS SUBJECT TO LOCATION. (a) Except as
 1-32 provided by Subsection (b) and ~~[in] Section 76.004 [of this code],~~
 1-33 an oyster bed or reef, other than a natural oyster bed, is subject
 1-34 to location by the department. ~~[This section does not apply to a~~
 1-35 ~~bed or reef that has been exhausted within an eight-year period.]~~

1-36 (b) The department may subject a natural oyster bed to
 1-37 location if the department determines that the bed is degraded. In
 1-38 determining whether a natural oyster bed is degraded, the
 1-39 department may consider:

- 1-40 (1) the relative abundance of oysters in the area;
- 1-41 (2) the availability of natural cultch material in the
 1-42 area;
- 1-43 (3) sediment overburden in the area;
- 1-44 (4) the amount of time that the area has been
 1-45 exhausted, if the area is exhausted; and
- 1-46 (5) any other criteria the department considers
 1-47 indicative of a degraded oyster bed.

1-48 SECTION 3. Section 76.018(b), Parks and Wildlife Code, is
 1-49 amended to read as follows:

1-50 (b) The commission shall determine renewal procedures to
 1-51 follow at the end of each lease term. The procedures must include:

- 1-52 (1) ~~a determination that the lease renewal will be~~
 1-53 ~~based on [the need for depuration of polluted oysters and other]~~
 1-54 ~~considerations specified in the oyster management plan;~~
- 1-55 (2) payment of a \$200 fee due on renewal of the lease;
- 1-56 (3) a condition that the current leaseholder will be
 1-57 offered a first right of refusal if the lease is renewed under this
 1-58 chapter; and
- 1-59 (4) any other conditions for the lease renewal that do
 1-60 not conflict with this chapter.

2-1 SECTION 4. Subchapter A, Chapter 76, Parks and Wildlife
2-2 Code, is amended by adding Section 76.022 to read as follows:

2-3 Sec. 76.022. CERTIFICATES OF LOCATION FOR RESTORATION
2-4 PURPOSES. (a) The commission by rule shall establish a program to
2-5 issue certificates of location for the restoration of natural
2-6 oyster beds.

2-7 (b) Sections 76.006, 76.007, 76.017, 76.018, and 76.019 do
2-8 not apply to a program established under this section.

2-9 (c) Rules adopted under this section may establish:
2-10 (1) fees, application approval requirements, lease
2-11 terms, and renewal procedures for leases under this section;

2-12 (2) the total area in each bay system for which leases
2-13 may be issued under this section;

2-14 (3) siting and marking requirements for leases under
2-15 this section; and

2-16 (4) any other requirement necessary to administer this
2-17 section.

2-18 (d) In adopting rules under this section, the department
2-19 shall coordinate with:

2-20 (1) the Department of State Health Services; and

2-21 (2) the General Land Office.

2-22 SECTION 5. The change in law made by this Act to Section
2-23 76.018(b), Parks and Wildlife Code, applies only to a rental lease
2-24 under an oyster certificate of location renewed on or after the
2-25 effective date of this Act. A rental lease under an oyster
2-26 certificate of location renewed before the effective date of this
2-27 Act is governed by the law in effect on the date the lease was
2-28 renewed, and the former law is continued in effect for that purpose.

2-29 SECTION 6. This Act takes effect September 1, 2023.

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