

AN ACT

relating to the creation of an oyster license moratorium program.

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

SECTION 1. Chapter 76, Parks and Wildlife Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. OYSTER LICENSE MORATORIUM

Sec. 76.401. OYSTER LICENSE MORATORIUM PROGRAM. The department shall implement an oyster license moratorium program to promote efficiency and economic stability in the oyster industry.

Sec. 76.402. ISSUANCE AND RENEWAL OF COMMERCIAL OYSTER BOAT LICENSES. (a) After August 31, 2005, the department may not issue or renew a commercial oyster boat license unless the person seeking to obtain or renew the license documents to the satisfaction of the department that the vessel for which the license is sought:

(1) is owned by the person;

(2) was licensed as a commercial oyster boat on the day the renewal was sought or at the end of the licensing period immediately preceding the period for which the license is sought; and

(3) is intended to be licensed and used as a commercial oyster boat.

(b) An applicant for a new or renewed commercial oyster boat license for a vessel must submit to the department with the license application:

1 (1) the United States Coast Guard certificate of
2 documentation for the vessel, if the vessel is required by United
3 States Coast Guard rules to be documented; and

4 (2) the certificate of number for the vessel as
5 required by Chapter 31.

6 Sec. 76.403. OYSTER LICENSE MORATORIUM REVIEW
7 BOARD. (a) The holders of commercial oyster boat licenses shall
8 elect an oyster license moratorium review board of seven members.

9 (b) A member of the review board must be a holder of a
10 commercial oyster boat license.

11 (c) The seven members of the review board must be selected
12 to reflect the following geographical distribution according to the
13 county of residence specified on the member's commercial oyster
14 boat license:

15 (1) one member representing Orange, Jefferson,
16 Chambers, and Harris Counties;

17 (2) two members representing Galveston County;

18 (3) one member representing Brazoria and Matagorda
19 Counties;

20 (4) two members representing Calhoun, Aransas,
21 Nueces, San Patricio, and Refugio Counties; and

22 (5) one member representing Kleberg, Cameron, and
23 Willacy Counties.

24 (d) The review board shall advise the commission and
25 department and make recommendations concerning the administrative
26 aspects of the oyster license moratorium program, including
27 hardship and appeal cases concerning eligibility.

1 (e) The director shall adopt procedures for the election and
2 operation of the review board. The director shall solicit and
3 consider recommendations from the commercial oyster boat license
4 holders regarding the procedures and the continued need for the
5 board.

6 (f) The review board is not subject to Chapter 2110,
7 Government Code.

8 Sec. 76.404. PROGRAM ADMINISTRATION; RULES. (a) The
9 director shall establish administrative procedures to carry out the
10 requirements of this subchapter.

11 (b) The commission shall adopt any rules necessary for the
12 administration of the program established under this subchapter.

13 Sec. 76.405. REPORT OF PROGRAM STATUS. (a) Not later than
14 January 1, 2010, the department shall report to an advisory
15 committee appointed by the presiding officer of the commission to
16 address issues relating to oysters in this state.

17 (b) The report under Subsection (a) must include an overview
18 of the administration and status of the program established under
19 this subchapter and information concerning the sociological and
20 economic effects of the program.

21 (c) This section expires September 1, 2010.

22 SECTION 2. (a) As soon as practicable, the Parks and
23 Wildlife Commission shall adopt rules necessary to administer the
24 oyster license moratorium program established under Subchapter F,
25 Chapter 76, Parks and Wildlife Code, as added by this Act.

26 (b) As soon as practicable after the effective date of this
27 Act, the executive director of the Parks and Wildlife Commission

1 shall adopt procedures for the election of the oyster license
2 moratorium review board under Section 76.403, Parks and Wildlife
3 Code, as added by this Act. As soon as practicable after the
4 adoption of election procedures, but not later than November 1,
5 2005, the election of the oyster license moratorium review board
6 must be held.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 272 passed the Senate on May 3, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 272 passed the House on May 12, 2005, by the following vote: Yeas 137, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor