

By: Williams, Lucio S.B. No. 272
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read first time and referred to Subcommittee on Agriculture and
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Substitute from Committee on Natural Resources by the following
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COMMITTEE SUBSTITUTE FOR S.B. No. 272 By: Jackson

A BILL TO BE ENTITLED
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) the United States Coast Guard certificate of
documentation for the vessel, if the vessel is required by United
States Coast Guard rules to be documented; and

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

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

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

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

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

(2) two members representing Galveston County;

(3) one member representing Brazoria and Matagorda
Counties;

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

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

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

(e) The director shall adopt procedures for the election and
operation of the review board. The director shall solicit and

2-1 consider recommendations from the commercial oyster boat license
2-2 holders regarding the procedures and the continued need for the
2-3 board.

2-4 (f) The review board is not subject to Chapter 2110,
2-5 Government Code.

2-6 Sec. 76.404. PROGRAM ADMINISTRATION; RULES. (a) The
2-7 director shall establish administrative procedures to carry out the
2-8 requirements of this subchapter.

2-9 (b) The commission shall adopt any rules necessary for the
2-10 administration of the program established under this subchapter.

2-11 Sec. 76.405. REPORT OF PROGRAM STATUS. (a) Not later than
2-12 January 1, 2010, the department shall report to an advisory
2-13 committee appointed by the presiding officer of the commission to
2-14 address issues relating to oysters in this state.

2-15 (b) The report under Subsection (a) must include an overview
2-16 of the administration and status of the program established under
2-17 this subchapter and information concerning the sociological and
2-18 economic effects of the program.

2-19 (c) This section expires September 1, 2010.

2-20 SECTION 2. (a) As soon as practicable, the Parks and
2-21 Wildlife Commission shall adopt rules necessary to administer the
2-22 oyster license moratorium program established under Subchapter F,
2-23 Chapter 76, Parks and Wildlife Code, as added by this Act.

2-24 (b) As soon as practicable after the effective date of this
2-25 Act, the executive director of the Parks and Wildlife Commission
2-26 shall adopt procedures for the election of the oyster license
2-27 moratorium review board under Section 76.403, Parks and Wildlife
2-28 Code, as added by this Act. As soon as practicable after the
2-29 adoption of election procedures, but not later than November 1,
2-30 2005, the election of the oyster license moratorium review board
2-31 must be held.

2-32 SECTION 3. This Act takes effect immediately if it receives
2-33 a vote of two-thirds of all the members elected to each house, as
2-34 provided by Section 39, Article III, Texas Constitution. If this
2-35 Act does not receive the vote necessary for immediate effect, this
2-36 Act takes effect September 1, 2005.

2-37 * * * * *