

1-1 By: Williams S.B. No. 932  
1-2 (In the Senate - Filed February 24, 2011; March 8, 2011,  
1-3 read first time and referred to Committee on Agriculture and Rural  
1-4 Affairs; April 7, 2011, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 7, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 932 By: Uresti

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to oyster beds and shells and an oyster shell recovery and  
1-11 replacement program.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 76.020, Parks and Wildlife Code, is  
1-14 amended to read as follows:

1-15 Sec. 76.020. OYSTER SHELL RECOVERY AND REPLACEMENT PROGRAM.

1-16 (a) The commission by proclamation may establish and conduct a  
1-17 program to require the recovery of oyster shell or other suitable  
1-18 cultch material from, and replacement of oyster shell in, the  
1-19 coastal waters of the state to maintain or enhance public oyster  
1-20 reefs.

1-21 (b) The department may accept grants and donations of money  
1-22 or materials from private or public sources to be applied to the  
1-23 oyster shell recovery and replacement program.

1-24 SECTION 2. Subchapter A, Chapter 76, Parks and Wildlife  
1-25 Code, is amended by adding Section 76.021 to read as follows:

1-26 Sec. 76.021. OYSTER SHELL RECOVERY AND REPLACEMENT PROGRAM

1-27 ACCOUNT; FEE. (a) The oyster shell recovery and replacement  
1-28 program account is a separate account in the game, fish, and water  
1-29 safety account. The account consists of money deposited to the  
1-30 account under this section. The account is exempt from the  
1-31 application of Section 403.095, Government Code.

1-32 (b) The department shall collect a fee of 20 cents or an  
1-33 amount set by the commission, whichever is greater, from a licensed  
1-34 commercial oyster fisherman for each box of oysters harvested by  
1-35 the fisherman from the water of this state.

1-36 (c) The commission by rule shall adopt policies and  
1-37 procedures for the issuance of oyster shell recovery tags or other  
1-38 means to collect the fee imposed by this section. A tag required by  
1-39 this section must:

1-40 (1) be affixed to the outside of each box of oysters at  
1-41 the time of harvest, in the location of harvest;

1-42 (2) contain information required by the Department of  
1-43 State Health Services under the National Shellfish Sanitation  
1-44 Program; and

1-45 (3) remain affixed during transportation of the  
1-46 oysters to a dealer.

1-47 (d) The department shall deposit to the credit of the oyster  
1-48 shell recovery and replacement program account all revenue, less  
1-49 allowable costs, from the following sources:

1-50 (1) all fees collected under Subsection (b); and

1-51 (2) grants and donations received under Section  
1-52 76.020.

1-53 (e) Money in the oyster shell recovery and replacement  
1-54 program account may be appropriated only for the recovery and  
1-55 enhancement of public oyster reefs under Section 76.020.

1-56 (f) The department shall consult with members of the oyster  
1-57 industry regarding the management of oyster beds in this state.

1-58 SECTION 3. Section 76.115, Parks and Wildlife Code, is  
1-59 amended by amending Subsection (c) and adding Subsections (d), (e),  
1-60 and (f) to read as follows:

1-61 (c) Before closing any area, the commission [~~commissioner~~]  
1-62 shall [~~post notices of the closing in fish and oyster houses in two~~  
1-63 ~~towns nearest the area to be closed and shall~~] publish notice in a

2-1 daily newspaper of general circulation in the area to be closed.  
2-2 The notice [~~notices~~] shall be [~~posted and~~] published at least three  
2-3 days before the effective date of the closing.

2-4 (d) Areas closed under this section must reopen by the  
2-5 beginning of the next public oyster season unless sound biological  
2-6 data indicates that the need for closure still exists.

2-7 (e) The commission by rule may establish procedures and  
2-8 criteria for closing areas under Subsection (a).

2-9 (f) The commission may delegate to the director the duties  
2-10 and responsibilities under this section.

2-11 SECTION 4. Not later than January 1, 2012, the Parks and  
2-12 Wildlife Commission shall adopt rules:

2-13 (1) for the recovery of oyster shells in accordance  
2-14 with this Act; and

2-15 (2) necessary for the implementation of this Act.

2-16 SECTION 5. This Act takes effect September 1, 2011.

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