

By: Guillen

H.B. No. 1189

A BILL TO BE ENTITLED

AN ACT

relating to the management of commercial oyster boat licenses issued in this state.

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

SECTION 1. Subchapter F, Chapter 76, Parks and Wildlife Code, is amended by adding Sections 76.405, 76.406, and 76.407 to read as follows:

Sec. 76.405. LICENSE BUYBACK PROGRAM. (a) The department shall implement a license buyback program for licenses issued under this subchapter as part of the oyster license moratorium program established by this subchapter.

(b) The commission by rule shall establish criteria, using reasonable classifications, for the department's use in selecting licenses to be purchased. The department or executive director shall consult with the oyster license moratorium review board concerning establishment of the criteria.

(c) The department shall retire each license purchased under the license buyback program until the commission finds that management of the oyster fishery allows reissue of those licenses through auction or lottery.

(d) The department shall set aside an amount determined by commission rule that is at least 20 percent of the fees from licenses issued under this subchapter to be used only for the purpose of buying back commercial oyster boat licenses from willing

1 license holders. That money shall be sent to the comptroller for  
2 deposit to the credit of the game, fish, and water safety account.

3 (e) The department may solicit and accept grants and  
4 donations of money or materials from private or public sources for  
5 the purpose of buying back licenses issued under this subchapter  
6 from willing license holders.

7 (f) Money to be used for the purpose of buying back licenses  
8 issued under this subchapter is not subject to Section [403.095](#),  
9 Government Code.

10 (g) The commission shall consider the social and economic  
11 viability of the oyster industry and input from the oyster license  
12 moratorium review board regarding the reissue of commercial oyster  
13 boat licenses through auction or lottery.

14 Sec. 76.406. PREVAILING AUTHORITY. A proclamation of the  
15 commission under this subchapter prevails over any conflicting  
16 provision of this chapter to the extent of the conflict.

17 Sec. 76.407. REPORT TO LEGISLATURE. (a) Not later than  
18 November 1, 2018, the department shall report to the governor and  
19 each member of the legislature an overview of the administration  
20 and status of the oyster license buyback program, including the  
21 biological, sociological, and economic effects of the program.

22 (b) This section expires September 1, 2019.

23 SECTION 2. The Parks and Wildlife Commission shall adopt  
24 any rules required to implement this Act not later than June 1,  
25 2016.

26 SECTION 3. This Act takes effect June 1, 2016.