

Amend HB 51 on third reading as follows:

(1) In SECTION 2 of the bill, in added Section 76.1181(d), Parks and Wildlife Code, strike the first sentence of the subsection and substitute "On final conviction for an offense punishable under Section 76.118(e-3), the general commercial fisherman's license of a member of the crew of a boat on which the violation was committed is suspended for 30 days."

(2) In SECTION 2 of the bill, in added Section 76.1181, Parks and Wildlife Code, between Subsections (d) and (e), insert the following:

(d-1) On final conviction for an offense punishable under Section 76.118(e-3), the commercial oyster fisherman's license of the person who takes or attempts to take oysters without the use of a boat is suspended for 30 days.

(3) In SECTION 4 of the bill, in amended Section 76.119, Parks and Wildlife Code, strike added Subsection (c) and substitute the following:

(c) The captain of a vessel licensed as a commercial oyster boat shall identify the name of the captain, the vessel, and each member of the crew to each purchaser of oysters.

(4) In SECTION 4 of the bill, in amended Section 76.119, Parks and Wildlife Code, strike added Subsection (d) and substitute the following:

(d) A person who purchases oysters under Section 47.0091, who holds a shellfish certificate as defined by Section 436.002, Health and Safety Code, and who purchases oysters from a captain of a vessel licensed as a commercial oyster boat, the holder of a commercial oyster boat license, or a member of the crew of a commercial oyster boat in violation of Section 76.109, 76.112, 76.116, or this section may not possess the oysters and is subject to any penalty prescribed by law.

(5) In SECTION 5 of the bill, in amended Section 76.301, Parks and Wildlife Code, strike added Subsection (h) and substitute the following:

(h) A proclamation of the commission under this section applies to any person who:

(1) purchases oysters from the captain of a commercial

oyster boat, the holder of a commercial oyster boat license, or a member of the crew of a commercial oyster boat;

(2) purchases oysters under Section 47.0091; and

(3) holds a shellfish certificate, as defined by Section 436.002, Health and Safety Code.

(6) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION _____. Sections 76.101(b) and (d), Parks and Wildlife Code, are amended to read as follows:

(b) No [~~Except as provided in Subsection (d) of this section, no~~] person may take or attempt to take oysters from the public water of this state, without the use of a boat, for pay or for the purpose of sale, barter, or exchange or any other commercial purpose without first having acquired from the department a commercial oyster fisherman's license.

(d) Each member of the [~~The captain and~~] crew of a licensed commercial oyster boat is [~~are not~~] required to have a general commercial [~~oyster~~] fisherman's license [~~licenses~~] to take oysters while they are on a licensed boat that is being used to take oysters.

SECTION _____. Subchapter A, Chapter 76, Parks and Wildlife Code, is amended by adding Section 76.0205 to read as follows:

Sec. 76.0205. SUSTAINABILITY OF OYSTER INDUSTRY. (a) In order to enhance the viability of commercial oyster fishing and ensure the sustainability of the oyster industry to accommodate the highest number of commercial oyster fishing boats, a person who purchases oysters under Section 47.0091 and holds a shellfish certificate, as defined by Section 436.002, Health and Safety Code, must:

(1) distribute, in an area designated by the department, oyster shells or other cultch material approved by the department in an amount equal to not less than 30 percent of the total volume of oysters purchased by the person in the previous license year; or

(2) pay a fee to the department in an amount calculated under Subsection (c).

(b) The distribution of oyster shells or other cultch

material must be directly supervised by an agent or employee of the department.

(c) The department shall calculate the current market cost of the acquisition and deposition of cultch material on a per cubic yard basis. The fee charged under Subsection (a)(2) is the market cost established under this subsection multiplied by 30 percent of the total volume of oysters purchased by the person in the previous license year. The fee charged under this section shall be deposited to the credit of the oyster shell recovery and replacement program account.

(d) A person who possesses oysters that do not meet the requirements of Section 76.112:

(1) shall replace the oysters in the beds from which they were taken as directed by an authorized employee of the department; and

(2) is subject to any penalty and must perform any remedy authorized by law.