

BILL ANALYSIS

H.B. 51
By: Guillen
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that oyster fisheries are an important part of Texas commercial fishing but are concerned about overfishing of these fisheries. H.B. 51 seeks to address this issue by providing for a license buyback program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 of this bill.

ANALYSIS

H.B. 51 amends the Parks and Wildlife Code to include an oyster size limit violation among the violations for which each person on a vessel licensed as a commercial oyster boat is responsible. The bill authorizes the Parks and Wildlife Commission to establish by proclamation a vessel monitoring system for commercial oyster boats and requires the Parks and Wildlife Department (TPWD) to consult with commercial oyster boat license holders concerning establishment of the system before the commission issues such a proclamation.

H.B. 51 requires TPWD to implement a license buyback program for licenses issued under the oyster license moratorium program. The bill requires the commission by rule to establish criteria, using reasonable classifications, for TPWD's use in selecting licenses to be purchased and requires TPWD or the executive director of TPWD to consult with the oyster license moratorium review board concerning establishment of the criteria. The bill requires TPWD to 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. The bill requires TPWD to set aside an amount determined by commission rule that is at least 20 percent of the fees from licenses issued under the moratorium program to be used only for the purpose of buying back commercial oyster boat licenses from willing license holders and requires that money to be sent to the comptroller of public accounts for deposit to the credit of the game, fish, and water safety account. The bill authorizes TPWD to solicit and accept grants and donations of money or materials from private or public sources for such license buyback purposes and exempts money to be used for such purposes from Government Code provisions relating to the use of dedicated revenue. The bill requires the commission to consider the social and economic viability of the oyster industry and input from the review board regarding the reissue of commercial oyster boat licenses through auction or lottery.

H.B. 51 establishes that a commission proclamation under provisions relating to the oyster

license moratorium prevails over any conflicting provision relating to oyster conservation to the extent of the conflict. The bill adds a temporary provision set to expire September 1, 2021, requiring TPWD, not later than November 1, 2020, to report to the governor and each member of the legislature an overview of the administration and status of the oyster license buyback program, including the biological, sociological, and economic effects of the program. The bill requires the commission, not later than June 1, 2018, to adopt any rules required to implement the bill's provisions relating to the license buyback program, the prevailing authority of a commission proclamation, and the report to the legislature and makes such provisions effective June 1, 2018.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2017.