

By: Guillen

H.B. No. 51

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the management of commercial oyster boats in this  
3 state.

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

5 SECTION 1. Section 76.119(a), Parks and Wildlife Code, is  
6 amended to read as follows:

7 (a) If a vessel licensed as a commercial oyster boat is  
8 involved in a violation of this chapter, the captain of the vessel  
9 licensed as a commercial oyster boat is primarily responsible for  
10 the violation. A member of the crew of a vessel licensed as a  
11 commercial oyster boat is not guilty of a violation unless the  
12 member of the crew committed the violation against the captain's  
13 orders, except for a violation of Section 76.109, 76.112, or  
14 76.116, in which case each person on the vessel is responsible for  
15 the violation.

16 SECTION 2. Subchapter E, Chapter 76, Parks and Wildlife  
17 Code, is amended by adding Section 76.304 to read as follows:

18 Sec. 76.304. VESSEL MONITORING SYSTEM. (a) The commission  
19 by proclamation may establish a vessel monitoring system for  
20 commercial oyster boats.

21 (b) Before the commission issues a proclamation under  
22 Subsection (a), the department shall consult with commercial oyster  
23 boat license holders concerning establishment of a vessel  
24 monitoring system.

1 SECTION 3. Subchapter F, Chapter 76, Parks and Wildlife  
2 Code, is amended by adding Sections 76.405, 76.406, and 76.407 to  
3 read as follows:

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

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

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

17 (d) The department shall set aside an amount determined by  
18 commission rule that is at least 20 percent of the fees from  
19 licenses issued under this subchapter to be used only for the  
20 purpose of buying back commercial oyster boat licenses from willing  
21 license holders. That money shall be sent to the comptroller for  
22 deposit to the credit of the game, fish, and water safety account.

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

27 (f) Money to be used for the purpose of buying back licenses

1 issued under this subchapter is not subject to Section 403.095,  
2 Government Code.

3 (g) The commission shall consider the social and economic  
4 viability of the oyster industry and input from the oyster license  
5 moratorium review board regarding the reissue of commercial oyster  
6 boat licenses through auction or lottery.

7 Sec. 76.406. PREVAILING AUTHORITY. A proclamation of the  
8 commission under this subchapter prevails over any conflicting  
9 provision of this chapter to the extent of the conflict.

10 Sec. 76.407. REPORT TO LEGISLATURE. (a) Not later than  
11 November 1, 2020, the department shall report to the governor and  
12 each member of the legislature an overview of the administration  
13 and status of the oyster license buyback program, including the  
14 biological, sociological, and economic effects of the program.

15 (b) This section expires September 1, 2021.

16 SECTION 4. The Parks and Wildlife Commission shall adopt  
17 any rules required to implement Sections 76.405, 76.406, and  
18 76.407, Parks and Wildlife Code, as added by this Act, not later  
19 than June 1, 2018.

20 SECTION 5. (a) Except as provided by Subsection (b) of this  
21 section, this Act takes effect September 1, 2017.

22 (b) Sections 76.405, 76.406, and 76.407, Parks and Wildlife  
23 Code, as added by this Act, take effect June 1, 2018.