

By: Phelan

H.B. No. 4079

A BILL TO BE ENTITLED

AN ACT

relating to the terms and renewal of oyster certificates of location.

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

SECTION 1. Sections 76.018(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) The term of a rental lease for a location under this subchapter is five [~~15~~] years or a term set by the commission.

(b) The commission shall determine renewal procedures to follow at the end of each lease term. The procedures must include:

(1) a determination that the lease renewal will be based on the need for depuration of polluted oysters and other considerations specified in the oyster management plan;

(2) an auction procedure to determine the fair market value of the area under location that is up for renewal;

(3) payment of a \$200 fee due on renewal of the lease;

(4) [~~3~~] a condition that the current leaseholder will be offered a first right of refusal at the fair market value determined by the auction procedure required by Subdivision (2) if the lease is renewed under this chapter; and

(5) [~~4~~] any other conditions for the lease renewal that do not conflict with this chapter.

SECTION 2. The changes in law made by this Act to Section 76.018, Parks and Wildlife Code, apply only to the rental lease for

1 an oyster certificate of location renewed on or after the effective
2 date of this Act. A rental lease for an oyster certificate of
3 location renewed before the effective date of this Act is governed
4 by the law in effect on the date the lease was renewed, and the
5 former law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2019.