

BILL ANALYSIS

Senate Research Center
87R27265 MP-D

C.S.H.B. 3600
By: Hunter (Kolkhorst)
Water, Agriculture & Rural Affairs
5/18/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of H.B. 3600 is to create a commercial oyster mariculture advisory board, which shall be responsible for ensuring a sustainable commercial oyster mariculture industry through development of appropriate aquaculture policy and a permitting program for leasing land in the coastal waters of Texas.

In 2019, the 86th Texas Legislature authorized the Texas Parks and Wildlife Commission (TPWC) to create a Texas oyster mariculture program. TPWC adopted rules in May 2020, and the Texas Parks and Wildlife Department (TPWD) continued work to develop the permitting system and guidelines to be able to accept mariculture applications in the fall of 2020.

- Development of program processes, procedures, guidance documents, application forms, and online resources including an online permitting portal that will go live later this year.
- Coordination with other state and federal agencies regarding required permits for various aspects of the program.
- Established biosecurity protocols for the importation of out-of-state oyster seed to protect wild oyster genetics.
- Development of a standardized permit application and natural resource survey protocol to ensure no negative impacts to natural resources.
- Creation of a GIS tool that allows for the visualization of the user conflicts and natural resources around the proposed site.
- Coordination with the Texas General Land Office to streamline the permitting process.
- TPWD is currently working with the United States Food and Drug Administration and the Texas Department of State Health Services to establish guidelines and protocols for hatcheries. TPWD does not have the authority to issue an oyster hatchery permit, but is obligated to review hatchery operations per the National Shellfish Sanitation Program.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 3600 amends current law relating to the establishment of the commercial oyster mariculture advisory board.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 75, Parks and Wildlife Code, by adding Section 75.0108, as follows:

Sec. 75.0108. COMMERCIAL OYSTER MARICULTURE ADVISORY BOARD. (a) Defines "advisory board."

(b) Provides that the commercial oyster mariculture advisory board (advisory board) is established within the Texas Parks and Wildlife Department (TPWD) to advise all state agencies with regulatory authority over the commercial oyster mariculture industry.

(c) Provides that the advisory board consists of seven members appointed by the governor as follows:

(1) requires that four members:

(A) represent the commercial oyster mariculture industry, seafood industry, or related industries; and

(B) have a documented interest in the promotion of entrepreneurship, free enterprise, and the increased use, consumption, marketing, and sale of native oysters in this state; and

(2) requires that three members:

(A) represent the scientific and conservation community in this state; and

(B) have a documented interest in the sustainability of the natural coastal environment of this state.

(d) Requires that at least one advisory board member be a member of TWPD's oyster advisory workgroup.

(e) Requires that advisory board members serve staggered five-year terms, with the terms of one or two members expiring February 1 of each year.

(f) Requires the governor, if a vacancy occurs on the advisory board, to appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

(g) Requires the governor to designate an advisory board member described by Subsection (c)(1) to serve as the advisory board's presiding officer for a one-year term. Authorizes the presiding officer to vote on any matter before the advisory board.

(h) Provides that advisory board members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing official duties authorized by the office of the governor.

(i) Requires the advisory board to make recommendations to the governor and all relevant agencies concerning the commercial oyster mariculture industry, including recommendations regarding:

(1) promoting the use, consumption, marketing, and sale of maricultured oysters;

(2) promoting sustainable commercial oyster mariculture; and

(3) commercial oyster mariculture permits and regulations.

(j) Authorizes the advisory board, in performing the advisory board's duties under this section, to consult with certain agencies of this state and the United States.

(k) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory board.

SECTION 2. Requires the governor, not later than December 31, 2021, to appoint the initial members of the commercial oyster mariculture advisory board under Section 75.0108, Parks and Wildlife Code, as added by this Act. Requires the governor, notwithstanding Section 75.0108(e), Parks and Wildlife Code, as added by this Act, in making the initial appointments, to designate one member to a term expiring February 1, 2022, one member to a term expiring February 1, 2023, two members to terms expiring February 1, 2024, and one member to a term expiring February 1, 2025, and one member to a term expiring February 1, 2026.

SECTION 3. Effective date: upon passage or September 1, 2021.