

BILL ANALYSIS

H.B. 1809
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Multiple agencies regulate cultivated oyster mariculture in Texas, often without clear communication pathways between them. This situation has made the permitting process for entrepreneurs and coastal businessmen unnecessarily long and expensive. Lengthy, confusing permitting timetables inhibit industry investment and job growth. There is a need for a task force that will serve as a guiding body to eliminate duplicate regulatory issues and help all agencies involved to streamline the permitting process. Furthermore, practitioners of the existing oyster harvesting methods of dredging wild public reefs are under significant pressure by recreational and environmental groups. H.B. 1809 seeks to address these issues collectively by creating the governor's cultivated oyster mariculture advisory council to expedite restorative alternatives to the damaging effects of mechanical dredging of oyster reefs and to evaluate the fees, lease payments, and bureaucratic hurdles applied to cultivated oyster mariculture. The advisory council will reinforce the assertion that cultivated oyster mariculture represents a free enterprise alternative to the environmentally damaging, tourism-inhibiting effects of dredging public oyster reefs. Texas needs to build a clean coastal food source industry free of ambition-crushing bureaucratic barriers, and the advisory council will be a significant step towards accomplishing that goal.

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

ANALYSIS

H.B. 1809 amends the Parks and Wildlife Code to establish the commercial oyster mariculture advisory board within the Parks and Wildlife Department (TPWD) to advise all state agencies with regulatory authority over the commercial oyster mariculture industry. The bill requires the seven board members to be appointed by the governor not later than December 31, 2023, and requires the governor, in making initial appointments, to designate one member to a term expiring February 1, 2024, one member to a term expiring February 1, 2025, one member to a term expiring February 1, 2026, two members to terms expiring February 1, 2027, and two members to terms expiring February 1, 2028. The bill requires the appointed board members, one of whom must be a TPWD oyster advisory workgroup member, to consist of the following:

- four members who represent the commercial oyster mariculture industry, seafood industry, or related industries and have a documented interest in the promotion of

entrepreneurship, free enterprise, and the increased use, consumption, marketing, and sale of native oysters in Texas; and

- three members who represent the scientific and conservation community in Texas and have a documented interest in the sustainability of Texas' natural coastal environment.

H.B. 1809 provides for staggered five-year member terms, the filling of a board vacancy by the governor's appointed replacement, the governor's designation of the board's presiding officer, and for member reimbursement for actual and necessary expenses incurred in performing authorized official duties. The bill requires the advisory board to make recommendations to the governor and all relevant agencies concerning the commercial oyster mariculture industry, including recommendations regarding commercial oyster mariculture permits and regulations; the promotion of sustainable commercial oyster mariculture; and the promotion of the use, consumption, marketing, and sale of mariculture oysters. The bill authorizes the advisory board, in performing its duties, to consult with industry and academic resources and state and federal agencies. The bill exempts the advisory board from provisions governing state agency advisory committees.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.