

## **BILL ANALYSIS**

C.S.H.B. 3385  
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Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Recently, the Texas Parks and Wildlife Department has issued policies regarding the harvesting of oysters on certain leases of land. The industry has raised concerns that they have not been fully consulted in making these rules and that the rules have been detrimental to their livelihoods. C.S.H.B. 3385 seeks to address this issue by creating the oyster advisory committee to advise on the management of oysters in Texas.

### **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 1 of this bill.

### **ANALYSIS**

C.S.H.B. 3385 amends the Parks and Wildlife Code to establish the oyster advisory committee to advise the Parks and Wildlife Commission, executive director of the Parks and Wildlife Department (TPWD), and TPWD on the management of oysters in Texas. The bill specifies that the oyster advisory committee is an advisory committee of the commission under statutory provisions that authorize the appointment of such committees and the adoption by the commission's presiding officer of rules that set the membership, terms of service, qualifications, operating procedures, and other standards for advisory committees.

C.S.H.B. 3385 requires TPWD to give public notice of and provide an opportunity for the public to nominate members to the advisory committee. The bill requires the advisory committee to meet at least twice annually and requires TPWD to produce and provide to the presiding officer of the commission a record of attendance of advisory committee members at each meeting and a summary or minutes of each meeting.

C.S.H.B. 3385 requires the advisory committee, not later than October 1 of each year, to submit a report to TPWD containing recommendations for the management of oysters in Texas and any other information determined by TPWD or the presiding officer of the commission to be useful and appropriate.

C.S.H.B. 3385 requires the executive director of TPWD to establish administrative procedures to carry out the bill's requirements and requires the commission, not later than December 1, 2023, to adopt rules and procedures necessary for the administration of the advisory committee. The bill requires the presiding officer of the commission, as soon as practicable after the adoption of rules and procedures, but not later than January 1, 2024, to appoint the initial

members of the advisory committee. The advisory committee members serve terms that expire on January 1, 2026. Unless continued in existence as provided by the Texas Sunset Act, the advisory committee is abolished and the bill's provisions expire September 1, 2027.

### **EFFECTIVE DATE**

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

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3385 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Both the introduced and the substitute provide for the creation of an entity to advise the commission, executive director of TPWD, and TPWD on oyster-related matters. However, while the introduced established the oyster council to advise on the taking of oysters in Texas and provided for the council to be composed of commission-appointed members who hold a commercial oyster fisherman's license or are nominated by such a license holder, the substitute establishes the oyster advisory committee to advise on the management of oysters in Texas and provides for its members to be appointed by the presiding officer of the commission, with opportunity given for the public to nominate members. The substitute subjects the advisory committee to sunset review and provides for its abolishment on September 1, 2027, if not continued in existence as provided by the Texas Sunset Act, whereas the introduced did not subject the oyster council to sunset review and abolishment. Additionally, while the introduced set out certain provisions relating to the council's administration and operation, the substitute specifies that the advisory committee is an advisory committee of the commission for which the presiding officer has statutory authority to adopt rules that set the membership, terms of service, qualifications, operating procedures, and other standards.

The introduced included provisions not in the substitute requiring the commission, executive director, and TPWD to consult with the council before enacting certain restrictions on the taking of oysters. The introduced also repealed a provision in current law providing for the commission's authority to close areas to the taking of oysters when the commission finds that the area is being overworked or damaged or the area is to be reseeded or restocked. The substitute does not repeal that provision.

While the introduced authorized the council to meet on its own initiative at any time to discuss any council business and required the council to meet if requested by the commission executive director, or TPWD to discuss imposing an applicable restriction, the substitute requires the advisory committee to meet at least twice annually. The substitute does not include provisions of the introduced relating to meeting notice requirements and meeting accessibility, but the substitute does require TPWD to produce and provide to the presiding officer of the commission a record of member attendance at each meeting and a summary or minutes of each meeting.

Both the introduced and the substitute provide for an annual report by the applicable entity. However, while the introduced required the council to make recommendations concerning the administrative aspects of the taking of oysters and to annually submit to the commission and TPWD, on or before a date established by TPWD before the opening of oyster season, a report evaluating the taking of oysters in Texas, the substitute requires the advisory committee, not later than October 1 of each year, to submit to TPWD a report containing recommendations for the management of oysters in Texas and any other information determined by TPWD or the presiding officer of the commission to be useful and appropriate.