

BILL ANALYSIS

C.S.H.B. 3497
By: Morrison
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The 85th Texas Legislature passed H.B. 51, which contained a requirement that an individual acquire a general commercial fisherman's license in order to work aboard a licensed commercial oyster boat. However, an exemption from obtaining or possessing such a license that existed within Parks and Wildlife Code for those who take or assist in taking oysters on such a licensed boat was not removed at that time. Thus, the exemption exists in direct conflict with the license requirement implemented in H.B. 51 and can only cause confusion among the regulated community as well as the courts. Furthermore, currently, in Texas, an oyster boat captain is required to hold a commercial oyster boat captain's license and a general commercial fisherman's license and thus is required to purchase two separate licenses while taking or assisting in taking oysters from Texas public waters. C.S.H.B. 3497 seeks to resolve the conflict in these statutes and reduce the required number of licenses an oyster boat captain must hold to take or assist in taking oysters.

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

C.S.H.B. 3497 amends the Parks and Wildlife Code to exempt the holder of a commercial oyster boat captain's license who takes or assists in taking oysters on a vessel licensed as a commercial oyster boat from the requirement to obtain or possess a general commercial fisherman's license and to remove the exemption from that requirement for a person who takes or assists in taking oysters on such a licensed vessel who does not hold such a captain's license. The bill clarifies that the holder of a commercial oyster boat captain's license is exempt from the requirement for each member of the crew of such a boat to have a general commercial fisherman's license to take oysters while on board such a boat being used to take oysters.

EFFECTIVE DATE

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

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 3497 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.