

BILL ANALYSIS

S.B. 1032
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent decades, the protection of state oyster beds has become an increasing concern and there is a need for change in their management. S.B. 1032 aims to preserve oyster beds under the direction of the Texas Parks and Wildlife Department (TPWD) by expanding and creating common sense guidelines within the TPWD for restoration purposes.

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 and the Parks and Wildlife Department in SECTION 4 of this bill.

ANALYSIS

S.B. 1032 amends the Parks and Wildlife Code to redefine "natural oyster bed" from an area where at least five barrels of oysters are found within 2,500 square feet of any position on a reef or bed to an area with a substrate that is predominantly composed of oyster shell or live oysters. The bill removes a provision excepting an oyster bed or reef, other than a natural oyster bed, that has been exhausted within an eight-year period from being subject to location by the Parks and Wildlife Department (TPWD) and authorizes the TPWD to subject a natural oyster bed to location if it determines that the bed is degraded. In making this determination, the TPWD may consider the following:

- with respect to the area, the relative abundance of oysters, availability of natural cultch material, and sediment overburden;
- the amount of time that the area has been exhausted, if the area is exhausted; and
- any other criteria TPWD considers indicative of a degraded oyster bed.

S.B. 1032 requires the Parks and Wildlife Commission to establish by rule a program, to which certain fees, sales and transfers, rental terms, and acreage restrictions related to public and private oyster beds do not apply, to issue certificates of location for the restoration of natural oyster beds. The bill requires TPWD to coordinate with the Department of State Health Services and the General Land Office in adopting the rules and authorizes the rules to establish the following:

- fees, application approval requirements, lease terms, and lease renewal procedures;
- the total area in each bay system for leases;
- siting and marking requirements for leases; and
- any other requirement necessary to administer the program.

S.B. 1032 removes the specifications that commission procedures for determining the renewal of an oyster certificate of location rental lease include a determination that the lease renewal will be based on the need for depuration of polluted oysters and the condition that the current leaseholder will be offered a first right of refusal if the lease is renewed. The bill requires that the procedures instead include a condition that the current leaseholder has the right to renew if the lease is renewed. These provisions apply only to a rental lease under an oyster certificate of location renewed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.