88R4334 MP-F

By:  Hunter H.B. No. 3445

A BILL TO BE ENTITLED

AN ACT

relating to the oyster license moratorium program and the permanent retirement of certain commercial oyster boat licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 75, Parks and Wildlife Code, is amended by adding Section 75.01045 to read as follows:

Sec. 75.01045.  WAIVER OF PERMIT APPLICATION FEE FOR CERTAIN FORMER COMMERCIAL OYSTER BOAT LICENSE HOLDERS. The department shall waive any application fee established under commission rules for a cultivated oyster mariculture permit if the applicant was the most recent holder of a commercial oyster boat license that was transferred to a nongovernmental organization under Section 76.4051.

SECTION 2.  Section 76.1031, Parks and Wildlife Code, is amended to read as follows:

Sec. 76.1031.  LICENSE EXPIRATIONS AND TRANSFERS. (a) Except as provided by Section 76.4051, a license [~~All licenses~~] issued under the authority of this chapter is [~~Chapter 76 of this code are~~] valid only during the yearly period for which the license is [~~they are~~] issued without regard to the date on which the license is [~~licenses are~~] acquired. Each yearly period begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission. The commission by rule may set the amount of a license fee for a license issued during a transition period at an amount lower than prescribed in this chapter and provide for a license term for a transition period that is shorter or longer than a year.

(b)  A license [~~All licenses~~] issued under the authority of this chapter may not be transferred to another person or vessel except as provided by this subsection. A license issued under the authority of Section 76.101(c) may be transferred to another vessel or [~~to~~] a new owner of the same vessel or to a nongovernmental organization as provided by Section 76.4051. Except as provided by Subsection (c), the [~~The~~] commission, by regulation, may prescribe requirements necessary to clarify license transfer procedures and may prescribe, by regulation, forms to be used and fees to be charged for transfer of licenses in this chapter and for duplicate license plates or duplicate or replacement licenses.

(c)  The commission may not prescribe or collect a fee for the transfer of a license to a nongovernmental organization under Section 76.4051.

SECTION 3.  Section 76.401, Parks and Wildlife Code, is amended to read as follows:

Sec. 76.401.  OYSTER LICENSE MORATORIUM PROGRAM. The department shall implement an oyster license moratorium program to:

(1)  promote efficiency and economic stability in the oyster industry; and

(2)  restore oyster reefs and the benefits the reefs provide to the citizens of this state.

SECTION 4.  Section 76.402, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c)  The department may not renew a commercial oyster boat license issued for a vessel that has not been used by the license holder to take or attempt to take oysters from the public water of this state during the two years immediately preceding a request to renew the license.

SECTION 5.  Sections 76.405(b) and (c), Parks and Wildlife Code, are amended to read as follows:

(b)  The commission by rule shall establish criteria, using reasonable classifications, for the department's use in selecting licenses to be purchased. The department or executive director shall consult with the oyster license moratorium review board and any nongovernmental organization that has entered into an agreement with the department under Section 76.4051 concerning establishment of the criteria.

(c)  The department shall permanently retire each license purchased under the license buyback program [~~until the commission finds that management of the oyster fishery allows reissue of those licenses through auction or lottery~~].

SECTION 6.  Subchapter F, Chapter 76, Parks and Wildlife Code, is amended by adding Section 76.4051 to read as follows:

Sec. 76.4051.  TRANSFER OF COMMERCIAL OYSTER BOAT LICENSE TO NONGOVERNMENTAL ORGANIZATION FOR PURPOSE OF RETIRING LICENSE. (a) The department shall select and cooperate with one or more nongovernmental organizations for the purpose of permanently retiring commercial oyster boat licenses transferred under this section.

(b)  The department shall enter into an agreement with each nongovernmental organization selected under Subsection (a) that:

(1)  authorizes the organization to compensate the holder of a commercial oyster boat license for the voluntary transfer of the license to the organization under Subsection (c);

(2)  requires the organization to hold in perpetuity each license transferred to the organization under Subsection (c), regardless of whether the oyster license moratorium remains in effect; and

(3)  prohibits the organization from taking or attempting to take oysters from the public water of this state under a license transferred to the organization under Subsection (c).

(c)  The holder of a commercial oyster boat license may:

(1)  transfer the license to a nongovernmental organization that has entered into an agreement with the department under this section; and

(2)  receive compensation from the organization for the transfer of the license under Subdivision (1).

(d)  A nongovernmental organization that has entered into an agreement with the department under this section:

(1)  is not required to renew or pay a renewal fee for any license transferred to the organization under Subsection (c); and

(2)  is not subject to department regulations or policies applicable to the administration of the department's buyback program.

SECTION 7.  Section 76.405(g), Parks and Wildlife Code, is repealed.

SECTION 8.  This Act takes effect September 1, 2023.