

By: Kolkhorst

S.B. No. 1032

A BILL TO BE ENTITLED

AN ACT

relating to oyster certificates of location and the closure of oyster beds; authorizing a fee.

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

SECTION 1. Section 76.001(2), Parks and Wildlife Code, is amended to read as follows:

(2) "Natural oyster bed" means an area with a substrate that is predominantly composed of oyster shell or live oysters [~~where at least five barrels of oysters are found within 2,500 square feet of any position on a reef or bed~~].

SECTION 2. Section 76.003, Parks and Wildlife Code, is amended to read as follows:

Sec. 76.003. BEDS SUBJECT TO LOCATION. (a) Except as provided by Subsection (b) and [~~in~~] Section 76.004 [~~of this code~~], an oyster bed or reef, other than a natural oyster bed, is subject to location by the department. [~~This section does not apply to a bed or reef that has been exhausted within an eight-year period.~~]

(b) The department may subject a natural oyster bed to location if the department determines that the bed is degraded. In determining whether a natural oyster bed is degraded, the department may consider:

- (1) the relative abundance of oysters in the area;
- (2) the availability of natural cultch material in the area;

1 (3) sediment overburden in the area;

2 (4) the amount of time that the area has been
3 exhausted, if the area is exhausted; and

4 (5) any other criteria the department considers
5 indicative of a degraded oyster bed.

6 SECTION 3. Section 76.018(b), Parks and Wildlife Code, is
7 amended to read as follows:

8 (b) The commission shall determine renewal procedures to
9 follow at the end of each lease term. The procedures must include:

10 (1) a determination that the lease renewal will be
11 based on [~~the need for depuration of polluted oysters and other~~]
12 considerations specified in the oyster management plan;

13 (2) payment of a \$200 fee due on renewal of the lease;

14 (3) a condition that the current leaseholder will be
15 offered a first right of refusal if the lease is renewed under this
16 chapter; and

17 (4) any other conditions for the lease renewal that do
18 not conflict with this chapter.

19 SECTION 4. Subchapter A, Chapter 76, Parks and Wildlife
20 Code, is amended by adding Section 76.022 to read as follows:

21 Sec. 76.022. CERTIFICATES OF LOCATION FOR RESTORATION
22 PURPOSES. (a) The commission by rule shall establish a program to
23 issue certificates of location for the restoration of natural
24 oyster beds.

25 (b) Sections 76.006, 76.007, 76.017, 76.018, and 76.019 do
26 not apply to a program established under this section.

27 (c) Rules adopted under this section may establish:

1 (1) fees, application approval requirements, lease
2 terms, and renewal procedures for leases under this section;

3 (2) the total area in each bay system for which leases
4 may be issued under this section;

5 (3) siting and marking requirements for leases under
6 this section; and

7 (4) any other requirement necessary to administer this
8 section.

9 (d) In adopting rules under this section, the department
10 shall coordinate with:

11 (1) the Department of State Health Services; and

12 (2) the General Land Office.

13 SECTION 5. Section 76.115(c), Parks and Wildlife Code, is
14 amended to read as follows:

15 (c) Before closing any area, the commission shall announce
16 the closure in a press release published on the department's
17 Internet website and social media accounts associated with the
18 department [~~publish notice in a daily newspaper of general~~
19 ~~circulation in the area to be closed~~]. The announcement [~~notice~~]
20 shall be published at least three days before the effective date of
21 the closing.

22 SECTION 6. The change in law made by this Act to Section
23 76.018(b), Parks and Wildlife Code, applies only to a rental lease
24 under an oyster certificate of location renewed on or after the
25 effective date of this Act. A rental lease under an oyster
26 certificate of location renewed before the effective date of this
27 Act is governed by the law in effect on the date the lease was

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1 renewed, and the former law is continued in effect for that purpose.

2 SECTION 7. This Act takes effect September 1, 2023.