

- SUBJECT:** Requiring an oyster license buyback program
- COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended
- VOTE:** 6 ayes — Guillen, Frullo, Larson, Márquez, Murr, Smith
- 0 nays
- 1 absent — Dukes
- WITNESSES:** For — Clifford Hillman, Hillman Shrimp and Oyster Co.; Tracy Woody, Jeris Seafood, Inc.; (*Registered, but did not testify:* Joey Park, Coastal Conservation Association Texas; Corey Howell, Misho Oyster Company, Prestige Oyster, Inc.; Chloe Lieberknecht, the Nature Conservancy)
- Against — None
- On — (*Registered, but did not testify:* Robin Riechers, Texas Parks and Wildlife Department)
- BACKGROUND:** Parks and Wildlife Code, ch. 76 governs oyster regulations. Sec. 76.119(a) assigns responsibility for violations involving vessels licensed as commercial oyster boats.
- Ch. 76, subch. F governs the Texas the Parks and Wildlife Department’s oyster license moratorium program, which was established in response to the overharvesting of oysters.
- DIGEST:** CSHB 1189 would require the Parks and Wildlife Department to implement a license buyback program for commercial oyster boat licenses as part of the oyster license moratorium program. The commission would establish criteria, in consultation with the oyster license moratorium review board, for the department's use in selecting licenses to be purchased. The department would retire each license purchased under the buyback program until the commission found that management of the oyster fishery allowed for reissue of these licenses either by auction or

lottery.

The department would set aside an amount, determined by commission rule, that equaled at least 20 percent of the fees collected from the sale of oyster licenses to buy back licenses from willing license holders. That money would be sent to the comptroller for deposit in the game, fish, and water safety account. The department also could solicit grants and donations from public or private sources to buy back licenses. Money used to buy back licenses would not be subject to Government Code provisions governing the use of dedicated revenue.

By November 1, 2018, the department would report to the governor and Legislature an overview of the administration and status of the oyster license buyback program, including its biological, sociological, and economic effects. This provision would expire September 1, 2019.

CSHB 1189 also would add a violation relating to oyster size limitations on vessels licensed as commercial oyster boats, for which every member of the crew would be held responsible. In addition, the bill would allow the Parks and Wildlife Commission, after consulting with commercial oyster boat license holders, to establish a vessel monitoring system for commercial oyster boats.

The commission would adopt rules to administer the license buyback program and the report to the governor and Legislature. The commission would have until June 1, 2016, to adopt these rules, and the provisions they implement would take effect the same date. Rules adopted by the commission under CSHB 1189 would prevail over any conflicting provision in ch. 76.

Except as otherwise provided, the bill would take effect September 1, 2015.