

BILL ANALYSIS

Senate Research Center
87R4782 MP-F

H.B. 3522
By: Hunter (Kolkhorst)
Water, Agriculture & Rural Affairs
5/11/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 85th Legislature, through H.B. 51, implemented a requirement that an individual acquire a general commercial fishing license in order to work aboard a licensed commercial oyster boat. The exemption that existed within the Parks and Wildlife Code, Section 47.002(f), was not removed at that time. Thus, the exemption exists in direct conflict with Parks and Wildlife Code, Section 76.101(d), which can only confuse the regulated community as well as the courts who work in support of the agency's mission. Compliance across the oyster fishery with the license requirement is high. However, the license requirement enacted by H.B. 51 (85R) serves to drive compliance with harvest regulations. Multiple violations of harvest regulations related to closed areas and size requirements trigger a suspension of the license. The conflicting exemption undermines the process established in H.B. 51 (85R) to ensure compliance with harvest regulations. H.B. 3522 eliminates this conflict and cleans up the conflicting language.

H.B. 3522 amends current law relating to the requirement that certain persons taking oysters on a licensed commercial oyster boat obtain a commercial fisherman's license.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 47.002(f), Parks and Wildlife Code, as follows:

(f) Requires a person who takes or assists in taking oysters on a vessel licensed as a commercial oyster boat under Chapter 76 (Oysters) to obtain or possess a general commercial fisherman's license unless the person holds a commercial oyster boat captain's license, rather than provides that a person who takes or assists in taking oysters on a vessel licensed as a commercial oyster boat under Chapter 76 is not required to obtain or possess a general commercial fisherman's license.

SECTION 2. Amends Section 76.101(d), Parks and Wildlife Code, as follows:

(d) Requires each member of the crew of a licensed commercial oyster boat to have a general commercial fisherman's license to take oysters while they are on a licensed boat that is being used to take oysters. Provides that this subsection does not apply to the captain of a licensed commercial oyster boat.

SECTION 3. Effective date: upon passage or September 1, 2021.