

BILL ANALYSIS

Senate Research Center
88R7518 MP-D

H.B. 1809
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Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Multiple agencies regulate cultivated oyster mariculture in Texas, often without clear communication pathways between them. This situation has made the permitting process for entrepreneurs and coastal businessmen unnecessarily long and expensive. Lengthy, confusing permitting timetables inhibit industry investment and job growth. There is a need for a task force that will serve as a guiding body to eliminate duplicate regulatory issues and help all agencies involved to streamline the permitting process. Furthermore, practitioners of the existing oyster harvesting methods of dredging wild public reefs are under significant pressure by recreational and environmental groups.

H.B. 1809 seeks to address these issues collectively by creating the governor's cultivated oyster mariculture advisory council (advisory council) to expedite restorative alternatives to the damaging effects of mechanical dredging of oyster reefs and to evaluate the fees, lease payments, and bureaucratic hurdles applied to cultivated oyster mariculture. The advisory council will reinforce the assertion that cultivated oyster mariculture represents a free enterprise alternative to the environmentally damaging, tourism-inhibiting effects of dredging public oyster reefs. Texas needs to build a clean coastal food source industry free of ambition-crushing bureaucratic barriers, and the advisory council will be a significant step toward accomplishing that goal.

H.B. 1809 amends current law relating to the establishment of the commercial oyster mariculture advisory board.

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 Chapter 75, Parks and Wildlife Code, by adding Section 75.0108, as follows:

Sec. 75.0108. COMMERCIAL OYSTER MARICULTURE ADVISORY BOARD. (a)
Defines "advisory board."

(b) Provides that the commercial oyster mariculture advisory board (advisory board) is established within the Texas Parks and Wildlife Department (TPWD) to advise all state agencies with regulatory authority over the commercial oyster mariculture industry.

(c) Provides that the advisory board consists of seven members appointed by the governor as follows:

(1) four members are required to:

(A) represent the commercial oyster mariculture industry, seafood industry, or related industries; and

(B) have a documented interest in the promotion of entrepreneurship, free enterprise, and the increased use, consumption, marketing, and sale of native oysters in this state; and

(2) three members are required to represent the scientific and conservation community in this state and have a documented interest in the sustainability of the natural coastal environment of this state.

(d) Requires at least one advisory board member to be a member of TPWD's oyster advisory workgroup.

(e) Provides that advisory board members serve staggered five-year terms, with the terms of one or two members expiring February 1 of each year.

(f) Requires the governor, if a vacancy occurs on the advisory board, to appoint a replacement who meets the qualifications for the vacant position to serve for the remainder of the term.

(g) Requires the governor to designate an advisory board member described by Subsection (c)(1) to serve as the advisory board's presiding officer for a one-year term. Authorizes the presiding officer to vote on any matter before the advisory board.

(h) Provides that advisory board members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in performing official duties authorized by the Office of the Governor.

(i) Requires the advisory board to make recommendations to the governor and all relevant agencies concerning the commercial oyster mariculture industry, including recommendations regarding:

(1) the promotion of the use, consumption, marketing, and sale of maricultured oysters;

(2) the promotion of sustainable commercial oyster mariculture; and

(3) commercial oyster mariculture permits and regulations.

(j) Authorizes the advisory board, in performing the advisory board's duties under this section, to consult with:

(1) industry and academic resources; and

(2) agencies of this state and the United States, including the:

(A) TPWD;

(B) General Land Office;

(C) Department of State Health Services, including the seafood and aquatic life unit;

(D) National Marine Fisheries Service;

(E) United States Army Corps of Engineers; and

(F) United States Coast Guard.

(k) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the advisory board.

SECTION 2. Requires the governor, not later than December 31, 2023, to appoint the initial members of the advisory board under Section 75.0108, Parks and Wildlife Code, as added by this Act. Requires the governor, notwithstanding Section 75.0108(e), Parks and Wildlife Code, as added by this Act, in making the initial appointments, to designate one member to a term expiring February 1, 2024, one member to a term expiring February 1, 2025, one member to a term expiring February 1, 2026, two members to terms expiring February 1, 2027, and two members to terms expiring February 1, 2028.

SECTION 3. Effective date: upon passage or September 1, 2023.