

## **BILL ANALYSIS**

Senate Research Center  
88R23570 MP-F

H.B. 3497  
By: Morrison et al. (Hinojosa)  
Water, Agriculture & Rural Affairs  
5/11/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 85th Legislature passed H.B. 51, which unintentionally created a discrepancy in the oyster industry for the past five years. H.B. 51 imposed a requirement that each individual moving oysters on a licensed commercial oyster boat have an individual general fisherman's license. The exemption that existed within Section 47.002(f), Parks and Wildlife Code, was not removed at that time. Thus, the exemption exists in direct conflict with Section 76.101(d), Parks and Wildlife Code, which can only confuse the regulated community, as well as the courts.

The reasoning behind exempting an oyster boat captain from purchasing a general commercial fisherman's license was that an oyster boat captain is currently required to hold a commercial oyster boat captain's license in Section 76.101(f), Parks and Wildlife Code. Without this exemption, an oyster boat captain would be required to purchase two separate licenses while taking or attempting to take oysters from the public water of this state.

Compliance across the oyster fishery with the license requirement is high. However, the license requirement enacted by H.B. 51 serves to drive support compliance with harvest regulations. Multiple violations of harvest regulations related to closed areas and size requirements have triggered a suspension of the license. The conflicting license exemption undermines the process, established in H.B. 51, to ensure compliance with harvest regulations that are problematic. Therefore, the two competing sections have created concerns from the licensees and the game wardens who enforce the regulations.

H.B. 3497 addresses this unintentional discrepancy by amending Sections 47.002(f) and 76.101(d), Parks and Wildlife Code.

H.B. 3497 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) Provides that a person who takes or assists in taking oysters on a vessel licensed as a commercial oyster boat under Chapter 76 (Oysters) is required to obtain or possess a general commercial fisherman's license. Provides that this subsection does not apply to the holder of a commercial oyster boat captain's license. Deletes existing text providing 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 76.101(d), Parks and Wildlife Code, as follows:

(d) Provides that each member of the crew of a licensed commercial oyster boat is required 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 holder of a commercial oyster boat captain's license.

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