

BILL ANALYSIS

H.B. 3522
By: Hunter
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns over a conflict that exists between certain licensing requirements for persons taking oysters. While the 85th Texas Legislature enacted legislation requiring an individual to have a general commercial fishing license to work aboard a licensed commercial oyster boat, the legislation did not remove an existing exemption for those who work on that type of boat from obtaining or possessing that license. The conflicting provisions create confusion among the regulated community, wherein compliance is high, and thus undermine that compliance. H.B. 3522 seeks to address this issue by clarifying who is required to obtain or possess a general commercial fisherman's license while working aboard a licensed commercial oyster boat.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3522 amends the Parks and Wildlife Code to clarify that a person who takes or assists in taking oysters on a vessel licensed as a commercial oyster boat is required to obtain or possess a general commercial fisherman's license unless the person holds a commercial oyster boat captain's license. The bill clarifies that the captain of a licensed commercial oyster boat is exempt from the requirement for each crew member of such a licensed 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.