

BILL ANALYSIS

C.S.H.B. 1979
By: Phelan
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that fishing tournaments have a significant impact on Southeast Texas by providing revenue and exposure to the area. The parties note, however, that due to the brackish nature of the Sabine River and Neches River systems it is a challenge for largemouth bass to grow to the legal size for catching and that this prevents tournament participants from being able to weigh in a full bag limit of such fish. The parties contend that a certain exemption should be provided to allow more fish to be caught in tournaments. C.S.H.B. 1979 seeks to address this issue.

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 rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1979 amends the Parks and Wildlife Code to set out provisions relating to a bag limit exemption for a fishing tournament that has as its participants only competitors who attend high school or college and that is held on the southern stretches of the Sabine or Neches River, in the Gulf Intracoastal Waterway, or in the Gulf of Mexico as those bodies of water lie within or are adjacent to Chambers County, Jefferson County, Galveston County, Hardin County, Newton County, or Orange County. The bill requires the Parks and Wildlife Department (TPWD) to grant a permit for a bag limit exemption to a fishing tournament if the organizer of the fishing tournament submits to TPWD a complete application on a form supplied by TPWD and a fee in the amount of \$500. The bill requires a permit to state the terms of the exemption and the dates for which the exemption is valid and requires the tournament organizer to distribute a copy of the permit to all participants. The bill requires a permit to allow a participant in a fishing tournament to count toward the participant's bag limit for largemouth bass a fish that is smaller than the applicable minimum size limit by not more than two inches if, at the time the fish are inspected for the purpose of determining compliance with the bag limit, the participant has in the participant's possession a copy of the permit. The bill requires a fish counted under the bill's provisions to be released after weighing. The bill requires the Parks and Wildlife Commission to adopt rules to implement the bill's provisions and requires TPWD to deposit money received for the purchase of a permit to the credit of the game, fish, and water safety account.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1979 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Title 7, Parks and Wildlife Code, is amended by adding Chapter 290 to read as follows:

CHAPTER 290. CHAMBERS, JEFFERSON, GALVESTON, HARDIN, NEWTON, AND ORANGE COUNTIES

Sec. 290.001. BAG LIMIT EXEMPTIONS FOR CERTAIN FISHING TOURNAMENTS. (a) In this section, "fishing tournament" has the meaning assigned by Section 66.023.

(b) This section applies to a fishing tournament held on the southern stretches of the Sabine or Neches River, in the Gulf Intracoastal Waterway, or in the Gulf of Mexico as those bodies of water lie within or are adjacent to the following counties:

- (1) Chambers County;
- (2) Jefferson County;
- (3) Galveston County;
- (4) Hardin County;
- (5) Newton County; and
- (6) Orange County.

(c) A participant in a fishing tournament who is part of a team affiliated with a college or high school may count toward the participant's bag limit for largemouth bass a fish that is smaller than the applicable size limit by not more than two inches.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Title 7, Parks and Wildlife Code, is amended by adding Chapter 290 to read as follows:

CHAPTER 290. CHAMBERS, JEFFERSON, GALVESTON, HARDIN, NEWTON, AND ORANGE COUNTIES

Sec. 290.001. BAG LIMIT EXEMPTIONS FOR CERTAIN FISHING TOURNAMENTS. (a) In this section, "fishing tournament" has the meaning assigned by Section 66.023.

(b) This section applies **only** to a fishing tournament that:

(1) is held on the southern stretches of the Sabine or Neches River, in the Gulf Intracoastal Waterway, or in the Gulf of Mexico as those bodies of water lie within or are adjacent to the following counties:

- (A) Chambers County;
- (B) Jefferson County;
- (C) Galveston County;
- (D) Hardin County;
- (E) Newton County; and
- (F) Orange County; and

(2) has as its participants **only** competitors who attend high school or college.

(c) The department shall grant a permit for a bag limit exemption under this section to a fishing tournament if the organizer of the fishing tournament submits to the department:

- (1) a complete application on a form supplied by the department; and
- (2) a fee in the amount of \$500.

(d) A permit issued under Subsection (c) must state the terms of the exemption and the dates for which the exemption is valid. The organizer of the tournament shall distribute a copy of the permit to all participants.

(e) A permit issued under this section shall allow a participant in a fishing tournament to count toward the participant's bag limit for largemouth bass a fish that is smaller than the applicable **minimum** size limit by not more than two inches if, at the time the fish are inspected for the purpose of

(d) A fish counted under this section must be released after weighing.

SECTION 2. Chapter 290, Parks and Wildlife Code, as added by this Act, applies only to a fishing tournament held on or after the effective date of this Act.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

determining compliance with the bag limit, the participant has in the participant's possession a copy of the permit.

(f) A fish counted under this section must be released after weighing.

(g) The commission shall adopt rules to implement this section.

(h) The department shall deposit money received for the purchase of a permit under Subsection (c) to the credit of the game, fish, and water safety account.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.