

## **BILL ANALYSIS**

H.B. 1260  
By: Phelan  
Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that certain out-of-state shrimp fishermen who fish in federal waters but who do not possess an appropriate state license are not allowed to enter Texas waters to offload and sell their catch. The parties further note that these fishermen typically return to their home ports and sell their catch there, resulting in lost economic opportunity for Texas. H.B. 1260 seeks to address this issue by providing for a commercial gulf shrimp unloading license.

### **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 4 of this bill.

### **ANALYSIS**

H.B. 1260 amends the Parks and Wildlife Code to prohibit a person from unloading or allowing to be unloaded at a port or point in Texas shrimp or other aquatic products caught or taken from the outside water or from salt water outside Texas without having been previously unloaded in some other state or foreign country unless the person has obtained a commercial gulf shrimp unloading license and a federal commercial vessel permit for gulf shrimp from the National Oceanic and Atmospheric Administration. The bill exempts a valid resident or nonresident commercial gulf shrimp boat license holder from the requirement to hold a commercial gulf shrimp unloading license. The bill requires a vessel operating under a commercial gulf shrimp unloading license to make a nonstop progression through outside waters to a place of unloading. The bill requires the Parks and Wildlife Commission to adopt rules for the requirements of trawl gear storage for such a vessel while that vessel is making a nonstop progression through outside waters to a place of unloading. The bill sets the fee for a commercial gulf shrimp unloading license at the greater of \$1,485 or an amount set by the commission. The bill requires a commercial gulf shrimp unloading license to be a sign or emblem at least 32 square inches in size and constructed of a durable material. The bill requires the commission to adopt rules not later than September 1, 2018, to implement these provisions.

H.B. 1260 includes a commercial gulf shrimp unloading license holder among the license holders from whom a wholesale fish dealer, a retail fish dealer, and a restaurant owner, operator, or employee may purchase an aquatic product. The bill expands statutory sale of catch provisions to authorize a commercial gulf shrimp unloading license holder to sell only the catch of shrimp from the vessel to which the license applies and to authorize such a license holder to sell aquatic products other than shrimp if those aquatic products were taken incidental to lawful shrimping on the vessel to which the license applies and the products comply with all applicable

Parks and Wildlife Code provisions or commission regulations.

**EFFECTIVE DATE**

September 1, 2017.