

SUBJECT: Commercial licenses to catch, unload, and sell aquatic products

COMMITTEE: State Recreational Resources — committee substitute recommended

VOTE: 6 ayes — Kuempel, Siebert, Black, Horn, B. Turner, Woolley
0 nays
3 absent — Hightower, Oakley, Rabuck

SENATE VOTE: On final passage, March 20 — voice vote

WITNESSES: (*On original version*):
For — None
Against — Jim Sagnes, Texas Shrimp Association
On — James E. Robertson, Texas Parks and Wildlife Department

BACKGROUND: Chapter 77 of the Parks and Wildlife Code provides the licensing requirements for catching and selling shrimp legally in Texas. In addition to these licenses, under current regulations a person who wishes to retain and sell aquatic products other than shrimp, taken incidental to a legal shrimping operation, must acquire other licenses issued by the Texas Department of Parks and Wildlife.

DIGEST: CSSB would amend the Parks and Wildlife Code to establish new provisions for dealing with incidental catches, change the definition of commercial fisherman and establish a new permit to take shrimp.

Commercial fisherman would be defined as a person who for pay or for the purpose of sale, barter, or exchange or any other commercial purpose catches aquatic products from the waters of this state; or unloads in this state aquatic products that were taken from water outside this state and have not been previously unloaded in another state or a foreign country. The bill also would:

- provide that a person who catches or assists in catching shrimp on a licensed commercial shrimp boat is not required to obtain a general commercial fisherman's license, even though aquatic life other than shrimp are caught incidental to shrimping;
- provide that a person who takes or assists in taking oysters on a licensed commercial oyster boat is not required to obtain a general commercial fisherman's license;
- provide that a person licensed as a bait dealer, if the person is catching bait only, is not required to obtain a general commercial fisherman's license;
- add the holder of a commercial shrimp boat captain's license to the list of persons from whom a wholesale fish dealer, retail fish dealer or a restaurant owner or operator may purchase aquatic products for commercial purposes;
- prohibit a captain of a licensed shrimp boat, unless the person holds a commercial shrimp boat captain's license, to operate the licensed boat while catching shrimp from this state's public waters or unloading aquatic products taken from saltwater outside this state;
- set the fee at \$25 for a resident commercial shrimp boat captain's license and \$100 for a nonresident;
- authorize the holder of a commercial shrimp boat license to sell shrimp and other aquatic life caught incidental to the shrimping operation; and
- would exempt the captain and crew in possession of a commercial shrimp boat captain's license from also having to purchase a commercial finfish or bait dealer's license.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSSB 814 would simplify commercial fishing license requirements for those who participate in the commercial shrimp fishing industry. The bill would allow incidental catches of aquatic life other than shrimp to be

retained and donated or sold by the holder of the commercial shrimp captain's license.

Currently the incidental catch is shoveled overboard if the shrimper does not possess the appropriate license. This is a waste of the resource as the incidental catch could feed families or be donated to charity. This legislation would help protect the resource and support the families of those in the fishing industry.

The concerns of the opponents to the original version of this bill had focused on a proposal relating to the seizure of the total catch for violation of the law. A violation would result only in the seizure of the part of the catch that is covered in the violation. By agency rule, rather than by statute, this type of enforcement would be established.

In addition, the bill would create a new shrimp boat captain's license and reasonable fee that would allow the catch and sale of any aquatic product caught incidental to a legal shrimping operation and would allow a licensed shrimp boat captain to sell a catch, with the consent of the owner of the vessel used to make the catch, to a wholesale fish dealer, retail fish dealer or restaurant.

The bill would also amend the definition of commercial fisherman and provide numerous exemptions from licensing requirements that would benefit the bait and finfish industry.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The committee substitute changed the effective date to September 1, 1995, and deleted the provision that a commercial shrimp boat captain's license expires on the August 31 following the date of issuance.