

**SUBJECT:** Exceptions for the taking or unloading of fish

**COMMITTEE:** Culture, Recreation, and Tourism — favorable, without amendment

**VOTE:** 6 ayes — Hilderbran, Kuempel, Dukes, Homer, Howard, O'Day  
0 nays  
1 absent — Phillips

**WITNESSES:** For — (*Registered but did not testify:* Chris Dorsett, The Ocean Conservancy; Joey Park, Coastal Conservation Association)  
  
Against — None  
  
On — Robin Riechers, Texas Parks and Wildlife - Coastal Fisheries Division (*Registered but did not testify:* Larry E. Young, Texas Parks and Wildlife Law Enforcement)

**BACKGROUND:** Under Parks and Wildlife Code, sec. 12.013, an employee of the Texas Park and Wildlife Department (TPWD) may possess, take, transport, release, and manage any of the state's wildlife and fish for investigation, propagation, distribution, education, disease diagnosis or prevention, or scientific purposes.  
  
With a few specified exceptions, Parks and Wildlife Code, sec. 46.001 prohibits a person from fishing in public water in Texas without a fishing license. Sec. 43.402 requires a person who wishes to engage in saltwater sport fishing in Texas, and is not otherwise exempted from obtaining a fishing license, to obtain a sportfishing stamp from TPWD.

**DIGEST:** HB 3765 would amend sec. 12.013 to allow a person not employed by TPWD to possess, take, transport, or release any fish in the state while under the supervision of a department employee and while participating in a department-sponsored program conducted for research or species propagation. Under these circumstances, the nonemployee would be exempt from current collection size and bag limits.

The bill also would amend secs. 46.001 and 43.402 to prohibit a person without a fishing or sportfishing license to unload fish and other aquatic life taken for sporting purposes from federal waters managed by the Gulf of Mexico Fishery Management Council.

The bill would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

HB 3765 would allow volunteer anglers participating in TPWD research activities under the direction of a department employee to collect fish without adhering to department size and bag limits. Current law exempts volunteers from these limits only if the department employee is physically present during the collection activities. The bill would remove this cumbersome requirement that currently limits the effectiveness of volunteer research efforts.

The bill also would align Texas fishing and sportfishing licenses with federal requirements. Under current law, an angler who takes fish in federal waters in the Gulf of Mexico may land them legally in Texas without a state fishing license. This soon will change under new federal requirements that require states to adopt license requirements for anglers to land fish from federal waters. HB 3765 would meet these requirements and allow Texas anglers to fish in federal Gulf waters without obtaining a federal fishing license.

**OPPONENTS  
SAY:**

No apparent opposition.