

BILL ANALYSIS

Senate Research Center

S.B. 920
By: Brown
Natural Resources
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As Filed

DIGEST

Currently, there is no license specifically for crab fishing. The blue crab fishery is valuable to the state, with a dockside value of over \$4 million. Fishing pressure has increased over the last 15 years, and thus, catch per trap has decreased during the same time period. In 1993, the Texas Parks and Wildlife Department reduced the total number of traps commercial and recreational fishermen could legally use, but the productivity decline has continued. This bill will provide the department with the authority to establish a limited entry commercial crab fishermen's license; will establish a Crab License Management Review Board to advise the department about licensing and enforcement; and will establish a license buyback fund.

PURPOSE

As proposed, S.B. 920 provides the Texas Parks and Wildlife Department with the authority to establish a limited entry commercial crab fisherman's license; establishes a Crab License Management Review Board to advise the department about licensing and enforcement; and establishes a license buyback fund.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Parks and Wildlife Commission in SECTION 3 (Sections 78.110(a), 78.112(b), and 78.114(b), Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading of Chapter 78, Parks and Wildlife Code, as follows:

CHAPTER 78. New heading: MUSSELS, CLAMS, AND CRABS

SECTION 2. Redesignates Sections 78.01-78.07, Parks and Wildlife Code, as Chapter 78A, Parks and Wildlife Code, and adds a heading for Chapter 78A, Parks and Wildlife Code, as follows:

SUBCHAPTER A. MUSSELS AND CLAMS

SECTION 3. Amends Chapter 78, Parks and Wildlife Code, by adding Subchapter B, as follows:

SUBCHAPTER B. CRAB LICENSE MANAGEMENT

Sec. 78.100. CRAB LICENSE MANAGEMENT PROGRAM. Requires the Parks and Wildlife Department (department) to implement a crab license management program in accordance with proclamations adopted by the Parks and Wildlife Commission (commission) under Chapter 61 and this subchapter, for the purposes of promoting efficiency and economic stability in the crabbing industry and conserving economically important crab resources.

Sec. 78.101. DEFINITIONS. Defines "crab," "commercial crab fishing," and "license."

Sec. 78.102. CRAB LICENSE MANAGEMENT REVIEW BOARD. Requires the holders of crab trap tags purchased between September 1, 1995 and August 31, 1996, to elect the initial crab license management review board (review board) with an odd number of members

greater than four and fewer than 12. Requires the initial election to be held by November 1, 1997, or as soon as practicable thereafter. Requires all future members of the review board to be elected solely by holders of crab licenses issued under this chapter. Sets forth requirements for membership on the review board. Sets forth duties of the review board and the executive director of the review board (executive director). Provides that the review board is not subject to Article 6252-33, V.T.C.S. Provides that a member of the review board serves without compensation or a per diem allowance.

Sec. 78.103. LICENSING. Authorizes the commission to adopt one or more licenses under this subchapter, and prohibits any person from engaging in commercial crab fishing without a license adopted by the commission. Prohibits a person, if the commission adopts a commercial crab boat license, from operating a boat for the purpose of commercial crab fishing without a boat license as prescribed by the commission. Requires a proclamation under this section requiring a license to contain findings by the commission that support the need for the proclamation. Requires the commission to consider certain information in determining the need for a license requirement. Authorizes a proclamation issued under this section to have certain effects.

Sec. 78.106. LICENSE FEE. Provides that the fee for a license is \$500, or an amount set by the commission, whichever is more. Provides that all fees generated by this license are to be deposited to the Game, Fish, and Water Safety Account.

Sec. 78.107. LICENSE RENEWAL. Requires a person seeking to renew any licenses established in this subchapter to have held the respective license during the preceding license year.

Sec. 78.108. LIMIT ON NUMBER OF LICENSES HELD. Prohibits a person from holding, or directly or indirectly controlling, more than three licenses issued under this subchapter other than an equipment license. Requires commercial crab licenses to be issued to an individual. Requires a person other than an individual who wished to retain or seek to renew a crab license to designate an individual to whom the license will be issued.

Sec. 78.109. EXPIRATION OF LICENSES. Provides that a license required by this subchapter is valid only during the yearly period for which it is issued without regard to the date on which the license is acquired. Provides that each yearly period begins on September 1 of a year or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Sec. 78.110. LICENSE TRANSFER. Authorizes the commission, by rule, to set a fee for the transfer of a license. Sets forth procedures for transfer of a license.

Sec. 78.111. LICENSE SUSPENSION AND REVOCATION. Sets forth procedures for suspension or revocation of a license.

Sec. 78.112. LICENSE BUYBACK. Sets forth procedures by which the department is authorized to implement a license buyback program. Authorizes the commission, by rule, to establish criteria, using reasonable classifications, by which the department selects licenses to be purchased.

Sec. 78.113. CRAB LICENSE BUYBACK FUND. Authorizes at least 20 percent of the net receipts from crab license and license transfer sales to be spent only for the buyback of commercial crab licenses from willing license holders. Authorizes the department to accept grants and donations of money or materials from private or public sources for the crab license buyback program. Provides that Section 403.095, Government Code, does not apply to the account.

Sec. 78.114. PROGRAM ADMINISTRATION; RULES. Requires the executive director to establish administrative procedures to carry out the requirements of this subchapter. Requires the commission to adopt any rules necessary for the administration of the program

established under this subchapter.

Sec. 78.115. DISPOSITION OF FUNDS. Requires money received for a license issued under this subchapter or fines for violations of this subchapter to be remitted to the department by the 10th day of the month following the date of collection.

Sec. 78.116. PROCLAMATION; PROCEDURES. Provides that Subchapter D of Chapter 61 applies to the adoption of proclamations under this chapter.

SECTION 4. Amends Section 47.002, Parks and Wildlife Code, by adding Subsection (h), to provide that a person who catches or assists in commercial crab fishing under Chapter 78B, and who holds a license created under this subsection for that activity is not required to obtain or possess a general commercial fisherman's license.

SECTION 5. Amends Section 66.018, Parks and Wildlife Code, by amending Subsections (a), (c), and (d), and by adding Subsection (f), to authorize, rather than require, the department to issue tags for crab traps placed in public water. Requires a crab trap tag, if issued under this section, to be attached to each crab trap placed in public water. Authorizes, rather than requires, the department to collect a maximum fee of \$1.50 for each tag issued under this section. Prohibits, upon commission adoption and implementation of licenses authorized under this subsection, the department from collecting a fee for any crab trap tag. Makes conforming changes.

SECTION 6. Emergency clause.

Effective date: 90 days after adjournment.