

BILL ANALYSIS

Senate Research Center
77R8426 SGA-D

S.B. 1410
By: Brown, J. E. "Buster"
Natural Resources
3/26/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, there are thousands of unattended or abandoned crab traps littering the bays and shallow estuaries of the Texas coast. Game wardens have the authority to remove these traps, but there are many more traps than there are available resources to remove them. Removing abandoned crab traps will clean the beds and bottoms of public waters, make bays safer for boating, and help in the conservation and management of crab resources. As proposed, S.B. 1410 defines crab traps as litter for the purposes of the Health and Safety Code, authorizes the Parks and Wildlife Commission to close the crab trap season for a certain period, and requires the commission to adopt rules to govern the disposal of abandoned crab traps.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Section 78.115, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 78B, Parks and Wildlife Code, by adding Section 78.115, as follows:

Sec. 78.115. CRAB TRAPS; REMOVAL OF ABANDONED TRAPS. (a) Defines "abandoned crab trap."

(b) Authorizes the Parks and Wildlife Commission (commission) to establish a closed season for the use of crab traps in the public water of this state. Requires the commission by rule to designate the time frame of the closed season.

(c) Requires the commission to adopt rules to govern the removal and disposal of abandoned crab traps as necessary for certain purposes.

(d) Provides that abandoned crab traps are litter for purposes of Section 365.011 (Definitions), Health and Safety Code, and are subject to immediate removal and disposal. Requires that abandoned crab traps be disposed of in compliance with the Health and Safety Code. Provides that Section 12.1105 does not apply to the removal and disposal of an abandoned crab trap under this section.

(e) Provides that a proclamation made by the commission under this section prevails over a conflicting commission proclamation made under Chapter 47, 61, or 66.

SECTION 2. Effective date: September 1, 2001. Requires the Parks and Wildlife Commission to adopt rules as required under Section 78.115, as added by this Act, not later than January 31, 2002.

SUMMARY OF COMMITTEE CHANGES

Amends As Filed S.B. 1410, SECTION 2, to require the Parks and Wildlife Commission to adopt

rules as required under Section 78.115, as added by this Act, not later than January 31, 2002, rather than December 1, 2001.