

BILL ANALYSIS

Senate Research Center
78R96 MXM-D

S.B. 1710
By: Wentworth
Natural Resources
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DIGEST AND PURPOSE

Currently, 2,361 miles of bay-estuary-lagoon shoreline of Texas are used by the commercial shrimping, finfishing, and crabbing fleets. Bottom trawling for shrimp scrapes the substrata up which may be harmful to the habitat of these regions. Also, commercial fishing activities produce bycatch, or the catch of non-target species. As proposed, S.B. 1710 prohibits commercial shrimping, finfishing, and crabbing in the bays of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE 1. PROHIBITION ON COMMERCIAL FINFISHING, CRABBING, AND SHRIMPING IN TEXAS BAYS AND RELATED WATERS

SECTION 1.01. Amends Chapter 47A, Parks and Wildlife Code, by adding Section 47.005, as follows:

Sec. 47.005. COMMERCIAL FINFISHING IN TIDAL WATERS PROHIBITED.
Prohibits a commercial finfish fisherman from catching in the tidal waters of this state.

SECTION 1.02. Amends Chapter 77A, Parks and Wildlife Code, by adding Section 77.006, as follows:

Sec. 77.006. SHRIMPING IN INSIDE WATER PROHIBITED. (a) Prohibits a person from catching or assisting in catching shrimp or other edible aquatic products from the inside water of this state for pay or for the purpose of sale, barter, or exchange.

(b) Provides that this section does not apply to a person who operates a commercial bait shrimp boat that is licensed under this chapter.

SECTION 1.03. Amends Chapter 78B, Parks and Wildlife Code, by adding Section 78.1025, as follows:

Sec. 78.1025. CRABBING IN INSIDE WATER PROHIBITED. (a) Defines "inside water."

(b) Prohibits a person from engaging in commercial crab fishing in the inside water of this state.

ARTICLE 2. CONFORMING AMENDMENTS; REPEALER

SECTION 2.01. Amends Section 11.032(b), Parks and Wildlife Code, to make a conforming change.

SECTION 2.02. Amends Section 77.112, Parks and Wildlife Code, as follows:

Sec. 77.112. New heading: ISSUANCE AND RENEWAL OF COMMERCIAL BAIT SHRIMP BOAT LICENSES. Deletes existing term "BAY" from the heading.

(a) Deletes existing text related to commercial bay shrimp boat licenses. Makes a conforming change.

(b)-(d) Make conforming changes.

SECTION 2.03. Amends Section 77.113, Parks and Wildlife Code, to make conforming changes.

SECTION 2.04. Amends Section 77.114, Parks and Wildlife Code, as follows:

(a) and (b) Make conforming changes.

(c) Requires a person other than an individual who wishes to retain or seeks to renew a commercial bait shrimp boat license, rather than either type, to designate an individual to whom the license will be issued. Makes a conforming change.

SECTION 2.05. Amends Section 77.115, Parks and Wildlife Code, to make a conforming change.

SECTION 2.06. Amends Sections 77.116(a), (b), and (d), Parks and Wildlife Code, to make conforming changes.

SECTION 2.07. Amends Sections 77.117(a), (c), and (d), Parks and Wildlife Code, to make conforming changes.

SECTION 2.08. Amends Sections 77.118(a), (b), (c), and (e), Parks and Wildlife Code, to make conforming changes.

SECTION 2.09. Repealer: Sections 47.081, 77.001(7), 77.031, 77.119, 77.120, and 78.111, Parks and Wildlife Code.

ARTICLE 3. TRANSITION

SECTION 3.01. Provides that a license issued under Section 77.031, Parks and Wildlife Code, is no longer in effect, on the effective date of this Act.

SECTION 3.02. Makes application of the repeal by this Act of Section 77.031, Parks and Wildlife Code, prospective.

SECTION 3.03. Makes application of this Act prospective.

SECTION 3.04. Requires any unobligated amount in the shrimp license buyback account on December 31, 2004, to be transferred on January 1, 2005, to an undedicated part of the game, fish, and water safety code.

ARTICLE 4. EFFECTIVE DATE OF ACT

SECTION 4.01. Effective date: January 1, 2005.