

BILL ANALYSIS

Senate Research Center
79R10165 SGA-F

H.B. 883
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Natural Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Texas Parks and Wildlife Department (TPWD) administers Texas' artificial reef program under Parks and Wildlife Code Chapter 89. The program currently has 49 artificial reef sites that are permitted by the U.S. Army Corps of Engineers. The Artificial Reef Act of 1989 directed TPWD to promote and enhance the artificial reef potential off Texas. To fulfill this purpose, TPWD developed the Texas Artificial Reef Plan which was adopted by the Parks and Wildlife Commission in 1990. The goals of the Texas Artificial Reef Plan are to enhance the fishery resources biologically, commercially, and recreationally. The program utilizes a 10-person citizen advisory committee representing major interest groups in the Gulf of Mexico to create new sites, evaluate material donations, and minimize user conflicts.

Furthermore, at present, derelict vessels are viewed by many as a problem along the Texas coast. The Texas General Land Office has estimated that as many as 400 watercraft lie abandoned in the coastal waterways, creating safety and environmental hazards in Texas coastal communities. Current law authorizes certain law enforcement entities to confiscate abandoned watercraft and auction those watercraft, to defray the cost of confiscation, if the law enforcement officials are unable to locate the most recent owner.

H.B. 883 grants TPWD authority to allow private individuals, groups, or associations to deploy artificial reef material under guidelines and rules established by the Texas Parks and Wildlife Commission. It also allows law enforcement agencies that have confiscated a derelict watercraft the option to either auction the abandoned watercraft or to transfer it to TPWD for use as an artificial reef or other suitable activity permitted under the Parks and Wildlife Code. TPWD also has the right to refuse the watercraft if it does not meet standards for appropriate reef material or if funds are not available to use it.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 89.0025, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 89, Parks and Wildlife Code, by adding Section 89.0025 and 89.006, as follows:

Sec. 89.0025. RULES. Authorizes the Texas Parks and Wildlife Commission (commission) to adopt rules and guidelines as necessary to implement this chapter.

Sec. 89.006. REEF CONSTRUCTION BY OTHERS. Authorizes the Parks and Wildlife Department (department) to authorize a person to place a donation of reef materials in a permitted zone in accordance with this chapter and commission rules and guidelines.

SECTION 2. Amends Section 683.014, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Makes conforming changes.

(d) Authorizes the law enforcement agency, on consent of the department, to transfer a watercraft that is not claimed under Section 683.012 to the department for use as part of

an artificial reef under Chapter 89, Parks and Wildlife Code, or for other use by the department under the Parks and Wildlife Code. Provides that the department has certain entitlements on transfer of the watercraft.

SECTION 3. Effective date: upon passage or September 1, 2005.