

## **BILL ANALYSIS**

Senate Research Center  
85R6983 SLB-F

H.B. 1260  
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Agriculture, Water & Rural Affairs  
5/17/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently an out-of-state shrimper who fishes in federal waters nine nautical miles off the Texas Coast and does not possess a Texas shrimping license issued by Texas Parks and Wildlife may not enter into Texas state waters to offload and sell the shrimp. Due to the moratorium on Texas shrimping licenses it is extremely tough to purchase a Texas shrimping license. Because the out-of-state shrimpers do not possess a Texas license they instead they will return to their home port and offload and sell their shrimp to a seafood market in that state, which causes Texas to lose the economic benefit. H.B. 1260 will create the commercial shrimp unloading license which would be available for purchase for these out-of-state shrimpers. This license would allow them to offload and sell their shrimp to Texas seafood markets but not allow them to shrimp in Texas state waters.

H.B. 1260 amends current law relating to the regulation of commercial shrimp unloading, requires an occupational license, and authorizes a fee.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 4 (Section 77.034, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 47.0091, Parks and Wildlife Code, as follows:

Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE FISH DEALERS. Prohibits wholesale fish dealers from purchasing for resale or receiving for sale, barter, exchange, or any other commercial purpose any aquatic product from any person or entity in this state unless he purchases the product from the holder of:

(1) through (8) makes no changes to these subdivisions;

(9) and (10) makes nonsubstantive changes; or

(11) a commercial gulf shrimp unloading license.

SECTION 2. Amends Section 47.0111, Parks and Wildlife Code, as follows:

Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH DEALERS. Prohibits retail fish dealers from purchasing for resale or receiving for sale, barter, exchange, or any other commercial purposes any aquatic products from any person or entity in this state unless he purchases the product from the holder of certain licenses, including a commercial gulf shrimp unloading license.

SECTION 3. Amends Section 47.012, Parks and Wildlife Code, as follows:

Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT OWNER, OPERATOR, OR EMPLOYEE. Prohibits a restaurant owner, operator, or employee from purchasing for consumption by the restaurant's patrons on the restaurant's premises any

aquatic product from any person or entity in this state unless the person purchases the aquatic product from the holder of:

- (1) through (5) makes no changes to these subdivisions;
- (6) and (7) makes nonsubstantive changes; or
- (8) a commercial gulf shrimp unloading license.

SECTION 4. Amends Subchapter C, Chapter 77, Parks and Wildlife Code, by adding Section 77.034, as follows:

Sec. 77.034. COMMERCIAL GULF SHRIMP UNLOADING LICENSE. (a) Prohibits any person, except as provided by Subsection (b), from unloading or allowing to be unloaded at a port or point in this state shrimp or other aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the person has obtained:

- (1) a commercial gulf shrimp unloading license; and
- (2) a federal commercial vessel permit for gulf shrimp from the National Oceanic and Atmospheric Administration.

(b) Provides that a person holding a valid resident or nonresident commercial gulf shrimp boat license is exempt from the requirement to hold a commercial gulf shrimp unloading license.

(c) Requires a vessel operating under a commercial gulf shrimp unloading license to make a nonstop progression through outside waters to a place of unloading. Requires the Texas Parks and Wildlife Commission (TPWC) to adopt rules for the requirements of trawl gear storage for a vessel who holds a commercial gulf shrimp unloading license while that vessel is making a nonstop progression through outside waters to a place of unloading.

(d) Provides that the fee for a commercial gulf shrimp unloading license is \$1485, or an amount set by TPWC, whichever amount is more.

SECTION 5. Amends Section 77.035(a), Parks and Wildlife Code, to prohibit any person, except as permitted under Section 77.034, from operating a commercial gulf shrimp boat for catching or assisting in catching shrimp and other edible aquatic products from the outside water, or have on board a boat, or unload, or allow to be unloaded at a port or point in this state, shrimp and other edible aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the owner of the boat has obtained a commercial gulf shrimp boat license.

SECTION 6. Amends Sections 77.0352(a) and (b), Parks and Wildlife Code, as follows:

(a) Authorizes the holder of a commercial shrimp boat license or commercial gulf shrimp unloading license to sell only the catch of shrimp from the vessel to which the commercial shrimp boat license or commercial gulf shrimp unloading license applies.

(b) Makes conforming changes.

SECTION 7. Amends Section 77.039(a), Parks and Wildlife Code, to require a commercial shrimp boat license or commercial gulf shrimp unloading license issued under this subchapter (Shrimp Licenses) to be a sign or emblem at least 32 square inches in size and be constructed of a durable material.

SECTION 8. Requires TPWC to adopt rules not later than September 1, 2018, to implement Sections 77.034, Parks and Wildlife Code, as added by this Act, and 77.039, Parks and Wildlife Code, as amended by this Act.

SECTION 9. Effective date: September 1, 2017.