

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2218
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Water & Rural Affairs
5/19/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, recreational and commercial fishermen are required to purchase a Class A menhaden boat license every year to fish menhaden legally in state waters. They also must possess a Class B menhaden boat license, which costs \$50, if they assist any other boats in catching menhaden. The total cost of a menhaden license is \$4,200 per year, as set by the Texas Parks and Wildlife Commission. The high cost of this license has impacted commercial and recreational fisherman who make their living fishing in the Gulf of Mexico. These fishermen use or sell this crucial saltwater fish for fish bait, food ingredients, animal feed, and dietary supplements.

H.B. 2218 thus would create a Class C menhaden boat license at a cost of \$420 per year, significantly decreasing the financial burden imposed by the menhaden boat license. This bill would authorize commercial and recreational fisherman to harvest no more than 300 pounds per day, or another amount set by the Texas Parks and Wildlife Department, to sustain an ecologically viable population. The bill also specifies that the holder of a Class C menhaden boat license can use a cast net to catch menhaden. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2218 amends current law relating to creating a Class C menhaden boat license; imposes a fee; and requires a license.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 47.008, Parks and Wildlife Code, by amending Subsections (a) and (d) and adding Subsection (a-1), as follows:

(a) Prohibits a boat from being used for the purpose of catching, storing, and transporting menhaden in tidal water unless the owner of the boat has acquired:

(1) creates this subdivision from existing text and makes a nonsubstantive change;
or

(2) a Class C menhaden boat license.

(a-1) Prohibits the holder of a Class C menhaden boat license from taking or harvesting from the public water of the state more than 300 pounds a day of menhaden or an amount set by the Texas Parks and Wildlife Department.

(d) Creates Subdivisions (1) and (2) from existing text. Requires the Texas Parks and Wildlife Commission (TPWC) to set the license fee for each menhaden boat, rather than each Class B menhaden boat, for each yearly period:

(1) in an amount not less than \$2,000 for a Class A menhaden boat license;

(2) in an amount not to exceed \$50 for a Class B menhaden boat license;
and

(3) at \$420 for a Class C menhaden boat license.

SECTION 2. Amends Section 47.038, Parks and Wildlife Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Prohibits nets or purse seines used for catching menhaden, except as provided by Subsection (a-1), from being certain sizes or used for certain purposes.

(a-1) Authorizes the holder of a Class C menhaden boat license issued under Section 47.008 (Menhaden Boat Licenses) to use a cast net, as defined by TPWC, to catch menhaden in any coastal bay, river, or tributary landward from the shoreline of the state along the coast of the Gulf of Mexico.

SECTION 3. Repealer: Section 47.008(c) (relating to providing that the license fee for each Class A menhaden boat is \$2,000 or an amount set by TPWC, whichever amount is more, for each yearly period), Parks and Wildlife Code.

SECTION 4. Effective date: September 1, 2019.