

## **BILL ANALYSIS**

Senate Research Center  
77R14175 MXM-D

H.B. 3209  
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Natural Resources  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

Under current Texas law, if a person does not hold a commercial gulf shrimp boat license (license) issued from the Parks and Wildlife Department (department), that person's catch is subject to automatic confiscation by the department. H.B. 3209 provides for the creation of a provisional license to be issued by the Parks and Wildlife Commission to cover persons who do not have the commercial gulf shrimp boat license if the criteria for a license is met.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 (Section 77.038, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 77.020, Parks and Wildlife Code, by adding Subsection (d), to provide that Section 12.109 and Chapter 12D, do not apply to a violation of a rule adopted under this chapter related to the display of a commercial shrimp boat license or a commercial shrimp boat's documentation or registration number if another violation of this chapter or a rule adopted under this chapter does not exist at the time of the violation.

SECTION 2. Amends Section 77.0351, Parks and Wildlife Code, by adding Subsection (e), to provide that Chapter 12D does not apply to a violation of this section if another violation of this chapter or a rule adopted under this chapter does not exist at the time of the violation.

SECTION 3. Amends Chapter 77C, Parks and Wildlife Code, by adding Section 77.038, as follows:

Sec. 77.038. PROVISIONAL COMMERCIAL GULF SHRIMP BOAT LICENSE;  
RULES. (a) Authorizes the Parks and Wildlife Commission (commission) by rule to establish a provisional commercial gulf shrimp boat license to be issued under this section to a person who does not hold a license issued under Section 77.035 but who is in compliance with certain other requirements.

(b) Authorizes the rules adopted under Subsection (a) to prescribe the requirements and circumstances under which a person may be issued the license.

(c) Provides that if the commission decides to issue a provisional commercial gulf shrimp boat license under this section, the fee for the license is two times what the person would pay for a license issued under Section 77.035.

SECTION 4. Effective date: September 1, 2001.