

BILL ANALYSIS

Senate Research Center
79R2113 KCR-D

S.B. 380
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S/C on Agriculture and Coastal Resources
3/7/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Parks and Wildlife Department regulates the commercial shrimp fishery in accordance with the authorization provided by Chapter 77 (Shrimp), Parks and Wildlife Code, and the guidance provided by the Texas Shrimp Fishery Management Plan adopted under that authority. There are three licenses in the Texas Parks and Wildlife Code which allow people to shrimp commercially in Texas: a commercial gulf shrimp boat license, a commercial bay shrimp boat license, and a commercial bait shrimp boat license.

The bay and bait shrimp boat licenses allow people to take shrimp from Texas inside waters (bays) for commercial purposes. The commercial bay shrimp boat license allows individuals to take food shrimp in particular seasons, with area and gear restrictions. The commercial bait shrimp boat license allows individuals to shrimp for bait 365 days per year, with a 200-pound per day limit, with certain area and gear restrictions.

These licenses are included in the current Shrimp License Management Program (a limited-entry program) which was adopted by the 74th Legislature. As part of that program, a license buyback program (i.e., the department buys licenses and retires them from the fishery) was created. The license buyback program depends on voluntary sellers offering their licenses to the department; thus, each license held by a fisherman is considered an asset. To date, \$7.7 million has been spent in the purchase of 1,260 commercial bay and bait shrimp boat licenses. The current management regime, which includes the regulations in place and the limited-entry program, has led to decreasing the inshore shrimping effort (30 percent since 1995) and decreasing the total catches of bycatch organisms (40 percent since 1995).

As proposed, S.B. 380 reorganizes the licensing structure supporting shrimp fishing in Texas inside waters.

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 Subchapter C, Chapter 77, Parks and Wildlife Code, by adding Section 77.032, as follows:

Sec. 77.032. COMMERCIAL BAY SHRIMPING BOAT LICENSE. (a) Prohibits a person from operating a commercial bay shrimp boat or commercial bait-shrimp boat for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the inside water unless the owner has obtained a commercial bay shrimping boat license (license) under this section.

(b) Sets forth the fee for a license.

(c) Requires an applicant for a license to submit to the Parks and Wildlife Department an affidavit that the applicant intends to derive the major portion of the applicant's livelihood from the commercial fishery and that the applicant will maintain adequate facilities to conduct the business.

(d) Sets forth an increased license fee for certain boats.

SECTION 2. Repealer: Sections 77.031 (Commercial Bay Shrimp Boat License) and 77.033 (Commercial Bait-Shrimp Boat License), Parks and Wildlife Code.

SECTION 3. Provides that on or after the effective date of this Act, a reference in law to a "commercial bay shrimp boat license issued under Section 77.031" or a "commercial bait-shrimp boat license issued under Section 77.033" means a commercial bay shrimping boat license issued under Section 77.032.

SECTION 4. Makes application of the repeal of Sections 77.031 and 77.033, Parks and Wildlife Code, prospective.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2007.