

BILL ANALYSIS

Senate Research Center
80R5339 SGA-F

H.B. 3765
By: O'Day, Garcia (Hegar)
S/C on Ag., Rural Affairs, and Coastal Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Private assistance is needed by the Texas Parks and Wildlife Department (TPWD) to collect fish required for TPWD saltwater hatchery operations and various research studies. TPWD sponsors events aimed at collecting the brood fish to fill these needs. Under current law, anglers who participate in TPWD-sponsored events are either limited to TPWD-adopted size and bag limits or a TPWD employee must physically accompany the angler and exercise the employee's authority to take wildlife and fish.

H.B. 3765 extends the authority to take wildlife and fish to individuals who are under the direction of an employee and participating in an TPWD executive director-approved event.

Also, under current law, anglers who legally take fish from federal waters of the Gulf of Mexico may land them in Texas without a Texas fishing license or saltwater stamp endorsement. Under the recent reauthorization of guidelines for managing federal waters, a requirement is forthcoming for a federal fishing license if a state does not have a license requirement to land fish from federal waters. This bill requires a Texas fishing license with saltwater endorsement to satisfy the requirements of the federal regulation and provide the waiver of a federal fishing license for Texas anglers.

The bill addresses the unloading of fish or other aquatic life taken for sporting purposes in the state that were caught in waters managed by the Gulf of Mexico Fishery Management Council, and to provide exemptions to size and bag limits for volunteers conducting activities on behalf of TPWD in certain programs designated by the executive director of TPWD.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Parks and Wildlife Commission is modified in SECTION 2 (Section 43.402, Parks and Wildlife Code) and SECTION 3 (Section 46.001, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.013, Parks and Wildlife Code, as follows:

Sec. 12.013. New heading: POWER TO TAKE WILDLIFE; FISH. (a) Creates this subsection from existing text.

(b) Authorizes a person who is not an employee of the Texas Parks and Wildlife Department (TPWD) who is participating under the supervision of a TPWD employee in a program or event designated by the director of TPWD as being conducted for research or species propagation and as exempt from the normally applicable size or bag limits to possess, take, transport, or release any fish in this state to accomplish the intent of the program or event.

SECTION 2. Amends Sections 43.402(a) and (b), Parks and Wildlife Code, as follows:

(a) Prohibits, except as provided by Subsection (b) or (c) of this section, any person from engaging in fishing in saltwater for sporting purposes in this state, or unloading in this state fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council (council) established under the Fishery

Conservation and Management Act of 1976 (16 U.S.C. Section 1801 et seq.), unless the person has acquired a saltwater sportfishing stamp endorsement issued to the person by TPWD. Makes conforming changes.

(b) Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 46.001, Parks and Wildlife Code, to prohibit any persons from fishing in the public water of this state, or unloading in this state fish or other aquatic life taken for sporting purposes from waters managed by the council established under the Fishery Conservation and Management Act of 1876 (16 U.S.C. Section 1801 et seq.), unless he has acquired a fishing license issued under this subchapter, except as provided by Sections 46.0012 (Free Sportfishing Day) and 46.002 (Exemptions). Makes a nonsubstantive change.

SECTION 4. Effective date: September 1, 2007.