

1-1 By: Perry S.B. No. 599
1-2 (In the Senate - Filed February 5, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Water, Agriculture &
1-4 Rural Affairs; March 22, 2021, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; March 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the removal and disposal of abandoned fishing devices
1-20 and the seizure and disposition of unlawful fishing devices.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter B, Chapter 12, Parks and Wildlife
1-23 Code, is amended by adding Section 12.1104 to read as follows:

1-24 Sec. 12.1104. REMOVAL AND DISPOSAL OF ABANDONED FISHING
1-25 DEVICE. (a) In this section, "abandoned fishing device" means an
1-26 unattended fishing device located in the public water of this state
1-27 that is placed in violation of a provision of this code or
1-28 commission rule.

1-29 (b) An abandoned fishing device is litter for purposes of
1-30 Section 365.011, Health and Safety Code, and is subject to
1-31 immediate removal and disposal. Except as provided by Subsection
1-32 (e), an abandoned fishing device must be disposed of in compliance
1-33 with the Health and Safety Code.

1-34 (c) The commission may adopt rules to govern the removal and
1-35 disposal of abandoned fishing devices as necessary to enhance:

1-36 (1) enforcement of this section;

1-37 (2) the cleanliness of the beds and bottoms of the
1-38 public water of this state;

1-39 (3) boating safety; and

1-40 (4) the conservation and management of aquatic
1-41 resources.

1-42 (d) A game warden or other peace officer is immune from
1-43 liability and from suit for the removal or disposal of an abandoned
1-44 fishing device under this section.

1-45 (e) On request of an authorized representative of a unit of
1-46 The University of Texas System, The Texas A&M University System, or
1-47 the Texas State University System engaged in teaching and research
1-48 related to marine science and oceanography, the department may
1-49 transfer an abandoned fishing device removed under this section to
1-50 the unit for use in the unit's teaching or research programs.

1-51 SECTION 2. Section 12.1105(d), Parks and Wildlife Code, is
1-52 amended to read as follows:

1-53 (d) A game warden or other peace officer who seizes items
1-54 under this section is immune from liability and from suit for a
1-55 seizure or destruction of a seine, net, trawl, trap, or other device
1-56 as authorized by Subsection (b) [this section].

1-57 SECTION 3. Section 66.102, Parks and Wildlife Code, is
1-58 amended to read as follows:

1-59 Sec. 66.102. PLACING PROHIBITED DEVICES IN PUBLIC WATER. A
1-60 device designed to catch fish or other aquatic wildlife resources
1-61 that is placed in the public fresh water of this state in violation

2-1 of a law or commission proclamation is a nuisance, and a game warden
2-2 or other peace officer shall confiscate and dispose of the device as
2-3 provided by Section 12.1104 or 12.1105, as applicable [~~of this~~
2-4 ~~code~~]. A game warden or other peace officer is immune from
2-5 liability for the destruction of devices found in violation of this
2-6 section.

2-7 SECTION 4. Section [12.1105\(c\)](#), Parks and Wildlife Code, is
2-8 repealed.

2-9 SECTION 5. This Act takes effect September 1, 2021.

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