

1-1 By: Kacal (Senate Sponsor - Kolthorst) H.B. No. 1333  
1-2 (In the Senate - Received from the House April 17, 2023;  
1-3 May 2, 2023, read first time and referred to Committee on Water,  
1-4 Agriculture & Rural Affairs; May 4, 2023, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 4, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Perry</u>	X		
1-9	<u>Hancock</u>	X		
1-10	<u>Blanco</u>	X		
1-11	<u>Flores</u>	X		
1-12	<u>Gutierrez</u>	X		
1-13	<u>Johnson</u>	X		
1-14	<u>Kolthorst</u>	X		
1-15	<u>Sparks</u>	X		
1-16	<u>Springer</u>	X		

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

1-19 relating to the sale and purchase of certain fish.  
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-21 SECTION 1. Sections 66.020(b) and (c), Parks and Wildlife  
1-22 Code, are amended to read as follows:  
1-23 (b) This section applies to the possession, transportation,  
1-24 sale, or purchase of any fish described by Subsection (a) without  
1-25 regard to where the fish was taken, caught, or raised, but does not  
1-26 apply to:  
1-27 (1) the transportation or possession of fish taken,  
1-28 caught, or raised outside this state and transported by common  
1-29 carrier without being unloaded from outside this state to a point of  
1-30 delivery outside this state;  
1-31 (2) fish raised by being continuously fed a prepared  
1-32 feed and sold by an operator of a Texas commercial aquaculture  
1-33 facility, as defined by Section 134.001, Agriculture Code; ~~[or]~~  
1-34 (3) the sale of fish described by Subdivision (2) by:  
1-35 (A) a licensed wholesale fish dealer;  
1-36 (B) a licensed retail fish dealer; or  
1-37 (C) a restaurant;  
1-38 (4) bass of the genus Micropterus and crappie if the  
1-39 fish are:  
1-40 (A) reared in private water; and  
1-41 (B) sold by an operator of a Texas commercial  
1-42 aquaculture facility for the purpose of stocking:  
1-43 (i) water of the state under a permit  
1-44 required under Section 66.015(b); or  
1-45 (ii) private water with the documentation  
1-46 required under Section 134.018, Agriculture Code; or  
1-47 (5) the lawful importation by the holder of a Texas  
1-48 finfish import license into this state from another state or  
1-49 foreign country or the exclusive economic zone of farm-raised red  
1-50 drum, bass of the genus Micropterus, crappie, flathead catfish,  
1-51 striped bass, white bass, or a hybrid of any of those fish that have  
1-52 been continuously fed a prepared feed as a primary food source or  
1-53 lawfully taken, caught, or raised blue marlin, jewfish, longbill  
1-54 spearfish, muskellunge, northern pike, sailfish, sauger, snook,  
1-55 spotted sea trout, tarpon, walleye, white marlin, yellow bass, or a  
1-56 hybrid of any of those fish, if the fish are ~~[transported or sold~~  
1-57 ~~when not alive and are]~~ tagged, invoiced, packaged, and labeled  
1-58 under regulations of the commission and if the license holder  
1-59 complies with any requirements the commission may establish by  
1-60 proclamation that the fish enter the stream of commerce for sale in  
1-61 this state in a condition allowing ready identification of the

2-1 species, including a requirement that the fish come into the state  
2-2 with the head and tail intact and tagged and a requirement that an  
2-3 invoice accompany all imported fish regulated by this section  
2-4 through each sales transaction, including transactions at the place  
2-5 of the final sale to the consumer.

2-6 (c) Notwithstanding Subsection (b)(5) [~~(b)(3) of this~~  
2-7 ~~section~~], the commission may allow subsequent sale of lawfully  
2-8 imported fish without the head and tail intact and without a tag if  
2-9 the fish are labeled in a manner prescribed by the commission and  
2-10 the tag when removed is destroyed. A tag, if required, must be of a  
2-11 type prescribed by the commission and shall be sold to an applicant  
2-12 at a cost as determined by the commission that is reasonable to  
2-13 defray the administrative costs incurred in connection with the tag  
2-14 requirement.

2-15 SECTION 2. Sections 66.111(a) and (b), Parks and Wildlife  
2-16 Code, are amended to read as follows:

2-17 (a) Except as provided by Subsection (b), no person may buy  
2-18 or offer to buy, sell or offer to sell, possess for the purpose of  
2-19 sale, transport or ship for the purpose of sale, or barter or  
2-20 exchange[+]

2-21 [~~(1) freshwater crappie, bass of the genus~~  
2-22 ~~Micropterus, striped bass and hybrids of striped bass, white bass,~~  
2-23 ~~walleye, sauger, northern pike, muskellunge, trout of the family~~  
2-24 ~~Salmonidae, flathead catfish, or~~

2-25 [~~(2)] any [other] fish taken from the public fresh~~  
2-26 water of this state.

2-27 (b) Subsection (a) does not apply to:

2-28 (1) [~~a fish, other than a bass of the genus~~  
2-29 ~~Micropterus, reared in private water by an operator of a commercial~~  
2-30 ~~aquaculture facility, as defined by Section 134.001, Agriculture~~  
2-31 ~~Code,~~

2-32 [~~(2) a fish possessed legally outside this state and~~  
2-33 ~~transported into this state,~~

2-34 [~~(3) bass of the genus Micropterus reared in private~~  
2-35 ~~water by an operator of a commercial aquaculture facility, as~~  
2-36 ~~defined by Section 134.001, Agriculture Code, and marketed for the~~  
2-37 ~~purpose of stocking the water of this state,~~

2-38 [~~(4)] nongame fish regulated under Chapter 67 [~~of this~~  
2-39 ~~code]; or~~~~

2-40 (2) [~~(5)] channel catfish of more than 14 inches in~~  
2-41 length or blue catfish of more than 14 inches in length taken from  
2-42 the public fresh water of Angelina, Bowie, Camp, Cass, Chambers,  
2-43 Franklin, Freestone, Gregg, Hardin, Harris, Harrison, Jasper,  
2-44 Jefferson, Lamar, Leon, Liberty, Madison, Marion, Montgomery,  
2-45 Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Red  
2-46 River, Sabine, San Augustine, San Jacinto, Shelby, Titus, Trinity,  
2-47 Tyler, Upshur, or Walker County, the public fresh water of the  
2-48 Neches or Trinity River in Houston County, the public fresh water of  
2-49 the Colorado River in Bastrop, Colorado, Fayette, Matagorda, or  
2-50 Wharton County, or the public fresh water of Falcon Lake in Starr or  
2-51 Zapata County.

2-52 SECTION 3. Section 66.2012(e), Parks and Wildlife Code, is  
2-53 amended to read as follows:

2-54 (e) This section does not apply to activities that are  
2-55 regulated under the exceptions provided by Subdivisions (1), (2),  
2-56 and (5) [~~(3)] of Section 66.020(b) or under Subsections (f) and (g)~~  
2-57 of that section.

2-58 SECTION 4. Section 66.111(c), Parks and Wildlife Code, is  
2-59 repealed.

2-60 SECTION 5. This Act takes effect September 1, 2023.

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