

## **BILL ANALYSIS**

C.S.H.B. 883  
By: Seaman  
Culture, Recreation, & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

TPWD administers Texas= artificial reef program under Parks and Wildlife Code Chapter 89. The program currently has 49 artificial reef sites that are permitted by the U.S. Army Corps of Engineers (ACOE). The Artificial Reef Act of 1989 directed TPWD to promote and enhance the artificial reef potential off Texas. To fulfill this purpose, the department developed the Texas Artificial Reef Plan adopted by the Parks and Wildlife Commission in 1990. The goals of the Texas Artificial Reef Plan are to enhance the fishery resources biologically, commercially, and recreationally. The program utilizes a 10-person citizen advisory committee representing major interest groups in the Gulf of Mexico to create new sites, evaluate material donations, and minimize user conflicts.

The main criteria for material to reef are that it should be complex, stable, durable, and needing little modification for use. For example, ships are durable and stable materials that form very complex habitats and only require cleaning for use. The Program continues to obtain material, but assesses each donation on a case-by-case basis to determine its appropriateness for the program.

Many coastal communities and their citizens want to have artificial reefs closer to shore for easier access. They also wish to participate in the Texas Artificial Reef Program in order to improve both fishing and their local economies. Although any individual or group may apply to the ACOE for a permit to reef material, the ACOE has not approved these applications. Both Alabama and Florida have very successful private reefing programs.

Furthermore, at present, derelict vessels are viewed by many to be a problem along the Texas coast. The Texas General Land Office has estimated as many as 400 watercraft lie abandoned in the coastal waterways creating safety and environmental hazards in Texas coastal communities. Current law authorizes certain law enforcement entities to confiscate abandoned watercraft and auction them, to defray the cost of confiscation, if they are unable to locate the most recent owner.

The purpose of this bill is twofold: 1) to grant the department authority to allow private individuals, groups, and/or associations to deploy artificial reef material under guidelines and rules established by the commission; and 2) to allow law enforcement agencies that have confiscated a derelict watercraft the option to either auction the abandoned watercraft or to transfer it to TPWD for use as an artificial reef or other suitable activity permitted under the Parks and Wildlife Code. TPWD would have the right to refuse the watercraft if it did not meet standards for appropriate reef material or funds were not available to use it.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 of this bill.

### **ANALYSIS**

Section 1 B This section provides the Texas Parks and Wildlife Commission with authority to adopt rules and guidelines necessary to implement provisions of Chapter 89 Parks and Wildlife Code. In addition, it provides the department authority to authorize a person to place a donation of reef materials in a permitted zone in accordance with Chapter 89 Parks and Wildlife Code and commission rules and guidelines.

Section 2 B This section provides an additional option to law enforcement entities for disposal of confiscated abandoned watercraft. The section retains the requirement for the law enforcement entities to follow established due diligence protocols. Transferring an abandoned watercraft to the TPWD Artificial Reef Program relieves the law enforcement entity of disposal costs, and provides material to add to an artificial reef site.

Section 3 - Determines the effective date of the Act.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III of the Texas Constitution. If this Act does not receive the vote necessary for immediate effect, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 883 modifies the original bill by providing new language that allows law enforcement or other entities who are trying to dispose of abandoned vessels another means of disposal. These vessels may be transferred to the Texas Parks and Wildlife Department for the artificial reef program or any other use consistent with the department's authority.