

BILL ANALYSIS

C.S.H.B. 886

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Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not allow for a license management program (license moratorium) for the commercial gulf shrimp fishery. In affect, any person can obtain a license to commercially harvest and sell gulf shrimp in Texas. The commercial gulf shrimp fishery is the only Texas open access commercial shrimp fishery. This open access system has led to over-capitalization of the commercial gulf shrimp fishery resulting in a decline in economic stability in the industry. The Texas Shrimp Advisory Committee, and other gulf shrimp fishery participants are concerned that boats and fishermen from the other inshore limited entry fisheries (inshore shrimp fishery) and vessels from other states when a federal permit moratorium goes into effect will enter the gulf shrimp fishery in Texas and lead to a further over-capitalization of the fishery and a destabilization of the gulf shrimp industry in Texas. Public hearings are currently being held for the permit (license) moratorium in federal waters and final action could occur as soon as March on the issue. In addition, industry has seen new entrants and a build up of vessels occur as recent as the late 1990s and they would like to prevent this buildup again if the current economic situation for shrimping turns favorable in the future. Creation of a license management program (license moratorium) is in agreement with the management tenets set forth in the Texas Parks and Wildlife Shrimp Fishery Management Plan and has been supported by the TPWD Shrimp Fishery advisory committee. Elements similar to those created in Subchapter G of this act can be found in the Finfish License Management Program, the Crab License Management Program, and the inshore Shrimp License Management Program currently being administered by the department.

The purpose of this bill is to provide the Parks and Wildlife Commission authority to create a license management program for the commercial gulf shrimp fishery. That authority would allow regulation of issuance and renewal of commercial gulf shrimp licenses based on historical participation in the fishery. Conditions for administration of the program are established and a 9-member review board elected by commercial gulf shrimp boat license holders is created to review any hardship or appeal cases regarding eligibility and to provide advice on the appeals and administration of the program. This authority will provide further economic stability in the industry and thus provide greater economic activity and impact to the state in the future.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 3 of this bill.

ANALYSIS

Section 1 B Clarifies that the department can choose the material and design of the display license required by Subchapter C of PWC Chapter 77.

Section 2 B Renames the Shrimp License Management Subchapter to Bay Shrimp License Management to distinguish it from the Gulf program being created by this act.

Section 3 - Directs TPWD that after August 31, 2005, to limit the issuance and renewal of commercial gulf shrimp boat licenses to those: (a) vessels that are owned by the person seeking the license; (b) persons who are licensed on the day the renewal is sought or at the end of the previous license year; and (c) vessels intended to be licensed and used as a commercial gulf shrimp boat. Coast Guard Documentation (i.e., if required for the vessel) and a Texas certificate of registration are required to obtain or renew a license.

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This section also creates a commercial gulf shrimp boat license review board made up of 9 members. The commercial gulf shrimp boat license holders will elect the review board and a member must hold a commercial gulf shrimp boat license. Further, this section directs the Executive Director to create procedures for election and operation of the Review Board. This section also directs the Executive Director and the Commission to adopt procedures and any rules necessary to carry out the requirements of this subchapter. TPWD is directed to report to the shrimp advisory committee on or before January 1, 2010 on the status of the program.

Section 4 B This section directs the Commission to adopt rules to administer the program and directs the Executive Director to adopt procedures for the election of the board as soon as is practicable after the effective date of this Act and indicates that the election of the review board must be held by Nov. 1, 2005.

Section 5 B 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. 886 modifies the original bill by changing the wording Alicense management@to Alicense moratorium@throughout the bill.

C.S.H.B. 886 modifies the original bill by clarifying who will be eligible to renew a license and by removing the language that did not clearly distinguish who was eligible for renewal.

C.S.H.B. 886 modifies the original bill by clarifying that Texas boat registration is required for vessels before licenses can be renewed along with Coast Guard Documentation, if it is required to be documented.