

BILL ANALYSIS

S.B. 454
By: Armbrister
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas gulf commercial shrimp industry is overcapitalized and there are abuses of the open access system. The industry has become flooded with market entrants and the profitability of the existing market participants has been jeopardized. Furthermore, a moratorium on shrimp licenses in federal waters (greater than 9.0 miles offshore) is anticipated, perhaps by the end of March 2005. The result of the federal moratorium will be to drive more shrimpers into the gulf waters; thus a license moratorium for Texas gulf shrimping is necessary to further limit the destabilization of the market for existing participants.

Current law does not allow for a license management program for the commercial gulf shrimp. In effect, any person can obtain a license to commercially harvest and sell gulf shrimp in Texas.

C.S.S.B. 454 allows regulation of the issuance and renewal of commercial gulf shrimp licenses based on historical participation in the fishery. This will provide greater economic stability in the industry.

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. Amends Section 77.039, Parks and Wildlife Code, as follows:

Sec. 77.39. LICENSE DESIGN. (a) Requires a commercial shrimp boat license issued under this chapter to be a sign or emblem constructed of a durable material, rather than of metal or plastic. Deletes the requirement that the license sign or emblem have a different color or design for each license period. Makes a nonsubstantive change.

(b) Deletes the requirement that the color of each class of commercial shrimp boat license must be distinguishable.

SECTION 2. Amends the heading to Subchapter F, Chapter 77, Parks and Wildlife Code, to read as follows:

SUBCHAPTER F. BAY SHRIMP LICENSE MANAGEMENT

SECTION 3. Amends Chapter 77, Parks and Wildlife Code, by adding Subchapter G, as follows:

SUBCHAPTER G. GULF SHRIMP LICENSE MORATORIUM

Sec. 77.151. GULF SHRIMP LICENSE MORATORIUM PROGRAM. Requires the Parks and Wildlife Department (department) to implement a gulf shrimp license moratorium program to promote efficiency and economic stability in the gulf shrimping industry.

Sec. 77.152. ISSUANCE AND RENEWAL OF COMMERCIAL GULF SHRIMP BOAT LICENSES. (a) Prohibits the department, after August 31, 2005, from issuing or

renewing a commercial gulf shrimp boat license unless the person seeking to obtain or renew the license documents to the satisfaction of the department certain information regarding the vessel for which the license is sought.

(b) Requires an applicant for a new or renewed commercial gulf shrimp license for a vessel to submit certain documentation to the department with the license application.

Sec. 77.153. GULF SHRIMP LICENSE MORATORIUM REVIEW BOARD. (a) Requires the holders of commercial gulf shrimp boat licenses to elect a gulf shrimp license moratorium review board of nine members.

(b) Requires a member of the review board to be a holder of a commercial gulf shrimp boat license.

(c) Requires the nine members of the review board to be selected to reflect a certain geographical distribution. Sets forth how many members are required to represent which counties.

(d) Requires the review board to advise the Parks and Wildlife Commission (commission) and the department and to make recommendations concerning the administrative aspects of the gulf shrimp license moratorium program.

(e) Requires the executive director of the Parks and Wildlife Department (executive director) to adopt procedures for the election and operation of the review board. Requires the executive director to solicit and consider recommendations from the commercial gulf shrimp boat license holders regarding the procedures and the continued need for the board.

(f) Provides that the review board is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

Sec. 77.154. PROGRAM ADMINISTRATION; RULES. Requires the executive director to establish administrative procedures to carry out the requirements of this subchapter. Requires the commission to adopt any rules necessary for the administration of the program established under this subchapter.

Sec. 77.155. REPORT OF PROGRAM STATUS. (a) Requires the department, not later than January 1, 2010, to report to an advisory committee appointed by the presiding officer of the commission to address the issues relating to gulf shrimp in this state.

(b) Sets forth the information the report must include.

(c) Provides that this section expires June 1, 2010.

SECTION 4. (a) Requires the commission, as soon as practicable, to adopt rules necessary to administer the gulf shrimp license moratorium program established under Subchapter G, Chapter 77, Parks and Wildlife Code, as added by this Act.

(b) Requires the executive director, as soon as practicable after the effective date of this Act, to adopt procedures for the election of the gulf shrimp license moratorium review board under Section 77.153, Parks and Wildlife Code, as added by this Act. Requires the election of the gulf shrimp license moratorium review board to be held as soon as practicable after the adoption of election procedures, but not later than November 1, 2005.

SECTION 5. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005

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