

By: Seaman

H.B. No. 886

Substitute the following for H.B. No. 886:

By: Hilderbran

C.S.H.B. No. 886

A BILL TO BE ENTITLED

AN ACT

relating to commercial shrimp boat licenses and to the creation of a gulf shrimp license moratorium program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 77.039, Parks and Wildlife Code, is amended to read as follows:

Sec. 77.039. LICENSE DESIGN. (a) A commercial shrimp boat license issued under this subchapter must be a ~~[metal or plastic]~~ sign or emblem at least 32 square inches in size~~[7]~~ and be constructed of a durable material ~~[have a different color or design for each license period]~~.

(b) The character~~[7-color7]~~ and design of each class of commercial shrimp boat license issued under this subchapter must be distinguishable.

SECTION 2. The heading to Subchapter F, Chapter 77, Parks and Wildlife Code, is amended to read as follows:

SUBCHAPTER F. BAY SHRIMP LICENSE MANAGEMENT

SECTION 3. Chapter 77, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. GULF SHRIMP LICENSE MORATORIUM

Sec. 77.151. GULF SHRIMP LICENSE MORATORIUM PROGRAM. The department shall implement a gulf shrimp license moratorium program to promote efficiency and economic stability in the gulf shrimping industry.

1 Sec. 77.152. ISSUANCE AND RENEWAL OF COMMERCIAL GULF SHRIMP
2 BOAT LICENSES. (a) After August 31, 2005, the department may not
3 issue or renew a commercial gulf shrimp boat license unless the
4 person seeking to obtain or renew the license documents to the
5 satisfaction of the department that the vessel for which the
6 license is sought:

7 (1) is owned by the person;

8 (2) was licensed as a gulf shrimp boat on the day the
9 renewal was sought or at the end of the licensing period immediately
10 preceding the period for which the license is sought; and

11 (3) is intended to be licensed and used as a commercial
12 gulf shrimp boat.

13 (b) An applicant for a new or renewed commercial gulf shrimp
14 boat license for a vessel must submit to the department with the
15 license application:

16 (1) the United States Coast Guard certificate of
17 documentation for the vessel, if the vessel is required by United
18 States Coast Guard rules to be documented; and

19 (2) the certificate of number for the vessel as
20 required by Chapter 31.

21 Sec. 77.153. GULF SHRIMP LICENSE MORATORIUM REVIEW
22 BOARD. (a) The holders of commercial gulf shrimp boat licenses
23 shall elect a gulf shrimp license moratorium review board of nine
24 members.

25 (b) A member of the review board must be a holder of a
26 commercial gulf shrimp boat license.

27 (c) The nine members of the review board must be selected to

1 reflect the following geographical distribution according to the
2 county of residence specified on the member's commercial gulf
3 shrimp boat license:

4 (1) two members representing Orange, Jefferson,
5 Chambers, and Harris Counties;

6 (2) one member representing Galveston County;

7 (3) two members representing Brazoria and Matagorda
8 Counties;

9 (4) two members representing Calhoun, Aransas,
10 Nueces, San Patricio, and Refugio Counties; and

11 (5) two members representing Kleberg, Cameron, and
12 Willacy Counties.

13 (d) The review board shall advise the commission and
14 department and make recommendations concerning the administrative
15 aspects of the gulf shrimp license moratorium program, including
16 hardship and appeal cases concerning eligibility.

17 (e) The executive director shall adopt procedures for the
18 election and operation of the review board. The executive director
19 shall solicit and consider recommendations from the commercial gulf
20 shrimp boat license holders regarding the procedures and the
21 continued need for the board.

22 (f) The review board is not subject to Chapter 2110,
23 Government Code.

24 Sec. 77.154. PROGRAM ADMINISTRATION; RULES. (a) The
25 executive director shall establish administrative procedures to
26 carry out the requirements of this subchapter.

27 (b) The commission shall adopt any rules necessary for the

1 administration of the program established under this subchapter.

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

6 (b) The report under Subsection (a) must include an overview
7 of the administration and status of the program established under
8 this subchapter and information concerning the sociological and
9 economic effects of the program.

10 (c) This section expires June 1, 2010.

11 SECTION 4. (a) As soon as practicable, the Parks and
12 Wildlife Commission shall adopt rules necessary to administer the
13 gulf shrimp license moratorium program established under
14 Subchapter G, Chapter 77, Parks and Wildlife Code, as added by this
15 Act.

16 (b) As soon as practicable after the effective date of this
17 Act, the executive director of the Parks and Wildlife Commission
18 shall adopt procedures for the election of the gulf shrimp license
19 moratorium review board under Section 77.153, Parks and Wildlife
20 Code, as added by this Act. As soon as practicable after the
21 adoption of election procedures, but not later than November 1,
22 2005, the election of the gulf shrimp license moratorium review
23 board must be held.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.