

By: Seaman

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 management 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 MANAGEMENT

Sec. 77.151. GULF SHRIMP LICENSE MANAGEMENT PROGRAM. The department shall implement a gulf shrimp license management program to promote efficiency and economic stability in the gulf shrimping industry and to conserve economically important gulf shrimp

1 resources.

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

8 (1) is owned by the person;

9 (2) was licensed as a gulf shrimp boat during the
10 licensing period immediately preceding the period for which the
11 license is sought; and

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

14 (b) An applicant for a new or renewed commercial gulf shrimp
15 boat license for a vessel that is required by United States Coast
16 Guard rules to be documented by the United States Coast Guard must
17 submit to the department with the license application:

18 (1) the United States Coast Guard certificate of
19 documentation for the vessel; and

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

22 Sec. 77.153. GULF SHRIMP LICENSE MANAGEMENT REVIEW
23 BOARD. (a) The holders of commercial gulf shrimp boat licenses
24 shall elect a gulf shrimp license management review board of seven
25 members.

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

1 (c) The seven members of the review board must be selected
2 to reflect the following geographical distribution according to the
3 county of residence specified on the member's commercial gulf
4 shrimp boat license:

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

7 (2) one member representing Galveston County;

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

10 (4) one member representing Calhoun, Aransas, Nueces,
11 San Patricio, and Refugio Counties; and

12 (5) one member representing Kleberg, Cameron, and
13 Willacy Counties.

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

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

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

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

1 (b) The commission shall adopt any rules necessary for the
2 administration of the program established under this subchapter.

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

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

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

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

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

25 SECTION 5. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.