

By: Hilderbran

H.B. No. 2029

A BILL TO BE ENTITLED

AN ACT

relating to commercial bay shrimping boat licenses, commercial bay shrimp boat licenses, and commercial bait-shrimp boat licenses.

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

SECTION 1. Subchapter C, Chapter 77, Parks and Wildlife Code, is amended by adding Section 77.032 to read as follows:

Sec. 77.032. COMMERCIAL BAY SHRIMPING BOAT LICENSE. (a) A person may not operate a commercial bay shrimp boat or commercial bait-shrimp boat for the purpose of catching or assisting in catching shrimp, including shrimp for use as bait only, and other edible aquatic products from the inside water unless the owner has obtained a commercial bay shrimping boat license under this section.

(b) The fee for a commercial bay shrimping boat license is \$170 or an amount set by the commission, whichever amount is more.

(c) An applicant for a commercial bay shrimping boat license must submit to the department an affidavit that the applicant intends to derive the major portion of the applicant's livelihood from the commercial fishery and that the applicant will maintain adequate facilities to conduct the business.

(d) The fee for a commercial bay shrimping boat license for a boat that is not numbered under Chapter 31 or does not have a certificate of documentation issued by the United States Coast Guard that lists an address in Texas for the boat owner or other

1 criteria established by the commission is \$500 or an amount set by
2 the commission, whichever amount is more.

3 SECTION 2. Section 77.119, Parks and Wildlife Code, is
4 amended by adding Subsection (d) to read as follows:

5 (d) The commission by rule shall require a person whose
6 license is being considered for purchase under this section on or
7 after September 1, 2006, to provide fuel receipts and other
8 evidence to the commission that proves that the major portion of the
9 person's livelihood was derived from commercial shrimping during
10 the licensing period immediately preceding the date on which the
11 license is being considered for purchase. The commission may not
12 purchase a license under this section if the person who holds the
13 license does not provide the evidence required under this
14 subsection.

15 SECTION 3. Sections 77.031 and 77.033, Parks and Wildlife
16 Code, are repealed.

17 SECTION 4. On or after the effective date of this Act, a
18 reference in law to a "commercial bay shrimp boat license" or a
19 "commercial bait-shrimp boat license" means a commercial bay
20 shrimping boat license issued under Section 77.032, Parks and
21 Wildlife Code, as added by this Act.

22 SECTION 5. (a) The repeal by this Act of Sections 77.031
23 and 77.033, Parks and Wildlife Code, does not apply to an offense
24 related to a violation of one of those sections committed before the
25 effective date of the repeal. For purposes of this section, an
26 offense is committed before the effective date of the repeal if any
27 element of the offense occurs before that date.

1 (b) An offense committed before the effective date of the
2 repeal is covered by the section as it existed on the date on which
3 the offense was committed, and the former law is continued in effect
4 for that purpose.

5 SECTION 6. The change in law made by this Act does not
6 affect liability for the payment of fees accruing before the
7 effective date of this Act. That liability continues in effect as
8 if this Act had not been enacted, and the former law is continued in
9 effect for the collection of fees due and for civil and criminal
10 enforcement of the liability for those fees.

11 SECTION 7. The Parks and Wildlife Department shall notify
12 in writing each person that for the 2004-2005 license year holds a
13 commercial bay shrimp boat license issued under Section 77.031,
14 Parks and Wildlife Code, or a commercial bait-shrimp boat license
15 issued under Section 77.033, Parks and Wildlife Code, that,
16 effective September 1, 2005, those licenses are consolidated into
17 the commercial bay shrimping boat license issued under Section
18 77.032, Parks and Wildlife Code, as added by this Act.

19 SECTION 8. Not later than December 31, 2005, the Parks and
20 Wildlife Department shall adopt rules regarding the types and
21 sufficiency of evidence required under Section 77.119(d), Parks and
22 Wildlife Code, as added by this Act.

23 SECTION 9. If this Act takes effect September 1, 2005, a
24 license issued under Section 77.031 or 77.033, Parks and Wildlife
25 Code, before September 1, 2005, and effective on that date, is
26 considered to confer on the license holder the same duties and
27 privileges as a license issued on that date under Section 77.032,

1 Parks and Wildlife Code, as added by this Act.

2 SECTION 10. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2005.