

1-1 By: Armbrister S.B. No. 454  
1-2 (In the Senate - Filed February 10, 2005; February 22, 2005,  
1-3 read first time and referred to Subcommittee on Agriculture and  
1-4 Coastal Resources; April 14, 2005, reported adversely, with  
1-5 favorable Committee Substitute to Committee on Natural Resources;  
1-6 April 22, 2005, reported adversely, with favorable Committee  
1-7 Substitute from Committee on Natural Resources by the following  
1-8 vote: Yeas 11, Nays 0; April 22, 2005, sent to printer.)

1-9 COMMITTEE SUBSTITUTE FOR S.B. No. 454 By: Jackson

1-10 A BILL TO BE ENTITLED  
1-11 AN ACT

1-12 relating to commercial shrimp boat licenses and to the creation of a  
1-13 gulf shrimp license moratorium program.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Section 77.039, Parks and Wildlife Code, is  
1-16 amended to read as follows:

1-17 Sec. 77.039. LICENSE DESIGN. (a) A commercial shrimp boat  
1-18 license issued under this subchapter must be a [~~metal or plastic~~]  
1-19 sign or emblem at least 32 square inches in size[~~7~~] and be  
1-20 constructed of a durable material [~~have a different color or design~~  
1-21 ~~for each license period~~].

1-22 (b) The character[~~7, color, 7~~] and design of each class of  
1-23 commercial shrimp boat license issued under this subchapter must be  
1-24 distinguishable.

1-25 SECTION 2. The heading to Subchapter F, Chapter 77, Parks  
1-26 and Wildlife Code, is amended to read as follows:

1-27 SUBCHAPTER F. BAY SHRIMP LICENSE MANAGEMENT

1-28 SECTION 3. Chapter ~~77~~, Parks and Wildlife Code, is amended  
1-29 by adding Subchapter G to read as follows:

1-30 SUBCHAPTER G. GULF SHRIMP LICENSE MORATORIUM

1-31 Sec. 77.151. GULF SHRIMP LICENSE MORATORIUM PROGRAM. The  
1-32 department shall implement a gulf shrimp license moratorium program  
1-33 to promote efficiency and economic stability in the gulf shrimping  
1-34 industry.

1-35 Sec. 77.152. ISSUANCE AND RENEWAL OF COMMERCIAL GULF SHRIMP  
1-36 BOAT LICENSES. (a) After August 31, 2005, the department may not  
1-37 issue or renew a commercial gulf shrimp boat license unless the  
1-38 person seeking to obtain or renew the license documents to the  
1-39 satisfaction of the department that the vessel for which the  
1-40 license is sought:

1-41 (1) is owned by the person;

1-42 (2) was licensed as a gulf shrimp boat on the day the  
1-43 renewal was sought or at the end of the licensing period immediately  
1-44 preceding the period for which the license is sought; and

1-45 (3) is intended to be licensed and used as a commercial  
1-46 gulf shrimp boat.

1-47 (b) An applicant for a new or renewed commercial gulf shrimp  
1-48 boat license for a vessel must submit to the department with the  
1-49 license application:

1-50 (1) the United States Coast Guard certificate of  
1-51 documentation for the vessel, if the vessel is required by United  
1-52 States Coast Guard rules to be documented; and

1-53 (2) the certificate of number for the vessel as  
1-54 required by Chapter 31.

1-55 Sec. 77.153. GULF SHRIMP LICENSE MORATORIUM REVIEW BOARD.

1-56 (a) The holders of commercial gulf shrimp boat licenses shall  
1-57 elect a gulf shrimp license moratorium review board of nine  
1-58 members.

1-59 (b) A member of the review board must be a holder of a  
1-60 commercial gulf shrimp boat license.

1-61 (c) The nine members of the review board must be selected to  
1-62 reflect the following geographical distribution according to the  
1-63 county of residence specified on the member's commercial gulf

2-1 shrimp boat license:  
 2-2 (1) two members representing Orange, Jefferson,  
 2-3 Chambers, and Harris Counties;  
 2-4 (2) one member representing Galveston County;  
 2-5 (3) two members representing Brazoria and Matagorda  
 2-6 Counties;  
 2-7 (4) two members representing Calhoun, Aransas,  
 2-8 Nueces, San Patricio, and Refugio Counties; and  
 2-9 (5) two members representing Kleberg, Cameron, and  
 2-10 Willacy Counties.

2-11 (d) The review board shall advise the commission and  
 2-12 department and make recommendations concerning the administrative  
 2-13 aspects of the gulf shrimp license moratorium program, including  
 2-14 hardship and appeal cases concerning eligibility.

2-15 (e) The executive director shall adopt procedures for the  
 2-16 election and operation of the review board. The executive director  
 2-17 shall solicit and consider recommendations from the commercial gulf  
 2-18 shrimp boat license holders regarding the procedures and the  
 2-19 continued need for the board.

2-20 (f) The review board is not subject to Chapter 2110,  
 2-21 Government Code.

2-22 Sec. 77.154. PROGRAM ADMINISTRATION; RULES. (a) The  
 2-23 executive director shall establish administrative procedures to  
 2-24 carry out the requirements of this subchapter.

2-25 (b) The commission shall adopt any rules necessary for the  
 2-26 administration of the program established under this subchapter.

2-27 Sec. 77.155. REPORT OF PROGRAM STATUS. (a) Not later than  
 2-28 January 1, 2010, the department shall report to an advisory  
 2-29 committee appointed by the presiding officer of the commission to  
 2-30 address issues relating to gulf shrimp in this state.

2-31 (b) The report under Subsection (a) must include an overview  
 2-32 of the administration and status of the program established under  
 2-33 this subchapter and information concerning the sociological and  
 2-34 economic effects of the program.

2-35 (c) This section expires June 1, 2010.

2-36 SECTION 4. (a) As soon as practicable, the Parks and  
 2-37 Wildlife Commission shall adopt rules necessary to administer the  
 2-38 gulf shrimp license moratorium program established under  
 2-39 Subchapter G, Chapter 77, Parks and Wildlife Code, as added by this  
 2-40 Act.

2-41 (b) As soon as practicable after the effective date of this  
 2-42 Act, the executive director of the Parks and Wildlife Commission  
 2-43 shall adopt procedures for the election of the gulf shrimp license  
 2-44 moratorium review board under Section 77.153, Parks and Wildlife  
 2-45 Code, as added by this Act. As soon as practicable after the  
 2-46 adoption of election procedures, but not later than November 1,  
 2-47 2005, the election of the gulf shrimp license moratorium review  
 2-48 board must be held.

2-49 SECTION 5. This Act takes effect immediately if it receives  
 2-50 a vote of two-thirds of all the members elected to each house, as  
 2-51 provided by Section 39, Article III, Texas Constitution. If this  
 2-52 Act does not receive the vote necessary for immediate effect, this  
 2-53 Act takes effect September 1, 2005.

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