

## **BILL ANALYSIS**

H.B. 3765  
By: O'Day  
Culture, Recreation, & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Private assistance is needed by TPWD to collect fish required for TPWD saltwater hatchery operations and various research studies. TPWD sponsors events aimed at collecting the brood fish to fill these needs. Under current law, anglers who participate in TPWD sponsored events either are limited to Parks and Wildlife Commission adopted size and bag limits, or a TPWD employee must physically accompany the angler and exercise the employee authority to take wildlife and fish (PWC §12.013). This action would extend the authority to take wildlife and fish to individuals who are under the direction of an employee and participating in an Executive Director of TPWD approved event.

Also, under current law, anglers who legally take fish from federal waters (Exclusive Economic Zone [EEZ]) of the Gulf of Mexico may land them in Texas without a Texas Fishing License or Saltwater Stamp Endorsement. Under the recent reauthorization of guidelines for managing federal waters, a requirement is forthcoming for a federal fishing license if a state does not have a license requirement to land fish from federal waters. This action would require a Texas Fishing License with saltwater endorsement to satisfy the requirements of the federal regulation and provide the waiver of a Federal Fishing License for Texas anglers.

HB3765 addresses the unloading of fish or other aquatic life taken for sporting purposes in the state that were caught in waters managed by the Gulf of Mexico Fishery Management Council, and to provide exemptions to size and bag limits for volunteers conducting activities on behalf of the Texas Parks and Wildlife Department (TPWD) in certain programs designated by the Executive Director of TPWD.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Department in SECTIONS 2 and 3 of this bill.

### **ANALYSIS**

SECTION 1. Section 12.013, Parks and Wildlife Code, is amended to provide the Executive Director the authority to designate events or programs to be conducted for research or species propagation where participating anglers supervised by TPWD employees would not be bound by size and bag possession limits for the duration of the event. This would include possession, taking, transportation or release to accomplish the intent of the event.

SECTION 2. Sections 43.402(a) and (b), Parks and Wildlife Code, are amended to require a Texas saltwater sportfishing stamp endorsement be required for any recreational angler to unload fish or other aquatic life in Texas which were caught in waters managed by the Gulf of Mexico Fishery Management Council. Those currently exempt from obtaining a fishing license would also be exempt from obtaining a saltwater sportfishing stamp endorsement. In order to legally fish in Texas for sporting purposes, the Texas sport fishing license is required with the Texas saltwater endorsement.

SECTION 3. Section 46.001, Parks and Wildlife Code, is amended to require a Texas sport fishing license to unload fish and other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council, unless a fishing license has been acquired and except as provided in the Parks and Wildlife Code.

SECTION 4. This Act takes effect September 1, 2007.

**EFFECTIVE DATE**

September 1, 2007