

By: O'Day

H.B. No. 3765

A BILL TO BE ENTITLED

AN ACT

relating to the taking or unloading of fish in this state.

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

SECTION 1. Section 12.013, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.013. POWER TO TAKE WILDLIFE; FISH. (a) An employee of the department acting within the scope of the employee's authority may possess, take, transport, release, and manage any of the wildlife and fish in this state for investigation, propagation, distribution, education, disease diagnosis or prevention, or scientific purposes.

(b) A person who is not an employee of the department who is participating under the supervision of a department employee in a program or event designated by the director as being conducted for research or species propagation and as exempt from the normally applicable size or bag limits may possess, take, transport, or release any fish in this state to accomplish the intent of the program or event.

SECTION 2. Sections 43.402(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) Except as provided by Subsection (b) or (c) of this section, no person may engage in fishing in saltwater for sporting purposes in this state, or unload in this state fish or other aquatic life taken for sporting purposes from waters managed by the

1 Gulf of Mexico Fishery Management Council established under the
2 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
3 1801 et seq.), unless the person has acquired a saltwater
4 sportfishing stamp endorsement issued to the person by the
5 department. The commission by rule may prescribe requirements
6 relating to possessing a stamp endorsement required by this
7 subchapter.

8 (b) A person who is exempted from obtaining a fishing
9 license under Chapter 46 [~~of this code~~] is not required to obtain a
10 saltwater sportfishing stamp endorsement.

11 SECTION 3. Section 46.001, Parks and Wildlife Code, is
12 amended to read as follows:

13 Sec. 46.001. PROHIBITED ACTS. No person may fish in the
14 public water of this state, or unload in this state fish or other
15 aquatic life taken for sporting purposes from waters managed by the
16 Gulf of Mexico Fishery Management Council established under the
17 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
18 1801 et seq.), unless he has acquired a fishing license issued under
19 this subchapter, except as provided by Sections 46.0012 and 46.002
20 [~~of this code~~]. The commission by rule may prescribe requirements
21 relating to possessing a license required by this subchapter.

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