

1-1 By: O'Day, Garcia (Senate Sponsor - Hegar) H.B. No. 3765
1-2 (In the Senate - Received from the House April 27, 2007;
1-3 May 1, 2007, read first time and referred to Subcommittee on
1-4 Agriculture, Rural Affairs and Coastal Resources; May 19, 2007,
1-5 reported favorably from Committee on Natural Resources by the
1-6 following vote: Yeas 11, Nays 0; May 19, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the taking or unloading of fish in this state.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 12.013, Parks and Wildlife Code, is
1-12 amended to read as follows:

1-13 Sec. 12.013. POWER TO TAKE WILDLIFE; FISH. (a) An
1-14 employee of the department acting within the scope of the
1-15 employee's authority may possess, take, transport, release, and
1-16 manage any of the wildlife and fish in this state for investigation,
1-17 propagation, distribution, education, disease diagnosis or
1-18 prevention, or scientific purposes.

1-19 (b) A person who is not an employee of the department who is
1-20 participating under the supervision of a department employee in a
1-21 program or event designated by the director as being conducted for
1-22 research or species propagation and as exempt from the normally
1-23 applicable size or bag limits may possess, take, transport, or
1-24 release any fish in this state to accomplish the intent of the
1-25 program or event.

1-26 SECTION 2. Sections 43.402(a) and (b), Parks and Wildlife
1-27 Code, are amended to read as follows:

1-28 (a) Except as provided by Subsection (b) or (c) of this
1-29 section, no person may engage in fishing in saltwater for sporting
1-30 purposes in this state, or unload in this state fish or other
1-31 aquatic life taken for sporting purposes from waters managed by the
1-32 Gulf of Mexico Fishery Management Council established under the
1-33 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
1-34 1801 et seq.), unless the person has acquired a saltwater
1-35 sportfishing stamp endorsement issued to the person by the
1-36 department. The commission by rule may prescribe requirements
1-37 relating to possessing a stamp endorsement required by this
1-38 subchapter.

1-39 (b) A person who is exempted from obtaining a fishing
1-40 license under Chapter 46 [~~of this code~~] is not required to obtain a
1-41 saltwater sportfishing stamp endorsement.

1-42 SECTION 3. Section 46.001, Parks and Wildlife Code, is
1-43 amended to read as follows:

1-44 Sec. 46.001. PROHIBITED ACTS. No person may fish in the
1-45 public water of this state, or unload in this state fish or other
1-46 aquatic life taken for sporting purposes from waters managed by the
1-47 Gulf of Mexico Fishery Management Council established under the
1-48 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
1-49 1801 et seq.), unless he has acquired a fishing license issued under
1-50 this subchapter, except as provided by Sections 46.0012 and 46.002
1-51 [~~of this code~~]. The commission by rule may prescribe requirements
1-52 relating to possessing a license required by this subchapter.

1-53 SECTION 4. This Act takes effect September 1, 2007.

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