

## **BILL ANALYSIS**

Senate Research Center  
82R1815 SLB-F

H.B. 1322  
By: Scott (Lucio)  
Agriculture & Rural Affairs  
4/27/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Section 46.001, Parks and Wildlife Code, requires a person to have a fishing license when actively sport fishing or landing fish in Texas. To effectively enforce this statute in the tidal waters of this state, a peace officer, including, but not limited to a game warden, is required to follow a vessel to shore where fish are landed before requiring a person who is in possession of the fish, but who was not observed sport fishing, to produce a fishing license. With the boundary of Texas waters extending to nine nautical miles offshore into the Gulf of Mexico and the Texas coast line extending 367 miles from the Louisiana state line to the Mexico border, it is problematic for game wardens to follow a vessel for miles until fish are landed.

H.B. 1322 amends the Parks and Wildlife Code, to require a person possessing fish in a vessel on tidal waters to hold a fishing license. Consequently, when a vessel is stopped for a water safety inspection and fish are in possession the license requirement could be enforced at that point. This bill would allow game wardens to use their patrol hours effectively to enforce fishing violations.

H.B. 1322 amends current law relating to the possession of fish in the tidal water of this state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 46.001, Parks and Wildlife Code, as follows:

Sec. 46.001. PROHIBITED ACTS. (a) Creates this subsection from existing text. Provides that no person may fish in the public water of this state, or unload in this state fish or other aquatic life taken for sporting purposes from waters managed by the Gulf of Mexico Fishery Management Council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. Section 1801 et seq.), rather than Fishery Conservation and Management Act of 1976, unless the person has acquired a fishing license issued under this subchapter, except as provided by Sections 46.0012 (Free Sportfishing Day) and 46.002 (Exemptions). Authorizes the Texas Parks and Wildlife Commission by rule to prescribe requirements relating to possessing a license required by this subchapter. Makes a nonsubstantive change.

(b) Prohibits a person in a vessel on tidal water from possessing fish taken for sporting purposes unless the person holds a fishing license issued under this subchapter, except as provided by Sections 46.0012 and 46.002. Provides that, in this subsection, "tidal water" has the meaning assigned by Section 47.001 (Definitions).

SECTION 2. Effective date: upon passage or September 1, 2011.