

BILL ANALYSIS

H.B. 1322
By: Scott
Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, a person is required to have a general fishing license when engaged in sportfishing in Texas. Some people assert that enforcement of this requirement on tidal water in the state is problematic because a game warden must follow a vessel to shore where the fish are landed before requiring the person in possession of the fish to produce a fishing license. Because of Texas' extensive shoreline, a game warden may have to follow a vessel for miles until the fish are landed and the requirement can be enforced. H.B. 1322 requires a person possessing fish in a vessel on tidal water in Texas to hold a general fishing license. Consequently, if a vessel is stopped for a water safety inspection and fish are in possession of a person on the vessel, the game warden could enforce the license requirement at that point. Game wardens could then use their patrol hours more effectively to enforce fishing violations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1322 amends the Parks and Wildlife Code to prohibit a person in a vessel on tidal water from possessing fish taken for sporting purposes unless the person holds a general fishing license issued under state law, except as specified in provisions of law relating to the annual free sportfishing day in Texas and exemptions to general fishing license requirements. The bill changes a reference to the Fishery Conservation and Management Act of 1976 to the Magnuson-Stevens Fishery Conservation and Management Act. The bill provides for the meaning of "tidal water" by reference and makes a nonsubstantive change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.