

## **BILL ANALYSIS**

C.S.H.B. 2189  
By: Elkins  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Handfishing, also known as noodling, is the practice and sport of fishing for catfish using one's bare hands. The method involves locating an underwater catfish hole and using an angler's fingers and hand as bait. After catching a catfish, an angler may then safely release the fish into the water. Interested parties have expressed a desire to legalize the practice in Texas.

C.S.H.B. 2189 seeks to authorize a person holding the required fishing license and freshwater fishing stamp issued to the person by the Parks and Wildlife Department to engage in handfishing in the public fresh water of Texas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 2189 amends the Parks and Wildlife Code to authorize a person holding the required fishing license and freshwater fishing stamp issued to the person by the Parks and Wildlife Department to engage in handfishing in the public fresh water of Texas. The bill authorizes the Parks and Wildlife Commission to adopt rules relating to handfishing and defines handfishing to mean fishing for catfish by the use of hands only and without any other fishing device such as a gaff, pole hook, trap, or spear.

### **EFFECTIVE DATE**

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

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 2189 differs from the original by adding a trap among the fishing devices specified in the definition of "handfishing." The substitute differs from the original by authorizing a person holding the required fishing license and freshwater fishing stamp, rather than a resident or nonresident fishing license, as in the original, issued to the person to engage in handfishing. The substitute contains a provision not included in the original authorizing the Parks and Wildlife Commission to adopt rules related to handfishing.

C.S.H.B. 2189 omits a provision included in the original specifying that a person engaging in handfishing is not required to obtain a freshwater fishing stamp.