

BILL ANALYSIS

Senate Research Center
82R1815 SLB-F

S.B. 1435
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Agriculture & Rural Affairs
4/7/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 46.001 (Prohibited Acts), 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 the person 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.

S.B. 1435 amends Section 46.001, Parks and Wildlife Code, and requires 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 more effectively to enforce fishing violations.

As proposed, S.B. 1435 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. Prohibits a person from fishing in the public water of this state, or unloading 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 the 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). 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. Defines "tidal water."

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