

BILL ANALYSIS

C.S.H.B. 1241
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Even though the Parks and Wildlife Department regulates the possession and transport of certain harmful aquatic species, it can be difficult to apply such regulation to the microscopic life stages of aquatic species. There are concerns that harmful, or even potentially harmful, aquatic species are a major environmental and industrial threat, with an estimated potential economic impact in the billions of dollars. In addition, experts note that rapidly proliferating harmful aquatic species may be spread through the transport of water in livewells, cooling systems, or other intake systems of boats that are operated on infested waters and subsequently operated on unaffected waters. C.S.H.B. 1241 seeks to give the Parks and Wildlife Commission certain rulemaking authority to address this issue in freshwater bodies.

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. 1241 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to adopt rules requiring a person leaving or approaching public water to drain from a vessel or portable container on board the vessel any water that has been collected from or has come in contact with public water. The bill excludes salt water from that authority and requires the commission, when promulgating the rules, to consider the effects on boaters, anglers, and local interests while maintaining the ability to prevent the spread of harmful or potentially harmful exotic fish, shellfish, and aquatic plants. The bill authorizes an authorized employee of the Parks and Wildlife Department, if the commission adopts such rules, to inspect a vessel leaving or approaching public water, including any portable containers on board the vessel, for the presence of water. The bill exempts a vessel that is on public water from such an inspection.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1241 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 66, Parks and Wildlife Code, is amended by

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 66, Parks and Wildlife Code, is amended by

83R 15643

13.73.75

Substitute Document Number: 83R 14517

adding Section 66.0073 to read as follows:
Sec. 66.0073. RULES REQUIRING WATER TO BE DRAINED. (a) In this section:

(1) "Public water" has the meaning assigned by Section 66.015.

(2) "Vessel" has the meaning assigned by Section 31.003.

(b) The commission may adopt rules requiring a person leaving public water to drain from a vessel or portable container on board the vessel any water that has been collected from or has come in contact with public water.

(c) If the commission adopts rules described by Subsection (b), an authorized employee of the department may inspect a vessel leaving or approaching public water, including any portable containers on board the vessel, for the presence of water. This subsection does not apply to a vessel that is on public water.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

adding Section 66.0073 to read as follows:
Sec. 66.0073. RULES REQUIRING WATER TO BE DRAINED. (a) In this section:

(1) "Public water" has the meaning assigned by Section 66.015.

(2) "Salt water" has the meaning assigned by Section 66.001.

(3) "Vessel" has the meaning assigned by Section 31.003.

(b) The commission may adopt rules requiring a person leaving or approaching public water to drain from a vessel or portable container on board the vessel any water that has been collected from or has come in contact with public water. This subsection does not apply to salt water.

(c) When promulgating rules described by Subsection (b), the commission shall consider the effects on boaters, anglers, and local interests while maintaining the ability to prevent the spread of harmful or potentially harmful exotic fish, shellfish, and aquatic plants.

(d) If the commission adopts rules described by Subsection (b), an authorized employee of the department may inspect a vessel leaving or approaching public water, including any portable containers on board the vessel, for the presence of water. This subsection does not apply to a vessel that is on public water.

SECTION 2. Same as introduced version.