

BILL ANALYSIS

C.S.H.B. 3279
By: Morrison
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Environmental experts note the various beneficial roles that seagrass meadows play in the coastal environment. Because of the valuable ecosystem services seagrasses provide, resource managers, coastal scientists, environmentalists, and sports enthusiasts have expressed concerns about detrimental impacts of certain boating activities to this important shallow-water habitat. The Texas Parks and Wildlife Commission recently appointed the Coastal User Working Group to discuss and recommend solutions for protecting seagrass habitat and reducing user conflict in the bays and estuaries of the Texas coast. One of the workgroup's recommendations was to develop a regulation protecting seagrasses statewide. In an effort to protect seagrass meadows while preserving access to coastal waters by all user groups, C.S.H.B. 3279 makes the act of uprooting or digging out seagrass plants a criminal offense under certain circumstances.

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

C.S.H.B. 3279 amends the Parks and Wildlife Code to make it a Class C Parks and Wildlife Code misdemeanor offense to uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of the state by means of a propeller, except as authorized by a coastal lease granted by the General Land Office or a commercial license or permit issued by the Texas Parks and Wildlife Department. The bill establishes a defense to prosecution for such an offense if a person anchors a vessel or uses an electric trolling motor within an area containing seagrass plants and in doing so uproots a seagrass plant or if a person operates a vessel in a manner consistent with the acceleration required to reach and stay on plane. The bill defines "seagrass plant" as a flowering marine plant and sets out the specific plant species encompassed by the term.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3279 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 | HOUSE COMMITTEE SUBSTITUTE |
|--------------------------------------|--------------------------------------|
| SECTION 1. Subchapter A, Chapter 66, | SECTION 1. Subchapter A, Chapter 66, |

Parks and Wildlife Code, is amended by adding Section 66.024 to read as follows:

Sec. 66.024. SEAGRASS PLANTS. (a) In this section, "seagrass plant" means a flowering marine plant of the species:

- (1) Cymodocea filiformis, known as manatee grass;
- (2) Halodule beaudettei, known as shoal grass;
- (3) Halophila engelmannii, known as star grass or Engelmann's seagrass;
- (4) Ruppia maritima, known as widgeon grass; or
- (5) Thalassia testudinum, known as turtle grass.

(b) A person may not uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of this state by means of a propeller, except as that uprooting or digging out may be authorized by a coastal lease granted by the General Land Office or a commercial license or permit issued by the Texas Parks and Wildlife Department.

(c) It is a defense to prosecution under this section that a person:

- (1) anchors a vessel within an area containing seagrass plants and **does not uproot** a seagrass plant; or
- (2) uses an electric trolling motor within an area containing seagrass plants and **does not uproot** a seagrass plant.
- (3) operates a vessel in a manner consistent with **getting a boat on plane**.

(d) A person who violates this section or a proclamation of the commission under this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. This Act takes effect September 1, 2013.

Parks and Wildlife Code, is amended by adding Section 66.024 to read as follows:

Sec. 66.024. SEAGRASS PLANTS. (a) In this section, "seagrass plant" means a flowering marine plant of the species:

- (1) Cymodocea filiformis, known as manatee grass;
- (2) Halodule beaudettei, known as shoal grass;
- (3) Halophila engelmannii, known as star grass or Engelmann's seagrass;
- (4) Ruppia maritima, known as widgeon grass; or
- (5) Thalassia testudinum, known as turtle grass.

(b) A person may not uproot or dig out any rooted seagrass plant from a bay bottom or other saltwater bottom area in the jurisdiction of this state by means of a propeller, except as that uprooting or digging out may be authorized by:

- (1) a coastal lease granted by the General Land Office; or
- (2) a commercial license or permit issued by the department.

(c) It is a defense to prosecution under this section that a person:

- (1) anchors a vessel within an area containing seagrass plants and **uproots** a seagrass plant;
- (2) uses an electric trolling motor within an area containing seagrass plants and **uproots** a seagrass plant; or
- (3) operates a vessel in a manner consistent with **the acceleration required to reach and stay on plane**.

(d) A person who violates this section or a proclamation of the commission under this section commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. Same as introduced version.