

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 24, 2015**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1189** by Guillen (relating to the management of commercial oyster boats in this state; amending a provision subject to a criminal penalty.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Parks and Wildlife Code to allow the Parks and Wildlife Department (TPWD) to establish a vessel monitoring system for commercial oyster boats. Before establishing such a system, TPWD would be required to consult with oyster boat license holders concerning its implementation. The bill would further amend the Parks and Wildlife Code pertaining to certain criminal penalties by adding oyster size limits to the list of violations a crew member can be guilty of regardless of whether the violation occurred against the captain's orders.

The bill would further amend the Parks and Wildlife Code to implement a commercial oyster boat license buyback program. The bill would require the TPWD retain at least 20 percent of the fees from resident and non-resident commercial oyster boat licenses within the Game, Fish, and Water Safety Account No. 9 to be used for the buying back of commercial oyster boat licenses from willing holders. The bill would allow TPWD to reissue retired licenses through auction or lottery.

According to information provided by the Comptroller of Public Accounts, the bill could reduce revenue to the Game, Fish, and Water Safety Account No. 9 by an indeterminate amount. This analysis assumes there would be a minimal revenue loss to this account.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. Legislative policy, implemented as Government Code 403.094, consolidated special funds (except those affected by constitutional, federal, or other restrictions) into the General Revenue Fund as of August 31, 1993 and eliminated all applicable statutory revenue dedications as of August 31, 1995. Each subsequent Legislature has reviewed bills that affect funds consolidation. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Based on information provided by the Parks and Wildlife Department, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 802 Parks and Wildlife Department

**LBB Staff:** UP, SZ, MWI