

BILL ANALYSIS

C.S.H.B. 1724
By: Guillen
Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that license buyback programs ensure the viability of the Texas fishing industry but contend that such programs exist separately from one another and that their funding is sometimes diverted for other purposes. C.S.H.B. 1724 seeks to address this issue by providing for a commercial license buyback subaccount in the game, fish, and water safety account.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1724 repeals Parks and Wildlife Code provisions relating to the shrimp license buyback account and amends the Parks and Wildlife Code to create the commercial license buyback subaccount in the game, fish, and water safety account to consist of money deposited to the subaccount as provided by the bill. The bill provides for specified sources of revenue to be deposited by the Parks and Wildlife Department (TPWD) to the credit of the commercial license buyback subaccount as follows: revenue set aside as provided by law from the fees from finfish licenses issued and approved finfish license transfers; revenue set aside as provided by law from the fees from commercial crab licenses and transfer fees; a fee collected for the transfer of a commercial bay or bait shrimp boat license; \$25 of each wholesale fish dealer's license issued under applicable law; \$25 of each wholesale truck dealer's fish license issued under applicable law; \$6 of each retail fish dealer's license issued under applicable law; \$11 of each retail dealer's truck license issued under applicable law; \$25 of each commercial bay shrimp boat license issued under applicable law; \$25 of each commercial bait-shrimp boat license issued under applicable law; \$25 of each commercial gulf shrimp boat license issued under applicable law; \$15 of each bait-shrimp dealer's license issued under applicable law; and revenue from any other source authorized by law.

C.S.H.B. 1724 authorizes TPWD to accept grants and donations of money or materials from private or public sources to be applied to the commercial license buyback subaccount. The bill authorizes money in the commercial license buyback subaccount to be used only to buy back a commercial license from a willing license holder and establishes that the subaccount is not subject to Government Code provisions relating to the use of dedicated revenue. The bill specifies the commercial license buyback subaccount in the game, fish, and water safety account as the account to which revenue set aside as provided by law from fees under the finfish license buyback program and the crab license buyback program is credited and removes as the sole

purpose of such money, respectively, the buying back of finfish licenses and commercial crab licenses from a willing license holder.

C.S.H.B. 1724 abolishes the shrimp license buyback account on September 1, 2017, and requires the comptroller of public accounts to transfer the unencumbered balance of the account to the commercial license buyback subaccount.

C.S.H.B. 1724 repeals the following provisions of the Parks and Wildlife Code:

- Sections 47.081(e) and (f)
- Section 77.120
- Sections 78.111(e) and (f)

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1724 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 11.032(b), Parks and Wildlife Code, is amended to read as follows:

(b) The department shall deposit to the credit of the game, fish, and water safety account all revenue, less allowable costs, from the following sources:

(1) all types of fishing licenses and stamps and shrimping licenses~~[, except as provided by Section 77.120]~~;

(2) all types of hunting licenses and stamps;

(3) trapping licenses and other licenses relating to the taking, propagation, and sale of fur-bearing animals or their pelts;

(4) sale of marl, sand, gravel, shell, and mudshell;

(5) oyster bed rentals and permits;

(6) federal funds received for fish and wildlife research, management, development and conservation, resource protection, and law enforcement, unless the funds are received for the specific purposes of Subchapter F, Chapter 77;

(7) sale of property, less advertising costs, purchased from this account or a special fund or account that is now part of this account;

(8) fines and penalties collected for violations of a law pertaining to the protection and conservation of wild birds,

wild fowl, wild animals, fish, shrimp, oysters, game birds and animals, fur-bearing animals, alligators, and any other wildlife resources of this state;

- (9) sale of rough fish by the department;
- (10) fees for importation permits;
- (11) fees from supplying fish for or placing fish in water located on private property;
- (12) sale of seized pelts;
- (13) sale or lease of grazing rights to and the products from game preserves, sanctuaries, and management areas;
- (14) contracts for the removal of fur-bearing animals and reptiles from wildlife management areas;
- (15) vessel registration fees;
- (16) vessel manufacturer or dealer licensing fees;
- (17) fines or penalties imposed by a court for violation of water safety laws contained in Chapter 31 of this code;
- (18) alligator hunter's or alligator buyer's licenses;
- (19) sale of alligators or any part of an alligator by the department;
- (20) fees and revenue collected under Section 11.027(b) or (c) of this code that are associated with the conservation of fish and wildlife;
- (21) any other source provided by law; and
- (22) vessel and outboard motor titling fees.

SECTION 1. Subchapter B, Chapter 47, Parks and Wildlife Code, is amended by adding Section 47.041 to read as follows:

Sec. 47.041. COMMERCIAL LICENSE BUYBACK ACCOUNT. (a) The commercial license buyback account is a separate account in the general revenue fund. The account consists of money deposited to the account under this section and Sections 47.081 and 78.111.

(b) The department may accept grants and donations of money or materials from private or public sources to be applied to the commercial license buyback account.

(c) In addition to fee increases the department is authorized to make under this code, the department shall increase by 15 percent, but not by an amount that exceeds \$25, the fee for the following licenses and shall deposit the amount of the increase to the credit of the commercial license buyback

SECTION 2. Subchapter B, Chapter 47, Parks and Wildlife Code, is amended by adding Section 47.041 to read as follows:

Sec. 47.041. COMMERCIAL LICENSE BUYBACK SUBACCOUNT. (a) The commercial license buyback subaccount is a subaccount in the game, fish, and water safety account. The subaccount consists of money deposited to the subaccount under this section.

(See Subsec. (c) below.)

(b) The department shall deposit to the credit of the commercial license buyback subaccount revenue from the following sources:

- (1) revenue set aside under Section 47.081(d);
- (2) revenue set aside under Section

account:

- (1) a bait-shrimp dealer's license issued under Section 77.043;
- (2) a wholesale fish dealer's license issued under Section 47.009;
- (3) a wholesale truck dealer's fish license issued under Section 47.010;
- (4) a retail fish dealer's license issued under Section 47.011;
- (5) a retail dealer's truck license issued under Section 47.013;
- (6) a commercial bait-shrimp boat license issued under Section 77.033;
- (7) a commercial bay shrimp boat license issued under Section 77.031; and
- (8) a commercial gulf shrimp boat license issued under Section 77.035.

(d) The department shall deposit to the credit of the commercial license buyback account transfer fees received under Section 77.115.

(See Subsec. (b) above.)

(e) Money in the commercial license buyback account may be used only to buy back from a willing license holder a commercial license.

(f) Money to be used for the purpose of buying back licenses issued under this subchapter is not subject to Section 403.095, Government Code.

SECTION 2. Section 47.081(d), Parks and Wildlife Code, is amended to read as follows:

(d) The department shall set aside at least 20 percent of the fees from licenses issued and license transfers approved under this subchapter [~~to be used only for the purpose of buying back those licenses from a willing license holder~~]. That money shall be sent to the comptroller for deposit to the credit of the commercial license buyback [~~game, fish, and water safety~~] account.

SECTION 3. Section 78.111(d), Parks and

78.111(d):

- (3) a fee collected under Section 77.115;
- (4) \$25 of each wholesale fish dealer's license issued under Section 47.009;
- (5) \$25 of each wholesale truck dealer's fish license issued under Section 47.010;
- (6) \$6 of each retail fish dealer's license issued under Section 47.011;
- (7) \$11 of each retail dealer's truck license issued under Section 47.013;
- (8) \$25 of each commercial bay shrimp boat license issued under Section 77.031;
- (9) \$25 of each commercial bait-shrimp boat license issued under Section 77.033;
- (10) \$25 of each commercial gulf shrimp boat license issued under Section 77.035;
- (11) \$15 of each bait-shrimp dealer's license issued under Section 77.043; and
- (12) revenue from any other source authorized by law.

(See Subdiv. (3) above.)

(c) The department may accept grants and donations of money or materials from private or public sources to be applied to the commercial license buyback subaccount.

(d) Money in the commercial license buyback subaccount may be used only to buy back a commercial license from a willing license holder.

(e) The commercial license buyback subaccount is not subject to Section 403.095, Government Code.

SECTION 3. Section 47.081(d), Parks and Wildlife Code, is amended to read as follows:

(d) The department shall set aside at least 20 percent of the fees from licenses issued and license transfers approved under this subchapter [~~to be used only for the purpose of buying back those licenses from a willing license holder~~]. That money shall be sent to the comptroller for deposit to the credit of the commercial license buyback subaccount in the game, fish, and water safety account.

SECTION 4. Section 78.111(d), Parks and

Wildlife Code, is amended to read as follows:

(d) The department shall set aside at least 20 percent of the fee from commercial crab licenses and transfer fees [~~to be used only for the purpose of buying back commercial crab licenses from a willing license holder~~]. That money shall be sent to the comptroller for deposit to the credit of the commercial license buyback [~~game, fish, and water safety~~] account.

SECTION 4. The following sections of the Parks and Wildlife Code are repealed:

- (1) Sections 47.081(e) and (f);
- (2) Section 77.120; and
- (3) Sections 78.111(e) and (f).

No equivalent provision.

SECTION 5. This Act takes effect September 1, 2017.

Wildlife Code, is amended to read as follows:

(d) The department shall set aside at least 20 percent of the fee from commercial crab licenses and transfer fees [~~to be used only for the purpose of buying back commercial crab licenses from a willing license holder~~]. That money shall be sent to the comptroller for deposit to the credit of the commercial license buyback subaccount in the game, fish, and water safety account.

SECTION 5. Substantially the same as introduced version.

SECTION 6. On September 1, 2017, the shrimp license buyback account is abolished and the comptroller of public accounts shall transfer the unencumbered balance of the account to the commercial license buyback subaccount created under Section 47.041, Parks and Wildlife Code, as added by this Act.

SECTION 7. Same as introduced version.