

By: Phelan

H.B. No. 1260

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of commercial shrimp unloading;
3 requiring an occupational license; authorizing a fee.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 47.0091, Parks and Wildlife Code, is
6 amended to read as follows:

7 Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE
8 FISH DEALERS. No wholesale fish dealer may purchase for resale or
9 receive for sale, barter, exchange, or any other commercial purpose
10 any aquatic product from any person or entity in this state unless
11 he purchases the product from the holder of:

- 12 (1) a general commercial fisherman's license;
- 13 (2) a commercial oyster fisherman's license;
- 14 (3) a commercial oyster boat license;
- 15 (4) a wholesale fish dealer's license;
- 16 (5) a fish farmer's license;
- 17 (6) a commercial shrimp boat license;
- 18 (7) a commercial oyster boat captain's license;
- 19 (8) a commercial shrimp boat captain's license;
- 20 (9) a commercial crab fisherman's license; ~~or~~
- 21 (10) a commercial finfish fisherman's license; or
- 22 (11) a commercial gulf shrimp unloading license.

23 SECTION 2. Section 47.0111, Parks and Wildlife Code, is
24 amended to read as follows:

1 Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH
2 DEALERS. No retail fish dealer may purchase for resale or receive
3 for sale, barter, exchange, or any other commercial purposes any
4 aquatic products from any person or entity in this state unless he
5 purchases the product from the holder of:

6 (1) a wholesale fish dealer's license;

7 (2) a general commercial fisherman's license, a
8 commercial shrimp boat license, a commercial shrimp boat captain's
9 license, a commercial gulf shrimp unloading license, a commercial
10 crab fisherman's license, or a commercial finfish fisherman's
11 license when the retail fish dealer has given written notification
12 to the director or his designee of the dealer's intent to purchase
13 aquatic products from the holder of a general commercial
14 fisherman's license, a commercial shrimp boat license, a commercial
15 shrimp boat captain's license, a commercial crab fisherman's
16 license, or a commercial finfish fisherman's license; or

17 (3) a fish farmer's license.

18 SECTION 3. Section 47.012, Parks and Wildlife Code, is
19 amended to read as follows:

20 Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT
21 OWNER, OPERATOR, OR EMPLOYEE. No restaurant owner, operator, or
22 employee may purchase for consumption by the restaurant's patrons
23 on the restaurant's premises any aquatic product from any person or
24 entity in this state unless the person purchases the aquatic
25 product from the holder of:

26 (1) a wholesale fish dealer's license;

27 (2) a general commercial fisherman's license;

- 1 (3) a fish farmer's license;
- 2 (4) a commercial shrimp boat license;
- 3 (5) a commercial shrimp boat captain's license;
- 4 (6) a commercial crab fisherman's license; [~~or~~]
- 5 (7) a commercial finfish fisherman's license; or
- 6 (8) a commercial gulf shrimp unloading license.

7 SECTION 4. Subchapter C, Chapter 77, Parks and Wildlife
8 Code, is amended by adding Section 77.034 to read as follows:

9 Sec. 77.034. COMMERCIAL GULF SHRIMP UNLOADING LICENSE. (a)
10 Except as provided by Subsection (b), no person may unload or allow
11 to be unloaded at a port or point in this state shrimp or other
12 aquatic products caught or taken from the outside water or from salt
13 water outside the state without having been previously unloaded in
14 some other state or foreign country, unless the person has
15 obtained:

- 16 (1) a commercial gulf shrimp unloading license; and
- 17 (2) a federal commercial vessel permit for gulf shrimp
18 from the National Oceanic and Atmospheric Administration.

19 (b) A person holding a valid resident or nonresident
20 commercial gulf shrimp boat license is exempt from the requirement
21 to hold a commercial gulf shrimp unloading license.

22 (c) A vessel operating under a commercial gulf shrimp
23 unloading license must make a nonstop progression through outside
24 waters to a place of unloading. The commission shall adopt rules for
25 the requirements of trawl gear storage for a vessel who holds a
26 commercial gulf shrimp unloading license while that vessel is
27 making a nonstop progression through outside waters to a place of

1 unloading.

2 (d) The fee for a commercial gulf shrimp unloading license
3 is \$1485, or an amount set by the commission, whichever amount is
4 more.

5 SECTION 5. Section 77.035(a), Parks and Wildlife Code, is
6 amended to read as follows:

7 (a) Except as permitted under Section 77.034, no ~~no~~ person
8 may operate a commercial gulf shrimp boat for catching or assisting
9 in catching shrimp and other edible aquatic products from the
10 outside water, or have on board a boat, or unload, or allow to be
11 unloaded at a port or point in this state, shrimp and other edible
12 aquatic products caught or taken from the outside water or from salt
13 water outside the state without having been previously unloaded in
14 some other state or foreign country, unless the owner of the boat
15 has obtained a commercial gulf shrimp boat license.

16 SECTION 6. Sections 77.0352(a) and (b), Parks and Wildlife
17 Code, are amended to read as follows:

18 (a) The holder of a commercial shrimp boat license or
19 commercial gulf shrimp unloading license may sell only the catch of
20 shrimp from the vessel to which the commercial shrimp boat license
21 or commercial gulf shrimp unloading license applies.

22 (b) The holder of a commercial shrimp boat license or
23 commercial gulf shrimp unloading license may sell aquatic products
24 other than shrimp if those aquatic products:

25 (1) were taken incidental to lawful shrimping on the
26 vessel to which the commercial shrimp boat license or commercial
27 gulf shrimp unloading license applies; and

1 (2) comply with all applicable provisions of this code
2 or commission regulations.

3 SECTION 7. Section 77.039(a), Parks and Wildlife Code, is
4 amended to read as follows:

5 (a) A commercial shrimp boat license or commercial gulf
6 shrimp unloading license issued under this subchapter must be a
7 sign or emblem at least 32 square inches in size and be constructed
8 of a durable material.

9 SECTION 8. The Parks and Wildlife Commission shall adopt
10 rules not later than September 1, 2018, to implement Sections
11 77.034, Parks and Wildlife Code, as added by this Act, and 77.039,
12 Parks and Wildlife Code, as amended by this Act.

13 SECTION 9. This Act takes effect September 1, 2017.