

1-1 By: Phelan (Senate Sponsor - Creighton) H.B. No. 1260
 1-2 (In the Senate - Received from the House April 26, 2017;
 1-3 May 4, 2017, read first time and referred to Committee on
 1-4 Agriculture, Water & Rural Affairs; May 18, 2017, reported
 1-5 favorably by the following vote: Yeas 5, Nays 0; May 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | | | X | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | | | X | |
| 1-15 | X | | | |

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the regulation of commercial shrimp unloading;
 1-19 requiring an occupational license; authorizing a fee.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 47.0091, Parks and Wildlife Code, is
 1-22 amended to read as follows:

1-23 Sec. 47.0091. PURCHASE OF AQUATIC PRODUCTS BY WHOLESALE
 1-24 FISH DEALERS. No wholesale fish dealer may purchase for resale or
 1-25 receive for sale, barter, exchange, or any other commercial purpose
 1-26 any aquatic product from any person or entity in this state unless
 1-27 he purchases the product from the holder of:

- 1-28 (1) a general commercial fisherman's license;
- 1-29 (2) a commercial oyster fisherman's license;
- 1-30 (3) a commercial oyster boat license;
- 1-31 (4) a wholesale fish dealer's license;
- 1-32 (5) a fish farmer's license;
- 1-33 (6) a commercial shrimp boat license;
- 1-34 (7) a commercial oyster boat captain's license;
- 1-35 (8) a commercial shrimp boat captain's license;
- 1-36 (9) a commercial crab fisherman's license; [~~or~~]
- 1-37 (10) a commercial finfish fisherman's license; or
- 1-38 (11) a commercial gulf shrimp unloading license.

1-39 SECTION 2. Section 47.0111, Parks and Wildlife Code, is
 1-40 amended to read as follows:

1-41 Sec. 47.0111. PURCHASE OF AQUATIC PRODUCTS BY RETAIL FISH
 1-42 DEALERS. No retail fish dealer may purchase for resale or receive
 1-43 for sale, barter, exchange, or any other commercial purposes any
 1-44 aquatic products from any person or entity in this state unless he
 1-45 purchases the product from the holder of:

- 1-46 (1) a wholesale fish dealer's license;
- 1-47 (2) a general commercial fisherman's license, a
 1-48 commercial shrimp boat license, a commercial shrimp boat captain's
 1-49 license, a commercial gulf shrimp unloading license, a commercial
 1-50 crab fisherman's license, or a commercial finfish fisherman's
 1-51 license when the retail fish dealer has given written notification
 1-52 to the director or his designee of the dealer's intent to purchase
 1-53 aquatic products from the holder of a general commercial
 1-54 fisherman's license, a commercial shrimp boat license, a commercial
 1-55 shrimp boat captain's license, a commercial crab fisherman's
 1-56 license, or a commercial finfish fisherman's license; or
- 1-57 (3) a fish farmer's license.

1-58 SECTION 3. Section 47.012, Parks and Wildlife Code, is
 1-59 amended to read as follows:

1-60 Sec. 47.012. PURCHASE OF AQUATIC PRODUCTS BY RESTAURANT
 1-61 OWNER, OPERATOR, OR EMPLOYEE. No restaurant owner, operator, or

2-1 employee may purchase for consumption by the restaurant's patrons
 2-2 on the restaurant's premises any aquatic product from any person or
 2-3 entity in this state unless the person purchases the aquatic
 2-4 product from the holder of:

- 2-5 (1) a wholesale fish dealer's license;
- 2-6 (2) a general commercial fisherman's license;
- 2-7 (3) a fish farmer's license;
- 2-8 (4) a commercial shrimp boat license;
- 2-9 (5) a commercial shrimp boat captain's license;
- 2-10 (6) a commercial crab fisherman's license; [~~or~~]
- 2-11 (7) a commercial finfish fisherman's license; or
- 2-12 (8) a commercial gulf shrimp unloading license.

2-13 SECTION 4. Subchapter C, Chapter 77, Parks and Wildlife
 2-14 Code, is amended by adding Section 77.034 to read as follows:

2-15 Sec. 77.034. COMMERCIAL GULF SHRIMP UNLOADING LICENSE. (a)
 2-16 Except as provided by Subsection (b), no person may unload or allow
 2-17 to be unloaded at a port or point in this state shrimp or other
 2-18 aquatic products caught or taken from the outside water or from salt
 2-19 water outside the state without having been previously unloaded in
 2-20 some other state or foreign country, unless the person has
 2-21 obtained:

- 2-22 (1) a commercial gulf shrimp unloading license; and
 - 2-23 (2) a federal commercial vessel permit for gulf shrimp
- 2-24 from the National Oceanic and Atmospheric Administration.

2-25 (b) A person holding a valid resident or nonresident
 2-26 commercial gulf shrimp boat license is exempt from the requirement
 2-27 to hold a commercial gulf shrimp unloading license.

2-28 (c) A vessel operating under a commercial gulf shrimp
 2-29 unloading license must make a nonstop progression through outside
 2-30 waters to a place of unloading. The commission shall adopt rules for
 2-31 the requirements of trawl gear storage for a vessel who holds a
 2-32 commercial gulf shrimp unloading license while that vessel is
 2-33 making a nonstop progression through outside waters to a place of
 2-34 unloading.

2-35 (d) The fee for a commercial gulf shrimp unloading license
 2-36 is \$1485, or an amount set by the commission, whichever amount is
 2-37 more.

2-38 SECTION 5. Section 77.035(a), Parks and Wildlife Code, is
 2-39 amended to read as follows:

2-40 (a) Except as permitted under Section 77.034, no [No] person
 2-41 may operate a commercial gulf shrimp boat for catching or assisting
 2-42 in catching shrimp and other edible aquatic products from the
 2-43 outside water, or have on board a boat, or unload, or allow to be
 2-44 unloaded at a port or point in this state, shrimp and other edible
 2-45 aquatic products caught or taken from the outside water or from salt
 2-46 water outside the state without having been previously unloaded in
 2-47 some other state or foreign country, unless the owner of the boat
 2-48 has obtained a commercial gulf shrimp boat license.

2-49 SECTION 6. Sections 77.0352(a) and (b), Parks and Wildlife
 2-50 Code, are amended to read as follows:

2-51 (a) The holder of a commercial shrimp boat license or
 2-52 commercial gulf shrimp unloading license may sell only the catch of
 2-53 shrimp from the vessel to which the commercial shrimp boat license
 2-54 or commercial gulf shrimp unloading license applies.

2-55 (b) The holder of a commercial shrimp boat license or
 2-56 commercial gulf shrimp unloading license may sell aquatic products
 2-57 other than shrimp if those aquatic products:

2-58 (1) were taken incidental to lawful shrimping on the
 2-59 vessel to which the commercial shrimp boat license or commercial
 2-60 gulf shrimp unloading license applies; and

2-61 (2) comply with all applicable provisions of this code
 2-62 or commission regulations.

2-63 SECTION 7. Section 77.039(a), Parks and Wildlife Code, is
 2-64 amended to read as follows:

2-65 (a) A commercial shrimp boat license or commercial gulf
 2-66 shrimp unloading license issued under this subchapter must be a
 2-67 sign or emblem at least 32 square inches in size and be constructed
 2-68 of a durable material.

2-69 SECTION 8. The Parks and Wildlife Commission shall adopt

3-1 rules not later than September 1, 2018, to implement Sections
3-2 77.034, Parks and Wildlife Code, as added by this Act, and 77.039,
3-3 Parks and Wildlife Code, as amended by this Act.
3-4 SECTION 9. This Act takes effect September 1, 2017.

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