

By: Creighton

S.B. No. 2017

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the regulation of commercial shrimp unloading;
3 requiring an occupational license and authorizing a fee for certain
4 nonresident persons.

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

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

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

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

24 SECTION 2. Section 47.0111, Parks and Wildlife Code, is

1 amended to read as follows:

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

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

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

19 (3) a fish farmer's license.

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

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

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

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

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

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

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

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

1 commercial gulf shrimp unloading license while that vessel is
2 making a nonstop progression through outside waters to a place of
3 unloading.

4 (d) The fee for a commercial gulf shrimp unloading license
5 is \$1,485, or an amount set by the commission, whichever amount is
6 more.

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

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

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

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

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

27 (1) were taken incidental to lawful shrimping on the

1 vessel to which the commercial shrimp boat license or commercial
2 gulf shrimp unloading license applies; and

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

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

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

11 SECTION 8. The Parks and Wildlife Commission shall adopt
12 rules not later than September 1, 2018, to implement Section
13 77.034, Parks and Wildlife Code, as added by this Act, and Section
14 77.039, Parks and Wildlife Code, as amended by this Act.

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