

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Lozano

H.B. No. 2218

A BILL TO BE ENTITLED

AN ACT

relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.

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

SECTION 1. Section 47.008, Parks and Wildlife Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) A boat may not be used for the purpose of catching, storing, and transporting menhaden in tidal water unless the owner of the boat has acquired:

(1) a Class A menhaden boat license; or

(2) a Class C menhaden boat license.

(a-1) The holder of a Class C menhaden boat license may not take or harvest from the public water of the state more than 300 pounds a day of menhaden or an amount set by the department.

(d) The commission shall set the license fee for each ~~Class B~~ menhaden boat for each yearly period:

(1) in an amount not less than \$2,000 for a Class A menhaden boat license;

(2) in an amount not to exceed \$50 for a Class B menhaden boat license; and

(3) at \$420 for a Class C menhaden boat license.

SECTION 2. Section 47.038, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (a-1) to

1 read as follows:

2 (a) Except as provided by Subsection (a-1), nets [~~Nets~~] or  
3 purse seines used for catching menhaden may not be:

4 (1) less than one and one-half inch stretched mesh,  
5 excluding the bag;

6 (2) used in any bay, river, pass, or tributary, nor  
7 within one mile of any barrier, jetty, island, or pass, nor within  
8 one-half mile offshore in the Gulf of Mexico; or

9 (3) used for the purpose of taking edible aquatic  
10 products for the purpose of barter, sale, or exchange.

11 (a-1) The holder of a Class C menhaden boat license issued  
12 under Section 47.008 may use a cast net, as defined by the  
13 commission, to catch menhaden.

14 SECTION 3. Section 47.008(c), Parks and Wildlife Code, is  
15 repealed.

16 SECTION 4. This Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

*Letay Graw*  
Secretary of the Senate

By: Zaffirini

H.B. No. 2218

Substitute the following for H.B. No. 2218:

By: Brandon Coughlin

C.S. H.B. No. 2218

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SECTION 1. Section 47.008, Parks and Wildlife Code, is amended by amending Subsections (a) and (d) and adding Subsection (a-1) to read as follows:

(a) A boat may not be used for the purpose of catching, storing, and transporting menhaden in tidal water unless the owner of the boat has acquired:

(1) a Class A menhaden boat license; or

(2) a Class C menhaden boat license.

(a-1) The holder of a Class C menhaden boat license may not take or harvest from the public water of the state more than 300 pounds a day of menhaden or an amount set by the department.

(d) The commission shall set the license fee for each ~~Class B~~ menhaden boat for each yearly period:

(1) in an amount not less than \$2,000 for a Class A menhaden boat license;

(2) in an amount not to exceed \$50 for a Class B menhaden boat license; and

(3) at \$420 for a Class C menhaden boat license.

SECTION 2. Section 47.038, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (a-1) to

1 read as follows:

2 (a) Except as provided by Subsection (a-1), nets [~~Nets~~] or  
3 purse seines used for catching menhaden may not be:

4 (1) less than one and one-half inch stretched mesh,  
5 excluding the bag;

6 (2) used in any bay, river, pass, or tributary, nor  
7 within one mile of any barrier, jetty, island, or pass, nor within  
8 one-half mile offshore in the Gulf of Mexico; or

9 (3) used for the purpose of taking edible aquatic  
10 products for the purpose of barter, sale, or exchange.

11 (a-1) The holder of a Class C menhaden boat license issued  
12 under Section 47.008 may use a cast net, as defined by the  
13 commission, to catch menhaden in any coastal bay, river, or  
14 tributary landward from the shoreline of the state along the coast  
15 of the Gulf of Mexico.

16 SECTION 3. Section 47.008(c), Parks and Wildlife Code, is  
17 repealed.

18 SECTION 4. This Act takes effect September 1, 2019.

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 23, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2218** by Lozano (Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.), **As Passed 2nd House**

**The bill would have an indeterminate fiscal impact to the state because the amount of license applications that would be received and associated revenue for the Class C menhaden boat license cannot be determined.**

The bill would amend Parks and Wildlife Code to create a Class C menhaden boat license. The bill would take effect September 1, 2019.

According the Comptroller of Public Accounts, the amount of license applications and associated revenue for Class C menhaden boat licenses cannot be determined. Additionally, it cannot be determined how many current Class A menhaden boat licensees would choose to obtain a Class C license instead. Based on analysis of the Parks and Wildlife Department, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

This legislation 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 in, with, or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

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

**LBB Staff:** WP, SD, TBo, SZ, MW

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 20, 2019**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2218** by Lozano (Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.), **Committee Report 2nd House, Substituted**

**The bill would have an indeterminate fiscal impact to the state because the amount of license applications that would be received and associated revenue for the Class C menhaden boat license cannot be determined.**

The bill would amend Parks and Wildlife Code to create a Class C menhaden boat license. The bill would take effect September 1, 2019.

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**Source Agencies:**     304 Comptroller of Public Accounts, 802 Parks and Wildlife Department  
**LBB Staff:** WP, TBo, SZ, MW

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 18, 2019**

**TO:** Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2218** by Lozano (Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.), **As Engrossed**

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**Local Government Impact**

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

**LBB Staff:** WP, TBo, SZ, MW

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 27, 2019**

**TO:** Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2218** by Lozano (Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.), **Committee Report 1st House, Substituted**

**The bill would have an indeterminate fiscal impact to the state because the amount of license applications that would be received and associated revenue for the Class C menhaden boat license cannot be determined.**

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**Local Government Impact**

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**Source Agencies:**     304 Comptroller of Public Accounts, 802 Parks and Wildlife Department  
**LBB Staff:** WP, TBo, SZ, MW



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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 18, 2019**

**TO:** Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2218** by Lozano (Relating to creating a Class C menhaden boat license; imposing a fee; requiring a license.), **As Introduced**

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**LBB Staff:** WP, SZ, MW, TBo