

BILL ANALYSIS

C.S.H.B. 3568
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Commercially protected finfish statutes and rules were established to regulate commerce of certain gamefish species in Texas. The provisions of these statutes and rules disallow the sale of certain fish but do allow those fish to be sold if they are farm raised or are lawfully taken wild fish from out of state. Some of the more onerous provisions have hindered and prevented commerce of legally produced product, which has negatively impacted Texas fish farmers, upstream suppliers, downstream purveyors, recreational lake managers, and consumers. C.S.H.B. 3568 seeks to address this issue by revising provisions relating to the sale and purchase of certain fish.

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. 3568 amends the Parks and Wildlife Code to exempt the following from provisions relating to the sale and purchase of protected fish:

- the sale by the following of fish raised by being continuously fed a prepared feed:
 - a licensed wholesale fish dealer;
 - a licensed retail fish dealer; or
 - a restaurant; and
- bass of the genus *Micropterus* and crappie under the following conditions:
 - the fish are reared in private water; and
 - the fish are sold by an aquaculture license holder for the following purposes:
 - stocking water of the state under an applicable permit; or
 - with the required documentation, stocking private water.

The bill revises the exemption for the lawful importation of certain fish by a Texas finfish import license holder by doing the following:

- providing for importation from the exclusive economic zone; and
- removing the requirement that the fish be dead when transported or sold.

C.S.H.B. 3568 removes the exemptions for the following from the prohibition against the sale and purchase of freshwater fish:

- a fish, other than a bass of the genus *Micropterus*, reared in private water under a fish farmer's license;
- a fish possessed legally outside Texas and transported into Texas; and

- bass of the genus *Micropterus* reared in private water under a fish farmer's license and marketed for the purpose of stocking the water of the state.

C.S.H.B. 3568 repeals Section 66.111(c), Parks and Wildlife Code, relating to the requirement that certain freshwater fish shipped into Texas for sale or purchase have a bill of lading with the shipment.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3568 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute, with regard to the exemption from provisions relating to the sale and purchase of protected fish for the sale by a licensed wholesale fish dealer or a licensed retail fish dealer of fish raised by being continuously fed a prepared feed, removes the specification that the dealer be a Texas dealer.

The substitute does the following with regard to the exemption for bass of the genus *Micropterus* from provisions relating to the sale and purchase of protected fish:

- includes crappie in the exemption;
- removes the requirement that the fish be harvested for population management purposes; and
- revises the requirement that the fish be sold for stocking purposes to provide for the stocking of private water, in addition to the stocking of water of the state, and the specification of the respective required documentation and permit.