

## **BILL ANALYSIS**

Senate Research Center

S.B. 599  
By: Perry  
Water, Agriculture & Rural Affairs  
5/14/2021  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas game wardens routinely encounter illegal or abandoned fishing devices in public waters in Texas. Current regulations require a public posting of notice of seizure, request to destroy the devices, and maintaining records throughout the court processes before destruction. The requirements create an impediment for the removal of what would be considered litter.

S.B. 599 will create a definition for abandoned fishing devices, remove current requirements to post notice of seizure, and allow swift destruction of the devices. This will allow Texas Parks and Wildlife Department game wardens to dispose of abandoned fish lines which are catching and destroying wildlife. It would define the abandoned fishing devices as litter, not personal property.

S.B. 599 amends current law relating to the removal and disposal of abandoned fishing devices and the seizure and disposition of unlawful fishing devices.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 12.1104, Parks and Wildlife Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 12, Parks and Wildlife Code, by adding Section 12.1104, as follows:

Sec. 12.1104. REMOVAL AND DISPOSAL OF ABANDONED FISHING DEVICE. (a) Defines "abandoned fishing device."

(b) Provides that an abandoned fishing device is litter for purposes of Section 365.011 (Definitions), Health and Safety Code, and is subject to immediate removal and disposal. Requires that an abandoned fishing device be disposed of in compliance with the Health and Safety Code, except as provided by Subsection (e).

(c) Authorizes the Texas Parks and Wildlife Commission (TPWC) to adopt rules to govern the removal and disposal of abandoned fishing devices as necessary to enhance enforcement of this section, the cleanliness of the beds and bottoms of the public water of Texas, boating safety, and the conservation and management of aquatic resources.

(d) Provides that a game warden or other peace officer is immune from liability and from suit for the removal or disposal of an abandoned fishing device under this section.

(e) Authorizes the Texas Parks and Wildlife Department, on request of an authorized representative of a unit of The University of Texas System, the Texas A&M University System, or the Texas State University System engaged in teaching and research related to marine science and oceanography, to transfer an

abandoned fishing device removed under this section to the unit for use in the unit's teaching or research programs.

SECTION 2. Amends Section 12.1105(d), Parks and Wildlife Code, to provide that a game warden or other peace officer who seizes items under Section 12.1105 (Seizure and Disposition of Unlawful Fishing Devices) is immune from liability and from suit for a seizure or destruction of a seine, net, trawl, trap, or other device as authorized by Subsection (b) (relating to the unlawful use or possession of a seine, net, trawl, trap, or device), rather than seizure or destruction of a net as authorized by this section.

SECTION 3. Amends Section 66.102, Parks and Wildlife Code, as follows:

Sec. 66.102. **PLACING PROHIBITED DEVICES IN PUBLIC WATER.** Provides that a device designed to catch fish or other aquatic wildlife resources that is placed in the public fresh water of Texas in violation of a law or TPWC proclamation is a nuisance, and requires a game warden or other peace officer to confiscate and dispose of the device as provided by Section 12.1104 or 12.1105, as applicable, rather than as provided by Section 12.1105 of this code.

SECTION 4. Repealer: Section 12.1105(c) (relating to procedures if no person is charged with an offense in connection with the seizure and possession of a seine, net, trawl, trap, or other device under Section 12.1105), Parks and Wildlife Code.

SECTION 5. Effective date: September 1, 2021.