

## **BILL ANALYSIS**

Senate Research Center

S.B. 326  
By: Armbrister  
Natural Resources  
2-26-97  
Committee Report (Amended)

### **DIGEST**

Currently, the Texas Parks and Wildlife Code establishes a restricted area in fish passes maintained by the Texas Parks and Wildlife Department at "2,800 feet inside the pass measured from the mouth of the pass where it empties into or opens on the Gulf of Mexico." The department is required to erect permanent iron or concrete monuments showing the restricted area. The gulf mouths of fish passes are not jettied and, due to tidal currents and beach erosion, do not remain at permanent locations or distances from the 2,800 feet markers designating the restricted area. This bill will expand the authority of the department, through the Parks and Wildlife Commission, to regulate activities and the marking of restricted areas within fish passes.

### **PURPOSE**

As proposed, S.B. 326 expands the authority of the Texas Parks and Wildlife Commission to regulate activities and the marking of restricted areas within fish passes.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 66.204(a) and (b), Parks and Wildlife Code, to authorize the Parks and Wildlife Commission by proclamation to regulate the placement of obstructions, traps, and mooring in fish passes and the marking of restricted areas in certain areas. Prohibits a person from committing certain acts in certain fish passes between the Gulf of Mexico and an inland bay within the distance inside the pass, rather than within a certain distance inside the pass, from the mouth of the pass where it empties into, rather than empties into or opens on, the Gulf of Mexico to a marker or sign erected by the Texas Parks and Wildlife Department indicating the restricted area. Deletes existing Subsection (b) requiring the department to erect permanent iron or concrete monuments showing the restricted area. Makes a conforming change.

SECTION 2. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, Section 66.204(b), Parks and Wildlife Code, to change the "and" to a "to," and remove the word "permanent" in reference to the marker to be erected by the Texas Parks and Wildlife Department.