

BILL ANALYSIS

Senate Research Center

C.S.S.B. 920
By: Brown
Natural Resources
4-11-97
Committee Report (Substituted)

DIGEST

Currently, there is no license specifically for crab fishing. The blue crab fishery is valuable to the state, with a dockside value of over \$4 million. Fishing pressure has increased over the last 15 years, and thus, catch per trap has decreased during the same time period. In 1993, the Texas Parks and Wildlife Department reduced the total number of traps commercial and recreational fishermen could legally use, but the productivity decline has continued. This bill will provide the department with the authority to establish a limited entry commercial crab fishermen's license; will establish a Crab License Management Review Board to advise the department about licensing and enforcement; and will establish a license buyback fund.

PURPOSE

As proposed, C.S.S.B. 920 provides the Texas Parks and Wildlife Department with the authority to establish a limited entry commercial crab fisherman's license; establishes a Crab License Management Review Board to advise the department about licensing and enforcement; and establishes a license buyback fund.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Parks and Wildlife Commission in SECTION 3 (Sections 78.109(a), 78.111(b), and 78.112(a) and (b), Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading of Chapter 78, Parks and Wildlife Code, as follows:

CHAPTER 78. New heading: MUSSELS, CLAMS, AND CRABS

SECTION 2. Redesignates Sections 78.01-78.07, Parks and Wildlife Code, as Chapter 78A, Parks and Wildlife Code, and adds a heading for Chapter 78A, Parks and Wildlife Code, as follows:

SUBCHAPTER A. MUSSELS AND CLAMS

SECTION 3. Amends Chapter 78, Parks and Wildlife Code, by adding Subchapter B, as follows:

SUBCHAPTER B. CRAB LICENSE MANAGEMENT

Sec. 78.101. CRAB LICENSE MANAGEMENT PROGRAM. Requires the Parks and Wildlife Department (department) to implement a crab license management program in accordance with proclamations adopted by the Parks and Wildlife Commission (commission) under Chapter 61 and this subchapter, to promote efficiency and economic stability in the crabbing industry and to conserve economically important crab resources.

Sec. 78.102. DEFINITIONS. Defines "crab," "commercial crab fishing," and "license."

Sec. 78.103. CRAB LICENSE MANAGEMENT REVIEW BOARD. Requires the license holders to elect a crab license management review board (review board) with an odd number of members greater than four and fewer than 12. Sets forth requirements for membership on

the review board. Sets forth duties of the review board and the executive director of the review board (executive director). Provides that the review board is not subject to Article 6252-33, V.T.C.S. Provides that a member of the review board serves without compensation or a per diem allowance.

Sec. 78.104. LICENSING. Prohibits any person from engaging in commercial crab fishing without a license adopted by the commission, if the commission adopts one or more licenses under this subchapter. Prohibits a person, if the commission adopts a commercial crab boat license, from operating a boat for the purpose of commercial crab fishing without a boat license as prescribed by the commission. Requires a proclamation under this section requiring a license to contain findings by the commission that support the need for the proclamation. Requires the commission to consider certain information in determining the need for a license requirement. Authorizes a proclamation issued under this section to have certain effects.

Sec. 78.105. LICENSE FEE. Provides that the fee for a license is \$500, or an amount set by the commission, whichever is more. Provides that all fees generated by this license are to be sent to the comptroller for deposit to the credit of the game, fish, and water safety account.

Sec. 78.106. LICENSE RENEWAL. Requires a person seeking to renew a license established by this subchapter to have held the license during the preceding license year.

Sec. 78.107. LIMIT ON NUMBER OF LICENSES HELD. Prohibits a person from holding, or directly or indirectly controlling, more than three licenses issued under this subchapter other than an equipment license. Requires a license issued to a person other than an individual to designate an individual in whose name the license will be issued.

Sec. 78.108. EXPIRATION OF LICENSE. Provides that a license required by this subchapter is valid only during the period for which it is issued without regard to the date on which the license is acquired. Provides that each period is one year beginning on September 1 of a year or another date set by the commission.

Sec. 78.109. LICENSE TRANSFER. Authorizes the commission, by rule, to set a fee for the transfer of a license. Sets forth procedures for transfer of a license.

Sec. 78.110. LICENSE SUSPENSION AND REVOCATION. Sets forth procedures for suspension or revocation of a license.

Sec. 78.111. LICENSE BUYBACK. Sets forth procedures by which the department is authorized to implement a license buyback program. Authorizes the commission, by rule, to establish criteria, using reasonable classifications, by which the department selects licenses to be purchased. Requires the department to set aside at least 20 percent of the fee from commercial crab licenses and transfer fees to be used only for the purpose of buying back commercial crab licenses from a willing license holder. Requires that money to be sent to the comptroller for deposit to the credit of the game, fish, and water safety account. Authorizes the department to accept grants and donations of money or materials from private or public sources for the purpose of buying back commercial crab licenses from a willing license holder and shall send the accepted money or material to the comptroller for deposit to the credit of the game, fish, and water safety account to be used only for the purpose of buying back commercial crab licenses from a willing license holder. Provides that money to be used for the purpose of buying back commercial crab licenses is not subject to Section 403.095, Government Code.

Sec. 78.112. PROGRAM ADMINISTRATION; RULES. Requires the executive director to establish administrative procedures to carry out the requirements of this subchapter. Requires the commission to adopt any rules necessary for the administration of the program established under this subchapter.

Sec. 78.113. DISPOSITION OF FUNDS. Requires money received for a license issued under this subchapter or fines for violations of this subchapter to be remitted to the

department by the 10th day of the month following the date of collection.

Sec. 78.114. PROCLAMATION; PROCEDURES. Provides that Subchapter D of Chapter 61, and Sections 61.054 and 61.055 apply to the adoption of proclamations under this chapter.

SECTION 4. Amends Section 47.002, Parks and Wildlife Code, by adding Subsection (h), to provide that a person who catches or assists in commercial crab fishing under Chapter 78B, and who holds a license for that activity is not required to obtain or possess a general commercial fisherman's license or a commercial fishing boat license.

SECTION 5. Amends Section 66.018, Parks and Wildlife Code, by amending Subsections (a), (c), and (d), and by adding Subsection (f), to authorize, rather than require, the department to issue tags for crab traps placed in public water. Requires a crab trap tag, if issued under this section, to be attached to each crab trap placed in public water. Authorizes, rather than requires, the department to collect a maximum fee of \$1.50 for each tag issued under this section. Prohibits a person from placing a crab trap in public water unless a crab trap tag is attached to the trap unless a proclamation requires a license that does not require the use of crab trap tags. Prohibits, if the commission adopts a license authorized under Chapter 78B, the department from collecting a fee for any crab trap tag. Makes conforming changes.

SECTION 6. Sets forth requirements regarding the election of the initial crab license management board.

SECTION 7. Requires the department to issue a written report to certain persons not later than January 1, 2001, that includes an overview of the administration and status of the crab license management program, including the biological, social, and economic effects of the program.

SECTION 8. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 3.

Amends 78.100, Parks and Wildlife Code, to renumber it as Section 78.101, and to make nonsubstantive changes. Redesignates subsequent sections.

Amends Section 78.102, Parks and Wildlife Code, to make a nonsubstantive change.

Amends Section 78.103, Parks and Wildlife Code, to delete the provisions regarding the initial crab license management review board. Makes nonsubstantive changes.

Amends Section 78.104, Parks and Wildlife Code, to authorize a commission proclamation to establish a lottery or an auction for issuing licenses.

Amends Section 78.105, Parks and Wildlife Code, to make nonsubstantive changes.

Amends Section 78.106, Parks and Wildlife Code, to make nonsubstantive changes.

Amends Section 78.107, Parks and Wildlife Code, to delete a provision requiring commercial crab licenses to be issued to an individual. Makes nonsubstantive changes.

Amends Section 78.108, Parks and Wildlife Code, to make nonsubstantive changes.

Amends Section 78.109, Parks and Wildlife Code, to make nonsubstantive changes.

Amends Section 78.110, Parks and Wildlife Code, to make nonsubstantive changes.

Amends Section 78.111, Parks and Wildlife Code, to incorporate the provisions from former Section 78.113, and to make nonsubstantive changes.

Amends Section 78.114, Parks and Wildlife Code, to provide that Sections 61.054 and 61.055 apply to the adoption of proclamations under this section.

SECTION 4.

Amends Section 47.002, Parks and Wildlife Code, to make nonsubstantive changes.

SECTION 5.

Amends Section 66.018, Parks and Wildlife Code, to make nonsubstantive changes.

SECTION 6.

Sets forth regulations for the election of the initial crab license management review board.

SECTION 7.

Sets forth regulations regarding a report on the crab license management program to be issued by the department.