

CHAPTER 29

S.B. No. 111

AN ACT

relating to the inspection of aquatic products by employees of the Parks and Wildlife Department at certain places of business and in possession of commercial fisherman at certain times.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subdivisions (4) and (9), Section 47.001, Parks and Wildlife Code, are amended to read as follows:

(4) "Retail fish dealer" means a person who operates a place of ~~[engaged in the]~~ business and buys ~~[of buying]~~ for the purpose of sale or sells or offers for sale to a consumer fresh or frozen edible aquatic products, other than aquatic products sold by restaurants for and ready for immediate consumption in individual portion servings and which are subject to the limited sales or use tax.

(9) "Place of business" means a permanent structure on land or a motor vehicle required to be registered under Section 2, Chapter 88, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6675a-2, Vernon's Texas Civil Statutes), ~~[the place]~~ where aquatic products or orders for aquatic products are received or where aquatic products are sold, ~~[including a vehicle if aquatic products are sold from the vehicle,]~~ but does not include a boat or any type of floating device, a public cold-storage vault, the portion of a structure that is used as a residence ~~[temporary receiving station]~~, or a vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in this state.

SECTION 2. Section 47.001, Parks and Wildlife Code, is amended by adding Subdivision (15) to read as follows:

(15) "Permanent structure" means a building designed, planned, and constructed so as to remain at one location.

SECTION 3. Section 47.037, Parks and Wildlife Code, is amended to read as follows:

Sec. 47.037. INSPECTION. (a) No person who possesses or handles aquatic products for commercial purposes may refuse to allow an authorized employee of the department to inspect the aquatic products ~~[handled by or in the possession of any commercial fisherman, wholesale fish dealer, or retail fish dealer]~~ at the dealer's or handler's place of business during normal business hours ~~[any time or in any place]~~.

(b) No commercial fisherman may refuse to allow an authorized employee of the department to inspect aquatic products handled by or in the possession of the

Ch. 29, § 3

70th LEGISLATURE—REGULAR SESSION

commercial fisherman while the commercial fisherman is pursuing his trade or at a reasonable hour.

(c) This section does not authorize the search of a residence without a search warrant.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 23, 1987, by the following vote: Yeas 28, Nays 0; and that the Senate concurred in House amendment on April 14, 1987, by the following vote: Yeas 30, Nays 0. Passed the House, with amendment, on April 9, 1987, by the following vote: Yeas 126, Nays 0, one present not voting.

Approved April 22, 1987.

Effective April 22, 1987.