

- SUBJECT:** Requiring use of a freshwater fishing stamp
- COMMITTEE:** State Cultural and Recreational Resources — committee substitute recommended
- VOTE:** 7 ayes — Hilderbran, Geren, Dukes, Bailey, B. Cook, Kuempel, Phillips
0 nays
- WITNESSES:** For — None
Against — None
On — Dwayne “Sparky” Anderson, Clean Water Action; Robert L. Cook and Philip P. Durocher, Texas Parks and Wildlife Department
- BACKGROUND:** Parks and Wildlife Code, ch. 43 requires acquisition of hunting and fishing stamps related to white-winged dove, archery, turkey, waterfowl, saltwater sportfishing, freshwater trout, and muzzleloader hunting.
- DIGEST:** CSHB 1989 would create a \$5 freshwater fishing stamp and would provide a penalty for failure to use it. The bill would repeal requirements for the freshwater trout and muzzleloader hunting stamps and would sunset on September 1, 2014.
- No person could engage in freshwater fishing for sporting purposes without acquiring a freshwater fishing stamp issued by the Texas Parks and Wildlife Department (TPWD). A person exempt from obtaining a fishing license under Parks and Wildlife Code, ch. 46, primarily for reasons related to age or mental disability, would not have to obtain a freshwater fishing stamp. The Parks and Wildlife Commission by rule could adopt requirements related to possessing a stamp and could exempt a person from the stamp requirement.
- Acquiring a freshwater fishing stamp would not authorize a person to fish in fresh water for sporting purposes without having a fishing license. The stamp would not allow a person to fish at any time or by any means not authorized by the Parks and Wildlife Code.

TPWD could issue a freshwater fishing stamp to any person upon payment of \$5. TPWD could issue other editions of the stamp, not valid for fishing, at an amount set by the commission. A valid stamp would have to be signed on its face by the person using it. The commission by rule have to prescribe the form, design, and manner of issuing the freshwater fishing stamp and could contract with and pay a person for designing and producing the stamp. TPWD would retain all reproduction rights to the design. The commission could prescribe alternate requirements for identifying the purchaser of a freshwater fishing stamp issued in an automated manner.

After deduction of any collection fee, TPWD would retain the net receipts from freshwater fishing stamp sales. These receipts could be spent only to repair, maintain, renovate, or replace freshwater fish hatcheries in Texas or to buy fish that were stocked into the state's public water.

A freshwater fishing stamp would be valid for fishing only during the year for which it was issued, without regard to the date when the stamp was acquired. Each yearly period would begin on September 1 of the year in which the stamp was issued and would extend through August 31 of the next year, or according to dates set by the commission. The commission by rule could set the amount of a stamp fee for a stamp issued during a transition period at an amount lower than prescribed and could provide for a stamp term for a transition period that was shorter or longer than one year. A freshwater fishing stamp issued in conjunction with a temporary sportfishing license or a temporary nonresident license would expire on the later of the license expiration date or the date on the stamp.

A person fishing in fresh water for sporting purposes who refused on demand of any game management officer or peace officer to show a freshwater fishing stamp or proof that the person was exempt would violate this statute. A violator would commit a Class C Parks and Wildlife Code misdemeanor, punishable by a fine of between \$25 and \$500.

The bill would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 1989 would create a freshwater fishing stamp, the net receipts from which would be used for the benefit of Texas' freshwater fish hatcheries or to stock public water with fish.

Recreational fishing is a \$6 billion industry in Texas. TPWD must preserve hatcheries to sustain the demands of anglers. The Jasper fish hatchery, for example, has received no capital improvements since its inception more than 70 years ago. Without improvements soon, this hatchery, which supplies 25 to 30 percent of statewide fish capacity, will have to shut down. Other major hatcheries in the state need critical improvements. Revenue generated by this bill would fill a critical need in tight budget times and would benefit users.

The increase of golden algae in the past three to four years has created concerns for TPWD and for anglers, particularly west of Interstate 35. The freshwater fishing stamp would enable TPWD to restock and repair damage from golden algae.

The bill would repeal the laws requiring stamps for freshwater trout fishing and muzzleloader hunting. Currently, net proceeds from sales of freshwater trout stamps can be spent only to buy, raise, and stock freshwater trout. The author plans to introduce a floor amendment that would specify that one use of net receipts from freshwater fish stamps would be to buy game fish that would be stocked in public water. The term game fish would include trout, so the freshwater fishing stamp would replace the need for the trout stamp. TPWD acknowledges that it would be good policy to eliminate an existing stamp if the agency adds a new one, so CSHB 1989 would eliminate the muzzleloader hunting stamp. The proposed floor amendment also would create a \$5 collectible freshwater fishing stamp. The collectible stamp would not authorize a person to fish and would not be valid for fishing purposes. Monies from its sale, however, could be spent only to restore, enhance, or manage freshwater fish habitats.

CSHB 1989 would offer an environmentally sound solution to natural and financial threats to freshwater fishing in Texas. The freshwater fishing stamp would sunset on September 1, 2014, the time by which TPWD estimates it could complete capital improvements.

**OPPONENTS
SAY:**

CSHB 1989 would create an extra cost for essentially anyone who puts a hook into Texas lakes, rivers, and streams. TPWD already charges \$19 for a fishing license, which is good from the time of purchase until the following August 31 — often not a full year. This bill would impose what amounts to an additional tax on people who engage in freshwater sport fishing.

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NOTES:

The bill's fiscal note projects a gain of \$4.1 million for the Game, Fish, and Water Safety Account each year from fiscal 2004 through 2008.

The committee substitute differs from the introduced version by setting the fee for the freshwater fishing stamp at \$5, rather than allowing TPWD to set a higher fee. As filed, HB 1989 would have repealed provisions for archery stamps under Parks and Wildlife Code, ch. 43.

The companion bill, SB 1837 by Staples, has been referred to the Senate Natural Resources Committee.