

BILL ANALYSIS

Senate Research Center
76R7307 WP-F

S.B. 1302
By: Brown
Natural Resources
4/14/1999
Committee Report (Amended)

DIGEST

Currently, under Texas law, the Texas Parks and Wildlife Department (TPWD) may suspend or revoke a permit or license if, after notice and hearing, it is found that the permittee or licensee was finally convicted of a violation of the Parks and Wildlife Code or proclamation, the violation was related to the license to be suspended, a false statement was made to obtain the license or permit, or the permittee or licensee is indebted to the state for taxes, fees, or penalties imposed by the Parks and Wildlife Code. This bill would authorize TPWD to withhold licenses under certain circumstances.

PURPOSE

As proposed, S.B. 1302 authorizes the Texas Parks and Wildlife Department to withhold licenses in certain circumstances.

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 Section 12.501(b), Parks and Wildlife Code, to authorize the director of the Texas Parks and Wildlife Department (TPWD) to suspend or revoke an original or renewal permit or license if it is found after notice and hearing, that the permittee or licensee is liable to the state under Section 12.301.

SECTION 2. Amends the section heading to Section 12.506, Parks and Wildlife Code, as follows:

Sec. 12.506. New heading: APPEAL FROM SUSPENSION, REFUSAL, OR REVOCATION OF LICENSE OR PERMIT.

SECTION 3. Amends Section 12.506(a), Parks and Wildlife Code, to authorize an appeal from an order of TPWD refusing to issue or transfer a license or permit or revoking or suspending a license or permit to be taken to a district court of Travis County.

SECTION 4. Amends Chapter 12F, Parks and Wildlife Code, by adding Section 12.508, as follows:

Sec. 12.508. REFUSAL OF LICENSE OR PERMIT. Defines "notice" and "finally convicted." Authorizes TPWD to refuse to issue or transfer an original or renewal license, permit, or tag if the applicant or transferee has been finally convicted of a violation under this code or a rule adopted or a proclamation issued under this code, is liable to the state under Section 12.301, and has failed to pay the amount due under Section 12.301 after TPWD has issued notice of liability to the applicant or transferee. Provides that the contested case provisions of the Administrative Procedure Act (Sections 2001.051-2001.178, Government Code) do not apply to the refusal to issue, transfer, or renew a license, permit, or tag under this section. Makes application of this Act prospective. Provides that this subsection expires September 1, 2001.

SECTION 5. Amends Section 12.505, Parks and Wildlife Code, as follows:

Sec. 12.505. New heading: VIOLATION OF SUSPENSION, REFUSAL, OR REVOCATION. Makes a conforming change.

SECTION 6. Amends Section 12.109, Parks and Wildlife Code, as follows:

Sec. 12.109. New heading: CONFISCATION AND DISTRIBUTION OF AQUATIC PRODUCTS. Requires an enforcement officer of TPWD to seize the aquatic products, rather than aquatic life, when the officer believes that a person has unlawful possession of any aquatic products. Requires the officer to sell the products and dispose of the proceeds as provided in Subsection (b). Requires the officer to give to the person a receipt for all aquatic products seized upon the sale of the aquatic products. Requires the officer to allow the person in possession of aquatic products over the daily bag or possession limit, to retain a lawful quantity of the aquatic products, but only if the person gives written acknowledgment of retention of a lawful quantity to the officer on a form provided by TPWD. Requires the officer to sell the remainder of the aquatic products and dispose of the proceeds as provided by Subsection (b) of this section. Deletes text regarding when a person is in possession of a greater quantity of aquatic life than is authorized by law. Makes conforming and nonsubstantive changes.

SECTION 7. Repealer: Section 77.027, Parks and Wildlife Code (Confiscation and Disposal of Shrimp).

SECTION 8. Effective date: September 1, 1999.

SECTION 9. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 4.

Amends Section 12.508, Parks and Wildlife Code, to redefine “notice.”

SECTION 5.

Amends Section 12.505, Parks and Wildlife Code, regarding a violation of a suspension, refusal, or revocation. Redesignates proposed SECTION 5 as SECTION 8.

SECTION 6.

Amends Section 12.109, Parks and Wildlife Code, regarding the confiscation and disposition of aquatic products. Redesignates proposed SECTION 6 as SECTION 9.

SECTION 7.

Repealer: Section 77.027, Parks and Wildlife Code (Confiscation and Disposal of Shrimp).