

## BILL ANALYSIS

Senate Research Center  
78R10119 KCR-D

H.B. 1989  
By: Ellis, Dan (Staples)  
Natural Resources  
5/12/2003  
Engrossed

### DIGEST AND PURPOSE

In order to fund maintenance and construction of state freshwater fish hatcheries, the Texas Parks and Wildlife Department (TPWD) has proposed raising funds through the creation of a freshwater fishing stamp. H.B. 1989 creates an annual freshwater fishing stamp. This bill provides for TPWD to set a \$5 fee for the stamps, to be used to repair, maintain, renovate, or replace hatcheries, as well as to purchase stock fish.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 43.802, 43.804, and 43.806, Parks and Wildlife Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 43, Parks and Wildlife Code, by adding Subchapter U, as follows:

#### SUBCHAPTER U. FRESHWATER FISHING STAMP

Sec. 43.801. DEFINITIONS. Defines "fresh water."

Sec. 43.802. FRESHWATER FISHING STAMP REQUIRED. (a) Prohibits a person from engaging in fishing in fresh water for sporting purposes in this state unless the person has acquired a freshwater fishing stamp issued to the person by the Texas Parks and Wildlife Department (TPWD), except as provided by Subsection (b) or (c). Authorizes the Parks and Wildlife Commission (commission) by rule to adopt requirements relating to possessing the freshwater fishing stamp required by this subchapter.

(b) Provides that a person who is exempted from obtaining a fishing license under Chapter 46 is not required to obtain a freshwater fishing stamp.

(c) Authorizes the commission by rule to exempt a person from the freshwater fishing stamp requirement of this section.

Sec. 43.803. FISHING LICENSE REQUIRED. Provides that the acquisition of a freshwater fishing stamp does not authorize a person to fish in fresh water for sporting purposes without having acquired a fishing license as provided by Chapter 46. Provides that the acquisition of a freshwater fishing stamp does not authorize a person to fish at any time or by any means not otherwise authorized by this code.

Sec. 43.804. DESIGN AND ISSUANCE OF STAMPS. (a) Authorizes TPWD to issue a freshwater fishing stamp to any person on the payment to TPWD of \$5. Provides that Subsection (e) is an exception to the requirement that a stamp be signed on its face by the person using it for the stamp to be valid for fishing purposes.

(b) Authorizes TPWD to issue a collectible freshwater stamp to any person on the payment to the TPWD of \$5. Provides that a collectible freshwater stamp does not authorize a person to fish and is not valid for fishing purposes.

(c) Requires the commission by rule to prescribe the form, design, and manner of issuance of the freshwater fishing stamp. Provides that TPWD retains all reproduction rights to the design.

(d) Authorizes the commission to contract with and pay a person for designing and producing the freshwater fishing stamp or the collectible freshwater fishing stamp.

(e) Authorizes the commission by rule to prescribe alternate requirements for identifying the purchaser of a freshwater fishing stamp issued in automated manner.

Sec. 43.805. DISPOSITION OF STAMP FEES. (a) Requires the net receipts from freshwater fishing stamp sales, after deduction of any collection fee, to be sent to TPWD.

(b) Authorizes the net receipts from freshwater fishing stamp sales to be spent only for certain items.

Sec. 43.806. EXPIRATION OF STAMP. (a) Provides that a freshwater fishing stamp is valid for fishing only during the yearly period for which the stamp is issued, without regard to the date on which the stamp is acquired, except as provided by Subsection (b) or (c). Provides that each yearly period begins on September 1 of the year in which the stamp is issued or another date set by the commission and extends through August 31 of the next year or another date set by the commission. Authorizes the commission by rule to set the amount of a stamp fee for a stamp issued during a transition period at an amount lower than prescribed in this subchapter and provide for a stamp term for a transition period that is shorter or longer than one year.

(b) Provides that a freshwater fishing stamp issued before September 1 or another date set by the commission that does not expire until August 31 of the next year or another date set by the commission is valid from the date of issuance through August 31 of the next year or another date set by the commission.

(c) Provides that a freshwater fishing stamp issued in conjunction with a license issued under Section 46.005 or 46.0051 expires on the later of the license expiration date or the date printed on the stamp.

Sec. 43.807. REFUSAL TO SHOW STAMP. Provides that a person fishing in fresh water for sporting purposes who refuses on demand of any game management officer or peace officer to show a freshwater fishing stamp or proof that the person is exempt under Section 43.802(b) or a rule adopted under that section is presumed to be in violation of Section 43.802.

Sec. 43.808. PENALTY. Provides that a person who violates Section 43.802 of this code is guilty of a Class C Parks and Wildlife Code misdemeanor.

Sec. 43.809. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2014.

SECTION 2. Repealers: Subchapter N, Chapter 43, Parks and Wildlife Code (Freshwater Trout Stamp), and Subchapter Q, Chapter 43, Parks and Wildlife Code (Muzzleloader Hunting Stamp).

SECTION 3. Effective date: September 1, 2004.