

BILL ANALYSIS

Senate Research Center

H.B. 1636
By: Allen, Ray (Armbrister)
Natural Resources
5/17/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there is some confusion among residents of this state about what is required to prove residency when purchasing a hunting or fishing license.

H.B. 1636 authorizes the Texas Parks and Wildlife Commission to establish the proof required to demonstrate residency for the purposes of obtaining a license or permit.

RULEMAKING AUTHORITY

Rulemaking authority is expressly given to the Texas Parks and Wildlife Commission in SECTION 1 (Section 11.004, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 11, Parks and Wildlife Code, by adding Section 11.004, as follows:

Sec. 11.004. RULES RELATING TO RESIDENCY FOR HUNTING AND OTHER PURPOSES. (a) Authorizes the Texas Parks and Wildlife Commission (commission), by rule, to prescribe the proof required to demonstrate residency in this state for the purpose of obtaining a license or permit issued by the Texas Parks and Wildlife Department.

(b) Authorizes the commission, in addition to any other rules adopted under Subsection (a), to adopt rules relating to residency for the purposes of hunting or catching any animal in this state through the use of any device that remotely controls another device used to hunt or catch the animal.

(c) Authorizes a rule described by Subsection (b) to prohibit a class or classes of persons from hunting or catching an animal in the manner described by Subsection (b) if the rule treats a class of persons in a substantially similar manner regardless of whether a person in the class is a resident or nonresident. Provides that a person who violates a rule adopted under Subsection (b) commits an offense that is a Class A Parks and Wildlife misdemeanor, and each animal the person hunts or catches in violation of the rule is a separate offense.

SECTION 2. Provides that if H.B. 391, Acts of the 79th Legislature, Regular Session, 2005, or other legislation substantially similar to that Act becomes law, Sections 11.004(b) and (c), Parks and Wildlife Code, as added by this Act, are void and do not take effect.

SECTION 3. Effective date: upon passage or September 1, 2005.