

BILL ANALYSIS

Senate Research Center
79R16641 KCR-D

C.S.H.B. 2940
By: Hilderbran (Estes)
Natural Resources
5/12/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 2940 reorganizes the Department of Parks and Wildlife (department) game bird stamps and reduces the number of stamps from three to two. The white-winged dove stamp and waterfowl stamp would be combined into a migratory game bird stamp for \$7, a net saving to some sportsmen of \$7 over the \$14 cost of the two stamps. All migratory game birds are covered by this stamp.

The \$5 turkey stamp is eliminated in favor of an upland game bird stamp for \$7 that covers all resident game birds, such as turkey, quail, pheasant, and several others.

The new configuration will provide seed funding for priority work for more species than are currently covered by the existing stamps, and will help the department improve its ability to measure hunter participation and harvest of a number of these species.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Sections 43.651, 43.652, and 43.654) of this bill.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER S. MIGRATORY AND UPLAND GAME BIRD STAMPS

Sec. 43.651. DEFINITIONS. Defines "migratory game bird" and "upland game bird."

Sec. 43.652. MIGRATORY OR UPLAND GAME BIRD STAMP REQUIRED. (a) Prohibits a person, except as provided by Subsection (b), from hunting a migratory or upland game bird in this state unless the person possesses the appropriate migratory or upland game bird stamp, as applicable, issued to the person by the Department of Parks and Wildlife (department). Authorizes the Parks and Wildlife Commission (commission) by rule to adopt requirements relating to possessing a stamp required by this subchapter.

(b) Authorizes the commission by rule to exempt a person or class of persons from the stamp requirement of this section.

Sec. 43.653. HUNTING LICENSE REQUIRED. Provides that the possession of either a migratory or upland game bird stamp does not authorize a person to hunt a migratory or upland game bird in a certain manner.

Sec. 43.654. DESIGN AND ISSUANCE OF STAMPS. (a) Authorizes the department to issue a migratory or upland game bird stamp to any person on payment to the department of \$7 per stamp.

(b) Authorizes the commission to issue and sell a collector's edition of the migratory or upland game bird stamps that does not authorize hunting. Requires the commission to set the fee for a stamp issued under this subsection.

(c) Authorizes the department to authorize the use of the image of a stamp issued under this subchapter for products offered to the public for sale and not for the purpose of authorizing hunting. Requires the department to receive a reasonable royalty payment for the sale of any stamp products sold under this subsection.

(d) Requires the commission by rule to prescribe the form, design, and manner of issuance of stamp under this subchapter. Provides that the department retains all rights to the design.

(e) Authorizes the commission to contract with and pay a person for designing, producing, and marketing a stamp.

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

(g) Provides that a stamp issued under this subchapter is valid for hunting only during the yearly period for which the stamp is issued, without regard to the date on which the stamp is acquired. 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.

Sec. 43.655. DISPOSITION OF MIGRATORY GAME BIRD STAMP NET PROCEEDS. (a) Requires the migratory game bird stamp net proceeds to be deposited to the credit of the game, fish, and water safety account under Section 11.032 (Game, Fish, and Water Safety Account; Sources) and authorizes it to be used only for the purposes specified in Section 43.656.

(b) Sets forth the composition of the net proceeds from the migratory game bird stamp.

(c) Requires the comptroller of public accounts (comptroller) to invest the remaining net proceeds, if any, in accordance with state law.

(d) Provides that any net proceeds under this section not used in a fiscal year remain in the game, fish, and water safety account and are exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 43.656. USES OF NET PROCEEDS FROM MIGRATORY GAME BIRD STAMP. (a) Authorizes net proceeds from the migratory game bird stamp to be used only for certain purposes.

(b) Requires the department to use the net proceeds from the migratory game bird stamp in a manner that addresses the needs of migratory birds in this state.

Sec. 43.657. DISPOSITION OF UPLAND GAME BIRD STAMP NET PROCEEDS. (a) Requires the upland game bird stamp net proceeds to be deposited to the credit of the game, fish, and water safety account under Section 11.032 and to be used only for the purposes specified in Section 43.658.

(b) Sets forth the composition of the net proceeds from the upland game bird stamp.

(c) Requires the comptroller to invest the remaining net proceeds, if any, in accordance with state law.

(d) Provides that any net proceeds under this section not used in a fiscal year remain in the game, fish, and water safety account and are exempt from the application of Section 403.095, Government Code.

Sec. 43.658. USES OF NET PROCEEDS FROM UPLAND GAME BIRD STAMP. (a) Authorizes net proceeds from the upland game bird stamp to be used only for certain purposes.

(b) Requires the department to use the net proceeds from the upland game bird stamp in a manner that addresses the needs of upland game birds.

Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. Authorizes the department, as allowed under state and federal law, to make money available in advance or by reimbursement to appropriate state, regional, national, and international governmental and nonprofit organizations through contracts, donations, and grants. Authorizes money to be used to acquire, develop, and maintain migratory and upland game bird habitat areas in the United States, Canada, Mexico, or another country that provides migratory habitat for the Central Flyway.

Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION ELIGIBILITY. Provides that a person hunting a migratory or upland game bird who refuses on demand of any game warden or other peace officer to show the applicable stamp, or proof that the person is exempt under Section 43.652(b), is presumed to be in violation of Section 43.652.

Sec. 43.661. RECIPROCAL AGREEMENTS RELATING TO MIGRATORY GAME BIRDS. Authorizes the department, as provided by Chapter 41, to negotiate a reciprocal agreement with a state that shares a common boundary with this state if the neighboring state has a similar migratory game bird stamp requirement and fee. Authorizes the reciprocal agreement to permit a resident of the state with which the reciprocal agreement is made to hunt a migratory game bird in this state without a stamp issued under this subchapter if the person possesses a stamp issued by the other state.

Sec. 43.662. USE OF MONEY FROM ISSUANCE OF WHITE-WINGED DOVE STAMP. (a) Requires any money deposited from the net receipts from white-winged dove stamp sales under former Subchapter B deposited in the game, fish, and water safety account under Section 11.032 to remain in that account and be used only for certain purposes.

(b) Provides that this section expires September 1, 2010.

Sec. 43.663. USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP. (a) Requires any money deposited from the net receipts from waterfowl stamp sales under former Subchapter K deposited in the game, fish, and water safety account under Section 11.032 to remain in that account and be used only for certain purposes.

(b) Provides that this section expires September 1, 2010.

Sec. 43.664. USE OF MONEY FROM ISSUANCE OF TURKEY STAMP. (a) Requires any money deposited from the net receipts from turkey stamp sales under former Subchapter J deposited in the game, fish, and water safety account under Section 11.032 to remain in that account and be used only for certain purposes.

(b) Provides that this section expires September 1, 2010.

Sec. 43.665. PENALTY. Provides that a person who violates Section 43.652 commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

SECTION 2. Repealer: Subchapters B (White-Winged Dove Stamps), J (Turkey Stamp), and K (Waterfowl Stamp), Chapters 43, Parks and Wildlife Code.

SECTION 3. Effective date: upon passage or September 1, 2006.