

## BILL ANALYSIS

Senate Research Center  
79R2885 KCR-F

S.B. 1192  
By: Estes  
S/C on Agriculture & Coastal Resources  
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### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently there are three game bird stamps which must be purchased from the Parks and Wildlife Department (department) in order to hunt the appropriate game bird: the white-winged dove stamp, the waterfowl stamp, and the turkey stamp.

As proposed, S.B. 1192 reorganizes the game bird stamps, replacing the existing three stamps with two: the migratory game bird stamp and the upland game bird stamp. The white-winged dove stamp and the waterfowl stamp, each now \$7, would be combined into a \$7 migratory bird stamp that covers all migratory game birds. The \$5 turkey stamp would be eliminated in favor of a \$7 upland game bird stamp that covers all resident game birds, such as turkey, quail, and pheasants.

The new configuration would provide funding for work related to species not currently covered by the existing stamps, and it would enable the department to 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 43.652 and 43.654, Parks and Wildlife Code) 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 migratory or upland game birds in this state unless the person has acquired a migratory or upland game bird stamp, as applicable, issued to the person by the Parks and Wildlife Department (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 acquisition of a migratory or upland game bird stamp does not authorize a person to hunt a migratory or upland game bird without having acquired a hunting license or to hunt a migratory or upland game bird at any time or by means not otherwise authorized by this code.

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 a certain amount.

(b) Authorizes the commission to issue and sell a collectors edition of migratory or upland game bird stamps that does not authorize hunting. Requires the commission to set a fee for the collectors edition stamp.

(c) Permits 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 a 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) Sets forth the period during which the stamp is valid and the expiration date.

Sec. 43.655. MIGRATORY GAME BIRD STAMP FUND. (a) Provides that the migratory game bird stamp fund is a dedicated account in the general revenue fund.

(b) Sets forth the sources of revenue for the migratory game bird stamp fund.

(c) Requires the comptroller to invest money in the fund in accordance with state law.

(d) Provides that any money in the fund not used in a fiscal year remains in the fund. Provides that the fund is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 43.656. USES OF MONEY IN THE MIGRATORY GAME BIRD STAMP FUND.

(a) Sets forth the authorized uses of money in the migratory game bird stamp fund.

(b) Prohibits the department from spending more than one-third of the amount credited to the fund during the fiscal year on salaries and benefits of employees working on species-related projects.

(c) Requires the department to allocate money in the migratory game bird stamp fund in a manner that addresses the needs of migratory birds in this state.

Sec. 43.657. UPLAND GAME BIRD STAMP FUND. (a) Provides that the upland game bird stamp fund is a dedicated account in the general revenue fund.

(b) Sets forth the sources of revenue for the upland game bird stamp fund.

(c) Requires the comptroller to invest money in the fund in accordance with state law.

(d) Provides that any money in the fund not used in a fiscal year remains in the fund. Provides that the fund is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 43.658. USES OF MONEY IN THE UPLAND GAME BIRD STAMP FUND. (a) Sets forth the authorized uses of money in the upland game bird stamp fund.

(b) Prohibits the department from spending more than one-third of the amount credited to the fund during the fiscal year on salaries and benefits of employees working on species-related projects.

(c) Requires the department to allocate money in the upland game bird stamp fund in a manner that addresses the needs of upland birds in this state.

Sec. 43.659. **CONTRACTS, DONATIONS, AND GRANTS.** Authorizes the department to make money available to certain appropriate organizations through contracts, donations, and grants, as allowed under state and federal law. Authorizes the money to be used to acquire, develop, and maintain migratory game bird propagation areas in the United States, Canada, or Mexico, or in 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 BIRDS.** Authorizes the department, as provided by Chapter 41 (Reciprocal Hunting and Fishing Privileges), Parks and Wildlife Code, 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) Sets forth the required uses of 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.

(b) Provides that this section expires September 1, 2009.

Sec. 43.663. **USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP.** (a) Sets forth the required uses of any money deposited from the net receipts from waterfowl stamp sales under former Subchapter K deposited in the game, fish, and water safety account.

(b) Provides that this section expires September 1, 2009.

Sec. 43.664. **USE OF MONEY FROM ISSUANCE OF TURKEY STAMP.** (a) Sets forth the required uses of any money deposited from the net receipts from turkey stamp sales under former Subchapter J deposited in the game, fish, and water safety account.

(b) Provides that this section expires September 1, 2009.

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

**SECTION 2.** Amends Section 11.032(b), Parks and Wildlife Code, to create an exception, as provided by Subchapter S, Chapter 43, to the requirement that the department deposit to the credit of the game, fish, and water safety account all revenue from all types of hunting licenses and stamps.

**SECTION 3.** Repealer: Subchapters B (White-Winged Dove Stamps), J (Turkey Stamp), and K (Waterfowl Stamp), Chapter 43, Parks and Wildlife Code.

**SECTION 4.** Effective date: upon passage or September 1, 2005.