

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1192

By: Estes

S/C on Agriculture & Coastal Resources

4/11/2005

Committee Report (Substituted)

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.

C.S.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 43.651, 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 possesses the appropriate 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 possession of either a migratory or an upland game bird stamp does not authorize a person to hunt a migratory or upland game bird without possessing a hunting license or 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 \$7 per stamp.

(b) Authorizes the commission to issue and sell a collector's edition of migratory or upland game bird stamps that does not authorize hunting. Requires the commission to set a fee for the collector's 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. 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. Authorizes the funds to be used only for certain purposes.

(b) Sets forth the sources of revenue which compose the net proceeds from the migratory 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 (Use of Dedicated Revenue), Government Code.

Sec. 43.656. USES OF NET PROCEEDS FROM MIGRATORY GAME BIRD STAMP. (a) Sets forth the authorized uses of the net proceeds from the migratory game bird stamp.

(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. Authorizes the funds to be used only for certain purposes.

(b) Sets forth the sources of revenue which compose the net proceeds from the upland bird game stamp fund.

(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 exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 43.658. USES OF NET PROCEEDS FROM UPLAND GAME BIRD STAMP. (a) Sets forth the authorized uses of the net proceeds from the upland game bird stamp.

(b) Requires the department to use the net proceeds from the upland game bird stamp 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 in advance or by reimbursement 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 and upland game bird habitat 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, 2010.

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, 2010.

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, 2010.

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

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

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