

By: Staples

S.B. No. 1837

A BILL TO BE ENTITLED

AN ACT

relating to hunting and fishing stamps issued by the Parks and Wildlife Department; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 43, Parks and Wildlife Code, is amended by adding Subchapter U to read as follows:

SUBCHAPTER U. FRESHWATER FISHING STAMP

Sec. 43.801. DEFINITION. In this subchapter, "fresh water" has the meaning provided by Section 66.001.

Sec. 43.802. FRESHWATER FISHING STAMP REQUIRED. (a) Except as provided by Subsection (b) or (c), no person may engage 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 department. The commission by rule may adopt requirements relating to possessing the freshwater fishing stamp required by this subchapter.

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

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

Sec. 43.803. FISHING LICENSE REQUIRED. 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

1 license as provided by Chapter 46. The acquisition of a freshwater  
2 fishing stamp does not authorize a person to fish at any time or by  
3 any means not otherwise authorized by this code.

4 Sec. 43.804. DESIGN AND ISSUANCE OF STAMP. (a) The  
5 department may issue a freshwater fishing stamp to any person on the  
6 payment to the department of \$5 or an amount set by the commission,  
7 whichever amount is greater. The department may issue other  
8 editions of the stamp that are not valid for fishing at an amount  
9 set by the commission. Except as provided by Subsection (d), a  
10 stamp must be signed on its face by the person using it for the stamp  
11 to be valid for fishing purposes.

12 (b) The commission by rule shall prescribe the form, design,  
13 and manner of issuance of the freshwater fishing stamp. The  
14 department retains all reproduction rights to the design.

15 (c) The commission may contract with and pay a person for  
16 designing and producing the freshwater fishing stamp.

17 (d) The commission by rule may prescribe alternate  
18 requirements for identifying the purchaser of a freshwater fishing  
19 stamp issued in an automated manner.

20 Sec. 43.805. DISPOSITION OF STAMP FEES. (a) After  
21 deduction of any collection fee, the net receipts from freshwater  
22 fishing stamp sales shall be sent to the department.

23 (b) The net receipts from freshwater fishing stamp sales may  
24 be spent only for:

25 (1) the repair, maintenance, renovation, or  
26 replacement of freshwater fish hatcheries in this state; or

27 (2) the purchase of fish that are stocked into the

1 public water of this state.

2 Sec. 43.806. EXPIRATION OF STAMP. (a) Except as provided  
3 by Subsection (b) or (c), a freshwater fishing stamp is valid for  
4 fishing only during the yearly period for which the stamp is issued,  
5 without regard to the date on which the stamp is acquired. Each  
6 yearly period begins on September 1 of the year in which the stamp  
7 is issued or another date set by the commission and extends through  
8 August 31 of the next year or another date set by the commission.  
9 The commission by rule may set the amount of a stamp fee for a stamp  
10 issued during a transition period at an amount lower than  
11 prescribed in this subchapter and provide for a stamp term for a  
12 transition period that is shorter or longer than a year.

13 (b) A freshwater fishing stamp issued before September 1 or  
14 another date set by the commission that does not expire until August  
15 31 of the next year or another date set by the commission is valid  
16 from the date of issuance through August 31 of the next year or  
17 another date set by the commission.

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

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

27 Sec. 43.808. PENALTY. A person who violates Section 43.802

1 of this code is guilty of a Class C Parks and Wildlife Code  
2 misdemeanor.

3 Sec. 43.809. EXPIRATION OF SUBCHAPTER. This subchapter  
4 expires September 1, 2014.

5 SECTION 2. Subchapters I, N, and Q, Chapter 43, Parks and  
6 Wildlife Code, are repealed.

7 SECTION 3. This Act takes effect September 1, 2004.