

BILL ANALYSIS

C.S.H.B. 506
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently when private property becomes flooded by public water that land can then be used for hunting. HB 506 would require a person to obtain landowner consent in order to hunt on private land that has been submerged by public water.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 506 amends Chapter 62 of the Parks and Wildlife Code by adding section 62.002 .

Section 62.002 states that a person may not hunt or take any wild animal or bird when the person is on or over privately owned land that is:

- 1) submerged under public water; and
- 2) conspicuously marked as privately owned by a sign or signs.

Section 62.002 does not apply to:

- 1) fishing or to fish and other aquatic life;
- 2) a person who:
 - A) owns the submerged land; or
 - B) obtains the landowner's consent
- 3) land dedicated to the permanent school fund within:
 - A) tidewater limits; or
 - B) Gradient boundaries of navigable river or stream; or
- 4) land that is:
 - A) Submerged by public water; and
 - B) Located below the mean high tide line of the Gulf of Mexico.

Section 62.002 does not authorize a person to fish by any means or method otherwise prohibited by this code.

Section 61.022(a) is amended to include submerged land.

EFFECTIVE DATE

This act takes effect September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 506 creates a legislative council draft for H.B. 506.

This substitute delineates submerged land to include the seasonal or occasional inundation of public fresh water and public salt water located above the mean high tide line of the Gulf of Mexico. It also specifies conspicuously marked private property signs to include those similar to 'POSTER. PRIVATE PROPERTY. NO HUNTING'. The substitute states that this section does not include land dedicate to the permanent school fund within tidewater limits or gradient boundaries of a navigable river or stream. It further does not apply to land submerged by public water and located below the mean high tide line of the Gulf of Mexico. Finally, this section does not authorize a person to fish by any means, time, or place otherwise prohibited by this code.