

BILL ANALYSIS

S.B. 489
By: Estes
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently the Texas Parks and Wildlife Department (TPWD) has the authority through the Water Safety Act to issue marine licenses. However, there is no procedure which authorizes revocation of a license.

As proposed, S.B. 489 authorizes the Parks and Wildlife Commission to adopt rules establishing license revocation and suspension procedures; requires dealers, distributors, or manufacturers to enter into a license agreement with TPWD; and redefines "dealer" to eliminate the requirement that a dealer be at an established or permanent place of business.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Parks and Wildlife Commission is modified in SECTION 3 (Section 31.0412, Parks and Wildlife Code) of this bill.

ANALYSIS

SECTION 1. Amends Section 31.003(7), Parks and Wildlife Code, to redefine "dealer."

SECTION 2. Amends Section 31.041(a), Parks and Wildlife Code, to prohibit a person from engaging in business in this state as a dealer, distributor, or manufacturer unless the person enters into a license agreement with the Parks and Wildlife Department.

SECTION 3. Amends Section 31.0412, Parks and Wildlife Code, to authorize the Parks and Wildlife Commission to adopt rules prescribing license agreement forms, prescribing license requirements, and establishing license revocation and suspension procedures. Makes nonsubstantive changes.

SECTION 4. Repealer: Section 31.007 (Dealer Requirements), Parks and Wildlife Code.

SECTION 5. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005