

BILL ANALYSIS

S.B. 804
By: Averitt
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, funds collected through the sale of Texas Parks and Wildlife Department (TPWD) licenses and permits are not held in trust. In cases of bankruptcy involving retail business that sell TPWD licenses and permits, TPWD's claim to funds collected on behalf of the state may not be secured.

As proposed, S.B. 804 provides that funds collected from the sale of TPWD licenses and permits are held in trust for the state, which strengthens TPWD's claim to those funds.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 12, Parks and Wildlife Code, by adding Section 12.708, as follows:

Sec. 12.708. **LIABILITY OF LICENSE DEPUTY FOR SALES.** (a) Provides that this section applies to the sale of a license, stamp, permit, or tag generated by a license deputy (deputy), employee, or agent of a deputy.

(b) Provides that a deputy holds in trust for the benefit of the state money received from the sale of specific items, minus the amount of the authorized sales commission, until that money is transferred to the state treasury for credit to the appropriate department account. Provides that the deputy is liable to the Texas Parks and Wildlife Department (TPWD) for the full amount of the money held in trust. Provides that if the deputy is not an individual, each officer, director, or owner is personally liable to TPWD for the full amount of the money held in trust.

SECTION 2. Effective date: upon passage or September 1, 2005.

EFFECTIVE DATE

Upon passage or September 1, 2005