

By: Geren

H.B. No. 931

A BILL TO BE ENTITLED

AN ACT

relating to stamps for migratory and upland game bird hunting.

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

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

SUBCHAPTER S. MIGRATORY AND UPLAND GAME BIRD STAMPS

Sec. 43.651. DEFINITIONS. In this subchapter:

(1) "Migratory game bird" means:

(A) a wild duck of any species;

(B) a wild goose of any species;

(C) a wild brant of any species;

(D) a wild coot;

(E) a mourning dove;

(F) a white-winged dove;

(G) a white-tipped dove;

(H) a Wilson's snipe;

(I) an American woodcock;

(J) a sandhill crane;

(K) a gallinule;

(L) a moorhen;

(M) a king rail;

(N) a clapper rail;

(O) a sora rail;

(P) a Virginia rail; or

1 (Q) any other species of bird that the commission
2 by rule designates as a migratory game bird.

3 (2) "Upland game bird" means:

4 (A) a wild turkey of any species or sub-species;

5 (B) a northern bobwhite;

6 (C) a scaled or blue quail;

7 (D) a Gambel's quail;

8 (E) a Montezuma quail;

9 (F) a ring-necked pheasant;

10 (G) a lesser prairie chicken; or

11 (H) a chachalaca.

12 Sec. 43.652. MIGRATORY OR UPLAND GAME BIRD STAMP REQUIRED.

13 (a) Except as provided by Subsection (b), a person may not hunt a
14 migratory or upland game bird in this state unless the person has
15 acquired a migratory or upland game bird stamp, as applicable,
16 issued to the person by the department. The commission by rule may
17 adopt requirements relating to possessing a stamp required by this
18 subchapter.

19 (b) The commission by rule may exempt a person or class of
20 persons from the stamp requirement of this section.

21 Sec. 43.653. HUNTING LICENSE REQUIRED. The acquisition of
22 a migratory or upland game bird stamp does not authorize a person to
23 hunt a migratory or upland game bird without having acquired a
24 hunting license as provided by Chapter 42 or to hunt a migratory or
25 upland game bird at any time or by means not otherwise authorized by
26 this code.

27 Sec. 43.654. DESIGN AND ISSUANCE OF STAMPS. (a) The

1 department may issue a migratory or upland game bird stamp to any
2 person on payment to the department of \$7, or an amount set by the
3 commission, whichever amount is greater.

4 (b) The commission may issue and sell a collectors edition
5 of migratory or upland game bird stamps that does not authorize
6 hunting. The commission shall set the fee for a stamp issued under
7 this subsection.

8 (c) The department may authorize the use of the image of a
9 stamp issued under this subchapter for products offered to the
10 public for sale and not for the purpose of authorizing hunting. The
11 department shall receive a reasonable royalty payment for the sale
12 of any stamp products sold under this subsection.

13 (d) The commission by rule shall prescribe the form, design,
14 and manner of issuance of a stamp under this subchapter. The
15 department retains all rights to the design.

16 (e) The commission may contract with and pay a person for
17 designing, producing, and marketing a stamp.

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

21 (g) A stamp issued under this subchapter is valid for
22 hunting only during the yearly period for which the stamp is issued,
23 without regard to the date on which the stamp is acquired. Each
24 yearly period begins on September 1 of the year in which the stamp
25 is issued or another date set by the commission and extends through
26 August 31 of the next year or another date set by the commission.

27 Sec. 43.655. MIGRATORY GAME BIRD STAMP FUND. (a) The

1 migratory game bird stamp fund is a dedicated account in the general
2 revenue fund.

3 (b) The fund consists of the net proceeds from:

4 (1) the issuance of migratory game bird stamps;

5 (2) the amount allocated by the department to the fund
6 if migratory game bird stamps are issued as part of a combination
7 license under Chapter 50;

8 (3) the sale of collectors editions of migratory game
9 bird stamps, if issued under Section 43.654(b);

10 (4) payments, including royalty payments, received
11 for the use of the migratory game bird stamp image authorized under
12 Section 43.654(c); and

13 (5) interest and other earnings from the investment of
14 money in the fund under Subsection (c).

15 (c) The comptroller shall invest money in the fund in
16 accordance with state law.

17 (d) Any money in the fund not used in a fiscal year remains
18 in the fund. The fund is exempt from the application of Section
19 403.095, Government Code.

20 Sec. 43.656. USES OF MONEY IN THE MIGRATORY GAME BIRD STAMP
21 FUND. (a) Money in the fund may be used only for:

22 (1) management of and research concerning migratory
23 game birds;

24 (2) acquisition, lease, or development of migratory
25 game bird habitats; and

26 (3) contracts, donations, and grants under Section
27 43.659.

1 (b) The department may not spend more than one-third of the
2 amount credited to the fund during the fiscal year on salaries and
3 benefits of employees working on species-related projects.

4 (c) The department shall allocate money in the migratory
5 game bird stamp fund in a manner that addresses the needs of
6 migratory birds in this state.

7 Sec. 43.657. UPLAND GAME BIRD STAMP FUND. (a) The upland
8 game bird stamp fund is a dedicated account in the general revenue
9 fund.

10 (b) The fund consists of the net proceeds from:

11 (1) the issuance of upland game bird stamps;

12 (2) the amount allocated by the department to the fund
13 if upland game bird stamps are issued as part of a combination
14 license under Chapter 50;

15 (3) the sale of collectors editions of upland game
16 bird stamps, if issued under Section 43.654(b);

17 (4) payments, including royalty payments, received
18 for the use of the upland game bird stamp image authorized under
19 Section 43.654(c); and

20 (5) interest and other earnings from the investment of
21 money in the fund under Subsection (c).

22 (c) The comptroller shall invest money in the fund in
23 accordance with state law.

24 (d) Any money in the fund not used in a fiscal year remains
25 in the fund. The fund is exempt from the application of Section
26 403.095, Government Code.

27 Sec. 43.658. USES OF MONEY IN THE UPLAND GAME BIRD STAMP

1 FUND. (a) Money in the fund may be used only for:

2 (1) management of and research concerning upland game
3 birds; and

4 (2) acquisition, lease, or development of upland game
5 bird habitats.

6 (b) The department may not spend more than one-third of the
7 amount credited to the fund during the fiscal year on salaries and
8 benefits of employees working on species-related projects.

9 (c) The department shall allocate money in the upland game
10 bird stamp fund in a manner that addresses the needs of upland game
11 birds in this state.

12 Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. As allowed
13 under state and federal law, the department may make money
14 available to appropriate state, regional, national, and
15 international governmental and nonprofit organizations through
16 contracts, donations, and grants. The money may be used to acquire,
17 develop, and maintain migratory game bird propagation areas in the
18 United States, Canada, Mexico, or another country that provides
19 migratory habitat for the Central Flyway.

20 Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION
21 ELIGIBILITY. A person hunting a migratory or upland game bird who
22 refuses on demand of any game warden or other peace officer to show
23 the applicable stamp, or proof that the person is exempt under
24 Section 43.652(b), is presumed to be in violation of Section
25 43.652.

26 Sec. 43.661. RECIPROCAL AGREEMENTS RELATING TO MIGRATORY
27 BIRDS. As provided by Chapter 41, the department may negotiate a

1 reciprocal agreement with a state that shares a common boundary
2 with this state if the neighboring state has a similar migratory
3 game bird stamp requirement and fee. The reciprocal agreement may
4 permit a resident of the state with which the reciprocal agreement
5 is made to hunt a migratory game bird in this state without a stamp
6 issued under this subchapter if the person possesses a stamp issued
7 by the other state.

8 Sec. 43.662. USE OF MONEY FROM ISSUANCE OF WHITE-WINGED
9 DOVE STAMP. (a) Any money deposited from the net receipts from
10 white-winged dove stamp sales under former Subchapter B deposited
11 in the game, fish, and water safety account under Section 11.032
12 shall remain in that account and be used only for:

13 (1) research, including surveys, and management for
14 the protection of white-winged doves; and

15 (2) the acquisition, lease, or development of
16 white-winged dove habitats in this state.

17 (b) This section expires September 1, 2009.

18 Sec. 43.663. USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP.
19 (a) Any money deposited from the net receipts from waterfowl stamp
20 sales under former Subchapter K deposited in the game, fish, and
21 water safety account under Section 11.032 shall remain in that
22 account and be used only for:

23 (1) research, management, and protection of
24 waterfowl;

25 (2) the acquisition, lease, or development of
26 waterfowl habitats in this state; and

27 (3) grants under Section 43.659.

1 (b) This section expires September 1, 2009.

2 Sec. 43.664. USE OF MONEY FROM ISSUANCE OF TURKEY STAMP.

3 (a) Any money deposited from the net receipts from turkey stamp
4 sales under former Subchapter J deposited in the game, fish, and
5 water safety account under Section 11.032 shall remain in that
6 account and be used only for:

7 (1) research, management, and protection of turkeys;

8 and

9 (2) the acquisition, lease, or development of turkey
10 habitats in this state.

11 (b) This section expires September 1, 2009.

12 Sec. 43.665. PENALTY. A person who violates Section 43.652
13 commits an offense that is a Class C Parks and Wildlife Code
14 misdemeanor.

15 SECTION 2. Section 11.032(b), Parks and Wildlife Code, is
16 amended to read as follows:

17 (b) The department shall deposit to the credit of the game,
18 fish, and water safety account all revenue, less allowable costs,
19 from the following sources:

20 (1) all types of fishing licenses and stamps and
21 shrimping licenses, except as provided by Section 77.120;

22 (2) all types of hunting licenses and stamps, except
23 as provided by Subchapter S, Chapter 43;

24 (3) trapping licenses and other licenses relating to
25 the taking, propagation, and sale of fur-bearing animals or their
26 pelts;

27 (4) sale of marl, sand, gravel, shell, and mudshell;

- 1 (5) oyster bed rentals and permits;
- 2 (6) federal funds received for fish and wildlife
3 research, management, development and conservation, resource
4 protection, and law enforcement, unless the funds are received for
5 the specific purposes of Subchapter F, Chapter 77;
- 6 (7) sale of property, less advertising costs,
7 purchased from this account or a special fund or account that is now
8 part of this account;
- 9 (8) fines and penalties collected for violations of a
10 law pertaining to the protection and conservation of wild birds,
11 wild fowl, wild animals, fish, shrimp, oysters, game birds and
12 animals, fur-bearing animals, alligators, and any other wildlife
13 resources of this state;
- 14 (9) sale of rough fish by the department;
- 15 (10) fees for importation permits;
- 16 (11) fees from supplying fish for or placing fish in
17 water located on private property;
- 18 (12) sale of seized pelts;
- 19 (13) sale or lease of grazing rights to and the
20 products from game preserves, sanctuaries, and management areas;
- 21 (14) contracts for the removal of fur-bearing animals
22 and reptiles from wildlife management areas;
- 23 (15) vessel registration fees;
- 24 (16) vessel manufacturer or dealer licensing fees;
- 25 (17) fines or penalties imposed by a court for
26 violation of water safety laws contained in Chapter 31 of this code;
- 27 (18) alligator hunter's or alligator buyer's licenses;

1 (19) sale of alligators or any part of an alligator by
2 the department;

3 (20) fees and revenue collected under Section
4 11.027(b) or (c) of this code that are associated with the
5 conservation of fish and wildlife;

6 (21) any other source provided by law; and

7 (22) vessel and outboard motor titling fees.

8 SECTION 3. Subchapters B, J, and K, Chapter 43, Parks and
9 Wildlife Code, are repealed.

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2005.