

1-1 By: Allen of Dallas (Senate Sponsor-Armbrister) H.B. No. 1636
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 20, 2005, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 20, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to residency in relation to a license or permit or certain
1-9 hunting and catching restrictions of the Parks and Wildlife
1-10 Department; providing a penalty.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 11, Parks and Wildlife
1-13 Code, is amended by adding Section 11.004 to read as follows:

1-14 Sec. 11.004. RULES RELATING TO RESIDENCY FOR HUNTING AND
1-15 OTHER PURPOSES. (a) The commission by rule may prescribe the proof
1-16 required to demonstrate residency in this state for the purpose of
1-17 obtaining a license or permit issued by the department.

1-18 (b) In addition to any other rules adopted under Subsection
1-19 (a), the commission may adopt rules relating to residency for the
1-20 purposes of hunting or catching any animal in this state through the
1-21 use of any device that remotely controls another device used to hunt
1-22 or catch the animal.

1-23 (c) A rule described by Subsection (b) may prohibit a class
1-24 or classes of persons from hunting or catching an animal in the
1-25 manner described by Subsection (b) if the rule treats a class of
1-26 persons in a substantially similar manner regardless of whether a
1-27 person in the class is a resident or nonresident. A person who
1-28 violates a rule adopted under Subsection (b) commits an offense
1-29 that is a Class A Parks and Wildlife misdemeanor, and each animal
1-30 the person hunts or catches in violation of the rule is a separate
1-31 offense.

1-32 SECTION 2. If H.B. No. 391, Acts of the 79th Legislature,
1-33 Regular Session, 2005, or other legislation substantially similar
1-34 to that Act becomes law, Sections 11.004(b) and (c), Parks and
1-35 Wildlife Code, as added by this Act, are void and do not take
1-36 effect.

1-37 SECTION 3. This Act takes effect immediately if it receives
1-38 a vote of two-thirds of all the members elected to each house, as
1-39 provided by Section 39, Article III, Texas Constitution. If this
1-40 Act does not receive the vote necessary for immediate effect, this
1-41 Act takes effect September 1, 2005.

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