

By: Hilderbran

H.B. No. 2940

Substitute the following for H.B. No. 2940:

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C.S.H.B. No. 2940

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 any bird listed in Section 64.021 and includes any other species of migratory bird that the commission by rule designates as a migratory game bird.

(2) "Upland game bird" means any bird listed in Section 64.001.

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

(a) Except as provided by Subsection (b), a person may not hunt a migratory or upland game bird in this state unless the person possesses the appropriate migratory or upland game bird stamp, as applicable, issued to the person by the department. The commission by rule may adopt requirements relating to possessing a stamp required by this subchapter.

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

Sec. 43.653. HUNTING LICENSE REQUIRED. The possession of either a migratory or upland game bird stamp does not authorize a person to hunt a migratory or upland game bird:

1 (1) without possessing a hunting license as provided
2 by Chapter 42; or

3 (2) at any time or by means not otherwise authorized by
4 this code.

5 Sec. 43.654. DESIGN AND ISSUANCE OF STAMPS. (a) The
6 department may issue a migratory or upland game bird stamp to any
7 person on payment to the department of \$7 per stamp, or an amount
8 set by the commission, whichever amount is greater.

9 (b) The commission may issue and sell a collector's edition
10 of the migratory or upland game bird stamps that does not authorize
11 hunting. The commission shall set the fee for a stamp issued under
12 this subsection.

13 (c) The department may authorize the use of the image of a
14 stamp issued under this subchapter for products offered to the
15 public for sale and not for the purpose of authorizing hunting. The
16 department shall receive a reasonable royalty payment for the sale
17 of any stamp products sold under this subsection.

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

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

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

26 (g) A stamp issued under this subchapter is valid for
27 hunting only during the yearly period for which the stamp is issued,

1 without regard to the date on which the stamp is acquired. Each
2 yearly period begins on September 1 of the year in which the stamp
3 is issued or another date set by the commission and extends through
4 August 31 of the next year or another date set by the commission.

5 Sec. 43.655. DISPOSITION OF MIGRATORY GAME BIRD STAMP NET
6 PROCEEDS. (a) The migratory game bird stamp net proceeds shall be
7 deposited to the credit of the game, fish, and water safety account
8 under Section 11.032 and may be used only for the purposes specified
9 in Section 43.656.

10 (b) Net proceeds from the migratory game bird stamp consist
11 of:

12 (1) proceeds from the issuance of migratory game bird
13 stamps;

14 (2) the amount allocated by the department from the
15 net proceeds of a combination license if migratory game bird stamps
16 are issued as part of a combination license under Chapter 50;

17 (3) proceeds from the sale of collector's editions of
18 migratory game bird stamps, if issued under Section 43.654(b);

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

22 (5) interest and other earnings from the investment of
23 remaining net proceeds under Subsection (c).

24 (c) The comptroller shall invest the remaining net
25 proceeds, if any, in accordance with state law.

26 (d) Any net proceeds under this section not used in a fiscal
27 year remain in the game, fish, and water safety account and are

1 exempt from the application of Section 403.095, Government Code.

2 Sec. 43.656. USES OF NET PROCEEDS FROM MIGRATORY GAME BIRD
3 STAMP. (a) Net proceeds from the migratory game bird stamp may be
4 used only for:

5 (1) management of and research concerning migratory
6 game birds;

7 (2) acquisition, lease, or development of migratory
8 game bird habitats; and

9 (3) contracts, donations, and grants under Section
10 43.659.

11 (b) The department shall use the net proceeds from the
12 migratory game bird stamp in a manner that addresses the needs of
13 migratory birds in this state.

14 Sec. 43.657. DISPOSITION OF UPLAND GAME BIRD STAMP NET
15 PROCEEDS. (a) The upland game bird stamp net proceeds shall be
16 deposited to the credit of the game, fish, and water safety account
17 under Section 11.032 and may be used only for the purposes specified
18 in Section 43.658.

19 (b) Net proceeds from the upland game bird stamp consist of:

20 (1) proceeds from the issuance of upland game bird
21 stamps;

22 (2) the amount allocated by the department from the
23 net proceeds of a combination license if upland game bird stamps are
24 issued as part of a combination license under Chapter 50;

25 (3) proceeds from the sale of collector's editions of
26 upland game bird stamps, if issued under Section 43.654(b);

27 (4) payments, including royalty payments, received

1 for the use of the upland game bird stamp image authorized under
2 Section 43.654(c); and

3 (5) interest and other earnings from the investment of
4 remaining net proceeds under Subsection (c).

5 (c) The comptroller shall invest the remaining net
6 proceeds, if any, in accordance with state law.

7 (d) Any net proceeds under this section not used in a fiscal
8 year remain in the game, fish, and water safety account and are
9 exempt from the application of Section 403.095, Government Code.

10 Sec. 43.658. USES OF NET PROCEEDS FROM UPLAND GAME BIRD
11 STAMP. (a) Net proceeds from the upland game bird stamp may be used
12 only for:

13 (1) management of and research concerning upland game
14 birds;

15 (2) acquisition, lease, or development of upland game
16 bird habitats; and

17 (3) contracts, donations, and grants under Section
18 43.659.

19 (b) The department shall use the net proceeds from the
20 upland game bird stamp in a manner that addresses the needs of
21 upland game birds in this state.

22 Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. As allowed
23 under state and federal law, the department may make money
24 available in advance or by reimbursement to appropriate state,
25 regional, national, and international governmental and nonprofit
26 organizations through contracts, donations, and grants. The money
27 may be used to acquire, develop, and maintain migratory and upland

1 game bird habitat areas in the United States, Canada, Mexico, or
2 another country that provides migratory habitat for the Central
3 Flyway.

4 Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION
5 ELIGIBILITY. A person hunting a migratory or upland game bird who
6 refuses on demand of any game warden or other peace officer to show
7 the applicable stamp, or proof that the person is exempt under
8 Section 43.652(b), is presumed to be in violation of Section
9 43.652.

10 Sec. 43.661. RECIPROCAL AGREEMENTS RELATING TO MIGRATORY
11 BIRDS. As provided by Chapter 41, the department may negotiate a
12 reciprocal agreement with a state that shares a common boundary
13 with this state if the neighboring state has a similar migratory
14 game bird stamp requirement and fee. The reciprocal agreement may
15 permit a resident of the state with which the reciprocal agreement
16 is made to hunt a migratory game bird in this state without a stamp
17 issued under this subchapter if the person possesses a stamp issued
18 by the other state.

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

24 (1) research, conservation, surveys, and management
25 for all species of doves designated as migratory game birds; and

26 (2) the acquisition, lease, or development of dove
27 habitats in this state.

1 (b) This section expires September 1, 2010.

2 Sec. 43.663. USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP.

3 (a) Any money deposited from the net receipts from waterfowl stamp
4 sales under former Subchapter K 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 conservation of
8 waterfowl;

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

11 (3) grants under Section 43.659.

12 (b) This section expires September 1, 2010.

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

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

18 (1) research, management, and conservation of wild
19 turkeys; and

20 (2) the acquisition, lease, or development of wild
21 turkey habitats in this state.

22 (b) This section expires September 1, 2010.

23 Sec. 43.665. PENALTY. A person who violates Section 43.652
24 commits an offense that is a Class C Parks and Wildlife Code
25 misdemeanor.

26 SECTION 2. Subchapters B, J, and K, Chapter 43, Parks and
27 Wildlife Code, are repealed.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2006.