

1-1 By: Hilderbran (Senate Sponsor - Estes) H.B. No. 2940  
1-2 (In the Senate - Received from the House April 29, 2005;  
1-3 May 2, 2005, read first time and referred to Committee on Natural  
1-4 Resources; May 13, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 13, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2940 By: Estes

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to stamps for migratory and upland game bird hunting;  
1-11 providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 43, Parks and Wildlife Code, is amended  
1-14 by adding Subchapter S to read as follows:

1-15 SUBCHAPTER S. MIGRATORY AND UPLAND GAME BIRD STAMPS

1-16 Sec. 43.651. DEFINITIONS. In this subchapter:

1-17 (1) "Migratory game bird" means any bird listed in  
1-18 Section 64.021 and includes any other species of migratory bird  
1-19 that the commission by rule designates as a migratory game bird.

1-20 (2) "Upland game bird" means any bird listed in  
1-21 Section 64.001.

1-22 Sec. 43.652. MIGRATORY OR UPLAND GAME BIRD STAMP REQUIRED.

1-23 (a) Except as provided by Subsection (b), a person may not hunt a  
1-24 migratory or upland game bird in this state unless the person  
1-25 possesses the appropriate migratory or upland game bird stamp, as  
1-26 applicable, issued to the person by the department. The commission  
1-27 by rule may adopt requirements relating to possessing a stamp  
1-28 required by this subchapter.

1-29 (b) The commission by rule may exempt a person or class of  
1-30 persons from the stamp requirement of this section.

1-31 Sec. 43.653. HUNTING LICENSE REQUIRED. The possession of

1-32 either a migratory or upland game bird stamp does not authorize a  
1-33 person to hunt a migratory or upland game bird:

1-34 (1) without possessing a hunting license as provided  
1-35 by Chapter 42; or

1-36 (2) at any time or by means not otherwise authorized by  
1-37 this code.

1-38 Sec. 43.654. DESIGN AND ISSUANCE OF STAMPS. (a) The

1-39 department may issue a migratory or upland game bird stamp to any  
1-40 person on payment to the department of \$7 per stamp.

1-41 (b) The commission may issue and sell a collector's edition  
1-42 of the migratory or upland game bird stamps that does not authorize  
1-43 hunting. The commission shall set the fee for a stamp issued under  
1-44 this subsection.

1-45 (c) The department may authorize the use of the image of a  
1-46 stamp issued under this subchapter for products offered to the  
1-47 public for sale and not for the purpose of authorizing hunting. The  
1-48 department shall receive a reasonable royalty payment for the sale  
1-49 of any stamp products sold under this subsection.

1-50 (d) The commission by rule shall prescribe the form, design,  
1-51 and manner of issuance of a stamp under this subchapter. The  
1-52 department retains all rights to the design.

1-53 (e) The commission may contract with and pay a person for  
1-54 designing, producing, and marketing a stamp.

1-55 (f) The commission by rule may prescribe alternate  
1-56 requirements for identifying the purchaser of a stamp issued in an  
1-57 automated manner.

1-58 (g) A stamp issued under this subchapter is valid for  
1-59 hunting only during the yearly period for which the stamp is issued,  
1-60 without regard to the date on which the stamp is acquired. Each  
1-61 yearly period begins on September 1 of the year in which the stamp  
1-62 is issued or another date set by the commission and extends through  
1-63 August 31 of the next year or another date set by the commission.

2-1 Sec. 43.655. DISPOSITION OF MIGRATORY GAME BIRD STAMP NET  
2-2 PROCEEDS. (a) The migratory game bird stamp net proceeds shall be  
2-3 deposited to the credit of the game, fish, and water safety account  
2-4 under Section 11.032 and may be used only for the purposes specified  
2-5 in Section 43.656.

2-6 (b) Net proceeds from the migratory game bird stamp consist  
2-7 of:

2-8 (1) proceeds from the issuance of migratory game bird  
2-9 stamps;

2-10 (2) the amount allocated by the department from the  
2-11 net proceeds of a combination license if migratory game bird stamps  
2-12 are issued as part of a combination license under Chapter 50;

2-13 (3) proceeds from the sale of collector's editions of  
2-14 migratory game bird stamps, if issued under Section 43.654(b);

2-15 (4) payments, including royalty payments, received  
2-16 for the use of the migratory game bird stamp image authorized under  
2-17 Section 43.654(c); and

2-18 (5) interest and other earnings from the investment of  
2-19 remaining net proceeds under Subsection (c).

2-20 (c) The comptroller shall invest the remaining net  
2-21 proceeds, if any, in accordance with state law.

2-22 (d) Any net proceeds under this section not used in a fiscal  
2-23 year remain in the game, fish, and water safety account and are  
2-24 exempt from the application of Section 403.095, Government Code.

2-25 Sec. 43.656. USES OF NET PROCEEDS FROM MIGRATORY GAME BIRD  
2-26 STAMP. (a) Net proceeds from the migratory game bird stamp may be  
2-27 used only for:

2-28 (1) management of and research concerning migratory  
2-29 game birds;

2-30 (2) acquisition, lease, or development of migratory  
2-31 game bird habitats; and

2-32 (3) contracts, donations, and grants under Section  
2-33 43.659.

2-34 (b) The department shall use the net proceeds from the  
2-35 migratory game bird stamp in a manner that addresses the needs of  
2-36 migratory birds in this state.

2-37 Sec. 43.657. DISPOSITION OF UPLAND GAME BIRD STAMP NET  
2-38 PROCEEDS. (a) The upland game bird stamp net proceeds shall be  
2-39 deposited to the credit of the game, fish, and water safety account  
2-40 under Section 11.032 and may be used only for the purposes specified  
2-41 in Section 43.658.

2-42 (b) Net proceeds from the upland game bird stamp consist of:

2-43 (1) proceeds from the issuance of upland game bird  
2-44 stamps;

2-45 (2) the amount allocated by the department from the  
2-46 net proceeds of a combination license if upland game bird stamps are  
2-47 issued as part of a combination license under Chapter 50;

2-48 (3) proceeds from the sale of collector's editions of  
2-49 upland game bird stamps, if issued under Section 43.654(b);

2-50 (4) payments, including royalty payments, received  
2-51 for the use of the upland game bird stamp image authorized under  
2-52 Section 43.654(c); and

2-53 (5) interest and other earnings from the investment of  
2-54 remaining net proceeds under Subsection (c).

2-55 (c) The comptroller shall invest the remaining net  
2-56 proceeds, if any, in accordance with state law.

2-57 (d) Any net proceeds under this section not used in a fiscal  
2-58 year remain in the game, fish, and water safety account and are  
2-59 exempt from the application of Section 403.095, Government Code.

2-60 Sec. 43.658. USES OF NET PROCEEDS FROM UPLAND GAME BIRD  
2-61 STAMP. (a) Net proceeds from the upland game bird stamp may be used  
2-62 only for:

2-63 (1) management of and research concerning upland game  
2-64 birds;

2-65 (2) acquisition, lease, or development of upland game  
2-66 bird habitats; and

2-67 (3) contracts, donations, and grants under Section  
2-68 43.659.

2-69 (b) The department shall use the net proceeds from the

3-1 upland game bird stamp in a manner that addresses the needs of  
3-2 upland game birds in this state.

3-3 Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. As allowed  
3-4 under state and federal law, the department may make money  
3-5 available in advance or by reimbursement to appropriate state,  
3-6 regional, national, and international governmental and nonprofit  
3-7 organizations through contracts, donations, and grants. The money  
3-8 may be used to acquire, develop, and maintain migratory and upland  
3-9 game bird habitat areas in the United States, Canada, Mexico, or  
3-10 another country that provides migratory habitat for the Central  
3-11 Flyway.

3-12 Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION  
3-13 ELIGIBILITY. A person hunting a migratory or upland game bird who  
3-14 refuses on demand of any game warden or other peace officer to show  
3-15 the applicable stamp, or proof that the person is exempt under  
3-16 Section 43.652(b), is presumed to be in violation of Section  
3-17 43.652.

3-18 Sec. 43.661. RECIPROCAL AGREEMENTS RELATING TO MIGRATORY  
3-19 GAME BIRDS. As provided by Chapter 41, the department may negotiate  
3-20 a reciprocal agreement with a state that shares a common boundary  
3-21 with this state if the neighboring state has a similar migratory  
3-22 game bird stamp requirement and fee. The reciprocal agreement may  
3-23 permit a resident of the state with which the reciprocal agreement  
3-24 is made to hunt a migratory game bird in this state without a stamp  
3-25 issued under this subchapter if the person possesses a stamp issued  
3-26 by the other state.

3-27 Sec. 43.662. USE OF MONEY FROM ISSUANCE OF WHITE-WINGED  
3-28 DOVE STAMP. (a) Any money deposited from the net receipts from  
3-29 white-winged dove stamp sales under former Subchapter B deposited  
3-30 in the game, fish, and water safety account under Section 11.032  
3-31 shall remain in that account and be used only for:

3-32 (1) research, conservation, surveys, and management  
3-33 for all species of doves designated as migratory game birds; and

3-34 (2) the acquisition, lease, or development of dove  
3-35 habitats in this state.

3-36 (b) This section expires September 1, 2010.

3-37 Sec. 43.663. USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP.  
3-38 (a) Any money deposited from the net receipts from waterfowl stamp  
3-39 sales under former Subchapter K deposited in the game, fish, and  
3-40 water safety account under Section 11.032 shall remain in that  
3-41 account and be used only for:

3-42 (1) research, management, and conservation of  
3-43 waterfowl;

3-44 (2) the acquisition, lease, or development of  
3-45 waterfowl habitats in this state; and

3-46 (3) grants under Section 43.659.

3-47 (b) This section expires September 1, 2010.

3-48 Sec. 43.664. USE OF MONEY FROM ISSUANCE OF TURKEY STAMP.  
3-49 (a) Any money deposited from the net receipts from turkey stamp  
3-50 sales under former Subchapter J deposited in the game, fish, and  
3-51 water safety account under Section 11.032 shall remain in that  
3-52 account and be used only for:

3-53 (1) research, management, and conservation of wild  
3-54 turkeys; and

3-55 (2) the acquisition, lease, or development of wild  
3-56 turkey habitats in this state.

3-57 (b) This section expires September 1, 2010.

3-58 Sec. 43.665. PENALTY. A person who violates Section 43.652  
3-59 commits an offense that is a Class C Parks and Wildlife Code  
3-60 misdemeanor.

3-61 SECTION 2. Subchapters B, J, and K, Chapter 43, Parks and  
3-62 Wildlife Code, are repealed.

3-63 SECTION 3. This Act takes effect immediately if it receives  
3-64 a vote of two-thirds of all the members elected to each house, as  
3-65 provided by Section 39, Article III, Texas Constitution. If this  
3-66 Act does not receive the vote necessary for immediate effect, this  
3-67 Act takes effect September 1, 2006.

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