

AN ACT

relating to stamps for migratory and upland game bird hunting;
providing a penalty.

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, other than a bird that is also listed in Section
64.021, and includes any other species of upland game bird that the
commission by rule designates as an upland game bird.

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.

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

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

6 (2) at any time or by means not otherwise authorized by
7 this code.

8 Sec. 43.654. DESIGN AND ISSUANCE OF STAMPS. (a) The
9 department may issue a migratory or upland game bird stamp to any
10 person on payment to the department of \$7 per stamp.

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

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

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

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

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

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

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

12 (b) Net proceeds from the migratory game bird stamp consist
13 of:

14 (1) proceeds from the issuance of migratory game bird
15 stamps;

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

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

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

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

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

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

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

7 (1) management of and research concerning migratory
8 game birds;

9 (2) acquisition, lease, or development of migratory
10 game bird habitats; and

11 (3) contracts, donations, and grants under Section
12 43.659.

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

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

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

22 (1) proceeds from the issuance of upland game bird
23 stamps;

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

27 (3) proceeds from the sale of collector's editions of

1 upland game bird stamps, if issued under Section 43.654(b);

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

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

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

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

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

15 (1) management of and research concerning upland game
16 birds;

17 (2) acquisition, lease, or development of upland game
18 bird habitats; and

19 (3) contracts, donations, and grants under Section
20 43.659.

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

24 Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. As allowed
25 under state and federal law, the department may make money
26 available in advance or by reimbursement to appropriate state,
27 regional, national, and international governmental and nonprofit

1 organizations through contracts, donations, and grants. The money
2 may be used to acquire, develop, and maintain migratory and upland
3 game bird habitat areas in the United States, Canada, Mexico, or
4 another country that provides migratory habitat for the Central
5 Flyway.

6 Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION
7 ELIGIBILITY. A person hunting a migratory or upland game bird who
8 refuses on demand of any game warden or other peace officer to show
9 the applicable stamp, or proof that the person is exempt under
10 Section 43.652(b), is presumed to be in violation of Section
11 43.652.

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

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

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

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

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

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

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

9 (1) research, management, and conservation of
10 waterfowl;

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

13 (3) grants under Section 43.659.

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

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

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

20 (1) research, management, and conservation of wild
21 turkeys; and

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

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

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1192 passed the Senate on April 28, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1192 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 138, Nays 7, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor