

By: Estes S.B. No. 1192
(In the Senate - Filed March 9, 2005; March 21, 2005, read first time and referred to Subcommittee on Agriculture and Coastal Resources; April 7, 2005, reported adversely, with favorable Committee Substitute to Committee on Natural Resources; April 18, 2005, reported adversely, with favorable Committee Substitute from Committee on Natural Resources by the following vote: Yeas 9, Nays 0; April 18, 2005, sent to printer.)

COMMITTEE SUBSTITUTE FOR S.B. No. 1192 By: Jackson

A BILL TO BE ENTITLED
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.

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

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

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

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

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

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

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

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

(g) A stamp issued under this subchapter is valid for hunting only during the yearly period for which the stamp is issued, without regard to the date on which the stamp is acquired. Each yearly period begins on September 1 of the year in which the stamp

is issued or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) contracts, donations, and grants under Section

3-1 43.659.

3-2 (b) The department shall use the net proceeds from the
 3-3 upland game bird stamp in a manner that addresses the needs of
 3-4 upland game birds in this state.

3-5 Sec. 43.659. CONTRACTS, DONATIONS, AND GRANTS. As allowed
 3-6 under state and federal law, the department may make money
 3-7 available in advance or by reimbursement to appropriate state,
 3-8 regional, national, and international governmental and nonprofit
 3-9 organizations through contracts, donations, and grants. The money
 3-10 may be used to acquire, develop, and maintain migratory and upland
 3-11 game bird habitat areas in the United States, Canada, Mexico, or
 3-12 another country that provides migratory habitat for the Central
 3-13 Flyway.

3-14 Sec. 43.660. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION
 3-15 ELIGIBILITY. A person hunting a migratory or upland game bird who
 3-16 refuses on demand of any game warden or other peace officer to show
 3-17 the applicable stamp, or proof that the person is exempt under
 3-18 Section 43.652(b), is presumed to be in violation of Section
 3-19 43.652.

3-20 Sec. 43.661. RECIPROCAL AGREEMENTS RELATING TO MIGRATORY
 3-21 GAME BIRDS. As provided by Chapter 41, the department may negotiate
 3-22 a reciprocal agreement with a state that shares a common boundary
 3-23 with this state if the neighboring state has a similar migratory
 3-24 game bird stamp requirement and fee. The reciprocal agreement may
 3-25 permit a resident of the state with which the reciprocal agreement
 3-26 is made to hunt a migratory game bird in this state without a stamp
 3-27 issued under this subchapter if the person possesses a stamp issued
 3-28 by the other state.

3-29 Sec. 43.662. USE OF MONEY FROM ISSUANCE OF WHITE-WINGED
 3-30 DOVE STAMP. (a) Any money deposited from the net receipts from
 3-31 white-winged dove stamp sales under former Subchapter B deposited
 3-32 in the game, fish, and water safety account under Section 11.032
 3-33 shall remain in that account and be used only for:

3-34 (1) research, conservation, surveys, and management
 3-35 for all species of doves designated as migratory game birds; and

3-36 (2) the acquisition, lease, or development of dove
 3-37 habitats in this state.

3-38 (b) This section expires September 1, 2010.

3-39 Sec. 43.663. USE OF MONEY FROM ISSUANCE OF WATERFOWL STAMP.
 3-40 (a) Any money deposited from the net receipts from waterfowl stamp
 3-41 sales under former Subchapter K deposited in the game, fish, and
 3-42 water safety account under Section 11.032 shall remain in that
 3-43 account and be used only for:

3-44 (1) research, management, and conservation of
 3-45 waterfowl;

3-46 (2) the acquisition, lease, or development of
 3-47 waterfowl habitats in this state; and

3-48 (3) grants under Section 43.659.

3-49 (b) This section expires September 1, 2010.

3-50 Sec. 43.664. USE OF MONEY FROM ISSUANCE OF TURKEY STAMP.
 3-51 (a) Any money deposited from the net receipts from turkey stamp
 3-52 sales under former Subchapter J deposited in the game, fish, and
 3-53 water safety account under Section 11.032 shall remain in that
 3-54 account and be used only for:

3-55 (1) research, management, and conservation of wild
 3-56 turkeys; and

3-57 (2) the acquisition, lease, or development of wild
 3-58 turkey habitats in this state.

3-59 (b) This section expires September 1, 2010.

3-60 Sec. 43.665. PENALTY. A person who violates Section 43.652
 3-61 commits an offense that is a Class C Parks and Wildlife Code
 3-62 misdemeanor.

3-63 SECTION 2. Subchapters B, J, and K, Chapter 43, Parks and
 3-64 Wildlife Code, are repealed.

3-65 SECTION 3. This Act takes effect immediately if it receives
 3-66 a vote of two-thirds of all the members elected to each house, as
 3-67 provided by Section 39, Article III, Texas Constitution. If this
 3-68 Act does not receive the vote necessary for immediate effect, this
 3-69 Act takes effect September 1, 2006.

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