

## **BILL ANALYSIS**

C.S.H.B. 3844  
By: Hilderbran  
Culture, Recreation, & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 79th Legislature passed a bill prohibiting the discharge of certain firearms in navigable streams of certain counties where recreational use of the navigable streams created a dangerous situation when firearms were discharged in the same stream as the recreation use. Over the past several years in Uvalde, Dimmitt and Zavala counties, there has been a continual increase in river usage by boaters, campers, kayakers, hikers, fishermen and other ecotourism.

C.S.H.B. 3844 addresses the increased use of the navigable streams in these three counties by eliminating the exception for shotguns under certain circumstance. A discharge of a shotgun in these navigable streams in Uvalde, Dimmitt and Zavala counties is as dangerous to other river users as any other type of firearms. The bill also adds Kimble, Mason, and Irion Counties to the counties addressed in the 79th Legislative session.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Includes Irion, Kimble and Mason counties in the chapter heading of Chapter 284 of the Parks and Wildlife Codes.

SECTION 2. Amends the Parks and Wildlife Code to include Irion, Kimble and Mason Counties in Section 284.001(b). The bill also provides an exception for an individual acting in the scope of the individual's duties as a peace officer or department employee, the discharge of a shotgun loaded with ammunition that releases only shot when discharged, or bow fishing in Dimmitt, Uvalde, or Zavala County. Notwithstanding the exemption of the discharge of a shotgun loaded with ammunition that releases only shot when discharged, in Dimmitt, Uvalde, or Zavala County, a person may discharge a shotgun loaded with ammunition that releases only shot when discharged only if the person is hunting migratory birds and game animals defined in the Parks and Wildlife Code. The definition of game animals for this Section does not include mule deer, white-tailed deer, or antelope.

SECTION 3. Effective date: This Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 3844 includes Irion County in Chapter 284 of the Parks and Wildlife Code and Section 284.001(b) of the Parks and Wildlife Code. Bow fishing in Dimmitt, Uvalde, or Zavala is excluded from Section 284.001 of the Parks and Wildlife Code. Finally, the substitute adds subsection (f) to Section 284.001 of the Parks and Wildlife Code to state that in Dimmitt, Uvalde, or Zavala County, a person may discharge a shotgun loaded with ammunition that releases only shot when discharged only if the person is hunting migratory birds and game animals defined in the Parks and Wildlife Code. The definition of game animals for this Section will not include mule deer, white-tailed deer, or antelope.

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