

BILL ANALYSIS

S.B. 1669
By: Averitt
Culture, Recreation, & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, in order to qualify for federal grants under the Pittman-Robertson Act and the Dingell-Johnson Act, a state has to statutorily restrict the use of recreational hunting and fishing license revenue to operational expenses of the state fish and wildlife agency. Texas law authorizes the Texas Parks and Wildlife Department (TPWD) to collect a fee for certain actions and the resulting revenue is required to be deposited in the state parks account. However, under federal grant requirements, charging a hunting fee and using the revenues for state park maintenance does not fall under the categorization of an "operational expense." As a result, Texas could lose federal grant money.

As proposed, S.B. 1669 defines public hunting lands, deletes TPWD's authorization to collect a fee, and authorizes TPWD to issue public access permits to comply with federal standards.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 4 of this bill.

ANALYSIS

SECTION 1. Amends Section 81.401, Parks and Wildlife Code, as follows:

Sec. 81.401. ACQUISITION AND MANAGEMENT OF AREAS. (a) Authorizes the Texas Parks and Wildlife Department (TPWD) to acquire by donation, purchase, lease, or otherwise, and develop, maintain, and operate, wildlife management areas and public hunting lands.

(b) Authorizes TPWD to manage, along sound biological lines, wildlife and fish found on any land TPWD has or may acquire as a wildlife management area.

(c) Authorizes TPWD to use money from the game, fish, and water safety account to accomplish the purposes of this section.

SECTION 2. Amends Subchapter E, Chapter 81, Parks and Wildlife Code, by adding Sections 81.4011 and 81.4012, as follows:

Sec. 81.4011. DEFINITION. Defines "public hunting land."

Sec. 81.4012. APPLICABILITY TO STATE PARK LAND. Provides that this subchapter applies to certain state parks.

SECTION 3. Amends the heading to Section 81.403, Parks and Wildlife Code, to read as follows:

Sec. 81.403. PERMITS; FEES.

SECTION 4. Amends Section 81.403, Parks and Wildlife Code, by amending Subsections (a) and (c) and adding Subsection (a-1), as follows:

(a) Authorizes TPWD to issue a permit authorizing access to public hunting land or for specific hunting, fishing, recreational, or other use of public hunting land or a wildlife management area. Requires the Parks and Wildlife Commission by rule to prescribe the conditions for the issuance and use of a permit under this section.

(a-1) Requires permits for hunting of wildlife or for any other use in wildlife management areas or public hunting lands to be issued by TPWD to applicants by means of a fair method of distribution subject to limitations on the maximum number of permits to be issued, except as provided by this section, rather than in Subsections (b) and (e).

(c) Requires TPWD to charge a permit fee in the amount set by the Parks and Wildlife Commission by rule. Requires revenue from permit fees for access to state parks to be deposited to the credit of the state parks account. Requires revenue from other permit fees under this section to be deposited to the game, fish, and water safety account.

SECTION 5. Repealer: Sections 62.064 (Fee for Hunting) and 62.065 (Disposition of Funds), Parks and Wildlife Code.

SECTION 6. Effective date: September 1, 2007

EFFECTIVE DATE

September 1, 2007