

By: Guillen

H.B. No. 1346

A BILL TO BE ENTITLED

AN ACT

relating to the consistent use of the term "game warden" throughout the Parks and Wildlife Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 43.406, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.406. REFUSAL TO SHOW STAMP. A person fishing in saltwater for sporting purposes who refuses on demand of any game warden ~~[management officer]~~ or peace officer to show a saltwater sportfishing stamp is presumed to be in violation of Section 43.402 ~~[of this code]~~.

SECTION 2. Sections 43.525(a) and (b), Parks and Wildlife Code, are amended to read as follows:

(a) Except as provided by Subsection (b) ~~[of this section]~~, a person commits an offense if the person is using land under the department's control and fails or refuses to show a conservation permit issued to the person on the demand of a game warden ~~[management officer]~~, peace officer, or department employee.

(b) It is not an offense under Subsection (a) ~~[of this section]~~ if a person who is using land under the department's control fails to show a conservation permit on the demand of a game warden ~~[management officer]~~, peace officer, or department employee, and that person:

(1) entered land under the department's control as an

1 occupant of a privately owned, noncommercial vehicle in which at
2 least one other occupant possesses and is able to show a
3 conservation permit issued to that other occupant; or

4 (2) is a member of a group of individuals that the
5 department has exempted from the requirement for a conservation
6 permit.

7 SECTION 3. Section 43.807, Parks and Wildlife Code, is
8 amended to read as follows:

9 Sec. 43.807. REFUSAL TO SHOW STAMP. A person fishing in
10 fresh water for sporting purposes who refuses on demand of any game
11 warden [~~management officer~~] or peace officer to show a freshwater
12 fishing stamp or proof that the person is exempt under Section
13 43.802(b) or a rule adopted under that section is presumed to be in
14 violation of Section 43.802.

15 SECTION 4. Section 76.005(b), Parks and Wildlife Code, is
16 amended to read as follows:

17 (b) The failure of an owner of riparian rights described in
18 Section 76.004(a) [~~of this code~~] to have an affidavit when required
19 by the department or to show it to a game warden [~~management~~
20 ~~officer~~] on request or to the person to whom the oysters are offered
21 for sale when required by the department is prima facie evidence
22 that the oysters were produced from public beds.

23 SECTION 5. Section 76.117, Parks and Wildlife Code, is
24 amended to read as follows:

25 Sec. 76.117. OBEDIENCE TO ORDERS. No person may fail or
26 refuse to obey a lawful order of a commissioned game warden
27 [~~management officer~~] of the department issued under the authority

1 of this chapter.

2 SECTION 6. Section 202.031(b), Parks and Wildlife Code, is
3 amended to read as follows:

4 (b) This section does not apply to peace officers, game
5 wardens [~~management officers~~], or representatives of the Parks and
6 Wildlife Commission in the discharge of their official duties, nor
7 does it prevent a person from hunting with a shotgun during an open
8 season or when it is lawful to hunt in or upon Caddo Lake in Harrison
9 County.

10 SECTION 7. Section 283.022(b), Parks and Wildlife Code, is
11 amended to read as follows:

12 (b) This section does not apply to a peace officer or game
13 warden [~~management officer~~] of this state or to a regular employee
14 of the Panola County Fresh Water Supply District Number 1.

15 SECTION 8. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.