

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 1346  
1-2 (In the Senate - Received from the House April 18, 2011;  
1-3 April 20, 2011, read first time and referred to Committee on  
1-4 Agriculture and Rural Affairs; May 3, 2011, reported favorably by  
1-5 the following vote: Yeas 3, Nays 0; May 3, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the consistent use of the term "game warden" throughout  
1-9 the Parks and Wildlife Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 43.406, Parks and Wildlife Code, is  
1-12 amended to read as follows:

1-13 Sec. 43.406. REFUSAL TO SHOW STAMP. A person fishing in  
1-14 saltwater for sporting purposes who refuses on demand of any game  
1-15 warden ~~[management officer]~~ or peace officer to show a saltwater  
1-16 sportfishing stamp is presumed to be in violation of Section 43.402  
1-17 ~~[of this code]~~.

1-18 SECTION 2. Sections 43.525(a) and (b), Parks and Wildlife  
1-19 Code, are amended to read as follows:

1-20 (a) Except as provided by Subsection (b) ~~[of this section]~~,  
1-21 a person commits an offense if the person is using land under the  
1-22 department's control and fails or refuses to show a conservation  
1-23 permit issued to the person on the demand of a game warden  
1-24 ~~[management officer]~~, peace officer, or department employee.

1-25 (b) It is not an offense under Subsection (a) ~~[of this~~  
1-26 ~~section]~~ if a person who is using land under the department's  
1-27 control fails to show a conservation permit on the demand of a game  
1-28 warden ~~[management officer]~~, peace officer, or department  
1-29 employee, and that person:

1-30 (1) entered land under the department's control as an  
1-31 occupant of a privately owned, noncommercial vehicle in which at  
1-32 least one other occupant possesses and is able to show a  
1-33 conservation permit issued to that other occupant; or

1-34 (2) is a member of a group of individuals that the  
1-35 department has exempted from the requirement for a conservation  
1-36 permit.

1-37 SECTION 3. Section 43.807, Parks and Wildlife Code, is  
1-38 amended to read as follows:

1-39 Sec. 43.807. REFUSAL TO SHOW STAMP. A person fishing in  
1-40 fresh water for sporting purposes who refuses on demand of any game  
1-41 warden ~~[management officer]~~ or peace officer to show a freshwater  
1-42 fishing stamp or proof that the person is exempt under Section  
1-43 43.802(b) or a rule adopted under that section is presumed to be in  
1-44 violation of Section 43.802.

1-45 SECTION 4. Section 76.005(b), Parks and Wildlife Code, is  
1-46 amended to read as follows:

1-47 (b) The failure of an owner of riparian rights described in  
1-48 Section 76.004(a) ~~[of this code]~~ to have an affidavit when required  
1-49 by the department or to show it to a game warden ~~[management~~  
1-50 ~~officer]~~ on request or to the person to whom the oysters are offered  
1-51 for sale when required by the department is prima facie evidence  
1-52 that the oysters were produced from public beds.

1-53 SECTION 5. Section 76.117, Parks and Wildlife Code, is  
1-54 amended to read as follows:

1-55 Sec. 76.117. OBEDIENCE TO ORDERS. No person may fail or  
1-56 refuse to obey a lawful order of a commissioned game warden  
1-57 ~~[management officer]~~ of the department issued under the authority  
1-58 of this chapter.

1-59 SECTION 6. Section 202.031(b), Parks and Wildlife Code, is  
1-60 amended to read as follows:

1-61 (b) This section does not apply to peace officers, game  
1-62 wardens ~~[management officers]~~, or representatives of the Parks and  
1-63 Wildlife Commission in the discharge of their official duties, nor  
1-64 does it prevent a person from hunting with a shotgun during an open

2-1 season or when it is lawful to hunt in or upon Caddo Lake in Harrison  
2-2 County.

2-3 SECTION 7. Section 283.022(b), Parks and Wildlife Code, is  
2-4 amended to read as follows:

2-5 (b) This section does not apply to a peace officer or game  
2-6 warden [~~management officer~~] of this state or to a regular employee  
2-7 of the Panola County Fresh Water Supply District Number 1.

2-8 SECTION 8. This Act takes effect immediately if it receives  
2-9 a vote of two-thirds of all the members elected to each house, as  
2-10 provided by Section 39, Article III, Texas Constitution. If this  
2-11 Act does not receive the vote necessary for immediate effect, this  
2-12 Act takes effect September 1, 2011.

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