

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Farias, King of Zavala, Larson, Gallego

H.B. No. 1788

A BILL TO BE ENTITLED

AN ACT

relating to capturing reptiles and amphibians by nonlethal means;  
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 W to read as follows:

SUBCHAPTER W. REPTILE AND AMPHIBIAN STAMP

Sec. 43.901. REPTILE AND AMPHIBIAN STAMP REQUIRED. (a)

Except as provided by Section 43.905, a person may capture by  
nonlethal means an indigenous reptile or amphibian on the shoulder  
of a road, as defined by Section 541.302, Transportation Code, or  
the unpaved area of a public right-of-way only if the person  
possesses a reptile and amphibian stamp issued to the person by the  
department.

(b) The commission by rule shall prescribe the form, design,  
and manner of issuance of a stamp under this subchapter.

(c) The stamp is not valid unless the person to whom the  
stamp is issued has signed the stamp on its face.

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

(e) A stamp issued under this subchapter is valid only  
during the yearly period for which the stamp is issued without  
regard to the date on which the stamp is acquired. Each yearly

1 period begins on September 1 or another date set by the commission  
2 and extends through August 31 of the next year or another date set  
3 by the commission.

4 Sec. 43.902. FEE. The fee for a reptile and amphibian stamp  
5 is \$10. The department may issue other editions of the stamp that  
6 are not valid for capturing by nonlethal means a species covered by  
7 this subchapter for a fee set by the commission.

8 Sec. 43.903. HUNTING LICENSE REQUIRED. The possession of a  
9 reptile and amphibian stamp does not authorize a person to capture  
10 by nonlethal means an indigenous reptile or amphibian:

11 (1) without possessing a hunting license required by  
12 Section 42.002 or 42.005; or

13 (2) at a time or by means not otherwise authorized by  
14 this code.

15 Sec. 43.904. STAMP SALE RECEIPTS. The net revenue derived  
16 from the sale of reptile and amphibian stamps shall be credited to  
17 the game, fish, and water safety account.

18 Sec. 43.905. EXEMPTIONS. A person is not required to have a  
19 hunting license or reptile and amphibian stamp to capture by  
20 nonlethal means and subsequently release in another location an  
21 indigenous reptile or amphibian if the person is:

22 (1) performing activities related to oil or gas  
23 exploration or production;

24 (2) an employee of the state, a utility, as defined by  
25 Section 203.091, Transportation Code, or a power generation  
26 company, as defined by Section 31.002, Utilities Code, and is  
27 acting in the course and scope of the person's employment with the

1 state, the utility, or the power generation company; or

2 (3) performing activities related to surface coal  
3 mining and reclamation operations as defined by Section 134.004,  
4 Natural Resources Code.

5 Sec. 43.906. PENALTY. (a) A person who violates Section  
6 43.901 commits an offense that is a Class C Parks and Wildlife Code  
7 misdemeanor.

8 (b) A person, other than a person described by Section  
9 43.905, in an area described by Section 43.901 who is engaged in  
10 capturing by nonlethal means a species covered by this subchapter  
11 and fails or refuses on the demand of any game warden or other peace  
12 officer to show a reptile and amphibian stamp is presumed to be in  
13 violation of Section 43.901.

14 SECTION 2. Section 62.0031, Parks and Wildlife Code, is  
15 amended by amending Subsection (a) and adding Subsections (c), (d),  
16 and (e) to read as follows:

17 (a) Except as provided by Subsections [~~Subsection~~] (b) and  
18 (c), a person may not hunt a wild animal or bird when the person is  
19 on a public road or right-of-way.

20 (c) A person may capture by nonlethal means reptiles and  
21 amphibians on the shoulder of a road, as defined by Section 541.302,  
22 Transportation Code, or the unpaved area of a public right-of-way  
23 if the person:

24 (1) possesses a reptile and amphibian stamp issued to  
25 the person by the department and does not use a trap; or

26 (2) is described by Section 43.905.

27 (d) A person must wear reflective clothing when engaging in

1 the capture by nonlethal means of a reptile or amphibian under a  
2 stamp issued by the department. The clothing must have at least 144  
3 square inches of reflective material on both the front and back of  
4 the clothing.

5 (e) A person may not use a spotlight attached to a motor  
6 vehicle in capturing a reptile or amphibian under Subsection (c).

7 SECTION 3. Section 62.004, Parks and Wildlife Code, is  
8 amended to read as follows:

9 Sec. 62.004. HUNTING AT NIGHT. (a) No person may hunt any  
10 wild bird, wild game bird, wild fowl, or wild game animal protected  
11 by this code at any season of the year between one-half hour after  
12 sunset and one-half hour before sunrise.

13 (b) Subsection (a) does not apply to a person engaging in  
14 the capture by nonlethal means of a reptile or amphibian under a  
15 stamp issued by the department.

16 SECTION 4. (a) Not later than March 1, 2012, the Parks and  
17 Wildlife Commission shall adopt:

18 (1) rules to implement the changes in law made by this  
19 Act; and

20 (2) the form, design, and manner of issuance of, and  
21 the fee for, a reptile and amphibian stamp under Subchapter W,  
22 Chapter 43, Parks and Wildlife Code, as added by this Act.

23 (b) Notwithstanding Sections 43.901(e) and 43.902, Parks  
24 and Wildlife Code, as added by this Act, the initial reptile and  
25 amphibian stamps issued under Subchapter W, Chapter 43, Parks and  
26 Wildlife Code:

27 (1) are valid for the period beginning the date the

1 stamps first become available and ending on the expiration of the  
2 first yearly period set by the Parks and Wildlife Commission under  
3 Section 43.901(e); and

4           (2) shall be issued for a fee equal to the yearly fee,  
5 plus a prorated amount for the period beginning the date the stamps  
6 first become available and ending on the day preceding the date the  
7 first yearly period begins.

8           SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

*Atty Gen*  
Secretary of the Senate

By: *C. Christ*

H.B. No. 1788

Substitute the following for H.B. No. 1788 :

By: *Wendy R Davis*

C.S. H.B. No. 1788

A BILL TO BE ENTITLED

AN ACT

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providing a penalty.

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of a road, as defined by Section 541.302, Transportation Code, or  
the unpaved area of a public right-of-way only if the person  
possesses a reptile and amphibian stamp issued to the person by the  
department.

(b) The commission by rule shall prescribe the form, design,  
and manner of issuance of a stamp under this subchapter.

(c) The stamp is not valid unless the person to whom the  
stamp is issued has signed the stamp on its face.

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

(e) A stamp issued under this subchapter is valid only  
during the yearly period for which the stamp is issued without  
regard to the date on which the stamp is acquired. Each yearly

1 period begins on September 1 or another date set by the commission  
2 and extends through August 31 of the next year or another date set  
3 by the commission.

4 Sec. 43.902. FEE. The fee for a reptile and amphibian stamp  
5 is \$10. The department may issue other editions of the stamp that  
6 are not valid for capturing by nonlethal means a species covered by  
7 this subchapter for a fee set by the commission.

8 Sec. 43.903. HUNTING LICENSE REQUIRED. The possession of a  
9 reptile and amphibian stamp does not authorize a person to capture  
10 by nonlethal means an indigenous reptile or amphibian:

11 (1) without possessing a hunting license required by  
12 Section 42.002 or 42.005; or

13 (2) at a time or by means not otherwise authorized by  
14 this code.

15 Sec. 43.904. STAMP SALE RECEIPTS. The net revenue derived  
16 from the sale of reptile and amphibian stamps shall be credited to  
17 the game, fish, and water safety account.

18 Sec. 43.905. EXEMPTIONS. A person is not required to have a  
19 hunting license or reptile and amphibian stamp to capture by  
20 nonlethal means and subsequently release in another location an  
21 indigenous reptile or amphibian if the person is:

22 (1) performing activities related to the operation and  
23 maintenance of pipelines and related facilities or to oil or gas  
24 exploration or production;

25 (2) an employee of the state, a utility, as defined by  
26 Section 203.091, Transportation Code, or a power generation  
27 company, as defined by Section 31.002, Utilities Code, and is

1 acting in the course and scope of the person's employment with the  
2 state, the utility, or the power generation company; or

3 (3) performing activities related to surface coal  
4 mining and reclamation operations as defined by Section 134.004,  
5 Natural Resources Code.

6 Sec. 43.906. PENALTY. (a) A person who violates Section  
7 43.901 commits an offense that is a Class C Parks and Wildlife Code  
8 misdemeanor.

9 (b) A person, other than a person described by Section  
10 43.905, in an area described by Section 43.901 who is engaged in  
11 capturing by nonlethal means a species covered by this subchapter  
12 and fails or refuses on the demand of any game warden or other peace  
13 officer to show a reptile and amphibian stamp is presumed to be in  
14 violation of Section 43.901.

15 SECTION 2. Section 62.0031, Parks and Wildlife Code, is  
16 amended by amending Subsection (a) and adding Subsections (c), (d),  
17 and (e) to read as follows:

18 (a) Except as provided by Subsections [~~Subsection~~] (b) and  
19 (c), a person may not hunt a wild animal or bird when the person is  
20 on a public road or right-of-way.

21 (c) A person may capture by nonlethal means reptiles and  
22 amphibians on the shoulder of a road, as defined by Section 541.302,  
23 Transportation Code, or the unpaved area of a public right-of-way  
24 if the person:

25 (1) possesses a reptile and amphibian stamp issued to  
26 the person by the department and does not use a trap; or

27 (2) is described by Section 43.905.



1        (d) A person must wear reflective clothing when engaging in  
2 the capture by nonlethal means of a reptile or amphibian under a  
3 stamp issued by the department. The clothing must have at least 144  
4 square inches of reflective material on both the front and back of  
5 the clothing.

6        (e) A person may not use a spotlight from a motor vehicle in  
7 capturing a reptile or amphibian under Subsection (c).

8        SECTION 3. (a) Not later than March 1, 2012, the Parks and  
9 Wildlife Commission shall adopt:

10            (1) rules to implement the changes in law made by this  
11 Act; and

12            (2) the form, design, and manner of issuance of, and  
13 the fee for, a reptile and amphibian stamp under Subchapter W,  
14 Chapter 43, Parks and Wildlife Code, as added by this Act.

15        (b) Notwithstanding Sections 43.901(e) and 43.902, Parks  
16 and Wildlife Code, as added by this Act, the initial reptile and  
17 amphibian stamps issued under Subchapter W, Chapter 43, Parks and  
18 Wildlife Code:

19            (1) are valid for the period beginning the date the  
20 stamps first become available and ending on the expiration of the  
21 first yearly period set by the Parks and Wildlife Commission under  
22 Section 43.901(e); and

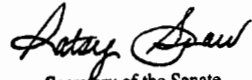
23            (2) shall be issued for a fee equal to the yearly fee,  
24 plus a prorated amount for the period beginning the date the stamps  
25 first become available and ending on the day preceding the date the  
26 first yearly period begins.

27        SECTION 4. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2011.

# ADOPTED

MAY 24 2011

  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend C.S.H.B. 1788 (senate committee printing) in SECTION 2  
2 of the bill, in amended Section 62.0031, Parks and Wildlife Code  
3 (page 2, lines 30-31), by striking Subsection (e) and substituting  
4 the following:

5 (e) A person may not use an artificial light from a motor  
6 vehicle in locating, capturing, or attempting to capture a reptile  
7 or amphibian under Subsection (c).

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 25, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1788** by Farias (Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty. ), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1788, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain from <i>Game, Fish, Water Safety Ac</i> 9</b>
2012	\$105,698
2013	\$105,698
2014	\$105,698
2015	\$105,698
2016	\$105,698

The bill would amend portions of the Parks and Wildlife Code to establish a reptile and amphibian hunting stamp. With the purchase of a hunting license and the new stamp, an individual is permitted to capture (without using a trap) indigenous reptiles or amphibians by non-lethal means, including capturing on a shoulder of a road or unpaved area of a public right-of-way, under certain conditions. An individual would be prohibited from using an artificial light from a motor vehicle in capturing or attempting to capture a reptile or amphibian. The bill would exempt persons performing activities related to operation and maintenance of pipelines or to oil or gas exploration or production or employees of certain utilities who capture and subsequently release reptiles or amphibians from hunting license and stamp requirements.

The bill would require the Texas Parks and Wildlife Commission to adopt rules, along with the form, design and manner of stamp issuance by March 1, 2012. The stamp fee would be \$10 and valid for a state fiscal year, except for the first year when the fee will be prorated from the date of initial issuance

to the end of the fiscal year. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

### **Fiscal Analysis**

The total fiscal impact to the Texas Parks and Wildlife Department (TPWD) is increased revenue of \$105,698 per fiscal year to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9. Additional transaction costs for the new stamp could be absorbed within TPWD's existing resources.

### **Methodology**

TPWD reports an estimated 2,297 residents and 1,026 non-residents currently not hunting would purchase a hunting license and stamp. Using the demographics from the general hunting population (youth, general, senior), this analysis applies that pro-rata to this new sub-population of hunters; resulting in 897 youth, 749 non-resident five-day, 1,526 general resident, and 151 resident seniors. At \$7 (youth, who do not require a stamp, all others include the \$10 stamp), \$58 (non-resident five-day), \$35 (general resident) and \$17 respectively (resident seniors), the total impact to TPWD is increased revenue of approximately \$105,698 per fiscal year. This analysis assumes non-residents would purchase a five-day hunting license (\$48) as opposed to a general non-resident hunting license (\$315).

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, TB, SZ, ZS, KM

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 21, 2011**

**TO:** Honorable Eddie Lucio Jr., Chair, Senate Committee on International Relations & Trade

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1788** by Farias ( Relating to the capturing reptiles and amphibians by nonlethal means; providing a penalty), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1788, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain from <i>Game, Fish, Water Safety Ac</i> 9
2012	\$105,698
2013	\$105,698
2014	\$105,698
2015	\$105,698
2016	\$105,698

The bill would amend portions of the Parks and Wildlife Code to establish a reptile and amphibian hunting stamp. With the purchase of a hunting license and the new stamp, an individual is permitted to capture (without using a trap) indigenous reptiles or amphibians by non-lethal means, including capturing on a shoulder of a road or unpaved area of a public right-of-way, under certain conditions. An individual would be prohibited from using a spotlight from a motor vehicle in capturing a reptile or amphibian. The bill would exempt persons performing activities related to operation and maintenance of pipelines or to oil or gas exploration or production or employees of certain utilities who capture and subsequently release reptiles or amphibians from hunting license and stamp requirements.

The bill would require the Texas Parks and Wildlife Commission to adopt rules, along with the form, design and manner of stamp issuance by March 1, 2012. The stamp fee would be \$10 and valid for a state fiscal year, except for the first year when the fee will be prorated from the date of initial issuance to the end of the fiscal year. The bill would take immediate effect if the bill receives two-thirds the

vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

### **Fiscal Analysis**

The total fiscal impact to the Texas Parks and Wildlife Department (TPWD) is increased revenue of \$105,698 per fiscal year to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9. Additional transaction costs for the new stamp could be absorbed within TPWD's existing resources.

### **Methodology**

TPWD reports an estimated 2,297 residents and 1,026 non-residents currently not hunting would purchase a hunting license and stamp. Using the demographics from the general hunting population (youth, general, senior), this analysis applies that pro-rata to this new sub-population of hunters; resulting in 897 youth, 749 non-resident five-day, 1,526 general resident, and 151 resident seniors. At \$7 (youth, who do not require a stamp, all others include the \$10 stamp), \$58 (non-resident five-day), \$35 (general resident) and \$17 respectively (resident seniors), the total impact to TPWD is increased revenue of approximately \$105,698 per fiscal year. This analysis assumes non-residents would purchase a five-day hunting license (\$48) as opposed to a general non-resident hunting license (\$315).

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, TB, SZ, ZS, KM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 11, 2011**

**TO:** Honorable Craig Estes, Chair, Senate Committee on Agriculture & Rural Affairs

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1788** by Farias (Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1788, As Engrossed: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain from <i>Game, Fish, Water Safety Ac</i> 9
2012	\$105,698
2013	\$105,698
2014	\$105,698
2015	\$105,698
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The bill would amend portions of the Parks and Wildlife Code to establish a reptile and amphibian hunting stamp. With the purchase of a hunting license and the new stamp, an individual is permitted to capture (without using a trap) indigenous reptiles or amphibians by non-lethal means, including capturing on a shoulder of a road or unpaved area of a public right-of-way and at night, under certain conditions. An individual would be prohibited from using a spotlight attached to a motor vehicle in capturing a reptile or amphibian. The bill would exempt persons performing activities related to oil or gas exploration or production or employees of certain utilities who capture and subsequently release reptiles or amphibians from hunting license and stamp requirements.

The bill would require the Texas Parks and Wildlife Commission to adopt rules, along with the form, design and manner of stamp issuance by March 1, 2012. The stamp fee would be \$10 and valid for a state fiscal year, except for the first year when the fee will be prorated from the date of initial issuance to the end of the fiscal year. The bill would take immediate effect if the bill receives two-thirds the



vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

**Fiscal Analysis**

The total fiscal impact to the Texas Parks and Wildlife Department (TPWD) is increased revenue of \$105,698 per fiscal year to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9. Additional transaction costs for the new stamp could be absorbed within TPWD's existing resources.

**Methodology**

TPWD reports an estimated 2,297 residents and 1,026 non-residents currently not hunting would purchase a hunting license and stamp. Using the demographics from the general hunting population (youth, general, senior), this analysis applies that pro-rata to this new sub-population of hunters; resulting in 897 youth, 749 non-resident five-day, 1,526 general resident, and 151 resident seniors. At \$7 (youth, who do not require a stamp, all others include the \$10 stamp), \$58 (non-resident five-day), \$35 (general resident) and \$17 respectively (resident seniors), the total impact to TPWD is increased revenue of approximately \$105,698 per fiscal year. This analysis assumes non-residents would purchase a five-day hunting license (\$48) as opposed to a general non-resident hunting license (\$315).

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, SZ, ZS, TB, KM

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 27, 2011**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1788** by Farias ( Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1788, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Revenue Gain from <i>Game, Fish, Water Safety Ac</i> 9
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The bill would require the Texas Parks and Wildlife Commission to adopt rules, along with the form, design and manner of stamp issuance by March 1, 2012. The stamp fee would be \$10 and valid for a state fiscal year, except for the first year when the fee will be prorated from the date of initial issuance to the end of the fiscal year. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

## **Fiscal Analysis**

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## **Methodology**

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## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, KM, ZS, TB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 13, 2011**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1788** by Farias (Relating to capturing reptiles and amphibians by nonlethal means; providing a penalty.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1788, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

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**All Funds, Five-Year Impact:**

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2015	\$105,698
2016	\$105,698

The bill would amend portions of the Parks and Wildlife Code to establish a reptile and amphibian hunting stamp. With the purchase of a hunting license and the new stamp, an individual is permitted to capture (without using a trap) indigenous reptiles or amphibians by non-lethal means, including capturing on a public right-of-way and at night, under certain conditions. The bill would require the Texas Parks and Wildlife Commission to adopt rules, along with the form, design and manner of stamp issuance by March 1, 2012. The stamp fee would be \$10 and valid for a state fiscal year, except for the first year when the fee will be prorated from the date of initial issuance to the end of the fiscal year. The bill would take immediate effect if the bill receives two-thirds the vote of all members in both houses. Otherwise, the bill would take effect September 1, 2011.

**Fiscal Analysis**

The total fiscal impact to the Texas Parks and Wildlife Department (TPWD) is increased revenue of

\$105,698 per fiscal year to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9. Additional transaction costs for the new stamp could be absorbed within TPWD's existing resources.

### **Methodology**

TPWD reports an estimated 2,297 residents and 1,026 non-residents currently not hunting would purchase a hunting license and stamp. Using the demographics from the general hunting population (youth, general, senior), this analysis applies that pro-rata to this new sub-population of hunters; resulting in 897 youth, 749 non-resident five-day, 1,526 general resident, and 151 resident seniors. At \$7 (youth, who do not require a stamp, all others include the \$10 stamp), \$58 (non-resident five-day), \$35 (general resident) and \$17 respectively (resident seniors), the total impact to TPWD is increased revenue of approximately \$105,698 per fiscal year. This analysis assumes non-residents would purchase a five-day hunting license (\$48) as opposed to a general non-resident hunting license (\$315).

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

**LBB Staff:** JOB, KM, ZS, TB