

**CHAPTER 640**

**S.B. No. 791**

An Act relating to requirement for a saltwater sportfishing stamp and to a freshwater trout stamp, to fees for those stamps, and to disposition and use of receipts; making appropriations; providing penalties; amending the Parks and Wildlife Code by amending Section 11.032 and adding Subchapters L and M.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 43, Parks and Wildlife Code, as amended, is amended by adding Subchapter L to read as follows:

**"SUBCHAPTER L. SALTWATER SPORTFISHING STAMP**

*"Section 43.401. DEFINITION. In this subchapter, 'saltwater' has the meaning prescribed by Section 66.001 of this code.*

*"Section 43.402. SALTWATER SPORTFISHING STAMP REQUIRED. (a) Except as provided by Subsection (b) of this section, no person may engage in fishing in saltwater for sporting purposes in this state unless the person has in his possession a saltwater sportfishing stamp issued to him by the department.*

*"(b) A person who is exempted from obtaining a fishing license under Chapter 46 of this code is not required to obtain a saltwater sportfishing stamp.*

*"Section 43.403. DESIGN AND ISSUANCE OF STAMP. (a) The department or its agent may issue a saltwater sportfishing stamp to any person on the payment to the department of \$5 or an amount set by the commission, whichever amount is more. The stamp must be signed on its face by the person to whom it is issued.*

*"(b) The commission shall prescribe by regulation the form, design, and manner of issuance of the saltwater sportfishing stamp. The department shall retain the reproduction rights to the design.*

*"(c) The commission may contract with and pay a person for designing and producing the saltwater sportfishing stamp authorized by this subchapter.*

*"Section 43.404. FISHING LICENSE REQUIRED. The acquisition of a saltwater sportfishing stamp does not authorize a person to fish for sporting purposes in saltwater without having acquired a fishing license required by Chapter 46 of this code or authorize saltwater sportfishing at any time or by any means not otherwise authorized by this code.*

*"Section 43.405. COLLECTION FEES. (a) Fifty cents of the fee collected under this subchapter shall be retained by the agent of the department, other than a department employee, as a collection fee.*

*"(b) After deduction of the collection fee, the net receipts from stamp sales shall be sent to the department.*

*"(c) The stamp sale net receipts shall be spent for coastal fisheries enforcement and management and are hereby appropriated for such purposes.*

*"Section 43.406. REFUSAL TO SHOW STAMP. A person fishing in saltwater for sporting purposes who refuses on demand of any game 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 43.407. PENALTY. A person who violates Section 43.402 of this code is guilty of a Class C Parks and Wildlife Code misdemeanor."*

**SECTION 2.** Section 11.032, Parks and Wildlife Code, as amended, is amended to read as follows:

**"Section 11.032. GAME, FISH, AND WATER SAFETY FUND: SOURCES.** The department shall deposit to the credit of the game, fish, and water safety fund all revenue, less allowable costs, from the following sources:

- "(1) all types of fishing licenses and stamps and shrimping licenses;*
- "(2) all types of hunting licenses and stamps;*
- "(3) trapping licenses and other licenses relating to the taking, propagation, and sale of fur-bearing animals or their pelts;*
- "(4) sale of marl, sand, gravel, shell, and mudshell;*
- "(5) oyster bed rentals and permits;*
- "(6) federal funds received for research and development of commercial fisheries and state funds appropriated for this purpose;*
- "(7) sale of property, less advertising costs, purchased from this fund or a special fund that is now part of this fund;*
- "(8) fines and penalties collected for violations of a law pertaining to the protection and conservation of wild birds, wild fowl, wild animals, fish, shrimp, oysters, game birds and animals, fur-bearing animals, alligators, and any other wildlife resources of this state;*
- "(9) sale of rough fish by the department;*
- "(10) fees for importation permits;*
- "(11) fish farm licenses;*
- "(12) fees from supplying fish for or placing fish in water located on private property;*
- "(13) sale of seized pelts;*

- “(14) sale or lease of grazing rights to and the products from game preserves, sanctuaries, and management areas;
- “(15) contracts for the removal of fur-bearing animals and reptiles from wildlife management areas;
- “(16) motorboat registration fees;
- “(17) motorboat manufacturer or dealer registration fee;
- “(18) fines or penalties imposed by a court for violation of water safety laws contained in Chapter 31 of this code;
- “(19) alligator hunter's or alligator buyer's licenses;
- “(20) sale of alligators or any part of an alligator by the department; and
- “(21) any other source provided by law.”

**SECTION 3.** Chapter 43, Parks and Wildlife Code, as amended, is amended by adding Subchapter M to read as follows:

#### **“SUBCHAPTER M. FRESHWATER TROUT STAMP**

“Section 43.501. **DEFINITION.** In this subchapter trout means any species of the Family Salmonidae including but not restricted to rainbow trout, brown trout, and brook trout.

“Section 43.502. **FRESHWATER TROUT STAMP REQUIRED.** (a) No person may take or attempt to take any trout from public waters without having in possession a freshwater trout stamp issued by the department.

“(b) A person who is exempted from obtaining a fishing license under Chapter 46 of this code is not required to obtain a freshwater trout stamp.

“Section 43.503. **DESIGN AND ISSUANCE OF STAMP.** (a) The department or its agent may issue a freshwater trout stamp to any person on the payment to the department of \$5 or an amount set by the commission, whichever amount is more. The stamp must be signed on its face by the person to whom it is issued for the stamp to be valid for fishing purposes.

“(b) The commission shall prescribe by regulation the form, design, and manner of issuance of the freshwater trout stamp. The department shall retain the reproduction rights to the design.

“(c) The commission may contract with and pay a person for designing and producing the freshwater trout stamp authorized by this chapter.

“Section 43.504. **FISHING LICENSE REQUIRED.** The acquisition of a freshwater trout stamp does not authorize a person to fish for sporting purposes for trout without having acquired a proper fishing license as provided by Chapter 46 of this code or authorized sportfishing at any time or by any means not otherwise authorized by this code.

“Section 43.505. **DISPOSITION OF STAMP FEES.** (a) Fifty cents of the fee collected under this subchapter may be retained by the agent of the department, other than a department employee, as a collection fee.

“(b) After deduction of any collection fee, the net receipts from stamp sales shall be sent to the department.

“(c) The stamp sale net receipts may be spent for any purposes authorized by Section 11.033 of this code and are hereby appropriated for such purposes.

“Section 43.506. **REFUSAL TO SHOW STAMP.** A person fishing for trout who refuses on demand of any game management officer or peace officer to show a freshwater trout stamp is presumed to be in violation of Section 43.502 of this code.

“Section 43.507. **PENALTY.** A person who violates Section 43.502 of this code is guilty of a Class C Parks and Wildlife Code misdemeanor.”

**SECTION 4.** This Act takes effect January 1, 1986.

**SECTION 5.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 2, 1985, by a viva-voce vote; Senate concurred in House amendment on May 27, 1985, by a viva-voce vote; passed the House, with amendment, on May 25, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: January 1, 1986