

CHAPTER 838

H.B. No. 578

AN ACT

relating to requirements and conditions for, and exemptions from, certain hunting or fishing licenses or stamps.

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

SECTION 1. Section 42.001(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Resident" means:

(A) an individual who has resided continuously in this state for more than six months immediately before applying for a hunting license;

(B) a member of the United States armed forces on active duty;

(C) a dependent of a member of the United States armed forces on active duty; or

(D) a member of any other category of individuals that the commission by regulation designates as residents.

SECTION 2. Section 42.012(b), Parks and Wildlife Code, is amended to read as follows:

(b) The commission may set [establish] a lower fee or waive the fee or license requirement for a resident who is under 17 years old, 65 years old or older, *participating in an event that is sponsored or co-sponsored by the Texas Parks and Wildlife Department with the approval of the executive director*, or a qualified disabled veteran.

SECTION 3. Section 42.0142(b), Parks and Wildlife Code, is amended to read as follows:

(b) The fee for a nonresident banded bird hunting license is *an amount* set by the commission [~~in an amount not to exceed \$10~~]. Seventy-five cents of the fee may be retained by an authorized agent, other than a department employee, issuing the license as his collection fee. [~~A nonresident banded bird hunting license may be sold by the department or private bird hunting area licensee subject to the same rules that apply to any other license deputy.~~]

SECTION 4. Section 42.017(b), Parks and Wildlife Code, is amended to read as follows:

(b) The application for a duplicate license or tags is in the form of an affidavit and must contain a statement of fact concerning the loss or destruction of the license or tags and a statement of the number of birds or animals, if any, killed under the authority of the lost or destroyed license or tags. *The commission by regulation may prescribe additional requirements for the issuance of a duplicate license or tag under this section.*

SECTION 5. Section 42.0175, Parks and Wildlife Code, is amended to read as follows:

Sec. 42.0175. EXPIRATION DATE. (a) A ~~[resident hunting]~~ license issued under this chapter, other than a lifetime~~[, a]~~ resident hunting ~~[exemption]~~ license or~~[, and]~~ a nonresident five-day special hunting license is ~~[are]~~ valid only during the yearly period for which the license is ~~[licenses are]~~ issued without regard to the date on which a license is acquired. Each yearly period begins on September 1 of a year and extends through August 31 of the next year.

(b) A license issued under Section 42.012(b) of this code to a person who is 16 years of age at the time the license is issued, but reaches the age of 17 during the term of the license, is valid for the entire term of the license.

SECTION 6. Section 43.011, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.011. WHITE-WINGED DOVE STAMP REQUIRED. (a) Except as provided by Subsection (b) of this section, no [Nø] person may hunt white-winged dove in this state unless the person [he] has in the person's [his] possession a white-winged dove stamp issued to the person [him] by the department.

(b) The commission by regulation may exempt a person from the stamp requirement of this section.

SECTION 7. Section 43.012(b), Parks and Wildlife Code, is amended to read as follows:

(b) The stamp shall be issued in the form and manner prescribed by the department and must be signed on its face by the person using the stamp for the stamp to be valid for hunting purposes.

SECTION 8. Section 43.015, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.015. REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION ELIGIBILITY. A person hunting white-winged dove who refuses on demand of any game warden ~~[management officer]~~ or peace officer to show a white-winged dove stamp or proof that the person is eligible for any exemptions provided by Section 43.011(b) is presumed to be in violation of Section 43.011 of this code.

SECTION 9. Section 43.201, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.201. ARCHERY STAMP REQUIRED. (a) Except as provided by Subsection (c) of this section, no [Nø] person may hunt wild deer, bear, turkey, or javelina (collared peccary) during an open archery season provided by law or by the proclamations of the commission and during which season only longbows and arrows may be used unless the person has first acquired from the department ~~[or from an authorized agent of the department]~~ an archery hunting stamp.

(b) The stamp shall be issued in the form and manner prescribed by the department and must be signed on its face by the person using the stamp for the stamp to be valid for hunting purposes.

(c) The commission by regulation may exempt a person from the stamp requirement of this section.

SECTION 10. Section 43.205(b), Parks and Wildlife Code, is amended to read as follows:

(b) A person hunting a species covered by this chapter during an open archery season who fails or refuses on the demand of any game warden or other peace officer to exhibit an archery hunting stamp or proof that the person is eligible for any exemptions provided by Section 43.201(c) is presumed to be in violation of Section 43.201 of this code.

SECTION 11. Section 43.251, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.251. TURKEY STAMP REQUIRED. (a) Except as provided by Subsection (b) of this section, no [Nø] person may hunt turkeys in this state unless the person has in the person's [his] possession a turkey stamp issued to the person [him] by the department.

(b) The commission by regulation may exempt a person from the stamp requirement of this section.

SECTION 12. Section 43.252(a), Parks and Wildlife Code, is amended to read as follows:

(a) The department ~~[or its agent]~~ may issue a turkey 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 *using the stamp* [~~to whom it is issued~~] for the stamp to be valid for hunting purposes.

SECTION 13. Section 43.255, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.255. **REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION ELIGIBILITY.** A person hunting turkeys who refuses or fails on demand of any game warden [~~management officer~~] or peace officer to show a valid turkey stamp or proof that the person is eligible for any exemptions provided by Section 43.251(b) is presumed to be in violation of Section 43.251 of this code.

SECTION 14. Section 43.302, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.302. **WATERFOWL STAMP REQUIRED.** (a) *Except as provided by Subsection (b) of this section, no* [No] person may hunt waterfowl in this state unless the person has in the person's [his] possession a waterfowl stamp issued to the person [him] by the department.

(b) *The commission by regulation may exempt a person from the stamp requirement of this section.*

SECTION 15. Section 43.307, Parks and Wildlife Code, is amended to read as follows:

Sec. 43.307. **REFUSAL TO SHOW STAMP OR PROOF OF EXEMPTION ELIGIBILITY.** A person hunting waterfowl who refuses on demand of any game warden [~~management officer~~] or peace officer to show a waterfowl stamp or proof that the person is eligible for any exemptions provided by Section 43.302(b) is presumed to be in violation of Section 43.302 of this code.

SECTION 16. Section 43.402, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) *Except as provided by Subsection (b) or (c) of this section, no person may engage in fishing in saltwater for sporting purposes in this state unless the person has in the person's* [his] possession a saltwater sportfishing stamp issued to the person [him] by the department.

(c) *The commission by regulation may exempt a person from the stamp requirement of this section.*

SECTION 17. Section 43.403(a), Parks and Wildlife Code, is amended to read as follows:

(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 *using the stamp for the stamp to be valid for fishing purposes* [~~to whom it is issued~~].

SECTION 18. Subchapter L, Chapter 43, Parks and Wildlife Code, is amended by adding Section 43.4035 to read as follows:

Sec. 43.4035. **EXPIRATION OF STAMP.** (a) *A saltwater sportfishing stamp issued before September 1 that does not expire until August 31 of the following year is valid from the date of issuance through August 31 of the following year.*

(b) *A saltwater sportfishing stamp issued in conjunction with a license issued under Section 46.005 or 46.0051 of this code expires at the same time the license expires or on the expiration date printed on the stamp, whichever is later.*

SECTION 19. Section 43.502, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) *Except as provided by Subsection (b) or (c) of this section, no* [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.

(c) *The commission by regulation may exempt a person from the stamp requirement of this section.*

SECTION 20. Section 43.503(a), Parks and Wildlife Code, is amended to read as follows:

(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 *using the stamp* [~~to whom it is issued~~] for the stamp to be valid for fishing purposes.

SECTION 21. Section 46.0011(1), Parks and Wildlife Code, is amended to read as follows:

(1) "Resident" means:

(A) an individual who has resided continuously in this state for more than six months immediately before applying for a fishing license required by this chapter;

(B) a member of the United States armed forces on active duty;

(C) a dependent of a member of the United States armed forces on active duty; or

(D) a member of any other category of individuals that the commission by regulation designates as residents.

SECTION 22. Section 46.002(a), Parks and Wildlife Code, is amended to read as follows:

(a) A license issued under this chapter is not required of a person:

(1) under 17 years old; [or]

(2) 65 years old or older if the person is a resident or, if a nonresident, if the person's state of residence grants a similar exemption to Texas residents; [or]

(3) [2] who is mentally disabled and who is engaging in recreational fishing as part of medically approved therapy, and who is fishing under the immediate supervision of personnel approved or employed by a hospital, residence, or school for mentally disabled persons; or

(4) who is participating in an event that is sponsored or co-sponsored by the Texas Parks and Wildlife Department with the approval of the Executive Director.

SECTION 23. Section 46.006(b), Parks and Wildlife Code, is amended to read as follows:

(b) The application for a duplicate license must be an affidavit containing:

(1) a statement of fact [~~the facts~~] concerning the loss or destruction of the license; and

(2) any other information which the commission by regulation may prescribe as necessary [~~the serial number of the lost or destroyed license~~].

SECTION 24. Section 46.007, Parks and Wildlife Code, is amended to read as follows:

Sec. 46.007. EXPIRATION OF LICENSES. (a) *Except as provided by Subsections (b), (c), and (d) of this section, a [A] license required or authorized by this subchapter is valid only during the yearly period for which it is issued without regard to the date on which the license is acquired. Each yearly period begins on September 1 of a year and extends through August 31 of the next year.*

(b) *A license issued under Section 46.005 or 46.0051 of this code is valid for the number of consecutive days authorized and does not necessarily expire on August 31.*

(c) *A license issued under Section 46.004 of this code that is issued before September 1 and does not expire until August 31 of the following year is valid from the date of issuance through August 31 of the following year.*

(d) *A lifetime resident fishing license is valid for the lifetime of the license holder.*

(e) *A duplicate license is valid for the period of validity of the original license only.*

SECTION 25. Section 46.008, Parks and Wildlife Code, is amended to read as follows:

Sec. 46.008. LICENSE INFORMATION. A license issued under this subchapter must contain *information determined by the commission to be necessary.[:*

[~~1) the year for which the license is issued (printed across the face of the license);~~

[~~2) the name, address, and residence of the licensee;~~

[~~3) an approximate weight, height, age, and color of hair and eyes of the licensee for identification in the field; and~~

[~~4) the statement: "This license does not entitle the holder to fish on the enclosed and posted lands of another without the consent of the owner or his agent."]~~

SECTION 26. Section 46.106, Parks and Wildlife Code, is amended to read as follows:

Sec. 46.106. FORM OF LICENSE. Licenses issued under this subchapter shall be on the form prescribed by the department and must contain[:

[~~1) the name and address of the licensee;~~

~~[(2) a personal description of the licensee;~~

~~[(3) date of issuance of the license; and~~

~~[(4) other]~~ information necessary for enforcement of this subchapter *as required by the department.*

SECTION 27. Chapter 50, Parks and Wildlife Code, is amended by adding Section 50.0021 to read as follows:

Sec. 50.0021. EXPIRATION OF LICENSES. (a) Except as provided by Subsections (b) and (c) of this section, a license required or authorized by this chapter is valid only during the yearly period for which the license is issued without regard to the date on which the license is acquired. Each yearly period begins on September 1 of a year and extends through August 31 of the next year.

(b) A license issued under the authority of this chapter that is issued before September 1 and does not expire until August 31 of the following year is valid from the date of issuance through August 31 of the following year.

(c) A lifetime resident combination hunting and fishing license is valid for the lifetime of the license holder.

SECTION 28. Section 42.009 and Subchapter A, Chapter 43, Parks and Wildlife Code, are repealed.

SECTION 29. This Act takes effect on September 1, 1993, except that Sections 1, 2, 5, 18, 21, 22, 24, 27, and 28 take effect on July 15, 1993. The commission is hereby authorized to enact regulations authorized by this Act prior to September 1, 1993.

SECTION 30. 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, and that this Act take effect and be in force according to its terms, and it is so enacted.

Passed by the House on March 10, 1993, by a non-record vote; the House refused to concur in Senate amendments on May 26, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on May 29, 1993: Yeas 127, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 20, 1993, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on May 29, 1993: Yeas 31, Nays 0.

Approved June 19, 1993.

Effective Sept. 1, 1993, except Sections 1, 2, 5, 18, 21, 22, 24, 27, and 28 effective July 15, 1993.