

AN ACT

relating to hunting and fishing stamps issued by the Parks and Wildlife Department; 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 U to read as follows:

SUBCHAPTER U. FRESHWATER FISHING STAMP

Sec. 43.801. DEFINITION. In this subchapter, "fresh water" has the meaning provided by Section 66.001.

Sec. 43.802. FRESHWATER FISHING STAMP REQUIRED. (a) Except as provided by Subsection (b) or (c), no person may engage in fishing in fresh water for sporting purposes in this state unless the person has acquired a freshwater fishing stamp issued to the person by the department. The commission by rule may adopt requirements relating to possessing a freshwater fishing stamp required by this subchapter.

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

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

Sec. 43.803. FISHING LICENSE REQUIRED. The acquisition of a freshwater fishing stamp does not authorize a person to fish in fresh water for sporting purposes without having acquired a fishing

1 license as provided by Chapter 46. The acquisition of a freshwater
2 fishing stamp does not authorize a person to fish at any time or by
3 any means not otherwise authorized by this code.

4 Sec. 43.804. DESIGN AND ISSUANCE OF STAMPS. (a) The
5 department may issue a freshwater fishing stamp to any person on the
6 payment to the department of \$5. Except as provided by Subsection
7 (e), a stamp must be signed on its face by the person using it for
8 the stamp to be valid for fishing purposes.

9 (b) The department may issue a collectible freshwater
10 fishing stamp to any person on the payment to the department of \$5.
11 A collectible freshwater fishing stamp does not authorize a person
12 to fish and is not valid for fishing purposes.

13 (c) The commission by rule shall prescribe the form, design,
14 and manner of issuance of the freshwater fishing stamp and the
15 collectible freshwater fishing stamp. The department retains all
16 reproduction rights to the design of the freshwater fishing stamp
17 and the collectible freshwater fishing stamp.

18 (d) The commission may contract with and pay a person for
19 designing and producing the freshwater fishing stamp or the
20 collectible freshwater fishing stamp.

21 (e) The commission by rule may prescribe alternate
22 requirements for identifying the purchaser of a freshwater fishing
23 stamp issued in an automated manner.

24 Sec. 43.805. DISPOSITION OF STAMP FEES. (a) After
25 deduction of any collection fee, the net receipts from freshwater
26 fishing stamp and collectable freshwater fishing stamp sales shall
27 be sent to the department.

1 (b) The net receipts from freshwater fishing stamp sales may
2 be spent only for:

3 (1) the repair, maintenance, renovation, or
4 replacement of freshwater fish hatcheries in this state; or

5 (2) the purchase of game fish that are stocked into the
6 public water of this state.

7 (c) The net receipts from collectible freshwater fishing
8 stamp sales may be spent only for the restoration, enhancement, or
9 management of freshwater fish habitats.

10 Sec. 43.806. EXPIRATION OF STAMP. (a) Except as provided
11 by Subsection (b) or (c), a freshwater fishing stamp is valid for
12 fishing only during the yearly period for which the stamp is issued,
13 without regard to the date on which the stamp is acquired. Each
14 yearly period begins on September 1 of the year in which the stamp
15 is issued or another date set by the commission and extends through
16 August 31 of the next year or another date set by the commission.
17 The commission by rule may set the amount of a stamp fee for a stamp
18 issued during a transition period at an amount lower than
19 prescribed in this subchapter and provide for a stamp term for a
20 transition period that is shorter or longer than one year.

21 (b) A freshwater fishing stamp issued before September 1 or
22 another date set by the commission that does not expire until August
23 31 of the next year or another date set by the commission is valid
24 from the date of issuance through August 31 of the next year or
25 another date set by the commission.

26 (c) A freshwater fishing stamp issued in conjunction with a
27 license issued under Section 46.005 or 46.0051 expires on the later

1 of the license expiration date or the date printed on the stamp.

2 Sec. 43.807. REFUSAL TO SHOW STAMP. A person fishing in
3 fresh water for sporting purposes who refuses on demand of any game
4 management officer or peace officer to show a freshwater fishing
5 stamp or proof that the person is exempt under Section 43.802(b) or
6 a rule adopted under that section is presumed to be in violation of
7 Section 43.802.

8 Sec. 43.808. PENALTY. A person who violates Section 43.802
9 is guilty of a Class C Parks and Wildlife Code misdemeanor.

10 Sec. 43.809. EXPIRATION OF SUBCHAPTER. This subchapter
11 expires September 1, 2014.

12 SECTION 2. Subchapters N and Q, Chapter 43, Parks and
13 Wildlife Code, are repealed.

14 SECTION 3. This Act takes effect September 1, 2004.

David Schweiker

President of the Senate

Jim Cusick

Speaker of the House

I certify that H.B. No. 1989 was passed by the House on May 1, 2003, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1989 was passed by the Senate on May 23, 2003, by a viva-voce vote.

Patsy Graub
Secretary of the Senate

APPROVED: 20 JUN '03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:30 PM O'CLOCK

JUN 20 2003
Heather Shea
Secretary of State