

# Texas Historical Statutes Project

TEXAS PARKS AND WILDLIFE CODE 1984



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# Texas Parks and Wildlife Code

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WITH TABLES  
AND INDEX

TEXAS STATE  
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[OCT] 4 1984

*As Amended through the  
1983 Regular and First  
Called Sessions of the  
68th Legislature*

WEST PUBLISHING CO.  
ST. PAUL, MINNESOTA

Reprinted from  
Texas Parks and Wildlife Laws, 1983-1984 Edition

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## PREFACE

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This Pamphlet contains the text of the Parks and Wildlife Code as amended through the 1983 Regular and First Called Sessions of the 68th Legislature.

The Parks and Wildlife Code constitutes a unit of the Texas Legislative Council's statutory revision program. The Code was originally enacted by Acts 1975, 64th Leg., ch. 545.

Disposition and Derivation Tables are included preceding the Code, thus providing a means of tracing repealed subject matter into the Code and, on the other hand, of searching out the source of Code sections.

A detailed descriptive word Index at the end of the Code is furnished to facilitate the search for specific textual provisions.

Comprehensive coverage of the judicial constructions and interpretations of the Code, together with cross references, references to law review commentaries discussing particular provisions, and other editorial features, is provided in the volumes of Vernon's Texas Statutes and Codes Annotated.

THE PUBLISHER

July, 1984

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## EFFECTIVE DATES

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The following table shows the date of adjournment and the effective date of ninety day bills enacted at sessions of the legislature beginning with the year 1945:

Year	Leg.	Session	Adjournment Date	Effective Date
1945	49	Regular	June 5, 1945	September 4, 1945
1947	50	Regular	June 6, 1947	September 5, 1947
1949	51	Regular	June 6, 1949	September 5, 1949
1951	52	Regular	June 8, 1951	September 7, 1951
1953	53	Regular	May 27, 1953	August 26, 1953
1954	53	1st C.S.	May 13, 1954	August 12, 1954
1955	54	Regular	June 7, 1955	September 6, 1955
1957	55	Regular	May 23, 1957	August 22, 1957
1957	55	1st C.S.	November 12, 1957	February 11, 1958
1957	55	2nd C.S.	December 3, 1957	March 4, 1958
1959	56	Regular	May 12, 1959	August 11, 1959
1959	56	1st C.S.	June 16, 1959	September 15, 1959
1959	56	2nd C.S.	July 16, 1959	October 15, 1959
1959	56	3rd C.S.	August 6, 1959	November 5, 1959
1961	57	Regular	May 29, 1961	August 28, 1961
1961	57	1st C.S.	August 8, 1961	November 7, 1961
1961	57	2nd C.S.	August 14, 1961	November 13, 1961
1962	57	3rd C.S.	February 1, 1962	May 3, 1962
1963	58	Regular	May 24, 1963	August 23, 1963
1965	59	Regular	May 31, 1965	August 30, 1965
1966	59	1st C.S.	February 23, 1966	*
1967	60	Regular	May 29, 1967	August 28, 1967
1968	60	1st C.S.	July 3, 1968	*
1969	61	Regular	June 2, 1969	September 1, 1969
1969	61	1st C.S.	August 26, 1969	*
1969	61	2nd C.S.	September 9, 1969	December 9, 1969
1971	62	Regular	May 31, 1971	August 30, 1971
1971	62	1st C.S.	June 4, 1971	September 3, 1971
1972	62	2nd C.S.	March 30, 1972	June 29, 1972
1972	62	3rd C.S.	July 7, 1972	*
1972	62	4th C.S.	October 17, 1972	January 16, 1973
1973	63	Regular	May 28, 1973	August 27, 1973
1973	63	1st C.S.	December 20, 1973	*
1975	64	Regular	June 2, 1975	September 1, 1975
1977	65	Regular	May 30, 1977	August 29, 1977
1977	65	1st C.S.	July 21, 1977	*
1978	65	2nd C.S.	August 8, 1978	November 7, 1978
1979	66	Regular	May 28, 1979	August 27, 1979
1981	67	Regular	June 1, 1981	August 31, 1981
1981	67	1st C.S.	August 11, 1981	November 10, 1981
1982	67	2nd C.S.	May 28, 1982	*
1982	67	3rd C.S.	September 9, 1982	*
1983	68	Regular	May 30, 1983	August 29, 1983
1983	68	1st C.S.	June 25, 1983	September 23, 1983

\* No legislation for which the ninety day effective date is applicable.



# **PARKS AND WILDLIFE CODE**

\*





## DISPOSITION TABLE

Showing where provisions of former articles of Vernon's Annotated Penal Code of 1925 and Vernon's Annotated Civil Statutes and the unclassified laws of the General and Special Laws of Texas are covered in the Parks and Wildlife Code.

Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section	Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section
871	-----	879g-4	63.003
871a	1.011(a)		224.012
871b	43.061	879h	63.004
872	64.001		339.012
873	62.010	879h-1	62.053
873a	62.011	879h-1 note	62.051
874	64.002	879h-2	62.054
874a, § 1	43.071	879h-3	62.055
	43.072	879h-3a, § 1	43.201
	43.074		43.202
§ 2	43.073	§ 2	43.203
§ 3	43.072	§ 3	43.204
§ 4	43.074	§ 4	43.205
	43.075	879h-4	62.052
	43.078	879h-5	62.056
§ 5	43.076	879h-6	62.002
§ 6	43.077	879i	64.011
875	-----	880	63.010
876	-----		103.013
877	64.012	880a	-----
878	-----	880b	310.012
to	-----	880c	272.013
879a-5	-----		272.015
879a-6, § 1	43.011	880d, § 1	49.002
§ 2	43.012	§ 1(a)	49.003
§ 3	43.013		49.004
§ 4	43.014	§ 1(b)	49.005
§ 5	43.015	§ 1(c)	49.005
	43.016	§ 2(a)	49.003
879b	-----		49.006
879c	64.013		49.007
879c-1	-----	§ 2(b)	49.004
to	-----		49.006
879f-5	-----		49.007
879f-6, §§ 1, 2	64.015	§ 2(c)	49.006
§ 3	-----	§ 3	49.008
879g	63.006		49.010
879g-1	-----	§ 4	49.011
879g-2	63.003	§ 5	49.012
879g-2a	63.003		49.013
	224.012	§ 6(a)	49.014
879g-3	63.003		

## DISPOSITION TABLE

Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section	Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section
880d, § 6(b) -----	49.015	895c, § 1 -----	42.002
§ 6(e) -----	49.016	-----	42.009
§ 7 -----	49.009	-----	42.011
§ 8 -----	49.001	-----	42.012
§ 9 -----	49.017	§ 2 -----	42.005
881 -----	63.002	-----	to
-----	64.013	-----	42.008
881a -----	-----	-----	42.011
881b, § 1 -----	64.021	-----	42.014
§ 2 -----	64.021	-----	to
-----	64.026	-----	42.016
§ 3 -----	64.026	§ 3 -----	42.002
§ 4 -----	-----	§ 4 -----	42.010
§ 5 -----	64.022	§ 5 -----	42.017
-----	64.023	-----	42.022
§§ 6, 7 -----	64.024	§ 6(a) -----	42.001
§ 8 -----	64.025	§ 6(b) -----	42.018
882 -----	62.001	§ 6(c) -----	42.019
882a -----	12.012	§ 6(d) -----	42.018
883 -----	-----	§ 6(e) -----	42.020
884 -----	62.021	§ 6(f) -----	42.021
-----	62.024	§ 7 -----	-----
-----	62.009	§ 8 -----	42.003
885 -----	62.021	-----	42.004
-----	62.024	-----	42.010
886 -----	-----	-----	42.013
887 -----	62.004	§ 9 -----	42.023
888, § (a) -----	43.151	§ 10 -----	42.024
-----	43.152	§§ 11, 12 -----	-----
§ (b) -----	43.151	§ 13 -----	42.025
§ (c) -----	43.153	895c-1, § (1) -----	50.001
-----	43.154	§ (2) -----	50.002
§§ (d), (e) -----	43.154	§ (3) -----	50.003
§ (f) -----	43.155	§ (4) -----	50.004
§ (g) -----	43.156	§ (5) -----	50.005
§ (h) -----	43.157	895d -----	12.112
888a -----	64.004	896 -----	-----
888b, § 1 -----	43.251	897 -----	12.104
§ 2 -----	43.252	-----	12.110
§ 3 -----	43.253	-----	62.007
§ 4 -----	43.254	897a -----	12.109
§ 5 -----	43.255	898 -----	12.004
§ 6 -----	43.256	899 -----	-----
§ 7 -----	43.257	900 -----	62.006
§ 8 -----	43.258	901 -----	62.003
§ 9 -----	43.259	901 note -----	43.101
§ 10 -----	43.260	-----	to
§ 11 -----	43.261	-----	43.111
889 -----	62.027	902 -----	62.005
890 -----	62.027	903 -----	43.001
-----	62.028	-----	to
891 -----	64.003	-----	43.005
892 -----	63.001	904 -----	-----
893 -----	-----	904a -----	-----
to -----	-----	905 -----	12.102
895b -----	-----		

## DISPOSITION TABLE

Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section	Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section
906	12.101	913a, § 6	68.004
	12.105	§ 7	68.005
907	62.008	§ 8	68.015
	62.021	§ 9(a)	68.006
	62.026	§ 9(b), (c)	43.024
908, § (a)	43.042	§ 9(d)	43.021
	43.045	§ 9(e)	43.026
§ (b)	43.041(1)	§ 9(f)	68.020
§ (c)	43.041(2)	§ 10	68.007
§ (d)	43.050	§ 11	68.008
§ (e)	43.053	§ 12	68.009
§ (f)	43.043	§ 13	68.010
§ (g)	43.044	§ 14	68.011
	43.047	§ 15	68.012
	43.048	§ 16	68.013
	43.049	§ 17	68.014
§ (h)	43.052	§ 18	68.018
§ (i)	43.051	§ 19(a), (b)	68.015
§ (j)	—	§ 19(c)	68.016
§ (k)	43.054	§ 20	68.020
§ (l)	43.055	§ 21(a), (b)	—
§ (m)	43.046	§ 21(c), (d)	68.017
909	62.029	§ 22	67.005
909a	—		68.021
909a-1	62.030	§ 23	68.019
909a-2, § 1	62.030	§ 24	68.018
§ 2	—	§§ 25, 26	—
910	63.008	913b	12.015
911	—	914	—
912	12.107	915	—
913, § 1	43.022	915a	12.111
	43.024	916	—
	43.025	917	81.005
§ 1A	43.022		81.301
	43.024		to
	43.025		81.307
	43.026	918	12.007
§ 2	43.023	919	12.103
	43.026	920	42.001
§ 3	43.027	921	—
	43.028	to	—
§ 4	43.029	923	—
§ 5	12.013	923a	62.025
§ 6	12.013	923b	—
	43.023	923b-1	—
§ 7	43.030	923c	131.011
913a, § 1	68.001		237.022
§ 2(a)	67.002	923d	62.007
	to	923e	62.009
	67.004	923f	62.028
§ 2(b)	67.001	923f-1, § 1	—
	67.004	§§ 2 to 5	63.007
§ 3	68.002	923(g)	63.009
§ 4	68.003	923g	—
§ 5	—	to	—
		923g-2	—

## DISPOSITION TABLE

Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section	Vernon's Ann.P.C. Article	V.T.C.A. Parks & Wildlife Code Section
923h -----	62.022	923qa-7, § 1 -----	71.004
	62.023		71.009
923i -----	246.021		71.013
923k -----	270.011	§§ 2, 2a -----	-----
923l -----	103.012	§ 3 -----	71.015
923ll -----	-----	923qq -----	-----
923ll-1 -----	188.011	923r -----	72.005
923ll-2 -----	-----	923rr -----	72.006
923ll-3 -----	-----	923s -----	72.006
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	47.011	934b-5, § 1	65.004
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951 -----	-----	952l-9, § 1 -----	221.021
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§ 2 -----	110.011		276.021
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	112.013		125.012
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952g -----	-----		148.011
952h -----	105.012		148.012
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955a-2 -----	309.012	975 -----	78.004
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958 -----	65.002	978a -----	81.003
959 -----	76.038	978b -----	81.001
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978f-3d, § 1	81.501		102.001
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§ 5	48.009		125.001
§ 6	48.010		126.001
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	148.001		211.001
	149.001		213.001
	150.001		214.001
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	153.001		217.001
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	155.001		219.001
	156.001		220.001
	157.001		221.001
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	161.001		225.001
	162.001		226.001
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	166.001		229.001
	167.001		232.001
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	169.001		234.001
	170.001		236.001
	171.001		238.001
	172.001		239.001
	173.001		240.001
	174.001		241.001
	175.001		243.001
	176.001		244.001
	177.001		246.001
	179.001		247.001
	to		248.001
	183.001		249.001
	185.001		250.001
	186.001		252.001
	187.001		to
	188.001		254.001
	189.001		255.001
	190.001		257.001
	191.001		259.001
	193.001		260.001
	194.001		261.001
	195.001		262.001
	196.001		263.001
	197.001		264.001
	198.001		265.001
	199.001		266.001
	200.001		267.001
	201.001		268.001
	202.001		269.001
	203.001		270.001
	204.001		271.001
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	281.001		338.001
	282.001		339.002
	283.001		340.001
	284.001		341.001
	285.001		342.001
	286.001		343.001
	287.001		344.001
	288.001		345.001
	289.001		347.001
	290.002		349.001
	291.001		350.001
	292.001		351.001
	293.001		352.001
	294.001		353.001
	295.001		354.001
	297.001	§ 1A	104.002
	298.001		129.002
	299.002		131.002
	300.001		231.001
	301.001		237.001
	302.002		278.001
	302.041		296.001
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	304.002		61.022
	305.001		61.052
	306.001		144.011
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	309.001	§ 3, subsec. c	61.005(2)
	310.041	§ 3, subsec. c(1)	104.011
	311.001		223.011
	312.001		261.002
	313.001		281.021
	314.001	§ 3, subsec. c(2)	108.001
	315.001		337.001
	316.001	§ 3, subsec. c(3)	122.011
	to		155.011
	318.001		171.011
	319.001		215.011
	to		222.011
	321.001		286.011
	322.001		289.011
	323.001		295.011
	to		322.011
	326.001	§ 3, subsec. c(4)	126.011
	327.001	§ 3, subsec. c(5)	166.011
	328.001	§ 3, subsec. c(6)	201.011
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	331.001	§ 3, subsec. c(7)	188.001
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	329.021	§ 13,	
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	335.011	§ 13,	
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§ 3, subsec.			144.011
c(11)	103.001		328.011
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	303.031	§ 15(f)	340.002
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c(12)	302.041	§ 18	61.004
	310.041	978j-2	48.013
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§ 3, subsec.			44.003
c(14)	115.011	§ 2	44.006
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§ 3, subsec. d(2)	—	§ 4	44.001
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	61.053	§ 5	44.009
	61.054	§ 6	44.005
§ 5	61.055	§ 7	44.011
	61.104		44.013
§ 6	61.056	§ 8	—
	61.057	§ 9	44.012
§ 7	61.101	§ 10	44.010
	61.102	§ 11	44.015
§ 8	61.103	§ 11a	—
§ 9	61.104	§ 12	44.004
§ 10	61.105		44.007
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§ 13, subsec. e	61.203	§ 5	45.010
§ 13, subsec. f	61.204	§ 6	45.005
§ 13, subsec. g	61.205	§ 7	45.006
§ 13, subsec. h	61.206	§§ 8, 9	45.007
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	283.011	§ 11	45.008
§ 13, subsec. j	—	§ 12	45.012
§ 13,		§ 13	45.011
subsec. k	199.021	978l, § 1	306.021
§ 13,		§§ 2, 3	—
subsec. n	328.011	§ 4	306.021
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§ 3	46.102	4027	76.001
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§ 4	46.104	4028	76.004
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	46.107	4029	1.012
§ 5	46.106	4030	-----
§ 6	46.108	to	-----
	46.109	4032b	-----
§ 7	46.111	4032b-1, § 1	46.001
§ 8	46.110		46.004
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4019	12.002	4038	76.015
4020	12.003	4039	76.007
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4023	-----	4041	76.017
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4048	—	4053c	—
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§ 2	82.603		86.017
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4050d	83.001		91.005
4050e	83.002	§ 4	91.004
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§ 2	76.202		91.007
§ 3	76.203	§§ 6, 7	—
§ 4	76.204	4075b, § 1	—
§ 5	76.205	§ 2	77.004
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	22.184		229.012
§§ 3, 4	22.184		334.031
58th Leg.,		§§ 4(a), (c)	290.021
ch. 12	124.011	ch. 230, §§ 2, 3(a)	272.011
	223.011	§§ 3(b), 3(c)	272.012
ch. 16, § 1	22.184	§ 4(a)	272.013
§ 2	11.035	§ 4(b)	272.013
	22.184		272.014
§§ 3, 4	22.184	§ 5	272.015

## DISPOSITION TABLE

General & Special Laws Citation	V.T.C.A. Parks & Wildlife Code Section	General & Special Laws Citation	V.T.C.A. Parks & Wildlife Code Section
59th Leg.,		59th Leg.,	
ch. 231, §§ 2, 3(a) -----	134.011	ch. 428, § 6 -----	260.015
§§ 3(b), (c) -----	134.012		306.015
§ 4 -----	134.013		327.015
§ 5 -----	134.014	§ 7 -----	116.014
ch. 404 -----	278.011		127.014
ch. 412 -----	258.031		186.014
ch. 412, § 1 -----	134.022		230.014
	272.021		250.014
§ 2 -----	134.022		254.014
§§ 2(a), 2(b) -----	272.021		260.014
ch. 426 -----	230.018		306.014
ch. 428, § 1 -----			327.014
§ 2 -----	116.012	§ 8 -----	116.016
	127.012		127.016
	186.012		186.016
	230.012		230.016
	250.012		250.016
	254.012		254.016
	260.012		260.016
	306.012		306.016
	327.012		327.016
§ 3 -----	116.017	ch. 429 -----	247.021
	127.017	ch. 435 -----	103.021
	186.017	ch. 562 -----	237.011
	230.017	ch. 586 -----	224.011
	250.017	ch. 589 -----	330.021
	254.017	§ 2 -----	132.012
	260.017	§ 3 -----	132.011
	306.017		132.013
	327.017	§ 4 -----	132.014
§ 4 -----	116.013	ch. 593 -----	350.012
	127.013	ch. 646, § 1 -----	302.002
	186.013		303.002
	230.013	60th Leg.,	
	250.013	ch. 30, § 1 -----	82.101
	254.013	ch. 164, § 1 -----	101.012
	260.013		138.032
	306.013	ch. 165, §§ 1(a), 2 -----	138.022
	327.013	ch. 236 -----	245.021
§ 5 -----	116.011	ch. 263 -----	339.011
	127.011	ch. 392, §§ 1, 2 -----	103.022
	186.011		138.021
	230.011		302.031
	250.011		330.032
	254.011	ch. 408 -----	213.011
	260.011	ch. 410 -----	138.012
	306.011	ch. 552, § 1 -----	230.041
	327.011		230.045
§ 6 -----	116.015	§ 2 -----	230.043
	127.015		230.044
	186.015		230.046
	230.015	§ 3 -----	230.047
	250.015		230.052
	254.015	§ 4 -----	230.042

## DISPOSITION TABLE

General & Special Laws Citation	V.T.C.A. Parks & Wildlife Code Section	General & Special Laws Citation	V.T.C.A. Parks & Wildlife Code Section
60th Leg.,		62nd Leg.,	
ch. 552, § 5	230.042	ch. 97, § 4	136.013
§ 6	230.048		246.012
	230.049	§ 5	136.013
§§ 7, 8	230.050		246.013
§ 9	230.051	§ 6	136.013
	230.052	ch. 99	245.031
§ 10	230.053	ch. 490, § 1a	258.042
§ 12	230.047	ch. 566, § 1	189.012
§ 13	230.054	§ 2	189.011
§ 14	230.042	§ 3	189.011
§ 15	230.041		189.012
§ 17	230.041	§ 4	189.013
ch. 676	22.184	ch. 601	22.181
ch. 771	22.183	ch. 607, § 1	82.501
61st Leg.,			82.503
ch. 66, § 1	134.032	§ 2	82.502
ch. 135	342.011	§§ 3, 4	82.504
ch. 215, § 2	178.011	ch. 781, § 1	245.011
	178.021	§ 2	245.022
	178.022	§ 3	245.011
§ 3(a)	178.022		245.022
§ 3(b)	178.011	ch. 955, § 1	22.163
§ 3(c)	178.021	§§ 3, 4(a)	22.164
§ 4	178.022	§ 4(b)	22.165
§ 5	178.011	ch. 999, §§ 1, 2	136.011
	178.021		246.011
	178.022	§ 3	136.013
ch. 248	202.011		246.013
ch. 514, § 3	64.002	§ 4	136.013
ch. 585	136.041		246.011
ch. 586	136.032	§ 5	136.013
ch. 587	136.021	63rd Leg.,	
ch. 640	200.031	ch. 147, § 1	43.102
	221.032		43.104
	245.041	§ 2	43.103
	246.031	§ 3	43.105
	276.032	§ 4	43.106
	302.052	§ 5	43.107
	303.042	§ 6	43.108
	310.033	§ 7	43.109
	329.022	§ 8	43.110
	336.011	§ 9	43.111
ch. 743, §§ 1, 2	147.011	§ 10	43.101
62nd Leg.,		64th Leg.,	
ch. 97, § 1	136.012	ch. 31	13.018
§ 2	136.012	ch. 670	258.033
	246.012	ch. 671	138.011
§ 3	136.012		



## DERIVATION TABLE

Showing where provisions of the Parks and Wildlife Code were formerly covered in Vernon's Annotated Penal Code of 1925, Vernon's Annotated Civil Statutes and in the unclassified laws of the General and Special Laws of Texas.

V.T.C.A. Parks & Wildlife	Former Provisions	V.T.C.A. Parks & Wildlife	Former Provisions
Code Section		Code Section	
1.001	----- New	12.008	----- P.C. 978f-4
1.002	----- New	12.009	----- P.C. 978f-3c
1.011(a)	----- P.C. 871a	12.010	----- V.A.C.S. 4413d-3
	----- P.C. 923m, § 1	12.011	----- P.C. 978f-3b
1.011(b)		12.012	----- P.C. 882a
to		12.013	----- P.C. 913, §§ 5, 6
1.011(d)	----- V.A.C.S. 4026	12.015	----- 913b
1.012	----- V.A.C.S. 4029	12.101	----- P.C. 906
1.101	----- New	12.102	----- P.C. 905
11.001	----- New		----- V.A.C.S. 4018
11.011	----- P.C. 978f-3a, § 1(a)	12.103	----- P.C. 919
11.012	----- P.C. 978f-3a, § 1(b)	12.104	----- P.C. 897
11.013	----- P.C. 978f-3a, § 1(c)	12.105	----- P.C. 906
11.014	----- P.C. 978f-3a, § 1(d)	12.106	----- P.C. 978f-5e
11.015	----- P.C. 978f-3a, § 1(e)	12.107	----- P.C. 912
11.016	----- P.C. 978f-3a, § 1(f)	12.108	----- V.A.C.S. 4024
11.017	----- P.C. 978f-3a, § 3	12.109	----- P.C. 897a
11.018	----- P.C. 978f-3a, § 3	12.110	----- P.C. 897
11.019	----- P.C. 978f-5c	12.111	----- P.C. 915a
11.031	----- V.A.C.S. 4386b, § 1	12.112	----- P.C. 895d
11.032	----- V.A.C.S. 4386b, §§ 2, 4	12.113	----- P.C. 977
11.033	----- V.A.C.S. 4386b, § 3	13.001	----- V.A.C.S. 6067a, § 1
11.034	----- V.A.C.S. 4386b, § 6	13.002	----- V.A.C.S. 6081r, § 2
11.035	----- V.A.C.S. 6067b, § 4	13.003	----- V.A.C.S. 6070b, § 1
	----- 6070a, § 2	13.004	----- P.C. 978f-3a, § 5
	----- 6070d-1, § 2	13.005	----- V.A.C.S. 6081s, § 1
	----- 57th Leg., 1st C.S., ch. 10, § 2	13.006	----- V.A.C.S. 6070g, §§ 1, 2
	----- 58th Leg., ch. 16, § 2	13.007	----- V.A.C.S. 6070
11.036	----- V.A.C.S. 9206, §§ 26, 27(c)	13.008	----- V.A.C.S. 6068
11.037	----- V.A.C.S. 6081r, § 6	13.009	----- P.C. 978f-4a
11.038	----- V.A.C.S. 4386b-2	13.010	----- V.A.C.S. 6070d
11.039	----- V.A.C.S. 4386b-1	13.011	----- V.A.C.S. 6081s-1
11.040	----- V.A.C.S. 4386b-3	13.012	----- V.A.C.S. 6070g, § 3
11.041	----- P.C. 978f-3e	13.013	----- V.A.C.S. 6069b
12.001	----- V.A.C.S. 4018	13.014	----- V.A.C.S. 6069a
12.002	----- V.A.C.S. 4019	13.015	----- V.A.C.S. 6070a, §§ 1, 2
12.003	----- V.A.C.S. 4020	13.016	----- V.A.C.S. 6070a, § 3
12.004	----- P.C. 898	13.017	----- V.A.C.S. 6070d-1, §§ 1, 2
12.005	----- P.C. 978f-5a	13.018	----- 64th Leg., ch. 31
12.006	----- V.A.C.S. 4025b		----- (V.A.C.S. 6067d)
12.007	----- P.C. 918	13.101	----- V.A.C.S. 6067b, § 1

## DERIVATION TABLE

V.T.C.A.		V.T.C.A.	
Parks & Wildlife		Parks & Wildlife	
Code Section	Former Provisions	Code Section	Former Provisions
13.102	V.A.C.S. 6067b, § 1	22.003	
13.103		to	
to		22.005	V.A.C.S. 6077m—2, § 5(b)
13.108	V.A.C.S. 6067b, § 2	22.006	V.A.C.S. 6077m—2, § 6
13.109	V.A.C.S. 6067b, § 3	22.011	V.A.C.S. 6071b, § 1
13.110	V.A.C.S. 6067b, § 5	22.012	V.A.C.S. 6071c, § 3
13.201	P.C. 978f—5g, § 1	22.013	
13.202	P.C. 978f—5g, § 2	to	
13.203	P.C. 978f—5g, § 3	22.016	V.A.C.S. 6071c, § 4
13.204	P.C. 978f—5g, § 4	22.021(a)	New
13.205	P.C. 978f—5g, § 5	22.021(b)	V.A.C.S. 6077j, § 7
13.301	V.A.C.S. 6081s, § 2	22.022	V.A.C.S. 6077j, § 5
13.302		6077j—1, § 1	
to		22.023	V.A.C.S. 6077j, § 5
13.305	V.A.C.S. 6081r, § 1	22.024	
13.306	V.A.C.S. 6081r, § 3	to	
13.307	V.A.C.S. 6081r, § 3	22.028	V.A.C.S. 6077j—1, § 2
13.308	V.A.C.S. 6081r, § 4	22.029	
13.309	V.A.C.S. 6081r, § 4	to	
13.310	V.A.C.S. 6081r, § 5	22.031	V.A.C.S. 6077j—1, § 3
13.311	V.A.C.S. 6081r, § 7	22.032	V.A.C.S. 6077j—1, § 4
13.312	V.A.C.S. 6081r, § 8	22.033	V.A.C.S. 6077j—1, § 5
13.313	P.C. 978f—3a, § 6	22.034	V.A.C.S. 6077j—1, § 6
21.001	V.A.C.S. 6070h, § 4	22.035	V.A.C.S. 6077j—1, § 8
21.002	V.A.C.S. 6070h, § 4	22.036	V.A.C.S. 6077j—1, § 6
21.003	V.A.C.S. 6070h, § 7	22.037	V.A.C.S. 6077j—1, § 7
21.004		22.038	V.A.C.S. 6077j—1, § 8
to		22.039	V.A.C.S. 6077j—1, § 9
21.008	V.A.C.S. 6070h, § 4	22.051	V.A.C.S. 6077h
21.009		22.052	V.A.C.S. 6077h
to		22.053	V.A.C.S. 6077h—1, § 1
21.011	V.A.C.S. 6070h, § 7	22.054	V.A.C.S. 6077h—1, § 1
21.012		22.055	V.A.C.S. 6077h—2, § 1
to		22.056	V.A.C.S. 6077h—1, § 2
21.017	V.A.C.S. 6070h, § 4	6077h—2, § 2	
21.018	V.A.C.S. 6070h, § 9-B	22.057	V.A.C.S. 6077h—1, § 2
21.019	V.A.C.S. 6070h, § 9-B	6077h—2, § 2	
21.020	V.A.C.S. 6070h, § 5	22.058	V.A.C.S. 6077h—2, § 4
21.021	V.A.C.S. 6070h, § 4	22.059	V.A.C.S. 6077h—1, § 3
21.022		6077h—2, § 3	
to		22.071	
21.024	V.A.C.S. 6070h, § 6	to	
21.025	V.A.C.S. 6070h, § 4	22.073	V.A.C.S. 6077p, § 1
21.101	V.A.C.S. 6070h, §§ 4, 9	22.074	V.A.C.S. 6077p, § 2
21.102	V.A.C.S. 6070h, §§ 9, 10	22.075	V.A.C.S. 6077p, § 2
21.103	V.A.C.S. 6070h, § 10	22.076	V.A.C.S. 6077p, § 3
21.104	V.A.C.S. 6070h, § 10	22.081	New
21.105	V.A.C.S. 6070h, § 9	22.082	V.A.C.S. 6077s, §§ 1, 2
21.106	V.A.C.S. 6070h, §§ 9-C, 9	22.083	V.A.C.S. 6077a—1, §§ 1, 2
21.107	V.A.C.S. 6070h, § 9-A	22.084	V.A.C.S. 6077s, § 2
21.108	V.A.C.S. 6070h, § 9-A	6077a—1, § 2	
21.109	V.A.C.S. 6070h, § 9-B	22.085	V.A.C.S. 6077s, § 1
21.110	V.A.C.S. 6070h, § 9-C	6077a—1, § 3	
21.111	V.A.C.S. 6070h, § 8	22.091	V.A.C.S. 6077q, §§ 1, 2
22.001	V.A.C.S. 6071b, § 1	22.092	V.A.C.S. 6077q, § 2
22.002	V.A.C.S. 6077m—2, § 5(a)	22.093	V.A.C.S. 6077q, § 3

## DERIVATION TABLE

V.T.C.A. Parks & Wildlife	V.T.C.A. Parks & Wildlife
Code Section	Code Section
Former Provisions	Former Provisions
22.094 ----- V.A.C.S. 6077q, § 3	31.026 ----- V.A.C.S. 9206, § 27(a), (b), (d)
22.095 ----- V.A.C.S. 6077q, § 4	§ 4(a)
22.101 ----- V.A.C.S. 6077l, § 1	31.027 ----- V.A.C.S. 9206, § 28
22.102 ----- V.A.C.S. 6077l, § 2	31.028 ----- V.A.C.S. 9206, §§ 2a(12), 4(a)
22.111 ----- V.A.C.S. 6077r, § 2	31.029 ----- V.A.C.S. 9206, § 4(g)
22.112 ----- V.A.C.S. 6077r, § 3	31.030 ----- V.A.C.S. 9206, § 4(i)
22.113 ----- V.A.C.S. 6077r, § 1	31.031 ----- V.A.C.S. 9206, § 4(b)
22.121 ----- V.A.C.S. 6077g, § 2	31.032 ----- V.A.C.S. 9206, § 4(a)
22.151 ----- V.A.C.S. 6077k, §§ 1, 3	31.033 ----- V.A.C.S. 9206, § 4(j), (k)
22.152 ----- V.A.C.S. 6077k, §§ 2, 3	31.034 ----- V.A.C.S. 9206, § 4(d)
22.161 ----- V.A.C.S. 6077k, §§ 1, 3	31.035 ----- V.A.C.S. 9206, § 4(f)
22.162 ----- V.A.C.S. 6077k, §§ 2, 3	31.036 ----- V.A.C.S. 9206, § 5(a), (b), (c)
22.163 ----- 62nd Leg., ch. 955, § 1	31.037 ----- V.A.C.S. 9206, § 4(e)
22.164 ----- 62nd Leg., ch. 955, §§ 3, 4(a)	31.038 ----- V.A.C.S. 9206, § 4(h)
22.165 ----- 62nd Leg., ch. 955, § 4(b)	31.039 ----- V.A.C.S. 9206, § 4(f)
22.171 ----- V.A.C.S. 6145—1, art. I	31.040 ----- V.A.C.S. 9206, § 10(a), (b), (c)
22.181 ----- 62nd Leg., ch. 601	31.041 ----- V.A.C.S. 9206, § 7
22.182 ----- V.A.C.S. 6069c	31.042 ----- V.A.C.S. 9206, § 5(d)
22.183 ----- 60th Leg., ch. 771	31.043 ----- V.A.C.S. 9206, § 6
22.184 ----- 57th Leg., 1st C.S., ch. 10	31.061 ----- V.A.C.S. 9206, § 8(l)
58th Leg., ch. 16	31.062 ----- V.A.C.S. 9206, § 8(k)
60th Leg., ch. 676	31.063 ----- V.A.C.S. 9206, § 8(a)
23.001 ----- V.A.C.S. 6077e, § 8	31.064 ----- V.A.C.S. 9206, § 8(b), (c)
23.002 ----- V.A.C.S. 6077e, § 8	31.065 ----- V.A.C.S. 9206, § 8(d), (e)
23.011 ----- to	31.066 ----- V.A.C.S. 9206, §§ 8(f), 10(d)
23.013 ----- V.A.C.S. 6077t, § 3	31.067 ----- V.A.C.S. 9206, § 8(g)
23.014 ----- V.A.C.S. 6077t, §§ 5, 9	31.068 ----- V.A.C.S. 9206, § 8(i)
23.015 ----- V.A.C.S. 6077t, § 7	31.069 ----- V.A.C.S. 9206, § 8(j)
23.016 ----- V.A.C.S. 6077t, § 8	31.070 ----- V.A.C.S. 9206, § 8(m)
23.031 ----- V.A.C.S. 6077u, § 2	31.071 ----- V.A.C.S. 9206, § 22(a), (c)
23.032 ----- V.A.C.S. 6077u, § 2	31.072 ----- V.A.C.S. 9206, § 8(h), (m)
23.033 ----- V.A.C.S. 6077u, §§ 1, 7(a)	31.073 ----- V.A.C.S. 9206, § 9
23.034 ----- V.A.C.S. 6077u, § 7(b), (c)	31.091 ----- V.A.C.S. 9206, § 30
23.041 ----- V.A.C.S. 4025a, § 1	31.092 ----- V.A.C.S. 9206, § 20
23.042 ----- V.A.C.S. 4025a, § 2	31.093 ----- V.A.C.S. 9206, § 14
23.043 ----- V.A.C.S. 4025a, § 2	31.094 ----- V.A.C.S. 9206, § 11
23.044 ----- V.A.C.S. 4025a, § 3	31.095 ----- V.A.C.S. 9206, § 13
23.051 ----- P.C. 978f—2, § 1	31.096 ----- V.A.C.S. 9206, § 24(e)
23.052 ----- P.C. 978f—2, § 2	31.097 ----- V.A.C.S. 9206, § 24(d)
23.053 ----- P.C. 978f—2, § 2	31.098 ----- V.A.C.S. 9206, § 15
23.054 ----- P.C. 978f—2, § 3	31.099 ----- V.A.C.S. 9206, § 16
31.001 ----- V.A.C.S. 9206, § 1	31.100 ----- V.A.C.S. 9206, § 17
31.002 ----- V.A.C.S. 9206, § 1	31.101 ----- V.A.C.S. 9206, § 18
31.003 ----- V.A.C.S. 9206, § 2a (1) to (5), (7), (9) to (11)	31.102 ----- V.A.C.S. 9206, § 19
31.004 ----- V.A.C.S. 9206, §§ 2a(5), 12	31.103 ----- V.A.C.S. 9206, § 22(b), (c), (d), (e)
31.005 ----- V.A.C.S. 9206, § 31	31.104 ----- V.A.C.S. 9206, § 21(a)
31.021 ----- V.A.C.S. 9206, § 3	31.105 ----- V.A.C.S. 9206, § 21(b), (c) § 23
31.022 ----- V.A.C.S. 9206, § 9	31.121 ----- to
31.023 ----- V.A.C.S. 9206, § 4(c)	31.123 ----- V.A.C.S. 9206, § 25(a)
31.024 ----- V.A.C.S. 9206, § 4(a)	31.124 ----- V.A.C.S. 9206, § 25(b), (c)
31.025 ----- V.A.C.S. 9206, § 4(l)	

## DERIVATION TABLE

V.T.C.A. Parks & Wildlife		V.T.C.A. Parks & Wildlife	
Code Section	Former Provisions	Code Section	Former Provisions
31.125	V.A.C.S. 9206, § 25(d)	43.025	P.C. 913, §§ 1, 1A
31.126	V.A.C.S. 9206, § 25(e)	43.026	P.C. 913, §§ 1A, 2
31.127	V.A.C.S. 9206, § 24(a), (b), (c)		913a, § 9(e)
31.128	V.A.C.S. 9206, § 26	43.027	P.C. 913, § 3
31.129	V.A.C.S. 9206, § 24(f)	43.028	P.C. 913, § 3
31.141	V.A.C.S. 9206, § 29(a)	43.029	P.C. 913, § 4
31.142	V.A.C.S. 9206, § 29(b)	43.030	P.C. 913, § 7
41.001	P.C. 978f-6, § 2	43.041(1)	P.C. 908, § (b)
41.002	P.C. 978f-8	43.041(2)	P.C. 908, § (c)
41.003	P.C. 978f-6, § 1	43.041(3)	New
41.004	P.C. 978f-6, § 3	43.042	P.C. 908, § (a)
41.005	P.C. 978f-6, § 7	43.043	P.C. 908, § (f)
41.006	P.C. 978f-6, §§ 4 to 6	43.044	P.C. 908, § (g)
41.007	P.C. 978f-6, § 8	43.045	P.C. 908, § (a)
41.008	P.C. 978f-7	43.046	P.C. 908, § (m)
42.001	P.C. 920 P.C. 895c, § 6(a)	43.047	to
42.002	P.C. 895c, §§ 1, 3	43.049	P.C. 908, § (g)
42.003	P.C. 895c, § 8	43.050	P.C. 908, § (d)
42.004	P.C. 895c, § 8	43.051	P.C. 908, § (i)
42.005		43.052	P.C. 908, § (h)
to		43.053	P.C. 908, § (e)
42.008	P.C. 895c, § 2	43.054	P.C. 908, § (k)
42.009	P.C. 895c, § 1	43.055	P.C. 908, § (l)
42.010	P.C. 895c, §§ 4, 8	43.061	P.C. 871b
42.011	P.C. 895c, §§ 1, 2	43.071	P.C. 874a, § 1
42.012	P.C. 895c, § 1	43.072	P.C. 874a, §§ 1, 3
42.013	P.C. 895c, § 8	43.073	P.C. 874a, § 2
42.014		43.074	P.C. 874a, §§ 1, 4
to		43.075	P.C. 874a, § 4
42.016	P.C. 895c, § 2	43.076	P.C. 874a, § 5
42.017	P.C. 895c, § 5	43.077	P.C. 874a, § 6
42.018	P.C. 895c, § 6(b), (d)	43.078	P.C. 874a, § 4
42.019	P.C. 895c, § 6(c)	43.101	63rd Leg., ch. 147, § 10
42.020	P.C. 895c, § 6(e)	43.102	63rd Leg., ch. 147, § 1
42.021	P.C. 895c, § 6(f)	43.103	63rd Leg., ch. 147, § 2
42.022	P.C. 895c, § 5	43.104	63rd Leg., ch. 147, § 1
42.023	P.C. 895c, § 9	43.105	63rd Leg., ch. 147, § 3
42.024	P.C. 895c, § 10	43.106	63rd Leg., ch. 147, § 4
42.025	P.C. 895c, § 13	43.107	63rd Leg., ch. 147, § 5
43.001		43.108	63rd Leg., ch. 147, § 6
to		43.109	63rd Leg., ch. 147, § 7
43.005	P.C. 903	43.110	63rd Leg., ch. 147, § 8
43.011	P.C. 879a-6, § 1	43.111	63rd Leg., ch. 147, § 9
43.012	P.C. 879a-6, § 2	43.151	P.C. 888, § (a)(b)
43.013	P.C. 879a-6, § 3	43.152	P.C. 888, § (a)
43.014	P.C. 879a-6, § 4	43.153	P.C. 888, § (c)
43.015	P.C. 879a-6, § 5	43.154	P.C. 888, § (c)(d)(e)
43.016	P.C. 879a-6, § 5	43.155	P.C. 888, § (f)
43.021	New in part	43.156	P.C. 888, § (g)
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43.022	P.C. 913, §§ 1, 1A	43.201	P.C. 879h-3a, § 1
43.023	P.C. 913, §§ 2, 6	43.202	P.C. 879h-3a, § 1
43.024	P.C. 913, §§ 1, 1A 913a, § 9(b), (c)	43.203	P.C. 879h-3a, § 2
		43.204	P.C. 879h-3a, § 3
		43.205	P.C. 879h-3a, § 4

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43.252	P.C. 888b, § 2	46.103	P.C. 978l-5, § 3
43.253	P.C. 888b, § 3	46.104	P.C. 978l-5, §§ 3, 4
43.254	P.C. 888b, § 4	46.105	P.C. 978l-5, §§ 3, 4
43.255	P.C. 888b, § 5	46.106	P.C. 978l-5, § 5
43.256	P.C. 888b, § 6	46.107	P.C. 978l-5, § 4
43.257	P.C. 888b, § 7	46.108	P.C. 978l-5, § 6
43.258	P.C. 888b, § 8	46.109	P.C. 978l-5, § 6
43.259	P.C. 888b, § 9	46.110	P.C. 978l-5, § 8
43.260	P.C. 888b, § 10	46.111	P.C. 978l-5, §§ 7, 9
43.261	P.C. 888b, § 11	47.001	P.C. 934a, §§ 1, 3, subdiv. 11, 12 934b-2, §§ 1(a), 1(c) 934c, § 6a(d)
44.001	P.C. 978k, §§ 1, 4	47.002	P.C. 934a, §§ 2, 3, subdiv. 1
44.002	P.C. 978k, § 1	47.003	P.C. 934b-2, §§ 2, 6 934c, §§ 2, 3
44.003	P.C. 978k, § 1	47.004	P.C. 934a, §§ 2, 3, subdiv. 10
44.004	P.C. 978k, § 12	47.005	P.C. 934a, §§ 2, 3, subdiv. 7
44.005	P.C. 978k, § 6	47.006	P.C. 934a, §§ 2, 3, subdiv. 8
44.006	P.C. 978k, § 2	47.007	P.C. 934b-2, §§ 1(b), 3, 6 and 7
44.007	P.C. 978k, § 12	47.008	P.C. 934c, § 4
44.008	P.C. 978k, § 4	47.009	P.C. 934a, §§ 2, 3, subdiv. 2
44.009	P.C. 978k, § 5	47.010	P.C. 934a, § 3, subdiv. 2a
44.010	P.C. 978k, § 10	47.011	P.C. 934a, §§ 2, 1(g), 3, subdiv. 3(a) to (c)
44.011	P.C. 978k, § 7	47.012	P.C. 934a, §§ 1(g), 3, subdiv. 3(d)
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44.014	P.C. 978k, § 3	47.015	P.C. 934a, §§ 2, 3, subdiv. 6
44.015	P.C. 978k, § 11	47.016	P.C. 934c, § 6a(a), (b)
44.016	P.C. 978k, § 15	47.017	P.C. 934c, § 6a(b)
45.001	P.C. 978k-1, § 1	47.018	P.C. 934a, § 3, subdiv. 11
45.002	P.C. 978k-1, § 2	47.031	P.C. 934a, §§ 3, subdiv. 1, 8 934b-2, §§ 2, 3 934c, § 4
45.003	P.C. 978k-1, § 3	47.032	P.C. 934a, § 7
45.004	P.C. 978k-1, § 4	47.033	P.C. 934a, § 3, subdiv. 11
45.005	P.C. 978k-1, § 6	47.034	P.C. 934a, § 3, subdiv. 13
45.006	P.C. 978k-1, § 7	47.035	P.C. 934a, § 3, subdiv. 13
45.0061	P.C. 978k-1, § 1		
45.007	P.C. 978k-1, §§ 9, 8		
45.008	P.C. 978k-1, § 11		
45.009	P.C. 978k-1, § 10		
45.010	P.C. 978k-1, § 5		
45.011	P.C. 978k-1, § 13		
45.012	P.C. 978k-1, § 12		
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46.003	V.A.C.S. 4032b-1, § 2A		
46.004	V.A.C.S. 4032b-1, § 1		
46.005	V.A.C.S. 4032b-1, § 1A		
46.006	V.A.C.S. 4032b-1, § 3		
46.007	V.A.C.S. 4032b-1, § 4(b)		
46.008	V.A.C.S. 4032b-1, § 4(a)		
46.009	V.A.C.S. 4032b-1, §§ 5, 3, 1		
46.010	V.A.C.S. 4032b-1, § 5		
46.011	V.A.C.S. 4032b-1, § 5		
46.012	V.A.C.S. 4032b-1, § 5		
46.013	V.A.C.S. 4032b-1, § 4(a)		
46.014	V.A.C.S. 4032b-1, § 7		
46.015	V.A.C.S. 4032b-1, § 9		
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47.038	P.C. 934c, §§ 5, 6	61.002	P.C. 978j—1, § 2
47.051	P.C. 934a, § 6 44th Leg., ch. 345, § 2	61.003	New
47.052	P.C. 934b—2, § 10	61.004	P.C. 978j—1, § 18
47.053	P.C. 934c, § 7	61.005(1)	-----
47.054	P.C. 935	61.005(2)	P.C. 978j—1, § 3, subsec. c
47.055	P.C. 934a, §§ 8, 9 934b—2, § 11	61.005(3)	P.C. 978j—1, § 3, subsec. a
48.001	P.C. 978f—5b, § 2	61.005(4)	P.C. 978j—1, § 3, subsec. b
48.002	P.C. 978f—5b, §§ 1, 3	61.005(5)	New
48.003	P.C. 978f—5b, § 3	61.005(6)	New
48.004	P.C. 978f—5b, § 3	61.021	P.C. 978j—1, § 2
48.005	P.C. 978f—5b, §§ 1, 3	61.022	P.C. 978j—1, § 2
48.006	P.C. 978f—5b, §§ 1, 3	61.051	P.C. 978j—1, § 4
48.007	P.C. 978f—5b, § 3	61.052	P.C. 978j—1, § 2
48.008	P.C. 978f—5b, § 4	61.053	P.C. 978j—1, § 4
48.009	P.C. 978f—5b, § 5	61.054	P.C. 978j—1, § 4
48.010	P.C. 978f—5b, § 6	61.055	P.C. 978j—1, §§ 5, 12
48.011	P.C. 978f—5b, § 6A	61.056	P.C. 978j—1, § 6
48.012	P.C. 978f—5b, § 8	61.057	P.C. 978j—1, § 6
48.013	P.C. 978j—2	61.101	P.C. 978j—1, § 7
49.001	P.C. 880d, § 8	61.102	P.C. 978j—1, § 7
49.002	P.C. 880d, § 1	61.103	P.C. 978j—1, § 8
49.003	P.C. 880d, §§ 1(a), 2(a)	61.104	P.C. 978j—1, §§ 5, 9
49.004	P.C. 880d, §§ 1(a), 2(b)	61.105	P.C. 978j—1, § 10
49.005	P.C. 880d, § 1(b), (c)	61.106	P.C. 978j—1, § 12
49.006	P.C. 880d, § 2(a), (b), (c)	61.201	P.C. 978j—1, § 13, subsec. a
49.007	P.C. 880d, § 2(a), (b)	61.202	P.C. 978j—1, § 13, subsec. b
49.008	P.C. 880d, § 3	61.203	P.C. 978j—1, § 13, subsec. c
49.009	P.C. 880d, § 7	61.204	P.C. 978j—1, § 13, subsec. f
49.010	P.C. 880d, § 3	61.205	P.C. 978j—1, § 13, subsec. g
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49.012	P.C. 880d, § 5	61.207	P.C. 978j—1, § 13, subsec. i
49.013	P.C. 880d, § 5	61.208	P.C. 978j—1, § 13, subsec. o, as added by 62nd Leg., ch. 160, § 2
49.014	P.C. 880d, § 6(a)	61.901	P.C. 978j—1, §§ 14, 14a
49.015	P.C. 880d, § 6(b)	62.001	P.C. 882
49.016	P.C. 880d, § 6(c)	62.002	P.C. 879h—6
49.017	P.C. 880d, § 9	62.003	P.C. 901
50.001	P.C. 895c—1, § (1)	62.004	P.C. 887
50.002	P.C. 895c—1, § (2)	62.005	P.C. 902
50.003	P.C. 895c—1, § (3)	62.006	P.C. 900
50.004	P.C. 895c—1, § (4)	62.007	P.C. 897
50.005	P.C. 895c—1, § (5)	62.008	P.C. 923d
51.001	P.C. 962b, § 2		P.C. 907
51.002	P.C. 962b, §§ 1, 3		
51.003	P.C. 962b, § 3		
51.004	P.C. 962b, §§ 1, 3		
51.005	P.C. 962b, § 3		
51.006	P.C. 962b, § 3		
51.007	P.C. 962b, § 4		
51.008	P.C. 962b, § 5		
51.009	P.C. 962b, §§ 6, 7		
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62.010	P.C. 873	64.003	P.C. 891
62.011	P.C. 873a	64.004	P.C. 888a
62.021	P.C. 884 P.C. 885 P.C. 907	64.011	P.C. 879i
62.022	P.C. 923h	64.012	P.C. 877
62.023	P.C. 923h	64.013	P.C. 879c P.C. 881
62.024	P.C. 884 P.C. 885	64.014	44th Leg., ch. 144, §§ 2, 4, 5
62.025	P.C. 923a	64.015	P.C. 879f—6, §§ 1, 2
62.026	P.C. 907	64.021	P.C. 881b, §§ 1, 2
62.027	P.C. 889 P.C. 890	64.022	P.C. 881b, § 5
62.028	P.C. 890 P.C. 923f	64.023	P.C. 881b, § 5
62.029	P.C. 909	64.024	P.C. 881b, §§ 6, 7
62.030	P.C. 909a—2, § 1 P.C. 909a—1	64.025	P.C. 881b, § 8
62.051	56th Leg., ch. 189, § 2A, as amended by 60th Leg., ch. 116 and 300, § 2B	64.026	P.C. 881b, §§ 2, 3
62.052	P.C. 879h—4	65.001	P.C. 957
62.053	P.C. 879h—1	65.002	P.C. 958
62.054	P.C. 879h—2	65.003	P.C. 978d—1
62.055	P.C. 879h—3	65.004	P.C. 934b—5, § 1
62.056	P.C. 879h—5	65.005	P.C. 934b—5, § 3
62.061	P.C. 978f—5d, § 1	65.006	P.C. 934b—5, § 2
62.062	to	65.101	P.C. 934b—4, § 1(b)
62.067	P.C. 978f—5d, § 2	65.102	P.C. 934b—4, § 1(a)
62.068	P.C. 978f—5d, § 1	65.103	P.C. 934b—4, § 3
62.069	P.C. 978f—5d, § 1	65.104	P.C. 934b—4, § 2
62.081	P.C. 978l—8, § 1(a)	66.001	P.C. 926
62.082	P.C. 978l—8, § 1(b), (c)	66.002	P.C. 925
62.083	P.C. 978l—8, § 1(d)	66.003	P.C. 924
62.084	P.C. 978l—8, § 2	66.004	P.C. 924a
63.001	P.C. 892	66.005	P.C. 956
63.002	P.C. 881	66.006	P.C. 949
63.003	P.C. 879g—2 P.C. 879g—2a P.C. 879g—3 P.C. 879g—4	66.007	P.C. 955a—3
63.004	P.C. 879h	66.008	V.A.C.S. 6701d—4
63.005	P.C. 923ll—6	66.009	45th Leg., ch. 156
63.006	P.C. 879g	66.101	P.C. 927 P.C. 948 P.C. 941b V.A.C.S. 4050c—1, § 1
63.007	P.C. 923f—1, §§ 2, 3, 4, 5	66.102	P.C. 948
63.008	P.C. 910	66.103	P.C. 927 P.C. 948 P.C. 928
63.009	P.C. 923(g)	66.104	P.C. 927a, § 1
63.010	P.C. 880	66.105	P.C. 927a, §§ 2, 4
63.101	P.C. 923x	66.106	P.C. 927a, §§ 3, 4 P.C. 934a, § 3, subdiv. 13
63.102	P.C. 923qa—3	66.107	V.A.C.S. 4050c—1, § 2
64.001	P.C. 872	66.108	P.C. 932
		66.109	P.C. 951a
		66.110	P.C. 978c
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66.113 ----- V.A.C.S. 4050c, §§ 1, 2	71.001(2)
66.114 ----- V.A.C.S. 4050c, § 6	to
66.115 ----- V.A.C.S. 4050c, § 3(b)	71.001(6) ----- P.C. 923qa, § 1
66.116 ----- V.A.C.S. 4050c, §§ 3(a), 4(a)	71.001(7) ----- New
66.117 ----- V.A.C.S. 4050c, § 4(b), (c)	71.002 ----- P.C. 923qa, § 2
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66.201 ----- P.C. 931a	71.004 ----- P.C. 923qa—7, § 1
66.202 ----- P.C. 941	71.005 ----- P.C. 923qa, §§ 2, 6
66.203 ----- P.C. 945	71.006 ----- P.C. 923qa, §§ 2, 6
66.204 ----- 46th Leg., p. 839, S.L., ch. 84	71.007 ----- P.C. 923qa, §§ 2, 6
66.205 ----- V.A.C.S. 4046	71.008 ----- P.C. 923qa, § 2
66.206 ----- P.C. 941—3, §§ 1, 3	71.009 ----- P.C. 923q, § 9
66.207 ----- P.C. 954	P.C. 923qa—7, § 1
66.208 ----- P.C. 934b—3	P.C. 923qa, § 2
66.209 ----- P.C. 978f—1	71.010 ----- P.C. 923qa, § 2, and 923q, § 9
66.210 ----- P.C. 952l—11, § 3	71.011 ----- P.C. 923qa, § 4
66.211 ----- P.C. 952l—11, § 3	71.012 ----- P.C. 923qa, § 4
66.212 ----- P.C. 952l—11, §§ 3, 4, 5	71.013 ----- P.C. 923qa, § 3
66.213 ----- P.C. 952l—10, §§ 2, 4	P.C. 923qa—7, § 1
66.301 ----- V.A.C.S. 4075b, § 3(a)	71.014 ----- P.C. 923q, § 9
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66.302 ----- V.A.C.S. 4075c, § 3(a)	P.C. 923q, § 12
66.303 ----- V.A.C.S. 4075c, §§ 4, 8	P.C. 923qa—7, § 3
66.304 ----- V.A.C.S. 4075c, § 5	72.001 ----- P.C. 923m, § 2
66.305 ----- V.A.C.S. 4075c, § 6	72.002 ----- P.C. 923m, § 2
66.306 ----- V.A.C.S. 4075c, § 7	72.003 ----- P.C. 923m, § 3
66.307 ----- V.A.C.S. 4075c, § 9	72.004 ----- P.C. 923m, § 4
67.001 ----- P.C. 913a, § 2(b)	72.005 ----- P.C. 923r
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67.003 ----- P.C. 913a, § 2(a)	72.006 ----- P.C. 923ss
67.004 ----- P.C. 913a, § 2(a), (b)	P.C. 923rr
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68.001 ----- P.C. 913a, § 1	72.007 ----- P.C. 923m, § 5
68.002 ----- P.C. 913a, § 3	P.C. 923vv
68.003 ----- P.C. 913a, § 4	76.001 ----- V.A.C.S. 4027
68.004 ----- P.C. 913a, § 6	P.C. 960
68.005 ----- P.C. 913a, § 7	76.002 ----- P.C. 960
68.006 ----- P.C. 913a, § 9(a)	V.A.C.S. 4027
68.007 ----- P.C. 913a, § 10	P.C. 960
68.008 ----- P.C. 913a, § 11	V.A.C.S. 4027
68.009 ----- P.C. 913a, § 12	76.004 ----- V.A.C.S. 4028
68.010 ----- P.C. 913a, § 13	P.C. 961
68.011 ----- P.C. 913a, § 14	76.005 ----- P.C. 961
68.012 ----- P.C. 913a, § 15	V.A.C.S. 4028
68.013 ----- P.C. 913a, § 16	76.006 ----- V.A.C.S. 4035
68.014 ----- P.C. 913a, § 17	76.007 ----- V.A.C.S. 4039
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68.016 ----- P.C. 913a, § 19(c)	76.010 ----- V.A.C.S. 4036
68.017 ----- P.C. 913a, § 21(c), (d)	76.011 ----- V.A.C.S. 4036
68.018 ----- P.C. 913a, §§ 18, 24	76.012 ----- V.A.C.S. 4037
68.019 ----- P.C. 913a, § 23	76.013 ----- V.A.C.S. 4037
68.020 ----- P.C. 913a, §§ 20, 9(f)	76.014 ----- V.A.C.S. 4037
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76.017	V.A.C.S. 4041	77.017	V.A.C.S. 4075b, § 8(a)
76.018	V.A.C.S. 4041	77.018	V.A.C.S. 4075b, § 11A
76.031		77.019	V.A.C.S. 4075b, § 13(g)
to		77.020	V.A.C.S. 4075b, § 13(a)
76.036	V.A.C.S. 4042	77.021	V.A.C.S. 4075b, § 13(c)
76.037	P.C. 962	77.022	V.A.C.S. 4075b, § 13(b)
76.038	P.C. 959	77.023	V.A.C.S. 4075b, § 13(d)
76.039	P.C. 970	77.024	V.A.C.S. 4075b, § 13(f)
76.101	P.C. 962a, § 1	77.025	V.A.C.S. 4075b, § 13(i)
76.102	P.C. 962a, § 1	77.025	V.A.C.S. 4075b, § 13(aa)
76.103	P.C. 962a, §§ 1, 2, 3	77.031	V.A.C.S. 4075b, § 5(a),
76.104	P.C. 962a, §§ 2, 3		(b), (d)
76.105	P.C. 962a, § 2	77.032	V.A.C.S. 4075b, § 5(a), (e)
76.106	P.C. 962a, § 3	77.033	V.A.C.S. 4075b, § 5(c), (d)
76.107	P.C. 962a, § 3	77.034	V.A.C.S. 4075b, § 6(h)
76.108	P.C. 962a, § 4	77.035	V.A.C.S. 4075b, § 7(a), (b)
76.109	P.C. 962a, § 5	77.036	V.A.C.S. 4075b, §§ 5(d), 7(b)
76.110	P.C. 962a, § 7	77.037	V.A.C.S. 4075b, §§ 5(d), 7(b)
76.111	P.C. 962a, § 7	77.0371	V.A.C.S. 4075b, §§ 5(d), 7(b)
76.112	P.C. 962a, § 8	77.038	V.A.C.S. 4075b, §§ 5(a),
76.113	P.C. 962a, § 8		(c), 7(a)
76.114	P.C. 962a, §§ 7, 8	77.039	V.A.C.S. 4075b, §§ 5(a),
76.115	P.C. 962a, § 6		(c), 7(a)
76.116	P.C. 962a, §§ 6A, 8	77.040	V.A.C.S. 4075b, §§ 5(a),
76.117	P.C. 962a, § 8		(c), 7(a)
76.118	P.C. 962a, § 11	77.041	V.A.C.S. 4075b, §§ 5(a),
76.201	V.A.C.S. 4050f, § 1		(c), 7(a)
76.202	V.A.C.S. 4050f, § 2	77.042	V.A.C.S. 4075b, § 9
76.203	V.A.C.S. 4050f, § 3	77.043	V.A.C.S. 4075b, § 10(a)
76.204	V.A.C.S. 4050f, § 4	77.044	V.A.C.S. 4075b, § 10(a)
76.205	V.A.C.S. 4050f, § 5	77.045	V.A.C.S. 4075b, § 6(h)
76.206	V.A.C.S. 4050f, § 5		§ 10(b)
76.207	V.A.C.S. 4050f, § 5	77.046	V.A.C.S. 4075b, § 10(b)
76.208	V.A.C.S. 4050f, § 6	77.047	V.A.C.S. 4075b, § 13(c)
76.209	V.A.C.S. 4050f, § 7	77.048	V.A.C.S. 4075b, § 11(b)
76.210	V.A.C.S. 4050f, § 8	77.061	V.A.C.S. 4075b, § 7(c), (e), (g)
76.211	V.A.C.S. 4050f, § 9	77.062	V.A.C.S. 4075b, §§ 3(n), 7(c)
76.212	V.A.C.S. 4050f, § 10	77.0621	V.A.C.S. 4075b, § 7(c)
76.213	V.A.C.S. 4050f, § 11	77.063	V.A.C.S. 4075b, § 7(f), (g)
76.214	V.A.C.S. 4050f, § 13	77.064	V.A.C.S. 4075b, § 7(d)
76.215	V.A.C.S. 4050f, § 14	77.065	V.A.C.S. 4075b, § 7(c)
76.216	V.A.C.S. 4050f, § 12	77.066	V.A.C.S. 4075b, § 7(g)
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	(e), (f) to (k), (m), 13(h)	77.068	V.A.C.S. 4075b, § 11(d)
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77.003	V.A.C.S. 4075b, § 12(b)	77.069	V.A.C.S. 4075b, § 11(d)
77.004	V.A.C.S. 4075b, § 2	77.070	V.A.C.S. 4075b, § 7(c)
77.005	V.A.C.S. 4075b, § 2	77.071	V.A.C.S. 4075b, § 7(c)
77.006	V.A.C.S. 4075b, § 2	77.081	V.A.C.S. 4075b, § 6(a)
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77.012	V.A.C.S. 4075b, § 3(e)	77.083	V.A.C.S. 4075b, § 6(d)
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77.089	V.A.C.S. 4075b, §§ 4(a), 11(a), (d)		60th Leg., ch. 30, § 1
77.090	V.A.C.S. 4075b, § 11(d)	82.102	46th Leg., p. 336, G.L., ch. 1, § 2
77.091	V.A.C.S. 4075b, § 6(f), (g)	82.103	46th Leg., p. 336, G.L., ch. 1, § 1
77.092	V.A.C.S. 4075b, § 6(g)	82.104	46th Leg., p. 336, G.L., ch. 1, § 3
77.093	V.A.C.S. 4075b, § 6(g)	82.201	P.C. 978n, § 1
77.094	V.A.C.S. 4075b, § 6(h)	82.202	P.C. 978n, § 2
77.095	V.A.C.S. 4075b, §§ 6(h), 4(a)	82.203	P.C. 978n, § 3
77.096	V.A.C.S. 4075b, § 6(h)	82.204	P.C. 978n, § 4
77.097	V.A.C.S. 4075b, § 6(h)	82.205	P.C. 978n, § 5
77.098	V.A.C.S. 4075b, § 6(h)	82.206	P.C. 978n, § 6
77.099	V.A.C.S. 4075b, § 11(d)	82.207	P.C. 978n, § 8
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78.002	V.A.C.S. 4056	82.302	45th Leg., ch. 115, § 1
78.003	V.A.C.S. 4056	82.303	45th Leg., ch. 115, § 2
78.004	P.C. 975	82.401	42nd Leg., S.L., ch. 127, § 1
78.101	P.C. 937b, § 1(b)	82.402	to
78.102	P.C. 937b, §§ 1(a), 2	82.404	42nd Leg., S.L., ch. 127, § 2
81.001	P.C. 978b	82.405	42nd Leg., S.L., ch. 127, § 3
81.002	V.A.C.S. 4049	82.406	42nd Leg., S.L., ch. 127, § 4
81.003	P.C. 978a	82.407	42nd Leg., S.L., ch. 127, § 5
81.004	P.C. 928a, §§ 4, 5	82.408	42nd Leg., S.L., ch. 127, § 2
81.005	P.C. 917	82.409	42nd Leg., S.L., ch. 127, § 2
81.006	P.C. 978f—5, §§ 4, 5	82.501	62nd Leg., ch. 607, § 1
81.101	V.A.C.S. 4049a	82.502	62nd Leg., ch. 607, § 2
81.102	V.A.C.S. 4049c, § 1	82.503	62nd Leg., ch. 607, § 1
81.103	V.A.C.S. 4049c, § 2	82.504	62nd Leg., ch. 607, §§ 3, 4
81.104	V.A.C.S. 4049c, § 3	82.601	V.A.C.S. 4049b, § 1
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81.202	P.C. 928a, § 1	82.603	V.A.C.S. 4049b, §§ 1, 2
81.203	to	82.651	42nd Leg., S.L., ch. 227, §§ 1, 2
81.205	P.C. 928a, § 2	82.701	47th Leg., ch. 225, §§ 1, 1a
81.206	to	82.702	47th Leg., ch. 225, §§ 1, 1b
81.208	P.C. 928a, § 3	82.703	47th Leg., ch. 225, § 1b
81.209	P.C. 928a, § 1	82.704	47th Leg., ch. 225, § 2
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81.307	P.C. 917	83.002	V.A.C.S. 4050e
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81.402	P.C. 978f—5, § 2	83.004	V.A.C.S. 4050a
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81.404	978f—5h	86.002	P.C. 976 V.A.C.S. 4051
81.501	P.C. 978f—3d, § 1	86.003	V.A.C.S. 4053, § 1
81.502	P.C. 978f—3d, § 2	86.004	V.A.C.S. 4053, § 1
81.503	P.C. 978f—3d, § 3	86.005	V.A.C.S. 4053, § 2
81.504	P.C. 978f—3d, § 3	86.006	V.A.C.S. 4053, § 1
81.505	P.C. 978f—3d, § 3	86.007	V.A.C.S. 4053, § 1
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86.012(b)	V.A.C.S. 4053d	108.012	53rd Leg., ch. 158
86.012(c)	V.A.C.S. 4053d	108.021	52nd Leg., ch. 283, §§ 2a, 3
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86.015	V.A.C.S. 4054b	110.012	P.C. 955
86.016	V.A.C.S. 4053d	111.001	P.C. 978j—1, § 1
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86.018	P.C. 976a	112.001	P.C. 978j—1, § 1
86.019	V.A.C.S. 4053, § 5	112.011	P.C. 952a P.C. 952i 53rd Leg., ch. 110, § 10
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91.002	V.A.C.S. 4075a, § 2	112.013	P.C. 952b 53rd Leg., ch. 110, § 3
91.003	V.A.C.S. 4075a, § 2	112.014	P.C. 952j 53rd Leg., ch. 110, § 9
91.004	V.A.C.S. 4075a, §§ 3, 4	112.015	52nd Leg., ch. 52, §§ 1, 3
91.005	V.A.C.S. 4075a, § 3	113.001	P.C. 978j—1, § 1
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91.008	V.A.C.S. 4075a, § 1	114.012	53rd Leg., 1st C.S., ch. 15
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103.001	P.C. 978j—1, §§ 1, 3, subsec. c(11)	115.023	P.C. 952, § 2
103.011	53rd Leg., ch. 398	116.001	P.C. 978j—1, § 1
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103.013	P.C. 880	116.012	59th Leg., ch. 428, § 2
103.021	59th Leg., ch. 435	116.013	59th Leg., ch. 428, § 4
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103.031	P.C. 952i—9, §§ 2, 3	116.015	59th Leg., ch. 428, § 6
103.041	58th Leg., ch. 410	116.016	59th Leg., ch. 428, § 8
103.042	43rd Leg., S.L., ch. 77	116.017	59th Leg., ch. 428, § 3
104.001	P.C. 978j—1, § 1	116.021	46th Leg., p. 806, S.L., ch. 56, §§ 1, 2
104.002	P.C. 978j—1, §§ 1A, 3, subsec. d(1)	116.022	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 5
104.011	P.C. 978j—1, § 3, subsec. c(1)	117.001	P.C. 978j—1, § 1
104.012	P.C. 978j—1, § 13, subsec. c, d	118.001	P.C. 978j—1, § 1
105.001	P.C. 978j—1, § 1	118.011	42nd Leg., 2nd C.S., ch. 28, §§ 1, 7, 8
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59th Leg., ch. 428, § 6	136.021
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143.022	55th Leg., ch. 55	169.011	46th Leg., p. 806, S.L., ch. 56, §§ 1, 2
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144.011	P.C. 978j—1, §§ 2, 13, subsec. o, 14	170.011	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5
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146.001	P.C. 978j—1, § 1	171.011	P.C. 978j—1, § 3, subsec. c(3)
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160.011	56th Leg., ch. 267, § 1 54th Leg., ch. 91, § 2	184.021	P.C. 952i—10, §§ 1, 3, 4
160.012	50th Leg., ch. 100, §§ 1, 3	184.022	P.C. 941, §§ 1, 1f P.C. 944
160.021	54th Leg., ch. 91, §§ 1, 3	184.023	P.C. 947
160.022	47th Leg., ch. 373, §§ 1, 3, 4	184.024	V.A.C.S. 4045
160.031	42nd Leg., S.L., ch. 69, § 1	185.001	P.C. 978j—1, § 1
160.041	P.C. 923m, § 4	186.001	P.C. 978j—1, § 1
161.001	P.C. 978j—1, § 1	186.011	59th Leg., ch. 428, § 5
162.001	P.C. 978j—1, § 1	186.012	59th Leg., ch. 428, § 2
163.001	New		
164.001	P.C. 978j—1, § 1		
164.011	P.C. 955		
164.012	P.C. 955		
164.013	46th Leg., p. 810, S.L., ch. 59, §§ 2, 4		
165.001	P.C. 978j—1, § 1		

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186.013	59th Leg., ch. 428, § 4	201.013	55th Leg., ch. 480, §§ 1, 3, 4, 5
186.014	59th Leg., ch. 428, § 7	201.014	P.C. 941, §§ 1, 1f
186.015	59th Leg., ch. 428, § 6	201.015	V.A.C.S. 4045
186.016	59th Leg., ch. 428, § 8	202.001	P.C. 978j—1, § 1
186.017	59th Leg., ch. 428, § 3	202.011	61st Leg., ch. 248
186.021	46th Leg., p. 806, S.L., ch. 56, §§ 1, 2	202.021	51st Leg., ch. 136, §§ 1, 3
186.022	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 5	202.031	46th Leg., p. 829, S.L., ch. 77, §§ 4, 5, 6, 9
186.023	P.C. 955	203.001	P.C. 978j—1, § 1
187.001	P.C. 978j—1, § 1	204.001	P.C. 978j—1, § 1
188.001	P.C. 978j—1, §§ 1, 3, subsec. c(7)	204.011	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 5
188.011	P.C. 923i—1	205.001	P.C. 978j—1, § 1
189.001	P.C. 978j—1, § 1	205.011	51st Leg., 1st C.S., ch. 47, §§ 2, 3
189.011	62nd Leg., ch. 566, §§ 2, 3	206.001	P.C. 978j—1, § 1
189.012	62nd Leg., ch. 566, §§ 1, 3	207.001	P.C. 978j—1, § 1
189.013	62nd Leg., ch. 566, § 4	207.011	59th Leg., ch. 228, § 4
190.001	P.C. 978j—1, § 1	208.001	P.C. 978j—1, § 1
191.001	P.C. 978j—1, § 1	208.011	54th Leg., ch. 327
191.011	49th Leg., ch. 135	209.001	P.C. 978j—1, § 1
191.012	44th Leg., S.L., ch. 16, §§ 1, 2, 3 53rd Leg., 1st C.S., ch. 37, § 2	209.011	53rd Leg., ch. 188, §§ 4, 5
192.001	New	209.012	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5
192.011	52nd Leg., ch. 493, §§ 1, 2, 3	210.001	P.C. 978j—1, § 1
192.021	47th Leg., ch. 313, §§ 1, 4	211.001	P.C. 978j—1, § 1
192.031	55th Leg., ch. 330, §§ 2, 4	211.011	52nd Leg., ch. 53, §§ 2, 5
193.001	P.C. 978j—1, § 1	212.001	New
194.001	P.C. 978j—1, § 1	212.011	56th Leg., ch. 267, § 1 54th Leg., ch. 91, § 2
194.011	44th Leg., S.L., ch. 42, §§ 1, 5	212.012	50th Leg., ch. 100, §§ 1, 3
194.012	P.C. 952, § 2	212.021	54th Leg., ch. 91, §§ 1, 3
195.001	P.C. 978j—1, § 1	212.022	47th Leg., ch. 373, §§ 2, 3, 4
196.001	P.C. 978j—1, § 1	212.031	P.C. 923m, § 4
197.001	P.C. 978j—1, § 1	213.001	P.C. 978j—1, § 1
197.011	42nd Leg., 2nd C.S., ch. 28, §§ 1, 7, 8	213.011	60th Leg., ch. 408
197.012	46th Leg., p. 815, S.L., ch. 65, §§ 1-A, 2	213.021	52nd Leg., ch. 297, §§ 2, 3
	54th Leg., ch. 474, § 1	214.001	P.C. 978j—1, § 1
198.001	P.C. 978j—1, § 1	215.001	P.C. 978j—1, § 1
199.001	P.C. 978j—1, § 1	215.011	P.C. 978j—1, § 3, subsec. c(3)
199.011	51st Leg., ch. 179, §§ 1, 2, 3, 4, 5	216.001	P.C. 978j—1, § 1
199.021	P.C. 978j—1, § 13, subsec. k	216.011	P.C. 955
200.001	P.C. 978j—1, § 1	216.012	59th Leg., ch. 228, § 4
200.011	58th Leg., ch. 510, § 2	216.013	P.C. 955
200.021	58th Leg., ch. 510, §§ 3(a), 3(d)	216.021	V.A.C.S. 4026b
200.022	58th Leg., ch. 510, §§ 3(c), 3(d)	217.001	to
200.031	61st Leg., ch. 640	219.001	P.C. 978j—1, § 1
201.001	P.C. 978j—1, § 1	219.011	49th Leg., ch. 48
201.011	P.C. 978j—1, § 3, subsec. c(6)	220.001	P.C. 978j—1, § 1
201.012	P.C. 947	221.001	P.C. 978j—1, § 1
		221.011	58th Leg., ch. 510, § 2

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221.012	58th Leg., ch. 510, §§ 3(b), 3(d)	230.045	60th Leg., ch. 552, § 1
221.013	58th Leg., ch. 510, §§ 3(c), 3(d)	230.046	60th Leg., ch. 552, § 2
221.021	P.C. 952l-9, §§ 1, 3	230.047	60th Leg., ch. 552, §§ 3, 12
221.031	P.C. 978j-1, § 3, subsec. c(8)	230.048	60th Leg., ch. 552, § 6
221.032	61st Leg., ch. 640	230.049	60th Leg., ch. 552, § 6
222.001	P.C. 978j-1, § 1	230.050	60th Leg., ch. 552, §§ 7, 8
222.011	P.C. 978j-1, § 3, subsec. c(3)	230.051	60th Leg., ch. 552, § 9
223.001	P.C. 978j-1, § 1	230.052	60th Leg., ch. 552, §§ 3, 9
223.011	P.C. 978j-1, § 3, subsec. c(1)	230.053	60th Leg., ch. 552, § 10
223.012	58th Leg., ch. 339	230.054	60th Leg., ch. 552, § 13
224.001	New	231.001	P.C. 978j-1, § 1A
224.011	59th Leg., ch. 586	231.011	56th Leg., ch. 260
224.012	P.C. 879g-2a P.C. 879g-4	231.021	56th Leg., ch. 260
224.021	57th Leg., ch. 358, §§ 1, 2, 4	231.022	50th Leg., ch. 243
225.001	P.C. 978j-1, § 1	232.001	P.C. 978j-1, § 1
225.011	45th Leg., ch. 412, §§ 1, 4	233.001	P.C. 978j-1, § 1
226.001	P.C. 978j-1, § 1	233.011	56th Leg., 2nd C.S., ch. 38, § 1
226.011	53rd Leg., ch. 188, §§ 4, 5	233.021	P.C. 952, § 2
226.012	45th Leg., ch. 403, §§ 3, 4	233.022	P.C. 955
227.001	P.C. 978j-1, § 1	234.001	P.C. 978j-1, § 1
227.011	46th Leg., p. 802, S.L., ch. 53, § 1	234.011	P.C. 978j-1, § 13, subsec. p.
227.012	47th Leg., ch. 538, §§ 3, 5	234.021	54th Leg., ch. 144, §§ 5, 7
228.001	P.C. 978j-1, § 1	234.022	54th Leg., ch. 144, §§ 6, 7
228.011	58th Leg., ch. 12	234.023	P.C. 955
228.021	54th Leg., ch. 325	235.001	New
229.001	P.C. 978j-1, § 1	235.011	52nd Leg., ch. 191, §§ 1, 2, 3, 4, 5
229.011	49th Leg., ch. 62, §§ 3, 5, 8	236.001	P.C. 978j-1, § 1
229.012	59th Leg., ch. 228, § 4	236.011	P.C. 955
230.001	New	236.012	P.C. 955
230.011	59th Leg., ch. 428, § 5	237.001	P.C. 978j-1, § 1A
230.012	59th Leg., ch. 428, § 2	237.011	59th Leg., ch. 562
230.013	59th Leg., ch. 428, § 4	237.021	50th Leg., ch. 243
230.014	59th Leg., ch. 428, § 7	237.022	P.C. 923c
230.015	59th Leg., ch. 428, § 6	238.001	P.C. 978j-1, § 1
230.016	59th Leg., ch. 428, § 8	238.011	52nd Leg., ch. 191, §§ 1, 2, 3, 4, 5
230.017	59th Leg., ch. 428, § 3	239.001	P.C. 978j-1, § 1
230.018	59th Leg., ch. 426	240.001	P.C. 978j-1, § 1
230.021	46th Leg., p. 836, S.L., ch. 83, § 5a, 5b	241.001	P.C. 978j-1, § 1
230.031	48th Leg., ch. 124, § 1	241.011	P.C. 955
230.032	48th Leg., ch. 124, § 2	241.012	P.C. 955
230.033	48th Leg., ch. 124, § 3	242.001	New
230.034	46th Leg., p. 806, S.L., ch. 56, §§ 1, 2	242.011	53rd Leg., 1st C.S., ch. 20, §§ 1(a), 1(c), 3
230.041	60th Leg., ch. 552, §§ 1, 15, 17	242.012	56th Leg., ch. 274, §§ 1, 2
230.042	60th Leg., ch. 552, §§ 4, 5, 14	242.021	53rd Leg., 1st C.S., ch. 20, §§ 1(b), 1(c), 3
230.043	60th Leg., ch. 552, § 2	242.022	53rd Leg., 1st C.S., ch. 20, §§ 1(b), 1(c), 3
230.044	60th Leg., ch. 552, § 2	242.023	54th Leg., ch. 345, § 1
		243.001	P.C. 978j-1, § 1
		244.001	P.C. 978j-1, § 1
		245.001	New

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245.012 ----- 44th Leg., S.L., ch. 22, §§ 1, 2	256.012 ----- 56th Leg., ch. 274, §§ 1, 2
245.021 ----- 60th Leg., ch. 236	256.021 ----- 51st Leg., ch. 183, § 1
245.022 ----- 62nd Leg., ch. 781, §§ 2, 3	256.022 ----- 51st Leg., ch. 183, § 1
245.031 ----- 62nd Leg., ch. 99	257.001 ----- P.C. 978j-1, § 1
245.041 ----- 61st Leg., ch. 640	258.001 ----- New
246.001 ----- P.C. 978j-1, § 1	258.011 ----- 46th Leg., p. 829, S.L., ch. 77, §§ 4, 5, 6, 7, 8 and 9
246.011 ----- 62nd Leg., ch. 999, §§ 1, 2, 4	258.021 ----- 52nd Leg., ch. 113, §§ 2, 3, 4, 5, 7
246.012 ----- 62nd Leg., ch. 97, §§ 2, 4	258.022 ----- 51st Leg., ch. 473, § 1a
246.013 ----- 62nd Leg., ch. 999, § 3 62nd Leg., ch. 97, § 5	258.023 ----- 56th Leg., ch. 72
246.021 ----- P.C. 923i	258.031 ----- 59th Leg., ch. 412
246.031 ----- 61st Leg., ch. 640	258.032 ----- 47th Leg., ch. 115
247.001 ----- P.C. 978j-1, § 1	258.033 ----- 64th Leg., ch. 670
247.011 ----- 55th Leg., ch. 70, §§ 1, 2	258.041 ----- P.C. 952aa
247.021 ----- 59th Leg., ch. 429	258.042 ----- 45th Leg., 1st C.S., ch. 48 54th Leg., ch. 439, §§ 1, 3, 4
248.001 ----- P.C. 978j-1, § 1	258.043 ----- 51st Leg., ch. 136, §§ 2, 3 62nd Leg., ch. 490, § 1a
249.001 ----- P.C. 978j-1, § 1	259.001 ----- P.C. 978j-1, § 1
249.011 ----- 45th Leg., ch. 412, §§ 1, 4	260.001 ----- P.C. 978j-1, § 1
250.001 ----- P.C. 978j-1, § 1	260.011 ----- 59th Leg., ch. 428, § 5
250.011 ----- 59th Leg., ch. 428, § 5	260.012 ----- 59th Leg., ch. 428, § 2
250.012 ----- 59th Leg., ch. 428, § 2	260.013 ----- 59th Leg., ch. 428, § 4
250.013 ----- 59th Leg., ch. 428, § 4	260.014 ----- 59th Leg., ch. 428, § 7
250.014 ----- 59th Leg., ch. 428, § 7	260.015 ----- 59th Leg., ch. 428, § 6
250.015 ----- 59th Leg., ch. 428, § 6	260.016 ----- 59th Leg., ch. 428, § 8
250.016 ----- 59th Leg., ch. 428, § 8	260.017 ----- 59th Leg., ch. 428, § 3
250.017 ----- 59th Leg., ch. 428, § 3	260.021 ----- 46th Leg., p. 806, S.L., ch. 56, §§ 1, 2
250.021 ----- 45th Leg., ch. 16, §§ 4, 6	260.022 ----- P.C. 955
250.022 ----- P.C. 955	260.023 ----- 44th Leg., S.L., ch. 45, §§ 1, 2, 3, 5
251.001 ----- New	261.001 ----- P.C. 978j-1, § 1
251.011 -----	261.002 ----- P.C. 978j-1, § 3, subsec. c(1)
to -----	262.001 ----- P.C. 978j-1, § 1
251.013 ----- P.C. 955	263.001 ----- P.C. 978j-1, § 1
252.001 -----	263.011 ----- P.C. 952, § 1
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254.011 ----- 59th Leg., ch. 428, § 5	264.001 ----- P.C. 978j-1, § 1
254.012 ----- 59th Leg., ch. 428, § 2	264.011 ----- 54th Leg., ch. 144, §§ 5, 7
254.013 ----- 59th Leg., ch. 428, § 4	264.012 ----- 54th Leg., ch. 144, §§ 6, 7
254.014 ----- 59th Leg., ch. 428, § 7	264.013 ----- P.C. 955
254.015 ----- 59th Leg., ch. 428, § 6	265.001 ----- P.C. 978j-1, § 1
254.016 ----- 59th Leg., ch. 428, § 8	266.001 ----- P.C. 978j-1, § 1
254.017 ----- 59th Leg., ch. 428, § 3	266.011 ----- 51st Leg., ch. 175, §§ 2, 3
254.021 ----- P.C. 955	267.001 ----- P.C. 978j-1, § 1
254.022 ----- P.C. 955	267.011 ----- P.C. 955
254.023 ----- 44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5	267.012 ----- P.C. 955
254.024 ----- 44th Leg., S.L., ch. 3, §§ 1, 1-a, 2	268.001 ----- P.C. 978j-1, § 1
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270.001 ----- P.C. 978j—1, § 1	283.022 ----- P.C. 952aa—4, § 7
270.011 ----- P.C. 923k	283.023 ----- P.C. 952aa—4, § 3
270.021 ----- 51st Leg., ch. 356	283.024 ----- P.C. 952aa—4, § 12
271.001 ----- P.C. 978j—1, § 1	284.001 ----- P.C. 978j—1, § 1
272.001 ----- New	284.011 ----- 44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5
272.011 ----- 59th Leg., ch. 230, §§ 2, 3(a)	285.001 ----- P.C. 978j—1, § 1
272.012 ----- 59th Leg., ch. 230, §§ 3(b), 3(c)	286.001 ----- P.C. 978j—1, § 1
272.013 ----- 59th Leg., ch. 230, §§ 4(a), 4(b)	286.011 ----- P.C. 978j—1, § 3, subsec. c(3)
----- P.C. 880c	286.012
272.014 ----- 59th Leg., ch. 230, § 4(b)	to
272.015 ----- 59th Leg., ch. 230, § 5	286.014 ----- P.C. 955
----- P.C. 880c	287.001 ----- P.C. 978j—1, § 1
272.016 ----- 57th Leg., ch. 49, §§ 1(b), 2	287.011 ----- 58th Leg., ch. 510, § 2
272.021 ----- 59th Leg., ch. 412, §§ 1, 2(a), (b)	287.021 ----- 58th Leg., ch. 510, § 3(b), (d)
272.031 ----- 56th Leg., ch. 65	287.022 ----- 58th Leg., ch. 510, § 3(c), (d)
----- 58th Leg., ch. 273	287.031 ----- 48th Leg., ch. 121
272.041 ----- 56th Leg., ch. 72	288.001 ----- P.C. 978j—1, § 1
272.051 ----- 49th Leg., ch. 83, §§ 2, 3, 4	289.001 ----- P.C. 978j—1, § 1
----- 55th Leg., 1st C.S., ch. 3, §§ 4, 5, 6	289.011 ----- P.C. 978j—1, § 3, subsec. c(3)
273.001 ----- P.C. 978j—1, § 1	290.001 ----- New
274.001 ----- P.C. 978j—1, § 1	290.002 ----- P.C. 978j—1, § 1
275.001 ----- P.C. 978j—1, § 1	290.011 ----- 50th Leg., ch. 51
276.001 ----- P.C. 978j—1, § 1	290.021 ----- 59th Leg., ch. 223, §§ 4(a), (c)
276.011 ----- 58th Leg., ch. 510, § 2	290.022 ----- P.C. 955
276.012 ----- 58th Leg., ch. 510, §§ 3(b), (d)	290.031 ----- P.C. 923m, § 4
276.013 ----- 58th Leg., ch. 510, §§ 3(c), (d)	291.001 ----- P.C. 978j—1, § 1
276.021 ----- P.C. 952l—9, §§ 1, 3	292.001 ----- P.C. 978j—1, § 1
276.031 ----- P.C. 978j—1, § 3, subsec. c(8)	293.001 ----- P.C. 978j—1, § 1
276.032 ----- 61st Leg., ch. 640	293.011 ----- 46th Leg., p. 806, S.L., ch. 56, §§ 1, 2
277.001 ----- P.C. 978j—1, § 1	293.012 ----- P.C. 955
278.001 ----- P.C. 978j—1, § 1A	294.001 ----- P.C. 978j—1, § 1
278.011 ----- 59th Leg., ch. 404	295.001 ----- P.C. 978j—1, § 1
279.001	295.011 ----- P.C. 978j—1, § 3, subsec. c(3)
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281.001 ----- P.C. 978j—1, § 1	to
281.011 ----- 58th Leg., ch. 510, §§ 1, 2, 3(a), (c), (d)	295.014 ----- P.C. 955
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282.001 ----- P.C. 978j—1, § 1	296.021 ----- 54th Leg., ch. 321
282.011 ----- 47th Leg., ch. 582	297.001 ----- P.C. 978j—1, § 1
282.012 ----- 49th Leg., ch. 48	298.001 ----- P.C. 978j—1, § 1
283.001 ----- P.C. 978j—1, § 1	298.011 ----- 51st Leg., ch. 568
283.011 ----- P.C. 978j—1, § 13, subsec. i	299.001 ----- New
	299.002 ----- P.C. 978j—1, § 1
	299.011 ----- 54th Leg., ch. 225
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300.011 ----- P.C. 955	306.015 ----- 59th Leg., ch. 428, § 6
300.012 ----- P.C. 955	306.016 ----- 59th Leg., ch. 428, § 8
300.013 ----- 56th Leg., ch. 208	306.017 ----- 59th Leg., ch. 428, § 3
300.014 ----- 54th Leg., ch. 90, §§ 5, 6	306.021 ----- P.C. 987j, §§ 1, 4
300.015 ----- 54th Leg., ch. 90, §§ 4, 6	306.022 ----- P.C. 955
301.001 ----- P.C. 978j—1, § 1	306.023 ----- 44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5
301.011 ----- 52nd Leg., ch. 297, §§ 2, 3	306.024 ----- 44th Leg., S.L., ch. 3, §§ 1, 1-a, 2
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302.001 ----- New	to
302.002 ----- P.C. 978j—1, § 1	309.001 ----- P.C. 978j—1, § 1
302.011 ----- 59th Leg., ch. 646, § 1	309.011 ----- 46th Leg., p. 802, S.L., ch. 53, § 1
302.021 ----- 58th Leg., ch. 280, § 1	309.012 ----- P.C. 955a—2
302.022 ----- 56th Leg., ch. 499, § 1	310.001 ----- New
302.023 ----- 50th Leg., ch. 49, §§ 2, 3	310.011 ----- 52nd Leg., ch. 493, §§ 1, 2, 3
302.031 ----- 60th Leg., ch. 392, §§ 1, 2	310.012 ----- P.C. 880b
302.041 ----- P.C. 978j—1, §§ 1, 3, subsec. c(11), (12)	310.013 ----- 54th Leg., ch. 142, § 1
302.043 ----- 52nd Leg., ch. 297, §§ 2, 3	310.021 ----- 45th Leg., ch. 112, §§ 1, 4
302.044 ----- 55th Leg., ch. 335, § 2	310.022 ----- 47th Leg., ch. 313, §§ 1, 4
302.051 ----- 43rd Leg., S.L., ch. 106, § 1	310.023 ----- 45th Leg., ch. 112, §§ 2, 4
302.052 ----- 61st Leg., ch. 640	310.031 ----- 51st Leg., ch. 531
303.001 ----- New	310.032 ----- 58th Leg., ch. 33, §§ 1, 2
303.002 ----- P.C. 978j—1, § 1	310.033 ----- 61st Leg., ch. 640
303.011 ----- 59th Leg., ch. 646, § 1	310.041 ----- P.C. 978j—1, §§ 1, 3, subsec. c(12)
303.012 ----- 53rd Leg., ch. 409, §§ 1, 3	311.001 ----- P.C. 978j—1, § 1
303.013 ----- 54th Leg., ch. 142, § 1	312.001 ----- P.C. 978j—1, § 1
303.014 ----- 50th Leg., ch. 49, §§ 2, 3	312.011 ----- P.C. 978j—1, § 3, subsec. c(13)
303.021 ----- 47th Leg., ch. 313, §§ 1, 4	312.012 ----- 58th Leg., ch. 417, §§ 1, 4, 5, 7
303.022 ----- 45th Leg., ch. 112, §§ 2, 4	312.013 ----- 58th Leg., ch. 417, §§ 6, 7
303.031 ----- P.C. 978j—1, §§ 1, 3, subsec. c(11)	312.021 ----- P.C. 978j—1, § 3, subsec. c(13)
303.041 ----- 43rd Leg., S.L., ch. 106, § 1	312.022 ----- 50th Leg., ch. 442
303.042 ----- 61st Leg., ch. 640	312.023 ----- 47th Leg., ch. 313, §§ 1, 4
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304.002 ----- P.C. 978j—1, § 1	312.031 ----- 52nd Leg., ch. 297, §§ 2, 3
304.011 ----- 58th Leg., ch. 510, § 2	313.001 ----- P.C. 978j—1, § 1
304.021 ----- 58th Leg., ch. 510, §§ 3(a), (d)	313.011 ----- 55th Leg., ch. 191
304.022 ----- 58th Leg., ch. 510, §§ 3(c), (d)	313.012 ----- 53rd Leg., ch. 188, §§ 4, 5
304.023 ----- 55th Leg., ch. 184	314.001 ----- P.C. 978j—1, § 1
304.031 ----- 47th Leg., ch. 313, §§ 1, 4	315.001 ----- P.C. 978j—1, § 1
304.041 ----- 48th Leg., ch. 159, § 1	315.011 ----- 49th Leg., ch. 48
305.001 ----- P.C. 978j—1, § 1	315.012 ----- 47th Leg., ch. 582
305.011 ----- P.C. 978j—1, § 3, subsec. c(9)	315.013 ----- P.C. 955a—2
305.012 ----- 57th Leg., ch. 166	316.001
306.001 ----- P.C. 978j—1, § 1	to
306.011 ----- 59th Leg., ch. 428, § 5	318.001 ----- P.C. 978j—1, § 1
306.012 ----- 59th Leg., ch. 428, § 2	318.011 ----- 46th Leg., p. 806, S.L., ch. 56

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V.T.C.A.		V.T.C.A.	
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Code Section	Former Provisions	Code Section	Former Provisions
318.012	P.C. 955	334.002	P.C. 978j—1, § 1
319.001		334.011	45th Leg., 2nd C.S., ch. 55
to		334.021	50th Leg., ch. 95
321.001	P.C. 978j—1, § 1	334.022	47th Leg., ch. 313, §§ 1, 4
321.011	47th Leg., ch. 538, §§ 1, 3, 4, 5	334.031	59th Leg., ch. 228, § 4
322.001	P.C. 978j—1, § 1	335.001	P.C. 978j—1, § 1
322.011	P.C. 978j—1, § 3, subsec. c(3)	335.011	P.C. 978j—1, § 3, subsec. c(9) 57th Leg., ch. 166
323.001		335.021	P.C. 978j—1, § 3, subsec. c(6)
to		335.022	54th Leg., ch. 321
326.001	P.C. 978j—1, § 1	335.023	P.C. 947
326.011	49th Leg., ch. 120, §§ 5, 6	335.024	55th Leg., ch. 197
326.012	49th Leg., ch. 120, §§ 1, 3, 6	335.025	V.A.C.S. 4045
327.001	P.C. 978j—1, § 1	336.001	P.C. 978j—1, § 1
327.011	59th Leg., ch. 428, § 5	336.011	61st Leg., ch. 640
327.012	59th Leg., ch. 428, § 2	336.021	46th Leg., p. 811, S.L., ch. 60
327.013	59th Leg., ch. 428, § 4	337.001	P.C. 978j—1, §§ 1, 3, subsec. c(2)
327.014	59th Leg., ch. 428, § 7	337.011	P.C. 923i—4
327.015	59th Leg., ch. 428, § 6	337.021	52nd Leg., ch. 233, §§ 2a, 3
327.016	59th Leg., ch. 428, § 8	338.001	P.C. 978j—1, § 1
327.017	59th Leg., ch. 428, § 3	338.011	P.C. 955
327.021	54th Leg., ch. 435, §§ 1, 4	338.012	P.C. 955
327.031	52nd Leg., ch. 105, §§ 5a, 7	339.001	New
327.032	45th Leg., ch. 413, §§ 4, 5 52nd Leg., ch. 244, § 1	339.002	P.C. 978j—1, § 1
328.001	P.C. 978j—1, § 1	339.011	60th Leg., ch. 263
328.011	P.C. 978j—1, §§ 13, subsec. n, 14	339.012	P.C. 879h
328.021	48th Leg., ch. 121	339.021	51st Leg., ch. 511
329.001	P.C. 978j—1, § 1	340.001	P.C. 978j—1, § 1
329.011	58th Leg., ch. 510	340.002	P.C. 978j—1, § 15(f)
329.021	P.C. 978j—1, § 3, subsec. c(8)	341.001	P.C. 978j—1, § 1
329.022	61st Leg., ch. 640	342.001	P.C. 978j—1, § 1
330.001	New	342.011	61st Leg., ch. 135
330.011	53rd Leg., ch. 393, §§ 1, 2	343.001	P.C. 978j—1, § 1
330.021	59th Leg., ch. 589	343.011	54th Leg., ch. 83
330.022	56th Leg., ch. 266, § 1	343.012	P.C. 952a P.C. 952i 53rd Leg., ch. 110, § 10
330.031	52nd Leg., ch. 160	343.013	P.C. 952h 53rd Leg., ch. 110, § 6
330.032	60th Leg., ch. 392, §§ 1, 2	343.014	P.C. 952b 53rd Leg., ch. 110, § 3
330.041	P.C. 941a—1, § 1	343.015	P.C. 952j 53rd Leg., ch. 110, § 9
331.001	P.C. 978j—1, § 1	344.001	P.C. 978j—1, § 1
332.001	P.C. 978j—1, § 1	344.011	52nd Leg., ch. 450
332.011	46th Leg., p. 810, S.L., ch. 59, §§ 2, 4	344.012	P.C. 952a P.C. 952i 53rd Leg., ch. 110, § 10
332.012	P.C. 955	344.013	P.C. 952h 53rd Leg., ch. 110, § 6
332.013	P.C. 955		
333.001	P.C. 978j—1, § 1		
333.011	47th Leg., ch. 425, §§ 7, 8		
333.012	P.C. 955		
333.013	P.C. 955		
334.001	New		

## DERIVATION TABLE

V.T.C.A.		V.T.C.A.	
Parks & Wildlife		Parks & Wildlife	
Code Section	Former Provisions	Code Section	Former Provisions
344.014	P.C. 952b 53rd Leg., ch. 110, § 3	350.001	P.C. 978j—1, § 1
344.015	P.C. 952j 53rd Leg., ch. 110, § 9	350.011	52nd Leg., ch. 297, §§ 2, 3
345.001	P.C. 978j—1, § 1	350.012	59th Leg., ch. 593
346.001	P.C. 978j—1, § 1	351.001	P.C. 978j—1, § 1
346.011	44th Leg., S.L., ch. 45, §§ 1, 2, 3, 4, 5	352.001	P.C. 978j—1, § 1
346.012	P.C. 955	352.011	49th Leg., ch. 48
346.013	P.C. 955	352.012	P.C. 953a, §§ 1, 9
347.001	P.C. 978j—1, § 1	352.013	47th Leg., ch. 582
347.011	P.C. 952, § 1	352.014	P.C. 953a, § 8
348.001	New	353.001	P.C. 978j—1, § 1
349.001	P.C. 978j—1, § 1	354.001	P.C. 978j—1, § 1
349.011	51st Leg., ch. 225	354.011	57th Leg., ch. 459, §§ 1, 3
		354.012	P.C. 955
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tion of each provision in this code, except as otherwise expressly provided by this code.
[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

TITLE 1. GENERAL PROVISIONS

[Sections 1.003 to 1.010 reserved for expansion]

CHAPTER 1. GENERAL PROVISIONS

SUBCHAPTER B. PROPERTY OF THE STATE

SUBCHAPTER A. PURPOSE AND POLICY

§ 1.011. Property of the State

Section
1.001. Purpose of Code.
1.002. Construction of Code.

(a) All wild animals, fur-bearing animals, wild birds, and wild fowl inside the borders of this state are the property of the people of this state.

SUBCHAPTER B. PROPERTY OF THE STATE

(b) All fish and other aquatic animal life contained in the freshwater rivers, creeks, and streams and in lakes or sloughs subject to overflow from rivers or other streams within the borders of this state are the property of the people of this state.

1.011. Property of the State.
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SUBCHAPTER C. DEFINITIONS

(c) All the beds and bottoms and the products of the beds and bottoms of the public rivers, bayous, lagoons, creeks, lakes, bays, and inlets in this state and of that part of the Gulf of Mexico within the jurisdiction of this state are the property of this state. The state may permit the use of the waters and bottoms and the taking of the products of the bottoms and waters.

1.101. Definitions.

SUBCHAPTER A. PURPOSE AND POLICY

(d) The Parks and Wildlife Department shall regulate the taking and conservation of fish, oysters, shrimp, crabs, turtles, terrapins, mussels, lobsters, and all other kinds and forms of marine life, or sand, gravel, marl, mud shell, and all other kinds of shell in accordance with the authority vested in it by this code.

§ 1.001. Purpose of Code

(a) This code is enacted as a part of the state's continuing statutory revision program, begun by the Texas Legislative Council in 1963 as directed by the legislature in Chapter 488, Acts of the 58th Legislature, 1963 (Article 5429b-1, Vernon's Texas Civil Statutes). The program contemplates a topic-by-topic revision of the state's general and permanent statute law without substantive change.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

(b) Consistent with the objectives of the statutory revision program, the purpose of this code is to make the general and permanent parks and wildlife law more accessible and understandable by:

§ 1.012. Private Fresh Water

(1) rearranging the statutes into a more logical order;

Any freshwater lake, river, creek, or bayou in this state contained in any survey of private land may not be sold but shall remain open to the public. If the Parks and Wildlife Department stocks the water with fish, it is authorized to protect the fish under rules as it may prescribe.

(2) employing a format and numbering system designed to facilitate citation of the law and to accommodate future expansion of the law;

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

(3) eliminating repealed, duplicative, unconstitutional, expired, executed, and other ineffective provisions; and

[Sections 1.013 to 1.100 reserved for expansion]

(4) restating the law in modern American English to the greatest extent possible.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBCHAPTER C. DEFINITIONS

§ 1.002. Construction of Code

The Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) applies to the construc-

§ 1.101. Definitions

In this code:

## § 1.101

## PARKS AND WILDLIFE CODE

(1) "Hunt" means seek or pursue with intent to take or kill and includes take, kill, and an attempt to take or kill.

(2) "Catch" means take or kill and includes and attempt to take or kill.

(3) "Sell" means to transfer the ownership or the right of possession of an item to a person for consideration and includes a barter and an even exchange.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 378, ch. 153, § 11, eff. Sept. 1, 1981.]

### TITLE 2. PARKS AND WILDLIFE DEPARTMENT

#### CHAPTER 11. PARKS AND WILDLIFE DEPARTMENT

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##### SUBCHAPTER A. GENERAL PROVISIONS

###### § 11.001. Definitions

In this code:

(1) "Commission" means the Parks and Wildlife Commission.

(2) "Department" means the Parks and Wildlife Department.

(3) "Director" means the executive director of the Parks and Wildlife Department.

(4) "Chairman" means the chairman of the Parks and Wildlife Commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 11.002 to 11.010 reserved for expansion]

##### SUBCHAPTER B. ORGANIZATION OF DEPARTMENT

###### § 11.011. Parks and Wildlife Department

The Parks and Wildlife Department is established as an agency of the state. It is under the policy direction of the Parks and Wildlife Commission. [Acts 1975, 64th Leg., p. 1405, ch. 541, § 1, eff. Sept. 1, 1975.]

###### § 11.0111. Application of Sunset Act

The Parks and Wildlife Department is subject to the Texas Sunset Act;<sup>1</sup> and unless continued in existence as provided by that Act the department is abolished effective September 1, 1985.

[Acts 1977, 65th Leg., p. 1846, ch. 735, § 2.099a, eff. Aug. 29, 1977.]

<sup>1</sup> Civil Statutes, art. 5429k.

###### § 11.012. Commission

(a) The commission consists of nine members appointed by the governor with the advice and consent of two-thirds of the members of the senate present and voting.

(b) If the senate is not in session, the governor shall appoint the members and issue commissions to them as provided by law, and their appointment shall be submitted to the next session of the senate for its advice and consent in the manner that ap-

## PARKS AND WILDLIFE CODE

## § 11.019

pointments to fill vacancies under the constitution are submitted to the senate.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 3180, ch. 543, § 1, eff. June 19, 1983.]

Section 5 of the 1983 amendatory act provides:

"In appointing the three additional members to the Parks and Wildlife Commission as provided by this Act, the governor shall designate one member to serve for a term expiring January 31, 1985, one member to serve for a term expiring January 31, 1987, and one member to serve for a term expiring January 31, 1989."

### § 11.013. Terms

The members of the commission hold office for staggered terms of six years, with the terms of three members expiring every two years. Each member holds office until his successor is appointed and has qualified. The terms expire on January 31 of odd-numbered years.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 3180, ch. 543, § 2, eff. June 19, 1983.]

Section 5 of the 1983 amendatory act provides:

"In appointing the three additional members to the Parks and Wildlife Commission as provided by this Act, the governor shall designate one member to serve for a term expiring January 31, 1985, one member to serve for a term expiring January 31, 1987, and one member to serve for a term expiring January 31, 1989."

### § 11.014. Chairman, Vice-Chairman

(a) The governor shall designate biennially one of the nine members as chairman of the commission for a term of two years expiring on January 31 of the succeeding odd-numbered year.

(b) The commission shall elect biennially a vice-chairman from among its members for a term of two years expiring on January 31 of the succeeding odd-numbered year.

(c) A vacancy in the office of chairman or vice-chairman is filled for the unexpired portion of the term in the same manner as the original appointment or election.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 3180, ch. 543, § 3, eff. June 19, 1983.]

### § 11.015. Meetings, Quorum

The commission may meet as often as is necessary but shall meet at least once during each quarter of the year. Five members constitute a quorum.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 3180, ch. 543, § 4, eff. June 19, 1983.]

### § 11.016. Expenses, Per Diem

Members of the commission are entitled to reimbursement for their actual expenses incurred in attending meetings and to the per diem as provided in the general appropriations act.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.017. Executive Director

The commission may appoint an executive director who is the chief executive officer of the department and performs its administrative duties. The director serves at the will of the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.018. Employees

The director may appoint heads of divisions, law enforcement officers, park managers, and other employees authorized by appropriations and necessary for administering the duties and services of the department. These employees serve at the will of the director.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 122, ch. 29, § 1, eff. April 19, 1983.]

### § 11.019. Employees as Peace Officers

(a) The director may commission as peace officers any of the employees provided for in the general appropriations act.

(b) Law enforcement officers commissioned by the director have the same powers, privileges, and immunities as peace officers coextensive with the boundaries of this state.

(c) Law enforcement officers commissioned by the director have the same authority as a sheriff to arrest, serve criminal or civil process, and require aid in serving criminal or civil process coextensive with the boundaries of this state.

(d) A law enforcement officer commissioned by the director may arrest without a warrant any person in this state found in the act of violating any law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 122, ch. 29, § 2, eff. April 19, 1983.]

Section 1 of Acts 1983, 68th Leg., p. 624, ch. 136, provides:

"The state or a political subdivision of the state authorized to commission peace officers may exercise jurisdiction concurrently with the federal government for the purpose of criminal law enforcement in a public park or recreational facility at a water resource development project under the control of the Chief of Engineers, Department of the Army, pursuant to 16 U.S.C. Section 460d."



## § 11.0191

## PARKS AND WILDLIFE CODE

### § 11.0191. Enforcement of Code

Law enforcement officers commissioned by the director and any other peace officers have the authority to enforce all provisions of this code.

[Acts 1983, 68th Leg., p. 123, ch. 29, § 3, eff. April 19, 1983.]

### § 11.020. Deputy Game Wardens

(a) The director may commission deputy game wardens to serve at the will of the director. Provided, however, that no deputy game warden commissioned under this section may be commissioned for a period of longer than four years. At the expiration of each four-year commission the deputy game warden shall be eligible for recommission.

(b) The commission shall make regulations to govern the qualifications, conduct, and duties of commissioned deputy game wardens. The director shall implement an education course which includes training in pertinent aspects of a game warden's duties. Completion of this course shall be a prerequisite to any person obtaining a commission as deputy game warden.

(c) A commissioned deputy game warden may enforce state laws relating to hunting and fishing and to the preservation and conservation of wildlife and marine animals. The department shall prescribe the geographical area in which a deputy game warden may operate, except that a deputy game warden may not operate on the coastal waters, bays, or estuaries of this state. At all times when any commissioned deputy game warden is on duty or is acting in an official capacity he shall carry official identification and shall wear an official badge which is clearly visible. A commissioned deputy game warden must present his official identification to any person he believes is violating this code before the deputy game warden makes an investigation or arrest. A commissioned deputy game warden shall purchase and wear at all times when on duty or acting in an official capacity a uniform prescribed by the department.

(d) A deputy game warden must file an oath and a bond in the amount of \$2,000 payable to the department at the time he receives the commission.

(e) Commissioned deputy game wardens serve without compensation from the state, but the department may expend necessary funds to support and maintain this responsibility.

[Acts 1977, 65th Leg., p. 650, ch. 241, § 1, eff. May 25, 1977.]

[Sections 11.021 to 11.030 reserved for expansion]

## SUBCHAPTER C. SPECIAL FUNDS

### § 11.031. Game, Fish, and Water Safety Fund

There is in the state treasury a special fund called the "game, fish, and water safety fund."

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 546, ch. 260, art. 1, § 1, eff. Sept. 1, 1979.]

### § 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 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 mud-shell;
- (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 the 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;

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(17) motorboat manufacturer or dealer registration fees;

(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.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 546, ch. 260, art. 1, § 1, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 439, ch. 184, § 3, eff. Aug. 31, 1981.]

§ 11.033. Use of Game, Fish, and Water Safety Fund

The game, fish, and water safety fund may be used for the following purposes only:

(1) enforcement of fish, shrimp, and oyster laws, game laws, and laws pertaining to sand, shell, and gravel;

(2) dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

(3) scientific investigation and survey of marine life for the better protection and conservation of marine life;

(4) establishment and maintenance of fish hatcheries, fish sanctuaries, tidal water fish passes, game preserves, wildlife management areas, and public hunting grounds;

(5) propagation and distribution of marine life, game animals, and wild birds;

(6) protection of wild birds, fish, and game;

(7) purchase, repair, and operation of boats and dredges;

(8) research and management of the fish and wildlife resources of this state, including alligators and fur-bearing animals;

(9) salaries of employees and other expenses necessary to carry out the duties of the department under laws relating to fish, shrimp, oysters, game, and sand, shell, and gravel;

(10) expansion and development of additional opportunities of hunting and fishing in state-owned land and water;

(11) removing rough fish from public water;

(12) construction and maintenance of artificial reefs under Section 12.016 of the code;

(13) administration of the water safety laws as set out in Chapter 31 of this code;

(14) purchasing all necessary forms and supplies, including reimbursement of the department for any material produced by its existing facilities or work performed by other divisions of the department;

(15) purchase, construction, and maintenance of boat ramps on or near public waters as provided in Chapter 31 of this code; and

(16) any other use provided by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 546, ch. 260, art. 1, § 1, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 1157, ch. 261, § 1, eff. Aug. 29, 1983.]

§ 11.034. Game, Fish, and Water Safety Fund Expenditures

All expenditures of the department from the game, fish, and water safety fund must be approved by the director. The comptroller shall draw a warrant on the state treasury from the game, fish, and water safety fund for the amount of the expenditure in favor of the person claiming the expenditure.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 546, ch. 260, art. 1, § 1, eff. Sept. 1, 1979.]

§ 11.035. State Parks Fund

(a) There is in the state treasury a special fund called the "state parks fund."

(b) The department shall deposit to the credit of the state parks fund all revenue, less allowable costs, received from the following sources:

(1) grants or operation of concessions in state parks or fishing piers;

(2) publications on state parks, state historic sites, or state scientific areas;

(3) fines or penalties received from violations of regulations governing parks issued pursuant to Subchapter B, Chapter 13, of this code;<sup>1</sup> and

(4) any other source provided by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

<sup>1</sup> Section 13.101 et seq.

§ 11.036. Repealed by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6 eff. Sept. 1, 1979

§ 11.037. State Land and Water Conservation Fund

(a) There is in the state treasury a special fund called the "state land and water conservation fund."

(b) The department shall deposit in the state land and water conservation fund all revenue received

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from the federal government or any other source for the purpose of administering programs authorized under Sections 13.301 through 13.311 of this code.

(c) The state land and water conservation fund may be used for paying the cost of planning, acquisition, operation, and development of outdoor recreation resources of the state and the administrative expenses incident to the projects or programs authorized under Sections 13.301 through 13.311 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.038. Operating Fund

(a) There is a fund in the state treasury called the "parks and wildlife operating fund."

(b) The commission may transfer any funds appropriated to the department for personal services, travel, consumable supplies and materials, current operating expenses, and capital outlay, as these terms are used in the comptroller's object classification codes of the general appropriations act. All expenditures by the department from this fund shall be made only for the purposes for which appropriations are made in the general appropriations act.

(c) The parks and wildlife operating fund shall be used for the purposes specified by law and nothing may be done by any officer or employee of the department or commission to divert or jeopardize the fund or any portion of the fund, including any federal aid the department receives or administers.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.039. Revolving Petty Cash Fund

(a) The department may establish a revolving petty cash fund out of existing funds on deposit in the state treasury. The balance of this fund may not exceed \$2,500.

(b) The purpose of this fund is to make refunds of cash receipts, subject to the approval of the state auditor. The account must be maintained at a bank in Austin.

(c) With the prior approval of the commission, the director may designate a bonded employee of the department to sign checks drawn on this fund. The fund shall be reimbursed by warrants drawn and approved by the comptroller out of those funds in the state treasury in which the refunded receipts were originally deposited.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.040. Mistaken Deposit

(a) Any funds deposited in the state treasury by the department by mistake of fact or mistake of law shall be refunded by warrant issued against the fund in the state treasury into which the money was deposited. Refunds necessary to make the proper correction shall be appropriated by the general appropriations act.

(b) The comptroller may require written evidence from the director of the department to indicate the reason for the mistake of fact or law before issuing the refund warrant authorized in Subsection (a) of this section.

(c) This section does not apply to any funds that have been deposited under a written contract or to any funds on deposit as of June 8, 1971, which are the subject of litigation in any of the courts of this state or the United States.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 11.041. Transfer of Property

(a) The commission may transfer tangible property, other than money or real estate held for limited purposes, from one division of the department to another division.

(b) If the property to be transferred was acquired with funds the use of which is limited by law or dedicated in any other manner, and the prospective use of the property is different from the use allowed by law, the department shall transfer from available funds to the fund from which the property was acquired the value of the property at the time of the transfer.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## SUBCHAPTER D. SPECIAL NONGAME AND ENDANGERED SPECIES CONSERVATION FUND

### § 11.051. Definitions

In this subchapter:

(1) "Nongame" means those species of vertebrate and invertebrate wildlife that are not classified as game animals, game birds, game fish, fur-bearing animals, endangered species, alligators, marine penaeid shrimp, or oysters.

(2) "Endangered species" means those species listed as provided by Section 68.002 of this code.

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

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### § 11.052. Special Nongame and Endangered Species Conservation Fund

There is in the state treasury a special fund called the "special nongame and endangered species conservation fund."

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

### § 11.053. Sources of Fund

(a) The department shall deposit to the credit of the special nongame and endangered species conservation fund all money received from:

(1) private contributions, grants, and donations made to the special nongame and endangered species conservation fund;

(2) the net proceeds from the sale under this chapter of wildlife art prints, decals, and stamps;

(3) interest income from the investment of money collected under this section; and

(4) income from entrance fees, easements, mineral leases, grazing leases, and sale of products from lands purchased with funds from the special nongame and endangered species conservation fund.

(b) The department may accept private contributions, grants, and donations made to the special nongame and endangered species conservation fund.

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

Section 2 of the 1983 Act provides:

"The Parks and Wildlife Department shall evaluate the effectiveness of the nongame and endangered species conservation program established by this Act and shall investigate other sources of funding for the program. The study must be completed and a report published not later than December 31, 1986."

### § 11.054. Uses of Fund

(a) The special nongame and endangered species conservation fund may be used only for the following purposes:

(1) dissemination of information pertaining to nongame and endangered species conservation, management, and values;

(2) scientific investigation and survey of nongame and endangered species for better protection and conservation;

(3) propagation, distribution, protection, and restoration of nongame and endangered species;

(4) research and management of nongame and endangered species;

(5) development of habitats for nongame and endangered species;

(6) acquisition of habitats for nongame and endangered species; and

(7) matching of funds available to the department under federal programs for projects and activities authorized under this section.

(b) Appropriations from the special nongame and endangered species conservation fund are supplemental, and other funds may be appropriated for the purposes for which the fund was established.

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

Section 2 of the 1983 Act provides:

"The Parks and Wildlife Department shall evaluate the effectiveness of the nongame and endangered species conservation program established by this Act and shall investigate other sources of funding for the program. The study must be completed and a report published not later than December 31, 1986."

### § 11.055. Wildlife Art Prints, Decals, and Stamps

(a) The commission may contract with and pay a person for designing and producing the wildlife art prints, decals, and stamps authorized by this subchapter.

(b) The commission may authorize an agent, including a nonprofit wildlife conservation organization, to sell the wildlife art prints, decals, and stamps, and shall provide for the widespread availability of those items to the public.

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

### § 11.056. Costs of Wildlife Art Prints, Decals, and Stamps

(a) The price of a wildlife art decal or stamp sold under this subchapter is \$5.00.

(b) The department shall establish the royalty and a reasonable price to be paid for a wildlife art print sold under this subchapter.

(c) An authorized agent of the department, other than a department employee, who sells the wildlife art decals or stamps may retain 50 cents of each item sold as a collection fee.

[Acts 1983, 68th Leg., p. 1751, ch. 340, § 1, eff. June 16, 1983.]

## CHAPTER 12. POWERS AND DUTIES CONCERNING WILDLIFE

### SUBCHAPTER A. GENERAL POWERS AND DUTIES

#### Section

12.001. General Duties.

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### Section

- 12.002. Report to Governor.
- 12.003. Records.
- 12.004. List of Fees and Fines.
- 12.005. Funds in Lieu of Taxes.
- 12.006. Publications on Wildlife Values and Management.
- 12.007. Cautioning Sportsmen.
- 12.008. Leasing of Grazing Rights: Sale of Products.
- 12.009. Seafood Consumption Program.
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### SUBCHAPTER A. GENERAL POWERS AND DUTIES

#### § 12.001. General Duties.

(a) The department shall administer the laws relating to game, fish, oysters, and marine life, as set out in this code.

(b) The department may:

(1) collect and enforce the payment of all taxes, licenses, fines, and forfeitures due to the department;

(2) inspect all products required to be taxed by the laws relating to game, fish, oysters, and marine life and verify the weights and measures of the products;

(3) examine on request all streams, lakes, and ponds for the purpose of stocking with fish best suited to the locations;

(4) manage the propagation and distribution of fish in state fish hatcheries; and

(5) manage the propagation and distribution of birds and game in state reservations.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 12.002. Report to Governor

(a) The department shall report to the governor on August 31 of each year, or as soon after that date as practicable, but not later than October 1 of each year, showing the condition of the fish and oyster industry.

The report shall contain:

(1) a statement of the amount of special taxes collected;

(2) the number of licenses issued and the amount of license fees collected;

(3) the number and class of all boats engaged in the fish and oyster trade;

(4) the number, place, and acreage of private oyster beds and the amount of rents received for private oyster beds;

(5) all other amounts collected and disbursed by the department;

(6) a statement of all stock furnished, to whom the stock was furnished, the cost of the stock, the streams, lakes, or ponds stocked, the number and kind of fish used in each, and the condition of the plants; and

(7) any other observations or pertinent data.

(b) The governor shall order a sufficient number of copies of the report to be printed and filed in the secretary of state's office for free distribution.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 12.003. Records

(a) The department shall keep a record containing the following information:

(1) the amount of all special taxes collected;

(2) a list of all licenses issued and the amount of license fees collected;

(3) a list of all certificates issued for location of private oyster beds, the date of the certificate and application, when and how the applications were executed, and the manner in which the bottoms were examined and the amount of rent collected for the location;

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(4) all stock fish furnished, to whom the fish were furnished, and the cost of the stock fish;

(5) all streams, lakes, or ponds stocked and the number and kinds of fish stocked in each; and

(6) all collections and disbursements of the department.

(b) The department shall keep an account with each person, firm, or corporation holding certificates for the location of private oyster beds, showing the amounts received as rents.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.004. List of Fees and Fines

(a) The department shall maintain a complete list of all license fees and fines collected. The list shall be maintained in Austin and is a public record.

(b) The department shall file at the end of each calendar month a written report with the comptroller showing fines, licenses, and other fees collected, their disposition, and any other necessary information.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.005. Funds in Lieu of Taxes

(a) The department shall expend funds to counties and school districts for assessments in lieu of property taxes on wildlife management areas purchased from federal funds or grants authorized by the Pittman-Robertson Act or Dingell-Johnson Act.

(b) No general revenue funds may be expended in lieu of taxes for wildlife management areas; however, special funds may be expended for this purpose provided reimbursement or matching from the federal government is available at a federal ratio of two to one or better.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.006. Publications on Wildlife Values and Management

(a) The department may inform the public about wildlife values and management.

(b) Any book, bulletin, or magazine published under this section may be sold for a price not to exceed the cost of publication and mailing. Money received from the sale of these publications shall be sent to the department at its office in Austin not later than 10 days following the date of collection. The money shall be deposited in the state treasury to the credit of the special game and fish fund.

(c) Under the terms of the same bond and authority, any person authorized to issue hunting and fishing licenses may sell subscriptions to any monthly publication prepared and published by the department under this section. The seller may retain 10 percent of each subscription payment as his fee for collecting and send the balance of the subscription fee to the department.

(d) The amount of money collected for each subscription to any monthly publication shall be recorded on a prenumbered form bearing the name, complete address, and length of the subscription period. The prenumbered form shall be issued and accounted for in the same manner as hunting licenses.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.007. Cautioning Sportsmen

The department shall caution sportsmen and other persons of the danger from fire in the woods, marshes, or prairies of the state and request sportsmen and other persons to extinguish all fires left burning and to give notice, whenever possible, of fires ranging beyond control so that they may be controlled and extinguished.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.008. Leasing of Grazing Rights: Sale of Products

(a) The department may lease grazing rights on any land acquired by, and for the use of, the department as game preserves, game sanctuaries, and game management areas. The department may harvest and sell, or sell in place, any timber, hay, or other product grown on land of the department when the product is found to be in excess of wildlife management needs.

(b) The department may agree to accept consideration in lieu of money as part or full payment for a sale or lease under this section. The consideration in lieu of money must be materials, supplies, or services that are needed for wildlife management projects on any game management area administered by the department. The materials, supplies, or services accepted in lieu of money may be assigned a value no greater than that which the department would have been authorized to pay for them in a bona fide purchase.

(c) The State Purchasing and General Services Commission shall execute any sale or lease under this section under the general law governing the sale of state property; however, the department shall determine the quantity of products, or grazing lease, to be offered for sale or lease and the consid-

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eration in lieu of money to be received under the sale or lease.

(d) All money derived from a sale or lease under this section shall be deposited in the state treasury to the credit of the game, fish, and water safety fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 3, § 1, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 2885, ch. 491, § 1, eff. Aug. 29, 1983.]

Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, purports to repeal subsec. (c) of this section. Article 3, § 1, of the same Act amends this section, including subsec. (c).

### § 12.009. Seafood Consumption Program

(a) The department shall develop and administer a market promotion program to foster and expand the sale and consumption of seafood by the public. The department may use its own personnel or contract for personnel and use only state funds or state funds in conjunction with federal or private funds.

(b) Forty percent of the funds collected from commercial fisherman's license fees, 20 percent of wholesale fish dealers' license fees and wholesale truck dealers' fish license fees, and 50 percent of shrimp house operators' license fees shall be used by the department in carrying out the program required by this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.010. Noxious Vegetation Program

The department may contract or use the services of department personnel for the eradication of noxious vegetation from the water of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.011. Teaching Equipment

On request of a state-supported institution of higher education engaged in teaching and research related to marine science and oceanography, the department may transfer to the institution fish nets, seines, motors, boats, and other marine equipment confiscated under the authority of the game and fish laws to be used in the teaching and research programs of the institution.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.012. Fire Hazard

(a) If the state forester determines that the continuation of any hunting season is likely to cause a serious forest fire hazard in Red River, Titus, Camp, Harrison, Gregg, Henderson, Van Zandt, An-

derson, Nacogdoches, Angelina, San Augustine, Sabine, Trinity, Walker, Montgomery, Polk, Liberty, Tyler, Hardin, Jasper, Newton, Grimes, or San Jacinto counties, he shall immediately notify the department of the local conditions and recommend that any hunting season then open be closed temporarily.

(b) The department shall report to the governor on the local conditions which contribute to the danger of a fire hazard.

(c) If the governor finds that an extreme fire hazard exists, he shall proclaim a closed season to remain in effect in the county until the danger abates. The governor may revoke the proclamation at any time revocation is in the best interests of the people.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.013. Power to Take Wildlife

The department may take, transport, release, and manage any of the wildlife and fish in this state for investigation, propagation, distribution, or scientific purposes. It is a defense in any prosecution of an employee of the department for a violation of any law for the protection of wildlife or fish that the employee was acting within the scope of this authority.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.014. Fees for Stocking Fish in Private Water

(a) The commission may, at the times and in the manner found to be necessary or appropriate, set and charge a reasonable fee for each species of fish supplied to or placed in lakes or other bodies of water located solely on private property. In setting the fee, the commission may consider the costs of propagation and transportation from the fish hatchery and the size of the fish used for stocking the lake or other body of water.

(b) Repealed by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979.

[Acts 1977, 65th Leg., p. 39, ch. 23, § 1, eff. March 24, 1977. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979.]

### § 12.015. Noxious Aquatic Plants

(a) In this section, "noxious aquatic plant" means a plant that thrives in water, marshes, or swamps and that:

- (1) is harmful or potentially harmful to human life;
- (2) may impede navigation; or

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(3) may diminish the quality of water-oriented recreational areas.

(b) The department shall:

- (1) identify noxious aquatic plants;
- (2) publish a list of the names of noxious aquatic plants identified by the department; and
- (3) make rules and regulations necessary to carry out this section.

(c) The department may issue permits for the importation, sale, transport, or release of noxious aquatic plants identified by the department if the department finds that the proposed use of the noxious aquatic plants by the permit applicant will not pose a danger to persons, wildlife resources, or water resources.

(d) No person may intentionally or knowingly import or intentionally or knowingly sell, transport, or release in this state a noxious aquatic plant identified by the department unless the person has an unexpired written permit issued by the department authorizing the importation, sale, transportation, or release.

(e) A person who violates Subsection (d) of this section or who violates a regulation of the department made under this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1219, ch. 456, § 17, eff. Sept. 1, 1975.]

§ 12.016. Artificial Reefs

The department may construct or contract for the construction of artificial reefs in the coastal water of this state or in international or United States water adjacent to the coastal water of this state. The department may also accept any such reefs which have previously been constructed by the Texas Coastal and Marine Council and marked with buoys and agree to maintain such buoys and other location navigation markers in the future as may be necessary. The department may acquire any acceptable materials including surplus vessels under the provisions of federal law for use in developing future new reefs or adding to existing reefs.

[Acts 1977, 65th Leg., p. 1125, ch. 421, § 1, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 547, ch. 260, art. 1, § 2, eff. Sept. 1, 1979.]

§ 12.017. Damaging Markers

(a) No person may damage, deface, destroy, or remove, tie up a boat to, or in any way render inoperative or ineffective a marker, buoy, light or sound signal, radar reflector, or daymark or any

part of these devices, including the attachment intended to hold the device in place.

(b) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$200. On a second or subsequent conviction of a violation of Subsection (a) of this section, the person shall be punished by a fine of not less than \$200 nor more than \$500.

(c) The fact that a device or part of a device specified in Subsection (a) of this section may have been established by the state in water adjacent to but outside the territorial water of the state is not a defense against a prosecution for damaging state property.

[Acts 1977, 65th Leg., p. 1126, ch. 421, § 2, eff. Aug. 29, 1977.]

[Sections 12.018 to 12.100 reserved for expansion]

SUBCHAPTER B. ENFORCEMENT POWERS

§§ 12.101, 12.102. Repealed by Acts 1983, 68th Leg., p. 123, ch. 29, § 5, eff. April 19, 1983

§ 12.103. Entering Land

To enforce the game and fish laws of the state and to conduct scientific investigations and research regarding wild game or fish, an authorized employee of the department may enter on any land or water where wild game or fish are known to range or stray. No action may be sustained against an employee of the department to prevent his entering on land or water when acting in his official capacity.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.104. Right to Search

An authorized employee of the department may search a game bag, vehicle, or other receptacle if he has reason to believe that the game bag, vehicle, or receptacle contains game unlawfully killed or taken.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 12.105. Suits

(a) The department may file complaints in the name of the State of Texas to recover fines and penalties for violations of the laws relating to game, birds, and fish.

(b) The department may file a complaint and commence proceedings against an individual for violation of the laws relating to game, birds, and fish without the approval of the county attorney of the county in which the proceedings are brought. The



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department is not required to furnish security for costs for proceedings under this subsection.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.106. Notice to Appear

(a) Any peace officer of this state or a political subdivision of this state or an authorized employee of the department who arrests a person for a violation of a game, fish, or park law of this state or of a regulation of the commission may deliver to the alleged violator a written notice to appear before the justice court having jurisdiction of the offense not later than 15 days after the date of the alleged violation.

(b) On signing the written notice to appear and thereby promising to appear as provided in the notice, the alleged violator shall be released.

(c) Failure to appear within the time specified in the written notice is a misdemeanor punishable by a fine of not less than \$10 nor more than \$200, and a warrant for the arrest of the alleged violator may be issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.107. Remission of Fines

(a) A justice of the peace, clerk of any court, or any other officer of the state who receives a fine imposed by a court for a violation of any law relating to the protection and conservation of wild birds, wild fowl, wild animals, fish, oysters, and other wildlife shall send the fine to the department within 10 days after the date of collection. A statement containing the docket number of the case, the name of the person fined, and the section of the law violated must accompany the remission of the fine.

(b) The amount of the fine to be remitted to the department is 80 percent in county court cases and 85 percent in justice court cases.

(c) The fees set out in Articles 950 and 951, Code of Criminal Procedure, 1925, shall be deducted from fines imposed for violations of laws relating to wild game, birds, fish, oysters, and other wildlife.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.108. Expenses

In making an arrest, summoning a witness, and serving a process, the department is entitled to the same fee and mileage allowance as a sheriff. The

fee is charged and collected in the same manner as sheriff's fees.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 12.109. Confiscated Marine Life

(a) When an enforcement officer of the department believes that a person has unlawful possession of any fish, oysters, shrimp, or other marine life, he shall seize and sell the marine life and dispose of the proceeds as provided in this section. If the person is in possession of a greater quantity of marine life than is authorized by law, all such marine life shall be deemed to have been taken in contravention of the law and shall be seized by the arresting officer. The officer shall give to the person a receipt for all marine life seized.

(b) The confiscated marine life shall be sold to the highest of three bidders. The proceeds of the sale shall be deposited in the state treasury to the credit of suspense fund No. 900 pending the outcome of the action taken against the person charged with illegal possession.

(c) Unless the person is found guilty, all the proceeds shall be paid to the owner of the marine life.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1214, ch. 456, § 13(k), eff. Sept. 1, 1975.]

### § 12.110. Disposition of Confiscated Game

(a) The department shall donate, whenever same is reasonably practicable, any wild game animal, bird, fowl, or game fish which is unlawfully killed, taken, shipped, held in storage, or found in a public eating place to a charitable institution, hospital, or person or persons.

(b) The expense of any cold storage that may be necessary for an unlawfully possessed game bird, fowl, animal, or game fish shall be assessed against the violator on his conviction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 33, ch. 16, § 1, eff. March 16, 1977.]

### § 12.1101. Seizure and Disposal of Pelts

(a) A game warden or authorized employee of the department may seize the pelt of any fur-bearing animal taken or possessed in violation of a provision of this code or a lawful regulation of the commission. If an alleged violator is charged with a violation of a provision of this code or of a regulation of the commission in connection with the pelt seized, the warden or employee shall hold the pelt as evidence. On conviction of the alleged violator or on his plea of nolo contendere, the pelts may be sold to

the highest bidder after taking the minimum of three written bids by the department. If the alleged violator is not guilty of the offense or if the charge is dismissed the pelts shall be returned to their lawful owner.

(b) A game warden or authorized employee of the department acting under the authority of this section is immune from liability and from suit for the seizure of pelts.

(c) Repealed by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979.

[Acts 1977, 65th Leg., p. 82, ch. 39, § 1, eff. March 30, 1977. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979.]

#### § 12.1105. Seizure and Disposition of Unlawful Nets; Inside Water

(a) When a game warden or authorized employee of the department finds in the inside water of the state a seine, net, trawl, trap, or other device that is in the water in violation of a provision of this code or in violation of a lawful regulation of the commission or is aboard a vessel in violation of a provision of this code or a lawful regulation of the commission, the warden or employee shall seize without a warrant the seine, net, trawl, trap, or device.

(b) When an alleged violator is charged with an offense in connection with the unlawful use or possession of the seine, net, trawl, trap, or device seized by the warden or employee, the warden or employee shall hold the seine, net, trawl, trap, or device as evidence. Except as provided in Subsection (f) of this section, on a final conviction for the offense of the alleged violator, including a final judgment arising from a plea of *nolo contendere*, the warden or employee shall destroy the seine, net, trawl, trap, or device. If the alleged violator is not guilty of the offense or if the charge is not prosecuted and dismissed, the seine, net, trawl, trap, or device shall be returned to the owner.

(c) If no person is charged with an offense in connection with the seizure of a seine, net, trawl, trap, or other device under this section, and no person is found in possession of the seine, net, trawl, trap, or device, the warden or employee shall give notice of the seizure to the county judge or a judge of a county court at law of the county where the seizure occurred. The notice must include a description of the items seized and the location of the seizure. The court shall then direct the sheriff or a constable to post a copy of the notice in the county courthouse for not less than 10 days. At the expiration of 10 days, the court shall hold a hearing to determine if the seine, net, trawl, trap, or device was used or possessed in violation of a provision of

this code or of a lawful regulation of the commission. Except as provided in Subsection (f) of this section, if the use or possession was unlawful, the warden or employee shall destroy the seine, net, trawl, trap, or device.

(d) A game warden or authorized employee of the department who seizes items under this section is immune from liability and from suit for a seizure or destruction of a net as authorized by this section.

(e) This section does not apply to shrimp trawls used for catching shrimp or on board a licensed shrimp boat.

(f) The Parks and Wildlife Department, when requested by authorized representatives of units of The University of Texas System, The Texas A & M University System, the Texas A & I University System, Pan American University, the Lamar University System, and Southwest Texas State University, engaged in teaching and research related to marine science and oceanography, may transfer to such units of said universities and university systems nets, seines, and other marine equipment, which have been seized under this section, to be used in carrying out the teaching and research programs within said institutions.

[Acts 1977, 65th Leg., p. 381, ch. 190, § 3, eff. May 20, 1977.]

#### § 12.111. Violation by Employee

An employee of the department who violates any provision of this code relating to game, fish, and oysters which the employee is authorized to enforce is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 12.112. Forfeiture of Licenses

(a) The licenses issued under Chapters 42 and 46 of this code (general hunting and fishing licenses) are not subject to forfeiture for a violation of a game or fish law or a regulation of the department.

(b) No other license issued by the department is subject to forfeiture unless forfeiture is expressly provided for and then only by the jury, or the judge in the absence of a jury, in the same manner as other penalties are assessed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 12.113. Coastal Survey Charts Admissible

In any prosecution under this code, United States Coastal Survey Charts are admissible.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### SUBCHAPTER C. OPERATION GAME THIEF

#### § 12.201. Creation of Fund

The department may accept and deposit in a special fund outside the state treasury, called the operation game thief fund, donations from any person made for purposes of this subchapter. Funds deposited in the operation game thief fund may be used only for the maintenance of that fund. The Operation Game Thief Committee shall adopt rules for the implementation and maintenance of that fund.

[Acts 1981, 67th Leg., p. 3316, ch. 868, § 1, eff. Aug. 31, 1981.]

#### § 12.202. Operation Game Thief Committee

(a) The director shall appoint an Operation Game Thief Committee composed of six members to administer the operation game thief fund and to make reward payments from that fund as provided by Section 12.204 of this code. The director shall appoint persons who are not employees of the department and who have a demonstrated interest in game and fish conservation. The director may consider the recommendations or nominations of any club or association. The director shall designate one of the members as chairman of the committee. The director or an employee designated by the director for that purpose shall serve as secretary to the committee. A member of the committee serves without compensation.

(b) Each member of the committee serves a term of six years. The terms of one-third of the members expire on January 31 of each odd-numbered year. The director may reappoint members.

(c) The committee shall meet in April and October at the department's office in Austin. Four committee members must be present for approval of disbursement of rewards to eligible applicants.

[Acts 1981, 67th Leg., p. 3316, ch. 868, § 1, eff. Aug. 31, 1981.]

Section 2 of the 1981 Act provides:

"The director of the Parks and Wildlife Department shall appoint the first members of the Operation Game Thief Committee as follows: two members shall be appointed for terms expiring on January 31, 1983; two members shall be appointed for terms expiring on January 31, 1985; and two members shall be appointed for terms expiring on January 31, 1987."

#### § 12.203. Rewards; Claims

(a) A person who furnishes information leading to the arrest and conviction of a person for a flagrant violation of this code or a regulation or proclamation adopted under this code that applies to the taking, possession, or sale of an animal, bird, reptile, or fish may apply to the committee for a

reward to be paid from the operation game thief fund.

(b) The committee may consider only claims made in the six-month period preceding the meeting, and those claims may relate only to convictions obtained during that period.

(c) The committee shall prescribe and furnish the forms on which claims are to be made, including any documentation to be furnished to substantiate the claim.

(d) For purposes of this section, "flagrant violation" means a violation of the hunting or fishing laws that is so extreme, conspicuous, or outstandingly bad as to be impossible not to notice. A violation of the hunting or fishing license provisions in Chapter 42 or 46 of this code is not a flagrant violation.

[Acts 1981, 67th Leg., p. 3316, ch. 868, § 1, eff. Aug. 31, 1981.]

Section 3 of the 1981 Act provides:

"A conviction obtained before the effective date of this Act may not be the basis of a claim for reward made under this Act."

#### § 12.204. Rewards; Payments

At each meeting, the committee shall determine which claimants are to be granted rewards, specify the amount of each reward, and direct the payment of the rewards from the operation game thief fund. No amount in excess of that on deposit in the operation game thief fund is payable as a reward under this section. No reward may be granted to a person, or an immediate family member of a person, who is a peace officer, deputy game warden, prosecutor, employee of the department, or member of the judiciary.

[Acts 1981, 67th Leg., p. 3316, ch. 868, § 1, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 123, ch. 29, § 4, eff. April 19, 1983.]

#### § 12.205. Powers of the Department

The department may:

(1) provide a toll-free telephone number for use of the public in reporting violations of the game and fish laws to an office of the department that has employees on duty 24 hours a day; and

(2) establish procedures for voluntary donations to the operation game thief fund to be collected and sent to the department.

[Acts 1981, 67th Leg., p. 3316, ch. 868, § 1, eff. Aug. 31, 1981.]

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CHAPTER 13. POWERS AND DUTIES  
CONCERNING PARKS AND OTHER  
RECREATIONAL AREAS

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SUBCHAPTER A. GENERAL POWERS  
AND DUTIES

§ 13.001. Control by Department

Except as otherwise provided by law, all recreational and historic areas designated as state parks are under the control and custody of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.002. Comprehensive State Plan

The department may:

(1) prepare, maintain, and revise a statewide comprehensive plan for the development of the outdoor recreation resources of this state;

(2) develop, operate, and maintain outdoor areas and facilities of the state; and

(3) acquire land, water, and interests in land and water for outdoor recreation areas and facilities.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.003. Gifts and Improvements of Park Sites

The department may receive gifts of state park sites and may improve and equip parks sites or contract for their improvement and equipment.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.004. Financing of Park Programs

(a) The operation, maintenance, and improvement of state parks shall be financed from the general revenue fund, the state parks fund, other funds that may be authorized by law, and donations, grants, and gifts received by the department for these purposes.

(b) No donation, grant, or gift accruing to the state or received by the department for the purpose of operating, maintaining, improving, or developing state parks may be used for any purpose other than

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the operation, maintenance, or developing of state parks.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.005. Acquisition of Historical Structures and Sites

(a) The department may acquire by purchase, gift, or other manner a structure or site:

(1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;

(2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;

(3) embodying the distinguishing characteristics of an architectural type which is inherently valuable for study of a period, style, or method of construction;

(4) that contributes significantly to the understanding of aboriginal man in the nation or state; or

(5) that is of significant geologic interest relating to prehistoric animal or plant life.

(b) The department shall restore and maintain each structure or site acquired under this section for the benefit of the general public. The department may enter into interagency contracts for this purpose.

(c) The department shall use money appropriated in the general appropriations act for restoring and maintaining the structures or sites acquired under this section.

(d) The department shall prescribe and collect a nominal fee for admission to structures and sites acquired under this section. The admission fees shall be used to pay for the restoration and maintenance of structures and sites.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.006. Lease of Park Lands

(a) The department may lease for park purposes any land and improvements it holds to any city, county, special district, or other political subdivision. The leased area may not be referred to as a state park, and no state funds may be used to operate or maintain a park leased under this section.

(b) The conditions and duration of the lease agreement are determined by the agreement of the

department and the governing body of the political subdivision.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.0061. Lease of Grazing or Farming Rights on Park Lands

(a) The department may lease any state park or any area of a state park for the purpose of grazing livestock or growing agricultural crops.

(b) The department may agree to accept livestock instead of money as payment for grazing rights granted under this section. If the department accepts livestock as payment, the department shall sell the livestock for its fair market value.

(c) The department may agree to accept crops instead of money as payment for farming rights granted under this section. If the department accepts crops as payment, the department shall either sell the crop for its fair market value or shall utilize the crop in any state park.

(d) All revenue derived from a lease or from the sale of livestock or crops under this section shall be deposited in the state treasury to the credit of the state parks fund.

[Acts 1981, 67th Leg., p. 2697, ch. 734, § 1, eff. June 16, 1981.]

### § 13.007. Investigation Expenses

A locality may pay the expenses of a representative of the department for a trip to the locality to determine the suitability of a site for a state park. If the expenses of the representative are paid by the locality, state funds may not be used for the expenses of the trip.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.008. Solicitation, Receipt, and Transfer of Land

(a) The department may solicit and receive donations of land for state park purposes and may refuse donations of land not acceptable for park purposes.

(b) If title to a site has vested in the state for park purposes and the site is deemed unsuitable for a state park by the department, the department may transfer the title:

(1) to another state department or institution requesting the site;

(2) to the donor of the land if the donor requests the return of the site;

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(3) to the United States if it has undertaken the development of the site for park purposes; or

(4) on a declaration that the site is unsuitable for park purposes, to the grantor if the deed to the department contains a reversion clause providing that title reverts to the grantor when the site is not used for park purposes.

(c) A two-thirds vote of the commission is necessary for action taken under this section. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.009. Sale or Exchange of Land

(a) The director with the approval of the commission may execute a deed exchanging real property or an interest in real property either as all or partial consideration for other real property or interest in real property to be used by the department for a state park, historic site, scientific area, fish hatchery, or game management area. The director with the approval of the commission may execute a deed selling real property or an interest in real property acquired as a state park, historic site, scientific area, fish hatchery, or game management area if the real property is no longer suitable for the purpose for which it was acquired.

(b) All state land exchanged under this section shall be for other land suitable for use as a park, historic site, scientific area, fish hatchery, or game management area.

(c) The state shall receive a good and marketable title to all land exchanged under this section. The title to land received in the exchange must be approved by the attorney general.

(d) All land to be received in the exchange must be appraised and if the land to be received is of greater value, as determined by an independent and competent appraisal, than the state land exchanged, the department may use funds available for land acquisitions as a partial consideration for the exchange.

(e) All transactions for the exchange of land under this section must have the prior written approval of the governor.

(f) The receipts from the sale of land under this section shall be used for the sole purpose of acquiring other real property dedicated to the same purpose for which the land sold was dedicated.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 609, ch. 220, § 1, eff. May 24, 1977; Acts 1979, 66th Leg., p. 550, ch. 260, art. 3, § 2, eff. Sept. 1, 1979.]

§ 13.010. Historic Locations

The department may locate, designate, and suitably mark historic grounds, battlefields, and other historic spots in Texas. Fitting markers may be erected; however, no expense may be incurred in the name of the state for this project.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.011. Natural Features

(a) The commission may locate and designate outstanding natural features and formations located in this state. It may erect or contract to have erected suitable markers or monuments to call the features and formations to the public's attention.

(b) The commission may accept title to a suitable site for a marker or monument from private individuals, associations, or corporations by gift. Sites may also be acquired by purchase with appropriated funds.

(c) The commission may adopt reasonable rules for accepting or purchasing sites, for determining the suitability of sites, and for establishing the priority of accepting and marking the sites.

(d) All other agencies shall cooperate with the department to aid in the location of sites. The department may accept jurisdiction over suitable sites located on state land by an interagency transfer of jurisdiction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.012. Roadside Parks

An area under the control of the department which is more suitable for use as a roadside park than any other type of park may be transferred to the State Highway Department for roadside park purposes if the land meets the specifications of the State Highway Department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.013. Construction of Roads by State Highway Department

(a) The department may contract with the State Highway Commission for the construction and paving of roads in and adjacent to state parks.

(b) Agreements under this section must be made in conformity with the Interagency Cooperation Act.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 13.014. Roads and Trails to Certain Park Sites

(a) The department shall acquire, construct, and maintain roads and trails from public roads to park sites located on and accessible to the waters of Buchanan and Inks lakes in Burnet, Lampasas, Llano, San Saba, Travis, and Williamson counties. The park sites may be state parks or land owned by the Lower Colorado River Authority dedicated to public use for park purposes.

(b) The department may acquire the rights-of-way for the roads and trails by purchase or gift or by exercise of the power of eminent domain.

(c) The State Highway Commission shall cooperate with the department and the department shall cooperate and match funds with any state or federal governmental agency and shall sponsor any state or federal project.

(d) The department may make contracts to carry out the provisions of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.015. Concessions

(a) The department may operate or grant contracts to operate concessions in state parks or on causeways, beach drives, or other improvements in connection with state park sites. The department may make regulations governing the granting or operating of concessions.

(b) The department shall deposit any revenue received from the contracts or operations authorized by this section in the state treasury to the credit of the state parks fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.016. Prison Labor

(a) The department may use the labor of trusty state convicts on or in connection with state parks.

(b) Convicts working in connection with a state park remain under the control of the Texas Board of Corrections and are considered as serving their terms in the penitentiary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.017. Publications on Parks

(a) The department may disseminate information to the public on state parks, state historic sites, and state scientific areas. The department may sell the publications but only at state parks, historic sites, scientific areas, the state departmental headquarters, and regional and district offices.

(b) No publication authorized by this section may be published and sold at regular periodic intervals. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.018. State Parklands Passport

(a) The following people may apply to the department for a state parklands passport:

(1) a person who is 65 years old or over; and

(2) a veteran of the armed services of the United States who, as a result of military service, has a service-connected disability, as defined by the Veterans' Administration, consisting of the loss of the use of a lower extremity or of a 60 percent disability rating and who is receiving compensation from the United States because of the disability.

(b) The department shall issue a passport to each qualified applicant. The passport shall be issued on a form designed and provided by the department.

(c) The holder of a state parklands passport is entitled to enter any state park without payment of an entrance or admission fee. When a fee is charged by the department for entrance of a vehicle into a state park, the vehicle of the holder of a state parklands passport is exempt from the fee when the holder is present.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 36, ch. 19, § 1, eff. Aug. 29, 1977.]

### § 13.019. Campsite Reservation Fee

The department may permit the advance reservation of a lodging or campsite at a state park and require the payment of a fee by a person making the reservation. If the reservation is cancelled by 72 hours prior to the day the site is first to be occupied under the reservation, the reservation fee shall be refunded. If the reservation is confirmed by the person's arriving at the park, the reservation fee shall be applied to the first day's user fee. No user fee may be required in advance as part of the reservation procedure.

[Acts 1979, 66th Leg., p. 1065, ch. 495, § 1, eff. June 7, 1979.]

[Sections 13.020 to 13.100 reserved for expansion]

## SUBCHAPTER B. REGULATIONS GOVERNING PARKS AND OTHER RECREATIONAL AREAS

### § 13.101. Authorization

The commission may promulgate regulations governing the health, safety, and protection of persons

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and property in state parks, historic sites, scientific areas, or forts under the control of the department, including public water within state parks, historic sites, scientific areas, and forts.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1206, ch. 456, § 4(a), eff. Sept. 1, 1975.]

§ 13.102. Scope of Regulations

The regulations may govern:

- (1) the conservation, preservation, and use of state property whether natural features or constructed facilities;
- (2) the abusive, disruptive, or destructive conduct of persons;
- (3) the activities of park users including camping, swimming, boating, fishing, or other recreational activities;
- (4) the possession of pets or animals;
- (5) the regulation of traffic and parking; and
- (6) conduct which endangers the health or safety of park users or their property.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2725, ch. 741, § 3, eff. Jan. 1, 1982.]

§ 13.103. Hearing on Regulation

(a) Prior to the adoption of a regulation, the commission must hold a hearing on the regulation, at which time interested persons are entitled to express their views on the proposed regulation.

(b) The hearing may be held only within the two-week period beginning one week after the final publication of the notice.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.104. Publication of Notice

(a) Except as provided in Subsection (b) of this section, notice of the hearing to consider the proposed regulation must be published in at least three newspapers of general circulation in this state.

(b) If the proposed regulation applies to one park only, notice must be published on two consecutive weeks in the county where the park is located.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.105. Contents of Notice

The notice must contain:

- (1) the time, date, and place of the hearing on the proposed regulation;

(2) a statement of the proposed regulation; and

(3) a statement that interested persons may obtain additional copies of the proposed regulation from the department prior to the hearing.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.106. Posting of Regulations

All specific or general regulations applying to a state park, historic site, scientific area, or fort must be posted in a conspicuous place at the park, site, or fort. A copy of the regulations shall be made available on request to persons using the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.107. Adoption of Penalties

The commission may adopt the following penalties for violations of regulations issued under this subchapter:

- (1) a fine not to exceed \$25 for a first conviction;
- (2) a fine not to exceed \$50 for a second conviction of a violation of the same regulation by the same person within a six-month period;
- (3) a fine not to exceed \$200 for a third or subsequent conviction of a violation of the same regulation by the same person within a one-year period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.108. Removal From Park

(a) Any person directly or indirectly responsible for disruptive, destructive, or violent conduct which endangers property or the health, safety, or lives of persons or animals may be removed from a park, historic site, scientific area, or fort for a period not to exceed 48 hours.

(b) Prior to removal under this section, the person must be given notice of the provisions of this section and an opportunity to correct the conduct justifying removal.

(c) A court of competent jurisdiction may enjoin a person from reentry to the park, scientific area, site, or fort, on cause shown, for any period set by the court.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 13.109. Enforcement of Regulations

Regulations adopted under this subchapter may be enforced by any peace officer, including those



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employees of the department commissioned as peace officers under Section 11.019 of this code. A notice to appear may be issued by a peace officer for violation of a regulation on a form prescribed by the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.110. Effect of Regulations

No regulation adopted under this subchapter may amend or repeal any penal law of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.111. Portion of Fine to be Retained by County

The justice or county court imposing a fine for a violation of this subchapter may retain 15 percent of the amount of the fine collected to be deposited in the county treasury in the same manner as court costs.

[Acts 1975, 64th Leg., p. 1206, ch. 456, § 4(b), eff. Sept. 1, 1975.]

[Sections 13.112 to 13.200 reserved for expansion]

## SUBCHAPTER C. REGULATIONS GOVERNING AREAS ADJACENT TO STATE PARKS

### § 13.201. Authorization

The commission may make regulations prohibiting the use of firearms or certain types of firearms on state property adjacent to state parks and within 200 yards of the boundary of the state park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.202. Application Limited

The regulations of the commission under Section 13.201 of this code apply only to state parks located within one mile of coastal water of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.203. Notice of Regulation; Hearing

(a) Before making a regulation under Section 13.201 of this code, the commission shall publish notice of the proposed regulation in a newspaper of general circulation in the county in which the regulation is to apply. The notice must contain the text of the proposed regulation and give the date, time, and location of the hearing on the regulation.

(b) The commission shall hold a hearing on the proposed regulation and shall hear persons who

wish to speak for or against the regulation. The hearing may be held in Austin.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.204. Effective Date of Regulation

A regulation made under Section 13.201 of this code takes effect 30 days after final action by the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.205. Penalty

A person who violates a regulation made by the commission under Section 13.201 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 13.206 to 13.300 reserved for expansion]

## SUBCHAPTER D. PARTICIPATION IN FEDERAL PROGRAMS

### § 13.301. Programs for the Development of Historic Sites and Structures

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program involving the planning, acquisition, and development of historic sites and structures.

(b) The department may contract with the United States or its agencies to plan, acquire, and develop historic sites and structures in this state in conformity with any federal act concerning the development of historic sites and structures.

(c) The department shall keep financial and other records relating to programs under this section and shall furnish appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.302. Programs for the Development of Outdoor Recreation Resources

The department is the state agency to cooperate with the federal government in the administration of federal assistance programs for the planning, acquisition, operation, and development of the outdoor recreation resources of the state, including acquisition of land and water and interests in land

and water. The department shall cooperate with the federal government in the administration of the provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.303. Cooperation With Other Agencies

The department shall cooperate with departments of the federal government and other departments of state and local government, including as a part of the state plan, water districts, river authorities, and special districts in outdoor recreation. The department shall issue rules and regulations to cooperate in the enforcement and administration of federal acts and rules and regulations.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.304. Additional Powers of Counties and Special Districts

Counties, river authorities, water districts, and other political subdivisions organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, may:

- (1) acquire land for public recreation;
- (2) construct facilities for public use on land acquired for public recreation;
- (3) provide for the operation, maintenance, and supervision of the public recreation areas;
- (4) execute agreements with other local, state, or federal agencies for planning, construction, maintenance, and operation of public recreation facilities and necessary access roads; and
- (5) maintain adequate sanitary standards on the land and water areas that are part of or adjacent to public recreation areas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.305. Condemnation Proceedings

(a) The department may institute condemnation proceedings according to the laws of this state to acquire land for programs developing outdoor recreation resources under Section 13.302 of this code.

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department.

(c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.306. Application for Participation in Federal Programs

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal outdoor recreation program.

(b) The department may contract with the United States or any appropriate federal agency to plan, acquire, and develop outdoor recreation resources of the state in conformity with the Land and Water Conservation Fund Act of 1965 or any other federal act to develop outdoor recreation resources of the state.

(c) The department shall keep financial and other records relating to the programs under this section and shall furnish to appropriate officials and agencies of the United States and of this state reports and information reasonably necessary for the administration of the programs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.307. Coordination of Activities

To obtain the benefits of outdoor recreation programs under this subchapter, the department shall coordinate its activities with and represent the interests of all agencies and political subdivisions of the state as a part of a state plan. The state plan shall include cities, counties, water districts, river authorities, and special districts in outdoor recreation having interests in the planning, development, acquisition, operation, and maintenance of outdoor recreation resources and facilities.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 13.308. Availability of State Funds

(a) The department may not make a commitment or an agreement to participate in an outdoor recreation program under this subchapter until sufficient funds are available to meet the state's share of the cost of the project.

(b) An outdoor recreation area or facility acquired or developed by the department under this subchap-

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ter shall be publicly maintained to the extent necessary to insure its proper operation and maintenance. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.309. Availability of Local Funds

The department may agree with the United States or any appropriate agency to plan, acquire, operate, and develop projects involving participating federal aid funds on behalf of any political subdivision of this state if the political subdivision certifies to the department that:

(1) sufficient funds are available to meet its share, if any, of the cost of the project; and

(2) the acquired or developed areas will be operated and maintained at the expense of the subdivision for public outdoor recreation use.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.310. Receipt and Expenditure of Funds

(a) The department may receive and spend federal money allocated to the state for any project established to develop outdoor recreation resources under this subchapter and for administrative and other expenses incident to the administration of these projects.

(b) The department may receive and expend funds from the state, a county, a city, or any other source for the development of outdoor recreation resources under this subchapter.

(c) The department shall deposit all funds received for the development of outdoor recreation resources in the state treasury to the credit of the state land and water conservation fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.311. Project Priority

The department may make rules and regulations governing the priority of projects submitted under an outdoor recreation plan under this subchapter and within the limitations of the appropriations made for these purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.312. Administration Expense

The department may employ necessary personnel, as determined by the director, and expend amounts necessary to administer efficiently the outdoor recreation programs under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.313. Fish and Wildlife Restoration Projects

The department may conduct and establish cooperative fish and wildlife restoration projects under the provisions of Public Law No. 415, Acts of the 75th Congress, and Public Law No. 681, Acts of the 81st Congress, as amended.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 13.314. Compliance in Fishery Management

The department may cooperate and contract with the Gulf of Mexico Fishery Management Council or the National Marine Fisheries Service for conduct of such work as may be necessary in complying with requirements of the Fishery Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801 et seq.).

[Acts 1977, 65th Leg., p. 1280, ch. 501, § 1, eff. June 15, 1977.]

## TITLE 3. PARKS

### CHAPTER 21. TEXAS PARK DEVELOPMENT FUND

#### SUBCHAPTER A. TEXAS PARK DEVELOPMENT BONDS

##### Section

- 21.001. Issuance of Park Development Bonds.
- 21.002. Description of Bonds.
- 21.003. Sale Price.
- 21.004. Interest Rate.
- 21.005. Form, Denomination, Place of Payment.
- 21.006. Maturity.
- 21.007. Redemption Before Maturity.
- 21.008. Registered and Bearer Bonds.
- 21.009. Notice of Bond Sale.
- 21.010. Competitive Bids.
- 21.011. Security for Bids.
- 21.012. Approval of Bonds; Registration.
- 21.013. Execution of Bonds.
- 21.014. Facsimile Signatures and Seals.
- 21.015. Signature of Former Officer.
- 21.016. Bonds Incontestable, Valid, and Binding.
- 21.017. Evidence of Validity.
- 21.018. Payment by Treasurer.
- 21.019. Duties Enforceable.
- 21.020. Refunding Bonds.
- 21.021. Bonds Negotiable Instruments.
- 21.022. Bonds Not Taxable.
- 21.023. Authorized Investments.
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#### SUBCHAPTER B. FUNDING PROVISIONS

- 21.101. Texas Park Development Fund.
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- 21.103. Acquiring Park Sites.
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- 21.105. Interest and Sinking Fund.
- 21.106. Credits to Interest and Sinking Fund.
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- 21.109. Transfers Required.
- 21.110. Investment of Funds.
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SUBCHAPTER A. TEXAS PARK DEVELOPMENT BONDS

§ 21.001. Issuance of Park Development Bonds

The department, by resolution of the commission, from time to time may provide for the issuance of negotiable bonds in an aggregate amount not to exceed \$75 million pursuant to the provisions of Article III, Section 49-e, of the Texas Constitution. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.002. Description of Bonds

The bonds are called State of Texas Park Development Bonds and shall be issued on a parity. The department may issue them in one or several installments and shall date the bonds of each issue. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.003. Sale Price

The department may not sell an installment or series of bonds for an amount less than the face value of all of the bonds comprising the installment or series with the accrued interest from their date of issuance. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.004. Interest Rate

The department shall determine the rate of interest of an installment or series of bonds and shall determine whether interest is payable annually or semiannually. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.005. Form, Denomination, Place of Payment

The department shall determine:

- (1) the form of the bonds, including the form of any interest coupons to be attached;
- (2) the denominations of the bonds; and

- (3) the places for payment of principal and interest.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.006. Maturity

The bonds of each issue mature, serially or otherwise, not more than 40 years from their date. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.007. Redemption Before Maturity

In the resolution providing for the issuance of bonds, the department may determine the price, terms, and conditions for redemption of bonds before maturity. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.008. Registered and Bearer Bonds

The resolution may provide for the registration of bonds as to ownership, successive conversion and reconversion from bearer to registered bonds, and successive conversion and reconversion from registered to bearer bonds. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.009. Notice of Bond Sale

(a) After determining to sell a series of bonds, the department shall publish notice of the sale at least one time not less than 10 days before the date of the sale. The notice shall be published in one or more recognized financial publications of general circulation published in the state and one or more recognized financial publications of general circulation published outside the state.

(b) The department may publish notice of the sale more than once and in more than one publication. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.010. Competitive Bids

The bonds shall be sold only after competitive bidding to the highest and best bidder. The department may reject any or all bids. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.011. Security for Bids

The department shall require every bidder, except administrators of state funds, to include with their bid an exchange or cashier's check for an amount the department considers adequate as a forfeit

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guaranteeing acceptance of and payment for all bonds covered by the bid.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.012. Approval of Bonds; Registration

Before delivering bonds to the purchasers, the department shall submit the bonds and the records pertaining to them for approval by the attorney general. When approval is obtained, the bonds shall be registered in the office of the comptroller of public accounts.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.013. Execution of Bonds

(a) The bonds shall be executed on behalf of the department as general obligations of the state as provided in this section.

(b) The bonds shall be signed by the chairman and the director, and the seal of the department shall be impressed on them.

(c) The bonds shall be signed by the governor and attested by the secretary of state, and the state seal shall be impressed on them.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.014. Facsimile Signatures and Seals

In the resolution authorizing the issuance of an installment or series of bonds, the commission may prescribe the extent to which facsimile signatures and facsimile seals instead of manual signatures and manually impressed seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed by the facsimile signatures of the chairman and the director.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.015. Signature of Former Officer

If an officer whose signature or facsimile signature appears on a bond or whose facsimile signature appears on a coupon ceases to be an officer before the delivery of the bond, the signature is valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.016. Bonds Incontestable, Valid, and Binding

(a) After approval by the attorney general, registration by the comptroller, and delivery to the pur-

chaser, the bonds are incontestable and constitute general obligations of the state.

(b) After approval by the attorney general and registration by the comptroller, the bonds shall be held to be valid and binding obligations of the state in any action, suit, or other proceeding in which their validity is questioned.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.017. Evidence of Validity

In an action to enforce collection of the bonds or rights incident to the bonds, the certificate of approval by the attorney general and a certificate of registration by the comptroller, or certified copies of these certificates, shall be received in evidence as proof of the validity of the bonds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.018. Payment by Treasurer

The state treasurer shall pay or cause to be paid the principal on bonds as they mature and the interest as it becomes payable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.019. Duties Enforceable

The performance of the official duties of the comptroller and the treasurer may be enforced by mandamus or other appropriate proceeding.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.020. Refunding Bonds

The commission may provide by resolution for the issuance of refunding bonds. The department may sell these bonds and use the proceeds to retire the outstanding bonds issued under this chapter, including interest accrued on outstanding bonds, or the department may exchange refunding bonds for outstanding bonds, including accrued interest. The issuance of the refunding bonds, their maturity, the rights of the bondholders, and the duties of the department with respect to refunding bonds are governed by the provisions of this chapter relating to the original bonds, to the extent they are applicable and by refunding statutes of general application not in conflict with the provisions of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 21.021. Bonds Negotiable Instruments

The bonds issued under the provisions of this chapter are negotiable instruments under the laws of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.022. Bonds Not Taxable

Bonds issued under this chapter, income from the bonds, and profit made on their sale are free from taxation within this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.023. Authorized Investments

Bonds issued under this chapter are legal and authorized investments for:

- (1) banks;
- (2) savings banks;
- (3) trust companies;
- (4) building and loan and savings and loan associations;
- (5) insurance companies;
- (6) fiduciaries;
- (7) trustees;
- (8) guardians; and
- (9) sinking funds of cities, towns, villages, counties, school districts, and other political subdivisions and public agencies of the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.024. Security for Deposit of Funds

Bonds issued under this chapter, when accompanied by all appurtenant unmatured coupons, are lawful and sufficient security for all deposits of funds of the state or of a city, town, village, county, school district, or other political subdivision or agency of the state, at the par value of the bonds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.025. Mutilated, Lost, or Destroyed Bonds

The department may provide for the replacement of a mutilated, lost, or destroyed bond.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 21.026 to 21.100 reserved for expansion]

SUBCHAPTER B. FUNDING PROVISIONS

§ 21.101. Texas Park Development Fund

(a) The Texas Park Development Fund, referred to as the "development fund," is created pursuant

to the provisions of Article III, Section 49-e, of the Texas Constitution.

(b) Proceeds derived from the sale of Texas Park Development Bonds shall be deposited in the development fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.102. Use of Development Fund

The department may use the development fund only for:

- (1) acquiring state park sites from the United States or any of its agencies, agencies of the state, or any other person;
- (2) improving, developing, beautifying, and equipping acquired park sites; and
- (3) paying expenses incurred in issuing bonds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.103. Acquiring Park Sites

(a) Except as provided in Subsection (b) of this section, the department may acquire park sites, including property already devoted to public use, by purchase, condemnation, or other manner.

(b) Except as provided in Subchapter O of Chapter 22 of this code,<sup>1</sup> no real property of the state or a political subdivision of the state may be acquired without its consent.

(c) The department shall exercise the power of eminent domain in the manner prescribed by general law, including the provisions of Section 13.305 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1809, ch. 736, § 3, eff. Aug. 27, 1979.]

<sup>1</sup> See, now, first Subchapter P, § 22.221 et seq.

§ 21.104. Contracts Authorized

The department may contract with any state or federal agency or with any other person to accomplish the functions prescribed by Subdivisions (1) and (2) of Section 22.102 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 21.105. Interest and Sinking Fund

The Texas park development bonds interest and sinking fund, referred to as the "interest and sinking fund," is created to be used exclusively for:

- (1) paying the principal of Texas Park Development Bonds as they mature;

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(2) paying the interest on the bonds as it comes due; and

(3) paying exchange and collection charges in connection with the bonds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.106. Credits to Interest and Sinking Fund

(a) Accrued interest received in the sale of bonds, net income received from entrance or gate fees to state park sites, and income from investments of the development fund and the interest and sinking fund shall be credited to the interest and sinking fund.

(b) In the resolution authorizing a series of bonds, the commission may appropriate from the proceeds of the sale of bonds an amount which, together with accrued interest received, is sufficient to pay interest coupons coming due during the fiscal year in which the bonds are sold and to establish appropriate reserves.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.107. Additional Transfers

(a) If the amount credited to the sinking and interest fund at the end of the fiscal year is insufficient to pay the interest coming due and the principal maturing on bonds for the next fiscal year, the state treasurer shall transfer from the first money coming into the treasury, not otherwise appropriated by the constitution, an amount stipulated in the certification of the director as is necessary to pay the interest and principal on the bonds.

(b) The director shall certify the amount required to be stipulated by Subsection (a) of this section as of August 15 of each fiscal year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.108. Interest and Sinking Fund: Final Transfer

After all bonds have been paid, the balance of the interest and sinking fund shall be transferred to the state parks fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.109. Transfers Required

The state comptroller shall make any transfer required by this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.110. Investment of Funds

(a) The department may invest the development fund and, in making the investments, is governed by the provisions of Chapter 401, Acts of the 60th Legislature, Regular Session, 1967.

(b) The department may invest the interest and sinking fund only in direct obligations of the United States or in obligations the principal and interest of which are guaranteed by the United States.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 21.111. Entry Fees to Parks

(a) The department, wherever feasible and so long as any of the bonds are outstanding, shall charge and collect an entrance fee to state park sites.

(b) Income derived from the fees required by this section, less expenses incurred in collecting the fees, shall be deposited in a special fund with the state treasurer. The amounts deposited are net income.

(c) If any state park site includes a public beach on the seaward shore of the Gulf of Mexico, extending from the line of mean low tide to the line of vegetation, over which the public has acquired a right of use or easement to or over the area by prescription or dedication or has retained a right by virtue of continuous right in the public, no entrance or gate fee may be charged to persons desiring to enter or to leave the public beach area, so long as the persons do not enter any other portion of the park for which an entrance or gate fee is charged.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1211, ch. 456, § 11, eff. Sept. 1, 1975.]

## CHAPTER 22. STATE PARKS

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### SUBCHAPTER A. FANNIN STATE BATTLEGROUND

#### § 22.001. Jurisdiction

Fannin State Battleground is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.002. Fannin State Park Advisory Commission

(a) The Fannin State Park Advisory Commission is composed of three residents of the state appointed by the governor.

(b) Members serve terms of six years each, with the term of one member expiring each odd-numbered year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.003. Meetings

The Fannin State Park Advisory Commission shall meet quarterly to review the policies and operation of the battleground and to advise the department on the proper historical development of the battleground.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.004. Powers of Advisory Commission

The Fannin State Park Advisory Commission may accept, in the name of the state, all bequests, gifts, and grants of money or property made to the battleground and use the bequests for the purposes specified by the grantor, if any.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.005. Data

All data collected by the advisory commission is the property of the state and shall be used to depict the story of Texas history and independence at the battleground.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.006. Concession Account

A Fannin State concession account may be established in the state treasury according to the rules and procedures established by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.007 to 22.010 reserved for expansion]

### SUBCHAPTER B. SAN JACINTO BATTLEGROUND

#### § 22.011. Jurisdiction

The San Jacinto Battleground is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.012. San Jacinto Historical Advisory Board

(a) The San Jacinto Historical Advisory Board is composed of:

(1) the chairman of the Battleship Texas Commission;

(2) the president of the San Jacinto Museum of History Association; and

(3) three members of the public.

(b) The three members of the public are appointed by the governor for terms of six years each, with the term of one member expiring each odd-numbered year.

(c) One or more of the three members of the public may be selected from the San Jacinto Chapter, Daughters of the Republic of Texas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.013. Meetings

The San Jacinto Historical Advisory Board shall meet quarterly to review the policies and operations of the San Jacinto Battleground and to advise the department on the proper historical development of the battleground.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 22.014. Powers of the Board

The board may accept, in the name of the state, all bequests, gifts, and grants of money or property made to the battleground and use the bequests for the purposes specified by the grantor, if any.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.015. Data

All data collected by the board is the property of the state and shall be used to depict the story of Texas history and independence at the battleground.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.016. San Jacinto Museum of History Association

The San Jacinto Museum of History Association, a nonprofit historical association organized for the purposes of operating the San Jacinto Memorial Building and Tower and establishing a museum, retains ownership of property and historical data held in the name of the association and may acquire museum accessions by gift, grant, or purchase from association funds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.017 to 22.020 reserved for expansion]

SUBCHAPTER C. PALO DURO  
CANYON STATE PARK

§ 22.021. Jurisdiction

(a) The Palo Duro Canyon State Park is under the jurisdiction of the department.

(b) The original boundaries of the park include the land located in Armstrong and Randall counties and described in the deed executed by Fred A. Emery and wife to Texas State Parks Board, July 28, 1933, and recorded in Volume 69, pages 347 through 350, of the deed records of Randall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.022. Powers of Department

(a) The department may:

(1) fix entrance fees for admission to the park;

(2) fix charges to be collected from patrons of the park;

(3) execute grazing leases covering all or part of the park land;

(4) grant concessions in the park;

(5) make improvements in the park; and

(6) execute any other contracts necessary to carry out the provisions of this subchapter.

(b) Improvements may include the construction of dams to impound water to form a lake or lakes for recreational and other conservation purposes within the park. Before constructing any dam or lake, the commission must obtain permits required by law from the Texas Water Rights Commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.023. Disposition of Income

The department shall use the income derived from leases, royalties, and operation of the park necessary for maintaining, improving, and operating the park. One-half of the balance of the unexpended income may be used by the department on other state parks, and the remaining one-half and any other unexpended balance shall be transferred to the general revenue fund at the end of each biennium.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.024. Issuance of Bonds

The department may issue bonds necessary for the construction of improvements in the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.025. Interest on Bonds

Interest on the bonds may not exceed six percent per year, computed with relation to the absolute maturity of the bonds in accordance with standard bond interest tables currently in use by insurance companies and investment houses, excluding from the computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.026. Maturity of Bonds

The bonds may mature, serially or otherwise, not more than 40 years from the date of their issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.027. Redemption Before Maturity

The department may fix the price, terms, and conditions for redemption of the bonds before maturity in the authorizing proceedings.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 22.028. Sale of Bonds

The bonds may be sold, at public or private sale, at a price and under terms determined by the department to be the most advantageous terms reasonably obtainable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.029. Pledge of Income

The department may irrevocably pledge the rents, revenues, and income from the improvements financed by the bonds and from any other revenue-producing facilities or properties of the park, including the fees collected for admission to the park, to the payment of the interest on and the principal of the bonds and may enter into agreements regarding the imposition of charges and the collection, pledge, and disposition of revenue.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.030. Right to Issue Additional Bonds

In pledging the rents, revenues, and income, the department may expressly reserve the right to issue additional bonds on a parity with or subordinate to the bonds then being issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.031. Additional Security for Bonds

(a) If, after reasonable effort, the department is unable to sell the bonds, the bonds may be additionally secured by a deed of trust lien on the land and property comprising the park, or any part of it, after the department has obtained written approval of the governor.

(b) The governor may not give his approval under this section until he has obtained the advice and consent of the Legislative Budget Board.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.032. Form of Bonds

The department may prescribe the form, conditions, and details of the bonds in accordance with the provisions of this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.033. Refunding of Bonds

(a) A bond issued by the department under a law of this state which is payable from any part of the revenues of a revenue-producing facility or property of Palo Duro Canyon State Park may be refunded

or refinanced by the department under this subchapter.

(b) The provisions of this subchapter are applicable to a refunding bond.

(c) In the same authorizing proceedings, the department may refund or refinance any bond issued under this subchapter and combine all refunding bonds and any new bonds to be issued into one or more issues or series and may provide for the subsequent issuance of additional parity bonds under terms and conditions set out in the authorizing proceedings.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.034. Employment of Personnel

The department may employ engineers, attorneys, and fiscal agents or financial advisors necessary in the issuance or refunding of bonds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.035. Approval by Attorney General

(a) The bonds and all records relating to their issuance must be submitted to the attorney general for examination prior to delivery.

(b) The attorney general shall approve the bonds if he finds that they have been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the department.

(c) Bonds approved by the attorney general must be registered by the comptroller of public accounts.

(d) After approval and registration, the bonds are incontestable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.036. Payment of Interest and Expenses

The department may set aside amounts from the proceeds of the sale of a bond issue for:

(1) the payment of interest anticipated to accrue during the construction period;

(2) a deposit into the reserve for the interest and sinking fund to the extent prescribed in the authorizing proceedings; and

(3) payment of attorney's fees, engineer's fees, and expenses of the issuance and sale of bonds, including the fees of fiscal agents or financial advisors.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 22.037. Legal Investments

(a) Bonds issued under this subchapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.

(b) The bonds are eligible to secure the deposit of the public funds of the state, cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.

(c) The bonds are lawful and sufficient security for deposits to the extent of their value when accompanied by all unmatured coupons.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.038. Negotiable Instruments

Bonds issued under this subchapter are negotiable instruments under the laws of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.039. Debt Against the State

Nothing in this subchapter creates a debt against the state or binds the state in any way except as to the mortgage of the land and property comprising the Palo Duro Canyon State Park and as to the pledge of the rents, revenue, and income from the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.040 to 22.050 reserved for expansion]

SUBCHAPTER D. JIM HOGG MEMORIAL PARK

§ 22.051. Jurisdiction

(a) The Jim Hogg Memorial Park is under the jurisdiction of the department.

(b) The original boundaries of the park include approximately 180 acres, formerly a part of the General Joseph L. Hogg homestead in Cherokee County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.052. Historical Improvements

To the extent possible, the department shall maintain a replica of the original Hogg home and the grounds adjacent to the residence.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.053. Improvements

The department may repair or construct facilities for recreational and park purposes at the park and may work in conjunction with other governmental agencies for this purpose.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.054. Sale and Use of Timber

(a) The department may use timber cut from the land in the park to repair or construct improvements.

(b) The department may sell timber from the land in the park to finance the construction or repair of improvements.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.055. Sale of Iron Ore

(a) The department may sell iron ore in place located in the park. The department may grant all rights necessary for the development of the iron ore to the purchasers of the iron ore.

(b) The chairman of the commission, on behalf of the department, may execute and deliver the necessary instruments to convey the iron ore in place to the purchasers.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.056. Competitive Bids

(a) Timber and iron ore may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service for the sale of timber and of the department for the sale of iron ore. The department must approve the contract for sale of timber.

(b) The Texas Forest Service shall keep on file the bids for timber sale. The bids are public records. Copies of the bids shall be given to the department.

(c) The department shall keep on file the bids for the sale of iron ore. The bids are public records.

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(d) The Texas Forest Service may reject any or all bids for timber sale and readvertise for new bids. The department may reject any or all bids for iron ore sale and readvertise for new bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.057. Advertising for Bids

(a) The Texas Forest Service shall advertise for the sale of timber. The department shall advertise for the sale of iron ore.

(b) The sale must be advertised for two weeks in at least one weekly newspaper published and circulated in Cherokee County.

(c) The advertisement must contain the necessary information pertaining to the sale and the time and place for receiving bids.

(d) The first advertisement must be at least 10 days before the date of receiving bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.058. Regulations

The department shall adopt regulations, forms, and contracts for the sale of iron ore and protection of the income produced from the sale.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.059. Disposition of Funds

Money received from the sale of timber or iron ore from the land in the park shall be placed in the state treasury to the credit of the Jim Hogg State Park building fund. The fund shall be used by the department for the improvement of the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.060 to 22.070 reserved for expansion]

## SUBCHAPTER E. HUNTSVILLE STATE PARK

### § 22.071. Improvements

(a) The department may construct and repair improvements to be used for recreational and park purposes in Huntsville State Park, including dams to impound water and form reservoirs or lakes.

(b) The department may cooperate with other governmental agencies in making the improvements.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.072. Permit for Dam

A dam may not be constructed until a permit has been obtained from the Texas Water Rights Commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.073. Sale and Use of Timber

(a) The department may use timber cut from land in the park to repair or construct improvements.

(b) The department may sell timber from land in the park to finance the construction or repair of improvements and dams.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service.

(d) The amount of timber sold may not exceed \$250,000.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.074. Competitive Bids

(a) Timber may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(b) All bids shall be kept on file by the Texas Forest Service and are public records. Copies of the bids shall be furnished to the department.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.075. Advertising for Bids

(a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Walker County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10 days before the date of receiving bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.076. Disposition of Funds

Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of the Huntsville State Park building fund to

be used by the department for purposes authorized by this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.077 to 22.080 reserved for expansion]

SUBCHAPTER F. GOLIAD STATE PARK

§ 22.081. Jurisdiction

Goliad State Park, including the General Ignacio Zaragoza Birthplace and the Mission of San Rosario, is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.082. General Ignacio Zaragoza Birthplace

(a) The department may care for and protect the birthplace of General Ignacio Zaragoza and shall designate the site as the General Ignacio Zaragoza Birthplace.

(b) The site originally accepted by the state includes approximately two acres, described as lots 4, 5, 6, 11, 12, 13, 14, 15, and 16 in Block X, La Bahia Townsite, in Goliad County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.083. Mission of San Rosario

(a) The department shall care for the grounds of the Mission of San Rosario as a suitable and appropriate memorial and shall enclose the mission grounds with an appropriate and substantial park fence.

(b) The original boundaries of the mission consist of the surface title of 4.77 acres of land in the County of Goliad, Texas, said 4.77 acres of land, more or less, being the following described parcel of land:

BEGINNING at a concrete monument in the Southeast Right-of-Way line of State Highway No. 12, same being a R/W marker for said Highway, and being 50 ft. at right angles from the center line of said Highway, and marked Sta. 914/00;

THENCE South 39 deg. 36 min. West, with right-of-way fence, 295.9 ft. to a concrete monument for corner of this present survey;

THENCE South 56 deg. 02 min. East, at 148.0 ft. an iron pipe, at 350.0 ft. a concrete monument for corner of this present survey;

THENCE South 32 deg. 08 min. East, at 69.9 ft. an iron pipe, at 193.3 ft. a tack in cedar post

at 241.4 ft. a concrete monument for corner of this present survey;

THENCE North 83 deg. 35 min. East, 193.4 ft. to a concrete monument for corner of this present survey;

THENCE North 17 deg. 46 min. East, at 109.7 ft. an iron pipe, at 227.3 ft. a concrete monument for corner of this present survey;

THENCE North 43 deg. 17 min. West, at 116.8 ft. an iron pipe, at 240.5 ft. a concrete monument for corner of this present survey;

THENCE North 57 deg. 21 min. West, at 193.3 ft. an iron pipe, at 356.3 ft. a concrete monument for corner of this present survey; same being a highway R/W marker for said Highway for extra width in R/W and also marked Sta. 914/00;

THENCE North 49 deg. 55 min. West, with Highway R/W line, 34.9 ft. to the place of beginning;

Containing Four and 77/100 (4.77) acres of land and all being out of Maria de Jesus de Leon Survey, Abstract 21, Goliad County, Texas.

Said 4.77 acres of land, more or less, being the land conveyed to the County of Goliad by William J. O'Connor on July 15, 1935, as shown by deed of such date duly recorded in Volume 77, Page 565, of the Deed Records of Goliad County, Texas, on July 17, 1935, and to which reference is here made for all pertinent purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.084. Improvements

The department may construct, maintain, and repair historical and recreational structures and facilities in the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.085. Reversion of Title; Mineral Reservation

(a) If the state ceases to use the General Ignacio Zaragoza Birthplace or the Mission of San Rosario as park land, all right, title, and interest shall revert to Goliad County.

(b) All minerals under the land accepted as the Mission of San Rosario are excepted from any conveyance to the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.086 to 22.090 reserved for expansion]

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### SUBCHAPTER G. MISSION SAN FRANCISCO DE LOS TEJAS STATE PARK

#### § 22.091. Facilities; Park Site

(a) The department may construct and repair facilities for recreational and other appropriate purposes at Mission San Francisco de los Tejas State Park.

(b) The original boundaries of the park include portions of Hardy Ware Survey, Abstract 1240, situated on the N side of Highway No. 21, about 21 miles NE from the City of Crockett, and being the same tracts of land conveyed to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, more particularly described by the following deeds, to-wit:

Deed from Mrs. Kittie A. Cook, surviving widow of T. S. Cook, deceased, dated October 16, 1939, recorded in Book 200, page 533, Deed Records of Houston County, Texas;

Deed from Southern Pine Lumber Company, dated September 20, 1935, recorded in Book 170, page 367, Deed Records of Houston County, Texas;

Deed from Mrs. Kittie A. Cook, surviving widow of T. S. Cook, deceased, dated February 1, 1935, recorded in Book 166, page 141, Deed Records of Houston County, Texas;

Deed from C. H. Callaway, Trustee, dated January 3, 1935, recorded in Volume 164, page 543, Deed Records of Houston County, Texas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.092. Timber Sale

(a) The department may sell timber from land in the park and may use timber of the park to repair or construct improvements in the park.

(b) Timber may be cut for salvage purposes only or under good forestry practices with the advice of the Texas Forest Service.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.093. Competitive Bids

(a) Timber may be sold on competitive bids only. The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(b) All bids shall be kept on file by the Texas Forest Service and are public records.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.094. Advertising for Bids

(a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Houston County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10 days before the date of receiving bids.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.095. Disposition of Funds

Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of a special fund known as the Mission San Francisco de los Tejas State Park building fund to be used by the department for purposes authorized by this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.096 to 22.100 reserved for expansion]

### SUBCHAPTER H. PORT ISABEL LIGHT- HOUSE STATE HISTORICAL MONUMENT AND PARK

#### § 22.101. Jurisdiction

The Port Isabel Lighthouse is a state historical monument and park and is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.102. Powers of Department

The department may rehabilitate, maintain, and preserve the property of the park, and may collect entrance fees for admission to the park or operate it on a concession basis under the provisions of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.103 to 22.110 reserved for expansion]

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SUBCHAPTER I. HUECO TANKS STATE PARK

§ 22.111. Control

The department has control of Hueco Tanks State Park and shall improve, preserve, restore, and protect the land and property in the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.112. Acceptance of Gifts

The department may accept gifts for constructing, building, advertising, or creating the park, including gifts for public exhibition that relate to the history of the park or the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.113. Title to Park

The title of the land known as Hueco Tanks in El Paso County is in the name of the state and is subject to limitations, conditions, and exceptions made by the former owners and approved by the department or the department's predecessor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.114 to 22.120 reserved for expansion]

SUBCHAPTER J. STEPHEN F. AUSTIN STATE PARK

§ 22.121. Jurisdiction

Stephen F. Austin State Park is under the jurisdiction of the department. The department shall improve, preserve, and protect the land in the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.122 to 22.150 reserved for expansion]

SUBCHAPTER K. NIMITZ STATE PARK

§ 22.151. Jurisdiction

The Nimitz State Park, located near Fredericksburg in Gillespie County, is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.152. Powers of Department

The department may:

- (1) accept gifts for the construction, building, or advertising of the park;
- (2) accept gifts for exhibition dealing with the history or life of Fleet Admiral Chester W. Nimitz;
- (3) advertise the affairs of the park;
- (4) make rules and regulations for administration of the park;
- (5) hire personnel necessary to carry out its duties;
- (6) grant concessions; and
- (7) operate and maintain the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.153 to 22.160 reserved for expansion]

SUBCHAPTER L. EISENHOWER STATE PARK

§ 22.161. Jurisdiction

The Eisenhower State Park, located near Lake Texoma in Grayson County, is under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.162. Powers of Department

The department may:

- (1) accept gifts for the construction, building, or advertising of the park;
- (2) accept gifts for exhibition dealing with the history or life of Dwight D. Eisenhower;
- (3) advertise the affairs of the park;
- (4) make rules and regulations for administration of the park;
- (5) hire personnel necessary to carry out its duties;
- (6) grant concessions; and
- (7) operate and maintain the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 22.163. Definitions

As used in this subchapter:

- (1) "Impacted property" means that real property located in Grayson County adjacent to or near the western end of Eisenhower State Park that is described as:



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(A) Lots 54-79 in "Elm Ridge Homesite Area" as described on a survey and plat of this area by B. & B. Engineering Co. in May, 1958, recorded in Plat Book 1, Page 73, Deed Records, Grayson County, Texas; and

(B) the East one-half and the West one-half of a 60.49 acre tract being part of the survey patented to Alan Carter, Abstract No. 231, dated June 22, 1851, and also being part of the J. A. Sadler 380 acre tract except the 316.05 acres thereof described in a deed to the United States of America, recorded in Volume 432, Page 389, Deed Records, Grayson County, Texas.

(2) "Owner" means the owner or a lessee of impacted property.

(3) "Guest" means a business or personal guest or an employee of an owner of impacted property.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.164. Right to Use Roads

(a) Owners, their family members, and their guests may use the roads of the park without charge for egress from or ingress to the impacted property when traveling between the impacted property and points east of the park.

(b) Owners, their family members, and their guests may use throughout the year whatever road is maintained by the department for travel by automobiles between the eastern and western points of the park and may enter the park at the points at which they were able to enter the park and its roads prior to November 1, 1968, or other reasonably located points the department may direct by regulation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.165. Permits

(a) The department may require owners, their family members, and their guests to obtain permits for entrance into and use of park roads under this subchapter.

(b) Permits shall be issued automatically on presentation of proper identification.

(c) Permits are valid for at least one year and shall be automatically renewed for owners and their family members.

(d) Permits for guests of owners shall be valid for the period of time requested by the owner.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.166 to 22.170 reserved for expansion]

## SUBCHAPTER M. GOVERNOR JAMES STEPHEN HOGG MEMORIAL SHRINE

### § 22.171. Governor Hogg Memorial

The Governor James Stephen Hogg Memorial Shrine, located near Quitman, Wood County, is established.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 22.172 to 22.180 reserved for expansion]

## SUBCHAPTER N. ACQUISITION OF CERTAIN STATE PARKS

### § 22.181. Spanish Missions

(a) The department may acquire the following Spanish Mission sites, located in Milam County:

- (1) Nuestra Senora de la Candelaria;
- (2) San Francisco Xavier de los Dolores; and
- (3) San Ildefonso.

(b) The department may acquire the sites with available or appropriated funds or may accept gifts for acquisition, construction, or restoration of the sites.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.182. Texas State Railroad

(a) Except as provided in Subsection (b) of this section, the department may operate any part of the Texas State Railroad as a part of the state parks system for park and recreational purposes. All revenues collected from leases or concessions shall be deposited in the state treasury to the credit of the state parks fund.

(b) The board of managers of the Texas State Railroad shall exercise control and management of the right-of-way and trackage of the Texas State Railroad from Mile Post 0.0 at Palestine, extending eastwardly to Mile Post 3.69, and exercise the powers, duties, and authority over this right-of-way and trackage that are granted to them by Chapter 58, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6550(a), Vernon's Texas Civil Statutes).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 22.183. Hubbard Lake

(a) The department may create, develop, operate, and maintain a state park on the land donated by

the West Central Texas Municipal Water District located on Hubbard Lake in Stephens County.

(b) The department may accept additional gifts of any adjoining land or interest in land donated by the West Central Texas Water Municipal District to enlarge the park created by Subsection (a) of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 22.184. Fishing Piers

(a) The department may repair and maintain the old causeway across Copano Bay on Highway 35 in Aransas County and the old causeway across Lavaca Bay on Highway 35 in Calhoun County as public fishing piers and recreation areas.

(b) The department and the state highway department may solicit and receive gifts of labor and materials for the construction and improvement of the fishing piers.

(c) The department may grant concessions to persons allowing the concessioners to charge for use of the piers and approaches.

(d) All revenue received under this section shall be deposited in the state treasury to the credit of the state parks fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### SUBCHAPTER O. MATAGORDA ISLAND STATE PARK AND WILDLIFE MANAGEMENT AREA

#### § 22.201. Matagorda Island State Park and Wildlife Management Area

(a) The Matagorda Island State Park and Wildlife Management Area is established under the jurisdiction of the department to be used for public recreational and wildlife conservation purposes as a state park and to be used as a wildlife management area.

(b) The Matagorda Island State Park and Wildlife Management Area consists of all land, including tideland, submerged land, and beaches, on Matagorda Island in Calhoun County belonging to the state on June 1, 1979, other than permanent school fund land, and any other land on Matagorda Island acquired after that date by the department for inclusion in the park and wildlife management area.  
[Acts 1979, 66th Leg., p. 254, ch. 132, § 1, eff. May 9, 1979. Amended by Acts 1983, 68th Leg., p. 121, ch. 28, § 1, eff. April 19, 1983.]

#### § 22.202. Dedicated Land

All land within the Matagorda Island State Park and Wildlife Management Area on June 1, 1979, and

all land included within the park and management area after that date are dedicated for park and wildlife management area purposes.

[Acts 1979, 66th Leg., p. 254, ch. 132, § 1, eff. May 9, 1979.]

#### SUBCHAPTER P. FRANKLIN MOUNTAINS STATE PARK

*Acts 1979, 66th Leg., p. 1804, ch. 736, § 1, added Subchapter O, Franklin Mountains State Park, consisting of §§ 22.201 to 22.203, without reference to Subchapter O added by Acts 1979, 66th Leg., p. 254, ch. 132, § 1, ante. Acts 1981, 67th Leg., p. 3272, ch. 860, § 1, redesignated this Subchapter as Subchapter P, §§ 22.221 to 22.223, without reference to Subchapter P, §§ 22.221, 22.222, as added by Acts 1981, 67th Leg., p. 928, ch. 343, § 1, post.*

#### § 22.221. Park Established: Jurisdiction of Department

The Franklin Mountains State Park is established under the jurisdiction of the department.

[Acts 1979, 66th Leg., p. 1804, ch. 736, § 1, eff. Aug. 27, 1979. Redesignated from § 22.201 by Acts 1981, 67th Leg., p. 3272, ch. 860, § 1, eff. Aug. 31, 1981.]

Acts 1979, 66th Leg., p. 1805, ch. 736, § 2, as amended by Acts 1981, 67th Leg., p. 3273, ch. 860, § 2, described the boundaries of the Franklin Mountains State Park.

#### § 22.222. Department to Acquire Park Land

(a) The department shall acquire by purchase, gift, lease, or condemnation all of the land described in Section 2 of the Act that added this subchapter to this code. The department may acquire the mineral interests in that land.

(b) A lease executed under this section may only be from a public entity. A lease executed under this section from the state may not exceed 30 years and may be renewed on its expiration. A lease executed under this section from any other public entity is not limited to any term of years. For purposes of this subsection, "public entity" means an agency or instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

(c) The department shall acquire the land with money from the Texas Park Development Fund, or any fund created to finance the acquisition of state parks.

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(d) The department shall not expend any funds for the operation and maintenance of Franklin Mountains State Park.

[Acts 1979, 66th Leg., p. 1804, ch. 736, § 1, eff. Aug. 27, 1979. Redesignated from § 22.202 and amended by Acts 1981, 67th Leg., p. 3272, ch. 860, § 1, eff. Aug. 31, 1981.]

### § 22.223. Condemnation

(a) If necessary for the acquisition of the Franklin Mountains State Park, the department shall institute condemnation proceedings according to the laws of this state against any person, including a governmental entity.

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department.

(c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

[Acts 1979, 66th Leg., p. 1804, ch. 736, § 1, eff. Aug. 27, 1979. Redesignated from § 22.203 by Acts 1981, 67th Leg., p. 3272, ch. 860, § 1, eff. Aug. 31, 1981.]

### SUBCHAPTER P. FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM

*Acts 1981, 67th Leg., p. 928, ch. 343, added this Subchapter P, §§ 22.221, 22.222, without reference to the redesignation of former Subchapter O, Franklin Mountains State Park, as Subchapter P, §§ 22.221 to 22.223, by Acts 1981, 67th Leg., p. 3272, ch. 860, § 1, ante.*

### § 22.221. Museum Jurisdiction

The Fleet Admiral Chester W. Nimitz Memorial Naval Museum is under the jurisdiction of the department.

[Acts 1981, 67th Leg., p. 928, ch. 343, § 1, eff. Sept. 1, 1981.]

Section 2 of the 1981 Act provided:

"Chapter 8, Acts of the 61st Legislature, Regular Session, 1969 as amended, is repealed, and all property and appropriations of the Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission are transferred to the Parks and Wildlife Department."

### § 22.222. Powers of Department

With respect to the Nimitz museum and in addition to its other powers and duties, the department:

(1) shall foster and commemorate the memory of the era of supreme United States naval power upon the seas and the men and women of the armed services whose gallant and selfless dedication to duty made this era possible;

(2) shall administer the Fleet Admiral Chester W. Nimitz Memorial Naval Museum at Fredericksburg;

(3) shall act in any other capacity relative to preserving naval documents, relics, and other items of historical interest;

(4) may employ and discharge a museum director and other employees it deems necessary to fulfill its duties and responsibilities within the limits of funds available;

(5) may accept on behalf of the State of Texas donations of money, property, and historical relics related to the museum's theme; and

(6) may acquire property and historical relics by purchase within the limits of funds available.

[Acts 1981, 67th Leg., p. 928, ch. 343, § 1, eff. Sept. 1, 1981.]

### SUBCHAPTER R. GATEWAY STATE PARK

*Acts 1983, 68th Leg., p. 5354, ch. 983, § 1, added this Subchapter R, consisting of §§ 22.241 to 22.243, without reference to the addition of Subchapter R, consisting of §§ 22.251 to 22.254, by Acts 1983, 68th Leg., p. 2190, ch. 407, § 1. See Subchapter R, post.*

### § 22.241. Establishment

(a) The Gateway State Park is established under the jurisdiction of the department.

(b) The Gateway State Park consists of all of the land described in Chapter 542, Acts of the 66th Legislature, Regular Session, 1979.

(c) The department shall develop as a state park all of the land accepted and acquired under Chapter 542, Acts of the 66th Legislature, Regular Session, 1979.

(d) The department shall lease the park to the Gateway State Park Board established by this subchapter.

[Acts 1983, 68th Leg., p. 5354, ch. 983, § 1, eff. Aug. 29, 1983.]

### § 22.242. Gateway State Park Board

(a) The Gateway State Park Board is composed of the following nine members:

(1) the mayor of Fort Worth or his designee;

- (2) the mayor of Arlington or his designee;
- (3) the county judge of Tarrant County or his designee;
- (4) the chairman of the governing board of the Trinity River Authority or his designee;
- (5) a member of the house of representatives residing in Tarrant County to be appointed by the speaker;
- (6) a member of the senate residing in Tarrant County to be appointed by the lieutenant governor;
- (7) a Fort Worth city council member selected by the Fort Worth city council;
- (8) a county commissioner from Tarrant County to be appointed by the Tarrant County Commissioners Court; and
- (9) the chairman of the Fort Worth Streams and Valley Committee.

(b) Service on the board is an additional function of the other public office or position under which the person qualifies for service on the board.

(c) Members of the board receive no compensation for performing their duties under this subchapter.

(d) Members of the board shall meet as often as necessary to perform their duties under this subchapter.

[Acts 1983, 68th Leg., p. 5354, ch. 983, § 1, eff. Aug. 29, 1983.]

**§ 22.243. Powers and Duties of Board**

(a) The board shall lease Gateway State Park from the department and shall operate and maintain the park as a state park.

(b) The board may:

- (1) set and charge reasonable fees for entrance to the park and for any other services as appropriate;
- (2) grant concessions and leases in the park;
- (3) hire personnel necessary to perform its duties under this subchapter;
- (4) establish and enforce rules and regulations for use of the park;
- (5) lease portions of the park and contract for mineral, agricultural, or any other purposes; and
- (6) retain all fees, charges, rentals, concession proceeds, and other revenues generated in the park from any source for use in the park

for operation, maintenance, policing, or capital improvements.

[Acts 1983, 68th Leg., p. 5354, ch. 983, § 1, eff. Aug. 29, 1983.]

**SUBCHAPTER R. BATTLESHIP "TEXAS"**

*Acts 1983, 68th Leg., p. 2190, ch. 407, § 1, added this Subchapter R, consisting of §§ 22.251 to 22.254, without reference to the addition of Subchapter R, consisting of §§ 22.241 to 22.243, or to the addition of Subchapter S, consisting of §§ 22.251 to 22.254, by Acts 1983, 68th Leg., p. 5356, ch. 983, §§ 1 and 3, respectively. See Subchapter R, ante, and Subchapter S, post.*

**§ 22.251. Jurisdiction**

The Battleship "Texas" is under the jurisdiction of the department.

[Acts 1983, 68th Leg., p. 2190, ch. 407, § 1, eff. Sept. 1, 1983.]

Section 3 of the 1983 Act provides:

"(a) The Battleship Texas Commission is abolished.

"(b) The custody and control of the Battleship "Texas", including its berth and records relating to the battleship, are transferred from the Battleship Texas Commission to the Parks and Wildlife Department.

"(c) The money on deposit to the credit of the funds established by Section 14, Chapter 216, Acts of the 67th Legislature, Regular Session, 1981 (Article 6145-2a, Vernon's Texas Civil Statutes), as that law existed on August 31, 1983, is transferred to the Parks and Wildlife Department. The Parks and Wildlife Department shall deposit the transferred money to the credit of the state parks fund to be used for any purpose for which the state parks fund was established."

**§ 22.252. Battleship "Texas" Advisory Board**

(a) The Battleship "Texas" Advisory Board is composed of nine members of the public.

(b) The nine members of the public are appointed by the governor for terms of six years each, with the term of three members expiring February 1 of each odd-numbered year.

(c) The governor shall designate one member of the board to serve as chairman and one member to serve as vice-chairman.

[Acts 1983, 68th Leg., p. 2190, ch. 407, § 1, eff. Sept. 1, 1983.]

Section 2 of the 1983 Act provides:

"The governor shall appoint three members to the Battleship "Texas" Advisory Board for terms expiring February 1, 1985, three members for terms expiring February 1, 1987, and three members for terms expiring February 1, 1989."

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### § 22.253. Meetings

The board shall meet quarterly to review the policies and operations of the Battleship "Texas" and to advise the department on the proper historical development of the battleship.

[Acts 1983, 68th Leg., p. 2190, ch. 407, § 1, eff. Sept. 1, 1983.]

### § 22.254. Functions

(a) The board shall advise the department on the operation and maintenance of the Battleship "Texas".

(b) The board shall conduct fund-raising activities to collect money for the operation and maintenance of the Battleship "Texas". All funds collected under this subsection must be transferred to the department to be used to operate and maintain the battleship.

[Acts 1983, 68th Leg., p. 2190, ch. 407, § 1, eff. Sept. 1, 1983.]

### SUBCHAPTER S. TRINITY RIVER STATE PARK

*Acts 1983, 68th Leg., p. 5356, ch. 983, § 3, added this Subchapter S, consisting of §§ 22.251 to 22.254, without reference to the addition of Subchapter R, also consisting of §§ 22.251 to 22.254, by Acts 1983, 68th Leg., p. 2190, ch. 407, § 1. See second Subchapter R, ante.*

### § 22.251. Park Established: Jurisdiction of Department

The Trinity River State Park is established under the jurisdiction of the department on property that may be acquired according to this Act.

[Acts 1983, 68th Leg., p. 5356, ch. 983, § 3, eff. Aug. 29, 1983.]

Section 4 of the 1983 Act described the boundaries of the Trinity River State Park.

### § 22.252. Department to Acquire Park Land

(a) The department may acquire by purchase, gift, lease, or condemnation all of the land described in Section 4 of the Act that added this subchapter to this code. The department may acquire the mineral interests in that land.

(b) A lease executed under this section from the state may not exceed 30 years and may be renewed on its expiration. A lease executed under this section from any other public entity is not limited to any term of years. For purposes of this subsection, "public entity" means an agency or instrumentality of federal, state, or local government, including the

board of directors of a municipally owned utility system.

(c) The department may acquire the land with money from the urban park fund.

(d) The department shall not expend any funds for the operation and maintenance of the Trinity River State Park.

(e) The department will honor all existing easements on the property to be acquired under this Act, as well as all existing permits to pump water from the Trinity River and to discharge water into the Trinity River.

[Acts 1983, 68th Leg., p. 5356, ch. 983, § 3, eff. Aug. 29, 1983.]

### § 22.253. Condemnation

(a) If necessary for the acquisition of the Trinity River State Park, the department may institute condemnation proceedings according to the laws of this state against any person, including a governmental entity.

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline may be the sole expense of the department.

(c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

[Acts 1983, 68th Leg., p. 5356, ch. 983, § 3, eff. Aug. 29, 1983.]

### § 22.254. Powers of City of Dallas

(a) Nothing in this Act shall preclude or prohibit the city of Dallas from initiating, developing, completing, extending, or maintaining any project, as described in Subsection (b) of this section, whether the project may be located within, partially within, or adjacent to the boundaries of Trinity River State Park.

(b) For purposes of this section, the city of Dallas by ordinance or resolution of the governing body may approve and authorize any or all of the following:

(1) the development of a lake to be located within the flood plain of the Trinity River within the city of Dallas;

(2) the extension of Trinity River flood controls which shall include but not be limited to

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the construction of drainage channels, swales, levees, and associated flood control appurtenances in the Trinity River flood plain which may be constructed and maintained within the boundaries of Trinity River State Park;

(3) the extension of Simpson Stuart Road at the point where it may cross the flood plain of the Trinity River; and

(4) the construction of swales in or adjacent to the natural channel of the Trinity River as necessary to provide offset capacity for full utilization of the McCommas Bluff Reclamation landfill.

(c) If the city of Dallas approves a project, as authorized by this section, the department shall grant the city of Dallas access to land within Trinity River State Park and whatever permissions are necessary in order to attain the purposes of the project.

(d) For purposes of this section, Chapter 276, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421q, Vernon's Texas Civil Statutes),<sup>1</sup> does not apply.

[Acts 1983, 68th Leg., p. 5356, ch. 983, § 3, eff. Aug. 29, 1983.]

<sup>1</sup> Repealed; see, now, § 26.001 et seq.

CHAPTER 23. NATIONAL PARKS, SEASHORES, AND FORESTS

SUBCHAPTER A. BIG BEND NATIONAL PARK

Section

- 23.001. Limited Jurisdiction Retained.
- 23.002. Park Residents May Vote.

SUBCHAPTER B. PADRE ISLAND NATIONAL SEASHORE

- 23.011. Limited Jurisdiction Retained.
- 23.012. Seashore Residents May Vote.
- 23.013. Regulations of Railroad Commission.
- 23.014. Reversion to State.
- 23.015. Consent for Acquisition of Navigation District Land.
- 23.016. Roads.

SUBCHAPTER C. GUADALUPE MOUNTAINS NATIONAL PARK

- 23.031. Limited Jurisdiction Retained.
- 23.032. Park Residents May Vote.
- 23.033. Reconveyance of Title.
- 23.034. Mineral Rights in Park.

SUBCHAPTER D. DAVY CROCKETT NATIONAL FOREST

- 23.041. Agreements for Wildlife Management.
- 23.042. Wildlife Defined.

Section

- 23.043. Hunting and Fishing Regulations.
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SUBCHAPTER E. SABINE NATIONAL FOREST

- 23.051. Agreements for Wildlife Management.
- 23.052. Wildlife Defined.
- 23.053. Hunting and Fishing Regulations.
- 23.054. Penalty.

SUBCHAPTER A. BIG BEND NATIONAL PARK

§ 23.001. Limited Jurisdiction Retained

The state retains jurisdiction in the Big Bend National Park, concurrently with the United States, as though cession had not occurred, for:

- (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
- (2) the assessment and collection of taxes on the sales of products and commodities and on franchises and property.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 23.002. Park Residents May Vote

A person residing in Big Bend National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 23.003 to 23.010 reserved for expansion]

SUBCHAPTER B. PADRE ISLAND NATIONAL SEASHORE

§ 23.011. Limited Jurisdiction Retained

The state retains jurisdiction in the Padre Island National Seashore, concurrently with the United States, as though cession had not occurred, for:

- (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
- (2) the assessment and collection of taxes on the sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 23.012. Seashore Residents May Vote

A person residing in the Padre Island National Seashore may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.013. Regulations of Railroad Commission

(a) The Railroad Commission shall send by certified mail to the Secretary of Interior of the United States a copy of each proposed rule or regulation affecting mineral rights reserved in deeds conveying land in the Padre Island National Seashore to the United States.

(b) The Department of Interior has 30 days from the day a copy of a proposed rule or regulation is received to send to the Railroad Commission its objections or exceptions. An objection or exception must be sent by certified mail. Thereupon, a rule or regulation, with amendments, if any, promulgated by the Railroad Commission, takes effect.

(c) The development and recovery of minerals in the Padre Island National Seashore shall be carried out in a manner that does not unreasonably interfere with the use of the land for park purposes. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.014. Reversion to State

(a) Any deed executed by the state to the United States for the creation of Padre Island National Seashore becomes null and void on the initiation by any elected or appointed agent, officer, or employee of the United States, or by any agency or department of the United States, of a suit at law or in equity in any federal court to enlarge or expand the title, right, or interest granted by the deed. When a deed becomes void under this subsection, the land immediately reverts to the state.

(b) Unless reversion is waived by the legislature during the biennium following the happening of a condition of reversion, all state-owned land conveyed to the United States for the creation of the Padre Island National Seashore reverts to the state and to the fund to which it belonged before conveyance if:

(1) the United States fails to acquire two-thirds of all privately owned land in the area described by Section 1, Chapter 38, Acts of the 58th Legislature, 1963, within 10 years after the date that the state-owned land was acquired; or

(2) the United States fails to use as a national seashore the privately owned land it has acquired.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.015. Consent for Acquisition of Navigation District Land

The Willacy County Navigation District may consent to the acquisition of surface land for inclusion in Padre Island National Seashore. Interests in surface estates, spoil banks, easements, and rights-of-way controlled by the district in the Padre Island National Seashore shall be used for public purposes only.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.016. Roads

The Secretary of Interior is requested to provide roads from the north boundary of Padre Island National Seashore and from the Port Mansfield cut to the access highways from the mainland.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 23.017 to 23.030 reserved for expansion]

## SUBCHAPTER C. GUADALUPE MOUNTAINS NATIONAL PARK

### § 23.031. Limited Jurisdiction Retained

The state retains jurisdiction in the Guadalupe Mountains National Park, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and

(2) the assessment and collection of taxes on sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.032. Park Residents May Vote

A person residing in the Guadalupe Mountains National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 23.033. Reconveyance of Title**

If any of the land described by the drawing entitled "Proposed Guadalupe Mountains National Park, Texas," numbered SA-GM-7100C, dated February, 1965, and on file in the offices of the National Park Service and the Secretary of State of Texas ceases to be used for the Guadalupe Mountains National Park, the state may require a reconveyance, without consideration, of the mineral rights conveyed for the creation of the park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 23.034. Mineral Rights in Park**

(a) The state reserves a preferential right, without consideration to the United States, to lease all mineral rights and interests that were conveyed by the state for the establishment of the Guadalupe Mountains National Park if:

(1) Congress declares by an act that the national welfare or an emergency requires the development and production of minerals in the park; and

(2) Congress authorizes the Secretary of Interior of the U. S. to lease park land for drilling, mining, developing, or producing minerals.

(b) If oil, gas, or other minerals are discovered and produced in commercial quantities from land outside the park sufficient to cause drainage of minerals from in the park and the Secretary of Interior participates in a communitization agreement or takes other action to protect the rights of the United States, the state retains its right to its proper share of the proceeds of the agreement or action. The state's proper share is not less than all bonuses, rentals, and royalties attributable to mineral rights conveyed to the United States for the establishment of Guadalupe Mountains National Park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 23.035 to 23.040 reserved for expansion]

**SUBCHAPTER D. DAVY CROCKETT NATIONAL FOREST**

**§ 23.041. Agreements for Wildlife Management**

(a) The department may agree with the proper agency of the United States for the protection and management of wildlife resources and for restocking desirable species of wildlife in portions of the Davy Crockett National Forest, in Houston and Trinity counties, that can be designated by a natural

boundary. A natural boundary may be a road, lake, stream, canyon, rock, bluff, island, or other natural feature.

(b) No agreement under this section may cover more than 40,000 acres at any one time during any five-year period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 23.042. Wildlife Defined**

In this subchapter, "wildlife" means all kinds of birds, animals, and fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 23.043. Hunting and Fishing Regulations**

The commission may promulgate regulations applicable to the Davy Crockett National Forest, in Houston and Trinity counties, to:

(1) prohibit hunting and fishing for periods of time as necessary to protect wildlife;

(2) provide open seasons for hunting and fishing;

(3) provide limitations on the number, size, kind, and sex of wildlife that may be taken; and

(4) prescribe the conditions under which wildlife may be taken.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 23.044. Penalty**

A person who violates any rule or regulation of the commission adopted under this subchapter or who hunts or fishes in the Davy Crockett National Forest at any time other than the open season is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 23.045 to 23.050 reserved for expansion]

**SUBCHAPTER E. SABINE NATIONAL FOREST**

**§ 23.051. Agreements for Wildlife Management**

The department may agree with the proper agency of the United States for the protection and management of wildlife resources and for restocking desirable species of wildlife in the parts of the



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Sabine National Forest, in Sabine and San Augustine counties, that are fenced.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.052. Wildlife Defined

In this subchapter, "wildlife" means all kinds of animals, birds, and fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.053. Hunting and Fishing Regulations

The commission may promulgate regulations applicable to the Sabine National Forest, in Sabine and San Augustine counties, to:

- (1) prohibit hunting and fishing for periods of time as necessary to protect wildlife;
- (2) provide open seasons for hunting and fishing;
- (3) provide limitations on the number, size, kind, and sex of wildlife that may be taken; and
- (4) prescribe the conditions under which wildlife may be taken.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 23.054. Penalty

A person who violates any regulation of the commission adopted under this subchapter or who hunts or fishes in the Sabine National Forest at any time other than during the open season is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 24. STATE ASSISTANCE FOR LOCAL PARKS

### Section

- 24.001. Definitions.
- 24.002. Fund Established.
- 24.003. Use of Fund.
- 24.004. Assistance Grants.
- 24.005. Direct State Matching Grants.
- 24.006. Acquisition and Development of State Parks.
- 24.007. Fund Use to be Consistent With Plans.
- 24.008. Acquisition of Property.
- 24.009. Payments, Records, and Accounting.
- 24.010. Annual Report.
- 24.011. Noncompliance With Act.
- 24.012. Fund Not to be Used For Publicity.
- 24.013. Authority of Political Subdivisions to Have Parks.

### § 24.001. Definitions

In this chapter:

(1) "Political subdivision" means a county, city, special district, river authority, or other governmental entity created under the authority of the state or a county or city.

(2) "Urban area" means the area within a standard metropolitan statistical area (SMSA) in this state used in the last preceding federal census.

(3) "Park" includes land and water parks owned or operated by the state or a political subdivision.

(4) "Open space area" means a land or water area for human use and enjoyment that is relatively free of man-made structures.

(5) "Natural area" means a site having valuable or vulnerable natural resources, ecological processes, or rare, threatened, or endangered species of vegetation or wildlife.

(6) "Parks, recreational, and open space area plan" means a comprehensive plan that includes information on and analyses of parks, recreational, and open space area objectives, needs, resources, environment, and uses, and that identifies the amounts, locations, characteristics, and potentialities of areas for adequate parks, recreational, and open space opportunities.

(7) "Federal rehabilitation and recovery grants" means matching grants made by the United States to or for political subdivisions for the purpose of rebuilding, remodeling, expanding, or developing existing outdoor or indoor parks, recreational, or open space areas and facilities, including improvements in park landscapes, buildings, and support facilities.

(8) "Fund" means the Texas local parks, recreation, and open space fund.

(9) "Rural area" means any area not included in an urban area.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 2024, ch. 367, § 1, eff. Sept. 1, 1983.]

### § 24.002. Fund Established

The Texas local parks, recreation, and open space fund is established in the state treasury.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

### § 24.003. Use of Fund

(A) Appropriations from the fund may be used only for assistance grants under Section 24.004 of

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this code, direct grants under Section 24.005 of this code, and the uses permitted under Section 24.006 of this code.

(b) The department is authorized to spend up to 20 percent of the amount of the fund appropriated each fiscal year if adequate federal funds are not available for assistance grants, matching grants, and direct expenditures for use in rural areas in this state.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 2024, ch. 367, § 2, eff. Sept. 1, 1983.]

### § 24.004. Assistance Grants

(a) The department may make grants of money from the fund to a political subdivision for use by the political subdivision as all or part of the subdivision's required share of funds for eligibility for receiving a federal rehabilitation and recovery grant.

(b) In order to receive a grant under this section, the political subdivision seeking the federal grant shall apply to the department for the grant and present evidence that the political subdivision qualifies for the federal grant.

(c) A grant under this section is conditioned on the political subdivision qualifying for and receiving the federal grant.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 2025, ch. 367, § 3, eff. Sept. 1, 1983.]

### § 24.005. Direct State Matching Grants

(a) The department may make grants of money from the fund to a political subdivision to provide one-half of the costs of the planning, acquisition, or development of a park, recreational area, or open space area to be owned and operated by the political subdivision.

(b) In establishing the program of grants under this section, the department shall adopt those allocation formulas, conditions for fund uses, and other procedural requirements, to the extent not inconsistent with this chapter, as are provided for the land and water conservation fund established by Section 4601-4, Title 16, United States Code, and the rules and regulations for grant assistance made from that fund.

(c) Money granted to a political subdivision under this section may not be used for the operation and maintenance of parks, recreational areas, and open space areas.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 2025, ch. 367, § 4, eff. Sept. 1, 1983.]

### § 24.006. Acquisition and Development of State Parks

The department may acquire and develop a state park, recreational area, open space area, or natural area with money appropriated from the fund.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979. Amended by Acts 1983, 68th Leg., p. 2025, ch. 367, § 5, eff. Sept. 1, 1983.]

### § 24.007. Fund Use to be Consistent With Plans

No grant may be made under Section 24.005 of this code nor may fund money be used under Section 24.006 of this code unless:

(1) there is a present or future need for the acquisition and development of the property for which the grant is requested or the use is proposed;

(2) the acquisition and development is consistent with the local parks, recreational, and open space plan and the Texas outdoor recreation plan; and

(3) a written statement is obtained from the regional planning commission having jurisdiction of the area in which the property is to be acquired and developed that the acquisition and development is consistent with the local parks, recreational, and open space plan most closely reflecting local needs.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

### § 24.008. Acquisition of Property

(a) No property may be acquired with grant money made under this chapter or by the department under this chapter if the purchase price exceeds the fair market value of the property as determined by two independent appraisers.

(b) A political subdivision may qualify for assistance in acquiring property in advance of actual need for development if presented with the opportunity to do so.

(c) Property may be acquired with provision for a life tenancy if that provision facilitates the orderly and expedient acquisition of the property.

(d) Property that is not to be developed for recreational use for several years may be leased back to the owner if the lessee's use of the property will not impair the character of the property for the park, recreational, or open space purpose for which it was acquired. The terms of the lease must be approved in writing by the department.

(e) If land or water designated for park, recreational, or open space use is included in the local and regional park, recreational, and open space plans for

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two or more contiguous jurisdictions and that land or water is also included in the Texas outdoor recreation plan, the two or more jurisdictions may cooperate under state law to secure assistance from the fund to acquire or develop the property. In those cases, the department must be assured that a cooperative management plan for the land or water can be developed and effectuated.

(f) All land or water purchased with assistance from the fund shall be dedicated for park, recreational, and open space purposes in perpetuity and may not be used for any other purpose, except where the use is compatible with park, recreational, and open space objectives, and the use is approved in advance by the department.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

### § 24.009. Payments, Records, and Accounting

(a) On the approval of a grant under this chapter and on the written request by the director, the comptroller of public accounts shall issue a warrant drawn against the fund and payable to the political subdivision in the amount specified by the director.

(b) Each recipient of assistance under this chapter shall keep records as required by the department, including records which fully disclose the amount and the disposition of the proceeds by the recipient, the total cost of the acquisition, a copy of the title and deed for the property acquired, the amount and nature of that portion of the cost of the acquisition supplied by other funds, and other records that facilitate effective audit. The director and the comptroller, or their authorized representatives, may examine any book, document, paper, and record of the recipient that are pertinent to assistance received under this chapter.

(c) The recipient of funds under this chapter shall, on each anniversary date of the grant for five years after the grant is made, furnish to the department a comprehensive report detailing the present and anticipated use of the property, any contiguous additions to the property, and any major changes in the character of the property, including the extent of park development which may have taken place.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

### § 24.010. Annual Report

(a) The commission shall report to the governor and legislature on August 31 of each year, or as soon as practicable, but not later than October 1 of each year, showing the condition of the fund. The report must contain:

(1) a statement of the amount of money deposited to the credit of the fund for the year;

(2) a statement of the amount of money disbursed by the department for department projects and for qualified political subdivision projects for the year;

(3) a listing of political subdivisions that applied for matching assistance from the fund, to include information for each political subdivision that shows the amount of money applied for, the scope of the proposed acquisition or development project, and the priority assigned the application during department review;

(4) a listing of political subdivisions and state parks which have received money from the fund, to include information for each political subdivision and state park that shows the amount of money, number of parks, recreational areas, and open space areas, and number of acres acquired or developed by park, recreational, or open space area and summed for each political subdivision for the year;

(5) a listing of political subdivisions which have received park, recreational, and open space operation and maintenance money from the fund, to include information for each subdivision which shows the amount of money allocated, amount of money spent, and general statements on how the political subdivision used the money for maintenance;

(6) a statement of the amount of money annually deposited to the credit of the fund that was not disbursed during the year and the reason for nondisbursement; and

(7) a statement of any significant problems encountered in administering the fund, with recommendations for their solution.

(b) The annual report on the fund may be included as a portion of the department's annual report to the governor.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

### § 24.011. Noncompliance With Act

The attorney general shall file suit in a court of competent jurisdiction against a political subdivision that fails to comply with the requirements of this chapter to recover the full amount of the grant plus interest on that amount of five percent a year accruing from the time of noncompliance or for injunctive relief to require compliance with this chapter. If the court finds that the political subdivision has not complied with the requirements of this chapter, it is not eligible for further participation in

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the program for three years following the finding for noncompliance.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

§ 24.012. Fund Not to be Used For Publicity

No money credited to the fund may be used for publicity or related purposes.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

§ 24.013. Authority of Political Subdivisions to Have Parks

This chapter does not authorize a political subdivision to acquire, develop, maintain, or operate a park, recreational area, open space area, or natural area.

[Acts 1979, 66th Leg., p. 1733, ch. 710, § 1, eff. Sept. 1, 1979.]

CHAPTER 25. WATER DISTRICT AND RIVER AUTHORITY PARKS

Section

- 25.001. State Policy; Legislative Findings.
25.002. Definitions.
25.003. General Powers.
25.004. Rules; Fees; Abandonment of Projects.
25.005. Leases, concessions, franchises, and agreements.
25.006. Use of Other Powers.

Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1, added this Chapter 25.

For text of another Chapter 25, added by Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, see Chapter 25, post.

§ 25.001. State Policy; Legislative Findings

(a) The policy of the legislature and the intent of this chapter are to encourage the conservation and development of water in the state and water-related land areas for public recreation.

(b) The legislature finds:

- (1) that the use of water resources in the state for public recreation is a useful purpose;
(2) that the conservation and development of water resources for public recreation purposes are public rights and duties; and
(3) that the acquisition and improvement of land areas related to water resources for public recreation purposes are essential to the maximum beneficial use of water resources for public recreation purposes.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

§ 25.002. Definition

In this chapter "district" means a district or authority created under Article XVI, Section 59, of the Constitution of Texas.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

§ 25.003. General Powers

(a) Each district shall:

- (1) conserve and develop water resources in this state for public recreation purposes in compliance with the provisions of Title 2, Water Code; and
(2) acquire and improve for park purposes any lands adjacent to or in the vicinity of any public water or any other impounded water available to the public if the governing body of the district finds that the acquisition or improvement is necessary or desirable to enhance the beneficial use of such water for public recreation purposes.

(b) A finding under Subdivision (2) of Subsection (a) of this section is conclusive.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

§ 25.004. Rules; Fees; Abandonment of Projects

A district may:

- (1) adopt and enforce reasonable rules relating to the use, operation, management, administration, and policing of its water-related park areas as it considers appropriate;
(2) fix, impose, and collect reasonable fees, tolls, rents, rates, and charges for entry to and use of water-related park areas and their facilities as necessary or desirable; and
(3) abandon the use of all or any part of any public recreation project authorized by this chapter.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

§ 25.005. Leases, Concessions, Franchises, and Agreements

A district may make, grant, accept, and enter into leases, concessions, franchises, and rental, operating, and other agreements relating to the water-related park areas or their facilities that the governing body deems necessary or convenient to carry out any of the purposes and powers granted in this chapter on the terms and conditions and for the periods of time as may be prescribed. The lease,

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concession, franchise, or agreement may be entered into with any person.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

### § 25.006. Use of Other Powers

(a) Except as provided by Subsection (b) of this section, to accomplish the purposes of this chapter, each district has the same powers, authority, rights, privileges, and modes of procedure as are provided by applicable law to accomplish any other corporate purpose.

(b) A district may exercise the powers granted by this chapter without regard to any provision, restriction, or limitation of any general or special law or specific act and may exercise the powers granted by this chapter as an alternative to the powers of all other laws relating to the same subject or combine those powers in whole or in part. This chapter does not authorize any fee or charge for boat inspection, fishing, or other activity on the water of the state or the exercise of the power of eminent domain.

[Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1(a), eff. Sept. 1, 1983.]

## CHAPTER 25. TEXAS TRAILS SYSTEM

### Section

- 25.001. Establishment.
- 25.002. System Administration.
- 25.003. Advisory Council.
- 25.004. Classification.
- 25.005. Report.

*Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, added this Chapter 25.*

*For text of another Chapter 25, added by Acts 1983, 68th Leg., p. 1033, ch. 235, art. 6, § 1, see Chapter 25, ante.*

### § 25.001. Establishment

The Texas Trails System is established under the administration of the department. The purposes of the system are to provide high-quality outdoor recreational, scenic, historic, and expedition trails and to promote the use and encourage the development of trails within the system.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

### § 25.002. System Administration

(a) The department may:

(1) develop a trails master plan for the orderly development of trails;

(2) designate qualifying trails within the state park system or on state lands as components of the trail system;

(3) enter into negotiations with federal, state, regional, local, and private agencies that administer trails to allow their trails to be included in the system;

(4) designate federal, state, regional, local, and private trails as components of the system after obtaining the consent of the owner or administering agency;

(5) remove trails from the system at the request of the owner or administering agency or to maintain the quality of the system;

(6) develop criteria and standards for trails in the system;

(7) classify trails in the system as recreational, scenic, historic, or expedition trails;

(8) provide a standardized terminology for trails within the system;

(9) provide a uniform marker for the trails within the system;

(10) provide technical assistance in planning or building trails to potential trail administrators; and

(11) publish information about the system to ensure public knowledge of the existence of the system and to encourage its use.

(b) The commission may adopt rules or take any other action necessary to implement this chapter. [Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

### § 25.003. Advisory Council

(a) The commission may appoint a Texas Trails Advisory Council to advise the department in matters relating to the system.

(b) The council is composed of representatives from trail user groups, representatives from various levels of government, and private citizens. Members of the council serve without compensation, but may receive reimbursement for expenses incurred in performing council functions as set by legislative appropriation.

(c) Members of the council serve at the pleasure of the commission in an advisory capacity.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

### § 25.004. Classification

(a) The department shall classify trails in the system according to the classifications established in this section. A trail may have more than one classi-

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fication or may be composed of several trails with different classifications. A trail may not include the main travelway portions of highways, roads, or streets that are provided primarily for motor vehicle traffic or motor vehicle travel routes that exist or may be established on such travelways.

- (b) A recreational trail is a trail that:
  - (1) is in or near an urban area; and
  - (2) is primarily used for recreational or health benefits.
- (c) A scenic trail is a trail that:
  - (1) is in a rural or urban area;
  - (2) is in an area containing natural and scenic qualities of at least regional significance; and
  - (3) is primarily used for enjoyment of its scenic qualities and vistas, such as travel through or to a natural environment.
- (d) A historic trail is a trail that:
  - (1) is in a rural or urban area;
  - (2) provides access to or between historic sites, structures, or monuments of regional or statewide significance; and
  - (3) is used primarily for its historic connotations, such as the significance of a historic structure or the presentation of a historic episode.
- (e) An expedition trail is a trail that:
  - (1) is in a rural area;
  - (2) provides extended travel through scenic and natural areas of regional or statewide significance; and
  - (3) may require some travel preparation.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

§ 25.005. Report

The department shall submit a report on the status and condition of the Texas Trails System to the governor and the legislature not later than October 1 of each even-numbered year, and shall make the report available to the public.

[Acts 1983, 68th Leg., p. 5165, ch. 937, § 1, eff. Aug. 29, 1983.]

CHAPTER 26. PROTECTION OF PUBLIC PARKS AND RECREATIONAL LANDS

Section

- 26.001. Protected Land; Notice of Taking.
- 26.002. Notice of Hearing.

Section

- 26.003. Limitations on Judicial Review.
- 26.004. Excluded Lands.

§ 26.001. Protected Land; Notice of Taking

(a) A department, agency, political subdivision, county, or municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the department, agency, political subdivision, county, or municipality, acting through its duly authorized governing body or officer, determines that:

- (1) there is no feasible and prudent alternative to the use or taking of such land; and
- (2) the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.

(b) A finding required by Subsection (a) of this section may be made only after notice and a hearing as required by this chapter.

(c) The governing body or officer shall consider clearly enunciated local preferences, and the provisions of this chapter do not constitute a mandatory prohibition against the use of the area if the findings are made that justify the approval of a program or project.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

§ 26.002. Notice of Hearing

(a) When any program or project requires notice and a public hearing before approval, the notice must be given in writing to the person, organization, department, or agency that has supervision of the land proposed to be used or taken.

(b) The notice must state clearly the proposed program or project and the date and place for the public hearing. The notice must be given at least 30 days before the date for the public hearing.

(c) Notice must also be given to the public by publishing a notice similar to that specified in this section once a week for three consecutive weeks. The last days of publication must not be less than one week or more than two weeks before the date of the hearing. The notice must be published in a newspaper of general circulation, which paper must be published at least six days a week in the county where the land proposed to be used or taken is situated.

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(d) If there is no newspaper that qualifies under Subsection (c) of this section, the notice must be published in a qualifying newspaper that is published in any county adjoining the county where the land is situated. If there is no qualifying newspaper published in any adjoining county, then the notice must be published in a qualifying newspaper published in the nearest county to the county where the land is situated. If there is no qualifying daily newspaper published therein, the notice must be published in any newspaper of general circulation published in the political subdivision affected. If no newspaper is published in the political subdivision, the notice must be published in a newspaper published in the political subdivision nearest the political subdivision affected.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

### § 26.003. Limitations on Judicial Review

A petition for the judicial review of the approval or disapproval of a program or project under this chapter must be filed within 30 days after the approval or disapproval is announced, or the review is barred.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

### § 26.004. Excluded Lands

A department, agency, board, or political subdivision having control of the public land is not required to comply with this chapter if:

(1) the land is originally obtained and designated for another public use and is temporarily used as a park, recreation area, or wildlife refuge pending its use for the originally designated purpose;

(2) the program or project that requires the use or taking of the land being used temporarily as a park, recreation area, or wildlife refuge is the same program or project for which the land was originally obtained and designated; and

(3) the land has not been designated by the department, agency, political subdivision, county, or municipality for use as a park, recreation area, or wildlife refuge before September 1, 1975.

[Acts 1983, 68th Leg., p. 1035, ch. 235, art. 6, § 2(a), eff. Sept. 1, 1983.]

## TITLE 4. WATER SAFETY

### CHAPTER 31. WATER SAFETY

#### SUBCHAPTER A. GENERAL PROVISIONS

##### Section

31.001. Title.

##### Section

31.002. State Policy.  
31.003. Definitions.  
31.004. Application of Chapter.  
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#### SUBCHAPTER B. IDENTIFICATION OF MOTORBOATS; REQUIRED NUMBERING

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31.023. Boats Numbered Under Federal or Other State Law.  
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### SUBCHAPTER A. GENERAL PROVISIONS

#### § 31.001. Title

This chapter may be cited as the Water Safety Act.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 31.002. State Policy

It is the duty of this state to promote recreational water safety for persons and property in and connected with the use of all recreational water facilities in the state, to promote safety in the operation

and equipment of facilities, and to promote uniformity of laws relating to water safety.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 31.003. Definitions

In this chapter:

(1) "Boat" means a vessel not more than 65 feet in length, measured from end to end over the deck, excluding sheer, and manufactured or used primarily for noncommercial use.

(2) "Vessel" means any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.

(3) "Motorboat" means any vessel propelled or designed to be propelled by machinery, whether or not the machinery is the principal source of propulsion.

(4) "Owner" means the person who rightfully claims lawful possession of a vessel by virtue of the legal title or an equitable interest.

(5) "Water of this state" means any public water within the territorial limits of this state.

(6) "Operate" means to navigate or otherwise use a motorboat or a vessel.

(7) "Dealer" means a person customarily engaged in the business of buying, selling, or exchanging motorboats or outboard motors at an established or permanent place of business in this state and that at each place of business there is a sign conspicuously displayed showing the name of the dealership so that it may be located by the public and sufficient space to maintain an office, service area, and display of products.

(8) "Boat livery" means a business establishment engaged in renting or hiring out motorboats for profit.

(9) "Undocumented motorboat" means a vessel that is not required to have, and does not have, a valid marine document issued by the Bureau of Customs of the United States government or its successor.

(10) "Reasonable time" means 15 days.

(11) "Manufacturer" means a person engaged in the business of manufacturing new and unused motorboats and outboard motors for the purpose of sale or trade.

(12) "New" means every motorboat or outboard motor after its manufacture and before its sale or other transfer to a person not a manufacturer or dealer.



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(13) "Outboard motor" means any self-contained internal combustion propulsion system, excluding fuel supply, which is used to propel a vessel and which is detachable as a unit from the vessel.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1252, ch. 484, §§ 1(a), 1(b), eff. Sept. 1, 1977.]

Sections 7, 8, and 11 of the 1977 amendatory act, which made various conforming amendments to this code, provided:

"Sec. 7. If a provision of this Act conflicts with another Act of the 65th Legislature, Regular Session, 1977, that amends an Act repealed by this Act or that amends a provision of the Parks and Wildlife Code amended by this Act, the other Act prevails over the provisions of this Act to the extent of the conflict.

"Sec. 8. This Act is intended as a recodification only and no change in the law is intended by this Act."

"Sec. 11. This Act takes effect September 1, 1977."

### § 31.004. Application of Chapter

The provisions of this chapter apply to all public water of this state and to all watercraft navigated or moving on the public water. Privately owned water is not subject to the provisions of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.005. Contracts With Federal Government

(a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program relating to water safety, including:

- (1) the acquisition, maintenance, and operating costs of facilities;
- (2) purchase of equipment and supplies;
- (3) personnel salaries; and
- (4) other federally approved reimbursable expenses, including personnel training costs, public boat safety and education costs, and general administrative and enforcement costs.

(b) The department may contract with the United States in order to comply with all necessary requirements for the receipt of funds made available under any federal legislation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 31.006 to 31.020 reserved for expansion]

## SUBCHAPTER B. IDENTIFICATION OF MOTORBOATS; REQUIRED NUMBERING

### § 31.021. Required Numbering

(a) Each undocumented motorboat on the water of this state shall be numbered in accordance with

the provisions of this chapter unless specifically exempted. The numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent federal legislation.

(b) No person may operate or give permission for the operation of any motorboat on the water of this state unless the motorboat is numbered as required by this chapter, unless the certificate of number awarded to the motorboat is in full force and effect, and unless the identifying number set forth in the certificate is properly displayed on each side of the bow of the motorboat.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.022. Exemptions From Required Numbering

(a) A motorboat is not required to be numbered under the provisions of this chapter if it is:

- (1) operated within this state for a period not exceeding 90 consecutive days and is covered by a number in full force and effect which has been awarded under federal law or a federally approved numbering system of another state;
- (2) from a country other than the United States temporarily using the water of this state;
- (3) owned by the United States, a state, or a subdivision of a state; or
- (4) a ship's lifeboat.

(b) The department may exempt from numbering a class of motorboats if it finds that the numbering of the motorboats of that class will not materially aid in their identification. The department may also exempt a motorboat if it finds that it belongs to a class of motorboats that would be exempt from numbering under a numbering system of an agency of the federal government if it were subject to federal law.

(c) All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or wind-blown are exempt from the numbering provisions of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.023. Boats Numbered Under Federal or Other State Law

The owner of any vessel or motorboat for which a current certificate of number has been awarded under any federal law or a federally approved numbering system of another state shall, if the motorboat or vessel is operated on the water of this state in excess of 90 days, make application for a certifi-

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cate of number in the manner prescribed in this chapter for residents of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.024. Application for Number

(a) The owner of each motorboat requiring numbering by this state shall file an application for a number with the department, a county tax assessor-collector, or an agent appointed under Section 31.034 of this code.

(b) The application shall be signed by the owner of the motorboat and shall be accompanied by the fee prescribed in Section 31.026 of this code. If the application is received by a county tax assessor-collector or an agent, the application and the portion of the fee not retained by the tax assessor-collector or agent as a collection fee shall be sent to the department.

(c) On receipt of the application in approved form, the department shall enter it on the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner.

(d) The application form, the form of the certificate of number, and the manner of renewal shall be prescribed by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1352, ch. 607, § 1, eff. Aug. 27, 1979.]

§ 31.025. Renewal of Certificates of Number

(a) An application for the renewal of each certificate of number shall be prepared by the department and mailed to the owner of the vessel during the period of the last 90 days before the expiration date of the certificate. The same number shall be issued on renewal.

(b) The application for renewal may be returned to the department, to any county tax assessor-collector, or if permitted by the department, to an agent of the department.

(c) Applications not received during the 90-day period shall be treated in the same manner as original applications.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1353, ch. 607, § 2, eff. Aug. 27, 1979.]

§ 31.026. Fees

(a) Each application for an original or renewal certificate of number for a motorboat shall be accompanied by a two-year fee determined by the following classification schedule:

Class	Description of Boat	Fee
Class A	less than 16 feet in length	\$12
Class 1	16 feet or over and less than 26 feet in length	\$18
Class 2	26 feet or over and less than 40 feet in length	\$24
Class 3	40 feet or more in length	\$30

(b) The fee for a boat less than 16 feet in length owned by a boat livery and used for rental purposes is \$6 for each original and renewal application for a certificate of number.

(c) Owners of newly purchased motorboats or other motorboats not previously operated in this state shall pay the full registration fee.

(d) In order to establish a two-year staggered registration period, fees for currently registered motorboats may be less than the full fee specified in Subsection (a) of this section if the expiration date established by the department is prior to March 21, 1974.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1326, ch. 277, § 1, eff. Sept. 1, 1983.]

Section 58 of the 1983 amendatory act provides:

"This Act takes effect September 1, 1983, and applies to fees imposed under the Parks and Wildlife Code and to arrest fees imposed under the Code of Criminal Procedure, 1965, on or after that date. The fee for a license issued or renewed before that is covered by the law in effect on the date that the license was issued or renewed, and the prior law is continued in effect for that purpose."

§ 31.027. Applicability of Fees to Commercial Boats

The registration fees required by this chapter are inapplicable to boats licensed by the state for commercial fishing or shrimping in the salt water of the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.028. Certificate of Number

The certificate of number shall be pocket-size. The certificate or a facsimile of it shall be carried on board the vessel at all times. It does not have to be on the person of the operator if prior to trial the operator can produce for examination a valid certificate of number.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.029. Term of Certificate of Number

Every certificate of number awarded pursuant to this chapter shall continue in full force and effect for a period of two years unless sooner terminated

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or discontinued in accordance with the provisions of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.030. Duplicate Certificates and Decals

(a) If a certificate of number becomes lost, mutilated, or illegible, the owner of the motorboat for which the certificate was issued may obtain a duplicate on application to the department and the payment of a fee of \$2.

(b) If a registration decal becomes lost, mutilated, or illegible, the owner of the motorboat for which the decal was issued may obtain a replacement decal on application to the department and the payment of a fee of \$2.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1275, ch. 497, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 1327, ch. 277, § 2, eff. Sept. 1, 1983.]

### § 31.031. Numbering Pattern

(a) The numbering pattern used consists of the prefix "TX" followed by a combination of exactly four numerals and further followed by a suffix of two letters. The group of numerals appearing between the letters shall be separated from the letters by hyphens or equivalent spaces.

(b) All basic numbers of each series shall begin with 1000. TX-1000-AA through TX-9999-AA will be allotted to dealers and manufacturers. TX-1000-AB through TX-9999-ZZ will be allotted to all other boat owners and livery operators.

(c) The letters "G", "I", "O", and "Q" shall be omitted from all letter sequences.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.032. Numbering on Bow

The owner shall paint on or attach to each side of the motorboat or vessel near the bow the identification number and a validation decal in the manner prescribed by the department. The number shall read from left to right and shall be of block characters of good proportion of not less than three inches in height. The numbers shall be of a color which will contrast with the hull material of the vessel and so maintained as to be clearly visible and legible.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.033. Unauthorized Numbers Prohibited

(a) No person may paint, attach, or otherwise display on either side of the bow of a motorboat a

number other than the number awarded to the motorboat or granted reciprocity under this chapter.

(b) No person may deface or alter the certificate of number or the number assigned to and appearing on the bow of a boat.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.034. Issuance of Numbers; Agents for Department

(a) The department may award a certificate of number directly or may authorize any person to act as its agent for awarding certificates. An authorized agent may be assigned a block or blocks of numbers and certificates that, on award in conformity with this chapter and with rules and regulations of the department, are valid as if awarded directly by the department.

(b) An authorized agent shall execute a faithful performance bond of not less than \$1,000 in favor of the State of Texas.

(c) An agent is entitled to a fee for his services not to exceed 10 percent of the fee for each certificate.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.0341. Issuance of Numbers: County Tax Assessor-Collector

(a) Each county tax assessor-collector shall award certificates of number under this chapter in the manner prescribed by this chapter and the regulations of the department. The department shall issue a block or blocks of numbers to each county tax assessor-collector for awarding to applicants on receipt of applications.

(b) The county tax assessor-collector is entitled to a fee of 10 percent of the amount of the fee for each certificate. The amount retained by the tax assessor-collector shall be deposited to the credit of the officers salary fund of the county to be used for the sole purpose of paying the salaries of persons issuing boat certificates of number.

[Added by Acts 1979, 66th Leg., p. 1353, ch. 607, § 3, eff. Aug. 27, 1979.]

### § 31.035. Rules and Regulations; Copies

Copies of all rules and regulations formulated under this chapter shall be furnished without cost with each certificate of number issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.036. Proof of Ownership**

(a) A certificate of title is required as proof of ownership of a motorboat for which a certificate of number is sought unless the motorboat is of the type for which no certificate of title is required under Section 31.045 of this code.

(b) A certified statement of ownership is sufficient proof of ownership for a motorboat of a type for which a certificate of title is not required.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1253, ch. 484, § 1(c), eff. Sept. 1, 1977.]

**§ 31.037. Change in Ownership Interest; Notice to Department**

(a) The owner of a motorboat numbered in this state shall notify the department within a reasonable time of the transfer of all or any part of his interest in the motorboat, other than the creation of a security interest, or of the destruction or abandonment of the motorboat. The notice shall be accompanied by a surrender of the certificate of number.

(b) If the boat is destroyed or abandoned, the department shall cancel the certificate and enter the cancellation in its records.

(c) The purchaser of a motorboat shall present evidence of his ownership to the department within a reasonable time along with his name, address, and the number of the motorboat and shall at the same time pay to the department a fee of \$2. On receipt of the application and fee the department shall transfer the certificate of number issued for the motorboat to the new owner. Unless the application is made and fee paid within a reasonable time the motorboat is without a certificate of number, and it is unlawful for any person to operate the motorboat until the certificate is issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1327, ch. 277, § 3, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

**§ 31.038. Change of Address; Notice to Department**

(a) The holder of a certificate of number shall notify the department within a reasonable time if his address no longer conforms to the address appearing on the certificate and shall inform the department of his new address.

(b) The department may provide in its regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration

of the outstanding certificate to show the new address of the holder. Changes of address shall be noted on the records of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.039. Public Records**

All ownership records of the department made or kept under this chapter are public records.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.040. Boat Liveries**

(a) The owner or operator of a boat livery shall obtain a certificate of number for all vessels capable of being used as motorboats that are used to rent or let for hire.

(b) To receive certificates of number, the owner of a boat livery shall apply directly to the department on application forms provided by the department. The application must state that the applicant is a boat livery within the meaning of this chapter, and the facts stated in the application must be sworn before an officer authorized to administer oaths.

(c) The owner of a boat livery shall keep a record of the name and address of the persons hiring any vessel designed or operated as a motorboat, the vessel's certificate of number, the time and date of departure, and the expected time of return. The record shall be kept for six months.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.041. Dealer's and Manufacturer's Number**

(a) A dealer or manufacturer of motorboats in this state may obtain a dealer's and manufacturer's number for motorboats he wishes to show, demonstrate, or test on the water of this state instead of securing a certificate of number for each boat. The number shall be attached to any motorboat that he sends temporarily on the water.

(b) The application for a number must state that the applicant is a dealer or manufacturer within the meaning of this chapter, and the facts stated on the application must be sworn before an officer authorized to administer oaths. The two-year fee for a dealer's and manufacturer's number is \$45. No number may be issued until the provisions of this section have been satisfied.

(c) A dealer or manufacturer holding a dealer's and manufacturer's number may issue a reasonable temporary facsimile of the number which may be used by any authorized person. A person purchasing a motorboat may use the dealer's number for a

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period not to exceed 15 days prior to filing an application for a certificate of number. The form of the facsimile and the manner of display shall be prescribed by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1328, ch. 277, § 4, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 31.042. Cancellation of Certificates of Number; Grounds

(a) A certificate of number may be cancelled and the identification number voided by the department even though the action occurs before the expiration date on the certificate and even though the certificate is not surrendered to the department.

(b) Causes for cancellation of certificates and voiding of numbers include:

- (1) surrender of the certificate for cancellation;
- (2) issuance of a new number for the same boat;
- (3) issuance of a marine document by the Bureau of Customs for the same vessel;
- (4) false or fraudulent certification in an application for number;
- (5) failure to pay the prescribed fee; and
- (6) dismantling, destruction, or other change in the form or character of the motorboat or outboard motor so that it is no longer correctly described in the certificate or it no longer meets the definition of a motorboat or outboard motor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1253, ch. 484, § 1(d), eff. Sept. 1, 1977.]

### § 31.043. Manufacturer's Serial Number

(a) All boats manufactured for sale in Texas shall carry a manufacturer's serial number clearly imprinted on the structure of the boat or displayed on a plate permanently attached to the boat.

(b) The owner of a vessel not required to carry a manufacturer's serial number may file an application for a serial number with the department on forms approved by it. The application must be signed by the owner of the vessel and must be accompanied by a fee of \$2. On receipt of the application in approved form, the department shall enter the information on the records of its office and shall issue to the applicant a serial number.

(c) No person may wilfully destroy, remove, alter, cover, or deface the manufacturer's serial number or plate bearing the serial number or the serial number issued by the department. No person may possess a boat with a serial number that has been altered, defaced, mutilated, or removed. A person who has a boat with an altered or missing serial number shall file a sworn statement with the department describing the boat, proving legal ownership, and, if known, stating the reason for the destruction, removal, or defacement of the serial number.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1328, ch. 277, § 5, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

[Section 31.044 reserved for expansion]

## SUBCHAPTER B-1. CERTIFICATES OF TITLE FOR MOTORBOATS AND OUTBOARD MOTORS

### § 31.045. Ownership of Motorboats and Outboard Motors; Certificates of Title

(a) The ownership of a motorboat or of an outboard motor is evidenced by a certificate of title issued by the department, unless the motorboat or the outboard motor is new.

(b) The ownership of a new motorboat or a new outboard motor is evidenced by a manufacturer's or an importer's certificate executed on a form prescribed by the department.

(c) The ownership of a vessel, other than a motorboat more than 14 feet long, or of an outboard motor, other than an outboard motor having a manufacturer's rating of 12 or more horsepower, may, but is not required to be, evidenced by a certificate of title issued by the department, unless the vessel or outboard motor is new.

(d) The ownership of a new vessel, other than a motorboat more than 14 feet long, or of a new outboard motor, other than an outboard motor having a manufacturer's rating of 12 or more horsepower, may, but is not required to be, evidenced by a manufacturer's or importer's certificate executed on a form prescribed by the department.

(e) Separate certificates are required for motorboats and for outboard motors.

[Acts 1977, 65th Leg., p. 1253, ch. 484, § 1(e), eff. Sept. 1, 1977.]

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### § 31.046. Application for Certificate of Title

(a) Except as provided in Subsections (b) and (c) of this section, the purchaser of a motorboat or an outboard motor shall apply to the department or to a county tax assessor-collector for a certificate of title not later than 20 days after the date of the sale of the motorboat or outboard motor.

(b) A manufacturer or a dealer who sells a motorboat or an outboard motor to a person other than a manufacturer or a dealer shall apply to the department or to a county tax assessor-collector for a certificate of title for the motorboat or outboard motor in the name of the purchaser not later than 20 days after the date of the sale.

(c) A dealer who acquires a motorboat or an outboard motor, other than a new motorboat or outboard motor, is not required to apply for a certificate of title in the name of the dealer, but on resale of the motorboat or outboard motor shall apply for the subsequent purchaser under Subsection (b) of this section and shall submit to the department or to a county tax assessor-collector the endorsed certificate of title acquired by the dealer. [Acts 1977, 65th Leg., p. 1254, ch. 484, § 1(e), eff. Sept. 1, 1977. Amended by Acts 1979, 66th Leg., p. 1353, ch. 607, § 4, eff. Aug. 27, 1979.]

### § 31.047. Application; Form and Content; Fee

(a) A person may apply for a certificate of title on a form prescribed by the department.

(b) The form must contain:

(1) the name and address of the owner;

(2) a description of the motorboat or outboard motor, including, as appropriate, the manufacturer, make, model, year, length, construction material, manufacturer's or builder's number, hull identification number (HIN), motor number, outdrive number, and horsepower;

(3) name and address of purchaser;

(4) date of purchase;

(5) name and address of any security interest owner; and

(6) other information required by the department to show the ownership of the motorboat or outboard motor, a security interest in the motorboat or outboard motor, or a further description of items listed in the subdivision.

(c) The application must be accompanied by other evidence reasonably required by the department to establish that the applicant or other person is entitled to a certificate of title or a noted security interest. The evidence may include:

(1) a certificate of title issued by another state or jurisdiction;

(2) a manufacturer's or importer's certificate;

(3) a bill of sale, assignment, or contract;

(4) a promissory note;

(5) a security agreement;

(6) an invoice;

(7) a bill of lading;

(8) an affidavit;

(9) a probate or heirship proceeding or information;

(10) a judgment of a court of competent jurisdiction;

(11) evidence of an involuntary transfer as defined in Subdivision (5) of Subsection (a) of Section 31.053, as amended, which may be in affidavit form attaching copies of any pertinent underlying documents; or

(12) other documents.

(d) An application for a certificate of title must be accompanied by the fee required by Section 31.048 of this code.

[Acts 1977, 65th Leg., p. 1254, ch. 484, § 1(e), eff. Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 4060, ch. 636, § 1, eff. Aug. 29, 1983.]

### § 31.048. Fee

(a) The fee for the issuance of a certificate of title or for the notation of a security interest, lien, or other encumbrance is \$5 and is treated as fees collected under Section 31.026 of this code.

(b) If the fee is collected by a county tax assessor-collector, the tax assessor-collector shall retain 10 percent of the fee collected and send the remainder to the department. The amount retained by the tax assessor-collector shall be deposited to the credit of the officers salary fund of the county to be used for the sole purpose of paying the salaries of persons issuing boat and outboard motor certificates of title.

[Acts 1977, 65th Leg., pp. 1255, 1259, ch. 484, §§ 1(e), 9, eff. Sept. 1, 1977. Amended by Acts 1979, 66th Leg., p. 1353, ch. 607, § 5, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 1328, ch. 277, § 6, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 31.049. Form of Certificate of Title

(a) A certificate of title must be on a form prescribed by the department and must contain:

(1) the name and address of the owner of the motorboat or outboard motor;

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(2) the name of the owner of a security interest in the motorboat or outboard motor; and

(3) a description of the motorboat or outboard motor.

(b) If there is no lien on the motorboat or outboard motor, the original certificate of title shall be delivered to the owner and a copy retained by the department.

(c) If there is a lien on the motorboat or outboard motor, the original certificate of title shall be sent to the first lienholder, a duplicate original certificate shall be sent to the owner, and a copy shall be retained by the department.

(d) "Original" shall be printed on an original certificate of title and "duplicate original" shall be marked on a duplicate of the original certificate.

(e) Title may be transferred only by surrender of the original certificate of title properly endorsed to show the transfer or by evidence of an involuntary transfer as defined in Subdivision (5) of Subsection (a) of Section 31.053, as amended.

[Acts 1977, 65th Leg., p. 1255, ch. 484, § 1(e), eff. Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 4061, ch. 636, § 2, eff. Aug. 29, 1983.]

### § 31.050. Form of Manufacturer's and Importer's Certificate

(a) A manufacturer's certificate or an importer's certificate must include:

(1) a description of the motorboat or outboard motor as required by Subdivision (2) of Subsection (b) of Section 31.047 of this code;

(2) the name and place of construction or other origin;

(3) the signature of the manufacturer or an equivalent of the signature of the manufacturer; and

(4) the endorsement of the original and each subsequent transferee, including the applicant for the original certificate of title.

(b) A lien, security interest, or other encumbrance may not be shown on a manufacturer's or importer's certificate.

(c) A security interest in a motorboat or outboard motor held as inventory by a person who is in the business of selling or leasing goods of that kind may be perfected only by complying with Chapter 9, Business & Commerce Code.

[Acts 1977, 65th Leg., p. 1255, ch. 484, § 1(e), Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 668, ch. 152, § 1, eff. Aug. 29, 1983.]

Section 3 of the 1983 amendatory act provides:

"This Act applies only to security interests created on or after the effective date of this Act. A security interest created before that date is covered by the law as it existed when the security interest was created, and the former law is continued in effect for that purpose."

### § 31.051. Replacement Certificates

The department shall provide by regulation for the replacement of lost, mutilated, or stolen certificates.

[Acts 1977, 65th Leg., p. 1255, ch. 484, § 1(e), eff. Sept. 1, 1977.]

### § 31.052. Security Interest Liens

*Text of subsec. (a) as amended by Acts 1983, 68th Leg., p. 669, ch. 152, § 2*

(a) Except as provided in Subsection (c) of Section 31.050 of this code, security interests in a motorboat or outboard motor shall be noted on the certificate of title of the motorboat or outboard motor to which the security interest applies.

*Text of subsec. (a) as amended by Acts 1983, 68th Leg., p. 4062, ch. 636, § 3*

(a) Except as provided in Subsection (c) of Section 31.050 of this code and except for statutory liens, all other liens, security interests, and other encumbrances in a motorboat or outboard motor shall be noted on the certificate of title of the motorboat or outboard motor to which the lien, interest, or encumbrance applies

(b) In case of any conflict between this code and Chapters 1 through 9 of the Business & Commerce Code, the provisions of the Business & Commerce Code control.

[Acts 1977, 65th Leg., p. 1255, ch. 484, § 1(e), eff. Sept. 1, 1977. Acts 1983, 68th Leg., p. 669, ch. 152, § 2, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 4062, ch. 636, § 3, eff. Aug. 29, 1983.]

Section 3 of Acts 1983, 68th Leg., p. 669, ch. 152, provides:

"This Act applies only to security interests created on or after the effective date of this Act. A security interest created before that date is covered by the law as it existed when the security interest was created, and the former law is continued in effect for that purpose."

### § 31.053. Transfers of Motorboats and Outboard Motors

(a) No person may sell, assign, transfer, or otherwise dispose of an interest in a motorboat or an outboard motor without:

(1) if the transferee is not a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the department a manufacturer's or importer's certificate showing the

endorsement of the manufacturer and all intervening owners;

(2) if the transferee is a manufacturer or a dealer and the vessel or outboard motor is new, delivering to the transferee a manufacturer's or importer's certificate showing the endorsement of the manufacturer and all intervening owners;

(3) if the motorboat or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is a manufacturer or dealer, delivering to the department sufficient evidence of title or other information to permit the issuance of a certificate of title for the motorboat or outboard motor in the name of the transferee;

(4) if the motorboat or outboard motor is not covered by a certificate of title or a manufacturer's or importer's certificate and if the transferor is not a manufacturer or dealer, delivering to the transferee sufficient evidence of title or other information to permit the transferee to apply for and receive a certificate of title for the motorboat or outboard motor in the name of the transferee; or

(5) delivering to the transferee a certificate of title for the motorboat or outboard motor in the name of the transferor and properly endorsed to show the transfer or evidence of an involuntary transfer. For the purposes hereof an involuntary transfer shall mean the transfer of ownership pursuant to a contractual or statutory lien which confers the power or right to the transfer. The evidence shall reflect the proper exercise of the right conferred pursuant to the lien.

(b) A person does not acquire an interest in a motorboat or outboard motor until a certificate of title for the motorboat or outboard motor has been issued in the name of the person or, if the person is a manufacturer or a dealer, until the manufacturer's or importer's certificate is properly endorsed showing the signature of the manufacturer and all intervening owners.

[Acts 1977, 65th Leg., p. 1256, ch. 484, § 1(e), eff. Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 4063, ch. 636, § 4, eff. Aug. 29, 1983.]

**§ 31.054. Provisions Applicable to Vessels Not Requiring a Certificate of Title**

The provisions of Sections 31.046, 31.047, 31.049, and 31.050 of this code apply to vessels on which a certificate may but is not required to be issued. [Acts 1977, 65th Leg., p. 1256, ch. 484, § 1(e), eff. Sept. 1, 1977.]

**§ 31.055. Exceptions**

This subchapter does not apply to:

(1) vessels with a valid marine document issued by the Bureau of Customs of the United States or a federal agency that is a successor to the Bureau of Customs;

(2) an outboard motor of less than 12 horsepower as determined by the manufacturer's rating; and

(3) a motorboat 14 feet or less in length.

[Acts 1977, 65th Leg., p. 1256, ch. 484, § 1(e), eff. Sept. 1, 1977.]

[Sections 31.056 to 31.060 reserved for expansion]

**SUBCHAPTER C. REQUIRED EQUIPMENT**

**§ 31.061. Uniformity of Equipment Regulations; State Policy**

It is the policy of the state that all equipment rules and regulations enacted under the authority granted in this chapter be uniform and consistent with the equipment provisions of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.062. Operation of Vessels Without Required Equipment Prohibited**

No person may operate or give permission for the operation of a vessel that is not provided with the equipment required by this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.063. Classes of Motorboats**

Motorboats subject to the provisions of this chapter are divided into four classes according to length as follows:

Class A. Less than 16 feet in length.

Class 1. 16 feet or over and less than 26 feet in length.

Class 2. 26 feet or over and less than 40 feet in length.

Class 3. 40 feet in length or over.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.064. Lights**

(a) A vessel or motorboat when not at dock must have and exhibit at least one bright light, lantern, or flashlight from sunset to sunrise in all weather. A vessel or motorboat when underway between sunset and sunrise in all weather must have and exhibit the



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lights prescribed below for boats of its class. No other lights that may be mistaken for those prescribed may be exhibited.

(b) Each class A and class 1 motorboat must have the following lights:

(1) a bright white light aft to show all around the horizon; and

(2) a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(c) Each class 2 and class 3 motorboat must have the following lights and light screens:

(1) a bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass and so fixed as to throw the light 10 points on each side of the vessel, namely from right ahead to 2 points abaft the beam on either side;

(2) a bright white light aft to show all around the horizon and higher than the white light forward;

(3) a green light on the starboard side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side;

(4) a red light on the port side so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass and so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side; and

(5) inboard screens fitted on the starboard and port side lights of sufficient length and so set as to prevent the side lights from being seen across the bow.

(d) Each class A and class 1 motorboat when propelled by sail alone must have the combined lantern but not the white light aft prescribed in Subsection (b) of this section.

(e) Each class 2 and class 3 motorboat when propelled by sail alone must have the colored side lights, suitably screened, but not the white lights prescribed in Subsection (c) of this section.

(f) Motorboats of all classes when propelled by sail alone must have ready at hand a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert a collision.

(g) A white light required by this section must be visible at a distance of at least two miles. A colored

light required by this section must be visible at a distance of at least one mile. In this section, "visible" means visible on dark nights with clear atmosphere.

(h) A motorboat propelled by sail and machinery must have the lights required by this section for motorboats propelled by machinery alone.

(i) A motorboat may have and exhibit the lights required by the Regulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Stat. 406-420), as amended, instead of the lights specified by this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.065. Whistles; Bells

(a) A motorboat of class 1, 2, or 3 must have an efficient whistle or other sound-producing mechanical appliance.

(b) A motorboat of class 2 or 3 must have an efficient bell.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.066. Life Preserving Devices

(a) A motorboat must have at least one life preserver, life belt, ring buoy, or other device of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board, so placed as to be readily accessible.

(b) A motorboat carrying passengers for hire must have a readily accessible life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard for each person on board.

(c) The operator of a class A or class 1 motorboat, while underway, shall require every passenger 12 years of age or under to wear a life preserver of the sort prescribed by the regulations of the commandant of the Coast Guard. A life belt or ring buoy does not satisfy this requirement.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.067. Fire Extinguishers

(a) A motorboat must have the number, size, and type of fire extinguishers prescribed by the commandant of the Coast Guard.

(b) The fire extinguishers must be capable of promptly and effectively extinguishing burning gasoline. They must be kept in condition for immediate and effective use at all times and must be placed so as to be readily accessible.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 31.068. Flame Arrestors; Backfire Traps

A motorboat must have the carburetor or carburetors of every engine using gasoline as fuel, except outboard motors, equipped with an efficient flame arrestor, backfire trap, or other similar device prescribed by the regulations of the commandant of the Coast Guard.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.069. Ventilators

Each motorboat and vessel, except an open boat, using as fuel any liquid of a volatile nature must have the equipment prescribed by the commandant of the Coast Guard designed to ventilate properly and efficiently the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.070. Exhaust Water Manifold; Muffler

A motorboat operating on the water of this state must have an exhaust water manifold or a factory-type muffler installed on the engine.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.071. Rearview Mirrors

(a) A vessel used to tow a person or persons on water skis or an aquaplane or similar device on the water of this state must have a rearview mirror of a size no less than four inches from bottom to top or across from one side to the other. The mirror must be mounted firmly so as to give the boat operator a full and complete view beyond the rear of the boat at all times.

(b) Subsection (a) of this section does not apply to motorboats or vessels used in water ski tournaments, competitions, exhibitions, or trials.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.072. Racing Boats; Equipment Exemptions

(a) A motorboat designed and intended solely for racing need not have a whistle or other sound-producing mechanical appliance or a bell as required by Section 31.065 of this code or a fire extinguisher as required by Section 31.067 of this code while competing in a race or while engaged in navigation that is incidental to tuning up for a race conducted in accordance with the provisions of this chapter.

(b) A racing craft engaged in a race sanctioned by the governing board of any public water of this state need not have an exhaust water manifold or

factory-type muffler installed on the engine as required by Section 31.070 of this code if written permission is granted by the governing board of the water body.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.073. Canoes, Punts, Rowboats, Sailboats, and Rubber Rafts; Equipment Exemptions

All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, oared, or windblown are exempt from all the required safety equipment except the following:

(1) one Coast Guard approved lifesaving device for each person aboard; and

(2) the lights prescribed for class A vessels in Section 31.064 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 31.074 to 31.090 reserved for expansion]

SUBCHAPTER D. BOATING REGULATIONS

§ 31.091. Uniformity of Boating Regulations

In the interest of uniformity, it is the policy of the State of Texas that the basic authority for the enactment of boating regulations is reserved to the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.092. Local Regulations

(a) The governing body of an incorporated city or town, with respect to public water within its corporate limits and all lakes owned by it, may designate by ordinance certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

(b) The commissioners court of a county, with respect to public water within the territorial limits of the county that is outside of the limits of an incorporated city or town or a political subdivision designated in Subsection (c) of this section and that are not lakes owned by an incorporated city or town, may enter an order on its books designating certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public

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safety. The rules and regulations shall be consistent with the provisions of this chapter.

(c) The governing board of a political subdivision of the state created pursuant to Article XVI, Section 59, of the Texas Constitution, for the purpose of conserving and developing the public water of the state, with respect to public water impounded within lakes and reservoirs owned or operated by the political subdivision, may designate by resolution or other appropriate order certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.

(d) A copy of all rules and regulations adopted under this section shall be summarily filed with the department.

(e) No city, town, village, special district, or other political subdivision of the state may impose or collect a fee for the registration or inspection of vessels to be used on public water against the owner or operator of a vessel used on public water. This section does not apply to the Local Sales and Use Tax Act, as amended (Article 1066c, Vernon's Texas Civil Statutes), nor to any launch fees, docking fees, entry fees, or other recreational fees which may be imposed or collected by any political subdivision of the State of Texas for the use of the facilities afforded by any such district to the public. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1274, ch. 496, § 1, eff. Aug. 29, 1977.]

### § 31.093. Rules of the Road

The United States Coast Guard Inland Rules apply to all public water of this state to the extent they are applicable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.094. Reckless or Negligent Operation

No person may operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device in a wilfully or wantonly reckless or negligent manner that endangers the life, limb, or property of any person.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.095. Excessive Speed

No person may operate any boat at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actu-

al and potential, then existing, including weather and density of traffic, or greater than will permit him, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.096. Reckless Operation and Excessive Speed

(a) No person may operate a vessel or manipulate water skis, an aquaplane, or a similar device on the water of this state in wilful or wanton disregard of the rights or safety of others or without due caution or circumspection, and at a speed or in a manner that endangers, or is likely to endanger, a person or property.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.097. Operation of Vessel While Intoxicated

(a) No person may operate a vessel or manipulate water skis, an aquaplane, or a similar device in a careless or imprudent manner while he is intoxicated or under the influence of intoxicating liquor or while he is under the influence of a narcotic drug, barbiturate, or marijuana.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500 or by confinement in the county jail for not more than six months, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.098. Hazardous Wake or Wash

No person may operate a motorboat so as to create a hazardous wake or wash.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.099. Circular Course Around Fisherman or Swimmer

(a) No person may operate a motorboat in a circular course around any other boat any occupant of which is engaged in fishing or around any person swimming.

(b) No swimmer or diver may come within 200 yards of a sight-seeing or excursion boat except for

maintenance purposes or unless within an enclosed area.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.100. Interference With Markers or Ramps**

(a) No person may moor or attach a boat to a buoy, beacon, light marker, stake, flag, or other aid to safe operation placed upon the public water of this state by or under the authority of the United States or the State of Texas. No person may move, remove, displace, tamper with, damage, or destroy the markers or aids to safe operation.

(b) No person may moor or attach a vessel to a state-owned boat launching ramp except in connection with the launching or retrieving of a boat from the water.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.101. Obstructing Passage**

(a) No person may anchor a boat in the traveled portion of a river or channel so as to prevent, impede, or interfere with the safe passage of any other boat through the same area.

(b) No person may anchor a vessel near a state-owned boat ramp so as to prevent, impede, or interfere with the use of the boat ramp.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.102. Operating Boats in Restricted Areas**

No person may operate a boat within a water area that has been clearly marked, by buoys or some other distinguishing device, as a bathing, fishing, swimming, or otherwise restricted area by the department or by a political subdivision of the state. This section does not apply to a patrol or rescue craft or in the case of an emergency.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.103. Water Skis, Aquaplanes, etc.: Time and Manner of Operation**

(a) No person may operate a vessel on any water of this state towing a person or persons on water skis, surfboards, or similar devices and no person may engage in water-skiing, surfboarding or similar activity at any time between the hours from one hour after sunset to one hour before sunrise. This subsection does not apply to motorboats or vessels used in water ski tournaments, competitions, or exhibitions or trials therefor if adequate lighting is provided.

(b) All motorboats having in tow or otherwise assisting in towing a person on water skis, aquaplanes, or similar contrivances shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(c) A person being towed on water skis, aquaplanes, or similar devices by a vessel is considered an occupant of the vessel.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 31.104. Accidents: Duty of Operators**

The operator of a vessel involved in a collision, accident, or casualty shall:

(1) render to other persons affected such assistance as may be practicable and necessary in order to save them from or minimize any danger insofar as he can do so without serious danger to his own vessel, crew, and passengers; and

(2) give his name, address, and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident, or other casualty.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**Amendment by Acts 1975, 64th Leg., p. 108, ch. 48, § 1**

*Acts 1975, 64th Leg., p. 108, ch. 48, § 1, purports to amend Civil Statutes, art. 9206, § 24, by adding a subsec. (g), without reference to repeal of said article by Acts 1975, 64th Leg., p. 1804, ch. 545, § 2(a)(4). As so added, subsec. (g) reads:*

*“(g) A person who intentionally or knowingly violates or fails to comply with the provisions of Subsection (a), Section 21 of this Act [now, this section] is guilty of a misdemeanor and on conviction is punishable by confinement in jail for a term not to exceed one year, or by a fine not to exceed \$2,000, or by both.”*

*Section 3.11(c) of the Code Construction Act (Civil Statutes, art. 5429b-2) provides, in part, that the repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and that the amendment is preserved and given effect as part of the code provision.*

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### § 31.105. Accident Reports

(a) The operator of a vessel involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of \$100 shall file with the department on or before the expiration of 30 days after the incident a full description of the collision, accident, or casualty in accordance with regulations established by the department.

(b) The accident reports are confidential and are inadmissible in court as evidence.

(c) On request made by an authorized official or agency of the United States, any information available to the department under Subsection (a) of this section shall be sent to the official or agency.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 835, ch. 311, § 1, eff. May 30, 1977.]

[Sections 31.106 to 31.120 reserved for expansion]

### SUBCHAPTER E. ENFORCEMENT AND PENALTIES

### § 31.121. Enforcement Officers

(a) All peace officers of this state and its political subdivisions and game management officers are enforcement officers for the purposes of this chapter.

(b) The enforcement officers may enforce the provisions of this chapter by arresting and taking into custody any person who commits any act or offense prohibited by this chapter or who violates any provision of this chapter.

(c) Game management officers may assist in the search for and rescue of victims of water-oriented accidents.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.122. Water Safety Vessels: Lights

Only the department and police water safety vessels may use rotating blue beacon lights.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.123. Required Response to Police Water Safety Vessel

The operator of a boat underway, on sighting a rotating blue beacon light, shall reduce power immediately and bring his boat to a no-wake speed and

subsequent stop until the intention of the water safety vessel is understood.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.124. Inspection of Vessels

(a) In order to enforce the provisions of this chapter, an enforcement officer may stop and board any vessel subject to this chapter and may inspect the boat to determine compliance with applicable provisions.

(b) An officer boarding a vessel shall first identify himself by presenting proper credentials.

(c) The operator of a vessel required by this chapter to hold a certificate of number aboard the vessel shall show the certificate to the officer on demand, and failure to do so constitutes a violation of this chapter.

(d) No person operating a boat on the water of this state may refuse to obey the directions of an enforcement officer when the officer is acting under the provisions of this chapter.

(e) The safety of the vessel shall always be the paramount consideration of an arresting officer.

(f) If an enforcement officer determines that a vessel and its associated equipment is being used in violation of this chapter or of any regulation or standard issued thereunder so as to create an especially hazardous condition, he may direct the operator to return to mooring, and the vessel may not be used until the condition creating the violation is corrected.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 31.125. Violations; Notice to Appear

(a) An enforcement officer who arrests a person for a violation of this chapter may deliver to the alleged violator a written notice to appear within 15 days after the date of the violation before the justice court having jurisdiction of the offense.

(b) The person arrested shall sign the notice to appear promising to make his appearance in accordance with the requirements set forth in the notice. After signing the notice the person may be released. Failure to appear before the court in the county having jurisdiction constitutes a violation of the chapter. A warrant for the arrest of the person failing to appear may be issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.126. Venue

(a) Venue for an alleged violation or offense under the provisions of this chapter is in the justice court or county court having jurisdiction where the violation or offense was committed.

(b) For an offense under the provisions of this chapter, there is a presumption that the offense was committed in the justice precinct and county where the dam containing the body of water is located. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.127. General Penalty

A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, for which no other penalty is applicable is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.128. Disposition of Fines

(a) A justice of the peace, or a clerk of any court, or any other officer of this state receiving any fine imposed by a court for a violation of this chapter shall send the fine to the department within 10 days after receipt and shall note the docket number of the case, the name of the person fined, and the section or article of the law under which the conviction was secured.

(b) In justice court cases, the amount to be remitted to the fund shall be 85 percent of the fine. In county court cases the amount to be remitted to the fund shall be 80 percent of the fine. All costs of the court shall be retained by the court having jurisdiction of the offense and deposited as other fees in the proper county fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 31.129. Violation of Sewage Disposal Regulations

(a) A person who violates or fails to comply with a regulation of the Water Quality Board under Section 21.097, Water Code, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. A separate offense is committed each day a violation continues.

(b) The enforcement provisions of this subchapter apply to violations punishable by this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 31.130 to 31.140 reserved for expansion]

SUBCHAPTER F. WATER FACILITIES

§ 31.141. Boat Ramps

(a) The department may construct and maintain boat ramps and access roads by the use of existing or additional services or facilities of the department.

(b) On the completion of the work, the department shall prepare and send vouchers to the comptroller of public accounts payable to the department or to any person, firm, or corporation for reimbursement for the work, and the comptroller shall issue warrants on the special boat fund to reimburse the department or any person, firm, or corporation for the work performed.

(c) The department may remove sand, silt, and other materials from state-owned submerged land and may contract for the removal of sand, silt, and other materials from state-owned submerged land to provide access to boat ramps.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1069, ch. 499, § 1, eff. Aug. 27, 1979.]

§ 31.142. Buoys and Markers

The department may provide for a standardized buoy-marking program for the inland water of the state. The department may purchase and provide the controlling agency of the water bodies with buoys and markers from funds remaining in the special boat fund in excess of the cost of administering this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

TITLE 5. WILDLIFE AND PLANT CONSERVATION

*The heading of Title 5 was changed from "Wildlife Conservation" to "Wildlife and Plant Conservation" by Acts 1981, 67th Leg., p. 2463, ch. 637, § 2.*

SUBTITLE A. HUNTING AND FISHING LICENSES

CHAPTER 41. RECIPROCAL HUNTING AND FISHING PRIVILEGES

Section

- 41.001. Reciprocal Hunting and Fishing.
- 41.002. Reciprocal Hunting and Fishing: Louisiana.

## § 41.001

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### Section

- 41.003. Reciprocal License Agreements: Border States.
- 41.004. Reciprocal Agreements Proclaimed.
- 41.005. Termination of Reciprocal License Agreement.
- 41.006. Regulations for Reciprocal License Agreements.
- 41.007. Violation of Rule or Regulation.
- 41.008. Reciprocal License Agreements: Any Other State.

### § 41.001. Reciprocal Hunting and Fishing

(a) A nonresident who is 17 years old or older and under 66 years old may hunt and fish in this state without a Texas license if he has in his immediate possession a valid hunting or fishing license issued to him by the state of his residence and if the state of his residence likewise allows hunting and fishing by Texas residents who have Texas licenses.

(b) A nonresident who may hunt and fish in this state under this section is subject to all laws relating to the taking of wildlife resources.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.002. Reciprocal Hunting and Fishing: Louisiana

(a) A Louisiana resident may hunt and fish for sport in Jefferson, Orange, and Shelby counties if he holds a valid Louisiana license and if the State of Louisiana allows a reciprocal privilege to Texas residents of Jefferson, Orange, and Shelby counties to hunt and fish in Louisiana parishes adjacent to those counties.

(b) A Louisiana resident may hunt and fish for sport on the water of Sabine River and Sabine Lake that form a common boundary between Texas and Louisiana if he holds a valid Louisiana license and if the State of Louisiana allows a reciprocal privilege to Texas residents who hold valid Texas licenses.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.003. Reciprocal License Agreements: Border States

(a) The director shall negotiate for the commission with the proper representatives of each state having a common border with Texas to allow reciprocal fishing and migratory waterfowl hunting on rivers and lakes on the common boundary between Texas and the border state.

(b) An agreement must provide that residents of the border state who have a commercial or sport fishing license or a hunting license issued by the border state may fish or hunt migratory waterfowl on rivers and lakes of the common border, and

Texas residents holding Texas licenses are extended equal privileges.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.004. Reciprocal Agreements Proclaimed

The commission may approve any agreement under Section 41.003 of this code by proclamation. A proclamation becomes effective 30 days after the day it is issued or 30 days after the agreement has been lawfully accepted by the bordering state, whichever is later.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.005. Termination of Reciprocal License Agreement

An agreement under Section 41.003 of this code may be terminated by the commission at any time after 90 days from the day notice of the termination is given to each border state that is a party to the agreement.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.006. Regulations for Reciprocal License Agreements

(a) The commission may make regulations conforming to an agreement under Section 41.003 of this code for the conservation of fish and wildlife.

(b) A regulation may be adopted only at a meeting of the commission in Austin, and any interested person is entitled to be heard at the meeting.

(c) Regulations adopted by the commission or issued by the director, when authorized by the commission to issue regulations, take effect 30 days after their adoption or issuance.

(d) After adoption of a regulation, a copy shall be numbered and filed in the office of the commission. Other copies shall be filed with the secretary of state, sent to the county clerk and county attorney in each county affected by the regulation, sent to the appropriate agency in the border state to which the agreement applies, and sent to each employee of the department who performs duties in a county affected by the regulation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 41.007. Violation of Rule or Regulation

(a) Any person who violates a regulation of the commission under Section 41.006 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

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(b) Each freshwater fish and migratory waterfowl taken in violation of a regulation of the commission under Section 41.006 of this code is a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 41.008. Reciprocal License Agreements: Any Other State

The department may agree with any other state to license sport hunting and fishing by residents of the other state at the same fee as Texas residents are licensed if the other state licenses Texas residents at the same fee as residents of the other state are licensed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 42. GENERAL HUNTING LICENSE

Section

- 42.001. Definitions.
42.002. Resident License Required.
42.003. Exception: Resident Hunting on Own Land.
42.004. Exception: Residents of Certain Age.
42.0041. Exception: Resident Disabled Veterans.
42.005. Nonresident License Required.
42.006 to 42.008. Repealed.
42.009. Exception: Certain Armed Services Members.
42.010. Issuance and Form of Licenses.
42.011. Issuance of License by Agents.
42.012. Resident License Fee.
42.013. Resident-Exempt License Fee.
42.014. Nonresident Small Game License Fee.
42.0141. General Nonresident Hunting License Fee.
42.015, 42.016. Repealed.
42.017. Duplicate License.
42.0175. Expiration Date.
42.018. Tag to be Attached to Deer.
42.0185. Tag to be Attached to Turkey.
42.019. Possession of Certain Parts of Deer.
42.020. Deer or Turkey Tags: Prohibited Acts.
42.021. Bag Limits and Season Not Affected.
42.022. One License for Each Year.
42.023. Hunting Under License of Another.
42.024. Exhibiting License.
42.025. Penalty.

§ 42.001. Definitions

In this chapter:

(1) "Resident" means an individual, other than an alien, who has been a resident of this state for more than six months immediately before applying for a hunting license.

(2) "Alien" means an individual who is not a citizen of the United States and who has not declared his intention to become a citizen.

(3) "Nonresident" means an individual who is not a resident.

(4) "Carcass" means the dead body of a deer minus the offal and inedible organs, or the trunk with the limbs and head attached, with or without the hide.

(5) "Final destination" means the permanent residence of the hunter, the permanent residence of any other person receiving a dead wild turkey, deer carcass, or any part of a deer carcass, or a commercial processing plant after the carcass or turkey has been finally processed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 612, ch. 223, § 1, eff. Sept. 1, 1977.]

§ 42.002. Resident License Required

(a) No resident may hunt wild turkey or deer in this state without first having acquired a current resident hunting license.

(b) No resident may hunt any wild bird or animal outside the county of his residence without first having acquired a resident hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 42.003. Exception: Resident Hunting on Own Land

(a) A resident may hunt on land on which he resides for any wild bird, except turkey, and any wild animal, except deer, without a resident hunting license.

(b) A resident may hunt on land on which he resides for turkey and deer without a resident hunting license if he has acquired a resident exemption hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 42.004. Exception: Residents of Certain Age

(a) A resident who is under 17 years old or who is 65 years old or older may hunt any wild bird, except turkey, and any wild animal, except deer, without a resident hunting license.

(b) A resident who is under 17 years old or who is 65 years old or older may hunt wild turkey and deer without a resident hunting license if he has acquired a resident exemption hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]



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### § 42.0041. Exception: Resident Disabled Veterans

(a) A resident who is a veteran of the armed forces of the United States, who has a service-connected disability, as defined by the Veterans' Administration, consisting of the loss of the use of a lower extremity or of a disability rating of 60 percent or more, and who is receiving compensation from the United States for the disability may hunt any wild bird except turkey and any wild animal except deer without a resident hunting license.

(b) A resident veteran as described in Subsection (a) of this section may hunt wild turkey and deer without a resident hunting license if he has acquired a resident exemption hunting license.

[Acts 1977, 65th Leg., p. 132, ch. 61, § 2, eff. Aug. 29, 1977.]

### § 42.005. Nonresident License Required

(a) No nonresident in this state may hunt a nonindividually owned wild axis deer in Bexar County, wild deer, wild turkey, wild antelope, wild desert bighorn sheep, wild black bear, wild collared peccary or javelina in this state, wild aoudad sheep in Armstrong, Briscoe, Donley, Floyd, Hall, Motley, Randall, and Swisher counties, or wild elk in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties, without first having acquired a general nonresident hunting license.

(b) No nonresident may hunt any wild bird or animal in this state without first having acquired a general nonresident hunting license or a nonresident small game hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 317, ch. 150, § 1, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 1859, ch. 439, § 1, eff. Aug. 31, 1981.]

### §§ 42.006 to 42.008. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

### § 42.009. Exception: Certain Armed Services Members

(a) A nonresident who is a member of the armed services may hunt any wild bird or animal in this state without a nonresident hunting license if he qualifies for and has received a resident hunting license.

(b) A member of the armed services on active duty for more than 30 days at a federal facility or installation in this state qualifies to acquire a resident hunting license.

(c) Adequate proof of length of duty assignment may be required from each license applicant, and

the validity of the license is contingent on the applicant's proof, either by certification on the license or by use of a separate form issued by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 42.010. Issuance and Form of Licenses

(a) The department shall prescribe the form of and issue the licenses authorized by this chapter.

(b) Each license authorizing deer and turkey hunting must have attached the number of deer and turkey tags equal to the number of deer and turkey allowed by law to be killed during the year for which the license is issued.

(c) A resident exemption hunting license shall be printed to show clearly on its face that it is an exemption license and shall be signed by the licensee.

(d) No person may issue or receive a license authorized by this chapter except on the form provided by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 612, ch. 223, § 1, eff. Sept. 1, 1977.]

### § 42.011. Issuance of License by Agents

The department may authorize the issuance of licenses by agents.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 42.012. Resident License Fee

The fee for a resident hunting license shall be set by the commission in an amount that is reasonable to defray administrative costs, but not less than \$8. Fifty cents of the fee may be retained by an authorized agent issuing the license as his collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1328, ch. 277, § 7, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 42.013. Resident-Exempt License Fee

The fee for a resident-exempt hunting license shall be set by the commission in an amount that is reasonable to defray administrative costs, but not less than \$5. Fifty cents of the fee may be retained by the officer issuing the license as his collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 40, ch. 24, § 1, eff. March 24, 1977; Acts 1983, 68th Leg., p. 1329, ch. 277, § 8, eff. Sept. 1, 1983.]

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Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 42.014. Nonresident Small Game License Fee

The fee for a nonresident small game hunting license is an amount set by the commission but not less than \$37.75, 75 cents of which may be retained by the officer issuing the license as his collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 317, ch. 150, § 2, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1397, ch. 623, § 1, eff. Aug. 27, 1979.]

§ 42.0141. General Nonresident Hunting License Fee

The fee for a general nonresident hunting license is an amount set by the commission but not less than \$100.75, 75 cents of which may be retained by the officer issuing the license as his collection fee.

[Added by Acts 1977, 65th Leg., p. 317, ch. 150, § 3, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 1397, ch. 623, § 2, eff. Aug. 27, 1979.]

§§ 42.015, 42.016. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

§ 42.017. Duplicate License

(a) If a person licensed to hunt under the provisions of this chapter loses the license or if the license is destroyed, the person may apply to the department for and receive a duplicate license.

(b) The application for a duplicate license is in the form of an affidavit and must contain a statement of fact concerning the loss or destruction of the license and a statement of the number of deer and turkey, if any, killed under the authority of the lost or destroyed license.

(c) A duplicate license entitling the holder to hunt deer and turkey shall have attached the number of deer tags allowed on the lost or destroyed license less the number of deer killed under the authority of the lost or destroyed license and the number of turkey tags allowed on the lost or destroyed license less the number of turkey killed under the authority of the lost or destroyed license.

(d) The fee for a duplicate license shall be set by the commission in an amount that is reasonable to defray administrative costs, but not less than \$5. Fifty cents of the fee may be retained by the officer issuing the license as his collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 612, ch. 223, § 3, eff. Sept. 1, 1977; Acts 1983, 68th Leg., p. 1329, ch. 277, § 9, eff. Sept. 1, 1983.]

§ 42.0175. Expiration Date

A resident hunting license, a resident exemption license, and a nonresident hunting license are valid only during the yearly period for which the 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.

[Added by Acts 1977, 65th Leg., p. 1536, ch. 626, § 2, eff. Aug. 29, 1977.]

§ 42.018. Tag to be Attached to Deer

(a) No person may possess the carcass of a wild deer at any time before the carcass has been finally processed and delivered to the final destination unless there is attached to the carcass a properly executed tag provided by the department and issued to the person who killed the deer.

(b) A tag is properly executed when it is filled out to show the date and place the deer to which the tag is attached was killed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 42.0185. Tag to be Attached to Turkey

(a) No person may possess a dead wild turkey at any time before it has been finally processed and delivered to the final destination unless there is attached to the dead wild turkey a properly executed turkey tag provided by the department and issued to the person who killed the turkey.

(b) A turkey tag is properly executed when it is filled out to show the date and place the turkey to which the tag is attached was killed and to show other information required on the tag.

[Acts 1977, 65th Leg., p. 613, ch. 223, § 4, eff. Sept. 1, 1977.]

§ 42.019. Possession of Certain Parts of Deer

(a) No person may possess the carcass of a wild deer with the head removed unless the carcass has been finally processed and delivered to the final destination.

(b) No person, other than the person who killed the deer, may receive or possess any part of a deer without a legible hunter's document attached to the carcass or part of the deer.

(c) A hunter's document is an instrument signed and executed by the person who killed the deer and must contain:

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- (1) the name and address of the person who killed the deer;
- (2) the number of the hunting license of the person who killed the deer;
- (3) the date on which the deer was killed; and
- (4) the name of the ranch and the county where the deer was killed.

(d) A hunter's document shall remain with any part of the deer until it is finally processed and delivered to the final destination.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 42.020. Deer or Turkey Tags: Prohibited Acts

(a) No person may use more deer tags or turkey tags during a license year than are originally authorized by the hunting license for the year.

(b) No person may use the same deer tag on more than one deer.

(c) No person may use a deer tag or a turkey tag not issued to him.

(d) No person may use the same turkey tag on more than one turkey.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 613, ch. 223, § 5, eff. Sept. 1, 1977.]

### § 42.021. Bag Limits and Season Not Affected

The provisions of this chapter do not authorize any person to exceed any bag limit or to hunt deer or turkey during a closed season, and the attachment of deer or turkey tags as provided by this chapter is not prima facie evidence that the deer or turkey was lawfully killed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 613, ch. 223, § 6, eff. Sept. 1, 1977.]

### § 42.022. One License for Each Year

(a) No person may acquire or possess more than one hunting license during a license year.

(b) This section does not apply to the acquisition and possession of a duplicate hunting license acquired as provided in this chapter.

(c) This section does not apply to the acquisition and possession by a nonresident of both a general nonresident hunting license and a nonresident small game hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 317, ch. 150, § 4, eff. Aug. 29, 1977.]

### § 42.023. Hunting Under License of Another

No person may hunt under a license issued to another or permit another to hunt under a license issued to him.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 42.024. Exhibiting License

(a) No person required by the provisions of this chapter to have a hunting license may fail or refuse to show the license to an officer on demand.

(b) If on or before the trial of any person charged with a violation of this section, the person produces for the court or the prosecuting attorney the proper hunting license issued to the person and valid at the time of the offense, the court having jurisdiction of the suit shall dismiss the charge.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 810, ch. 368, § 1, eff. Aug. 27, 1979.]

### § 42.025. Penalty

A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 43. SPECIAL LICENSES AND PERMITS

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#### Section

- 43.001. Hunting Boat License Required.
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Section

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- 43.154. Permit.
- 43.155. Deer.
- 43.156. Cancellation of Permit.
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- 43.201. Archery Stamp Required.
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SUBCHAPTER A. HUNTING BOAT LICENSE

§ 43.001. Hunting Boat License Required

No person owning or navigating a sailboat or powerboat may accommodate on board the boat for pay another person engaged in hunting unless the owner or navigator has acquired a hunting boat license from the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.002. Application for Hunting Boat License

The application for a hunting boat license must include:

- (1) the name of the vessel;
- (2) a statement describing the accommodations for passengers;
- (3) the number of crew members; and
- (4) a certification signed by the applicant on forms provided by the department and stating that the applicant will not violate any provision

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of this code with respect to hunting, that the applicant will attempt to prevent any person he accommodates on the vessel from violating any provision of this code with respect to hunting, and that the applicant will refuse to accommodate on the vessel any hunter who does not possess a hunting license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.003. Hunting Boat License Fee

The fee for a hunting boat license is \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1329, ch. 277, § 10, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 43.004. License Period

A license issued under this subchapter is valid for one year only.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.005. Penalties

(a) A person who violates Section 43.001 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(b) The hunting boat license of a person convicted of a violation of Section 43.001 of this code may be cancelled. A person whose license is cancelled under this section may not receive another hunting boat license for one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.006 to 43.010 reserved for expansion]

## SUBCHAPTER B. WHITE-WINGED DOVE STAMPS

### § 43.011. White-Winged Dove Stamp Required

No person may hunt white-winged dove in this state unless he has in his possession a white-winged dove stamp issued to him by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.012. Issuance of Stamp

(a) The department or its agent may issue a white-winged dove stamp to any person on the payment to the department of \$6.

(b) The stamp shall be issued in the form prescribed by the department and must be signed on its face by the person using the stamp.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1329, ch. 277, § 11, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 43.013. Hunting License Required Also

The acquisition of a white-winged dove stamp does not authorize a person to hunt white-winged dove without having acquired a hunting license as provided in Chapter 42 of this code or authorize the hunting of white-winged dove at any time or by any means not otherwise authorized by this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.014. Disposition of Stamp Fees

(a) Ten cents of the fee collected under this subchapter may be retained by the agent of the department, other than a department employee, as his collection fee.

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

(c) The stamp sale receipts may be spent only for research and management for the protection of white-winged dove and for the acquisition, lease, or development of white-winged dove habitat in the state. Not more than one-half of the receipts may be expended for research and management.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1208, ch. 456, § 7, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 734, ch. 275, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 548, ch. 260, art. 1, § 3, eff. Sept. 1, 1979.]

### § 43.015. Refusal to Show Stamp

A person hunting white-winged dove who refuses on demand of any game management officer or peace officer to show a white-winged dove stamp is presumed to be in violation of Section 43.011 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.016. Penalty

A person who violates Section 43.011 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.017 to 43.020 reserved for expansion]

SUBCHAPTER C. PERMITS FOR SCIENTIFIC,  
ZOOLOGICAL, AND PROPAGATION  
PURPOSES

§ 43.021. Protected Wildlife

In this subchapter, "protected wildlife" means all animals, birds, fish, and other aquatic life the taking, possession, or propagation of which is regulated by law or by the department and includes endangered species.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.022. Permit Authorized

The department may issue a permit to a qualified person to take protected wildlife for propagation purposes, zoological gardens, aquariums, and scientific purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.023. Permit is Defense

In any prosecution for the unlawful taking or transporting of wildlife, the possession of a permit issued under this subchapter to the accused is a complete defense if the conduct was authorized under the terms of the permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.024. Restrictions on Permits

(a) No permit may be issued for the taking or transportation of any endangered fish or wildlife the possession, taking, or transportation of which is prohibited by federal law.

(b) The department may refuse to grant a permit for the taking or transportation of endangered fish or wildlife from their natural habitat for propagation for commercial purposes if the fish or wildlife may be legally obtained from a source in this state other than from their natural habitat.

(c) No permit may be issued for the taking of migratory birds unless the applicant has obtained a federal permit for the taking of migratory birds.

(d) No permit may be issued for the taking of alligators or marine animals for display in an aquarium unless the aquarium is a public or commercial organization or enterprise.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.025. Application

(a) The application for a permit shall be made under oath and must state the species of protected wildlife to be taken or transported and the purpose of collection or transportation.

(b) The application must be endorsed by two recognized specialists in the biological field concerned who are residents of the United States and have known the applicant for at least five years; except that endorsement is not required for an application for a permit to take alligators or marine life for aquarium purposes.

(c) The department must find that an applicant for a permit to take alligators or marine life for aquarium purposes is qualified to carry out capture in a scientific manner without cruelty.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.026. Conditions of Permit; Expiration

(a) The department shall issue the permits under any conditions determined to be appropriate, including specifying the number and species of wildlife that may be taken.

(b) A permit expires on the last day of the year of issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.027. Regulations

The department may make regulations governing the taking and possession of protected wildlife indigenous to the state for the scientific purposes, zoological gardens, and propagation purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.028. Cancellation of Permit

The department may cancel a permit for any violation of the department's regulations.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 43.029. Reports

The holder of a permit shall file with the department before January 11 of the year after the expiration of the permit a report showing the number and species of wildlife taken under the permit and their disposition. The report shall also give the results of any research conducted under the permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 43.030

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### § 43.030. Penalty

A person who violates the conditions of a permit or a regulation of the department issued under this subchapter, or who fails to file a full and complete report as required by Section 43.029 of this code, is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.031 to 43.040 reserved for expansion]

### SUBCHAPTER D. PRESERVE AND RESORT LICENSES

### § 43.041. Definitions

In this subchapter:

(1) "Shooting preserve" means the aggregate amount of land owned by one individual, partnership, firm, or corporation in a county and leased for hunting purposes. If an individual, partnership, firm, or corporation owns a single tract of land located partially in one county and partially in another county, the individual, partnership, firm, or corporation may not be required to have a separate shooting preserve license for that portion of the land located in the second county, unless the individual, partnership, firm, or corporation owns other land leased for hunting purposes in the second county. If an individual, partnership, firm, or corporation owns a single tract of land located partially in one county and partially in another county and the individual, partnership, firm, or corporation is not required to have two licenses, the aggregate acreage of the tract shall be used for determining the amount of the license fee required by this subchapter.

(2) "Shooting resort" means a tract of land of not less than 600 nor more than 2,000 contiguous acres on which pen-raised fowls or imported game birds are released to provide hunting for members or guests.

(3) "Shooting club" means an association of persons or a legal entity that owns or operates a shooting preserve or shooting resort.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

### § 43.042. License Required

No person who is the manager or owner of a shooting preserve or shooting resort may receive as a guest of the shooting resort or shooting preserve

for pay another person engaged in hunting unless the owner or manager has acquired a license from the department or an authorized agent of the department authorized the receiving of guests.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

### § 43.043. Issuance of License

The department shall issue one license for each shooting preserve or shooting resort.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

### § 43.044. License Fees

(a) The fees for shooting preserve licenses are:

(1) \$15 if the area of the shooting preserve is less than 500 acres;

(2) \$40 if the area of the shooting preserve is 500 acres or more but less than 1,000 acres; and

(3) \$60 if the area of the shooting preserve is 1,000 acres or more.

(b) The fee for a shooting resort license is \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 1329, ch. 277, § 12, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 43.045. Duration of License

A shooting preserve license and a shooting resort license are valid for the period from September 1 of one year through August 31 of the following year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

### § 43.046. Form and Execution of License

(a) The department shall furnish license forms to agents who are authorized to issue hunting and fishing licenses.

(b) The license must:

(1) be numbered serially with stubs attached;

(2) be clearly marked as a shooting preserve license or a shooting resort license;

(3) have printed across the face of the license the year for which it is issued;

(4) show the expiration date of the license; and

(5) bear the seal of the department.

(c) The license shall be executed by filling in the name and address of the licensee, the name of the shooting preserve or shooting resort, the character of game found in the area to which the license applies, and the signature of the employee of the department or issuing agent.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.047. Name of Preserve or Resort

The holder of a shooting preserve or shooting resort license shall file with the department the name of the shooting preserve or shooting resort.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.048. Affidavit Required

The holder of a shooting preserve or shooting resort license shall certify by his signature on forms provided by the department that the licensee will:

- (1) not violate any of the provisions of this subchapter;
- (2) endeavor to prevent any guest of the shooting preserve or shooting resort from violating any of the provisions of this subchapter; and
- (3) not receive guests who do not have valid hunting licenses.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.0485. Shooting Preserve Records

(a) The holder of a shooting preserve license shall keep a suitable record book and shall require each guest to register. The registration of a guest must include:

- (1) the name and residence of the guest;
- (2) the hunting license number of the guest; and
- (3) the number and type of game animals and game birds killed each day by the guest.

(b) Not later than March 1 of each year, the holder of a shooting preserve license shall report to the local game warden or other person as designated by the department. The report must include information required by the department on the previous year's hunting activity on the preserve.

[Acts 1977, 65th Leg., p. 813, ch. 303, § 1, eff. Aug. 29, 1977.]

§ 43.049. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

#### § 43.050. Shooting Resort Identified

(a) The owner or manager of a shooting resort shall mark the boundaries of the shooting resort with metal signs. The signs shall be placed at each entrance to the resort and around the perimeter of the resort at a distance of not more than 1,000 feet apart.

(b) The size of the sign must be at least 18 inches by 24 inches.

(c) The signs must bear the words "Shooting resort licensed by the Parks and Wildlife Department—Hunting by permit only." The lettering of the words must be large enough so that they may be read under ordinary conditions from a distance of 200 feet.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.051. Season

The open season on a shooting resort for the taking of game birds, pen-raised fowl, and imported game birds that have been stocked by the owner is from October 1 of one year through April 1 of the following year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.052. Banding Game Birds

Each game bird killed on a shooting resort shall be banded with a band showing the permit number of the owner of the resort. The band must remain on the bird after it is killed and processed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.053. Releasing of Fowl Required

The operator of a shooting resort shall release at least 500 quail or at least 500 pheasant or chukar annually for each 600 acres of land licensed as a shooting resort.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

#### § 43.054. Cancellation of License

(a) If the manager of a shooting resort or shooting preserve fails or refuses to comply with any provision of this subchapter, the department or its authorized agent may cancel the license granted



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under this subchapter without refunding the license fee.

(b) A person whose license is cancelled under this section may not receive another license for one year after the cancellation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975.]

### § 43.055. Penalty

A manager of a shooting resort or shooting preserve who violates any provision of this subchapter or who fails to comply with any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 or by confinement in the county jail for not more than 90 days, or by both, except that a manager of a shooting preserve who knowingly and intentionally fails to comply with Section 43.0485 of this code is punishable only by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 3, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 813, ch. 303, § 2, eff. Aug. 29, 1977.]

### § 43.056. Cancellation of License

(a) If the manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting fails or refuses to comply with any provision of this subchapter, the department or its authorized agent may cancel the license granted under this subchapter without refunding the license fee.

(b) A person whose license is cancelled under this section may not receive another license for one year after the cancellation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.057. Penalty

A manager of a shooting club, shooting resort, shooting preserve, or land leased for hunting who violates any provision of this subchapter or who fails to comply with any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 or by confinement in the county jail for not more than 90 days, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.058 to 43.060 reserved for expansion]

## SUBCHAPTER E. PERMIT FOR CAPTURE OF INDIGENOUS GAME

### § 43.061. Indigenous Mammals and Birds

(a) No person may capture or transport any game mammal or game bird captured from the wild that

is indigenous to this state unless he has obtained a permit from the department.

(b) The department may issue permits for trapping and transporting game mammals or game birds from the wild that are indigenous to this state as a means of better wildlife management by making adjustments in the game population.

(c) This section does not apply to any game animals or game birds that are privately owned or privately raised.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.062 to 43.070 reserved for expansion]

## SUBCHAPTER F. PRIVATE BIRD SHOOTING AREAS

### § 43.071. Definitions

In this subchapter:

(1) "Private bird shooting area" means an area on which the hunting or taking of privately owned game birds is authorized.

(2) "Licensee" means a person holding a private bird shooting area license.

(3) "Guest" means a person other than a licensee who is authorized by a license to hunt or take birds in a private bird shooting area.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.072. Application for License

(a) Any person, including the holder of a shooting resort license, may apply to the department for a private bird shooting area license.

(b) The applicant shall certify by his signature on forms provided by the department stating that he will not violate any of the provisions of this subchapter and will endeavor to prevent guests from committing violations.

(c) The private bird shooting area license fee is \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1330, ch. 277, § 13, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 43.073. Size of Area; Markings

(a) A private bird shooting area may consist of not more than 300 contiguous acres.

(b) A private bird shooting area shall be distinguished from any other club, shooting resort, shooting preserve, or leased premises for hunting purposes by clearly marking its boundaries with wood or metal markers bearing the words, "Private Bird Shooting Area, Licensed by the Texas Parks and Wildlife Department." The lettering on these markers shall be large enough to permit reading under ordinary conditions at 200 feet.

(c) Markers shall be placed to identify clearly the boundaries of each area and each entrance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 43.074. Taking of Game Birds Authorized**

(a) A licensee or a guest may take privately owned game birds or pen-reared game birds in a private bird shooting area during the private bird shooting area season.

(b) The private bird shooting area season begins January 1 and extends through December 31 of each year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 43.075. Game Birds in Captivity; Banding**

(a) A licensee may hold game birds in captivity for use in the private bird shooting area.

(b) All privately owned game birds and pen-reared game birds released on a private bird shooting area shall be banded.

(c) The band shall remain on each bird killed until it is finally processed.

(d) Each band must show the permit number of the licensee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 43.076. License Form**

No person may issue or accept a private bird shooting area license except on the form prescribed by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 43.077. Penalty**

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 43.078. Hunting License Required**

Nothing in this subchapter authorizes any person to hunt game birds without having a hunting license required by Chapter 42 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.079 to 43.100 reserved for expansion]

**SUBCHAPTER G. PREDATOR CONTROL FROM AIRCRAFT**

**§ 43.101. Applicability of Subchapter**

This subchapter applies only to the following counties: Andrews, Aransas, Archer, Armstrong, Atascosa, Bailey, Bandera, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Brazos, Brewster, Briscoe, Brown, Burnet, Caldwell, Calhoun, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Dimmit, Donley, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fisher, Floyd, Foard, Frio, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jackson, Jeff Davis, Jim Wells, Johnson, Jones, Kendall, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamb, Lampasas, LaSalle, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCulloch, McMullen, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Moore, Motley, Navarro, Nolan, Ochiltree, Oldham, Palo Pinto, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Robertson, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Upton, Uvalde, Val Verde, Victoria, Ward, Webb, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Yoakum, Young, Zapata, Zavala.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1222, ch. 456, § 23, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 568, ch. 202, § 1, eff. May 20, 1977; Acts 1979, 66th Leg., p. 255, ch. 133, § 1, eff. May 9, 1979; Acts 1979, 66th Leg., p. 784, ch. 346, § 1, eff. June 6, 1979; Acts 1981, 67th Leg., p. 936, ch. 351, § 1, eff. June 10, 1981; Acts 1983, 68th Leg., p. 4706, ch. 819, § 1, eff. Aug. 29, 1983.]

**§ 43.102. Permit Authorized**

Under Public Law 92-159, Section (b)(1) (85 Stat. 480, 16 U.S.C. 742j-1), the department may issue

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permits for predator animal control by the use of aircraft in this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.103. Definition

"Predator animals" means coyotes, bobcats, red foxes, and crossbreeds between coyotes and dogs but does not include birds or fowl.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.104. Grounds to Issue Permit

The department may issue the permit to any person if the department finds that predator animal control by the use of aircraft is necessary to protect or to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.105. Application for Permit

An applicant for a permit under this subchapter shall file with the application one or more affidavits, containing facts as well as opinion, stating the kind and number of predator animals that are requested to be taken by the use of aircraft, a list of the counties from which the animals are requested to be taken, and the reasons why the permit should be issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.106. Form and Period of Validity of Permit; Renewal

The department shall prescribe the form and manner of issuance of the permit. No permit issued under this subchapter is valid for more than one year, but the department may renew a permit on a showing that renewal is necessary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.107. Reports Required

The holder of a permit under this subchapter shall file with the department within 30 days following the end of each calendar quarter a report showing:

(1) the name and address of the permit holder;

(2) the number and a description of the predator animals taken under the permit, and the number and description of the predator animals authorized to be taken under the permit;

(3) a description of the area to which the permit is applicable; and

(4) any other relevant information the department may require.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.108. Reports by Department

The department shall report annually to the Secretary of the Interior of the United States as required by federal law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.109. Regulations

The commission may make regulations governing predator animal control by aircraft under this subchapter. The commission shall give notice and hold hearings on all proposed regulations under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.110. Permit Fee

The commission shall set an annual fee for the taking of predator animals by the use of aircraft.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.111. Penalty

A person who violates any provision of this subchapter or any person in an aircraft who shoots any animals or birds other than predator animals with a gun, rifle, or any other device capable of injuring or killing a wild animal or bird is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.112 to 43.150 reserved for expansion]

## SUBCHAPTER H. PERMITS TO CONTROL PROTECTED SPECIES

### § 43.151. Damage to Crops or Domestic Animals

(a) A person whose crops or domestic animals are being damaged or destroyed by a wild bird or animal protected by this code and who desires to kill the protected bird or animal shall give written notice of the facts to the county judge of the county in which the damage occurs.

(b) The county judge, on receiving the notice, shall immediately cause a substantial copy of the notice to be posted in the county courthouse and

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shall notify the department of the location of the property where the damage is occurring, the type of crops or animals being damaged, and the name of the applicant.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.152. Department Inspection

On receiving notice from a county judge, the department shall inspect the property and determine if damage is occurring as alleged in the notice. If the damage is occurring, the department shall make recommendations to the person as are feasible and appropriate for controlling the damage.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.153. Application for Permit

(a) A person whose crops or domestic animals are being damaged may file with the department an application for a permit to kill protected wild birds or animals.

(b) The application must be in writing and be sworn to by the applicant and must contain:

(1) a statement of facts relating to the damage; and

(2) an agreement by the applicant to comply with the provisions of this subchapter relating to the disposition of game.

(c) The application must be accompanied by:

(1) a statement signed by the employee of the department who made the investigation that damage is being done and control measures have been recommended;

(2) a statement by the applicant that he has taken all measures recommended by the department for the prevention of damage; and

(3) a certification of the county judge that the application is true.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.154. Permit

(a) On receipt of an application, the department may issue a permit for the killing of wild birds and wild animals without regard to the closed season, bag limit, or prohibition against night hunting.

(b) The department shall deliver the permit, if issued, to the county judge that sent the notice of damage. The permit may not be delivered earlier than 24 hours after the notice from the county judge was received by the department.

(c) A permit must specify:

(1) the period of time during which it is valid;

(2) the area in which it applies;

(3) the kind of birds and animals authorized to be killed; and

(4) the persons permitted to kill the noxious birds or animals.

(d) No permit authorizing the killing of migratory game birds protected by the Federal Migratory Bird Treaty Act may be issued unless the applicant has received a permit from the United States Department of Interior, Fish and Wildlife Service. No permit may be issued for the taking of birds or animals protected under Chapter 68 of this code (Endangered Species).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.155. Deer

(a) The holder of a permit issued under this subchapter who kills a deer under the authority of the permit shall give the location of the deer carcass to the game management officer or other department employee assigned to the area covered by the permit.

(b) The officer or other department employee notified shall dispose of the carcass by donating it to a charitable institution or hospital or to needy persons.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.156. Cancellation of Permit

The department may cancel a permit if the holder violates a term or condition of the permit, the holder exceeds the authority granted in the permit, or the permit does not accomplish its intended purposes:

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 43.157. Violations; Penalty

(a) No permittee may fail to notify a game management officer or other department employee of the killing of a deer as required by Section 43.155 of this code.

(b) No permittee may dispose of a deer carcass killed under the permit or allow the deer to be disposed of except as allowed under Section 43.155 of this code.

(c) No permittee may violate a term or condition of the permit.

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(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 43.158 to 43.200 reserved for expansion]

### SUBCHAPTER I. ARCHERY STAMPS

#### § 43.201. Archery Stamp Required

(a) No 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 prescribed by the department and must be signed on its face by the person using the stamp.

[Acts 1975, 64th Leg., p. 1203, ch. 456, § 1, eff. Sept. 1, 1975.]

#### § 43.202. Fee

The fee for an archery hunting stamp is \$6, of which 50 cents shall be retained by the agent issuing the stamp as a collection fee, except that employees of the department may not retain the collection fee.

[Acts 1975, 64th Leg., p. 1203, ch. 456, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1330, ch. 277, § 14, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

#### § 43.203. Hunting License Required

The purchase or possession of an archery hunting stamp does not permit a person to hunt wild deer, bear, turkey, or javelina without the license required by Chapter 42 of this code or by any means or methods not allowed by law.

[Acts 1975, 64th Leg., p. 1203, ch. 456, § 1, eff. Sept. 1, 1975.]

#### § 43.204. Stamp Sale Receipts

The net revenue derived from the sale of archery hunting stamps shall be sent to the department.

[Acts 1975, 64th Leg., p. 1203, ch. 456, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 548, ch. 260, art. 1, § 4, eff. Sept. 1, 1979.]

#### § 43.205. Penalty

(a) A person who violates Section 43.201 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

(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 is presumed to be in violation of Section 43.201 of this code.

[Acts 1975, 64th Leg., p. 1203, ch. 456, § 1, eff. Sept. 1, 1975.]

[Sections 43.206 to 43.250 reserved for expansion]

### SUBCHAPTER J. FIELD TRIAL LICENSES

#### § 43.251. Definitions

In this subchapter:

(1) "Member field trial" means a trial of retriever dogs held by a club or association that is a member of the American Kennel Club and during which championship points may be awarded.

(2) "Licensed field trial" means a trial of retriever dogs held by a club or association not a member of the American Kennel Club but which trial has been licensed by the American Kennel Club and during which championship points may be awarded.

(3) "Sanctioned field trial" means an informal retriever dog field trial held by any club or association and which trial is sanctioned by the American Kennel Club even though championship points are not awarded.

(4) "Retriever dog training" means any training activity relating to the development of retrieving breeds of dogs under field conditions for hunting purposes or which would qualify retriever breeds of dogs to take part in member, licensed, or sanctioned field trials.

(5) "Captive-reared birds" means pen-raised pheasant, chukar, mallard duck, and feral pigeon only.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.252. Field Trial Licenses Authorized

(a) The department may issue primary field trial area licenses applying to not more than 1,000 contiguous acres of land for each license.

(b) The department may issue to the holder of a primary field trial license not more than six auxiliary field trial licenses applying to not more than 300 contiguous acres for each auxiliary field trial license.

(c) The licenses authorized by this section must be on a form designed and provided by the department.

(d) A license authorized by this section is valid until December 31 of the year for which it is issued. [Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.253. License Fees

(a) The fee for a primary field trial area license is \$45.

(b) The fee for each auxiliary field trial area license is \$9.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1330, ch. 277, § 15, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

#### § 43.254. Who May Receive Licenses

(a) The owner or other person holding a possessory interest in land may apply for and receive a primary field trial area license for the land.

(b) No person may hold more than one primary field trial area license. No person may hold more than six auxiliary field trial area licenses.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.255. Areas to be Marked

(a) Each area covered by a primary field trial area license shall be identified with signs marked as follows: "Retriever dog field trial area licensed by the Parks and Wildlife Department."

(b) Each area covered by an auxiliary field trial area license shall be identified with signs marked as follows: "Retriever dog auxiliary field trial area licensed by the Parks and Wildlife Department."

(c) The signs described in Subsections (a) and (b) of this section shall be placed at each entrance of an area and along the boundaries of the area at intervals not to exceed 1,000 feet in a manner that clearly identifies the boundaries of the area.

(d) The lettering on each sign must be large enough to permit a person with ordinary vision

under ordinary conditions to read the sign from 200 feet away.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.256. Taking Captive-Reared Birds Permitted

(a) A person holding a valid Texas hunting license may hunt and take captive-reared birds on land covered by a primary field trial area license or an auxiliary field trial area license at any time during a member field trial, a licensed field trial, a sanctioned field trial, or during retriever dog training.

(b) Subsection (a) of this section does not apply unless the person is registered as provided in Section 43.258 of this code.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1330, ch. 277, § 16, eff. Sept. 1, 1983.]

#### § 43.257. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

#### § 43.258. Record Book

The holder of a primary field trial area license or the manager of an area covered by any field trial area license shall keep a suitable record book and shall enter in the book the name and address and hunting license number of each guest participating in a member, licensed, or sanctioned field trial on the primary or an auxiliary area. The license holder or manager shall enter in the book the number and species of captive-reared birds acquired for the area or areas, the date of acquisition of the birds, the name of the seller, the number and species of captive-reared birds taken on the area or areas, and the disposition of all captive-reared birds taken on the area or areas.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.259. Birds to be Banded

(a) No person may release a captive-reared bird on a primary or auxiliary field trial area licensed under this subchapter unless the bird is banded with tag of a type approved by the department and which contains the license number of the area.

(b) No person may remove from a captive-reared bird the tag required by Subsection (a) of this section until the bird is finally processed.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

#### § 43.260. Prohibited Acts

(a) No person may:

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(1) fail to mark the entrances and boundaries of a primary or auxiliary field trial area as required by Section 43.255 of this code;

(2) fail to keep a record book as required by Section 43.258 of this code;

(3) violate Section 43.259 of this code; or

(4) represent to others that he is the owner or manager of land covered by a primary or auxiliary field trial area when in fact he is not the owner or manager or when the land is not in fact licensed as permitted by this subchapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

### § 43.261. Hunting During Season Not Prohibited

This subchapter does not prohibit the hunting of game birds by any lawful method or the operation of field trials during an open season for the taking of game birds as provided by law.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 10, eff. Sept. 1, 1975.]

## SUBCHAPTER K. WATERFOWL STAMP

### § 43.301. Definition

In this subchapter, "waterfowl" means wild ducks of all species, wild geese and wild brant of all species, and wild coot.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.302. Waterfowl Stamp Required

No person may hunt waterfowl in this state unless the person has in his possession a waterfowl stamp issued to him by the department.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.303. Design and Issuance of Stamp

(a) The department or its agent may issue a waterfowl stamp to any person on the payment to the department of \$5. 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 waterfowl 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 waterfowl stamp authorized by this chapter.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.304. Hunting License Required Also

The acquisition of a waterfowl stamp does not authorize a person to hunt waterfowl without having acquired a hunting license as provided by Chapter 42 of this code or authorize the hunting of waterfowl at any time or by any means not otherwise authorized by this code.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.305. 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 only for research, management, and protection of waterfowl, for the acquisition, lease, or development of waterfowl habitats in the state, and for grants as provided by Section 43.306 of this code. Not more than one-half of the receipts may be spent for research, management, and protection.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.306. Grants

The department may make grants to appropriate international nonprofit organizations for the purpose of acquiring, developing, and maintaining waterfowl propagation areas within the Dominion of Canada that provide waterfowl for the Central Flyway. The department may not condition a grant made under this section on approval by the department of improvements or construction performed in the Dominion of Canada.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

### § 43.307. Refusal to Show Stamp

A person hunting waterfowl who refuses on demand of any game management officer or peace officer to show a waterfowl stamp is presumed to be in violation of Section 43.302 of this code.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

**§ 43.308. Reciprocal Agreements**

As provided by Chapter 41 of this code, the department may negotiate reciprocal agreements with states that share a common boundary with this state if the neighboring state has a similar stamp requirement and fee. The agreement may permit a resident of the state with which the agreement is made to hunt waterfowl in this state without a stamp issued under this subchapter if the person possesses a waterfowl stamp issued by the other state.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

**§ 43.309. Penalty**

A person who violates Section 43.302 of this code is guilty of a Class C misdemeanor.

[Acts 1981, 67th Leg., p. 2157, ch. 502, § 1, eff. Aug. 31, 1981.]

**CHAPTER 44. GAME BREEDER'S LICENSE**

**Section**

- 44.001. Definitions.
- 44.002. License Requirement.
- 44.003. Game Breeder's License.
- 44.004. Reissuance of License.
- 44.005. Serial Number.
- 44.006. License Privileges.
- 44.007. Records.
- 44.008. Enclosure Size.
- 44.009. Inspection.
- 44.010. Shipment of Game Animals.
- 44.011. Purchase and Sale of Live Game Animals.
- 44.012. Sale During Open Season.
- 44.013. Use of Purchased Game Animals.
- 44.014. Application of General Laws.
- 44.015. Right of Department.
- 44.016. Penalties.

**§ 44.001. Definitions**

In this chapter:

(1) "Game breeder" means a person holding a valid game breeder's license.

(2) "Captivity" means the keeping of game animals in an enclosure suitable for and capable of retaining the animal it is designed to retain at all times under reasonable and ordinary circumstances and to prevent entry by another animal.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 44.002. License Requirement**

No person may place in captivity or engage in the business of propagating any game animal of this

state unless he has obtained a license issued under this chapter from the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1209, ch. 456, § 9, eff. Sept. 1, 1975.]

**§ 44.003. Game Breeder's License**

The department shall issue a game breeder's license on payment of a license fee of \$10. The license is valid for a period of one year following the date of its issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1209, ch. 456, § 9, eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 1331, ch. 277, § 17, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

**§ 44.004. Reissuance of License**

A game breeder's license may not be issued to a previous licensee unless the licensee has filed with the department a copy of the record required by Section 44.007 of this code with an affidavit made before an officer qualified to administer oaths that the copy is true and correct.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 44.005. Serial Number**

(a) The department shall issue a serial number to the applicant at the time of the first issuance of a game breeder's license to the applicant. The same serial number shall be assigned to the licensee whenever he holds a game breeder's license.

(b) The game breeder shall place a suitable permanent metal tag bearing his serial number on the ear of each deer or antelope held in captivity or sold by the game breeder.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 44.006. License Privileges**

The holder of a valid game breeder's license may:

(1) engage in the business of game breeding in the immediate locality for which the license was issued;

(2) sell or hold in captivity for the purpose of propagation or sale of wild deer, wild antelope, black bear, collared peccary, and wild squirrels; and



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(3) sell or hold in captivity for the purpose of propagation or sale, elk in any county in which elk is a game animal.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 1860, ch. 439, § 2, eff. Aug. 31, 1981.]

### § 44.007. Records

Each game breeder shall keep a written record in a suitably bound book for the period from the date of license issuance until the following September 1 containing:

(1) the number and source of each kind of game animal on hand at the time the license is issued;

(2) the number, source, and date of receipt of each kind of game animal on hand at any time after the license is obtained; and

(3) the number of each kind of game animal shipped or delivered, the date of shipment or delivery, and the name and address of persons to whom the shipment or delivery is made.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.008. Enclosure Size

A single enclosure for any game animal may not contain more than 320 acres.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.009. Inspection

An authorized employee of the department may inspect at any time and without warrant any pen, coop, or enclosure holding a game animal.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.010. Shipment of Game Animals

(a) A common carrier may not accept a live game animal unless the game animal is one listed in Section 44.006(2) of this code and the shipment is made by a game breeder.

(b) No person, except a game breeder or his authorized agent, may transport or ship a live game animal unless he obtains a permit for shipment or transportation from the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.011. Purchase and Sale of Live Game Animals

(a) Only game animals that are in a healthy condition may be sold, bartered, or exchanged, or offered for sale, barter, or exchange by a game breeder.

(b) No person may purchase or accept in this state a live game animal unless:

(1) the game animal bears a tag required by Section 44.005 of this code and is delivered or sold by a game breeder; or

(2) the game animal is delivered by a common carrier from outside this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.012. Sale During Open Season

No game breeder may sell or ship to another person in this state a wild deer, wild antelope, or collared peccary, and no person in this state may purchase from a game breeder in this state a wild deer, wild antelope, or collared peccary during an open season for taking the game animal or during a period of 10 days before and after an open season.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.013. Use of Purchased Game Animals

(a) Except as provided in Subsection (b) of this section, game animals may be purchased or received in this state only for the purpose of liberation for stocking purposes or holding for propagation purposes. All game animals and increase from the game animals are under the full force of the laws of this state pertaining to wild game and the game animals may be held in captivity for propagation in this state only after a license is issued by the department under this chapter.

(b) Game animals may be held, taken, or received for scientific and zoological purposes under a permit issued by the department pursuant to Section 43.022 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.014. Application of General Laws

In order that native game species may be preserved, game animals held under a game breeder's license are subject to all laws and regulations of this state pertaining to wild game animals except as specifically provided in this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 44.015. Right of Department

The department or an authorized employee of the department may take, possess, hold, transport, or propagate any game animal of this state for public purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 44.016. Penalties

(a) A person who violates a provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

(b) Each animal sold, purchased, or held in violation of this chapter constitutes a separate offense.

(c) The license of a game breeder convicted of a violation of this chapter is subject to forfeiture. If the license of a game breeder is forfeited, he is not entitled to reissuance of the license for a period of one year following the date of conviction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 45. GAME BIRD BREEDER'S LICENSE

## Section

- 45.001. License Required.
- 45.002. Form of License; Period of Validity.
- 45.003. Types of Licenses; Fees.
- 45.004. Size of Enclosures.
- 45.005. Records of Live Bird Sales.
- 45.006. Sales of Game Bird Carcasses or Parts of a Game Bird.
- 45.0061. Source of Game Birds.
- 45.007. Prohibited Acts.
- 45.008. Records; Reports.
- 45.009. Exceptions.
- 45.010. Inspections.
- 45.011. Permits Required by the United States.
- 45.012. Penalty.

## § 45.001. License Required

(a) Except as provided in Subsection (b) of this section, no person may engage in the business of propagating game birds without first acquiring the proper license authorized to be issued under this chapter.

(b) A person is not required to have a license issued under this chapter if he possesses not more than 12 game birds for personal use only.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1208, ch. 456, § 8(a), eff. Sept. 1, 1975.]

## § 45.002. Form of License; Period of Validity

(a) The department shall issue the licenses authorized by this chapter on a form provided by the department and may designate agents for their issuance.

(b) Each license shall be numbered.

(c) A license is valid for one year from the date of its issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 45.003. Types of Licenses; Fees

(a) A class 1 commercial game bird breeder's license entitles the holder to engage in the business of propagating game birds for sale or holding game birds in captivity. The fee for a class 1 commercial game bird breeder's license is \$100.

(b) A class 2 commercial game bird breeder's license entitles the holder to engage in the business of propagating game birds for sale or holding game birds in captivity, except that the holder of a class 2 license may not possess more than 1,000 game birds during any calendar year. The fee for a class 2 commercial game bird breeder's license is \$10.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1208, ch. 456, § 8(b), eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 1331, ch. 277, § 18, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

## § 45.004. Size of Enclosures

(a) No holder of a license under this chapter may retain game birds, other than a migratory bird or waterfowl, in an enclosure larger than 40 acres.

(b) No holder of a license under this chapter may retain a migratory bird or waterfowl in an enclosure larger than 320 acres.

(c) "Captivity" means the keeping of game birds in an enclosure or pen.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 45.005. Records of Live Bird Sales

(a) No holder of a commercial game bird breeder's license may sell a live game bird without issuing a written document showing the name and serial number of the game bird breeder, the name and address of the purchaser, and the description and number of game birds sold. The document shall be delivered to the purchaser.

(b) The department shall issue to each holder of a commercial game bird breeder's license a serial number which shall remain the number of the person holding the license as long as he continues to hold a license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1209, ch. 456, § 8(c), eff. Sept. 1, 1975; Acts 1981, 67th Leg., p. 2441, ch. 625, § 1, eff. Sept. 1, 1981.]

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### § 45.006. Sales of Game Bird Carcasses or Parts of a Game Bird

(a) No person may sell the carcass or any part of a dead pen-raised game bird unless:

(1) the carcass or part is clearly stamped and marked by the stamp authorized by Subsection (b) of this section; or

(2) the carcass or part is delivered to the purchaser in a box, wrapping, or other container on which is printed or written the name and the serial number of the game bird breeder.

(b) Each holder of a license required by this chapter who offers for sale the carcass of a pen-raised game bird may acquire a rubber stamp which, when used, shows the serial number of the holder of the license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2441, ch. 625, § 2, eff. Sept. 1, 1981.]

### § 45.0061. Source of Game Birds

A person who is not required to possess a commercial game bird breeder's license under Subsection (b) of Section 45.001 shall, on the request of a game warden commissioned by the department, furnish to the warden information as to the source from which game birds in the possession of the person were derived. The failure or refusal to comply with this section is a violation of this chapter.

[Acts 1975, 64th Leg., p. 1209, ch. 456, § 8(d), eff. Sept. 1, 1975.]

### § 45.007. Prohibited Acts

(a) No holder of a game bird breeder's license may sell a live game bird unless it is in a healthy condition.

(b) No person may purchase a live game bird except from a holder of a game bird breeder's license; however, this subsection does not prohibit the purchase of live game birds delivered by a common carrier from outside the state.

(c) The carcass of a pen-raised game bird offered for sale must be killed other than by shooting.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 45.008. Records; Reports

(a) Each commercial game bird breeder shall maintain records showing the numbers of game birds acquired, propagated, sold, and disposed of in any other manner. The records shall be on forms provided by the department and shall contain any other information required by the department.

(b) During August of each year, but before August 31, a commercial game bird breeder shall send to the department a report showing the total number of game birds in the possession of the breeder during the previous year and accounting for the acquisition and disposition of each game bird.

(c) The failure to keep the records required by Subsection (a) of this section or to make the report as required by Subsection (b) of this section is a violation of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 45.009. Exceptions

(a) A person may purchase live pheasant from a commercial game bird breeder for any purpose.

(b) A commercial game bird breeder may slaughter game birds for his personal consumption at any time.

(c) This chapter does not apply to a person holding a permit under Section 43.022 of this code.

(d) Any person owning or operating a restaurant, hotel, boarding house, club, or other business where food is sold for consumption may sell game birds for consumption on the premises of the business.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 45.010. Inspections

An authorized employee of the department may inspect the facilities and enclosures of a person licensed under this chapter at any time during normal business hours without a warrant.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 45.011. Permits Required by the United States

This chapter does not authorize any act prohibited by federal law without a permit issued by the United States, nor does the possession of a permit issued by the United States authorize any act prohibited by this chapter unless expressly provided by federal law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 45.012. Penalty

A person who violates this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 46. FISHING LICENSES

SUBCHAPTER A. GENERAL FISHING LICENSE

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SUBCHAPTER A. GENERAL FISHING LICENSE

§ 46.001. Prohibited Acts

Except as provided in this chapter, no person may fish in the water of this state unless he has obtained a fishing license issued under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 46.0011. Resident, Nonresident, and Alien Defined

For this chapter, resident, nonresident, and alien are defined in Section 42.001 of this code.

[Added by Acts 1977, 65th Leg., p. 1110, ch. 409, § 1, eff. Aug. 29, 1977.]

§ 46.002. Exemptions

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

- (1) under 17 years old or 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;

- (2) fishing on property that he owns or on which he resides;

- (3) fishing on property that a member of his immediate family owns or on which the family resides;

- (4) fishing in the county of his residence with a trotline, throw line, or ordinary pole and line without a reel or other winding device;

- (5) having a commercial fishing license of this state;

- (6) who is a member of a group of 25 or more persons who are visiting as tourists and do their fishing as a group; or

- (7) who is a resident of a hospital or state school, who is engaging in recreational fishing as a part of medically approved therapy, and who is fishing under the immediate supervision of personnel approved or employed by the hospital or state school.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 115, ch. 56, § 1, eff. April 13, 1977; Acts 1977, 65th Leg., p. 1110, ch. 409, § 5, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 2607, ch. 695, § 1, eff. Sept. 1, 1981.]

§ 46.003. Exception for Blind and Disabled Veterans

(a) The following persons are entitled to receive a special fishing license on proof of eligibility and on the payment of a fee of \$1.25, 25 cents of which may be retained as a collection fee:

- (1) a blind person as defined by Section 1, Chapter 227, Acts of the 59th Legislature, Regular Session, 1965;<sup>1</sup> and

- (2) a disabled veteran of the armed forces of the United States who has a service-connected disability, as defined by the Veterans' Administration, consisting of the loss of the use of a lower extremity or of a disability rating of 60 percent or more, and who is receiving compensation from the United States for the disability.

(b) The department may make regulations concerning proof of eligibility under this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 132, ch. 61, § 1, eff. Aug. 29, 1977.]

<sup>1</sup> Civil Statutes, art. 678d-1 (repealed; see, now, Human Resources Code, § 94.001).

## § 46.004

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### § 46.004. License Fees

(a) The resident fishing license fee shall be set by the commission in an amount that is reasonable to defray administrative costs, but not less than \$8.

(b) The nonresident or alien fishing license fee is an amount set by the commission but not less than \$15.

(c) The license deputy issuing the license may retain 50 cents as a fee for collecting the license fee and issuing the license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1110, ch. 409, § 2, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1475, ch. 599, § 1, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 1397, ch. 623, § 3, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2607, ch. 695, § 2, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1331, ch. 277, § 19, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 46.005. Temporary Sportfishing License

(a) Any person who is a Texas resident is entitled to receive from the department a license allowing fishing for sporting purposes in public water for a period of 14 consecutive days.

(b) The fee for the temporary sportfishing license is \$5, of which fee 50 cents may be retained as a collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2607, ch. 695, § 2, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1331, ch. 277, § 20, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 46.0051. Temporary Nonresident License

(a) A nonresident or alien is entitled to receive from the department a license allowing fishing for sporting purposes in public water for a period of five days.

(b) The license fee is an amount set by the commission but not less than \$7, of which fee 50 cents may be retained as a collection fee.

[Acts 1975, 65th Leg., p. 1110, ch. 409, § 3, eff. Aug. 29, 1977. Amended by Acts 1979, 66th Leg., p. 1397, ch. 623, § 4, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 1331, ch. 277, § 21, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 46.006. Duplicate License

(a) If a license issued under this subchapter is lost or destroyed, a license deputy may issue a

duplicate license on application of the license holder and receipt of a \$5 duplicate license fee.

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

(1) the facts concerning the loss or destruction of the license; and

(2) the serial number of the lost or destroyed license.

(c) The license deputy issuing the license may retain 50 cents as a fee for issuing the duplicate license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1332, ch. 277, § 22, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 46.007. Expiration of Licenses

(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 duplicate license is valid for the period of validity of the original license only.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1110, ch. 409, § 4, eff. Aug. 29, 1977; Acts 1977, 65th Leg., p. 1536, ch. 626, § 1, eff. Aug. 29, 1977.]

### § 46.008. License Form

A license issued under this subchapter must contain:

(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."

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1476, ch. 599, § 2, eff. Sept. 1, 1977.]

### § 46.009. License Deputies

Employees of the department, county clerks, and any person designated by the department to issue licenses are license deputies and may issue licenses

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under this subchapter. An employee of the department may not retain a collection or issuance fee. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.010. Duties of License Deputies

The license deputy shall:

(1) fill out correctly and preserve for the use of the department the stubs attached to the license; and

(2) keep a complete and correct record of all licenses issued, showing the name and residence of each licensee, the serial number of the license, and the date of issuance of the license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.011. Monthly Report

(a) Within 10 days after the end of each calendar month, license deputies shall send to the department the fees due the state and a report containing:

(1) the serial number and date of issuance of each license issued during the preceding month; and

(2) the names and addresses of the persons to whom licenses were issued during the preceding month.

(b) The department shall credit the license deputy with the amount remitted.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.012. License Books

(a) When all licenses in a license book are issued, the license deputy shall return the license book to the department by the 10th day of the month following the month in which last license in the book is issued.

(b) Unissued licenses shall be returned on the request of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.013. Issuance or Acceptance of License

No person may issue or accept a license required by this subchapter except on a form provided by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.014. Fishing Under the License of Another

No person may fish under a license issued to another or allow another person to fish under a license issued to him.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.015. Penalty

(a) A person who violates a provision of this subchapter or, except as provided by Subsection (b) of this section, who fails or refuses to show an officer his license on the request of the officer is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(b) If on or before the trial of any person charged with the failure or refusal to show an officer a license issued under this subchapter, the person produces for the court or the prosecuting attorney the proper fishing license issued to the person and valid at the time of the offense, the court having jurisdiction of the suit shall dismiss the charge.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 810, ch. 368, § 1, eff. Aug. 27, 1979.]

[Sections 46.016 to 46.100 reserved for expansion]

## SUBCHAPTER B. LAKE TEXOMA FISHING LICENSE

### § 46.101. Lake Texoma

This subchapter applies only to Lake Texoma, which is the portion of this state inundated by the water impounded by a dam across the channel of the Red River, known as Denison Dam, and any other portion of that area of land acquired by the United States for the operation of the reservoir.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.102. Fishing License Required

Except as provided in this subchapter, no person may catch fish in Lake Texoma unless he has acquired and possesses on his person a valid license issued under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.103. Exemptions

Residents of this state engaged in fishing within the territorial boundaries of this state are not re-

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quired to obtain a license issued under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.104. License: Period of Validity and Fee

(a) A Lake Texoma fishing license is valid until December 31 following its date of issuance.

(b) The fee for the license is \$5.75. Seventy-five cents of the fee may be retained by the issuing officer.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1400, ch. 623, § 12, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 1332, ch. 277, § 23, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 46.105. Lake Texoma 10-Day Fishing License

(a) A Lake Texoma 10-day fishing license is valid for 10 consecutive days including the date of issuance.

(b) The fee for the license is \$1.25. Fifteen cents of the fee may be retained by the officer issuing the license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 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.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.107. Disposition of Fees

The issuing officer shall send license fees less allowable deductions collected under this subchapter to the department by the 10th day of the month following the date of receipt.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.108. Division of Fees

The department shall keep separate and strict account of the revenue received from licenses issued under this subchapter for annual division between this state and the State of Oklahoma. The division shall be on a basis of the proportionate area

of Lake Texoma lying within the territorial jurisdiction of the respective states.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.109. Payment by Comptroller

On February 1 of each year the comptroller shall pay to the state of Oklahoma 70 percent of the revenue collected from licenses issued under this subchapter during the previous calendar year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.110. Penalty

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 46.111. Effective Date of Subchapter

This subchapter does not become effective until:

(1) the State of Oklahoma makes provision for the sale of licenses in Oklahoma that are parallel to the licenses authorized by this subchapter;

(2) the State of Oklahoma provides for payment to this state of not less than 30 percent of all revenue collected by Oklahoma for the licenses; and

(3) the department is satisfied that this subchapter and the provisions of Oklahoma law are not in conflict and directs that this subchapter is effective.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 47. COMMERCIAL FISHING LICENSES

### SUBCHAPTER A. LICENSES

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47.003.	Tidal Water Commercial Fisherman's License.
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SUBCHAPTER A. LICENSES

§ 47.001. Definitions

In this chapter:

- (1) "Commercial fisherman" means a person who catches fish, oysters, or other edible aquatic products from the water of this state for pay or for the purpose of sale, barter, or exchange.
- (2) "Commercial finfish fisherman" means a person who catches only finfish from the tidal waters of this state for pay or for the purpose of sale, barter, or exchange.
- (3) "Wholesale fish dealer" means a person engaged in the business of buying for the purpose of selling, canning, preserving, processing, or handling for shipments or sale fish, oysters, shrimp, or other commercial edible aquatic products to retail fish dealers, hotels, restaurants, cafes, or consumers.
- (4) "Retail fish dealer" means a person engaged in the business of buying for the purpose of sale to a consumer fresh or frozen edible aquatic products.
- (5) "Bait dealer" means a person who catches or transports for sale, or who is engaged in the

business of selling minnows, fish, shrimp, or other aquatic products for fish bait.

(6) "Fish guide" means a person who operates a boat for compensation to accompany or to transport a person engaged in fishing in the water of this state.

(7) "Tidal water" means all the salt water of this state, including that portion of the state's territorial water in the Gulf of Mexico within three marine leagues from shore.

(8) "Nontidal water" means all the water of this state excluding tidal water.

(9) "Place of business" means the place where orders for aquatic products are received or where aquatic products are sold, including a vehicle if aquatic products are sold from the vehicle, but does not include a public cold-storage vault, temporary receiving station, or vehicle from which no orders are taken or no shipments or deliveries are made other than to the place of business of a licensee in this state.

(10) "Menhaden fish plant" means a fixed installation on land designed, equipped, and used to process fish and the by-products of fish by the application of pressure, heat, or chemicals or a combination of pressure, heat, and chemicals to raw fish to convert the raw fish into fish oil, fish solubles, fish scraps, or other products.

(11) "Red drum" means the species *Sciaenops ocellata*, commonly called "redfish."

(12) "Resident" means an individual, other than an alien, who has been a resident of this state for more than six months immediately before applying for a license from the department.

(13) "Nonresident" means an individual who is not a resident.

(14) "Finfish" means those living natural resources having either cartilaginous or bony skeletons (*Chondrichthyes* and *Osteichthyes*).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 2, eff. Sept. 1, 1977; Acts 1977, 65th Leg., p. 720, ch. 270, § 1, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 550, ch. 260, art. 4, § 1, eff. Sept. 1, 1979; Acts 1979, 66th Leg., p. 1398, ch. 623, §§ 5, 6, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 924, ch. 339, § 1, eff. June 10, 1981.]

§ 47.002. General Commercial Fisherman's License

(a) No person may engage in business as a commercial fisherman unless he has obtained a general commercial fisherman's license.



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(b) The license fee for a general commercial fisherman's license is \$15. Fifty cents of the fee may be retained by the issuing agent, except an employee of the department.

(c) The license fee for a nonresident general commercial fisherman's license is the amount that a Texas resident is charged in the state in which the nonresident is residing for a similar license or \$25, whichever amount is the larger. The department shall publish a list of nonresident fees according to the fees of each state and may alter the fee amounts in the list before September 1 of each year for the remainder of that license year. Fifty cents of the fee may be retained by the issuing agent, except an employee of the department.

(d) A person who is in a vessel licensed under this chapter as a menhaden boat and who takes menhaden is not required to obtain or possess a general commercial fisherman's license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1398, ch. 623, § 7, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2542, ch. 676, art. 1, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1332, ch. 277, § 24, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 47.003. Commercial Finfish Fisherman's License

(a) No person may engage in business as a commercial finfish fisherman unless he has obtained a commercial finfish fisherman's license.

(b) The license fee for a resident commercial finfish fisherman's license is \$65. Fifty cents of the fee may be retained by the issuing agent, except an employee of the department.

(c) The license fee for a nonresident commercial finfish fisherman's license is the amount that a Texas resident is charged in the state in which the nonresident is residing for a similar license or \$125, whichever amount is larger. The department shall publish a list of nonresident fees according to the fees of each state and may alter the fee amounts in the list before September 1 of each year for the remainder of that license year. Fifty cents of the fee may be retained by the issuing agent, except an employee of the department.

(d) No person may be issued a commercial finfish fisherman's license unless the person files with the department at the time he applies for the license an affidavit containing statements that:

(1) not less than 50 percent of the applicant's gainful employment is devoted to commercial fishing;

(2) the applicant is not employed at any full-time occupation other than commercial fishing; and

(3) during the period of validity of the commercial finfish fisherman's license the applicant does not intend to engage in any full-time occupation other than commercial fishing.

(e) The department shall revoke a commercial finfish fisherman's license if:

(1) the holder engages in any full-time employment other than commercial fishing;

(2) the affidavit required by this section contains a false statement; or

(3) the holder violates any law or regulation of the commission more than one time providing for the conservation and protection of finfish and the holder is convicted of the violations by a proper court within a period of two years.

(f) If any person executes and files with the department an affidavit under this section that contains a false statement knowingly made by the person, the department shall revoke each fishing license held by the person at the time the determination is made.

*Text of subsec. (g) as added by Acts 1981, 67th Leg., p. 87, ch. 46, § 1*

(g) A person who is licensed under this chapter as a bait dealer and who takes finfish for bait only is not required to obtain a commercial finfish fisherman's license.

*Text of subsec. (g) as added by Acts 1981, 67th Leg., p. 2542, ch. 676, art. 1, § 2*

(g) A person who is in a vessel licensed under this chapter as a menhaden boat and who takes menhaden or a person who takes minnows for bait only is not required to obtain a commercial finfish fisherman's license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1398, ch. 623, § 8, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 87, ch. 46, § 1, eff. April 15, 1981; Acts 1981, 67th Leg., p. 2542, ch. 676, art. 1, § 2, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1333, ch. 277, § 25, eff. Sept. 1, 1983.]

This section was also repealed by Acts 1979, 66th Leg., p. 550, ch. 260, art. 4, § 5, without reference to its amendment by Acts 1979, 66th Leg., p. 1398, ch. 623, § 8.

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 47.004. Fish Guide License

(a) No person may engage in business as a fish guide unless he has obtained a fish guide license.

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(b) The license fee for a fish guide license is \$50. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1333, ch. 277, § 26, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 47.005. Fish Boat License

(a) A boat equipped with a motor of any kind or sails may not be used in nontidal water to catch fish, oysters, or other edible aquatic products for pay or for the purpose of sale, barter, or exchange unless the owner of the boat has obtained a fish boat license.

(b) The license fee for a fish boat license is \$10.50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1339, ch. 277, § 55, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 47.006. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

§ 47.007. Commercial Fishing Boat License

(a) No person may use a skiff or a boat required to be numbered or registered under the laws of this state or the United States for the purpose of catching or assisting in catching fish, oysters, or any other edible aquatic life, except shrimp and menhaden, from tidal water for pay or for the purpose of sale, barter, or exchange unless the owner of the boat has obtained a commercial fishing boat license and a commercial fishing boat number.

(b) The fee for a commercial fishing boat license and number is \$10.50. Fifty cents of the fee may be retained by the issuing officer, except an employee of the department.

(c) The commission shall provide by rule for the issuance and use of commercial fishing boat numbers. Each boat required to be licensed by this section shall have the number affixed to the bow of the boat or to such other location on the boat as will be readily accessible for unimpaired visual inspection of the number by a person on another boat. In such instances where the number will not properly affix to a wooden boat, the commission shall provide for an alternate means of identification of such boat. Unless provided otherwise herein or by the rules of the commission, a license issued under this section is not valid unless the number is affixed to the boat as required by this section and the rules of the commission.

(d) A licensee under this section whose boat is destroyed, lost, or put to another use is not required to obtain another license if another boat is used to replace the previous one. The licensee shall affix the boat number to the replacement boat as required by this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 377, ch. 153, § 10, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1333, ch. 277, § 27, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 4055, ch. 634, § 4, eff. Sept. 1, 1983.]

Effective date and applicability of Acts 1983, 68th Leg., p. 1326, ch. 277, see note under § 31.026.

§ 47.008. Menhaden Boat License

(a) A boat may not be used for the purpose of catching menhaden in tidal water unless the owner of the boat has acquired a menhaden boat license.

(b) The license fee for each menhaden boat is \$2,000 a year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2542, ch. 676, art. 1, § 3, eff. Sept. 1, 1981.]

§ 47.009. Wholesale Fish Dealer's License

(a) No person may engage in business as a wholesale fish dealer unless he has obtained a wholesale fish dealer's license.

(b) The license fee for a wholesale fish dealer's license is \$400 for each place of business.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1334, ch. 277, § 28, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 47.0091. Purchase of Fish

No wholesale fish dealer may purchase in this state freshwater fish for resale unless he purchases the fish from a licensed commercial fisherman.

[Acts 1981, 67th Leg., p. 2384, ch. 595, § 1, eff. Aug. 31, 1981.]

§ 47.010. Wholesale Truck Dealer's Fish License

The license fee for a wholesale truck dealer's fish license is \$250 for each truck.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1334, ch. 277, § 29, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

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### § 47.011. Retail Fish Dealer's License

(a) No person may engage in business as a retail fish dealer unless he has obtained a retail fish dealer's license.

(b) The license fee for a retail fish dealer's license is \$30.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1334, ch. 277, § 30, eff. Sept. 1, 1983.]

Sections 57 and 58 of the 1983 amendatory act provide:

"Sec. 57. (a) A retail oyster dealer's license in existence on the effective date of this Act is converted into a retail fish dealer's license subject to the provisions of Section 47.011, Parks and Wildlife Code, as if the license had originally been issued under that section as amended by this Act. Such a license expires on the date it would have expired had this Act not been in effect.

"(b) The Parks and Wildlife Department shall treat an application for an original or renewal retail oyster dealer's license that is pending on the effective date of this Act as an original or renewal application for a retail fish dealer's license. Such an application is sufficient if it was sufficient according to the law that governed it at the time the application was made, or if it is sufficient under the Parks and Wildlife Code as it exists after this Act takes effect, except that the department shall require the applicant to submit any additional state fee that may be due before issuance of the original or renewal permit.

"Sec. 58. This Act takes effect September 1, 1983, and applies to fees imposed under the Parks and Wildlife Code and to arrest fees imposed under the Code of Criminal Procedure, 1965, on or after that date. The fee for a license issued or renewed before that is covered by the law in effect on the date that the license was issued or renewed, and the prior law is continued in effect for that purpose."

### § 47.0111. Purchase of Fish

No retail fish dealer may purchase in this state freshwater fish for resale unless he purchases the fish from:

- (1) a licensed wholesale fish dealer; or
- (2) a licensed commercial fisherman.

[Acts 1981, 67th Leg., p. 2384, ch. 595, § 1, eff. Aug. 31, 1981.]

### § 47.012. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

Section 57 of the 1983 repealing act provides:

"(a) A retail oyster dealer's license in existence on the effective date of this Act is converted into a retail fish dealer's license subject to the provisions of Section 47.011, Parks and Wildlife Code, as if the license had originally been issued under that section as amended by this Act. Such a license expires on the date it would have expired had this Act not been in effect.

"(b) The Parks and Wildlife Department shall treat an application for an original or renewal retail oyster dealer's license that is pending on the effective date of this Act as an original or renewal application for a retail fish dealer's license. Such an application is sufficient if it was sufficient according to the law that governed it

at the time the application was made, or if it is sufficient under the Parks and Wildlife Code as it exists after this Act takes effect, except that the department shall require the applicant to submit any additional state fee that may be due before issuance of the original or renewal permit."

### § 47.013. Retail Dealer's Truck License

(a) A person may engage in the business of selling edible aquatic products from a motor vehicle to consumers only if he obtains a retail dealer's truck license.

(b) The license fee for a retail dealer's truck license is \$50 for each truck.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1334, ch. 277, § 31, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 47.014. Bait Dealer's License

(a) No person may act as a bait dealer unless he has obtained a bait dealer's license.

(b) The license fee for a bait dealer's license is \$20 for each place of business.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 3, eff. Sept. 1, 1977; Acts 1983, 68th Leg., p. 1335, ch. 277, § 32, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 47.015. Seine or Net License

(a) No person may use a seine or net for the purpose of catching edible aquatic life in the water of this state for pay or sale unless he has acquired a seine or net license.

(b) The license fee for a seine or net is \$2 for each 100 feet or fraction of 100 feet of the length of the seine or net.

(c) The seine or net license shall be metal and must be firmly attached to each 100 feet or fraction of 100 feet of the length of the seine or net.

(d) A seine or net license may not be issued for any seine or net that is longer than 1,800 feet or whose meshes are less than one and one-half inches from knot to knot.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1335, ch. 277, § 33, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

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§ 47.016. Menhaden Fish Plant License

(a) No person may operate a menhaden fish plant unless he has obtained a menhaden fish plant license.

(b) Applications for a menhaden fish plant license must be submitted on forms prescribed by the department and accompanied by a \$100 filing fee and a certified copy of an order of the commissioners court of the county in which the plant will be located containing:

- (1) a description of the plant and its location; and
- (2) approval of the court for the construction and operation of the plant.

(c) Decisions of the commissioners court in approving or disapproving the construction of a plant are final and may not be reviewed or appealed.

(d) A menhaden fish plant license shall be issued after a hearing and a finding by the department that the construction and operation of the plant is in the public interest. Regardless of the decision of the department, the filing fee is not refundable.

(e) Notice of the hearing must be given at least 20 days prior to the date set for the hearing to the county judge of the county in which the plant is to be constructed and to all known interested parties. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1335, ch. 277, § 34, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 47.017. Renewal of Fish Plant License

The department shall renew a menhaden fish plant license on the application of the licensee and on the payment of a \$50 renewal fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 47.018. Interstate Transportation

(a) No person may bring into this state aquatic products for the purpose of offering them for sale unless he has obtained a license issued under this subchapter. Aquatic products caught in another state may not be sold under a general commercial fisherman's license, commercial finfish fisherman's license, or a commercial red drum license.

(b) Aquatic products lawfully taken from the waters of another state may be sold within this state by licensed dealers without regard to size limitations imposed on such products taken within this state. A record of the source and disposition of such undersize or oversize products shall be main-

tained by the dealer for as long as the undersize or oversize products are retained and for at least 30 days thereafter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1399, ch. 623, § 10, eff. Aug. 27, 1979.]

§§ 47.019, 47.020. Repealed by Acts 1981, 67th Leg., p. 379, ch. 153, § 14, eff. Sept. 1, 1981

[Sections 47.021 to 47.030 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO COMMERCIAL FISHING LICENSES

§ 47.031. Expiration of Licenses

(a) Except as provided in Subsections (b) and (c) of this section, all licenses issued under this chapter expire August 31 following the date of issuance.

(b) A menhaden boat license expires one year from the date of issuance.

(c) A menhaden fish plant license expires one year from the date of issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 47.032. Refusal of License

(a) Except as provided in Subsection (b) of this section, no person owing the state any amount for a license or fee under a final judgment of a court may receive a license under this chapter until the indebtedness is satisfied by payment to the department.

(b) Subsection (a) of this section does not apply to applicants for a tidal water commercial fisherman's license, commercial fishing boat license, menhaden boat license, or menhaden fish plant license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 47.033. Display of License

All licenses, except a tidal water commercial fisherman's license, commercial fishing boat license, menhaden boat license, and menhaden fish plant license, must be publicly displayed at all times in the place of business of the licensee. Licenses required for vehicles transporting aquatic products for sale must be displayed in the vehicle.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 47.034. Fish Size

(a) No person engaged in business as a commercial fisherman or wholesale or retail fish dealer may possess in his place of business or on a boat or

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vehicle for the purpose of sale those species of fish of greater or lesser length than set out in Subsection (c) of this section.

(b) No person may buy, sell, or offer for sale those species of fish of greater or lesser length than set out in Subsection (c) of this section.

(c) The maximum and minimum length of fish are as follows:

<u>Fish</u>	<u>Maximum Length</u>	<u>Minimum Length</u>
Flounder	None	12 inches
Sheephead and pompano	None	9 inches
Mackerel	None	14 inches
Gaff-topsail	None	11 inches

(d) This section does not prohibit the processing and selling of lawful fish by cutting, filleting, wrapping, freezing, or otherwise preparing the fish for market.

(e) The possession of saltwater species of fish of greater or lesser length than set out in Subsection (c) of this section on board a licensed commercial shrimp boat engaged in the taking of shrimp or returning to port after taking shrimp is not a violation of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1214, ch. 456, § 13(l), eff. Sept. 1, 1975; Acts 1981, 67th Leg., p. 377, ch. 153, § 7, eff. Sept. 1, 1981.]

### § 47.035. Prima Facie Evidence

Proof of possession of any undersized or oversized fish in the place of business of any wholesale or retail fish dealer or on board any boat engaged in commercial fishing or in any commercial vehicle is prima facie evidence of possession for the purpose of sale.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.036. Venue

Venue for a suit for possession of undersized or oversized fish is in the county where the illegal fish are found in possession, where the illegal fish are sold or offered for sale, or from which the illegal fish are shipped.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.037. Inspection

No person may refuse to allow an employee of the department to inspect aquatic products handled by or in the possession of any commercial fisher-

man, wholesale fish dealer, or retail fish dealer at any time or in any place.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.038. Seines or Nets for Menhaden

(a) Nets or purse seines used for catching menhaden may not be:

(1) less than one and one-half inch stretched mesh, excluding the bag;

(2) used in any bay, river, pass, or tributary, nor within one mile of any barrier, jetty, island, or pass, nor within one-half mile offshore in the Gulf of Mexico; or

(3) used for the purpose of taking edible aquatic products for the purpose of barter, sale, or exchange.

(b) No person lawfully catching menhaden in the tidal water of this state may sell, barter, or exchange any edible aquatic products caught in a menhaden seine or net. Possession of edible aquatic fish in excess of five percent by volume of menhaden fish in possession is a prima facie violation of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.039. Seasons

(a) The commission may adopt rules setting open and closed seasons for the noncommercial taking of redfish and speckled sea trout.

(b) No person may catch and retain a redfish or speckled sea trout during a closed season set by the commission under Subsection (a) of this section.

(c) A person who violates this section is guilty of a Class C misdemeanor. Each redfish or speckled sea trout taken and retained in violation of this section constitutes a separate offense.

[Acts 1981, 67th Leg., p. 377, ch. 153, § 8, eff. Sept. 1, 1981.]

[Sections 47.040 to 47.050 reserved for expansion]

## SUBCHAPTER C. PENALTIES, DISPLAY OF LICENSE, AND TRANSFER OF FUNDS

### § 47.051. Penalty

A person who violates a provision of Section 47.002, 47.004 through 47.006, 47.009 through 47.015, 47.017, 47.032 through 47.034, or 47.037, of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 and is subject to the forfeiture, for one

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year from the date of the conviction, of a license held under the authority of the listed sections.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.052. Penalty

(a) A person who fails to comply with or who violates a provision of Section 47.003(a) or 47.007 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000, by confinement in jail for not less than one month nor more than one year, or by both.

(b) The department may seize boats, nets, seines, trawls, or other tackle in the possession of a person violating the sections listed in Subsection (a) of this section and hold them until after the trial of the person.

(c) Violations of the above sections may also be enjoined by the attorney general by suit filed in a district court in Travis County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 550, ch. 260, art. 4, § 2, eff. Sept. 1, 1979; Acts 1979, 66th Leg., p. 1399, ch. 623, § 11, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 970, ch. 229, § 2, eff. Sept. 1, 1983.]

### § 47.053. Penalty

(a) A person who violates a provision of Section 47.008, 47.016, or 47.038, of this code is guilty of a misdemeanor and on first conviction is punishable by a fine of not less than \$20 nor more than \$100. On second conviction, the violator is punishable by a fine of not less than \$50 nor more than \$500.

(b) A licensee under any of the above sections who violates any of the above sections is also subject to suspension of his license for not less than 7 days nor more than 30 days at the discretion of the department on first conviction for a violation. On second conviction, the licensee is subject to revocation of his license for six months after the date of conviction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 550, ch. 260, art. 4, § 3, eff. Sept. 1, 1979.]

### § 47.0531. Repealed by Acts 1981, 67th Leg., p. 379, ch. 153, § 14, eff. Sept. 1, 1981

Section 16(a) of the 1981 repealing act provides:

"An information or indictment alleging a violation of a penal offense repealed by this Act may be presented at any time if the violation occurred before the effective date of this Act, and the person named in the information or indictment as the defendant may be prosecuted and sentenced under the repealed provision as though it were not repealed."

### § 47.054. Refusal to Show License

A person catching fish for the purpose of market or sale who refuses to show his license to an authorized employee of the department upon request is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$25.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 47.055. Disposition of Funds

Money received for licenses issued under this chapter or fines paid for violations of this chapter, less allowable deductions, shall be sent to the department by the 10th day of the month following receipt.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 48. FISH FARMER'S LICENSE

### Section

- 48.001. Definitions.
- 48.002. Fish Farmer's License Required.
- 48.003. Fish Farm Vehicle License Required.
- 48.004. Bill of Lading Required for Certain Vehicles.
- 48.005. License Fees.
- 48.006. Form and Duration of License.
- 48.007. Repealed.
- 48.008. Records.
- 48.009. Harvesting and Sale of Fish.
- 48.010. Sales of Bass and Crappie Limited.
- 48.0101. Marketing of Redfish and Speckled Sea Trout.
- 48.011. Federal Grants.
- 48.012. Penalties.
- 48.013. Fish Farms Protected.

### § 48.001. Definitions

In this chapter:

(1) "Fish farmer" means any person engaged in the business of producing, propagating, transporting, possessing, and selling fish raised in a private pond, but does not include a person engaged in the business of producing, propagating, transporting, possessing, and selling fish propagated for bait purposes.

(2) "Private pond" means a pond, reservoir, vat, or other structure capable of holding fish in confinement wholly within or on the enclosed land of an owner or lessor.

(3) "Owner" means a fish farmer licensed by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 48.002. Fish Farmer's License Required

No person may be a fish farmer without first having acquired from the department a fish farmer's license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.003. Fish Farm Vehicle License Required

(a) Except as provided by Subsection (b) of this section, a vehicle used to transport fish from a fish farm for sale from the vehicle is required to have a fish farm vehicle license.

(b) A fish farm vehicle license is not required for a vehicle owned and operated by the holder of a fish farmer's license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.004. Bill of Lading Required for Certain Vehicles

A vehicle, from which no fish sales are made, transporting fish from a fish farm shall carry a bill of lading that shows the number and species of fish carried, the name of the owner and the location and license number of the fish farm from which the fish were transported, and the destination of the cargo.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.005. License Fees

The department shall issue a fish farmer's license or a fish farm vehicle license on the payment of \$10 for each license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1335, ch. 277, § 35, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 48.006. Form and Duration of License

(a) A fish farmer's license and a fish farm vehicle license must be on a numbered form provided by the department.

(b) A license is valid from September 1 or the date of issue, whichever is later, through the following August 31.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.007. Repealed by Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

### § 48.008. Records

The holder of a fish farmer's license shall maintain a record of the sales and shipments of fish.

The record is open for inspection by designated employees of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.009. Harvesting and Sale of Fish

Fish of any size from a fish farm may be harvested and sold at any time and in any county.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.010. Sales of Bass and Crappie Limited

(a) Except as provided in Subsection (b) of this section, no person may sell bass or crappie from a fish farm for consumption or for resale.

(b) Bass and crappie may be sold for resale to a licensed fish farmer only, and to any person for stocking purposes.

(c) Other kinds of fish from a fish farm may be sold for any purpose.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.0101. Marketing of Redfish and Speckled Sea Trout

(a) The commission shall adopt rules providing for the raising, sale, transportation, and possession of redfish and speckled sea trout raised by a fish farmer licensed under this chapter.

(b) The rules shall provide for and require the identification of redfish and speckled sea trout raised by a fish farmer under this chapter.

(c) The license of a fish farmer who violates a rule of the commission made under this chapter may be suspended by the commission on notice to the fish farmer and on a hearing.

[Acts 1981, 67th Leg., p. 377, ch. 153, § 9, eff. Sept. 1, 1981.]

### § 48.011. Federal Grants

Federal grants for research and development of commercial fisheries may be used for individual fishery projects with the approval of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 48.012. Penalties

Any person who violates any provision of this chapter for which a specific penalty is not provided is guilty of a misdemeanor and on conviction is

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punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 48.013. Fish Farms Protected

(a) No person, other than the owner or operator of a fish farm or a person with the owner's or operator's consent, may fish on or take fish from a fish farm.

(b) Except as provided in Subsection (c) of this section, a person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(c) A person who violates this section by taking fish of a value of more than \$200 is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not more than 10 years. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 49. FALCONRY PERMIT

Section

- 49.001. Definitions.
- 49.002. Prohibited Acts.
- 49.003. Apprentice Falconer's Permit.
- 49.004. General Falconer's Permit.
- 49.0045. Master Falconer's Permit.
- 49.0047. Joint Federal-State Permits.
- 49.005. Raptor Limit.
- 49.006. Renewal.
- 49.007. Renewal Fees.
- 49.008. Nonresident Falconer's Permit.
- 49.009. Reciprocity.
- 49.010. Hunting.
- 49.011. Sale of Raptors.
- 49.012. Property of State.
- 49.013. Transportation of Raptors.
- 49.014. Powers of Department.
- 49.015. Rare or Endangered Species.
- 49.016. Advisory Board.
- 49.017. Penalties.

§ 49.001. Definitions

In this chapter:

- (1) "Nonresident" means an individual, other than an alien, who has not been a resident of this state for more than six months immediately before applying for a falconry permit.
- (2) "Alien" means an individual who is not a citizen of the United States and who has not declared his intention to become a citizen.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 49.002. Prohibited Acts

(a) Except as provided in Subsection (b) of this section, no person may take, capture, or possess, or attempt to take or capture, any native raptors unless he has obtained a permit issued under this chapter.

(b) A person may collect and hold protected species of wildlife for scientific, zoological, and propagation purposes if he holds a permit issued by the department for that purpose.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 49.003. Apprentice Falconer's Permit

The department may issue an apprentice falconer's permit to any person who:

- (1) is at least 14 years of age;
- (2) is sponsored by the holder of a general falconer's or a master falconer's permit;
- (3) submits an application on forms prescribed by the department; and
- (4) submits a \$30 original permit fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 116, ch. 57, § 1, eff. Sept. 1, 1977; Acts 1983, 68th Leg., p. 1335, ch. 277, § 36, eff. Sept. 1, 1983.]

Section 11 of the 1977 amendatory act provided:

"This Act takes effect September 1, 1977. A permit issued before the effective date of this Act under Chapter 49, Parks and Wildlife Code, remains valid as provided under the law under which it was issued until the date of its renewal."

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 49.004. General Falconer's Permit

The department may issue a general falconer's permit to any person who:

- (1) is at least 18 years of age;
- (2) has at least two years of hunting experience with raptors under an apprentice falconer's permit or its equivalent;
- (3) submits an application on forms prescribed by the department; and
- (4) submits a \$45 original permit fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 116, ch. 57, § 2, eff. Sept. 1, 1977; Acts 1983, 68th Leg., p. 1336, ch. 277, § 37, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.



## § 49.0045

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### § 49.0045. Master Falconer's Permit

The department may issue a master falconer's permit to any person who:

- (1) is at least 21 years of age;
- (2) has at least five years of hunting experience with raptors under a general falconer's permit or its equivalent;
- (3) submits an application on forms prescribed by the department; and
- (4) submits a \$60 original permit fee.

[Acts 1977, 65th Leg., p. 116, ch. 57, § 3, eff. Sept. 1, 1977. Amended by Acts 1983, 68th Leg., p. 1336, ch. 277, § 38, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 49.0047. Joint Federal-State Permits

The department may issue joint federal-state falconer's permits as allowed by the regulations of the U. S. Fish and Wildlife Service.

[Acts 1977, 65th Leg., p. 116, ch. 57, § 4, eff. Sept. 1, 1977.]

### § 49.005. Raptor Limit

(a) The holder of a falconer's permit may take, possess, and transport only the number of raptors allowed by regulation of the commission for the kind of permit held.

(b) The department shall designate species of raptor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 5, eff. Sept. 1, 1977.]

### § 49.006. Renewal

(a) A falconer's permit expires on June 30 of the second calendar year following the date of issuance.

(b) Applications for renewal must be accompanied by the renewal fee and a report prescribed by the department accounting for all activities during the license period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 6, eff. Sept. 1, 1977.]

### § 49.007. Renewal Fees

The renewal fee for each falconer's permit is \$15.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 7, eff. Sept. 1, 1977; Acts 1983, 68th Leg., p. 1336, ch. 277, § 39, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 49.008. Nonresident Falconer's Permit

(a) A nonresident falconer's permit may be issued by the department to a nonresident or alien entitled to a nonresident hunting license.

(b) An applicant for a nonresident falconer's permit must submit an application on forms prescribed by the department and a \$9 permit fee.

(c) The permit is valid for five consecutive days.

(d) The holder of this permit may hunt with the aid of a validly held raptor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1337, ch. 277, § 40, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 49.009. Reciprocity

A person holding raptors under a valid license issued by another state and establishing permanent residence in this state must apply to the department within 10 days for a falconer's permit from this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 49.010. Hunting

The holder of a valid permit issued under this chapter and a valid hunting license may hunt native species of wild birds, wild animals, and migratory game birds during the open season and may hunt unprotected species of wildlife.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 49.011. Sale of Raptors

(a) Except as permitted in Subsection (b) of this section, no person may buy, sell, barter, or exchange, or offer to buy, sell, barter, or exchange, a raptor in this state.

(b) The holder of a falconer's permit may, with approval of the department, exchange a raptor with another holder of a falconer's permit if there is no consideration for the exchange other than the raptors exchanged.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 8, eff. Sept. 1, 1977.]

### § 49.012. Property of State

All raptors captured, taken, or held in this state remain the property of the people of the state except as provided in this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 49.013. Transportation of Raptors**

The department may issue a special permit to transport raptors out of the state on application of a permittee holding raptors who is permanently leaving the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 49.014. Powers of Department**

The department may:

- (1) prescribe reasonable rules and regulations for taking and possessing raptors, time and area from which raptors may be taken, and species that may be taken;
- (2) provide standards for possessing and housing raptors held under a permit;
- (3) prescribe annual reporting requirements and procedures;
- (4) prescribe eligibility requirements for any falconry permit; and
- (5) require and regulate the identification of raptors held by permit holders.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 9, eff. Sept. 1, 1977.]

**§ 49.015. Rare or Endangered Species**

The department shall insure that the taking and possessing for falconry purposes of raptors classified as rare or endangered by this state, the regulations of the department, or the United States Bureau of Sports, Fisheries, and Wildlife are restricted to competent and experienced individuals and to numbers consistent with good management practices and the current population status of the individual species or subspecies involved.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 117, ch. 57, § 10, eff. Sept. 1, 1977.]

**§ 49.016. Advisory Board**

(a) The department shall establish an advisory board consisting of three mature and experienced falconers.

(b) Members of the advisory board shall be selected by the department from nominees submitted by the Texas Hawking Association, the North American Falconers Association, or any unaffiliated resident falconers.

(c) The advisory board shall advise the department on the development and implementation of the rules and regulations issued under this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 49.017. Penalties**

A person who violates a provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 for each violation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 50. COMBINATION HUNTING AND FISHING LICENSE**

**Section**

- 50.001. Combination License Authorized.
- 50.002. License Fee.
- 50.003. Other Licenses Not Required.
- 50.004. Form; Duplicate License.
- 50.005. Holder Shall Comply With Other Law.

**§ 50.001. Combination License Authorized**

The department may issue to residents of this state a combination hunting and fishing license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 50.002. License Fee**

The fee for the combination license shall be set by the commission in an amount that is reasonable to defray administrative costs, but not less than \$12. Authorized agents of the department, other than employees of the department, may retain \$1 of the fee as a collection fee.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1337, ch. 277, § 41, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

**§ 50.003. Other Licenses Not Required**

A resident who has acquired a combination hunting and fishing license is not required to obtain the hunting license required by Chapter 42 of this code or the fishing license required by Chapter 46 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 50.004. Form; Duplicate License**

(a) The department shall prescribe the form of the license and shall attach to it deer tags as provided in Chapter 42 of this code.

(b) Duplicate licenses may be issued for the same fee and in the same manner as hunting licenses under Chapter 42 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 50.005

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### § 50.005. Holder Shall Comply With Other Law

A holder of a combination hunting and fishing license shall comply with and is subject to the penalties in Chapters 42 and 46 of this code, unless those requirements or penalties conflict with this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 51. SHELLFISH CULTURE LICENSE

#### Section

- 51.001. Definitions.
- 51.0011. Exemption of Crayfish.
- 51.002. License Required.
- 51.003. License for Each Premises.
- 51.004. Issuance of License; Period of Validity.
- 51.005. License Fee.
- 51.006. Shipments of Shellfish.
- 51.007. Records.
- 51.008. Harvest and Sale of Shellfish.
- 51.009. Exotic Shellfish Permit Required.
- 51.010. Permits for Taking Brood Stock.
- 51.011. Penalty.

### § 51.001. Definitions

In this chapter:

(1) "Shellfish culture" means the business of producing, propagating, transporting, selling, or possessing for sale shellfish raised in private ponds or reservoirs in this state.

(2) "Shellfish" means aquatic species of crustaceans and mollusks, including oysters, clams, shrimp, prawns, and crabs of all varieties.

(3) "Private pond" means a pond, reservoir, vat, or other structure capable of holding shellfish in confinement wholly within or on privately owned enclosed land.

(4) "Exotic shellfish" means shellfish imported alive into this state for shellfish culture purposes, but does not include shellfish taken from the high seas adjacent to the Texas coast.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 399, ch. 161, § 2, eff. May 20, 1981.]

### § 51.0011. Exemption of Crayfish

This chapter does not apply to crayfish, other than in public water and as may be designated in Chapters 67 and 68 of this code.

[Acts 1981, 67th Leg., p. 398, ch. 161, § 1, eff. May 20, 1981.]

### § 51.002. License Required

No person may engage in shellfish culture in this state unless he has first acquired a shellfish culture license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 51.003. License for Each Premises

A separate license is required for each tract of land on which a private pond is used for shellfish culture.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 51.004. Issuance of License; Period of Validity

(a) The department shall issue the shellfish culture license, and each license shall be numbered on a form provided by the department.

(b) A license is valid during the license year for which it is issued. The license year begins September 1 and extends through August 31 of the following year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 51.005. License Fee

The fee for a shellfish culture license is \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1337, ch. 277, § 42, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 51.006. Shipments of Shellfish

Vehicles transporting shellfish to or from a licensed facility shall carry a bill of lading showing:

- (1) the name, location, and license number of the shellfish culturist;
- (2) the quantity and species of shellfish; and
- (3) the source and destination of the shellfish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 51.007. Records

(a) The holder of a shellfish culture license shall make and keep records showing purchases, sales, and shipments of shellfish.

(b) The records are open to inspection by authorized employees of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 51.008. Harvest and Sale of Shellfish

(a) Shellfish produced by a shellfish culturist may be harvested by any means and may be of any size.

(b) Subject to health regulations, shellfish produced by a shellfish culturist may be sold any time and in any county to any person.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 51.009. Exotic Shellfish Permit Required

(a) No person may import, possess, propagate, or transport exotic shellfish unless he has acquired a permit from the department.

(b) The department may not issue a permit to any shellfish culturist for exotic shellfish unless the applicant furnishes sufficient evidence showing that the shellfish are free of disease.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 51.010. Permits for Taking Brood Stock

(a) The department may issue permits to shellfish culturists or their agents authorizing the taking of a reasonable quantity of shellfish brood stock during a closed season, in closed public waters, or of any size.

(b) The permits shall show:

(1) the name, address, and license number of the shellfish culturist;

(2) the period of time during which brood fish may be taken;

(3) the place where taking is allowed;

(4) the species and number of shellfish to be taken; and

(5) the method of taking.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 51.011. Penalty

A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBTITLE B. HUNTING AND FISHING

CHAPTER 61. UNIFORM WILDLIFE REGULATORY ACT

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Section

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Section

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61.004. Applicability of Additional Counties.

61.005. Definitions.

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SUBCHAPTER B. PROHIBITED ACTS

61.021. Taking Wildlife Resources Prohibited.

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SUBCHAPTER C-1. REGULATION OF COMMERCIAL FISHING [REPEALED]

61.061 to 61.068. Repealed.

SUBCHAPTER D. ADMINISTRATIVE PROCEDURES

61.101. County Hearing on Proclamation.

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61.103. Adoption of Proclamations.

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SUBCHAPTER E. PROVISIONS AFFECTING LIMITED AREAS

61.201, 61.202. Repealed.

61.203. Trotlines and Crab Traps in Aransas County.

61.204. Repealed.

61.205 to 61.208. Repealed.

SUBCHAPTER F. PENALTIES

61.901. Penalties.

61.902. Repealed.

61.903. Penalties: Hunting from Vehicle or at Night.

SUBCHAPTER A. GENERAL PROVISIONS

§ 61.001. Title

This chapter may be cited as the Wildlife Conservation Act of 1983.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 22, ch. 9, art. I, § 1, eff. Aug. 29, 1983.]

## § 61.002

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### § 61.002. Purpose

The purpose of this chapter is to provide a comprehensive method for the conservation of an ample supply of wildlife resources on a statewide basis to insure reasonable and equitable enjoyment of the privileges of ownership and pursuit of wildlife resources. This chapter provides a flexible law to enable the commission to deal effectively with changing conditions to prevent depletion and waste of wildlife resources.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 22, ch. 9, art. I, § 2, eff. Aug. 29, 1983.]

### § 61.003. Applicability of Chapter

Title 7 of this code prescribes the counties, places, and wildlife resources to which this chapter applies. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 61.004. Applicability of Additional Counties

A law making this chapter applicable to all or a portion of the wildlife resources of a county or place repeals any provision of general or special law regulating the taking or possession of those wildlife resources when the commission's proclamation relating to those wildlife resources in the county or place takes effect.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 506, ch. 213, § 1, eff. Aug. 31, 1981.]

Sections 5 and 6 of the 1981 amendatory act provide:

"Sec. 5. A proclamation that was adopted by the commission before the effective date of this Act, that purports to regulate the possession of wildlife resources, and that by its terms was in effect on the effective date of this Act is validated as of the effective date of this Act to the extent that it would have been valid if adopted on or after the effective date of this Act.

"Sec. 6. The provisions of this Act do not affect the provisions of H.B. No. 1000, Acts of the 67th Legislature, Regular Session, 1981 [Chapter 153]."

### § 61.005. Definitions

In this chapter:

(1) "Hunt" includes take, kill, pursue, trap, and the attempt to take, kill, or trap.

(2) "Wildlife resources" means all game animals, game birds, marine animals, fish, and other aquatic life.

(3) "Depletion" means the reduction of a species below its immediate recuperative potential by any deleterious cause.

(4) "Waste" means a supply of a species or one sex of a species in sufficient numbers that

a seasonal harvest will aid in the reestablishment of a normal number of the species.

(5) "Daily bag limit" means the quantity of a species of game that may be taken in one day.

(6) "Possession limit" means the maximum number of a species of game that may be possessed at one time.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 439, ch. 184, § 2, eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2740, ch. 748, § 2, eff. Sept. 1, 1981.]

### § 61.006. Crayfish

Except for Section 61.022 and Chapter 68 of this code, this chapter does not apply to crayfish, other than in public water.

[Acts 1981, 67th Leg., p. 399, ch. 161, § 3, eff. May 20, 1981.]

[Sections 61.007 to 61.020 reserved for expansion]

## SUBCHAPTER B. PROHIBITED ACTS

### § 61.021. Taking Wildlife Resources Prohibited

Except as permitted under a proclamation issued by the commission under this chapter, no person may hunt, catch, or possess a game bird or game animal, fish, marine animal, or other aquatic life at any time or in any place covered by this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 506, ch. 213, § 2, eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2740, ch. 748, § 3, eff. Sept. 1, 1981.]

### § 61.022. Taking Wildlife Resources Without Consent of Landowner Prohibited

No person may hunt, catch, or possess a game animal or game bird, fish, marine animal, or other aquatic life at any time and at any place covered by this chapter unless the owner of the land or water, or the owner's agent, consents.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 506, ch. 213, § 2, eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2740, ch. 748, § 3, eff. Sept. 1, 1981.]

[Sections 61.023 to 61.050 reserved for expansion]

## SUBCHAPTER C. REGULATORY DUTIES

### § 61.051. Duty to Investigate and Study Wildlife Resources

(a) The department shall conduct scientific studies and investigations of all species of wildlife resources to determine:

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- (1) supply;
- (2) economic value;
- (3) environments;
- (4) breeding habits;
- (5) sex ratios;
- (6) effects of hunting, trapping, fishing, disease, infestation, predation, agricultural pressure, and overpopulation; and
- (7) any other factors or conditions causing increases or decreases in supply.

(b) The studies and investigations may be made periodically or continuously.

(c) The commission shall make findings of fact based on the studies and investigations of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 61.052. General Regulatory Duty

(a) The commission shall regulate the periods of time when it is lawful to take or possess wildlife resources in or from the places covered by this chapter.

(b) The commission shall regulate the means, methods, manners, and places in which it is lawful to take or possess wildlife resources in or from the places covered by this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 507, ch. 213, § 3, eff. Aug. 31, 1981.]

§ 61.053. Open Seasons

The commission shall provide open seasons for the taking or possession of wildlife resources if its investigations and findings of fact reveal that open seasons may be safely provided or if the threat of waste requires an open season to conserve wildlife resources.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 507, ch. 213, § 3, eff. Aug. 31, 1981.]

§ 61.054. Proclamations of the Commission

(a) Regulation of the taking or possession of wildlife resources under this chapter shall be by proclamation of the commission.

(b) A proclamation of the commission authorizing the taking or possession of wildlife resources must specify:

- (1) the species, quantity, age or size, and, to the extent possible, the sex of the wildlife resources authorized to be taken or possessed;

(2) the means, method, or manner that may be used to take or possess the wildlife resources; and

(3) the region, county, area, or portion of a county where the wildlife resources may be taken or possessed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 507, ch. 213, § 3, eff. Aug. 31, 1981.]

Sections 5 and 6 of the 1981 amendatory act provide:

“Sec. 5. A proclamation that was adopted by the commission before the effective date of this Act, that purports to regulate the possession of wildlife resources, and that by its terms was in effect on the effective date of this Act is validated as of the effective date of this Act to the extent that it would have been valid if adopted on or after the effective date of this Act.

“Sec. 6. The provisions of this Act do not affect the provisions of H.B. No. 1000, Acts of the 67th Legislature, Regular Session, 1981 [Chapter 153].”

§ 61.055. Amendments and Revocations

(a) If the commission finds that there is a danger of depletion or waste, it shall amend or revoke its proclamations to prevent the depletion or waste and to provide to the people the most equitable and reasonable privilege to pursue, take, possess, and kill wildlife resources.

(b) The commission may amend or revoke its proclamations at any time it finds the facts warrant a change.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 507, ch. 213, § 3, eff. Aug. 31, 1981.]

§ 61.056. Proclamations Concerning Certain Deer, Antelope, and Elk

A proclamation of the commission authorizing the taking of antlerless deer or antelope in this state, or elk in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties, is not effective for a specific tract of land unless the owner or other person in charge of the land agrees in writing to the removal and to the number of antlerless deer, antelope, or elk authorized to be taken.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 1860, ch. 439, § 3, eff. Aug. 31, 1981.]

§ 61.057. Antlerless Deer, Antelope, and Elk Permits

(a) Except as provided in Subsection (c) of this section, no person may hunt an antlerless deer or antelope in this state, or elk in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties, without first having

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acquired an antlerless deer, antelope, or elk permit issued by the department on a form provided by the department.

(b) The permit may be distributed by the department or by the owner or other person in charge of a tract of land where hunting is authorized and which is subject to an agreement under Section 61.056 of this code. An owner or other person in charge of land may distribute permits only for the land he owns or is in charge of.

(c) When conditions warrant, the commission may allow hunting of antlerless deer or antelope in this state, or elk in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties, without a permit. The proclamation allowing hunting without a permit must be specific as to the county or portion of a county to which it applies.

(d) No person may sell or trade a permit authorized by this section for anything of value.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 1860, ch. 439, §§ 4, 5, eff. Aug. 31, 1981.]

[Sections 61.058 to 61.060 reserved for expansion]

### SUBCHAPTER C-1. REGULATION OF COMMERCIAL FISHING [REPEALED]

§§ 61.061 to 61.068. Repealed by Acts 1981, 67th Leg., p. 379, ch. 153, § 14, eff. Sept. 1, 1981

See, now, § 66.217.

Section 6 of Acts 1981, 67th Leg., ch. 213, provides:

"The provisions of this Act do not affect the provisions of H.B. No. 1000, Acts of the 67th Legislature, Regular Session, 1981 [Chapter 153]."

### SUBCHAPTER D. ADMINISTRATIVE PROCEDURES

#### § 61.101. County Hearing on Proclamation

(a) Before a proclamation of the commission may be adopted, the department shall hold a public hearing in the county to be affected by the proclamation.

(b) The hearing may be conducted by a member of the commission or by any designated employee of the department. This subsection does not require the presence of a member at any county hearing. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 61.102. Notice on County Hearing

Notice of the hearing must be given in a newspaper published in the county at least 10 days before

the date of the hearing. If no newspaper is published in the county, the notice must be given in a newspaper published in an adjoining county and having wide circulation in the county in which the hearing is to be held.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 61.103. Adoption of Proclamations

(a) A proclamation under this chapter must be adopted by a quorum of the commission at a meeting of the commission held in the commission's office in Austin.

(b) A proclamation may be adopted at any special or regular meeting of the commission, for which the date and time are designated by the commission.

(c) Any person interested in a proclamation is entitled to be heard at the meeting and may introduce evidence on the imminence of depletion or waste.

(d) For the purpose of adopting a proclamation under this chapter, a quorum of the commission is four members.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 61.104. Effective Date and Duration of Proclamations

(a) Except as provided in Subsection (b) of this section, a proclamation takes effect at the time determined by the commission. The time designated by the commission may not be earlier than 20 days after the day the proclamation is adopted by the commission.

(b) If the commission finds that there is an immediate danger of depletion in any area as to a species, the commission may declare a state of emergency, and a proclamation issued under the state of emergency takes effect on issuance.

(c) A proclamation of the commission continues in effect until it expires by its own terms or until it is amended or repealed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 2, § 1, eff. Sept. 1, 1979.]

#### § 61.105. Copies of Proclamations

On the adoption of a proclamation, a copy shall be numbered and filed in the office of the commission in Austin. A copy shall be filed with the secretary of state. A copy shall be sent to each county clerk

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for filing and to each county attorney of a county affected by the proclamation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 2, § 2, eff. Sept. 1, 1979.]

§ 61.106. Judicial Review of Proclamation

(a) The venue for any suit challenging the validity of a proclamation of the commission under this chapter is in Travis County.

(b) The party complaining of a proclamation has the burden of proof to show invalidity.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 61.107 to 61.200 reserved for expansion]

SUBCHAPTER E. PROVISIONS AFFECTING LIMITED AREAS

§ 61.201. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

§ 61.202. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 61.203. Trotlines and Crab Traps in Aransas County

(a) The commission shall regulate the use of trotlines and crab traps outside the net-free zone in Aransas County to protect persons engaged in fishing, boating, and other water sports.

(b) The regulations may require spacing and marking of trotlines and crab traps and may authorize the seizure of abandoned trotlines and traps.

(c) The regulations under this section shall be adopted in the same manner as other regulations under this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 61.204. Repealed by Acts 1977, 65th Leg., p. 802, ch. 279, § 1, eff. Aug. 29, 1977

§§ 61.205 to 61.207. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Article III, § 1, of the 1983 repealing act provides:

"A person who, before the effective date of this Act, violates a provision of law repealed by Article I, Section 36 or Article I, Section 37 of this act shall be prosecuted under the law as it existed on the day the violation occurred and that law is continued in effect for that purpose."

§ 61.208. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

[Sections 61.209 to 61.900 reserved for expansion]

SUBCHAPTER F. PENALTIES

§ 61.901. Penalties

(a) Except as provided in this section or in Section 61.903 of this code, a person who violates any provision of this chapter or any proclamation or regulation of the commission issued under the authority of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each game animal, game bird, or fish taken or possessed in violation of this chapter or of a proclamation or regulation of the commission constitutes a separate offense.

(b) A person who violates a proclamation or regulation of the commission by the use of artificial lights in Hardin, Jasper, Newton, Orange, or Tyler counties is guilty of a misdemeanor and on conviction is punishable by confinement in jail for not less than 3 nor more than 90 days, or by a fine of not less than \$50 nor more than \$200, or by both.

(c) A person who violates a proclamation or regulation of the commission regulating the use and possession of nets, seines, trawls, traps, or other devices used for catching aquatic life, except shrimp, in the inside water of this state is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$200 and on a second or subsequent conviction is punishable by a fine of not less than \$50 nor more than \$500.

(d) A person who violates a proclamation of the commission relating to the daily catch, retention, and size limits for redfish or speckled sea trout taken for noncommercial purposes is guilty of an offense and is punishable for the first and subsequent offenses by the penalties prescribed by Sections 66.2011(d) and (e) of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 381, ch. 190, §§ 1, 2, eff. May 20, 1977; Acts 1981, 67th Leg., p. 507, ch. 213, § 4, eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2698, ch. 735, § 1, eff. Aug. 31, 1981; Acts 1981, 67th Leg., p. 2740, ch. 748, § 4, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 970, ch. 229, § 3, eff. Sept. 1, 1983.]

§ 61.902. Repealed by Acts 1981, 67th Leg., p. 379, ch. 153, § 14, eff. Sept. 1, 1981

The repealed section, added by Acts 1977, 65th Leg., p. 723, ch. 270, § 7, provided penalties for red drum violations.

Section 16(a) of the 1981 repealing act provides:

"An information or indictment alleging a violation of a penal offense repealed by this Act may be presented at any time if the violation occurred before the effective date of this Act, and the person named in the information or indictment as the defendant may be prosecuted and sentenced under the repealed provision as though it were not repealed."



## § 61.903

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### § 61.903. Penalties: Hunting from Vehicle or at Night

(a) A person who violates a proclamation of the commission that prohibits the conduct defined by Section 62.003 or 62.004 of this code is guilty of a Class C misdemeanor.

(b) If it is shown at the trial of the defendant that he has been convicted within five years before the trial date of a violation of a proclamation or regulation that prohibits the conduct defined by Section 62.003 or 62.004 of this code, he is guilty of a Class B misdemeanor.

[Acts 1981, 67th Leg., p. 698, ch. 735, § 2, eff. Aug. 31, 1981.]

## CHAPTER 62. PROVISIONS GENERALLY APPLICABLE TO HUNTING

### SUBCHAPTER A. GENERAL PROVISIONS

#### Section

- 62.001. Definitions.
- 62.002. Repealed.
- 62.003. Hunting From Vehicles.
- 62.004. Hunting at Night.
- 62.005. Hunting With Light.
- 62.006. Hunting for Hire.
- 62.007. Stopping for Search.
- 62.008. Prima Facie Evidence.
- 62.009. Purchase for Evidence.
- 62.010. Exceeding Bag Limits, Hunting During Closed Season, etc.; Penalty.
- 62.011. Retrieval and Waste of Game.
- 62.012. Written Consent to Hunt or Target Shoot Required.

### SUBCHAPTER B. SALE, TRANSPORTATION, AND STORAGE OF GAME

- 62.021. Sale or Purchase of Game.
- 62.022. Sale or Purchase of Certain Game.
- 62.023. Sale by Taxidermist.
- 62.024. Importation of Game.
- 62.025. Importation of Game.
- 62.026. Importation of Protected Wildlife From Mexico.
- 62.0265. Transportation of Wild Animals and Birds.
- 62.027. Affidavit for Transporting Specimens.
- 62.028. Failure to Obtain Affidavit.
- 62.029. Records of Game in Storage.
- 62.030. Possession of Game in Storage.
- 62.031. Inspections of Storage Facilities.

### SUBCHAPTER C. ARCHERY SEASON [REPEALED]

- 62.051 to 62.056. Repealed.

### SUBCHAPTER D. HUNTING IN STATE PARKS

#### Section

- 62.061. Prohibited Acts.
- 62.062. Season.
- 62.063. Regulatory Authority.
- 62.0631. Sea Rim State Park.
- 62.064. Fee for Hunting.
- 62.065. Disposition of Funds.
- 62.066. Management of Resources.
- 62.067. General Hunting License.
- 62.068. Arrest.
- 62.069. Penalty.

### SUBCHAPTER E. WEAPONS ON LOWER COLORADO RIVER AUTHORITY LAND

- 62.081. Weapons Prohibited.
- 62.082. Target Ranges.
- 62.083. Approved Instructor and Range Records.
- 62.084. Penalty.

### SUBCHAPTER A. GENERAL PROVISIONS

#### § 62.001. Definitions

For the purpose of enforcement of the game laws of this state:

(1) "Closed season" means the period of time during which it is unlawful to hunt a game animal, wild fowl, or bird.

(2) "Open season" means the period of time during which it is lawful to hunt a specified animal, game animal, wild fowl, or bird.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 62.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### § 62.003. Hunting From Vehicles

(a) Except as provided in Subsection (b) of this section, no person may hunt from any type of aircraft or airborne device, motor vehicle, powerboat, or sailboat, or from any other floating device any wild bird or wild animal.

(b) Animals and birds not classified as migratory may be hunted from a motor vehicle, powerboat, or sailboat, or from any other floating device within the boundaries of private property or upon private water by a person who is legally on the property or water for the purpose of hunting if no attempt is made to hunt any wild bird or wild animal on any part of the road system of this state.

(c) A person who violates this section is guilty of a Class C misdemeanor.

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(d) If it is shown at the trial of the defendant that he has been convicted within five years before the trial date of a violation of this section, he is guilty of a Class B misdemeanor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2698, ch. 735, § 3, eff. Aug. 31, 1981.]

Section 6 of the 1981 amendatory act provides:

"A person who violates the provisions of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted under the law in existence on the day the violation occurred, and that law is continued in effect for that purpose. The fact that a person was convicted of a violation of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act does not preclude the use of that conviction for enhancing the punishment for a violation that occurs after the effective date of this Act."

### § 62.004. Hunting at Night

(a) No person may hunt any wild bird, wild game bird, wild fowl, or wild game animal protected by this code at any season of the year between one-half hour after sunset and one-half hour before sunrise.

(b) A person who violates this section is guilty of a Class C misdemeanor. Each bird or animal killed in violation of this section constitutes a separate offense.

(c) If it is shown at the trial of the defendant that he has been convicted within five years before the trial date of a violation of this section, he is guilty of a Class B misdemeanor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2699, ch. 735, § 4, eff. Aug. 31, 1981.]

Section 6 of the 1981 amendatory act provides:

"A person who violates the provisions of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted under the law in existence on the day the violation occurred, and that law is continued in effect for that purpose. The fact that a person was convicted of a violation of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act does not preclude the use of that conviction for enhancing the punishment for a violation that occurs after the effective date of this Act."

### § 62.005. Hunting With Light

(a) No person may hunt an animal or bird protected by this code with the aid of a headlight, hunting lamp, or other artificial light, including an artificial light attached to a motor vehicle.

(b) The possession of a headlight or hunting lamp used on or about the head when hunting at night between sunset and one-half hour before sunrise by a person hunting in an area where deer are known to range constitutes prima facie evidence that the person was violating this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$50, by confinement in the county jail for not less than 30 days nor more than 90 days, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.006. Hunting for Hire

(a) No person may employ another person or be employed by another person for compensation or promise of compensation to hunt any bird, wild fowl, or game animal protected by this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(c) If a person testifies against another person who employed him in violation of this section, all prosecutions against him in the case in which he testifies shall be dismissed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.007. Stopping for Search

(a) An authorized employee of the department may search the game bag, receptacle, automobile, or other vehicle if he has reason to believe that the bag, receptacle, automobile, or vehicle contains game unlawfully killed or taken.

(b) A person who refuses to allow a search or refuses to stop a vehicle when requested to do so by an authorized employee is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.008. Prima Facie Evidence

Except as provided in Subchapter B of this chapter, possession of a wild game bird, wild game animal, or other species of protected wildlife, whether dead or alive, during a time when the hunting of the animal, bird, or species is prohibited is prima facie evidence of the guilt of the person in possession.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.009. Purchase for Evidence

A person who, for the purpose of establishing testimony, purchases a game bird or animal whose sale is prohibited by this code, is immune from prosecution for the purchase. A conviction for the

## § 62.009

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unlawful sale of game may be sustained on the uncorroborated testimony of the purchaser.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.010. Exceeding Bag Limits, Hunting During Closed Season, etc.; Penalty

(a) No person may kill or take more than the daily, weekly, or seasonal bag limits for game birds or animals as set out in this code.

(b) No person may hunt any game bird or animal at any time of the year other than during the open season provided by this code.

(c) No person may kill, take, capture, wound, or shoot at any game bird or animal for which no open season is set out by this code.

(d) No person may possess an illegally killed game bird or animal.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each game bird or animal taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.011. Retrieval and Waste of Game

(a) It is an offense if a person while lawfully hunting kills or wounds a game bird or game animal and intentionally or knowingly fails to make a reasonable effort to retrieve the animal or bird and include it in the person's daily or seasonal bag limit.

(b) It is an offense if a person intentionally takes a game bird, game animal, or a fish, other than a rough fish, and intentionally, knowingly, or recklessly, or with criminal negligence, fails to keep the edible portions of the bird, animal, or fish in an edible condition.

(c) An offense under this section is a misdemeanor or the punishment for which is a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1214, ch. 456, § 15, eff. Sept. 1, 1975.]

### § 62.012. Written Consent to Hunt or Target Shoot Required

(a) This section applies only to a county having a population of 2,000,000 or more. This section does not apply to a person hunting or target shooting on a public or private shooting range.

(b) Except as provided by Subsection (d) of this section, no person possessing a firearm may hunt a wild animal or wild bird, or engage in target shooting on land owned by another unless the person has

in his immediate possession the written consent of the owner of the land to hunt or engage in target shooting on the land.

(c) To be valid, the written consent required by Subsection (b) of this section must:

(1) contain the name of the person permitted to hunt or engage in target shooting on the land;

(2) identify the land on which hunting or target shooting is permitted;

(3) be signed by the owner of the land or by an agent, lessee, or legal representative of the owner; and

(4) show the address and phone number of the person signing the consent.

(d) The owner of the land on which hunting or target shooting occurs, the landowner's lessee, agent, or legal representative, and a person hunting or target shooting with the landowner or the landowner's lessee, agent, or legal representative are not required to have in their possession the written consent required by Subsection (b) of this section.

(e) A person who violates Subsection (b) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Added by Acts 1981, 67th Leg., p. 989, ch. 371, § 1, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 4950, ch. 773, § 1, eff. Aug. 1, 1983.]

[Sections 62.013 to 62.020 reserved for expansion]

## SUBCHAPTER B. SALE, TRANSPORTATION, AND STORAGE OF GAME

### § 62.021. Sale or Purchase of Game.

(a) No person may sell, offer for sale, purchase, offer to purchase, or possess after purchase a wild bird, wild game bird, or wild game animal, dead or alive, or part of the bird or animal except deer hides and antlers.

(b) This section applies only to a bird or animal protected by this code without regard to whether the bird or animal is taken or killed in this state.

(c) A person who violates this section is guilty of a Class C misdemeanor.

(d) If it is shown at the trial of the defendant that he has been convicted within five years before the trial date of a violation of this section, he is guilty of a Class B misdemeanor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2699, ch. 735, § 5, eff. Aug. 31, 1981.]

## PARKS AND WILDLIFE CODE

## § 62.0265

Section 6 of the 1981 amendatory act provides:

"A person who violates the provisions of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted under the law in existence on the day the violation occurred, and that law is continued in effect for that purpose. The fact that a person was convicted of a violation of Section 62.003, 62.004, or 62.021, Parks and Wildlife Code, before the effective date of this Act does not preclude the use of that conviction for enhancing the punishment for a violation that occurs after the effective date of this Act."

### § 62.022. Sale or Purchase of Certain Game

(a) No person may sell, offer for sale, or possess after purchase a wild deer, wild antelope, or Rocky Mountain sheep killed in this state; or the carcass, hide, or antlers of wild antelope or Rocky Mountain sheep; or the carcass of wild deer, excluding wild deer hides and antlers.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.023. Sale by Taxidermist

(a) If the owner of heads or hides that have been mounted or tanned has not claimed them within 90 days after notification by a taxidermist or tanner, the taxidermist or tanner may sell the head or hides for the amount due for labor performed.

(b) Heads or hides sold under this section must have attached the original transportation affidavit required under this subchapter.

(c) A taxidermist or tanner selling heads or hides under this section shall report immediately the sale to the department. The report must include the name of the person purchasing the head or hides and a copy of the transportation affidavit regarding the manner in which the head or hides were obtained.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.024. Importation of Game

(a) No person may bring into this state any bird or animal protected by this code during the closed season for that bird or animal except as provided by this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each bird or animal imported in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.025. Importation of Game

(a) No person may bring into this state a bird or animal protected by this code for sale, barter, exchange, or shipment for sale during the open season for that bird or animal except as provided in Section 62.026 of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each bird or animal imported in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.026. Importation of Protected Wildlife From Mexico

(a) It is lawful to ship or bring any wild game birds, wild game animals, or other protected species of wildlife from the Republic of Mexico into this state at any season if the person importing the wildlife has obtained:

(1) Repealed by Acts 1979, 66th Leg., ch. 260, art. 5, § 1(1), eff. Sept. 1, 1979.

(2) a statement from the United States Customs Officer at the port of entry showing that the wildlife was brought from the Republic of Mexico.

(b) to (d) Repealed by Acts 1979, 66th Leg., p. 550, ch. 260, art. 5, § 1(1), eff. Sept. 1, 1979.

(e) The department may prescribe reasonable rules and regulations for the importation of wild game birds, wild game animals, and other protected species of wildlife, and the number of each species that may be imported during a calendar week under this section.

(f) A person who violates a provision of this section or a rule or regulation issued under this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 550, ch. 260, art. 5, § 1, eff. Sept. 1, 1979.]

### § 62.0265. Transportation of Wild Animals and Birds

(a) A person may transport or ship to and from a taxidermist or tannery for mounting or preserving purposes or to his home, a specimen or part of a specimen of a wild bird or wild animal of this state, if the bird or animal was lawfully taken by the person, and if the specimen is not for sale.

(b) This section does not prohibit the transportation of a specimen and parts of a specimen as

## § 62.0265

## PARKS AND WILDLIFE CODE

permitted under Sections 62.021 and 62.022 of this code.

[Acts 1977, 65th Leg., p. 610, ch. 221, § 1, eff. May 24, 1977.]

### § 62.027. Affidavit for Transporting Specimens

(a) A person may not ship by common carrier a specimen or part of a specimen as permitted by Section 62.0265 of this code unless he has executed the transportation affidavit set out in this section.

(b) The transportation affidavit must be made before an officer authorized to administer oaths and must be in the following form:

State of Texas

County of \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, who after being duly sworn, upon oath says: I live at \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_; I have personally killed \_\_\_\_\_, which I desire to ship from \_\_\_\_\_ to \_\_\_\_\_ County, to \_\_\_\_\_, State of \_\_\_\_\_, which I lawfully killed for lawful use; that I have not killed during the present hunting season more than the bag limit of any of the wild game birds, wild fowl, or wild animals.

Signature \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_.

Office held \_\_\_\_\_

(c) The affidavit must be attached to the shipment and delivered to the common carrier transporting the shipment, and may not be removed during the period of transportation. If the specimen is carried by the person who killed it, the affidavit does not have to be attached to the shipment.

(d) Express agents, conductors, auditors of trains, captains of boats, and employees of the department may administer oaths for the affidavit required under this section. The person administering the oath may collect 25 cents for this service. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 611, ch. 221, § 2, eff. May 24, 1977.]

### § 62.028. Failure to Obtain Affidavit

A person is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100 if he:

(1) ships game from any place in this state without making the transportation affidavit;

(2) is an agent of an express company or common carrier and receives shipment of game without an attached transportation affidavit; or

(3) is an auditor, conductor, or person in charge of a railroad train and knowingly permits a person to carry game without having made a transportation affidavit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.029. Records of Game in Storage

(a) As used in this section, a "public cold storage plant" is any plant in which game is stored for a person other than the owner of the plant.

(b) The owner or operator of a public cold storage plant shall maintain a book containing a record of:

(1) the name of each person placing a game bird or game animal in storage;

(2) the number and kind of game birds or game animals placed in storage; and

(3) the date on which each game bird or game animal is placed in storage.

(c) The record book kept by the owner or operator of a public cold storage plant may be inspected by an authorized employee of the department at any time.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.030. Possession of Game in Storage

A person may place and maintain, or possess, in a public or private storage plant, refrigerator, or locker lawfully taken or killed game birds, game animals, waterfowl, or migratory waterfowl not in excess of the number permitted to be possessed by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.031. Inspections of Storage Facilities

(a) Authorized employees of the department may enter and inspect a public cold storage plant or other place, including taxidermist shops and tanneries, where protected wildlife are stored.

(b) In this section "protected wildlife" means game animals and game birds and nongame animals and birds that are the subject of any protective law or regulation of this state or the United States.

(c) Inspections under this section may be made during normal business hours when the facilities

are open to the public generally but may include areas within a facility not generally open to the public.

[Acts 1977, 65th Leg., p. 611, ch. 221, § 3, eff. May 24, 1977.]

[Sections 62.032 to 62.050 reserved for expansion]

SUBCHAPTER C. ARCHERY SEASON  
[REPEALED]

§§ 62.051 to 62.056. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. HUNTING IN  
STATE PARKS

§ 62.061. Prohibited Acts

Except as authorized by the commission under this subchapter, no person may hunt a wild animal, wild bird, or wild fowl in a state park, fort, or historic site under the jurisdiction of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 62.062. Season

(a) As sound biological management practices warrant, the commission may prescribe an open season for hunting in state parks, forts, or sites where size, location, and other physical conditions permit hunting.

(b) The open season may be only during the period beginning on the first day of November in one year and extending through the last day of February of the following year.

(c) However, no open season is authorized for the hunting of deer in any state park, the purposes and uses for which are primarily recreational.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 350, ch. 139, § 2, eff. Aug. 31, 1981.]

§ 62.063. Regulatory Authority

The commission may prescribe the number, size, kind, and sex and the means and methods of taking any wildlife during an open season in a state park, fort, or historic site.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 62.0631. Sea Rim State Park

(a) The commission may provide an open season for recreational hunting in Sea Rim State Park that is not inconsistent with sound biological management practices normally exercised to protect or utilize the wildlife resources occurring therein.

(b) The regulations of the commission under this section may not provide for a longer season, a greater seasonal or daily bag limit, or less restrictive means or methods of taking any wildlife resource than are provided in the regulations of the commission promulgated under the Wildlife Conservation Act of 1983 (Chapter 61 of this code), and Subchapter C, Chapter 64, of this code<sup>1</sup> for the same year applicable to the remainder of Jefferson County.

(c) The limitations provided in Subsections (a) and (b) of Section 62.062 of this code do not apply to the regulations of the commission under this section.

[Acts 1981, 67th Leg., p. 350, ch. 139, § 1, eff. Aug. 31, 1981. Amended by Acts 1983, 68th Leg., p. 33, ch. 9, art. II, § 1, eff. Aug. 29, 1983.]

<sup>1</sup> Section 64.021 et seq.

§ 62.064. Fee for Hunting

The commission may set a reasonable fee to be collected for hunting in state parks, forts, and sites.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 62.065. Disposition of Funds

Revenue received under this subchapter shall be deposited in the state treasury to the credit of the state parks fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 62.066. Management of Resources

The commission may direct the service or division of the department charged with the management of wildlife resources to manage the aquatic and wildlife resources found in state parks, forts, or historic sites.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 62.067. General Hunting License

The provisions of this subchapter do not waive the requirement of a hunting license under this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## § 62.068

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### § 62.068. Arrest

A peace officer, game management officer, or commissioned state park employee may arrest without warrant a person found committing a violation of this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.069. Penalty

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 62.070 to 62.080 reserved for expansion]

### SUBCHAPTER E. WEAPONS ON LOWER COLORADO RIVER AUTHORITY LAND

#### § 62.081. Weapons Prohibited

Except as provided in Section 62.082 of this code, no person may hunt with, possess, or shoot a firearm, bow, crossbow, slingshot, or any other weapon on or across the land of the Lower Colorado River Authority.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 62.082. Target Ranges

(a) The Board of Directors of the Lower Colorado River Authority may lease river authority land to be used on a nonprofit basis for a target rifle or archery range only and not for hunting.

(b) A member of the boy scouts or the girl scouts or other nonprofit public service group or organization may possess and shoot a firearm, bow, and crossbow for target or instructional purposes under the supervision of a qualified instructor registered with and approved by the Lower Colorado River Authority on ranges designated by the Lower Colorado River Authority. This subsection does not permit hunting by any person.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 62.083. Approved Instructor and Range Records

The Lower Colorado River Authority shall maintain in its Austin office a current listing of approved and registered instructors and a map indicating the location of the designated ranges. The records

shall be made available on request to enforcement officers and county attorneys.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 62.084. Penalty

A person who violates Section 62.081 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 63. GAME AND NONGAME ANIMALS

### SUBCHAPTER A. GAME ANIMALS

#### Section

63.001. Game Animals.

63.002 to 63.006. Repealed.

63.007. White-Tailed Deer Permits.

63.008 to 63.010. Repealed.

### SUBCHAPTER B. NONGAME ANIMALS

63.101. Coypu (Nutria).

63.102. Wolves.

63.103. Sale of Certain Live Animals.

### SUBCHAPTER A. GAME ANIMALS

#### § 63.001. Game Animals

(a) The following animals are game animals: wild deer, wild antelope, wild desert bighorn sheep, wild black bear, wild gray or cat squirrels, wild fox squirrels or red squirrels, and collared peccary or javelina.

(b) No species of any animal set out in Subsection (a) of this section or any other animal is a game animal if it is not indigenous to this state.

(c) Aoudad sheep are game animals in Armstrong, Briscoe, Donley, Floyd, Hall, Motley, Randall, and Swisher counties.

(d) Wild elk (North American Elk or *Cervus canadensis*) are game animals in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell counties.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 1860, ch. 439, § 6, eff. Aug. 31, 1981.]

§§ 63.002 to 63.006. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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§ 63.103

§ 63.007. White-Tailed Deer Permits

(a) The department shall issue permits for the trapping, transporting, and transplanting of wild white-tailed deer to persons presenting a satisfactory showing that there is an overpopulation of the deer in an area where harvest provisions are inadequate for maintaining a balanced supply of the deer and that the deer will be removed and transplanted to an area of adaptable habitat for appropriate harvest.

(b) The trapping, transporting, and transplanting of wild white-tailed deer under a permit issued by the department shall be done at no expense to the state.

(c) No person may hunt wild white-tailed deer transplanted under this section except as allowed by law for the hunting of native wild white-tailed deer in the county to which the deer are transplanted.

(d) Permits issued under this section do not entitle a person to take, trap, or possess wild white-tailed deer on any privately owned land without the landowner's written permission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§§ 63.008 to 63.010. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 63.011 to 63.100 reserved for expansion]

SUBCHAPTER B. NONGAME ANIMALS

§ 63.101. Coypu (Nutria)

(a) No person may possess, transport, or sell live coypu (nutria) unless he has obtained a written permit from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this section is repealed on the effective date of a proclamation by the commission that regulates the conduct prescribed by this section.

§ 63.102. Wolves

(a) No person may possess, transport, receive, or release a live wolf in this state.

(b) Subsection (a) does not apply to the transportation of a wolf by a state or county official while performing an official duty or to the possession or transportation of a wolf by the owner or agent of a licensed circus, zoo, or menagerie for exhibition or scientific purposes.

(c) A person who violates this section is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not less than six months nor more than five years.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 63.103. Sale of Certain Live Animals

(a) No person may sell or possess for the purpose of sale in this state a living armadillo.

(b) This section does not apply to:

(1) the sale of an animal by or to a zoo;

(2) the sale of an animal to an educational institution or a medical or research center for scientific purposes as authorized by a permit issued under Subchapter C, Chapter 43, of this code;<sup>1</sup> or

(3) the sale to a commercial dealer who in turn resells for purposes authorized in Subdivisions (1) and (2) of this subsection.

(c) In this section, "zoo" means a publicly or privately owned establishment that has a permanent place of business open to the public and that displays 15 or more different species of wildlife.

(d) A person who violates Subsection (a) of this section is guilty of a Class B misdemeanor.

(e) A peace officer who has probable cause to believe that an animal has been sold or held for sale in violation of Subsection (a) of this section may seize the animal and hold it for observation to determine if the animal has rabies or any other communicable disease harmful to man or other animals. If the animal is free from disease, the officer may release the animal or, if the animal is otherwise dangerous or harmful, may destroy it. If the animal is diseased, it shall be destroyed. An officer exercising the duties under this section is immune from liability.

(f) A person who violates Subsection (a) of this section, in addition to the penalties under Subsection (d) of this section, on conviction shall pay all costs



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and expenses incurred under Subsection (e) of this section.

[Acts 1979, 66th Leg., p. 386, ch. 177, § 1, eff. Aug. 27, 1979. Amended by Acts 1981, 67th Leg., p. 2741, ch. 748, § 5, eff. Sept. 1, 1981.]

<sup>1</sup> Section 43.021 et seq.

### CHAPTER 64. BIRDS

#### SUBCHAPTER A. GENERAL PROVISIONS

##### Section

- 64.001. Game Birds.
- 64.002. Protection of Nongame Birds.
- 64.003. Destroying Nests or Eggs.
- 64.004. Trapping Game Birds.

#### SUBCHAPTER B. SEASONS AND LIMITS

- 64.011. Eagle.
- 64.012 to 64.015. Repealed.

#### SUBCHAPTER C. MIGRATORY GAME BIRDS

- 64.021. Definitions.
- 64.022. Authority of Department.
- 64.023. Open Season.
- 64.024. Regulations.
- 64.025. Suit.
- 64.026. Prohibited Acts.

#### SUBCHAPTER A. GENERAL PROVISIONS

##### § 64.001. Game Birds

Wild turkey, wild ducks of all varieties, wild geese of all varieties, wild brant, wild grouse, wild prairie chickens, wild pheasants of all varieties, wild partridge, wild bobwhite quail, wild scaled quail, wild Mearn's quail, wild Gambel's quail, wild red-billed pigeons, wild band-tailed pigeons, wild mourning doves, wild white-winged doves, wild white-fronted doves, wild snipe of all varieties, wild shore birds of all varieties, chachalacas, wild plover of all varieties, and wild sandhill cranes are game birds. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 202, ch. 95, § 1, eff. April 30, 1981.]

##### § 64.002. Protection of Nongame Birds

(a) Except as provided in this section, Chapter 67, or Section 12.013 of this code, no person may:

(1) catch, kill, injure, pursue, or possess, dead or alive, or purchase, sell, expose for sale, transport, ship, or receive or deliver for transportation, a bird that is not a game bird;

(2) possess any part of the plumage, skin, or body of a bird that is not a game bird; or

(3) disturb or destroy the eggs, nest, or young of a bird that is not a game bird.

(b) European starlings, English sparrows, grackles, ravens, red-winged blackbirds, cowbirds, feral rock doves (*Columba livia*), and crows may be killed at any time and their nests or eggs may be destroyed.

(c) Canaries, parrots, and other exotic nongame birds may be sold, purchased, and kept as domestic pets.

(d) A person may defend and protect his domestic animals from predators.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each bird or part of a bird taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 202, ch. 95, § 2, eff. April 30, 1981.]

##### § 64.003. Destroying Nests or Eggs

(a) No person may destroy or take the nest, eggs, or young of any wild game bird, wild bird, or wild fowl protected by this code except as provided in this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

##### § 64.004. Trapping Game Birds

(a) No person may set a trap, net, or other device for taking game birds or take or snare a game bird by a device without obtaining a permit from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 64.005 to 64.010 reserved for expansion]

#### SUBCHAPTER B. SEASONS AND LIMITS

##### § 64.011. Eagle

Golden eagle or Mexican brown eagle may be hunted or trapped in this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§§ 64.012 to 64.015. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 64.016 to 64.020 reserved for expansion]

### SUBCHAPTER C. MIGRATORY GAME BIRDS

#### § 64.021. Definitions

In this subchapter:

(1) "Migratory game bird" means wild ducks of all species, wild geese and wild brant of all species, wild coot, wild rail, wild gallinules, wild plovers, Wilson's snipe or jack snipe, woodcock, mourning doves, white-winged doves, white-fronted doves, red-billed pigeons, band-tailed pigeons, shore birds of all varieties, and sand-hill cranes.

(2) "Open season" means the period of time when it is lawful to take, kill, or pursue, or attempt to take or kill migratory game birds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 202, ch. 95, § 3, eff. April 30, 1981.]

#### § 64.022. Authority of Department

The department shall provide the open season, and means, methods, and devices for the taking and possessing of migratory game birds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 64.023. Open Season

An open season may be provided only for the length of time justified by the supply of the species of migratory game bird affected in this state or in the zone or section of this state where the open season applies.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 64.024. Regulations

(a) The department shall conduct investigations prior to the issuance of regulations on an open season for a migratory game bird. The regulation may be issued if the supply of the migratory game bird is sufficient.

(b) The effective date of a regulation shall be stated in the regulation but may not be less than 10 days after the regulation is issued.

(c) A regulation is valid until the time specified in the regulation unless it is suspended or amended by the department in the same manner as in issuing the original regulation.

(d) A regulation issued by the department must be incorporated in the minutes of the meeting at which it was adopted, and a copy of the regulation must be filed with the secretary of state and each county clerk and county attorney.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 64.025. Suit

A party affected by and dissatisfied with a regulation issued under this subchapter may file suit against the department to test the validity of the regulation in a court of competent jurisdiction in Travis County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 64.026. Prohibited Acts

(a) No person may hunt or possess a migratory game bird by any method or device except as provided by regulation issued under this subchapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. Each migratory game bird killed or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 65. ALLIGATORS

### Section

- 65.001. Definitions.
- 65.002. Application.
- 65.003. Regulations.
- 65.004. Scientific Studies.
- 65.005. Possession.
- 65.006. License Required.
- 65.007. License Fees.
- 65.008. Penalties.
- 65.009. Seizure and Disposal of Alligators.

*Chapter 65, Alligators, consisting of §§ 65.001 to 65.009, was added by Acts 1981, 67th Leg., p. 437, ch. 184, § 1.*

*Former Chapter 65, Reptiles, consisting of §§ 65.001 to 65.006 and 65.101 to 65.104, derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, was repealed by Acts 1979, 66th Leg., p. 550, ch. 260, art. 5, § 1(2).*

#### § 65.001. Definitions

In this chapter:

(1) "Alligator" means American alligator (*Alligator mississippiensis*).

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(2) "Alligator buyer" means a person who buys alligators, alligator hides, or any part of an alligator from an alligator hunter.

(3) "Alligator hunter" means a person who takes dead or live alligators or any part of an alligator.

(4) "Possess" means the act of having in possession or control, keeping, detaining, restraining, or holding as owner or as agent, bailee, or custodian for another.

(5) "Take" means the act of hooking, netting, snaring, trapping, pursuing, shooting, killing, or capturing by any means or device and includes the attempt to take by the use of any method.

(6) "Resident" means a person, except an alien, who has been a resident of this state for more than six months immediately before applying for an alligator hunter's or buyer's license.

(7) "Nonresident" means a person who is not a resident.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.002. Application

Except for regulation of those populations listed on the United States List of Endangered Wildlife (50 C.F.R. Part 17), special permits issued under Chapter 43 of this code, or contracts for the removal of reptiles entered into under Section 81.404, as amended, of this code, this chapter governs the taking, possession, and sale of alligators to the exclusion of other regulatory and licensing laws. [Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.003. Regulations

(a) The commission may regulate by proclamation the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of alligators or any part of an alligator that the commission considers necessary to manage this species.

(b) The regulations of the commission under this chapter may provide for:

(1) permit application forms, fees, and procedures;

(2) hearing procedures;

(3) the periods of time when it is lawful to take, possess, sell, or purchase alligators, alligator hides, or any part of an alligator; and

(4) limits, size, means, methods, manner, and places in which it is lawful to take or possess

alligators, alligator hides, or any part of an alligator.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.004. Scientific Studies

The department shall conduct scientific studies and investigations of alligators as necessary to develop information on populations, distributions, habitat needs, limiting factors, and any other biological or ecological data or to determine appropriate management for public safety.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.005. Possession

(a) No person may take, sell, purchase, or possess an alligator, the egg of an alligator, or any part of an alligator in this state except as permitted by the regulations of the commission.

(b) This chapter does not prohibit consumers from purchasing or possessing goods processed or manufactured from alligators that have been taken in accordance with the law.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.006. License Required

(a) No person may take, attempt to take, possess, or accompany another person who is attempting to take an alligator in this state during the open season established by the commission for taking alligators unless he has acquired and possesses an alligator hunter's license.

(b) No person may purchase or possess after purchase from an alligator hunter an alligator, alligator hide, or any part of an alligator taken in this state unless he has acquired and possesses an alligator buyer's license.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

### § 65.007. License Fees

The fees for the licenses issued under this chapter are in the amounts set by the commission but not less than:

(1) \$25 for a resident alligator hunter's license;

(2) \$150 for a resident alligator buyer's license;

(3) \$50 for a nonresident alligator hunter's license; and

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(4) \$300 for a nonresident alligator buyer's license.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

§ 65.008. Penalties

(a) A person commits an offense if the person violates this chapter or a regulation of the commission issued under this chapter.

(b) An offense under this section is a Class C misdemeanor.

(c) If it is shown at the trial of the defendant that he has been once before convicted of a violation of this chapter, the offense is a Class B misdemeanor.

(d) If it is shown at the trial of the defendant that he has been convicted of a violation of this chapter two or more previous times, the offense is a Class A misdemeanor.

(e) Each alligator or alligator hide taken, possessed, sold, or purchased in violation of this chapter constitutes a separate offense.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

§ 65.009. Seizure and Disposal of Alligators

(a) A game warden or any other peace officer may seize an alligator, alligator hide, or any part of an alligator if he has probable cause to believe it was taken, possessed, sold, or purchased in violation of this chapter or of a regulation of the commission.

(b) If a person is charged with a violation of a provision of this chapter or of a regulation of the commission issued under this chapter, the game warden or peace officer shall seize and hold the alligator, alligator hide, or any part of an alligator as evidence.

(c) On conviction of the person or on plea of nolo contendere, the alligator, alligator hide, or any part of an alligator seized may be sold at any time by the department to the highest bidder after taking a minimum of three written bids.

(d) If the person is adjudged not guilty of the offense, the department shall return all alligators, alligator hides, or parts of an alligator seized to the lawful owner.

(e) A game warden or peace officer acting under the authority of this chapter or of a regulation of the commission is immune from liability and from suit for the seizure of alligators, alligator hides, or any part of an alligator.

[Acts 1981, 67th Leg., p. 437, ch. 184, § 1, eff. Aug. 31, 1981.]

CHAPTER 66. FISH

SUBCHAPTER A. PROVISIONS APPLICABLE TO FRESHWATER AND SALTWATER FISHING

Section

- 66.001. Salt and Fresh Water Defined.
66.002. Consent to Take Fish From Private Water.
66.003. Placing Explosives or Harmful Substances in Water.
66.004. Taking of Fish by Electric Shock Prohibited; Exception.
66.005. Wilful Destruction of Boat, Seine, or Net.
66.006. Repealed.
66.007. Harmful Tropical Fish.
66.008. Fishing From Bridge.
66.009. Navigation Districts.
66.010. Bait Fish.

SUBCHAPTER B. FRESH WATER FISHING

- 66.101. Repealed.
66.102. Placing Prohibited Devices in Public Water.
66.103 to 66.108. Repealed.
66.109. Fish Ladders.
66.110. Screens to Protect Fish.
66.111. Sale of Fish.
66.112. Brood Fish.
66.113. Removal of Rough Fish and Turtles From Fresh Water.
66.114. Rough and Game Fish Defined.
66.115. Rough Fish: Regulations.
66.116. Rough Fish: Fees, Bonds.
66.117. Revocation of Rough Fish Permit; Commercial License Required.
66.118. Rough Fish: Disposition.

SUBCHAPTER C. SALTWATER FISHING

- 66.201. Redfish and Speckled Sea Trout.
66.2011. Red Drum and Speckled Sea Trout: Daily Catch and Retention Limits.
66.2012. Regulation of Commercial Uses of Redfish and Speckled Sea Trout.
66.2013. Redfish and Speckled Sea Trout: Display of Documents.
66.2013. Catching Redfish and Speckled Sea Trout on Commercial Fishing Boat Prohibited.
66.202, 66.203. Repealed.
66.204. Vessels and Obstructions in Fish Passes.
66.205. Drum Seining Permits.
66.206. Trotline Tags.
66.207. Repealed.
66.208. Commercial Joint Fishing Ventures.
66.209. Statistical Reports.
66.210. Rough Fish.
66.211. Permits for Taking Rough Fish.
66.212. Holders of Rough Fish Permits: Offenses.
66.213. Possession of Illegal Nets and Seines.
66.214. Repealed.
66.215. Tags for Noncommercial Nets and Seines.
66.216. Possession of Headed or Tailed Fish.
66.217. Finfish Research.

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### SUBCHAPTER D. TEXAS TERRITORIAL WATER

#### Section

- 66.301. Definition.
- 66.302. Licenses.
- 66.303. Prohibited Acts.
- 66.304. Port Authorities and Navigation Districts.
- 66.305. Harbor Pilots.
- 66.306. Enforcement.
- 66.307. Political Asylum.

### SUBCHAPTER A. PROVISIONS APPLICABLE TO FRESHWATER AND SALTWATER FISHING

#### § 66.001. Salt and Fresh Water Defined

In this chapter:

(1) "Fresh water" means all lakes, lagoons, rivers, and streams to their mouths, but does not include coastal or tidal water.

(2) "Salt water" means all coastal or tidal water.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.002. Consent to Take Fish From Private Water

(a) No person may catch fish by the use of a net or seine or explosive or by poisoning, polluting, muddying, ditching, or draining in any privately owned lake, pool, or pond without the consent of the owner.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

(c) In a prosecution under this section, the burden of proof to show consent is on the person charged.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.003. Placing Explosives or Harmful Substances in Water

(a) No person may place in the water of this state an explosive, poison, or other substance or thing deleterious to fish.

(b) Subsection (a) of this section does not apply to the use of explosives necessary for construction purposes when the use is authorized in writing by the county judge of the county where the work is to be done.

(c) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more

than \$100 and by confinement in the county jail for not less than 60 nor more than 90 days.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.004. Taking of Fish by Electric Shock Prohibited; Exception

(a) Except as provided by Subsection (d) of this section, no person may catch fish by using an electricity-producing device designed to shock fish.

(b) No person may manufacture or sell an electricity-producing device designed to shock fish.

(c) Except as provided by Subsection (d) of this section, no person may possess an electricity-producing device commonly used to shock fish. The possession of an electricity-producing device commonly used to shock fish, in a boat or within one-half mile of any water of this state, is a violation of this section by the person in possession of the device.

(d) This section does not prohibit the use of an electricity-producing device of not more than three volts connected to a shrimp trawl used by an operator of a licensed commercial gulf shrimp boat in the outside water of this state at depths of more than seven fathoms. To qualify under this exemption, the commercial gulf shrimp boat and the trawl must be operating in compliance with the provisions of Chapter 77 of this code relating to the taking of shrimp.

(e) An electricity-producing device used or possessed in violation of this section is a nuisance, and an officer of the department who has probable cause to believe that a device is used or possessed in violation of this section may search a boat, vehicle, campsite, or person and seize the device and hold it as evidence for the trial of the person in possession of the device. If the person is found guilty of a violation of this section, the department shall be responsible for the destruction of the device unless it can be utilized by the department for research purposes, or upon request the device may be released to a state-supported college or university for use in marine or aquatic research. An officer of the department who seizes or destroys a device is immune from liability for any damages resulting from seizure or destruction, and the department is likewise immune from liability for any damages resulting from seizure, destruction, or disposition thereof.

(f) A person who violates this section is guilty of a Class C misdemeanor, except that:

(1) if it is shown at the trial of the defendant that he has been convicted of a violation of this section once before during the five-year period ending on the day that the offense charged was

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committed, he shall be guilty of a Class B misdemeanor; or

(2) if it is shown at the trial of the defendant that he has been convicted of a violation of this section two or more previous times and that one of the previous convictions occurred during the 10-year period ending on the day that the offense charged was committed, he shall be guilty of a Class A misdemeanor.

(g) For the purpose of Subsection (f) of this section, an offense is committed on the day that the last element of the offense occurred or was committed. If at the trial of the defendant facts are shown that satisfy the requirements of both Subdivisions (1) and (2) of Subsection (f) of this section, he shall be punished under Subdivision (2) of Subsection (f) of this section.

(h) Each fish taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1662, ch. 656, § 1, eff. Aug. 29, 1977; Acts 1981, 67th Leg., p. 2542, ch. 676, art. 2, §§ 1 to 4, eff. Sept. 1, 1981.]

§ 66.005. Wilful Destruction of Boat, Seine, or Net

(a) No person may wilfully, with the intent to injure the owner, take a boat, seine, net, or other device for fishing into prohibited water, or use a boat, seine, net, or other device for fishing to take fish unlawfully, so as to cause the destruction of the boat, seine, net, or device.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 and confinement in the county jail for not less than 30 nor more than 90 days.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.006. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 66.007. Harmful Tropical Fish

(a) No person may import, possess, sell, or release into water of this state harmful or potentially harmful tropical fish or fish eggs unless he has acquired from the department a written permit.

(b) The department shall determine and publish a list of tropical fish that are harmful or potentially harmful to human or other animal life.

(c) The department shall make rules to carry out the provisions of this section.

(d) A person who violates Subsection (a) of this section or a rule of the department made under Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.008. Fishing From Bridge

(a) No person may fish from the deck or road surface of any bridge or causeway on a road maintained by the State Highway Department.

(b) No person may deposit or leave any dead fish, crab, or bait on the deck or road surface of any bridge or causeway on a road maintained by the State Highway Department.

(c) The State Highway Department shall post appropriate signs on all bridges and causeways affected by this section.

(d) A person who violates Subsection (a) or (b) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.009. Navigation Districts

(a) No person may use a seine or net of any type, trotline, or other mechanical or physical device, except hook and line, to catch fish in a channel, turning basin, or other water of a navigation district operating under Chapter 63, Water Code.

(b) The possession of a mechanical device referred to in Subsection (a) of this section within a navigation district operating under Chapter 63, Water Code, is prima facie evidence of a violation of Subsection (a) of this section.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100, by confinement in the county jail for not less than 5 days nor more than 30 days, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.010. Bait Fish

(a) No person may possess more than 250 bait fish taken from the public water for personal use.

(b) No person may catch, possess, or transport, as bait fish any of the following species or their hybrids:

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- (1) black bass of any type;
- (2) crappie;
- (3) catfish, except bullheads;
- (4) walleye;
- (5) striped bass;
- (6) trout;
- (7) white bass; or
- (8) northern pike.

(c) No person may catch bait fish except by the use of dip nets, lift nets, cast nets, and umbrella nets of nonmetallic material, minnow seines of nonmetallic material not exceeding 20 feet long, and common fruit jar traps or similar devices not longer than 24 inches and with a throat not more than one inch in diameter.

(d) A person who violates a provision of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1977, 65th Leg., p. 213, ch. 105, § 1, eff. Sept. 1, 1977.]

[Sections 66.011 to 66.100 reserved for expansion]

### SUBCHAPTER B. FRESH WATER FISHING

#### § 66.101. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### § 66.102. Placing Prohibited Devices in Public Water

A device designed to catch fish or other aquatic wildlife resources that is placed in the public fresh water of this state in violation of a law or commission proclamation is a nuisance, and a game warden or other peace officer shall confiscate and dispose of the device as provided by Section 12.1105 of this code. A game warden or other peace officer is immune from liability for the destruction of devices found in violation of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 23, ch. 9, art. I, § 3, eff. Aug. 29, 1983.]

#### §§ 66.103 to 66.108. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### § 66.109. Fish Ladders

(a) The commissioners court of each county, by written order, may require the owner of a public or private dam or other obstruction on a regularly flowing public freshwater stream to construct or repair fishways or fish ladders sufficient to allow fish in all seasons to ascend the dam or other obstruction for the purpose of depositing spawn.

(b) An owner who fails to construct or repair a fishway or fish ladder within 90 days after receiving the written order is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500. Each week of violation following the 90-day period constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.110. Screens to Protect Fish

(a) The department may direct a person or corporation taking fresh water of the state to cover the entrance of the intake canal, pipe, or other device used for taking water with a screen to protect fish.

(b) The department may regulate the manner of installation and the specifications of screens and other obstructions required under this section.

(c) No person may fail to comply with a direction of the department made in writing under Subsection (a) of this section.

(d) A person who violates Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. Each day's failure to comply constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.111. Sale and Purchase of Certain Fish

(a) No person may buy or offer to buy, sell or offer to sell, possess for the purpose of sale, transport or ship for the purpose of sale, or barter or exchange freshwater crappie, bass of the genus *Micropterus*, striped bass and hybrids of striped bass, white bass, walleye, sauger, northern pike, muskellunge, trout of the family Salmonidae, or flathead catfish.

(b) No person may sell or offer to sell any freshwater fish taken from the water of any county west of the Pecos River.

(c) Subsection (a) of this section does not apply to a fish reared in private water and marketed for the purpose of stocking the water of this state, nor to a fish shipped into this state and offered for sale for consumption.

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(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of:

(1) not more than \$200 if Subsection (a) is violated; or

(2) not less than \$10 nor more than \$100 if Subsection (b) is violated.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1204, ch. 456, § 2, eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 908, ch. 416, § 1, eff. Aug. 27, 1979.]

§ 66.112. Brood Fish

Employees of the department under the direction of the commission and the United States Fish and Wildlife Service of the Department of Interior may take brood fish from public fresh water at any time and in any manner to supply the needs of state and federal fish hatcheries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.113. Removal of Rough Fish and Turtles From Fresh Water

(a) The department may take rough fish and turtles from public fresh water by means of crews under the supervision of the department, using methods of removal approved by the department.

(b) When the department determines that rough fish and turtles exist in public fresh water in numbers detrimental to the propagation and preservation of game fish, it may issue permits to applicants for rough fish and turtle removal.

(c) The department may not issue a permit to an applicant whose record within the knowledge of the department shows repeated violations of the fishing laws of the state to an extent that the department finds that<sup>1</sup> the applicant's conduct to be in flagrant disregard of fish conservation laws, or if the applicant has previously had a permit issued under this section revoked for a violation of the law or a regulation of the commission.

(d) A permit issued under this section, unless revoked, is valid for a period set by the commission, not less than three months.

(e) Each permit applies to a single lake, or portion of a lake, stream, or river as determined by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

<sup>1</sup> So in enrolled bill.

§ 66.114. Rough and Game Fish Defined

In this subchapter:

(1) "Rough fish" means fish having no sporting value, the predatory fish, bony or rough-fleshed fish, or any other fish whose numbers should be controlled to protect and encourage the propagation of game fish. A game fish may not be classified as a rough fish.

(2) "Game fish" means black bass, white bass, crappie, bream, sunfish, and channel and yellow catfish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.115. Rough Fish: Regulations

The commission shall make regulations on the types of equipment that may be used by persons holding a permit under Section 66.113 of this code according to the lake, stream, river, or portion of lake, stream, or river.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.116. Rough Fish: Fees, Bonds

(a) The commission shall set a fee which persons holding a permit to remove rough fish and turtles shall pay to the department for each pound of fish and turtles removed under the permit. The commission shall set the minimum total poundage each permit holder must take under the terms of the permit, which may vary according to the place where removal is authorized.

(b) Each holder of a permit to remove rough fish and turtles shall execute a bond in an amount set by the department and payable to the director. The bond shall be conditioned on the payment of the fee required by Subsection (a) of this section, on the removal of the minimum poundage required under the permit, and on the faithful compliance with the regulations of the commission and the law. The bond must be approved by the director.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.117. Revocation of Rough Fish Permit; Commercial License Required

(a) The department shall revoke the permit of any person who takes rough fish or turtles in violation of the law or of the regulations of the commission.

(b) No person may take rough fish or turtles unless he has acquired the appropriate commercial fishing license or may use nets and seines unless complying with tagging requirements.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]



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### § 66.118. Rough Fish: Disposition

(a) Rough fish and turtles taken by a contractor under Section 66.113 of this code may be sold by the contractor.

(b) Rough fish and turtles taken by the department shall be used for feed for hatchery fish, and the surplus not used for feed shall be sold at the highest price obtainable. The receipts from the sale of rough fish shall be used for the removal of rough fish and turtles by the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 66.119 to 66.200 reserved for expansion]

### SUBCHAPTER C. SALTWATER FISHING

#### § 66.201. Redfish and Speckled Sea Trout

(a) No person may possess or transport for the purpose of sale a redfish or speckled sea trout.

(b) No person may sell or offer for sale a redfish or speckled sea trout.

(c) No person may purchase or offer to purchase for resale a redfish or speckled sea trout.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of \$200. Each fish possessed, sold, offered for sale, purchased, or attempted to be purchased in violation of this section is a separate offense.

(e) In this code:

(1) "Redfish" means red drum or *sciaenops ocellata* and includes all parts of that fish.

(2) "Speckled sea trout" means *cynoscion nebulosus* and includes all parts of that fish.

(f) This section applies to the possession, transportation, sale, and purchase of redfish and speckled sea trout without regard to where the fish was caught, but does not apply to:

(1) the transportation and possession of redfish and speckled sea trout caught outside this state and transported by common carrier from outside this state to a point of delivery outside this state;

(2) redfish and speckled sea trout that are raised by a licensed fish farmer in a private pond and are marked or identified as provided by the rules of the commission under Chapter 48 of this code; or

(3) the importation into this state from another state or country of lawfully taken, caught, or raised redfish or speckled sea trout, transported or sold when not alive, if tagged, packaged,

or labeled under regulations of the commission. The commission may require that redfish and speckled sea trout enter the stream of commerce for sale in Texas in a state allowing ready identification of the species, including a requirement that the fish come into the state with head and tail intact and tagged, and a requirement that a copy of the bill of lading accompany all imported redfish and speckled sea trout to their place of final sale to the consumer. The commission shall allow subsequent sale of lawfully imported fish without head and tail intact and without tag provided the fish are labeled in a manner prescribed by the commission and the tag when removed is destroyed. Tags, if required, shall be of a type prescribed by the commission and shall be sold to applicants at cost as determined by the commission.

(g) Any person importing, transporting, or selling for resale dead redfish or speckled sea trout lawfully taken, caught, or raised shall obtain a license from the commission. The fee for such license is \$50 per calendar year or part thereof. Such imported fish shall be tagged, packaged, or labeled as provided in this section and in accordance with the regulations of the commission, and must be accompanied by a copy of the bill of lading if required by the commission.

(h) It shall be unlawful for any person required to hold a license under Subsection (g) of this section to possess any imported redfish or speckled sea trout unless it is tagged or packaged pursuant to this section. A violation of the above stated prohibition shall be a Class A misdemeanor. Any person possessing for final sale to the consumer redfish or speckled sea trout in violation of this Act shall be guilty of a Class C misdemeanor.

(i) Any person may sell or purchase for use as food, at any season of the year, any imported redfish or speckled sea trout tagged, packaged, or marked for identification as provided in this section.

(j) Possession of more than three times the possession limits of redfish or speckled sea trout as provided by Section 66.2011 of this code is prima facie evidence that the fish are possessed for sale in violation of Subsection (a) of this section.

(k) No person may transport redfish or speckled sea trout for commercial purposes unless the person clearly identifies the motor vehicle, trailer, or semitrailer as a vehicle that carries fish. The commission shall prescribe by proclamation the identification requirements for a motor vehicle, trailer, or semitrailer transporting redfish or speckled sea trout, and the commission may prescribe that the

identification shall list the state of origin of such redfish or trout. In this subsection, "motor vehicle," "trailer," and "semitrailer" have the meaning given those terms by the Uniform Act Regulating Traffic on Highways, as amended (Article 6701d, Vernon's Texas Civil Statutes).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 374, ch. 153, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 1337, ch. 277, § 43, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 3825, ch. 597, §§ 1, 2, eff. Aug. 29, 1983.]

Section 16(b) of the 1981 amendatory act provides:

"A punishment that is increased by this Act applies to offenses occurring on or after the effective date of this Act, and the punishment in effect before the effective date of this Act applies to offenses committed before the effective date of this Act."

Effective date and applicability of Acts 1983, 68th Leg., p. 1326, ch. 277, see note under § 31.026.

**§ 66.2011. Red Drum and Speckled Sea Trout: Daily Catch and Retention Limits**

- (a) No person may:
- (1) catch and retain in one day more than 10 red drum;
  - (2) possess at one time more than 20 red drum;
  - (3) possess at one time more than two red drum longer than 35 inches; or
  - (4) catch and retain a red drum shorter than 14 inches.
- (b) No person may:
- (1) catch and retain in one day more than 20 speckled sea trout;
  - (2) possess at one time more than 40 speckled sea trout; or
  - (3) catch and retain a speckled sea trout shorter than 12 inches.

(c) Daily catch, retention, and size limits for redfish and speckled sea trout set by the commission under the Wildlife Conservation Act of 1983 (Chapter 61 of this code) prevail over the limits under this section. If the commission does not set catch, retention, and size limits for redfish and speckled sea trout under the conservation Act, this section applies.

(d) A person who violates this section is guilty of a Class C misdemeanor. On a second or subsequent conviction, the person who violates this section is guilty of a Class B misdemeanor and shall forfeit the fishing license under which he is fishing. A person whose license is forfeited under this section may not receive another fishing license of the same kind for one year from the date of the conviction.

(e) In addition to the penalty provided in Subsection (d) of this section, a person who violates this section shall have all equipment, other than vessels, in his possession used for the taking of red drum or speckled sea trout confiscated. A person who violates this section three or more times within a five-year period shall have all equipment, including vessels, in his possession used for the taking of redfish or speckled sea trout confiscated.

[Added by Acts 1977, 65th Leg., p. 722, ch. 270, § 5, eff. Sept. 1, 1977. Amended by Acts 1981, 67th Leg., p. 375, ch. 153, § 2, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 33, ch. 9, art. II, § 2, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 969, ch. 229, § 1, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 4054, ch. 634, § 1, eff. Sept. 1, 1983.]

Section 5 of Acts 1983, 68th Leg., p. 4055, ch. 634, provides:

"A person who violated Section 66.2011, 66.213, or 66.214, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted by the law in effect on the day the violation occurred and that law is continued in effect for this purpose."

**§ 66.2012. Regulation of Commercial Uses of Redfish and Speckled Sea Trout**

(a) The commission by proclamation may regulate the catching, possession, transportation, sale, and purchase for commercial purposes in this state of redfish and speckled sea trout. A proclamation issued under this section must contain findings by the commission that support the need for the proclamation.

(b) In determining whether to permit or prohibit any commercial use of redfish and speckled sea trout under Subsection (a) of this section, the commission shall consider:

- (1) the availability of redfish and speckled sea trout in the coastal water of this state;
- (2) the availability of redfish and speckled sea trout from sources other than the coastal water of this state;
- (3) the economic interests of commercial and sports fishermen and related industries in this state;
- (4) the research of the department made under Section 66.217 of this code;
- (5) the protection of redfish and speckled sea trout habitat; and
- (6) the degree of compliance with state law and previous regulations of the commission by fishermen and fish dealers in this state.

(c) A proclamation issued under Subsection (a) of this section may limit the number and size of redfish and speckled sea trout that may be caught, possessed, transported, sold, or purchased and may prescribe the times, places, conditions, and means

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and manner of catching redfish and speckled sea trout.

(d) A proclamation of the commission under this section prevails over any conflicting provision of Sections 66.201 and 66.2011 of this code to the extent of the conflict and only during the period that the proclamation is in effect.

(e) This section does not apply to activities that are regulated under the exceptions provided by Subdivisions (1), (2), and (3) of Section 66.201(f) of this code or under Subsections (g) and (h) of that section.

(f) A person who violates a proclamation issued under Subsection (a) of this section is guilty of an offense and is punishable for the first and subsequent offenses by the penalties prescribed by Sections 66.2011(d) and (e) of this code.

[Acts 1981, 67th Leg., p. 378, ch. 153, § 13, eff. Sept. 1, 1983; Acts 1983, 68th Leg., p. 970, ch. 229, § 4, eff. Sept. 1, 1983.]

### § 66.2013. Redfish and Speckled Sea Trout: Display of Documents

*Text of section as added by Acts 1983, 68th Leg., p. 645, ch. 145, § 1*

(a) A person who claims to possess a redfish or speckled sea trout under an exemption provided by Section 66.201(f) of this code commits an offense if:

(1) the person fails to keep with the fish any document, including a tag, invoice, or bill of lading, that is required by that section or by a regulation of the commission for the purpose of the identification of the place of origin or the exempt status of the redfish or speckled sea trout; or

(2) the person fails, on the request of a game warden, to present to the game warden without delay a document, including a tag, invoice, or bill of lading, that is required by that section or by a regulation of the commission for the purpose of the identification of the place of origin or exempt status of the redfish or speckled sea trout.

(b) An offense under this section is a Class B misdemeanor.

(c) A culpable mental state is intended to be dispensed with for an offense under this section.

[Acts 1983, 68th Leg., p. 645, ch. 145, § 1, eff. Sept. 1, 1983.]

*For text of section as added by Acts 1983, 68th Leg., p. 4052, ch. 633, § 1, see § 66.2013, post*

### § 66.2013. Catching Redfish and Speckled Sea Trout on Commercial Fishing Boat Prohibited

*Text of section as added by Acts 1983, 68th Leg., p. 4052, ch. 633, § 1*

(a) Except as provided by Subsection (b) of this section, a person on board a boat licensed or required to be licensed under Section 47.007 of this code may not catch and retain redfish or speckled sea trout.

(b) This section applies to the owner and to the operator of a boat licensed or required to be licensed under Section 47.007 of this code and applies to the owner's or operator's immediate family. Notwithstanding any other provision herein, this section shall not apply to the owner and operator of a boat licensed or required to be licensed under Section 47.007 of this code or to that owner and operator's immediate family if the owner and operator holds a fish guide license issued under Section 47.004 of this code. This section does not apply to any other person on board the boat if such other person is paying compensation to the owner and operator of the boat for the catching of redfish and trout for sportfishing purposes.

(c) A person who violates this section is guilty on the first conviction of a Class C misdemeanor.

(d) If a person violates this section twice within a five-year period, the person is guilty of a Class B misdemeanor.

(e) If a person violates this section more than twice within a five-year period, the person is guilty of a Class B misdemeanor and shall have all equipment in the person's possession used for the taking of redfish or speckled sea trout confiscated.

(f) A period for determining the application of the penalties under Subsections (d) and (e) of this section begins on the date of any conviction of a violation of this section.

[Acts 1983, 68th Leg., p. 4052, ch. 633, § 1, eff. Sept. 1, 1983.]

*For text of section as added by Acts 1983, 68th Leg., p. 645, ch. 145, § 1, see § 66.2013, ante*

### §§ 66.202, 66.203. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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§ 66.204. Vessels and Obstructions in Fish Passes

(a) No person may operate, possess, or moor a vessel or other floating device, or may place any piling, wire, rope, cable, net, trap, or other obstruction, in a natural or artificial pass opened, reopened, dredged, excavated, constructed, or maintained by the department as a fish pass between the Gulf of Mexico and an inland bay, within a distance of 2,800 feet inside the pass measured from the mouth of the pass where it empties into or opens on the Gulf of Mexico.

(b) The department shall erect permanent iron or concrete monuments showing the restricted area.

(c) This section does not restrict the power of the United States to regulate navigation.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$1 nor more than \$100. On a second or subsequent conviction the person is punishable by a fine of not less than \$1 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.205. Drum Seining Permits

(a) A person who has a lease for taking oysters in water where seining is prohibited may apply to the department for a permit to seine for drum.

(b) The application shall be under oath and must include a statement that drum are seriously damaging the applicant's oysters and that if the permit is issued he will not take and retain or destroy other food fish but will return them to the water.

(c) If the department finds that drum are seriously damaging the oysters of the applicant, the permit shall be issued. The permit must state the period of validity and must specify the area of its applicability.

(d) The department shall assign an employee of the department to supervise the seining.

(e) Seining for drum in prohibited water is lawful when done under the authority of a permit issued under this section and when done in the presence of the assigned employee.

(f) The holder of a permit shall pay \$2.50 for each day of seining under the permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 66.206. Trotline Tags

(a) The department shall issue numbered tags for trotlines used in public salt water.

(b) The commission may make regulations for the safe use of trotlines and to carry out the provisions of this section.

(c) A trotline tag shall be attached to each 300 feet of trotline or fractional part of 300 feet, and the department shall collect a fee of \$2 for each tag issued.

(d) No person may use a trotline in public salt water unless the trotline has attached to it the proper number of trotline tags.

(e) A person who violates this section or a rule of the commission relating to safe trotline usage is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(f) Repealed by Acts 1977, 65th Leg., p. 382, ch. 190, § 5(2), eff. May 20, 1977.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 382, ch. 190, § 5(2), eff. May 20, 1977; Acts 1983, 68th Leg., p. 1337, ch. 277, § 44, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 66.207. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 66.208. Commercial Joint Fishing Ventures

(a) No person who is engaged in taking seafood in a commercial joint venture may sell or offer to sell the products of the joint venture except in the regular course of the joint venture with the express or implied consent of the co-venturer.

(b) No person who is employed to take seafood may sell or offer to sell the products taken in the course of his employment without the express or implied consent of his employer.

(c) No person may purchase seafood with the knowledge that it is sold in violation of Subsection (a) or (b) of this section.

(d) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$100 nor more than \$200. On a second or subsequent conviction the person is punishable by a fine of not less than \$500 nor more than \$2,000 or by confinement in the county jail for not less than five days nor more than six months, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 66.209. Statistical Reports

(a) The department shall gather statistical information on the harvest of fish, shrimp, oysters, and other forms of edible marine life of the Texas coast.

(b) The department shall prescribe and distribute the report form. The form shall be designed to allow for statistical information concerning the numbers and quantity by weight of seafood taken, the species taken, the kinds of equipment used, and the water from which the catch is made.

(c) No dealer who purchases fish, shrimp, oysters, or other forms of edible marine life directly from the fisherman may fail to file the report with the department each month on or before the 10th day of the month. No dealer required to report may wilfully file an incorrect report.

(d) Any dealer who violates Subsection (c) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 66.210. Rough Fish

(a) The commission shall investigate saltwater species of fish. It shall classify and reclassify, when necessary, saltwater fish as game fish and nongame fish.

(b) In this subchapter:

(1) "Game fish" means species that are desirable because of their sport and recreational value and that strike or bite at bait or artificial lures.

(2) "Nongame fish" means species that have no sporting value, predatory fish, bony or rough-fleshed fish, and other species whose numbers should be controlled to protect and encourage the propagation of game fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 66.211. Permits for Taking Rough Fish

(a) The commission shall issue permits for the taking of nongame fish in salt water to control nongame fish and to provide for their use when the commission finds that the taking will not adversely affect the conservation of game fish.

(b) The permit may authorize the use of nets, seines, and other devices that are otherwise prohibited, except that the commission may not authorize the use of a net or other device, the use of which was unlawful on May 26, 1941, in water in which the use of a trammel net, set net, or gill net was

unlawful on that date. The permit shall specify the species of fish permitted to be taken.

(c) An applicant for a permit must:

(1) be a citizen of the United States and have resided in this state continuously for a period of at least six months before the date of the application; and

(2) not have been convicted of a violation of any fishing law of this state for a period of two years before the date of the application.

(d) The department shall collect a fee of \$9 for the issuance of the permit.

(e) The permit is valid for one year from the date of its issuance unless it is revoked prior to its expiration.

(f) The department shall inspect, approve, and attach metal identification tags to all devices used under this section for taking fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1338, ch. 277, § 45, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 66.212. Holders of Rough Fish Permits: Offenses

(a) No person holding a permit to take rough saltwater fish may:

(1) use a net or other device that the commission may not authorize for use in water covered by the exception in Section 66.211 of this code;

(2) use for the taking of fish any device without there being attached to it a metal identification tag issued by the department;

(3) use any device that would be prohibited except for the permit to take any game fish or any other species of fish not authorized to be taken by the permit; or

(4) use any device that would be prohibited except for the permit in any manner that will or does carelessly or needlessly injure marine life other than those species authorized to be taken by the permit.

(b) A holder of a permit who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. On conviction he may also have the permit revoked.

(c) An officer of the department who finds a device authorized by permit being used in violation of this section shall immediately seize the device and hold it until after the trial. During the prosecu-

tion for an offense under this section, the holder of the permit may not use any device authorized by the permit but otherwise prohibited by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.213. Possession of Illegal Nets and Seines

(a) No person may possess a seine, strike net, gill net, or trammel net in or on the tidal water of this state where the use of the seine or net for the catching of fish is prohibited unless the seine or net is on board a vessel in port or in a channel and going directly to or from the Gulf of Mexico or going directly to or from other waters where the use of seines or nets is not prohibited. No person may possess or use for the purpose of catching finfish any seine, strike net, trammel net, or gill net in or on any waters of this state unless said seine, strike net, gill net, or trammel net is equipped with floats at intervals of six feet or less and of sufficient buoyancy to maintain the seine, strike net, gill net, or trammel net in an upright position in the water so that the floats are visible on the surface of the water thereby avoiding a hazard to motor boat traffic.

(b) A person who violates this section is guilty of a Class B misdemeanor, and the person's commercial fishing license is subject to cancellation. A person whose license is cancelled under this section may not receive another license for one year from the date of the conviction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 382, ch. 190, § 4, eff. May 20, 1977; Acts 1979, 66th Leg., p. 439, ch. 199, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 376, ch. 153, § 4, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 4054, ch. 634, § 2, eff. Sept. 1, 1983.]

Section 5 of the 1983 amendatory act provides:

"A person who violated Section 66.2011, 66.213, or 66.214, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted by the law in effect on the day the violation occurred and that law is continued in effect for this purpose."

#### § 66.214. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Acts 1983, 68th Leg., p. 4054, ch. 634, § 3, without reference to the repeal of this section by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, amended subsec. (b) of this section by classifying an offense under the section as a Class B misdemeanor and deleting the specified punishment of a \$200 fine.

Continuation of law in effect for violations occurring before repeal by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, see note under §§ 61.205 to 61.207.

Section 5 of Acts 1983, 68th Leg., p. 4055, ch. 634, provides:

"A person who violated Section 66.2011, 66.213, or 66.214, Parks and Wildlife Code, before the effective date of this Act shall be prosecuted by the law in effect on the day the violation occurred and that law is continued in effect for this purpose."

#### § 66.215. Tags for Noncommercial Nets and Seines

(a) Except as provided in Subsection (b) of this section, no person may place or use in the coastal water of this state a net or seine unless there is attached to the net or seine a tag that discloses the name and address of the owner of the net or seine.

(b) This section does not apply to a person who holds a commercial fishing license under Chapter 47 of this code or to a net or seine on which there is attached the license required by Section 47.015 of this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(d) Authorized employees of the department may seize a net or seine in coastal water in violation of this section and retain the net or seine as evidence. If the owner of the net or seine seized under this subsection is not identified before the expiration of 90 days after its seizure, the net or seine may be disposed of under Section 12.011 of this code or as provided by other law.

[Acts 1979, 66th Leg., p. 1166, ch. 565, § 1, eff. July 1, 1980.]

#### § 66.216. Possession of Headed or Tailed Fish

(a) No person may possess a finfish of any species taken from coastal water, except broadbill swordfish, shark, and king mackerel, that has the head or tail removed unless the fish has been finally processed and delivered to the final destination or to a certified wholesale or retail dealer.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each fish possessed in violation of this section constitutes a separate offense.

[Acts 1981, 67th Leg., p. 376, ch. 153, § 6, eff. Sept. 1, 1981.]

#### § 66.217. Finfish Research

(a) The department shall conduct continuous research and study of:

(1) the supply, economic value, environment, and breeding habits of the various species of finfish, including red drum and speckled sea trout;

(2) factors affecting the increase or decrease of finfish supply;

(3) the use of trawls, nets, and other devices for the taking of finfish;

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(4) the effect on finfish of industrial and other types of water pollution in areas naturally frequented by finfish; and

(5) statistical information gathered by the department on the marketing, harvesting, processing, and catching of finfish landed in this state.

(b) The department shall make findings and issue reports based on the research required by Subsection (a) of this section.

(c) The findings and reports shall be filed in the permanent records of the department.

(d) The reports and findings must include recommendations for opening or closing bay areas to the use of trawls, nets, and saltwater trotlines when the studies indicate appropriate action to prevent waste or avoid depletion of finfish.

(e) Before the convening of each regular session of the legislature; the department shall publish and present to the governor and the legislature a special report on studies, findings, recommendations, and actions taken under this subchapter.

[Acts 1981, 67th Leg., p. 378, ch. 153, § 12, eff. Sept. 1, 1981.]

[Sections 66.218 to 66.300 reserved for expansion]

### SUBCHAPTER D. TEXAS TERRITORIAL WATER

#### § 66.301. Definition

In this subchapter, "coastal water" means all of the salt water of this state, including that portion of the Gulf of Mexico within the jurisdiction of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.302. Licenses

(a) Except as provided in Subsections (b) and (c) of this section, the department shall grant to or withhold from alien vessels licenses required for boats or vessels used in fishing or shrimping in the coastal water of this state on the basis of reciprocity or retortion.

(b) The department shall issue licenses to a vessel of a nation designated as a friendly ally or neutral on receipt of a formal suggestion transmitted to the governor by the Secretary of State of the United States.

(c) The department shall not issue a license to any boat or vessel owned in whole or in part by any alien power, or a subject or national of an alien

power, or any individual who subscribes to the doctrine of international communism or who has signed a treaty of trade, friendship, and alliance or a nonaggression pact with any communist power. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.303. Prohibited Acts

(a) No unlicensed alien vessel may take or attempt to take by any means or possess any natural resource of the coastal water of this state.

(b) A captain, master, or owner of any unlicensed alien vessel or boat who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for not more than one year, or both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.304. Port Authorities and Navigation Districts

It is the duty of the port authorities and navigation districts of this state to prevent the use of any port facility in a manner that they reasonably suspect may assist in the violation of this subchapter. They shall use all reasonable means, including the inspection of nautical logs, to ascertain from masters of newly arrived vessels of all types, other than warships of the United States, the presence of alien commercial fishing vessels within the coastal water of this state and shall promptly transmit the information to the department and to law enforcement agencies of this state as the situation may indicate. They shall request assistance from the United States Coast Guard in appropriate cases to prevent unauthorized departure from any port facility.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.305. Harbor Pilots

All harbor pilots shall promptly transmit any knowledge coming to their attention regarding possible violations of this subchapter to the appropriate navigation district or port authority or the appropriate law enforcement officials.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 66.306. Enforcement

All law enforcement agencies of the state, including agents of the department, are empowered and directed to arrest the masters and crews of vessels that are reasonably believed to be in violation of this chapter and to seize and detain the vessels and their equipment and catch. The arresting officer

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shall take the offending crews or property before the court having jurisdiction of the offense. The agencies are directed to request assistance from the United States Coast Guard in the enforcement of this Act when the agencies are without means to effectuate arrest and restraint of vessels and their crews operating in violation or probable violation of this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 66.307. Political Asylum

No crew member or master seeking bona fide political asylum shall be fined or imprisoned under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 67. NONGAME SPECIES

### Section

- 67.001. Regulations.
- 67.0011. Exemption of Crayfish.
- 67.002. Management of Nongame Species.
- 67.003. Continuing Scientific Investigations.
- 67.004. Issuance of Regulations.
- 67.005. Penalty.

### § 67.001. Regulations

The department by regulation shall establish any limitations on the taking, possession, transportation, exportation, sale, and offering for sale of nongame fish and wildlife that the department considers necessary to manage these species.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 67.0011. Exemption of Crayfish

This chapter does not apply to crayfish, other than in public water.

[Acts 1981, 67th Leg., p. 399, ch. 161, § 4, eff. May 20, 1981.]

### § 67.002. Management of Nongame Species

The department shall develop and administer management programs to insure the continued ability of nongame species of fish and wildlife to perpetuate themselves successfully.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 67.003. Continuing Scientific Investigations

The department shall conduct ongoing investigations of nongame fish and wildlife to develop information on populations, distribution, habitat needs, limiting factors, and any other biological or ecologi-

cal data to determine appropriate management and regulatory information.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 67.004. Issuance of Regulations

(a) The regulations shall state the name of the species or subspecies, by common and scientific name, that the department determines to be in need of management under this chapter.

(b) The department shall conduct a public hearing on all proposed regulations and shall publish notice of the hearing in at least three major newspapers of general circulation in this state at least one week before the date of the hearing.

(c) The department shall solicit comments on the proposed regulations at the public hearing and by other means.

(d) On the basis of the information received at the hearing or by other means, the department may modify a proposed regulation.

(e) Regulations become effective 60 days after the date they are proposed unless withdrawn by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 67.005. Penalty

(a) A person who violates a regulation of the commission issued under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

(b) A person who violates a regulation of the commission issued under this chapter and who has been convicted on one previous occasion of a violation of a commission regulation under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$500, or by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) A person who violates a regulation of the commission issued under this chapter and who has been convicted on two or more previous occasions of a violation of commission regulations under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$500 nor more than \$2,000 and by confinement in jail for not less than six months nor more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]



## § 68.001

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### CHAPTER 68. ENDANGERED SPECIES

#### Section

- 68.001. Definitions.
- 68.002. Endangered Species.
- 68.003. Statewide Extinction List.
- 68.004. Amendments to List by Director.
- 68.005. Petition of Reclassification.
- 68.006. Permit for Taking Endangered Species.
- 68.007. Propagation Permit Required.
- 68.008. Original Propagation Permit.
- 68.009. Renewal Propagation Permit.
- 68.010. Reports by Permittee.
- 68.011. Refusal or Cancellation of Permit.
- 68.012. Appeal.
- 68.013. Disposition of Fish or Wildlife.
- 68.014. Regulations.
- 68.015. Prohibited Acts.
- 68.016. Sold Species to be Tagged.
- 68.017. Seizure of Fish or Wildlife.
- 68.018. Disposition of Funds; Appropriations.
- 68.019. Applicability of Chapter.
- 68.020. Exceptions.
- 68.021. Penalty.

#### § 68.001. Definitions

In this chapter:

(1) "Fish or wildlife" means any wild mammal, aquatic animal, wild bird, amphibian, reptile, mollusk, or crustacean, or any part, product, egg, or offspring, of any of these, dead or alive.

(2) "Management" means:

(A) the collection and application of biological information for the purpose of increasing the number of individuals within species or populations of fish or wildlife up to the optimum carrying capacity of their habitat and maintaining these numbers;

(B) the entire range of activities constituting a full scientific research program, including census studies, law enforcement, habitat acquisition and improvement, and education; and

(C) when and where appropriate, the protection of and regulation of the taking of fish and wildlife species and populations.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.002. Endangered Species

Species of fish or wildlife are endangered if listed on:

(1) the United States List of Endangered Foreign Fish and Wildlife as in effect on August 27, 1973 (50 C.F.R. Part 17, Appendix A);

(2) the United States List of Endangered Native Fish and Wildlife as in effect on August 27, 1973 (50 C.F.R. Part 17, Appendix D); or

(3) the list of fish or wildlife threatened with statewide extinction as filed by the director of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.003. Statewide Extinction List

(a) The director shall file with the secretary of state a list of fish or wildlife threatened with statewide extinction.

(b) Fish or wildlife may be classified by the director as threatened with statewide extinction if the department finds that the continued existence of the fish or wildlife is endangered due to:

(1) the destruction, drastic modification, or severe curtailment of its habitat;

(2) its overutilization for commercial or sporting purposes;

(3) disease or predation; or

(4) other natural or man-made factors.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.004. Amendments to List by Director

(a) If the lists of endangered species issued by the United States are modified, the director shall file an order with the secretary of state accepting the modification. The order is effective immediately.

(b) The director may amend the list of species threatened with statewide extinction by filing an order with the secretary of state. The order is effective on filing.

(c) The director shall give notice of the intention to file a modification order under Subsection (b) of this section at least 60 days before the order is filed. The notice must contain the contents of the proposed order.

(d) If a reclassification petition is filed during the 60-day notice period required by Subsection (c) of this section, the order may not be filed until the conclusion of the proceeding on reclassification.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.005. Petition of Reclassification

(a) Three or more persons may petition the department to add or delete species of fish or wildlife from the statewide extinction list.

(b) The petition must present substantial evidence for the addition or deletion.

(c) If fewer than 50 people join in the petition, the department may refuse to review the classification list, but if 50 or more persons join in the petition, the department shall conduct a hearing to review the classification list. The hearing shall be open to the public, and notice of the hearing shall be given in at least three major newspapers of general circulation in the state at least one week before the date of the hearing.

(d) Based on the findings at the hearing, the department may file an order with the secretary of state altering the list of fish or wildlife threatened with statewide extinction. The order takes effect on filing.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.006. Permit for Taking Endangered Species

The provisions of Subchapter C, Chapter 43, of this code<sup>1</sup> are applicable to all fish or wildlife classified as endangered, and it is a violation of this chapter to possess, take, or transport endangered fish or wildlife for zoological gardens or scientific purposes or to take or transport endangered fish or wildlife from their natural habitat for propagation for commercial purposes without the permit required by Section 43.022 of this code or a federal permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

<sup>1</sup> Section 43.021 et seq.

#### § 68.007. Propagation Permit Required

No person may possess endangered fish or wildlife for the purpose of propagating them for sale unless he has first acquired a commercial propagation permit issued by the department under this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.008. Original Propagation Permit

(a) A person may apply for an original propagation permit by submitting an application containing information or statements as required by the department and by submitting an original propagation permit fee of \$300.

(b) The department shall issue the permit if it determines that the applicant has complied with Subsection (a) of this section, that the initial breeding stock was acquired under a permit issued under Section 43.022 of this code or was otherwise legally

acquired, and that the applicant has not violated the laws of the United States, this state, or another state with respect to the acquisition of breeding stock.

(c) An original propagation permit must contain a description of endangered fish and wildlife authorized to be possessed under the permit.

(d) An original propagation permit is valid for one year from the date of its issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.009. Renewal Propagation Permit

(a) A person holding an original propagation permit or a renewal propagation permit is entitled to receive from the department a renewal propagation permit on application to the department and on the payment of a renewal propagation permit fee of \$550 if the application and fee are received by the department during the period beginning 10 days before the expiration date of the outstanding permit and extending through the expiration date of the permit.

(b) A renewal propagation permit is valid for a period of three years beginning on the date of its issuance.

(c) The department may refuse to renew any permit if it determines that it would be in the best interest of the species of fish or wildlife described in the permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.010. Reports by Permittee

A person holding a commercial propagation permit shall send to the department annually:

(1) a written evaluation by a veterinarian licensed to practice in this state of the physical conditions of the propagation facilities and the conditions of the fish or wildlife held under the permit; and

(2) a written report on forms prepared by the department relating to propagation activities during the previous year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 68.011. Refusal or Cancellation of Permit

(a) If, on the basis of the reports required by Section 68.010 of this code or an investigation or inspection by an authorized employee of the department, the department finds that a permit holder is improperly caring for or handling the fish or wildlife held under the permit, the department shall give

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written notice of the objectionable actions or conditions to the permit holder.

(b) If the department finds that the improper caring for or handling of the fish or wildlife is detrimental to the fish or wildlife and immediate protection is needed, the department may seize the fish or wildlife and authorize proper care pending the correction of the improper conditions or actions. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.012. Appeal

(a) A person aggrieved by the action of the department in refusing to grant or renew a commercial propagation permit or in cancelling a permit may appeal within 20 days of the final action of the department to a district court of Travis County or the county of his residence.

(b) The appeal shall be by trial de novo as are appeals from the justice court to the county court. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.013. Disposition of Fish or Wildlife

A person who ceases to hold a commercial propagation permit under this chapter shall dispose of endangered fish or wildlife held after the expiration or cancellation of the permit in the manner required by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.014. Regulations

The department shall make regulations necessary to administer the provisions of this chapter and to attain its objectives, including regulations to govern:

- (1) permit application forms, fees, and procedures;
- (2) hearing procedures;
- (3) procedures for identifying endangered fish and wildlife or goods made from endangered fish or wildlife which may be possessed, propagated, or sold under this chapter; and
- (4) publication and distribution of lists of species and subspecies of endangered fish or wildlife and their products.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.015. Prohibited Acts

(a) No person may possess, sell, distribute, or offer or advertise for sale endangered fish or wildlife unless the fish or wildlife have been lawfully

born and raised in captivity for commercial purposes under the provisions of this chapter or federal law.

(b) No person may possess, sell, distribute, or offer or advertise for sale any goods made from endangered fish or wildlife unless:

(1) the goods were made from fish or wildlife that were born and raised in captivity for commercial purposes under the provisions of this chapter or federal law; or

(2) the goods were made from fish or wildlife lawfully taken in another state and the person presents documented evidence to the department to substantiate that fact.

(c) No person may sell, advertise, or offer for sale any species of fish or wildlife not classified as endangered under the name of any endangered fish or wildlife.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 3135, ch. 825, § 1, eff. June 17, 1981.]

### § 68.016. Sold Species to be Tagged

No person may sell endangered fish or wildlife or goods made from endangered fish or wildlife unless the fish or wildlife or goods are tagged or labeled in a manner to indicate compliance with Section 68-015(a) and (b) of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.017. Seizure of Fish or Wildlife

(a) A peace officer who has arrested a person for a violation of this chapter may seize fish or wildlife or goods made from fish or wildlife taken, possessed, or made in violation of this chapter.

(b) Property taken under this section shall be delivered to the department for holding pending disposition of the court proceedings. If the court determines that the property was taken, possessed, or made in violation of the provisions of this chapter, the department may dispose of the property under its regulations. The costs of the department in holding seized fish or wildlife during the pendency of the proceedings may, in appropriate cases, be assessed against the defendant.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.018. Disposition of Funds; Appropriations

(a) All revenue received under this chapter shall be deposited in the state treasury to the credit of the general revenue fund.

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(b) Funds for the administration of this chapter may be appropriated from the general revenue fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.019. Applicability of Chapter

All species and subspecies of wildlife classified as endangered are governed by this chapter to the exclusion of other regulatory and licensing laws.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.020. Exceptions

(a) This chapter does not apply to:

- (1) coyotes (prairie wolves);
- (2) cougars;
- (3) bobcats;
- (4) prairie dogs;
- (5) red foxes; or

(6) animals, fish, or fowl that are privately owned or to the management or taking of privately owned animals, fish, or fowl by the private owners.

(b) This chapter does not apply to the possession of mounted or preserved endangered fish or wildlife acquired before August 31, 1973, by public or private nonprofit educational, zoological, or research institutions. The department may require an institution to furnish a list of mounted or preserved fish or wildlife possessed and proof of the time of acquisition.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 68.021. Penalty

(a) A person who violates any provision of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$200.

(b) A person who violates any provision of this chapter and who has been convicted on one previous occasion of a violation of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$500, or by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) A person who violates any provision of this chapter and who has been convicted on two or more previous occasions of a violation of this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$500 nor more than

\$2,000 and by confinement in jail for not less than six months nor more than one year.

(d) A violation of a regulation of the department issued under the authority of this chapter is a violation of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## SUBTITLE C. FUR-BEARING ANIMALS

### CHAPTER 71. LICENSES AND REGULATIONS

#### Section

71.001.	Definitions.
71.0011.	Application.
71.002.	Proclamations.
71.003.	Scientific Studies and Investigations.
71.004.	Prohibited Acts.
71.005.	Licenses Required.
71.006.	Purchases by Retail Fur Buyer.
71.007.	Purchases by Wholesale Fur Dealer.
71.008.	Issuance of Licenses.
71.009.	License Fees.
71.010.	License Period.
71.011.	Possession and Display of Licenses.
71.012.	Inspections.
71.013.	Fees of Issuing Agents.
71.014.	Reports.
71.015.	Penalties.
71.016.	Revocation of License.

### § 71.001. Definitions

In this subtitle:

(1) "Fur-bearing animal" means wild beaver, otter, mink, ring-tailed cat, badger, skunk, raccoon, muskrat, opossum, fox, weasel, nutria, or civet cat.

(2) "Trapper" means a person who takes a fur-bearing animal or the pelt of a fur-bearing animal.

(3) "Retail fur buyer" means a person who purchases a fur-bearing animal or the pelt of a fur-bearing animal of this state from trappers only.

(4) "Wholesale fur dealer" means a person who purchases for himself or for another person a fur-bearing animal or the pelt of a fur-bearing animal of this state from a trapper, a retail fur buyer, a fur-bearing animal propagator, or another wholesale fur dealer.

(5) "Resident" means a person who has resided in this state for more than six months immediately before an application for a license issued under this chapter is made.

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(6) "Nonresident" means any person, other than a resident, applying for a license issued under this chapter.

(7) "Sale" includes barter and other transfers of ownership for consideration.

(8) "Take" means the act of snaring, trapping, shooting, killing, or capturing by any means and includes an attempt to take.

(9) "Carcass" means the body of a dead fur-bearing animal, with or without the hide attached.

(10) "Depredation" means the loss of or damage to agricultural crops, livestock, poultry, or personal property.

(11) "Pelt" means the untanned, green or dried hide or skin of a fur-bearing animal, whether or not the hide or skin is attached to the carcass.

(12) "Place of business" means a place where fur-bearing animals or their pelts are sold, received, transported, possessed, or purchased, and includes a vehicle used by a trapper, retail fur buyer, wholesale fur dealer, or fur-bearing animal propagator.

(13) "Fur-bearing animal propagator" means a person who takes or possesses a living fur-bearing animal and holds it for the purpose of propagation or sale.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 2047, ch. 801, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 2886, ch. 491, § 3, eff. Aug. 29, 1983.]

Sections 8 and 10 of Acts 1981, 67th Leg., ch. 748, revising this chapter, provide:

"Sec. 8. The following sections of the Parks and Wildlife Code, as amended, are not affected by this Act: Sections 81.404, 229.021, 334.041, and 350.021."

"Sec. 10. (a) A person who violates a provision of Chapter 71 or Chapter 72, Parks and Wildlife Code, as amended, before the effective date of this Act shall be prosecuted under the law as it existed on the day the violation occurred and that law is continued in effect for that purpose.

"(b) The fact that a person was convicted of a violation of a provision of Chapter 71 or 72, Parks and Wildlife Code, as amended, before the effective date of this Act does not preclude the use of that conviction for enhancing the punishment for an offense that was committed after the effective date of this Act."

### § 71.0011. Application

This chapter applies to fur-bearing animals in each county except those populations on the state's list of endangered fish and wildlife.

[Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.002. Proclamations

(a) The commission by proclamation may regulate the taking, possession, propagation, transportation, exportation, importation, sale, and offering for sale of fur-bearing animals, pelts, and carcasses as the commission considers necessary to manage fur-bearing animals or to protect human health or property.

(b) A proclamation of the commission under this chapter may also provide for:

(1) permit application forms, fees, procedures, and reports;

(2) hearing procedures;

(3) the periods of time when it is lawful to take, possess, sell, purchase, or transport fur-bearing animals, pelts, and carcasses;

(4) catch and possession limits for fur-bearing animals and pelts; and

(5) the means, methods, and manner that are, and places in which it is, lawful to take or possess fur-bearing animals, pelts, and carcasses.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.003. Scientific Studies and Investigations

The department shall conduct scientific studies and investigations of fur-bearing animals as necessary to develop information on populations, distribution, habitat needs, and limiting factors, to acquire any other biological or ecological data, and to determine appropriate management policies for public safety.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.004. Prohibited Acts

(a) No person may take, sell, purchase, or possess a fur-bearing animal, pelt, or carcass in this state, except as provided by proclamation of the commission. This chapter does not prohibit a landowner or his agent from taking a fur-bearing animal causing depredation on that person's land. No person may possess a fur-bearing animal taken for depredation purposes except as authorized by proclamation of the commission.

(b) No person may take a fur-bearing animal on any privately owned land or body of water unless the owner of the land or water, or the owner's agent, consents.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

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### § 71.005. Licenses Required

(a) No person may take a fur-bearing animal or a pelt in this state unless he has acquired and possesses a trapping license.

(b) No person may purchase or possess after purchase a pelt or carcass taken in this state unless he has acquired and possesses a retail fur buyer's or wholesale fur dealer's license.

(c) No person may take or possess a live fur-bearing animal for the purpose of propagation or sale unless he has acquired and possesses a fur-bearing animal propagation license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.006. Purchases by Retail Fur Buyer

No retail fur buyer may purchase in this state a pelt or carcass except from a licensed trapper.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.007. Purchases by Wholesale Fur Dealer

No wholesale fur dealer may purchase in this state a pelt or carcass except from a licensed trapper, a licensed retail fur buyer, a fur-bearing animal propagator, or another licensed wholesale fur dealer.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.008. Issuance of Licenses

The licenses authorized by this chapter shall be of a form prescribed and issued by the department, or an authorized agent of the department, to applicants on the payment of the license fees.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.009. License Fees

The fee for a license is set by the commission in an amount necessary to provide revenue to cover the costs of implementing the provisions of this chapter, but the amount may not be less than:

- (1) \$10.75 for a resident trapper's license;
- (2) \$200.75 for a nonresident trapper's license;
- (3) \$50.75 for a resident retail fur buyer's license;
- (4) \$200.75 for a nonresident retail fur buyer's license;

(5) \$100.75 for a resident wholesale fur dealer's license;

(6) \$400.75 for a nonresident wholesale fur dealer's license; and

(7) \$50.75 for a fur-bearing animal propagation permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.010. License Period

The license period for licenses issued under this chapter is September 1 of one year through August 31 of the following year, and a license is current and valid only for the license period for which it is issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.011. Possession and Display of Licenses

(a) A trapper shall carry the trapper's license on his person while taking or possessing a fur-bearing animal, pelt, or carcass.

(b) A wholesale fur dealer, a retail fur buyer, or a fur-bearing animal propagator shall display the required license at his place of business or while conducting business at a place other than his place of business.

(c) The failure to display a valid license on request by the department or an authorized agent of the department while taking, possessing, selling, offering for sale, or buying a fur-bearing animal, pelt, or carcass is a violation of this chapter. If on or before the trial of a person charged with a violation of this section, the person produces for the court or the prosecuting attorney the proper license that was issued to the person and valid at the time of the offense, the court shall dismiss that charge.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.012. Inspections

The place of business of any fur-bearing animal propagator, wholesale fur dealer, or retail fur buyer and any vehicle being used by a fur-bearing animal propagator, wholesale fur dealer, or retail fur buyer for the collection or transportation of fur-bearing animals, carcasses, or pelts are subject to inspection without a warrant by a game warden or any other peace officer at any time.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

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### § 71.013. Fees of Issuing Agents

County clerks and other authorized agents of the department other than employees of the department may retain 75 cents of the fee for the issuance of a trapper's license, a retail fur buyer's license, or a wholesale fur dealer's license as a collection fee. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.014. Reports

The holder of a wholesale fur dealer's, retail fur buyer's, or fur-bearing animal propagation license shall submit reports to the department as required by proclamation of the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.015. Penalties

(a) Except as provided in another subsection of this section, a person who violates any provision of this chapter or proclamation under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(b) If it is shown at the trial of the defendant that he has been convicted once within the preceding 36 months of a violation of this chapter or a proclamation under this chapter, he shall be punished by a fine of not less than \$200 nor more than \$500, by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) If it is shown at the trial of the defendant that he has been convicted two or more times within the preceding 60 months of a violation of this chapter or a proclamation under this chapter, he shall be punished by a fine of not less than \$500 nor more than \$2,000, by confinement in jail for not less than six months nor more than one year, or by both.

(d) The use of a conviction for enhancement purposes does not preclude the subsequent use of that conviction for enhancement purposes.

(e) Each fur-bearing animal or pelt of a fur-bearing animal taken or possessed in violation of this chapter constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

### § 71.016. Revocation of License

(a) If a person is convicted under Section 71.015 of this chapter, the court may revoke a license issued to that person under this chapter. The decision to revoke shall be entered in the judgment.

(b) If a person's license has been revoked under Subsection (a) of this section, that person may not obtain a license issued under this chapter for a period of one year from the date of revocation.

(c) A person who obtains a license issued under this chapter within one year after the date of revocation of a license issued under this chapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$500 nor more than \$1,000.

[Acts 1981, 67th Leg., p. 2737, ch. 748, § 1, eff. Sept. 1, 1981.]

## CHAPTER 72. LIMITATIONS ON TAKING FUR-BEARING ANIMALS [REPEALED]

### Section

72.001 to 72.007. Repealed.

§§ 72.001 to 72.007. Repealed by Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(b), eff. Sept. 1, 1981

Section 10 of the 1981 repealing act provides:

"(a) A person who violates a provision of Chapter 71 or Chapter 72, Parks and Wildlife Code, as amended, before the effective date of this Act shall be prosecuted under the law as it existed on the day the violation occurred and that law is continued in effect for that purpose.

"(b) The fact that a person was convicted of a violation of a provision of Chapter 71 or 72, Parks and Wildlife Code, as amended, before the effective date of this Act does not preclude the use of that conviction for enhancing the punishment for an offense that was committed after the effective date of this Act."

## SUBTITLE D. CRUSTACEANS AND MOLLUSKS

### CHAPTER 76. OYSTERS

#### SUBCHAPTER A. PUBLIC AND PRIVATE OYSTER BEDS

### Section

- 76.001. Natural Oyster Bed.
- 76.002. Designation of Public and Private Beds.
- 76.003. Beds Subject to Location.
- 76.004. Riparian Rights.
- 76.005. Affidavit of Riparian Rights.
- 76.006. Application for Location; Fee.
- 76.007. Maximum Acreage Under Location.
- 76.008. Lease or Control by Foreign Corporation Prohibited.
- 76.009. Examination and Survey of Location.
- 76.010. Areas Not Subject to Location.
- 76.011. Survey Markings and Buoys.
- 76.012. Locator's Certificate.
- 76.013. Survey Fee.
- 76.014. Filing of Certificate.
- 76.015. Rights of Locator.
- 76.016. Fencing of Location.

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- 76.017. Location Rental.
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SUBCHAPTER B. OYSTER PERMITS

- 76.031. Application for Permit.
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- 76.036. Marking Beds.
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SUBCHAPTER C. OYSTER DREDGE LICENSE

- 76.101. Oyster Dredge License Required.
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- 76.112. Oyster Size Limits.
- 76.113. Culling Oysters.
- 76.114. Exception to Size and Retention Limits.
- 76.115. Closing Areas.
- 76.116. Oysters From Polluted Areas.
- 76.117. Obedience to Orders.
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SUBCHAPTER D. SHELLFISH IN POLLUTED WATER

- 76.201. Definitions.
- 76.202. Declaration of Polluted Areas.
- 76.203. Rules and Regulations.
- 76.204. Inspection of Shellfish Plants.
- 76.205. Taking Shellfish From Polluted Areas.
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- 76.207. Purification of Shellfish.
- 76.208. Sale of Shellfish Improperly Handled.
- 76.209. Sale of Shellfish From Improper Facilities.
- 76.210. Unlawfully Operating a Shellfish Plant.
- 76.211. Sale of Shellfish Without a Certificate Number.
- 76.212. Compliance With Regulations.
- 76.213. Enforcement.
- 76.214. Disposition of Unfit or Unlawful Shellfish.
- 76.215. Performance Bond.
- 76.216. Penalty.

SUBCHAPTER A. PUBLIC AND PRIVATE OYSTER BEDS

§ 76.001. Natural Oyster Bed

(a) A natural oyster bed exists when at least five barrels of oysters are found within 2,500 square feet of any position on a reef or bed.

(b) In this section, a barrel of oysters is equal to three boxes of oysters in the shell. The dimensions of a box are 10 inches by 20 inches by 13½ inches. In filling a box for measurement, the oysters may not be piled more than 2½ inches above the height of the box at the center. Two gallons of shucked oysters without shells equals one barrel of oysters in the shell.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.002. Designation of Public and Private Beds

(a) All natural oyster beds are public.

(b) All oyster beds not designated as private are public.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.003. Beds Subject to Location

Except as provided in Section 76.004 of this code, an oyster bed or reef, other than a natural oyster bed, is subject to location by the department. This section does not apply to a bed or reef that has been exhausted within an eight-year period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.004. Riparian Rights

(a) The lawful occupant of a grant of land in this state has the exclusive right to use any creek, bayou, lake, or cove included within the metes and bounds of the original grant for the planting or sowing of oysters.

(b) If the creek, bayou, lake, or cove is not included in the original grant, a riparian owner has an exclusive right in the creek, bayou, lake, or cove for the planting and sowing of oysters to the middle of the creek, bayou, lake, or cove or to 100 yards from the shore, whichever distance is shorter.

(c) The right of a riparian owner of land along any bay shore in this state to plant oysters extends 100 yards into the bay from the high-water mark or from where the land survey ceases. The right to a natural oyster bed under this subsection is not exclusive.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.005. Affidavit of Riparian Rights

(a) The department may require the owner of riparian rights described in Section 76.004 of this code when offering oysters for sale to make an affidavit stating that the oysters were produced on his property.



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

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.006. Application for Location; Fee

(a) Any citizen of the United States or any domestic corporation may file a written application with the department for a certificate authorizing the applicant to plant oysters and make a private oyster bed in the public water of the state.

(b) The application must describe the location desired.

(c) The application must be accompanied by a fee of \$20.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.007. Maximum Acreage Under Location

No person may own, lease, or control more than 100 acres of land covered by water under certificates of location.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.008. Lease or Control by Foreign Corporation Prohibited

No corporation other than those incorporated under the laws of this state may lease or control land under a certificate of location.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.009. Examination and Survey of Location

(a) On receipt of an application for a location, the department shall examine the proposed location as soon as practicable by any efficient means.

(b) If the location is subject to certification, the department shall have the location surveyed by a competent surveyor.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.010. Areas Not Subject to Location

The following areas are not subject to location:

- (1) a natural oyster bed;
- (2) a bay shore area within 100 yards of the shore;

(3) an area subject to an exclusive riparian right; and

(4) an area already under certification as a location.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.011. Survey Markings and Buoys

(a) In making a location, the surveyor shall plant two iron stakes or pipes having a diameter of not less than two inches on the shoreline nearest to the proposed location, so that one stake or pipe is at each end of the location. The stakes or pipes shall be set at least three feet in the ground and with reference to bearings of at least three permanent objects or natural landmarks.

(b) The locator shall place and maintain, under the direction of the department, a buoy at each corner of the location farthest from the land.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.012. Locator's Certificate

(a) The department shall issue to each locator a certificate signed and sealed by the director.

(b) The certificate must contain:

- (1) the date of the application;
- (2) the date of the survey; and

(3) a description of the location by metes and bounds with reference to points of the compass and natural objects by which the location may be found and verified.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.013. Survey Fee

(a) Before delivery of the certificate, the locator shall pay to the department the surveyor's fee and other costs of establishing the location.

(b) The amount of the fee required by Section 76.006(c) of this code may be deducted from the amount owed to the department under this section.

(c) If the amount paid under Section 76.006(c) of this code exceeds the amount owed under this section, the difference shall be returned to the locator.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.014. Filing of Certificate

(a) Before the expiration of 60 days following the date of the certificate, the locator shall file the certificate with the county clerk of the county of the location.

(b) The clerk shall file the certificate in a well-bound book kept for that purpose and shall return the original certificate and a registration receipt to the locator. The clerk is entitled to receive as a fee for filing the certificate the same fee as for recording deeds.

(c) The original certificate and certified copies of it are admissible in court under the same rules governing the admissibility of deeds and certified copies of deeds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 76.015. Rights of Locator

(a) The holder of a certificate of location as provided for in Section 76.012 of this code is protected in his possession of the location against trespass in the same manner as are freeholders.

(b) This section applies only as long as the stakes or pipes and buoys required by this chapter are maintained in their correct positions and the locator complies with the law and the regulations governing the fish and oyster industries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 76.016. Fencing of Location

A locator or his assignee may fence all or part of his location if the fence does not obstruct navigation into or through a regular channel or cut leading to other public water.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 76.017. Location Rental

(a) No rental fee is owed on any location when oysters are not sold or marketed from the location for a period of five years after the date of the establishment of the location.

(b) When oysters are sold or marketed from the location and thereafter, the holder of the certificate shall pay to the department \$3 per acre of location per year and 10 cents for each barrel of oysters from the location sold.

(c) Rental fees are due annually by March 1.

(d) The failure to pay any rental when due terminates the lease.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 908, ch. 416, § 2, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 1338, ch. 277, § 46, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

#### § 76.018. Oyster Production Required

If oysters from the location are not sold or marketed within five years from the date of the establishment of the location, the lease is void.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 76.019 to 76.030 reserved for expansion]

### SUBCHAPTER B. OYSTER PERMITS

#### § 76.031. Application for Permit

(a) A person desiring to plant oysters on his own location or to take oysters from oyster reefs and public water shall apply to the department for an oyster permit.

(b) Only those persons who are citizens of Texas or corporations composed of American citizens and chartered by this state to engage in the culture of oysters or to transact business in the purchase and sale of fish and oysters may apply for a permit.

(c) The application must:

- (1) state the purpose for taking oysters; and
- (2) give the quantity of oysters to be taken from designated areas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 76.032. Discretion to Issue Permit

The department may issue or refuse to issue a permit to any applicant.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 76.033. Conditions of Permit

(a) The department shall require the permittee to take only the oysters authorized in the permit from beds or reefs designated in the permit.

(b) The department shall:

- (1) mark off the exact area of beds or reefs from which oysters may be taken;
- (2) designate the bottoms on which oysters may be deposited if they are taken to be prepared for market;
- (3) require the permittee to cull the oysters on the grounds where they are to be located; and
- (4) specify what implements may be used in taking oysters.

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(c) The department may make other conditions or regulations to protect and conserve oysters on public reefs and beds.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.034. Minimum Size

No permittee may take oysters of a smaller size than 3½ inches from hinge to mouth unless authorized by the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.035. Oysters Property of Permittee

All oysters taken or deposited in public water by the holder of an oyster permit under the terms of a permit are the personal property of the permit holder.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.036. Marking Beds

(a) The holder of a permit shall clearly and distinctly mark, by buoys, stakes, or fences, the boundaries of the areas designated in the permit from which he may take or in which he may deposit oysters.

(b) No person may be prosecuted for taking oysters from the bed of a permittee unless the boundaries are established and maintained as provided in this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.037. Theft of Oysters From Private Bed

(a) No person may fraudulently take oysters placed on private beds without the consent of the owner of the private bed or from beds or deposits made for the purpose of preparing oysters for market without the consent of the owner of the oysters who lawfully deposited them.

(b) A person who violates this section is guilty of a felony and on conviction is punishable by imprisonment in the penitentiary for not less than one nor more than two years.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.038. Interference With Buoys or Markers

(a) No person may deface, injure, destroy, or remove a buoy, marker, or fence used to designate or enclose a private oyster bed or location where oysters have been deposited for preparation for market without the consent of the owner of the bed or location.

(b) No person may deface, injure, destroy, or remove a buoy, marker, or sign of the department used for designating water closed for the taking of fish or oysters without the consent of the department.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.039. Prohibited Sales

(a) No person gathering oysters for planting or for depositing for market preparation on locations or on private oyster beds may sell, market, or dispose of the oysters gathered, at the time they are gathered, for any other purpose than planting or preparing for market.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

(c) This section does not affect the right of a person to sell or assign an oyster location or private bed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 76.040 to 76.100 reserved for expansion]

## SUBCHAPTER C. OYSTER DREDGE LICENSE

### § 76.101. Oyster Dredge License Required

No person may take or attempt to take oysters from the public water of this state by the use of a dredge without first having acquired an oyster dredge license from the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.102. Exemptions From License

An oyster dredge license is not required if the boat taking the oysters is licensed as a commercial bay or bait shrimp boat.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.103. Types of Licenses; Period of Validity

(a) Only from August 1 through August 31, the department may issue commercial oyster dredge licenses and sports oyster dredge licenses.

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(b) An oyster dredge license expires on August 31 following the date of its issuance or on August 31 of the yearly period for which it is issued.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 548, ch. 229, § 1, eff. Aug. 31, 1981.]

§ 76.104. License Fees

(a) The fee for a commercial oyster dredge license is \$50.

(b) The fee for a sports oyster dredge license is \$10.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1338, ch. 277, § 47, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 76.105. Commercial License: Dredge Size

No holder of a commercial oyster dredge license may use more than one dredge which may not exceed 48 inches in width.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 548, ch. 229, § 1, eff. Aug. 31, 1981.]

§ 76.106. Sports License: Dredge Size

No holder of a sports oyster dredge license may use more than one dredge which may not exceed 14 inches in width.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.107. Sale of Sports Oysters Prohibited

No person may sell oysters taken under the authority of a sports oyster dredge license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.108. Open Season

(a) No person may take oysters from public beds or reefs except during the open season or except by permit issued by the department.

(b) The open season is the period beginning on November 1 of one year and extending through April 30 of the following year.

(c) There is no closed season in that part of Laguna Madre and abutting water south of the Port Mansfield Channel.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.109. Night Dredging Prohibited

During the open season, no person may take oysters from public water during the period between sunset and sunrise.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.110. Number and Description of Dredges

No person may possess on board any commercial fishing boat, barge, float, or other vessel more than two oyster dredges. If a vessel is towing another vessel, the towing and towed vessels combined may not have on board more than two dredges. Each dredge may not exceed 48 inches in width across the mouth and may not have a capacity of more than two barrels.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 548, ch. 229, § 1, eff. Aug. 31, 1981.]

§ 76.111. Retention Limits

(a) No person may have on board any vessel in the public water of this state, or on any combination of vessels in tow, more than 50 barrels of culled oysters of the legal size.

(b) A barrel is equal to three bushels.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.112. Oyster Size Limits

(a) No person may take or possess a cargo of oysters more than five percent of which are between three-fourths inch and three inches measured from beak to bill or along an imaginary line through the long axis of the shell.

(b) A cargo of undersized oysters shall be determined by taking at random five percent of the total cargo of oysters as a sample, of which not more than five percent may measure less than three inches along an imaginary straight line through the long axis of the shell.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.113. Culling Oysters

(a) No person may fail or refuse to cull oysters between three-fourths inches and three inches measured as provided in Section 76.112 of this code at the time the oysters are taken or to fail or refuse to return culled oysters to the reef.

(b) No person may possess more than two barrels of uncultured oysters during the period he is on the reef.

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(c) Unculled oysters shall be kept separate from culled oysters.

(d) If returning undersized oysters to the bed from which they were taken is impractical, the department may sell them.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 548, ch. 229, § 1, eff. Aug. 31, 1981.]

### § 76.114. Exception to Size and Retention Limits

(a) The commission by permit may allow the use of one or more dredges of any size and cargoes in excess of 50 barrels in transplanting to or harvesting from private leases.

(b) The commission by permit may allow the taking and retention of cargoes having oysters between three-fourths inch and three inches in a greater percentage than five percent.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.115. Closing Areas

(a) The commission may close an area to the taking of oysters when the commission finds that the area is being overworked or damaged or the area is to be reseeded or restocked.

(b) The commission may open closed areas when appropriate.

(c) Before closing any area, the commissioner shall post notices of the closing in fish and oyster houses in two towns nearest the area to be closed and shall publish notice in a daily newspaper of general circulation in the area to be closed. The notices shall be posted and published at least three days before the effective date of the closing.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1220, ch. 456, § 18, eff. Sept. 1, 1975.]

### § 76.116. Oysters From Polluted Areas

(a) There is no open season for taking oysters from areas declared to be polluted by the State Department of Health.

(b) The department may authorize by permit the transplanting of oysters from polluted areas to private oyster leases.

(c) A person removing oysters from polluted areas without a permit shall replace the oysters in the beds from which they were taken as directed by authorized employees of the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.117. Obedience to Orders

No person may fail or refuse to obey a lawful order of a commissioned game management officer of the department issued under the authority of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.118. Penalty

A person who violates a provision of this subchapter or a regulation of the commission issued under this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each day of a continuing violation constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 76.119 to 76.200 reserved for expansion]

## SUBCHAPTER D. SHELLFISH IN POLLUTED WATER

### § 76.201. Definitions

In this subchapter:

(1) "Shellfish" means oysters, clams, and mussels, either fresh or frozen and either shucked or in the shell.

(2) "Polluted area" means an area that is continuously or intermittently subject to the discharge of sewage or other wastes, or to the presence of coliform organisms in quantities likely to indicate that shellfish taken from the area are unfit for human consumption.

(3) "Commissioner" means the State Commissioner of Health.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.202. Declaration of Polluted Areas

(a) The commissioner shall declare any area within the jurisdiction of the state to be polluted if he finds that it is a polluted area.

(b) The commissioner shall close to the taking of shellfish for a period he deems advisable any water to which shellfish from polluted areas may have been transferred.

(c) The commissioner shall establish by order the areas which he declares to be polluted and shall modify or revoke the orders in accordance with the results of sanitary and bacteriological surveys conducted by the State Department of Health. The commissioner shall file the orders in the office of the State Department of Health and shall furnish

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copies of the orders describing polluted areas to any interested person without charge.

(d) The commissioner shall conspicuously outline polluted areas on maps, which he shall furnish without charge to any interested person. The failure of any person or persons to avail themselves of this information does not relieve them from a violation of this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.203. Rules and Regulations

(a) The commissioner, with the approval of the State Board of Health, shall make rules and regulations establishing specifications for plant facilities and for the harvesting, transporting, storing, handling, and packaging of shellfish.

(b) The commissioner shall file the rules and regulations in the office of the secretary of state.

(c) The rules and regulations are effective three months from the date of their promulgation.

(d) The commissioner shall furnish without charge printed copies of the rules and regulations to any interested person on request.

(e) The commissioner may make reasonable and necessary regulations, not inconsistent with any provision of this subchapter, for the efficient enforcement of this subchapter.

(f) The violation of any regulation made under this subchapter is a violation of this subchapter. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.204. Inspection of Shellfish Plants

(a) The commissioner or his authorized agent shall inspect all shellfish plants and the practices followed in the handling and packaging of shellfish. If it is found that the operator is complying with the rules and regulations promulgated under this subchapter, the commissioner shall issue a certificate attesting to the compliance.

(b) The commissioner or his authorized agent may reinspect a plant at any time and shall revoke the certificate on refusal of the operator to permit an inspection or free access at reasonable hours, or on a finding that the plant is not being operated in compliance with the rules and regulations promulgated under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.205. Taking Shellfish From Polluted Areas

No person may take, sell, or offer or hold for sale any shellfish from an area declared by the commis-

sioner to be polluted without complying with all rules and regulations made by the commissioner to insure that the shellfish have been purified.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.206. Transplanting Shellfish From Polluted Areas

(a) Section 76.205 of this code does not prohibit the transplanting of shellfish from polluted water when permission for the transplanting is first obtained from the Parks and Wildlife Department and the transplanting is supervised by the department.

(b) The department shall furnish a copy of the transplant permit to the commissioner prior to the commencement of transplanting activity.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.207. Purification of Shellfish

The commissioner may allow purification of shellfish taken from polluted areas by artificial means, subject to the rules and regulations of the commissioner and subject to supervision deemed necessary by the commissioner in the interest of public health.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.208. Sale of Shellfish Improperly Handled

No person may sell or offer or hold for sale any shell stock or shucked shellfish that have not been handled and packaged in accordance with specifications fixed by the commissioner under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.209. Sale of Shellfish From Improper Facilities

No person may sell or offer or hold for sale any shellfish where the facilities for packaging and handling the shellfish do not comply with specifications fixed by the commissioner under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 76.210. Unlawfully Operating a Shellfish Plant

No person may operate a shellfish plant engaged in the handling and packaging of shellfish, either shucked or in the shell, without a valid certificate issued by the commissioner for each plant or place of business.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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### § 76.211. Sale of Shellfish Without a Certificate Number

No person may sell or offer for sale any shellfish that are not in a container bearing a valid certificate number from a state or a nation whose shellfish certification program conforms to the current Manual of Recommended Practice for Sanitary Control of the Shellfish Industry, issued by the United States Public Health Service. The provisions of this section do not apply to the sale for on-premises consumption of shellfish removed from a certified container.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.212. Compliance With Regulations

(a) The commissioner shall give any plant a reasonable time to comply with regulations issued under this subchapter after the date of promulgation, but not longer than six months unless an extension is granted.

(b) On a showing that more time is reasonably required, the commissioner may extend the time for compliance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.213. Enforcement

Commissioned officers of the Parks and Wildlife Department shall enforce the provisions of Section 76.205 of this code. Other provisions of this subchapter shall be enforced by the commissioner and his authorized representatives with assistance from the officers of the department as determined by the director.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.214. Disposition of Unfit or Unlawful Shellfish

Any shellfish that are held or offered for sale at retail or for human consumption, and that have not been handled and packaged in accordance with the specifications fixed by the commissioner under this subchapter, or that are not in a certified container as provided in this subchapter or are otherwise found by the commissioner to be unfit for human consumption, are subject to immediate condemnation, seizure, and confiscation by the commissioner or his agents. The shellfish shall be held, destroyed, or otherwise disposed of as directed by the commissioner.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.215. Performance Bond

In order to insure that the certificate holder will comply with all legal requirements imposed under this subchapter, the commissioner, when reasonably necessary for the enforcement of this subchapter, may require each person holding a plant certificate to post and maintain with him a good and sufficient bond with a corporate surety or two personal sureties approved by the commissioner, or a cash deposit in a form acceptable to the commissioner. Any failure to comply with the legal requirements of this subchapter will result in the certificate holder or his surety paying as forfeiture to the commissioner a sum not to exceed \$1,000.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 76.216. Penalty

A person who violates any provision of this subchapter or a regulation of the commissioner is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$200 nor more than \$500. Each day of a continuing violation constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 77. SHRIMP

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§ 77.001. Definitions

In this chapter:

(1) "Coastal water" means all the salt water of this state, including that portion of the Gulf of Mexico within the jurisdiction of the state.

(2) "Inside water" means all bays, inlets, outlets, passes, rivers, streams, and other bodies of water landward from the shoreline of the state along the Gulf of Mexico and contiguous to, or connected with, but not a part of, the Gulf of Mexico and within which the tide regularly rises and falls and in which saltwater shrimp are found or into which saltwater shrimp migrate.

(3) "Outside water" means the salt water of the state contiguous to and seaward from the shoreline of the state along the Gulf of Mexico as the shoreline is projected and extended in a continuous and unbroken line, following the contours of the shoreline, across bays, inlets, outlets, passes, rivers, streams, and other bodies of water; and that portion of the Gulf of Mexico extending from the shoreline seaward and within the jurisdiction of the state.

(4) "Major bays" means the deeper, major bay areas of the inside water, including Sabine Lake north of Cameron Causeway, Trinity Bay, Galveston Bay, East Galveston Bay, West Galveston Bay, Matagorda Bay (including East Matagorda Bay), Tres Palacios Bay south of a line from Grassy Point to the mouth of Pilker-ton Bayou, Espiritu Santo Bay, Lavaca Bay seaward of State Highway 35, San Antonio Bay seaward of a line from McDowell Point to Grassy Point to Marker 32 on the Victoria Barge Canal, Ayres Bay, Carlos Bay, Aransas Bay, Mesquite Bay, and Corpus Christi Bay, all exclusive of tributary bays, bayous, and inlets, lakes, and rivers.

(5) "Possess" means the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or under a fishing ley, or as agent, bailee, or custodian of another.

(6) "Commercial gulf shrimp boat" means any boat that is required to be numbered or registered under the laws of the United States or of this state and that is used for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the outside water of the state for pay or for the purpose of sale, barter, or exchange, or from salt water outside the state for pay or for the purpose of sale, barter, or exchange, and that unloads at a



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port or other point in the state without having been previously unloaded in another state or foreign country.

(7) "Commercial bay shrimp boat" means a boat that is required to be numbered or registered under the laws of the United States or this state and that is used for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the inside water of this state for pay or for the purpose of sale, barter, or exchange.

(8) "Commercial bait shrimp boat" means a boat that is required to be numbered or registered under the laws of the United States or of this state and that is used for the purpose of catching or assisting in catching shrimp for use as bait and other edible aquatic products from the inside water of the state for pay or for the purpose of sale, barter, or exchange.

(9) "Shrimp house operator" means a person who operates a shrimp house, plant, or other establishment for compensation or profit for the purpose of unloading and handling, from commercial gulf shrimp boats or commercial bay shrimp boats, fresh shrimp and other edible aquatic products caught or taken from the coastal water of the state or from salt water outside the state and brought into the state without having been previously unloaded in another state or foreign country, but does not include a person holding a wholesale fish dealer's license under Section 47.009 of this code.

(10) "Bait-shrimp dealer" means a person who operates an established place of business in a coastal county of the state for compensation or profit for the purpose of handling shrimp caught for use as bait from the inside water of this state, but does not include a person holding a wholesale fish dealer's license under Section 47.009 of this code.

(11) "Individual bait-shrimp trawl" means a trawl, net, or rig used for the purpose of catching shrimp for one's own personal use.

(12) "Second offense" and "third and subsequent offenses" mean offenses for which convictions have been obtained within three years prior to the date of the offense charged.

(13) "Contiguous zone," means that area of the Gulf of Mexico lying adjacent to and offshore of the jurisdiction of the State of Texas and in which shrimp of the genus *Penaeus* are found.

(14) "Bait bays" includes major bays, Copano Bay east of a line running from Rattlesnake Point to the northeastern boundary of the Bay-

side township, Nueces Bay from the bridge at State Highway 181 west to the second overhead power line dissecting the bay, Upper Laguna Madre, Baffin Bay, Alazan Bay, Carlos Bay, Baroom Bay, Lower Laguna Madre, and the Gulf Intracoastal Waterway exclusive of all tributaries.

(15) "Nursery areas" includes tributary bays, bayous, inlets, lakes, and rivers, which are proven to serve as significant growth and development environments for postlarval and juvenile shrimp not including the outside waters, major bays, or bait bays as defined in this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1220, ch. 456, § 20(a), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1297, ch. 600, §§ 1, 2, eff. Aug. 27, 1979.]

### § 77.002. License Fees

License fees provided in this chapter are a privilege tax on catching, buying, selling, unloading, transporting, or handling shrimp within the jurisdiction of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.003. Disposition of Funds

Money received for licenses issued under this chapter or fines for violations of this chapter shall be remitted to the department by the 10th day of the month following the date of collection.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.004. Research Program

(a) The department shall conduct continuous research and study of:

(1) the supply, economic value, environment, and breeding habits of the various species of shrimp;

(2) factors affecting the increase or decrease in shrimp;

(3) the use of trawls, nets, and other devices for the taking of shrimp;

(4) industrial and other pollution of the water naturally frequented by shrimp; and

(5) statistical information gathered by the department on the marketing, harvesting, processing, and catching of shrimp landed at points in the state.

(b) The research may be conducted by the department or an agency designated by the department. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

Acts 1981, 67th Leg., p. 249, ch. 105, § 3, provides:

"Studies and Reports. (a) During 1982, the Texas Coastal and Marine Council shall conduct studies on shrimp as required by Section 77.004, Parks and Wildlife Code, and shall concentrate on factors affecting the status of the bay shrimp industry.

"(b) Results of the study and recommendations on the issuance of shrimping licenses shall be published as a report and submitted before the convening of the 68th Legislature to the governor and each member of the legislature to aid in determining the best shrimp conservation methods."

**§ 77.005. Reporting by Licensee**

A licensee under this chapter who lands shrimp in the state shall submit to the department by the 10th day of each month, on forms furnished by the department, a report stating:

(1) the number of pounds of shrimp landed at points in the state by the licensee during the reporting period;

(2) the water from which the shrimp were taken; and

(3) the names of the species of shrimp.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.006. Department Findings and Report**

(a) Based on the study and reports obtained under Sections 77.004 and 77.005 of this code, the department shall make findings of fact and enter the findings in the permanent records of the department.

(b) The findings of fact shall be published as a report and presented to the governor and each member of the legislature before each regular session of the legislature.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 77.007 to 77.010 reserved for expansion]

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO SHRIMPING**

**§ 77.011. License Requirement**

No person may operate in the coastal water without obtaining the appropriate license, if required, as prescribed in this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.012. Foreign Shrimp**

Provisions of this chapter prohibiting possession, sale, purchase, unloading, or other handling of shrimp apply to shrimp caught in this state and shrimp coming from another state or country unless specifically provided otherwise.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.013. Size**

(a) Except as provided by this chapter, no person may catch, possess, or have on board a boat within coastal water, or buy, sell, unload, transport, or handle, an amount of fresh shrimp, except sea bobs, which average in count of individual specimens more than 65 headless fresh shrimp to the pound or more than 39 heads-on fresh shrimp to the pound.

(b) In major bays from August 15 through October 31 of each year, no person may buy, sell, unload, transport, or handle an amount of fresh shrimp, except sea bobs, that average in count of individual specimens more than 50 heads-on fresh shrimp to the pound. In major bays from November 1 through December 15 of each year there are no count size requirements.

(c) From November 1 through December 15 of each year, a net with a mesh size of 6½ inches between the most widely separated knots in any consecutive series of 5 stretched meshes after the mesh has been placed in use may be used.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 2012, ch. 789, § 1, eff. Aug. 27, 1979; Acts 1981, 67th Leg., p. 948, ch. 357, § 1, eff. Aug. 31, 1981.]

**§ 77.014. Method of Taking Count**

(a) An authorized employee of the department shall take the count of shrimp in the presence of the person possessing the shrimp.

(b) The employee shall select a minimum of three representative samples for each 1,000 pounds or fraction of 1,000 pounds of headless or heads-on shrimp being sampled.

(c) Each sample must weigh five pounds after draining at least three minutes.

(d) The count per pound for the sample is determined by dividing the number of specimens in the sample by five.

(e) The average count per pound for the entire quantity being sampled is determined by totalling the count per pound for each sample and dividing that total by the number of samples.

(f) The average count per pound as determined under this section is prima facie evidence of the

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average count per pound of the shrimp in the entire cargo or quantity of shrimp sampled.

(g) Headless and heads-on shrimp shall be sampled, weighed, and counted separately.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.015. Gradation and Processing

Shrimp found to be of legal size under this chapter may subsequently be graded for size for packaging, processing, or sale.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.016. Restrictions on Individual Bait-Shrimp Trawl

No person may use, possess, or have on board a boat in coastal water more than one individual bait-shrimp trawl, or an individual bait-shrimp trawl:

(1) with a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl is placed in use;

(2) exceeding 20 feet in length between the doors or boards or other spreading device; or

(3) with doors or boards exceeding 15 inches by 30 inches each, or a total of 450 square inches each.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.017. Possession After Season

No person may retain saltwater shrimp in their fresh state legally taken in the coastal water of this state for more than five days after the end of an open season for the taking of shrimp unless he is a licensed bait dealer or sports fisherman.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.018. Foreign Trawl or Shrimp

(a) A person may possess or have on board a boat in the coastal water of Orange or Jefferson county a trawl and spreading device that may lawfully be used in the coastal water of another state if:

(1) the trawl and equipment are immediately en route to or from a home port or destination on land;

(2) the trawl and equipment have been used during the open season for shrimp in another state; and

(3) the trawl and equipment are not used or intended for use in the coastal water of this state in violation of this chapter.

(b) A person may possess or have on board a boat in the coastal water of Orange or Jefferson county shrimp that are lawfully caught in the coastal water of another state if the catch is immediately en route to or from a home port or destination on land.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.019. Prohibited Handling of Shrimp

No shrimp house operator, wholesale fish dealer, retail fish dealer, wholesale truck dealer, retail truck dealer, or other person holding a license issued by the department may knowingly unload, buy, or handle in any way shrimp or bait shrimp:

(1) from an unlicensed gulf shrimp boat or unlicensed commercial bay shrimp boat;

(2) of a prohibited size;

(3) caught in the inside water or outside water during the closed season for the water; or

(4) in violation of a provision of this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.0191. Retention of Redfish and Speckled Sea Trout

(a) No person who is using a trawl for the purpose of taking shrimp may retain a redfish or speckled sea trout caught in the trawl.

(b) No person may retain a redfish or speckled sea trout if the person is on board a boat licensed under this chapter and if there is a shrimp trawl on board the boat.

[Acts 1983, 68th Leg., p. 3818, ch. 592, § 1, eff. Aug. 29, 1983.]

### § 77.020. Penalty

(a) A person who violates a provision of this chapter except Section 77.024 of this code, or those sections specified in Subsection (b) below, is guilty of a misdemeanor and on conviction is punishable:

(1) by a fine of not less than \$50 nor more than \$200 for the first offense;

(2) by a fine of not less than \$100 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 60 days, or both, for the second offense; and

(3) by a fine of not less than \$500 nor more than \$2,000 and confinement in the county jail for not less than 30 days nor more than six months for the third offense.

(b) A person who violates Section 77.011, 77.013, 77.016, 77.017, 77.018, 77.019, 77.047, 77.061(a)(2), 77.063, 77.064, 77.065, 77.066, 77.067, 77.068, 77.069, 77.070, 77.081, 77.082, 77.085, 77.086, 77.087, 77.088, 77.089, 77.090, 77.091, 77.092, 77.093, 77.095(a), 77.096, 77.097, 77.098, or 77.099 of this code is guilty of a misdemeanor and on conviction is punishable:

- (1) by a fine of \$200 for the first offense;
- (2) by a fine of not less than \$300 nor more than \$700 or confinement in the county jail for not less than 10 days nor more than 60 days or both for the second offense; and
- (3) by a fine of not less than \$750 nor more than \$2,500 and confinement in the county jail for not less than 30 days nor more than six months for the third offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1465, ch. 641, § 1, eff. Sept. 1, 1979; Acts 1981, 67th Leg., p. 2166, ch. 506, § 2, eff. June 12, 1981.]

Section 2 of the 1979 amendatory act provided:

"(a) Except as provided by Subsection (b) of this section, this Act applies only to offenses committed on or after the effective date of this Act, and an offense committed before the effective date of this Act is governed by the law in existence before this Act took effect, and that law is continued in force for that purpose as if this Act were not in effect.

"(b) In a criminal action pending on or commenced on or after the effective date of this Act for an offense committed before this Act took effect, the defendant, if adjudged guilty, shall be assessed punishment under this Act if he so elects by written motion filed with the trial court before the sentencing hearing begins."

#### § 77.021. Separate Offense

Each day on which a violation occurs constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 77.022. Responsibility for Violation

(a) When a vessel is involved in a violation of this chapter, the captain of the vessel shall be considered primarily responsible for the violation. A member of the crew of a vessel shall not be guilty of a violation unless it also be charged that the member of the crew acted in violation of the orders of the captain of the vessel.

(b) The owner of a vessel involved in a violation of this chapter may not be found guilty of the violation unless it is charged and proved that the owner knowingly directed, authorized, permitted, agreed to, aided, or acquiesced in the violation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(i), eff. Sept. 1, 1975.]

#### § 77.023. License Forfeiture

(a) On conviction for a third and subsequent offense under this chapter, a license under which operations involved in the violation are being conducted is subject to forfeiture.

(b) A license that is forfeited under this section may not be reissued for a period of 12 months from the date of forfeiture.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 77.024. Operation Without License

(a) No person whose license has been forfeited under Section 77.023 of this code may do business without a new license or possess another license for the period of forfeiture.

(b) A person violating this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$2,500 nor more than \$5,000 and confinement in the county jail for not less than six months nor more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 77.025. Period of Limitation

*Text as added by § 13(j) of Acts 1975, 64th Leg., p. 1213, ch. 456*

Except as provided in Article 12.05, Code of Criminal Procedure, 1965, as amended, an indictment or information for a violation of this chapter may be presented within one year after the date of the commission of the offense and not afterward.

[Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(j), eff. Sept. 1, 1975.]

*For text as added by § 20(g) of Acts 1975, 64th Leg., p. 1222, ch. 456, see Section 77.025, post*

#### § 77.025. Confiscation and Disposal of Shrimp

*Text as added by § 20(g) of Acts 1975, 64th Leg., p. 1222, ch. 456*

When an enforcement officer of the department believes that a person has unlawful possession of any shrimp taken in violation of this chapter, all shrimp aboard any vessel involved or in the trawl, whether in storage, on deck, and whether alive or dead, whole or headed, frozen or fresh, shall be deemed to have been taken in violation of the chapter and shall be confiscated by the arresting officer. The cargo of shrimp shall be sold to the highest of three bidders by the officer. The proceeds of the sale shall be deposited in the state treasury to the credit of suspense fund number 900, pending the outcome of the action taken against the person

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charged with the illegal possession. Unless the person is found guilty, all the proceeds shall be paid to the defendant.

[Acts 1975, 64th Leg., p. 1222, ch. 456, § 20(g), eff. Sept. 1, 1975.]

*For text as added by § 13(j) of Acts 1975, 64th Leg., p. 1213, ch. 456, see Section 77.025, ante*

[Sections 77.026 to 77.030 reserved for expansion]

### SUBCHAPTER C. SHRIMP LICENSES

#### § 77.031. Commercial Bay Shrimp Boat License

(a) No person may operate a commercial bay shrimp boat for the purpose of catching or assisting in catching shrimp and other edible aquatic products from the inside water unless the owner has obtained a commercial bay shrimp boat license.

(b) The fee for a commercial bay shrimp boat license is \$60.

(c) A commercial bay shrimp boat license expires on March 1 of the year following the date of issuance.

(d) An applicant for a commercial bay shrimp boat license must submit to the department an affidavit that the applicant intends to derive the major portion of his livelihood from commercial fishery and that he will maintain adequate facilities to conduct the business.

(e) Except as provided in Section 77.0371 of this code, not more than one commercial bay shrimp boat license may be issued to a boat during the licensing period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(g), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 2012, ch. 789, § 2, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 1338, ch. 277, § 48, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

#### § 77.032. Issuance of Commercial Bay Shrimp Boat License

A commercial bay shrimp boat license may be issued only in the months of January and February unless the applicant has acquired title to the shrimp boat by purchase or new construction after the last day of February of the year for which the license is sought, in which case the applicant must submit an affidavit that the boat was acquired after the last day of February and that prior to the last day of

February the applicant had not entered into an agreement to acquire the boat.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 77.033. Commercial Bait-Shrimp Boat License

(a) No person may operate a commercial bait-shrimp boat for the purpose of catching or assisting in catching shrimp for use as bait only and other edible aquatic products from the inside water unless the owner of the boat has obtained a commercial bait-shrimp boat license.

(b) The fee for a commercial bait-shrimp boat license is \$60.

(c) A commercial bait-shrimp boat license expires August 31 following the date of issuance.

(d) Not more than one commercial bait-shrimp boat license may be issued to a boat for each licensing period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1338, ch. 277, § 49, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

**§ 77.034. Repealed by Acts 1979, 66th Leg., p. 550, ch. 260, art. 5, § 1(3), eff. Sept. 1, 1979; Acts 1979, 66th Leg., p. 1094, ch. 511, § 2, eff. June 11, 1979**

#### § 77.035. Commercial Gulf Shrimp Boat License

(a) No person may operate a commercial gulf shrimp boat for catching or assisting in catching shrimp and other edible aquatic products from the outside water, or have on board a boat, or unload, or allow to be unloaded at a port or point in this state, shrimp and other edible aquatic products caught or taken from the outside water or from salt water outside the state without having been previously unloaded in some other state or foreign country, unless the owner of the boat has obtained a commercial gulf shrimp boat license.

(b) The fee for a commercial gulf shrimp boat license is \$80.

(c) The commercial gulf shrimp boat license expires August 31 following the date of issuance.

(d) Except as provided in Section 77.0371 of this code, not more than one commercial gulf shrimp boat license may be issued to a boat during the licensing period.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(h), eff. Sept. 1, 1975; Acts 1983, 68th Leg., p. 1338, ch. 277, § 50, eff. Sept. 1, 1983.]

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Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 77.036. Official Registration

(a) An applicant for a commercial shrimp boat license issued under this subchapter must submit to the department the boat's United States Bureau of Customs official document or the Texas certificate of number for a motorboat.

(b) The certificate of license issued by the department for a commercial shrimp boat must contain the name of the boat and the number appearing on the United States Bureau of Customs official document or the Texas certificate of number.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.037. Transfer of License

A commercial shrimp boat license issued under this subchapter may be transferred on the application of the licensee only from a boat that has been destroyed or lost to a boat acquired by the licensee as a replacement.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.0371. Duplicate License of Transfer of Vessel

On the sale of any boat licensed under this subchapter, the department, on receipt of an application from the new owner and the surrender of the original license, shall issue, without charge, a duplicate license reflecting the change of ownership.

[Acts 1975, 64th Leg., p. 1212, ch. 456, § 13(a), eff. Sept. 1, 1975.]

### § 77.038. Display of Licenses

A commercial shrimp boat license issued under this subchapter must be prominently displayed on the bow, outside the wheelhouse, or at another point outside the boat designated by the department, and on each side of the boat, evidencing payment of the license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.039. License Design

(a) A commercial shrimp boat license issued under this subchapter must be a metal or plastic sign or emblem at least 32 square inches in size, and have a different color or design for each license period.

(b) The character, color, and design of each class of commercial shrimp boat license issued under this subchapter must be distinguishable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.040. Other Licenses Required

(a) A person holding a commercial shrimp boat license under this subchapter is not required to obtain a commercial fishing boat license under Section 47.007 of this code.

(b) The captain and each paid member of the crew of a boat having a commercial shrimp boat license issued under this subchapter must have a general commercial fisherman's license issued under Section 47.002 of this code, but these licenses may be purchased in the name of the vessel. The license form provided by the department for a vessel may be a single license covering the number of persons licensed as captain and crew, and the fee for the total number of persons licensed is the amount provided in Section 47.002 of this code times the number of persons comprising the captain and crew.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 550, ch. 260, art. 4, § 4, eff. Sept. 1, 1979; Acts 1979, 66th Leg., p. 1399, ch. 623, § 9, eff. Aug. 27, 1979.]

### § 77.041. Gear on Commercial Shrimp Boat

All shrimp trawls and fishing gear, except fishnets or seines, with which a boat having a commercial shrimp boat license issued under this subchapter is equipped may be used unless the use is otherwise prohibited by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.042. Shrimp House Operator License

(a) No person may engage in business as a shrimp house operator unless he has obtained a shrimp house operator's license issued by the department.

(b) The fee for a shrimp house operator's license is \$300.

(c) A shrimp house operator's license expires August 31 following the date of issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1339, ch. 277, § 51, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 77.043. Bait-Shrimp Dealer License

(a) No person may engage in business as a bait-shrimp dealer unless he has obtained a bait-shrimp

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dealer's license from the department for each bait stand or place of business he maintains.

(b) The fee for a bait-shrimp dealer's license is \$60.

(c) A bait-shrimp dealer's license expires August 31 following the date of issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1339, ch. 277, § 52, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

### § 77.044. Issuance of Bait-Shrimp Dealer's License

(a) The department shall issue a bait-shrimp dealer's license only after it has determined that the applicant for the license is a bona fide bait-shrimp dealer.

(b) A bait-shrimp dealer's license may not be held by a person who also holds a shrimp house operator's license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.045. Rights and Duties of Bait-Shrimp Dealer

(a) The holder of a bait-shrimp dealer's license may sell, purchase, and handle shrimp, minnows, fish, and other forms of aquatic life for sale or resale for fish bait purposes in the coastal counties of this state.

(b) The holder of a bait-shrimp dealer's license is not required to obtain a bait dealer's license issued under Section 47.014 of this code unless he engages in the business in a county other than a coastal county.

(c) Repealed by Acts 1981, 67th Leg., p. 2693, ch. 730, § 2, eff. Aug. 31, 1981.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2692, ch. 730, § 2, eff. Aug. 31, 1981.]

### § 77.046. Exemptions From Bait-Shrimp Dealer's License

A bait-shrimp dealer's license is not required for:

(1) grocery stores in coastal counties which do not unload or purchase shrimp directly from commercial bait-shrimp boats;

(2) bait dealers in coastal counties who do not sell or offer for sale or handle shrimp for sale or resale for bait purposes, but these dealers

must have a bait-dealer's license issued under Section 47.014 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.047. Prohibited Handling of Shrimp by Bait-Shrimp Dealer

No bait-shrimp dealer may knowingly unload, buy, or handle in any way bait shrimp from an unlicensed commercial bait-shrimp boat.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.048. Individual Bait-Shrimp Trawl License

(a) No person may possess or have on board a boat in coastal water an individual bait-shrimp trawl unless the owner of the trawl has obtained an individual bait-shrimp trawl license from the department.

(b) The fee for the individual bait-shrimp trawl license is \$10.

(c) The individual bait-shrimp trawl license expires on August 31 following the date of issuance. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1339, ch. 277, § 53, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

[Sections 77.049 to 77.060 reserved for expansion]

## SUBCHAPTER D. SHRIMPING IN OUTSIDE WATER

### § 77.061. General Closed Season

(a) Except as specifically provided in this subchapter, no person may catch shrimp in outside water:

(1) from June 1 to July 15, both dates inclusive, or during a period provided under Section 77.062 of this code, as applicable; or

(2) extending from the coastline of Texas up to and including seven fathoms in depth from December 16 of each year to February 1 of the following year, both dates inclusive, unless taking sea bobs.

(b) A person who violates Subdivision (1) of Subsection (a) of this section commits an offense and on conviction is punishable by a fine of not less than \$2,500 nor more than \$5,000, by confinement in the county jail for not less than six months nor more than one year, or by both.

(c) In addition to Subsection (b) of this section, the commercial gulf shrimp boat license of the

vessel on which the violation of Subdivision (1) of Subsection (a) of this section is committed shall, on conviction, be suspended and held by the court of proper jurisdiction for a period of not less than 30 nor more than 60 days. Furthermore, the suspension shall be assessed so as to be in effect during the principal gulf shrimp season from July 15 to December 15.

(d) Except as provided in this section, the presence of a shrimp trawl (excluding doors) not stored within the confines of the hull of a vessel in outside water during the closed period provided by Subdivision (1) of Subsection (a) of this section is prima facie evidence of a violation of this section.

(e) Subsection (d) of this section does not apply to a licensed commercial gulf shrimp boat within one-fourth mile of jetties when the vessel is in direct transit to open water to catch white shrimp as provided in Section 77.065, Parks and Wildlife Code, as amended.

(f) A commercial shrimp boat operating in the outside water during the closed season as provided by Subdivision (1) of Subsection (a) of this section shall display its documentation number issued by the United States Coast Guard for documented vessels or a registration number issued by a state on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. This number shall be permanently attached or painted on the vessel in block Arabic numerals in contrasting color to the background and at least 18 inches in height on vessels over 65 feet in length or at least 10 inches in height for all other vessels. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1220, ch. 456, § 20(b), eff. Sept. 1, 1975; Acts 1981, 67th Leg., p. 2165, ch. 506, § 1, eff. June 12, 1981.]

#### § 77.062. Change in General Closed Season

Based on sound biological data, the commission may change the opening and closing dates of the June 1 to July 15 closed season to provide for an earlier, later, or longer season not to exceed 60 days. The commission may change the closing date with 72 hours public notice and may reopen the season with 24 hours notice. The commission may delegate to the director the duties and responsibilities of opening and closing the shrimping season under this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1220, ch. 456, § 20(b), eff. Sept. 1, 1975.]

#### § 77.0621. Contiguous Zone Season

Except as specifically provided in this subchapter, no citizen of this state may catch from the contiguous zone shrimp during a closed season as provided in Subdivision (1) of Section 77.061 of this code, including a closed season modified as provided in Section 77.062 of this code.

[Acts 1975, 64th Leg., p. 1221, ch. 456, § 20(c), eff. Sept. 1, 1975.]

#### § 77.063. General Limitation on Nets

(a) Except as specifically provided in this subchapter, no person may catch shrimp in the outside water with, or possess or have on board a boat in the coastal water for use in outside water, a trawl, except a try net or test net, with a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl has been put in use. Measurement shall be made in the section of the trawl which is normally under tension when in use.

(b) When restrictions are imposed on either or both the size and number of main trawls, no person may use a try net in outside water exceeding 21 feet in width as measured along an uninterrupted cork-line from leading tip of door to leading tip of door and having doors or boards that exceed 450 square inches each or a beam trawl exceeding 10 feet in width as measured along the beam of a beam trawl in its fully extended position.

(c) This section does not apply to the taking of sea bobs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979.]

#### § 77.064. Night Shrimping

No person may catch shrimp of any size or species in the outside water extending from the coastline of Texas up to and including seven fathoms in depth during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 77.065. White Shrimp

(a) A licensed commercial gulf shrimp boat operator may catch white shrimp in the outside water not exceeding four fathoms in depth from June 1 to July 15, both dates inclusive, or during the period prescribed under Section 77.062 of this code.

(b) No more than one net may be used at a time, except a try net, and when such net is an otter trawl, the trawl may not consist of doors less than



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three feet in length as measured along the door centerline from the leading tip to the trailing edge of the door, excluding any add-on devices of any type, and the total measurement of doors and trawl may not exceed the measurement as described in Subsection (c) below as measured along an uninterrupted corkline from leading tip of door to leading tip of door. When the trawl used is a beam trawl, the trawl may not exceed 25 feet in width as measured along the beam in its fully extended position.

(c) The total measurement for an otter trawl and doors under this section shall not exceed the following:

- (1) doors three feet or more but less than four feet-40 feet;
- (2) doors four feet or more but less than five feet-42 feet;
- (3) doors five feet or more but less than six feet-44 feet;
- (4) doors six feet or more but less than seven feet-46 feet;
- (5) doors seven feet or more but less than eight feet-48 feet;
- (6) doors eight feet or more but less than nine feet-50 feet;
- (7) doors nine feet or more but less than 10 feet-52 feet;
- (8) doors 10 feet or more-54 feet.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1221, ch. 456, § 20(e), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979.]

### § 77.066. Sea Bobs

(a) No commercial gulf shrimp boat operator may catch sea bobs with a trawl exceeding 25 feet in width measured along the corkline from board to board or between the extremes of any other spreading device or with a trawl having a mesh size in excess of six and one-half inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl has been placed in use. Not more than one trawl may be used at a time.

(b) No person catching sea bobs may catch or have on board a boat any other species of shrimp which exceed ten percent, in weight or number, of the entire catch.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.067. Noncommercial Bait-Shrimping

(a) A person may catch shrimp for use as bait only at any time of the year in the outside water

with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated on foot only without the use of any mechanical means or devices.

(b) No person catching shrimp with an individual bait-shrimp trawl may possess or have on board a boat in the outside water more than two quarts of shrimp per person or four quarts of shrimp per boat for use as bait.

(c) Shrimp caught under this section are not subject to the size requirements set out in Section 77.013 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.068. Noncommercial Shrimping

(a) Subject to the limitations prescribed in this section, during the open season in outside water a person may catch shrimp for personal use by means of:

(1) a cast net, dip net, bait trap, or minnow seine that is not more than 20 feet long and that is manually operated on foot only without the use of any mechanical means or devices;

(2) an individual bait-shrimp trawl; or

(3) a manually operated seine not exceeding 400 feet in length with a mesh of not less than one and one-half inch square, except for the bag and 50 feet on each side of the bag, the mesh of which may not be larger than one inch square.

(b) A person may catch for personal use not more than 100 pounds of shrimp (in their natural state with heads attached) each day during the open season in outside water.

(c) The seine described in Subsection (a)(3) of this section may not be used within one mile of any natural or man-made pass leading from inside water to outside water, and any shrimp or marine life caught with the seine but not kept by the person using the seine shall be returned to the water. Shrimp caught with this seine may not be sold.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.069. Sale of Noncommercial Shrimp

No person may buy, sell, offer for sale, or handle in any way for profit shrimp caught in outside water with an individual bait-shrimp trawl, dip net, cast net, bait trap, or minnow seine not larger than 20 feet in length.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.070. Possession of Shrimp**

Except as permitted by Section 77.065 and Section 77.067 of this code, no person may possess or have on board a boat in coastal water, or buy, sell, unload, transport, or handle in any way, shrimp caught in the outside water during the closed season or shrimp taken unlawfully from the contiguous zone during the closed season.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1221, ch. 456, § 20(d), eff. Sept. 1, 1975.]

**§ 77.071. Regulations in Contiguous Zone**

(a) The department shall not enforce any regulations in the contiguous zone if it determines that the shrimp it desires to manage are being harvested on a meaningful basis by vessels not subject to the same or similar regulations.

(b) The department may negotiate reciprocal agreements with another state with respect to the application of one state's shrimping regulations in its contiguous zone to citizens of the other state.

[Acts 1975, 64th Leg., p. 1221, ch. 456, § 20(f), eff. Sept. 1, 1975.]

**§ 77.072. Shrimp Size Exception**

Minimum size restrictions as provided in Chapter 77, Parks and Wildlife Code, as amended, do not apply to shrimp taken from outside waters when:

(1) the Gulf of Mexico Fishery Management Council's Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico is in effect; and

(2) such plan as described in Subsection (a) of this section restricts the taking of shrimp in the Fishery Conservation Zone contiguous to the outside waters of Texas, to conform with the Texas closed Gulf season as defined in Sections 77.061(1) and 77.062 of this code.

[Added by Acts 1981, 67th Leg., p. 452, ch. 187, § 1, eff. May 25, 1981.]

[Sections 77.073 to 77.080 reserved for expansion]

### SUBCHAPTER E. SHRIMPING IN INSIDE WATER

**§ 77.081. Application**

No person may catch shrimp of any size or species within the inside water except as provided in this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.082. Shrimping in Passes**

No person may catch shrimp of any size or species within the natural or man-made passes leading from the inside water to the outside water.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.083. Heading Shrimp**

No person may head shrimp aboard a boat in the inside water or dump or deposit shrimp heads in the inside water except in artificial passes, canals, or basins.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 77.084. Trawl Doors**

No person may have on board a boat in the inside water for use on the inside water more than one set of trawl doors or other spreading devices nor more than one set of try-net doors not to exceed 450 square inches per door.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 2012, ch. 789, § 3, eff. Aug. 27, 1979.]

**§ 77.085. Try Nets**

No person may use, possess, or have on board a boat in inside water a try net or test net (1) exceeding 21 feet in width as measured along an uninterrupted corkline from leading tip of door to leading tip of door and having doors or boards that exceed 450 square inches each, or (2) a beam trawl 10 feet in width as measured along the beam of a beam trawl in its fully extended position.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1212, ch. 456, § 13(b), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979.]

**§ 77.086. Mesh Size**

(a) Except as provided in this subchapter, no person may catch shrimp in the inside water with, or possess or have on board a boat in the coastal water for use in inside water, a trawl and bag or trawl liner having a mesh size of less than eight and three-fourths inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the trawl or bag has been placed in use. The measurement shall be made in the section of the trawl which is normally under tension when in use.

(b) This section does not apply to try nets or test nets.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1212, ch. 456, § 13(c), eff. Sept. 1, 1975.]

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### § 77.087. Net Width

During the period from August 15 to December 15 of each year, both dates inclusive, no person may catch shrimp of any size or species in the major bays with more than one otter trawl or an otter trawl exceeding 95 feet in width as measured along an uninterrupted corkline, from leading tip of door to leading tip of door. This section does not apply to try nets or test nets.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1212, ch. 456, § 13(d), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979.]

### § 77.088. Night Shrimping Prohibited

Except as provided in this subchapter, no person may catch shrimp or use or operate a net or trawl to catch shrimp of any size or species in the inside water except during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.089. Noncommercial Bait-Shrimping

(a) A person may catch shrimp for use as bait only at any time of the year in bait bays with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated without the use of any mechanical means or devices.

(b) No person catching shrimp with an individual bait-shrimp trawl may possess or have on board a boat in the inside water more than two quarts of shrimp per person or four quarts of shrimp per boat for use as bait.

(c) Shrimp caught under this section are not subject to the size requirement set out in Section 77.013 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1297, ch. 600, § 3, eff. Aug. 27, 1979.]

### § 77.090. Noncommercial Shrimping

*Text of subsection as amended by Acts 1979, 66th Leg., p. 1297, ch. 600, § 4*

(a) A person may catch shrimp for personal use with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated on foot only and without the use of any mechanical means or devices:

(1) in major bays of inside water during the open season ending on December 15 as provided in Section 77.091 of this code in an amount

not to exceed 100 pounds of shrimp per day; and

(2) in major bays of inside water from May 15 to July 15, both dates inclusive, in an amount not to exceed 15 pounds of shrimp per day.

*Text of subsection as amended by Acts 1979, 66th Leg., p. 2012, ch. 789, § 4*

(a) A person may catch shrimp for personal use with an individual bait-shrimp trawl, cast net, dip net, bait trap, or minnow seine not larger than 20 feet in length manually operated on foot only and without the use of any mechanical means or devices in major bays of inside water from August 15 to December 15 and from May 15 to July 15 in an amount not to exceed 15 pounds of shrimp per day.

(b) The weight of shrimp taken or caught under this section is determined in their natural state with heads attached.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 340, ch. 167, § 1, eff. Aug. 29, 1977; Acts 1979, 66th Leg., p. 1297, ch. 600, § 4, eff. Aug. 27, 1979; Acts 1979, 66th Leg., p. 2012, ch. 789, § 4, eff. Aug. 27, 1979.]

### § 77.091. Commercial Shrimp Season

A licensed commercial bay shrimp boat operator may catch shrimp of lawful size in the major bays during the periods from August 15 to December 15, both dates inclusive, and May 15 to July 15, both dates inclusive.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.092. Commercial Shrimp Limit

(a) During the period from May 15 to July 15, both dates inclusive, a licensed commercial bay shrimp boat operator may catch not more than 300 pounds of shrimp per boat per calendar day, and may possess or have on board a boat in the inside water or unload or attempt to unload at a point in this state not more than 300 pounds of shrimp.

(b) The weight of shrimp must be determined in their natural state with heads attached.

(c) Shrimp caught or taken under this section are not subject to the size requirement set out in Section 77.013 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.093. Commercial Shrimp Nets

In major bays of inside water during the period from May 15 to July 15, no licensed commercial bay shrimp boat operator may catch shrimp with more

than one net at a time, except a try net, or with a net:

(1) in the case of an otter trawl, exceeding a total measurement as described in Subsection (2) below as measured along an uninterrupted corkline from leading tip of door to leading tip of door or with doors less than three feet in length as measured along the door centerline from the leading tip to the trailing edge of the door, excluding any add-on devices of any type; and

(2) the total measurement for the otter trawl and doors under Subsection (1) above shall not exceed the following:

(A) doors three feet or more but less than four feet-40 feet;

(B) doors four feet or more but less than five feet-42 feet;

(C) doors five feet or more but less than six feet-44 feet;

(D) doors six feet or more but less than seven feet-46 feet;

(E) doors seven feet or more but less than eight feet-48 feet;

(F) doors eight feet or more but less than nine feet-50 feet;

(G) doors nine feet or more but less than 10 feet-52 feet;

(H) doors 10 feet or more-54 feet; or

(3) in the case of a beam trawl, the beam trawl shall not exceed 25 feet in width as measured along the beam in its fully extended position; or

(4) having meshes, including the meshes of the bag or liner, less than six and one-half inches between the most widely separated knots in any consecutive series of five stretched meshes after the net or bag has been placed in use.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(e), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979.]

#### § 77.094. Commercial Bait-Shrimp Season

(a) A licensed commercial bait-shrimp boat operator in the inside water may catch shrimp of any size or species in bait bays for use as bait only at any time of the year.

(b) Persons holding a valid bait-shrimp dealer's license and maintaining a fixed place of business immediately adjacent to a nursery area, prior to designation of the area as a nursery area, shall be authorized to operate not more than two licensed

bait-shrimp boats during any given day within the area adjacent to their facility wherein bait-shrimping has otherwise been prohibited. This authorization will terminate 12 years after designation of the prohibition on shrimping in the area and is subject to the limitations of this chapter and within the period of validity of the bait-shrimp dealer's license. Authorized vessels must be reported to the department prior to period of operation within the specific area authorized. This report must include vessel identification, bait-shrimp dealer's license number under which authorization is granted, body of water to be shrimped, and other information deemed necessary for proper enforcement by the department. This provision does not apply to bait-shrimp dealers not harvesting bait shrimp from nursery areas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1298, ch. 600, § 5, eff. Aug. 27, 1979.]

#### § 77.095. Commercial Bait-Shrimp Limit

(a) No licensed commercial bait-shrimp boat operator may catch more than 200 pounds of shrimp per boat per calendar day, or possess or have on board a boat, or unload or attempt to unload at a point in the state more than 200 pounds of shrimp.

(b) The weight of the shrimp must be determined in their natural state with their heads attached. Not more than 50 percent of the shrimp may be dead and 50 percent of the shrimp must be kept in a live condition on board the vessel taking the bait shrimp during the period from November 15 through August 15.

(c) Shrimp caught or taken under this section are not subject to the size requirement set out in Section 77.013 of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2692, ch. 730, § 1, eff. Aug. 31, 1981.]

#### § 77.096. Commercial Bait-Shrimp Nets

No licensed commercial bait-shrimp boat operator may catch shrimp in bait bays with:

(1) more than one net at a time, except one try net not exceeding 12 feet in total measurement as measured along an uninterrupted corkline from leading tip of door to leading tip of door and having doors or boards that do not exceed 450 square inches each, or a beam trawl exceeding five feet in width as measured along the beam of a beam trawl in its fully extended position;

(2) an otter trawl and doors not exceeding the total measurement as described in Subdivision (3) below as measured along an uninter-

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rupted corkline from leading tip of door to leading tip of door; and

(3) the total measurement for the otter trawl and doors under Subdivision (2) above shall not exceed the following:

(A) doors three feet or more but less than four feet-40 feet;

(B) doors four feet or more but less than five feet-42 feet;

(C) doors five feet or more but less than six feet-44 feet;

(D) doors six feet or more but less than seven feet-46 feet;

(E) doors seven feet or more but less than eight feet-48 feet;

(F) doors eight feet or more but less than nine feet-50 feet;

(G) doors nine feet or more but less than 10 feet-52 feet;

(H) doors 10 feet or more-54 feet; or

(4) a beam trawl that does not exceed 25 feet as measured along the beam in its fully extended position; or

(5) a net or bag having a mesh size of not less than six and one-half inches in length between the two most widely separated knots in any consecutive series of five stretched meshes after the net or bag has been placed in use.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1975, 64th Leg., p. 1213, ch. 456, § 13(f), eff. Sept. 1, 1975; Acts 1979, 66th Leg., p. 1092, ch. 511, § 1, eff. June 11, 1979; Acts 1979, 66th Leg., p. 1298, ch. 600, § 6, eff. Aug. 27, 1979.]

### § 77.097. Commercial Bait-Shrimping at Night

(a) No licensed commercial bait-shrimp boat operator may catch shrimp for use as bait between sunset and sunrise except during the period beginning December 16 of one year and ending August 14 of the following year, both dates inclusive.

(b) Bait-shrimp may be taken at any time of the day or night in the water of the Laguna Madre. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.098. Bait-Shrimp Sale

No licensed commercial bait-shrimp boat operator may sell or unload shrimp caught under this subchapter at any time except to a bona fide bait-shrimp dealer or a sports fisherman.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 921, ch. 337, § 1, eff. Aug. 31, 1981.]

### § 77.099. Sale of Noncommercial Shrimp

No person may buy, sell, offer for sale, or handle in any way for profit shrimp caught in inside water with an individual bait-shrimp trawl, dip net, cast net, bait trap, or minnow seine not larger than 20 feet in length.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 77.100. Repealed by Acts 1983, 68th Leg., p. 3818, ch. 592, § 2, eff. Aug. 29, 1983

Prior to repeal, this section read:

"During the period beginning on December 16 of a year and extending through February 28 of the following year, no person may retain redbfish or spotted sea trout caught in inside water with a trawl."

Section 2 of the 1983 repealing act provides:

"Section 77.100, Parks and Wildlife Code, is repealed on the effective date of this Act, but continues in force after that date only for the purpose of the prosecution and punishment of persons who violated that section before the effective date of its repeal."

## CHAPTER 78. CLAMS, MUSSELS, SPONGE CRABS, AND BLUE CRABS

### SUBCHAPTER A. MUSSELS, CLAMS, OR NAIADS

#### Section

78.001. License Required.

78.002. License Form; Expiration.

78.003. License Fee.

78.004. Unlawful Acts.

### SUBCHAPTER B. SPONGE CRABS

78.101. Definitions.

78.102. Unlawful Taking of Sponge Crabs.

### SUBCHAPTER C. BLUE CRABS [REPEALED]

78.201. Repealed.

### SUBCHAPTER A. MUSSELS, CLAMS, OR NAIADS

#### § 78.001. License Required

No person may take any mussels, clams, or naiads or their shells from the public water of the state without a license.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 78.002. License Form; Expiration

The license form shall be prescribed by the department and shall designate the water in which the licensee may operate. The license expires one year after the date of issuance.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 78.003. License Fee

The license fee is \$20, payable to the department, with an additional \$45 fee for permission to use a dredge.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 1339, ch. 277, § 54, eff. Sept. 1, 1983.]

Effective date and applicability of the 1983 amendatory act, see note under § 31.026.

§ 78.004. Unlawful Acts

A person who violates the provisions of Section 78.001 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 78.005 to 78.100 reserved for expansion]

SUBCHAPTER B. SPONGE CRABS

§ 78.101. Definitions

"Coastal water" has the same meaning as is given to the term by the Texas Shrimp Conservation Act (Chapter 77 of this code).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 78.102. Unlawful Taking of Sponge Crabs

(a) No person may take sponge crabs from the coastal water of the state by any means.

(b) No person may buy or sell a female crab that: (1) has its abdominal apron detached; and (2) was taken from coastal water.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1765, ch. 714, § 2, eff. Aug. 27, 1979.]

SUBCHAPTER C. BLUE CRABS [REPEALED]

§ 78.201. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 79. EXTENDED FISHERY JURISDICTION

Section 79.001. Compliance.

Section 79.002. Authority. 79.003. Suspension of Other Laws.

§ 79.001. Compliance

The department is authorized to cooperate with the Gulf of Mexico Fishery Management Council established pursuant to the Fishery Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801 et seq.), in developing state management programs which are consistent with plans proposed by the council and approved by the secretary of commerce.

[Acts 1977, 65th Leg., p. 1280, ch. 501, § 2, eff. June 15, 1977.]

§ 79.002. Authority

New regulatory authority by the department may occur only if federal regulation in state waters is proposed and under no other circumstances. When necessary to retain jurisdiction of resources in the state, and only then, the department may follow procedures outlined in Chapter 61 of this code in promulgating rules for harvest of any and all species of marine life subject to the Fishery Conservation and Management Act of 1976 (16 U.S.C.A. Section 1801 et seq.).

[Acts 1977, 65th Leg., p. 1280, ch. 501, § 2, eff. June 15, 1977.]

§ 79.003. Suspension of Other Laws

Irrespective of exclusions or limited application of the Wildlife Conservation Act of 1983 (Chapter 61 of this code) or any chapter in Title 7 of this code the commission shall exercise the authority set out in Section 79.002 of this code and conflicting provisions limiting the area, species to which applicable, or special seasons, are hereby suspended when the proclamation of the commission becomes effective, but only for the period specified in such proclamation.

[Acts 1977, 65th Leg., p. 1281, ch. 501, § 2, eff. June 15, 1977. Amended by Acts 1983, 68th Leg., p. 34, ch. 9, Art. II, § 3, eff. Aug. 29, 1983.]

SUBTITLE E. WILDLIFE MANAGEMENT AREAS, SANCTUARIES, AND PRESERVES

CHAPTER 81. MANAGEMENT AREAS AND PRESERVES: GENERAL AUTHORITY

SUBCHAPTER A. ACTS PROHIBITED IN WILDLIFE PROTECTION AREAS

Section 81.001. Taking of Wildlife From Hatcheries and Reservations Prohibited.

## § 81.001

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### Section

- 81.002. Predacious Animals on Hatcheries or Reservations.  
81.003. Trespass on State Hatcheries and Reservations.  
81.004. Fishing in Sanctuary.  
81.005. Hunting on Game Preserves Prohibited.  
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### SUBCHAPTER B. FISH HATCHERIES

- 81.101. Saltwater Areas.  
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### SUBCHAPTER C. FISH SANCTUARIES

- 81.201. Creation of Freshwater Sanctuaries.  
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81.203. Designation of Sanctuaries.  
81.204. Sanctuary Duration.  
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81.206. Proclamation.  
81.207. Notice.  
81.208. Effective Date of Proclamation.  
81.209. Excluded Counties.

### SUBCHAPTER D. GAME PRESERVES [REPEALED]

- 81.301 to 81.307. Repealed.

### SUBCHAPTER E. WILDLIFE MANAGEMENT AREAS

- 81.401. Management of Areas.  
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81.404. Contracts for Renewal of Fur-Bearing Animals and Reptiles.

### SUBCHAPTER F. SCIENTIFIC AREAS

- 81.501. Creation of Scientific Areas.  
81.502. Powers and Duties.  
81.503. Land of Public Entities.  
81.504. Effect on Existing Areas.  
81.505. Protected Status.  
81.506. Funds to be Specifically Appropriated.

### SUBCHAPTER A. ACTS PROHIBITED IN WILDLIFE PROTECTION AREAS

#### § 81.001. Taking of Wildlife From Hatcheries and Reservations Prohibited

(a) No person may take, injure, or kill any fish kept by the state in its hatcheries, or any bird or animal kept by the state on its reservation grounds or elsewhere for propagation or exhibition purposes.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 81.002. Predacious Animals on Hatcheries or Reservations

(a) No person may bring into or keep any cat, dog, or other predacious animal on a fish hatchery or reservation for the propagation or exhibition of birds or animals.

(b) Any predacious animal found on the grounds of a hatchery or reservation is a nuisance and any authorized employee of the department shall destroy the animal. When an animal is destroyed under the authority of this subsection, no damage suit for the destruction of the animal may be brought.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 81.003. Trespass on State Hatcheries and Reservations

(a) No person may enter without the permission of the department on the grounds of a state fish hatchery or on grounds set apart by the state for the propagation and keeping of birds and animals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$25.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 81.004. Fishing in Sanctuary

(a) No person may fish or attempt to take fish from a fish sanctuary designated under Subchapter C of this chapter.<sup>1</sup>

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

<sup>1</sup> Section 81.201 et seq.

#### § 81.005. Hunting on Game Preserves Prohibited

(a) No person may hunt, take, or molest a game bird or animal in a state game preserve created under Subchapter D of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 81.203

§ 81.006. Taking or Possessing Species From Wildlife Management Areas

(a) No person may take or attempt to take or possess any wildlife or fish from a wildlife management area except in the manner and during the times permitted by the department under Subchapter E of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 81.007 to 81.100 reserved for expansion]

SUBCHAPTER B. FISH HATCHERIES

§ 81.101. Saltwater Areas

The commission may construct and maintain saltwater hatcheries and propagation farms for fish, oysters, and game on islands owned by the state in coastal water. Funds available to the department for the enforcement of game, fish, and oyster laws may be used for costs and expenses authorized under this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 81.102. Freshwater Areas

The department may purchase land for the construction, maintenance, enlargement, and operation of freshwater fish hatcheries, and for the construction and maintenance of passes leading from one body of tidewater to another. On approval of the title by the attorney general, purchases may be made from funds appropriated to the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 81.103. Property Acquisition; Manner and Means

The department may enter on, condemn, and appropriate land, easements, rights-of-way, and property of any person or corporation in the state for the purpose of erecting, constructing, enlarging, and maintaining fish hatcheries, buildings, equipment, roads, and passageways to the hatcheries. The department may also enter on, condemn, and appropriate land, easements, rights-of-way, and property of any person or corporation in the state for the purpose of constructing, enlarging, and maintaining passes or channels from one body of tidewater to another body of tidewater in the state. The manner and method of condemnation, assess-

ment, and payment of damages is the same as is provided for railroads.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 81.104. Condemnation Suits

Condemnation suits under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department and shall be held in Travis County. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation for property awarded in the proceedings shall be paid by the comptroller against any fund in state treasury that is limited in use for fish or wildlife purposes and that is appropriated to the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 81.105 to 81.200 reserved for expansion]

SUBCHAPTER C. FISH SANCTUARIES

§ 81.201. Creation of Freshwater Sanctuaries

The department, with the approval of the commissioners court of the affected county, shall set aside and reserve portions of each public freshwater stream or other body of water as fish sanctuaries in the county for the propagation of freshwater fish in their natural state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 81.202. Purposes of Sanctuaries

The department shall use fish sanctuaries to increase and preserve the supply of freshwater fish in all fresh water where the fish supply has been reduced from any cause below the maximum number of fish in their natural state that the water will support.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 81.203. Designation of Sanctuaries

When the department determines that any public fresh water in its natural state has a lesser supply of fish than it can support, the department, without delay, shall set aside and designate one or more portions of the water as a sanctuary for the propa-



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gation of freshwater fish in order to increase the supply of fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.204. Sanctuary Duration

An area set aside and designated as a sanctuary under Section 81.203 of this code may be used for a sanctuary for any period not longer than five years.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.205. Amount of Fresh Water Set Aside in One County

No more than 50 percent of the public fresh water in any county may be set aside or designated as a sanctuary or sanctuaries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.206. Proclamation

(a) Sanctuaries shall be set aside and designated by proclamation of the commission signed by the chairman.

(b) The proclamation must contain:

- (1) the area to be included in the sanctuary;
- (2) the reason for creation of the sanctuary;
- (3) the date on which the proclamation takes effect;
- (4) the duration of the proclamation; and
- (5) a statement that the sanctuary is set aside and designated under the authority of this subchapter, the citation of which must be included.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.207. Notice

The department shall give notice of the creation of a sanctuary by each of the following methods:

- (1) by posting copies of the proclamation on the courthouse door of each county in which the sanctuary is located;
- (2) by publishing a brief summary of the proclamation in a newspaper in the county in which the sanctuary is located, or in a newspaper of an adjoining county if the county where the sanctuary is located has no newspaper, once each week for five consecutive weeks; and
- (3) by posting at least six signs bearing the conspicuous inscription "State Fish Sanctuary—

No Fishing" around the boundary of the sanctuary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.208. Effective Date of Proclamation

The proclamation takes effect on the day of the last publication of the notice required by Section 81.207(2) of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.209. Excluded Counties

This subchapter does not apply to Wichita, Clay, Baylor, and Wilbarger counties.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 81.210 to 81.300 reserved for expansion]

## SUBCHAPTER D. GAME PRESERVES [REPEALED]

§§ 81.301 to 81.307. Repealed by Acts 1979, 66th Leg., p. 550, ch. 260, art. 5, § 1(4), eff. Sept. 1, 1979

## SUBCHAPTER E. WILDLIFE MANAGEMENT AREAS

### § 81.401. Management of Areas

The department may manage, along sound biological lines, wildlife and fish found on any land the department has or may acquire as a wildlife management area.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.402. Regulation of Hunting and Fishing

(a) The department may prohibit hunting and fishing in game management areas to protect any species of wildlife or fish.

(b) The department from time to time, as sound biological management permits, may allow open seasons for hunting or fishing.

(c) During an open season the department may prescribe the number, kind, sex, and size of game or fish that may be taken.

(d) The department may prescribe the means, methods, and conditions for the taking of game or fish during an open season.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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## § 81.502

### § 81.403. Permits

(a) Except as provided in Subsection (b) of this section, permits for hunting of wildlife on game management areas shall be issued by the department to applicants by means of an impartial method of distribution subject to limitations on the maximum number of permits to be issued.

(b) No person may receive a special permit for hunting on game management areas for two consecutive years unless all applications from persons who applied but did not receive a permit for the preceding year are filled.

(c) The department shall charge a permit fee in the amount set by the commission based on the costs of the department in issuing the permits, enforcing game laws, and protecting hunters during hunting periods on game management areas.

(d) This subchapter does not exempt any person from compliance with hunting license laws.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 2886, ch. 491, § 2, eff. Aug. 29, 1983.]

### § 81.404. Contracts for Removal of Fur-Bearing Animals and Reptiles

(a) The department may contract for the removal of fur-bearing animals and reptiles in wildlife management areas under the control of the department. The removal of fur-bearing animals and reptiles shall be according to sound biological management practices.

(b) Contracts for the removal of fur-bearing animals and reptiles shall be entered into under the direction of the State Purchasing and General Services Commission in the manner provided by general law for the sale of state property, except that the department shall determine the means, methods, and quantities of fur-bearing animals and reptiles to be taken, and the department may accept or reject any bid received by the State Purchasing and General Services Commission.

(c) Fur-bearing animals may be removed only during the open season provided by proclamation of the commission under Chapter 71 of this code. Reptiles may be removed at any time unless there is a proclamation relating to a specific species of reptiles in effect under Chapter 65 or Chapter 67 of this code, in which case that species of reptiles may be removed only during the open season provided for in the proclamation.

(d) Repealed by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979.

[Acts 1975, 64th Leg., p. 1207, ch. 456, § 5, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 549, ch. 260, art. 1, § 6, eff. Sept. 1, 1979; Acts 1983, 68th Leg., p. 1158, ch. 261, § 2, eff. Aug. 29, 1983.]

Acts 1981, 67th Leg., p. 2737, ch. 748, which amended various provisions relating to the taking, possession, propagation, transportation, purchase, and sale of fur-bearing animals, in § 8 thereof, provides:

"The following sections of the Parks and Wildlife Code, as amended, are not affected by this Act: Sections 81.404, 229.021, 334.041, and 350.021."

[Sections 81.405 to 81.500 reserved for expansion]

## SUBCHAPTER F. SCIENTIFIC AREAS

### § 81.501. Creation of Scientific Areas

The department may promote and establish a state system of scientific areas for the purposes of education, scientific research, and preservation of flora and fauna of scientific or educational value.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.502. Powers and Duties

To the extent necessary to carry out the purposes of this subchapter, the department may:

(1) determine the acceptance or rejection of state scientific areas proposed for incorporation into a state system of scientific areas;

(2) make and publish all rules and regulations necessary for the management and protection of scientific areas;

(3) cooperate and contract with any agencies, organizations, or individuals for the purposes of this subchapter;

(4) accept gifts, grants, devises, and bequests of money, securities, or property to be used in accordance with the tenor of such gift, grant, devise, or bequest;

(5) formulate policies for the selection, acquisition, management, and protection of state scientific areas;

(6) negotiate for and approve the dedication of state scientific areas as part of the system;

(7) advocate research, investigations, interpretive programs, and publication and dissemination of information pertaining to state scientific areas and related areas of scientific value;

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(8) acquire interests in real property by purchase; and

(9) hold and manage lands within the system.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.503. Land of Public Entities

All public entities and their agencies are authorized and urged to acquire, administer, and dedicate land as state scientific areas within the system under the policies of the commission authorized by this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.504. Effect on Existing Areas

Inclusion of a state or local park, preserve, wildlife refuge, or other area within the system established under this subchapter does not cancel, supersede, or interfere with any other law or provision of an instrument relating to the use, management, or development of the area for other purposes except that any agency administering an area within the system is responsible for preserving the natural character of the area under the policies of the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.505. Protected Status

Neither the designation of an area as a scientific area within the state system nor an intrusion, easement, or taking allowed by the commission under this subchapter voids or replaces a protected status under the law which the area would have if it were not included within the system.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 81.506. Funds to be Specifically Appropriated

The commission may not use any funds for the acquisition of scientific areas other than those specifically appropriated for use under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 82. STATUTORY SANCTUARIES AND PRESERVES

### SUBCHAPTER A. GUS ENGELING WILDLIFE MANAGEMENT AREA

#### Section

- 82.001. Creation.
- 82.002. Prohibitions on Hunting, Fishing, Trapping, and Seasons.
- 82.003. Special Permits.
- 82.004. Unlawful Acts.
- 82.005. Penalty.

### SUBCHAPTER B. CONNIE HAGAR WILDLIFE SANCTUARY—ROCKPORT

#### Section

- 82.101. Creation and Boundaries.
- 82.102. Boundary Markers.
- 82.103. Unlawful Act.
- 82.104. Penalties.

### SUBCHAPTER C. BLACK GAP WILDLIFE MANAGEMENT AREA, CULBERSON AND HUDSPETH COUNTIES

- 82.201. Creation.
- 82.202. Acceptance of Gifts; Game Fund.
- 82.203. Land Purchase; School Lands.
- 82.204. Other Land; Title Approval.
- 82.205. Land Purchase; Private.
- 82.206. Condemnation.
- 82.207. Expenditures.

### SUBCHAPTER D. WILDLIFE SANCTUARY: GALVESTON COUNTY

- 82.301. Creation.
- 82.302. Unlawful Acts.
- 82.303. Penalties.

### SUBCHAPTER E. GAME AND FISH RESERVE: MARION AND HARRISON COUNTIES

- 82.401. Land Set Aside.
- 82.402. Creation.
- 82.403. Boundary Markers.
- 82.404. Amount of Area Set Aside.
- 82.405. Public Hunting and Fishing.
- 82.406. Investigation of Feasibility of Timber Land Purchase.
- 82.407. Mineral Rights.
- 82.408. Unlawful Acts.
- 82.409. Penalty.

### SUBCHAPTER F. INGLESIDE COVE WILDLIFE SANCTUARY: SAN PATRICIO AND NUECES COUNTIES

- 82.501. Creation.
- 82.502. Marking Boundaries.
- 82.503. Unlawful Acts.
- 82.504. Penalties.

### SUBCHAPTER G. FISH HATCHERIES: SMITH COUNTY

- 82.601. Creation.
- 82.602. Property Acquisition.
- 82.603. Condemnation; Manner and Means.

### SUBCHAPTER H. ISLAND CHANNEL

- 82.651. Island Channel.

### SUBCHAPTER I. LAKE CORPUS CHRISTI GAME SANCTUARY

- 82.701. Game Sanctuary.
- 82.702. Prohibited Acts.

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Section

- 82.703. Markers.
- 82.704. Penalty.

SUBCHAPTER J. LaSALLE COUNTY RIVERS SANCTUARY

- 82.711. Creation.
- 82.712. Prohibited Acts.
- 82.713. Penalty.

SUBCHAPTER K. McMULLEN COUNTY RIVERS SANCTUARY

- 82.721. Creation.
- 82.722. Prohibited Acts.
- 82.723. Penalty.

SUBCHAPTER L. BEE COUNTY RIVERS SANCTUARY

- 82.731. Creation.
- 82.732. Prohibited Acts.
- 82.733. Penalty.

SUBCHAPTER O. LIVE OAK COUNTY RIVERS SANCTUARY

- 82.761. Creation.
- 82.762. Prohibited Acts.
- 82.763. Penalty.

SUBCHAPTER A. GUS ENGELING WILDLIFE MANAGEMENT AREA

§ 82.001. Creation

The department may manage wildlife and fish species in the Gus Engeling Wildlife Management Area in Anderson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 82.002. Prohibitions on Hunting, Fishing, Trapping, and Seasons

(a) The department may prohibit all hunting, trapping, and fishing within the management area for any period of time necessary to safeguard any species of wildlife or fish found within the management area.

(b) The department, as sound biological management practices warrant, may prescribe open seasons for hunting, trapping, and fishing within the management area.

(c) The department may prescribe the number, kind, sex, and size of any wildlife and fish that may be taken from the area and may prescribe the means and methods for taking and the conditions under which any wildlife or fish species may be taken within the area.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 82.003. Special Permits

Any special permit issued for the taking of wildlife or fish species within the management area is available to all applicants on an impartial basis to the extent of the total number of permits issued. No person may receive a special permit for two consecutive years unless all applications from persons who applied but did not receive a special permit in the preceding year are filled. The provisions of this section do not waive the license requirements as provided by law.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 82.004. Unlawful Acts

No person may hunt or possess any wildlife or fish species taken from the area except as permitted by the department under the provision of this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 82.005. Penalty

A person who violates any provision of this subchapter or who takes wildlife or fish at any time except as permitted by the department is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.006 to 82.100 reserved for expansion]

SUBCHAPTER B. CONNIE HAGAR WILDLIFE SANCTUARY—ROCKPORT

§ 82.101. Creation and Boundaries

The Connie Hagar Wildlife Sanctuary—Rockport in Aransas County is described as follows:

Being all of the water area of Aransas Bay and Little Bay between the shoreline of Live Oak Peninsula and a line described as follows:

BEGINNING at the point where the city limits of the City of Rockport intersects the shoreline of the Aransas Bay;

THENCE, one mile due east to a point in Aransas Bay;

THENCE, in a northeasterly direction approximately 1 3/8 miles to a point which is 1/2 mile due east of Nine Mile Point;

THENCE, in a north by northwesterly direction approximately 2 miles to a point which is 1/2 mile due east of the channel entrance to the Fulton Harbor;

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THENCE, due west to the shoreline of Live Oak Peninsula.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.102. Boundary Markers

The department shall place suitable markers defining the boundaries of the wildlife sanctuary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.103. Unlawful Act

No person may hunt any bird or animal within the wildlife sanctuary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.104. Penalties

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.105 to 82.200 reserved for expansion]

## SUBCHAPTER C. BLACK GAP WILDLIFE MANAGEMENT AREA, CULBERSON AND HUDSPETH COUNTIES

### § 82.201. Creation

The department may set aside a fenced game management area in Culberson and Hudspeth counties for the protection and perpetuation of Texas Bighorn Mountain Sheep (*Ovis canadensis texiana*).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.202. Acceptance of Gifts; Game Fund

The department may accept gifts of land in Culberson and Hudspeth counties or money to be deposited in the special game and fish fund. The gifts shall be used for the Texas Bighorn Sheep management unit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.203. Land Purchase; School Lands

The department may purchase the surface rights in not more than eight sections of public school lands located in Culberson and Hudspeth counties in the following blocks: Blocks 65 and 66, T. & P. Ry. Co. land; Blocks 42½, 43, 54½, Public School Lands. The minerals on the land purchased shall be re-

served to the school fund and managed by the school land board. The price to be paid for the land shall not exceed \$1 per acre and shall be paid for by the department out of the special game and fish fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.204. Other Land; Title Approval

The department may purchase other land in Culberson and Hudspeth counties as necessary for the operation of the game management unit. The department may pay for the land out of the special game and fish fund on approval of the title by the attorney general.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.205. Land Purchase; Private

The department may enter on, condemn, and appropriate not more than 12 sections of land belonging to any person or corporation in Culberson and Hudspeth counties for the purpose stated in this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.206. Condemnation

The method of condemnation, assessment, and payment of damages is the same as is provided by law for railroads. Condemnation suits brought under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of railroad proceedings. All damages and pay or compensation for property awarded in the proceedings shall be paid by the state by warrant drawn on the special game and fish fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.207. Expenditures

All expenditures provided under this subchapter shall be made from the special game and fish fund. The expenditures shall not exceed \$20,000 in one year. Three-fourths of the expenditures shall be reimbursed out of federal aid in wildlife restoration funds available to the state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.208 to 82.300 reserved for expansion]

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### SUBCHAPTER D. WILDLIFE SANCTUARY: GALVESTON COUNTY

#### § 82.301. Creation

The group of small islands located in Galveston Bay near Smith's Point and known as Vingt et Un Islands are a state wildlife sanctuary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.302. Unlawful Acts

No person may hunt or in any way molest any of the birds on any of the islands or within 50 yards of the islands, nor may any person enter on the islands for any purpose without first obtaining permission from the department.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.303. Penalties

A person violating any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.304 to 82.400 reserved for expansion]

### SUBCHAPTER E. GAME AND FISH RESERVE: MARION AND HARRISON COUNTIES

#### § 82.401. Land Set Aside

All of the public land and school land situated in, under, and adjacent to the bed of Caddo Lake in the counties of Marion and Harrison are withdrawn from sale and preserved for public use as a state game and fish reserve.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.402. Creation

The department may establish one or more game sanctuaries in the water of Caddo Lake for the protection of wild ducks, geese, and all other migratory birds. The sanctuaries shall protect the birds from being pursued, hunted, taken, or disturbed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.403. Boundary Markers

The department shall designate and define the boundaries of the sanctuaries by placing markers or signs around the boundaries of each sanctuary with the words "Game Preserve" on each marker or sign. The markers or signs shall be placed not more than 500 yards apart.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.404. Amount of Area Set Aside

The sanctuaries shall not include more than 20 percent of the area of the lake.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.405. Public Hunting and Fishing

The public may hunt and fish on all of the water of the lake except that water set aside for sanctuaries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.406. Investigation of Feasibility of Timber Land Purchase

The department, in conjunction with the state forester, shall investigate the feasibility and desirability of acquiring title to a block of timbered land adjacent to the lake comprising from 5,000 to 10,000 acres, to be placed under the joint control of the state forester and the department, with the view of ultimately preserving a belt of native forest for the future and also for the propagation of game.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.407. Mineral Rights

The mineral rights under the land reserved for the sanctuaries are withdrawn from sale and the rights may not be offered for sale until the legislature directs the rights to be sold.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.408. Unlawful Acts

(a) No person may hunt any kind of game on the sanctuaries established under this subchapter.

(b) No person may hunt any birds, fowl, or game of any kind on the sanctuaries established under this subchapter.

(c) No person may pursue or frighten or attempt to pursue or frighten any birds, fowl, or game of

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any kind on the sanctuaries established under this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 82.409. Penalty

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$500, and in addition, the hunting license of the violator is subject to forfeiture for one year following the date of the conviction.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.410 to 82.500 reserved for expansion]

### SUBCHAPTER F. INGLESIDE COVE WILDLIFE SANCTUARY: SAN PATRICIO AND NUECES COUNTIES

#### § 82.501. Creation

The Ingleside Cove Wildlife Sanctuary is composed of an area in San Patricio and Nueces counties described as follows:

**BEGINNING** at Kinney Bayou on the east shoreline of Ingleside Cove, also known as North Shore Channel;

**THENCE**, in a northwesterly direction along the shoreline to channel marker number "22" with a flashing red light every 4 seconds known as Donnel Point;

**THENCE**, due west crossing the Reynolds Channel to the east side of a spoil bank;

**THENCE**, following the eastern edge of this spoil bank in a southeasterly direction to its southern most point, continuing southeast crossing Ingleside cut to the north shore of Ingleside Point;

**THENCE**, in an easterly and southeasterly direction along the east shoreline following the Reynolds Channel through Ingleside Point to the southern most portion of this cut;

**THENCE**, due east across the Reynolds Channel to the west shoreline of the mainland known as the southern most portion of Ingleside Cove;

**THENCE**, following the shoreline in a northerly direction being the east shoreline of Ingleside Cove to the point of beginning.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.502. Marking Boundaries

The department shall place suitable markers defining the boundary of the wildlife sanctuary as described in this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.503. Unlawful Acts

(a) No person may hunt any bird within the sanctuary.

(b) No person may fish by any means other than rod and reel within the sanctuary.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.504. Penalties

A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.505 to 82.600 reserved for expansion]

### SUBCHAPTER G. FISH HATCHERIES: SMITH COUNTY

#### § 82.601. Creation

The department may construct, enlarge, and maintain fish hatcheries in Smith County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.602. Property Acquisition

The department may enter on, condemn, and appropriate land, water rights, easements, rights-of-way, and property of any person or corporation in Smith County for the purposes designated in this subchapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 82.603. Condemnation; Manner and Means

The method of condemnation, assessment, and payment of damages is the same as is provided for railroads. Condemnation suits brought under this subchapter shall be brought in the name of the State of Texas by the attorney general at the request of the department. All costs in the proceedings shall be paid by the state or by the person against whom the proceedings are had, to be determined as in the case of railroad condemnation proceedings. All damages and pay or compensation

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for property awarded in the proceedings shall be paid by the state by warrant drawn by the comptroller against any fund in the state treasury appropriated to the department for the use of constructing and maintaining fish hatcheries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.604 to 82.650 reserved for expansion]

**SUBCHAPTER H. ISLAND CHANNEL**

**§ 82.651. Island Channel**

(a) The department may construct and maintain a channel through Padre Island, Mustang Island, and St. Jo Island, or any of them.

(b) The department may contract for the construction of a channel under this section on approval by the commission and approval from the federal government of an application for authority to construct channels.

(c) The cost of the construction and maintenance of a channel constructed under this section may be paid from the special game and fish fund only. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.652 to 82.700 reserved for expansion]

**SUBCHAPTER I. LAKE CORPUS CHRISTI GAME SANCTUARY**

**§ 82.701. Game Sanctuary**

All the water of Lake Corpus Christi in San Patricio and Live Oak counties is a game sanctuary. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 82.702. Prohibited Acts**

(a) Except as provided in Subsection (b) of this section, no person may enter on the portion of Lake Corpus Christi that is a game sanctuary with a gun or rifle, and no person may attempt to shoot a bird or animal in the portion of Lake Corpus Christi that is a game sanctuary.

(b) A person may hunt ducks and geese during the open seasons for ducks and geese with a shotgun in the portion of Lake Corpus Christi in San Patricio County. This exception does not apply to hunting within one mile of the boy scout camp, the girl scout camp, or Lake Corpus Christi Park.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 82.703. Markers**

The Parks and Wildlife Department shall erect appropriate markers at intervals adequately spaced to warn hunters of the one-mile limit around the boy scout camp, the girl scout camp, and Lake Corpus Christi Park in San Patricio County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 82.704. Penalty**

A person who violates Section 82.702 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 82.705 to 82.710 reserved for expansion]

**SUBCHAPTER J. LaSALLE COUNTY RIVERS SANCTUARY**

**§ 82.711. Creation**

All of the land area and public water in state-owned riverbeds in LaSalle County, including the Nueces and Frio rivers, is a game sanctuary.

[Acts 1977, 65th Leg., p. 2072, ch. 823, § 1, eff. Aug. 29, 1977.]

**§ 82.712. Prohibited Acts**

(a) Except as permitted under Subsections (b) and (c) of this section, no person may possess, shoot, or hunt with a firearm, bow and arrow, or crossbow in the game sanctuary created by Section 82.711 of this code.

(b) Subsection (a) of this section does not apply to a peace officer of this state, a law enforcement officer of the United States, or a member of the armed forces of the United States or of this state during the time that the officer or member is in the actual discharge of official duties.

(c) Subsection (a) of this section does not apply to waterfowl hunting on any reservoir owned, operated, or maintained by a governmental entity now existing or to be constructed on said rivers.

[Acts 1977, 65th Leg., p. 2072, ch. 823, § 1, eff. Aug. 29, 1977.]

**§ 82.713. Penalty**

A person who violates Section 82.712 of this code is guilty of a misdemeanor and on conviction is



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punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1977, 65th Leg., p. 2072, ch. 823, § 1, eff. Aug. 29, 1977.]

[Sections 82.714 to 82.720 reserved for expansion]

### SUBCHAPTER K. McMULLEN COUNTY RIVERS SANCTUARY

#### § 82.721. Creation

All of the land area and public water in state-owned riverbeds in McMullen County, including the Nueces and Frio rivers, is a game sanctuary.

[Acts 1977, 65th Leg., p. 2072, ch. 823, § 2, eff. Aug. 29, 1977.]

#### § 82.722. Prohibited Acts

(a) Except as permitted under Subsections (b) and (c) of this section, no person may possess, shoot, or hunt with a firearm, bow and arrow, or crossbow in the game sanctuary created by Section 82.721 of this code.

(b) Subsection (a) of this section does not apply to a peace officer of this state, a law enforcement officer of the United States, or a member of the armed forces of the United States or of this state during the time that the officer or member is in the actual discharge of official duties.

(c) Subsection (a) of this section does not apply to waterfowl hunting on any reservoir owned, operated, or maintained by a governmental entity now existing or to be constructed on said rivers.

[Acts 1977, 65th Leg., p. 2072, ch. 823, § 2, eff. Aug. 29, 1977.]

#### § 82.723. Penalty

A person who violates Section 82.722 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1977, 65th Leg., p. 2073, ch. 823, § 2, eff. Aug. 29, 1977.]

### SUBCHAPTER L. BEE COUNTY RIVERS SANCTUARY

#### § 82.731. Creation

All of the land area and water in the Aransas and Poesta rivers in Bee County, to the extent same are owned by the state, are declared to be a game sanctuary.

[Acts 1981, 67th Leg., p. 2080, ch. 471, § 1, eff. Aug. 31, 1981.]

#### § 82.732. Prohibited Acts

(a) Except as permitted by Subsections (b) and (c) of this section, no person may possess, shoot, or hunt with a firearm, bow and arrow, or crossbow in the game sanctuary created by Section 82.731 of this code.

(b) Subsection (a) of this section does not apply to a peace officer of this state, a law enforcement officer of the United States, or a member of the armed forces of the United States or of this state during the time that the officer or member is in the actual discharge of official duties.

(c) Subsection (a) of this section does not apply to waterfowl hunting on any reservoir owned, operated, or maintained by a governmental entity now existing or to be constructed on the listed rivers.

[Acts 1981, 67th Leg., p. 2080, ch. 471, § 1, eff. Aug. 31, 1981.]

#### § 82.733. Penalty

A person who violates Section 82.732 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1981, 67th Leg., p. 2080, ch. 471, § 1, eff. Aug. 31, 1981.]

### SUBCHAPTER O. LIVE OAK COUNTY RIVERS SANCTUARY

#### § 82.761. Creation.

All of the land area and public water in the state-owned beds of the Nueces, Frio, and Atascosa rivers in Live Oak County is a game sanctuary.

[Acts 1979, 66th Leg., p. 2083, ch. 814, § 1, eff. Aug. 21, 1979.]

#### § 82.762. Prohibited Acts

(a) Except as permitted by Subsections (b) and (c) of this section, no person may possess, shoot, or hunt with a firearm, bow and arrow, or crossbow in the game sanctuary created by Section 82.761 of this code.

(b) Subsection (a) of this section does not apply to a peace officer of this state, a law enforcement officer of the United States, or a member of the armed forces of the United States or of this state during the time that the officer or member is in the actual discharge of official duties.

(c) Subsection (a) of this section does not apply to waterfowl hunting on any reservoir owned, operated,

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ed, or maintained by a governmental entity now existing or to be constructed on the listed rivers. [Acts 1979, 66th Leg., p. 2083, ch. 814, § 1, eff. Aug. 27, 1979.]

§ 82.763. Penalty

A person who violates Section 82.762 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1979, 66th Leg., p. 2083, ch. 814, § 1, eff. Aug. 27, 1979.]

CHAPTER 83. FEDERAL-STATE AGREEMENTS

Section

- 83.001. Fish Restoration Projects.
83.002. Commercial Fisheries Research.
83.003. Wildlife-Restoration Projects.
83.004. Migratory Game Bird Reservations.

§ 83.001. Fish Restoration Projects

The department shall conduct and establish cooperative fish restoration projects under an Act of Congress entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects" (Public Law No. 681, 81st Congress). The department shall comply with the act and rules and regulations promulgated under the act by the secretary of the interior.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 83.002. Commercial Fisheries Research

(a) The department shall conduct research in and develop commercial fisheries under an Act of Congress entitled "Commercial Fisheries Research and Development Act of 1964" (Title 16, Sections 779-779f, U.S.C.A.). The department shall comply with the act and the rules and regulations promulgated under the act by the secretary of the interior.

(b) Funds received from the federal government and appropriated by the state for research and development of commercial fisheries shall be deposited in the state treasury to the credit of the special game and fish fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 83.003. Wildlife-Restoration Projects

The department shall establish and conduct cooperative wildlife-restoration projects under an Act of Congress entitled "An Act to provide that the United States shall aid the States in wildlife-restoration

projects, and for other purposes" (Public Law No. 415, 75th Congress). The department shall comply with the act and rules and regulations promulgated under the act by the secretary of agriculture.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 83.004. Migratory Game Bird Reservations

(a) The United States of America may acquire by purchase, gift, devise, or lease areas of land or water in this state necessary for the establishment of migratory bird reservations under an Act of Congress entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes."

(b) The state retains jurisdiction and authority over the areas which are not incompatible with the administration, maintenance, protection, and control of the areas by the United States under the act.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBTITLE F. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

CHAPTER 86. MARL, SAND, GRAVEL, SHELL, AND MUDSHELL

Section

- 86.001. Management and Protection.
86.002. Permit Required; Penalty.
86.003. Application for Permit.
86.004. Granting of Permit.
86.005. Economic Considerations.
86.006. Permit.
86.007. Permits Not Assignable.
86.008. Denial of Permit.
86.009. Termination and Revocation.
86.010. Removal and Replanting of Oysters and Oyster Beds.
86.011. No Special Privileges.
86.012. Sales of Materials.
86.013. Use on Roads.
86.014. Use for Seawalls, etc.
86.015. Sand From Corpus Christi and Nueces Bays.
86.0151. Use to Open Brown Cedar Cut.
86.016. Deposit of Funds.
86.017. Use of Funds.
86.018. Taking From Certain Areas Prohibited.
86.019. Oil and Gas Lessees.

## § 86.001

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### § 86.001. Management and Protection

The commission shall manage, control, and protect marl and sand of commercial value and all gravel, shell, and mudshell located within the tide-water limits of the state, and on islands within those limits, and within the freshwater areas of the state not embraced by a survey or private land, and on islands within those areas.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.002. Permit Required; Penalty

(a) No person may disturb or take marl, sand, gravel, shell, or mudshell under the management and protection of the commission or operate in or disturb any oyster bed or fishing water for any purpose other than that necessary or incidental to navigation or dredging under state or federal authority without first having acquired from the commission a permit authorizing the activity.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day's operation in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.003. Application for Permit

(a) A person desiring a permit may apply to the commission.

(b) The application must be in writing and must describe the area in which authorization to operate is sought.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.004. Granting of Permit

The commission may grant a permit to an applicant who has complied with all requirements of the commission if the commission finds that the disturbing, taking, and carrying away of marl, sand, gravel, shell, or mudshell will not:

(1) damage or injuriously affect any island, reef, bar, channel, river, creek, or bayou used for navigation, or any oysters, oyster beds, or fish in or near the water used in the operation; and

(2) change or injuriously affect any current that would affect navigation.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.005. Economic Considerations

In determining whether or not a permit should be granted, the commission shall consider the injurious effect on oysters, oyster beds, and fish in or near the water used in the operation as well as the needs of industry for marl, sand, gravel, shell, and mudshell and its relative value to the state for commercial use.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.006. Permit

(a) The permit shall identify the person authorized to disturb, take, or carry away marl, sand, gravel, shell, or mudshell and shall describe the nature of the material that may be disturbed, taken, or carried away.

(b) The permit shall describe the area where the operation may occur and shall state the purpose of the operation.

(c) The permit may contain other terms and conditions.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.007. Permits Not Assignable

A permit issued under this chapter is not assignable.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.008. Denial of Permit

If the commission refuses to grant a permit to an applicant, it shall make a full written finding of facts explaining the reason for the refusal.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.009. Termination and Revocation

The failure or refusal by the holder of a permit to comply with any term or condition of the permit operates as an immediate termination and revocation of all rights conferred or claimed under the permit.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.010. Removal and Replanting of Oysters and Oyster Beds

(a) The commission may remove oysters and oyster beds and replant them in other natural or artificial reefs if the commission finds that the removal and replanting will benefit the growth and propagation or the betterment of oysters and oyster beds or fishing conditions.

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(b) The removal and replanting of oysters and oyster beds shall be at the expense of the person holding a permit or of an applicant for a permit and not the state.

(c) Before authorizing the removal and replanting of oysters or oyster beds the commission shall give notice to interested parties and hold a hearing on the subject.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.011. No Special Privileges

No special privileges or exclusive rights may be granted to any person to take marl, sand, gravel, shell, or mudshell or to operate in or on any place under this chapter.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.012. Sales of Materials

(a) The commission, with the approval of the governor, may sell marl, sand, gravel, shell, and mudshell for not less than four cents a ton.

(b) The commission may require other terms and conditions for the sale of marl, sand, gravel, shell, and mudshell.

(c) Payment for sales shall be made to the commission.

(d) Marl, sand, gravel, shell, and mudshell may be removed without payment to the commission if removed from land or flats patented to a navigation district by the state for any use on the land or flats or on any adjoining land or flats for any purpose for which the land or flats may be used under the authority of the patent to the district, or if removed to provide access to a boat ramp under Section 31.141(c) of this code.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1069, ch. 499, § 2, eff. Aug. 27, 1979.]

### § 86.013. Use on Roads

(a) A county, subdivision of a county, city, or town that has a permit to take marl, sand, gravel, shell, or mudshell is not required to purchase marl, sand, gravel, shell, or mudshell taken and used for roads and streets.

(b) A county, subdivision of a county, city, or town that purchases marl, sand, gravel, shell, or mudshell for use on roads and streets from a holder of a permit who has purchased the material from the commission may receive a refund of the amount paid by the permit holder by submitting a sworn itemized account of an official of the county, subdivision of the county, city, or town. All refunds

under this subsection must be approved by the commission and be paid by the comptroller by warrant.

(c) The State Highway Commission may receive a refund of the amount paid to the commission for the purchase of marl, sand, gravel, shell, or mudshell used by the highway commission on public roads.

(d) The commission may make regulations for the payment of refunds under this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.014. Use for Seawalls, etc.

(a) The commission shall grant to any county, city, or town that is authorized under Title 118, Revised Civil Statutes of Texas, 1925, to build and maintain seawalls a permit for the taking of marl, sand, gravel, shell, or mudshell to be used for the building, extending, protecting, maintaining, or improving any seawall, breakwater, levee, dike, floodway, or drainway.

(b) Permits under this section shall be issued under regulations established by the commission.

(c) A county, city, or town taking marl, sand, gravel, shell, or mudshell under this section is not required to purchase the marl, sand, gravel, shell, or mudshell.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.015. Sand From Corpus Christi and Nueces Bays

Sand and other deposits having no commercial value may be taken from Corpus Christi and Nueces bays for filling and raising the grade of the salt flats in the northern part of the city of Corpus Christi and the lowlands lying north of the north boundary line of the city of Corpus Christi, in Nueces County, and south of the south boundary line of the city of Portland, in San Patricio County, without making payments for it to the commission.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.0151. Use to Open Brown Cedar Cut

(a) A nonprofit corporation, fund, or foundation exempted from federal income taxes under Section 503(c)(3), Internal Revenue Code of 1954, as amended (26 U.S.C. Sec. 503(c)(3)), may take sand, gravel, marl, shell, and mudshell from Brown Cedar Cut in Matagorda County for the sole purpose of opening and reopening that passage between the Gulf of Mexico and East Matagorda Bay.

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(b) The fee required by Section 86.012 of this code does not apply to sand, gravel, marl, shell, or mudshell taken under Subsection (a) of this section, and that sand, gravel, marl, shell, and mudshell may be deposited on private land.

[Acts 1979, 66th Leg., p. 911, ch. 419, § 1, eff. Aug. 27, 1979.]

### § 86.016. Deposit of Funds

The proceeds from the sale of marl, sand, gravel, shell, and mudshell shall be deposited in the special game and fish fund.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.017. Use of Funds

Funds collected by the commission from the sale of marl, sand, gravel, shell, and mudshell may be used for the enforcement of the provisions of this chapter, the payment of refunds, and the construction and maintenance of fish hatcheries. No less than three-fourths of the proceeds from the sale of marl, sand, gravel, shell, and mudshell, after the payment of refunds, shall be used for the construction and maintenance of fish hatcheries.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.018. Taking From Certain Areas Prohibited

(a) No person may take marl, sand, gravel, shell, or other material from any place between a seawall and the water's edge, from a beach or shoreline within 300 feet of the mean low tide, or within one-half mile of the end of any seawall, for any purpose other than that necessary or incidental to navigation or dredging under state or federal authority.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 86.019. Oil and Gas Lessees

This chapter does not require the holder of an oil and gas lease executed by the state to obtain a permit from the commission to exercise any right granted under the lease or other laws of this state.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## SUBTITLE G. PLANTS

### CHAPTER 88. ENDANGERED PLANTS

#### Section

88.001. Definitions.

#### Section

88.002. Endangered, Threatened, or Protected Native Plants.

88.003. Statewide List.

88.004. Amendment to List.

88.005. Permit.

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88.007. Activities by the Department.

88.008. Prohibited Acts.

88.009. Exceptions.

88.010. Inspections.

88.011. Penalties.

88.012. Injunction Against Governmental Violator.

### § 88.001. Definitions

In this chapter:

(1) "Endangered plant" means a species of plant life that is in danger of extinction throughout all or a significant portion of its range.

(2) "Threatened plant" means a species of plant life that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

(3) "Protected plant" means a species of plant life that the director determines is of historical or cultural value to the state or the area in which it is found.

(4) "Native plant" means any tree, shrub, herb, grass, forb, legume, fern, fern ally, or wildflower that is indigenous to the state and that is growing on public or private land.

(5) "Public land" means land that is owned by the state or a local governmental entity.

(6) "Take" means to collect, pick, cut, dig up, or remove.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

### § 88.002. Endangered, Threatened, or Protected Native Plants

Species of native plants are endangered, threatened, or protected if listed as such on:

(1) the United States List of Endangered Plant Species as in effect on the effective date of this Act (50 C.F.R. Part 17); or

(2) the list of endangered, threatened, or protected native plants as filed by the director of the department.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

### § 88.003. Statewide List

The director shall file with the secretary of state a list of endangered, threatened, or protected native plants.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

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§ 88.004. Amendment to List

(a) If the list of endangered or threatened plants issued by the United States is modified, the director shall file an order with the secretary of state accepting the modification unless the director finds that the plant does not occur in this state. The order is effective immediately.

(b) The director may amend the list of endangered, threatened, or protected native plants by filing a modification order with the secretary of state. The order is effective on filing.

(c) The director shall give public notice of the intention to file a modification order under Subsection (b) of this section at least 60 days before the order is filed. The notice must contain the contents of the proposed order.

(d) The director shall hold a public hearing at least 30 days before the modification order authorized by Subsection (b) of this section is filed.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.005. Permit

The department shall issue a permit to a qualified person to take endangered, threatened, or protected plants or parts thereof from public land for the purpose of propagation, education, or scientific studies.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.006. Regulations

The department shall adopt regulations to administer the provisions of this chapter, including regulations to provide for:

- (1) permit application forms, fees, and procedures;
- (2) hearing procedures;
- (3) procedures for identifying endangered, threatened, or protected plants; and
- (4) publication and distribution of lists of endangered, threatened, or protected plants.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.007. Activities by the Department

(a) The department may conduct biological research and field investigations to help determine the classification of native plants.

(b) The department may collect and disseminate information about the conservation of native plants and their habitats.

(c) The department may take an endangered, threatened, or protected plant from public land without a permit for the purpose of conservation, education, or scientific studies.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.008. Prohibited Acts

(a) Except as otherwise provided by this chapter, no person may take for commercial sale, possess for commercial sale, or sell all or part of an endangered, threatened, or protected plant from public land.

(b) No contract or common carrier may transport or receive for shipment all or part of an endangered, threatened, or protected native plant taken from public land.

(c) No person may take for commercial sale, possess for commercial sale, or sell all or part of an endangered, threatened, or protected plant from private land unless the landowner consents in writing to the taking.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.009. Exceptions

(a) This chapter does not apply to the taking, possession, or sale of endangered, threatened, or protected plants if the taking, possession, or sale is incidental to:

- (1) the possession or sale of the real property on which the plant is growing;
- (2) the possession or acquisition of easements or leases on which the plant is growing; or
- (3) the harvest or sale of an agricultural crop if the endangered, threatened, or protected plant grows among that crop.

(b) This chapter does not apply to the possession, transportation, or sale of an endangered, threatened, or protected plant if:

- (1) the plant originates in another state; and
- (2) the person possessing, transporting, or selling the plant complies with the terms of any required federal permit or with the terms of a state permit required by the laws of the originating state.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

§ 88.010. Inspections

A person authorized to enforce this chapter may detain for inspection and inspect a vehicle, package, crate, or other container if the person has probable

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cause to believe it contains a plant in violation of this chapter.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

### § 88.011. Penalties

(a) A person who violates any provision of this chapter is guilty of a misdemeanor and, except as provided by Subsection (b) or (c) of this section, on conviction is punishable by a fine of not less than \$25 nor more than \$200.

(b) If it is shown at the trial of the defendant that he has been convicted within the preceding 36 months of a violation of this chapter, he shall be punished by a fine of not less than \$200 nor more than \$500, by confinement in jail for not less than 30 nor more than 90 days, or by both.

(c) If it is shown at the trial of the defendant that he has been convicted two or more times within the preceding 60 months of a violation of this chapter, he shall be punished by a fine of not less than \$500 nor more than \$2,000, by confinement in jail for not less than six months nor more than one year, or by both.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

### § 88.012. Injunction Against Governmental Violator

A state or local governmental agency that violates or threatens to violate a provision of this chapter is subject to a civil suit for injunctive relief. The suit shall be brought in the name of the State of Texas.

[Acts 1981, 67th Leg., p. 2461, ch. 637, § 1, eff. Sept. 1, 1981.]

## TITLE 6. COMPACTS

### CHAPTER 91. GULF STATES COMPACT

#### Section

- 91.001. Members of Commission.
- 91.0011. Application of Sunset Act.
- 91.002. Terms of Commission Members.
- 91.003. Delegate of Commissioner.
- 91.004. Powers and Duties.
- 91.005. Cooperation of State Agencies.
- 91.006. Reports.
- 91.007. Auditor.
- 91.008. Text of Compact.

#### § 91.001. Members of Commission

The three members of the Gulf States Marine Fisheries Commission from the state authorized un-

der Article III of the Gulf States Marine Fisheries Compact are:

- (1) the executive director of the department;
- (2) a legislator appointed jointly by the lieutenant governor and speaker of the house of representatives; and
- (3) a citizen with a knowledge of the marine fisheries problems appointed by the governor with the advice and consent of the senate.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 91.0011. Application of Sunset Act

The office of Gulf States Marine Fisheries Compact Commissioner for Texas is subject to the Texas Sunset Act;<sup>1</sup> and unless continued in existence as provided by that Act the office is abolished, and this chapter expires effective September 1, 1985.

[Acts 1977, 65th Leg., p. 1844, ch. 735, § 2.087, eff. Aug. 29, 1977.]

<sup>1</sup> Civil Statutes, art. 5429k.

#### § 91.002. Terms of Commission Members

(a) The executive director of the department shall serve on the Gulf States Marine Fisheries Commission in an ex-officio capacity, and his term expires when he ceases to hold the office of executive director of the department. His successor as a member of the Gulf States Marine Fisheries Commission is his successor as executive director of the department.

(b) The legislator appointed as a member of the Gulf States Marine Fisheries Commission shall serve in an ex-officio capacity, and his term expires at the time he ceases to hold his legislative office. His successor as a member of the Gulf States Marine Fisheries Commission shall be appointed as provided by Section 91.001(2) of this code.

(c) The citizen appointed as a member of the Gulf States Marine Fisheries Commission shall serve a term of three years or until his successor has been appointed and has qualified. A vacancy in this position shall be filled for the unexpired term by appointment by the governor with the advice and consent of the senate.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 91.003. Delegate of Commissioner

The executive director of the department as ex-officio member of the Gulf States Marine Fisheries Commission may delegate to an authorized employee of the department the power to be present and participate, including the right to vote for the execu-

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tive director, at any meeting, hearing, or proceeding of the Gulf States Marine Fisheries Commission. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 91.004. Powers and Duties

All the powers provided for in the compact and all the powers necessary or incidental to the carrying out of the compact are granted to the Gulf States Marine Fisheries Commission and members of the commission. These powers are in aid of and supplemental to but not a limitation on the powers vested in the Gulf States Marine Fisheries Commission by other laws of this state or by the terms of the compact.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 91.005. Cooperation of State Agencies

(a) All officers of the state shall do all things falling within their respective jurisdictions necessary or incidental to the carrying out of the compact.

(b) All officers, bureaus, departments, and persons in state government shall furnish the Gulf States Marine Fisheries Commission information and data requested by the commission and aid the commission by loan of personnel or other means lying within their legal rights.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 91.006. Reports

The Gulf States Marine Fisheries Commission shall keep accurate accounts of receipts and disbursements and shall submit on or before February 10 of each year a report to the governor and legislature of the state containing:

(1) a detailed description of the transactions conducted by the commission during the preceding calendar year;

(2) recommendations for any legislative action considered advisable or necessary to carry out the intent and purposes of the compact.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 91.007. Auditor

The state auditor from time to time shall examine the accounts and books of the Gulf States Marine Fisheries Commission, including receipts, disbursements, and other items relating to its financial standing. The auditor shall report the results of

the examination to the governor of each state that is a party to the compact.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 91.008. Text of Compact

The Gulf States Marine Fisheries Compact reads as follows:

#### GULF STATES MARINE FISHERIES COMPACT

The contracting states solemnly agree:

##### ARTICLE I

Whereas the Gulf Coast States have the proprietary interest in and jurisdiction over fisheries in the waters within their respective boundaries, it is the purpose of this compact to promote the better utilization of the fisheries, marine, shell and anadromous, of the seaboard of the Gulf of Mexico, by the development of a joint program for the promotion and protection of such fisheries and the prevention of the physical waste of the fisheries from any cause.

##### ARTICLE II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Florida, Alabama, Mississippi, Louisiana and Texas have ratified it and the Congress has given its consent, pursuant to Article I, Section 10 of the Constitution of the United States. Any state contiguous to any of the aforementioned states or riparian upon waters which flow into waters under the jurisdiction of any of the aforementioned States and which are frequented by anadromous fish or marine species, may become a party hereto as hereinafter provided.

##### ARTICLE III

Each state joining herein shall appoint three representatives to a commission hereby constituted and designated as the Gulf States Marine Fisheries Commission. One shall be the head of the administrative agency of such State charged with the conservation of the fishery resources to which this compact pertains; or, if there be more than one officer or agency, the official of that State named by the Governor thereof. The second shall be a member of the Legislature of such State designated by such Legislature, or in the absence of such designation, such legislator shall be designated by the Governor thereof; provided that if it is constitutionally impossible to appoint a legislator as a commissioner from such State, the second member shall be appointed in such manner as may be established by law. The third shall be a citizen who shall have



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a knowledge of and interest in the marine fisheries, to be appointed by the Governor. This commission shall be a body corporate with the powers and duties set forth herein.

### ARTICLE IV

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell and anadromous, of the Gulf Coast. The commission shall have power to recommend the coordination of the exercise of the police powers of the several States within their respective jurisdictions to promote the preservation of these fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever, and to assure a continuing yield from the fishery resources of the aforementioned States. To that end the commission shall draft and recommend to the Governors and Legislatures of the various signatory States, legislation dealing with the conservation of the marine, shell and anadromous fisheries of the Gulf seaboard. The commission shall from time to time present to the Governor of each compacting State its recommendations relating to enactments to be presented to the Legislature of that State in furthering the interest and purposes of this compact. The commission shall consult with and advise the pertinent administrative agencies in the States party hereto with regard to problems connected with the fisheries, and recommend the adoption of such regulations as it deems advisable. The commission shall have power to recommend to the States party hereto the stocking of the waters of such States with fish and fish eggs or joint stocking by some or all of the States party hereto, and when two or more States shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

### ARTICLE V

The commission shall elect from its number a chairman and vice-chairman and shall appoint, and at its pleasure remove or discharge, such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business, and may meet at any time or place; but must meet at least once a year.

### ARTICLE VI

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting States. No recommendation shall be made by the commission in regard to any species of fish except by the affirmative vote of a majority of the compacting States which have an interest in such species. The commission shall define what shall be an interest.

### ARTICLE VII

The Fish and Wildlife Service of the Department of the Interior of the Government of the United States shall act as the primary research agency of the Gulf States Marine Fisheries Commission, cooperating with the research agencies in each State for that purpose. Representatives of the said Fish and Wildlife Service shall attend the meetings of the commission. An advisory committee to be representative of the commercial salt water fishermen and the salt water anglers and such other interests of each State as the commissioners deem advisable may be established by the commissioners from each State for the purpose of advising those commissioners upon such recommendations as it may desire to make.

### ARTICLE VIII

When any State, other than those named specifically in Article II of this compact, shall become a party hereto for the purpose of conserving its anadromous fish or marine species in accordance with the provisions of Article II, the participation of such State in the action of the commission shall be limited to such species of fish.

### ARTICLE IX

Nothing in this compact shall be construed to limit the powers of the proprietary interest of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by a signatory State, imposing additional conditions and restrictions to conserve its fisheries.

### ARTICLE X

It is agreed that any two or more States party hereto may further amend this compact by acts of their respective Legislatures, subject to approval of Congress as provided in Article I, Section X, of the Constitution of the United States, to designate the Gulf States Marine Fisheries Commission as a joint regulating authority for the joint regulation of specific fisheries affecting only such States as shall so

compact, and at their joint expense. The representatives of such States shall constitute a separate section of the Gulf States Marine Fisheries Commission for the exercise of the additional powers so granted, but the creation of such section shall not be deemed to deprive the States so compacting of any of their privileges or powers in the Gulf States Marine Fisheries Commission as constituted under the other Articles of this compact.

ARTICLE XI

Continued absence of representation or of any representative on the commission from any State party hereto, shall be brought to the attention of the Governor thereof.

ARTICLE XII

The operating expenses of the Gulf States Marine Fisheries Commission shall be borne by the States party hereto. Such initial appropriation as set forth below shall be made available yearly until modified as hereinafter provided:

Florida	\$3,500.00
Alabama	1,000.00
Mississippi	1,000.00
Louisiana	5,000.00
Texas	2,500.00
Total	\$13,000.00

The proration and total cost per annum of Thirteen Thousand (\$13,000.00) Dollars, above mentioned, is estimative only, for initial operations, and may be changed when found necessary by the commission and approved by the Legislatures of the respective States. Each State party hereto agrees to provide in the manner most acceptable to it, the travel costs and necessary expenses of its commissioners and other representatives to and from meetings of the commission or its duly constituted sections or committees.

Article XIII

This compact shall continue in force and remain binding upon each compacting State until renounced by Act of the Legislature of such State, in such form as it may choose; provided that such renunciation shall not become effective until six months after the effective date of the action taken by the Legislature. Notice of such renunciation shall be given the other States party hereto by the Secretary of State of compacting State so renouncing upon passage of the Act.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

TITLE 7. LOCAL AND SPECIAL LAWS

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CHAPTER 101. ANDERSON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 101.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

Section

- 101.011. Fish Sale.
- 101.012. Repealed.
- 101.013. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 101.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Anderson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 34, ch. 9, art. II, § 4, eff. Aug. 29, 1983.]

[Sections 101.002 to 101.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 101.011. Fish Sale

(a) No person, firm, or corporation may fish for, take, catch, or have in possession for sale, or carry, transport, or ship for sale, or buy or sell, or offer to buy or sell, barter, or exchange any fish, except bait fish, caught from the water of the Neches River in Anderson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish caught and each sale or shipment in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 4, eff. Sept. 1, 1977.]

§ 101.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 101.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit any catfish, perch, crappie, white perch, bass, trout, or other edible fish on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Anderson County and leave the fish to die without the intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a

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fine of not more than \$25. Each fish left in violation of this section is a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 102. ANDREWS COUNTY

#### § 102.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Andrews County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 34, ch. 9, art. II, § 5, eff. Aug. 29, 1983.]

### CHAPTER 103. ANGELINA COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

103.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

103.011 to 103.013. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

103.021, 103.022. Repealed.

#### SUBCHAPTER D. FISH [REPEALED]

103.031. Repealed.

#### SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

103.041, 103.042. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 103.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Angelina County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 23, ch. 9, art. I, § 4, eff. Aug. 29, 1983.]

[Sections 103.002 to 103.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

#### § 103.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 103.012. Repealed by Acts 1977, 65th Leg., p. 37, ch. 21, § 1, eff. March 24, 1977

§ 103.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. BIRDS [REPEALED]

§§ 103.021, 103.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER D. FISH [REPEALED]

§ 103.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

§§ 103.041, 103.042. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### CHAPTER 104. ARANSAS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

104.001. Conservation Act: Applicability.

104.002. Partial Exclusion of Certain Area.

#### SUBCHAPTER B. FISH

104.011, 104.012. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 104.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp, of Aransas County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 34, ch. 9, art. II, § 6, eff. Aug. 29, 1983.]

#### § 104.002. Partial Exclusion of Certain Area

For that part of San Antonio Bay lying within the northeast part of Aransas County, the Aransas Riv-

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er where it forms the boundary with Refugio County, and Copano Creek where it forms the boundary with Calhoun County, wildlife resources under the Wildlife Conservation Act of 1983 includes only fish, aquatic life, and marine animals and does not include oysters.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 35, ch. 9, art. II, § 7, eff. Aug. 29, 1983.]

[Sections 104.003 to 104.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 104.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 104.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 105. ARCHER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

105.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

105.011. Fish Sale.

105.012. Leaving Fish to Die.

105.013. Injuring Fish.

105.014. Special Charge.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 105.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Archer County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 35, ch. 9, art. II, § 8, eff. Aug. 29, 1983.]

[Sections 105.002 to 105.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 105.011. Fish Sale

(a) No person, firm, or corporation may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from the diversion dam on the

Big Wichita River in the northeast corner of Archer County, above the dam and up the valley of the Big Wichita River to the storage dam on the river in Baylor County, up the river from the storage dam as far as the water is impounded in the river by the storage dam in Archer County, or from any water in Lake Wichita in Archer County, or from Diversion Lake formed in Archer County, or from the water in laterals leading off of irrigation canals connected with Lake Kemp or the diversion dam, or from any water in Archer County in the lateral, canal, or drainage ditch leading from what is known as the South Side Canal out of Diversion Lake from a point in the South Side Canal in Section No. 16, of Denton County school lands, League No. 4, Wichita County, to Holliday Creek and down Holliday Creek to Lake Wichita in Archer County, or from the water of Lake Arrowhead located in Archer County or any water in Lake Kickapoo in Archer County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50 for each violation.

(c) Each fish caught, sold, or purchased in violation of this section constitutes a separate offense.

(d) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in his possession, or the county where the fish are sold, bartered, offered for sale or barter, or bought.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 105.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Subsection (a), Section 105.011 of this code, any bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without any intent to eat the fish, or leave any minnows without any intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 105.013. Injuring Fish

(a) No person may injure or destroy any fish by using dynamite, powder, other explosive, or poison in any of the water described in Subsection (a), Section 105.011 of this code.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000, and may be confined in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 105.014. Special Charge

District judges of Archer County shall give a special charge on this subchapter to the grand juries of Archer County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 106. ARMSTRONG COUNTY

### § 106.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Armstrong County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 35, ch. 9, art. II, § 9, eff. Aug. 29, 1983.]

## CHAPTER 107. ATASCOSA COUNTY

### § 107.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Atascosa County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 35, ch. 9, art. II, § 10, eff. Aug. 29, 1983.]

## CHAPTER 108. AUSTIN COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

108.001. Conservation Act: Applicability.

### SUBCHAPTER B. GAME ANIMALS [REPEALED]

108.011, 108.012. Repealed

### SUBCHAPTER C. FISH

108.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 108.001. Conservation Act: Applicability

The Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Austin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 24, ch. 9, art. I, § 5, eff. Aug. 29, 1983.]

[Sections 108.002 to 108.010 reserved for expansion]

### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 108.011, 108.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. FISH

§ 108.021. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 109. BAILEY COUNTY

### § 109.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bailey County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 35, ch. 9, art. II, § 11, eff. Aug. 29, 1983.]

## CHAPTER 110. BANDERA COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

110.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

110.011. Injuring Fish.

110.012. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 110.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bandera County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 12, eff. Aug. 29, 1983.]

[Sections 110.002 to 110.010 reserved for expansion]

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SUBCHAPTER B. FISH

§ 110.011. Injuring Fish

(a) No person may destroy fish in the freshwater streams of Bandera County by the use of any dynamite, powder, or other explosive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 110.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Bandera County any catfish, crappie, perch, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 111. BASTROP COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

111.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

111.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 111.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bastrop County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 13, eff. Aug. 29, 1983.]

[Sections 111.002 to 111.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 111.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 112. BAYLOR COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

112.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

112.011. Fish Sale.

112.012. Leaving Fish to Die.

112.013. Injuring Fish.

112.014. Special Charge.

112.015. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 112.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Baylor County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 14, eff. Aug. 29, 1983.]

[Sections 112.002 to 112.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 112.011. Fish Sale

(a) No person, firm, or corporation may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, above the dam, up the valley of the river to the storage dam on the river in Baylor County, up the valley of the river from the storage dam as far as the water is impounded by the dam in the river in Baylor County, or from any water impounded in Baylor County by the diversion dam, or from any water impounded in Baylor County by the storage dam, or from any water in the Big Wichita River in Baylor County connecting with the big reservoir or Lake Kemp created by the storage dam with the diversion reservoir or Diversion Lake formed in Baylor



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County by the diversion dam, or from any water of the irrigation canals connected with Lake Kemp or the diversion dam, or from any water in laterals leading off of the canals in Baylor County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50 for each violation.

(c) Each fish caught, sold, or purchased in violation of this section constitutes a separate offense.

(d) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in possession, or where the fish are sold, bartered, offered for sale or barter, or bought.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 112.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Subsection (a), Section 112.011 of this code, any bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without any intent to eat the fish or leave any minnows without any intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense.  
[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 112.013. Injuring Fish

(a) No person may injure or destroy any fish by using dynamite, powder, other explosive, or poison in any of the water described in Subsection (a), Section 112.011 of this chapter.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 112.014. Special Charge

District judges of the judicial districts of Baylor County shall give a special charge on Sections 112.011 through 112.013 of this code to the grand juries of Baylor County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 112.015. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 113. BEE COUNTY

### § 113.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bee County.  
[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 15, eff. Aug. 29, 1983.]

## CHAPTER 114. BELL COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

114.001. Conservation Act: Applicability.

### SUBCHAPTER B. STILLHOUSE HOLLOW RESERVOIR

114.011. Hunting Prohibited.

114.012. Repealed.

### SUBCHAPTER A. APPLICATION OF UNIFORM WILDLIFE REGULATORY ACT

### § 114.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bell County.  
[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 16, eff. Aug. 29, 1983.]

[Sections 114.002 to 114.010 reserved for expansion]

### SUBCHAPTER B. STILLHOUSE HOLLOW RESERVOIR

### § 114.011. Hunting Prohibited

(a) Except as provided by Subsection (b) of this section, no person on the water of Stillhouse Hollow Reservoir in Bell County or on land that is owned by the federal government and that is adjacent to Stillhouse Hollow Reservoir may hunt any wild bird or animal.

(b) A person may hunt birds on the water of Stillhouse Hollow Reservoir in Bell County or on land that is owned by the federal government and that is adjacent to Stillhouse Hollow Reservoir during the open season only if:

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(1) the person is at least 600 feet from the nearest private property line when the person shoots the gun; and

(2) the person uses a shotgun.

(c) A person who violates this section is guilty of a Class C misdemeanor.

[Acts 1981, 67th Leg., p. 2102, ch. 486, § 1, eff. Aug. 31, 1981.]

A former § 114.011, relating to minnow sale and derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, was repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977.

See, now, § 66.010.

§ 114.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait, see, now, § 66.010.

CHAPTER 115. BEXAR COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

115.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

115.011. Axis Deer.

115.012. Axis Deer: Treated as Other Deer.

SUBCHAPTER C. FISH

115.021. Fish Sale.

115.022. Leaving Fish to Die.

115.023. Injuring Fish.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 115.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bexar County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 36, ch. 9, art. II, § 17, eff. Aug. 29, 1983.]

[Sections 115.002 to 115.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS

§ 115.011. Axis Deer

In Bexar County, wild axis deer not individually owned are included under the term "wildlife re-

sources" for regulatory purposes under the Wildlife Conservation Act of 1983 (Chapter 61 of this code).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 37, ch. 9, art. II, § 18, eff. Aug. 29, 1983.]

§ 115.012. Axis Deer: Treated as Other Deer

(a) The regulations on the taking of axis deer not individually owned in Bexar County shall be the same as for other deer.

(b) The licensing and tagging requirements of Chapter 42 of this code shall be uniformly applied to axis deer not individually owned, and no extra deer tags may be issued for axis deer.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 115.013 to 115.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 115.021. Fish Sale

(a) No person may barter, sell, or offer to barter or sell any bass, white perch, crappie, catfish taken from the streams of Bexar County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 and not more than \$50. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 115.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Bexar County any catfish, crappie, perch, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 115.023. Injuring Fish

(a) No person may destroy fish in the freshwater streams of Bexar County by the use of any dynamite, powder, or other explosive.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and

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may be confined in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 116. BLANCO COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

116.001. Conservation Act: Applicability.

116.002. Repealed.

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

116.011 to 116.017. Repealed.

#### SUBCHAPTER C. FISH

116.021. Fish Sale.

116.022. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 116.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Blanco County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 37, ch. 9, art. II, § 19, eff. Aug. 29, 1983.]

§ 116.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 116.003 to 116.010 reserved for expansion]

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 116.011 to 116.017. Repealed by Acts 1977, 65th Leg., p. 1258, ch. 484, § 3(b), eff. Sept. 1, 1977; Acts 1977, 65th Leg., p. 1621, ch. 635, § 2, eff. Aug. 29, 1977

#### SUBCHAPTER C. FISH

##### § 116.021. Fish Sale

(a) No person may take, offer, or possess for the purpose of sale any catfish, perch, crappie, bream, or bass in Blanco County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 116.022. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 117. BORDEN COUNTY

##### § 117.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Borden County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 37, ch. 9, art. II, § 20, eff. Aug. 29, 1983.]

### CHAPTER 118. BOSQUE COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

118.001. Regulatory Act: Applicability.

#### SUBCHAPTER B. FISH

118.011. Sale of Fish From Lake Waco or Bosque River.

118.012. Sale of Fish From the Brazos River or Lake Whitney.

118.013. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 118.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bosque County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 37, ch. 9, art. II, § 21, eff. Aug. 29, 1983.]

[Sections 118.002 to 118.010 reserved for expansion]

#### SUBCHAPTER B. FISH

##### § 118.011. Sale of Fish From Lake Waco or Bosque River

(a) No person may barter or sell, offer to barter or sell, or buy any bass, crappie, perch, channel or Opelousas catfish, or any other fish, except bait fish, taken from the water of Lake Waco or the

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Bosque Rivers and their tributaries in Bosque County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish caught, possessed, sold, offered for sale, or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the offense is committed, where he is found with the fish, or where the fish are sold or offered for sale.

(d) The district judges of the judicial districts of Bosque County shall give a special charge on this section to the grand juries of Bosque County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 5, eff. Sept. 1, 1977.]

**§ 118.012. Sale of Fish From the Brazos River or Lake Whitney**

(a) No person may offer, expose, or possess for sale or sell any fish taken from the water of the Brazos River, Lake Whitney, or their tributaries in Bosque County except as authorized by the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. The possession of each fish in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 118.013. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 119. BOWIE COUNTY**

**§ 119.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Bowie County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 37, ch. 9, art. II, § 22, Aug. 29, 1983.]

**CHAPTER 120. BRAZORIA COUNTY**

**§ 120.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Brazoria County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 38, ch. 9, art. II, § 23, eff. Aug. 29, 1983.]

**CHAPTER 121. BRAZOS COUNTY**

**§ 121.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Brazos County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 38, ch. 9, art. II, § 24, eff. Aug. 29, 1983.]

**CHAPTER 122. BREWSTER COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

122.001. Conservation Act: Applicability

**SUBCHAPTER B. FISH**

122.011. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 122.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Brewster County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 38, ch. 9, art. II, § 25, Aug. 29, 1983.]

[Sections 122.002 to 122.010 reserved for expansion]

**SUBCHAPTER B. FISH**

§ 122.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

**CHAPTER 123. BRISCOE COUNTY**

**§ 123.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Briscoe County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 38, ch. 9, art. II, § 26, eff. Aug. 29, 1983.]

**CHAPTER 124. BROOKS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

124.001. Conservation Act: Applicability.

## § 124.001

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### SUBCHAPTER B. GAME ANIMALS [REPEALED]

#### Section

124.011, 124.012. Repealed.

### SUBCHAPTER C. BIRDS [REPEALED]

124.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 124.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Brooks County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1004, ch. 440, § 1, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 38, ch. 9, art. II, § 27, eff. Aug. 29, 1983.]

[Sections 124.002 to 124.010 reserved for expansion]

### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 124.011, 124.012. Repealed by Acts 1979, 66th Leg., p. 1005, ch. 440, § 3, eff. Aug. 27, 1979

### SUBCHAPTER C. BIRDS [REPEALED]

§ 124.021. Repealed by Acts 1979, 66th Leg., p. 1005, ch. 440, § 3, eff. Aug. 27, 1979

## CHAPTER 125. BROWN COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

125.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

125.011. Fish Sale.

125.012. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 125.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Brown County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 39, ch. 9, art. II, § 28, eff. Aug. 29, 1983.]

[Sections 125.002 to 125.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 125.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, channel catfish, or catfish caught, trapped, or ensnared in the streams of Brown County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 125.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Brown County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 126. BURLESON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

126.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

126.011, 126.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 126.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Burleson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 39, ch. 9, art. II, § 29, eff. Aug. 29, 1983.]

[Sections 126.002 to 126.010 reserved for expansion]

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SUBCHAPTER B. FISH

§ 126.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983.

§ 126.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 127. BURNET COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

127.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

127.011 to 127.017. Repealed.

SUBCHAPTER C. FISH

127.021. Fish Sale.

127.022. Leaving Fish to Die.

127.023. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 127.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Burnet County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 39, ch. 9, art. II, § 30, eff. Aug. 29, 1983.]

[Sections 127.002 to 127.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 127.011 to 127.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. FISH.

§ 127.021. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Burnet County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 127.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Burnet County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 127.023. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 128. CALDWELL COUNTY

§ 128.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Caldwell County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 39, ch. 9, art. II, § 31, eff. Aug. 29, 1983.]

CHAPTER 129. CALHOUN COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

129.001. Conservation Act: Applicability.

129.002. Repealed.

SUBCHAPTER B. FISH

129.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 129.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code)

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applies to the wildlife resources, except shrimp and oysters, in Calhoun County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 39, ch. 9, art. II, § 32, eff. Aug. 29, 1983.]

§ 129.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 129.003 to 129.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 129.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 130. CALLAHAN COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

130.001. Conservation Act: Applicability.

### SUBCHAPTER B. LAKE BAIRD

130.011. Repealed.

130.012. Fish Sale.

130.013. Discharge of Firearm.

130.014. Penalty.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 130.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Callahan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 40, ch. 9, art. II, § 33, eff. Aug. 29, 1983.]

[Sections 130.002 to 130.010 reserved for expansion]

### SUBCHAPTER B. LAKE BAIRD

§ 130.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 130.012. Fish Sale

No person may sell, buy, offer to sell or buy, or take or possess for commercial purposes fish, ex-

cept bait fish, taken from Lake Baird in Callahan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 6, eff. Sept. 1, 1977.]

§ 130.013. Discharge of Firearm

(a) Except as provided in this section, no person may shoot, fire, or discharge any pistol or rifle in, on, along, or across Lake Baird in Callahan County.

(b) This section does not apply to peace officers or other representatives of the department in the conduct of their official duties.

(c) This section does not apply to a person hunting with a shotgun during an open season in Callahan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 130.014. Penalty

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this subchapter constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 131. CAMERON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

131.001. Conservation Act: Applicability.

131.002. Repealed.

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

131.011. Audubon Society Land.

### SUBCHAPTER C. FISH

131.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 131.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters in the outside water of the Gulf of Mexico, in Cameron County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 40, ch. 9, art. II, § 34, eff. Aug. 29, 1983.]

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§ 131.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983  
[Sections 131.003 to 131.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 131.011. Audubon Society Land

(a) This section applies to Green Island and the group of three islands in Big Bay and the flats, reefs, and shallow water near those islands in Cameron County during the period that the National Association of the Audubon Societies is the lessee of those islands.

(b) No person, other than an agent, representative, or employee of the National Association of Audubon Societies or an officer of this state or the United States may enter on the land without the knowledge or consent of the association for the purpose of hunting a bird or for the purpose of taking or destroying a bird egg or nest.

(c) No person may hunt or molest a bird on the described land whether the person is on or off the described land.

(d) No person may discharge a firearm or explosive on or above the described land.

(e) No person may land, tie, or anchor a fishing boat in the described land.

(f) This section does not prohibit an agent, representative, or employee of the association from:

- (1) hunting birds known to be a prey on other birds or eggs; or
- (2) taking birds and eggs for propagation, conservation, or scientific purposes.

(g) This section does not prohibit a person from taking refuge on the described land because of storms.

(h) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500 or by confinement in jail for not less than 10 days nor more than 6 months, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 131.012 to 131.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 131.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 132. CAMP COUNTY

SUBCHAPTER A. APPLICABILITY TO UNIFORM WILDLIFE REGULATORY ACT

Section

132.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS [REPEALED]

132.011 to 132.015. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

132.021, 132.022. Repealed.

SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

132.031, 132.032. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 132.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources of Camp County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 598, ch. 214, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 40, ch. 9, art. II, § 35, eff. Aug. 29, 1983.]

[Sections 132.002 to 132.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 132.011 to 132.015. Repealed by Acts 1977, 65th Leg., p. 598, ch. 214, § 2, eff. Aug. 29, 1977

SUBCHAPTER C. BIRDS [REPEALED]

§§ 132.021, 132.022. Repealed by Acts 1977, 65th Leg., p. 598, ch. 214, § 2, eff. Aug. 29, 1977

SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

§§ 132.031, 132.032. Repealed by Acts 1977, 65th Leg., p. 598, ch. 214, § 2, eff. Aug. 29, 1977

CHAPTER 133. CARSON COUNTY

§ 133.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Carson County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 40, ch. 9, art. II, § 36, eff. Aug. 29, 1983.]



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### CHAPTER 134. CASS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

134.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

134.011 to 134.016. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

134.021, 134.022. Repealed.

#### SUBCHAPTER D. FISH [REPEALED]

134.031, 134.032. Repealed.

#### SUBCHAPTER E. LAKE TEXARKANA

134.041. Discharge of Firearm.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 134.001. Conservation Act: Applicability

The Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Cass County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 24, ch. 9, art. I, § 6, eff. Aug. 29, 1983.]

[Sections 134.002 to 134.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 134.011 to 134.016. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. BIRDS [REPEALED]

§§ 134.021, 134.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER D. FISH [REPEALED]

§§ 134.031, 134.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER E. LAKE TEXARKANA

##### § 134.041. Discharge of Firearm

(a) Except as provided in this section, no person may shoot a pistol or rifle in, on, along, or across Lake Texarkana.

(b) Subsection (a) of this section does not apply to peace officers, game wardens, or representatives of the department in the lawful discharge of their duties.

(c) Subsection (a) of this section does not apply to a person hunting with a shotgun during an open season or when it is lawful to hunt in or on Lake Texarkana.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 135. CASTRO COUNTY

##### § 135.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Castro County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 40, ch. 9, art. II, § 37, eff. Aug. 29, 1983.]

### CHAPTER 136. CHAMBERS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

136.001. Conservation Act: Applicability.  
136.002. Repealed.

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

136.011. Repealed.  
136.012. Shooting in Certain Places.  
136.013. Enforcement; Penalties.

#### SUBCHAPTER C. GAME ANIMALS [REPEALED]

136.021, 136.022. Repealed.

#### SUBCHAPTER D. BIRDS [REPEALED]

136.031, 136.032. Repealed.

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SUBCHAPTER E. FISH [REPEALED]

Section

136.041 to 136.048. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 136.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Chambers County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 724, ch. 270, § 8, eff. Oct. 1, 1978; Acts 1983, 68th Leg., p. 24, ch. 9, art. I, § 7, eff. Aug. 29, 1983.]

§ 136.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 136.003 to 136.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 136.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 136.012. Shooting in Certain Places

(a) No person may shoot a pistol or rifle in, on, along, or across the water of the Trinity River, Wallisville Reservoir, and Lake Anahuac in Chambers County.

(b) No person may shoot a pistol, crossbow, bow and arrow, shotgun, or rifle in, on, along, or across the water of Oyster Bayou in Chambers County from State Highway 65 south to the mouth of Oyster Bayou in East Bay.

(c) The water described in Subsections (a) and (b) of this section are part of the public fresh water of this state suited and adapted to the preservation, protection, and propagation of game and fish, and this section is to aid in the preservation, protection, and propagation of game and fish.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 136.013. Enforcement; Penalties

(a) Section 136.012 of this code does not apply to a person hunting migratory waterfowl with a shotgun during a prescribed open season in and on the Trinity River and the Wallisville Reservoir.

(b) Sections 136.011 and 136.012 of this code do not apply to peace officers, or representatives of the department in the lawful discharge of their duties.

(c) It is the duty of the department to enforce the provisions of this subchapter, and enforcement officers may arrest without a warrant a person violating a provision in his presence.

(d) A person who violates Section 136.011 or Section 136.012 of this code is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 136.014 to 136.020 reserved for expansion]

SUBCHAPTER C. GAME ANIMALS [REPEALED]

§§ 136.021, 136.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

A former § 136.022 relating to deer and derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, expired by its own terms on November 16, 1980.

SUBCHAPTER D. BIRDS [REPEALED]

§§ 136.031, 136.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER E. FISH [REPEALED]

§§ 136.041 to 136.048. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 137. CHILDRESS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

137.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH [REPEALED]

137.011, 137.012. Repealed.

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 137.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Childress County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 38, eff. Aug. 29, 1983.]

[Sections 137.002 to 137.010 reserved for expansion]

### SUBCHAPTER B. FISH [REPEALED]

#### §§ 137.011, 137.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 138. CHEROKEE COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

138.001. Conservation Act: Applicability.

138.002. Repealed.

### SUBCHAPTER B. GAME ANIMALS [REPEALED]

138.011 to 138.013. Repealed.

### SUBCHAPTER C. BIRDS [REPEALED]

138.021, 138.022. Repealed.

### SUBCHAPTER D. FISH

138.031. Fish Sale.

138.032, 138.033. Repealed.

### SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

138.041. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 138.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Cherokee County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 24, ch. 9, art. I, § 8, eff. Aug. 29, 1983.]

§ 138.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 138.003 to 138.010 reserved for expansion]

### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 138.011 to 138.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. BIRDS [REPEALED]

§§ 138.021, 138.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER D. FISH

#### § 138.031. Fish Sale

(a) No person may sell, offer for sale, or possess for the purpose of sale any fish, except bait fish, caught or taken from the public fresh water of Cherokee County, including that portion of Lake Palestine located within the county, or from the portion of the Angelina River that is the boundary line between Cherokee and Nacogdoches counties north of Texas Highway 21.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 214, ch. 105, § 7, eff. Sept. 1, 1977.]

§§ 138.032, 138.033. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 138.034 to 138.040 reserved for expansion]

### SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

§ 138.041. Repealed by Acts 1977, 65th Leg. p. 86, ch. 42, § 1, eff. April 5, 1977

## CHAPTER 139. CLAY COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

139.001. Conservation Act: Applicability.

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§ 141.011

SUBCHAPTER B. LAKE ARROWHEAD

Section

- 139.011. Fish Sale.
- 139.012. Injuring Fish.
- 139.013. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 139.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Clay County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 39, eff. Aug. 29, 1983.]

[Sections 139.002 to 139.010 reserved for expansion]

SUBCHAPTER B. LAKE ARROWHEAD

§ 139.011. Fish Sale

(a) No person may barter, sell, offer for barter or sale, or buy any bass, perch, crappie, or catfish or any other fish except minnows taken from Lake Arrowhead in Clay County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or bought in violation of this section is a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the fish are caught, where he is found with them in possession, or where the fish are sold, bartered, offered for sale or barter, or bought.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 139.012. Injuring Fish

(a) No person may injure or destroy fish by the use of dynamite, powder, other explosive, or poison in the water of Lake Arrowhead in Clay County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 139.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the water of Lake Arrowhead in Clay County any bass,

crappie, white perch, sunfish, drum, catfish, or other edible fish or minnows and leave the fish to die without any intention to eat the fish or use the minnows for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 140. COCHRAN COUNTY

§ 140.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Cochran County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 40, eff. Aug. 29, 1983.]

CHAPTER 141. COKE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 141.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 141.011. Fish Sale.
- 141.012 to 141.013. Repealed.
- 141.014. Penalty.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 141.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Coke County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 41, eff. Aug. 29, 1983.]

[Sections 141.002 to 141.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 141.011. Fish Sale

No person may sell, buy, offer to sell or buy, take, or possess for commercial purposes fish, ex-

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cept bait fish, taken from the water of Sweetwater Oak Creek Lake in Coke County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 8, eff. Sept. 1, 1977.]

**§ 141.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**§ 141.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

**§ 141.014. Penalty**

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish taken or possessed in violation of this subchapter constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 142. COLEMAN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

142.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

142.011. Repealed.

142.012. Leaving Fish to Die.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 142.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Coleman County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 42, eff. Aug. 29, 1983.]

[Sections 142.002 to 142.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 142.011. Fish Sale**

(a) No person may sell or offer for sale any bass or crappie (white perch) caught, trapped, or ensnared in the water of Coleman County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 142.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Coleman County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 143. COLLIN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

143.001. Regulatory Act: Applicability.

**SUBCHAPTER B. MINNOWS**

143.011. Repealed.

**SUBCHAPTER C. LAKE LAVON**

143.021. Fish Sale.

143.022. Repealed.

143.023. Discharge of Firearm.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 143.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Collin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 41, ch. 9, art. II, § 43, eff. Aug. 29, 1983.]

[Sections 143.002 to 143.010 reserved for expansion]

**SUBCHAPTER B. MINNOWS**

**§ 143.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010. [Sections 143.012 to 143.020 reserved for expansion]

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§ 146.011

SUBCHAPTER C. LAKE LAVON

§ 143.021. Fish Sale

(a) No person may sell, barter, offer to sell or barter, take, or possess fish, except bait fish, taken from the water of Lake Lavon in Collin County for commercial purposes.

(b) A person violating this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 9, eff. Sept. 1, 1977.]

§ 143.022. Repealed by Acts 1981, 67th Leg., p. 2725, ch. 741, § 2(3), eff. Jan. 1, 1982

See, now, Civil Statutes, art. 4477-9a, § 2.07. Section 4 of the 1981 repealing act provides: "This Act takes effect January 1, 1982, and applies only to offenses committed on or after that date. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed and the prior law is continued in effect for that purpose. An offense is committed before the effective date of this Act if any element of the offense occurs before that date."

§ 143.023. Discharge of Firearm

(a) Except as provided in Subsections (b) and (c) of this section, no person may shoot, fire, or discharge any firearm in, on, along, or across Lake Lavon in Collin County.

(b) This section does not apply to peace officers, game wardens, or other representatives of the department in the lawful discharge of their duties.

(c) This section does not apply to a person hunting with a shotgun during an open season or when it is lawful to hunt in or on Lake Lavon.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200 plus costs, or confinement in the county jail for not more than one year, or both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 144. COLLINGSWORTH COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

144.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

144.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 144.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Collingsworth County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 42, ch. 9, art. II, § 44, eff. Aug. 29, 1983.]

[Sections 144.002 to 144.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 144.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 145. COLORADO COUNTY

§ 145.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Colorado County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 42, ch. 9, art. II, § 45, eff. Aug. 29, 1983.]

CHAPTER 146. COMAL COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

146.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

146.011. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 146.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Comal County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 42, ch. 9, art. II, § 46, eff. Aug. 29, 1983.]

[Sections 146.002 to 146.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 146.011. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools,

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lagoons, or tanks, in Comal County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 147. COMANCHE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

147.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

147.011. Fish Sale.

147.012. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 147.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Comanche County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 42, ch. 9, art. II, § 47, eff. Aug. 29, 1983.]

[Sections 147.002 to 147.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 147.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, channel catfish, or catfish caught, trapped, or ensnared in the water of Comanche County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 147.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 148. CONCHO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

148.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

148.011. Fish Sale.

148.012. Leaving Fish to Die.

148.013. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 148.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Concho County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 42, ch. 9, art. II, § 48, eff. Aug. 29, 1983.]

[Sections 148.002 to 148.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 148.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Concho County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 148.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Concho County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use the fish for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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**§ 148.013. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 149. COOKE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

149.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

149.011. Fish Sale.

149.012. Lake Texoma: Fish Sale.

149.013. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 149.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Cooke County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 43, ch. 9, art. II, § 49, eff. Aug. 29, 1983.]

[Sections 149.002 to 149.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 149.011. Fish Sale**

(a) No person may take or possess for the purpose of sale any fish, except bait fish, from the fresh water in Cooke County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine not to exceed \$100. Each act of taking, and each fish taken or possessed, in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 10, eff. Sept. 1, 1977.]

**§ 149.012. Lake Texoma: Fish Sale**

A person may buy or sell any sucker, buffalo, carp, shad, or gar taken from Lake Texoma in Cooke County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 149.013. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 61.010.

**CHAPTER 150. CORYELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

150.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

150.011. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 150.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Coryell County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 43, ch. 9, art. II, § 50, eff. Aug. 29, 1983.]

[Sections 150.002 to 150.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 150.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 151. COTTLE COUNTY**

**Section**

151.001. Conservation Act: Applicability.

151.002. Repealed.

**§ 151.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Cottle County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 43, ch. 9, art. II, § 51, eff. Aug. 29, 1983.]

**§ 151.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983**

**CHAPTER 152. CRANE COUNTY**

**§ 152.001. Conservation Act: Applicability**

The Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Crane County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 24, ch. 9, art. I, § 9, eff. Aug. 29, 1983.]



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### CHAPTER 153. CROSBY COUNTY

#### § 153.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Crosby County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 43, ch. 9, art. II, § 52, eff. Aug. 29, 1983.]

### CHAPTER 154. CROCKETT COUNTY

#### § 154.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Crockett County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 43, ch. 9, art. II, § 53, eff. Aug. 29, 1983.]

### CHAPTER 155. CULBERSON COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

155.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

155.011. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 155.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Culberson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 54, eff. Aug. 29, 1983.]

[Sections 155.002 to 155.010 reserved for expansion]

#### SUBCHAPTER B. FISH

§ 155.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

### CHAPTER 156. DALLAM COUNTY

#### § 156.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Dallam County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 55, eff. Aug. 29, 1983.]

### CHAPTER 157. DALLAS COUNTY

#### § 157.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Dallas County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 56, eff. Aug. 29, 1983.]

### CHAPTER 158. DAWSON COUNTY

#### § 158.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Dawson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 57, eff. Aug. 29, 1983.]

### CHAPTER 159. DEAF SMITH COUNTY

#### § 159.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Deaf Smith County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 58, eff. Aug. 29, 1983.]

### CHAPTER 160. DELTA COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

160.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

160.011, 160.012. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

160.021, 160.022. Repealed.

#### SUBCHAPTER D. FISH [REPEALED]

160.031. Repealed.

#### SUBCHAPTER E. FUR-BEARING ANIMALS

160.041. Hunting Mink With Dogs.

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§ 163.011

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 160.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Delta County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 25, ch. 9, art. I, § 10, eff. Aug. 29, 1983.]

[Sections 160.002 to 160.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 160.011, 160.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 160.021, 160.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. FISH [REPEALED]

§ 160.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER E. FUR-BEARING ANIMALS

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.

§ 160.041. Hunting Mink With Dogs

A person may hunt, take, or kill or attempt to hunt, take, or kill wild mink in Delta County with dogs. A person may have in his possession a mink pelt while hunting with dogs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 161. DENTON COUNTY

§ 161.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Denton County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 44, ch. 9, art. II, § 59, eff. Aug. 29, 1983.]

CHAPTER 162. DEWITT COUNTY

§ 162.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in DeWitt County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 45, ch. 9, art. II, § 60, eff. Aug. 29, 1983.]

CHAPTER 163. DICKENS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

163.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

163.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 163.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Dickens County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 34, ch. 17, § 3, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 25, ch. 9, art. I, § 11, eff. Aug. 29, 1983.]

SUBCHAPTER B. BIRDS

§ 163.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## § 164.001

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### CHAPTER 164. DIMMIT COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

164.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

- 164.011. Fish Sale.  
164.012. Leaving Fish to Die.  
164.013. Repealed.

#### SUBCHAPTER C. PROVISIONS GENERALLY APPLICABLE TO HUNTING

164.021. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 164.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Dimmit County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 45, ch. 9, art. II, § 61, eff. Aug. 29, 1983.]

[Sections 164.002 to 164.010 reserved for expansion]

#### SUBCHAPTER B. FISH

##### § 164.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught, trapped, or ensnared in the streams of Dimmit County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

##### § 164.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Dimmit County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die, unless the person intends to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. The allowing of each fish to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 164.013. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

#### SUBCHAPTER C. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 164.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### CHAPTER 165. DONLEY COUNTY

##### § 165.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Donley County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 45, ch. 9, art. II, § 62, eff. Aug. 29, 1983.]

### CHAPTER 166. DUVAL COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

166.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS

166.011. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 166.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Duval County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 45, ch. 9, art. II, § 63, eff. Aug. 29, 1983.]

[Sections 166.002 to 166.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS

§ 166.011. Repealed by Acts 1981, 67th Leg., p. 933, ch. 348, § 1, eff. June 10, 1981

### CHAPTER 167. EASTLAND COUNTY

##### § 167.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Eastland County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 45, ch. 9, art. II, § 64, eff. Aug. 29, 1983.]

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CHAPTER 168. ECTOR COUNTY

§ 168.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Ector County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 46, ch. 9, art. II, § 65, eff. Aug. 29, 1983.]

CHAPTER 169. EDWARDS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 169.001. Conservation Act: Applicability.
169.002. Expired.

SUBCHAPTER B. FISH

- 169.011. Fish Sale.
169.012. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 169.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Edwards County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 46, ch. 9, art. II, § 66, eff. Aug. 29, 1983.]

§ 169.002. Expired

This section, relating to a mandatory proclamation as to hunting of doe, was added by Acts 1975, 64th Leg., p. 1222, ch. 456, § 22, and expired of its own terms on January 1, 1977.

[Sections 169.003 to 169.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 169.011. Fish Sale

(a) No person may take, offer, or possess, for the purpose of sale, any bass, crappie, perch, or bream in Edwards County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 169.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Edwards County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 170. ELLIS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 170.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 170.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 170.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Ellis County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 46, ch. 9, art. II, § 67, eff. Aug. 29, 1983.]

[Sections 170.002 to 170.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 170.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 171. EL PASO COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 171.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 171.011 to 171.013. Repealed

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### Section

171.014. Importation and Sale of Black Bass.

171.015. Importation Tags.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 171.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in El Paso County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 46, ch. 9, art. II, § 68, eff. Aug. 29, 1983.]

[Sections 171.002 to 171.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 171.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§§ 171.012, 171.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### § 171.014. Importation and Sale of Black Bass

(a) Black bass imported from another country may be sold in El Paso County if:

(1) the fish were caught in inland water of a foreign country which is not international water of the United States and the foreign country;

(2) the country from which the fish were imported permits the taking of the fish for sale; and

(3) an importation tag is attached to the gill, dorsal fin, or tail of each black bass sold.

(b) A person who sells or attempts to sell a black bass in El Paso County which does not have properly attached an importation tag is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 171.015. Importation Tags

(a) A licensed customhouse broker who wishes to handle the importation of black bass for sale in El Paso County shall notify the commission. The commission shall assign the broker a permanent record number and provide the number of metal importation tags requested by the broker.

(b) The cost of the importation tags shall be paid by the broker, and each tag shall contain the permanent record number of the broker and a separate number to identify the tag.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 172. ERATH COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

172.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

172.011. Fish Sale.

172.012. Minnow Sale.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 172.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Erath County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 46, ch. 9, art. II, § 69, eff. Aug. 29, 1983.]

[Sections 172.002 to 172.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 172.011. Fish Sale

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish, except bait fish, taken from the Bosque River or its tributaries in Erath County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bartered, bought, or sold or offered for barter or sale constitutes a separate offense. A person who violates this section may be prosecuted in the county where the offense is committed, where he is found with the fish in his possession, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in Erath County to give a special

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charge on this law to the grand juries of Erath County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 11, eff. Sept. 1, 1977.]

§ 172.012. Minnow Sale

In Erath County a person may raise and propagate minnows on his own premises or on premises under his control for personal use or for commercial purposes, and for sale inside or outside the county, at any time.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 173. FALLS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

173.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

173.011. Repealed.

SUBCHAPTER C. FISH

173.021. Fish Sale.

173.022. Minnow Transport.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 173.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Falls County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 47, ch. 9, art. II, § 70, eff. Aug. 29, 1983.]

[Sections 173.002 to 173.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 173.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, §§ 36, 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 173.012 to 173.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 173.021. Fish Sale

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, catfish, or any other fish, except bait fish, taken from the water of the Brazos River in Falls County or from the water within one mile from the mouth of any tributary of the Brazos River in Falls County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 12, eff. Sept. 1, 1977.]

§ 173.022. Minnow Transport

(a) No person may transport at any one time beyond the borders of Falls County more than 125 minnows taken from any stream, pond, lake, or lagoon in Falls County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 174. FANNIN COUNTY

§ 174.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Fannin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 47, ch. 9, art. II, § 71, eff. Aug. 29, 1983.]

CHAPTER 175. FAYETTE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

175.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

175.011. Minnow Transport and Sale.

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**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 175.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Fayette County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 47, ch. 9, art. II, § 72, eff. Aug. 29, 1983.]

[Sections 175.002 to 175.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 175.011. Minnow Transport and Sale**

(a) No person may transport any minnows taken from the water of Fayette County out of the county for the purpose of sale, nor transport more than 200 minnows out of the county for any purpose.

(b) Possession of more than 200 minnows is prima facie evidence of a violation of this section.

(c) This section does not apply to the transportation of minnows by the state and federal fish hatcheries in Fayette County.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 176. FISHER COUNTY**

**§ 176.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Fisher County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 47, ch. 9, art. II, § 73, eff. Aug. 29, 1983.]

**CHAPTER 177. FLOYD COUNTY**

**§ 177.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Floyd County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 47, ch. 9, art. II, § 74, eff. Aug. 29, 1983.]

**CHAPTER 178. FOARD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

178.001. Conservation Act: Applicability.

**SUBCHAPTER B. GAME ANIMALS [REPEALED]**

178.011. Repealed.

**SUBCHAPTER C. BIRDS [REPEALED]**

178.021, 178.022. Repealed.

**SUBCHAPTER D. FISH**

178.031. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 178.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Foard County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 25, ch. 9, art. I, § 12, eff. Aug. 29, 1983.]

[Sections 178.002 to 178.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS [REPEALED]**

§ 178.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER C. BIRDS [REPEALED]**

§§ 178.021, 178.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER D. FISH**

§ 178.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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CHAPTER 179. FORT BEND COUNTY

§ 179.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Fort Bend County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 48, ch. 9, art. II, § 75, eff. Aug. 29, 1983.]

CHAPTER 180. FRANKLIN COUNTY

§ 180.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Franklin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 48, ch. 9, art. II, § 76, eff. Aug. 29, 1983.]

CHAPTER 181. FREESTONE COUNTY

§ 181.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Freestone County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 48, ch. 9, art. II, § 77, eff. Aug. 29, 1983.]

CHAPTER 182. FRIO COUNTY

§ 182.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Frio County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 48, ch. 9, art. II, § 78, eff. Aug. 29, 1983.]

CHAPTER 183. GAINES COUNTY

§ 183.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Gaines County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 48, ch. 9, art. II, § 79, eff. Aug. 29, 1983.]

CHAPTER 184. GALVESTON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

184.001. Conservation Act: Applicability.

184.002. Repealed.

SUBCHAPTER B. BIRDS [REPEALED]

184.011. Repealed.

SUBCHAPTER C. FISH [REPEALED]

184.021 to 184.025. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 184.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp, in Galveston County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 724, ch. 270, § 10, eff. Oct. 1, 1978; Acts 1983, 68th Leg., p. 25, ch. 9, art. I, § 13, eff. Aug. 29, 1983.]

§ 184.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 184.003 to 184.010 reserved for expansion]

SUBCHAPTER B. BIRDS [REPEALED]

§ 184.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. FISH [REPEALED]

§§ 184.021 to 184.025. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 185. GARZA COUNTY

§ 185.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Garza County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 80, eff. Aug. 29, 1983.]



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### CHAPTER 186. GILLESPIE COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

186.001. Conservation Act: Applicability.

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

186.011 to 186.017. Repealed.

#### SUBCHAPTER C. FISH

186.021. Fish Sale.

186.022. Repealed.

186.023. Leaving Fish to Die.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 186.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Gillespie County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 81, eff. Aug. 29, 1983.]

[Sections 186.002 to 186.010 reserved for expansion]

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 186.011 to 186.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. FISH

##### § 186.021. Fish Sale

(a) No person may catch or possess for the purpose of sale any catfish, crappie, or bass in Gillespie County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2107, ch. 490, § 1, eff. June 11, 1981.]

§ 186.022. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

##### § 186.023. Leaving Fish to Die

(a) No person may knowingly place, throw, deposit on the banks or grounds adjacent to any of the

fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Gillespie County any catfish, perch, crappie, white perch, bass, trout, or other edible fish, and leave the fish to die without any intention of eating the fish or using them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 187. GLASSCOCK COUNTY

##### § 187.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Glasscock County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 82, eff. Aug. 29, 1983.]

### CHAPTER 188. GOLIAD COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

188.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS

188.011. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 188.001. Conservation Act: Applicability

The Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Goliad County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 414, ch. 172, § 1, eff. May 20, 1981; Acts 1983, 68th Leg., p. 26, ch. 9, art. I, § 14, eff. Aug. 29, 1983.]

[Sections 188.002 to 188.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS

§ 188.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

### CHAPTER 189. GONZALES COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

189.001. Conservation Act: Applicability.

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§ 191.012

SUBCHAPTER B. FISH

Section

- 189.011. Repealed.
- 189.012. Fish Sale.
- 189.013. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 189.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Gonzales County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 83, eff. Aug. 29, 1983.]

[Sections 189.002 to 189.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 189.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 189.012. Fish Sale

(a) No person may sell, offer for sale, or possess for the purpose of sale any fish, except minnows and perch used for bait, taken from the public water of Gonzales County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 189.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to the water of Gonzales County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 190. GRAY COUNTY

§ 190.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Gray County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 84, eff. Aug. 29, 1983.]

CHAPTER 191. GRAYSON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 191.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 191.011. Repealed.
- 191.012. Fish Sale.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 191.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Grayson County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 49, ch. 9, art. II, § 85, eff. Aug. 29, 1983.]

[Sections 191.002 to 191.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 191.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking bait fish, see, now, § 66.010.

§ 191.012. Fish Sale

(a) Except as provided in Subsection (b) of this section, no person may catch fish from the fresh water of Grayson County for the purpose of sale or possess for the purpose of sale fish caught from the fresh water of Grayson County.

(b) A person may sell or buy bait fish, sucker, buffalo fish, carp, shad, and gar caught from the fresh water of Grayson County, including Lake Texoma in Grayson County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10. Each fish caught or

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possessed for the purpose of sale constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 13, eff. Sept. 1, 1977.]

### CHAPTER 192. GREGG COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

192.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

192.011. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

192.021. Repealed.

#### SUBCHAPTER D. FUR-BEARING ANIMALS

192.031. Hunting Mink With Dogs.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 192.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Gregg County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 26, ch. 9, art. I, § 15, eff. Aug. 29, 1983.]

[Sections 192.002 to 192.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§ 192.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. BIRDS [REPEALED]

§ 192.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER D. FUR-BEARING ANIMALS

##### Repeal

*Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that*

*this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.*

### § 192.031. Hunting Mink With Dogs

(a) No person may hunt wild mink in Gregg County with dogs.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each mink found in possession in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 193. GRIMES COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

193.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

193.011 to 193.014. Repealed.

#### SUBCHAPTER C. FISH [REPEALED]

193.021. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 193.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Grimes County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1742, ch. 694, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 26, ch. 9, art. I, § 16, eff. Aug. 29, 1983.]

[Sections 193.002 to 193.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 193.011, 193.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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§ 193.013. Repealed by Acts 1979, 66th Leg., p. 1006, ch. 442, § 1, eff. June 6, 1979

§ 193.014. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. FISH [REPEALED]

§ 193.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

CHAPTER 194. GUADALUPE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

194.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

194.011. Fish Sale.

194.012. Explosives.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 194.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Guadalupe County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 50, ch. 9, art. II, § 86, eff. Aug. 29, 1983.]

[Sections 194.002 to 194.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 194.011. Fish Sale

(a) No person may barter, buy, or sell, or offer to barter or sell, any bass, crappie, perch, catfish, or any other fish, except bait fish, taken from the fresh water of Guadalupe County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 14, eff. Sept. 1, 1977.]

§ 194.012. Explosives

(a) No person may destroy fish by using any dynamite, powder, or any other explosive in any freshwater stream in Guadalupe County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 or by confinement in the county jail for no more than one year, or both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 195. HALE COUNTY

§ 195.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hale County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 50, ch. 9, art. II, § 87, eff. Aug. 29, 1983.]

CHAPTER 196. HALL COUNTY

§ 196.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 50, ch. 9, art. II, § 88, eff. Aug. 29, 1983.]

CHAPTER 197. HAMILTON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

197.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

197.011. Fish Sale.

197.012. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 197.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hamilton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 50, ch. 9, art. II, § 89, eff. Aug. 29, 1983.]

[Sections 197.002 to 197.010 reserved for expansion]

## § 197.011

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### SUBCHAPTER B. FISH

#### § 197.011. Fish Sale

(a) No person may barter, buy, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish, except bait fish, taken from the Bosque River or its tributaries in Hamilton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bartered, bought, or sold or offered for barter or sale constitutes a separate offense. A person who violates this section may be prosecuted in the county where the offense is committed, where he is found with the fish in his possession, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in Hamilton County to give a special charge on this law to the grand juries of Hamilton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 215, ch. 105, § 15, eff. Sept. 1, 1977.]

#### § 197.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 198. HANSFORD COUNTY

#### § 198.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hansford County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 50, ch. 9, art. II, § 90, eff. Aug. 29, 1983.]

### CHAPTER 199. HARDEMAN COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

199.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

199.011. Repealed.

### SUBCHAPTER C. BIRDS

##### Section

199.021. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 199.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hardeman County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 51, ch. 9, art. II, § 91, eff. Aug. 29, 1983.]

[Sections 199.002 to 199.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 199.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### SUBCHAPTER C. BIRDS

#### § 199.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

### CHAPTER 200. HARDIN COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

200.001. Conservation Act: Applicability.

#### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

200.011. Repealed.

#### SUBCHAPTER C. GAME ANIMALS [REPEALED]

200.021, 200.022. Repealed.

#### SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

200.031. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 200.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hardin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 51, ch. 9, art. II, § 92, eff. Aug. 29, 1983.]

[Sections 200.002 to 200.010 reserved for expansion]

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SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§ 200.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

SUBCHAPTER C. GAME ANIMALS [REPEALED]

§§ 200.021, 200.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

§ 200.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 201. HARRIS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

201.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

201.011 to 201.016. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 201.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Harris County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 26, ch. 9, art. I, § 17, eff. Aug. 29, 1983.]

[Sections 201.002 to 201.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 201.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§§ 201.012 to 201.014. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 201.015. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 201.016. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 202. HARRISON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

202.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

202.011. Repealed.

SUBCHAPTER C. FISH

202.021. Fish Sale.

SUBCHAPTER D. CADDO LAKE

202.031. Firing Weapons.

SUBCHAPTER E. BIRDS

202.041. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 202.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Harrison County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 51, ch. 9, art. II, § 93, eff. Aug. 29, 1983.]

[Sections 202.002 to 202.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS

§ 202.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 202.012 to 202.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 202.021. Fish Sale

(a) No person may buy or sell, offer to buy or sell, possess for sale, or carry, transport, or ship for

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sale, barter, or exchange any white bass or striped bass (barfish) in Harrison County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of no more than \$100. Each sale, shipment, or other act in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 202.022 to 202.030 reserved for expansion]

### SUBCHAPTER D. CADDO LAKE

#### § 202.031. Firing Weapons

(a) No person may shoot a pistol or rifle in, on, along, or across Caddo Lake in Harrison County.

(b) This section does not apply to peace officers, game management officers, or representatives of the Parks and Wildlife Commission in the discharge of their official duties, nor does it prevent a person from hunting with a shotgun during an open season or when it is lawful to hunt in or upon Caddo Lake in Harrison County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

(d) Venue for prosecutions for violations of this section is in Harrison or Marion counties. Prosecutions may be brought and maintained in either county without regard to the county where the offense was committed.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### SUBCHAPTER E. BIRDS

#### § 202.041. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 203. HARTLEY COUNTY

#### § 203.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hartley County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 51, ch. 9, art. II, § 94, eff. Aug. 29, 1983.]

## CHAPTER 204. HASKELL COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

204.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

204.011. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 204.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Haskell County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 51, ch. 9, art. II, § 95, eff. Aug. 29, 1983.]

[Sections 204.002 to 204.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 204.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 205. HAYS COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

205.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

205.011. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 205.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hays County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 52, ch. 9, art. II, § 96, eff. Aug. 29, 1983.]

[Sections 205.002 to 205.010 reserved for expansion]

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SUBCHAPTER B. FISH

§ 205.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 206. HEMPHILL COUNTY

§ 206.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hemphill County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 52, ch. 9, art. II, § 97, eff. Aug. 29, 1983.]

CHAPTER 207. HENDERSON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

207.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

207.011. Cedar Creek Reservoir: Fish Sale.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 207.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Henderson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 52, ch. 9, art. II, § 98, eff. Aug. 29, 1983.]

[Sections 207.002 to 207.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 207.011. Cedar Creek Reservoir: Fish Sale

(a) Except as provided by Subsection (b) of this section no person may sell or offer to sell any fish, except bait fish, taken from that portion of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir situated in Henderson County.

(b) This section does not prohibit the selling of rough fish taken by seine or net under contract with

the Parks and Wildlife Department as provided by general law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 16, eff. Sept. 1, 1977.]

CHAPTER 208. HIDALGO COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

208.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

208.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 208.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hidalgo County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 52, ch. 9, art. II, § 99, eff. Aug. 29, 1983.]

[Sections 208.002 to 208.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 208.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 209. HILL COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

209.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

209.011. Fish Sale.

209.012. Repealed.



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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 209.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hill County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 52, ch. 9, art. II, § 100, eff. Aug. 29, 1983.]

[Sections 209.002 to 209.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 209.011. Fish Sale

(a) No person may offer, expose, or possess for sale or sell any fish caught or taken from the Brazos River, Lake Whitney, or their tributaries in Hill County except as authorized by the Parks and Wildlife Department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Possession of each fish taken in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 209.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 210. HOCKLEY COUNTY

#### § 210.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hockley County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 53, ch. 9, art. II, § 101, eff. Aug. 29, 1983.]

### CHAPTER 211. HOOD COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

211.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

211.011. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 211.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hood County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 53, ch. 9, art. II, § 102, eff. Aug. 29, 1983.]

[Sections 211.002 to 211.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 211.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 212. HOPKINS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

212.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

212.011, 212.012. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

212.021, 212.022. Repealed.

#### SUBCHAPTER D. FUR-BEARING ANIMALS

212.031. Hunting Mink With Dogs.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 212.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hopkins County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 26, ch. 9, art. I, § 18, eff. Aug. 29, 1983.]

[Sections 212.002 to 212.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

#### §§ 212.011, 212.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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SUBCHAPTER C. BIRDS [REPEALED]

§§ 212.021, 212.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under 61.205 to 61.207.

SUBCHAPTER D. FUR-BEARING ANIMALS

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.

§ 212.031. Hunting Mink With Dogs

A person may hunt wild mink in Hopkins County with dogs. A person may have in his possession a mink pelt while hunting with dogs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 213. HOUSTON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

213.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

213.011, 213.012. Repealed.

SUBCHAPTER C. FISH

213.021. Fish Sale.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 213.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Houston County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 53, ch. 9, art. II, § 103, eff. Aug. 29, 1983.]

[Sections 213.002 to 213.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS

§ 213.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 213.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 213.013 to 213.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 213.021. Fish Sale

(a) No person may sell, offer for sale, or possess for sale any fish, except bait fish, caught or taken from the public fresh water of Houston County, except fish taken from those parts of the Trinity and Neches rivers which are in Houston County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 17, eff. Sept. 1, 1977.]

CHAPTER 214. HOWARD COUNTY

§ 214.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Howard County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 53, ch. 9, art. II, § 104, eff. Aug. 29, 1983.]

CHAPTER 215. HUDSPETH COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

215.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

215.011. Repealed.

## § 215.001

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 215.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hudspeth County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 53, ch. 9, art. II, § 105, eff. Aug. 29, 1983.]

[Sections 215.002 to 215.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 215.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

## CHAPTER 216. HUNT COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

216.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

216.011. Fish Sale.

216.012. Sale of Fish From Lake Tawakoni.

216.013. Leaving Fish to Die.

### SUBCHAPTER C. SABINE RIVER

216.021. Sabine River: Navigability.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 216.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hunt County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 106, eff. Aug. 29, 1983.]

[Sections 216.002 to 216.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 216.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Hunt County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 216.012. Sale of Fish From Lake Tawakoni

(a) Except as provided in this section, no person may sell or offer to sell any fish, except bait fish, taken from Lake Tawakoni in Hunt County.

(b) This section does not prohibit the sale of rough fish taken by net or seine under contract with the department as provided in this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 18, eff. Sept. 1, 1977.]

#### § 216.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Hunt County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 216.014 to 216.020 reserved for expansion]

### SUBCHAPTER C. SABINE RIVER

#### § 216.021. Sabine River: Navigability

(a) That part of the Sabine River located between its source and its juncture with the east boundary line of Hunt County is not a navigable stream for the purpose of hunting and fishing rights on and along the stream. This section does not divest the state of whatever title it may have to the bed or water of the stream.

(b) Article 5302, Revised Civil Statutes of Texas, 1925, does not apply to that portion of the Sabine River described in Subsection (a) of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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CHAPTER 217. HUTCHINSON COUNTY

§ 217.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Hutchinson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 107, eff. Aug. 29, 1983.]

CHAPTER 218. IRION COUNTY

§ 218.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Irion County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 108, eff. Aug. 29, 1983.]

CHAPTER 219. JACK COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

219.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

219.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 219.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jack County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 109, eff. Aug. 29, 1983.]

[Sections 219.002 to 219.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 219.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 220. JACKSON COUNTY

§ 220.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jackson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 110, eff. Aug. 29, 1983.]

CHAPTER 221. JASPER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

221.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

221.011 to 221.013. Repealed.

SUBCHAPTER C. FISH

221.021. Fish Sale.

SUBCHAPTER D. FUR-BEARING ANIMALS

221.031, 221.032. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 221.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jasper County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 54, ch. 9, art. II, § 111, eff. Aug. 29, 1983.]

[Sections 221.002 to 221.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 221.011 to 221.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. FISH

§ 221.021. Fish Sale

(a) No person may sell, offer for sale, or possess for sale any black bass, trout, white perch, or cat-

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fish of less than 18 inches in length taken from the water of the Sabine, Attoyoc, Angelina, and Neches rivers or any of their tributaries or lakes through which the flood streams of the rivers or their tributaries flow in Jasper County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or confinement in the county jail for not less than 10 days nor more than 30 days, or both. Each fish sold in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 221.022 to 221.030 reserved for expansion]

### SUBCHAPTER D. FUR-BEARING ANIMALS

§ 221.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 221.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 222. JEFF DAVIS COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

222.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

222.011. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 222.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jeff Davis County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 55, ch. 9, art. II, § 112, eff. Aug. 29, 1983.]

[Sections 222.002 to 222.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 222.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

## CHAPTER 223. JEFFERSON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

223.001. Conservation Act: Applicability.

### SUBCHAPTER B. SHRIMP

223.011. Regulatory Act: Exclusion.

223.012. Shrimp Regulations.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 223.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp, in Jefferson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 55, ch. 9, art. II, § 113, eff. Aug. 29, 1983.]

#### Repeal

*This section was repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983, without reference to the amendment of this section by art. II, § 113, of the same Act.*

[Sections 223.002 to 223.010 reserved for expansion]

### SUBCHAPTER B. SHRIMP

§ 223.011. Regulatory Act: Exclusion

The Uniform Wildlife Regulatory Act (Chapter 61 of this code) does not apply to shrimp in Jefferson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 223.012. Shrimp Regulations

(a) The commission may regulate the taking of shrimp from the coastal water of Jefferson County

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to provide for the most profitable and equitable harvest of shrimp from year to year and to conserve and protect the shrimp resources of Jefferson County from depletion and waste.

(b) The commission may make regulations to carry out the policy of this section including regulating:

- (1) the size of shrimp that may be taken;
- (2) open and closed shrimp seasons;
- (3) the means of taking shrimp;
- (4) the size and type of boats and equipment that may be used for taking shrimp;
- (5) the length and mesh size of nets and trawls and their spreading devices; and
- (6) the possession, transportation, sale, and other handling of shrimp in the coastal water of Jefferson County.

(c) The commission, by regulation adopted in accordance with this section, may provide for the licensing of all persons taking, selling, or handling shrimp in Jefferson County and may license boats and equipment used for the taking, selling, or handling of shrimp in Jefferson County. The commission may adopt the licensing provisions of the Texas Shrimp Conservation Act (Chapter 77 of this code).

(d) The commission shall conduct continuous research, investigations, and studies of the shrimp resources in Jefferson County in the same manner as required by Sections 77.004, 77.005, and 77.006 of this code. Based on the information obtained and after hearings, the commission shall promulgate the regulations authorized by this section. The hearings, the methods of adoption of the regulations, the effective date of the regulations, and the procedure for appeal shall be governed by the provisions of Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended.

(e) "Coastal water" is defined by Section 77.001(1) of this code.

(f) A person who violates a regulation of the commission adopted under this section shall be punished as provided in Section 77.020 of this code. The commission has all powers of enforcement granted to it under Chapter 77 of this code for the enforcement of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 224. JIM HOGG COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

224.001. Conservation Act: Applicability.

**SUBCHAPTER B. GAME ANIMALS [REPEALED]**

**Section**

224.011, 224.012. Repealed.

**SUBCHAPTER C. BIRDS [REPEALED]**

224.021. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 224.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jim Hogg County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 27, ch. 9, art. I, § 19, eff. Aug. 29, 1983.]

[Sections 224.002 to 224.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS [REPEALED]**

**§§ 224.011, 224.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983.**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER C. BIRDS [REPEALED]**

**§ 224.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**CHAPTER 225. JIM WELLS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

225.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

225.011. Fish Sale.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 225.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code)

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applies to the wildlife resources in Jim Wells County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 55, ch. 9, art. II, § 114, eff. Aug. 29, 1983.]

[Sections 225.002 to 225.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 225.011. Fish Sale

(a) No person may take for sale any fish, except bait fish, from Lake Corpus Christi formerly known as Lake Lovenskiold in Jim Wells County.

(b) No person may take for sale any fish from the water of the Nueces River in Jim Wells County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 19, eff. Sept. 1, 1977; Acts 1977, 65th Leg., p. 1401, ch. 565, § 1, eff. Aug. 29, 1977.]

## CHAPTER 226. JOHNSON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

226.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

226.011. Fish Sale.

226.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 226.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Johnson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 55, ch. 9, art. II, § 115, eff. Aug. 29, 1983.]

[Sections 226.002 to 226.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 226.011. Fish Sale

(a) No person may sell, offer for sale, or possess for sale any fish caught or taken from the Brazos

River, Lake Whitney, or their tributaries in Johnson County except as authorized by the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each fish possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 226.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 227. JONES COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

227.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

227.011. Fish Sale.

227.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 227.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Jones County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 55, ch. 9, art. II, § 116, eff. Aug. 29, 1983.]

[Sections 227.002 to 227.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 227.011. Fish Sale

(a) No person may catch fish, except bait fish, in the public water of Jones County for commercial purposes.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$250. Each day a person violates this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 20, eff. Sept. 1, 1977.]

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§ 229.012

§ 227.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 228. KARNES COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

228.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

228.011. Repealed.

SUBCHAPTER C. FISH

228.021. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 228.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Karnes County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 56, ch. 9, art. II, § 117, eff. Aug. 29, 1983.]

[Sections 228.002 to 228.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS

§ 228.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 228.012 to 228.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 228.021. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 229. KAUFMAN COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

229.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

Section

229.011. Fish Sale.

229.012. Sale of Certain Fish.

SUBCHAPTER C. ANIMALS

229.021. Sale of Certain Live Animals.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 229.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kaufman County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 56, ch. 9, art. II, § 118, eff. Aug. 29, 1983.]

[Sections 229.002 to 229.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 229.011. Fish Sale

(a) No person may take or possess for sale, sell, or offer for sale any bass, trout, crappie, white perch, bream or other perch or channel catfish measuring less than 12 inches in length, taken from the fresh water of Kaufman County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 229.012. Sale of Certain Fish

(a) No person may sell or offer to sell any fish, except bait fish, taken from Lake Tawakoni in Kaufman County or from Joe B. Hogsett Reservoir (Cedar Creek Reservoir) in Kaufman County.

(b) This section does not prohibit the selling of rough fish taken by seine or net under contract with the department as provided in this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 21, eff. Sept. 1, 1977.]



## § 229.021

## PARKS AND WILDLIFE CODE

### SUBCHAPTER C. ANIMALS

#### § 229.021. Sale of Certain Live Animals

(a) No person may sell or possess for the purpose of sale in Kaufman County a living armadillo, squirrel, skunk, bobcat, porcupine, raccoon, wolf, coyote, bear, fox, or opossum.

(b) This section does not apply to:

- (1) the sale of an animal by or to a zoo; or
- (2) the sale of an animal to an educational institution or a medical or research center for scientific purposes as authorized by a permit issued under Subchapter C, Chapter 43, of this code.<sup>1</sup>

(c) In this section, "zoo" means a publicly or privately owned establishment that has a permanent place of business open to the public and that displays 15 or more different species of wildlife.

(d) A person who violates Subsection (a) of this section is guilty of a Class B misdemeanor.

(e) A peace officer who has probable cause to believe that an animal has been sold or held for sale in violation of Subsection (a) of this section may seize the animal and hold it for observation to determine if the animal has rabies or any other communicable disease harmful to man or other animals. If the animal is free from disease, the officer may release the animal or, if the animal is otherwise dangerous or harmful, may destroy it. If the animal is diseased, it shall be destroyed. An officer exercising the duties under this section is immune from liability.

(f) A person who violates Subsection (a) of this section, in addition to the penalties under Subsection (d) of this section, on conviction shall pay all costs and expenses incurred under Subsection (e) of this section.

[Acts 1979, 66th Leg., p. 261, ch. 136, § 1, eff. Aug. 27, 1979.]

<sup>1</sup> Section 43.021 et seq.

Acts 1981, 67th Leg., p. 2742, ch. 749, which amended various provisions relating to the taking, possession, propagation, transportation, purchase, and sale of fur-bearing animals, in § 8 thereof, provides:

"The following sections of the Parks and Wildlife Code, as amended, are not affected by this Act: Sections 81.404, 229.021, 334.041, and 350.021."

## CHAPTER 230. KENDALL COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

230.001. Conservation Act: Applicability.

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

#### Section

230.011 to 230.018. Repealed.

### SUBCHAPTER C. BIRDS [REPEALED]

230.021. Repealed.

### SUBCHAPTER D. FISH

230.031 to 230.033. Repealed.

230.034. Fish Sale.

### SUBCHAPTER E. SPECIAL REGULATORY PROVISIONS [REPEALED]

230.041 to 230.054. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 230.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kendall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 27, ch. 9, art. I, § 20, eff. Aug. 29, 1983.]

[Sections 230.002 to 230.010 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 230.011 to 230.018. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. BIRDS [REPEALED]

§ 230.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER D. FISH

§§ 230.031 to 230.033. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

PARKS AND WILDLIFE CODE

§ 232.011

§ 230.034. Fish Sale

(a) No person may take, offer, or possess for sale any catfish, perch, crappie, bream, or bass in Kendall County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 230.035 to 230.040 reserved for expansion]

SUBCHAPTER E. SPECIAL REGULATORY PROVISIONS [REPEALED]

§§ 230.041 to 230.054. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 231. KENEDY COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

231.001. Conservation Act: Applicability.

SUBCHAPTER B. ANIMALS [REPEALED]

231.011. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

231.021, 231.022. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 231.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Kenedy County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 27, ch. 9, art. I, § 21, eff. Aug. 29, 1983.]

[Sections 231.002 to 231.010 reserved for expansion]

SUBCHAPTER B. ANIMALS [REPEALED]

§ 231.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 231.021, 231.022. Repealed by acts 1983, 68th Leg., p. 31, ch. 9, art. I § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 232. KENT COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

232.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

232.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 232.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kent County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 291, ch. 116, § 1, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 56, ch. 9, art. II, § 119, eff. Aug. 29, 1983.]

[Sections 232.002 to 232.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 232.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 233. KERR COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

233.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

233.011. Repealed.

SUBCHAPTER C. FISH

233.021. Injuring Fish.

233.022. Leaving Fish to Die.

SUBCHAPTER D. NONGAME ANIMALS

233.031. Exotic Animals Defined.

233.032. Hunting Exotic Game on Road.

## § 233.001

## PARKS AND WILDLIFE CODE

### Section

233.033. Hunting Exotic Animals Without Consent of Landowner.

233.034. Possession of Carcass of Exotic Animal.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 233.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kerr County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 56, ch. 9, Art. II, § 120, eff. Aug. 29, 1983.]

[Sections 233.002 to 233.010 reserved for expansion]

### SUBCHAPTER B. GAME ANIMALS

#### § 233.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 233.012 to 233.020 reserved for expansion]

### SUBCHAPTER C. FISH

#### § 233.021. Injuring Fish

(a) No person may destroy fish in any freshwater stream in Kerr County by the use of dynamite, powder, or other explosives.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and may be confined in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 233.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kerr County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die

in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### SUBCHAPTER D. NONGAME ANIMALS

#### § 233.031. Exotic Animals Defined

In this chapter, "exotic animal" means axis deer, fallow deer, blackbuck antelope, sika deer, aoudad sheep, mouflon sheep, barbado sheep, European red deer, Corsican sheep, four-horned sheep, sambar deer, eland antelope, sable antelope, white-tailed gnu, impala, greater kudu, blesbok, gazelle, oryx, guanaco, llama, thar, nilgai antelope, or ibex.

[Acts 1979, 66th Leg., p. 2121, ch. 821, § 1, eff. June 13, 1979.]

#### § 233.032. Hunting Exotic Game on Road

(a) No person on a public road or on the right-of-way of a public road in Kerr County may hunt an exotic animal.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$1,500 or confinement in jail for not more than six months or both.

[Acts 1979, 66th Leg., p. 2121, ch. 821, § 1, eff. June 13, 1979. Amended by Acts 1981, 67th Leg., p. 2075, ch. 466, § 1, eff. Aug. 31, 1981.]

Section 2 of the 1981 amendatory act provides:

"The penalties provided by this Act apply only to offenses that occur or are committed on or after the effective date of this Act. The penalties provided by Sections 233.032, 233.033, and 233.034, Parks and Wildlife Code, as amended before the effective date of this Act, are continued in effect for the prosecution of persons who committed the offenses defined by those sections before the effective date of this Act."

#### § 233.033. Hunting Exotic Animals Without Consent of Landowner

(a) No person may hunt on the land of another in Kerr County for an exotic animal without the express consent of the owner of the land to hunt for exotic animals.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$1,500 or confinement in jail for not more than six months or both.

[Acts 1979, 66th Leg., p. 2121, ch. 821, § 1, eff. June 13, 1979. Amended by Acts 1981, 67th Leg., p. 2075, ch. 466, § 1, eff. Aug. 31, 1981.]

Date of commission of offense relative to effective date of 1981 amendment of this section, penalty provision applicable, see note under § 233.032.

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§ 234.023

§ 233.034. Possession of Carcass of Exotic Animal

(a) Except as provided in Subsections (b) and (c) of this section, no person may possess the carcass of an exotic animal in Kerr County.

(b) Subsection (a) of this section does not apply to the owner or employee of the owner of the exotic animal, a public health officer, a law enforcement officer, or a veterinarian.

(c) It is an affirmative defense to a prosecution under Subsection (a) of this section that the person possessed the carcass of the exotic animal with the knowledge and consent of the owner.

(d) A person who violates Subsection (a) of this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$1,500 or confinement in jail for not more than six months or both.

[Acts 1979, 66th Leg., p. 2121, ch. 821, § 1, eff. June 13, 1979. Amended by Acts 1981, 67th Leg., p. 2075, ch. 466, § 1, eff. Aug. 31, 1981.]

Date of commission of offense relative to effective date of 1981 amendment of this section, penalty provision applicable, see note under § 233.032.

CHAPTER 234. KIMBLE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

234.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS

234.011. Repealed.

SUBCHAPTER C. FISH

234.021. Fish Sale.

234.022. Repealed.

234.023. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 234.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kimble County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 56, ch. 9, art. II, § 121, eff. Aug. 29, 1983.]

[Sections 234.002 to 234.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS

§ 234.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

[Sections 234.012 to 234.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 234.021. Fish Sale

(a) No person may offer, take, or possess for sale any catfish, perch, crappie, bream, or bass taken from the water of Kimble County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 234.022. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 234.023. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kimble County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 235. KING COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

235.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

235.011. Repealed.

## § 235.001

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### SUBCHAPTER C. BIRDS [REPEALED]

#### Section

235.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 235.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in King County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 27, ch. 9, art. I, § 22, eff. Aug. 29, 1983.]

[Sections 235.002 to 235.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 235.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### SUBCHAPTER C. BIRDS [REPEALED]

#### § 235.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 236. KINNEY COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

236.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

236.011. Fish Sale.

236.012. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 236.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Kinney County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 57, ch. 9, art. II, § 122, eff. Aug. 29, 1983.]

[Sections 236.002 to 236.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 236.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Kinney County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 236.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Kinney County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 237. KLEBERG COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

237.001. Conservation Act: Applicability.

### SUBCHAPTER B. ANIMALS [REPEALED]

237.011. Repealed.

### SUBCHAPTER C. BIRDS

237.021. Repealed.

237.022. Audubon Society Land.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 237.001. Conservation Act: Applicability

Except as provided by this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code)

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## § 237.022

applies to the wildlife resources, except shrimp and oysters, in Kleberg County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1052, ch. 482, § 1, eff. June 7, 1979; Acts 1983, 68th Leg., p. 57, ch. 9, art. II, § 123, eff. Aug. 29, 1983.]

[Sections 237.002 to 237.010 reserved for expansion]

### SUBCHAPTER B. ANIMALS [REPEALED]

#### § 237.011. Repealed by Acts 1979, 66th Leg., p. 1052, ch. 482, § 2

This section is repealed effective as provided by § 61.004.

The repealed section was derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1. The section read:

##### “§ 237.011. Javelina

“(a) This section applies to the following land in Kleberg County:

“All lands within the Kleberg Town and Improvement Company's Subdivision (except those lands lying within the confines of the city of Kingsville, the town of Ricardo, and the United States Naval Auxiliary Air Station);

“All lands lying within King Addition, except farm lots one, three, and the West one-half and the Northeast one-fourth of lot five; and

“All lands lying within King Addition No. 3, King Addition No. 4, and King Addition No. 2.

“(b) There is no closed season during which javelina may not be hunted in the area described in Subsection (a) of this section.

“(c) No person may take or possess for sale, sell, barter, or offer for sale in the area described in Subsection (a) of this section a javelina or a part of a javelina.

“(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each javelina taken, possessed, sold, or offered for sale in violation of this section constitutes a separate offense.”

### SUBCHAPTER C. BIRDS

#### § 237.021. Repealed by Acts 1979, 66th Leg., p. 1052, ch. 482, § 2

This section is repealed effective as provided by § 61.004.

The repealed section was derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1. The section read:

##### “§ 237.021. Quail

“(a) No person may hunt wild quail in Kleberg County except during the open season beginning on December 1 of one year and extending through January 31 of the following year.

“(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less \$10 nor more than \$200. Each quail taken in violation of this section constitutes a separate offense.”

#### § 237.022. Audubon Society Land

(a) This section applies to North Bird Island and South Bird Island and the flats, reefs, and shallow

water near those islands in Kleberg County during the period that the National Association of the Audubon Societies is the lessee of those islands.

(b) No person, other than an agent, representative, or employee of the National Association of Audubon Societies or an officer of this state or the United States, may enter on the land without the knowledge or consent of the association for the purpose of hunting a bird or for the purpose of taking or destroying a bird egg or nest.

(c) No person may hunt or molest a bird on the described land whether the person is on or off the described land.

(d) No person may discharge a firearm or explosive on or above the described land.

(e) No person may land, tie, or anchor a fishing boat in the described land.

(f) This section does not prohibit an agent, representative, or employee of the association from:

(1) hunting birds known to be a prey on other birds or eggs; or

(2) taking birds and eggs for propagation, conservation, or scientific purposes.

(g) This section does not prohibit a person from taking refuge on the described land because of storms.

(h) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500 or by confinement in jail for not less than 10 days nor more than 6 months, or by both.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

Acts 1979, 66th Leg., p. 1052, ch. 482, §§ 1, 2, amended § 237.001 and repealed subchapter B of this chapter and § 237.021. Section 3 of said Act provided:

“Section 237.022, Parks and Wildlife Code, is not repealed as provided by Section 61.004, Parks and Wildlife Code.”

## CHAPTER 238. KNOX COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

238.001. Conservation Act: Applicability.

### SUBCHAPTER B. BIRDS

238.011. Repealed.

## § 238.001

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 238.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Knox County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 57, ch. 9, art. II, § 124, eff. Aug. 29, 1983.]

[Sections 238.002 to 238.010 reserved for expansion]

### SUBCHAPTER B. BIRDS

*Acts 1981, 67th Leg., p. 292, ch. 116, § 2, changed the heading of this subchapter from "Fish" to "Birds."*

#### § 238.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

A former § 238.011 was repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977.

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 239. LAMAR COUNTY

#### § 239.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lamar County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 57, ch. 9, art. II, § 125, eff. Aug. 29, 1983.]

### CHAPTER 240. LAMB COUNTY

#### § 240.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lamb County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 57, ch. 9, art. II § 126, eff. Aug. 29, 1983.]

### CHAPTER 241. LAMPASAS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

241.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

##### Section

241.011. Fish Sale.

241.012. Leaving Fish to Die.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 241.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lampasas County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 127, eff. Aug. 29, 1983.]

[Sections 241.002 to 241.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 241.011. Fish Sale

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Lampasas County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 241.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Lampasas County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 242. LA SALLE COUNTY

#### SUBCHAPTER A. APPLICABILITY TO UNIFORM WILDLIFE REGULATORY ACT

##### Section

242.001. Conservation Act: Applicability.

242.002. Repealed.

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SUBCHAPTER B. GAME ANIMALS [REPEALED]

Section

242.011, 242.012. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

242.021 to 242.023. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 242.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in La Salle County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1184, ch. 575, § 1, eff. Aug. 27, 1979; Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 128, eff. Aug. 29, 1983.]

§ 242.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 242.003 to 242.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 242.011, 242.012. Repealed by Acts 1979, 66th Leg., p. 1184, ch. 575, § 3

These sections were repealed effective as provided by § 61.004.

The repealed sections were derived from Acts 1975, 64th Leg., p. 1405, ch. 545, as amended by Acts 1977, 65th Leg., p. 567, ch. 201, §§ 1 and 2, respectively. The sections read:

“§ 242.011. Deer Season

“(a) No person may hunt buck deer in La Salle County except during the open season beginning on the Saturday nearest November 15 of one year and extending through the first Sunday in January of the following year, unless the first Sunday in January is later than January 4, in which case the season extends through January 1.

“(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each deer killed, taken, or possessed in violation of this section constitutes a separate offense.

“§ 242.012. Collared Peccary (Javelina)

“(a) No person may hunt collared peccary (javelina) in La Salle County except during the open season beginning on November 1 and extending through the first Sunday in January of the following year, unless the first Sunday in January is later than January 4, in which case the season extends through January 1.

“(b) No person may take or possess collared peccary (javelina) or any part of a collared peccary (javelina) for barter or sale or barter or sell collared peccary (javelina) in La Salle County.

“(c) No person may take more than two collared peccary (javelina) in one open season.

“(d) This section does not apply to collared peccary (javelina) or their hides imported from another state or country.

“(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each collared peccary (javelina) taken, possessed, sold, offered for sale, or possessed for sale in violation of this section is a separate offense.”

SUBCHAPTER C. BIRDS [REPEALED]

§§ 242.021 to 242.023. Repealed by Acts 1979, 66th Leg., p. 1184, ch. 575, § 3

These sections were repealed effective as provided by § 61.004.

Sections 242.021 and 242.022 were derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, as amended by Acts 1977, 65th Leg., p. 567, ch. 201, §§ 3 and 4, respectively. Section 242.023 was derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1. The sections read:

“§ 242.021. Turkey

“(a) No person may hunt turkey in La Salle County except during the open season beginning on November 1 and extending through the first Sunday in January of the following year, unless the first Sunday in January is later than January 4, in which case the season extends through January 1.

“(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each turkey killed, taken, or possessed in violation of this section constitutes a separate offense.

“§ 242.022. Quail

“(a) No person may hunt quail in La Salle County except during the open season beginning on November 1 and extending through the first Sunday in January of the following year, unless the first Sunday in January is later than January 4, in which case the season extends through January 1.

“(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each quail taken, killed, or possessed in violation of this section constitutes a separate offense.

“§ 242.023. Pheasant

“Wild pheasant of all varieties may be hunted at any time in La Salle County.”

CHAPTER 243. LAVACA COUNTY

§ 243.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lavaca County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 129, eff. Aug. 29, 1983.]

CHAPTER 244. LEE COUNTY

§ 244.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lee County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 130, eff. Aug. 29, 1983.]



## § 245.001

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### CHAPTER 245. LEON COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

- 245.001. Conservation Act: Applicability.  
245.002. Repealed.

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

- 245.011, 245.012. Repealed.

#### SUBCHAPTER C. BIRDS [REPEALED]

- 245.021, 245.022. Repealed.

#### SUBCHAPTER D. FISH [REPEALED]

- 245.031. Repealed.

#### SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

- 245.041. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 245.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Leon County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 391, ch. 182, § 1, eff. May 15, 1979; Acts 1983, 68th Leg., p. 28, ch. 9, art. I, § 23, eff. Aug. 29, 1983.]

##### § 245.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 245.003 to 245.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS [REPEALED]

##### §§ 245.011, 245.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of Law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. BIRDS [REPEALED]

##### §§ 245.021, 245.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER D. FISH

[REPEALED]

##### § 245.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

### SUBCHAPTER E. FUR-BEARING ANIMALS

[REPEALED]

##### § 245.041. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 246. LIBERTY COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

- 246.001. Conservation Act: Applicability.

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

- 246.011. Repealed.  
246.012. Discharge of Firearms.  
246.013. Penalty.

### SUBCHAPTER C. GAME ANIMALS

- 246.021. Repealed.

### SUBCHAPTER D. FUR-BEARING ANIMALS

- 246.031. Calling Devices.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 246.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Liberty County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 131, eff. Aug. 29, 1983.]

[Sections 246.002 to 246.010 reserved for expansion]

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

##### § 246.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

##### § 246.012. Discharge of Firearms

(a) Except as provided in Subsection (b) of this section, no person may shoot a pistol or rifle in, on,

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§ 248.001

along, and across the water of the Trinity River or Wallisville Reservoir in Liberty County.

(b) This section does not apply to peace officers or representatives of the department in the lawful discharge of their duties or to a person hunting migratory waterfowl during an open season in and on the Trinity River and Wallisville Reservoir.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 246.013. Penalty

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 246.014 to 246.020 reserved for expansion]

SUBCHAPTER C. GAME ANIMALS

§ 246.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 246.022 to 246.030 reserved for expansion]

SUBCHAPTER D. FUR-BEARING ANIMALS

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.

§ 246.031. Calling Devices

(a) No person may use any horn, recording, or other device to call or attract wild fox in Liberty County unless he has first obtained a permit from the department to use the devices for making wildlife movies or scientific research.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 247. LIMESTONE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

247.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

247.011. Repealed.

SUBCHAPTER C. GAME ANIMALS

247.021. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 247.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Limestone County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 58, ch. 9, art. II, § 132, eff. Aug. 29, 1983.]

[Sections 247.002 to 247.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 247.011. Repealed by Acts 1983, 68th Leg., p.31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 247.012 to 247.020 reserved for expansion]

SUBCHAPTER C. GAME ANIMALS

§ 247.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 248. LIPSCOMB COUNTY

§ 248.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lipscomb County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 59, ch. 9, art. II, § 133, eff. Aug. 29, 1983.]

## § 249.001

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### CHAPTER 249. LIVE OAK COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

249.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

249.011. Fish Sale.

249.012, to 249.014. Repealed.

249.015. Penalties.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 249.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Live Oak County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 59, ch. 9, art. II, § 134, eff. Aug. 29, 1983.]

[Sections 249.002 to 249.010 reserved for expansion]

#### SUBCHAPTER B. FISH

##### § 249.011. Fish Sale

No person may barter or sell, offer to barter or sell, or buy any fish, except bait fish, taken from the public fresh water of Live Oak County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 22, eff. Sept. 1, 1977; Acts 1979, 66th Leg., p. 2082, ch. 813, § 1, eff. Aug. 27, 1979.]

§§ 249.012 to 249.014. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

##### § 249.015. Penalties

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each fish taken or possessed in violation of Section 249.011 or 249.012 and each device used in violation of Section 249.013 or 249.014 constitutes a separate offense.

[Acts 1979, 66th Leg., p. 2082, ch. 813, § 2, eff. Aug. 27, 1979.]

### CHAPTER 250. LLANO COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

250.001. Conservation Act: Applicability.

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

250.011 to 250.017. Repealed.

#### SUBCHAPTER C. FISH

250.021. Fish Sale.

250.022. Injuring Fish.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 250.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Llano County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 59, ch. 9, art. II, § 135, eff. Aug. 29, 1983.]

[Sections 250.002 to 250.010 reserved for expansion]

#### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 250.011 to 250.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### SUBCHAPTER C. FISH

##### § 250.021. Fish Sale

(a) No person may take, offer, or possess for sale any catfish, perch, crappie, bream, or bass from the water of Llano County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

##### § 250.022. Injuring Fish

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Llano County any catfish, perch, crappie, white perch, bass, trout, or other

edible fish, and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 251. LOVING COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

251.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

251.011. Fish Sale.

251.012. Repealed.

251.013. Leaving Fish to Die.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 251.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Loving County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 28, ch. 9, art. I, § 24, eff. Aug. 29, 1983.]

[Sections 251.002 to 251.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 251.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Loving County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 251.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**§ 251.013. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Loving County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 252. LUBBOCK COUNTY**

**§ 252.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lubbock County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 59, ch. 9, art. II, § 136, eff. Aug. 29, 1983.]

**CHAPTER 253. LYNN COUNTY**

**§ 253.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Lynn County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 59, ch. 9, art. II, § 137, eff. Aug. 29, 1983.]

**CHAPTER 254. McCULLOCH COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

254.001. Conservation Act: Applicability.

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

254.011 to 254.017. Repealed.

**SUBCHAPTER C. FISH**

254.021. Fish Sale.

254.022. Leaving Fish to Die.

254.023, 254.024. Repealed.

## § 254.001

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 254.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in McCulloch County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 60, ch. 9, art. II, § 138, eff. Aug. 29, 1983.]

[Sections 254.002 to 254.010 reserved for expansion]

### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

#### §§ 254.011 to 254.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. FISH

#### § 254.021. Fish Sale

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of McCulloch County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 254.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in McCulloch County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### §§ 254.023, 254.024. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 255. McLENNAN COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

#### 255.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

#### 255.011. Fish Sale.

#### 255.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 255.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in McLennan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 60, ch. 9, art. II, § 139, eff. Aug. 29, 1983.]

[Sections 255.002 to 255.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 255.011. Fish Sale

(a) No person may buy, barter, or sell or offer to barter or sell any bass, crappie, perch, channel or Opelousas catfish, or any other fish, except bait fish, taken from Lake Waco, the Bosque River, or their tributaries in McLennan County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish bought, sold, bartered or offered for sale or barter in violation of this section constitutes a separate offense. A person may be prosecuted for a violation of this section in the county where the offense is committed, where he is found possessing the fish, or where the fish are sold or offered for sale.

(c) It is the duty of the district judge of the judicial district in McLennan County to give a special charge on this law to the grand juries of McLennan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 216, ch. 105, § 23, eff. Sept. 1, 1977.]

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§ 255.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 256. McMULLEN COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

256.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS [REPEALED]

256.011 to 256.012. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

256.021, 256.022. Repealed.

SUBCHAPTER D. FISH

256.031. Fish Sale.

256.032 to 256.034. Repealed

256.035. Penalties.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 256.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in McMullen County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 28, ch. 9, art. I, § 25, eff. Aug. 29, 1983.]

[Sections 256.002 to 256.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 256.011 to 256.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 256.021, 256.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

SUBCHAPTER D. FISH

§ 256.031. Fish Sale

No person may barter or sell, offer to barter or sell, or buy any fish, except bait fish, taken from the public fresh water of McMullen County.

[Acts 1979, 66th Leg., p. 392, ch. 183, § 1, eff., Aug. 27, 1979.]

§§ 256.032 to 256.034. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 256.035.<sup>1</sup> Penalties

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. Each fish taken or possessed in violation of Section 256.031 or 256.032 and each device used in violation of Section 256.033 or 256.034 constitutes a separate offense.

[Acts 1979, 66th Leg., p. 392, ch. 183, § 1, eff. Aug. 27, 1979.]

<sup>1</sup> Enrolled bill read "236.035."

CHAPTER 257. MADISON COUNTY

§ 257.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Madison County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 60, ch. 9, art. II, § 140, eff. Aug. 29, 1983.]

CHAPTER 258. MARION COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

258.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

258.011. Shooting Pistols on Caddo Lake.

SUBCHAPTER C. ANIMALS [REPEALED]

258.021 to 258.024. Repealed

SUBCHAPTER D. BIRDS [REPEALED]

258.031 to 258.033. Repealed.

## § 258.001

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### SUBCHAPTER E. FISH

#### Section

258.041, 258.042. Repealed.  
258.043. Fish Sale.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 258.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Marion County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 28, ch. 9, art. I, § 26, eff. Aug. 29, 1983.]

[Sections 258.002 to 258.110 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

#### § 258.011. Shooting Pistols on Caddo Lake

(a) No person may shoot a pistol in, on, along, or across Caddo Lake in Marion County.

(b) This section does not apply to peace officers or employees of the department engaged in official duties, nor does this section prohibit hunting with a shotgun during an open season.

(c) Peace officers and authorized employees of the department may inspect boats and other watercraft for violations of this section without a warrant.

(d) A prosecution for a violation of this section may be maintained in Marion or Harrison County without regard to where the offense occurred.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 258.012 to 258.020 reserved for expansion]

### SUBCHAPTER C. ANIMALS [REPEALED]

§§ 258.021 to 258.024. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER D. BIRDS [REPEALED]

§ 258.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 258.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983; Acts 1983, 68th Leg., p. 1339, ch. 277, § 56, eff. Sept. 1, 1983

Continuation of law in effect for violations occurring before repeal by Acts 1983, 68th Leg., p. 22, ch. 9, see note following §§ 61.205 to 61.207.

§ 258.033. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note following §§ 61.205 to 61.207.

### SUBCHAPTER E. FISH

§§ 258.041, 258.042. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

#### § 258.043. Fish Sale

(a) No person may possess for sale, sell, buy, offer to sell or buy, transport or ship for the purpose of sale, or barter a white bass or a striped bass in Marion County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$100. Each fish sale or shipment in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 259. MARTIN COUNTY

#### § 259.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Martin County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 60, ch. 9, art. II, § 141, eff. Aug. 29, 1983.]

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CHAPTER 260. MASON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

260.001. Conservation Act: Applicability.

SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

260.011 to 260.017. Repealed.

SUBCHAPTER C. FISH

260.021. Fish Sale.

260.022. Leaving Fish to Die.

260.023. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 260.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Mason County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 60, ch. 9, art. II, § 142, eff. Aug. 29, 1983.]

[Sections 260.002 to 260.010 reserved for expansion]

SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 260.011 to 260.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. FISH

§ 260.021. Fish Sale

(a) No person may take for sale, offer for sale, or possess for sale any catfish, perch, crappie, bream, or bass in Mason County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 260.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Mason County any catfish,

perch, crappie, white perch, bass, trout, or other edible fish, and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 260.023. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 261. MATAGORDA COUNTY

Section

261.001. Conservation Act: Applicability.

261.002. Repealed.

§ 261.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp, in Matagorda County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 61, ch. 9, art. II, § 143, eff. Aug. 29, 1983.]

§ 261.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

CHAPTER 262. MAVERICK COUNTY

§ 262.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Maverick County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 61, ch. 9, art. II, § 144, eff. Aug. 29, 1983.]

CHAPTER 263. MEDINA COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

263.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

263.011. Fish Sale.

263.012. Injuring Fish.

263.013. Leaving Fish to Die.



## § 263.001

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 263.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Medina County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 61, ch. 9, art. II, § 145, eff. Aug. 29, 1983.]

[Sections 263.002 to 263.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 263.011. Fish Sale

(a) No person may barter, sell, or offer for barter or sale any bass, perch, crappie, or catfish taken from the freshwater streams of Medina County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 263.012. Injuring Fish

(a) No person may use dynamite, powder, or other explosive in the freshwater streams of Medina County resulting in the destruction of fish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and confinement in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 263.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Medina County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 264. MENARD COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

264.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

264.011. Fish Sale.

264.012. Repealed.

264.013. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 264.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Menard County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 61, ch. 9, art. II, § 146, eff. Aug. 29, 1983.]

[Sections 264.002 to 264.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 264.011. Fish Sale

(a) No person may take, offer, or possess for the purpose of sale any catfish, perch, crappie, bream, or bass in Menard County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 264.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

#### § 264.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Menard County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention of eating the fish or using it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in

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violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 265. MIDLAND COUNTY**

**§ 265.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Midland County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 61, ch. 9, art. II, § 147, eff. Aug. 29, 1983.]

**CHAPTER 266. MILAM COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

266.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

266.011. Fish Sale.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 266.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Milam County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 62, ch. 9, art. II, § 148, eff. Aug. 29, 1983.]

[Sections 266.002 to 266.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 266.011. Fish Sale**

(a) No person may barter, sell, offer for barter or sale, buy, or possess after purchase any fish taken from the water of Milam County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 267. MILLS COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

267.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

267.011. Fish Sale.

267.012. Leaving Fish to Die.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 267.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Mills County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 62, ch. 9, art. II, § 149, eff. Aug. 29, 1983.]

[Sections 267.002 to 267.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 267.011. Fish Sale**

(a) No person may sell or offer for sale any bass, white perch, crappie, or catfish caught in the streams of Mills County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 267.012. Leaving Fish to Die**

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, lagoons, or tanks, in Mills County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without any intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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**CHAPTER 268. MITCHELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

268.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

268.011. Fish Sale: Lake Colorado City.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 268.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Mitchell County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 62, ch. 9, art. II, § 150, eff. Aug. 29, 1983.]

[Sections 268.002 to 268.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 268.011. Fish Sale: Lake Colorado City**

(a) No person may catch fish, except bait fish, from Lake Colorado City in Mitchell County for the purpose of sale.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 24, eff. Sept. 1, 1977.]

**CHAPTER 269. MONTAGUE COUNTY**

**§ 269.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Montague County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 62, ch. 9, art. II, § 151, eff. Aug. 29, 1983.]

**CHAPTER 270. MONTGOMERY COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

270.001. Conservation Act: Applicability.

**SUBCHAPTER B. GAME ANIMALS**

**Section**

270.011. Repealed.

**SUBCHAPTER C. FISH**

270.021. Importation, Possession, and Release of Grass Carp.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 270.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Montgomery County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 62, ch. 9, art. II, § 152, eff. Aug. 29, 1983.]

[Sections 270.002 to 270.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS**

**§ 270.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 270.012 to 270.020 reserved for expansion]

**SUBCHAPTER C. FISH**

**§ 270.021. Importation, Possession, and Release of Grass Carp**

*Text of section added effective until September 1, 1987*

(a) Grass carp (white amur or *Ctenopharyngodon idella*) may be imported, possessed, and released by Texas A&M University into the water of Lake Conroe in Montgomery County for research purposes. This section prevails over any contrary regulation of the department issued under Chapter 43, Chapter 66, or Chapter 67 of this code.

(b) This section expires September 1, 1987.

[Acts 1981, 67th Leg., p. 3295, ch. 863, § 1, eff. Aug. 31, 1981.]

Section 4 of the 1981 Act provides:

"This Act expires on September 1, 1987."

Former § 270.021, relating to minnow sale and transport, and derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, was repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a).

Sale, transportation, and taking of bait fish, see, now, § 66.010.

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CHAPTER 271. MOORE COUNTY

§ 271.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Moore County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 63, ch. 9, art. II, § 153, eff. Aug. 29, 1983.]

CHAPTER 272. MORRIS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

272.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS [REPEALED]

272.011 to 272.017. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

272.021, 272.022. Repealed.

SUBCHAPTER D. FISH [REPEALED]

272.031. Repealed.

SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

272.041. Repealed.

SUBCHAPTER F. LAKE TEXARKANA AND DAINGERFIELD LAKE

272.051. Discharge of Firearms.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 272.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Morris County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2103, ch. 487, § 1, eff. June 11, 1981; Acts 1983, 68th Leg., p. 63, ch. 9, art. II, § 154, eff. Aug. 29, 1983.]

[Sections 272.002 to 272.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 272.011 to 272.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 272.021, 272.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. FISH [REPEALED]

§ 272.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]

§ 272.041. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

SUBCHAPTER F. LAKE TEXARKANA AND DAINGERFIELD LAKE

§ 272.051. Discharge of Firearms

(a) Except as provided in Subsection (b) of this section, no person may shoot a pistol or rifle in, on, along, or across Daingerfield Lake or Lake Texarkana in Morris County.

(b) This section does not apply to peace officers, game wardens, or agents of the department in the lawful exercise of their duty or to persons hunting with a shotgun during an open season in or on Daingerfield Lake or Lake Texarkana.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 273. MOTLEY COUNTY

§ 273.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Motley County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 63, ch. 9, art. II, § 155, eff. Aug. 29, 1983.]

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**CHAPTER 274. NACOGDOCHES COUNTY**

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

**§ 274.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Nacogdoches County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 63, ch. 9, art. II, § 156, eff. Aug. 29, 1983.]

**§§ 276.011 to 276.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**CHAPTER 275. NAVARRO COUNTY**

**SUBCHAPTER C. FISH**

**§ 275.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Navarro County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 63, ch. 9, art. II, § 157, eff. Aug. 29, 1983.]

**§ 276.021. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale any black bass, trout, white perch, or catfish of less than 18 inches in length taken from the water of the Sabine, Attoyoc, Angelina, and Neches rivers or any of their tributaries or lakes through which the flood streams of the rivers or their tributaries flow in Newton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$500, or imprisonment in the county jail for not less than 10 days nor more than 30 days, or both. Each fish sold in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 276.022 to 276.030 reserved for expansion]

**CHAPTER 276. NEWTON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

276.001. Conservation Act: Applicability.

**SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

276.011 to 276.013. Repealed.

**SUBCHAPTER C. FISH**

276.021. Fish Sale.

**SUBCHAPTER D. FUR-BEARING ANIMALS**

276.031, 276.032. Repealed.

**SUBCHAPTER D. FUR-BEARING ANIMALS**

**§ 276.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983**

**§ 276.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 276.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Newton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 64, ch. 9, art. II, § 158, eff. Aug. 29, 1983.]

[Sections 276.002 to 276.010 reserved for expansion]

**CHAPTER 277. NOLAN COUNTY**

**§ 277.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Nolan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 64, ch. 9, art. II, § 159, eff. Aug. 29, 1983.]

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CHAPTER 278. NUECES COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

278.001. Conservation Act: Applicability.

SUBCHAPTER B. SHRIMP

278.011. Nets and Seines.

SUBCHAPTER C. FISH

278.021. Fish Sale: Nueces River.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 278.001. Conservation Act: Applicability

Except as provided by this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Nueces County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 2498, ch. 657, § 1, eff. June 15, 1981; Acts 1983, 68th Leg., p. 64, ch. 9, art. II, § 160, eff. Aug. 29, 1983.]

[Sections 278.002 to 278.010 reserved for expansion]

SUBCHAPTER B. SHRIMP

§ 278.011. Nets and Seines

(a) No person may use for the purpose of catching shrimp a net or seine, except a cast net or minnow seine not more than 20 feet in length for catching bait only, in the water of the Gulf of Mexico within one mile of the Horace Caldwell pier located on Mustang Island and the Bob Hall pier located on Padre Island in Nueces County or within 1,000 feet of the shoreline of Padre Island in Nueces County.

(b) A person who violates this section is guilty of a misdemeanor and on a first conviction is punishable by a fine of not less than \$25 nor more than \$100, and on a second or subsequent conviction is punishable by a fine of not less than \$100 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBCHAPTER C. FISH

§ 278.021. Fish Sale: Nueces River

(a) No person may take for sale any fish from the portion of the Nueces River in Nueces County west and north of the Calallen Dam or from a tributary

of the Nueces River in Nueces County the confluence of which with the Nueces River is west and north of the Calallen Dam.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. [Acts 1977, 65th Leg., p. 1401, ch. 565, § 2, eff. Aug. 29, 1977.]

CHAPTER 279. OCHILTREE COUNTY

§ 279.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Ochiltree County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 64, ch. 9, art. II, § 161, eff. Aug. 29, 1983.]

CHAPTER 280. OLDDHAM COUNTY

§ 280.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Oldham County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 64, ch. 9, art. II, § 162, eff. Aug. 29, 1983.]

CHAPTER 281. ORANGE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

281.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

281.011. Repealed.

SUBCHAPTER C. SHRIMP

281.021. Repealed.

281.022. Shrimp Regulations.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 281.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code)

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applies to the wildlife resources, except shrimp, in Orange County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 65, ch. 9, art. II, § 163, eff. Aug. 29, 1983.]

[Sections 281.002 to 281.010 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 281.011. **Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 281.012 to 281.020 reserved for expansion]

### SUBCHAPTER C. SHRIMP

§ 281.021. **Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983**

§ 281.022. **Shrimp Regulations**

(a) The commission may regulate the taking of shrimp from the coastal water of Orange County to provide for the most profitable and equitable harvest of shrimp from year to year and to conserve and protect the shrimp resources of Orange County from depletion and waste.

(b) The commission may make regulations to carry out the policy of this section including regulating:

- (1) the size of shrimp that may be taken;
- (2) open and closed shrimp seasons;
- (3) the means of taking shrimp;
- (4) the size and type of boats and equipment that may be used for taking shrimp;
- (5) the length and mesh size of net and trawls and their spreading devices; and
- (6) the possession, transportation, sale, and other handling of shrimp in the coastal water of Orange County.

(c) The commission by regulation adopted in accordance with this section may provide for the licensing of all persons taking, selling, or handling shrimp in Orange County and may license boats and equipment used for the taking, selling, or handling of shrimp in Orange County. The commission may adopt the licensing provisions of the Texas Shrimp Conservation Act (Chapter 77 of this code).

(d) The commission shall conduct continuous research, investigations, and studies of the shrimp

resources in Orange County in the same manner as required by Sections 77.004, 77.005, and 77.006 of this code. Based on the information obtained, and after hearings, the commission shall promulgate the regulations authorized by this section. The hearings, the method of adoption of the regulations, the effective date of the regulations, and the procedure for appeal shall be governed by the provisions of Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951, as amended.

(e) "Coastal water" is defined by Section 77-001(1) of this code.

(f) A person who violates a regulation of the commission adopted under this section shall be punished as provided in Section 77.020 of this code. The commission has all powers of enforcement granted to it under Chapter 77 of this code for the enforcement of this section.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 282. PALO PINTO COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

282.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

282.011. Possum Kingdom Lake: Fish Sale.

282.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 282.001. **Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Palo Pinto County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 65, ch. 9, art. II, § 164, eff. Aug. 29, 1983.]

[Sections 282.002 to 282.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 282.011. **Possum Kingdom Lake: Fish Sale**

(a) No person may barter or sell, offer to barter or sell, or buy any fish taken from Possum Kingdom Lake or any of its backwater in Palo Pinto County.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 282.012. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 283. PANOLA COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

283.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

283.011. Repealed.

SUBCHAPTER C. MURVAUL LAKE

283.021. Camping.

283.022. Firearms.

283.023. Certain Water Sports on Lake Murvaul.

283.024. Penalty.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 283.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Panola County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 65, ch. 9, art. II, § 165, eff. Aug. 29, 1983.]

[Sections 283.002 to 283.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 283.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 283.012 to 283.020 reserved for expansion]

SUBCHAPTER C. MURVAUL LAKE

§ 283.021. Camping

No person may camp on the shores of Murvaul Lake in Panola County on land owned by the Panola County Fresh Water Supply District Number 1 except at places designated as campsites by the Board

of Supervisors of the Panola County Fresh Water Supply District Number 1.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 283.022. Firearms

(a) Except as provided by Subsection (b) of this section, no person may possess for shooting a rifle or pistol of any kind on or over the water of Murvaul Lake in Panola County.

(b) This section does not apply to a peace officer or game management officer of this state or to a regular employee of the Panola County Fresh Water Supply District Number 1.

(c) Possession of a rifle or pistol of any kind within 500 feet from the water of Murvaul Lake is prima facie evidence of a violation of this section. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 283.023. Certain Water Sports on Lake Murvaul

No person may swim, bathe, wade, or water ski in or on Lake Murvaul except within areas designated by the Board of Supervisors of the Panola County Fresh Water Supply District No. 1 as areas for swimming, bathing, wading, or water skiing. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 283.024. Penalty

A person who violates a provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200 and costs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 284. PARKER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

284.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

284.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 284.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Parker County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 65, ch. 9, art. II, § 166, eff. Aug. 29, 1983.]

[Sections 284.002 to 284.010 reserved for expansion]



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### SUBCHAPTER B. FISH

§ 284.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### CHAPTER 285. PARMER COUNTY

§ 285.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Parmer County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 65, ch. 9, art. II, § 167, eff. Aug. 29, 1983.]

### CHAPTER 286. PECOS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

286.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

286.011, 286.012. Repealed.

286.013. Fish Sale.

286.014. Leaving Fish to Die.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 286.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Pecos County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 66, ch. 9, art. II, § 168, eff. Aug. 29, 1983.]

[Sections 286.002 to 286.010 reserved for expansion]

#### SUBCHAPTER B. FISH

§ 286.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 286.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

§ 286.013. Fish Sale

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Pecos County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 286.014. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Pecos County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### CHAPTER 287. POLK COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

287.001. Conservation Act: Applicability.

#### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

287.011. Repealed.

#### SUBCHAPTER C. GAME ANIMALS [REPEALED]

287.021, 287.022. Repealed.

#### SUBCHAPTER D. FISH

287.031. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 287.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Polk County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 66, ch. 9, art. II, § 169, eff. Aug. 29, 1983.]

[Sections 287.002 to 287.010 reserved for expansion]

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SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§ 287.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

SUBCHAPTER C. GAME ANIMALS [REPEALED]

§§ 287.021, 287.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. FISH

§ 287.031. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 288. POTTER COUNTY

§ 288.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Potter County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 66, ch. 9, art. II, § 170, eff. Aug. 29, 1983.]

CHAPTER 289. PRESIDIO COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

289.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

289.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 289.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Presidio County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 66, ch. 9, art. II, § 171, eff. Aug. 29, 1983.]

[Sections 289.002 to 289.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 289.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

CHAPTER 290. RAINS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

290.001. Conservation Act: Applicability.  
290.002. Repealed.

SUBCHAPTER B. BIRDS

290.011. Repealed.

SUBCHAPTER C. FISH

290.021. Lake Tawakoni: Fish Sale.  
290.022. Leaving Fish to Die.

SUBCHAPTER D. FUR-BEARING ANIMALS

290.031. Hunting Mink With Dogs.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 290.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Rains County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 29, ch. 9, art. I, § 27, eff. Aug. 29, 1983.]

§ 290.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 290.003 to 290.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 290.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 290.012 to 290.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 290.021. Lake Tawakoni: Fish Sale

(a) No person may sell any fish, except bait fish, taken from that part of the water area of Lake Tawakoni located in Rains County.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 25, eff. Sept. 1, 1977.]

### § 290.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Rains County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 290.023 to 290.030 reserved for expansion]

### SUBCHAPTER D. FUR-BEARING ANIMALS

#### Repeal

*Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.*

### § 290.031. Hunting Mink With Dogs

A person may hunt wild mink in Rains County with dogs. A person may have in his possession a mink pelt while hunting with dogs.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 291. RANDALL COUNTY

### § 291.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Randall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 66, ch. 9, art. II, § 172, eff. Aug. 29, 1983.]

## CHAPTER 292. REAGAN COUNTY

### § 292.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Reagan County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 67, ch. 9, art. II, § 173, eff. Aug. 29, 1983.]

## CHAPTER 293. REAL COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

293.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

293.011. Fish Sale.

293.012. Leaving Fish to Die.

#### SUBCHAPTER C. NONGAME ANIMALS

293.021. Exotic Animals Defined.

293.022. Hunting Exotic Game on Road.

293.023. Hunting Exotic Animals Without Consent of Landowner.

293.024. Possession of Carcass of Exotic Animal.

293.025. Penalties.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 293.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Real County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 67, ch. 9, art. II, § 174, eff. Aug. 29, 1983.]

[Sections 293.002 to 293.010 reserved for expansion]

#### SUBCHAPTER B. FISH

### § 293.011. Fish Sale

(a) No person may offer, possess, or take for sale any catfish, perch, crappie, bream, or bass in Real County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 293.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Real County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBCHAPTER C. NONGAME ANIMALS

§ 293.021. Exotic Animals Defined

In this chapter, "exotic animal" means axis deer, fallow deer, blackbuck antelope, sika deer, aoudad sheep, mouflon sheep, barbado sheep, European red deer, Corsican sheep, four-horned sheep, sambar deer, eland antelope, sable antelope, white-tailed gnu, impala, greater kudu, blesbok, gazelle, oryx, guanaco, llama, thar, nilgai antelope, or ibex.

[Acts 1981, 67th Leg., p. 2077, ch. 468, § 1, eff. Aug. 31, 1981.]

§ 293.022. Hunting Exotic Game on Road

No person on a public road or on the right-of-way of a public road in Real County may hunt an exotic animal.

[Acts 1981, 67th Leg., p. 2077, ch. 468, § 1, eff. Aug. 31, 1981.]

§ 293.023. Hunting Exotic Animals Without Consent of Landowner

No person may hunt on the land of another in Real County for an exotic animal without the express consent of the owner of the land to hunt for exotic animals.

[Acts 1981, 67th Leg., p. 2077, ch. 468, § 1, eff. Aug. 31, 1981.]

§ 293.024. Possession of Carcass of Exotic Animal

(a) Except as provided in Subsections (b) and (c) of this section, no person may possess the carcass of an exotic animal in Real County.

(b) Subsection (a) of this section does not apply to the owner or employee of the owner of the exotic animal, a public health officer, a law enforcement officer, or a veterinarian.

(c) It is an affirmative defense to a prosecution under Subsection (a) of this section that the person possessed the carcass of the exotic animal with the knowledge and consent of the owner.

[Acts 1981, 67th Leg., p. 2077, ch. 468, § 1, eff. Aug. 31, 1981.]

§ 293.025. Penalties

A person who violates this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$1,500 or confinement in jail for not more than six months or both.

[Acts 1981, 67th Leg., p. 2077, ch. 468, § 1, eff. Aug. 31, 1981.]

CHAPTER 294. RED RIVER COUNTY

§ 294.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Red River County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 67, ch. 9, art. II, § 175, eff. Aug. 29, 1983.]

CHAPTER 295. REEVES COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

295.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

295.012, 295.013. Repealed.

295.013. Fish Sale.

295.014. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 295.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Reeves County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 67, ch. 9, art. II, § 176, eff. Aug. 29, 1983.]

[Sections 295.002 to 295.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 295.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 295.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## § 295.013

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### § 295.013. Fish Sale

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Reeves County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 295.014. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Reeves County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 296. REFUGIO COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

296.001. Conservation Act: Applicability.

### SUBCHAPTER B. BIRDS

296.011. Repealed.

### SUBCHAPTER C. FISH

296.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 296.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Refugio County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1979, 66th Leg., p. 1012, ch. 447,

§ 1, eff. June 6, 1979; Acts 1981, 67th Leg., p. 2741, ch. 748, § 7, eff. Sept. 1, 1981; Acts 1983, 68th Leg., p. 29, ch. 9, art. I, § 28, eff. Aug. 29, 1983.]

Section 1 of the 1979 amendatory act amended § 61.202. Section 3 of the 1979 amendatory act provides:

"Sections 296.011 and 296.021 Parks and Wildlife Code, are not repealed by this Act or by Section 61.004, Parks and Wildlife Code."

[Sections 296.002 to 296.010 reserved for expansion]

## SUBCHAPTER B. BIRDS

§ 296.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

[Sections 296.012 to 296.020 reserved for expansion]

## SUBCHAPTER C. FISH

§ 296.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 297. ROBERTS COUNTY

### § 297.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Roberts County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 67, ch. 9, art. II, § 177, eff. Aug. 29, 1983.]

## CHAPTER 298. ROBERTSON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

298.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

298.011. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 298.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code)

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§ 300.011

applies to the wildlife resources in Robertson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 178, eff. Aug. 29, 1983.]

[Sections 298.002 to 298.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 298.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 299. ROCKWALL COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 299.001. Conservation Act: Applicability.
299.002. Repealed.

SUBCHAPTER B. FISH

- 299.011. Repealed.
299.012 to 299.021. [Blank].
299.022. Fish Sale.
299.023. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 299.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Rockwall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 181, ch. 88, § 1, eff. April 29, 1977; Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 179, eff. Aug. 29, 1983.]

§ 299.002. Repealed by Acts 1977, 65th Leg., p. 181, ch. 88, § 2, eff. April 29, 1977

[Sections 299.003 to 299.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 299.011. Repealed by Acts 1977, 65th Leg., p. 181, ch. 88, § 3

This section was repealed effective as provided in § 61.004.

§§ 299.012 to 299.021. [Blank]

§ 299.022. Fish Sale

(a) No person may take for sale or possess for sale any fish, except bait fish, from the fresh water of Rockwall County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 26, eff. Sept. 1, 1977.]

§ 299.023. Repealed by Acts 1977, 65th Leg., p. 181, ch. 88, § 3; Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

The repeal of this section by ch. 88 is effective as provided in § 61.004.

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 300. RUNNELS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

- 300.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 300.011. Fish Sale.
300.012. Leaving Fish to Die.
300.013. Repealed.
300.014. New Lake Winters; Fish Sale.
300.015. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 300.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Runnels County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 180, eff. Aug. 29, 1983.]

[Sections 300.002 to 300.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 300.011. Fish Sale

(a) No person may sell or offer to sell any bass, white perch, crappie, or catfish caught in the streams of Runnels County.

(b) This section does not apply to New Lake Winters in Runnels County.

## § 300.011

## PARKS AND WILDLIFE CODE

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 300.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Runnels County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 300.013. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### § 300.014. New Lake Winters; Fish Sale

(a) No person may buy, sell, offer to buy or sell, or take or possess for commercial purposes, except bait fish, fish from the water of New Lake Winters in Runnels County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish taken or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 27, eff. Sept. 1, 1977.]

### § 300.015. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 301. RUSK COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

301.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

301.011. Fish Sale.

301.012. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 301.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Rusk County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 181, eff. Aug. 29, 1983.]

[Sections 301.002 to 301.010 reserved for expansion]

#### SUBCHAPTER B. FISH

#### § 301.011. Fish Sale

(a) No person may sell, offer for sale, or possess for sale any fish, except bait fish, caught from the public fresh water of Rusk County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 28, eff. Sept. 1, 1977.]

#### § 301.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 302. SABINE COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

302.001. Conservation Act: Applicability.

302.002. Repealed.

### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

302.011. Repealed.

### SUBCHAPTER C. GAME ANIMALS [REPEALED]

302.021 to 302.022. Repealed.

### SUBCHAPTER D. BIRDS [REPEALED]

302.031. Repealed.

### SUBCHAPTER E. FISH

302.041. Repealed.

302.042. [Blank].

302.043. Fish Sale.

302.044. Sabine River: Fish Sale.

PARKS AND WILDLIFE CODE

§ 302.053

SUBCHAPTER F. FUR-BEARING ANIMALS  
[REPEALED]

Section

302.051 to 302.053. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNI-  
FORM WILDLIFE REGULATORY ACT

§ 302.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Sabine County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 29, ch. 9, art. I, § 29, eff. Aug. 29, 1983.]

§ 302.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 302.003 to 302.010 reserved for expansion]

SUBCHAPTER B. METHODS GENERALLY  
APPLICABLE TO HUNTING [REPEALED]

§ 302.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. GAME ANIMALS  
[REPEALED]

§§ 302.021, 302.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER D. BIRDS [REPEALED]

§ 302.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER E. FISH

§ 302.041. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 302.042. [Blank]

§ 302.043. Fish Sale

(a) No person may offer or possess for sale or sell any fish, except bait fish, caught or taken from the public fresh water of Sabine County.

(b) This section does not apply to that part of the Sabine River (Toledo Bend Reservoir) in Sabine County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 29, eff. Sept. 1, 1977.]

§ 302.044. Sabine River: Fish Sale

(a) A person may sell fish, except bass and crappie, taken from that part of the Sabine River located in Sabine County.

(b) This section does not exempt a person from other laws regulating catching fish for commercial purposes.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 302.045 to 302.050 reserved for expansion]

SUBCHAPTER F. FUR-BEARING  
ANIMALS [REPEALED]

§§ 302.051 to 302.053. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 303. SAN AUGUSTINE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM  
WILDLIFE REGULATORY ACT

Section

303.001. Conservation Act: Applicability.

303.002. Repealed.

SUBCHAPTER B. GAME ANIMALS [REPEALED]

303.011 to 303.013. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

303.021 to 303.022. Repealed.

SUBCHAPTER D. FISH [REPEALED]

303.031. Repealed.

SUBCHAPTER E. FUR-BEARING ANIMALS  
[REPEALED]

303.041 to 303.042. Repealed.



**§ 303.001**

**PARKS AND WILDLIFE CODE**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 303.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in San Augustine County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 564, ch. 199, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 182, eff. Aug. 29, 1983.]

**§ 303.002. Repealed by Acts 1977, 65th Leg., p. 564, ch. 199, § 2, eff. Aug. 29, 1977**

[Sections 303.003 to 303.010 reserved for expansion]

**SUBCHAPTER B. GAME ANIMALS [REPEALED]**

**§§ 303.011 to 303.013. Repealed by Acts 1977, 65th Leg., p. 564, ch. 199, § 3, eff. Aug. 29, 1977**

**SUBCHAPTER C. BIRDS [REPEALED]**

**§§ 303.021, 303.022. Repealed by Acts 1977, 65th Leg., p. 564, ch. 199, § 3, eff. Aug. 29, 1977**

**SUBCHAPTER D. FISH [REPEALED]**

**§ 303.031. Repealed by Acts 1977, 65th Leg., p. 564, ch. 199, § 2, eff. Aug. 29, 1977**

**SUBCHAPTER E. FUR-BEARING ANIMALS [REPEALED]**

**§§ 303.041, 303.042. Repealed by Acts 1977, 65th Leg., p. 564, ch. 199, § 3, eff. Aug. 29, 1977**

**CHAPTER 304. SAN JACINTO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

304.001. Conservation Act: Applicability.  
304.002. Repealed.

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

304.011. Repealed.

**SUBCHAPTER C. GAME ANIMALS [REPEALED]**

304.021 to 304.023. Repealed.

**SUBCHAPTER D. BIRDS [REPEALED]**

**Section**

304.031. Repealed.

**SUBCHAPTER E. FUR-BEARING ANIMALS**

304.041. Fox.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 304.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in San Jacinto County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 29, ch. 9, art. I, § 30, eff. Aug. 29, 1983.]

**§ 304.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983**

[Sections 304.003 to 304.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

**§ 304.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

**SUBCHAPTER C. GAME ANIMALS [REPEALED]**

**§§ 304.021 to 304.023. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER D. BIRDS [REPEALED]**

**§ 304.031. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983**

**SUBCHAPTER E. FUR-BEARING ANIMALS**

**Repeal**

*Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.*

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**§ 306.021**

**§ 304.041. Fox**

(a) A person may hunt or trap wild fox at any time in San Jacinto County.

(b) The commissioners court in San Jacinto County may fix and pay, out of the general fund of the county, bounties on the destruction of wild fox in the county.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

west and north of the Calallen Dam or from a tributary of the Nueces River in San Patricio County the confluence of which with the Nueces River is west and north of the Calallen Dam.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200.

[Added by Acts 1977, 65th Leg., p. 1401, ch. 565, § 3, eff. Aug. 29, 1977.]

**CHAPTER 305. SAN PATRICIO COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

305.001. Conservation Act: Applicability.

**SUBCHAPTER B. BIRDS**

305.011, 305.012. Repealed.

**SUBCHAPTER C. FISH**

305.021. Fish Sale: Lake Corpus Christi and Nueces River.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 305.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in San Patricio County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 68, ch. 9, art. II, § 183, eff. Aug. 29, 1983.]

[Sections 305.002 to 305.010 reserved for expansion]

**SUBCHAPTER B. BIRDS**

§ 305.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§ 305.012. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

**SUBCHAPTER C. FISH**

§ 305.021. Fish Sale: Lake Corpus Christi and Nueces River

(a) No person may take for sale any fish from Lake Corpus Christi in San Patricio County.

(b) No person may take for sale any fish from the portion of the Nueces River in San Patricio County

**CHAPTER 306. SAN SABA COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

306.001. Conservation Act: Applicability.

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

306.011 to 306.017. Repealed.

**SUBCHAPTER C. FISH**

306.021. Fish Sale.

306.022. Leaving Fish to Die.

306.023, 306.024. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 306.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in San Saba County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 69, ch. 9, art. II, § 184, eff. Aug. 29, 1983.]

[Sections 306.002 to 306.010 reserved for expansion]

**SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]**

§§ 306.011 to 306.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

**SUBCHAPTER C. FISH**

§ 306.021. Fish Sale

(a) No person may buy, barter, or sell or offer to barter or sell any bass, crappie, perch, catfish, or any other fish, except bait fish, taken from the fresh water in San Saba County.

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## PARKS AND WILDLIFE CODE

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 30, eff. Sept. 1, 1977.]

### § 306.022. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit upon the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in San Saba County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### §§ 306.023, 306.024. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 307. SCHLEICHER COUNTY

### § 307.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Schleicher County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 69, ch. 9, art. II, § 185, eff. Aug. 29, 1983.]

## CHAPTER 308. SCURRY COUNTY

### § 308.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Scurry County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 69, ch. 9, art. II, § 186, eff. Aug. 29, 1983.]

## CHAPTER 309. SHACKELFORD COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

309.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

#### Section

309.011. Fish Sale.

309.012. Hubbard Creek Lake: Fish Sale.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 309.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Shackelford County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 69, ch. 9, art. II, § 187, eff. Aug. 29, 1983.]

[Sections 309.002 to 309.010 reserved for expansion]

### SUBCHAPTER B. FISH.

### § 309.011. Fish Sale

(a) No person may take for commercial purposes any fish, except bait fish, from the public water of Shackelford County.

(b) This section does not apply to that portion of Hubbard Creek Lake located in Shackelford County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$250. Each day in which a person takes fish for commercial purposes from the public water of Shackelford County is a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 31, eff. Sept. 1, 1977.]

### § 309.012. Hubbard Creek Lake: Fish Sale

(a) Except as provided in Subsection (b) of this section, no person may catch for barter or sale, possess or transport for barter or sale, offer to barter or sell, or barter or sell any fish, except bait fish, taken from that part of Hubbard Creek Lake located in Shackelford County.

(b) A person may catch, possess, transport, barter, or sell fish from Hubbard Creek Lake under a contract with the department for removal of rough fish as provided in Section 66.113 of this code.

(c) Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(b), eff. Sept. 1, 1977.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each

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fish possessed or sold in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, §§ 32, 42(b), eff. Sept. 1, 1977.]

CHAPTER 310. SHELBY COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

310.001. Conservation Act: Applicability.

SUBCHAPTER B. GAME ANIMALS [REPEALED]

310.011 to 310.013. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

310.021 to 310.022. Repealed.

SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

310.031 to 310.033. Repealed.

SUBCHAPTER E. FISH

310.041. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 310.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Shelby County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 927, ch. 342, § 1, eff. June 10, 1981. Amended by Acts 1983, 68th Leg., p. 69, ch. 9, art. II, § 188, eff. Aug. 29, 1983.]

[Sections 310.002 to 310.010 reserved for expansion]

SUBCHAPTER B. GAME ANIMALS [REPEALED]

§§ 310.011 to 310.013. Repealed by Acts 1981, 67th Leg., p. 927, ch. 342, § 2

These sections are repealed effective as provided by § 61.004.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 310.021 to 310.022. Repealed by Acts 1981, 67th Leg., p. 927, ch. 342, § 2

These sections are repealed effective as provided by § 61.004.

Former §§ 310.021 and 310.022 were derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1. Former § 310.0211 was added by Acts 1977, 65th Leg., p. 37, ch. 20, § 1. The sections read:

“§ 310.021. Turkeys

“(a) No person may hunt wild turkey in Shelby County except during the open season beginning on November 16 and extending through December 31.

“(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.”

“§ 310.0211. Turkey

“(a) Section 310.021 of this code is suspended during the effective period of this section.

“(b) No person may hunt turkey in Shelby County at any time.

“(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200.

“(d) This section expires on September 1, 1982.”

“§ 310.022. Quail

“(a) No person may take or kill quail in Shelby County except during the open season beginning on December 1 of one year and extending through January 31 of the next year.

“(b) No person may kill more than 12 quail in one day, take more than 36 quail in one week, or possess more than 36 quail at one time during the open season in Shelby County.

“(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each bird taken or possessed in violation of this section constitutes a separate offense.”

SUBCHAPTER D. FUR-BEARING ANIMALS [REPEALED]

§§ 310.031 to 310.033. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 310.034 to 310.040 reserved for expansion]

SUBCHAPTER E. FISH [REPEALED]

§ 310.041. Repealed by Acts 1981, 67th Leg., p. 927, ch. 342, § 2, eff. June 10, 1981

Section 2 of the 1981 repealing act provided in part: “A proclamation made by the commission under Subchapter E, Chapter 310, Parks and Wildlife Code, is not repealed by this Act.”

CHAPTER 311. SHERMAN COUNTY

§ 311.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Sherman County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 70, ch. 9, art. II, § 189, eff. Aug. 29, 1983.]

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### CHAPTER 312. SMITH COUNTY

### SUBCHAPTER D. FISH

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

312.001. Conservation Act: Applicability.  
312.002. Repealed.

#### SUBCHAPTER B. GAME ANIMALS

312.011 to 312.013. Repealed.

#### SUBCHAPTER C. BIRDS

312.021 to 312.024. Repealed.

#### SUBCHAPTER D. FISH

312.031. Fish Sale.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 312.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Smith County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 29, ch. 9, art. I, § 31, eff. Aug. 29, 1983.]

§ 312.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 312.003 to 312.010 reserved for expansion]

#### SUBCHAPTER B. GAME ANIMALS

§ 312.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§§ 312.012, 312.013. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 312.014 to 312.020 reserved for expansion]

#### SUBCHAPTER C. BIRDS

§ 312.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§§ 312.022 to 312.024. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 312.025 to 312.030 reserved for expansion]

##### § 312.031. Fish Sale

(a) Except as provided in Subsection (b) of this section, no person may sell, offer for sale, or possess for the purpose of sale fish, except bait fish, caught from the public fresh water of Smith County.

(b) A person having a commercial fishing license may sell rough fish (drum, shad, carp, suckers, gar, and buffalo fish) caught from the Sabine River in Smith County.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 217, ch. 105, § 33, eff. Sept. 1, 1977.]

### CHAPTER 313. SOMERVELL COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

313.001. Conservation Act: Applicability.

#### SUBCHAPTER B. FISH

313.011. Repealed.  
313.012. Fish Sale.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### § 313.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Somervell County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 70, ch. 9, art. II, § 190, eff. Aug. 29, 1983.]

[Sections 313.002 to 313.010 reserved for expansion]

#### SUBCHAPTER B. FISH

§ 313.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

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§ 313.012. Fish Sale

(a) Except as authorized by the department, no person may sell, possess for sale, offer for sale, or expose for sale fish caught from the Brazos River or its tributaries or from Lake Whitney or its source streams in Somervell County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$100. Each fish possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 34, eff. Sept. 1, 1977.]

CHAPTER 314. STARR COUNTY

§ 314.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Starr County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 70, ch. 9, art. II, § 191, eff. Aug. 29, 1983.]

CHAPTER 315. STEPHENS COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

315.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

315.011. Repealed.

315.012. Fish Sale: Possum Kingdom Lake.

315.013. Fish Sale: Hubbard Creek Lake.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 315.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Stephens County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 70, ch. 9, art. II, § 192, eff. Aug. 29, 1983.]

[Sections 315.002 to 315.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 315.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 315.012. Fish Sale: Possum Kingdom Lake

(a) No person may barter, sell, or buy or offer to barter or sell fish, except bait fish, caught from Possum Kingdom Lake or its backwater located in Stephens County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 35, eff. Sept. 1, 1977.]

§ 315.013. Fish Sale: Hubbard Creek Lake

(a) No person may catch, possess, or transport for the purpose of sale or sell or barter or offer to sell or barter fish, except bait fish, from Hubbard Creek Lake in Stephens County.

(b) This section does not apply to a person operating under contract with the department authorized by Section 66.113 of this code.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each fish possessed or sold in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 36, eff. Sept. 1, 1977.]

CHAPTER 316. STERLING COUNTY

§ 316.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Sterling County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 70, ch. 9, art. II, § 193, eff. Aug. 29, 1983.]

CHAPTER 317. STONEWALL COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

317.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS [REPEALED]

317.011. Repealed.

## § 317.001

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### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 317.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Stonewall County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1981, 67th Leg., p. 292, ch. 116, § 3, eff. Aug. 31, 1981; Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 194, eff. Aug. 29, 1983.]

[Sections 317.002 to 317.010 reserved for expansion]

### SUBCHAPTER B. BIRDS [REPEALED]

#### § 317.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

## CHAPTER 318. SUTTON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

318.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

318.011. Fish Sale.

318.012. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 318.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Sutton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 195, eff. Aug. 29, 1983.]

[Sections 318.002 to 318.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 318.011. Fish Sale

(a) No person may catch or possess for the purpose of sale or offer for sale catfish, perch, crappie, bream, or bass in Sutton County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 318.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Sutton County any catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 319. SWISHER COUNTY

#### § 319.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Swisher County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 196, eff. Aug. 29, 1983.]

## CHAPTER 320. TARRANT COUNTY

#### § 320.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Tarrant County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 197, eff. Aug. 29, 1983.]

## CHAPTER 321. TAYLOR COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

321.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

321.011. Repealed.

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**§ 326.011**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 321.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Taylor County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 198, eff. Aug. 29, 1983.]

[Sections 321.002 to 321.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 321.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 322. TERRELL COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

322.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

322.011. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 322.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Terrell County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 71, ch. 9, art. II, § 199, eff. Aug. 29, 1983.]

[Sections 322.002 to 322.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 322.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983**

**CHAPTER 323. TERRY COUNTY**

**§ 323.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Terry County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 72, ch. 9, art. II, § 200, eff. Aug. 29, 1983.]

**CHAPTER 324. THROCKMORTON COUNTY**

**§ 324.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Throckmorton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 72, ch. 9, art. II, § 201, eff. Aug. 29, 1983.]

**CHAPTER 325. TITUS COUNTY**

**§ 325.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Titus County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 72, ch. 9, art. II, § 202, eff. Aug. 29, 1983.]

**CHAPTER 326. TOM GREEN COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

326.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

326.011. Repealed.

326.012. Fish Sale.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 326.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Tom Green County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 72, ch. 9, art. II, § 203, eff. Aug. 29, 1983.]

[Sections 326.002 to 326.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 326.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.



## § 326.012

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### § 326.012. Fish Sale

(a) No person may purchase or sell or attempt to purchase or sell freshwater fish caught from the water of Tom Green County except bait fish, buffalo fish, carp, suckers, and garfish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 37, eff. Sept. 1, 1977.]

### CHAPTER 327. TRAVIS COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

327.001. Conservation Act: Applicability.

#### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

327.011 to 327.017. Repealed.

#### SUBCHAPTER C. BIRDS

327.021. Repealed.

#### SUBCHAPTER D. FISH

327.031. Repealed.

327.032. Fish Sale.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 327.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Travis County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 72, ch. 9, art. II, § 204, eff. Aug. 29, 1983.]

[Sections 327.002 to 327.010 reserved for expansion]

#### SUBCHAPTER B. METHODS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§§ 327.011 to 327.017. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. BIRDS

§ 327.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

[Sections 327.022 to 327.030 reserved for expansion]

### SUBCHAPTER D. FISH

§ 327.031. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### § 327.032. Fish Sale

(a) Except as provided in Subsection (b) of this section, no person may catch or possess for the purpose of sale or offer for sale fish, except bait fish, from the water of Travis County.

(b) This section does not apply to rough fish, including shad, carp, suckers, gar, buffalo fish, mullet, and needlefish, from the water of Travis County, but not including the water of the Colorado River Lakes.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$50. Each fish caught or possessed in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 38, eff. Sept. 1, 1977.]

## CHAPTER 328. TRINITY COUNTY

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

##### Section

328.001. Conservation Act: Applicability.

#### SUBCHAPTER B. GAME ANIMALS

328.011. Repealed.

#### SUBCHAPTER C. FISH

328.021. Repealed.

#### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 328.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Trinity County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 73, ch. 9, art. II, § 205, eff. Aug. 29, 1983.]

[Sections 328.002 to 328.010 reserved for expansion]

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SUBCHAPTER B. GAME ANIMALS

§ 328.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 328.012 to 328.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 328.021. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 329. TYLER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

329.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

329.011. Hunting With Dogs.

SUBCHAPTER C. FUR-BEARING ANIMALS

329.021. Regulatory Act: Fox Excluded.

329.022. Fox: Calling Devices.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 329.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Tyler County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 73, ch. 9, art. II, § 206, eff. Aug. 29, 1983.]

[Sections 329.002 to 329.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING

§ 329.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 329.012 to 329.020 reserved for expansion]

SUBCHAPTER C. FUR-BEARING ANIMALS

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct proscribed by this Subchapter.

§ 329.021. Regulatory Act: Fox Excluded

In Tyler County fox are not included as wildlife resources under the Uniform Wildlife Regulatory Act (Chapter 61 of this code).

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 329.022. Fox: Calling Devices

(a) No person may use a horn, recording, or other device to call or attract wild fox in Tyler County except that, with a permit obtained from the department a device may be used for scientific research or the making of wildlife movies.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 330. UPSHUR COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

330.001. Conservation Act: Applicability.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

330.011. Repealed.

SUBCHAPTER C. GAME ANIMALS [REPEALED]

330.021, 330.022. Repealed.

SUBCHAPTER D. BIRDS [REPEALED]

330.031, 330.032. Repealed.

SUBCHAPTER E. FISH [REPEALED]

330.041. Repealed.

## § 330.001

## PARKS AND WILDLIFE CODE

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 330.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources of Upshur County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 30, ch. 9, art. I, § 32, eff. Aug. 29, 1983.]

[Sections 330.002 to 330.010 reserved for expansion]

### SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

#### § 330.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER C. GAME ANIMALS [REPEALED]

#### §§ 330.021, 330.022. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER D. BIRDS [REPEALED]

#### §§ 330.031, 330.032. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

### SUBCHAPTER E. FISH [REPEALED]

#### § 330.041. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

## CHAPTER 331. UPTON COUNTY

#### § 331.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Upton County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 73, ch. 9, art. II, § 207, eff. Aug. 29, 1983.]

## CHAPTER 332. UVALDE COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

332.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

332.011. Repealed.

332.012. Fish Sale.

332.013. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 332.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Uvalde County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 73, ch. 9, art. II, § 208, eff. Aug. 29, 1983.]

[Sections 332.002 to 332.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 332.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

#### § 332.012. Fish Sale

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Uvalde County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

#### § 332.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Uvalde County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 334.023

CHAPTER 333. VAL VERDE COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

333.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

333.011. Repealed.

333.012. Fish Sale.

333.013. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 333.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Val Verde County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 73, ch. 9, art. II, § 209, eff. Aug. 29, 1983.]

[Sections 333.002 to 333.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 333.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 333.012. Fish Sale

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Val Verde County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 333.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Val Verde County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in

violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 334. VAN ZANDT COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

334.001. Conservation Act: Applicability.

334.002. Repealed.

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

334.011. Repealed.

SUBCHAPTER C. BIRDS [REPEALED]

334.021 to 334.023. Repealed.

SUBCHAPTER D. FISH

334.031. Fish Sale; Lake Tawakoni.

SUBCHAPTER E. ANIMALS

334.041. Sale of Certain Live Animals.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 334.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources of Van Zandt County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 30, ch. 9, art. I, § 33, eff. Aug. 29, 1983.]

§ 334.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

[Sections 334.003 to 334.010 reserved for expansion]

SUBCHAPTER B. PROVISIONS GENERALLY APPLICABLE TO HUNTING [REPEALED]

§ 334.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

SUBCHAPTER C. BIRDS [REPEALED]

§§ 334.021 to 334.023. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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SUBCHAPTER D. FISH

§ 334.031. Fish Sale; Lake Tawakoni

(a) No person may sell fish, except bait fish, caught from Lake Tawakoni in Van Zandt County except under a contract with the department for the taking of rough fish.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$50 nor more than \$200.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975; Acts 1977, 65th Leg., p. 218, ch. 105, § 39, eff. Sept. 1, 1977.]

SUBCHAPTER E. ANIMALS

§ 334.041. Sale of Certain Live Animals

(a) No person may sell or possess for the purpose of sale in Van Zandt County a living armadillo, squirrel, skunk, bobcat, porcupine, raccoon, wolf, coyote, bear, fox, or opossum.

(b) This section does not apply to:

(1) the sale of an animal by or to a zoo; or

(2) the sale of an animal to an educational institution or a medical or research center for scientific purposes as authorized by a permit issued under Subchapter C, Chapter 43, of this code.<sup>1</sup>

(c) In this section, "zoo" means a publicly or privately owned establishment that has a permanent place of business open to the public and that displays 15 or more different species of wildlife.

(d) A person who violates Subsection (a) of this section is guilty of a Class B misdemeanor.

(e) A peace officer who has probable cause to believe that an animal has been sold or held for sale in violation of Subsection (a) of this section may seize the animal and hold it for observation to determine if the animal has rabies or any other communicable disease harmful to man or other animals. If the animal is free from disease, the officer may release the animal or, if the animal is otherwise dangerous or harmful, may destroy it. If the animal is diseased, it shall be destroyed. An officer exercising the duties under this section is immune from liability.

(f) A person who violates Subsection (a) of this section, in addition to the penalties under Subsection (d) of this section, on conviction shall pay all costs

and expenses incurred under Subsection (e) of this section.

[Acts 1979, 66th Leg., p. 262, ch. 136, § 2, eff. Aug. 27, 1979.]

<sup>1</sup> Section 43.021 et seq.

Acts 1981, 67th Leg., p. 2737, ch. 748, which amended various provisions relating to the taking, possession, propagation, transportation, purchase, and sale of fur-bearing animals, in § 8 thereof, provides:

"The following sections of the Parks and Wildlife Code, as amended, are not affected by this Act: Sections 81.404, 229.021, 334.041, and 350.021."

CHAPTER 335. VICTORIA COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

335.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

335.011. Repealed.

SUBCHAPTER C. FISH

335.021 to 335.025. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 335.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources, except shrimp and oysters, in Victoria County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 30, ch. 9, art. I, § 34, eff. Aug. 29, 1983.]

[Sections 335.002 to 335.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 335.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, 37, eff. Aug. 29, 1983

[Sections 335.012 to 335.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 335.021. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

§§ 335.022 to 335.024. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

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§ 337.001

§ 335.025. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

CHAPTER 336. WALKER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT.

Section

336.001. Conservation Act: Applicability.

SUBCHAPTER B. FUR-BEARING ANIMALS

336.011. Fox Calling Devices.

SUBCHAPTER C. FISH

336.021. Importation, Possession, and Release of Grass Carp.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 336.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Walker County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 210, eff. Aug. 29, 1983.]

[Sections 336.002 to 336.010 reserved for expansion]

SUBCHAPTER B. FUR-BEARING ANIMALS

Repeal

Acts 1981, 67th Leg., p. 2741, ch. 748, § 9(a), eff. Sept. 1, 1981, provides that this Subchapter is repealed on the effective date of a proclamation by the commission that regulates the conduct prescribed by this Subchapter.

§ 336.011. Fox Calling Devices

(a) No person may use a horn, recording, or other device to call or attract fox in Walker County except that a person may use a calling device for scientific research or the making of wildlife movies if a permit is acquired from the department.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

[Sections 336.012 to 336.020 reserved for expansion]

SUBCHAPTER C. FISH

§ 336.021. Importation, Possession, and Release of Grass Carp

Text of section added effective until September 1, 1987

(a) Grass carp (white amur or Ctenopharyngodon idella) may be imported, possessed, and released by Texas A&M University into the water of Lake Conroe in Walker County for research purposes. This section prevails over any contrary regulation of the department issued under Chapter 43, Chapter 66, or Chapter 67 of this code.

(b) This section expires September 1, 1987.

[Acts 1981, 67th Leg., p. 3295, ch. 863, § 2, eff. Aug. 31, 1981.]

Section 4 of the 1981 Act provides:

"This Act expires on September 1, 1987."

Former § 336.021, relating to minnows, and derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, was repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a).

Sale, transportation, and taking of bait fish, see, now, § 66.010.

CHAPTER 337. WALLER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

337.001. Conservation Act: Applicability.

SUBCHAPTER B. ANIMALS

337.011. Repealed.

SUBCHAPTER C. FISH

337.021. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 337.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Waller County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 30, ch. 9, art. I, § 35, eff. Aug. 29, 1983.]

[Sections 337.002 to 337.010 reserved for expansion]

## § 337.011

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### SUBCHAPTER B. ANIMALS

§ 337.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

[Sections 337.012 to 337.020 reserved for expansion]

### SUBCHAPTER C. FISH

§ 337.021. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

The repealed section, relating to minnows, was derived from Acts 1975, 64th Leg., p. 1405, ch. 545, § 1.

Sale, transportation, and taking of bait fish, see, now, § 66.010.

## CHAPTER 338. WARD COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

338.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

338.011. Fish Sale.

338.012. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 338.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Ward County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 211, eff. Aug. 29, 1983.]

[Sections 338.002 to 338.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 338.011. Fish Sale

(a) No person may sell or offer for sale a bass, white perch, crappie, or catfish caught in the streams of Ward County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 338.012. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water in Ward County an edible fish and leave the fish to die without an intention to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish left to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 339. WASHINGTON COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

339.001. Conservation Act: Applicability.

339.002. Repealed.

### SUBCHAPTER B. ANIMALS

339.011, 339.012. Repealed.

### SUBCHAPTER C. FISH

339.021. Repealed.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 339.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Washington County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 1761, ch. 709, § 1, eff. Aug. 29, 1977; Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 212, eff. Aug. 29, 1983.]

§ 339.002. Repealed by Acts 1977, 65th Leg., p. 1761, ch. 709, § 2, eff. Aug. 29, 1977

[Sections 339.003 to 339.010 reserved for expansion]

### SUBCHAPTER B. ANIMALS

§§ 339.011, 339.012. Repealed by Acts 1977, 65th Leg., p. 1761, ch. 709, § 3, eff. Aug. 29, 1977

[Sections 339.013 to 339.020 reserved for expansion]

### SUBCHAPTER C. FISH

§ 339.021. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

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§ 343.012

CHAPTER 340. WEBB COUNTY

Section

340.001. Conservation Act: Applicability.  
340.002. Repealed.

§ 340.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Webb County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 213, eff. Aug. 29, 1983.]

§ 340.002. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 36, eff. Aug. 29, 1983

CHAPTER 341. WHARTON COUNTY

§ 341.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wharton County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 214, eff. Aug. 29, 1983.]

CHAPTER 342. WHEELER COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

342.001. Conservation Act: Applicability.

SUBCHAPTER B. BIRDS

342.011. Repealed.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 342.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wheeler County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 74, ch. 9, art. II, § 215, eff. Aug. 29, 1983.]

[Sections 342.002 to 342.010 reserved for expansion]

SUBCHAPTER B. BIRDS

§ 342.011. Repealed by Acts 1983, 68th Leg., p. 31, ch. 9, art. I, § 37, eff. Aug. 29, 1983

Continuation of law in effect for violations occurring before 1983 repealing act, see note under §§ 61.205 to 61.207.

CHAPTER 343. WICHITA COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

343.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

343.011. Repealed.  
343.012. Fish Sale.  
343.013. Leaving Fish to Die.  
343.014. Injuring Fish.  
343.015. Special Charge.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 343.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wichita County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 75, ch. 9, art. II, § 216, eff. Aug. 29, 1983.]

[Sections 343.002 to 343.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 343.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 343.012. Fish Sale

(a) No person may barter, sell, offer for barter or sale, or buy a bass, perch, crappie, catfish, or any other fish, except minnows, taken from the water located in the valley of the Big Wichita River from where the lower or diversion dam on the Big Wichita River is located, above the dam, up the valley of the Big Wichita River to the storage dam in Baylor County, and up the river valley from the dam as far as the water is impounded by the dam, or in any water in Lake Wichita in Wichita County, or in any water impounded by the dam across Holliday Creek forming Lake Wichita, or in any of the irrigation canals connected with Lake Kemp or the diversion dam, or in any of the water in laterals leading from the canals in Wichita County, or in the lateral, canal, or drainage ditch leading from the South Side Canal from Diversion Lake from a point in the South Side Canal in Section 16, of Denton County school lands, League No. 4, Wichita County, Texas, to Holliday Creek and thence down Holliday Creek to Lake Wichita in Wichita County, or in any of the



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water of Buffalo Creek Reservoir, Lake Iowa Park, or Old City Lake, located in Wichita County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in the county where the fish were caught, where he is found in possession of them, or where the fish were bartered or sold, or offered for sale or barter, or purchased.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 343.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Section 343.012(a) of this code, a bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without an intent to eat the fish or leave any minnows without an intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 343.014. Injuring Fish

(a) No person may injure or destroy fish by using dynamite, powder, or other explosive or poison in any of the water described in Section 343.012(a) of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 343.015. Special Charge

District judges of the judicial districts of Wichita County shall give a special charge on Sections 343.012 through 343.014 of this code to the grand juries of Wichita County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 344. WILBARGER COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

344.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

344.011. Repealed.

344.012. Fish Sale.

344.013. Leaving Fish to Die.

344.014. Injuring Fish.

344.015. Special Charge.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### § 344.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wilbarger County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 75, ch. 9, art. II, § 217, eff. Aug. 29, 1983.]

[Sections 344.002 to 344.010 reserved for expansion]

### SUBCHAPTER B. FISH

#### § 344.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

#### § 344.012. Fish Sale

(a) No person may barter, sell, offer for barter or sale, or buy a bass, perch, crappie, catfish, or any other fish, except minnows, taken from any water in laterals leading off from irrigation canals connected with Lake Kemp or Diversion Lake or from those irrigation canals in Wilbarger County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or purchased in violation of this section constitutes a separate offense.

(c) A person alleged to have violated this section may be prosecuted in a county where the fish were caught, where the person was in possession of them, or where the fish were sold, bartered, offered for sale or barter, or purchased.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

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§ 346.013

§ 344.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the water described in Section 344.012(a) of this code, a bass, crappie, white perch, sunfish, drum, catfish, or other edible fish and leave the fish to die without an intent to eat the fish or leave any minnows without an intent to use them for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$1 nor more than \$25. Each fish allowed to die constitutes a separate offense. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 344.014. Injuring Fish

(a) No person may injure or destroy fish by using dynamite, powder, or other explosive or poison in any of the water described in Section 344.012(a) of this code.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$100 nor more than \$1,000 and by confinement in the county jail for not more than one year.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 344.015. Special Charge

District judges of the judicial districts of Wilbarger County shall give a special charge on Sections 344.012 through 344.014 of this code to the grand juries of Wilbarger County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

CHAPTER 345. WILLACY COUNTY

§ 345.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Willacy County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 75, ch. 9, art. II, § 218, eff. Aug. 29, 1983.]

CHAPTER 346. WILLIAMSON COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

346.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

Section

346.011. Repealed.  
346.012. Fish Sale.  
346.013. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 346.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Williamson County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 75, ch. 9, art. II, § 219, eff. Aug. 29, 1983.]

[Sections 346.002 to 346.010 reserved for expansion]

SUBCHAPTER B. FISH

§ 346.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

§ 346.012. Fish Sale

(a) No person may sell or offer to sell a bass, white perch, crappie, or catfish caught in the streams of Williamson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 346.013. Leaving Fish to Die

(a) No person may knowingly place, throw, or deposit on the banks or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools, or lagoons, or tanks, in Williamson County a catfish, perch, crappie, white perch, bass, trout, or other edible fish and leave the fish to die without an intent to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**§ 347.001**

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**CHAPTER 347. WILSON COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

347.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

347.011. Fish Sale.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 347.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wilson County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 75, ch. 9, art. II, § 220, eff. Aug. 29, 1983.]

[Sections 347.002 to 347.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 347.011. Fish Sale**

(a) No person may sell or barter or offer for sale or barter a bass, perch, crappie, or catfish caught from the fresh water of Wilson County.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

**CHAPTER 348. WINKLER COUNTY**

**§ 348.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources of Winkler County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 252, ch. 118, § 1, eff. May 4, 1977; Acts 1983, 68th Leg., p. 76, ch. 9, art. II, § 221, eff. Aug. 29, 1983.]

**CHAPTER 349. WISE COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

349.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

**Section**

349.011. Repealed.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 349.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wise County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 76, ch. 9, art. II, § 222, eff. Aug. 29, 1983.]

[Sections 349.002 to 349.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 349.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977**

Sale, transportation, and taking of bait fish, see, now, § 66.010.

**CHAPTER 350. WOOD COUNTY**

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**Section**

350.001. Conservation Act: Applicability.

**SUBCHAPTER B. FISH**

350.011. Fish Sale.

350.012. Sale of White Perch and Crappie Outside County.

**SUBCHAPTER C. ANIMALS**

350.021. Sale of Certain Live Animals.

**SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT**

**§ 350.001. Conservation Act: Applicability**

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Wood County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 76, ch. 9, art. II, § 223, eff. Aug. 29, 1983.]

[Sections 350.002 to 350.010 reserved for expansion]

**SUBCHAPTER B. FISH**

**§ 350.011. Fish Sale**

(a) No person may sell, offer for sale, or possess for sale fish, except bait fish, caught from the fresh water of Wood County.

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§ 352.001

(b) Licensed commercial fishermen may sell drum, shad, carp, suckers, gar, and buffalo fish caught from the Sabine River forming the boundary between Smith and Wood Counties.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$100. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 40, eff. Sept. 1, 1977.]

§ 350.012. Sale of White Perch and Crappie Outside County

(a) No operator or owner of a private fish hatchery in Wood County may sell white perch or crappie for the purpose of stocking water outside Wood County.

(b) The owner or operator of a fish hatchery in Wood County is not prohibited from selling fish for the purpose of stocking water in Wood County and the Commissioners Court of Wood County and any person may purchase white perch and crappie for that purpose from a private fish hatchery.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$25 nor more than \$200. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

SUBCHAPTER C. ANIMALS

§ 350.021. Sale of Certain Live Animals

(a) No person may sell or possess for the purpose of sale in Wood County a living armadillo, squirrel, skunk, bobcat, porcupine, raccoon, wolf, coyote, bear, fox, or opossum.

(b) This section does not apply to:

- (1) the sale of an animal by or to a zoo; or
(2) the sale of an animal to an educational institution or a medical or research center for scientific purposes as authorized by a permit issued under Subchapter C, Chapter 43, of this code.<sup>1</sup>

(c) In this section, "zoo" means a publicly or privately owned establishment that has a permanent place of business open to the public and that displays 15 or more different species of wildlife.

(d) A person who violates Subsection (a) of this section is guilty of a Class B misdemeanor.

(e) A peace officer who has probable cause to believe that an animal has been sold or held for sale in violation of Subsection (a) of this section may seize the animal and hold it for observation to

determine if the animal has rabies or any other communicable disease harmful to man or other animals. If the animal is free from disease, the officer may release the animal or, if the animal is otherwise dangerous or harmful, may destroy it. If the animal is diseased, it shall be destroyed. An officer exercising the duties under this section is immune from liability.

(f) A person who violates Subsection (a) of this section, in addition to the penalties under Subsection (d) of this section, on conviction shall pay all costs and expenses incurred under Subsection (e) of this section.

[Acts 1979, 66th Leg., p. 262, ch. 136, § 3, eff. Aug. 27, 1979.]

<sup>1</sup> Section 43.021 et seq.

Acts 1981, 67th Leg., p. 2737, ch. 748, which amended various provisions relating to the taking, possession, propagation, transportation, purchase, and sale of fur-bearing animals, in § 8 thereof, provides:

"The following sections of the Parks and Wildlife Code, as amended, are not affected by this Act: Sections 81.404, 229.021, 334.041, and 350.021."

CHAPTER 351. YOAKUM COUNTY

§ 351.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Yoakum County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 76, ch. 9, art. II, § 224, eff. Aug. 29, 1983.]

CHAPTER 352. YOUNG COUNTY

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

Section

352.001. Conservation Act: Applicability.

SUBCHAPTER B. FISH

- 352.011. Repealed.
352.012. Fish Sale.
352.013. Fish Sale: Possum Kingdom Lake.
352.014. Leaving Fish to Die.

SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

§ 352.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Young County. [Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 76, ch. 9, art. II, § 225, eff. Aug. 29, 1983.]

[Sections 352.002 to 352.010 reserved for expansion]

## § 352.011

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### SUBCHAPTER B. FISH

§ 352.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### § 352.012. Fish Sale

(a) No person may sell, barter, offer for sale or barter, or buy a bass, crappie, perch, catfish, or any other fish, except minnows, caught in Young County.

(b) Subsection (a) of this section does not apply to Lake Possum Kingdom or its backwater in Young County or to the Clear Fork of the Brazos River in Young County.

(c) A person alleged to have violated this section may be prosecuted in Young County, where the person was found to be in possession of the fish, or where the fish were sold or bought.

(d) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50. Each fish sold or bought in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

### § 352.013. Fish Sale: Possum Kingdom Lake

(a) No person may sell, barter, offer for sale or barter, or buy fish, except bait fish, caught from Lake Possum Kingdom or its backwater.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$100.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1977, 65th Leg., p. 218, ch. 105, § 41, eff. Sept. 1, 1977.]

### § 352.014. Leaving Fish to Die

(a) No person may knowingly throw, place, or deposit on the banks or grounds within 500 feet of any water to which Section 352.012 of this code applies a bass, crappie, white perch, bream, sunfish, drum, catfish, or other edible fish and leave it to die without an intent to eat the fish or to leave a minnow to die without an intent to use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$2 nor more than \$25. Each

fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

## CHAPTER 353. ZAPATA COUNTY

### § 353.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Zapata County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 77, ch. 9, art. II, § 226, eff. Aug. 29, 1983.]

## CHAPTER 354. ZAVALA COUNTY

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

#### Section

354.001. Conservation Act: Applicability.

### SUBCHAPTER B. FISH

354.011. Repealed.

354.012. Fish Sale.

354.013. Leaving Fish to Die.

### SUBCHAPTER A. APPLICABILITY OF UNIFORM WILDLIFE REGULATORY ACT

### § 354.001. Conservation Act: Applicability

Except as provided in this chapter, the Wildlife Conservation Act of 1983 (Chapter 61 of this code) applies to the wildlife resources in Zavala County.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975. Amended by Acts 1983, 68th Leg., p. 77, ch. 9, art. II, § 227, eff. Aug. 29, 1983.]

[Sections 354.002 to 354.010 reserved for expansion]

### SUBCHAPTER B. FISH

§ 354.011. Repealed by Acts 1977, 65th Leg., p. 219, ch. 105, § 42(a), eff. Sept. 1, 1977

Sale, transportation, and taking of bait fish, see, now, § 66.010.

### § 354.012. Fish Sale

(a) No person may sell or offer to sell a bass, white perch, crappie, or catfish caught in the streams of Zavala County.

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(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$5 nor more than \$50.  
[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]

§ 354.013. Leaving Fish to Die

(a) No person may throw, place, or deposit on the bank or grounds adjacent to any of the fresh water, creeks, lakes, bayous, rivers, pools or lagoons, or tanks, in Zavala County a catfish, perch, crappie,

white perch, bass, trout, or other edible fish and leave it to die, without the person intending to eat the fish or use it for bait.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$25. Each fish allowed to die in violation of this section constitutes a separate offense.

[Acts 1975, 64th Leg., p. 1405, ch. 545, § 1, eff. Sept. 1, 1975.]



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