

BILL ANALYSIS

C.S.H.B. 2040
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The recently enacted federal John D. Dingell, Jr. Conservation, Management, and Recreation Act expanded waterfowl hunting opportunities for armed forces veterans and active duty military personnel, but Texas' Parks and Wildlife Commission does not currently have the statutory authority to adopt this special waterfowl hunting opportunity. Texas has an estimated 163,000 active military personnel, the second highest in the country, and 1.5 million armed forces veterans who would be eligible for this opportunity. C.S.H.B. 2040 seeks to recognize our veterans and active duty military personnel by providing for special open seasons to be available to certain persons.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2040 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to provide for special open seasons during which the taking and possession of ducks, geese, mergansers, coots, moorhens, and gallinules are restricted to veterans, as defined by federal law, and U.S. armed forces members on active duty, including members of the national guard and reserves on active duty other than for training. The bill provides for the combining of such a special open season and a special open season during which the taking and possession of game animals and game birds are restricted to persons under 17 years old.

C.S.H.B. 2040 authorizes the commission by rule to prescribe the proof of veteran or active duty status required of a person to participate in a special open season under the bill's provisions. If the commission by rule requires that a person participating in a special open season have in the person's immediate possession proof of the person's veteran or active duty status in accordance with commission rule, the rule must provide that it is a defense to prosecution under that rule that the person produces in court proof of the person's veteran or active duty status in accordance with commission rule.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2040 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions relating to commission rulemaking regarding proof of veteran or active duty status required of a person to participate in a special open season.