

By: Cyrier

H.B. No. 1615

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Parks and
Wildlife Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.0111, Parks and Wildlife Code, is
amended to read as follows:

Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife
Department is subject to Chapter 325, Government Code (Texas Sunset
Act). Unless continued in existence as provided by that chapter,
the department is abolished September 1, 2033 [~~2021~~].

SECTION 2. Section 11.0126, Parks and Wildlife Code, is
amended by amending Subsection (b) and adding Subsection (d) to
read as follows:

(b) The training program must provide the person with
information regarding:

(1) the law governing [~~legislation that created the~~]
department operations [~~and the commission~~];

(2) the programs, functions, rules, and budget of
[~~operated by~~] the department;

(3) the scope of and limitations of the rulemaking
authority [~~the role and functions~~] of the commission [~~department~~];

(4) [~~the rules of the commission, with an emphasis on~~]
[~~the rules that relate to disciplinary and investigatory authority,~~

[~~(5) the current budget for the department,~~

1 ~~[(6)]~~ the results of the most recent formal audit of
2 the department;

3 (5) ~~[(7)]~~ the requirements of:

4 (A) laws relating to ~~[the]~~ open meetings, public
5 information, administrative procedure, and disclosing conflicts of
6 interest ~~[law, Chapter 551, Government Code]; and~~

7 (B) ~~[the public information law, Chapter 552,~~
8 ~~Government Code,~~

9 ~~[(C) the administrative procedure law, Chapter~~
10 ~~2001, Government Code, and~~

11 ~~[(D)]~~ other laws applicable to members of a state
12 policymaking body in performing their duties ~~[relating to public~~
13 ~~officials, including conflict-of-interest laws]; and~~

14 (6) ~~[(8)]~~ any applicable ethics policies adopted by
15 the department or the Texas Ethics Commission.

16 (d) The director shall create a training manual that
17 includes the information required by Subsection (b). The director
18 shall distribute a copy of the training manual annually to each
19 member of the commission. Each member of the commission shall sign
20 and submit to the director a statement acknowledging that the
21 member received and has reviewed the training manual.

22 SECTION 3. The heading to Section 11.0161, Parks and
23 Wildlife Code, is amended to read as follows:

24 Sec. 11.0161. NOTIFICATION OF COMMISSION ACTIVITIES ~~[+~~
25 ~~COMPLAINTS]~~.

26 SECTION 4. Subchapter B, Chapter 11, Parks and Wildlife
27 Code, is amended by adding Section 11.0165 to read as follows:

1 Sec. 11.0165. COMPLAINTS. (a) The department shall
2 maintain a system to promptly and efficiently act on complaints
3 filed with the department. The department shall maintain
4 information about parties to the complaint, the subject matter of
5 the complaint, a summary of the results of the review or
6 investigation of the complaint, and its disposition.

7 (b) The department shall make information available
8 describing its procedures for complaint investigation and
9 resolution.

10 (c) The department shall periodically notify the complaint
11 parties of the status of the complaint until final disposition
12 unless the notice would jeopardize an investigation.

13 SECTION 5. Section 11.104, Parks and Wildlife Code, is
14 amended by amending Subsection (c) and adding Subsections (f) and
15 (g) to read as follows:

16 (c) Based on the analysis made under Subsection (a), the
17 department shall prepare a land and water resources conservation
18 and recreation plan. ~~[The plan must include criteria for~~
19 ~~determining how to meet the state's conservation and recreation~~
20 ~~needs.]~~ The department shall revise the plan as necessary to
21 reflect changes in the inventory developed under Section 11.103.

22 The plan must include:

23 (1) criteria for determining how to meet the state's
24 conservation and recreation needs; and

25 (2) measures of the effectiveness of the department in
26 meeting the goals and objectives of the plan, including, where
27 possible, quantifiable measures.

1 (f) Every other year the department shall evaluate progress
2 towards achieving the goals and objectives of the plan prepared
3 under Subsection (c). The department's evaluation must:

4 (1) include the effectiveness measures under
5 Subsection (c)(2); and

6 (2) identify:

7 (A) the goals and objectives met by the
8 department; and

9 (B) reasons for any unmet goals or objectives.

10 (g) On completion of an evaluation under Subsection (f), the
11 department shall develop and implement practices designed to
12 improve progress towards meeting the goals and objectives of the
13 plan.

14 SECTION 6. Subchapter B, Chapter 12, Parks and Wildlife
15 Code, is amended by adding Section 12.1025 to read as follows:

16 Sec. 12.1025. RISK-BASED INSPECTIONS OF COMMERCIAL OR
17 OCCUPATIONAL LICENSED ACTIVITIES. (a) In this section,
18 "commercial or occupational licensed activity" means an activity
19 for which a license, permit, or other authorization is required by
20 this code or rules adopted under this code that results in income or
21 other remuneration for the license holder. The term does not
22 include a hunting license issued under Chapter 42 or a fishing
23 license issued under Chapter 46.

24 (b) The commission by rule shall adopt a policy to guide the
25 prioritization of inspections of commercial or occupational
26 licensed activity based on risk to the state's natural resources.

27 (c) The policy adopted under this section must require that

1 the department:

2 (1) identify the licenses, permits, and other
3 authorizations for commercial or occupational licensed activity
4 issued by the department that require on-site inspections;

5 (2) develop an assessment tool for determining the
6 appropriate frequency and intensity of department inspections of
7 commercial or occupational licensed activity, based on key risk
8 factors and indications of increased or decreased risk, such as
9 repeated or remedied violations and failed or passed inspections;
10 and

11 (3) document all inspections of commercial or
12 occupational licensed activity and the results of those inspections
13 and make the documentation available to all employees whose job
14 descriptions include the regulation of commercial or occupational
15 licensed activity.

16 SECTION 7. Section 24.001(12), Parks and Wildlife Code, is
17 amended to read as follows:

18 (12) "Underserved population" means any group of
19 people that is:

20 (A) low income, inner city, or rural as
21 determined by the last census;

22 (B) [~~or~~] minority;

23 (C) youth, including youth at risk and youth with
24 a physical, developmental, or intellectual disability or mental
25 illness; [~~physically or mentally challenged youth at risk, youth,~~]

26 or

27 (D) female.

1 SECTION 8. Section 24.051(11), Parks and Wildlife Code, is
2 amended to read as follows:

3 (11) "Underserved population" means any group of
4 people that is:

5 (A) low income or inner city, as determined by
6 the last census;

7 (B) ~~or~~ minority;

8 (C) youth, including youth at risk and youth with
9 a physical, developmental, or intellectual disability or mental
10 illness; ~~physically or mentally challenged youth at risk, youth,~~
11 or

12 (D) female.

13 SECTION 9. Section 31.044, Parks and Wildlife Code, is
14 amended to read as follows:

15 Sec. 31.044. INSPECTIONS. (a) In this section, "license
16 holder" means a person holding a license under Section 31.041.

17 (b) A license holder ~~[dealer, distributor, or manufacturer]~~
18 may not refuse to allow the department or a peace officer to inspect
19 a vessel, outboard motor, or records relating to the possession,
20 origination, ownership, or transfer of a vessel or outboard motor
21 at a dealership or distributor's or manufacturer's place of
22 business during normal business hours.

23 (c) The commission by rule shall adopt a policy to guide the
24 prioritization of inspections of license holders based on risk to
25 the state's natural resources.

26 (d) The policy adopted under this section must require that
27 the department:

1 (1) determine the conditions under which an on-site
2 inspection of a license holder by the department is appropriate;

3 (2) develop an assessment tool for determining the
4 appropriate frequency and intensity of department inspections of
5 license holders, based on key risk factors and indications of
6 increased or decreased risk, such as repeated or remedied
7 violations and failed or passed inspections; and

8 (3) document all license holder inspections and the
9 results of those inspections and make the documentation available
10 to all employees whose job descriptions include the regulation of
11 license holders.

12 (e) The policy adopted under this section may be combined
13 with a policy adopted under Section 12.1025.

14 SECTION 10. Sections 42.012(b) and (c), Parks and Wildlife
15 Code, are amended to read as follows:

16 (b) The commission may set a lower fee or waive the fee or
17 license requirement for a resident who is under 17 years old, 65
18 years old or older, or participating in an event that is sponsored
19 or co-sponsored by the department [~~Texas Parks and Wildlife~~
20 ~~Department~~] with the approval of the [~~executive~~] director. The
21 commission shall waive the fee for a qualified [~~disabled~~] veteran
22 with a disability and for a resident on active duty as a member of
23 the United States military forces, the Texas Army National Guard,
24 the Texas Air National Guard, or the Texas State Guard.

25 (c) "Qualified [~~disabled~~] veteran with a disability" means
26 a veteran with a service connected disability, as defined by the
27 United States Department of Veterans Affairs, consisting of the

1 loss of the use of a lower extremity or of a disability rating of 50
2 percent or more and who is receiving compensation from the United
3 States for the disability.

4 SECTION 11. Section 46.002, Parks and Wildlife Code, is
5 amended to read as follows:

6 Sec. 46.002. EXEMPTIONS. (a) A license issued under this
7 chapter is not required of a person:

8 (1) who is a resident and whose birth date is before
9 January 1, 1931;

10 (2) who is a nonresident, if the person's birth date is
11 before September 1, 1930, and the person's state of residence
12 grants a similar age exemption to Texas residents;

13 (3) with a mental illness or developmental or
14 intellectual disability who is engaged [~~mentally disabled and who~~
15 ~~is engaging~~] in recreational fishing as part of medically approved
16 therapy[~~, and who is fishing~~] under the immediate supervision of
17 personnel approved or employed by a hospital, residence, or school
18 for [~~mentally disabled~~] persons with mental illnesses or
19 developmental or intellectual disabilities;

20 (4) with a mental illness or developmental or
21 intellectual disability who is [~~mentally retarded and is~~] engaged
22 in recreational fishing under the immediate supervision of a person
23 who:

24 (A) holds a license issued under this chapter;
25 and

26 (B) if not a member of the family of the person
27 with a mental illness or developmental or intellectual disability,

1 has the permission of the [~~mentally retarded person's~~] family head
2 or legal guardian of the person with a mental illness or
3 developmental or intellectual disability to take the [~~mentally~~
4 ~~retarded~~] person with a mental illness or developmental or
5 intellectual disability fishing [~~if the person is not a member of~~
6 ~~the family of the mentally retarded person~~]; or

7 (5) who is participating in an event that is sponsored
8 or co-sponsored by the department [~~Texas Parks and Wildlife~~
9 ~~Department~~] with the approval of the director [~~Executive Director~~].

10 (b) The [~~mentally disabled~~] person with a mental illness or
11 developmental or intellectual disability who is recreationally
12 fishing under Subsection (a)(3) shall carry an authorization
13 identifying the entity supplying the service. This authorization
14 may be in the form of a tag that contains the name of the sponsoring
15 entity.

16 (c) A [~~mentally retarded~~] person with a mental illness or
17 developmental or intellectual disability who is engaged in
18 recreational fishing under Subsection (a)(4) must carry a note from
19 a doctor stating that the person has been diagnosed with a mental
20 illness or developmental or intellectual disability [~~as mentally~~
21 ~~retarded~~].

22 SECTION 12. Section 46.004(c), Parks and Wildlife Code, is
23 amended to read as follows:

24 (c) The commission shall waive the fee for a qualified
25 [~~disabled~~] veteran with a disability as defined by Section 42.012
26 and for a resident on active duty as a member of the United States
27 military forces, the Texas Army National Guard, the Texas Air

1 National Guard, or the Texas State Guard.

2 SECTION 13. Chapter 86, Parks and Wildlife Code, is amended
3 by adding Section 86.0215 to read as follows:

4 Sec. 86.0215. INSPECTIONS. (a) In this section, "permit
5 holder" means a person holding a permit under Section 86.006.

6 (b) The commission by rule shall adopt a policy to guide the
7 prioritization of inspections of permit holders based on risk to
8 the state's natural resources.

9 (c) The policy adopted under this section must require that
10 the department:

11 (1) determine the conditions under which an on-site
12 inspection of a permit holder by the department is appropriate;

13 (2) develop an assessment tool for determining the
14 appropriate frequency and intensity of department inspections of
15 permit holders, based on key risk factors and indications of
16 increased or decreased risk, such as repeated or remedied
17 violations and failed or passed inspections; and

18 (3) document all inspections of permit holders and the
19 results of those inspections and make the documentation available
20 to all employees whose job descriptions include the regulation of
21 permit holders.

22 (d) The policy adopted under this section may be combined
23 with a policy adopted under Section 12.1025.

24 SECTION 14. Sections 11.0161(b), (c), (d), and (e), Parks
25 and Wildlife Code, are repealed.

26 SECTION 15. This Act takes effect September 1, 2021.