

Privilege Resolution

Suspending limitations on conference committee
jurisdiction, H.B.12 (Hilderbran/Estes.)

By: Hilderbran

H.R. No. 2912

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 80th Legislature, Regular Session, 2007, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill No. 12, relating to parks,
6 wildlife, hunting, and historic sites, the funding, powers, and
7 duties of the Parks and Wildlife Department, the Parks and Wildlife
8 Commission, and the Texas Historical Commission, and standards for
9 certain state law enforcement officers, and providing a criminal
10 penalty, to consider and take action on the following matters:

11 (1) House Rule 13, Section 9, is suspended to permit the
12 committee to add Section 614.152(a), Government Code, to read as
13 follows:

14 (a) Out of appropriated funds, each law enforcement agency
15 shall adopt physical fitness standards that a law enforcement
16 officer must meet to continue employment with the agency as a law
17 enforcement officer. The standards as applied to an officer must
18 directly relate to the officer's job duties. A law enforcement
19 agency shall use the services of a consultant to aid the agency in
20 developing the standards.

21 Explanation: The change is necessary to require a law
22 enforcement agency to use the services of a consultant to aid the
23 agency in developing the standards.

24 (2) House Rule 13, Section 9, is suspended to permit the

1 committee to amend Section 12.013, Parks and Wildlife Code, to read
2 as follows:

3 Sec. 12.013. POWER TO TAKE WILDLIFE; FISH. (a) An employee
4 of the department acting within the scope of the employee's
5 authority may possess, take, transport, release, and manage any of
6 the wildlife and fish in this state for investigation, propagation,
7 distribution, education, disease diagnosis or prevention, or
8 scientific purposes.

9 (b) A person who is not an employee of the department who is
10 participating under the supervision of a department employee in a
11 program or event designated by the director as being conducted for
12 research or species propagation and as exempt from the normally
13 applicable size or bag limits may possess, take, transport, or
14 release any fish in this state to accomplish the intent of the
15 program or event.

16 Explanation: The change is necessary to allow certain
17 persons participating in a state program or event related to fish to
18 possess, take, transport, or release any fish to accomplish the
19 intent of the program or event.

20 (3) House Rule 13, Section 9, is suspended to permit the
21 committee to amend Section 13.015, Parks and Wildlife Code, by
22 amending Subsection (b) and adding Subsections (a-1), (a-2), (b-1),
23 (b-2), and (b-3) to read as follows:

24 (a-1) The commission may waive the park entrance fee for a
25 person who is at least 70 years of age. The commission may not waive
26 the fee for use of a park facility, including a hook-up fee for
27 electricity or water.

1 (a-2) The department may promote visits and enhance revenue
2 at parks, including amounts necessary for salaries, advertising,
3 consumable supplies and materials, promotional products, fees, and
4 related expenses.

5 (b) The department may operate or grant contracts to operate
6 concessions in state parks or on causeways, beach drives, or other
7 improvements in connection with state park sites. The department
8 may make regulations governing the granting or operating of
9 concessions. The department may establish and operate staff
10 concessions, including salaries, consumable supplies and
11 materials, operating expenses, rental and other equipment, and
12 other capital outlays.

13 (b-1) The department may purchase products, including food
14 items, for resale or rental at a profit.

15 (b-2) The department shall operate any resale concession
16 program using standard business practice models to generate revenue
17 and provide quality customer service while adhering to conservation
18 principles.

19 (b-3) The department may recruit and select private service
20 providers to enter into leased concession contracts with the
21 department to provide necessary and appropriate visitor services.

22 Explanation: The change is necessary to expand and clarify
23 the Parks and Wildlife Department's authority relating to
24 concessions and admissions at state parks and other facilities
25 operated and maintained by the department.

26 (4) House Rule 13, Section 9, is suspended to permit the
27 committee to add Subchapter G, Chapter 31, Parks and Wildlife Code,

1 to read as follows:

2 SUBCHAPTER G. PARTY BOATS

3 Sec. 31.171. DEFINITIONS. In this subchapter:

4 (1) "Licensed party boat operator" means a person
5 issued a license by the department under this subchapter.

6 (2) "Party boat" means a vessel:

7 (A) operated by the owner of the vessel or an
8 employee of the owner; and

9 (B) rented or leased by the owner for a group
10 recreational event for more than six passengers.

11 Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This
12 subchapter applies only to a party boat that operates on the inland
13 waters of this state.

14 (b) This subchapter does not apply to a boat that is less
15 than 30 feet in length or to a sailboat.

16 Sec. 31.173. PARTY BOAT OPERATOR AND STAFF. (a) Except as
17 provided by Subsection (c), the party boat owner shall provide
18 staff members, including a licensed party boat operator, who:

19 (1) operate and staff the party boat for the duration
20 of a rental or lease for a group recreational event as follows:

21 (A) for a boat with not more than 25 passengers,
22 one staff member who is an operator;

23 (B) for a boat with at least 26 but not more than
24 50 passengers, two staff members, including one operator; and

25 (C) for a boat with more than 50 passengers,
26 three staff members, including one operator; and

27 (2) have each successfully completed a boater safety

1 course approved under this chapter.

2 (b) At least one staff member on the boat must be certified
3 to conduct cardiopulmonary resuscitation.

4 (c) This section does not apply to a party boat rented or
5 leased for an overnight or longer period for which the owner, or the
6 owner's staff, does not intend to remain in constant possession,
7 command, and control of the party boat.

8 Sec. 31.174. BOAT REQUIREMENTS. A party boat:

9 (1) may not carry more than the maximum number of
10 passengers the boat may safely accommodate as determined by the
11 department on inspection;

12 (2) must have a direct and reliable communication
13 connection to the land-based office of the owner and law
14 enforcement and emergency services by cellular telephone or very
15 high frequency radio; and

16 (3) must pass an annual water safety inspection
17 conducted by the department or a person under contract with the
18 department.

19 Sec. 31.175. PASSENGER SAFETY INFORMATION; INSURANCE. (a)
20 The owner of a party boat shall provide each passenger with written
21 and verbal safety information and require each passenger to sign a
22 form acknowledging that the passenger reviewed and understands the
23 information.

24 (b) The verbal and written safety information must disclose
25 that no lifeguard is present on the party boat if there is not at
26 least one staff member on the boat who is certified as a lifeguard
27 by the American Red Cross, the American Lifeguard Association, or

1 another comparable nationally recognized organization.

2 (c) The owner of a party boat must obtain at least a minimum
3 amount of liability insurance from an insurer licensed to do
4 business in this state. The commission shall set the amount.

5 Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The
6 commission by rule shall establish, as necessary to protect the
7 public health and safety, the requirements and procedures for the
8 issuance and renewal of a party boat operator license under this
9 subchapter.

10 (b) Except as provided by Subsection (c), the rules for
11 obtaining a license as a party boat operator must require at a
12 minimum that the applicant:

13 (1) be at least 21 years of age;

14 (2) observe for at least four hours a licensed party
15 boat operator operating a party boat on open water;

16 (3) operate for at least four hours a party boat on
17 open water while being supervised and observed by a licensed party
18 boat operator; and

19 (4) pass a written examination covering onboard safety
20 procedures and the applicable provisions of this chapter.

21 (c) An applicant is not required to comply with Subsections
22 (b)(2) and (3) if the applicant has:

23 (1) at least 25 hours of experience operating a party
24 boat as shown by appropriate documentation; and

25 (2) no record of boating violations.

26 Sec. 31.177. FEES. (a) The commission by rule shall
27 establish and collect a reasonable fee for:

1 (1) the issuance of a party boat operator license
2 under this subchapter; and

3 (2) the annual water safety inspection of a party boat
4 required by this subchapter.

5 (b) A fee collected by the department under this subchapter
6 and any interest that accrues on the fee shall be deposited to the
7 credit of the game, fish, and water safety account established
8 under Section 11.032.

9 Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is
10 involved in an accident causing serious personal injury or death,
11 each staff member on board is subject to mandatory drug and alcohol
12 testing.

13 Sec. 31.179. ENFORCEMENT. (a) In addition to a game
14 warden, any peace officer of a municipality or other political
15 subdivision of this state who is certified as a marine safety
16 enforcement officer under Section 31.121 may enforce this
17 subchapter:

18 (1) in the area of a navigable body of water that is in
19 the jurisdiction of the municipality or other political
20 subdivision; or

21 (2) in any part of a lake that is partly or wholly
22 inside the boundaries of:

23 (A) the municipality or its extraterritorial
24 jurisdiction; or

25 (B) the political subdivision.

26 (b) A party boat is subject to enforcement inspections
27 conducted under Section 31.124.

1 Sec. 31.180. RULES. The commission shall adopt and enforce
2 rules necessary to implement this subchapter.

3 (b) Not later than January 1, 2008, the Parks and Wildlife
4 Commission shall adopt rules to implement Subchapter G, Chapter 31,
5 Parks and Wildlife Code, as added by this Act.

6 (c) Subchapter G, Chapter 31, Parks and Wildlife Code, as
7 added by this Act, applies only to the rental or lease of a party
8 boat on the public water of this state for a group recreational
9 event held on or after June 1, 2008.

10 Explanation: This change is necessary to regulate the
11 operation and safety of certain party boats through a fee, license,
12 and other requirements administered by the Parks and Wildlife
13 Department.

14 (5) House Rule 13, Section 9, is suspended to permit the
15 committee to amend Sections 43.402(a) and (b), Parks and Wildlife
16 Code, to read as follows:

17 (a) Except as provided by Subsection (b) or (c) of this
18 section, no person may engage in fishing in saltwater for sporting
19 purposes in this state, or unload in this state fish or other
20 aquatic life taken for sporting purposes from waters managed by the
21 Gulf of Mexico Fishery Management Council established under the
22 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
23 1801 et seq.), unless the person has acquired a saltwater
24 sportfishing stamp endorsement issued to the person by the
25 department. The commission by rule may prescribe requirements
26 relating to possessing a stamp endorsement required by this
27 subchapter.

1 (b) A person who is exempted from obtaining a fishing
2 license under Chapter 46 [~~of this code~~] is not required to obtain a
3 saltwater sportfishing stamp endorsement.

4 Explanation: The change is necessary to prohibit certain
5 persons from unloading fish or other aquatic life taken for
6 sporting purposes from waters managed by the Gulf of Mexico Fishery
7 Management Council.

8 (6) House Rule 13, Section 9, is suspended to permit the
9 committee to amend Chapter 43, Parks and Wildlife Code, by adding
10 Subchapter V, and to add SECTION 57 to the bill, to read as follows:

11 SUBCHAPTER V. NONINDIGENOUS SNAKE PERMIT

12 Sec. 43.851. PERMIT. (a) The commission by rule shall
13 establish permits that allow permit holders to possess or transport
14 in this state a live nonindigenous:

15 (1) venomous snake; or

16 (2) constrictor that is one of the following:

17 (A) African rock python, *Python sebae*;

18 (B) Asiatic rock python, *Python molurus*;

19 (C) green anaconda, *Eunectes murinus*;

20 (D) reticulated python, *Python reticulatus*; or

21 (E) southern African python, *Python natalensis*.

22 (b) The commission shall establish separate permits for
23 recreational and commercial purposes.

24 (c) A permit under this subchapter is not required for:

25 (1) a state or county official performing an official
26 duty;

27 (2) a licensed zoo that possesses or transports a

1 snake for exhibition or scientific purposes;

2 (3) a research facility, including a university,
3 licensed under the Animal Welfare Act (7 U.S.C. Section 2131 et
4 seq.) that possesses or transports a snake for scientific purposes;
5 or

6 (4) a person who assists a department employee in the
7 handling or transport of a snake under this subchapter.

8 (d) Except as provided by Subsection (c), a person may not
9 possess or transport in this state a snake described by Subsection
10 (a) without a permit issued by the department under this
11 subchapter.

12 (e) A person convicted of a violation of this subchapter or
13 a rule adopted under this subchapter may not obtain a permit before
14 the fifth anniversary of the date of the conviction.

15 Sec. 43.852. INSPECTION OF PERMIT AND RECORDS. An
16 authorized department employee may inspect at any time and without
17 a warrant a permit or any records required by this subchapter.

18 Sec. 43.853. RELEASE FROM CAPTIVITY. A person may not
19 intentionally, knowingly, recklessly, or with criminal negligence
20 release or allow the release from captivity of a snake covered by
21 this subchapter.

22 Sec. 43.854. SEIZURE OF CONTRABAND; FINANCIAL
23 RESPONSIBILITY. (a) The department may arrange for the seizure and
24 removal of a snake covered by this subchapter from a person who
25 possesses the snake without the required permit. The person is
26 responsible for any costs incurred by the department in the
27 seizure, removal, and disposition of the snake.

1 (b) A department employee is not required to handle, remove,
2 or dispose of the snake.

3 (c) The department may contract with a person who has
4 knowledge of or expertise in the handling of a snake covered by this
5 subchapter to assist the department in the handling, removal, and
6 disposition of the snake.

7 (d) The department, including an enforcement officer of the
8 department, who acts under this section is not liable in a civil
9 action for the seizure, sale, donation, or other disposition of the
10 snake.

11 Sec. 43.855. RULES. The commission may adopt rules to
12 implement this subchapter, including rules to govern:

13 (1) the possession or transport of a snake covered by
14 this subchapter;

15 (2) permit application forms, fees, and procedures;

16 (3) the release of the snake;

17 (4) reports that the department may require a permit
18 holder to submit to the department; and

19 (5) other matters the commission considers necessary.

20 Sec. 43.856. OFFENSE. (a) Except as provided by Subsection
21 (c), a person who violates this subchapter or a rule adopted under
22 this subchapter commits an offense that is a Class C Parks and
23 Wildlife Code misdemeanor.

24 (b) A person who violates Section 43.853 or a rule adopted
25 to implement Section 43.853 commits an offense that is a Class A
26 Parks and Wildlife Code misdemeanor.

27 SECTION 57. (a) The Parks and Wildlife Commission shall

1 adopt the rules necessary under Subchapter V, Chapter 43, Parks and
2 Wildlife Code, as added by this Act, not later than April 1, 2008.

3 (b) The Parks and Wildlife Department shall begin issuing
4 permits under Subchapter V, Chapter 43, Parks and Wildlife Code, as
5 added by this Act, not later than April 1, 2008.

6 Explanation: The change is necessary to regulate the
7 possession of certain nonindigeneous snakes and constrictors in
8 this state, through the issuance of permits, the adoption of rules,
9 the imposition of criminal offenses, and certain other measures.

10 (7) House Rule 13, Section 9, is suspended to permit the
11 committee to amend Section 46.001, Parks and Wildlife Code, to read
12 as follows:

13 Sec. 46.001. PROHIBITED ACTS. No person may fish in the
14 public water of this state, or unload in this state fish or other
15 aquatic life taken for sporting purposes from waters managed by the
16 Gulf of Mexico Fishery Management Council established under the
17 Fishery Conservation and Management Act of 1976 (16 U.S.C. Section
18 1801 et seq.), unless he has acquired a fishing license issued under
19 this subchapter, except as provided by Sections 46.0012 and 46.002
20 [~~of this code~~]. The commission by rule may prescribe requirements
21 relating to possessing a license required by this subchapter.

22 Explanation: The change is necessary to prohibit certain
23 persons from unloading fish or other aquatic life taken for
24 sporting purposes from waters managed by the Gulf of Mexico Fishery
25 Management Council.

26 (8) House Rule 13, Section 9, is suspended to permit the
27 committee to amend Section 62.001, Parks and Wildlife Code, by

1 adding Subdivision (3) to read as follows:

2 (3) "Public road or right-of-way" means a public
3 street, alley, road, right-of-way, or other public way, including a
4 berm, ditch, or shoulder.

5 Explanation: The change is necessary to define "public road
6 or right-of-way."

7 (9) House Rule 13, Section 9, is suspended to permit the
8 committee to amend Subchapter A, Chapter 62, Parks and Wildlife
9 Code, by adding Section 62.0031 to read as follows:

10 Sec. 62.0031. HUNTING FROM PUBLIC ROAD OR RIGHT-OF-WAY
11 PROHIBITED. (a) Except as provided by Subsection (b), a person may
12 not hunt a wild animal or bird when the person is on a public road or
13 right-of-way.

14 (b) This section does not apply to the trapping of a raptor
15 for educational or sporting purposes as provided by Chapter 49.

16 Explanation: The change is necessary to prohibit certain
17 persons from hunting a wild animal or bird when the person is on a
18 public road or right-of-way.

19 (10) House Rule 13, Section 9, is suspended to permit the
20 committee to amend the heading to Chapter 284, Parks and Wildlife
21 Code, and amend Section 284.001, Parks and Wildlife Code, by
22 amending Subsections (b) and (d) and adding Subsection (f) to read
23 as follows:

24 CHAPTER 284. DIMMIT, EDWARDS, FRIO, IRION, KENEDY, KIMBLE,
25 LLANO, MASON, MAVERICK, REAL, UVALDE, AND ZAVALA COUNTIES

26 (b) This section applies only to a navigable river or stream
27 located wholly or partly in Dimmit, Edwards, Frio, Irion, Kenedy,

1 Kimble, Llano, Mason, Maverick, Real, Uvalde, or Zavala County.

2 (d) This section does not apply to:

3 (1) an individual acting in the scope of the
4 individual's duties as a peace officer or department employee; ~~[or]~~

5 (2) the discharge of a shotgun loaded with ammunition
6 that releases only shot when discharged, except as provided by
7 Subsection (f); or

8 (3) bow fishing.

9 (f) In Dimmit, Uvalde, or Zavala County, a person may
10 discharge a shotgun loaded with ammunition that releases only shot
11 when discharged only if the person is hunting:

12 (1) migratory birds, as defined by Section 34.021; or

13 (2) game animals, as defined by Section 63.001, except
14 mule deer, white-tailed deer, or antelope.

15 Explanation: This change is necessary to regulate certain
16 types of hunting in the counties of Irion, Kimble, Mason, Dimmit,
17 Uvalde, and Zavala.

18 (11) Senate Rules 12.03(1) and (3) are suspended to permit
19 the committee to amend Section 151.801, Tax Code, by amending
20 Subsection (c) and adding Subsection (c-1) to read as follows:

21 (c) Subject to Subsection (c-1), the ~~[The]~~ proceeds from the
22 collection of the taxes imposed by this chapter on the sale,
23 storage, or use of sporting goods shall be deposited as follows:

24 (1) an amount equal to 94 percent of the proceeds ~~[For~~
25 ~~the period beginning September 1, 1993, and ending August 31, 1995,~~
26 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~
27 ~~to the credit of the general revenue fund, state parks account, and~~

1 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~
2 ~~to the credit of the general revenue fund, Texas recreation and~~
3 ~~parks account, and the balance shall be retained in the general~~
4 ~~revenue fund.~~

5 ~~[(2) Beginning September 1, 1995, the taxes collected]~~
6 shall be credited to the Parks and Wildlife Department and
7 deposited as specified in the Parks and Wildlife Code; and

8 (2) an amount equal to six percent of the proceeds
9 shall be credited to the Texas Historical Commission and deposited
10 as specified in Section 442.073, Government Code. [~~The comptroller~~
11 ~~shall not credit in excess of \$32 million in sporting goods tax~~
12 ~~revenue annually to the Parks and Wildlife Department.~~]

13 (c-1) The comptroller may not credit to the Parks and
14 Wildlife Department or the Texas Historical Commission any amounts
15 under this section that are in excess of the amounts appropriated to
16 the department or commission for that biennium, less any other
17 amounts to which the department or commission is entitled.

18 Explanation: This change is necessary to clarify that the
19 comptroller may not credit to the Parks and Wildlife Department or
20 the Texas Historical Commission more than the amount appropriated
21 to the department or commission, less certain other amounts.

22 (12) House Rule 13, Section 9, is suspended to permit the
23 committee to add SECTION 53 to read as follows:

24 SECTION 53. (a) In this section, "historic site" means a
25 historic site or park listed under Section 442.072, Government
26 Code, as added by this Act.

27 (b) On or after January 1, 2008, as provided by this

1 section, the following are transferred to the Texas Historical
2 Commission:

3 (1) each historic site and all obligations and
4 liabilities of the Parks and Wildlife Department relating to the
5 site;

6 (2) all unobligated and unexpended funds appropriated
7 to the Parks and Wildlife Department designated for the
8 administration of each site;

9 (3) all equipment and property of the Parks and
10 Wildlife Department used for the administration of or related to
11 each site; and

12 (4) all files and other records of the Parks and
13 Wildlife Department kept by the department regarding each site.

14 (c) A rule adopted by the Parks and Wildlife Commission that
15 is in effect immediately before January 1, 2008, and that relates to
16 a historic site is, on January 1, 2008, a rule of the Texas
17 Historical Commission and remains in effect until amended or
18 repealed by the Texas Historical Commission. A rule that applies to
19 both a transferred site and park that is not transferred is a rule
20 of both commissions and applies to the transferred site until
21 amended or repealed by the Texas Historical Commission.

22 (d) A transfer under this Act does not diminish or impair
23 the rights of a holder of an outstanding bond or other obligation
24 issued by the Parks and Wildlife Department in relation to the
25 support of a historic site.

26 (e) On January 1, 2008, a reference in the Parks and
27 Wildlife Code or other law to a power, duty, obligation, or

1 liability of the Parks and Wildlife Department or the Parks and
2 Wildlife Commission that relates to a historic site is a reference
3 to the Texas Historical Commission. The Texas Historical Commission
4 is the successor agency to the Parks and Wildlife Department and the
5 Parks and Wildlife Commission for the site.

6 (f) The Texas Historical Commission shall prepare a base
7 operating plan for each historic site before the transfer of any
8 site or associated artifact or archival materials from the Parks
9 and Wildlife Department to the commission. The base operating plan
10 for each site must be completed on or before January 1, 2008. The
11 base operating plan for each site must include:

12 (1) a mission statement outlining the goals for the
13 site;

14 (2) an interpretive plan showing how the mission is to
15 be accomplished;

16 (3) an operational plan, including:

17 (A) facilities, documents, records, and other
18 assets to be transferred;

19 (B) parties responsible for daily site
20 management, including staff that will be transferred;

21 (C) off-site support structure;

22 (D) plans for artifact and archival curation;

23 (E) signed memoranda of understanding or
24 memoranda of agreement with appropriate friends groups and
25 volunteer organizations; and

26 (F) emergency plans;

27 (4) a maintenance plan, including maintenance and

1 repair needs;

2 (5) a marketing plan;

3 (6) a business plan, including revenue and visitation
4 goals;

5 (7) a plan for compliance with:

6 (A) Chapter 191, Natural Resources Code (the
7 Antiquities Code of Texas); and

8 (B) the National Historic Preservation Act (16
9 U.S.C. Section 470 et seq.); and

10 (8) fiscal plans and budgets associated with
11 Subdivisions (1) through (7) of this subsection.

12 (g) Not later than September 1, 2007, the chair of the House
13 Committee on Culture, Recreation, and Tourism shall appoint from
14 that committee an interim study subcommittee to review the base
15 operating plan described by Subsection (f) of this section. The
16 interim subcommittee shall obtain feedback and information from
17 professionals familiar with the work of the Parks and Wildlife
18 Department, the Texas Historical Commission, the National Park
19 Service, the Council of Texas Archeologists, professional
20 archivists, park managers, and the tourism industry. Not later than
21 September 1, 2008, the interim study subcommittee shall report to
22 the House Committee on Culture, Recreation, and Tourism on the
23 results of the study conducted under this subsection.

24 (h) Until a historic site is transferred to the Texas
25 Historical Commission in accordance with this Act, the Parks and
26 Wildlife Department shall continue to operate and maintain the site
27 under applicable law as it existed on January 1, 2007.

1 (i) The Parks and Wildlife Department and the Texas
2 Historical Commission shall keep the House Committee on Culture,
3 Recreation, and Tourism, the subcommittee on Agriculture, Rural
4 Affairs and Coastal Resources, and the Senate and House members in
5 whose district, a historic site is being transferred, informed of
6 the progress of the transfer of each historic site under this Act.

7 (j) An employee of the Parks and Wildlife Department whose
8 job responsibilities are more than 50 percent related to a historic
9 site transferred to the Texas Historical Commission under this Act
10 becomes an employee of the Texas Historical Commission on the date
11 of the transfer of that site. An employee whose job is transferred
12 may not be dismissed after the transfer except for cause before the
13 first anniversary of the date of the transfer.

14 Explanation: This change is necessary to provide for the
15 transfer of certain historic sites to the Texas Historical
16 Commission, require the commission to adopt base operating plans
17 for the sites, and establish an interim study subcommittee to
18 review the base operating plans.

19 (13) House Rule 13, Section 9, is suspended to permit the
20 committee to add SECTION 56 to read as follows:

21 SECTION 56. (a) The House Committee on Culture, Recreation,
22 and Tourism shall conduct a study to determine whether this state
23 should permit the possession of nonindigenous venomous snakes and
24 nonindigenous constrictors as provided by Subchapter V, Chapter 43,
25 Parks and Wildlife Code, as added by this Act.

26 (b) The study must include:

27 (1) a comparison of laws regulating nonindigenous

1 snakes in other states;

2 (2) alternative methods of regulating the possession
3 of nonindigenous snakes;

4 (3) the economic, environmental, and other effects of
5 allowing nonindigenous snakes to be held in the state, including:

6 (A) the potential to harbor and spread diseases
7 or parasites, or other adverse effects; and

8 (B) the economic and other benefits to this state
9 that may be obtained by regulating the trade in nonindigenous
10 snakes; and

11 (4) other related matters the committee finds useful.

12 (c) Not later than November 1, 2008, the committee shall
13 report its findings to the governor, the executive directors of the
14 Parks and Wildlife Department and the Department of Agriculture,
15 and each member of the committee.

16 Explanation: This change is necessary to require a study to
17 determine whether this state should permit the possession of
18 nonindigenous venomous snakes and nonindigenous constrictors.

19 (14) House Rule 13, Section 9, is suspended to permit the
20 committee to add SECTION 58 to read as follows:

21 SECTION 58. (a) The joint legislative task force on the use
22 of the sales tax on sporting goods is composed of eight members, as
23 follows:

24 (1) two members of the House Culture, Recreation and
25 Tourism Committee, one being the chair of the committee and one
26 appointed by the speaker of the house of representatives;

27 (2) two members, each of whom must be a member of the

1 House Appropriations Committee or House Ways and Means Committee,
2 as appointed by the speaker of the house representatives;

3 (3) two members of the Senate Committee on Natural
4 Resources, one being the chair of the committee and one appointed by
5 the lieutenant governor; and

6 (4) two members of the Senate Committee on Finance,
7 appointed by the lieutenant governor.

8 (b) The speaker of the house of representatives shall
9 designate the chair of the House Committee on Culture, Recreation
10 and Tourism to serve as a joint presiding officer of the task force,
11 and the lieutenant governor shall designate another task force
12 member to serve as the other joint presiding officer.

13 (c) The task force meets at the call of the joint presiding
14 officers.

15 (d) The task force shall:

16 (1) review the items that are included in the
17 definition of "sporting goods" under Section 151.801(e), Tax Code;

18 (2) determine the amount of sales tax revenue that
19 must be generated from the sale of "sporting goods" to fund, at a
20 minimum, the appropriations made by the 80th Legislature regarding
21 state parks, local parks, historic sites, coastal management
22 programs, and water planning;

23 (3) not later than December 15, 2008, prepare and
24 present to the legislature a report that describes the findings of
25 the task force and includes recommendations regarding the specific
26 items that should be included in the definition of "sporting goods"
27 under Section 151.801(e), Tax Code in order to more evenly match the

1 revenue streams needed to cover ongoing appropriations (estimated
2 to be \$70 million per annum), net of the use of unexpended balances
3 in 2008-2009 biennium, without creating large dedicated fund
4 balances.

5 (e) It is the intent of the 80th Legislature that Section
6 151.801(c-1), Tax Code, as added by this Act, be repealed on
7 adoption of a statute implementing the recommendations of the task
8 force.

9 Explanation: This change is necessary to require a task force
10 to study the appropriate collection and distribution of the
11 sporting goods sales tax.

12 (15) House Rule 13, Section 9, is suspended to permit the
13 committee to add SECTION 59 to read as follows:

14 SECTION 59. If the Parks & Wildlife Department does not
15 receive a grant of funds from the Department of Transportation, the
16 Parks and Wildlife Department may spend no more than \$50,000 to
17 maintain a river-access point and picnic area in Zavala County that
18 is adjacent to the Nueces River and United States Highway 83
19 intersection north of La Pryor, Texas. If the Parks and Wildlife
20 Department receives a grant of funds from the Department of
21 Transportation, the Parks and Wildlife Department may not spend
22 money, other than money received under the grant, on maintenance
23 described by this section.

24 Explanation: This change is necessary to administer the use
25 of funds expended by the Parks and Wildlife Department for certain
26 projects.

27 (16) House Rule 13, Section 9, is suspended to permit the

1 committee to add SECTION 60 to read as follows:

2 SECTION 60. (a) The Parks and Wildlife Department shall
3 conduct a study of ways to improve the efficiency and ease of use of
4 the department's hunting and fishing license systems. The study
5 must:

6 (1) evaluate the efficiency of the hunting and fishing
7 license systems in effect on September 1, 2007;

8 (2) identify problems and suggest improvements to
9 those systems; and

10 (3) identify ways to increase ease of use for
11 individuals applying for a hunting or fishing license in this
12 state.

13 (b) The Parks and Wildlife Department shall complete the
14 study conducted under Subsection (a) of this section not later than
15 July 1, 2008.

16 (c) Not later than October 1, 2008, the Parks and Wildlife
17 Department shall submit to the governor, the lieutenant governor,
18 the speaker of the house of representatives, and the chair of each
19 committee of the legislature that has primary oversight
20 jurisdiction over the department a written report that summarizes
21 the findings of the study conducted under Subsection (a) of this
22 section.

23 Explanation: This change is necessary to require the Parks
24 and Wildlife Department to study the department's fishing and
25 license systems and report its findings to the legislature.