

## **BILL ANALYSIS**

C.S.H.B. 1300  
By: Guillen  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

A recent legislative report examining various ways to increase private contributions for state parks noted that, currently, the Texas Parks and Wildlife Department is limited in its authority to expand development of corporate partnerships and joint promotional campaigns. Consequently, the department is unable to develop a financially beneficial partnership with a private for-profit company. Consistent with the report's recommendations, C.S.H.B. 1300 amends provisions of law to expand the scope of the department's fundraising and partnership development activities to include a private entity.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTIONS 1, 2, and 3 of this bill.

### **ANALYSIS**

C.S.H.B. 1300 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Department, subject to approval by the Parks and Wildlife Commission, to select a for-profit entity as an official corporate partner. The bill authorizes the department to contract with one or more official corporate partners to raise funds for state site operations and maintenance or other priority projects or programs and defines "state site" as a state park, natural area, wildlife management area, fish hatchery, or historic site under the jurisdiction of the department. The bill authorizes such a partner, as a means to raise funds, to accept contributions, gifts, grants, and promotional campaign proceeds on behalf of the department or provide such items to the department. The bill requires the department to ensure that an official corporate partner transfers such items accepted on behalf of the department to the department as soon as possible. The bill authorizes the department to contract with one or more official corporate partners to conduct joint promotional campaigns or other fundraising efforts conducted by the department to raise funds for state site operations and maintenance or other priority projects or programs. The bill limits the use of money received by the department under these provisions to state site operations and maintenance or other priority projects or programs. The bill requires the commission to adopt rules to implement the bill's provisions relating to for-profit partnerships, including rules that establish guidelines or best practices for official corporate partners. The bill specifies that its provisions relating to for-profit partnerships do not limit the department's authority to accept donations that are otherwise authorized.

C.S.H.B. 1300 authorizes the department to contract with any entity the department considers appropriate to sell state park passes in any of the entity's retail locations or to use the Parks and Wildlife Department brand in exchange for licensing fees paid by the entity to the department and authorizes the department to use the fees for any use under the Parks and Wildlife Code. The bill authorizes the commission to adopt rules to implement these provisions.

C.S.H.B. 1300 requires the commission by rule to prohibit inappropriate commercial advertising in state parks, natural areas, historic sites, or other sites under the jurisdiction of the department

to preserve the integrity of the sites and to minimize distractions that may interfere with the enjoyment of the sites by visitors.

C.S.H.B. 1300 defines "official corporate partner."

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1300 differs from the original by specifying that the department's authorization to contract with an official corporate partner applies to one or more official corporate partners, whereas the original specifies that the authorization applies to a contract with an official corporate partner.

C.S.H.B. 1300 differs from the original by expanding its provisions to apply to contracts to raise funds and the use of those funds for other priority projects or programs in addition to state site operations and maintenance as in the original.

C.S.H.B. 1300 differs from the original by revising the definition of "official corporate partner" to conform to the inclusion of other priority projects or programs in its provisions. The substitute differs from the original by adding a wildlife management area and a fish hatchery to the meaning of "state site."

C.S.H.B. 1300 contains a provision not in the original authorizing an official corporate partner, in order to raise funds, to provide contributions, gifts, grants, and promotional campaign proceeds to the department. The substitute differs from the original by specifying that transfers of such items to the department are accepted on behalf of the department.

C.S.H.B. 1300 contains a provision not included in the original specifying that its provisions relating to for-profit partnerships do not limit the department's authority to accept donations that are otherwise authorized.

C.S.H.B. 1300 differs from the original by authorizing the department to use licensing fees for any use under the Parks and Wildlife Code, whereas the original requires the department to use the fees only for the operation and maintenance of state sites.

C.S.H.B. 1300 differs from the original by requiring the commission by rule to prohibit inappropriate commercial advertising, whereas the original authorizes the commission by rule to assess and limit commercial advertising.