

## **BILL ANALYSIS**

S.B. 700  
By: Buckingham  
Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Parks and Wildlife Department (TPWD) was created in 1963 to manage, conserve, and provide access to the state's lands and natural resources. Following review as part of the 2020-2021 sunset review cycle, the Sunset Advisory Commission found the state continues to benefit from the important functions of TPWD and recommends continuing TPWD for 12 years. However, the sunset commission recommended certain statutory modifications aimed at improving consistency and fairness for individuals and small business owners licensed by TPWD, including by implementing a risk-based approach to inspections. Additionally, the sunset commission found that TPWD's multiple strategic planning processes have become muddled over time, thus impeding the ability of TPWD to best plan its operations and to identify and address its future needs, and recommended requiring TPWD to refine the scope and measure the effectiveness of its land and water resources conservation and recreation plan. S.B. 700 seeks to continue TPWD with several statutory modifications implementing these recommendations.

### **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 SECTIONS 6, 9, and 13 of this bill.

### **ANALYSIS**

S.B. 700 amends the Parks and Wildlife Code to continue the Parks and Wildlife Department (TPWD) until September 1, 2033.

S.B. 700 does the following with respect to TPWD and the Parks and Wildlife Commission:

- revises provisions related to commission member training and provides for the creation of a related training manual that each member must acknowledge having received and reviewed;
- provides for the transition to the new training requirements for members appointed before the bill's effective date; and
- updates TPWD complaint procedures to apply certain good government standards.

S.B. 700 requires the TPWD land and water resources conservation and recreation plan to include measures of TPWD effectiveness in meeting the plan's goals and objectives, including quantifiable measures where possible. The bill requires TPWD, every five years, to evaluate progress towards achieving the plan's goals and objectives and requires the evaluation to include those effectiveness measures and to identify the goals and objectives met by TPWD and reasons for any unmet goals or objectives. On completion of an evaluation, TPWD must develop and

implement practices designed to improve progress towards meeting the plan's goals and objectives.

S.B. 700 provides for the development of risk-based inspections of nonrecreational authorization holders. Accordingly, the bill requires the commission by rule to adopt a policy to guide the prioritization of inspections of nonrecreational authorization holders based on risk to the state's natural resources. The policy must require TPWD to do the following:

- identify the nonrecreational authorization holders that require on-site inspections;
- develop an assessment tool for determining the appropriate frequency and intensity of TPWD inspections of nonrecreational authorization holders, based on key risk factors and indications of increased or decreased risk, such as repeated or remedied violations and failed or passed inspections; and
- document all inspections of nonrecreational authorization holders and the results of those inspections and make the documentation available to all employees whose job descriptions include the regulation of those holders.

The bill defines "nonrecreational authorization holder" as a holder of a license, permit, or other authorization required by the Parks and Wildlife Code or rules adopted under the code, excluding a hunting license, a hunting or fishing stamp, a fishing license, or a combination hunting and fishing license.

S.B. 700 requires the commission by rule to adopt similar risk-based policies, as set out by the bill, to guide the prioritization of inspections of dealer, distributor, and manufacturer license holders under the Water Safety Act based on risk to water safety and of permit holders for the disturbing, taking, or carrying away of marl, sand, gravel, shell, or mudshell based on risk to the state's natural resources. These policies may be combined with the policy for the prioritization of inspections of commercial or occupational licensed activity.

S.B. 700 repeals Sections 11.0161(b), (c), (d), and (e), Parks and Wildlife Code.

#### **EFFECTIVE DATE**

September 1, 2021.