

1-1 By: Buckingham, et al. S.B. No. 700
1-2 (In the Senate - Filed February 9, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Natural Resources &
1-4 Economic Development; April 12, 2021, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; April 12, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Birdwell</u>	X		
1-10	<u>Zaffirini</u>	X		
1-11	<u>Alvarado</u>	X		
1-12	<u>Hancock</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Hughes</u>	X		
1-15	<u>Kolkhorst</u>	X		
1-16	<u>Lucio</u>	X		
1-17	<u>Seliger</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 700 By: Zaffirini

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the continuation and functions of the Texas Parks and
1-22 Wildlife Department.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 11.0111, Parks and Wildlife Code, is
1-25 amended to read as follows:

1-26 Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife
1-27 Department is subject to Chapter 325, Government Code (Texas Sunset
1-28 Act). Unless continued in existence as provided by that chapter,
1-29 the department is abolished September 1, 2033 [~~2021~~].

1-30 SECTION 2. Section 11.0126, Parks and Wildlife Code, is
1-31 amended by amending Subsection (b) and adding Subsection (d) to
1-32 read as follows:

1-33 (b) The training program must provide the person with
1-34 information regarding:

1-35 (1) the law governing [~~legislation that created the~~]
1-36 department operations [~~and the commission~~];

1-37 (2) the programs, functions, rules, and budget of
1-38 [~~operated by~~] the department;

1-39 (3) the scope of and limitations of the rulemaking
1-40 authority [~~the role and functions~~] of the commission [~~department~~];

1-41 (4) [~~the rules of the commission, with an emphasis on~~
1-42 ~~the rules that relate to disciplinary and investigatory authority,~~

1-43 [~~(5) the current budget for the department,~~

1-44 [~~(6)~~] the results of the most recent formal audit of
1-45 the department;

1-46 (5) [~~(7)~~] the requirements of:

1-47 (A) laws relating to [~~the~~] open meetings, public
1-48 information, administrative procedure, and disclosing conflicts of
1-49 interest [~~law, Chapter 551, Government Code~~]; and

1-50 (B) [~~the public information law, Chapter 552,~~
1-51 ~~Government Code,~~

1-52 [~~(C) the administrative procedure law, Chapter~~
1-53 ~~2001, Government Code, and~~

1-54 [~~(D)~~] other laws applicable to members of a state
1-55 policy-making body in performing their duties [~~relating to public~~
1-56 ~~officials, including conflict-of-interest laws~~]; and

1-57 (6) [~~(8)~~] any applicable ethics policies adopted by
1-58 the department or the Texas Ethics Commission.

1-59 (d) The director shall create a training manual that
1-60 includes the information required by Subsection (b). The director

2-1 shall distribute a copy of the training manual annually to each
 2-2 member of the commission. Each member of the commission shall sign
 2-3 and submit to the director a statement acknowledging that the
 2-4 member received and has reviewed the training manual.

2-5 SECTION 3. The heading to Section [11.0161](#), Parks and
 2-6 Wildlife Code, is amended to read as follows:

2-7 Sec. 11.0161. NOTIFICATION OF COMMISSION ACTIVITIES[+
 2-8 COMPLAINTS].

2-9 SECTION 4. Subchapter B, Chapter [11](#), Parks and Wildlife
 2-10 Code, is amended by adding Section 11.0165 to read as follows:

2-11 Sec. 11.0165. COMPLAINTS. (a) The department shall
 2-12 maintain a system to promptly and efficiently act on complaints
 2-13 filed with the department. The department shall maintain
 2-14 information about parties to the complaint, the subject matter of
 2-15 the complaint, a summary of the results of the review or
 2-16 investigation of the complaint, and its disposition.

2-17 (b) The department shall make information available
 2-18 describing its procedures for complaint investigation and
 2-19 resolution.

2-20 (c) The department shall periodically notify the complaint
 2-21 parties of the status of the complaint until final disposition
 2-22 unless the notice would jeopardize an investigation.

2-23 SECTION 5. Section [11.104](#), Parks and Wildlife Code, is
 2-24 amended by amending Subsection (c) and adding Subsections (f) and
 2-25 (g) to read as follows:

2-26 (c) Based on the analysis made under Subsection (a), the
 2-27 department shall prepare a land and water resources conservation
 2-28 and recreation plan. [~~The plan must include criteria for~~
 2-29 ~~determining how to meet the state's conservation and recreation~~
 2-30 ~~needs.~~] The department shall revise the plan as necessary to
 2-31 reflect changes in the inventory developed under Section [11.103](#).
 2-32 The plan must include:

2-33 (1) criteria for determining how to meet the state's
 2-34 conservation and recreation needs; and

2-35 (2) measures of the effectiveness of the department in
 2-36 meeting the goals and objectives of the plan, including, where
 2-37 possible, quantifiable measures.

2-38 (f) Every five years the department shall evaluate progress
 2-39 towards achieving the goals and objectives of the plan prepared
 2-40 under Subsection (c). The department's evaluation must:

2-41 (1) include the effectiveness measures under
 2-42 Subsection (c)(2); and

2-43 (2) identify:
 2-44 (A) the goals and objectives met by the
 2-45 department; and

2-46 (B) reasons for any unmet goals or objectives.

2-47 (g) On completion of an evaluation under Subsection (f), the
 2-48 department shall develop and implement practices designed to
 2-49 improve progress towards meeting the goals and objectives of the
 2-50 plan.

2-51 SECTION 6. Subchapter B, Chapter [12](#), Parks and Wildlife
 2-52 Code, is amended by adding Section 12.1025 to read as follows:

2-53 Sec. 12.1025. RISK-BASED INSPECTIONS OF NONRECREATIONAL
 2-54 AUTHORIZATION HOLDERS. (a) In this section, "nonrecreational
 2-55 authorization holder" means a holder of a license, permit, or other
 2-56 authorization required by this code or rules adopted under this
 2-57 code. The term does not include a holder of:

2-58 (1) a hunting license issued under Chapter [42](#);

2-59 (2) a hunting or fishing stamp issued under Chapter
 2-60 [43](#);

2-61 (3) a fishing license issued under Chapter [46](#); or

2-62 (4) a combination hunting and fishing license issued
 2-63 under Chapter [50](#).

2-64 (b) The commission by rule shall adopt a policy to guide the
 2-65 prioritization of inspections of nonrecreational authorization
 2-66 holders based on risk to the state's natural resources.

2-67 (c) The policy adopted under this section must require that
 2-68 the department:

2-69 (1) identify the nonrecreational authorization

3-1 holders that require on-site inspections;
 3-2 (2) develop an assessment tool for determining the
 3-3 appropriate frequency and intensity of department inspections of
 3-4 nonrecreational authorization holders, based on key risk factors
 3-5 and indications of increased or decreased risk, such as repeated or
 3-6 remedied violations and failed or passed inspections; and
 3-7 (3) document all inspections of nonrecreational
 3-8 authorization holders and the results of those inspections and make
 3-9 the documentation available to all employees whose job descriptions
 3-10 include the regulation of nonrecreational authorization holders.

3-11 SECTION 7. Section 24.001(12), Parks and Wildlife Code, is
 3-12 amended to read as follows:

3-13 (12) "Underserved population" means any group of
 3-14 people that is:
 3-15 (A) low income, inner city, or rural as
 3-16 determined by the last census;
 3-17 (B) [~~7-0%~~] minority;
 3-18 (C) youth, including youth at risk and youth with
 3-19 a physical, developmental, or intellectual disability or mental
 3-20 illness; [~~7 physically or mentally challenged youth at risk, youth,~~]
 3-21 or
 3-22 (D) female.

3-23 SECTION 8. Section 24.051(11), Parks and Wildlife Code, is
 3-24 amended to read as follows:

3-25 (11) "Underserved population" means any group of
 3-26 people that is:
 3-27 (A) low income or inner city, as determined by
 3-28 the last census;
 3-29 (B) [~~7-0%~~] minority;
 3-30 (C) youth, including youth at risk and youth with
 3-31 a physical, developmental, or intellectual disability or mental
 3-32 illness; [~~7 physically or mentally challenged youth at risk, youth,~~]
 3-33 or
 3-34 (D) female.

3-35 SECTION 9. Section 31.044, Parks and Wildlife Code, is
 3-36 amended to read as follows:

3-37 Sec. 31.044. INSPECTIONS. (a) A dealer, distributor, or
 3-38 manufacturer may not refuse to allow the department or a peace
 3-39 officer to inspect a vessel, outboard motor, or records relating to
 3-40 the possession, origination, ownership, or transfer of a vessel or
 3-41 outboard motor at a dealership or distributor's or manufacturer's
 3-42 place of business during normal business hours.

3-43 (b) The commission by rule shall adopt a policy to guide the
 3-44 prioritization of inspections of license holders holding a license
 3-45 issued under Section 31.041 based on risk to water safety.

3-46 (c) The policy adopted under this section must require that
 3-47 the department:

3-48 (1) determine the conditions under which an on-site
 3-49 inspection of a license holder by the department is appropriate;
 3-50 (2) develop an assessment tool for determining the
 3-51 appropriate frequency and intensity of department inspections of
 3-52 license holders, based on key risk factors and indications of
 3-53 increased or decreased risk, such as repeated or remedied
 3-54 violations and failed or passed inspections; and
 3-55 (3) document all license holder inspections and the
 3-56 results of those inspections and make the documentation available
 3-57 to all employees whose job descriptions include the regulation of
 3-58 license holders.
 3-59 (d) The policy adopted under this section may be combined
 3-60 with a policy adopted under Section 12.1025.

3-61 SECTION 10. Sections 42.012(b) and (c), Parks and Wildlife
 3-62 Code, are amended to read as follows:

3-63 (b) The commission may set a lower fee or waive the fee or
 3-64 license requirement for a resident who is under 17 years old, 65
 3-65 years old or older, or participating in an event that is sponsored
 3-66 or co-sponsored by the department [~~Texas Parks and Wildlife~~
 3-67 ~~Department~~] with the approval of the [~~executive~~]
 3-68 director. The commission shall waive the fee for a qualified [~~disabled~~]
 3-69 veteran with a disability and for a resident on active duty as a member of

4-1 the United States military forces, the Texas Army National Guard,
4-2 the Texas Air National Guard, or the Texas State Guard.

4-3 (c) "Qualified ~~[disabled]~~ veteran with a disability" means
4-4 a veteran with a service connected disability, as defined by the
4-5 United States Department of Veterans Affairs, consisting of the
4-6 loss of the use of a lower extremity or of a disability rating of 50
4-7 percent or more and who is receiving compensation from the United
4-8 States for the disability.

4-9 SECTION 11. Section 46.002, Parks and Wildlife Code, is
4-10 amended to read as follows:

4-11 Sec. 46.002. EXEMPTIONS. (a) A license issued under this
4-12 chapter is not required of a person:

4-13 (1) who is a resident and whose birth date is before
4-14 January 1, 1931;

4-15 (2) who is a nonresident, if the person's birth date is
4-16 before September 1, 1930, and the person's state of residence
4-17 grants a similar age exemption to Texas residents;

4-18 (3) with a mental illness or developmental or
4-19 intellectual disability who is engaged ~~[mentally disabled and who~~
4-20 ~~is engaging]~~ in recreational fishing as part of medically approved
4-21 therapy~~[, and who is fishing]~~ under the immediate supervision of
4-22 personnel approved or employed by a hospital, residence, or school
4-23 for ~~[mentally disabled]~~ persons with mental illnesses or
4-24 developmental or intellectual disabilities;

4-25 (4) with a mental illness or developmental or
4-26 intellectual disability who is ~~[mentally retarded and is]~~ engaged
4-27 in recreational fishing under the immediate supervision of a person
4-28 who:

4-29 (A) holds a license issued under this chapter;
4-30 and

4-31 (B) if not a member of the family of the person
4-32 with a mental illness or developmental or intellectual disability,
4-33 has the permission of the ~~[mentally retarded person's]~~ family head
4-34 or legal guardian of the person with a mental illness or
4-35 developmental or intellectual disability to take the ~~[mentally~~
4-36 ~~retarded]~~ person with a mental illness or developmental or
4-37 intellectual disability fishing ~~[if the person is not a member of~~
4-38 ~~the family of the mentally retarded person]~~; or

4-39 (5) who is participating in an event that is sponsored
4-40 or co-sponsored by the department ~~[Texas Parks and Wildlife~~
4-41 ~~Department]~~ with the approval of the director ~~[Executive Director]~~.

4-42 (b) The ~~[mentally disabled]~~ person with a mental illness or
4-43 developmental or intellectual disability who is recreationally
4-44 fishing under Subsection (a)(3) shall carry an authorization
4-45 identifying the entity supplying the service. This authorization
4-46 may be in the form of a tag that contains the name of the sponsoring
4-47 entity.

4-48 (c) A ~~[mentally retarded]~~ person with a mental illness or
4-49 developmental or intellectual disability who is engaged in
4-50 recreational fishing under Subsection (a)(4) must carry a note from
4-51 a doctor stating that the person has been diagnosed with a mental
4-52 illness or developmental or intellectual disability ~~[as mentally~~
4-53 ~~retarded]~~.

4-54 SECTION 12. Section 46.004(c), Parks and Wildlife Code, is
4-55 amended to read as follows:

4-56 (c) The commission shall waive the fee for a qualified
4-57 ~~[disabled]~~ veteran with a disability as defined by Section 42.012
4-58 and for a resident on active duty as a member of the United States
4-59 military forces, the Texas Army National Guard, the Texas Air
4-60 National Guard, or the Texas State Guard.

4-61 SECTION 13. Chapter 86, Parks and Wildlife Code, is amended
4-62 by adding Section 86.0215 to read as follows:

4-63 Sec. 86.0215. INSPECTIONS. (a) In this section, "permit
4-64 holder" means a person holding a permit under Section 86.006.

4-65 (b) The commission by rule shall adopt a policy to guide the
4-66 prioritization of inspections of permit holders based on risk to
4-67 the state's natural resources.

4-68 (c) The policy adopted under this section must require that
4-69 the department:

5-1 (1) determine the conditions under which an on-site
5-2 inspection of a permit holder by the department is appropriate;

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

5-8 (3) document all inspections of permit holders and the
5-9 results of those inspections and make the documentation available
5-10 to all employees whose job descriptions include the regulation of
5-11 permit holders.

5-12 (d) The policy adopted under this section may be combined
5-13 with a policy adopted under Section 12.1025.

5-14 SECTION 14. Sections 11.0161(b), (c), (d), and (e), Parks
5-15 and Wildlife Code, are repealed.

5-16 SECTION 15. (a) Except as provided by Subsection (b) of
5-17 this section, Section 11.0126, Parks and Wildlife Code, as amended
5-18 by this Act, applies to a member of the Parks and Wildlife
5-19 Commission appointed before, on, or after the effective date of
5-20 this Act.

5-21 (b) A member of the Parks and Wildlife Commission who,
5-22 before the effective date of this Act, completed the training
5-23 program required by Section 11.0126, Parks and Wildlife Code, as
5-24 that law existed before the effective date of this Act, is only
5-25 required to complete additional training on the subjects added by
5-26 this Act to the training program required by Section 11.0126, Parks
5-27 and Wildlife Code. A board member described by this subsection may
5-28 not vote, deliberate, or be counted as a member in attendance at a
5-29 meeting of the board held on or after December 1, 2021, until the
5-30 member completes the additional training.

5-31 SECTION 16. This Act takes effect September 1, 2021.

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