

SUBJECT: Exempting the Parks and Wildlife Department from certain requirements

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis  
Johnson, Kacal, Morrison, Toth

0 nays

WITNESSES: For — John Shepperd, Texas Foundation for Conservation and Texas Coalition for Conservation; (*Registered, but did not testify*: Joey Park, Coastal Conservation Association Texas, Texas Wildlife Association; David Sinclair, Game Warden Peace Officers Association; J. McCartt, Kalkomey Enterprises; Evelyn Merz, Lone Star Chapter Sierra Club; Johnny Halili and Lisa Halili, Prestige Oysters)

Against — None

On — Robert Sweeney, Texas Parks and Wildlife Department

BACKGROUND: Government Code sec. 2001.0045 prohibits a state agency from adopting a proposed rule that would impose a cost on regulated persons unless the agency:

- repeals a rule that imposes a total cost equal to or greater than the cost imposed by the proposed rule; or
- amends a rule to decrease the total imposed cost by an amount equal to or greater than the cost imposed by the proposed rule.

Exceptions to this prohibition include rules that relate to state agency procurement, are adopted in response to a natural disaster, or are necessary to protect the state's water resources, among others as specified in statute. Several state agencies also are exempted from the prohibition, including the Department of Motor Vehicles and Texas Commission on Environmental Quality.

Some suggest that the Texas Parks and Wildlife Department, which depends on fees for much of its funding, would benefit from an exemption to this prohibition.

**DIGEST:**

HB 1896 would add the Texas Parks and Wildlife Department to the list of agencies exempted from the requirement that any agency-imposed cost on regulated persons be matched by the repeal or amendment of an equal or greater imposed cost elsewhere by the agency.

The bill would take effect September 1, 2019, and would apply only to rules proposed by the agency on or after the effective date of the bill.