

- SUBJECT:** Continuing the Texas Parks and Wildlife Department
- COMMITTEE:** Culture, Recreation and Tourism — favorable, without amendment
- VOTE:** 6 ayes — K. King, Gervin-Hawkins, Burns, Frullo, Krause, Martinez
0 nays
3 absent — Clardy, Israel, C. Morales
- SENATE VOTE:** On final passage, April 19 — 31-0
- WITNESSES:** *On House companion bill, HB 1615:*
For — Cyrus Reed, Lone Star Chapter Sierra Club; John Shepperd, Texas Foundation for Conservation; David Yeates, Texas Wildlife Association; (*Registered, but did not testify:* Kirby Brown, Ducks Unlimited; George Cofer, Annandale Ranch; Guadalupe Cuellar, City of El Paso; Ron Hinkle, Texas Travel Alliance; Joey Park, Coastal Conservation Association Texas and Texas Agriculture Land Trust; David Sinclair, Game Warden Peace Officers Association; Harold Stone, Texas Farm Bureau; and seven individuals)

Against — None

On — Danielle Nasr, Sunset Advisory Commission; John True, Texas Deer Association; Clayton Wolf, Texas Parks and Wildlife Department
- BACKGROUND:** The Texas Parks and Wildlife Department (TPWD) was created in 1963 when the State Parks Board was merged with the Texas Game and Fish Commission. The mission of TPWD is to manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing, and outdoor recreation opportunities.
- Functions.** TPWD has a range of functions, including managing public lands; regulating fishing, hunting, and boating activities; enforcing game and wildlife laws; and managing the sustainability of wildlife and fish.

Governing structure. The department is governed by a commission made up of nine members appointed by the governor with the advice and consent of the Senate. Members serve staggered six-year terms and statute directs the governor to attempt to include individuals with certain expertise, such as outdoor recreation and conservation.

Funding. In fiscal 2019, TPWD received \$404.2 million, most of which came from user fees and a portion of the state sporting goods sales tax. The department spent \$441.3 million in fiscal 2019.

In 2019, voters approved a proposition to amend the Texas Constitution to fully dedicate a portion of sales tax revenue from certain sporting goods to TPWD and the Texas Historical Commission. The amount of additional funding the department will receive from these dedicated funds is expected to be significant, but is still unknown.

Staffing. TPWD employed 3,001 staff in fiscal 2019. About 27 percent of the staff works at the Austin headquarters while the rest work at one of the 199 regional offices, state parks, and other facilities across the state.

TPWD will be discontinued on September 1, 2021, if not continued in statute.

DIGEST:

SB 700 would continue the Texas Parks and Wildlife Department (TPWD) until September 1, 2033, and adopt certain Sunset Advisory Commission recommendations, including requiring risk-based inspections of certain license holders and measuring the effectiveness of the Land and Water Plan.

Risk-based inspections. The bill would provide for the adoption of policies regarding risk-based inspections of the holders of certain licenses or authorizations issued by TPWD.

The Texas Parks and Wildlife Commission would have to adopt policies to guide the prioritization of inspections of:

- nonrecreational authorization holders, based on risk to the state's natural resources;
- holders of a license to deal, distribute, or manufacture vessels, based on risk to water safety; and
- holders of a permit to disturb, take, or carry away marl, sand, gravel, shell, or mudshell, based on risk to the state's natural resources.

A "nonrecreational authorization holder" would mean a holder of a license, permit, or other authorization required by the Parks and Wildlife Code or related rule, but would not include a holder of a hunting license, hunting or fishing stamp, fishing license, or combination hunting and fishing license.

The policy would have to require TPWD to identify the nonrecreational authorization holders that required on-site inspections.

In general, the policies would have to require TPWD to:

- determine the conditions under which on-site inspections were appropriate;
- develop an assessment tool for determining the appropriate frequency and intensity of inspections 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 and results and make those documents available to employees whose jobs pertained to the regulation of the license holders.

Policies adopted for the different types of license holders could be combined.

Land and water plan. The bill would require TPWD's Land and Water Resources Conservation and Recreation Plan to include measures of the effectiveness of the department in meeting the goals and objectives of the plan, including quantifiable measures.

Every five years, TPWD would have to evaluate progress towards achieving the goals and objectives of the plan. The evaluation would have to include the effectiveness measures included in the plan and identify the goals and objectives met and reasons for any unmet goals or objectives. On completion of an evaluation, TPWD would have to develop and implement practices designed to improve progress towards meeting the goals and objectives of the plan.

Other provisions. The bill also would adopt certain across-the-board Sunset recommendations regarding commission member training and maintaining a complaints system. The bill also would revise how certain individuals were described in statute.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

SB 700 would continue the Texas Parks and Wildlife Department (TPWD) so that the department could continue its essential functions of managing, conserving, and providing access to state lands and natural resources. The bill also would adopt Sunset recommendations aimed to improve license inspections, clarify the department's strategic planning process, and improve good governance through across-the-board standards.

After reviewing TPWD, the Sunset Advisory Commission found that some of the department's licensing and enforcement functions were inconsistent and lacked transparency. Accordingly, this bill would require TPWD to adopt policies to formally guide the prioritization of inspections of license holders based on the risk to the state's natural resources or, in the case of boat dealers, distributors, or manufacturers, risk to water safety. Such inspections would be intended for holders of a commercial license issued by TPWD, not those who had fishing or hunting licenses. This would ensure that the department efficiently allocated its resources to inspections with the highest risks and align TPWD with agency best practices.

The Sunset review also found that TPWD needed to improve its strategic

management process to ensure it could meet the future needs of Texans. The review found that the Land and Water Plan, which guides TPWD's conservation and recreation efforts and activities, could be used more effectively. SB 700 would ensure this by requiring the plan to include metrics to measure progress toward its goals and objectives and by requiring TPWD to evaluate the plan's progress every five years. By evaluating the plan every five years, the bill would allow TPWD enough time to measure benchmarks for program success and account for anomalies in annual changes in outdoor recreation and participation, as occurred during the COVID-19 pandemic when outdoor recreation was more common.

While some may be concerned that the bill would not revise additional TPWD programs, those issues are not within the scope of this bill and could be addressed in other legislation. Additionally, the Sunset report found that no benefit would result from transferring the management of disease control among deer populations to the Animal Health Commission, as TPWD and the commission coordinate well together.

**CRITICS
SAY:**

SB 700 would not go far enough in revising certain processes of the Texas Parks and Wildlife Department (TPWD). There are concerns by different groups that various programs under TPWD should have received a more rigorous review and been revised under this bill, including the department's conservation efforts toward threatened species, the management of state parks and wildlife management areas, and other TPWD processes.

Additionally, the bill should remove TPWD's jurisdiction over deer breeding operations and disease management. The Texas Animal Health Commission should have sole jurisdiction over this program since its staff have the proper expertise. TPWD's oversight of this program is a duplicative effort that is not cost-effective.