

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife Department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2021 [~~2009~~].

Same as House version.

SECTION 2. Section 11.012(c), Parks and Wildlife Code, is amended to read as follows:

(c) Commission [~~Three commission~~] members must be members of the general public and meet the qualifications provided by Section 11.0121 [~~of this code~~].

Same as House version.

SECTION 3. Sections 11.0161(a), (b), (c), and (d), Parks and Wildlife Code, are amended to read as follows:

(a) The commission shall prepare information of public interest describing the functions of the commission [~~and describing the commission's procedures by which complaints are filed with and resolved by the commission~~]. The commission shall make the information available to the general public and appropriate state agencies.

(b) The department shall maintain a system to promptly and efficiently act on complaints [~~file on each written~~].

Same as House version.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

~~complaint~~] filed with the department that the department has the authority to resolve. The department shall maintain information about parties to the complaint, the subject matter of the complaint, ~~[file must include:~~
[~~(1) the name of the person who filed the complaint;~~
[~~(2) the date the complaint is received by the department;~~
[~~(3) the subject matter of the complaint;~~
[~~(4) the name of each person contacted in relation to the complaint;~~
[~~(5)~~] a summary of the results of the review or investigation of the complaint, and its disposition [~~; and~~
[~~(6) an explanation of the reason the file was closed, if the department closed the file without taking action other than to investigate the complaint~~].

(c) The department shall make information available describing its ~~[provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the department's policies and]~~ procedures for ~~[relating to]~~ complaint investigation and resolution.

(d) The department [~~, at least quarterly until final disposition of the complaint,~~] shall periodically notify the ~~[person filing the]~~ complaint parties ~~[and each person who is a subject of the complaint]~~ of the status of the complaint until final disposition ~~[investigation unless the notice would jeopardize an undercover investigation].~~

SECTION 4. Subchapter B, Chapter 11, Parks and

SECTION 4. Subchapter B, Chapter 11, Parks and

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Wildlife Code, is amended by adding Sections 11.0163, 11.0164, and 11.0174 to read as follows:

Sec. 11.0163. USE OF TECHNOLOGY. The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

Sec. 11.0164. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or

SENATE VERSION

Wildlife Code, is amended by adding Sections 11.0163, 11.0164, and 11.0174 to read as follows:

Sec. 11.0163. USE OF TECHNOLOGY. The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

Sec. 11.0164. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

alternative dispute resolution; and
(3) collect data concerning the effectiveness of those procedures, as implemented by the department.
Sec. 11.0174. INTERNAL AFFAIRS OFFICE. (a) The executive director shall establish the office of internal affairs.
(b) The office of internal affairs has original departmental jurisdiction over all investigations of cases alleging criminal conduct:
(1) occurring on department property;
(2) engaged in by on-duty department employees; or
(3) engaged in by officers commissioned by the department performing off-duty work related to their official duties.
(c) The office of internal affairs shall oversee and review, but need not conduct, all investigations under this section.
(d) An investigation under this section may be initiated only by the executive director or the commission. The person assigned to conduct an investigation under this section must be a licensed peace officer who is not an employee of the department and has never been employed by the department as a game warden, deputy game warden, or special game warden.
(e) The executive director shall appoint the head of the office of internal affairs. The head of the office of internal affairs serves until removed by the executive director.
(f) The head of the office of internal affairs shall:

SENATE VERSION

alternative dispute resolution; and
(3) collect data concerning the effectiveness of those procedures, as implemented by the department.
Sec. 11.0174. INTERNAL AFFAIRS OFFICE. (a) The executive director shall establish the office of internal affairs.
(b) The office of internal affairs has original departmental jurisdiction over all investigations of cases alleging criminal conduct:
(1) occurring on department property;
(2) engaged in by on-duty department employees; or
(3) engaged in by officers commissioned by the department performing off-duty work related to their official duties.
(c) The office of internal affairs shall oversee and review, but need not conduct, all investigations under this section.
(d) An investigation under this section may be initiated only by the executive director or the commission.

(e) The executive director shall appoint the head of the office of internal affairs. The head of the office of internal affairs serves until removed by the executive director.
(f) The head of the office of internal affairs shall:

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(1) report directly to the executive director regarding performance of and activities related to investigations;
(2) report to the executive director for administrative purposes; and
(3) provide the executive director or commission with information regarding investigations as appropriate.
(g) The head of the office of internal affairs shall present at each regularly scheduled commission meeting and at other appropriate times a summary of information relating to investigations conducted under this section that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and any recommendations to avoid future complaints.

SECTION 5. Section 11.035, Parks and Wildlife Code, is amended by adding Subsection (c) to read as follows:

(c) The department may deposit to the credit of the state parks account all revenue, less allowable costs, from the following sources:

(1) private contributions, grants, and donations received for state parks-related purposes; and
(2) federal funds received for state parks-related purposes.

SECTION 6. Section 11.037(b), Parks and Wildlife Code, is amended to read as follows:

(b) The department may [~~shall~~] deposit in the state land

SENATE VERSION

(1) report directly to the executive director regarding performance of and activities related to investigations;
(2) report to the executive director for administrative purposes; and
(3) provide the executive director or commission with information regarding investigations as appropriate.
(g) The head of the office of internal affairs shall present at each regularly scheduled commission meeting and at other appropriate times a summary of information relating to investigations conducted under this section that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and any recommendations to avoid future complaints.

Same as House version.

Same as House version.

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

and water conservation account any ~~all~~ revenue received from the federal government or any other source for the purpose of administering programs authorized under Sections 13.301 through 13.311 of this code.

SECTION 7. Section 12.0011, Parks and Wildlife Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A local or state agency or private organization that receives a department recommendation or informational comment under Subsection (b) shall respond to the department in writing concerning the recommendation or comment. A response must include for each recommendation or comment provided by the department:

(1) a description of any modification made to the proposed project, fish and wildlife resource decision, or water flow schedule resulting from the recommendation or comment;

(2) any other disposition of the recommendation or comment; and

(3) as applicable, any reason the agency or organization disagreed with or did not act on or incorporate the recommendation or comment.

(d) A response under Subsection (c):

(1) must be submitted to the department not later than the 90th day after the date the agency or organization

SENATE VERSION

SECTION 7. Section 12.0011, Parks and Wildlife Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) An agency with statewide jurisdiction that receives a department recommendation or informational comment under Subsection (b) shall respond to the department in writing concerning the recommendation or comment. A response must include for each recommendation or comment provided by the department:

(1) a description of any modification made to the proposed project, fish and wildlife resource decision, or water flow schedule resulting from the recommendation or comment;

(2) any other disposition of the recommendation or comment; and

(3) as applicable, any reason the agency disagreed with or did not act on or incorporate the recommendation or comment.

(d) A response under Subsection (c):

(1) must be submitted to the department not later than the 90th day after the date the agency makes a decision

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

makes a decision or takes other action related to the recommendation or informational comment provided by the department; and
(2) is public information under Chapter 552, Government Code.

SECTION 8. (a) Subchapter B, Chapter 12, Parks and Wildlife Code, is amended by adding Section 12.1045 to read as follows:

Sec. 12.1045. PILOT PROGRAM FOR FINGERPRINT IDENTIFICATION. (a) In this section:

(1) "Authorized employee" means a deputy game warden, special game warden, or other law enforcement officer commissioned by the director.

(2) "Pilot program" means the pilot fingerprint identification program established under this section.

(b) The department shall develop and implement a program in one or more counties of this state to pilot the use by authorized employees of a mobile fingerprint identification system to perform fingerprint checks in the field as an aid to the enforcement of this code, any rules adopted under this code, and other laws in the jurisdiction of the department.

(c) In implementing the pilot program, the department shall use a mobile fingerprint scanner developed for law enforcement that is portable, secure, and lightweight, uses encrypted data transmissions for protection of the public, and does not require an employee to carry any

SENATE VERSION

or takes other action related to the recommendation or informational comment provided by the department; and
(2) is public information under Chapter 552, Government Code.

No equivalent provision.

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

equipment other than the scanner to receive the data.

(d) The Department of Public Safety shall work cooperatively with the department as needed and make its existing automated fingerprint identification system available for use by the department during the period of the pilot program.

(e) The department shall comply with all state procurement requirements in implementing the pilot program.

(f) The department may work with and enter into memoranda of understanding with municipalities to implement the pilot program.

(g) Under the pilot program, an authorized employee may not check the fingerprint of a person without the verbal consent of that person.

(h) The department may extend the pilot program to additional counties if the department determines that the expansion would be cost-effective.

(b) The Parks and Wildlife Department shall begin implementation of the pilot program established under Section 12.1045, Parks and Wildlife Code, as added by this section, not later than January 1, 2010, and shall conduct the pilot program for at least 12 months. Not later than February 1, 2011, the department shall report to the governor, the lieutenant governor, the speaker of the house of representatives, and the Sunset Advisory Commission regarding the pilot program. The report must include the department's recommendations for continuation or expansion of the pilot program and an

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

evaluation of the department's use of the mobile fingerprint identification system, including:

- (1) the appropriateness of conducting remote fingerprint checks;
 - (2) the value of remote fingerprint checking in combating crime and enforcing department rules and other laws of this state;
 - (3) the impact of using remote fingerprint checks on the efficiency of authorized employees;
 - (4) the impact of using remote fingerprint checks on the safety of authorized employees; and
 - (5) any reduction in inconvenience to a person who does not have a required license.
- (c) The Parks and Wildlife Department shall implement the pilot program established under Section 12.1045, Parks and Wildlife Code, as added by this section, only if sufficient funds are available and have been allocated for that purpose.

No equivalent provision.

SENATE VERSION

SECTION 8. Section 12.027, Parks and Wildlife Code, is amended to read as follows:

Sec. 12.027. ADOPTION OF EMERGENCY RULES. If the commission or the executive director finds that there is an immediate danger to a species authorized to be regulated by the department, or that strict compliance with existing department rules would in any way prevent, hinder, or delay necessary action in coping with a disaster declared by the governor, the commission or the

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

executive director may adopt emergency rules as provided by Chapter 2001, Government Code.

SECTION 9. Section 13.310(c), Parks and Wildlife Code, is amended to read as follows:

(c) The department shall deposit all funds received for the development of outdoor recreation resources in the state treasury to the credit of the state land and water conservation account, the Texas recreation and parks account, the large county and municipality recreation and parks account, or the state parks account.

Same as House version.

SECTION 10. Sections 24.002, 24.003, 24.006, 24.052, 24.053, and 24.056, Parks and Wildlife Code, are amended to read as follows:

Sec. 24.002. TEXAS RECREATION AND PARKS ACCOUNT. The Texas recreation and parks account is a separate account in the general revenue fund. Money in the account may be used only ~~[as provided by this subchapter]~~ for ~~[grants to]~~:

- (1) grants under this subchapter to a county or municipality with a population of less than 500,000; ~~[or]~~
- (2) grants under this subchapter to any other political subdivision that is not a county or municipality; or
- (3) planning for, and acquisition, operation, and development of, outdoor recreation and conservation resources of this state and the administrative expenses

Same as House version.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

incident to the projects or programs authorized under Subchapter D, Chapter 13.

Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION. (a) The department shall deposit to the credit of the Texas recreation and parks account:

(1) an amount of money equal to 15 percent of the credits made to the department under Section 151.801, Tax Code; and

(2) money from any other source authorized by law.

(b) The department may deposit to the credit of the Texas recreation and parks account:

(1) private contributions, grants, and donations received in connection with this subchapter or Subchapter D, Chapter 13; and

(2) federal funds received in connection with this subchapter or Subchapter D, Chapter 13.

Sec. 24.006. FUNDS FOR GRANTS TO LOCAL GOVERNMENTS. When state revenues to the Texas recreation and parks account exceed \$14 million per year, an amount not less than 15 percent shall be made available for grants to local governments for up to 50 percent of the cost of acquisition or development of indoor public recreation facilities for indoor recreation programs, sports activities, nature programs, or exhibits.

Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND PARKS ACCOUNT. The large county and municipality recreation and parks account is a separate account in the

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

general revenue fund. Money in the account may be used only as provided by this subchapter or Subchapter D, Chapter 13.

Sec. 24.053. ACCOUNT REVENUE SOURCE; DEDICATION. (a) The department shall deposit to the credit of the large county and municipality recreation and parks account:

(1) an amount of money equal to 10 percent of the credits made to the department under Section 151.801, Tax Code; and

(2) money from any other source authorized by law.

(b) The department may deposit to the credit of the large county and municipality recreation and parks account:

(1) private contributions, grants, and donations received in connection with this subchapter or Subchapter D, Chapter 13; and

(2) federal funds received in connection with this subchapter or Subchapter D, Chapter 13.

Sec. 24.056. FUNDS FOR GRANTS TO LARGE COUNTIES AND MUNICIPALITIES. When state revenue to the large county and municipality recreation and parks account exceeds \$14 million per year, an amount not less than 15 percent shall be made available for grants to large counties and municipalities for up to 50 percent of the cost of acquisition or development of indoor public recreation facilities for indoor recreation programs, sports activities, nature programs, or exhibits.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 11. Section 62.0031, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) This section does not apply to:

(1) the trapping of a raptor for educational or sporting purposes as provided by Chapter 49; or

(2) the capture, trapping, or hunting of a reptile, amphibian, or insect.

(c) The commission may adopt rules governing the safe participation in activities described by Subsection (b).

SECTION 12. Section 62.014, Parks and Wildlife Code, is amended by adding Subsection (n) to read as follows:

(n) A person who is a member of the United States armed forces on active duty or an honorably discharged veteran of those forces is exempt from any requirement to complete a hunter education course under this section.

No equivalent provision.

SECTION 13. Section 62.021(c), Parks and Wildlife Code, is amended to read as follows:

SENATE VERSION

No equivalent provision.

No equivalent provision.

SECTION 11. Section 43.071(5), Parks and Wildlife Code, is amended to read as follows:

(5) "Pen-reared birds" means bobwhite quail, pheasant, pigeons, partridge, and mallard ducks propagated or acquired under Chapter 45 of this code.

SECTION 12. Same as House version.

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (c) This section does not prohibit the sale of:
- (1) a live game animal, a dead or live game bird, or the feathers of a game bird if the sale is conducted under authority of a license or permit issued under this code; or
 - (2) the following inedible parts:
 - (A) an inedible part, including the feathers, bones, or feet, of a game bird other than a migratory game bird that was lawfully taken or is lawfully possessed;
 - (B) the hair, hide, antlers, bones, horns, skull, hooves, or sinew, as applicable, of a deer, pronghorn antelope, desert bighorn sheep, collared peccary or javelina, red squirrel, or gray squirrel; or
 - (C) the feathers of a migratory game bird in accordance with federal law.

No equivalent provision.

SECTION 14. Section 66.007, Parks and Wildlife Code, is amended by amending Subsections (b), (c), and (e) and adding Subsections (m), (n), (o), (p), (q), (r), and (s) to read as follows:

SENATE VERSION

SECTION 13. Section 64.002(b), Parks and Wildlife Code, is amended to read as follows:

(b) European starlings, English sparrows, and feral rock doves (*Columba livia*) may be killed at any time in any manner and their nests or eggs may be destroyed, and such conduct does not constitute an offense under Chapter 42, Penal Code.

Same as House version.

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(b) The department shall publish a list of:

(1) exotic fish and exotic[;] shellfish[; ~~and aquatic plants~~] for which a permit under Subsection (a) [of this section] is required; and

(2) exotic aquatic plants, as provided by this section, that are approved for importation into or possession in this state without a permit.

(c) The department shall make rules to carry out the provisions of this section. In adopting rules that relate to exotic aquatic plants, the department shall strive to ensure that the rules are as permissive as possible without allowing the importation or possession of plants that pose environmental, economic, or health problems.

(e) In this section:

(1) "Approved list" means the list published by the department under Subsection (b)(2) of exotic aquatic plants that a person may import into or possess in this state without an exotic species permit issued by the department.

(2) "Exotic [~~exotic fish, shellfish, or~~] aquatic plant" means a nonindigenous [~~fish, shellfish, or~~] aquatic plant that is not normally found in aquatic or riparian areas [~~the public water~~] of this [~~the~~] state.

(3) "Exotic fish" means a nonindigenous fish that is not normally found in the public water of this state.

(4) "Exotic shellfish" means a nonindigenous shellfish that is not normally found in the public water of this state.

(m) A person may not import into or possess in this state

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

an exotic aquatic plant unless:

(1) the plant is on the approved list; or

(2) the person has an exotic species permit issued by the department.

(n) In compiling the approved list, the department shall develop a process to evaluate the potential harm that may be caused by the importation or possession of exotic aquatic plant species into this state. The process must include the use of:

(1) a risk assessment model to help determine the potential harm of a species to the aquatic environment;

(2) published scientific research findings;

(3) findings from regulatory agencies; or

(4) scientific analyses from third-party laboratories.

(o) The approved list must include an exotic aquatic plant that:

(1) is widespread in this state; and

(2) is not, as determined by the department, a cause of environmental, economic, or health problems.

(p) The department shall develop an expedited process for obtaining approval for inclusion on the approved list of a previously unknown exotic aquatic plant. The commission may remove an exotic aquatic plant from the approved list if the results of further analysis conducted under Subsection (n) indicate that the plant should not be on the list. The department may enact an emergency rule as provided by Chapter 2001, Government Code, to remove an exotic aquatic plant from the approved list if the plant is determined to cause environmental,

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

economic, or health problems.

(q) The commission shall exercise final approval for the inclusion of each plant on the approved list.

(r) In accordance with commission rules, the department may issue an exotic species permit to a permit applicant for an exotic aquatic plant not on the approved list if the proposed use of the plant is:

(1) as an experimental organism in a medical or other scientific research program approved by the department;

(2) as part of an exhibit approved by the department in a public aquarium or public zoo; or

(3) for an appropriate use that will not result in potential environmental, economic, or health problems.

(s) Nothing in this subchapter regarding exotic aquatic plants restricts the department's authority under this code regarding exotic harmful or potentially harmful fish or shellfish.

SECTION 15. Section 66.0071, Parks and Wildlife Code, is amended to read as follows:

Sec. 66.0071. REMOVAL OF HARMFUL AQUATIC PLANTS. On leaving any public or private body of water in this state, a person shall immediately remove and lawfully dispose of any exotic [~~harmful or potentially harmful~~] aquatic plant not included on the approved list published under Section 66.007(b)(2) that is clinging or attached to the person's:

(1) vessel or watercraft; or

Same as House version.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(2) trailer, motor vehicle, or other mobile device used to transport or launch a vessel or watercraft.

SECTION 16. Title 6, Parks and Wildlife Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. INTERSTATE WILDLIFE VIOLATOR COMPACT

Sec. 92.001. MEMBERSHIP IN INTERSTATE WILDLIFE VIOLATOR COMPACT. (a) On behalf of this state, the commission may enter into the Interstate Wildlife Violator Compact.

(b) If necessary to protect the interests of this state, the commission may withdraw from the Interstate Wildlife Violator Compact in accordance with the terms of the compact.

(c) The commission may take all actions necessary to implement this chapter, including the adoption of rules and the delegation of authority to the director.

Same as House version.

SECTION 17. (a) The Parks and Wildlife Department and the Texas Youth Commission jointly shall seek representation by the attorney general to pursue a modification of the terms and purposes of the Parrie Haynes Trust.

(b) The legislature intends that a modification of the terms and purposes of the Parrie Haynes Trust be pursued so that:

Same as House version.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) the department may be designated as the state agency responsible for the trust, including all trust property and investments, and rights associated with the trust;
 - (2) control of the Parrie Haynes Ranch may be transferred to the department; and
 - (3) the purposes of the trust may be appropriately expanded to include benefiting disadvantaged and other youths of this state.
- (c) This section expires on the earlier of:
- (1) the date a court orders modification of the Parrie Haynes Trust in accordance with this section; or
 - (2) September 1, 2021.

SECTION 18. The change in law made by this Act in the qualifications of the members of the Parks and Wildlife Commission does not affect the entitlement of a person serving as a member of the commission immediately before September 1, 2009, to continue to carry out the functions of the person's office for the remainder of the person's term. The change in law applies only to a person appointed on or after September 1, 2009. This Act does not prohibit a person who is a member of the Parks and Wildlife Commission immediately before September 1, 2009, from being reappointed as a commission member if the person has the qualifications required for the position under Chapter 11, Parks and Wildlife Code, as amended by this Act.

SENATE VERSION

Same as House version.

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 19. The change in law made by this Act to Section 11.0161, Parks and Wildlife Code, applies only to a complaint filed with the Parks and Wildlife Commission or the Parks and Wildlife Department on or after September 1, 2009. A complaint filed before September 1, 2009, is governed by the law in effect at the time the complaint was filed, and the former law is continued in effect for that purpose.

Same as House version.

SECTION 20. Section 12.0011(c), Parks and Wildlife Code, as added by this Act, applies only to a recommendation or informational comment received by a local or state governmental agency from the Parks and Wildlife Department on or after September 1, 2009. A recommendation or informational comment received by a local or state governmental agency from the Parks and Wildlife Department before September 1, 2009, is governed by the law in effect at the time the recommendation or informational comment was received, and the former law is continued in effect for that purpose.

Same as House version.

SECTION 21. Conduct prohibited by Section 62.0031, Parks and Wildlife Code, that involves the capture, trapping, or hunting of a reptile, amphibian, or insect

No equivalent provision.

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

may not be prosecuted after the effective date of this Act. If on the effective date of this Act a criminal action is pending for conduct prohibited by Section 62.0031 and described by this section, the action is dismissed on that date. However, a final conviction for conduct prohibited by Section 62.0031 and described by this section that exists on the effective date of this Act is unaffected by this Act.

SECTION 22. Section 62.021(c), Parks and Wildlife Code, as amended by this Act, applies to any sale of inedible parts of an animal or bird occurring on or after the effective date of this Act, regardless of the date the parts were acquired by the seller.

SECTION 23. (a) Not later than December 31, 2010, the Parks and Wildlife Department shall publish the initial list of approved exotic aquatic plants as provided by Section 66.007(b), Parks and Wildlife Code, as amended by this Act.

(b) The Parks and Wildlife Department may not enforce the permit requirements or prohibited actions regarding exotic aquatic plants that are not on the approved list under Section 66.007(b), Parks and Wildlife Code, as amended by this Act, before the date on which the list is published.

(c) The **department** shall continue to publish a list of

SENATE VERSION

SECTION 21. Same as House version.

SECTION 22. (a) Not later than December 31, 2010, the Parks and Wildlife Department shall publish the initial list of approved exotic aquatic plants as provided by Section 66.007(b), Parks and Wildlife Code, as amended by this Act.

(b) The Parks and Wildlife Department may not enforce the permit requirements or prohibited actions regarding exotic aquatic plants that are not on the approved list under Section 66.007(b), Parks and Wildlife Code, as amended by this Act, before the date on which the list is published.

(c) The **Parks and Wildlife Department** shall continue to

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

harmful or potentially harmful exotic aquatic plants for which a permit under Section 66.007(a), Parks and Wildlife Code, is required until the date on which the initial list of approved exotic aquatic plants is published. The department is not required to maintain or publish the list of harmful or potentially harmful exotic aquatic plants after the date on which the list of approved exotic aquatic plants is published.

SENATE VERSION

publish a list of harmful or potentially harmful exotic aquatic plants for which a permit under Section 66.007(a), Parks and Wildlife Code, is required until the date on which the initial list of approved exotic aquatic plants is published. The department is not required to maintain or publish the list of harmful or potentially harmful exotic aquatic plants after the date on which the list of approved exotic aquatic plants is published.

(d) The Parks and Wildlife Department shall continue to enforce Section 66.007, Parks and Wildlife Code, with regard to harmful or potentially harmful exotic aquatic plants that are included on the list for which a permit is required under that section as it existed immediately before the effective date of this Act, and that law is continued in effect until the date on which the department publishes the initial list of approved exotic aquatic plants.

(e) The provisions of Section 66.007, Parks and Wildlife Code, as amended by this Act, regarding harmful or potentially harmful exotic aquatic plants apply only to an offense that occurs on or after the date on which the Parks and Wildlife Department publishes the initial list of approved exotic aquatic plants. An offense that occurs before the date on which the initial list of approved exotic aquatic plants is published is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose. For purposes of this subsection, an offense is committed before the date on which the initial list of

CONFERENCE

House Bill 3391
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(d) The Parks and Wildlife Department may not enforce the permit requirements or prohibited actions regarding exotic aquatic plants on the list of harmful or potentially harmful plants under Section 66.007, Parks and Wildlife Code, as that section existed before amendment by this Act, after the date on which the list of approved exotic aquatic plants is published.

(e) Section 66.0071, Parks and Wildlife Code, as amended by this Act, applies only to a person who takes a vessel or watercraft out of a public or private body of water in this state on or after the date the Parks and Wildlife Department publishes the initial list of approved exotic aquatic plants under Section 66.007(b), Parks and Wildlife Code, as amended by this Act. A person who takes a vessel or watercraft out of a public or private body of water in this state before the date the list of approved exotic aquatic plants is published is governed by the law in effect on the date the vessel or watercraft is taken out of the water, and the former law remains in effect for that purpose.

SECTION 24. This Act takes effect September 1, 2009.

SENATE VERSION

approved exotic aquatic plants is published if any element of the offense occurs before that date.

(f) The Parks and Wildlife Department may not enforce the permit requirements or prohibited actions regarding exotic aquatic plants on the list of harmful or potentially harmful plants under Section 66.007, Parks and Wildlife Code, as that section existed before amendment by this Act, after the date on which the list of approved exotic aquatic plants is published.

(g) Section 66.0071, Parks and Wildlife Code, as amended by this Act, applies only to a person who takes a vessel or watercraft out of a public or private body of water in this state on or after the date the Parks and Wildlife Department publishes the initial list of approved exotic aquatic plants under Section 66.007(b), Parks and Wildlife Code, as amended by this Act. A person who takes a vessel or watercraft out of a public or private body of water in this state before the date the list of approved exotic aquatic plants is published is governed by the law in effect on the date the vessel or watercraft is taken out of the water, and the former law remains in effect for that purpose.

SECTION 23. Same as House version.

CONFERENCE