

1-1 By: Orr, et al. (Senate Sponsor - Flores) H.B. No. 2755
 1-2 (In the Senate - Received from the House May 1, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on Water,
 1-4 Agriculture & Rural Affairs; May 9, 2023, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 9, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the minimum instruction requirement for the boater
 1-20 education program and the disposition and use of money received by
 1-21 the Parks and Wildlife Department from the boater education
 1-22 program.

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

1-24 SECTION 1. Section 11.032(b), Parks and Wildlife Code, is
 1-25 amended to read as follows:

1-26 (b) The department shall deposit to the credit of the game,
 1-27 fish, and water safety account all revenue, less allowable costs,
 1-28 from the following sources:

1-29 (1) all types of fishing licenses and stamps and
 1-30 shrimping licenses;

1-31 (2) all types of hunting licenses and stamps;

1-32 (3) trapping licenses and other licenses relating to
 1-33 the taking, propagation, and sale of fur-bearing animals or their
 1-34 pelts;

1-35 (4) sale of marl, sand, gravel, shell, and mudshell;

1-36 (5) oyster bed rentals and permits;

1-37 (6) federal funds received for fish and wildlife
 1-38 research, management, development and conservation, resource
 1-39 protection, and law enforcement, unless the funds are received for
 1-40 the specific purposes of Subchapter F, Chapter 77;

1-41 (7) sale of property, less advertising costs,
 1-42 purchased from this account or a special fund or account that is now
 1-43 part of this account;

1-44 (8) fines and penalties collected for violations of a
 1-45 law pertaining to the protection and conservation of wild birds,
 1-46 wild fowl, wild animals, fish, shrimp, oysters, game birds and
 1-47 animals, fur-bearing animals, alligators, and any other wildlife
 1-48 resources of this state;

1-49 (9) sale of rough fish by the department;

1-50 (10) fees for importation permits;

1-51 (11) fees from supplying fish for or placing fish in
 1-52 water located on private property;

1-53 (12) sale of seized pelts;

1-54 (13) sale or lease of grazing rights to and the
 1-55 products from game preserves, sanctuaries, and management areas;

1-56 (14) contracts for the removal of fur-bearing animals
 1-57 and reptiles from wildlife management areas;

1-58 (15) vessel registration fees;

1-59 (16) vessel manufacturer or dealer licensing fees;

1-60 (17) fines or penalties imposed by a court for
 1-61 violation of water safety laws contained in Chapter 31 of this code;

- 2-1 (18) alligator hunter's or alligator buyer's licenses;
- 2-2 (19) sale of alligators or any part of an alligator by
- 2-3 the department;
- 2-4 (20) fees and revenue collected under Section
- 2-5 11.027(b) or (c) of this code that are associated with the
- 2-6 conservation of fish and wildlife;
- 2-7 (21) fees related to cultivated oyster mariculture;
- 2-8 (22) vessel and outboard motor titling fees;
- 2-9 (23) participation fees collected under Section
- 2-10 43.976; [and]
- 2-11 (24) money received by the department from:
- 2-12 (A) boater education program courses and
- 2-13 examinations administered under Section 31.108; and
- 2-14 (B) boater education deferrals issued under the
- 2-15 program established under Section 31.110(c); and
- 2-16 (25) any other source provided by law.

2-17 SECTION 2. Section 11.033(a), Parks and Wildlife Code, is

2-18 amended to read as follows:

2-19 (a) To the extent allowed by federal law, money in the game,

2-20 fish, and water safety account may be used for the following

2-21 purposes:

2-22 (1) enforcement of fish, shrimp, and oyster laws, game

2-23 laws, and laws pertaining to sand, shell, and gravel;

2-24 (2) dissemination of information pertaining to marine

2-25 life, wild animal life, wildlife values, and wildlife management;

2-26 (3) scientific investigation and survey of marine life

2-27 for the better protection and conservation of marine life;

2-28 (4) establishment and maintenance of fish hatcheries,

2-29 fish sanctuaries, tidal water fish passes, wildlife management

2-30 areas, and public hunting grounds;

2-31 (5) propagation and distribution of marine life, game

2-32 animals, and wild birds;

2-33 (6) protection of wild birds, fish, and game;

2-34 (7) purchase, repair, and operation of boats and

2-35 dredges;

2-36 (8) research, management, and protection of the fish

2-37 and wildlife resources of this state, including alligators and

2-38 fur-bearing animals;

2-39 (9) salaries of employees and other expenses necessary

2-40 to carry out the duties of the department under laws relating to

2-41 fish, shrimp, oysters, game, water safety, and sand, shell, and

2-42 gravel;

2-43 (10) expansion and development of additional

2-44 opportunities of hunting and fishing in state-owned land and water;

2-45 (11) removing rough fish from public water;

2-46 (12) administration and enforcement of the water

2-47 safety laws as set out in Chapter 31, including administration of

2-48 the boater education program established under Section 31.108;

2-49 (13) purchasing all necessary forms and supplies,

2-50 including reimbursement of the department for any material produced

2-51 by its existing facilities or work performed by other divisions of

2-52 the department;

2-53 (14) purchase, construction, and maintenance of boat

2-54 ramps on or near public waters as provided in Chapter 31;

2-55 (15) resource protection activities;

2-56 (16) the cleanup of illegal or abandoned cultivated

2-57 oyster mariculture equipment and related debris in public water;

2-58 and

2-59 (17) any other use provided by law.

2-60 SECTION 3. Section 31.108, Parks and Wildlife Code, is

2-61 amended by amending Subsection (a) and adding Subsection (g) to

2-62 read as follows:

2-63 (a) The commission shall adopt rules to:

2-64 (1) administer a boater education program that is

2-65 designed to educate persons about the safe operation of vessels;

2-66 (2) approve boater education courses that meet or

2-67 exceed the minimum instruction requirement [~~as the requirement~~

2-68 ~~exists on January 1, 1997,~~] established by the National Association

2-69 of State Boating Law Administrators on or after January 1, 2016, and

3-1 adopted by commission rule;

3-2 (3) create an equivalency examination that may be
3-3 taken, as the commission determines is consistent with promoting
3-4 public safety in the operation of vessels, instead of the boater
3-5 education course; and

3-6 (4) ensure that boater education courses and
3-7 examinations are available in each county.

3-8 (g) Money received by the department under Subsections (e)
3-9 and (f)(1) shall be deposited in the state treasury to the credit of
3-10 the game, fish, and water safety account established under Section
3-11 11.032 and may be used only for the administration of the boater
3-12 education program established under this section.

3-13 SECTION 4. Section 31.110, Parks and Wildlife Code, is
3-14 amended by adding Subsection (d) to read as follows:

3-15 (d) Money received by the department in connection with a
3-16 boater education deferral program established by the commission
3-17 under Subsection (c) shall be deposited in the state treasury to the
3-18 credit of the game, fish, and water safety account established
3-19 under Section 11.032 and may be used only for the administration of
3-20 the boater education program established under Section 31.108.

3-21 SECTION 5. As soon as practicable after the effective date
3-22 of this Act, the Parks and Wildlife Commission shall adopt or modify
3-23 any rules necessary to implement the change in law made by this Act
3-24 to Section 31.108(a), Parks and Wildlife Code.

3-25 SECTION 6. Sections 31.108(g) and 31.110(d), Parks and
3-26 Wildlife Code, as added by this Act, apply only to money described
3-27 by those subsections that is received by the department on or after
3-28 the effective date of this Act. Money received by the department
3-29 before the effective date of this Act is governed by the law in
3-30 effect immediately before the effective date of this Act, and the
3-31 former law is continued in effect for that purpose.

3-32 SECTION 7. This Act takes effect September 1, 2023.

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