

By: Harper-Brown, Homer, Rose, et al.

H.B. No. 3391

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Parks and Wildlife Department; changing the elements of an offense.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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~~].

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~~].

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

1 efficiently act on complaints [~~file on each written complaint~~]  
2 filed with the department that the department has the authority to  
3 resolve. The department shall maintain information about parties  
4 to the complaint, the subject matter of the complaint, [~~file must~~  
5 ~~include:~~

6 [~~(1) the name of the person who filed the complaint,~~  
7 [~~(2) the date the complaint is received by the~~  
8 ~~department,~~

9 [~~(3) the subject matter of the complaint,~~  
10 [~~(4) the name of each person contacted in relation to~~  
11 ~~the complaint,~~

12 [~~(5)] a summary of the results of the review or~~

13 investigation of the complaint, and its disposition [~~and~~

14 [~~(6) an explanation of the reason the file was closed,~~  
15 ~~if the department closed the file without taking action other than~~  
16 ~~to investigate the complaint].~~

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

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

1 SECTION 4. Subchapter B, Chapter 11, Parks and Wildlife  
2 Code, is amended by adding Sections 11.0163, 11.0164, and 11.0174  
3 to read as follows:

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

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

12 (1) negotiated rulemaking procedures under Chapter  
13 2008, Government Code, for the adoption of department rules; and

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

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

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

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

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

1 dispute resolution; and

2 (3) collect data concerning the effectiveness of those  
3 procedures, as implemented by the department.

4 Sec. 11.0174. INTERNAL AFFAIRS OFFICE. (a) The executive  
5 director shall establish the office of internal affairs.

6 (b) The office of internal affairs has original  
7 departmental jurisdiction over all investigations of cases  
8 alleging criminal conduct:

9 (1) occurring on department property;

10 (2) engaged in by on-duty department employees; or

11 (3) engaged in by officers commissioned by the  
12 department performing off-duty work related to their official  
13 duties.

14 (c) The office of internal affairs shall oversee and review,  
15 but need not conduct, all investigations under this section.

16 (d) An investigation under this section may be initiated  
17 only by the executive director or the commission. The person  
18 assigned to conduct an investigation under this section must be a  
19 licensed peace officer who is not an employee of the department and  
20 has never been employed by the department as a game warden, deputy  
21 game warden, or special game warden.

22 (e) The executive director shall appoint the head of the  
23 office of internal affairs. The head of the office of internal  
24 affairs serves until removed by the executive director.

25 (f) The head of the office of internal affairs shall:

26 (1) report directly to the executive director  
27 regarding performance of and activities related to investigations;

1           (2) report to the executive director for  
2 administrative purposes; and

3           (3) provide the executive director or commission with  
4 information regarding investigations as appropriate.

5           (g) The head of the office of internal affairs shall present  
6 at each regularly scheduled commission meeting and at other  
7 appropriate times a summary of information relating to  
8 investigations conducted under this section that includes analysis  
9 of the number, type, and outcome of investigations, trends in the  
10 investigations, and any recommendations to avoid future  
11 complaints.

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

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

17           (1) private contributions, grants, and donations  
18 received for state parks-related purposes; and

19           (2) federal funds received for state parks-related  
20 purposes.

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

23           (b) The department may [~~shall~~] deposit in the state land and  
24 water conservation account any [~~all~~] revenue received from the  
25 federal government or any other source for the purpose of  
26 administering programs authorized under Sections 13.301 through  
27 13.311 of this code.

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

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

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

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

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

16 (d) A response under Subsection (c):

17 (1) must be submitted to the department not later than  
18 the 90th day after the date the agency or organization makes a  
19 decision or takes other action related to the recommendation or  
20 informational comment provided by the department; and

21 (2) is public information under Chapter 552,  
22 Government Code.

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

26 Sec. 12.1045. PILOT PROGRAM FOR FINGERPRINT IDENTIFICATION.

27 (a) In this section:

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

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

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

12           (c) In implementing the pilot program, the department shall  
13 use a mobile fingerprint scanner developed for law enforcement that  
14 is portable, secure, and lightweight, uses encrypted data  
15 transmissions for protection of the public, and does not require an  
16 employee to carry any equipment other than the scanner to receive  
17 the data.

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

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

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

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

1 person.

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

5 (b) The Parks and Wildlife Department shall begin  
6 implementation of the pilot program established under Section  
7 12.1045, Parks and Wildlife Code, as added by this section, not  
8 later than January 1, 2010, and shall conduct the pilot program for  
9 at least 12 months. Not later than February 1, 2011, the department  
10 shall report to the governor, the lieutenant governor, the speaker  
11 of the house of representatives, and the Sunset Advisory Commission  
12 regarding the pilot program. The report must include the  
13 department's recommendations for continuation or expansion of the  
14 pilot program and an evaluation of the department's use of the  
15 mobile fingerprint identification system, including:

16 (1) the appropriateness of conducting remote  
17 fingerprint checks;

18 (2) the value of remote fingerprint checking in  
19 combating crime and enforcing department rules and other laws of  
20 this state;

21 (3) the impact of using remote fingerprint checks on  
22 the efficiency of authorized employees;

23 (4) the impact of using remote fingerprint checks on  
24 the safety of authorized employees; and

25 (5) any reduction in inconvenience to a person who  
26 does not have a required license.

27 (c) The Parks and Wildlife Department shall implement the

1 pilot program established under Section 12.1045, Parks and Wildlife  
2 Code, as added by this section, only if sufficient funds are  
3 available and have been allocated for that purpose.

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

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

12 SECTION 10. Sections 24.002, 24.003, 24.006, 24.052,  
13 24.053, and 24.056, Parks and Wildlife Code, are amended to read as  
14 follows:

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

19 (1) grants under this subchapter to a county or  
20 municipality with a population of less than 500,000; [~~or~~]

21 (2) grants under this subchapter to any other  
22 political subdivision that is not a county or municipality; or

23 (3) planning for, and acquisition, operation, and  
24 development of, outdoor recreation and conservation resources of  
25 this state and the administrative expenses incident to the projects  
26 or programs authorized under Subchapter D, Chapter 13.

27 Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION.

1 (a) The department shall deposit to the credit of the Texas  
2 recreation and parks account:

- 3 (1) an amount of money equal to 15 percent of the  
4 credits made to the department under Section 151.801, Tax Code; and  
5 (2) money from any other source authorized by law.

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

- 8 (1) private contributions, grants, and donations  
9 received in connection with this subchapter or Subchapter D,  
10 Chapter 13; and  
11 (2) federal funds received in connection with this  
12 subchapter or Subchapter D, Chapter 13.

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

20 Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND  
21 PARKS ACCOUNT. The large county and municipality recreation and  
22 parks account is a separate account in the general revenue fund.  
23 Money in the account may be used only as provided by this subchapter  
24 or Subchapter D, Chapter 13.

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

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

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

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

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

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

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

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

22 (b) This section does not apply to:

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

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

27 (c) The commission may adopt rules governing the safe

1 participation in activities described by Subsection (b).

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

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

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

10 (c) This section does not prohibit the sale of:

11 (1) a live game animal, a dead or live game bird, or  
12 the feathers of a game bird if the sale is conducted under authority  
13 of a license or permit issued under this code; or

14 (2) the following inedible parts:

15 (A) an inedible part, including the feathers,  
16 bones, or feet, of a game bird other than a migratory game bird that  
17 was lawfully taken or is lawfully possessed;

18 (B) the hair, hide, antlers, bones, horns, skull,  
19 hooves, or sinew, as applicable, of a deer, pronghorn antelope,  
20 desert bighorn sheep, collared peccary or javelina, red squirrel,  
21 or gray squirrel; or

22 (C) the feathers of a migratory game bird in  
23 accordance with federal law.

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

1 (b) The department shall publish a list of:

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

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

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

14 (e) In this section:

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

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

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

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

1       (m) A person may not import into or possess in this state an  
2 exotic aquatic plant unless:

- 3               (1) the plant is on the approved list; or  
4               (2) the person has an exotic species permit issued by  
5 the department.

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

- 10               (1) a risk assessment model to help determine the  
11 potential harm of a species to the aquatic environment;  
12               (2) published scientific research findings;  
13               (3) findings from regulatory agencies; or  
14               (4) scientific analyses from third-party  
15 laboratories.

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

- 18               (1) is widespread in this state; and  
19               (2) is not, as determined by the department, a cause of  
20 environmental, economic, or health problems.

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

1 remove an exotic aquatic plant from the approved list if the plant  
2 is determined to cause environmental, economic, or health problems.

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

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

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

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

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

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

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

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

26 (1) vessel or watercraft; or

27 (2) trailer, motor vehicle, or other mobile device

1 used to transport or launch a vessel or watercraft.

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

4 CHAPTER 92. INTERSTATE WILDLIFE VIOLATOR COMPACT

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

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

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

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

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

20 (1) the department may be designated as the state  
21 agency responsible for the trust, including all trust property and  
22 investments, and rights associated with the trust;

23 (2) control of the Parrie Haynes Ranch may be  
24 transferred to the department; and

25 (3) the purposes of the trust may be appropriately  
26 expanded to include benefiting disadvantaged and other youths of  
27 this state.

1 (c) This section expires on the earlier of:

2 (1) the date a court orders modification of the Parrie  
3 Haynes Trust in accordance with this section; or

4 (2) September 1, 2021.

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

17 SECTION 19. The change in law made by this Act to Section  
18 11.0161, Parks and Wildlife Code, applies only to a complaint filed  
19 with the Parks and Wildlife Commission or the Parks and Wildlife  
20 Department on or after September 1, 2009. A complaint filed before  
21 September 1, 2009, is governed by the law in effect at the time the  
22 complaint was filed, and the former law is continued in effect for  
23 that purpose.

24 SECTION 20. Section 12.0011(c), Parks and Wildlife Code, as  
25 added by this Act, applies only to a recommendation or  
26 informational comment received by a local or state governmental  
27 agency from the Parks and Wildlife Department on or after September

1 1, 2009. A recommendation or informational comment received by a  
2 local or state governmental agency from the Parks and Wildlife  
3 Department before September 1, 2009, is governed by the law in  
4 effect at the time the recommendation or informational comment was  
5 received, and the former law is continued in effect for that  
6 purpose.

7 SECTION 21. Conduct prohibited by Section 62.0031, Parks  
8 and Wildlife Code, that involves the capture, trapping, or hunting  
9 of a reptile, amphibian, or insect may not be prosecuted after the  
10 effective date of this Act. If on the effective date of this Act a  
11 criminal action is pending for conduct prohibited by Section  
12 62.0031 and described by this section, the action is dismissed on  
13 that date. However, a final conviction for conduct prohibited by  
14 Section 62.0031 and described by this section that exists on the  
15 effective date of this Act is unaffected by this Act.

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

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

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

1 which the list is published.

2 (c) The department shall continue to publish a list of  
3 harmful or potentially harmful exotic aquatic plants for which a  
4 permit under Section 66.007(a), Parks and Wildlife Code, is  
5 required until the date on which the initial list of approved exotic  
6 aquatic plants is published. The department is not required to  
7 maintain or publish the list of harmful or potentially harmful  
8 exotic aquatic plants after the date on which the list of approved  
9 exotic aquatic plants is published.

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

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

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