

1-1 By: Harper-Brown, et al. (Senate Sponsor - Hegar) H.B. No. 3391  
1-2 (In the Senate - Received from the House May 5, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on  
1-4 Government Organization; May 15, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 6,  
1-6 Nays 0; May 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3391 By: Hegar

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the continuation and functions of the Parks and  
1-11 Wildlife Department; changing the elements of an offense.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 11.0111, Parks and Wildlife Code, is  
1-14 amended to read as follows:

1-15 Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife  
1-16 Department is subject to Chapter 325, Government Code (Texas Sunset  
1-17 Act). Unless continued in existence as provided by that chapter,  
1-18 the department is abolished September 1, 2021 [2009].

1-19 SECTION 2. Section 11.012(c), Parks and Wildlife Code, is  
1-20 amended to read as follows:

1-21 (c) Commission [~~Three commission~~] members must be members  
1-22 of the general public and meet the qualifications provided by  
1-23 Section 11.0121 [~~of this code~~].

1-24 SECTION 3. Sections 11.0161(a), (b), (c), and (d), Parks  
1-25 and Wildlife Code, are amended to read as follows:

1-26 (a) The commission shall prepare information of public  
1-27 interest describing the functions of the commission [~~and describing~~  
1-28 ~~the commission's procedures by which complaints are filed with and~~  
1-29 ~~resolved by the commission~~]. The commission shall make the  
1-30 information available to the general public and appropriate state  
1-31 agencies.

1-32 (b) The department shall maintain a system to promptly and  
1-33 efficiently act on complaints [~~file on each written complaint~~]  
1-34 filed with the department that the department has the authority to  
1-35 resolve. The department shall maintain information about parties  
1-36 to the complaint, the subject matter of the complaint, [~~file must~~  
1-37 ~~include:~~

1-38 [~~(1) the name of the person who filed the complaint,~~

1-39 [~~(2) the date the complaint is received by the~~  
1-40 ~~department,~~

1-41 [~~(3) the subject matter of the complaint,~~

1-42 [~~(4) the name of each person contacted in relation to~~  
1-43 ~~the complaint,~~

1-44 [~~(5)] a summary of the results of the review or~~  
1-45 investigation of the complaint, and its disposition [~~, and~~

1-46 [~~(6) an explanation of the reason the file was closed,~~  
1-47 ~~if the department closed the file without taking action other than~~  
1-48 ~~to investigate the complaint~~].

1-49 (c) The department shall make information available  
1-50 describing its [~~provide to the person filing the complaint and to~~  
1-51 ~~each person who is a subject of the complaint a copy of the~~  
1-52 ~~department's policies and~~] procedures for [~~relating to~~] complaint  
1-53 investigation and resolution.

1-54 (d) The department [~~, at least quarterly until final~~  
1-55 ~~disposition of the complaint,~~] shall periodically notify the  
1-56 [~~person filing the~~] complaint parties [~~and each person who is a~~  
1-57 ~~subject of the complaint~~] of the status of the complaint until final  
1-58 disposition [~~investigation unless the notice would jeopardize an~~  
1-59 ~~undercover investigation~~].

1-60 SECTION 4. Subchapter B, Chapter 11, Parks and Wildlife  
1-61 Code, is amended by adding Sections 11.0163, 11.0164, and 11.0174  
1-62 to read as follows:

1-63 Sec. 11.0163. USE OF TECHNOLOGY. The commission shall

2-1 implement a policy requiring the department to use appropriate  
2-2 technological solutions to improve the department's ability to  
2-3 perform its functions. The policy must ensure that the public is  
2-4 able to interact with the department on the Internet.

2-5 Sec. 11.0164. NEGOTIATED RULEMAKING AND ALTERNATIVE  
2-6 DISPUTE RESOLUTION PROCEDURES. (a) The commission shall develop  
2-7 and implement a policy to encourage the use of:

2-8 (1) negotiated rulemaking procedures under Chapter  
2-9 2008, Government Code, for the adoption of department rules; and

2-10 (2) appropriate alternative dispute resolution  
2-11 procedures under Chapter 2009, Government Code, to assist in the  
2-12 resolution of internal and external disputes under the department's  
2-13 jurisdiction.

2-14 (b) The department's procedures relating to alternative  
2-15 dispute resolution must conform, to the extent possible, to any  
2-16 model guidelines issued by the State Office of Administrative  
2-17 Hearings for the use of alternative dispute resolution by state  
2-18 agencies.

2-19 (c) The commission shall designate a trained person to:

2-20 (1) coordinate the implementation of the policy  
2-21 adopted under Subsection (a);

2-22 (2) serve as a resource for any training needed to  
2-23 implement the procedures for negotiated rulemaking or alternative  
2-24 dispute resolution; and

2-25 (3) collect data concerning the effectiveness of those  
2-26 procedures, as implemented by the department.

2-27 Sec. 11.0174. INTERNAL AFFAIRS OFFICE. (a) The executive  
2-28 director shall establish the office of internal affairs.

2-29 (b) The office of internal affairs has original  
2-30 departmental jurisdiction over all investigations of cases  
2-31 alleging criminal conduct:

2-32 (1) occurring on department property;

2-33 (2) engaged in by on-duty department employees; or

2-34 (3) engaged in by officers commissioned by the  
2-35 department performing off-duty work related to their official  
2-36 duties.

2-37 (c) The office of internal affairs shall oversee and review,  
2-38 but need not conduct, all investigations under this section.

2-39 (d) An investigation under this section may be initiated  
2-40 only by the executive director or the commission.

2-41 (e) The executive director shall appoint the head of the  
2-42 office of internal affairs. The head of the office of internal  
2-43 affairs serves until removed by the executive director.

2-44 (f) The head of the office of internal affairs shall:

2-45 (1) report directly to the executive director  
2-46 regarding performance of and activities related to investigations;

2-47 (2) report to the executive director for  
2-48 administrative purposes; and

2-49 (3) provide the executive director or commission with  
2-50 information regarding investigations as appropriate.

2-51 (g) The head of the office of internal affairs shall present  
2-52 at each regularly scheduled commission meeting and at other  
2-53 appropriate times a summary of information relating to  
2-54 investigations conducted under this section that includes analysis  
2-55 of the number, type, and outcome of investigations, trends in the  
2-56 investigations, and any recommendations to avoid future  
2-57 complaints.

2-58 SECTION 5. Section 11.035, Parks and Wildlife Code, is  
2-59 amended by adding Subsection (c) to read as follows:

2-60 (c) The department may deposit to the credit of the state  
2-61 parks account all revenue, less allowable costs, from the following  
2-62 sources:

2-63 (1) private contributions, grants, and donations  
2-64 received for state parks-related purposes; and

2-65 (2) federal funds received for state parks-related  
2-66 purposes.

2-67 SECTION 6. Section 11.037(b), Parks and Wildlife Code, is  
2-68 amended to read as follows:

2-69 (b) The department ~~may~~ shall deposit in the state land and

3-1 water conservation account any [~~all~~] revenue received from the  
3-2 federal government or any other source for the purpose of  
3-3 administering programs authorized under Sections 13.301 through  
3-4 13.311 of this code.

3-5 SECTION 7. Section 12.0011, Parks and Wildlife Code, is  
3-6 amended by adding Subsections (c) and (d) to read as follows:

3-7 (c) A local or state agency or private organization that  
3-8 receives a department recommendation or informational comment  
3-9 under Subsection (b) shall respond to the department in writing  
3-10 concerning the recommendation or comment. A response must include  
3-11 for each recommendation or comment provided by the department:

3-12 (1) a description of any modification made to the  
3-13 proposed project, fish and wildlife resource decision, or water  
3-14 flow schedule resulting from the recommendation or comment;

3-15 (2) any other disposition of the recommendation or  
3-16 comment; and

3-17 (3) as applicable, any reason the agency or  
3-18 organization disagreed with or did not act on or incorporate the  
3-19 recommendation or comment.

3-20 (d) A response under Subsection (c):

3-21 (1) must be submitted to the department not later than  
3-22 the 90th day after the date the agency or organization makes a  
3-23 decision or takes other action related to the recommendation or  
3-24 informational comment provided by the department; and

3-25 (2) is public information under Chapter 552,  
3-26 Government Code.

3-27 SECTION 8. Section 12.027, Parks and Wildlife Code, is  
3-28 amended to read as follows:

3-29 Sec. 12.027. ADOPTION OF EMERGENCY RULES. If the  
3-30 commission or the executive director finds that there is an  
3-31 immediate danger to a species authorized to be regulated by the  
3-32 department, or that strict compliance with existing department  
3-33 rules would in any way prevent, hinder, or delay necessary action in  
3-34 coping with a disaster declared by the governor, the commission or  
3-35 the executive director may adopt emergency rules as provided by  
3-36 Chapter 2001, Government Code.

3-37 SECTION 9. Section 13.310(c), Parks and Wildlife Code, is  
3-38 amended to read as follows:

3-39 (c) The department shall deposit all funds received for the  
3-40 development of outdoor recreation resources in the state treasury  
3-41 to the credit of the state land and water conservation account, the  
3-42 Texas recreation and parks account, the large county and  
3-43 municipality recreation and parks account, or the state parks  
3-44 account.

3-45 SECTION 10. Sections 24.002, 24.003, 24.006, 24.052,  
3-46 24.053, and 24.056, Parks and Wildlife Code, are amended to read as  
3-47 follows:

3-48 Sec. 24.002. TEXAS RECREATION AND PARKS ACCOUNT. The Texas  
3-49 recreation and parks account is a separate account in the general  
3-50 revenue fund. Money in the account may be used only [~~as provided by~~  
3-51 this subchapter] for [~~grants to~~]:

3-52 (1) grants under this subchapter to a county or  
3-53 municipality with a population of less than 500,000; [~~or~~]

3-54 (2) grants under this subchapter to any other  
3-55 political subdivision that is not a county or municipality; or

3-56 (3) planning for, and acquisition, operation, and  
3-57 development of, outdoor recreation and conservation resources of  
3-58 this state and the administrative expenses incident to the projects  
3-59 or programs authorized under Subchapter D, Chapter 13.

3-60 Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION.  
3-61 (a) The department shall deposit to the credit of the Texas  
3-62 recreation and parks account:

3-63 (1) an amount of money equal to 15 percent of the  
3-64 credits made to the department under Section 151.801, Tax Code; and

3-65 (2) money from any other source authorized by law.

3-66 (b) The department may deposit to the credit of the Texas  
3-67 recreation and parks account:

3-68 (1) private contributions, grants, and donations  
3-69 received in connection with this subchapter or Subchapter D,

4-1 Chapter 13; and  
 4-2 (2) federal funds received in connection with this  
 4-3 subchapter or Subchapter D, Chapter 13.  
 4-4 Sec. 24.006. FUNDS FOR GRANTS TO LOCAL GOVERNMENTS. When  
 4-5 state revenues to the Texas recreation and parks account exceed \$14  
 4-6 million per year, an amount not less than 15 percent shall be made  
 4-7 available for grants to local governments for up to 50 percent of  
 4-8 the cost of acquisition or development of indoor public recreation  
 4-9 facilities for indoor recreation programs, sports activities,  
 4-10 nature programs, or exhibits.  
 4-11 Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND  
 4-12 PARKS ACCOUNT. The large county and municipality recreation and  
 4-13 parks account is a separate account in the general revenue fund.  
 4-14 Money in the account may be used only as provided by this subchapter  
 4-15 or Subchapter D, Chapter 13.  
 4-16 Sec. 24.053. ACCOUNT REVENUE SOURCE; DEDICATION. (a) The  
 4-17 department shall deposit to the credit of the large county and  
 4-18 municipality recreation and parks account:  
 4-19 (1) an amount of money equal to 10 percent of the  
 4-20 credits made to the department under Section 151.801, Tax Code; and  
 4-21 (2) money from any other source authorized by law.  
 4-22 (b) The department may deposit to the credit of the large  
 4-23 county and municipality recreation and parks account:  
 4-24 (1) private contributions, grants, and donations  
 4-25 received in connection with this subchapter or Subchapter D,  
 4-26 Chapter 13; and  
 4-27 (2) federal funds received in connection with this  
 4-28 subchapter or Subchapter D, Chapter 13.  
 4-29 Sec. 24.056. FUNDS FOR GRANTS TO LARGE COUNTIES AND  
 4-30 MUNICIPALITIES. When state revenue to the large county and  
 4-31 municipality recreation and parks account exceeds \$14 million per  
 4-32 year, an amount not less than 15 percent shall be made available for  
 4-33 grants to large counties and municipalities for up to 50 percent of  
 4-34 the cost of acquisition or development of indoor public recreation  
 4-35 facilities for indoor recreation programs, sports activities,  
 4-36 nature programs, or exhibits.  
 4-37 SECTION 11. Section 43.071(5), Parks and Wildlife Code, is  
 4-38 amended to read as follows:  
 4-39 (5) "Pen-reared birds" means bobwhite quail,  
 4-40 pheasant, pigeons, partridge, and mallard ducks propagated or  
 4-41 acquired under Chapter 45 of this code.  
 4-42 SECTION 12. Section 62.021(c), Parks and Wildlife Code, is  
 4-43 amended to read as follows:  
 4-44 (c) This section does not prohibit the sale of:  
 4-45 (1) a live game animal, a dead or live game bird, or  
 4-46 the feathers of a game bird if the sale is conducted under authority  
 4-47 of a license or permit issued under this code; or  
 4-48 (2) the following inedible parts:  
 4-49 (A) an inedible part, including the feathers,  
 4-50 bones, or feet, of a game bird other than a migratory game bird that  
 4-51 was lawfully taken or is lawfully possessed;  
 4-52 (B) the hair, hide, antlers, bones, horns, skull,  
 4-53 hooves, or sinew, as applicable, of a deer, pronghorn antelope,  
 4-54 desert bighorn sheep, collared peccary or javelina, red squirrel,  
 4-55 or gray squirrel; or  
 4-56 (C) the feathers of a migratory game bird in  
 4-57 accordance with federal law.  
 4-58 SECTION 13. Section 64.002(b), Parks and Wildlife Code, is  
 4-59 amended to read as follows:  
 4-60 (b) European starlings, English sparrows, and feral rock  
 4-61 doves (*Columba livia*) may be killed at any time in any manner and  
 4-62 their nests or eggs may be destroyed, and such conduct does not  
 4-63 constitute an offense under Chapter 42, Penal Code.  
 4-64 SECTION 14. Section 66.007, Parks and Wildlife Code, is  
 4-65 amended by amending Subsections (b), (c), and (e) and adding  
 4-66 Subsections (m), (n), (o), (p), (q), (r), and (s) to read as  
 4-67 follows:  
 4-68 (b) The department shall publish a list of:  
 4-69 (1) exotic fish and exotic~~[r] shellfish~~~~[, and aquatic~~

5-1 ~~plants]~~ for which a permit under Subsection (a) [~~of this section]~~ is  
 5-2 required; and

5-3 (2) exotic aquatic plants, as provided by this  
 5-4 section, that are approved for importation into or possession in  
 5-5 this state without a permit.

5-6 (c) The department shall make rules to carry out the  
 5-7 provisions of this section. In adopting rules that relate to exotic  
 5-8 aquatic plants, the department shall strive to ensure that the  
 5-9 rules are as permissive as possible without allowing the  
 5-10 importation or possession of plants that pose environmental,  
 5-11 economic, or health problems.

5-12 (e) In this section:

5-13 (1) "Approved list" means the list published by the  
 5-14 department under Subsection (b)(2) of exotic aquatic plants that a  
 5-15 person may import into or possess in this state without an exotic  
 5-16 species permit issued by the department.

5-17 (2) "Exotic [~~, exotic fish, shellfish, or~~] aquatic  
 5-18 plant" means a nonindigenous [~~fish, shellfish, or~~] aquatic plant  
 5-19 that is not normally found in aquatic or riparian areas [~~the public~~  
 5-20 water] of this [~~the~~] state.

5-21 (3) "Exotic fish" means a nonindigenous fish that is  
 5-22 not normally found in the public water of this state.

5-23 (4) "Exotic shellfish" means a nonindigenous  
 5-24 shellfish that is not normally found in the public water of this  
 5-25 state.

5-26 (m) A person may not import into or possess in this state an  
 5-27 exotic aquatic plant unless:

5-28 (1) the plant is on the approved list; or

5-29 (2) the person has an exotic species permit issued by  
 5-30 the department.

5-31 (n) In compiling the approved list, the department shall  
 5-32 develop a process to evaluate the potential harm that may be caused  
 5-33 by the importation or possession of exotic aquatic plant species  
 5-34 into this state. The process must include the use of:

5-35 (1) a risk assessment model to help determine the  
 5-36 potential harm of a species to the aquatic environment;

5-37 (2) published scientific research findings;

5-38 (3) findings from regulatory agencies; or

5-39 (4) scientific analyses from third-party  
 5-40 laboratories.

5-41 (o) The approved list must include an exotic aquatic plant  
 5-42 that:

5-43 (1) is widespread in this state; and

5-44 (2) is not, as determined by the department, a cause of  
 5-45 environmental, economic, or health problems.

5-46 (p) The department shall develop an expedited process for  
 5-47 obtaining approval for inclusion on the approved list of a  
 5-48 previously unknown exotic aquatic plant. The commission may remove  
 5-49 an exotic aquatic plant from the approved list if the results of  
 5-50 further analysis conducted under Subsection (n) indicate that the  
 5-51 plant should not be on the list. The department may enact an  
 5-52 emergency rule as provided by Chapter 2001, Government Code, to  
 5-53 remove an exotic aquatic plant from the approved list if the plant  
 5-54 is determined to cause environmental, economic, or health problems.

5-55 (q) The commission shall exercise final approval for the  
 5-56 inclusion of each plant on the approved list.

5-57 (r) In accordance with commission rules, the department may  
 5-58 issue an exotic species permit to a permit applicant for an exotic  
 5-59 aquatic plant not on the approved list if the proposed use of the  
 5-60 plant is:

5-61 (1) as an experimental organism in a medical or other  
 5-62 scientific research program approved by the department;

5-63 (2) as part of an exhibit approved by the department in  
 5-64 a public aquarium or public zoo; or

5-65 (3) for an appropriate use that will not result in  
 5-66 potential environmental, economic, or health problems.

5-67 (s) Nothing in this subchapter regarding exotic aquatic  
 5-68 plants restricts the department's authority under this code  
 5-69 regarding exotic harmful or potentially harmful fish or shellfish.

6-1 SECTION 15. Section 66.0071, Parks and Wildlife Code, is  
6-2 amended to read as follows:

6-3 Sec. 66.0071. REMOVAL OF HARMFUL AQUATIC PLANTS. On  
6-4 leaving any public or private body of water in this state, a person  
6-5 shall immediately remove and lawfully dispose of any exotic  
6-6 [~~harmful or potentially harmful~~] aquatic plant not included on the  
6-7 approved list published under Section 66.007(b) (2) that is clinging  
6-8 or attached to the person's:

6-9 (1) vessel or watercraft; or

6-10 (2) trailer, motor vehicle, or other mobile device  
6-11 used to transport or launch a vessel or watercraft.

6-12 SECTION 16. Title 6, Parks and Wildlife Code, is amended by  
6-13 adding Chapter 92 to read as follows:

6-14 CHAPTER 92. INTERSTATE WILDLIFE VIOLATOR COMPACT

6-15 Sec. 92.001. MEMBERSHIP IN INTERSTATE WILDLIFE VIOLATOR  
6-16 COMPACT. (a) On behalf of this state, the commission may enter  
6-17 into the Interstate Wildlife Violator Compact.

6-18 (b) If necessary to protect the interests of this state, the  
6-19 commission may withdraw from the Interstate Wildlife Violator  
6-20 Compact in accordance with the terms of the compact.

6-21 (c) The commission may take all actions necessary to  
6-22 implement this chapter, including the adoption of rules and the  
6-23 delegation of authority to the director.

6-24 SECTION 17. (a) The Parks and Wildlife Department and the  
6-25 Texas Youth Commission jointly shall seek representation by the  
6-26 attorney general to pursue a modification of the terms and purposes  
6-27 of the Parrie Haynes Trust.

6-28 (b) The legislature intends that a modification of the terms  
6-29 and purposes of the Parrie Haynes Trust be pursued so that:

6-30 (1) the department may be designated as the state  
6-31 agency responsible for the trust, including all trust property and  
6-32 investments, and rights associated with the trust;

6-33 (2) control of the Parrie Haynes Ranch may be  
6-34 transferred to the department; and

6-35 (3) the purposes of the trust may be appropriately  
6-36 expanded to include benefiting disadvantaged and other youths of  
6-37 this state.

6-38 (c) This section expires on the earlier of:

6-39 (1) the date a court orders modification of the Parrie  
6-40 Haynes Trust in accordance with this section; or

6-41 (2) September 1, 2021.

6-42 SECTION 18. The change in law made by this Act in the  
6-43 qualifications of the members of the Parks and Wildlife Commission  
6-44 does not affect the entitlement of a person serving as a member of  
6-45 the commission immediately before September 1, 2009, to continue to  
6-46 carry out the functions of the person's office for the remainder of  
6-47 the person's term. The change in law applies only to a person  
6-48 appointed on or after September 1, 2009. This Act does not prohibit  
6-49 a person who is a member of the Parks and Wildlife Commission  
6-50 immediately before September 1, 2009, from being reappointed as a  
6-51 commission member if the person has the qualifications required for  
6-52 the position under Chapter 11, Parks and Wildlife Code, as amended  
6-53 by this Act.

6-54 SECTION 19. The change in law made by this Act to Section  
6-55 11.0161, Parks and Wildlife Code, applies only to a complaint filed  
6-56 with the Parks and Wildlife Commission or the Parks and Wildlife  
6-57 Department on or after September 1, 2009. A complaint filed before  
6-58 September 1, 2009, is governed by the law in effect at the time the  
6-59 complaint was filed, and the former law is continued in effect for  
6-60 that purpose.

6-61 SECTION 20. Section 12.0011(c), Parks and Wildlife Code, as  
6-62 added by this Act, applies only to a recommendation or  
6-63 informational comment received by a local or state governmental  
6-64 agency from the Parks and Wildlife Department on or after September  
6-65 1, 2009. A recommendation or informational comment received by a  
6-66 local or state governmental agency from the Parks and Wildlife  
6-67 Department before September 1, 2009, is governed by the law in  
6-68 effect at the time the recommendation or informational comment was  
6-69 received, and the former law is continued in effect for that

7-1 purpose.

7-2 SECTION 21. Section 62.021(c), Parks and Wildlife Code, as  
7-3 amended by this Act, applies to any sale of inedible parts of an  
7-4 animal or bird occurring on or after the effective date of this Act,  
7-5 regardless of the date the parts were acquired by the seller.

7-6 SECTION 22. (a) Not later than December 31, 2010, the Parks  
7-7 and Wildlife Department shall publish the initial list of approved  
7-8 exotic aquatic plants as provided by Section 66.007(b), Parks and  
7-9 Wildlife Code, as amended by this Act.

7-10 (b) The Parks and Wildlife Department may not enforce the  
7-11 permit requirements or prohibited actions regarding exotic aquatic  
7-12 plants that are not on the approved list under Section 66.007(b),  
7-13 Parks and Wildlife Code, as amended by this Act, before the date on  
7-14 which the list is published.

7-15 (c) The Parks and Wildlife Department shall continue to  
7-16 publish a list of harmful or potentially harmful exotic aquatic  
7-17 plants for which a permit under Section 66.007(a), Parks and  
7-18 Wildlife Code, is required until the date on which the initial list  
7-19 of approved exotic aquatic plants is published. The department is  
7-20 not required to maintain or publish the list of harmful or  
7-21 potentially harmful exotic aquatic plants after the date on which  
7-22 the list of approved exotic aquatic plants is published.

7-23 (d) The Parks and Wildlife Department shall continue to  
7-24 enforce Section 66.007, Parks and Wildlife Code, with regard to  
7-25 harmful or potentially harmful exotic aquatic plants that are  
7-26 included on the list for which a permit is required under that  
7-27 section as it existed immediately before the effective date of this  
7-28 Act, and that law is continued in effect until the date on which the  
7-29 department publishes the initial list of approved exotic aquatic  
7-30 plants.

7-31 (e) The provisions of Section 66.007, Parks and Wildlife  
7-32 Code, as amended by this Act, regarding harmful or potentially  
7-33 harmful exotic aquatic plants apply only to an offense that occurs  
7-34 on or after the date on which the Parks and Wildlife Department  
7-35 publishes the initial list of approved exotic aquatic plants. An  
7-36 offense that occurs before the date on which the initial list of  
7-37 approved exotic aquatic plants is published is governed by the law  
7-38 in effect immediately before the effective date of this Act, and  
7-39 that law is continued in effect for that purpose. For purposes of  
7-40 this subsection, an offense is committed before the date on which  
7-41 the initial list of approved exotic aquatic plants is published if  
7-42 any element of the offense occurs before that date.

7-43 (f) The Parks and Wildlife Department may not enforce the  
7-44 permit requirements or prohibited actions regarding exotic aquatic  
7-45 plants on the list of harmful or potentially harmful plants under  
7-46 Section 66.007, Parks and Wildlife Code, as that section existed  
7-47 before amendment by this Act, after the date on which the list of  
7-48 approved exotic aquatic plants is published.

7-49 (g) Section 66.0071, Parks and Wildlife Code, as amended by  
7-50 this Act, applies only to a person who takes a vessel or watercraft  
7-51 out of a public or private body of water in this state on or after  
7-52 the date the Parks and Wildlife Department publishes the initial  
7-53 list of approved exotic aquatic plants under Section 66.007(b),  
7-54 Parks and Wildlife Code, as amended by this Act. A person who takes  
7-55 a vessel or watercraft out of a public or private body of water in  
7-56 this state before the date the list of approved exotic aquatic  
7-57 plants is published is governed by the law in effect on the date the  
7-58 vessel or watercraft is taken out of the water, and the former law  
7-59 remains in effect for that purpose.

7-60 SECTION 23. This Act takes effect September 1, 2009.

7-61 \* \* \* \* \*