



87TH LEGISLATIVE SESSION COMES TO A CLOSE:
**HOW IT IMPACTS
PARKS AND RECREATION**

BY JEFF ACHEE

Another Texas legislative session has come and gone with many items that impact the parks and recreation industry. These impacts will vary from community to community, but no industry professionals are spared from at least some effects on their work. This is what makes advocacy such an important aspect of this field, especially given that our Legislature meets for only 140 days in odd-numbered years.

In recent years, it has become a biannual tradition of TRAPS members involved in legislative advocacy to read up on and discuss the potential of a constitutional dedication of sporting goods sales tax revenues to the Texas Parks and Wildlife Department. When a member attends the TRAPS Walk the Halls event at the beginning of each session, they are inundated with talking points focused on this issue. However, the conversation changed after the passage of Proposition 5 in 2019, a landmark victory for parks, recreation and public space advocates across the state; but there is still much work to be done.

As with many things over the past year and a half, TRAPS' legislative efforts have had to adapt to the effects of the coronavirus pandemic. This year, TRAPS introduced "Walk the Halls (In Your Own Backyard)." In a typical legislative year, more than 100 parks and recreation professionals and students venture to the state Capitol to gather in groups and talk parks with their state representatives. Not only does this event advocate for the parks and recreation industry, but it also allows for members to network and learn more about the lawmaking process. Although members were not able to meet in Austin this year, more than 30 legislators were contacted by TRAPS members by utilizing resources provided by the Legislative Task Force and TRAPS state office.

While thousands of bills are filed each session, the following information highlights key aspects of the 87th Texas Legislature that are important to the parks and recreation industry.

Sporting Goods Sales Tax, the Texas Parks and Wildlife Grants Program, and Appropriation Riders

In sessions prior to the 87th, the Texas Legislature has appropriated sporting goods

sales tax (SGST) revenues for the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC) at its discretion through the General Appropriations Act. Though all revenues from the sales tax on sporting goods, from bicycles to hunting and fishing gear to sports equipment, were intended to be allocated to these agencies (93 percent to TPWD and 7 percent to THC), only a portion of those amounts actually made it to agency budgets.

However, with Texas voter approval on Senate Joint Resolution 24 (Proposition 5) in November 2019, 100 percent of SGST revenues were constitutionally appropriated to TPWD and the THC. This allocation begins in the 2022-2023 biennium and, according to the Texas Legislative Budget Board, is expected to total \$404.8 million, up from \$342.1 million in 2020-2021.

How does this impact members of TRAPS? The Texas Parks and Wildlife Department Local Parks and Recreation Grants pro-

grams help Texas municipalities and counties construct park and recreation facilities that meet the needs of their community. During the 2020-2021 biennium, the General Appropriations Act allocated \$54,807,371 for Strategy B.2.1. (Local Parks Grant) and B.2.2. (Boating Access, Trails, and Other Grants). In 2022-2023, these accounts will total more than \$62 million. Though this is a modest increase, the surge in popularity of outdoor recreation activities throughout the COVID-19 pandemic is sure to raise these numbers in the future.

Unfortunately for Texas communities looking to capitalize on the increase in Local Parks and Recreation Grant money, several appropriation riders were placed in Article IX of the 2022-2023 General Appropriations Act, or SB 1. These appropriation riders divert funds away from the TPWD competitive grant program to earmarks for specific local parks projects. The proposed riders benefit only 11 communities across Texas and total more than \$17 million out of the



Local Parks Grant program over the next biennium, which is nearly half of the \$39 million allocated to this program specifically.

Most of these riders also exceed the maximum amount awarded to Local Parks Grant recipients, two of which totaled \$7 million and \$5 million, respectively. Under the rules of the TPWD Local Parks Grant process, at least 34 communities could benefit from \$17 million in grant funding during that time. While these projects are assuredly important to their communities, it is important that these funds be awarded competitively.

Several calls to action were sent out to TRAPS membership in order to express our organization's opposition to these riders, and many members were able to utilize the information provided to have an informed discussion with their legislator.

Information on which riders were passed can be found on page IX-114 of the third Conference Committee Report on SB1 here: www.lbb.state.tx.us/documents/appropriations_bills/87/conference_bills/87R-SB1.pdf.

Bills Monitored by Legislative Task Force

Each legislative session, the TRAPS Board of Directors approves a legislative platform that determines the focus of the organization's advocacy efforts for that year. Once the session has begun and bills are filed, the Legislative Task Force creates a "Bill Watch" that details which bills of the thousands filed will be a focus of the committee and TRAPS membership.

During the 87th Legislature, the Task Force listed 33 bills that would have an impact on some area of the industry — whether that be

protection of public space, health and wellness or any other relevant topic. Of those bills, only seven have reached the desk of Texas Gov. Greg Abbott. This is a list of some of the bills with potential statewide impacts on TRAPS membership (in numerical order).

Senate Bill 700

SB 700, otherwise known as the Texas Parks and Wildlife Sunset Provision, continues the Texas Parks and Wildlife Department's operations through September 1, 2033.

House Bill 1925

HB 1925 makes it a criminal offense for a person to intentionally or knowingly camp in a public place. The bill also prohibits a local government entity from prohibiting or discouraging the enforcement of any public camping ban. This bill is highly relevant for parks and recreation departments, as these departments have been tasked with assisting with the nationwide homeless crisis in various ways by their communities. Entities that violate this bill's prohibitions can lose state funding.

House Bill 2205

HB 2205 requires that the Health and Human Services Commission adopt standards at least as stringent as those imposed under the Virginia Graeme Baker Pool and Spa Safety Act. The International Swimming Pool and Spa Code (ISPSC) is applied as the municipal swimming pool and spa code in Texas under this bill, and the version adopted must not be older than the version of the ISPSC in effect on May 1, 2019.

House Bill 3807

This bill is also known as the Je'Sani Smith Act, named for a teen who drowned at a

beach in the Corpus Christi area in 2019. This bill requires that cities, counties and state parks, during reasonable daylight, provide lifeguard towers or mobile lifeguard units at each pier, jetty or other structure that protrudes into the Gulf and must post within 100 yards of each side of the structure a sign that clearly describes the dangerous water conditions that may occur near that structure. Though this bill originally created these requirements to be met from March through November, deliberations narrowed that time frame from Memorial Day to Labor Day in order to coincide with increased beach visitation in these coastal Texas communities.

Among the key bills from the TRAPS Bill Watch that failed this session were pieces of legislation that would require child care facilities to provide assessments of their students' swimming skills prior to bringing them to a public pool facility (HB 1676), a bill relating to the use of hotel occupancy tax (HOT) revenues for public park enhancements for municipalities with less than 200,000 people (HB 3223), and several bills relating to the use of lobbyists by taxpayer-funded entities (SB 10, HB 749 and SB 234). Look for several key bills to be brought back in a potential special session to be called later this year.

How Can I Get Involved?

The Legislative Task Force and the TRAPS state office have put together several resources for those who are interested in becoming more involved with legislation and advocacy efforts. On the TRAPS website, there is a Legislative Overview section and an advocacy orientation featuring Executive Director Dr. Michal Anne Lord, a link to the *RecReflect* podcast episode in which I discuss the task force's efforts in this year's session (and much more), legislative white papers written by cohorts from the 2018 Academy of Leadership Development, and several relevant documents to share with your local legislator. Our goal is to make this process as easy as possible on our members with a passion for advocacy. We hope to see you out there! 🌱

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