

The background of the top half of the page is a photograph of the Texas State Capitol building in Austin. The building is a large, classical-style structure with a prominent golden dome. It is surrounded by lush green trees and a paved walkway leads towards the entrance. The sky is overcast with grey clouds.

# 88TH LEGISLATIVE SESSION IN TEXAS: HOW IT IMPACTS PARKS & RECREATION

**W**hile the Texas Legislature only meets for 140 days every two years, a lot is packed into that time. Whether a parks and recreation professional in Texas works for a municipality, county or private agency, none are spared from the decisions that are made at 1100 Congress Avenue in Austin.

As one of the pillars of TRAPS CARES, advocacy is a vital exercise for professionals across the state. As the 88th legislative session comes to an end, we will unpack what was one of the most consequential legislative sessions for the parks and recreation industry in recent memory.

#### **TRAPS Legislative Work During the Interim**

Though the legislature meets for a short time, advocating at the state level requires attention year-round. During even years, the Legislative Committee works to develop strategies and build the coalition of parks and recreation professionals that will be called upon when the time arises.

To gain traction pre-session, the committee directed the first-ever “Play Day at the Capitol” in April 2022. With TF Harper & Associates as the title sponsor and Barker, Rinker, Seacat Architecture, Whirlix and Rambler Sparkling Water as partner sponsors, more than 100 professionals from across the state made themselves at home on the beautiful southwest lawn of the Capitol and did what they do best: offered games, activities, outdoor education, music

and more for legislators, their staff and Capitol visitors. The event was an important exercise in showing our elected officials what we do, right on the steps of their offices. It was also a great way for park professionals to network and begin to develop relationships.

In July and September 2022, Legislative Committee members testified to both the House Appropriations Committee and the House Culture, Recreation and Tourism Committee on the importance of state and local parks to Texans in every part of the state. While bills cannot be filed until November in each even-numbered year, much of the work has already been completed by that time. The months leading up to each session are some of the most important for ensuring that voices are heard when legislation is being written.

In August 2022, the TRAPS Board of Directors adopted the 2023-2024 TRAPS Public Policy Platform & Priorities, which guides the organization in advocacy efforts at the federal, state and local levels. The platform is a culmination of the time spent by the Legislative Committee, the Board of

Directors and professionals across the state in discussing the impacts of previous sessions and the potential future for the parks and recreation industry.

### **Centennial Parks Conservation Fund and Texas Land & Water Conservation Fund**

In a monumental victory for state parks this legislative session, SB 1648 and SJR 74 (Parker) would establish the Centennial Parks Conservation Fund. While SB 1648 originally intended to invest \$500 million to acquire land and develop state parks, the passage of the legislation in the Senate and House led to a conference committee that ultimately decided, with much assistance from both Sen. Tan Parker and Rep. Armando Walle, to move passage of \$1 billion toward this effort.

If approved by Texas voters in November, this historic investment in our state parks will create dozens of new parks in the decades to come. Though the original bill included local park grants as part of the investment, that language was removed during the committee processes. TRAPS testified on the bill to express concern for the removal of local parks within this funding opportunity, but the Centennial Parks Conservation Fund would be a massive victory for the future of parks in Texas.

HB 3165 and HJR 138 (Holland), which would have established the Texas Land and Water Conservation Fund (TLWCF), would have provided a significant, long-term state funding source for enhanced conservation efforts across the state. A large portion of the TLWCF would go toward providing grants for the acquisition, development and renovation of both state and local parks. More than 50 of the state's leading parks and public land, land and water conservation, agricultural, wildlife, and sportsman's organizations worked together to promote this legislation. The TRAPS Board of Directors voted in favor of joining this coalition in January.

HB 3165 and HJR 138 were voted out of the House of Representatives but did not receive a hearing in the Senate committee. TRAPS will continue to work with partner organizations to establish a Land and Water Conservation Fund in future sessions, as Texas is one of only 13 states without a dedicated funding source for these issues.

### **Sporting Goods Sales Tax and Appropriation Riders**

In sessions prior to the 87th, the Texas Legislature appropriated sporting goods sales tax (SGST) revenues to the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC) at its discretion through the

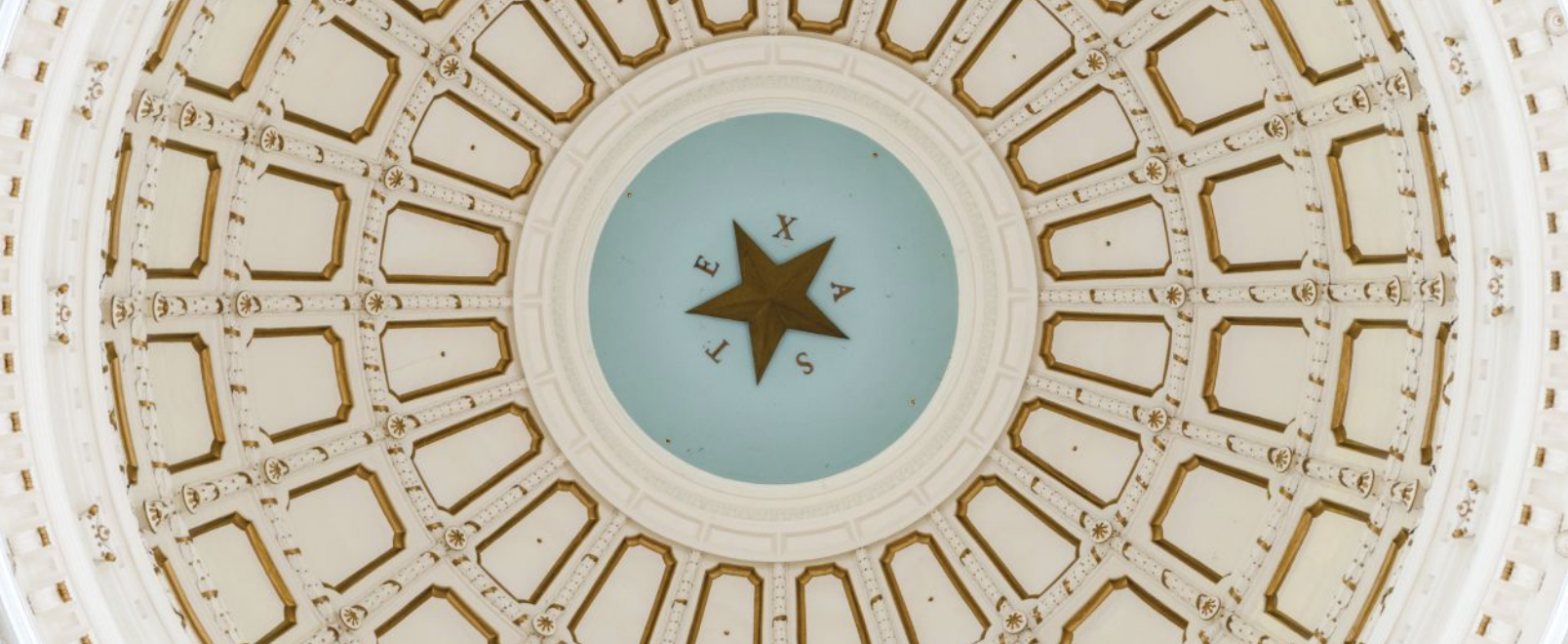
General Appropriations Act. Though all revenues from the sales tax on sporting goods, from bicycles to hunting and fishing gear to sports equipment, were intended to be allocated to these agencies (93 percent to TWPD and 7 percent to THC), only around 40 percent of those amounts actually made it to agency budgets.

However, with Texas voter approval on SJR 24 (Prop 5) in November 2019, 100 percent of SGST revenues were constitutionally appropriated to TWPD and the THC. This allocation began in the 2022-2023 biennium, and the total appropriated from these funds to TPWD in 2022-2023 was \$316,886,483. The total appropriated from these funds to TPWD in 2024-2025 is \$380,300,828, a 20 percent increase from the previous biennium.

How does this impact most members of TRAPS? The Texas Parks and Wildlife Department's Local Parks Grant programs 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 \$36,132,685 for Strategy B.2.1 (Local Parks Grant) and in 2022-2023, this account totaled \$38,725,996. In 2024-2025, Strategy B.2.1 will see another modest increase to \$39,641,861, despite the 20 percent increase in sporting goods sales tax revenues appropriated to TPWD between these biennia.

One important aspect of this discussion has been appropriation riders to the Local Parks Grant program. These riders, placed in the General Appropriations Bill, set aside appropriated funds for special projects that do not go through the competitive grant process and often exceed the maximum amounts allowed. In 2022-2023, \$17,575,000, or 45 percent, of funds were earmarked for special projects. Just two of these projects together totaled \$12 million, which, at an average of \$500,000 per grant award, would've funded 24 additional park projects.

During the 88th session, a total of \$21 million was allocated to appropriation riders to the Local Parks Grant program for 11 projects. However, the legislature had a \$34 billion budget surplus, and funds for these riders were allocated from general revenue funds to pay for these earmarked projects. Though this is a marked improvement from previous sessions, when these funds were diverted from the competitive grant process, TRAPS remains opposed to the usage of riders to the appropriations bill for use on special projects. In future sessions, the absence of a budget surplus will bring



this strategy back to removing funds from the process to fund projects that are not scored by the TPWD Local Parks Grant program.

#### **Bills Monitored by TRAPS Legislative Committee**

During the 88th legislature, the Committee listed 17 bills that would have an impact on some area of the parks and recreation industry specifically, whether that be protection of public space, health and wellness, or any other relevant topic. Of those bills, only four have reached the desk of Gov. Greg Abbott. It is important to note that an overwhelming majority of bills filed throughout the session impact cities and counties in some way. The Texas Municipal League follows each one of these bills and creates strategies to support, oppose or inform members of these bills. This is a list of the bills that passed with potential statewide impact on TRAPS membership (in numerical order and excluding SB 1648).

#### *HB 59*

HB 59 (Goodwin et al.) is a refiling of a bill that failed to pass during the 87th legislative session. Also known as Cati's Act, this bill will require that child care organizations, such as schools, preschools, kindergartens, nursery schools or camps, obtain written notice from parents stating whether or not their child is able to swim. For those children who cannot, the agency is required to ensure that a U.S. Coast Guard-approved life jacket or flotation device is available when they take a group to swim in a public pool, lake, river or other waterway. The bill amends current law to include disciplinary action or an administrative penalty for those who fail to meet the requirements of the law.

#### *HB 630*

HB 630 (Vasut) is a bracketed bill that relates to the requirements set forth in the 87th legislative session that municipalities and counties that border the Gulf of Mexico must provide lifeguards on each side of a pier, jetty or other structure that protrudes in the Gulf. Though many agencies

were already providing this service in designated areas, this was an unfunded mandate coming from the state legislature where no funds were appropriated to assist in satisfying these requirements. HB 630 amended HB 3807 (87th session) to exempt municipalities with a population of less than 15,000 and counties with a population under 500,000 that did not have lifeguards prior to June 1, 2021.

#### *HB 1526*

HB 1526 (Harris et al.) related to parkland dedication ordinances in cities with a population over 800,000, placing a cap on the percentage of land a city can mandate that a developer donate for parkland, establishing a formula for determining fee calculation, removing the ability of cities to create or maintain a commercial parkland dedication ordinance, and creating an appeal process that developers can pursue if they disagree with a city's parkland dedication ordinance requirements. TRAPS testified in opposition to the bill at the Senate Committee on Natural Resources and Economic Development, along with representatives from each of the impacted cities.

Through public input and in discussions with impacted cities, the bill was amended to relate to parkland dedication ordinances for multifamily, hotel and motel property development in municipalities with a population over 800,000.

#### **How Can You Get Involved?**

The Legislative Committee has put together several resources for those who are looking to get more involved in parks and recreation advocacy. On the Legislation and Advocacy page of the TRAPS website, members can find information on the 2023-2024 TRAPS Public Policy Platform, Legislative Updates and Bill Watches, the Texas Legislative Council's 'Legislative Process in Texas,' Sporting Goods Sales Tax data, video from TRAPS testimonies at the Capitol, and more. Over the next few months, TRAPS will be working on ways to engage more members and citizen advocates in the interim leading up to the 89th session in 2025. 🌱