

BILL ANALYSIS

Senate Research Center
79R12995 KCR-D

C.S.S.B. 1311
By: Hinojosa
Natural Resources
4/22/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Nearly 60,000 off-highway vehicles were sold in 2001 in Texas, and there are about 1.3 million users of off-highway vehicles and off-highway motorcycles in the state. However, Texas has only about six sites specifically intended for off-road use, and none of them use a management program. The purpose of designated trails is to allow off-road recreation while protecting natural habitats by limiting off-road vehicle usage in particular areas. Trails designed for use by off-highway vehicle enthusiasts would be of economic benefit to the state because they will serve as popular attractions for those who enjoy the outdoors.

C.S.S.B. 1311 establishes, within the Texas Parks and Wildlife Department (department), a program to provide for a system of trails and recreational areas for use by off-highway vehicles. It requires the department to establish trails and riding areas on land over which the department has authority or on land purchased by the department for that purpose. C.S.S.B. 1311 provides that the implementation and operation of the program be coordinated with the program established under Section 90.009, Parks and Wildlife Code, regarding recreational sites not located in protected freshwater areas. The program is to be self-funded through the purchase of decals, fines levied for offenses relating to the operation of off-highway vehicles, and funds and grants received from the federal government and other sources determined by the department.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 1 (Section 29.010, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 3, Parks and Wildlife Code, by adding Chapter 29, as follows:

CHAPTER 29. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA PROGRAM

Sec. 29.001. DEFINITION. Defines "off-highway vehicle."

Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) Establishes the off-highway vehicle trail and recreational area program (program) under the administration of the Texas Parks and Wildlife Department (department). Sets forth purposes of the program.

(b) Authorizes the department to establish trails and recreation areas for use by owners and riders of off-highway vehicles on public land over which the department has authority or on land purchased or leased by the department for the purpose of establishing and maintaining trails and other recreational areas for use by owners and riders of off-highway vehicles.

(c) Requires the department to coordinate the implementation and operation of the program established under this chapter with the implementation and operation of the program established under Section 90.009 (Motor Vehicle Recreation Sites).

Sec. 29.003. OFF-HIGHWAY VEHICLE DECAL REQUIRED; FEE. (a) Prohibits a person from operating an off-highway vehicle on a trail or in a recreation area established

or maintained by the department under this chapter or on other public land without having obtained an off-highway vehicle decal, except as provided by Section 29.004.

(b) Provides that the fee for an off-highway vehicle decal is \$8 or an amount set by the Texas Parks and Wildlife Commission (commission), whichever is more.

Sec. 29.004. EXEMPTIONS. Provides that Section 29.003 does not apply to specific persons.

Sec. 29.005. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL. (a) Requires the department to issue an off-highway vehicle decal to any person whose off-highway vehicle is registered under Section 502.006 (All-Terrain Vehicles), Transportation Code, on the payment of the fee under Section 29.003(b).

(b) Requires the department to prescribe the form and manner in which the decal must be issued to a person and displayed for use by the person.

(c) Provides that a decal issued under this section is valid only during the yearly period for which the decal is issued without regard to the date on which the decal is acquired. Provides that a yearly period begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the Texas Parks and Wildlife Commission (commission).

Sec. 29.006. DISPOSITION OF DECAL FEES. Requires the department to deposit all revenue, less allowable costs, collected under Section 29.005 to the credit of the off-highway vehicle trail and recreational area account under Section 11.046.

Sec. 29.007. OTHER REVENUE. Requires the department to seek and use funding from the federal government, including the Recreational Trails Program administered by the United States Department of Transportation, and other sources outside the general revenue fund to identify and facilitate the development of off-highway vehicle trails and recreation areas under this chapter.

Sec. 29.008. GRANTS. Authorizes the department to make grants to federal agencies, political subdivisions of this state, and nonprofit organizations for the purpose of acquiring, developing, and maintaining public trails or recreational areas under this chapter.

Sec. 29.009. PENALTY. Provides that a person who violates Section 29.003 commits an offense that is a Class C Parks and Wildlife misdemeanor.

Sec. 29.010. RULES. Requires the commission to adopt rules necessary to implement this chapter, and authorizes the adoption of rules exempting certain classes of persons from the requirements of Section 29.003.

SECTION 2. Amends Subchapter C, Chapter 11, Parks and Wildlife Code, by adding Sections 11.046 and 11.047, as follows:

Sec. 11.046. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA ACCOUNT. Provides that the off-highway vehicle trail and recreational area account is a separate account in the general revenue fund. Requires the department to deposit to the credit of the off-highway vehicle trail and recreational area account all revenue, less allowable costs, from specific sources.

Sec. 11.047. USE OF OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA ACCOUNT. Authorizes money in the off-highway vehicle trail and recreational area account to be used only for specific expenditures necessary under Chapter 29.

SECTION 3. Requires the commission to design and make available the decal required under Section 29.003, Parks and Wildlife Code, as added by this Act, no later than December 1, 2005.

SECTION 4. Makes application of Section 29.009, Parks and Wildlife Code, as added by this Act, prospective to January 1, 2006.

SECTION 5. Effective date: September 1, 2005, except as provided by Section 4 of this Act.