



INTERIM REPORT

to the 87th Texas Legislature



HOUSE COMMITTEE ON
CULTURE, RECREATION & TOURISM



JANUARY 2021

**HOUSE COMMITTEE ON CULTURE, RECREATION & TOURISM
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2020**

**A REPORT TO THE
HOUSE OF REPRESENTATIVES
87TH TEXAS LEGISLATURE**

**JOHN P. CYRIER
CHAIRMAN**

**COMMITTEE CLERK
JEFF MILLER**



Committee On
Culture, Recreation & Tourism

January 8, 2021

John P. Cyrier
Chairman

P.O. Box 2910
Austin, Texas 78768-2910

The Honorable Dennis Bonnen
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:


The Committee on Culture, Recreation & Tourism of the Eighty-sixth Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-seventh Legislature.


Respectfully submitted,



John P. Cyrier



Armando "Mando" Martinez


Barbra Gervin-Hawkins


Jarvis D. Johnson


Geanie W. Morrison


John H. Bucy III


Justin Holland


Kyle J. Kacal


Steve Toth

Armando "Mando" Martinez
Vice-Chairman

Members: John H. Bucy III, Barbra Gervin-Hawkins, Justin Holland, Jarvis D. Johnson, Kyle J. Kacal, Geanie W. Morrison, Steve Toth

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CULTURE, RECREATION & TOURISM

At the beginning of the 86th Legislative Session, the Speaker of the House, the Honorable Dennis Bonnen, appointed nine members to the House Committee on Culture, Recreation & Tourism. The members are as follows: John Cyrier, Chair; Armando "Mando" Martinez, Vice Chair; John H. Bucy III; Barbara Gervin-Hawkins; Justin Holland; Jarvis Johnson; Kyle Kacal; Geanie W. Morrison; and Steve Toth.

During the interim, the Speaker of the House issued 6 charges, listed on the following page. The Committee on Culture, Recreation & Tourism held one public hearing on February 20, 2020, at the Victoria College Emerging Technology Complex. The committee took public testimony on Interim Charge #1, and the scope was limited to HB 1300 and HB 2321, which relate to the regulation of oyster harvesting and to cultivated oyster mariculture.

Due to the COVID-19 pandemic, the Committee was unable to hold any additional hearings; however, on July 22, 2020, the committee issued a formal request for information under Section 301.014, Government Code. Through this request for information, the committee sought responses on all six Interim Charges and invited relevant agencies and the general public to respond by September 14, 2020. Responses to this request for information has been posted to the House website¹.

¹ Texas House of Representatives., Committee Requests for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

Interim Committee Charges 1-6

- Charge 1 Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:
- HB 1300 and HB 2321, which relate to the regulation of oyster harvesting and to cultivated oyster mariculture. Monitor the implementation of the cultivated oyster mariculture program, the implementation of increased penalties related to the regulation of oyster harvesting, and the effectiveness of these state laws as related to the protection, conservation, and sustainability of oysters in Texas coastal waters.
 - HB 1422, which is the Texas Historical Commission (THC) sunset legislation. Monitor the implementation and transfer of certain historical sites from the Texas Parks and Wildlife Department (TPWD) to the THC, including any additional land acquired by the TPWD and the appropriate coordination with local entities.
 - SB 1511, which requires the TPWD to contract with a nonprofit organization for the operation and maintenance of the Battleship "Texas." Monitor the efforts to restore the Battleship "Texas" consistent with state law and historic preservation guidelines.
- Charge 2 Study the impact of the Capitol Complex Master Plan and ongoing construction as it relates to the operation and management of the Texas State History Museum, specifically its visitor admissions, educational programming, exhibit space, and facility rental. Examine the connectivity of the Capitol Complex Master Plan Mall area to ensure a consistent, dynamic, and sustainable relationship with the State Preservation Board, Texas State History Museum, and Texas State Capitol in its programming and use. Evaluate the infrastructure needs of the Texas State Capitol and the Capitol Visitors Center to ensure the ongoing preservation and operational needs of the historical structures and grounds. (Joint charge with the House Committee on House Administration)
- Charge 3 Evaluate the status of the historical marker application process and the production of cast metal historical markers in the state as overseen by the THC. Examine options for future state historical markers, including technology such as laser etching and durable materials other than metal.
- Charge 4 Study the effectiveness of hunter education courses with regard to hunters and firearm safety in the state. Explore additional firearm safety resources and their potential use by the TPWD to reduce accidental shootings.
- Charge 5 Review the effectiveness of the State Historic Preservation Tax Credit on preserving historic structures and revitalizing Texas communities since the tax credit became effective.

Charge 6 Monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction. The Chair shall seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

Interim Charge #1

Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:

- *HB 1300 and HB 2321, which relate to the regulation of oyster harvesting and to cultivated oyster mariculture. Monitor the implementation of the cultivated oyster mariculture program, the implementation of increased penalties related to the regulation of oyster harvesting, and the effectiveness of these state laws as related to the protection, conservation, and sustainability of oysters in Texas coastal waters.*
- *HB 1422, which is the Texas Historical Commission (THC) sunset legislation. Monitor the implementation and transfer of certain historical sites from the Texas Parks and Wildlife Department (TPWD) to the THC, including any additional land acquired by the TPWD and the appropriate coordination with local entities.*
- *SB 1511, which requires the TPWD to contract with a nonprofit organization for the operation and maintenance of the Battleship "Texas." Monitor the efforts to restore the Battleship "Texas" consistent with state law and historic preservation guidelines.*

A public hearing was held on February 20, 2020, and the following witnesses testified on the charge2:

HB 1300

1. Shane Bonnot, Coastal Conservation Association
2. Jimmy Kendrick, Town of Fulton
3. Brad Lomax, Founder of Waterstreet Oyster Bar
4. Sharon McBreen, The Pew Charitable Trusts
5. Lance Robinson, Texas Parks and Wildlife Department
6. Carter Smith, Texas Parks and Wildlife Department
7. Tracy Woody, Jeri's Seafood Inc.

HB 2321

1. Jarret Barker, Texas Parks and Wildlife Department
2. Shane Bonnot, Coastal Conservation Association
3. Jimmy Kendrick, Town of Fulton
4. Robin Riechers, Texas Parks and Wildlife Department

2 Texas House of Representatives, Committee Schedules - 86th Legislature, (October 12, 2020), <https://house.texas.gov/schedules/committee-schedules/advanced-search/search-results/?startDate=01/01/2019&endDate=20201229&chamber=h&committeeCode=C430&legislature=86>

5. Tracy Woody, Jeri's Seafood Inc.



Image 1: Interim Hearing in Victoria, Texas on February 20, 2020 to discuss Oyster Mariculture and Oyster Harvesting.

The information below is largely based on the oral and written testimony of the individuals and organizations listed above.

HB 1300

The Texas commercial oyster industry has primarily relied upon the harvest of oysters from natural reefs and the limited use of oyster certificates of location. These natural reefs have faced major setbacks from over harvest, flooding and hurricanes such as Hurricane Harvey, which have nearly wiped out oyster populations up and down the Texas Coast. Through the proactive work of Texas Parks and Wildlife Department (TPWD) and the commercial oyster industry, this natural population is coming back; however, interest in cultivated oysters in the United States has increased over the last several years.

Background on Cultivated Oyster Mariculture

Cultivated Oyster Mariculture is the practice of growing oysters in or on an artificial structure suspended in the water or resting on the bottom. Cultivated oyster or shellfish programs currently exist in 21 other states in the United States. Cultivated oysters are typically grown in shallow waters in the bays using cages to contain the oysters as they grow. The process of growing these cultivated oysters is labor intensive, requiring frequent rinsing of the oysters and cages they are grown in. Cultivated oyster mariculture has a positive economic impact for coastal communities and it is widely accepted that because of the filtration qualities of oysters, oyster mariculture provides a positive impact to the ecosystem.

Implementation of Recent Legislation

In 2019, the 86th Legislature passed HB 1300 by Representative Todd Hunter, which authorized cultivated oyster mariculture for the state of Texas. This legislation required Texas Parks and Wildlife Commission to establish a program governing this program by August 31, 2020 with proper coordination with the Department of Agriculture, the Department of State Health Services, the General Land Office, and the Texas Commission on Environmental Quality.

The Parks and Wildlife Commission adopted new rules concerning Cultivated Oyster Mariculture, during its May 21, 2020 commission meeting held in Austin, Texas. The new rules will be codified as new Subchapter E, §§58.350-58.361 in Chapter 58 of Title 31, Texas Administrative Code.

In developing an oyster mariculture program for Texas, TPWD contacted the 21 coastal states in the United States which currently have oyster or shellfish mariculture programs, two Canadian maritime provinces (Prince Edward Island and Nova Scotia), Australia, New Zealand, and two countries in the European Union (United Kingdom and France). The goal was to draw upon lessons learned from these states and countries, and to utilize this information in developing a program in Texas. TPWD staff also participated in Representative Todd Hunter's Oyster Aquaculture Task Force and a TPWD ad-hoc workgroup comprised of groups that brought a coast-wide perspective to issues that could be related to oyster mariculture.

The most important issue heard from other states was related to siting of oyster mariculture operations. As such, TPWD established site selection goals to minimize impacts to natural resources and sensitive habitats and, to the extent practical, minimize user conflicts while also taking into consideration environmental conditions that would be conducive to survival and growth of oysters.

Applicants will identify a site for possible permitting and, working with TPWD, will evaluate the site to ensure impacts to existing natural resources are minimized. This will be accomplished through a review of a TPWD-developed GIS spatial planning tool that identifies sensitive habitat (e.g. seagrass beds, oyster reefs, etc.) and other elements that could result in conflict with other users (e.g. oil and gas pipelines and rights-of-way, navigation channels, traditional recreational and commercial fishing areas, etc.). The elements of this review are referred to as Tier 1 considerations.

If no conflicts are identified using the marine spatial planning tool, the applicant will conduct a natural resource survey of the site to verify that Tier 1 elements are not present within the nominated site. If no significant conflicts are identified through the natural resource survey, the applicant will be provided with written authorization to proceed with the application process. Written authorization is required by the U.S. Army Corps of Engineers (USACE) when the applicant applies for a Nationwide 48 (Shellfish Aquaculture) Permit. Applicants must also provide documentation that authorization by other appropriate state agencies has been obtained along with a \$200 non-refundable application fee. From the date of the written authorization from TPWD, the applicant will have 12 months to submit the final application for an oyster mariculture permit. This provision would prevent a potential applicant from tying up leasable space without truly going forward with an application, but also allows time for the applicant to obtain authorization from other state and federal agencies. The term of an oyster mariculture permit will be 10 years and is renewable. Opportunities for public comment on proposed oyster mariculture locations will be available electronically through TPWD's web site, as well as through public meetings that will be held in the municipality closest to the proposed site.

The new rules set no acreage size limitation for an oyster mariculture permitted area; however, to ensure these areas are being used for the purpose intended, active use criteria consisting of planting a minimum of 150,000 oyster seed per acre, per year, will be required beginning in the second year of the permit term and each year thereafter. Year-round harvest of oysters during daylight hours would be allowed but lessees will be required to follow Texas Department of State Health Services (DSHS) and U.S. Food and Drug Administration (FDA) requirements.

As adopted, the Texas Cultivated Oyster Mariculture (COM) Program will provide three levels of participation in this new fishery:

- Oyster Grow-Out - growing oysters in containers (bags, cages, etc.) to a harvestable size within permitted sites on public water; annual permit fee is \$450 per acre per year;
- Oyster Nursery - an intermediate step to grow oysters taken directly from a hatchery and holding until they reach approximately 1-inch before moving to a grow-out operation; annual permit fee is \$170 per year plus \$0.01 per square foot per year if located on public waters and;
- Hatchery - produces oyster seed in a land-based facility that are then sold to either nursery or grow-out facilities; Broodstock Permit fee is \$25 and allows the collection of live oysters from public reefs for use in hatchery operations. This permit is valid for 60 days.

Future Impact

- TPWD has already identified the need for native Texas broodstock, produced in a hatchery located in Texas to be placed in Texas waters, instead of broodstock from out of state hatcheries. Triploids or sterile oysters grow faster and produce a better product year-round; however, native Texas triploid broodstock could take up to 7 years to develop. During this time, TPWD will allow oysters produced at hatcheries in other states within the Gulf of Mexico to be used until a Texas line can be developed.
- Concerns still exist over the ecological impact of oyster mariculture to seagrass and other organisms. TPWD developed a multi-layered GIS system to optimize conditions and prevent any negative impact to the ecosystem, but additional monitoring will be necessary once permitted activities begin.
- The current minimum legal size for oysters harvested from public reefs is 3 inches, but industry has indicated a desire for a smaller regulated size of 2.5 inches for cultivated oysters. TPWD's rules allow for this 2.5 inch minimum size, but additional monitoring will be necessary to ensure

harvest tags provide additional information as required by rule and there continues to be sufficient enforcement of 3 inch oysters harvested from public reefs.

- To date, there have been few complaints regarding the implementation of this program by TPWD. Some interested parties have stressed a desire for the process to move quicker, but rules were adopted well before the required deadline. The program continues to move forward with applications for permitting, which were released online on August 19, 2020.

HB 2321

Legislative Background

Due to the continued struggle of the Texas oyster population, Texas Parks and Wildlife Department has significantly increased enforcement on the commercial oyster industry. In 2017, the Legislature passed HB 51, relating to the regulation of the commercial oyster industry in this state; increasing criminal penalties; authorizing a fee. HB 51 enhanced penalties relating to the harvest of undersized oysters, and since it was passed, those violations have decreased by 57%. However, due to the inconsistent penalties, violations for harvesting in management closure areas had skyrocketed by almost 700%. HB 2321 increased the penalty for harvesting in a management closure area from a Class C or B Misdemeanor to a Class B, Class A or felony depending on the severity. The specific changes include:

- Increasing the penalty to a Class B Parks and Wildlife Code misdemeanor upon the third conviction for harvesting oysters from a closed area;
- Increasing the penalty to a Class B Parks and Wildlife Code misdemeanor upon the second conviction for harvesting oysters in which 30% or more of the oysters in the cargo are less than 3-inches;
- Increasing the penalty to the captain or crew to a Class A Parks and Wildlife Code misdemeanor upon the third conviction for harvesting oysters from a closed area.

Implementation

Even through the COVID-19 pandemic, Texas Parks and Wildlife Department continues oyster harvesting enforcement on public waters. TPWD utilizes two types of enforcement patrols. First, wardens on duty perform daily patrols. Each vessel with two game wardens are able to check 1-6 harvest vessels during the allowable harvesting times of sunrise to 3:30pm, Monday through Friday. Second, saturation patrols are deployed to locations where the fleet is congregated. During these times, 10 vessels with 3 person crews patrol an area for 5 day increments. These two enforcement types are able to monitor the various commercial oyster harvesting operations efficiently and effectively. In 644 vessel checks, 93 citations and 233 warnings were issued, with some vessels receiving multiple enforcement actions across the captain and crew. While the captain and crew are subject to enforcement actions, in many cases the vessels and the associated license are owned by a separate individual. There are currently no penalties or enforcement on the owner of the vessels.

TPWD monitors public oyster reefs for specific reference points of percentage of undersize oysters and the catch-rate of legal-sized oysters and closes areas based on these reference points to allow oyster populations to reach a harvestable size. These efforts to manage and conserve the oyster population in Texas have proved beneficial as both over-harvesting and natural disasters have presented significant challenges up and down the Texas coast.

To-date, there has been no enhancement of penalties associated with harvesting from areas closed by TPWD. Penalties are only enhanced upon the third conviction of this offense, and there may not be anyone who has reached this threshold at this time. Additionally, the COVID-19 pandemic negatively impacted the demand for oysters beginning in March 2020, which led to reduced harvesting during the last two months of the public oyster season (March and April). During the 2019-20 season, citations issued for harvesting oysters from closed areas dropped by 86.7% from the previous license year, suggesting that the enhanced penalties resulting from HB 2321 are having the desired effect. The following table outlines oyster-related offenses for License Year 2015-16 through License Year 2019-20:

Table 1: Number of citations issued for oyster-related offenses for License Year 2015-16 through License Year 2019-20³

Penalty Range--->	1 st Offense Class B	1 st Offense Class B	1st Offense Class B	1st Offense Class A	1st Offense Class C	1 st Offense Class C	1 st Offense Class C
Offense Title	Harvest Without Commercial License §76.101	Sell Without Commercial License §76.107	Harvest Oysters at Night §76.109	Harvest at Night from Restricted / Closed Waters §76.109 and §76.116 or §76.115	Harvest Oysters from TPWD Closed Waters §76.115	Harvest Undersized Oysters §76.112	Harvest Undersized Oysters Exceed 30% Total Cargo §76.112
2015 - 16	4	0	11	0	0	151	8
2016 - 17	1	0	0	0	0	86	7
2017 - 18	2	0	0	0	1	162	26
2018 - 19	16	0	5	0	136	219	19
2019 - 20	9	0	3	0	18	381	9

Future Impact

- Overall, these increased penalties implemented by TPWD have proved to be an effective deterrent to illegal oyster harvesting. Both TPWD and the commercial oyster industry understand the importance of the natural oyster population to the state and the coastal ecosystem. As indicated by the enforcement statistics, TPWD continues to issue a significant number of warnings instead of citations to offenders to ensure a fair implementation of HB 2321 and HB 51. Most in the commercial oyster industry have an understanding of the current penalty structure and have been good partners during the implementation process.
- Due to the impacts of the COVID-19 pandemic, additional monitoring is necessary to determine the long-term impact of the increased penalties implemented as a result of HB 2321.
- If issues related to illegal oyster harvesting continue, conservation organizations have suggested implementing additional penalties for licensed vessel. This may ensure those largely responsible for commercial oyster harvesting operations are held accountable for these violations.
- The overall impact of the cultivated oyster mariculture program is yet to be seen. This alternative to natural oyster harvesting could provide increased sustainability to the Texas coast and its natural oyster population, thus decreasing the over harvesting of public oyster reefs. Additionally, this could potentially lead to a decrease in harvesting violations.

³ Texas House of Representatives, Request for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

HB 1422

Legislative Background

In 2007, HB 12 transferred 18 State Historical Sites from the jurisdiction of the Parks and Wildlife Department to the Texas Historical Commission (THC) while THC was under sunset review. During the sunset review of THC in 2018-2019, an additional six historic sites were transferred to THC through HB 1422 including:

- Fanthorp Inn
- Lipantitlan
- Monument Hill / Kreische Brewery
- Port Isabel Lighthouse
- San Jacinto Monument and Battleground
- Washington-on-the-Brazos

These six sites were officially transferred on September 1, 2019. Along with these transfers, HB 1422 increased THC's appropriation of the Sporting Goods Sales Tax from 6% to 7% to accommodate the additional sites. In total, THC now administers 32 State Historic Sites that speak to the diversity of the state and its dynamic history.

Implementation of Transfers

THC has already begun several improvements to more accurately preserve the state's history and the sites now under their purview⁴.

San Jacinto Battleground State Historic Site - Due to an ongoing grant under TPWD, title for the San Jacinto Battleground was not transferred to THC until July 2020. THC has engaged the San Jacinto Museum of History Association to assist in developing additional infrastructure and business plans for the site. THC believes the San Jacinto Battleground can be a world-class facility, but additional resources and partnerships will be required to achieve this.

Washington-on-the-Brazos State Historic Site - With Washington-on-the-Brazos, the Star of the Republic Museum, Barrington Plantation and Fanthorp Inn now being under one entity and one operation plan, THC has begun working on comprehensive plans to bring more continuity to these sites. THC has selected a contractor for comprehensive museum design services to update and improve the visitor experience and create an immersive audio-visual theater experience on site.

Monument Hill and Kreische Brewery State Historic Sites - THC has begun marketing these two historic sites as separate sites with different, unique histories, rather than the previous practice of marketing them as a single destination. The Kreische House roof has recently been restored, and the THC has assessed the brewery ruins with plans to improve visitor access. Security upgrades on Monument Hill will provide improved oversight of the Meir Expedition monument.

Port Isabel Lighthouse State Historic Site - THC has implemented a new operating agreement with the City of Port Isabel to continue their management of the site. THC has continued coordination with the city to ensure maintenance and historical interpretation are effectively executed.

⁴ Texas House of Representatives, Request for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

Lipantitlan State Historic Site - A maintenance contract is in place for Lipantitlan. THC has not determined next steps for the site at this time.

Future Impact

- THC has indicated that additional legislative changes may be necessary to Section 442.252, Government Code, relating to the San Jacinto Museum of History Association, to allow for the operational and business needs of the San Jacinto Battleground State Historic Site moving forward.
- In the Legislative Appropriations Request for 2022-2023⁵, THC requested an additional \$2M to begin the design of a new visitors center for the San Jacinto Battleground. These funds are in addition to requests for needed repairs to the site including the tower elevator and the installation of safety railings.
- Original concerns regarding the transfer of the Port Isabel Lighthouse have been satisfied through the execution of the operating agreement with the City of Port Isabel.
- Additional concerns have been raised regarding the preservation of the historical landscape of the San Jacinto Battleground. TPWD had dedicated resources to restoring the natural landscape of the site, and THC may need to dedicate additional resources to ensure the landscape is properly preserved as a critical component of this site.

⁵ Texas Historical Commission, FY 22-23 THC Legislative Appropriation Request, (December 5, 2020), https://www.thc.texas.gov/public/upload/publications/FY_22-23_THC_Legislative-Appropriations-Request.pdf

SB 1511

Background

Battleship Texas is the last remaining battleship that participated in both World War I and World War II. It is currently docked in the Houston Ship Channel, next to the San Jacinto Battleground and prior to the passage of SB 1511, was managed solely by Texas Parks and Wildlife Department. For over a decade, the Battleship Texas' condition has become a challenge for the State and for TPWD. At its worst, the ship had 45 pumps throughout the hull pumping water out leaking compartments. Previous appropriations and bonds had paid for repairs but ultimately did not provide any long-term fixes to the leaks.

In 2019, the Battleship Texas Foundation came forward with a plan to move the battleship from its current location, repair the ship at a shipyard, and return the ship to a new location that would provide the visitation necessary to cover the operations and maintenance costs for the ship moving forward. Once this plan was vetted, the legislature passed SB 1511, which requires the TPWD enter into a memorandum of understanding with a nonprofit organization (The Battleship Texas Foundation) for the operation and maintenance of the Battleship "Texas." Additionally, SB 500 held a contingency rider of \$35 million for improvements and major repairs to the battleship.

Implementation

As outlined in SB 1511, the Memorandum of Agreement (Agreement) between TPWD and the Battleship Texas Foundation (BTF) was executed on August 28, 2019, setting out the responsibilities of each party and establishing the obligations and duties of care for repairing the ship. The Agreement establishes the deliverable project milestones and related payment schedule for transport of the ship to drydock and the needed repairs to be conducted. Transfer of operations and management responsibilities for the ship were completed on August 1, 2020 and \$1.3 million in operational funding support was provided in accordance with the General Appropriations Act.

Because the Battleship Texas is a State Antiquities Landmark (SAL), Texas Antiquities Code permits for the work on the ship were required from the THC. On March 24, 2020, the THC approved the applications for the relocation and rehabilitation of the Battleship. TPWD and BTF worked together to develop the required Restoration Plan, which incorporated the Secretary of Interior's Standards for Historic Vessel Preservation Projects with Guidelines for Applying the Standards. The Restoration Plan was submitted to the Legislative Budget Board on May 21, 2020 and approved on July 23, 2020. This approval allowed TPWD to transfer \$1.3 million in operational funding to BTF to proceed. All repair work covered by this restoration plan will comply with the SAL permits issued by THC and adhere to the Secretary of the Interior's Standards. To protect the state's interests, BTF and its subcontractors will maintain proper insurance coverage on the ship during transport and repair work. Artifacts on the ship have been removed for secure storage and curation by TPWD during the repair process.

The BTF has contracted with Valkor Incorporated to act as the project manager for transporting the vessel to a selected shipyard and provide oversight of repairs to the ship. In the first year of the project, Valkor has conducted numerous hull surveys and other preliminary work to ensure that transport to the selected shipyard can be conducted in a safe manner, as well as planning for the dredging of the ship's current berth, in order to facilitate access of the Battleship into the Houston Ship Channel. An expanding closed cell foam has now been injected into the external blister tanks which are the most deteriorated portions of the ship. This foam provides buoyancy during transport and prohibits the intrusion of water into these tanks. Once the vessel arrives at the shipyard, repairs will focus on making the ship watertight. To accomplish this task, many of the deteriorated steel plates that make up the ship's exterior, from the

waterline down to the ship's keel located approximately 30 feet below, will be removed and replaced. This will include a majority of the external blister tank shell plates, as well as plates forming the sides and bottom of the ship's actual hull as shown in the yellow areas in the diagram below.

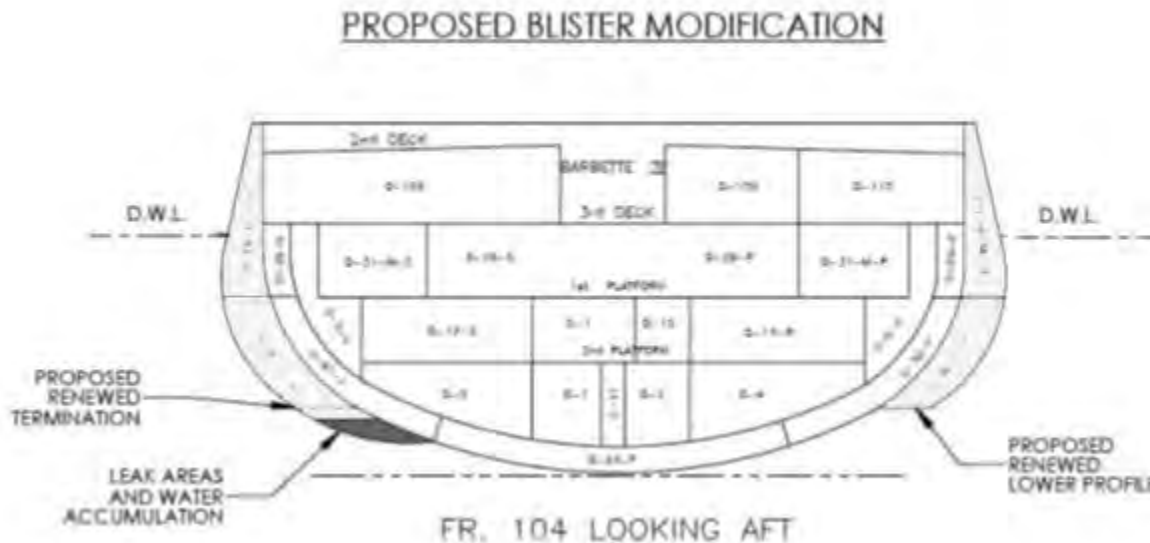


Image 2: Current Proposed Blister Modification for the Battleship Texas⁶

During this stage, the vessel will undergo a thorough inspection of the structural members which may require reinforcement or replacement to ensure the structural integrity of the ship. Once the old shell plating is removed, new hull plating will be attached with welded connections, and the structural framing of the blister tanks will be rebuilt due to severe deterioration and wastage. The repairs will create a new, welded, water-tight envelope that should extend the life of the Battleship Texas for a minimum of 30 years while maintaining its historic appearance.

BTF is continuing to work with a number of prospective shipyards for the repair of the ship. Multiple shipyards along the Texas Coast have been identified for the repairs; however, none currently have a dry dock capable of housing the ship during the repair cycle. BTF and Valkor have considered buying a drydock or even leasing one in order to have the repairs done in Galveston or at other locations in Texas, but to date, no solutions have been found.

As of July 31, 2020, BTF has been paid \$4,354,375, or 12.44%, of the total \$35 million appropriated for the repairs for project management services and work performed to date. TPWD staff will continue to monitor the project to ensure that historical standards are maintained in accordance with the Agreement and SB 1511.

Upon the completion of repairs, the ship will be operated as a public museum by the Battleship Texas Foundation at a location yet to be determined. BTF published a Request for Proposals to public and private entities for the final location of the ship, with proposals due on April 10, 2020. The RFP asked organizations to submit a plan that ensures sufficient paid visitor revenue can be generated to support the operation and maintenance needs of the ship well into the future, as this is one of the primary focuses of

⁶ Texas House of Representatives, Request for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

this project. Of the proposals submitted, BTF has narrowed the search for a final location down to 5 potential locations, including multiple locations in Galveston.



Image 3: Committee Tour of Battleship Texas and San Jacinto Battleground on July 19, 2019

Future Impact

- With nearly all of the preservation and preparation work completed to transport the ship down the Houston Ship Channel, BTF still needs to find a shipyard capable and willing to perform the necessary repairs on the ship. While COVID-19 has led to setbacks and delays in this process, prospects continue to be identified, and BTF continues to work with shipyards throughout the Gulf of Mexico and further that may be able to furnish a drydock and complete the repairs.
- With the installation of expanding foam to seal leaks throughout the ship, the ship has gone from needing 45 pumps working around the clock to just 5 pumps currently.⁷ Once the preparations are complete there will be no need for pumps during the transport of the ship. Many were concerned about the ship's ability to make the transport, but with the extra time, BTF has been able to ensure its viability during transport.
- BTF continues to follow the budget of \$35 million for preparation, movement, repair and final placement. With multiple prospects for final placement, the primary focus should still be the

⁷ Battleship Texas Foundation, Battleship Updates, (December 5, 2020), <https://battleshiptexas.org/battleship-updates/>

long-term financial support of the ship. The intent of SB 1511 was to provide the initial capital for repairs, but also that the new location and subsequent visitation provide the support needed to sustain the ship moving forward.

Interim Charge #3

Evaluate the status of the historical marker application process and the production of cast metal historical markers in the state as overseen by the THC. Examine options for future state historical markers, including technology such as laser etching and durable materials other than metal.

In May 2019, the Southwell Company of San Antonio informed the THC of its purchase by a firm that would not continue manufacturing cast metal markers after 57 years and over 15,000 state historical markers produced for the THC.

THC issued a request for proposal seeking a new vendor to produce state historical markers and in the RFP, stated that the agency would consider alternative, durable materials other than cast aluminum. After a thorough quality review, THC finalized a contract with the B Sign Group subsidiary of Eagle Sign & Design, New Albany, Indiana in March 2020. By that time, THC had accumulated a backlog of 196 markers - a backlog that the company was on track to finish by the end of September 2020. The current contract allows for costs to continue at their current cost of \$1,875 plus an application fee of \$100.⁸

Markers are generally approved twice a year. Applications can be sponsored by an individual or an organization through county historical commissions. Often times the county historical commissions serve as both the sponsor and the applicant. The state historical marker program continues to be a popular and important way to preserve our diverse history, and ensure our history is preserved for generations to come. Additional "undertold markers" have also been established under the THC to address historical gaps, underrepresented subjects or untold stories. The number of markers in the two programs have dropped significantly - from an average of 240 markers annually to under 190 per year in recent years.

Additional improvements were made during the sunset process in the 2018-2019 cycle to help THC address historical inaccuracies of a marker. Now that an entity has been contracted to produce markers, the process is working effectively to ensure our states history continues to be documented and preserved for future generations.

⁸ Texas House of Representatives, Request for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

Interim Charge #4

Study the effectiveness of hunter education courses with regard to hunters and firearm safety in the state. Explore additional firearm safety resources and their potential use by the TPWD to reduce accidental shootings.

Background

In 1972, Texas Parks and Wildlife Department (TPWD) launched a voluntary "hunter safety" program to train potential hunters in the safe and responsible use of sporting arms and ammunition to meet reciprocity requirements passed in Colorado requiring hunters to show proof of completion of a course prior to purchasing a hunting license. By 1987, the Legislature passed SB 504, requiring TPWD to implement a mandatory hunter education program for those born on or after September 2, 1971, and by the mid-1990s, all fifty state had passed similar legislation requiring hunter education.

After nearly 50 years of the hunter education program under TPWD, Texas has seen a significant reduction in hunting accidents. TPWD has been tracking hunting incidents since the 1960s, through the voluntary program from 1972-1987 and the mandatory program from 1988-present. The hunting incident data for 1966-2019 is as follows:

Texas Hunting Incident Data (1966-2019)⁹

Table 2: Voluntary Hunter Education Program 1972-1987

Calendar Year	Fatal Accidents	Non-Fatal Accidents	Total Accidents	Hunting Licenses Sold	Accidents/ 100,000 Licenses	Fatalities/ 100,000 Licenses	Students Certified
1966	28	53	81	644,653	12.6	4.3	-
1967	23	70	93	797,846	11.7	2.9	-
1968	37	68	105	854,693	12.3	4.3	-
1969	24	68	92	895,593	10.3	2.7	-
1970	19	53	72	935,793	7.7	2.0	-
1971	24	68	92	978,285	9.4	2.5	-
1972 *	30	55	85	966,332	8.8	3.1	2,119
1973	22	58	80	1,011,963	7.9	2.2	4,314
1974	16	52	68	1,037,925	6.6	1.5	6,094
1975	11	66	77	1,051,834	7.3	1.0	8,531
1976	11	52	63	1,050,349	6	1.0	10,043
1977	17	64	81	1,080,530	7.5	1.6	11,298
1978	20	63	83	1,091,794	7.6	1.8	10,890
1979	10	43	53	1,093,716	4.8	0.9	10,775
1980	13	56	69	1,160,375	5.9	1.1	12,166
1981	19	53	72	1,174,023	6.1	1.6	13,187
1982	23	74	97	1,216,032	8	1.9	13,323
1983	17	63	80	1,325,474	6	1.3	14,131
1984	21	39	60	1,140,174	5.3	1.8	13,052
1985	15	57	72	1,100,991	6.5	1.4	11,284
1986	13	55	68	1,162,785	5.8	1.1	11,195
1987	12	69	81	1,189,566	6.8	1.0	8,611
Subtotal 1966-1987	425	1299	1724	22,960,726	7.5	1.85	161,013

⁹ Texas House of Representatives, Request for Information, (October 12, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

Table 3: Mandatory Hunter Education Program 1988-Present

Calendar Year	Fatal Accidents	Non-Fatal Accidents	Total Accidents	Hunting Licenses Sold	Accidents/100,000 Licenses	Fatalities/100,000 Licenses	Students Certified
1988 *	12	58	70	1,189,000	5.9	1.0	18,043
1989	12	66	78	1,193,000	6.5	1.0	36,708
1990	8	45	53	1,132,917	4.7	0.7	24,590
1991	13	68	81	1,103,903	7.3	1.2	28,682
1992	6	56	62	1,053,063	5.9	0.6	25,453
1993	6	52	58	1,077,055	5.4	0.6	26,942
1994	5	46	51	1,083,227	4.7	0.5	34,972
1995	4	36	40	1,060,000	3.8	0.4	31,215
1996	2	29	31	990,000	3.1	0.2	24,998
1997	8	43	51	960,000	5.3	0.8	30,625
1998	3	37	40	1,011,500	3.9	0.3	31,052
1999	6	38	44	1,010,455	4.3	0.6	37,775
2000	8	44	52	1,145,000	4.5	0.7	39,049
2001	3	40	43	1,076,159	4.0	0.3	28,062
2002	3	32	35	1,024,495	3.4	0.3	37,847
2003	2	42	44	1,082,225	4.1	0.2	33,769
2004	4	25	29	1,091,178	2.7	0.4	31,171
2005	2	29	31	1,082,593	2.9	0.2	31,442
2006	4	28	32	1,115,772	2.9	0.4	29,532
2007	4	26	30	1,112,099	2.7	0.4	30,960
2008	6	20	26	993,533	2.6	0.6	32,308
2009	3	26	29	1,011,936	2.9	0.3	43,880
2010	4	21	25	1,141,924	2.2	0.4	41,785
2011	2	21	23	1,165,248	2.0	0.2	43,645
2012	5	20	25	1,155,542	2.2	0.4	45,719
2013	3	30	33	1,227,025	2.7	0.2	59,597
2014	2	24	26	1,284,933	2.0	0.2	72,026
2015	2	18	20	1,259,259	1.6	0.2	66,961
2016	5	19	24	1,271,368	1.9	0.4	60,115
2017	2	19	21	1,248,450	1.7	0.2	55,507
2018	3	14	17	1,235,590	1.4	0.2	57,440
2019	1	20	21	1,244,526	1.7	0.1	56,209
Subtotal 1988-present	152	1,093	1,245	35,832,975	3.5	0.42	1,249,614
TOTAL	577	1299	2,969	58,793,701	5.0	0.98	1,410,627

Both fatal accidents and non-fatal hunting accidents began dropping significantly with the implementation of the mandatory hunter education program, and those numbers have continued to drop, with 2019 resulting in just 1 fatal accident.

Current Program

TPWD hosts three primary course options on their website.¹⁰ The first option is instructor-led courses, second is online-only courses, and third is a one-time, one-year hunter education deferral. In 2019, 56,209 individuals received their hunter education certification through the first two options, a number that has been slightly decreasing over the last 5 years.

1. Instructor-led courses are required for individuals under the age of 17; however, parents and adults seeking this type of instruction are also able to use this course. TPWD has developed an "Education Registration System" that allows an individual to find courses based on their location. TPWD requires a 6 hour classroom course OR an online course plus a 4 hour field course combination. Most classroom and field courses cost \$15, although instructors are allowed to charge more if they choose. These courses allow thousands of youth each year to have a hands on training in firearm safety - responsible ownership and safe storage, transportation and use.
2. Online-only courses are available for individuals who are 17 years of age and older. There are 5 independent vendors currently approved and providing online courses for TPWD. NRA, who has been involved in hunter education programs across the nation since their inception, offers their hunter education course for free. The other 4 courses cost between \$19.95 and \$34.00, based on rates set by those vendors.
3. The one-time, one-year hunter education deferral allows hunter who are 17 years of age and older to defer completion of the hunter education for one year as long as the person is accompanied by a hunter who meets the state requirements. This deferral may be purchased multiple years if an individual chooses to do so. Anyone who has been convicted or has received deferred adjudication for violation of the mandatory hunter education requirements is prohibited from applying for a deferral.

Future Impact

- TPWD's mission involves hunters and target shooters, and the department continues to dedicate resources to this mission. Future safety efforts will focus on providing advanced hunter education for specific audiences and providing safety activities and information pertaining to specific activities including safe storage, handling, transportation and use of firearms. Overall, this program and others across the nation have proven incredibly successful in lowering hunting injuries and fatalities.
- Some concerns were identified regarding the current deferral process including a hunter's ability to defer the education course as many times as they choose and the ability to purchase a license without having either the hunter education certification or the one-time, one-year deferral. To the extent feasible, each of these concerns could be addressed by the Texas Parks and Wildlife Commission without any change in statute.

¹⁰ Texas Parks and Wildlife Department, Hunter Education Courses, (December 5, 2020), <https://tpwd.texas.gov/education/hunter-education>

Interim Charge #5

Review the effectiveness of the State Historic Preservation Tax Credit on preserving historic structures and revitalizing Texas communities since the tax credit became effective.

Current Program

Since 2015, 243 projects have been completed through the state tax credit program, resulting in investments of over \$2.6 billion in historic buildings across our state. These investments consist of the extensively make-ready expenses owners and developers incur when preparing a property for commercial or residential tenants, as well as qualified rehabilitation expenses that count toward the value of the credits. THC is currently reviewing over 175 additional projects worth over \$2 billion in investments.

These 243 projects are estimated to have supported 54,000 Texas jobs and added \$4 billion to the state's Gross Domestic Product (GDP). Generally, approximately 60 percent to 70 percent of preservation investments go to labor costs, with the vast majority of funding remaining in local communities. Additionally, these projects have resulted in \$54.9 million in state taxes and \$181.6 million in local property taxes not including the overall increase in property valuations.¹¹

Before the state tax credit passed, other preservation programs provided a greater benefit to cities and urban areas, but since 2015, state tax credits have now been used to complete rehabilitation projects in 45 cities across the state. Projects have been completed from Amarillo and Lubbock to Edinburg and Harlingen, El Paso to Port Arthur and Nacogdoches, and places in between in Elgin, Groesbeck, and Round Top.

Texas has one of the most comprehensive, voluntary historic preservation programs in the United States, and the state historic preservation Texas credit has proven to be one of the most flexible, business-friendly program of its kind.

Future Impact

- The state historic preservation tax credit is currently working as intended. It continues to serve as a national model and provides a measurable benefit to diverse communities across the state.

¹¹ Texas Historical Commission, Report on Historical Preservation Tax Credits in Texas, (December 5, 2020), <https://house.texas.gov/committees/committee/requests-for-information/>

Interim Charge #6

Monitor the State Auditor's review of agencies and programs under the Committee's jurisdiction. The Chair shall seek input and periodic briefings on completed audits for the 2019 and 2020 fiscal years and bring forth pertinent issues for full committee consideration.

The State Auditor released 6 reports during the 2019 and 2020 fiscal years on agencies and programs under the Committee's jurisdiction. Five reports were pertaining to current issues and one was a review of prior recommendations. Multiple minor issues were identified regarding the procurement processes and subsequent reporting requirements at Texas Parks and Wildlife Department, Texas Historical Commission, and Texas Facilities Commission.

The legislature continues to prioritize proper procurement, contracting and reporting as established in Senate Bill 20; however, some agencies are still working to wholly adopt these requirements into their standard operating procedures. Both Texas Facilities Commission and Texas Parks and Wildlife Department implement large appropriations through outside contracts; however both agencies have addressed issues in their processes as identified and recommended by the State Auditor. Additionally, the State Auditor reported that both agencies had fully implemented prior recommendations in a report released on April 27, 2020.

These reports have been provided to the full committee, and no major concerns have been identified.