

By: Armbrister

S.B. No. 1260

A BILL TO BE ENTITLED

AN ACT

relating to powers and duties of the state parks and resource protection divisions of the Parks and Wildlife Department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 13, Parks and Wildlife Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STATE PARKS DIVISION

Sec. 13.351. DEFINITIONS. In this subchapter:

(1) "Division" means the state parks division of the department.

(2) "Office of fleet management" means the office of vehicle fleet management under the Texas Building and Procurement Commission.

Sec. 13.352. MANAGEMENT OF CERTAIN STATE PARK DIVISION RESOURCES. The director shall hire experienced managers and coordinators for the division to provide a centralized system of management, coordination, and accountability for certain state park resources.

Sec. 13.353. RETAIL COORDINATOR OF GIFT STORES. (a) The director shall hire for the division a retail coordinator with extensive experience in retail operations to:

(1) oversee state park gift stores;  
(2) coordinate all purchasing and marketing by the gift stores; and

1           (3) maximize gift store revenue to this state.

2           (b) The coordinator shall, to the extent practicable,  
3 require that division gift stores pool purchase orders to achieve  
4 economies of scale.

5           (c) The coordinator shall compile a best practices manual  
6 and distribute a copy to each gift store.

7           (d) The coordinator shall seek input from the management of  
8 the Capitol gift shop under the State Preservation Board.

9           Sec. 13.354. COORDINATOR FOR PARK CONCESSION CONTRACTS.

10 The director shall hire an experienced concession contracts  
11 coordinator to monitor all park concession contracts and maximize  
12 concession revenue to this state.

13           Sec. 13.355. MANAGER OF MINERAL LEASES AND EASEMENTS. (a)

14 The director shall hire a manager with expertise in the management  
15 of mineral leases to monitor all division leases and keep abreast of  
16 market prices.

17           (b) The manager shall work with The University of Texas  
18 System and The Texas A&M University System staff to develop  
19 in-house expertise for the division and gather information on  
20 maximizing revenue from mineral leases and easements.

21           (c) The manager of mineral leases and easements or another  
22 appropriate manager as directed by the commission shall attend and  
23 actively participate in boards for lease meetings held by the  
24 General Land Office.

25           Sec. 13.356. MANAGER OF TIMBER RESOURCES. (a) The director

26 shall hire an experienced manager for the division's timber  
27 resources.

1       (b) The commission shall enter into a memorandum of  
2 understanding with the Texas Forest Service to create a master plan  
3 for managing timber in state parks.

4       Sec. 13.357. MANAGER OF STATE PARK GRAZING RIGHTS. (a) The  
5 director shall hire an experienced manager to:

6           (1) track and manage the leasing of grazing rights in  
7 state parks; and

8           (2) maximize this state's revenue from those leases.

9       (b) The grazing rights manager shall have an  
10 agriculture-related degree and expertise in the subject of grazing  
11 rights and shall acquire familiarity with grazing lease rates in  
12 this state.

13       (c) The commission shall enter into a memorandum of  
14 understanding with the Texas Cooperative Extension of The Texas A&M  
15 University System to create a master plan for grazing at state  
16 parks.

17       Sec. 13.358. GRANTS MANAGER. The director shall hire an  
18 experienced manager to procure, track, and manage grants for the  
19 division. The manager shall be responsible for maximizing federal  
20 and other grants for state parks.

21       Sec. 13.359. MONITORING EXPENSES. (a) Division management  
22 shall ensure that each employee who has a procurement card is  
23 instructed to make sure that state or local sales tax is not added  
24 to the total price of a purchase made with the card for division  
25 purposes.

26       (b) Division management shall monitor the use of state  
27 vehicles by employees to prevent inappropriate personal use. If an

1 exception is made to allow personal use, the employee's manager  
2 shall document the use as a fringe benefit for inclusion on the  
3 employee's W-2 form prepared for reporting to the Internal Revenue  
4 Service.

5 (c) Division management shall educate employees on the  
6 proper use of gasoline credit cards and monitor their use through  
7 computer-generated exception reports. Management shall require  
8 that each employee read written guidelines provided by the division  
9 on the proper use of the credit cards and the penalties for misuse.  
10 Each employee shall sign an acknowledgment for the employee's  
11 personnel file that the employee has read and understands the  
12 penalties for misuse of a gasoline credit card. The guidelines must  
13 include a statement to the effect that a credit card is issued only  
14 for the purchase of regular unleaded gasoline for use in a  
15 department vehicle, unless the owner's manual that came with the  
16 vehicle recommends the use of other fuel, and not for other  
17 unauthorized merchandise.

18 (d) Division management shall ensure that division vehicles  
19 are maintained according to the state vehicle fleet management plan  
20 as prepared by the office of fleet management.

21 (e) Division management shall schedule inspection of  
22 division vehicles by the office of fleet management to ensure that  
23 the vehicles are kept or disposed of according to standards set by  
24 the office of fleet management.

25 Sec. 13.360. PRIVATE MANAGEMENT OF CERTAIN HOTEL-LIKE  
26 LODGING. (a) The department may not operate Indian Lodge near Fort  
27 Davis and Landmark Inn Bed & Breakfast in Castroville.

1       (b) The division shall contract with an experienced private  
2 concessionaire for the management and operation of a facility under  
3 Subsection (a).

4       (c) The contract shall provide:

5           (1) the best dollar value to this state;

6           (2) care for the facilities in a manner that is the  
7 same as or better than the manner of care provided by the  
8 department; and

9           (3) a minimum of five percent of concession revenue to  
10 this state.

11       (d) The division shall sell or reallocate vehicles assigned  
12 to the facilities under Subsection (a) based on the recommendations  
13 and approval of the office of fleet management.

14       Sec. 13.361. PRIVATE MANAGEMENT OF TEXAS STATE RAILROAD.

15       (a) The department may not operate the Texas State Railroad.

16       (b) The division shall contract with an experienced private  
17 concessionaire for the management and operation of the Texas State  
18 Railroad.

19       (c) The contract must specify that the railroad:

20           (1) be open for operations during major holiday  
21 seasons, including Thanksgiving, Christmas, New Year's, and spring  
22 break;

23           (2) provide additional activities, such as dinner  
24 trains, to increase revenue to this state; and

25           (3) provide a minimum of five percent of concession  
26 revenue to this state.

27       Sec. 13.362. CENTRALIZED RESERVATIONS. (a) The division

1 shall provide a toll-free number for customers to call to make  
2 reservations at state park facilities.

3 (b) The division shall enter into a contract for the  
4 toll-free number that provides the service for less than \$300,000 a  
5 year.

6 (c) The division shall work with the Department of  
7 Information Resources to provide a more direct link for customers  
8 to make reservations at state park facilities through the  
9 TexasOnline website.

10 Sec. 13.363. ELIMINATION OF DUPLICATIVE PROGRAM. To avoid  
11 duplication of function with the department's resource protection  
12 division, the division shall eliminate its natural resources  
13 program.

14 SECTION 2. Section 13.0061(a), Parks and Wildlife Code, is  
15 amended to read as follows:

16 (a) The department may lease grazing rights on any state  
17 park or any area of a state park. The department may harvest and  
18 sell, or sell in place, any timber, hay, or other product grown on  
19 state park land the department finds to be in excess of natural  
20 resource management programming needs. Timber may be harvested  
21 only for forest pest management, salvage, or habitat restoration,  
22 or as otherwise directed by the master plan for managing timber in  
23 state parks, and under good forestry practices with the advice of  
24 the Texas Forest Service. The department may not sell timber in a  
25 state park without the approval of the Texas Forest Service.

26 SECTION 3. Subchapter B, Chapter 11, Parks and Wildlife  
27 Code, is amended by adding Section 11.0305 to read as follows:

1        Sec. 11.0305. RESOURCE PROTECTION DIVISION. The  
2 department's resource protection division shall handle all  
3 department needs related to natural resources.

4        SECTION 4. (a) Before November 1, 2003, the Parks and  
5 Wildlife Department is not required to comply with Sections  
6 13.360(a) and 13.361(a), Parks and Wildlife Code, as added by this  
7 Act.

8        (b) Not later than November 1, 2003, the state parks  
9 division of the Parks and Wildlife Department shall enter into  
10 contracts with private concessionaires to take over the management  
11 and operation of Indian Lodge, Landmark Inn Bed & Breakfast, and the  
12 Texas State Railroad, as required by Sections 13.360 and 13.361,  
13 Parks and Wildlife Code, as added by this Act.

14        SECTION 5. (a) Not later than November 1, 2003, the Parks  
15 and Wildlife Commission shall adopt rules necessary to implement  
16 this Act.

17        (b) Not later than November 1, 2003, the executive director  
18 of the Parks and Wildlife Department shall hire a manager for each  
19 position listed in Sections 13.353 through 13.358, Parks and  
20 Wildlife Code, as added by this Act.

21        (c) Not later than November 1, 2003, the state parks  
22 division of the Parks and Wildlife Department shall:

23            (1) enter into a contract for and implement the  
24 toll-free reservations number under Section 13.362, Parks and  
25 Wildlife Code, as added by this Act; and

26            (2) terminate the natural resource program.

27        (d) Not later than November 1, 2003, the resource protection

1 division of the Parks and Wildlife Department shall assume all  
2 natural resource related responsibilities for the department,  
3 including any responsibilities previously assigned to the  
4 department's state parks division. The department may not increase  
5 the staff of the resource protection division as a result of this  
6 subsection.

7 (e) Not later than December 31, 2003, the state parks  
8 division of the Parks and Wildlife Department shall sell or  
9 reallocate the vehicles under Section 13.360(d), Parks and Wildlife  
10 Code, as added by this Act, according to that section.

11 SECTION 6. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2003.