

Amend Floor Amendment No. 1 to **SB 1848** (Senate committee printing) by adding the following appropriately numbered SECTIONS to read as follows and renumber subsequent SECTIONS accordingly:

SECTION \_\_. (a) The legislative task force on the use of the sales tax on sporting goods is composed of eight members, as follows:

(1) two members of the House Natural Resources Committee, appointed by the speaker of the house of representatives;

(2) two members of the House Appropriations Committee, appointed by the speaker of the house of representatives;

(3) two members of the Senate Committee on Natural Resources, appointed by the lieutenant governor; and

(4) two members of the Senate Committee on Finance, appointed by the lieutenant governor.

(b) The speaker of the house of representatives shall designate one member of the task force to serve as a joint presiding officer of the task force, and the lieutenant governor shall designate another task force member to serve as the other joint presiding officer.

(c) The task force meets at the call of a joint presiding officer.

(d) The task force shall:

(1) review the items that are included in the definition of "sporting goods" under Section 151.801(e), Tax Code, and determine if there is a correlation between each individual item included and activities related to state parks, including the use of those parks; and

(2) determine the amount of revenue that must be generated to fund the policy decisions made by the 80th Legislature regarding state parks.

(e) Not later than January 15, 2009, the task force shall prepare and present to the 81st Legislature a report that describes the findings of the task force and includes recommendations regarding the specific items that should be included in the definition of "sporting goods" under Section 151.801(e), Tax Code.

(f) This section expires March 1, 2009.

SECTION \_\_. Subchapter A, Chapter 442, Government Code, is amended by adding Sections 442.0051, 442.0052, and 442.0053 to read as follows:

Sec. 442.0051. FEES. The commission by rule may establish reasonable fees for commission purposes under this chapter, including an admission fee appropriate to a historic site under its jurisdiction.

Sec. 442.0052. VOLUNTEER SERVICES. (a) Except as provided by Subsection (b), the commission may use the services of volunteers to help carry out the duties and responsibilities of the commission.

(b) A volunteer may not enforce this code.

Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by rule shall adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic sites system.

(b) The commission may accept a donation of real property that satisfies the criteria adopted under Subsection (a).

(c) The commission may renovate or restore donated real property, including improvements to the property, or construct improvements on the donated real property as necessary and prudent.

SECTION \_\_. Chapter 442, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. CERTAIN HISTORIC SITES

Sec. 442.071. DEFINITION. In this subchapter, "historic site" means a site or park listed under Section 442.072.

Sec. 442.072. JURISDICTION. (a) The following historic sites and parks formerly under the jurisdiction of the Parks and Wildlife Department are under the commission's jurisdiction:

- (1) Acton State Historic Site;
- (2) Caddoan Mounds State Historic Site;
- (3) Casa Navarro State Historic Site;
- (4) Confederate Reunion Grounds State Historic Site;
- (5) Eisenhower Birthplace State Historic Site;
- (6) Fannin Battleground State Historic Site;
- (7) Fort Griffin State Historic Site;

- (8) Fort Lancaster State Historic Site;
- (9) Fort McKavett State Historic Site;
- (10) Fulton Mansion State Historic Site;
- (11) Landmark Inn State Historic Site;
- (12) Levi Jordan State Historic Site;
- (13) Magoffin Home State Historic Site;
- (14) Sabine Pass Battleground State Historic Site;
- (15) Sam Bell Maxey House State Historic Site;
- (16) San Felipe State Historic Site;
- (17) Starr Family Home State Historic Site;
- (18) Varner-Hogg Plantation State Historic Site.

(b) This subsection applies to a historic site that the state is required to operate in a particular manner or for a particular purpose, such as a site improved with federal money subject to federal restrictions on the purposes for which the improved site may be used or a site donated to the state subject to a reversion clause providing that the title reverts to the grantor when the site is not used for the purposes for which it was acquired. The commission has all powers necessary to operate the site in the required manner or for the required purpose.

(c) The commission may enter into an agreement with a nonprofit corporation, foundation, association, or other nonprofit entity for the expansion, renovation, management, operation, or financial support of a historic site.

Sec. 442.073. HISTORIC SITE ACCOUNT. (a) The historic site account is a separate account in the general revenue fund.

(b) The account consists of:

- (1) transfers to the account;
- (2) interest earned on the account;
- (3) fees and other revenue from operation of a historic site; and
- (4) grants and donations accepted under Section 442.074.

(c) A fee or other revenue generated at a historic site must be credited to the account.

(d) Money in the account may be used only to administer, operate, preserve, repair, expand, or otherwise maintain a historic

site or to acquire a historical item appropriate to a historic site.

(e) Any money in the account not used in a fiscal year remains in the account. The account is exempt from the application of Section 403.095.

Sec. 442.074. GRANTS; DONATIONS. (a) The commission may seek and accept grants and donations for a historic site from any appropriate source.

(b) Money accepted under this section shall be deposited to the credit of the historic site account.

SECTION \_\_. Section 442.019, Government Code, as added by Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005, is transferred to Subchapter C, Chapter 442, Government Code, as added by this Act, renumbered as Section 442.075, Government Code, and amended to read as follows:

Sec. 442.075 [~~442.019~~]. TRANSFER OF HISTORIC [~~HISTORICAL~~] SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply to this section.

(b) By interagency agreement, a historic [~~historical~~] site under the jurisdiction of the Parks and Wildlife Department may be transferred to the commission.

(c) [~~(b)~~] If jurisdiction over a historic [~~historical~~] site is transferred under this section, all rights, powers, duties, obligations, functions, activities, property, and programs of the Parks and Wildlife Department relating to the [~~historical~~] site are transferred to the commission.

(d) [~~(c)~~] On or after the transfer of jurisdiction over a historic [~~historical~~] site, the commission may enter into an agreement with a nonprofit corporation, including the Admiral Nimitz Foundation, for the expansion, renovation, management, operation, or financial support of the site.

SECTION \_\_. Section 11.0262(a), Parks and Wildlife Code, is amended to read as follows:

(a) An employee of the state parks division of the department may accept a gratuity if:

(1) the employee, as a primary job duty, serves food or beverages in a restaurant, cafeteria, or other food service establishment located within a state park and owned and operated by

the department;

(2) the employee, as an auxiliary duty in performance of a regular duty renders a special customer service to an individual or group;

(3) the gratuity is offered by a customer:

(A) of the restaurant, cafeteria, [~~or other~~] food service establishment, or hospitality unit of the state parks division in appreciation of being served food or beverages by the employee; or

(B) of a hospitality unit of the state parks division, in appreciation of receiving some other customer service from the employee;

(4) [~~(3)~~] the department has designated the employee as an employee authorized to accept a gratuity; and

(5) [~~(4)~~] the employee reports the gratuity in accordance with commission rules.

SECTION \_\_. Chapter 11, Parks and Wildlife Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

Sec. 11.251. MAINTENANCE EQUIPMENT REVIEW SYSTEM. (a) In this section:

(1) "Maintenance equipment" means personal property owned by the department that is used to administer, operate, preserve, repair, expand, or otherwise maintain real property, including improvements and fixtures, owned or operated by the department.

(2) "Outdated equipment" means equipment:

(A) that has a fair market value that is less than the annual cost of maintaining the equipment in working order;

(B) that is not operational and cannot reasonably be made operational; or

(C) that no longer serves a department purpose.

(b) The commission by rule shall establish an equipment review system through which the department annually determines whether any of the department's maintenance equipment has become outdated equipment since the last date the department conducted an equipment review under this section.

(c) The equipment review system established under Subsection (b) must require the department to sell any outdated equipment in the manner and at the time specified by the commission by rule.

(d) The department shall deposit proceeds from the sale of equipment under this section to the credit of the appropriate parks and wildlife account.

Sec. 11.252. MAINTENANCE PROVIDER REVIEW SYSTEM. (a) In this section "maintenance" includes the administration, operation, preservation, repair, and expansion of personal property owned by the department and real property owned or operated by the department.

(b) The commission by rule shall establish a maintenance provider review system through which the department annually determines whether a maintenance task performed by the department could be performed by a third-party contractor in a manner that:

(1) is more cost-effective than the department's manner of performing the maintenance task; and

(2) yields a result that is equal to or greater than the quality of the result produced by the department performing the task.

(c) The maintenance provider review system established under Subsection (b) must require the department to contract with a third party for the performance of any maintenance task performed by the department that could be performed by a third-party contractor in the manner that meets the criteria described by Subsection (b) after the department's cost of administering the contract is added to the cost of performance by the third party.

Sec. 11.253. MANAGEMENT PLAN AND PRIORITIES LIST. Not later than January 15 of each odd-numbered year the department shall submit to the governor, the speaker of the house of representatives, the lieutenant governor, and the chair of each house and senate standing committee having jurisdiction over a matter regulated by the department under this code a management plan to address the department's maintenance responsibilities under this subchapter and a priorities list that includes the following information:

(1) a prioritized list of facilities operated by the department that are most in need of repair, renovation, expansion, or other maintenance;

(2) an itemized list explaining any additional funding requested by the department to accomplish a task described by Subdivision (1); and

(3) the results of the reviews conducted under Sections 11.251, 11.252, and 13.019(b).

SECTION \_\_. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0044 to read as follows:

Sec. 13.0044. PREFERENCE FOR CERTAIN PARK PROGRAMS. In selecting parks for capital improvements, the department may give a preference to programs in which the department matches locally raised money on a dollar-for-dollar basis.

SECTION \_\_. Section 13.0061(a), Parks and Wildlife Code, is amended to read as follows:

(a) The department may lease grazing rights on any state park or any area of a state park. The department may harvest and sell, or sell in place, any timber, hay, livestock, or other product grown on state park land the department finds to be in excess of natural resource management, educational, or interpretive objectives [~~programming needs~~]. Timber may be harvested only for forest pest management, salvage, or habitat restoration and under good forestry practices with the advice of the Texas Forest Service.

SECTION \_\_. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0075 to read as follows:

Sec. 13.0075. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL PROPERTY IN STATE PARKS SYSTEM. (a) The commission by rule shall adopt criteria for determining the eligibility of real property that is donated to the department for inclusion in the state parks system.

(b) The department may accept a donation of real property that satisfies the criteria adopted under Subsection (a).

(c) The department may renovate or restore donated real property, including improvements to the property, or construct improvements on the donated real property as necessary and prudent.

SECTION \_\_. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0145 to read as follows:

Sec. 13.0145. SPEED LIMITS. (a) The department shall set and enforce speed limits on a road in a state park, wildlife management area, or other site under the control of the department as follows:

- (1) 30 miles per hour on a park road or main drive;
- (2) 20 miles per hour on a secondary road; or
- (3) as posted by the department.

(b) The department shall:

(1) consult with the Texas Department of Transportation to determine if a speed limit under Subsection (a) is reasonable and safe based on an engineering and traffic control study; and

- (2) amend the limit, if necessary.

SECTION \_\_. Section 13.015, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsections (a-1), (b-1), (b-2), and (b-3) to read as follows:

(a-1) The department may promote visits and enhance revenue at parks, including amounts necessary for salaries, advertising, consumable supplies and materials, promotional products, fees, and related expenses.

(b) The department may operate or grant contracts to operate concessions in state parks or on causeways, beach drives, or other improvements in connection with state park sites. The department may make regulations governing the granting or operating of concessions. The department may establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays.

(b-1) The department may purchase products, including food items, for resale or rental at a profit.

(b-2) The department shall operate any resale concession program using standard business practice models to generate revenue and provide quality customer service while adhering to conservation principles.

(b-3) The department may recruit and select private service



providers to enter into leased concession contracts with the department to provide necessary and appropriate visitor services.

SECTION \_\_. Section 13.016, Parks and Wildlife Code, is amended to read as follows:

Sec. 13.016. INMATE [~~PRISON~~] LABOR. (a) The department may use the labor of an inmate confined in a state, county, or local correctional facility [~~trustee state convicts~~] on or in connection with state parks, wildlife management areas, or other property under the control or jurisdiction of the department.

(b) Inmates [~~Convicts~~] working in connection with lands under the control or jurisdiction of the department remain under the control of the Texas Department of Criminal Justice or county or local correctional facility, as appropriate, and are considered as serving their terms in the Texas Department of Criminal Justice or other correctional facility [~~penitentiary~~].

(c) The department may purchase equipment, meals, supplies, and materials for an inmate working at a department site as necessary to facilitate the use of the labor described by this section.

(d) The department may not use the labor of an inmate convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure.

(e) The department may not use the labor of an inmate convicted of any violent offense.

SECTION \_\_. Section 13.019, Parks and Wildlife Code, is amended to read as follows:

Sec. 13.019. FACILITY RESERVATION SYSTEM AND FEE. (a) The department may permit the advance reservation of a facility, lodging, or campsite at a state park and require the payment of a fee by a person making the reservation.

(b) The department shall annually:

(1) evaluate whether the reservation system used by the department for the advance reservation of facilities, lodging, and campsites is as user-friendly as possible; and

(2) make modifications to the system as necessary to enhance the user-friendliness of the reservation system.

SECTION \_\_. Subchapter A, Chapter 13, Parks and Wildlife

Code, is amended by adding Section 13.0191 to read as follows:

Sec. 13.0191. FACILITY AND LODGING FEES. A fee charged by the department under this subchapter for the use of a facility or lodging at a state park may vary on a seasonal basis and may be set in an amount to recover the direct and indirect costs of providing the facility or lodging and provide a reasonable rate of return to the department. Items to be considered in setting a fee include the cost required to provide, maintain, and improve amenities available at the site and seasonal variables such as the cost of staffing to meet demand and costs of heating or air conditioning.

SECTION \_\_. The Parks and Wildlife Department shall comply with the recommendations contained in the State Auditor's Office "An Audit Report on Financial Processes at the Parks and Wildlife Department Report No. 07-021" in accordance with the dates specified in the department's management response included as Appendix 6 to the report and contingent on receiving an appropriation sufficient to fund the implementation of the recommendations.

SECTION \_\_. (a) In this section, "historic site" means a historic site or park listed under Section 442.072, Government Code, as added by this Act.

(b) On or after January 1, 2008, as provided by this section, the following are transferred to the Texas Historical Commission:

(1) each historic site and all obligations and liabilities of the Parks and Wildlife Department relating to the site;

(2) all unobligated and unexpended funds appropriated to the Parks and Wildlife Department designated for the administration of each site;

(3) all equipment and property of the Parks and Wildlife Department used for the administration of or related to each site; and

(4) all files and other records of the Parks and Wildlife Department kept by the department regarding each site.

(c) A rule adopted by the Parks and Wildlife Commission that is in effect immediately before January 1, 2008, and that relates to

a historic site is, on January 1, 2008, a rule of the Texas Historical Commission and remains in effect until amended or repealed by the Texas Historical Commission. A rule that applies to both a transferred site and park that is not transferred is a rule of both commissions and applies to the transferred site until amended or repealed by the Texas Historical Commission.

(d) A transfer under this Act does not diminish or impair the rights of a holder of an outstanding bond or other obligation issued by the Parks and Wildlife Department in relation to the support of a historic site.

(e) On January 1, 2008, a reference in the Parks and Wildlife Code or other law to a power, duty, obligation, or liability of the Parks and Wildlife Department or the Parks and Wildlife Commission that relates to a historic site is a reference to the Texas Historical Commission. The Texas Historical Commission is the successor agency to the Parks and Wildlife Department and the Parks and Wildlife Commission for the site.

(f) The Texas Historical Commission shall prepare a base operating plan for each historic site before the transfer of any site or associated artifact or archival materials from the Parks and Wildlife Department to the commission. The base operating plan for each site must be completed on or before January 1, 2008. The base operating plan for each site must include:

(1) a mission statement outlining the goals for the site;

(2) an interpretive plan showing how the mission is to be accomplished;

(3) an operational plan, including:

(A) facilities, documents, records, and other assets to be transferred;

(B) parties responsible for daily site management, including staff that will be transferred;

(C) off-site support structure;

(D) plans for artifact and archival curation;

(E) signed memoranda of understanding or memoranda of agreement with appropriate friends groups and volunteer organizations; and

- (F) emergency plans;
- (4) a maintenance plan, including maintenance and repair needs;
- (5) a marketing plan;
- (6) a business plan, including revenue and visitation goals;
- (7) a plan for compliance with:
  - (A) Chapter 191, Natural Resources Code (the Antiquities Code of Texas); and
  - (B) the National Historic Preservation Act (16 U.S.C. Section 470 et seq.); and
- (8) fiscal plans and budgets associated with Subdivisions (1) through (7) of this subsection.

(g) An interim study committee shall review the base operating plan described by Subsection (f) of this section. The members of the interim committee shall be a subcommittee of the House Committee on Culture, Recreation, and Tourism appointed not later than September 1, 2007, by the chair of that house committee. The interim committee shall obtain feedback and information from professionals familiar with the work of the Parks and Wildlife Department, the Texas Historical Commission, the National Park Service, the Council of Texas Archeologists, professional archivists, park managers, and the tourism industry. The interim study committee shall report to the House Committee on Culture, Recreation, and Tourism on the results of the study conducted under this subsection not later than September 1, 2008.

(h) Until a historic site is transferred to the Texas Historical Commission in accordance with this Act, the Parks and Wildlife Department shall continue to operate and maintain the site under applicable law as it existed on January 1, 2007.

(i) The Parks and Wildlife Department and the Texas Historical Commission shall keep the House Committee on Culture, Recreation, and Tourism informed of the progress of the transfer of each historic site under this Act.

(j) An employee of the Parks and Wildlife Department whose job responsibilities are more than 50 percent related to a historic site transferred to the Texas Historical Commission under this Act

becomes an employee of the Texas Historical Commission on the date of the transfer of that site. An employee whose job is transferred may not be dismissed after the transfer except for cause before the first anniversary of the date of the transfer.

SECTION \_\_. Any restrictions on the allocation of money in the state parks account under Section 11.035, Parks and Wildlife Code, as amended by this Act, on the use of money in the Texas parks and wildlife conservation and capital account under Section 11.043, Parks and Wildlife Code, as amended by this Act, on the use of money in the Texas recreation and parks account under Section 24.002, Parks and Wildlife Code, as amended by this Act, or on the allocation of that money under Section 24.003, Parks and Wildlife Code, as amended by this Act, do not apply to a one-time appropriation of the unencumbered balances of those accounts on August 31, 2007, made by a rider to the General Appropriations Act that:

1) is contingent on the enactment of this Act or a similar Act by the 80th Legislature; and

2) provides for the one-time allocation of that money to the Parks and Wildlife Department and the Texas Historical Commission to be used for the repair, renovation, maintenance, and other one-time costs associated with state historic sites and state parks.

SECTION \_\_. The name of the Peach Point Wildlife Management Area is changed to the Justin Hurst Wildlife Management Area.