

BILL ANALYSIS

C.S.S.B. 1848
By: Duncan
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As the dynamics of financial markets and our economic systems continue to evolve, the tools available to the comptroller and other state agencies often require adjustment to maximize the effectiveness of each agency's resource control. C.S.S.B. 1848 makes adjustments in various portions of the Texas statutes to facilitate the administration of the state's financial resources.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 6. It is the committee's opinion that rulemaking authority is expressly granted to the Texas Historical Commission (THC) in SECTION 12 of this bill. It is the committee's opinion that rulemaking authority is expressly granted to the comptroller in SECTION 19. It is the committee's opinion that rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 29 and SECTION 32 of this bill. It is the committee's opinion that rulemaking authority is expressly granted to TPWD in SECTION 47 of this bill. In SECTION 53 of this bill, Texas Parks and Wildlife Commission 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and park that is not transferred is a rule of both commissions and applies to the transferred site until amended or repealed by the THC.

ANALYSIS

SECTION 1. Amends Section 42.2516, Education Code, by amending Subsection (b) and adding Subsection (b-2), modifying the school district "Additional State Aid for Tax Reduction" hold-harmless provisions created by House Bill No. 1, 79th Leg, 3rd C.S., 2006 to ensure that changes in certain school district state aid entitlements are reflected in state funding for districts.

SECTION 2. Amends Sections 42.253(a) and (c), Education Code clarifying that state aid for property tax reduction is included in total state aid to districts.

SECTION 3. Amends Section 42.259(b), Education Code, modifying the timing of the distribution of foundation school program payments to help manage the timing of the state's cash flow for Category 1 school districts. The schedule of state aid payments to districts for tax rate reduction would differ from the schedule for other state aid to districts.

SECTION 4. Amends Sections 42.259(c), (d), and (f), Education Code, modifying the timing of the distribution of foundation school program payments to help manage the timing of the state's cash flow for certain other school districts. The schedule of state aid payments to districts for tax rate reduction would differ from the schedule for other state aid to districts. This section is effective until August 1, 2009.

SECTION 5. Amends Sections 42.259(c) and (d), Education Code, modifying the timing of the distribution of foundation school program payments to help manage the timing of the state's cash flow for certain other school districts. The schedule of state aid payments to districts for tax rate reduction would differ from the schedule for other state aid to districts. This section is effective August 1, 2009.

SECTION 6. Adds Section 42.2591 to the Education Code. For the fiscal year ending August 31, 2008, or August 31, 2009, a school district may apply to the commissioner of education (commissioner) for a modification of the payment schedule provided by Section 42.259, Education Code, as amended by this bill, if application of that payment schedule would cause the

district financial hardship as a result of the effect of the schedule on the district's cash flow. Any modification expires at the end of the fiscal year for which the modification is granted. A school district may seek a modification for each fiscal year. A modification may affect only the timing of payments made under the schedule provided by Section 42.259 and may not result in a net change to the total amount of funds a school district receives during the fiscal year for which the modification is granted. The commissioner shall adopt rules necessary to implement Section 42.2591. A decision of the commissioner of education under Section 42.2591 is final and may not be appealed. Section 42.2591 will expire September 1, 2009.

SECTION 7. Amends Section 57.48(k)(1), Education Code, redefining "compensation."

SECTION 8. Amends Section 73.003(c), Government Code, making conforming changes necessary due to the changes made by SECTION 23 of the bill.

SECTION 9. Amends Section 403.055(l)(1), Government Code, redefining "compensation."

SECTION 10. Amends Section 403.0551(d), Government Code, redefining "compensation."

SECTION 11. Amends Sections 404.024(b) and (l), Government Code, relating to the comptroller's investment authority for the Treasury Pool and funds it invests on behalf of certain state entities outside the Treasury Pool by expanding investment options to improve opportunities for diversification.

Adds Section 404.024(m) authorizing the comptroller to accept cash on an overnight basis in lieu of certain securities, obligations, or participation certificates.

Adds Section 404.024(n) relating to TexPool and TexPool Prime permitting the comptroller to conform that authority to industry practice as set forth in the Securities and Exchange Commission's (SEC) Rule 2a-7, adopted under the Investment Company Act of 1940.

SECTION 12. Adds Section 442.0051, 442.0052, and 442.0053 to Subchapter A, Chapter 442, of the Government Code. The added sections allow the Texas Historical Commission (THC), by rule, to establish reasonable fees for THC purposes under Chapter 442 of the Government Code, including an admission fee appropriate to a historic site under its jurisdiction, and allows THC to utilize the services of volunteers. However, a volunteer may not enforce provisions of the Government code. THC, by rule, shall adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic sites system. THC may accept a donation of real property that satisfies the criteria adopted, and THC may renovate or restore donated real property, including improvements to the property, or construct improvements on the donate real property as necessary and prudent.

SECTION 13. Amends Section 442.015, Government Code, by amending Subsections (a), (b), and (f) and adding (h), (i), (j), (k), and (l) as follows:

(a) Includes "earnings on the account" restricts "distributions from the account" and requires "earnings on the account" to be deposited to the credit of the account as statutory clarifications.

(b) Provides "distributions from" the account may be used to provide financial assistance. That "gifts and grants" are deposited to the credit of the account specifically for any eligible projects and sets forth how this money may be used. Makes statutory clarifications and conforming changes.

(f) Provides that the advisory board recommend to the Texas Historical Commission rules for administering Subsections (a)-(e) instead of the entire section.

(h) Requires the comptroller to manage the assets of the account.

(i) Provides that the amount of a distribution shall be determined by the comptroller such that the distributions provide a stable and predictable stream of annual distribution and to maintain over time the purchasing power of account investments and annual distributions from the account.

(j) Limits annual distributions from the account to an amount not to exceed to seven percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

(k) Requires the expenses of managing account investments to be paid from the account.

(l) Requires the comptroller on request to fully disclose all details concerning the investments of the account.

SECTION 14. Adds Subchapter C to Chapter 442 of the Government Code regarding certain historic sites. This Subchapter sets forth the definition of a "historic site" for the subchapter and delineates 18 historic sites and parks to be transferred from the jurisdiction of Texas Parks and Wildlife Department (TPWD) to THC. It further states that Sec. 442.072(b) of the Government Code applies to historic sites required by the state to operate in a particular manner or for a particular purpose. THC is given the powers necessary to operate the site in the required manner or for the required purpose. THC may work with a nonprofit corporation, entity, foundation, or association for expansion, renovation, management, operation, or financial support of a historic site.

Section 442.073 of the Government Code sets up and describes the historic site account in the general revenue fund, and describes its operation and uses.

Section 442.074 of the Government Code allows THC to seek and accept grants and donations to be deposited in the historic site account from any appropriate source. It states that money accepted under the section shall be credited to the historic site account.

SECTION 15. Transfers and renumbers Section 442.019 of the Government Code to Subchapter C, Chapter 442, of the Government Code. This section is renumbered to 442.075, and the word "historical" is removed and replaced as "historic" throughout the section where necessary. This renumbered section states that Section 442.071, Government Code, relating to the definition of a historic site, does not apply to this section. Additionally, the legislature may adjust the percentages allocated to the commission and TPWD under Section 151.801(c), Tax Code, in future appropriations to reflect the transfer of a site under this section and the associated savings or costs to each agency.

SECTION 16. Subsection (a) of this SECTION specifies the intent of the legislature that the Health and Human Services Commission (HHSC) use digital or electronic technology, to the greatest extent feasible, to reduce paper transactions, streamline processes, and promote provider participation and client access to services, including the submission of applications, the determination of eligibility, and requests for recertification, redetermination, and appeals.

Subsection (b) amends Section 531.0055, Government Code by adding Subsection (m) requiring the executive commissioner of HHSC to establish standards for the use of electronic signatures in accordance with the Uniform Electronic Transactions Act (Chapter 43, Business & Commerce Code), with respect to any transaction, as defined by Section 43.002, Business & Commerce Code, in connection with the administration of health and human services programs.

SECTION 17. Amends Section 533.012(c), Government Code, to reflect the repeal of Section 403.028, Government Code, made by SECTION 51 of the bill.

SECTION 18. Amends Section 651.004 of the Government Code to add Subsection (f) which states the TPWD is not required to comply with management-to-staff ratio requirements of the section with respect to employees located in field-based operations.

SECTION 19. Subchapter A, Chapter 659, Government Code, is amended by adding Section 659.007, Government Code, eliminating authorizing a state agency authority to provide electronic earnings statements to its employees.

SECTION 20. Amends Section 660.024(a), Government Code, authorizing the chief administrator of a state agency to provide electronic approval for the travel of the agency's employees.

SECTION 21. Amends Sections 660.027(b), (d), and (e), Government Code, clarifying electronic approval of the documentation supporting the employee's request for a travel reimbursement. The amendment also clarifies the electronic submission and storage of supporting documentation concerning the travel of state employees.

SECTION 22. Amends Sections 660.028(b), (c), and (d), Government Code, and adds Subsection (e) as follows:

(b) the comptroller may require a state agency to maintain in its files the description, information, and documentation relating to the travel expense paid or reimbursed by the corresponding voucher until the comptroller audits the voucher.

(c) requires a state agency to make available to the comptroller the travel description, information, and documentation required by the comptroller at the time and in the manner required by the comptroller.

(d) the comptroller may require a state agency to maintain in its files the description, information, and documentation regarding a travel expense payment or reimbursement for the period required by the comptroller.

(e) authorizes the comptroller to require or authorize the description, information, and documentation relating to a travel expense payment or reimbursement to be maintained in paper form or electronically.

SECTION 23. Amends Section 660.043(c) and (d), Government Code, to require a state agency, rather than the comptroller, to adopt or designate a mileage guide to be used by the agency's state employees showing the number of miles for the shortest route between points. Deletes the specific requirement in current law to consider farm-to-market and ranch-to-market roads when determining the routings between points in this state.

SECTION 24. Amends Section 551.022(d), Health and Safety Code, authorizing the superintendent of a facility of the Texas Department of Mental Health and Mental Retardation (now the Department of State Health Services or the Department of Aging and Disability Services), in accordance with the rules of the Texas Board of Mental Health and Mental Retardation (now the Health and Human Services Commission) and departmental operating procedures, to remove an officer, teacher, or employee on an at will basis, rather than for good cause.

SECTION 25. Amends Section 430.003, Local Government Code, prohibiting a county, municipality, or utility district from collecting from a private institution of higher education any fee charged for the development or maintenance of programs or facilities for the control of excess water or storm water.

SECTION 26. Amends Section 11.0262(a) of the Parks and Wildlife Code to include a condition that would allow an employee of the state parks division of TPWD to accept a gratuity if the employee, as an auxiliary duty in performance of a regular duty renders a special customer service to an individual or group, and if the gratuity is offered by a customer of the restaurant, cafeteria, food service establishment, or hospitality unit of the state parks division, or of a hospitality unit of the state parks division, in appreciation of receiving some other customer service from the employee.

SECTION 27. Amends Section 11.035(b) of the Parks and Wildlife Code to remove the requirement to deposit to the credit of the state parks account \$1,125,000 per month and 40% of the amount above \$27 million per year of credits made to TPWD under the Tax code and replaces the deposit requirement with an amount equal to 74 percent of the credits made to TPWD under Section 151.801 of the Tax Code.

SECTION 28. Modifies Section 11.043(b) of the Parks and Wildlife Code by clarifying that the Texas Parks and Wildlife Conservation and Capitol Account consists of proceeds of revenue bonds issued under Section 13.0045, money from any other legally authorized source, and the amount of credits made to the department under the Tax Code after allocation to the state parks account, the large county and municipality recreation and parks account, and the Texas recreation and parks account.

SECTION 29. Modifies Chapter 11 of the Parks and Wildlife Code by adding Subchapter K, which pertains to Management and Efficiency Reviews. The Subchapter defines "Maintenance

Equipment" and "Outdated Equipment." The Parks and Wildlife Commission shall, by rule, establish an equipment review system for TPWD to annually determine if the maintenance equipment has become outdated since the last review. The review system must require TPWD to sell outdated equipment as specified by the Parks and Wildlife Commission, and TPWD shall deposit proceeds from the sale of equipment to the credit of the appropriate parks and wildlife account.

Section 11.252 defines "maintenance" for the section and states that the Parks and Wildlife Commission shall, by rule, establish a maintenance provider review system through which TPWD annually determines whether a maintenance task performed by TPWD could be performed by a third-party contractor in a more cost-effective manner and in a way that yields results equal to or greater than the quality produced by TPWD. This maintenance provider review system must require TPWD to contract with a third party to perform any maintenance task that could be performed by a third-party contractor in a manner that meets the criteria stated in the bill after TPWD's cost of administering the contract is added to the cost of performance by the third party.

Section 11.253 states that by January 15 of each odd-numbered year, TPWD shall submit to specified persons a management plan to address their maintenance responsibilities and a priority list that includes a prioritized list of facilities operated by TPWD that are most in need of repair, renovation, expansion, or other maintenance. The maintenance responsibilities and priority list must also include an itemized list explaining any additional funding requested by TPWD to accomplish the repair, renovation, expansion, or maintenance, and the results of the reviews conducted under Sections 11.251, 11.252, and 13.019(b) of the Parks and Wildlife Code.

SECTION 30. Amends Subchapter A, Chapter 13, Parks and Wildlife Code by adding 13.0044 regarding preference for certain park programs. In selecting parks for capital improvements, TPWD may give a preference to programs in which TPWD matches locally raised money on a dollar-for-dollar basis.

SECTION 31. Amends Section 13.0061(a) of the Parks and Wildlife Code to allow TPWD to harvest and sell, or sell in place, livestock, timber, hay, or any other product grown on state park land that they find to be in excess of natural resource management, educational, or interpretive objectives.

SECTION 32. Includes Section 13.0075 in Subchapter A, Chapter 13, of the Parks and Wildlife Code, which gives the Parks and Wildlife Commission rulemaking authority to adopt criteria for determining the eligibility of land donated to TPWD for inclusion in the state parks system. TPWD may accept a donation of real property that satisfies the criteria adopted under the Section. TPWD may renovate or restore donated real property, including improvements to the property, or construct improvement on the donated real property as necessary and prudent.

SECTION 33. Adds Section 13.0145 to the Parks and Wildlife Code, which requires TPWD to set and enforce speed limits on a road in a state park, wildlife management area, or other site controlled by TPWD, to specified limits. The section further requires TPWD to consult with the Texas Department Of Transportation regarding the reasonableness and safety of the speed limits based on certain criteria. TPWD shall also amend the limit if necessary.

SECTION 34. Amends Section 13.015 of the Parks and Wildlife Code by allowing TPWD to promote visits and enhance revenue at parks. TPWD may also establish and operate staff concessions and purchase products for resale or rental at a profit. TPWD shall operate any resale concession program using standard business practice models to generate revenue and provide quality customer service while adhering to conservation principles. Finally, TPWD may recruit and select private service providers to enter into leased concession contracts with TPWD to provide necessary and appropriate visitor services.

SECTION 35. Section 13.016 of the Parks and Wildlife Code is amended to reflect the heading of the section as "inmate" instead of "prison" labor and to allow TPWD to use the labor of an inmate confined in a state, county, or local correctional facility on or in connection with state parks, wildlife management areas, or other property under the control or jurisdiction of TPWD. This section also specifies that the inmate working in connection with lands under the control of the Texas Department of Criminal Justice (TDCJ) or county or local correction facility, as appropriate, and are considered as serving their terms in the TDCJ or other correctional facility.

TPWD may purchase equipment, meals, supplies, and materials for an inmate working at a TPWD site as necessary to facilitate the use of the labor described in this section. TPWD may not use the labor of an inmate convicted of an offense listed in Article 62.001(5), Code of Criminal Procedure. TPWD may not use the labor of an inmate convicted of any violent offense.

SECTION 36. Amends Section 13.019 of the Parks and Wildlife Code to include language regarding a facility reservation system and to require TPWD to annually evaluate whether the system used for the advanced reservation of facilities, lodging, and campsites is as user-friendly as possible and to make modification to the system as necessary to enhance the user-friendliness of the reservation system.

SECTION 37. Amends Chapter 13 of the Parks and Wildlife Code to include Section 13.0191 regarding facility and lodging fees. The added section states that a fee charged by TPWD 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. Items to be considered in setting a fee include the cost required to provide, maintain, and improve amenities available at the site and certain seasonal variables.

SECTION 38. Adds the heading for Subchapter A to Chapter 24 of the Parks and Wildlife Code regarding local parks for smaller counties and municipalities and other political subdivisions.

SECTION 39. Amends Section 24.001 of the Parks and Wildlife Code by applying the definitions set forth to the subchapter instead of the chapter, and by changing the definition of Political Subdivision by replacing "city" with "municipality."

SECTION 40. Amends Section 24.002 of the Parks and Wildlife Code to specify that money in the Texas Recreation and Parks Account may be used only for grants to a county or municipality with a population less than 500,000, or any other political subdivision that is not a county or municipality.

SECTION 41. Includes "Revenue Dedication" in the header of Section 24.003 of the Parks and Wildlife Code and states that TPWD shall deposit to the Texas Recreation and Parks Account an amount of money equal to 15% of the credits made to the department under Section 151.801 of the Tax Code instead of \$1,125,000 per month and 40% of the amount above \$27 million per year of the credits made to TPWD under Section 151.801 of the Tax Code. Also, money from any other source authorized by law, shall be deposited into the Recreation and Parks account.

SECTIONS 42-46. Makes cleanup changes by replacing the words "chapter" and "act" with "subchapter," and makes other nonsubstantive conforming changes.

SECTION 47. Adds Subchapter B to Chapter 24 of the Parks and Wildlife Code regarding parks for large counties and municipalities. This Subchapter sets forth, in Section 24.051 of the Parks and Wildlife Code, the definitions of "account," "cultural resource site or area," "federal rehabilitation and recovery grants," "large county or municipality," "natural area," "nonprofit corporation," "open space area," "park," "parks, recreational, and open space area plan," "political subdivision," and "underserved population." Section 24.052 describes the large county and municipality recreation and parks account. Section 24.053 states the account's revenue source as an amount equal to 10 percent of the credits made to TPWD under Section 151.801, Tax Code, and money from any other source authorized by law. Section 24.054 pertains to assistance grants by TPWD to a large county or municipality for its use as all or part of the required share of the funds for eligibility for receiving a federal rehabilitation and recovery grant, so long as certain qualifications are met. Section 24.055 pertains to direct state matching grants, stating that TPWD shall make grants to provide one-half of the costs of planning, acquisition, or development of a park, recreational area, or open space area to be owned and operated by the county or municipality. This section requires TPWD to make rules regarding grant assistance and sets forth requirements governing the use of money granted to a county or municipality or nonprofit corporation.

Section 24.056 states that if the revenue to the large county and municipality recreation and parks account exceeds \$14 million per year, an amount not less than 15% shall be made available for grants to large counties and municipalities for up to 50% of the cost of acquisition or development of specific recreation facilities and other purposes. Section 24.057 states that

grants may only be used if there is a need for the acquisition and development of property for which the grant is requested, and if a written statement is obtained from the regional planning commission with jurisdiction over the area of the property being acquired. Section 24.058 pertains to acquisition of property, stating that property may not be acquired using grant money if the price exceeds the fair market value. It may be acquired for a life tenancy if necessary for orderly and expedient acquisition. Further, this section states that land or water designated for certain use is included in park, recreational, cultural resource, and open space plans for multiple counties or municipalities. Those counties or municipalities may cooperate to secure assistance from the account to acquire or develop the property. TPWD may modify standards but must be assured that a cooperative management plan can be developed and effectuated and that one of the counties or municipalities meets the necessary qualifications. All land and water purchased with assistance from the account shall be used for park, recreational, cultural resource, indoor recreation center, and open space purposes in perpetuity and may not be used for any other purpose, except where the use is compatible with park, recreational, cultural resource, and open space objectives, and the use is approved in advance by TPWD. Section 24.059 specifies that after the grant is approved and on written request of the director, the comptroller shall issue a warrant drawn against the account and payable to the county, municipality, or nonprofit corporation in the amount specified. The recipient shall keep records as required by TPWD. The director and comptroller, or their authorized representative, may examine any relevant records of the recipient. The recipient shall, in a timely manner, provide TPWD with reports pertaining to the property as specified.

Section 24.060 states that the attorney general shall file suit against a county, municipality, or nonprofit corporation that fails to comply with requirements so that the grant, plus interest on that amount of five percent a year accruing from the time of noncompliance or for injunctive relief to require compliance with the subchapter may be recovered. If found guilty, the county, municipality, or nonprofit corporation will not be eligible for participation in the program for three years following the finding of noncompliance. Section 24.061 states that no money credited to the account may be used for publicity or related purposes. Section 24.062 states that the subchapter does not authorize a large county or municipality to acquire, develop, maintain, or operate a park, recreational area, open space area, or natural area.

SECTION 48. Amends Section 74.202, Property Code, to allow the comptroller not to publish information regarding an item of unclaimed property that has a value of less than \$200, rather than \$100.

SECTION 49. Amends Section 31.01, Tax Code, is amended by adding Subsection (d-2) as follows:

(d-2) In addition to any other information required by Section 31.01, the tax bill or separate statement shall separately state:

(1) the amount of tax that would be imposed by applying the school district's maintenance and operations rate for the 2005 tax year to current total value for 2007;

(2) the amount of tax that would be imposed by applying the district's maintenance and operations rate for the 2007 tax year to current total value for 2007; and

(3) the amount, if any, by which the amount calculated under (1) exceeds the amount calculated under (2), which must be labeled "Estimate of school district maintenance and operations property tax savings attributable to H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006, and appropriations of state funds by the 80th Legislature." This subsection applies only to a school district and only in connection with taxes imposed by the district in 2007. This subsection expires January 1, 2008.

SECTION 50. Amends Section 151.801(c) of the Tax Code to remove the language regarding the deposit of proceeds from the collection of the sporting goods tax and replaces the language to say that the proceeds from the sporting goods tax shall be deposited as follows: (1) an amount equal to 94% percent of the proceeds shall be credited to TPWD and deposited as specified in the Parks and Wildlife Code, (2) an amount equal to 6% of the proceeds shall be credited to THC and deposited as specified in Section 442.073 of the Government Code. Language stating that the

comptroller shall not credit in excess of \$32 million in sporting goods tax revenue each year to TPWD is removed.

SECTION 51. Repeals Section 403.028, Government Code.

SECTION 52. Requires TPWD to comply with the State Auditor's Office recommendations set forth in "An Audit Report on Financial Processes at the Parks and Wildlife Department Report No. 07-021" by the dates specified in TPWD's management responses included in Appendix 6 of the report contingent on receiving sufficient appropriated funds for the implementation of the recommendation is received by TPWD.

SECTION 53. Defines "historic site" for this section and sets forth and describes what will be transferred to THC on or after January 1, 2008 along with the historic sites, including obligations and liabilities of TPWD associated with the historic sites, unobligated and unexpended funds appropriated to TPWD for administration of the historic sites, all equipment and property of TPWD used for administration or related to the historic sites; and all files and other records of TPWD regarding the historic sites. Maintains the rights of the holders of bonds and other obligations. States that THC is the successor agency to TPWD for these historic sites and reflects this in statute and other law. A rule adopted by TPWD that is in effect immediately before January 1, 2008 and relates to the historic sites is, on January 1, 2008, a rule of the THC shall remain in effect until amended or repealed by THC. A rule that applies to both a transferred historic site and park that is not transferred is a rule of both commissions and applies to the transferred historic site until amended or repealed by THC. Requires THC to prepare a base operating plan for each historic site before any site or associated artifact or archival materials may be transferred from TPWD to THC. Each plan must include a mission statement outlining the goals for the site, an interpretive plan showing how the mission is to be accomplished, an operating plan including specified items, a maintenance plan, a marketing plan, a business plan, a plan for compliance with specified sections of the Natural Resources Code and the National Historic Preservation Act, and fiscal plans and budgets associated with portions of the subsection. An interim study committee shall review the base operating plan. The members of the committee are a subcommittee of the House Committee on Culture, Recreation, and Tourism, and shall be appointed by the chair of the House Committee by September 1, 2007. The interim committee shall obtain feedback and information from professionals familiar with the work of TPWD, THC, the National Park Service, the Council of Texas Archeologists, professional archivists, park managers, and the tourism industry, and shall report their results to the House Committee by September 1, 2008. States that TPWD shall operate and maintain the historic sites, under applicable law as it existed on January 1, 2007, until they are transferred. TPWD and THC shall keep the House Committee on Culture, Recreation, and Tourism informed of the progress of the transfer of each historic site. The bill further states that an employee of TPWD whose job responsibilities are more than 50% related to a transferred site will be a THC employee on the date of the transfer, and he or she may not be dismissed before the first anniversary of the date of the transfer except for cause.

SECTION 54. TPWD shall accept the gift of a 16-acre tract of land currently owned by Zavala County that is located adjacent to the Nueces River and United State Highway 83 intersection north of La Pryor, Texas. TPWD shall develop the land as a state park or fund the development of a park on that property.

SECTION 55. Any restrictions on the allocation of money in the state parks account under Section 11.035, Parks and Wildlife Code, on the use of money in the Texas parks and wildlife conservation and capital account under Section 11.043, Parks and Wildlife Code, on the use of money in the Texas recreation and parks account under Section 24.002, Parks and Wildlife Code, or on the allocation of the money under Section 24.003, Parks and Wildlife Code, do not apply to a one-time appropriation of the unencumbered balances of those account on August 31, 2007, made by a rider to the General Appropriations Act that is contingent on the enactment of this Act or a similar Act by the 80th Legislature, and provide for the one-time allocation of that money to TPWD and THC to be use for repair, renovation, maintenance, and other one-time costs associated with state historic sites and state parks.

SECTION 56. The name of Peach Point Wildlife Management Area is changed to the Justin Hurst Wildlife Management Area.

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SECTION 57. Specifies the bill's various effective dates.

EFFECTIVE DATE

(a) Except as provided by Subsection (d) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

(b) If this Act does not receive the vote necessary for immediate effect, the changes to or additions or repeal of the following laws made by this Act take effect on the 91st day after the last day of the legislative session:

(1) Section 57.48, Education Code; and

(2) Sections 403.028, 403.055, 403.0551, and 533.012, Government Code.

(c) If this Act does not receive the vote necessary for immediate effect, all provisions of this Act not treated by Subsection (b) of this section, including the changes to or additions of the following laws made by this Act, take effect September 1, 2007:

(1) Sections 404.024, 659.007, 660.024, 660.027, and 660.028, Government Code; and

(2) Section 74.202, Property Code.

(d) The changes to Sections 73.003 and 660.043, Government Code, made by this Act take effect September 1, 2007, without regard to whether this Act receives the vote necessary for immediate effect.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds credits made to the Texas Historical Commission under Section 151.801, Tax Code, to the historic site account in SECTION 14.

The substitute authorizes the legislature to adjust the percentages allocated to the commission and TPWD under Section 151.801(c), Tax Code, in future appropriations to reflect the transfer of a site under this section and the associated savings or costs to each agency in SECTION 15.

The substitute adds SECTIONS and removes a SECTION and renumbers accordingly.

The substitute adds SECTIONS 18, 27, 28, 38-47, 50, 54, and 55. For an explanation of these provisions, see the ANALYSIS section above where they are described in full.

The substitute removes the SECTION relating to the legislative task force on the use of the sales tax on sporting goods.