

By: Hilderbran

H.B. No. 12

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the funding, powers, and duties of the Parks and  
3 Wildlife Department and the Texas Historical Commission related to  
4 parks and historic sites.

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

6 SECTION 1. Subchapter A, Chapter 442, Government Code, is  
7 amended by adding Sections 442.0051 and 442.0052 to read as  
8 follows:

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

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

17 (b) A volunteer may not enforce this code.

18 SECTION 2. Chapter 442, Government Code, is amended by  
19 adding Subchapter C to read as follows:

20 SUBCHAPTER C. CERTAIN HISTORIC SITES

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

23 Sec. 442.072. JURISDICTION. (a) The following historic  
24 sites and parks formerly under the jurisdiction of the Parks and

1 Wildlife Department are under the commission's jurisdiction:

- 2 (1) Acton State Historic Site;
- 3 (2) Caddoan Mounds State Historic Site;
- 4 (3) Casa Navarro State Historic Site;
- 5 (4) Confederate Reunion Grounds State Historic Site;
- 6 (5) Eisenhower Birthplace State Historic Site;
- 7 (6) Fannin Battleground State Historic Site;
- 8 (7) Fanthorp Inn State Historic Site;
- 9 (8) Fort Lancaster State Historic Site;
- 10 (9) Fort Leaton State Historic Site;
- 11 (10) Fulton Mansion State Historic Site;
- 12 (11) Landmark Inn State Historic Site;
- 13 (12) Levi-Jordan State Historic Site;
- 14 (13) Lipantitlan State Historic Site;
- 15 (14) Magoffin Home State Historic Site;
- 16 (15) Monument Hill and Kreische Brewery State Historic
- 17 Sites;
- 18 (16) Port Isabel Lighthouse State Historic Site;
- 19 (17) Sabine Pass Battleground State Park and Historic
- 20 Site;
- 21 (18) Sam Bell Maxey House State Historic Site;
- 22 (19) San Felipe State Historic Site;
- 23 (20) Sebastopol House State Historic Site;
- 24 (21) Starr Family Home State Historic Site; and
- 25 (22) Varner-Hogg Plantation State Historic Site.

26 (b) This subsection applies to a historic site that the  
27 state is required to operate in a particular manner or for a

1 particular purpose, such as a site improved with federal money  
2 subject to federal restrictions on the purposes for which the  
3 improved site may be used or a site donated to the state subject to a  
4 reversion clause providing that the title reverts to the grantor  
5 when the site is not used for the purposes for which it was  
6 acquired. The commission has all powers necessary to operate the  
7 site in the required manner or for the required purpose.

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

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

14 (b) The account consists of:

15 (1) credits made to the commission under Section  
16 151.801, Tax Code;

17 (2) transfers to the account;

18 (3) interest earned on the account;

19 (4) fees and other revenue from operation of a  
20 historic site; and

21 (5) grants and donations accepted for the account.

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

24 (d) Money in the account may be used only to administer a  
25 historic site, including to support the preservation, repair,  
26 renovation, improvement, expansion, equipping, operation, or  
27 maintenance of a site or to acquire a historical item appropriate to

1 the site.

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

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

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

10 SECTION 3. Section 442.019, Government Code, as added by  
11 Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005,  
12 is transferred to Subchapter C, Chapter 442, Government Code, as  
13 added by this Act, renumbered as Section 442.076, Government Code,  
14 and amended to read as follows:

15 Sec. 442.076 [~~442.019~~]. TRANSFER OF HISTORIC [~~HISTORICAL~~]  
16 SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply  
17 to this section.

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

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

26 (d) The legislature may adjust the percentages allocated to  
27 the commission and the Parks and Wildlife Department under Section

1 151.801, Tax Code, in future appropriations to reflect the transfer  
2 of a site under this section and the associated savings or costs to  
3 each agency.

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

9 SECTION 4. Subchapters A and H, Chapter 22, Parks and  
10 Wildlife Code, are transferred to Chapter 442, Government Code,  
11 redesignated as Subchapters D and E of that chapter, and amended to  
12 read as follows:

13 SUBCHAPTER D [~~A~~]. FANNIN [~~STATE~~] BATTLEGROUND STATE

14 HISTORIC SITE

15 Sec. 442.101 [~~22.001~~]. JURISDICTION. Fannin [~~State~~]  
16 Battleground State Historic Site is under the jurisdiction of the  
17 commission [~~department~~].

18 Sec. 442.102 [~~22.006~~]. CONCESSION ACCOUNT. A Fannin State  
19 concession account may be established in the state treasury  
20 according to the rules and procedures established by the commission  
21 [~~department~~].

22 SUBCHAPTER E [~~H~~]. PORT ISABEL LIGHTHOUSE STATE HISTORIC SITE

23 [~~HISTORICAL MONUMENT AND PARK~~]

24 Sec. 442.121 [~~22.101~~]. JURISDICTION. The Port Isabel  
25 Lighthouse is a state historic site [~~historical monument and park~~]  
26 and is under the jurisdiction of the commission [~~department~~].

27 Sec. 442.122 [~~22.102~~]. POWERS OF COMMISSION [~~DEPARTMENT~~].

1 The commission [~~department~~] may rehabilitate, maintain, and  
2 preserve the property of the site [~~park~~], and may collect entrance  
3 fees for admission to the site [~~park~~] or operate it on a concession  
4 basis under the provisions of this code.

5 SECTION 5. Section 11.035(b), Parks and Wildlife Code, is  
6 amended to read as follows:

7 (b) The department shall deposit to the credit of the state  
8 parks account all revenue, less allowable costs, received from the  
9 following sources:

10 (1) grants or operation of concessions in state parks  
11 or fishing piers;

12 (2) publications on state parks, state historic sites,  
13 or state scientific areas;

14 (3) fines or penalties received from violations of  
15 regulations governing parks issued pursuant to Subchapter B,  
16 Chapter 13, of this code;

17 (4) fees and revenue collected under Section 11.027(b)  
18 or (c) of this code that are associated with state park lands;

19 (5) [~~\$1,125,000 per month and 40 percent of the amount~~  
20 ~~above \$27 million per year of~~] credits made to the department under  
21 Section 151.801, Tax Code, in an amount equal to \_\_ percent of the  
22 credits; and

23 (6) any other source provided by law.

24 SECTION 6. Section 11.043(b), Parks and Wildlife Code, is  
25 amended to read as follows:

26 (b) The account consists of:

27 (1) the amount of credits made to the department under

1 Section 151.801, Tax Code, after allocations to:

2 (A) the state parks account;

3 (B) the large county and municipality recreation  
4 and parks account; and

5 (C) the Texas recreation and parks account;

6 (2) [✓] proceeds of revenue bonds issued under Section  
7 13.0045; and

8 (3) money from [~~✓~~] any other source authorized by  
9 law.

10 SECTION 7. Subchapter A, Chapter 13, Parks and Wildlife  
11 Code, is amended by adding Section 13.0075 to read as follows:

12 Sec. 13.0075. ELIGIBILITY CRITERIA FOR INCLUSION OF LAND IN  
13 STATE PARKS SYSTEM. The commission by rule shall adopt criteria for  
14 determining the eligibility of land donated to the department for  
15 inclusion in the state parks system.

16 SECTION 8. Subchapter A, Chapter 13, Parks and Wildlife  
17 Code, is amended by adding Section 13.0145 to read as follows:

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

22 (1) 30 miles per hour on a park road or main drive;

23 (2) 20 miles per hour on a secondary road; or

24 (3) as posted by the department.

25 (b) The department shall:

26 (1) consult with the Texas Department of  
27 Transportation to determine if a speed limit under Subsection (a)

1 is reasonable and safe based on an engineering and traffic control  
2 study; and

3 (2) amend the limit, if necessary.

4 SECTION 9. Chapter 24, Parks and Wildlife Code, is amended  
5 by designating Sections 24.001 through 24.013 as Subchapter A and  
6 adding a heading for Subchapter A to read as follows:

7 SUBCHAPTER A. LOCAL PARKS FOR SMALLER COUNTIES AND MUNICIPALITIES  
8 AND OTHER POLITICAL SUBDIVISIONS

9 SECTION 10. Section 24.001, Parks and Wildlife Code, is  
10 amended to read as follows:

11 Sec. 24.001. DEFINITIONS. In this subchapter [~~chapter~~]:

12 (1) "Political subdivision" means a county,  
13 municipality [~~city~~], special district, river authority, or other  
14 governmental entity created under the authority of the state or a  
15 county or municipality [~~city~~].

16 (2) "Urban area" means the area within a standard  
17 metropolitan statistical area (SMSA) in this state used in the last  
18 preceding federal census.

19 (3) "Park" includes land and water parks owned or  
20 operated by the state or a political subdivision.

21 (4) "Open space area" means a land or water area for  
22 human use and enjoyment that is relatively free of man-made  
23 structures.

24 (5) "Natural area" means a site having valuable or  
25 vulnerable natural resources, ecological processes, or rare,  
26 threatened, or endangered species of vegetation or wildlife.

27 (6) "Parks, recreational, and open space area plan"



1 means a comprehensive plan that includes information on and  
2 analyses of parks, recreational, and open space area objectives,  
3 needs, resources, environment, and uses, and that identifies the  
4 amounts, locations, characteristics, and potentialities of areas  
5 for adequate parks, recreational, and open space opportunities.

6 (7) "Federal rehabilitation and recovery grants"  
7 means matching grants made by the United States to or for political  
8 subdivisions for the purpose of rebuilding, remodeling, expanding,  
9 or developing existing outdoor or indoor parks, recreational, or  
10 open space areas and facilities, including improvements in park  
11 landscapes, buildings, and support facilities.

12 (8) "Account" means the Texas recreation and parks  
13 account.

14 (9) "Rural area" means any area not included in an  
15 urban area.

16 (10) "Cultural resource site or area" means a site or  
17 area determined by the commission to have valuable and vulnerable  
18 cultural or historical resources.

19 (11) "Nonprofit corporation" means a nonpolitical  
20 legal entity incorporated under the laws of this state that has been  
21 granted an exemption from federal income tax under Section 501(c),  
22 Internal Revenue Code of 1986, as amended.

23 (12) "Underserved population" means any group of  
24 people that is low income, inner city, or rural as determined by the  
25 last census, or minority, physically or mentally challenged youth  
26 at risk, youth, or female.

27 SECTION 11. Section 24.002, Parks and Wildlife Code, is

1 amended to read as follows:

2           Sec. 24.002. TEXAS RECREATION AND PARKS ACCOUNT. The Texas  
3 recreation and parks account is a separate account in the general  
4 revenue fund. Money in the account may be used only as provided by  
5 this subchapter for grants to:

6                   (1) a county or municipality with a population of less  
7 than 500,000; or

8                   (2) any other political subdivision that is not a  
9 county or municipality.

10           SECTION 12. Section 24.003, Parks and Wildlife Code, is  
11 amended to read as follows:

12           Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION.  
13 The department shall deposit to the credit of the Texas recreation  
14 and parks account:

15                   (1) an amount of money equal to \_\_\_\_ [~~\$1,125,000 per~~  
16 ~~month and 40~~] percent of the [~~amount above \$27 million per year of~~]  
17 credits made to the department under Section 151.801, Tax Code; and  
18 [~~or~~]

19                   (2) money from any other source authorized by law.

20           SECTION 13. Section 24.005(e), Parks and Wildlife Code, is  
21 amended to read as follows:

22                   (e) The department may provide from the account for direct  
23 administrative costs of the programs described by this subchapter  
24 [~~chapter~~].

25           SECTION 14. Section 24.008(a), Parks and Wildlife Code, is  
26 amended to read as follows:

27                   (a) No property may be acquired with grant money made under

1 this subchapter [~~chapter~~] or by the department under this  
2 subchapter [~~chapter~~] if the purchase price exceeds the fair market  
3 value of the property as determined by one independent appraiser.

4 SECTION 15. Section 24.009, Parks and Wildlife Code, is  
5 amended to read as follows:

6 Sec. 24.009. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the  
7 approval of a grant under this subchapter [~~chapter~~] and on the  
8 written request by the director, the comptroller of public accounts  
9 shall issue a warrant drawn against the Texas recreation and parks  
10 account and payable to the political subdivision or nonprofit  
11 corporation in the amount specified by the director.

12 (b) Each recipient of assistance under this subchapter  
13 [~~chapter~~] shall keep records as required by the department,  
14 including records which fully disclose the amount and the  
15 disposition of the proceeds by the recipient, the total cost of the  
16 acquisition, a copy of the title and deed for the property acquired,  
17 the amount and nature of that portion of the cost of the acquisition  
18 supplied by other funds, and other records that facilitate  
19 effective audit. The director and the comptroller, or their  
20 authorized representatives, may examine any book, document, paper,  
21 and record of the recipient that are pertinent to assistance  
22 received under this subchapter [~~chapter~~].

23 (c) The recipient of funds under this subchapter [~~chapter~~]  
24 shall, on each anniversary date of the grant for five years after  
25 the grant is made, furnish to the department a comprehensive report  
26 detailing the present and anticipated use of the property, any  
27 contiguous additions to the property, and any major changes in the

1 character of the property, including the extent of park development  
2 which may have taken place.

3 SECTION 16. Section 24.011, Parks and Wildlife Code, is  
4 amended to read as follows:

5 Sec. 24.011. NONCOMPLIANCE WITH SUBCHAPTER [~~ACT~~]. The  
6 attorney general shall file suit in a court of competent  
7 jurisdiction against a political subdivision or nonprofit  
8 corporation that fails to comply with the requirements of this  
9 subchapter [~~chapter~~] to recover the full amount of the grant plus  
10 interest on that amount of five percent a year accruing from the  
11 time of noncompliance or for injunctive relief to require  
12 compliance with this subchapter [~~chapter~~]. If the court finds that  
13 the political subdivision or nonprofit corporation has not complied  
14 with the requirements of this subchapter [~~chapter~~], it is not  
15 eligible for further participation in the program for three years  
16 following the finding for noncompliance.

17 SECTION 17. Section 24.013, Parks and Wildlife Code, is  
18 amended to read as follows:

19 Sec. 24.013. AUTHORITY OF POLITICAL SUBDIVISIONS TO HAVE  
20 PARKS. This subchapter [~~chapter~~] does not authorize a political  
21 subdivision to acquire, develop, maintain, or operate a park,  
22 recreational area, open space area, or natural area.

23 SECTION 18. Chapter 24, Parks and Wildlife Code, is amended  
24 by adding Subchapter B to read as follows:

25 SUBCHAPTER B. PARKS FOR LARGE COUNTIES AND MUNICIPALITIES

26 Sec. 24.051. DEFINITIONS. In this subchapter:

27 (1) "Account" means the large county and municipality

1 recreation and parks account.

2 (2) "Cultural resource site or area" means a site or  
3 area determined by the commission to have valuable and vulnerable  
4 cultural or historical resources.

5 (3) "Federal rehabilitation and recovery grants"  
6 means matching grants made by the United States to or for political  
7 subdivisions for the purpose of rebuilding, remodeling, expanding,  
8 or developing existing outdoor or indoor parks, recreational, or  
9 open space areas and facilities, including improvements in park  
10 landscapes, buildings, and support facilities.

11 (4) "Large county or municipality" means a county or  
12 municipality with a population of 500,000 or more.

13 (5) "Natural area" means a site having valuable or  
14 vulnerable natural resources, ecological processes, or rare,  
15 threatened, or endangered species of vegetation or wildlife.

16 (6) "Nonprofit corporation" means a nonpolitical  
17 legal entity incorporated under the laws of this state that has been  
18 granted an exemption from federal income tax under Section 501(c),  
19 Internal Revenue Code of 1986, as amended.

20 (7) "Open space area" means a land or water area for  
21 human use and enjoyment that is relatively free of man-made  
22 structures.

23 (8) "Park" includes land and water parks owned or  
24 operated by the state or a political subdivision.

25 (9) "Parks, recreational, and open space area plan"  
26 means a comprehensive plan that includes information on and  
27 analyses of parks, recreational, and open space area objectives,

1 needs, resources, environment, and uses, and that identifies the  
2 amounts, locations, characteristics, and potentialities of areas  
3 for adequate parks, recreational, and open space opportunities.

4 (10) "Political subdivision" means a county,  
5 municipality, special district, river authority, or other  
6 governmental entity created under the authority of the state or a  
7 county or municipality.

8 (11) "Underserved population" means any group of  
9 people that is low income or inner city, as determined by the last  
10 census, or minority, physically or mentally challenged youth at  
11 risk, youth, or female.

12 Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND  
13 PARKS ACCOUNT. The large county and municipality recreation and  
14 parks account is a separate account in the general revenue fund.  
15 Money in the account may be used only as provided by this  
16 subchapter.

17 Sec. 24.053. ACCOUNT REVENUE SOURCE; DEDICATION. The  
18 department shall deposit to the credit of the large county and  
19 municipality recreation and parks account:

20 (1) an amount of money equal to \_\_\_ percent of the  
21 credits made to the department under Section 151.801, Tax Code; and

22 (2) money from any other source authorized by law.

23 Sec. 24.054. ASSISTANCE GRANTS. (a) The department may  
24 make grants of money from the account to a large county or  
25 municipality for use by the county or municipality as all or part of  
26 the county's or municipality's required share of funds for  
27 eligibility for receiving a federal rehabilitation and recovery

1 grant.

2 (b) In order to receive a grant under this section, the  
3 county or municipality seeking the federal grant shall apply to the  
4 department for the grant and present evidence that the county or  
5 municipality qualifies for the federal grant.

6 (c) A grant under this section is conditioned on the county  
7 or municipality qualifying for and receiving the federal grant.

8 Sec. 24.055. DIRECT STATE MATCHING GRANTS. (a) The  
9 department shall make grants of money from the account to a large  
10 county or municipality to provide one-half of the costs of the  
11 planning, acquisition, or development of a park, recreational area,  
12 or open space area to be owned and operated by the county or  
13 municipality.

14 (b) In establishing the program of grants under this  
15 section, the department shall adopt rules and regulations for grant  
16 assistance.

17 (c) Money granted to a county or municipality under this  
18 section may be used for the operation and maintenance of parks,  
19 recreational areas, cultural resource sites or areas, and open  
20 space areas only:

21 (1) if the park, site, or area is owned or operated and  
22 maintained by the department and is being transferred by the  
23 commission for public use to the county or municipality for  
24 operation and maintenance; and

25 (2) during the period the commission determines to be  
26 necessary to effect the official transfer of the park, site, or  
27 area.

1       (d) The department shall make grants of money from the  
2 account to a large county or municipality or to a nonprofit  
3 corporation for use in a large county or municipality for  
4 recreation, conservation, or education programs for underserved  
5 populations to encourage and implement increased access to and use  
6 of parks, recreational areas, cultural resource sites or areas, and  
7 open space areas by underserved populations.

8       (e) The department may provide from the account for direct  
9 administrative costs of the programs described by this subchapter.

10       Sec. 24.056. FUNDS FOR GRANTS TO LARGE COUNTIES AND  
11 MUNICIPALITIES. When revenue to the large county and municipality  
12 recreation and parks account exceeds \$14 million per year, an  
13 amount not less than 15 percent shall be made available for grants  
14 to large counties and municipalities for up to 50 percent of the  
15 cost of acquisition or development of indoor public recreation  
16 facilities for indoor recreation programs, sports activities,  
17 nature programs, or exhibits.

18       Sec. 24.057. ACCOUNT USE TO BE CONSISTENT WITH PLANS. No  
19 grant may be made under Section 24.055 nor may account money be used  
20 under Section 24.056 unless:

21               (1) there is a present or future need for the  
22 acquisition and development of the property for which the grant is  
23 requested or the use is proposed; and

24               (2) a written statement is obtained from the regional  
25 planning commission having jurisdiction of the area in which the  
26 property is to be acquired and developed that the acquisition and  
27 development is consistent with local needs.



1       Sec. 24.058. ACQUISITION OF PROPERTY. (a) No property may  
2 be acquired with grant money made under this subchapter or by the  
3 department under this subchapter if the purchase price exceeds the  
4 fair market value of the property as determined by one independent  
5 appraiser.

6       (b) Property may be acquired with provision for a life  
7 tenancy if that provision facilitates the orderly and expedient  
8 acquisition of the property.

9       (c) If land or water designated for park, recreational,  
10 cultural resource, or open space use is included in the local and  
11 regional park, recreational, cultural resource, and open space  
12 plans for two or more large counties or municipalities, the two or  
13 more large counties or municipalities may cooperate under state law  
14 to secure assistance from the account to acquire or develop the  
15 property. In those cases, the department may modify the standards  
16 for individual applicants but must be assured that a cooperative  
17 management plan for the land or water can be developed and  
18 effectuated and that one of the counties or municipalities  
19 possesses the necessary qualifications to perform contractual  
20 responsibilities for purposes of the grant.

21       (d) All land or water purchased with assistance from the  
22 account shall be dedicated for park, recreational, cultural  
23 resource, indoor recreation center, and open space purposes in  
24 perpetuity and may not be used for any other purpose, except where  
25 the use is compatible with park, recreational, cultural resource,  
26 and open space objectives, and the use is approved in advance by the  
27 department.

1       Sec. 24.059. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the  
2 approval of a grant under this subchapter and on the written request  
3 by the director, the comptroller shall issue a warrant drawn  
4 against the large county and municipality recreation and parks  
5 account and payable to the county, municipality, or nonprofit  
6 corporation in the amount specified by the director.

7       (b) Each recipient of assistance under this subchapter  
8 shall keep records as required by the department, including records  
9 that fully disclose the amount and the disposition of the proceeds  
10 by the recipient, the total cost of the acquisition, a copy of the  
11 title and deed for the property acquired, the amount and nature of  
12 that portion of the cost of the acquisition supplied by other funds,  
13 and other records that facilitate effective audit. The director  
14 and the comptroller, or their authorized representatives, may  
15 examine any book, document, paper, and record of the recipient that  
16 are pertinent to assistance received under this subchapter.

17       (c) The recipient of funds under this subchapter shall, on  
18 each anniversary date of the grant for five years after the grant is  
19 made, furnish to the department a comprehensive report detailing  
20 the present and anticipated use of the property, any contiguous  
21 additions to the property, and any major changes in the character of  
22 the property, including the extent of park development that may  
23 have taken place.

24       Sec. 24.060. NONCOMPLIANCE WITH SUBCHAPTER. The attorney  
25 general shall file suit in a court of competent jurisdiction  
26 against a county, municipality, or nonprofit corporation that fails  
27 to comply with the requirements of this subchapter to recover the

1 full amount of the grant plus interest on that amount of five  
2 percent a year accruing from the time of noncompliance or for  
3 injunctive relief to require compliance with this subchapter. If  
4 the court finds that the county, municipality, or nonprofit  
5 corporation has not complied with the requirements of this  
6 subchapter, it is not eligible for further participation in the  
7 program for three years following the finding for noncompliance.

8 Sec. 24.061. ACCOUNT NOT TO BE USED FOR PUBLICITY. No money  
9 credited to the account may be used for publicity or related  
10 purposes.

11 Sec. 24.062. AUTHORITY OF LARGE COUNTY OR MUNICIPALITY TO  
12 HAVE PARKS. This subchapter does not authorize a large county or  
13 municipality to acquire, develop, maintain, or operate a park,  
14 recreational area, open space area, or natural area.

15 SECTION 19. Section 151.801(c), Tax Code, is amended to  
16 read as follows:

17 (c) The proceeds from the collection of the taxes imposed by  
18 this chapter on the sale, storage, or use of sporting goods shall be  
19 ~~deposited as follows:~~

20 ~~[(1) For the period beginning September 1, 1993, and~~  
21 ~~ending August 31, 1995, an amount equal to 50 cents per 1,000~~  
22 ~~cigarettes shall be deposited to the credit of the general revenue~~  
23 ~~fund, state parks account, and an amount equal to 50 cents per 1,000~~  
24 ~~cigarettes shall be deposited to the credit of the general revenue~~  
25 ~~fund, Texas recreation and parks account, and the balance shall be~~  
26 ~~retained in the general revenue fund.~~

27 ~~[(2) Beginning September 1, 1995, the taxes collected~~

1 ~~shall be~~ credited in an amount equal to \_\_\_ percent of the proceeds  
2 to the Parks and Wildlife Department and in an amount equal to \_\_\_  
3 percent of the proceeds to the Texas Historical Commission and  
4 deposited as specified in the Parks and Wildlife Code and Section  
5 442.073, Government Code. [~~The comptroller shall not credit in~~  
6 ~~excess of \$32 million in sporting goods tax revenue annually to the~~  
7 ~~Parks and Wildlife Department.~~]

8 SECTION 20. (a) In this section, "historic site" means a  
9 historic site or park listed under Section 442.072, Government  
10 Code, as added by this Act.

11 (b) On September 1, 2007, the following are transferred to  
12 the Texas Historical Commission:

13 (1) all historic sites and all obligations and  
14 liabilities of the Parks and Wildlife Department relating to the  
15 sites;

16 (2) all unobligated and unexpended funds appropriated  
17 to the Parks and Wildlife Department designated for the  
18 administration of those sites;

19 (3) all equipment and property of the Parks and  
20 Wildlife Department used for the administration of or related to  
21 those sites; and

22 (4) all files and other records of the Parks and  
23 Wildlife Department kept by the department regarding those sites.

24 (c) A rule adopted by the Parks and Wildlife Commission that  
25 is in effect immediately before September 1, 2007, and that relates  
26 to a historic site is, on September 1, 2007, a rule of the Texas  
27 Historical Commission and remains in effect until amended or

1 repealed by the Texas Historical Commission. A rule that applies to  
2 both transferred sites and parks that are not transferred is a rule  
3 of both commissions and applies to the transferred sites until  
4 amended or repealed by the Texas Historical Commission.

5 (d) The transfers under this section do not diminish or  
6 impair the rights of a holder of an outstanding bond or other  
7 obligation issued by the Parks and Wildlife Department in relation  
8 to the support of a historic site.

9 (e) On September 1, 2007, a reference in the Parks and  
10 Wildlife Code or other law to a power, duty, obligation, or  
11 liability of the Parks and Wildlife Department or the Parks and  
12 Wildlife Commission that relates to a historic site is a reference  
13 to the Texas Historical Commission. The Texas Historical  
14 Commission is the successor agency to the Parks and Wildlife  
15 Department and the Parks and Wildlife Commission for those sites.

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

20 (g) An employee of the Parks and Wildlife Department whose  
21 job responsibilities are more than \_\_\_ percent related to a  
22 historic site transferred to the Texas Historical Commission under  
23 this Act becomes an employee of the Texas Historical Commission on  
24 the date of the transfer of that site.

25 SECTION 21. Any restrictions on the allocation of money in  
26 the state parks account under Section 11.035, Parks and Wildlife  
27 Code, as amended by this Act, on the use of money in the Texas parks

1 and wildlife conservation and capital account under Section 11.043,  
2 Parks and Wildlife Code, on the use of money in the Texas parks and  
3 recreation account under Chapter 24, Parks and Wildlife Code, or on  
4 the allocation of that money under Section 24.003(b), Parks and  
5 Wildlife Code, as added by this Act, do not apply to a one-time  
6 appropriation of the unencumbered balances of those accounts on  
7 August 31, 2007, made by a rider to the General Appropriations Act  
8 that:

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

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

16 SECTION 22. This Act takes effect September 1, 2007.