

By: Duncan

S.B. No. 1848

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters.

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

SECTION 1. Section 42.2516, Education Code, is amended by amending Subsection (b) and adding Subsection (b-2) to read as follows:

(b) Subject to Subsections (b-2), (g), and (h), but notwithstanding any other provision of this title, a school district is entitled to state revenue necessary to provide the district with the sum of:

(1) the amount of state revenue necessary to maintain state and local revenue per student in weighted average daily attendance in the amount equal to the greater of:

(A) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district available to the district for the 2005-2006 school year;

(B) the amount of state and local revenue per student in weighted average daily attendance for the maintenance and operations of the district to which the district would have been entitled for the 2006-2007 school year under this chapter, as it existed on January 1, 2006, or, if the district would have been subject to Chapter 41, as that chapter existed on January 1, 2006, the amount to which the district would have been entitled under that

1 chapter, based on the funding elements in effect for the 2005-2006
2 school year, if the district imposed a maintenance and operations
3 tax at the rate adopted by the district for the 2005 tax year; or

4 (C) the amount of state and local revenue per
5 student in weighted average daily attendance for the maintenance
6 and operations of the district to which the district would have been
7 entitled for the 2006-2007 school year under this chapter, as it
8 existed on January 1, 2006, or, if the district would have been
9 subject to Chapter 41, as that chapter existed on January 1, 2006,
10 the amount to which the district would have been entitled under that
11 chapter, based on the funding elements in effect for the 2005-2006
12 school year, if the district imposed a maintenance and operations
13 tax at the rate equal to the rate described by Section 26.08(i) or
14 (k)(1), Tax Code, as applicable, for the 2006 tax year;

15 (2) an amount equal to the product of \$2,500 multiplied by
16 the number of classroom teachers, full-time librarians, full-time
17 counselors certified under Subchapter B, Chapter 21, and full-time
18 school nurses employed by the district and entitled to a minimum
19 salary under Section 21.402; and

20 (3) an amount equal to the product of \$275 multiplied by the
21 number of students in average daily attendance in grades nine
22 through 12 in the district.

23 (b-2) The amount determined for a school district under
24 Subsection (b) is increased or reduced as follows:

25 (1) if for any school year the district is entitled to
26 a greater allotment under Section 42.155 or greater additional
27 state aid under Section 42.2515 than the allotment or additional

1 state aid to which the district was entitled under Section 42.155 or
2 42.2515, as applicable, for the school year on which the district's
3 entitlement under Subsection (b) is based, the district's
4 entitlement under Subsection (b) is increased by an amount equal to
5 the difference between the amount to which the district is entitled
6 under Section 42.155 or 42.2515, as applicable, for that school
7 year and the amount to which the district was entitled under the
8 applicable section, as applicable for:

9 (A) the 2005-2006 school year, if the amount
10 determined for the district under Subsection (b) is determined
11 under Subsection (b)(1)(A); or

12 (B) the 2006-2007 school year, if the amount
13 determined for the district under Subsection (b) is determined
14 under Subsection (b)(1)(B) or (C); and

15 (2) if for any school year the district is not entitled
16 to an allotment under Section 42.155 or additional state aid under
17 Section 42.2515 or is entitled to a lesser allotment or less
18 additional state aid under the applicable section than the
19 allotment or additional state aid to which the district was
20 entitled under the applicable section for the school year on which
21 the district's entitlement under Subsection (b) is based, the
22 district's entitlement under Subsection (b) is reduced by an amount
23 equal to the difference between the amount to which the district was
24 entitled under Section 42.155 or 42.2515, as applicable, for the
25 2005-2006 or 2006-2007 school year, as appropriate based on whether
26 the district's entitlement under Subsection (b) is determined under
27 Subsection (b)(1)(A), (B), or (C), and the amount to which the

1 district is entitled under the applicable section for the current
2 school year.

3 SECTION 2. Subsections (a) and (c), Section 42.253,
4 Education Code, are amended to read as follows:

5 (a) For each school year the commissioner shall determine:

6 (1) the amount of money to which a school district is
7 entitled under Subchapters B and C;

8 (2) the amount of money to which a school district is
9 entitled under Sections 42.2516(b)(2) and (3);

10 (3) the amount of money to which a school district is
11 entitled under Subchapter F;

12 (4) [~~(3)~~] the amount of money allocated to the
13 district from the available school fund;

14 (5) [~~(4)~~] the amount of each district's tier one local
15 share under Section 42.252; and

16 (6) [~~(5)~~] the amount of each district's tier two local
17 share under Section 42.302.

18 (c) Each school district is entitled to an amount equal to
19 the difference for that district between the sum of Subsections
20 (a)(1), [~~and~~] (a)(2), and (a)(3) and the sum of Subsections
21 [~~(a)(3)~~], (a)(4), [~~and~~] (a)(5), and (a)(6).

22 SECTION 3. Subsection (b), Section 42.259, Education Code,
23 is amended to read as follows:

24 (b) Payments from the foundation school fund to each
25 category 1 school district shall be made as follows:

26 (1) for amounts to which a district is entitled under
27 Section 42.2516(b)(2) or (3):

1 (A) 15 percent of the yearly entitlement of the
2 district shall be paid in an installment to be made on or before the
3 25th day of September of a fiscal year;

4 (B) [~~(2)~~] 80 percent of the yearly entitlement of
5 the district shall be paid in eight equal installments to be made on
6 or before the 25th day of October, November, December, January,
7 March, May, June, and July; and

8 (C) [~~(3)~~] five percent of the yearly entitlement
9 of the district shall be paid in an installment to be made on or
10 before the 25th day of February; and

11 (2) for all other amounts to which a district is
12 entitled:

13 (A) 14 percent of the yearly entitlement of the
14 district shall be paid in an installment to be made on or before the
15 25th day of September of a fiscal year;

16 (B) 45 percent of the yearly entitlement of the
17 district shall be paid in five equal installments to be made on or
18 before the 25th day of October, November, December, June, and July;

19 (C) 33 percent of the yearly entitlement of the
20 district shall be paid in three equal installments to be made on or
21 before the 25th day of January, March, and May;

22 (D) six percent of the yearly entitlement of the
23 district shall be paid in an installment to be made on or before the
24 25th day of February; and

25 (E) two percent of the yearly entitlement of the
26 district shall be paid in an installment to be made on or before the
27 25th day of April.

1 SECTION 4. Subsections (c), (d), and (f), Section 42.259,
2 Education Code, as effective until August 1, 2009, are amended to
3 read as follows:

4 (c) Payments from the foundation school fund to each
5 category 2 school district shall be made as follows:

6 (1) for amounts to which a district is entitled under
7 Section 42.2516(b)(2) or (3):

8 (A) 22 percent of the yearly entitlement of the
9 district shall be paid in an installment to be made on or before the
10 25th day of September of a fiscal year;

11 (B) [~~(2)~~] 18 percent of the yearly entitlement of
12 the district shall be paid in an installment to be made on or before
13 the 25th day of October;

14 (C) [~~(3)~~] 9.5 percent of the yearly entitlement
15 of the district shall be paid in an installment to be made on or
16 before the 25th day of November;

17 (D) [~~(4)~~] 7.5 percent of the yearly entitlement
18 of the district shall be paid in an installment to be made on or
19 before the 25th day of April;

20 (E) [~~(5)~~] five percent of the yearly entitlement
21 of the district shall be paid in an installment to be made on or
22 before the 25th day of May;

23 (F) [~~(6)~~] 10 percent of the yearly entitlement of
24 the district shall be paid in an installment to be made on or before
25 the 25th day of June;

26 (G) [~~(7)~~] 13 percent of the yearly entitlement of
27 the district shall be paid in an installment to be made on or before

1 the 25th day of July; and

2 (H) [~~8~~] 15 percent of the yearly entitlement of
3 the district shall be paid in an installment to be made after the
4 fifth day of September and not later than the 10th day of September
5 of the calendar year following the calendar year of the payment made
6 under Paragraph (A); and

7 (2) for all other amounts to which a district is
8 entitled:

9 (A) 15 percent of the yearly entitlement of the
10 district shall be paid in an installment to be made on or before the
11 25th day of September of a fiscal year;

12 (B) 13 percent of the yearly entitlement of the
13 district shall be paid in an installment to be made on or before the
14 25th day of October;

15 (C) 14 percent of the yearly entitlement of the
16 district shall be paid in two equal installments to be made on or
17 before the 25th day of November and June;

18 (D) 18 percent of the yearly entitlement of the
19 district shall be paid in three equal installments to be made on or
20 before the 25th day of January, February, and March;

21 (E) 11 percent of the yearly entitlement of the
22 district shall be paid in an installment to be made on or before the
23 25th day of April;

24 (F) 10 percent of the yearly entitlement of the
25 district shall be paid in an installment to be made on or before the
26 25th day of May;

27 (G) nine percent of the yearly entitlement of the

1 district shall be paid in an installment to be made on or before the
2 25th day of July; and

3 (H) 10 percent of the yearly entitlement of the
4 district shall be paid in an installment to be made after the fifth
5 day of September and not later than the 10th day of September of the
6 calendar year following the calendar year of the payment made under
7 Paragraph (A) [~~Subdivision (1)~~].

8 (d) Payments from the foundation school fund to each
9 category 3 school district shall be made as follows:

10 (1) for amounts to which a district is entitled under
11 Section 42.2516(b)(2) or (3):

12 (A) 45 percent of the yearly entitlement of the
13 district shall be paid in an installment to be made on or before the
14 25th day of September of a fiscal year;

15 (B) [~~(2)~~] 35 percent of the yearly entitlement of
16 the district shall be paid in an installment to be made on or before
17 the 25th day of October; and

18 (C) [~~(3)~~] 20 percent of the yearly entitlement of
19 the district shall be paid in an installment to be made after the
20 fifth day of September and not later than the 10th day of September
21 of the calendar year following the calendar year of the payment made
22 under Paragraph (A); and

23 (2) for all other amounts to which a district is
24 entitled:

25 (A) seven percent of the yearly entitlement of
26 the district shall be paid in an installment to be made on or before
27 the 25th day of September of a fiscal year;

1 (B) six percent of the yearly entitlement of the
2 district shall be paid in an installment to be made on or before the
3 25th day of October;

4 (C) 85 percent of the yearly entitlement of the
5 district shall be paid in five equal installments to be made on or
6 before the 25th day of January, February, March, April, and May; and

7 (D) two percent of the yearly entitlement of the
8 district shall be paid in an installment to be made after the fifth
9 day of September and not later than the 10th day of September of the
10 calendar year following the calendar year of the payment made under
11 Paragraph (A) [~~Subdivision (1)~~].

12 (f) Except as provided by Subsection (c)(1)(H) or (2)(H) or
13 (d)(1)(C) or (2)(D) [~~(c)(8) or (d)(3)~~], any previously unpaid
14 additional funds from prior years owed to a district shall be paid
15 to the district together with the September payment of the current
16 year entitlement.

17 SECTION 5. Subsections (c) and (d), Section 42.259,
18 Education Code, as effective August 1, 2009, are amended to read as
19 follows:

20 (c) Payments from the foundation school fund to each
21 category 2 school district shall be made as follows:

22 (1) for amounts to which a district is entitled under
23 Section 42.2516(b)(2) or (3):

24 (A) 22 percent of the yearly entitlement of the
25 district shall be paid in an installment to be made on or before the
26 25th day of September of a fiscal year;

27 (B) [~~(2)~~] 18 percent of the yearly entitlement of

1 the district shall be paid in an installment to be made on or before
2 the 25th day of October;

3 (C) [~~(3)~~] 9.5 percent of the yearly entitlement
4 of the district shall be paid in an installment to be made on or
5 before the 25th day of November;

6 (D) [~~(4)~~] 7.5 percent of the yearly entitlement
7 of the district shall be paid in an installment to be made on or
8 before the 25th day of April;

9 (E) [~~(5)~~] five percent of the yearly entitlement
10 of the district shall be paid in an installment to be made on or
11 before the 25th day of May;

12 (F) [~~(6)~~] 10 percent of the yearly entitlement of
13 the district shall be paid in an installment to be made on or before
14 the 25th day of June;

15 (G) [~~(7)~~] 13 percent of the yearly entitlement of
16 the district shall be paid in an installment to be made on or before
17 the 25th day of July; and

18 (H) [~~(8)~~] 15 percent of the yearly entitlement of
19 the district shall be paid in an installment to be made on or before
20 the 25th day of August; and

21 (2) for all other amounts to which a district is
22 entitled:

23 (A) 15 percent of the yearly entitlement of the
24 district shall be paid in an installment to be made on or before the
25 25th day of September of a fiscal year;

26 (B) 13 percent of the yearly entitlement of the
27 district shall be paid in an installment to be made on or before the

1 25th day of October;

2 (C) 14 percent of the yearly entitlement of the
3 district shall be paid in two equal installments to be made on or
4 before the 25th day of November and June;

5 (D) 18 percent of the yearly entitlement of the
6 district shall be paid in three equal installments to be made on or
7 before the 25th day of January, February, and March;

8 (E) 11 percent of the yearly entitlement of the
9 district shall be paid in an installment to be made on or before the
10 25th day of April;

11 (F) 20 percent of the yearly entitlement of the
12 district shall be paid in two equal installments to be made on or
13 before the 25th day of May and August; and

14 (G) nine percent of the yearly entitlement of the
15 district shall be paid in an installment to be made on or before the
16 25th day of July.

17 (d) Payments from the foundation school fund to each
18 category 3 school district shall be made as follows:

19 (1) for amounts to which a district is entitled under
20 Section 42.2516(b)(2) or (3):

21 (A) 45 percent of the yearly entitlement of the
22 district shall be paid in an installment to be made on or before the
23 25th day of September of a fiscal year;

24 (B) [~~2~~] 35 percent of the yearly entitlement of
25 the district shall be paid in an installment to be made on or before
26 the 25th day of October; and

27 (C) [~~3~~] 20 percent of the yearly entitlement of

1 the district shall be paid in an installment to be made on or before
2 the 25th day of August; and

3 (2) for all other amounts to which a district is
4 entitled:

5 (A) seven percent of the yearly entitlement of
6 the district shall be paid in an installment to be made on or before
7 the 25th day of September of a fiscal year;

8 (B) six percent of the yearly entitlement of the
9 district shall be paid in an installment to be made on or before the
10 25th day of October;

11 (C) 85 percent of the yearly entitlement of the
12 district shall be paid in five equal installments to be made on or
13 before the 25th day of January, February, March, April, and May; and

14 (D) two percent of the yearly entitlement of the
15 district shall be paid in an installment to be made on or before the
16 25th day of August.

17 SECTION 6. Subchapter E, Chapter 42, Education Code, is
18 amended by adding Section 42.2591 to read as follows:

19 Sec. 42.2591. MODIFICATION OF PAYMENT SCHEDULE. (a) For
20 the fiscal year ending August 31, 2008, or August 31, 2009, a school
21 district may apply to the commissioner for a modification of the
22 payment schedule provided by Section 42.259, as amended by S.B. No.
23 1848, Acts of the 80th Legislature, Regular Session, 2007, if
24 application of that payment schedule would cause the district
25 financial hardship as a result of the effect of the schedule on the
26 district's cash flow.

27 (b) A modification granted under this section expires at the

1 end of the fiscal year for which the modification is granted. A
2 school district may seek a modification for each fiscal year.

3 (c) A modification granted under this section may affect
4 only the timing of payments made under the schedule provided by
5 Section 42.259, and may not result in a net change to the total
6 amount of funds a school district receives during the fiscal year
7 for which the modification is granted.

8 (d) The commissioner shall adopt rules necessary to
9 implement this section.

10 (e) A decision of the commissioner under this section is
11 final and may not be appealed.

12 (f) This section expires September 1, 2009.

13 SECTION 7. Subdivision (1), Subsection (k), Section 57.48,
14 Education Code, is amended to read as follows:

15 (1) "Compensation" means base salary or wages,
16 longevity pay, hazardous duty pay, benefit replacement pay, a
17 retirement annuity, or an emolument provided in lieu of base salary
18 or wages.

19 SECTION 8. Subsection (c), Section 73.003, Government Code,
20 is amended to read as follows:

21 (c) If a case is transferred to a court that regularly sits
22 not more than 35 miles from the place the court from which the case
23 was transferred regularly sits, the court, at the discretion of its
24 chief justice and after notice to the parties or their counsel, may
25 hear oral arguments at the place it regularly sits. For purposes of
26 this subsection, the place where a court of appeals regularly sits
27 is that specified in Subchapter C, Chapter 22, and the mileage

1 between the places is that determined [~~by the comptroller~~] under
2 Chapter 660.

3 SECTION 9. Subdivision (1), Subsection (1), Section
4 403.055, Government Code, is amended to read as follows:

5 (1) "Compensation" means base salary or wages,
6 longevity pay, hazardous duty pay, benefit replacement pay, a
7 retirement annuity, or an emolument provided in lieu of base salary
8 or wages.

9 SECTION 10. Subsection (d), Section 403.0551, Government
10 Code, is amended to read as follows:

11 (d) This section does not authorize the comptroller to
12 deduct the amount of a state employee's indebtedness to a state
13 agency from any amount of compensation owed by the agency to the
14 employee, the employee's successor, or the assignee of the employee
15 or successor. In this subsection:

16 (1) [~~7~~] "compensation[~~7~~]" has the meaning assigned by
17 Section 403.055; and

18 (2) "indebtedness," "state agency," "state employee,"
19 and "successor" have the meanings assigned by Section 666.001.

20 SECTION 11. Section 404.024, Government Code, is amended by
21 amending Subsections (b) and (l) and adding Subsections (m) and (n)
22 to read as follows:

23 (b) State funds not deposited in state depositories shall be
24 invested by the comptroller in:

- 25 (1) direct security repurchase agreements;
26 (2) reverse security repurchase agreements;
27 (3) direct obligations of or obligations the principal

1 and interest of which are guaranteed by the United States;

2 (4) direct obligations of or obligations guaranteed by
3 agencies or instrumentalities of the United States government;

4 (5) bankers' acceptances that:

5 (A) are eligible for purchase by the Federal
6 Reserve System;

7 (B) do not exceed 270 days to maturity; and

8 (C) are issued by a bank whose other comparable
9 short-term obligations are rated in [that has received] the highest
10 short-term ~~[credit]~~ rating category, within which there may be
11 subcategories or gradations indicating relative standing,
12 including such subcategories or gradations as "rating category" or
13 "rated," by a nationally recognized statistical rating
14 organization, as defined by Rule 2a-7 (17 C.F.R. Section 270.2a-7),
15 promulgated under the Investment Company Act of 1940 (15 U.S.C.
16 Section 80a-1 et seq.) by the Securities and Exchange Commission
17 ~~[investment rating firm];~~

18 (6) commercial paper that:

19 (A) does not exceed 270 days to maturity; and

20 (B) except as provided by Subsection (i), is
21 issued by an entity whose other comparable short-term obligations
22 are rated in [has received] the highest short-term ~~[credit]~~ rating
23 category by a nationally recognized statistical rating
24 organization ~~[investment rating firm];~~

25 (7) contracts written by the treasury in which the
26 treasury grants the purchaser the right to purchase securities in
27 the treasury's marketable securities portfolio at a specified price

1 over a specified period and for which the treasury is paid a fee and
2 specifically prohibits naked-option or uncovered option trading;

3 (8) direct obligations of or obligations guaranteed by
4 the Inter-American Development Bank, the International Bank for
5 Reconstruction and Development (the World Bank), the African
6 Development Bank, the Asian Development Bank, and the International
7 Finance Corporation that have received the highest long-term
8 ~~[credit]~~ rating categories for debt obligations by a nationally
9 recognized statistical rating organization ~~[investment rating~~
10 ~~firm]~~;

11 (9) bonds issued, assumed, or guaranteed by the State
12 of Israel;

13 (10) obligations of a state or an agency, county,
14 city, or other political subdivision of a state;

15 (11) mutual funds secured by obligations that are
16 described by Subdivisions (1) through (6) or by obligations
17 consistent with Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated
18 by the Securities and Exchange Commission, including pooled funds:

19 (A) established by the Texas Treasury
20 Safekeeping Trust Company;

21 (B) operated like a mutual fund; and

22 (C) with portfolios consisting only of
23 dollar-denominated securities; ~~[and]~~

24 (12) foreign currency for the sole purpose of
25 facilitating investment by state agencies that have the authority
26 to invest in foreign securities;

27 (13) asset-backed securities, as defined by the

1 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
2 270.2a-7), that are rated at least A or its equivalent by a
3 nationally recognized statistical rating organization and that
4 have a weighted-average maturity of five years or less; and

5 (14) corporate debt obligations that are rated at
6 least A or its equivalent by a nationally recognized statistical
7 rating organization and mature in five years or less from the date
8 on which the obligations were "acquired," as defined by the
9 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
10 270.2a-7).

11 (1) The comptroller may lend securities under procedures
12 established by the comptroller. The procedures must be consistent
13 with industry practice and must include a requirement to fully
14 secure the loan with cash, obligations described by Subsections
15 (b)(1)-(6), or a combination of cash and the described obligations.
16 Notwithstanding any law to the contrary, cash may be reinvested in
17 the items permitted under Subsection (b) or mutual funds, as
18 defined by the Securities and Exchange Commission in Rule 2a-7 (17
19 C.F.R. Section 270.2a-7) [~~In this subsection, "obligation" means an~~
20 item described by Subsections (b)(1)-(6)].

21 (m) In entering into a direct security repurchase agreement
22 or a reverse security repurchase agreement, the comptroller may
23 agree to accept cash on an overnight basis in lieu of the
24 securities, obligations, or participation certificates identified
25 in Section 404.001(3). Cash held by the state under this subsection
26 is not a deposit of state or public funds for purposes of any
27 statute, including this subchapter or Subchapter D, that requires a

1 deposit of state or public funds to be collateralized by eligible
2 securities.

3 (n) Notwithstanding any other law to the contrary, any
4 government investment pool created to function as a money market
5 mutual fund and managed by the comptroller or the Texas Treasury
6 Safekeeping Trust Company may invest the funds it receives in
7 investments that are "eligible securities," as defined by the
8 Securities and Exchange Commission in Rule 2a-7 (17 C.F.R. Section
9 270.2a-7), if it maintains a dollar-weighted average portfolio
10 maturity of 90 days or less, with the maturity of each portfolio
11 security calculated in accordance with Rule 2a-7 (17 C.F.R. Section
12 270.2a-7), and meets the diversification requirements of Rule 2a-7.

13 SECTION 12. Subchapter A, Chapter 442, Government Code, is
14 amended by adding Sections 442.0051, 442.0052, and 442.0053 to read
15 as follows:

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

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

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

25 Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL
26 PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by
27 rule shall adopt criteria for determining the eligibility of real

1 property donated to the commission for inclusion in the historic
2 sites system.

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

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

8 SECTION 13. Section 442.015, Government Code, is amended by
9 amending Subsections (a), (b), and (f) and adding Subsections (h)
10 through (l) to read as follows:

11 (a) Notwithstanding Sections 403.094 and 403.095, the Texas
12 preservation trust fund account is a separate account in the
13 general revenue fund. The account consists of transfers made to the
14 account, loan repayments, grants and donations made for the
15 purposes of this program, proceeds of sales, earnings [~~income~~
16 ~~earned~~] on [~~money in~~] the account, and any other money received
17 under this section. Distributions from [~~Money in~~] the account may
18 be used only for the purposes of this section and may not be used to
19 pay operating expenses of the commission. Money allocated to the
20 commission's historic preservation grant program shall be
21 deposited to the credit of the account. Earnings [~~Income earned~~] on
22 [~~money in~~] the account shall be deposited to the credit of the
23 account.

24 (b) The commission may use distributions from [~~money in~~] the
25 Texas preservation trust fund account to provide financial
26 assistance to public or private entities for the acquisition,
27 survey, restoration, or preservation, or for planning and

1 educational activities leading to the preservation, of historic
2 property in the state that is listed in the National Register of
3 Historic Places or designated as a State Archeological Landmark or
4 Recorded Texas Historic Landmark, or that the commission determines
5 is eligible for such listing or designation. The financial
6 assistance may be in the amount and form and according to the terms
7 that the commission by rule determines. The commission shall give
8 priority to property the commission determines to be endangered by
9 demolition, neglect, underuse, looting, vandalism, or other threat
10 to the property. Gifts and grants [~~Money~~] deposited to the credit
11 of the account specifically for any eligible projects may be used
12 only for the type of projects specified. If such a specification is
13 not made, the gift or grant [~~money~~] shall be unencumbered and accrue
14 to the benefit of the Texas preservation trust fund account. If
15 such a specification is made, the entire amount of the gift or grant
16 may be used during any period for the project or type of project
17 specified.

18 (f) The advisory board shall recommend to the commission
19 rules for administering Subsections (a)-(e) [~~this section~~].

20 (h) The comptroller shall manage the assets of the account.
21 In managing the assets of the account, the comptroller may acquire,
22 exchange, sell, supervise, manage, or retain, through procedures
23 and subject to restrictions the comptroller considers appropriate,
24 any kind of investment that a prudent investor, exercising
25 reasonable care, skill, and caution, would acquire or retain in
26 light of the purposes, terms, distribution requirements, and other
27 circumstances of the account then prevailing, taking into

1 consideration the investment of all the assets of the account
2 rather than a single investment.

3 (i) The amount of a distribution shall be determined by the
4 comptroller in a manner intended to provide a stable and
5 predictable stream of annual distributions and to maintain over
6 time the purchasing power of account investments and annual
7 distributions from the account. If the purchasing power of account
8 investments for any 10-year period is not preserved, the
9 comptroller may not increase annual distributions from the account
10 until the purchasing power of account investments is restored.

11 (j) An annual distribution made by the comptroller from the
12 account during a fiscal year may not exceed an amount equal to seven
13 percent of the average net fair market value of the investment
14 assets of the account as determined by the comptroller.

15 (k) The expenses of managing account investments shall be
16 paid from the account.

17 (l) On request, the comptroller shall fully disclose all
18 details concerning the investments of the account.

19 SECTION 14. Chapter 442, Government Code, is amended by
20 adding Subchapter C to read as follows:

21 SUBCHAPTER C. CERTAIN HISTORIC SITES

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

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

27 (1) Acton State Historic Site;

- 1 (2) Caddoan Mounds State Historic Site;
- 2 (3) Casa Navarro State Historic Site;
- 3 (4) Confederate Reunion Grounds State Historic Site;
- 4 (5) Eisenhower Birthplace State Historic Site;
- 5 (6) Fannin Battleground State Historic Site;
- 6 (7) Fort Griffin State Historic Site;
- 7 (8) Fort Lancaster State Historic Site;
- 8 (9) Fort McKavett State Historic Site;
- 9 (10) Fulton Mansion State Historic Site;
- 10 (11) Landmark Inn State Historic Site;
- 11 (12) Levi Jordan Plantation State Historic Site;
- 12 (13) Magoffin Home State Historic Site;
- 13 (14) Sabine Pass Battleground State Historic Site;
- 14 (15) Sam Bell Maxey House State Historic Site;
- 15 (16) San Felipe State Historic Site;
- 16 (17) Starr Family Home State Historic Site; and
- 17 (18) Varner-Hogg Plantation State Historic Site.

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

27 (c) The commission may enter into an agreement with a

1 nonprofit corporation, foundation, association, or other nonprofit
2 entity for the expansion, renovation, management, operation, or
3 financial support of a historic site.

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

6 (b) The account consists of:

7 (1) transfers to the account;

8 (2) interest earned on the account;

9 (3) fees and other revenue from operation of a
10 historic site; and

11 (4) grants and donations accepted under Section
12 442.074.

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

15 (d) Money in the account may be used only to administer,
16 operate, preserve, repair, expand, or otherwise maintain a historic
17 site or to acquire a historical item appropriate to a historic site.

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

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

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

26 SECTION 15. Section 442.019, Government Code, as added by
27 Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005,

1 is transferred to Subchapter C, Chapter 442, Government Code, as
2 added by this Act, renumbered as Section 442.075, Government Code,
3 and amended to read as follows:

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

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

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

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

20 SECTION 16. (a) It is the intent of the legislature that
21 the Health and Human Services Commission use digital or electronic
22 technology, to the greatest extent feasible, to reduce paper
23 transactions, streamline processes, and promote provider
24 participation and client access to services, including the
25 submission of applications, the determination of eligibility, and
26 requests for recertification, redetermination, and appeals.

27 (b) Section 531.0055, Government Code, is amended by adding

1 Subsection (m) to read as follows:

2 (m) The executive commissioner shall establish standards
3 for the use of electronic signatures in accordance with the Uniform
4 Electronic Transactions Act (Chapter 43, Business & Commerce Code),
5 with respect to any transaction, as defined by Section 43.002,
6 Business & Commerce Code, in connection with the administration of
7 health and human services programs.

8 SECTION 17. Subsection (c), Section 533.012, Government
9 Code, is amended to read as follows:

10 (c) The commission's office of investigations and
11 enforcement shall review the information submitted under this
12 section as appropriate in the investigation of fraud in the
13 Medicaid managed care program. [~~The comptroller may review the~~
14 ~~information in connection with the health care fraud study~~
15 ~~conducted by the comptroller.~~]

16 SECTION 18. Subchapter A, Chapter 659, Government Code, is
17 amended by adding Section 659.007 to read as follows:

18 Sec. 659.007. EARNINGS STATEMENTS. (a) In this section,
19 "state agency" has the meaning assigned by Section 403.013.

20 (b) A state agency may provide a written or electronic
21 earnings statement to an officer or employee of the agency.

22 (c) The comptroller may adopt rules and establish
23 procedures concerning the earnings statements provided by state
24 agencies that under Subchapter C, Chapter 2101, are required to use
25 the uniform statewide payroll system.

26 SECTION 19. Subsection (a), Section 660.024, Government
27 Code, is amended to read as follows:

1 (a) The chief administrator of a state agency must give
2 advance written approval for any travel related to official state
3 business for which a reimbursement for travel expenses is claimed
4 or for which an advance for travel expenses to be incurred is
5 sought. The advance written approval may be communicated
6 electronically [~~A copy of the written approval shall be submitted~~
7 ~~with the travel voucher to the comptroller in accordance with~~
8 ~~Section 660.027~~].

9 SECTION 20. Subsections (b), (d), and (e), Section 660.027,
10 Government Code, are amended to read as follows:

11 (b) A voucher submitted under Subsection (a) is valid only
12 if:

13 (1) the state agency submitting the voucher approves
14 it in accordance with Chapter 2103 and, if required by law,
15 certifies the voucher; and

16 (2) the state employee who incurred the travel expense
17 or, if the employee is unavailable, another individual acceptable
18 to the comptroller approves the description, information, and
19 documentation required by Subsection (d) [~~voucher~~] in writing or
20 electronically, except that the employee's approval is not required
21 if another person is required by law to provide the approval.

22 (d) A voucher must be supported by:

23 (1) a description of [~~describe~~] the official state
24 business performed; and

25 (2) [~~be accompanied by~~] the information and
26 documentation that the comptroller considers necessary for the
27 comptroller to determine compliance with this chapter, the travel

1 provisions of the General Appropriations Act, and the rules adopted
2 by the comptroller under this chapter.

3 (e) The comptroller may require a state agency to provide to
4 the comptroller the description, information, and documentation
5 required under [~~by~~] Subsection (d):

6 (1) on the form adopted by the comptroller under
7 Subsection (c);

8 (2) electronically;

9 (3) by submitting receipts or other documents; or

10 (4) [~~(3)~~] by any [~~a~~] combination of Subdivisions (1),
11 [~~and~~] (2), and (3).

12 SECTION 21. Section 660.028, Government Code, is amended by
13 amending Subsections (b), (c), and (d) and adding Subsection (e) to
14 read as follows:

15 (b) If the comptroller audits a state agency's voucher after
16 the comptroller issues a warrant or initiates an electronic funds
17 transfer in response to the voucher, the comptroller may require
18 the agency to maintain in its files the description, information,
19 and documentation [~~receipts~~] relating to the travel expense paid or
20 reimbursed by the voucher until the comptroller audits the voucher.

21 (c) If a state agency pays or reimburses a travel expense
22 without first submitting a voucher to the comptroller, the
23 comptroller may audit the payment or reimbursement for compliance
24 with this chapter and the travel provisions of the General
25 Appropriations Act. The comptroller may report the results of the
26 audit to the governor, the lieutenant governor, the speaker of the
27 house of representatives, the state auditor, and the Legislative

1 Budget Board. The state agency shall cooperate with the
2 comptroller and make available the description, information, and
3 documentation [~~receipts~~] required by the comptroller at the time
4 and in the manner required by the comptroller.

5 (d) The comptroller may require a state agency to maintain
6 in its files the description, information, and documentation
7 [~~receipts~~] regarding a travel expense payment or reimbursement for
8 the period required by the comptroller.

9 (e) The comptroller may require or authorize the
10 description, information, and documentation relating to a travel
11 expense payment or reimbursement to be maintained in paper form or
12 electronically.

13 SECTION 22. Subsections (c) and (d), Section 660.043,
14 Government Code, are amended to read as follows:

15 (c) A state agency [~~The comptroller~~] shall adopt or
16 designate [~~periodically issue and update~~] a mileage guide, for use
17 by agency employees and officers, [~~that includes a chart~~] showing
18 the number of miles for the shortest route between points. A state
19 agency may produce the guide or may use a reliable commercially or
20 publicly available service to produce the guide [~~The guide also may~~
21 ~~include a chart showing the number of miles for longer routes~~
22 ~~between points. Farm-to-market and ranch-to-market roads shall be~~
23 ~~considered when determining the routings between points in this~~
24 ~~state. The guide may be electronic or printed, or both].~~

25 (d) If the number of miles between points is not shown in the
26 guide adopted or designated under Subsection (c), the mileage
27 incurred while traveling between those points is not reimbursable

1 unless:

2 (1) the voucher itemizes the mileage on a
3 point-to-point basis; and

4 (2) the mileage is reasonable.

5 SECTION 23. Subsection (d), Section 551.022, Health and
6 Safety Code, is amended to read as follows:

7 (d) In accordance with board rules and departmental
8 operating procedures, the superintendent may:

9 (1) establish policy to govern the facility that the
10 superintendent considers will best promote the patients' and
11 clients' interest and welfare;

12 (2) appoint subordinate officers, teachers, and other
13 employees and set their salaries, in the absence of other law; and

14 (3) remove an officer, teacher, or employee on an
15 at-will basis [~~for good cause~~].

16 SECTION 24. Section 430.003, Local Government Code, is
17 amended to read as follows:

18 Sec. 430.003. EXEMPTIONS OF CERTAIN [~~STATE~~] PROPERTY FROM
19 INFRASTRUCTURE FEES. No county, municipality, or utility district
20 may collect from a state agency or a public or private institution
21 of higher education any fee charged for the development or
22 maintenance of programs or [~~of~~] facilities for the control of
23 excess water or storm water.

24 SECTION 25. Subsection (a), Section 11.0262, Parks and
25 Wildlife Code, is amended to read as follows:

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

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

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

8 (3) the gratuity is offered by a customer:

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

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

16 (4) ~~[(3)]~~ the department has designated the employee
17 as an employee authorized to accept a gratuity; and

18 (5) ~~[(4)]~~ the employee reports the gratuity in
19 accordance with commission rules.

20 SECTION 26. Chapter 11, Parks and Wildlife Code, is amended
21 by adding Subchapter K to read as follows:

22 SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

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

25 (1) "Maintenance equipment" means personal property
26 owned by the department that is used to administer, operate,
27 preserve, repair, expand, or otherwise maintain real property,

1 including improvements and fixtures, owned or operated by the
2 department.

3 (2) "Outdated equipment" means equipment:

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

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

8 (C) that no longer serves a department purpose.

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

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

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

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

26 (b) The commission by rule shall establish a maintenance
27 provider review system through which the department annually

1 determines whether a maintenance task performed by the department
2 could be performed by a third-party contractor in a manner that:

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

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

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

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

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

27 (2) an itemized list explaining any additional funding

1 requested by the department to accomplish a task described by
2 Subdivision (1); and

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

5 SECTION 27. Subchapter A, Chapter 13, Parks and Wildlife
6 Code, is amended by adding Section 13.0044 to read as follows:

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

11 SECTION 28. Subsection (a), Section 13.0061, Parks and
12 Wildlife Code, is amended to read as follows:

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

22 SECTION 29. Subchapter A, Chapter 13, Parks and Wildlife
23 Code, is amended by adding Section 13.0075 to read as follows:

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

1 system.

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

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

7 SECTION 30. Subchapter A, Chapter 13, Parks and Wildlife
8 Code, is amended by adding Section 13.0145 to read as follows:

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

13 (1) 30 miles per hour on a park road or main drive;

14 (2) 20 miles per hour on a secondary road; or

15 (3) as posted by the department.

16 (b) The department shall:

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

21 (2) amend the limit, if necessary.

22 SECTION 31. Section 13.015, Parks and Wildlife Code, is
23 amended by amending Subsection (b) and adding Subsections (a-1),
24 (b-1), (b-2), and (b-3) to read as follows:

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

1 related expenses.

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

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

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

16 (b-3) The department may recruit and select private service
17 providers to enter into leased concession contracts with the
18 department to provide necessary and appropriate visitor services.

19 SECTION 32. Section 13.016, Parks and Wildlife Code, is
20 amended to read as follows:

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

26 (b) Inmates [~~Convicts~~] working in connection with lands
27 under the control or jurisdiction of the department remain under

1 the control of the Texas Department of Criminal Justice or county or
2 local correctional facility, as appropriate, and are considered as
3 serving their terms in the Texas Department of Criminal Justice or
4 other correctional facility [~~penitentiary~~].

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

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

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

14 SECTION 33. Section 13.019, Parks and Wildlife Code, is
15 amended to read as follows:

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

20 (b) The department shall annually:

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

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

26 SECTION 34. Subchapter A, Chapter 13, Parks and Wildlife
27 Code, is amended by adding Section 13.0191 to read as follows:

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

10 SECTION 35. Section 74.202, Property Code, is amended to
11 read as follows:

12 Sec. 74.202. NOTICE FOR ITEM WITH VALUE OF LESS THAN \$200
13 [~~\$100~~]. In the notice required by Section 74.201, the comptroller
14 is not required to publish information regarding an item having a
15 value that is less than \$200 [~~\$100~~] unless the comptroller
16 determines that publication of that information is in the public
17 interest.

18 SECTION 36. Section 31.01, Tax Code, is amended by adding
19 Subsection (d-2) to read as follows:

20 (d-2) This subsection applies only to a school district and
21 only in connection with taxes imposed by the district in 2007. This
22 subsection expires January 1, 2008. In addition to any other
23 information required by this section, the tax bill or separate
24 statement shall separately state:

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

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

4 (3) the amount, if any, by which the amount calculated
5 under Subdivision (1) exceeds the amount calculated under
6 Subdivision (2), which must be labeled "Estimate of school district
7 maintenance and operations property tax savings attributable to
8 H.B. No. 1, Acts of the 79th Legislature, 3rd Called Session, 2006,
9 and appropriations of state funds by the 80th Legislature."

10 SECTION 37. Section 403.028, Government Code, is repealed.

11 SECTION 38. (a) The legislative task force on the use of
12 the sales tax on sporting goods is composed of eight members, as
13 follows:

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

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

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

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

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

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

3 (d) The task force shall:

4 (1) review the items that are included in the
5 definition of "sporting goods" under Subsection (e), Section
6 151.801, Tax Code, and determine if there is a correlation between
7 each individual item included and activities related to state
8 parks, including the use of those parks; and

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

12 (e) Not later than January 15, 2009, the task force shall
13 prepare and present to the 81st Legislature a report that describes
14 the findings of the task force and includes recommendations
15 regarding the specific items that should be included in the
16 definition of "sporting goods" under Subsection (e), Section
17 151.801, Tax Code.

18 (f) This section expires March 1, 2009.

19 SECTION 39. The Parks and Wildlife Department shall comply
20 with the recommendations contained in the State Auditor's Office
21 "An Audit Report on Financial Processes at the Parks and Wildlife
22 Department Report No. 07-021" in accordance with the dates
23 specified in the department's management response included as
24 Appendix 6 to the report and contingent on receiving an
25 appropriation sufficient to fund the implementation of the
26 recommendations.

27 SECTION 40. (a) In this section, "historic site" means a

1 historic site or park listed under Section 442.072, Government
2 Code, as added by this Act.

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

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

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

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

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

17 (c) A rule adopted by the Parks and Wildlife Commission that
18 is in effect immediately before January 1, 2008, and that relates to
19 a historic site is, on January 1, 2008, a rule of the Texas
20 Historical Commission and remains in effect until amended or
21 repealed by the Texas Historical Commission. A rule that applies to
22 both a transferred site and park that is not transferred is a rule
23 of both commissions and applies to the transferred site until
24 amended or repealed by the Texas Historical Commission.

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

1 support of a historic site.

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

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

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

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

19 (3) an operational plan, including:

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

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

24 (C) off-site support structure;

25 (D) plans for artifact and archival curation;

26 (E) signed memoranda of understanding or
27 memoranda of agreement with appropriate friends groups and

1 volunteer organizations; and

2 (F) emergency plans;

3 (4) a maintenance plan, including maintenance and
4 repair needs;

5 (5) a marketing plan;

6 (6) a business plan, including revenue and visitation
7 goals;

8 (7) a plan for compliance with:

9 (A) Chapter 191, Natural Resources Code (the
10 Antiquities Code of Texas); and

11 (B) the National Historic Preservation Act (16
12 U.S.C. Section 470 et seq.); and

13 (8) fiscal plans and budgets associated with
14 Subdivisions (1) through (7) of this subsection.

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

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

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

9 (j) An employee of the Parks and Wildlife Department whose
10 job responsibilities are more than 50 percent related to a historic
11 site transferred to the Texas Historical Commission under this Act
12 becomes an employee of the Texas Historical Commission on the date
13 of the transfer of that site. An employee whose job is transferred
14 may not be dismissed after the transfer except for cause before the
15 first anniversary of the date of the transfer.

16 SECTION 41. The name of the Peach Point Wildlife Management
17 Area is changed to the Justin Hurst Wildlife Management Area.

18 SECTION 42. (a) Except as provided by Subsection (d) of
19 this section, this Act takes effect immediately if it receives a
20 vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution.

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

26 (1) Section 57.48, Education Code; and

27 (2) Sections 403.028, 403.055, 403.0551, and 533.012,

1 Government Code.

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

7 (1) Sections 404.024, 659.007, 660.024, 660.027, and
8 660.028, Government Code; and

9 (2) Section 74.202, Property Code.

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