

By: Duncan

S.B. No. 1848

Substitute the following for S.B. No. 1848:

By: Chisum

C.S.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  
16 multiplied by the number of classroom teachers, full-time  
17 librarians, full-time counselors certified under Subchapter B,  
18 Chapter 21, and full-time school nurses employed by the district  
19 and entitled to a minimum salary under Section 21.402; and

20 (3) an amount equal to the product of \$275 multiplied  
21 by the 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 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;
- 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 site  
5 account is a separate account in the general revenue fund.

6 (b) The account consists of:

7 (1) credits made to the commission under Section  
8 151.801, Tax Code;

9 (2) transfers to the account;

10 (3) interest earned on the account;

11 (4) fees and other revenue from operation of a  
12 historic site; and

13 (5) grants and donations accepted under Section  
14 442.074.

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

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

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

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

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

1 SECTION 15. Section 442.019, Government Code, as added by  
2 Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005,  
3 is transferred to Subchapter C, Chapter 442, Government Code, as  
4 added by this Act, renumbered as Section 442.075, Government Code,  
5 and amended to read as follows:

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

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

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

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

22 (e) The legislature may adjust the percentages allocated to  
23 the commission and the Parks and Wildlife Department under Section  
24 151.801(c), Tax Code, in future appropriations to reflect the  
25 transfer of a site under this section and the associated savings or  
26 costs to each agency.

27 SECTION 16. (a) It is the intent of the legislature that



1 the Health and Human Services Commission use digital or electronic  
2 technology, to the greatest extent feasible, to reduce paper  
3 transactions, streamline processes, and promote provider  
4 participation and client access to services, including the  
5 submission of applications, the determination of eligibility, and  
6 requests for recertification, redetermination, and appeals.

7 (b) Section 531.0055, Government Code, is amended by adding  
8 Subsection (m) to read as follows:

9 (m) The executive commissioner shall establish standards  
10 for the use of electronic signatures in accordance with the Uniform  
11 Electronic Transactions Act (Chapter 43, Business & Commerce Code),  
12 with respect to any transaction, as defined by Section 43.002,  
13 Business & Commerce Code, in connection with the administration of  
14 health and human services programs.

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

17 (c) The commission's office of investigations and  
18 enforcement shall review the information submitted under this  
19 section as appropriate in the investigation of fraud in the  
20 Medicaid managed care program. ~~[The comptroller may review the~~  
21 ~~information in connection with the health care fraud study~~  
22 ~~conducted by the comptroller.]~~

23 SECTION 18. Section 651.004, Government Code, is amended by  
24 adding Subsection (f) to read as follows:

25 (f) The Parks and Wildlife Department is not required to  
26 comply with management-to-staff ratio requirements of this section  
27 with respect to employees located in field-based operations.

1 SECTION 19. Subchapter A, Chapter 659, Government Code, is  
2 amended by adding Section 659.007 to read as follows:

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

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

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

11 SECTION 20. Subsection (a), Section 660.024, Government  
12 Code, is amended to read as follows:

13 (a) The chief administrator of a state agency must give  
14 advance written approval for any travel related to official state  
15 business for which a reimbursement for travel expenses is claimed  
16 or for which an advance for travel expenses to be incurred is  
17 sought. The advance written approval may be communicated  
18 electronically [~~A copy of the written approval shall be submitted~~  
19 ~~with the travel voucher to the comptroller in accordance with~~  
20 ~~Section 660.027~~].

21 SECTION 21. Subsections (b), (d), and (e), Section 660.027,  
22 Government Code, are amended to read as follows:

23 (b) A voucher submitted under Subsection (a) is valid only  
24 if:

25 (1) the state agency submitting the voucher approves  
26 it in accordance with Chapter 2103 and, if required by law,  
27 certifies the voucher; and

1           (2) the state employee who incurred the travel expense  
2 or, if the employee is unavailable, another individual acceptable  
3 to the comptroller approves the description, information, and  
4 documentation required by Subsection (d) [voucher] in writing or  
5 electronically, except that the employee's approval is not required  
6 if another person is required by law to provide the approval.

7           (d) A voucher must be supported by:

8                 (1) a description of [describe] the official state  
9 business performed; and

10                (2) [be accompanied by] the information and  
11 documentation that the comptroller considers necessary for the  
12 comptroller to determine compliance with this chapter, the travel  
13 provisions of the General Appropriations Act, and the rules adopted  
14 by the comptroller under this chapter.

15           (e) The comptroller may require a state agency to provide to  
16 the comptroller the description, information, and documentation  
17 required under [by] Subsection (d):

18                 (1) on the form adopted by the comptroller under  
19 Subsection (c);

20                 (2) electronically;

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

22                 (4) [~~(3)~~] by any [a] combination of Subdivisions (1),  
23 [and] (2), and (3).

24           SECTION 22. Section 660.028, Government Code, is amended by  
25 amending Subsections (b), (c), and (d) and adding Subsection (e) to  
26 read as follows:

27           (b) If the comptroller audits a state agency's voucher after

1 the comptroller issues a warrant or initiates an electronic funds  
2 transfer in response to the voucher, the comptroller may require  
3 the agency to maintain in its files the description, information,  
4 and documentation [~~receipts~~] relating to the travel expense paid or  
5 reimbursed by the voucher until the comptroller audits the voucher.

6 (c) If a state agency pays or reimburses a travel expense  
7 without first submitting a voucher to the comptroller, the  
8 comptroller may audit the payment or reimbursement for compliance  
9 with this chapter and the travel provisions of the General  
10 Appropriations Act. The comptroller may report the results of the  
11 audit to the governor, the lieutenant governor, the speaker of the  
12 house of representatives, the state auditor, and the Legislative  
13 Budget Board. The state agency shall cooperate with the  
14 comptroller and make available the description, information, and  
15 documentation [~~receipts~~] required by the comptroller at the time  
16 and in the manner required by the comptroller.

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

21 (e) The comptroller may require or authorize the  
22 description, information, and documentation relating to a travel  
23 expense payment or reimbursement to be maintained in paper form or  
24 electronically.

25 SECTION 23. Subsections (c) and (d), Section 660.043,  
26 Government Code, are amended to read as follows:

27 (c) A state agency [~~The comptroller~~] shall adopt or

1 designate [~~periodically issue and update~~] a mileage guide, for use  
2 by agency employees and officers, [~~that includes a chart~~] showing  
3 the number of miles for the shortest route between points. A state  
4 agency may produce the guide or may use a reliable commercially or  
5 publicly available service to produce the guide [~~The guide also may~~  
6 ~~include a chart showing the number of miles for longer routes~~  
7 ~~between points. Farm-to-market and ranch-to-market roads shall be~~  
8 ~~considered when determining the routings between points in this~~  
9 ~~state. The guide may be electronic or printed, or both~~].

10 (d) If the number of miles between points is not shown in the  
11 guide adopted or designated under Subsection (c), the mileage  
12 incurred while traveling between those points is not reimbursable  
13 unless:

14 (1) the voucher itemizes the mileage on a  
15 point-to-point basis; and

16 (2) the mileage is reasonable.

17 SECTION 24. Subsection (d), Section 551.022, Health and  
18 Safety Code, is amended to read as follows:

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

21 (1) establish policy to govern the facility that the  
22 superintendent considers will best promote the patients' and  
23 clients' interest and welfare;

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

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

1 SECTION 25. Section 430.003, Local Government Code, is  
2 amended to read as follows:

3 Sec. 430.003. EXEMPTIONS OF CERTAIN [~~STATE~~] PROPERTY FROM  
4 INFRASTRUCTURE FEES. No county, municipality, or utility district  
5 may collect from a state agency or a public or private institution  
6 of higher education any fee charged for the development or  
7 maintenance of programs or [~~of~~] facilities for the control of  
8 excess water or storm water.

9 SECTION 26. Subsection (a), Section 11.0262, Parks and  
10 Wildlife Code, is amended to read as follows:

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

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

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

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

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

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

1           (4) [~~(3)~~] the department has designated the employee  
2 as an employee authorized to accept a gratuity; and

3           (5) [~~(4)~~] the employee reports the gratuity in  
4 accordance with commission rules.

5           SECTION 27. Subsection (b), Section 11.035, Parks and  
6 Wildlife Code, is 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) an amount of money equal to 74 [~~\$1,125,000 per~~  
20 ~~month and 40~~] percent of the [~~amount above \$27 million per year of~~]  
21 credits made to the department under Section 151.801, Tax Code; and

22           (6) any other source provided by law.

23           SECTION 28. Subsection (b), Section 11.043, Parks and  
24 Wildlife Code, is amended to read as follows:

25           (b) The account consists of:

26           (1) the amount of credits made to the department under  
27 Section 151.801, Tax Code, after allocations to:

- 1           (A) the state parks account;  
2           (B) the large county and municipality recreation  
3 and parks account; and  
4           (C) the Texas recreation and parks account;  
5        (2) [7] proceeds of revenue bonds issued under Section  
6 13.0045; and  
7        (3) money from [7-01] any other source authorized by  
8 law.

9           SECTION 29. Chapter 11, Parks and Wildlife Code, is amended  
10 by adding Subchapter K to read as follows:

11           SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

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

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

19           (2) "Outdated equipment" means equipment:

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

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

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

25           (b) The commission by rule shall establish an equipment  
26 review system through which the department annually determines  
27 whether any of the department's maintenance equipment has become



1 outdated equipment since the last date the department conducted an  
2 equipment review under this section.

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

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

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

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

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

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

24 (c) The maintenance provider review system established  
25 under Subsection (b) must require the department to contract with a  
26 third party for the performance of any maintenance task performed  
27 by the department that could be performed by a third-party

1 contractor in the manner that meets the criteria described by  
2 Subsection (b) after the department's cost of administering the  
3 contract is added to the cost of performance by the third party.

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

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

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

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

21 SECTION 30. Subchapter A, Chapter 13, Parks and Wildlife  
22 Code, is amended by adding Section 13.0044 to read as follows:

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

27 SECTION 31. Subsection (a), Section 13.0061, Parks and

1 Wildlife Code, is amended to read as follows:

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

11 SECTION 32. Subchapter A, Chapter 13, Parks and Wildlife  
12 Code, is amended by adding Section 13.0075 to read as follows:

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

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

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

23 SECTION 33. Subchapter A, Chapter 13, Parks and Wildlife  
24 Code, is amended by adding Section 13.0145 to read as follows:

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

1 as follows:

2 (1) 30 miles per hour on a park road or main drive;

3 (2) 20 miles per hour on a secondary road; or

4 (3) as posted by the department.

5 (b) The department shall:

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

10 (2) amend the limit, if necessary.

11 SECTION 34. Section 13.015, Parks and Wildlife Code, is  
12 amended by adding Subsections (a-1), (b-1), (b-2), and (b-3) and  
13 amending Subsection (b) to read as follows:

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

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

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

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

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

8        SECTION 35. Section 13.016, Parks and Wildlife Code, is  
9 amended to read as follows:

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

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

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

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

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

3       SECTION 36. Section 13.019, Parks and Wildlife Code, is  
4 amended to read as follows:

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

9       (b) The department shall annually:

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

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

15       SECTION 37. Subchapter A, Chapter 13, Parks and Wildlife  
16 Code, is amended by adding Section 13.0191 to read as follows:

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

26       SECTION 38. Chapter 24, Parks and Wildlife Code, is amended  
27 by designating Sections 24.001 through 24.013 as Subchapter A and

1 adding a heading for Subchapter A to read as follows:

2 SUBCHAPTER A. LOCAL PARKS FOR SMALLER COUNTIES AND MUNICIPALITIES  
3 AND OTHER POLITICAL SUBDIVISIONS

4 SECTION 39. Section 24.001, Parks and Wildlife Code, is  
5 amended to read as follows:

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

7 (1) "Political subdivision" means a county,  
8 municipality [~~city~~], special district, river authority, or other  
9 governmental entity created under the authority of the state or a  
10 county or municipality [~~city~~].

11 (2) "Urban area" means the area within a standard  
12 metropolitan statistical area (SMSA) in this state used in the last  
13 preceding federal census.

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

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

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

22 (6) "Parks, recreational, and open space area plan"  
23 means a comprehensive plan that includes information on and  
24 analyses of parks, recreational, and open space area objectives,  
25 needs, resources, environment, and uses, and that identifies the  
26 amounts, locations, characteristics, and potentialities of areas  
27 for adequate parks, recreational, and open space opportunities.

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

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

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

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

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

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

22           SECTION 40. Section 24.002, Parks and Wildlife Code, is  
23 amended to read as follows:

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



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

3           (2) any other political subdivision that is not a  
4 county or municipality.

5           SECTION 41. Section 24.003, Parks and Wildlife Code, is  
6 amended to read as follows:

7           Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION.  
8 The department shall deposit to the credit of the Texas recreation  
9 and parks account:

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

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

15           SECTION 42. Subsection (e), Section 24.005, Parks and  
16 Wildlife Code, is amended to read as follows:

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

20           SECTION 43. Subsection (a), Section 24.008, Parks and  
21 Wildlife Code, is amended to read as follows:

22           (a) No property may be acquired with grant money made under  
23 this subchapter [~~chapter~~] or by the department under this  
24 subchapter [~~chapter~~] if the purchase price exceeds the fair market  
25 value of the property as determined by one independent appraiser.

26           SECTION 44. Section 24.009, Parks and Wildlife Code, is  
27 amended to read as follows:

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

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

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

25           SECTION 45. Section 24.011, Parks and Wildlife Code, is  
26 amended to read as follows:

27           Sec. 24.011. NONCOMPLIANCE WITH SUBCHAPTER [~~ACT~~]. The

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

12 SECTION 46. Section 24.013, Parks and Wildlife Code, is  
13 amended to read as follows:

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

18 SECTION 47. Chapter 24, Parks and Wildlife Code, is amended  
19 by adding Subchapter B to read as follows:

20 SUBCHAPTER B. PARKS FOR LARGE COUNTIES AND MUNICIPALITIES

21 Sec. 24.051. DEFINITIONS. In this subchapter:

22 (1) "Account" means the large county and municipality  
23 recreation and parks account.

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

27 (3) "Federal rehabilitation and recovery grants"

1 means matching grants made by the United States to or for political  
2 subdivisions for the purpose of rebuilding, remodeling, expanding,  
3 or developing existing outdoor or indoor parks, recreational, or  
4 open space areas and facilities, including improvements in park  
5 landscapes, buildings, and support facilities.

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

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

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

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

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

20 (9) "Parks, recreational, and open space area plan"  
21 means a comprehensive plan that includes information on and  
22 analyses of parks, recreational, and open space area objectives,  
23 needs, resources, environment, and uses, and that identifies the  
24 amounts, locations, characteristics, and potentialities of areas  
25 for adequate parks, recreational, and open space opportunities.

26 (10) "Political subdivision" means a county,  
27 municipality, special district, river authority, or other

1 governmental entity created under the authority of the state or a  
2 county or municipality.

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

7 Sec. 24.052. LARGE COUNTY AND MUNICIPALITY RECREATION AND  
8 PARKS ACCOUNT. The large county and municipality recreation and  
9 parks account is a separate account in the general revenue fund.  
10 Money in the account may be used only as provided by this  
11 subchapter.

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

15 (1) an amount of money equal to 10 percent of the  
16 credits made to the department under Section 151.801, Tax Code; and

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

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

24 (b) In order to receive a grant under this section, the  
25 county or municipality seeking the federal grant shall apply to the  
26 department for the grant and present evidence that the county or  
27 municipality qualifies for the federal grant.

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

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

9       (b) In establishing the program of grants under this  
10 section, the department shall adopt rules and regulations for grant  
11 assistance.

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

16           (1) if the park, site, or area is owned or operated and  
17 maintained by the department and is being transferred by the  
18 commission for public use to the county or municipality for  
19 operation and maintenance; and

20           (2) during the period the commission determines to be  
21 necessary to effect the official transfer of the park, site, or  
22 area.

23       (d) The department shall make grants of money from the  
24 account to a large county or municipality or to a nonprofit  
25 corporation for use in a large county or municipality for  
26 recreation, conservation, or education programs for underserved  
27 populations to encourage and implement increased access to and use

1 of parks, recreational areas, cultural resource sites or areas, and  
2 open space areas by underserved populations.

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

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

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

16 (1) there is a present or future need for the  
17 acquisition and development of the property for which the grant is  
18 requested or the use is proposed; and

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

23 Sec. 24.058. ACQUISITION OF PROPERTY. (a) No property may  
24 be acquired with grant money made under this subchapter or by the  
25 department under this subchapter if the purchase price exceeds the  
26 fair market value of the property as determined by one independent  
27 appraiser.

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

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

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

23        Sec. 24.059. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the  
24 approval of a grant under this subchapter and on the written request  
25 by the director, the comptroller shall issue a warrant drawn  
26 against the large county and municipality recreation and parks  
27 account and payable to the county, municipality, or nonprofit



1 corporation in the amount specified by the director.

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

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

19 Sec. 24.060. NONCOMPLIANCE WITH SUBCHAPTER. The attorney  
20 general shall file suit in a court of competent jurisdiction  
21 against a county, municipality, or nonprofit corporation that fails  
22 to comply with the requirements of this subchapter to recover the  
23 full amount of the grant plus interest on that amount of five  
24 percent a year accruing from the time of noncompliance or for  
25 injunctive relief to require compliance with this subchapter. If  
26 the court finds that the county, municipality, or nonprofit  
27 corporation has not complied with the requirements of this

1 subchapter, it is not eligible for further participation in the  
2 program for three years following the finding for noncompliance.

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

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

10 SECTION 48. 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 49. 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 50. Subsection (c), Section 151.801, Tax Code, is  
11 amended to read as follows:

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

15           (1) an amount equal to 94 percent of the proceeds [~~For~~  
16 ~~the period beginning September 1, 1993, and ending August 31, 1995,~~  
17 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~  
18 ~~to the credit of the general revenue fund, state parks account, and~~  
19 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~  
20 ~~to the credit of the general revenue fund, Texas recreation and~~  
21 ~~parks account, and the balance shall be retained in the general~~  
22 ~~revenue fund.~~

23           ~~[(2) Beginning September 1, 1995, the taxes collected]~~  
24 shall be credited to the Parks and Wildlife Department and  
25 deposited as specified in the Parks and Wildlife Code; and

26           (2) an amount equal to six percent of the proceeds  
27 shall be credited to the Texas Historical Commission and deposited

1 as specified in Section 442.073, Government Code. [~~The comptroller~~  
2 ~~shall not credit in excess of \$32 million in sporting goods tax~~  
3 ~~revenue annually to the Parks and Wildlife Department.~~]

4 SECTION 51. Section 403.028, Government Code, is repealed.

5 SECTION 52. The Parks and Wildlife Department shall comply  
6 with the recommendations contained in the State Auditor's Office  
7 "An Audit Report on Financial Processes at the Parks and Wildlife  
8 Department Report No. 07-021" in accordance with the dates  
9 specified in the department's management response included as  
10 Appendix 6 to the report and contingent on receiving an  
11 appropriation sufficient to fund the implementation of the  
12 recommendations.

13 SECTION 53. (a) In this section, "historic site" means a  
14 historic site or park listed under Section 442.072, Government  
15 Code, as added by this Act.

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

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

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

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

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

3           (c) A rule adopted by the Parks and Wildlife Commission that  
4 is in effect immediately before January 1, 2008, and that relates to  
5 a historic site is, on January 1, 2008, a rule of the Texas  
6 Historical Commission and remains in effect until amended or  
7 repealed by the Texas Historical Commission. A rule that applies to  
8 both a transferred site and park that is not transferred is a rule  
9 of both commissions and applies to the transferred site until  
10 amended or repealed by the Texas Historical Commission.

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

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

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

- 1           (1) a mission statement outlining the goals for the  
2 site;
- 3           (2) an interpretive plan showing how the mission is to  
4 be accomplished;
- 5           (3) an operational plan, including:
  - 6               (A) facilities, documents, records, and other  
7 assets to be transferred;
  - 8               (B) parties responsible for daily site  
9 management, including staff that will be transferred;
  - 10              (C) off-site support structure;
  - 11              (D) plans for artifact and archival curation;
  - 12              (E) signed memoranda of understanding or  
13 memoranda of agreement with appropriate friends groups and  
14 volunteer organizations; and
  - 15              (F) emergency plans;
- 16           (4) a maintenance plan, including maintenance and  
17 repair needs;
- 18           (5) a marketing plan;
- 19           (6) a business plan, including revenue and visitation  
20 goals;
- 21           (7) a plan for compliance with:
  - 22               (A) Chapter 191, Natural Resources Code (the  
23 Antiquities Code of Texas); and
  - 24               (B) the National Historic Preservation Act (16  
25 U.S.C. Section 470 et seq.); and
- 26           (8) fiscal plans and budgets associated with  
27 Subdivisions (1) through (7) of this subsection.

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

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

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

22           (j) An employee of the Parks and Wildlife Department whose  
23 job responsibilities are more than 50 percent related to a historic  
24 site transferred to the Texas Historical Commission under this Act  
25 becomes an employee of the Texas Historical Commission on the date  
26 of the transfer of that site. An employee whose job is transferred  
27 may not be dismissed after the transfer except for cause before the

1 first anniversary of the date of the transfer.

2 SECTION 54. (a) The Parks and Wildlife Department shall  
3 accept the gift of a 16-acre tract of land currently owned by Zavala  
4 County that is located adjacent to the Nueces River and United  
5 States Highway 83 intersection north of La Pryor, Texas.

6 (b) The department shall develop the land as a state park or  
7 fund the development of a park on that property.

8 SECTION 55. Any restrictions on the allocation of money in  
9 the state parks account under Section 11.035, Parks and Wildlife  
10 Code, as amended by this Act, on the use of money in the Texas parks  
11 and wildlife conservation and capital account under Section 11.043,  
12 Parks and Wildlife Code, as amended by this Act, on the use of money  
13 in the Texas recreation and parks account under Section 24.002,  
14 Parks and Wildlife Code, as amended by this Act, or on the  
15 allocation of that money under Section 24.003, Parks and Wildlife  
16 Code, as amended by this Act, do not apply to a one-time  
17 appropriation of the unencumbered balances of those accounts on  
18 August 31, 2007, made by a rider to the General Appropriations Act  
19 that:

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

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

27 SECTION 56. The name of the Peach Point Wildlife Management



1 Area is changed to the Justin Hurst Wildlife Management Area.

2 SECTION 57. (a) Except as provided by Subsection (d) of  
3 this section, this Act takes effect immediately if it receives a  
4 vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution.

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

10 (1) Section 57.48, Education Code; and

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

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

18 (1) Sections 404.024, 659.007, 660.024, 660.027, and  
19 660.028, Government Code; and

20 (2) Section 74.202, Property Code.

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