

By: Hilderbran, Homer, et al.

H.B. No. 7

Substitute the following for H.B. No. 7:

By: Kuempel

C.S.H.B. No. 7

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the allocation and use of the sporting goods sales tax
3 revenue to fund state and local parks, the transfer of a historic
4 site from the Parks and Wildlife Department to the Texas Historical
5 Commission, and the general rulemaking authority of the Parks and
6 Wildlife Commission.

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

8 SECTION 1. Subchapter A, Chapter 11, Parks and Wildlife
9 Code, is amended by adding Section 11.0031 to read as follows:

10 Sec. 11.0031. RULES. (a) The commission shall adopt any
11 rules necessary to carry out its powers and duties under this code
12 and other laws of this state.

13 (b) The commission shall adopt procedural rules to be
14 followed in a commission hearing. The executive director may
15 recommend to the commission for its consideration any rules that
16 the executive director considers necessary.

17 (c) Rules shall be adopted in the manner provided by Chapter
18 2001, Government Code. The commission shall follow its own rules as
19 adopted until it changes them in accordance with that chapter.

20 (d) As a part of each rule the commission adopts or proposes
21 for adoption after September 1, 2009, the commission shall include
22 a citation to the statute that grants the specific regulatory
23 authority under which the rule is justified and a citation of the
24 specific regulatory authority that will be exercised. If a

1 specific statutory authority does not exist and the agency is
2 depending on this section for authority to adopt or propose
3 adoption of a rule, citation of this section is sufficient.

4 SECTION 2. Section 442.072(a), Government Code, is amended
5 to read as follows:

6 (a) The following historic sites and parks formerly under
7 the jurisdiction of the Parks and Wildlife Department are under the
8 commission's jurisdiction:

- 9 (1) Acton State Historic Site;
- 10 (2) Caddoan Mounds State Historic Site;
- 11 (3) Casa Navarro State Historic Site;
- 12 (4) Confederate Reunion Grounds State Historic Site;
- 13 (5) Eisenhower Birthplace State Historic Site;
- 14 (6) Fannin Battleground State Historic Site;
- 15 (7) Fort Griffin State Historic Site;
- 16 (8) Fort Lancaster State Historic Site;
- 17 (9) Fort McKavett State Historic Site;
- 18 (10) Fulton Mansion State Historic Site;
- 19 (11) Landmark Inn State Historic Site;
- 20 (12) Levi Jordan State Historic Site;
- 21 (12-a) Lipantitlan State Historic Site;
- 22 (13) Magoffin Home State Historic Site;
- 23 (14) Sabine Pass Battleground State Historic Site;
- 24 (15) Sam Bell Maxey House State Historic Site;
- 25 (16) San Felipe State Historic Site;
- 26 (17) Starr Family Home State Historic Site;
- 27 (18) Varner-Hogg Plantation State Historic Site.

1 SECTION 3. Section 151.801(c), Tax Code, is amended to read
2 as follows:

3 (c) The [~~Subject to Subsection (c-1), the~~] proceeds from the
4 collection of the taxes imposed by this chapter on the sale,
5 storage, or use of sporting goods shall be deposited as follows:

6 (1) an amount equal to 94 percent of the proceeds shall
7 be credited to the Parks and Wildlife Department and deposited as
8 specified in the Parks and Wildlife Code; and

9 (2) an amount equal to six percent of the proceeds
10 shall be credited to the Texas Historical Commission and deposited
11 as specified in Section 442.073, Government Code.

12 SECTION 4. Section 151.801(c-1), Tax Code, is repealed.

13 SECTION 5. (a) In this section, "historic site" means the
14 Lipantitlan State Historic Site listed under Section 442.072,
15 Government Code, as amended by this Act.

16 (b) On January 1, 2010, the following are transferred to the
17 Texas Historical Commission:

18 (1) the Lipantitlan State Historic Site and all
19 obligations and liabilities of the Parks and Wildlife Department
20 relating to the site;

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

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

27 (4) all files and other records of the Parks and

1 Wildlife Department kept by the department regarding that site.

2 (c) A rule adopted by the Parks and Wildlife Commission that
3 is in effect immediately before January 1, 2010, and that relates to
4 the historic site is, on January 1, 2010, a rule of the Texas
5 Historical Commission and remains in effect until amended or
6 repealed by the Texas Historical Commission.

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

11 (e) On January 1, 2010, a reference in the Parks and
12 Wildlife Code or other law to a power, duty, obligation, or
13 liability of the Parks and Wildlife Department or the Parks and
14 Wildlife Commission that relates to the historic site is a
15 reference to the Texas Historical Commission. The Texas Historical
16 Commission is the successor agency to the Parks and Wildlife
17 Department and the Parks and Wildlife Commission for that site.

18 (f) Before January 1, 2010, the Parks and Wildlife
19 Department may agree with the Texas Historical Commission to
20 transfer any property of the Parks and Wildlife Department to the
21 Texas Historical Commission to implement the transfer required by
22 this Act.

23 (g) Until the historic site is transferred to the Texas
24 Historical Commission in accordance with this Act, the Parks and
25 Wildlife Department shall continue to operate and maintain the site
26 under applicable law as it existed on January 1, 2009.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.