

By: Parker, et al.

S.B. No. 1648

A BILL TO BE ENTITLED

AN ACT

relating to the centennial parks conservation fund.

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

SECTION 1. Title 3, Parks and Wildlife Code, is amended by adding Chapter 21A to read as follows:

CHAPTER 21A. CENTENNIAL PARKS CONSERVATION FUND

Sec. 21A.001. DEFINITIONS. In this chapter:

(1) "Fund" means the centennial parks conservation fund established under Section 49-e-1, Article III, Texas Constitution.

(2) "Trust company" means the Texas Treasury Safekeeping Trust Company.

Sec. 21A.002. ADMINISTRATION AND MANAGEMENT OF FUND. (a) The centennial parks conservation fund is a trust fund held outside the treasury by the trust company and administered by the department for the purpose of the creation and improvement of state parks.

(b) The trust company shall hold and invest the fund, taking into account the purposes for which the money in the fund may be used. The overall objective for the investment of the fund is to maintain sufficient liquidity to meet the needs of the fund.

(c) The expenses of managing the fund and its assets shall be paid from the fund. Except as otherwise provided by this chapter and Section 49-e-1, Article III, Texas Constitution, money in the

1 fund may not be used for any other purpose.

2 (d) In managing the assets of the fund, through procedures
3 and subject to restrictions the trust company considers
4 appropriate, the trust company may acquire, exchange, sell,
5 supervise, manage, or retain any kind of investment that a prudent
6 investor, exercising reasonable care, skill, and caution, would
7 acquire or retain in light of the purposes, terms, distribution
8 requirements, liquidity requirements, and other circumstances of
9 the fund then prevailing, taking into consideration the investment
10 of all the fund assets rather than a single investment. The fund
11 may be invested with the state treasury pool and may be pooled with
12 other state assets for purposes of investment.

13 (e) The department shall provide the trust company with a
14 cash flow forecast at least annually, and more frequently as
15 appropriate, to ensure the trust company is able to satisfy the
16 objectives specified by Subsection (b).

17 Sec. 21A.003. REQUEST FOR DISTRIBUTION. The department may
18 request from the trust company a distribution from the fund for the
19 purpose of acquiring real property in this state for the creation
20 and improvement of publicly accessible state parks.

21 Sec. 21A.004. REQUIRED APPROVAL OF ACQUISITION. (a) The
22 department must submit to the Legislative Budget Board a request
23 for approval of a proposed acquisition of real property under this
24 chapter before the property is acquired.

25 (b) A request to the Legislative Budget Board under this
26 section shall be considered approved on the 30th day after the date
27 the request is submitted unless the request is approved or

1 disapproved before that date.

2 Sec. 21A.005. PROHIBITED EXPENDITURES. Money in the fund
3 may not be used:

4 (1) to pay salaries, employee benefits, costs
5 associated with employee benefits, or administration, operating,
6 or program costs of the department; or

7 (2) for the maintenance or operation of state parks.

8 Sec. 21A.006. EXPENDITURES SUBJECT TO AUDIT. All
9 expenditures by the department under this chapter are subject to
10 audit by the state auditor.

11 Sec. 21A.007. STRATEGIC PLAN. The department shall include
12 in each strategic plan submitted under Section [2056.002](#), Government
13 Code, a report on each acquisition funded using money in the fund
14 during the two-year period preceding the date on which the
15 department submits the plan.

16 SECTION 2. This Act takes effect January 1, 2024, but only
17 if the constitutional amendment proposed by the 88th Legislature,
18 Regular Session, 2023, providing for the creation of the centennial
19 parks conservation fund to be used for the creation and improvement
20 of state parks is approved by the voters. If that amendment is not
21 approved by the voters, this Act has no effect.