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No equivalent provision.

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SECTION 1. (a) The legislative task force on the use of the sales tax on sporting goods is composed of eight members, as follows:

- (1) two members of the House Culture, Recreation and Tourism Committee, appointed by the speaker of the house of representatives;
- (2) two members of the House Appropriations Committee, appointed by the speaker of the house of representatives;
- (3) two members of the Senate Committee on Natural Resources, appointed by the lieutenant governor; and
- (4) two members of the Senate Committee on Finance, appointed by the lieutenant governor.

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

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

(d) The task force shall:

- (1) review the items that are included in the definition of "sporting goods" under Section 151.801(e), Tax Code, and determine if there is a correlation between each individual item included and activities related to state parks, including the use of those parks; and
- (2) determine the amount of revenue that must be generated to fund the policy decisions made by the 80th Legislature regarding state parks.

(e) Not later than January 15, 2009, the task force shall

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prepare and present to the 81st Legislature a report that describes the findings of the task force and includes recommendations regarding the specific items that should be included in the definition of "sporting goods" under Section 151.801(e), Tax Code.

(f) Notwithstanding any law to the contrary, no funds allocated pursuant to Tax Code Section 151.801(c), not previously dedicated by a previous legislature, may be dedicated to a specific purpose or account until the task force review is completed and its recommendations are delivered to each member of legislature.

(g) This section expires March 1, 2009.

No equivalent provision.

SECTION __. Subsections (b) and (k), Section 442.002, Government Code, are amended to read as follows:

(b) The commission is composed of 17 members appointed by the governor with the advice and consent of the senate. One member must be a professional archeologist, one must be a professional historian, and one must be a licensed architect who has expertise in historic preservation and architectural history. Fourteen members must be representatives of the general public. A person may ~~[is]~~ not be ~~[eligible for appointment as]~~ a public member of the commission if the person or the person's spouse:

(1) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving money ~~[funds]~~

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other than grant money [~~unds~~] from the commission;
[~~or~~]

(2)uses or receives a substantial amount of tangible goods, services, or money [~~unds~~] from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(3)is employed by or participates in the management of a business entity or other organization regulated by or receiving money other than grant money from the commission.

(k) The Texas Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2019 [~~2007~~].

No equivalent provision.

SECTION __. Section 442.0021, Government Code, is amended to read as follows:

Sec. 442.0021. COMMISSION MEMBERS: TRAINING. (a) A person, who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with [~~Before a member of the commission may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least one course of the training program established~~

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~~under~~] this section.

(b) ~~The [A]~~ training program must ~~established under this section shall~~ provide the person, with information [to the member] regarding:

(1) the ~~[enabling]~~ legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission ~~[(2) the programs operated by the commission];~~

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest ~~[(3) the role and functions of the commission]; and~~

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission ~~[(4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority;]~~

~~[(5) the current budget for the commission;]~~

~~[(6) the results of the most recent formal audit of the commission;]~~

~~[(7) the requirements of the:]~~

~~[(A) open meetings law, Chapter 551;]~~

~~[(B) open records law, Chapter 552; and]~~

~~[(C) administrative procedure law, Chapter 2001;]~~

~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials; and]~~

~~[(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission].~~

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(c)A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

No equivalent provision.

SECTION __. Subsections (a) and (b), Section 442.0022, Government Code, are amended to read as follows:

(a)In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest [An officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation may not be a member of the commission or employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule].

(b)A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of

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the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1)the person is an officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation; or

(2)the, person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation [who is the spouse of officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation may not be a member of the commission and may not be an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule].

No equivalent provision.

SECTION __. Section 442.004, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The executive director may not serve as a voting director on the board of directors of an affiliated nonprofit organization formed under. Section 442.005(p).

No equivalent provision.

SECTION __. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.0055 to read as follows:

Sec. 442.0055. AFFILIATED NONPROFIT

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ORGANIZATION; RULES; GUIDELINES. (a) The commission shall adopt rules governing the relationship between the commission and an affiliated nonprofit organization formed under Section 442.005(p), including rules that, at a minimum:

(1) define the extent to which commission employees with regulatory responsibilities, including the executive director, may participate in activities that raise funds for an affiliated nonprofit organization, which may not include the direct solicitation of funds; and

(2) define the relationship between commission employees and an affiliated nonprofit organization.

(b) The commission shall establish guidelines for identifying and defining the administrative and financial support the commission may provide for an affiliated nonprofit organization formed under Section 442.005(p).

No equivalent provision.

SECTION __. Section 442.006, Government Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) The commission shall:

(1) develop statewide themes for the program related to the commission's preservation goals for the state;

(2) install markers recognizing districts, sites, individuals, events, structures, and objects significant in Texas or American history, architecture, archeology, or culture;

(3) ~~and shall~~ keep a register of those markers; and

(4) establish a limit for the number of markers the commission awards annually.

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(h) The commission by rule shall establish guidelines for an application for, and the commission's review of the application for, a historical marker, monument, or medallion. The guidelines must include criteria for ranking the applications. The commission shall give priority to the markers, monuments, and medallions that relate to the statewide themes developed by the commission.

No equivalent provision.

SECTION __. Subsections (a), (b), and (c), Section 442.009, Government Code, are amended to read as follows:

(a) The commission shall maintain a system to promptly and efficiently act on complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition [~~prepare information of public interest describing the functions of the commission and the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state agencies~~].

(b) The commission [~~by rule~~] shall make information available describing its procedures for complaint investigation and resolution [~~establish methods by which consumers and service recipients are notified of the~~].

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~~name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission].~~

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition ~~[keep information about each complaint filed with the commission. The information shall include:]~~

~~[(1) the date the complaint is received;]~~

~~[(2) the name of the complainant;]~~

~~[(3) the subject matter of the complaint;]~~

~~[(4) a record of all persons contacted in relation to the complaint;]~~

~~[(5) a summary of the results of the review or investigation of the complaint; and]~~

~~[(6) for complaints for which the agency took no action, an explanation of the reason the complaint was closed without action].~~

No equivalent provision.

SECTION __. Subchapter A, Chapter 442, Government Code, is amended by adding Sections 442.022 and 442.023 to read as follows:

Sec. 442.022. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 442.023. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE PROCEDURES. (a) The

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commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office Of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

No equivalent provision.

SECTION __. Subsection (c), Section 442.0022, and Subsection (d), Section 442.009, Government Code, are repealed.

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SECTION __. Not later than February 1, 2008, the Texas Historical Commission shall adopt the rules

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SECTION 1. Subchapter A, Chapter 442, Government Code, is amended by adding Sections 442.0051, 442.0052, and 442.0053 to read as follows:

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

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

(b) A volunteer may not enforce this code.

Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by rule shall adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic sites system.

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

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

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required by Section 442.0055 and Subsection (h), Section 442.006, Government Code, as added by this Act.

SECTION __. (a) The changes in law made by this Act in the prohibitions or qualifications applying to a member of the Texas Historical Commission do not affect the entitlement of a member serving on the Texas Historical Commission immediately before September 1, 2007, to continue to serve and function as a member of the Texas Historical Commission for the remainder of the member's term. Those changes in law apply only to a member appointed on or after September 1, 2007.

(b) The changes in law made by this Act to Section 442.009, Government Code, relating to the investigation of a complaint filed with the Texas Historical Commission apply only to a complaint filed on or after September 1, 2007. A complaint filed with the commission before September 1, 2007, is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

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

SUBCHAPTER C. CERTAIN HISTORIC SITES

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

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

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

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

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

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

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

(b) The account consists of:

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

(2) transfers to the account;

(3) interest earned on the account;

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

(5) grants and donations accepted under Section 442.074.

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

(d) Money in the account may be used only to administer, operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a

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historical item appropriate to a historic site.

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

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

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

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

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

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

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

(d) [(e)] On or after the transfer of jurisdiction over a

No equivalent provision.

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historic [~~historical~~] site, the commission may enter into an agreement with a nonprofit corporation, including the Admiral Nimitz Foundation, for the expansion, renovation, management, operation, or financial support of the site.

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

SECTION 4. Section 651.004, Government Code, is amended by adding Subsection (f) to read as follows:

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

No equivalent provision.

SECTION 5. Section 11.0262(a), Parks and Wildlife Code, is amended to read as follows:

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

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

(2) the employee, as an auxiliary duty in performance of

No equivalent provision.

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a regular duty renders a special customer service to an individual or group;

(3) the gratuity is offered by a customer;

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

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

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

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

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

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

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

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

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

(4) fees and revenue collected under Section 11.027(b) or (c) ~~[of this code]~~ that are associated with state park

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lands;

(5) ~~an amount of money equal to 74 [\$1,125,000 per month and 40] percent of the [amount above \$27 million per year of]~~ credits made to the department under Section 151.801, Tax Code; and

(6) any other source provided by law.

SECTION 7. Section 11.043(b), Parks and Wildlife Code, is amended to read as follows:

(b) The account consists of:

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

(A) the state parks account;

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

(C) the Texas recreation and parks account;

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

(3) money from [;—] any other source authorized by law.

No equivalent provision.

No equivalent provision.

SECTION __. Section 442.015, Government Code, is amended by amending Subsections (a), (b), and (f) and adding Subsections (h), (i), (j), (k), and (l) to read as follows:

(a)Notwithstanding Sections 403.094 and 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account

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consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, earnings [~~income earned~~] on [~~money in~~] the account, and any other money received under this section. Distributions from [~~Money in~~] the account may be used only for the purposes of this section and may not be used to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Earnings [~~Income earned~~] on [~~money in~~] the account shall be deposited to the credit of the account.

(b)The commission may use distributions from [~~money in~~] the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants [~~Money~~] deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If

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such a specification is not made, the gift or grant ~~[money]~~ shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

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

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

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

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

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

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

No equivalent provision.

SECTION __. Chapter 614, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. STANDARDS FOR CERTAIN LAW ENFORCEMENT OFFICERS Sec. 614.151. DEFINITIONS. In this subchapter:

(1) "Law enforcement agency" means the Department of Public Safety, Texas Alcoholic Beverage Commission, Texas Department of Criminal Justice, and Parks and Wildlife Department.

(2) "Law enforcement officer" means a person who:

(A) is a commissioned peace officer;

(B) is employed by a law enforcement agency; and

(C) is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

Sec. 614.152. PHYSICAL FITNESS AND APPEARANCE STANDARDS. (a) Out of appropriated funds, each law enforcement agency shall adopt physical fitness and appearance standards that a law enforcement

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officer must meet to continue employment with the agency as a law enforcement officer. The standards adopted by a law enforcement agency other than the Department of Public Safety must be at least as stringent as the standards adopted by the Department of Public Safety. Except as provided by Subsection (b), a violation of a standard adopted under this subsection is just cause to discharge an officer or transfer an officer to a position that is not compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act.

(b) A law enforcement agency may exempt a law enforcement officer from a standard under Subsection (a) based on the facts and circumstances of the individual case, including whether an officer was injured in the line of duty.

No equivalent provision.

SECTION __. Not later than November 1, 2007, the Department of Public Safety of the State of Texas, the Texas Alcoholic Beverage Commission, the Texas Department of Criminal Justice, and the Parks and Wildlife Department shall each adopt the standards required by Section 614.152, Government Code, as added by this Act.

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SECTION 3. The Historical Commission and the Parks and Wildlife Department shall assist in a joint interim study of the need for and the terms and conditions of any

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transfer of certain state historic sites by the legislative audit committee and the legislative committees of each house with jurisdiction over the Historical Commission and the Parks and Wildlife Department and submission of that report to the Governor, the Lieutenant Governor, the members of the Legislature, and the members of the governing boards and the executive directors of the commission and the department by January 1, 2009. At a minimum, the study shall include a public hearing component that includes one or more hearings at or near affected historical sites. In addition, the Historical Commission shall develop a base operating plan for each historic site proposed for transfer to the commission. The base operating plan for each site shall be completed by the commission on or before September 1, 2008. The base operating plan for each site shall include:

- (1) a mission statement outlining the goals for the site;
- (2) an interpretive plan showing how the mission is to be accomplished;
- (3) an operational plan, including:
 - (A) facilities, documents, records, and other assets to be transferred;
 - (B) parties responsible for daily site management, including staff that will be transferred;
 - (C) off-site support structure;
 - (D) plans for artifact and archival curation;
 - (E) signed memoranda of understanding or memoranda of agreement with appropriate friends groups and volunteer organizations: and
 - (F) emergency plans;

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- (4) a maintenance plan, including maintenance and repair needs;
- (5) a marketing plan;
- (6) a business plan, including revenue and visitation goals;
- (7) a plan for compliance with:
 - (A) Chapter 191, Natural Resources Code (the Antiquities Code of Texas); and
 - (B) the National Historic Preservation Act (16 U.S.C. Section 470 et seq.); and
- (8) fiscal plans and budgets associated with Subdivisions (1) through (7) of this subsection.

SECTION 8. Chapter 11, Parks and Wildlife Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

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

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

(2) "Outdated equipment" means equipment:

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

(B) that is not operational and cannot reasonably be

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made operational; or

(C) that no longer serves a department purpose.

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

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

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

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

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

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

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

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

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

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

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

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

No equivalent provision.

SECTION __. Section 12.010, Parks and Wildlife Code, is amended to read as follows:

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Sec. 12.010. NUISANCE OR NOXIOUS AQUATIC VEGETATION PROGRAM. (a) The department may implement a program to control or eradicate nuisance aquatic vegetation, including hydrilla and giant sylvania, from public water in this state.
(b) To implement the program under this section, the department may use money from unclaimed refunds of the tax on fuel used in motorboats appropriated to the department under Section 162.502(c), Tax Code.
(c) The department may contract with a person not employed by the department or use the services of department personnel for the control or eradication of nuisance or noxious vegetation in the water of this state.

SECTION 9. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0044 to read as follows:

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

SECTION 5. Same as House version.

SECTION 10. Section 13.0061(a), Parks and Wildlife Code, is amended to read as follows:

(a) The department may lease grazing rights on any state park or any area of a state park. The department may harvest and sell, or sell in place, any timber, hay,

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livestock, or other product grown on state park land the department finds to be in excess of natural resource management, educational, or interpretive objectives ~~[programming needs]~~. Timber may be harvested only for forest pest management, salvage, or habitat restoration and under good forestry practices with the advice of the Texas Forest Service.

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

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

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

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

SECTION 12. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.0145 to read as follows:

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SECTION 7. Same as House version.

SECTION 8. Same as House version.

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

- (1) 30 miles per hour on a park road or main drive;
- (2) 20 miles per hour on a secondary road; or
- (3) as posted by the department.

(b) The department shall:

- (1) consult with the Texas Department of Transportation to determine if a speed limit under Subsection (a) is reasonable and safe based on an engineering and traffic control study; and
- (2) amend the limit, if necessary.

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

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

(b) The department may operate or grant contracts to operate concessions in state parks or on causeways, beach drives, or other improvements in connection with state park sites. The department may make regulations governing the granting or operating of concessions. The department may establish and operate staff concessions, including salaries, consumable supplies and materials,

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operating expenses, rental and other equipment, and other capital outlays.

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

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

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

SECTION 14. Section 13.016, Parks and Wildlife Code, is amended to read as follows:

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

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

(c) The department may purchase equipment, meals,

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supplies, and materials for an inmate working at a department site as necessary to facilitate the use of the labor described by this section.

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

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

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

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

(b) The department shall annually:

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

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

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

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SECTION 11. Same as House version.

SECTION 12. Same as House version.

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

SECTION 17. Chapter 24, Parks and Wildlife Code, is amended by designating Sections 24.001 through 24.013 as Subchapter A and adding a heading for Subchapter A to read as follows:

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

No equivalent provision.

SECTION 18. Section 24.001, Parks and Wildlife Code, is amended to read as follows:

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

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

(2) "Urban area" means the area within a standard

No equivalent provision.

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metropolitan statistical area (SMSA) in this state used in the last preceding federal census.

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

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

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

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

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

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

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

(10) "Cultural resource site or area" means a site or area

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determined by the commission to have valuable and vulnerable cultural or historical resources.

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

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

SECTION 19. Section 24.002, Parks and Wildlife Code, is amended to read as follows:

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

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

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

No equivalent provision.

SECTION 20. Section 24.003, Parks and Wildlife Code, is amended to read as follows:

Sec. 24.003. ACCOUNT REVENUE SOURCE; REVENUE DEDICATION. The department shall

No equivalent provision.

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deposit to the credit of the Texas recreation and parks account:

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

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

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

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

No equivalent provision.

SECTION 22. Section 24.008(a), Parks and Wildlife Code, is amended to read as follows:

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

No equivalent provision.

SECTION 23. Section 24.009, Parks and Wildlife Code, is amended to read as follows:

Sec. 24.009. PAYMENTS, RECORDS, AND ACCOUNTING. (a) On the approval of a grant under this subchapter ~~[chapter]~~ and on the written request by

No equivalent provision.

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the director, the comptroller of public accounts shall issue a warrant drawn against the Texas recreation and parks account and payable to the political subdivision or nonprofit corporation in the amount specified by the director.

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

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

SECTION 24. Section 24.011, Parks and Wildlife Code, is amended to read as follows:

No equivalent provision.

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

SECTION 25. Section 24.013, Parks and Wildlife Code, is amended to read as follows:

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

SECTION 26. Chapter 24, Parks and Wildlife Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. PARKS FOR LARGE COUNTIES AND MUNICIPALITIES

Sec. 24.051. DEFINITIONS. In this subchapter:

No equivalent provision.

No equivalent provision.

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

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

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

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

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

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

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

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

(9) "Parks, recreational, and open space area plan" means a comprehensive plan that includes information

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on and analyses of parks, recreational, and open space area objectives, needs, resources, environment, and uses, and that identifies the amounts, locations, characteristics, and potentialities of areas for adequate parks, recreational, and open space opportunities.

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

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

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

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

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

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

Sec. 24.054. ASSISTANCE GRANTS. (a) The department may make grants of money from the account to a large county or municipality for use by the county or

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municipality as all or part of the county's or municipality's required share of funds for eligibility for receiving a federal rehabilitation and recovery grant.

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

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

Sec. 24.055. DIRECT STATE MATCHING GRANTS.

(a) The department shall make grants of money from the account to a large county or municipality to provide one-half of the costs of the planning, acquisition, or development of a park, recreational area, or open space area to be owned and operated by the county or municipality.

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

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

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

(2) during the period the commission determines to be

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necessary to effect the official transfer of the park, site, or area.

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

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

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

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

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

(2) a written statement is obtained from the regional

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planning commission having jurisdiction of the area in which the property is to be acquired and developed that the acquisition and development is consistent with local needs.

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

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

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

(d) All land or water purchased with assistance from the account shall be dedicated for park, recreational, cultural resource, indoor recreation center, and open space

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purposes in perpetuity and may not be used for any other purpose, except where the use is compatible with park, recreational, cultural resource, and open space objectives, and the use is approved in advance by the department.

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

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

(c) The recipient of funds under this subchapter shall, on each anniversary date of the grant for five years after the grant is made, furnish to the department a comprehensive report detailing the present and anticipated use of the property, any contiguous additions to the property, and

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any major changes in the character of the property, including the extent of park development that may have taken place.

Sec. 24.060. NONCOMPLIANCE WITH SUBCHAPTER. The attorney general shall file suit in a court of competent jurisdiction against a county, municipality, or nonprofit corporation that fails to comply with the requirements of this subchapter to recover the full amount of the grant plus interest on that amount of five percent a year accruing from the time of noncompliance or for injunctive relief to require compliance with this subchapter. If the court finds that the county, municipality, or nonprofit corporation has not complied with the requirements of this subchapter, it is not eligible for further participation in the program for three years following the finding for noncompliance.

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

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

SECTION 27. Section 151.801(c), Tax Code, is amended to read as follows:

(c) The proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of

No equivalent provision.

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sporting goods shall be deposited as follows:

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

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

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

No equivalent provision.

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SECTION __. Section 22.023, Parks and Wildlife Code, is amended to read as follows:

Sec. 22.023. DISPOSITION OF INCOME. The department shall use the income derived from leases, royalties, and operation of the park necessary for maintaining, improving, and operating the park. The [~~One half of the balance of the~~] unexpended income at the end of the biennium shall be placed in the state

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~~treasury to the credit of the [may be used by the department on other] state parks account[, and the remaining one half and any other unexpended balance shall be transferred to the general revenue fund at the end of each biennium].~~

No equivalent provision.

SECTION __. Chapter 31, Parks and Wildlife Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PARTY BOATS

Sec. 31.171. DEFINITIONS. In this subchapter:

(1)"Licensed party boat operator" means a person issued a license by the department under this subchapter.

(2)"Party boat" means a vessel:

(A)operated by the owner of the vessel or an employee of the owner;. and

(B)rented or leased by the owner for a group recreational event for more than six passengers.

Sec. 31.172. APPLICABILITY; EXCEPTION. (a) This subchapter applies only to a party boat that operates on the inland waters of this state.

(b) This subchapter does not apply to:

(1)a boat that is less than 30 feet in length;

(2)a sailboat; or

(3)a boat traveling along the waterway of a municipal riverwalk or a canal.

Sec. 31.173. PARTY BOAT OPERATOR AND STAFF.

(a) Except as provided by, Subsection (c), the party boat owner shall provide staff members, including a licensed party boat operator, who:

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(1) operate and staff the party boat, for the duration of a rental or lease for a group recreational event as follows:

(A) for a boat with not more than 25 passengers, one staff member who is an operator;

(B) for a boat with at least 26 but not more than 50 passengers, two staff members, including one operator; and

(C) for a boat with more than 50 passengers, three staff members, including one operator; and

(2) have each successfully completed a boater safety course approved under this chapter.

(b) At least one staff member on the boat must be certified to conduct cardiopulmonary resuscitation.

(c) This section does not apply to a party boat rented or leased for an overnight or longer period for which the owner, or the owner's staff, does not intend to remain in constant possession, command, and control of the party boat.

Sec. 31.174. BOAT REQUIREMENTS. A party boat:

(1) may not carry more than the maximum number of passengers the boat may safely accommodate as determined by the department on inspection;

(2) must have a direct and reliable communication connection to the land-based office of the owner and, law enforcement and emergency services by cellular telephone or very high frequency radio; and

(3) must pass an annual water safety inspection conducted by the department or a person under contract with the department.

Sec. 31.175. PASSENGER SAFETY INFORMATION;

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INSURANCE. (a) The owner of a party boat shall provide each passenger with written and verbal safety information and require each passenger to sign a form acknowledging that the passenger reviewed and understands the information.

(b) The verbal and written safety information must disclose that no lifeguard is present on the party boat if there is not at least one staff member on the boat who is certified as a lifeguard by the American Red Cross, the American Lifeguard Association, or another comparable nationally recognized organization.

(c) The owner of a party boat must obtain at least a minimum amount of liability insurance from an insurer licensed to do business in this state. The commission shall set the amount.

Sec. 31.176. PARTY BOAT OPERATOR LICENSE. (a) The commission by rule shall establish, as necessary to protect the public health and safety, the requirements and procedures for the issuance and renewal of a party boat operator license under this subchapter.

(b) Except as provided by Subsection (c), the rules for obtaining a license as a party boat operator must require at a minimum that the applicant:

- (1) be at least 21 years of age;
- (2) observe for at least four hours a licensed party boat operator operating a party boat on open water;
- (3) operate for at least four hours a party boat on open water while being supervised and observed by a licensed party boat operator; and
- (4) pass a written examination covering onboard safety

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procedures and the applicable provisions of this chapter.
(c) An applicant is not required to comply with Subsections (b)(2) and (3) if the applicant has:
(1)at least 25 hours of experience operating a party boat as shown by appropriate documentation; and
(2)no record of boating violations.
Sec. 31.177. FEES.(a) The commission by rule shall establish and collect a reasonable fee for:
(1)the issuance of a party boat operator license under this subchapter; and
(2)the annual water safety inspection of a party boat required by this subchapter.
(b) A fee collected by the department under this subchapter and any interest that accrues on the fee shall be deposited to the credit of the game, fish, and water safety account established under Section 11.032.
Sec. 31.178. DRUG AND ALCOHOL TESTING. If a party boat is involved in an accident causing serious personal injury or death, each staff member on board is subject to mandatory drug and alcohol testing.
Sec. 31.179. ENFORCEMENT. (a) In addition to a game warden, any peace officer of a municipality or other political subdivision of this state who is certified as a marine safety enforcement officer under Section 31.121 may enforce this subchapter:
(1)in the area of a navigable body of water that is in the jurisdiction of the municipality or other political subdivision; or
(2)in any part of a lake that is partly or wholly inside the boundaries of:

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(A)the municipality or its extraterritorial jurisdiction; or
(B)the political subdivision.
(b) A party boat is subject to enforcement inspections
conducted under Section 31.124.
Sec. 31.180. RULES. The commission shall adopt and
enforce rules necessary to implement this subchapter.

No equivalent provision.

SECTION __. Not later than January 1, 2008, the Parks and Wildlife Commission shall adopt rules to implement Subchapter G, Chapter 31, Parks and Wildlife Code, as added by this Act.

No equivalent provision.

SECTION __. Subchapter G, Chapter 31, Parks and Wildlife Code, as added by this Act, applies only to the rental or lease of a party boat on the public water of this state for a group recreational event held on or after June 1, 2008.

SECTION 28. The Parks and Wildlife Department shall comply with the recommendations contained in the State Auditor's Office "An Audit Report on Financial Processes at the Parks and Wildlife Department Report No. 07-021" in accordance with the dates specified in the department's management response included as Appendix 6 to the report and contingent on receiving an appropriation sufficient to fund the implementation of the recommendations.

SECTION 13. Same as House version.

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SECTION 29. (a) In this section, "historic site" means a historic site or park listed under Section 442.072, Government Code, as added by this Act.

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

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

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

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

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

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

(d) A transfer under this Act does not diminish or impair the rights of a holder of an outstanding bond or other

No equivalent provision.

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obligation issued by the Parks and Wildlife Department in relation to the support of a historic site.

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

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

- (1) a mission statement outlining the goals for the site;
- (2) an interpretive plan showing how the mission is to be accomplished;
- (3) an operational plan, including:
 - (A) facilities, documents, records, and other assets to be transferred;
 - (B) parties responsible for daily site management, including staff that will be transferred;
 - (C) off-site support structure;
 - (D) plans for artifact and archival curation;
 - (E) signed memoranda of understanding or memoranda of agreement with appropriate friends groups and volunteer organizations; and

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- (F) emergency plans;
- (4) a maintenance plan, including maintenance and repair needs;
- (5) a marketing plan;
- (6) a business plan, including revenue and visitation goals;
- (7) a plan for compliance with:
 - (A) Chapter 191, Natural Resources Code (the Antiquities Code of Texas); and
 - (B) the National Historic Preservation Act (16 U.S.C. Section 470 et seq.); and
- (8) fiscal plans and budgets associated with Subdivisions (1) through (7) of this subsection.
- (g) An interim study committee shall review the base operating plan described by Subsection (f) of this section. The members of the interim committee shall be a subcommittee of the House Committee on Culture, Recreation, and Tourism appointed not later than September 1, 2007, by the chair of that house committee. The interim committee shall obtain feedback and information from professionals familiar with the work of the Parks and Wildlife Department, the Texas Historical Commission, the National Park Service, the Council of Texas Archeologists, professional archivists, park managers, and the tourism industry. The interim study committee shall report to the House Committee on Culture, Recreation, and Tourism on the results of the study conducted under this subsection not later than September 1, 2008.
- (h) Until a historic site is transferred to the Texas

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Historical Commission in accordance with this Act, the Parks and Wildlife Department shall continue to operate and maintain the site under applicable law as it existed on January 1, 2007.

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

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

SECTION 30. (a) The Parks and Wildlife Department shall accept the gift of a 16-acre tract of land currently owned by Zavala County that is located adjacent to the Nueces River and United States Highway 83 intersection north of La Pryor, Texas.

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

No equivalent provision.

SECTION 31. Any restrictions on the allocation of

No equivalent provision.

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money in the state parks account under Section 11.035, Parks and Wildlife Code, as amended by this Act, on the use of money in the Texas parks and wildlife conservation and capital account under Section 11.043, Parks and Wildlife Code, as amended by this Act, on the use of money in the Texas recreation and parks account under Section 24.002, Parks and Wildlife Code, as amended by this Act, or on the allocation of that money under Section 24.003, Parks and Wildlife Code, as amended by this Act, do not apply to a one-time appropriation of the unencumbered balances of those accounts on August 31, 2007, made by a rider to the General Appropriations Act that:

- (1) is contingent on the enactment of this Act or a similar Act by the 80th Legislature; and
- (2) provides for the one-time allocation of that money to the Parks and Wildlife Department and the Texas Historical Commission to be used for the repair, renovation, maintenance, and other one-time costs associated with state historic sites and state parks.

SECTION 32. The name of the Peach Point Wildlife Management Area is changed to the Justin Hurst Wildlife Management Area.

SECTION 33. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III,

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SECTION 14. Same as House version.

SECTION 15. Same as House version.

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Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

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