

BILL ANALYSIS

Senate Research Center

H.B. 12
By: Hilderbran et al. (Estes)
Finance
5/17/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation relates to the funding, powers, duties, and responsibilities of the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC).

H.B. 12 allows THC to set fees and use services of volunteers, establishes eligibility criteria for inclusion of real property, transfers the jurisdiction of 18 historic sites and parks formerly under the jurisdiction of TPWD, establishes a historic site account in general revenue, and allows grants and donations to be accepted. This bill allows the legislature to adjust the percentages allocated under Section 151.801 (Disposition of Proceeds), Tax Code, allows Parks and Wildlife employees to accept gratuities in certain situations, allows deposits of money equal to 74 percent of the credits made under Section 151.801, Tax Code, to the state park account and 15 percent of the credits to the Texas recreation and parks account, addresses facility and lodging fees, designates the funds in the Texas recreation and parks account, and provides that 94 percent of the proceeds of the sporting goods tax goes to TPWD and six percent to THC. This bill also deletes management-to-staff ratio requirements, adds the large county and municipality recreation and parks account, creates a management and efficiency review system, creates a preference for certain park programs, creates eligibility criteria for inclusion of real property in the state parks system, establishes park speed limits, allows for park promotion and revenue enhancement, allows for inmate labor, allows for evaluation and modification of facility reservation systems, addresses facility and lodging fees, and provides that TPWD complies with Audit Report No. 07-021.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 1 (Section 442.0051 and 442.0053, Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 8 (Section 11.251 and 11.252, Parks and Wildlife Code), SECTION 11 (Section 13.0075, Parks and Wildlife Code), and SECTION 25 (Section 24.055, Parks and Wildlife Code) of this bill.

Rulemaking authority previously granted to the Texas Parks and Wildlife Commission is transferred to the Texas Historical Commission in SECTION 29 of this bill.

SECTION BY SECTION ANALYSIS

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

Sec. 442.0051. FEES. Authorizes Texas Historical Commission (THC) by rule to establish reasonable fees for THC purposes under this chapter (Texas Historical Commission), including an admission fee appropriate to a historic site under its jurisdiction.

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

(b) Prohibits a volunteer from enforcing this code.

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

(b) Authorizes THC to accept a donation of real property that satisfies the criteria adopted under Subsection (a).

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

SECTION 2. Amends Chapter 442, Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. CERTAIN HISTORIC SITES

Sec. 442.071. DEFINITION. Defines "historic site."

Sec. 442.072. JURISDICTION. (a) Sets forth certain historic sites and parks under THC's jurisdiction that were formerly under the jurisdiction of the Texas Parks and Wildlife Department (TPWD).

(b) Provides that this subsection applies to a historic site that the state is required to operate in a particular manner or for a 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. Provides that THC has all powers necessary to operate the site in the required manner or for the required purpose.

(c) Authorizes THC to 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) Provides that the historic site account is a separate account in the general revenue fund.

(b) Sets forth certain credits, transfers, interest, fees, grants, and donations of which the historic site account consists.

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

(d) Authorizes money in the account to be used only to administer, operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a historical item appropriate to a historic site.

(e) Provides that any money in the account not used in a fiscal year remains in the historic site account. Exempts the account from the application of Section 403.095 (Use of Dedicated Revenue).

Sec. 442.074. GRANTS; DONATIONS. (a) Authorizes THC to seek and accept grants and donations for a historic site from any appropriate source.

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

SECTION 3. Amends and transfers Section 442.019, Government Code, as added by Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005, to Subchapter C, Chapter 442,

Government Code, as added by this Act, and renumbered as Section 442.075, Government Code, as follows:

Sec. 442.075. New heading: TRANSFER OF HISTORIC SITES FROM PARKS AND WILDLIFE. Redesignated from Section 442.019. (a) Provides that Section 442.071 does not apply to this section.

(b) Creates this section from existing text. Makes a nonsubstantive change.

(c) Redesignated from existing Subsection (b). Makes nonsubstantive changes.

(d) Redesignated from existing Subsection (c). Makes a nonsubstantive change.

(e) Authorizes the legislature to adjust the percentages allocated to THC and TPWD 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. Amends Section 651.004, Government Code, by adding Subsection (f), to provide that TPWD is not required to comply with management-to-staff ratio requirements of this section with respect to employees located in field-based operations.

SECTION 5. Amends Section 11.0262(a), Parks and Wildlife Code, as follows:

(a) Authorizes an employee of the state parks division of TPWD to accept a gratuity if the employee, as an auxiliary duty in performance of a regular duty renders a special customer service to an individual or group and if the gratuity is offered by a customer of the restaurant, cafeteria, food service establishment, or hospitality unit of the state parks division, in appreciation of being served food or beverages by the employee or in appreciation of receiving some other customer service from the employee.

SECTION 6. Amends Section 11.035(b), Parks and Wildlife Code, to require TPWD to deposit to the credit of the state parks account all revenue, less allowable costs, received from an amount of money equal to 74 percent of the credits made to TPWD under Section 151.801 (Disposition of Proceeds), Tax Code, rather than \$1,125,000 per month and 40 percent of the amount above \$27 million per year of credits made to TPWD under Section 151.801, Tax Code.

SECTION 7. Amends Section 11.043(b), Parks and Wildlife Code, to provide that the account consists of, among other things, the amount of credits made to TPWD under Section 151.801, Tax Code, after allocations to the large county and municipality recreation and parks account. Makes nonsubstantive changes.

SECTION 8. Amends Chapter 11, Parks and Wildlife Code, by adding Subchapter K, as follows:

SUBCHAPTER K. MANAGEMENT AND EFFICIENCY REVIEWS

Sec. 11.251. MAINTENANCE EQUIPMENT REVIEW SYSTEM. (a) Defines "maintenance equipment" and "outdated equipment."

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

(c) Requires the equipment review system established under Subsection (b) to require TPWD to sell any outdated equipment in the manner and at the time specified by the Texas Parks and Wildlife Commission (TPWC) by rule.

(d) Requires TPWD to 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) Defines "maintenance."

(b) Requires TPWC by rule to establish a maintenance provider review system through which TPWD annually determines whether a maintenance task performed by TPWD could be performed by a third-party contractor in a certain manner.

(c) Requires the maintenance provider review system established under Subsection (b) to require TPWD to contract with a third party for the performance of any maintenance task performed by TPWD that could be performed by a third-party contractor in the manner that meets the criteria described by Subsection (b) after TPWD'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. Requires TPWD, not later than January 15 of each odd-numbered year, to 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 TPWD under this code a management plan to address TPWD's maintenance responsibilities under this subchapter and a priorities list that includes certain information.

SECTION 9. Amends Subchapter A, Chapter 13, Parks and Wildlife Code, by adding Section 13.0044, as follows:

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

SECTION 10. Amends Section 13.0061(a), Parks and Wildlife Code, to authorize TPWD to harvest and sell, or sell in place, any timber, hay, livestock, or other product grown on state park land that TPWD finds to be in excess of natural resource management, educational, or interpretive objectives, rather than programming needs.

SECTION 11. Amends Subchapter A, Chapter 13, Parks and Wildlife Code, by adding Section 13.0075, as follows:

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

(b) Authorizes TPWD to accept a donation of real property that satisfies the criteria adopted under Subsection (a).

(c) Authorizes TPWD to 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. Amends Subchapter A, Chapter 13, Parks and Wildlife Code, by adding Section 13.0145, as follows:

Sec. 13.0145. SPEED LIMITS. (a) Requires TPWD to set and enforce speed limits on a road in a state park, wildlife management area, or other site under the control of TPWD in a certain manner.

(b) Requires TPWD to 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 amend the limit, if necessary.

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

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

(b) Authorizes TPWD to establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays.

(b-1) Authorizes TPWD to purchase products, including food items, for resale or rental at a profit.

(b-2) Requires TPWD to 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) Authorizes TPWD to recruit and select private service providers to enter into leased concession contracts with TPWD to provide necessary and appropriate visitor services.

SECTION 14. Amends Section 13.016, Parks and Wildlife Code, as follows:

Sec. 13.016. New heading: INMATE LABOR. (a) Authorizes TPWD to use the labor of an inmate confined in a state, county, or local correctional facility, rather than using the labor of trusty state convicts, on or in connection with state parks, wildlife management areas, or other property under the control or jurisdiction of TPWD.

(b) Provides that inmates, rather than convicts, working in connection with lands under the control or jurisdiction of TPWD remain under the control of the Texas Department of Criminal Justice (TDCJ) or county or local correctional facility, as appropriate, and are considered as serving their terms in TDCJ or other correctional facility, rather than in the penitentiary.

(c) Authorizes TPWD to purchase equipment, meals, supplies, and materials for an inmate working at a TWPD site as necessary to facilitate the use of the labor described by this section.

(d) Prohibits TPWD from using the labor of an inmate convicted of an offense listed in Article 62.001(5) (reportable conviction or adjudication), Code of Criminal Procedure.

(e) Prohibits TPWD from using the labor of an inmate convicted of any violent offense.

SECTION 15. Amends Section 13.019, Parks and Wildlife Code, as follows:

Sec. 13.019. New heading: FACILITY RESERVATION SYSTEM AND FEE. (a) Creates this sub section from existing text.

(b) Requires TPWD to make certain evaluations and modifications to the system annually.

SECTION 16. Amends Subchapter A, Chapter 13, Parks and Wildlife Code, by adding Section 13.0191, as follows:

Sec. 13.0191. FACILITY AND LODGING FEES. Authorizes a fee charged by TPWD under this subchapter (General Powers and Duties) for the use of a facility or lodging at a state park to vary on a seasonal basis and to 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 TPWD. Provides that 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. Amends and designates Sections 24.001 through 24.013 as Subchapter A, Chapter 24, Parks and Wildlife Code, to read as follows:

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

SECTION 18. Amends Section 24.001, Parks and Wildlife Code, as follows:

Sec. 24.001. DEFINITIONS. Provides that the words defined in this section apply to the subchapter, rather than the chapter. Redefines "political subdivision."

SECTION 19. Amends Section 24.002, Parks and Wildlife Code, to authorize money in the account to be used only as provided by this subchapter for certain grants.

SECTION 20. Amends Section 24.003, Parks and Wildlife Code, as follows:

Sec. 24.003. New heading: ACCOUNT REVENUE SOURCE; REVENUE DEDICATION. Requires TPWD to deposit to the credit of the Texas recreation and parks account an amount of money equal to 15 percent of the credits made, rather than \$1,125,000 per month and 40 percent of the amount above \$27 million per year of credits made, to TPWD under Section 151.801, Tax Code.

SECTION 21. Amends Section 24.005(e), Parks and Wildlife Code, to make a conforming change.

SECTION 22. Amends Section 24.008(a), Parks and Wildlife Code, to make conforming changes.

SECTION 23. Amends Section 24.009, Parks and Wildlife Code, to make conforming changes.

SECTION 24. Amends Section 24.011, Parks and Wildlife Code, as follows:

Sec. 24.011. New heading: NONCOMPLIANCE WITH SUBCHAPTER. Makes conforming changes.

SECTION 25. Amends Section 24.013, Parks and Wildlife Code, to make a conforming change.

SECTION 26. Amends Chapter 24, Parks and Wildlife Code, by adding Subchapter B, as follows:

SUBCHAPTER B. PARKS FOR LARGE COUNTIES AND MUNICIPALITIES

Sec. 24.051. DEFINITIONS. Defines "account," "cultural resource site or area," "federal rehabilitation and recovery grants," "large county or municipality," "natural area," "nonprofit corporation," "open space area," "park," "parks, recreational, and open space area plan," "political subdivision," and "underserved population."

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

Sec. 24.053. ACCOUNT REVENUE SOURCE; DEDICATION. Requires TPWD to deposit to the credit of the large county and municipality recreation and parks account certain amounts of money.

Sec. 24.054. ASSISTANCE GRANTS. (a) Authorizes TPWD to make grants of money from the account to a large county or municipality for use by the county or 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) Requires the county or municipality seeking a federal grant to apply to TPWD for the grant and present evidence that the county or municipality qualifies for the federal grant.

(c) Provides that 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) Requires TPWD to 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) Requires TPWD to adopt rules and regulations for grant assistance in establishing the program of grants under this section.

(c) Authorizes money granted to a county or municipality under this section to be used for the operation and maintenance of parks, recreational areas, cultural resource sites or areas, and open space areas only under certain circumstances.

(d) Requires TPWD to 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) Authorizes TPWD to 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. Requires an amount not less than 15 percent to be made available 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, when revenue to the large county and municipality recreation and parks account exceeds \$14 million per year.

Sec. 24.057. ACCOUNT USE TO BE CONSISTENT WITH PLANS. Provides that no grant may be made under Section 24.055 nor may account money be used under Section 24.056 unless certain conditions are met.

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

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

(c) Provides that 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. Authorizes TPWD, in those cases, to modify the standards for individual applicants but requires TPWD to 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) Requires all land or water purchased with assistance from the account to be dedicated for park, recreational, cultural resource, indoor recreation center, and open space purposes in perpetuity and prohibits them from being 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 TPWD.

Sec. 24.059. PAYMENTS, RECORDS, AND ACCOUNTING. (a) Requires the comptroller of public accounts (comptroller), on the approval of a grant under this subchapter and on the written request by the executive director of TPWD (director), to 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) Requires each recipient of assistance under this subchapter to keep certain records that facilitate effective audit as required by TPWD. Authorizes the director and the comptroller, or their authorized representatives, to examine a book, document, paper, and record of the recipient that are pertinent to assistance received under this subchapter.

(c) Requires the recipient of funds under this subchapter, on each anniversary date of the grant for five years after the grant is made, to furnish to TPWD a comprehensive report detailing the present and anticipated used 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 that may have taken place.

Sec. 24.060. NONCOMPLIANCE WITH SUBCHAPTER. Requires the attorney general to 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. Provides that 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. Provides that 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. Provides that 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. Amends Section 151.801(c), Tax Code, as follows:

(c) Requires the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods to be deposited in an amount equal to 94 percent of the proceeds to be credited to TPWD and deposited as specified in the Parks and Wildlife Code and an amount equal to six percent of the proceeds to be credited to THC and deposited as specified in Section 442.073, Government Code. Deletes existing text requiring the proceeds to be deposited in certain amounts within certain timeframes. Deletes existing text prohibiting the comptroller from crediting in excess of \$32 million in sporting goods tax revenue annually to TPWD.

SECTION 28. Requires TPWD to 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 TPWD'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 29. (a) Defines "historic site."

(b) Provides that, on or after January 1, 2008, as provided by this section, each historic site and certain obligations, liabilities, funds, equipment, property, files, and records are transferred to THC.

(c) Provides that a rule adopted by TPWC that is in effect immediately before January 1, 2008, and that relates to a historic site is, on January 1, 2008, a rule of THC and remains in effect until amended or repealed by THC. Provides that 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 THC.

(d) Provides that a transfer under this Act does not diminish or impair the rights of a holder of an outstanding bond or other obligation issued by TPWD in relation to the support of a historic site.

(e) Provides that, on January 1, 2008, a reference in the Parks and Wildlife Code or other law to a power, duty, obligation, or liability of TPWD or TPWC that relates to a historic site is a reference to THC. Provides that THC is the successor agency to TPWD and TWPC for the site.

(f) Requires THC to prepare a base operating plan for each historic site before the transfer of any site or associated artifact or archival materials from TPWD to THC. Requires the base operating plan for each site to be completed on or before January 1, 2008. Requires the base operating plan for each site to include a mission statement and certain plans.

(g) Requires an interim study committee to review the base operating plan described by Subsection (f) of this section. Requires the members of the interim study committee to 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. Requires the interim committee to obtain feedback and information from professionals familiar with the work of TPWD, THC, the National Park Service, the Council of Texas Archeologists, professional archivists, park managers, and the tourism industry. Requires the interim study committee to 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) Requires TPWD to continue to operate and maintain the site under applicable law as it existed on January 1, 2007, until a historic site is transferred to THC in accordance with this Act.

(i) Requires TPWD and THC to keep the House Committee on Culture, Recreation, and Tourism informed of the progress of the transfer of each historic site under this Act.

(j) Provides that an employee of TPWD whose job responsibilities are more than 50 percent related to a historic site transferred to THC under this Act becomes an employee of THC on the date of the transfer of that site. Prohibits an employee whose job is transferred from being dismissed after the transfer except for cause before the first anniversary of the date of the transfer.

SECTION 30. (a) Requires TPWD to 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) Requires TPWD to develop the land as a state park or fund the development of a park on that property.

SECTION 31. Provides that any restrictions on the allocation of 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 is contingent on the enactment of this Act or a similar Act by the 80th Legislature and provides for the one-time allocation of that money to TPWD and THC to be used for the repair, renovation, maintenance, and other one-time costs associated with state historic sites and state parks.

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

SECTION 33. Effective date: upon passage or September 1, 2007.