PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Parks and Wildlife Code
Title 3
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TITLE 3. PARKS AND OTHER PUBLIC AREAS

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# TITLE 3. PARKS AND OTHER PUBLIC AREAS

## SUBTITLE A. GENERAL PROVISIONS

### CHAPTER 3001. GENERAL PROVISIONS

Revised Law

Sec. 3001.0101. CLASSIFICATION SYSTEM FOR STATE PARKS AND WILDLIFE MANAGEMENT AREAS. (a) The commission shall establish a classification system for state parks and wildlife management areas.

(b) The classification system must categorize a state park, a portion of a state park, or a wildlife management area as:

(1) a wildlife management area;

(2) a recreational area;

(3) a natural area; or

(4) a historic site.

(c) The commission may not categorize a historic site as a historical park. (Parks & Wild. Code, Sec. 13.001(b).)

Source Law

(b) The commission shall establish a classification system for state parks and wildlife management areas that categorizes wildlife management areas, parks, or a portion of parks as wildlife management areas, recreational areas, natural areas, or historical sites. The commission may not classify a historical site as a historical park.

Revisor's Note

Section 13.001(b), Parks and Wildlife Code, refers to "historical sites" and "historical site." The revised law substitutes "historic site" for the quoted language to provide consistency in terminology in the revised code and because, in context, the terms are synonymous and "historic site" is more commonly used.

CHAPTER 3002. ACQUISITION AND DEVELOPMENT OF PARK SITES AND OTHER PUBLIC AREAS

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3002.0101. COMMISSION RULES GOVERNING ACQUISITION AND DEVELOPMENT OF CERTAIN PUBLIC AREAS. The commission shall adopt rules governing the acquisition and development of recreational areas, natural areas, or historic sites. (Parks & Wild. Code, Sec. 13.001(c).)

Source Law

(c) The commission shall adopt rules governing the acquisition and development of recreational areas, natural areas, or historical sites.

Revisor's Note

Section 13.001(c), Parks and Wildlife Code, refers to "historical sites." The revised law substitutes "historic sites" for the quoted language

for the reasons stated in the revisor's note to Section 3001.0101.

Revised Law

Sec. 3002.0102. CONTRACTS FOR ACQUIRING AND IMPROVING STATE PARK SITES. The department may contract with any person to accomplish the functions prescribed by Sections 2052.0504(1) and (2). (Parks & Wild. Code, Sec. 21.104.)

Source Law

> Sec. 21.104. CONTRACTS AUTHORIZED. The department may contract with any state or federal agency or with any other person to accomplish the functions prescribed by Sections 21.102(1) and (2).

Revisor's Note

Section 21.104, Parks and Wildlife Code, provides that the Parks and Wildlife Department may contract with any "state or federal agency or with any other person." The revised law substitutes "person" for the quoted language because under Section 311.005(2), Government Code (Code Construction Act), "person" is defined to include any government or governmental subdivision or agency.

SUBCHAPTER B. ACQUISITION

Revised Law

Sec. 3002.0201. AUTHORITY TO ACQUIRE PARK SITES. (a) Except as provided by Subsection (b), the department may acquire a park site, including property devoted to public use, by purchase, the exercise of the power of eminent domain, or other manner.

(b) Except as provided by Chapter 3059, the department may not acquire real property of this state or a political subdivision of this state unless the state or political subdivision consents to the acquisition.

(c) The department shall exercise the power of eminent domain in the manner prescribed by general law, including Sections 3006.0103 and 3006.0104. (Parks & Wild. Code, Sec. 21.103.)

Source Law

Sec. 21.103. ACQUIRING PARK SITES. (a) Except as provided in Subsection (b) of this section, the department may acquire park sites, including property already devoted to public use, by purchase, condemnation, or other manner.

(b) Except as provided in Subchapter O of Chapter 22 of this code, no real property of the state or a political subdivision of the state may be acquired without its consent.

(c) The department shall exercise the power of eminent domain in the manner prescribed by general law, including the provisions of Section 13.305 of this code.

Revisor's Note

(1) Section 21.103(a), Parks and Wildlife Code, provides that the Parks and Wildlife Department may acquire certain property by "condemnation." The revised law substitutes "the exercise of the power of eminent domain" for the quoted language because the phrases have the same meaning and the latter phrase is consistent with modern usage in laws relating to eminent domain.

(2) Section 21.103(b), Parks and Wildlife Code, prohibits the Parks and Wildlife Department from acquiring real property of the state or a political subdivision of the state without the consent of the state or political subdivision except as provided in "Subchapter O of Chapter 22" of that code. Chapter 860, Acts of the 67th Legislature, Regular Session, 1981, redesignated Subchapter O as Subchapter P, Chapter 22, Parks and Wildlife Code, revised as Chapter 3059 of this code, and the revised law is drafted accordingly.

Revised Law

Sec. 3002.0202. ACCEPTANCE OF GIFTS OF STATE PARK SITES. The department may receive gifts of state park sites. (Parks & Wild. Code, Sec. 13.003 (part).)

Source Law

Sec. 13.003. GIFTS AND IMPROVEMENTS OF PARK SITES. The department may receive gifts of state park sites and . . . .

Revised Law

Sec. 3002.0203. DONATION OF REAL PROPERTY FOR STATE PARKS SYSTEM. (a) The commission by rule shall adopt criteria for determining whether real property that is donated to the department is eligible 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 new improvements on the donated real property as necessary and prudent. (Parks & Wild. Code, Sec. 13.0075.)

Source Law

> 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 new improvements on the donated real property as necessary and prudent.

Revised Law

Sec. 3002.0204. PRIORITY OF ACQUISITION. The commission shall establish as a priority the acquisition of land necessary for state parks that:

(1) are established by this code; and

(2) comply with the classification system and rules adopted by the commission under Sections 3001.0101 and 3002.0101. (Parks & Wild. Code, Sec. 13.001(d).)

Source Law

> (d) The commission shall establish as a priority the acquisition of land necessary for parks that are established by this code and that comply with the classification system and rules adopted by the commission as required by this section.

Revisor's Note

Section 13.001(d), Parks and Wildlife Code, refers to the classification system and rules adopted

by the Parks and Wildlife Commission as required by Section 13.001 of that code. Section 13.001 is revised in pertinent part as Sections 3001.0101 and 3002.0101, and the revised law is drafted accordingly.

Revised Law

Sec. 3002.0205. PAYMENT OF SITE INVESTIGATION EXPENSES. (a) A locality may pay the expenses of a department representative for a trip to the locality to determine the suitability of a site for a state park.

(b) If the expenses of a department representative are paid by a locality, state money may not be used for those expenses. (Parks & Wild. Code, Sec. 13.007.)

Source Law

> Sec. 13.007. INVESTIGATION EXPENSES. A locality may pay the expenses of a representative of the department for a trip to the locality to determine the suitability of a site for a state park. If the expenses of the representative are paid by the locality, state funds may not be used for the expenses of the trip.

Revisor's Note

Section 13.007, Parks and Wildlife Code, refers to state "funds." Throughout this chapter, the revised law substitutes "money" for "funds" when the meaning is the same in context because "money" is the more commonly used term.

Revised Law

Sec. 3002.0206. DESIGNATION OF NATURAL FEATURES. (a) The commission may:

(1) locate and designate outstanding natural features and formations located in this state; and

(2) erect or contract to have erected suitable markers or monuments to call the features and formations to the public's attention.

(b) The commission may accept title to a suitable site for a marker or monument from a private individual, association, or corporation by gift. A site may also be acquired by purchase with

appropriated money.

(c) The commission may adopt reasonable rules for:

(1) accepting or purchasing sites;

(2) determining the suitability of the sites; and

(3) establishing the priority of accepting and marking the sites.

(d) Any other agency shall cooperate with the department to aid in the location of sites. The department may accept jurisdiction over a suitable site located on state land by an interagency transfer of jurisdiction. (Parks & Wild. Code, Sec. 13.011.)

Source Law

> Sec. 13.011. NATURAL FEATURES. (a) The commission may locate and designate outstanding natural features and formations located in this state. It may erect or contract to have erected suitable markers or monuments to call the features and formations to the public's attention.
>
> (b) The commission may accept title to a suitable site for a marker or monument from private individuals, associations, or corporations by gift. Sites may also be acquired by purchase with appropriated funds.
>
> (c) The commission may adopt reasonable rules for accepting or purchasing sites, for determining the suitability of sites, and for establishing the priority of accepting and marking the sites.
>
> (d) All other agencies shall cooperate with the department to aid in the location of sites. The department may accept jurisdiction over suitable sites located on state land by an interagency transfer of jurisdiction.

SUBCHAPTER C. DEVELOPMENT

Revised Law

Sec. 3002.0301. HEARING REQUIRED BEFORE APPROVAL OF PARK MASTER DEVELOPMENT PLAN. (a) The department must hold a public hearing to receive comments on a park master development plan before the commission approves the plan.

(b) The hearing must be held in an area near the new park site. (Parks & Wild. Code, Sec. 13.020.)

Source Law

> Sec. 13.020. LOCAL PUBLIC HEARINGS ON PARK DEVELOPMENT PLANS. Before the commission approves a park master development plan, the department must hold a public hearing to receive comments on the plan in an

area near the location of the new park site.

Revised Law

Sec. 3002.0302. IMPROVEMENT OF PARK SITES. The department may improve and equip, or contract for the improvement and equipment of, a park site. (Parks & Wild. Code, Sec. 13.003 (part).)

Source Law

> Sec. 13.003. GIFTS AND IMPROVEMENTS OF PARK SITES. The department . . . may improve and equip parks sites or contract for their improvement and equipment.

Revised Law

Sec. 3002.0303. PREFERENCE FOR CERTAIN PARK PROGRAMS. In selecting parks for capital improvements, the department may give preference to programs in which the department matches locally raised money on a dollar-for-dollar basis. (Parks & Wild. Code, Sec. 13.0044.)

Source Law

> 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.

Revised Law

Sec. 3002.0304. CONTRACTS WITH TEXAS TRANSPORTATION COMMISSION FOR CONSTRUCTION AND PAVING OF ROADS. (a) Notwithstanding Section 771.003(b), Government Code, the department may contract with the Texas Transportation Commission for the construction and paving of roads in and adjacent to state parks.

(b) A contract under this section must otherwise be made in conformity with Chapter 771, Government Code. (Parks & Wild. Code, Sec. 13.013; New.)

Source Law

> Sec. 13.013. CONSTRUCTION OF ROADS BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) The department may contract with the Texas Transportation Commission for the construction and paving of roads in and adjacent to state parks.
>
> (b) Agreements under this section must be made in conformity with the Interagency Cooperation Act.

Revisor's Note

(1) Section 13.013(a), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to contract with the Texas Transportation Commission for the construction and paving of certain roads. Section 771.003(b), Government Code, generally prohibits an agency from constructing a highway or road for another agency. To the extent of a conflict between the two provisions, Section 13.013, Parks and Wildlife Code, governs over Section 771.003(b), Government Code, because Section 13.013 is derived from Sections 1 and 2, Chapter 195, Acts of the 56th Legislature, Regular Session, 1959. That Act expressly repealed all laws or parts of laws in conflict with that Act, and was enacted after Section 3, Chapter 340, Acts of the 53rd Legislature, Regular Session, 1953 (Interagency Cooperation Act), from which Section 771.003(b), Government Code, is derived. For clarity and the convenience of the reader, the revised law adds language to clarify that the provisions of Section 13.013(a) apply notwithstanding Section 771.003(b), Government Code.

(2) Section 13.013(b), Parks and Wildlife Code, refers to "[a]greements" under Section 13.013 of that code, which provides that the Parks and Wildlife Department may "contract" with the Texas Transportation Commission for the construction and paving of certain roads. The revised law substitutes "contract" for "agreements" for clarity and consistency in terminology used in this section.

(3) Section 13.013(b), Parks and Wildlife Code, refers to the "Interagency Cooperation Act." That act was codified in 1991 as Chapter 771, Government Code, and the revised law is drafted accordingly.

Revised Law

Sec. 3002.0305. COOPERATION WITH INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) The commission may enter into a joint agreement with the governing board of an institution of higher education to finance and build a conference center and other appropriate related facilities to be located in or near a state park.

(c) A facility built under this section must be operated cooperatively to provide benefits to the department and the institution of higher education in accomplishing the purposes of the department and the institution.

(d) The commission and an institution of higher education may use any money, property, or other assets available to finance and build a facility under this section. (Parks & Wild. Code, Sec. 13.0046.)

Source Law

> Sec. 13.0046. COOPERATION WITH INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.
>
> (b) The commission may enter into a joint agreement with the governing board of an institution of higher education to finance and build a conference center and other appropriate related facilities to be located in or near a state park.
>
> (c) A facility built under this section must be operated cooperatively to provide benefits to the department and the institution of higher education in accomplishing the purposes of the department and the institution.
>
> (d) The commission and an institution of higher education may use any funds, property, or other assets available to finance and build a facility under this section.

Revised Law

Sec. 3002.0306. USE OF INMATE LABOR. (a) Except as provided by Subsection (b), the department may use the labor of an inmate confined in a state, county, or local correctional facility on or in connection with:

(1) a state park;

(2) a wildlife management area; or

(3) another property under the department's control or jurisdiction.

(b) The department may not use the labor of an inmate convicted of:

(1) a violent offense; or

(2) an offense listed in Article 62.001(5), Code of Criminal Procedure.

(c) An inmate working in connection with land under the department's control or jurisdiction:

(1) remains under the control of the Texas Department of Criminal Justice or county or local correctional facility, as appropriate; and

(2) is considered as serving the inmate's term in the Texas Department of Criminal Justice or other correctional facility.

(d) The department may purchase equipment, meals, supplies, and materials for an inmate working at a department site as necessary to facilitate the use of the inmate's labor. (Parks & Wild. Code, Sec. 13.016.)

Source Law

> Sec. 13.016. INMATE LABOR. (a) The department may use the labor of an inmate confined in a state, county, or local correctional facility on or in connection with state parks, wildlife management areas, or other property under the control or jurisdiction of the department.
>
> (b) Inmates 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.
>
> (c) The department may purchase equipment, meals, 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.

CHAPTER 3003. OPERATION OF STATE PARKS AND OTHER PUBLIC AREAS

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3003.0101. SALE OF STATE PARK PASSES. (a) The department may contract with an entity the department considers appropriate to sell state park passes in any of the entity's retail locations.

(b) The commission may adopt rules to implement this section. (Parks & Wild. Code, Sec. 13.0151.)

Source Law

> Sec. 13.0151. STATE PARK PASSES. (a) The department may contract with any entity the department considers appropriate to sell state park passes in any of the entity's retail locations.
>
> (b) The commission may adopt rules to implement this section.

Revised Law

Sec. 3003.0102. PROMOTION OF PARKS BY DEPARTMENT. 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. (Parks & Wild. Code, Sec. 13.015(a-2).)

Source Law

> (a-2) 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.

Revised Law

Sec. 3003.0103. DISPOSITION OF REVENUE. (a) The department shall deposit in a special fund with the comptroller revenue received from the fees authorized by Section 3003.0201, less expenses incurred in collecting the fees. The amounts deposited are net income.

(b) The department shall deposit to the credit of the state parks account revenue received from the contracts, user fees, and operations authorized by Sections 3003.0102 and 3003.0401 and Subchapter E, as applicable. (Parks & Wild. Code, Secs. 13.015(c),

21.111(b).)

Source Law

[Sec. 13.015]

(c) The department shall deposit any revenue received from the contracts, user fees, or operations authorized by this section in the state treasury to the credit of the state parks account.

[Sec. 21.111]

(b) Income derived from the fees required by this section, less expenses incurred in collecting the fees, shall be deposited in a special fund with the comptroller. The amounts deposited are net income.

Revisor's Note

(1) Section 13.015(c), Parks and Wildlife Code, refers to revenue received from the contracts, user fees, or operations authorized by Section 13.015 of that code. Section 13.015 is revised in pertinent part as Sections 3003.0102 and 3003.0401 and Subchapter E of this chapter, and the revised law is drafted accordingly.

(2) Section 21.111(b), Parks and Wildlife Code, refers to "income" derived from certain fees. The revised law substitutes "revenue" for "income" for consistency in terminology used in this section and because, in context, the terms are synonymous and "revenue" is consistent with modern usage.

(3) Section 21.111(b), Parks and Wildlife Code, refers to income derived from fees "required" by Section 21.111 of that code. The revised law substitutes "authorized" for "required" because Section 21.111(a), Parks and Wildlife Code, revised as Section 3003.0201, authorizes but does not require the Parks and Wildlife Department to charge and collect a fee for park entry.

(4) Section 21.111(b), Parks and Wildlife Code, refers to income derived from the fees required by Section 21.111 of that code. Section 21.111 is revised in pertinent part as Section 3003.0201, and the

revised law is drafted accordingly.

SUBCHAPTER B. PARK ENTRANCE FEES

Revised Law

Sec. 3003.0201. PARK ENTRANCE FEES. The department, wherever feasible, may charge and collect an entrance fee to a state park site. (Parks & Wild. Code, Sec. 21.111(a).)

Source Law

> Sec. 21.111. ENTRY FEES TO PARKS. (a) The department, wherever feasible may charge and collect an entrance fee to state park sites.

Revised Law

Sec. 3003.0202. AUTHORITY TO WAIVE PARK ENTRANCE FEES. (a) The commission may waive the park entrance fee for:

(1) a person who is at least 70 years of age;

(2) a student enrolled in the fifth grade; or

(3) a child who is 11 years of age.

(b) The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water. (Parks & Wild. Code, Sec. 13.015(a-1).)

Source Law

> (a-1) The commission may waive the park entrance fee for a person who is at least 70 years of age, a student enrolled in the fifth grade, or a child who is 11 years of age. The commission may not waive the fee for use of a park facility, including a hook-up fee for electricity or water.

Revised Law

Sec. 3003.0203. PARK ENTRANCE FEE PROHIBITED FOR CERTAIN PUBLIC BEACHES. (a) This section applies only to a state park site that includes a public beach on the seaward shore of the Gulf of Mexico:

(1) that extends from the line of mean low tide to the line of vegetation; and

(2) to which the public has:

(A) acquired a right of use or easement to or over the area by prescription or dedication; or

(B) retained a right by virtue of continuous

right in the public.

(b) The department may not charge an entrance fee to a person to enter or to leave a public beach described by Subsection (a) unless the person also enters another part of the state park site for which an entrance fee is charged. (Parks & Wild. Code, Sec. 21.111(c).)

Source Law

> (c) If any state park site includes a public beach on the seaward shore of the Gulf of Mexico, extending from the line of mean low tide to the line of vegetation, over which the public has acquired a right of use or easement to or over the area by prescription or dedication or has retained a right by virtue of continuous right in the public, no entrance or gate fee may be charged to persons desiring to enter or to leave the public beach area, so long as the persons do not enter any other portion of the park for which an entrance or gate fee is charged.

Revisor's Note

Section 21.111(c), Parks and Wildlife Code, refers to an "entrance or gate fee." The revised law omits the references to "gate fee" because, in context, a "gate fee" is included in the meaning of "entrance fee."

SUBCHAPTER C. STATE PARKLANDS PASSPORT

Revised Law

Sec. 3003.0301. ELIGIBILITY FOR PASSPORT. (a) An individual may apply to the department for a state parklands passport if the individual is:

(1) 65 years of age or older and:

(A) a resident of this state who has resided in the state for six consecutive months preceding the date of application for the passport; or

(B) an individual in a category that the commission by rule designates as a resident of this state;

(2) an honorably discharged veteran of the United States armed services;

(3) a member of the United States armed services on active duty;

(4) a surviving spouse, parent, child, or sibling of a person who died while serving in the United States armed forces; or

(5) an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.

(b) The commission by rule shall establish eligibility requirements and privileges available to the holder of a state parklands passport described by Subsection (a)(5). (Parks & Wild. Code, Secs. 13.018(a), (f).)

Source Law

> Sec. 13.018. STATE PARKLANDS PASSPORT. (a) The following people may apply to the department for a state parklands passport:
>
> (1) a resident of this state who is 65 years old or over who has resided in the state for six consecutive months preceding the date of application for a parklands passport or any other individual in a category that the commission by rule designates as a resident of this state who is 65 years old or over;
>
> (2) an honorably discharged veteran of the United States armed services;
>
> (3) a member of the United States armed services on active duty;
>
> (4) a surviving spouse, parent, child, or sibling of a person who died while serving in the United States armed forces; and
>
> (5) an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.
>
> (f) The commission by rule shall establish eligibility requirements and privileges available to the holder of a state parklands passport described by Subsection (a)(5).

Revised Law

Sec. 3003.0302. PASSPORT ISSUANCE AND FORM. (a) The department shall issue a state parklands passport to each qualified applicant.

(b) A state parklands passport must be issued on a form designed and provided by the department. (Parks & Wild. Code, Sec. 13.018(b).)

Source Law

> (b) The department shall issue a passport to each qualified applicant. The passport shall be issued on a form designed and provided by the department.

Revised Law

Sec. 3003.0303. ENTRANCE FEES FOR CERTAIN PASSPORT HOLDERS. (a) The holder of a state parklands passport issued on or before August 31, 1995, a person born before September 1, 1930, or a person described by Section 3003.0301(a)(2), (3), or (4) is entitled to enter any state park without payment of an entrance fee.

(b) The vehicle of a holder of a state parklands passport described by Subsection (a) is exempt from a fee charged by the department for entrance of a vehicle into a state park if the holder of the passport is present. (Parks & Wild. Code, Sec. 13.018(c).)

Source Law

> (c) The holder of a state parklands passport issued on or before August 31, 1995, a person whose birth date is before September 1, 1930, or a person described by Subsection (a)(2), (3), or (4) is entitled to enter any state park without payment of an entrance or admission fee. When a fee is charged by the department for entrance of a vehicle into a state park, the vehicle of the holder of a state parklands passport is exempt from the fee when the holder is present.

Revisor's Note

> Section 13.018(c), Parks and Wildlife Code, authorizes certain persons to enter a state park without payment of an "entrance or admission fee." The revised law omits the reference to "admission fee" because, in context, an "admission fee" is included in the meaning of "entrance fee."

Revised Law

Sec. 3003.0304. ENTRANCE FEES FOR HOLDERS OF PASSPORT ISSUED AFTER AUGUST 31, 1995. (a) The department may discount or waive a park entrance fee for a resident of this state who was issued an initial state parklands passport after August 31, 1995.

(b) The vehicle of a holder of an initial state parklands passport issued after August 31, 1995, may enter any state park on payment of a lower vehicle entrance fee.

(c) The department may waive vehicle entrance fees for any state park for the holder of an initial state parklands passport

issued after August 31, 1995. (Parks & Wild. Code, Sec. 13.018(d).)

Source Law

(d) The department may discount or waive a park entrance fee for a resident of this state issued an initial state parklands passport after August 31, 1995. When a fee is charged by the department for entrance of a vehicle into a state park, the vehicle of the holder of an initial state parklands passport may enter any state park on payment of a lower vehicle entrance fee. The department may waive vehicle entrance fees for any state park for the holder of an initial state parklands passport.

Revised Law

Sec. 3003.0305. TERM AND RENEWAL OF PASSPORT FOR ACTIVE DUTY ARMED SERVICES MEMBERS. A state parklands passport issued to a person described by Section 3003.0301(a)(3) is valid for one year from the date of issuance and may be renewed in the manner prescribed by commission rule. (Parks & Wild. Code, Sec. 13.018(e).)

Source Law

(e) A state parklands passport issued to a person described by Subsection (a)(3) is valid for one year from the date of issuance and may be renewed in the manner prescribed by commission rule.

SUBCHAPTER D. PARK USER FEES

Revised Law

Sec. 3003.0401. PARK USER FEES. (a) The department may charge and collect park user fees for park services.

(b) The commission shall set the amount of the park user fees. (Parks & Wild. Code, Sec. 13.015(a).)

Source Law

Sec. 13.015. PARK USER FEES; CONCESSIONS. (a) The department may charge and collect park user fees for park services. The user fees shall be set by the commission.

Revised Law

Sec. 3003.0402. FACILITY RESERVATION SYSTEM AND FEE. (a) The department may:

(1) permit the advance reservation of a facility, lodging, or a campsite at a state park; and

(2) 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 reservation system as necessary to enhance the user-friendliness of the system. (Parks & Wild. Code, Sec. 13.019.)

Source Law

> 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.

Revised Law

Sec. 3003.0403. FACILITY AND LODGING FEES. (a) A fee charged by the department under this subchapter for the use of a facility or lodging at a state park may:

(1) vary on a seasonal basis; and

(2) be set in an amount to:

(A) recover the direct and indirect costs of providing the facility or lodging; and

(B) provide a reasonable rate of return to the department.

(b) Items to be considered in setting a fee described by Subsection (a) include:

(1) the cost required to provide, maintain, and improve amenities available at the site; and

(2) seasonal variables such as the cost of staffing to meet demand and costs of heating or air-conditioning. (Parks & Wild. Code, Sec. 13.0191.)

Source Law

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.

Revisor's Note

Section 13.0191, Parks and Wildlife Code, refers to a fee for the use of a facility or lodging at a state park that is charged by the Parks and Wildlife Department under Subchapter A, Chapter 13, of that code. The pertinent parts of Subchapter A authorizing the department to charge a fee for the use of a facility or lodging at a state park are revised in this subchapter, and the revised law is drafted accordingly.

SUBCHAPTER E. CONCESSIONS

Revised Law

Sec. 3003.0501. AUTHORITY TO OPERATE AND GRANT CONTRACTS TO OPERATE CONCESSIONS. The department may:

(1) operate or grant a contract to operate concessions:

(A) in a state park; or

(B) on a causeway, beach drive, or other improvement in connection with a state park site;

(2) adopt regulations governing the granting or operating of concessions; and

(3) establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays. (Parks & Wild. Code, Sec. 13.015(b).)

Source Law

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

Revised Law

Sec. 3003.0502. USE OF STANDARD BUSINESS PRACTICE MODELS. 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. (Parks & Wild. Code, Sec. 13.015(b-2).)

Source Law

(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.

Revised Law

Sec. 3003.0503. AUTHORITY TO PURCHASE PRODUCTS. The department may purchase products, including food items, for resale or rental at a profit. (Parks & Wild. Code, Sec. 13.015(b-1).)

Source Law

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

Revised Law

Sec. 3003.0504. PRIVATE SERVICE PROVIDERS. 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. (Parks & Wild. Code, Sec. 13.015(b-3).)

Source Law

(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.

SUBCHAPTER Y. MISCELLANEOUS PROVISIONS

Revised Law

Sec. 3003.9801. 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 department's control 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. (Parks & Wild. Code, Sec. 13.0145.)

Source Law

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.

Revised Law

Sec. 3003.9802. REMOVAL OF CERTAIN PERSONS FROM PARK OR OTHER PUBLIC AREA. (a) A person directly or indirectly responsible for disruptive, destructive, or violent conduct that endangers property or the health, safety, or life of a person or animal may be removed from a park, historic site, scientific area, or fort for a period not to exceed 48 hours.

(b) Before a person is removed under this section, the person must be given:

(1) notice of the provisions of this section; and

(2) an opportunity to correct the conduct justifying removal.

(c) A court, on cause shown, may enjoin a person from reentry to the park, historic site, scientific area, or fort for any period set by the court. (Parks & Wild. Code, Sec. 13.108.)

Source Law

> Sec. 13.108. REMOVAL FROM PARK. (a) Any person directly or indirectly responsible for disruptive, destructive, or violent conduct which endangers property or the health, safety, or lives of persons or animals may be removed from a park, historic site, scientific area, or fort for a period not to exceed 48 hours.
>
> (b) Prior to removal under this section, the person must be given notice of the provisions of this section and an opportunity to correct the conduct justifying removal.
>
> (c) A court of competent jurisdiction may enjoin a person from reentry to the park, scientific area, site, or fort, on cause shown, for any period set by the court.

Revisor's Note

Section 13.108(c), Parks and Wildlife Code, refers to a court "of competent jurisdiction." The revised law omits the quoted language as unnecessary. The determination of whether a particular court has jurisdiction over a matter is made under other law, and it is not necessary to refer to that determination in this section.

Revised Law

Sec. 3003.9803. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a) The department shall:

(1) during reasonable daylight hours, as established and posted by the department, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park; or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park if the single tower provides an unobstructed view of both sides

of each structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(b) The department may suspend or alter the duties imposed under Subsection (a) during dangerous weather conditions or emergency operations. (Parks & Wild. Code, Sec. 13.023.)

Source Law

Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a) The department shall:

(1) during reasonable daylight hours, as established and posted by the department, from Memorial Day to Labor Day, provide:

(A) occupied lifeguard towers or mobile lifeguard units on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park; or

(B) a single occupied lifeguard tower or mobile lifeguard unit at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park if the single tower provides an unobstructed view of both sides of each structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

(b) The department may suspend or alter the duties imposed under Subsection (a) during dangerous weather conditions or emergency operations.

CHAPTER 3004. COMMISSION REGULATIONS

SUBCHAPTER A. REGULATIONS AND RULES GOVERNING PARKS AND OTHER AREAS UNDER DEPARTMENT'S CONTROL OR JURISDICTION

Revised Law

Sec. 3004.0101. COMMISSION REGULATIONS. (a) The commission may adopt regulations governing the health, safety, and protection of persons and property in state parks, historic sites, scientific areas, or forts under the department's control, including public water in the parks, sites, areas, and forts.

(b) The regulations may govern:

(1) the conservation, preservation, and use of state property, regardless of whether the property consists of natural features or constructed facilities;

(2) the abusive, disruptive, or destructive conduct of

persons;

(3) the activities of park users, including camping, swimming, boating, fishing, or other recreational activities;

(4) the possession of pets or animals;

(5) the regulation of traffic and parking; and

(6) conduct that endangers the health or safety of park users or their property. (Parks & Wild. Code, Secs. 13.101, 13.102.)

Source Law

> Sec. 13.101. AUTHORIZATION. The commission may promulgate regulations governing the health, safety, and protection of persons and property in state parks, historic sites, scientific areas, or forts under the control of the department, including public water within state parks, historic sites, scientific areas, and forts.
>
> Sec. 13.102. SCOPE OF REGULATIONS. The regulations may govern:
>
> (1) the conservation, preservation, and use of state property whether natural features or constructed facilities;
>
> (2) the abusive, disruptive, or destructive conduct of persons;
>
> (3) the activities of park users including camping, swimming, boating, fishing, or other recreational activities;
>
> (4) the possession of pets or animals;
>
> (5) the regulation of traffic and parking; and
>
> (6) conduct which endangers the health or safety of park users or their property.

Revisor's Note

Section 13.101, Parks and Wildlife Code, authorizes the Parks and Wildlife Commission to "promulgate" regulations governing the health, safety, and protection of certain persons and property. The revised law substitutes "adopt" for "promulgate" because, in context, the terms are synonymous and "adopt" is more commonly used.

Revised Law

Sec. 3004.0102. CERTAIN COMMERCIAL ADVERTISING PROHIBITED. The commission by rule shall prohibit inappropriate commercial advertising in state parks, natural areas, historic sites, or other sites under the department's jurisdiction to preserve the integrity

of the sites and to minimize distractions that may interfere with the enjoyment of the sites by visitors. (Parks & Wild. Code, Sec. 13.103.)

Source Law

> Sec. 13.103. ADVERTISING. The commission by rule shall prohibit inappropriate commercial advertising in state parks, natural areas, historic sites, or other sites under the jurisdiction of the department to preserve the integrity of the sites and to minimize distractions that may interfere with the enjoyment of the sites by visitors.

Revised Law

Sec. 3004.0103. POSTING OF REGULATIONS. Regulations that apply to a state park, historic site, scientific area, or fort must be posted in a conspicuous place at the park, site, area, or fort. A copy of the regulations shall be made available on request to a person using the park. (Parks & Wild. Code, Sec. 13.106.)

Source Law

> Sec. 13.106. POSTING OF REGULATIONS. All specific or general regulations applying to a state park, historic site, scientific area, or fort must be posted in a conspicuous place at the park, site, or fort. A copy of the regulations shall be made available on request to persons using the park.

Revisor's Note

> Section 13.106, Parks and Wildlife Code, requires that all "specific or general" regulations applying to a state park, historic site, scientific area, or fort must be posted in a conspicuous place. The revised law omits the quoted language as unnecessary because every regulation is either specific or general.

Revised Law

Sec. 3004.0104. ENFORCEMENT OF REGULATIONS. A peace officer may:

(1) enforce a regulation adopted under this subchapter; and

(2) issue a notice to appear on a form prescribed by the commission. (Parks & Wild. Code, Sec. 13.109.)

Source Law

Sec. 13.109. ENFORCEMENT OF REGULATIONS. Regulations adopted under this subchapter may be enforced by any peace officer, including those employees of the department commissioned as peace officers under Section 11.019 of this code. A notice to appear may be issued by a peace officer for violation of a regulation on a form prescribed by the commission.

Revisor's Note

(1) Section 13.109, Parks and Wildlife Code, refers to a regulation adopted under Subchapter B, Chapter 13, of that code. The pertinent parts of Subchapter B authorizing the adoption of regulations under that subchapter are revised in this subchapter, and the revised law is drafted accordingly.

(2) Section 13.109, Parks and Wildlife Code, provides that regulations adopted under Subchapter B, Chapter 13, of that code may be enforced by any peace officer, "including those employees of the department commissioned as peace officers under Section 11.019 of this code." The revised law omits the quoted language an unnecessary because an employee of the Parks and Wildlife Department who is commissioned as a peace officer under Section 11.019, Parks and Wildlife Code, is a peace officer under Article 2A.001, Code of Criminal Procedure.

Revised Law

Sec. 3004.0105. OFFENSE. (a) A person commits an offense if the person violates a regulation adopted under this subchapter.

(b) An offense under this section is a Class C Parks and Wildlife Code misdemeanor. (Parks & Wild. Code, Sec. 13.112.)

Source Law

Sec. 13.112. PENALTY. A person who violates a regulation adopted under Subchapter B of this chapter commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

Revisor's Note

Section 13.112, Parks and Wildlife Code, refers

to a regulation adopted under Subchapter B, Chapter 13, of that code. Subchapter B is revised in pertinent part as this subchapter, and the revised law is drafted accordingly.

Revisor's Note
(End of Subchapter)

Section 13.110, Parks and Wildlife Code, provides that a regulation adopted under Subchapter B, Chapter 13, of that code may not amend or repeal a penal law of this state. The revised law omits that provision as unnecessary because under established principles of law regarding agency powers, the Parks and Wildlife Commission may not adopt a regulation that amends or repeals a penal law of this state. The omitted law reads:

> Sec. 13.110. EFFECT OF REGULATIONS. No regulation adopted under this subchapter may amend or repeal any penal law of this state.

SUBCHAPTER B. REGULATIONS GOVERNING AREAS ADJACENT TO CERTAIN STATE PARKS

Revised Law

Sec. 3004.0201. COMMISSION REGULATIONS RELATING TO USE OF FIREARMS; OFFENSE. (a) This section applies only to a state park located within one mile of coastal water of this state.

(b) The commission may adopt regulations prohibiting the use of firearms or certain types of firearms on state property adjacent to a state park described by Subsection (a) and within 200 yards of the boundary of the state park.

(c) A person commits an offense if the person violates a regulation adopted by the commission under this section. An offense under this subsection is a Class C Parks and Wildlife Code misdemeanor. (Parks & Wild. Code, Secs. 13.201, 13.202, 13.205.)

Source Law

> Sec. 13.201. AUTHORIZATION. The commission may make regulations prohibiting the use of firearms or certain types of firearms on state property adjacent

to state parks and within 200 yards of the boundary of the state park.

Sec. 13.202. APPLICATION LIMITED. The regulations of the commission under Section 13.201 of this code apply only to state parks located within one mile of coastal water of this state.

Sec. 13.205. PENALTY. A person who violates a regulation made by the commission under Section 13.201 of this code commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

## CHAPTER 3005. FINANCIAL PROVISIONS

### SUBCHAPTER A. FINANCING OF PARK PROGRAMS

Revised Law

Sec. 3005.0101. FINANCING OF PARK PROGRAMS. (a) Except as provided by Section 3005.0103, the operation, maintenance, and improvement of state parks are financed from:

(1) the general revenue fund;

(2) the state parks account;

(3) other accounts authorized by law; and

(4) gifts, grants, and donations received by the department for those purposes.

(b) A gift, grant, or donation accruing to the state or received by the department for the purpose of operating, maintaining, improving, or developing state parks may not be used for any purpose other than the operation, maintenance, improvement, or development of state parks. (Parks & Wild. Code, Sec. 13.004.)

Source Law

Sec. 13.004. FINANCING OF PARK PROGRAMS. (a) Except as provided by Section 13.0045, the operation, maintenance, and improvement of state parks shall be financed from the general revenue fund, the state parks account, other accounts that may be authorized by law, and donations, grants, and gifts received by the department for these purposes.

(b) No donation, grant, or gift accruing to the state or received by the department for the purpose of operating, maintaining, improving, or developing state parks may be used for any purpose other than the operation, maintenance, or developing of state parks.

Revised Law

Sec. 3005.0102. USE OF CERTAIN BOND REVENUE. The department shall, if practicable, apportion at least 15 percent of any money received by the department from the proceeds of the sale of bonds issued under Section 50-f, Article III, Texas

Constitution, to specific park maintenance or improvement projects for which matching private or local money for the specific state parks and wildlife projects is available to the department. (Parks & Wild. Code, Sec. 13.0041.)

Source Law

> Sec. 13.0041. USE OF CERTAIN BOND REVENUE. The department shall, if practicable, apportion at least fifteen percent of any money received by the department from the proceeds of the sale of bonds issued under Section 50-f, Article III, Texas Constitution, to specific park maintenance or improvement projects for which matching private or local money for the specific state parks and wildlife projects has been made available to the department.

Revised Law

Sec. 3005.0103. REVENUE BONDS FOR PARKS AND WILDLIFE FACILITIES. (a) The department, by resolution of the commission, may request the Texas Public Finance Authority to issue revenue bonds or other revenue obligations to finance the repair, renovation, improvement, and equipping of parks and wildlife facilities for an estimated project cost not to exceed $60 million.

(b) On receipt of the department's request, the Texas Public Finance Authority shall promptly issue the bonds or other obligations under Chapter 1232, Government Code.

(c) The department shall deposit the proceeds of bonds issued under this section to the credit of the Texas parks and wildlife conservation and capital account and may use the proceeds only to finance the repair, renovation, improvement, and equipping of parks and wildlife facilities. (Parks & Wild. Code, Sec. 13.0045.)

Source Law

> Sec. 13.0045. REVENUE BONDS FOR PARKS AND WILDLIFE FACILITIES. (a) The department, by resolution of the commission, may request the Texas Public Finance Authority to issue revenue bonds or other revenue obligations to finance the repair, renovation, improvement, and equipping of parks and wildlife facilities for an estimated project cost not to exceed $60 million.
>
> (b) On receipt of the department's request, the authority shall promptly issue the bonds or other obligations under and in accordance with Chapter 1232, Government Code.
>
> (c) The department shall deposit the proceeds of

bonds issued under this section to the credit of the Texas parks and wildlife capital account and may use the proceeds only to finance the repair, renovation, improvement, and equipping of parks and wildlife facilities.

Revisor's Note

(1) Section 13.0045(b), Parks and Wildlife Code, provides that the Texas Public Finance Authority shall issue revenue bonds or other revenue obligations "under and in accordance with" Chapter 1232, Government Code. The revised law omits "and in accordance with" as redundant because, in this context, "and in accordance with" is included in the meaning of "under."

(2) Section 13.0045(c), Parks and Wildlife Code, requires the Parks and Wildlife Department to deposit proceeds of certain bonds to the credit of the "Texas parks and wildlife capital account." The revised law substitutes "Texas parks and wildlife conservation and capital account" for the quoted language because Texas parks and wildlife conservation and capital account is the official name of the account created under Section 11.043(a), Parks and Wildlife Code, revised as Section 2052.0901, and it is clear from the context that the legislature intended to refer to that account.

SUBCHAPTER B. PARK DEVELOPMENT BONDS

Revised Law

Sec. 3005.0201. DEFINITION. In this subchapter, "park development bond" means a Texas Park Development Bond authorized to be issued and sold under Section 49-e, Article III, Texas Constitution. (Parks & Wild. Code, Secs. 21.001 (part), 21.002 (part).)

Source Law

Sec. 21.001. ISSUANCE OF PARK DEVELOPMENT BONDS. [The department, . . . may provide for the issuance of negotiable bonds in an aggregate amount not to exceed $75 million] pursuant to the provisions

of Article III, Section 49-e, of the Texas Constitution. . . .

Sec. 21.002. DESCRIPTION OF BONDS. The bonds are called State of Texas Park Development Bonds and . . . .

Revisor's Note

Section 21.001, Parks and Wildlife Code, authorizes the issuance of bonds under Section 49-e, Article III, Texas Constitution, and Section 21.002 of that code provides that the bonds are called "State of Texas Park Development Bonds." For the convenience of the reader, the revised law creates a definition from those provisions to eliminate frequent, unnecessary repetition of the substance of those provisions. Additionally, the revised law substitutes "Texas Park Development Bond" for "State of Texas Park Development Bonds" to conform to the terminology used in Section 49-e, Article III, Texas Constitution, which requires the bonds to be called "Texas Park Development Bonds."

Revised Law

Sec. 3005.0202. AUTHORITY TO ISSUE PARK DEVELOPMENT BONDS. (a) The department, by resolution of the commission, may provide for the issuance of park development bonds in an aggregate amount not to exceed the amount authorized under Section 49-e, Article III, Texas Constitution.

(b) In the resolution authorizing a series of park development bonds, the commission may appropriate from the proceeds of the sale of the bonds an amount which, together with accrued interest received, is sufficient to pay interest coupons coming due during the fiscal year in which the bonds are sold and to establish appropriate reserves.

(c) Park development bonds must be issued by the Texas Public Finance Authority, acting on behalf of the department. In connection with the issuance of the bonds, the authority is subject to all rights, duties, and conditions provided in this subchapter with respect to the issuance of bonds by the department. (Parks &

Wild. Code, Secs. 21.001, 21.106(b).)

Source Law

Sec. 21.001. ISSUANCE OF PARK DEVELOPMENT BONDS. The department, by resolution of the commission, from time to time may provide for the issuance of negotiable bonds in an aggregate amount not to exceed $75 million pursuant to the provisions of Article III, Section 49-e, of the Texas Constitution. All bonds provided for under this section shall be issued by the Texas Public Finance Authority, acting on behalf of the department. In connection with the issuance of such bonds, the Texas Public Finance Authority is subject to all rights, duties, and conditions set forth in this chapter with respect to the issuance of bonds by the department.

[Sec. 21.106]

(b) In the resolution authorizing a series of bonds, the commission may appropriate from the proceeds of the sale of bonds an amount which, together with accrued interest received, is sufficient to pay interest coupons coming due during the fiscal year in which the bonds are sold and to establish appropriate reserves.

Revisor's Note

(1) Section 21.001, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to provide for the issuance of bonds authorized to be sold by the department under Chapter 21 of that code "from time to time." The revised law omits the quoted language because the power to take an action includes the power to do so at any time.

(2) Section 21.001, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to provide for the issuance of "negotiable" bonds. The revised law omits "negotiable" because it duplicates Section 1201.041(1), Government Code, which provides that a public security is a negotiable instrument. Throughout this chapter, the revised law omits law that is superseded by or duplicates law in Chapter 1201, Government Code, which applies to department bonds under Sections 1201.002 and 1201.003 of that code.

(3) Section 21.001, Parks and Wildlife Code,

authorizes the Parks and Wildlife Department to provide for the issuance of bonds authorized to be sold by the department under Chapter 21 of that code in an aggregate amount not to exceed "$75 million pursuant to the provisions of" Section 49-e, Article III, Texas Constitution. The revised law substitutes "the amount authorized under" for the quoted language to conform to Section 49-e, Article III, Texas Constitution, which authorizes the issuance of Texas park development bonds in an amount authorized by constitutional amendment or by a debt proposition under Section 49, Article III, Texas Constitution.

(4) Section 21.001, Parks and Wildlife Code, provides that the Texas Public Finance Authority is subject to all rights, duties, and conditions set forth in Chapter 21 of that code. Chapter 21 is revised in pertinent part as this subchapter, and the revised law is drafted accordingly.

Revised Law

Sec. 3005.0203. ISSUED ON PARITY. Park development bonds must be issued on a parity. (Parks & Wild. Code, Sec. 21.002 (part).)

Source Law

Sec. 21.002. The bonds . . . shall be issued on a parity. . . .

Revised Law

Sec. 3005.0204. SALES PRICE. The department may not sell an installment or series of park development bonds for an amount less than the sum of:

(1) the face value of all of the bonds comprising the installment or series; and

(2) the accrued interest from the date of issuance of the bonds. (Parks & Wild. Code, Sec. 21.003.)

Source Law

Sec. 21.003. SALE PRICE. The department may not sell an installment or series of bonds for an amount less than the face value of all of the bonds comprising the installment or series with the accrued interest from their date of issuance.

Revised Law

Sec. 3005.0205. INTEREST RATE. The department shall determine:

(1) the rate of interest of an installment or series of park development bonds; and

(2) whether interest is payable annually or semiannually. (Parks & Wild. Code, Sec. 21.004.)

Source Law

Sec. 21.004. INTEREST RATE. The department shall determine the rate of interest of an installment or series of bonds and shall determine whether interest is payable annually or semiannually.

Revised Law

Sec. 3005.0206. FORM, DENOMINATION, PLACE OF PAYMENT. (a) The department shall determine:

(1) the form of park development bonds, including the form of any interest coupons to be attached;

(2) the denominations of the bonds; and

(3) the places for payment of principal and interest.

(b) The department shall date park development bonds of each issue. (Parks & Wild. Code, Secs. 21.002 (part), 21.005.)

Source Law

Sec. 21.002. . . . The department . . . shall date the bonds of each issue.

Sec. 21.005. FORM, DENOMINATION, PLACE OF PAYMENT. The department shall determine:
(1) the form of the bonds, including the form of any interest coupons to be attached;
(2) the denominations of the bonds; and
(3) the places for payment of principal and interest.

Revised Law

Sec. 3005.0207. MATURITY. Park development bonds must mature not later than 40 years after the date of issuance. (Parks & Wild. Code, Sec. 21.006.)

Source Law

Sec. 21.006. MATURITY. The bonds of each issue mature, serially or otherwise, not more than 40 years from their date.

Revisor's Note

Section 21.006, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code mature "serially or otherwise." The revised law omits the quoted language because it duplicates in substance general law applicable to the department. Section 1201.021, Government Code, provides that the governing body of an issuer may determine the time of payment of public securities it issues. Section 1201.022, Government Code, provides that a public security may be issued singly or in a series and with specified characteristics, on specified terms, or in a specified manner.

Revised Law

Sec. 3005.0208. NOTICE OF BOND SALE. (a) After determining to sell a series of park development bonds, the department shall publish notice of the sale at least one time not later than the 10th day before the date of the sale.

(b) The notice must be published in:

(1) one or more recognized financial publications of general circulation published in this state; and

(2) one or more recognized financial publications of general circulation published outside this state. (Parks & Wild. Code, Sec. 21.009(a).)

Source Law

Sec. 21.009. NOTICE OF BOND SALE. (a) After determining to sell a series of bonds, the department shall publish notice of the sale at least one time not less than 10 days before the date of the sale. The notice shall be published in one or more recognized financial publications of general circulation published in the state and one or more recognized financial publications of general circulation published outside the state.

Revisor's Note

Section 21.009(b), Parks and Wildlife Code, provides that the Parks and Wildlife Department may publish notice of a sale of bonds authorized to be sold by the department under Chapter 21 of that code more than once and in more than one publication. The revised law omits that provision as unnecessary because it duplicates in substance Section 21.009(a), Parks and Wildlife Code, revised as this section. The omitted law reads:

> (b) The department may publish notice of the sale more than once and in more than one publication.

Revised Law

Sec. 3005.0209. COMPETITIVE BIDS REQUIRED. (a) Park development bonds may be sold only after competitive bidding to the highest and best bidder.

(b) The department may reject any or all bids. (Parks & Wild. Code, Sec. 21.010.)

Source Law

> Sec. 21.010. COMPETITIVE BIDS. The bonds shall be sold only after competitive bidding to the highest and best bidder. The department may reject any or all bids.

Revised Law

Sec. 3005.0210. SECURITY FOR BIDS. The department shall require each bidder, other than an administrator of state funds, to include with each bid an exchange or cashier's check for an amount the department considers adequate as a forfeit guaranteeing acceptance of and payment for all park development bonds covered by the bid. (Parks & Wild. Code, Sec. 21.011.)

Source Law

> Sec. 21.011. SECURITY FOR BIDS. The department shall require every bidder, except administrators of state funds, to include with their bid an exchange or cashier's check for an amount the department considers adequate as a forfeit guaranteeing acceptance of and payment for all bonds covered by the bid.

Revised Law

Sec. 3005.0211. EXECUTION OF BONDS. Park development bonds must be:

(1) executed on behalf of the department as general obligations of this state as provided in this section;

(2) signed by the presiding officer, the executive director, and the governor; and

(3) attested by the secretary of state. (Parks & Wild. Code, Sec. 21.013.)

Source Law

Sec. 21.013. EXECUTION OF BONDS. (a) The bonds shall be executed on behalf of the department as general obligations of the state as provided in this section.

(b) The bonds shall be signed by the presiding officer and the director, and the seal of the department shall be impressed on them.

(c) The bonds shall be signed by the governor and attested by the secretary of state, and the state seal shall be impressed on them.

Revisor's Note

Sections 21.013(b) and (c), Parks and Wildlife Code, provide that "the seal of the department shall be impressed on [the bonds]" and "the state seal shall be impressed on [the bonds]" authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code. The revised law omits the quoted language as impliedly repealed by Section 3, Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes) (revised in relevant part in 1999 as Section 1201.026(a), Government Code), which provides that bonds may be signed with or without a seal.

Revised Law

Sec. 3005.0212. EVIDENCE OF VALIDITY. In an action to enforce collection of park development bonds or rights incident to the bonds, the certificate of approval by the attorney general and a certificate of registration by the comptroller, or certified copies of the certificates, shall be admitted as evidence of the validity

of the bonds. (Parks & Wild. Code, Sec. 21.017.)

Source Law

Sec. 21.017. EVIDENCE OF VALIDITY. In an action to enforce collection of the bonds or rights incident to the bonds, the certificate of approval by the attorney general and a certificate of registration by the comptroller, or certified copies of these certificates, shall be received in evidence as proof of the validity of the bonds.

Revised Law

Sec. 3005.0213. BONDS EXEMPT FROM TAXATION. Park development bonds, income from the bonds, and profit made on the sale of the bonds are exempt from taxation in this state. (Parks & Wild. Code, Sec. 21.022.)

Source Law

Sec. 21.022. BONDS NOT TAXABLE. Bonds issued under this chapter, income from the bonds, and profit made on their sale are free from taxation within this state.

Revisor's Note

Section 21.022, Parks and Wildlife Code, refers to "[b]onds issued under this chapter," meaning Chapter 21 of that code. Throughout this chapter, in this and similar contexts, the revised law substitutes "park development bonds" for the quoted language because the only provisions of Chapter 21 authorizing the issuance of bonds are revised in this subchapter and Section 3005.0201 of this code defines those bonds as park development bonds.

Revised Law

Sec. 3005.0214. REFUNDING BONDS. (a) The commission by resolution may provide for the issuance of refunding bonds. The department may:

(1) sell refunding bonds and use the proceeds to retire the outstanding park development bonds, including interest accrued on outstanding bonds; or

(2) exchange refunding bonds for outstanding bonds, including accrued interest.

(b) The issuance of the refunding bonds, the maturity of the refunding bonds, the rights of the bondholders, and the duties of the department with respect to refunding bonds are governed by:

(1) the provisions of this subchapter relating to the original bonds, to the extent the provisions of this subchapter are applicable; and

(2) refunding statutes of general application not in conflict with the provisions of this subchapter. (Parks & Wild. Code, Sec. 21.020.)

Source Law

> Sec. 21.020. REFUNDING BONDS. The commission may provide by resolution for the issuance of refunding bonds. The department may sell these bonds and use the proceeds to retire the outstanding bonds issued under this chapter, including interest accrued on outstanding bonds, or the department may exchange refunding bonds for outstanding bonds, including accrued interest. The issuance of the refunding bonds, their maturity, the rights of the bondholders, and the duties of the department with respect to refunding bonds are governed by the provisions of this chapter relating to the original bonds, to the extent they are applicable and by refunding statutes of general application not in conflict with the provisions of this chapter.

Revisor's Note

> Section 21.020, Parks and Wildlife Code, provides that certain matters related to refunding bonds authorized to be sold or exchanged by the Parks and Wildlife Department under Chapter 21 of that code are governed by the provisions of Chapter 21 of that code. Chapter 21 is revised in pertinent part as this subchapter, and the revised law is drafted accordingly.

Revised Law

Sec. 3005.0215. PAYMENT BY COMPTROLLER. The comptroller shall pay the principal on park development bonds as the bonds mature and the interest as it becomes payable. (Parks & Wild. Code, Sec. 21.018.)

Source Law

> Sec. 21.018. PAYMENT BY COMPTROLLER. The

comptroller shall pay or cause to be paid the principal on bonds as they mature and the interest as it becomes payable.

Revisor's Note

Section 21.018, Parks and Wildlife Code, provides that the comptroller shall "pay or cause to be paid" the principal on bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code. The revised law omits the phrase "or cause to be paid" as redundant because the duty to "pay" the bonds includes the authority to "cause [the bonds] to be paid."

Revised Law

Sec. 3005.0216. DUTIES ENFORCEABLE. The performance of the official duties of the comptroller may be enforced by mandamus or other appropriate proceeding. (Parks & Wild. Code, Sec. 21.019.)

Source Law

Sec. 21.019. DUTIES ENFORCEABLE. The performance of the official duties of the comptroller may be enforced by mandamus or other appropriate proceeding.

Revisor's Note
(End of Subchapter)

(1) Section 21.002, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to issue bonds authorized to be sold by the department under Chapter 21 of that code in one or several installments. The revised law omits that provision because it duplicates in substance Section 1201.022(a)(1), Government Code, which provides that a public security may be "issued singly or in a series." The omitted law reads:

> Sec. 21.002. . . . [The department] may issue them in one or several installments and . . . .

(2) Section 21.007, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to determine the price, terms, and conditions for the

redemption of bonds authorized to be sold by the department under Chapter 21 of that code. The revised law omits that provision because it duplicates in substance general law applicable to the department. Section 1201.021, Government Code, provides that a public security may be issued and payable in a specified amount or amounts and under various terms and conditions, including that it may be "issued as redeemable before maturity at one or more specified times." Section 1201.022, Government Code, provides that a public security may be issued and payable under additional terms and conditions, including that it may be issued to be sold "under the terms determined by the governing body of the issuer to be in the issuer's best interests." The omitted law reads:

> Sec. 21.007. REDEMPTION BEFORE MATURITY. In the resolution providing for the issuance of bonds, the department may determine the price, terms, and conditions for redemption of bonds before maturity.

(3) Section 21.008, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to provide for the registration of bonds authorized to be sold by the department under Chapter 21 of that code as to ownership, successive conversion and reconversion from bearer to registered bonds, and successive conversion and reconversion from registered to bearer bonds. The revised law omits that provision because it duplicates in substance general law applicable to the department. Section 1201.022(a)(2), Government Code, provides that a public security may be made payable to the bearer, a registered or named person, the order of a registered or named person, or a successor assign of a registered or named person. Section 1201.061(a)(1), Government Code, provides that the governing body of an issuer may provide for conversion and reconversion

of a public security to another form or forms. The omitted law reads:

> Sec. 21.008. REGISTERED AND BEARER BONDS. The resolution may provide for the registration of bonds as to ownership, successive conversion and reconversion from bearer to registered bonds, and successive conversion and reconversion from registered to bearer bonds.

(4) Section 21.012, Parks and Wildlife Code, requires the Parks and Wildlife Department to submit bonds authorized to be sold by the department under Chapter 21 of that code and the records relating to the bonds to the attorney general for approval. The revised law omits that provision because it duplicates in substance Section 1202.003(a), Government Code, which requires an issuer to "submit . . . [a] public security and the record of proceedings to the attorney general." Chapter 1202, Government Code, applies to department bonds under Section 1202.001 of that code. The omitted law reads:

> Sec. 21.012. APPROVAL OF BONDS; REGISTRATION. Before delivering bonds to the purchasers, the department shall submit the bonds and the records pertaining to them for approval by the attorney general. . . .

(5) Section 21.012, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code that are approved by the attorney general shall be registered in the office of the comptroller of public accounts. The revised law omits that provision because it duplicates in substance Section 1202.005, Government Code, which requires the comptroller to "register . . . [a] public security" on receipt of certain documents from the attorney general. Chapter 1202, Government Code, applies to department bonds under Section 1202.001 of that code. The omitted law reads:

> Sec. 21.012. . . . [the department shall submit the bonds . . . for approval by the attorney general.] When approval is obtained, the bonds shall be registered in the office of the comptroller of public accounts.

(6) Section 21.014, Parks and Wildlife Code, provides that the resolution authorizing the issuance of bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code may provide for the use of facsimile signatures and facsimile seals to execute the bonds and related coupons, and also provides that interest coupons may be signed by facsimile signatures. The revised law omits that provision because it duplicates in substance Section 1201.026(a), Government Code, which provides that "[a] public security or an interest coupon may be executed, with or without a seal, with a manual or facsimile signature." The omitted law reads:

> Sec. 21.014. FACSIMILE SIGNATURES AND SEALS. In the resolution authorizing the issuance of an installment or series of bonds, the commission may prescribe the extent to which facsimile signatures and facsimile seals instead of manual signatures and manually impressed seals may be used in executing the bonds and appurtenant coupons. Interest coupons may be signed by the facsimile signatures of the presiding officer and the director.

(7) Section 21.015, Parks and Wildlife Code, states the effect of the signature of an officer on a bond authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code or coupon who ceases to be an officer before delivery of the bond. The revised law omits that provision because it duplicates in substance Section 1201.026(b), Government Code, which provides that the signature on a public security or interest coupon of a person who is no longer an officer when the security or coupon is

delivered is valid and sufficient for all purposes. The omitted law reads:

> Sec. 21.015. SIGNATURE OF FORMER OFFICER. If an officer whose signature or facsimile signature appears on a bond or whose facsimile signature appears on a coupon ceases to be an officer before the delivery of the bond, the signature is valid and sufficient for all purposes as if he had remained in office until the delivery had been made.

(8) Section 21.016, Parks and Wildlife Code, provides that after approval by the attorney general, registration by the comptroller, and delivery to the purchaser, bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code are incontestable and general obligations of the state. The revised law omits that provision as duplicative of Section 49-e(g), Article III, Texas Constitution, which provides that after approval by the attorney general, registration by the comptroller of public accounts, and delivery to the purchasers, the bonds are incontestable and constitute binding obligations of the state. The omitted law reads:

> Sec. 21.016. BONDS INCONTESTABLE, VALID, AND BINDING. (a) After approval by the attorney general, registration by the comptroller, and delivery to the purchaser, the bonds are incontestable and constitute general obligations of the state.
>
> (b) After approval by the attorney general and registration by the comptroller, the bonds shall be held to be valid and binding obligations of the state in any action, suit, or other proceeding in which their validity is questioned.

(9) Section 21.021, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code that are issued are negotiable instruments. The revised law omits that provision for the reason stated in Revisor's Note (2) to Section 3005.0202. The omitted law reads:

Sec. 21.021. BONDS NEGOTIABLE INSTRUMENTS. The bonds issued under the provisions of this chapter are negotiable instruments under the laws of this state.

(10) Section 21.023, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code are legal and authorized investments for various entities. The revised law omits that provision as superseded by other law. Investments in securities by banks are regulated by Section 34.101, Finance Code (enacted in 1995 as Section 5.101, Texas Banking Act (Article 342-5.101, Vernon's Texas Civil Statutes)). Investments by savings banks are regulated by Section 93.001(c)(10), Finance Code (enacted in 1993 as Section 7.15(10), Texas Savings Bank Act (Article 489e, Vernon's Texas Civil Statutes)). Investments in securities by trust companies are regulated by Section 184.101, Finance Code (enacted in 1997 as Section 5.101, Texas Trust Company Act (Article 342a-5.101, Vernon's Texas Civil Statutes)). Investments in securities by building and loan associations (now called savings and loan associations) are regulated by Sections 63.002 and 64.001, Finance Code. As to the remaining entities listed, Section 21.023 is duplicated in substance by Section 1201.041(3), Government Code, which provides that a public security is "a legal and authorized investment" for certain entities. While Section 21.023 lists "guardians" and Section 1201.041(3) does not, Section 1201.041(3) includes a "fiduciary," and a guardian is a fiduciary. The omitted law reads:

Sec. 21.023. AUTHORIZED INVESTMENTS. Bonds issued under this chapter are legal and authorized investments for:

(1) banks;

(2) savings banks;

(3) trust companies;

(4) building and loan and

savings and loan associations;

(5) insurance companies;

(6) fiduciaries;

(7) trustees;

(8) guardians; and

(9) sinking funds of cities, towns, villages, counties, school districts, and other political subdivisions and public agencies of the state.

(11) Section 21.024, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Chapter 21 of that code may secure deposits of funds of the state or political subdivisions. The revised law omits the provision relating to the use of department bonds as security for deposits of state funds as superseded by Section 404.0221, Government Code, which lists eligible collateral for deposits of state funds by the comptroller of public accounts. As to deposits of other public funds, the provisions are superseded by Chapter 2257, Government Code (enacted as Chapter 627, Acts of the 71st Legislature, Regular Session, 1989), which governs eligible collateral for deposits of funds of other public agencies, including political subdivisions, and permits those deposits to be secured by obligations issued by public agencies. The omitted law reads:

> Sec. 21.024. SECURITY FOR DEPOSIT OF FUNDS. Bonds issued under this chapter, when accompanied by all appurtenant unmatured coupons, are lawful and sufficient security for all deposits of funds of the state or of a city, town, village, county, school district, or other political subdivision or agency of the state, at the par value of the bonds.

(12) Section 21.025, Parks and Wildlife Code, provides that the Parks and Wildlife Department may provide for the replacement of a mutilated, lost, or destroyed bond authorized to be sold by the department under Chapter 21 of that code. The revised law omits that provision because it duplicates in substance

Section 1206.002, Government Code, which provides that an issuer may replace a bond that is destroyed, lost, or stolen, and Section 1206.022, Government Code, which provides that the governing body of an issuer may provide procedures for the replacement of lost, stolen, destroyed, or mutilated public securities. Chapter 1206, Government Code, applies to department bonds under Sections 1206.001 and 1206.021 of that code. The omitted law reads:

> Sec. 21.025. MUTILATED, LOST, OR DESTROYED BONDS. The department may provide for the replacement of a mutilated, lost, or destroyed bond.

CHAPTER 3006. PARTICIPATION IN FEDERAL OUTDOOR RECREATION PROGRAMS

Revised Law

Sec. 3006.0101. PROGRAMS FOR DEVELOPMENT OF OUTDOOR RECREATION RESOURCES. (a) The department is the state agency designated to cooperate with the federal government in the administration of federal assistance programs for the planning, acquisition, operation, and development of outdoor recreation resources of this state, including acquisition of land and water and interests in land and water.

(b) The department shall cooperate with the federal government in the administration of the provisions of the Land and Water Conservation Fund Act of 1965 (Pub. L. No. 88-578). (Parks & Wild. Code, Sec. 13.302.)

Source Law

> Sec. 13.302. PROGRAMS FOR THE DEVELOPMENT OF OUTDOOR RECREATION RESOURCES. The department is the state agency to cooperate with the federal government in the administration of federal assistance programs for the planning, acquisition, operation, and development of the outdoor recreation resources of the state, including acquisition of land and water and interests in land and water. The department shall cooperate with the federal government in the administration of the provisions of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578).

Revised Law

Sec. 3006.0102. COOPERATION WITH OTHER GOVERNMENTAL

ENTITIES. (a) The department shall cooperate with departments of the federal government and other departments of state and local government, including as a part of the state plan, water districts, river authorities, and special districts in outdoor recreation.

(b) The department shall adopt rules to cooperate in the administration and enforcement of federal laws, rules, and regulations.

(c) The department shall implement programs and coordinate with departments and agencies of the federal government, including United States Customs and Border Protection and the United States Drug Enforcement Administration, and other departments of state and local government, if necessary, to minimize environmental damage to any land under the department's control and custody along this state's border with the United Mexican States. (Parks & Wild. Code, Sec. 13.303.)

Source Law

> Sec. 13.303. COOPERATION WITH OTHER AGENCIES. (a) The department shall cooperate with departments of the federal government and other departments of state and local government, including as a part of the state plan, water districts, river authorities, and special districts in outdoor recreation. The department shall issue rules and regulations to cooperate in the enforcement and administration of federal acts and rules and regulations.
>
> (b) The department shall implement programs and coordinate with departments and agencies of the federal government, including the United States Border Patrol and the Drug Enforcement Administration, and other departments of state and local government, if necessary, to minimize environmental damage to any land under the control and custody of the department along this state's border with Mexico.

Revisor's Note

(1) Section 13.303(a), Parks and Wildlife Code, requires the Parks and Wildlife Department to issue certain "rules and regulations." Throughout this chapter, in this and similar contexts, the revised law substitutes "rules" for the quoted language because, in context, the terms are synonymous and under Section 311.005(5), Government Code (Code Construction Act), a rule is defined to include a regulation.

(2) Section 13.303(b), Parks and Wildlife Code, refers to "the United States Border Patrol and the Drug Enforcement Administration." The revised law substitutes "United States Customs and Border Protection and the United States Drug Enforcement Administration" for the quoted language to reflect the official names of those agencies.

(3) Section 13.303(b), Parks and Wildlife Code, refers to "Mexico." The revised law substitutes "United Mexican States" for "Mexico" to reflect the official name of that nation.

Revised Law

Sec. 3006.0103. CONDEMNATION PROCEEDINGS. The department may institute condemnation proceedings to acquire land for programs developing outdoor recreation resources under Section 3006.0101. (Parks & Wild. Code, Sec. 13.305(a).)

Source Law

Sec. 13.305. CONDEMNATION PROCEEDINGS. (a) The department may institute condemnation proceedings according to the laws of this state to acquire land for programs developing outdoor recreation resources under Section 13.302 of this code.

Revisor's Note

Section 13.305(a), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to institute certain condemnation proceedings "according to the laws of this state." The revised law omits the quoted language as unnecessary because general laws governing condemnation proceedings apply on their own terms.

Revised Law

Sec. 3006.0104. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the

facility, after deducting the net salvage value derived from the old facility.

(b) Costs incurred in the exercise of eminent domain under Section 3006.0103 for the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department. (Parks & Wild. Code, Secs. 13.305(b), (c).)

Source Law

> (b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department.
>
> (c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

Revisor's Note

Section 13.305(b), Parks and Wildlife Code, refers to the exercise of eminent domain under Section 13.305 of that code. Section 13.305 is revised in pertinent part as Section 3006.0103, and the revised law is drafted accordingly.

Revised Law

Sec. 3006.0105. APPLICATION FOR PARTICIPATION IN FEDERAL PROGRAMS. (a) The department may apply to an appropriate agency or officer of the United States for participation in or the receipt of aid from a federal outdoor recreation program.

(b) The department may contract with the United States to plan, acquire, and develop outdoor recreation resources of the state in conformity with the Land and Water Conservation Fund Act of 1965 (Pub. L. No. 88-578) or any other federal law to develop outdoor recreation resources of this state.

(c) The department shall:

(1) keep financial and other records relating to the

programs under this section; and

(2) provide to appropriate officials and agencies of the United States and of this state reports and information reasonably necessary for the administration of the programs. (Parks & Wild. Code, Sec. 13.306.)

Source Law

> Sec. 13.306. APPLICATION FOR PARTICIPATION IN FEDERAL PROGRAMS. (a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal outdoor recreation program.
>
> (b) The department may contract with the United States or any appropriate federal agency to plan, acquire, and develop outdoor recreation resources of the state in conformity with the Land and Water Conservation Fund Act of 1965 or any other federal act to develop outdoor recreation resources of the state.
>
> (c) The department shall keep financial and other records relating to the programs under this section and shall furnish to appropriate officials and agencies of the United States and of this state reports and information reasonably necessary for the administration of the programs.

Revisor's Note

Section 13.306(b), Parks and Wildlife Code, refers to the United States "or any appropriate federal agency." The revised law omits the quoted language because Section 311.005(9), Government Code (Code Construction Act), defines the United States to include its agencies.

Revised Law

Sec. 3006.0106. COORDINATION OF ACTIVITIES IN STATE PLAN. (a) To obtain the benefits of outdoor recreation programs under this chapter, the department shall coordinate the department's activities with and represent the interests of all agencies and political subdivisions of this state as a part of a state plan.

(b) The state plan shall include municipalities, counties, water districts, river authorities, and special districts in outdoor recreation having interests in the planning, development, acquisition, operation, and maintenance of outdoor recreation resources and facilities. (Parks & Wild. Code, Sec. 13.307.)

Source Law

Sec. 13.307. COORDINATION OF ACTIVITIES. To obtain the benefits of outdoor recreation programs under this subchapter, the department shall coordinate its activities with and represent the interests of all agencies and political subdivisions of the state as a part of a state plan. The state plan shall include cities, counties, water districts, river authorities, and special districts in outdoor recreation having interests in the planning, development, acquisition, operation, and maintenance of outdoor recreation resources and facilities.

Revisor's Note

(1) Section 13.307, Parks and Wildlife Code, refers to outdoor recreation programs under "this subchapter," meaning Subchapter D, Chapter 13, of that code. Throughout this chapter, the revised law substitutes "this chapter" for "this subchapter" when the context indicates that "this subchapter" is referring only to outdoor recreation programs, an outdoor recreation area or facility, outdoor recreation resources, or an outdoor recreation plan under Subchapter D, Chapter 13, because the provisions of that subchapter relating to outdoor recreation are revised in this chapter.

(2) Section 13.307, Parks and Wildlife Code, refers to "cities." The revised law substitutes "municipalities" for "cities" because the meaning of "municipalities" includes cities and "municipalities" is the term used in the Local Government Code.

Revised Law

Sec. 3006.0107. AVAILABILITY OF STATE MONEY. (a) The department may not make a commitment or an agreement to participate in an outdoor recreation program under this chapter until sufficient money is available to meet the state's share of the cost of the project.

(b) An outdoor recreation area or facility acquired or developed by the department under this chapter must be publicly maintained to the extent necessary to ensure its proper operation

and maintenance. (Parks & Wild. Code, Sec. 13.308.)

Source Law

Sec. 13.308. AVAILABILITY OF STATE FUNDS. (a) The department may not make a commitment or an agreement to participate in an outdoor recreation program under this subchapter until sufficient funds are available to meet the state's share of the cost of the project.

(b) An outdoor recreation area or facility acquired or developed by the department under this subchapter shall be publicly maintained to the extent necessary to insure its proper operation and maintenance.

Revisor's Note

Section 13.308(a), Parks and Wildlife Code, refers to the availability of sufficient "funds." Throughout this chapter, in this and similar contexts, the revised law substitutes "money" for "funds" for the reason stated in the revisor's note to Section 3002.0205.

Revised Law

Sec. 3006.0108. AVAILABILITY AND USE OF LOCAL MONEY. The department may agree with the United States or an appropriate agency to plan, acquire, operate, and develop projects involving participating federal aid funds on behalf of a political subdivision of this state if the political subdivision certifies to the department that:

(1) sufficient money is available to meet the political subdivision's share, if any, of the cost of the project; and

(2) the acquired or developed areas will be operated and maintained:

(A) for public outdoor recreation use; and

(B) at the expense of the political subdivision.

(Parks & Wild. Code, Sec. 13.309.)

Source Law

Sec. 13.309. AVAILABILITY OF LOCAL FUNDS. The department may agree with the United States or any appropriate agency to plan, acquire, operate, and develop projects involving participating federal aid funds on behalf of any political subdivision of this

state if the political subdivision certifies to the department that:

(1) sufficient funds are available to meet its share, if any, of the cost of the project; and

(2) the acquired or developed areas will be operated and maintained at the expense of the subdivision for public outdoor recreation use.

Revised Law

Sec. 3006.0109. RECEIPT AND EXPENDITURE OF MONEY. (a) The department may receive and spend federal money allocated to the state for:

(1) a project established to develop outdoor recreation resources under this chapter; and

(2) administrative and other expenses incident to the administration of the project.

(b) The department may receive and spend money from any source for the development of outdoor recreation resources under this chapter.

(c) The department shall deposit all money received for the development of outdoor recreation resources to the credit of:

(1) the state land and water conservation account;

(2) the Texas recreation and parks account;

(3) the large county and municipality recreation and parks account; or

(4) the state parks account. (Parks & Wild. Code, Sec. 13.310.)

Source Law

Sec. 13.310. RECEIPT AND EXPENDITURE OF FUNDS. (a) The department may receive and spend federal money allocated to the state for any project established to develop outdoor recreation resources under this subchapter and for administrative and other expenses incident to the administration of these projects.

(b) The department may receive and expend funds from the state, a county, a city, or any other source for the development of outdoor recreation resources under this subchapter.

(c) The department shall deposit all funds received for the development of outdoor recreation resources in the state treasury to the credit of the state land and water conservation account, the Texas recreation and parks account, the large county and municipality recreation and parks account, or the state parks account.

Revisor's Note

Section 13.310(b), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to receive and expend "funds from the state, a county, a city, or any other source" for the development of outdoor recreation resources. The revised law substitutes "money from any source" for the quoted language because funds from the state, a county, or a city are included within the meaning of "money from any source."

Revised Law

Sec. 3006.0110. DEPARTMENT RULES GOVERNING PROJECT PRIORITY. The department may adopt rules governing the priority of projects submitted under an outdoor recreation plan under this chapter and within the limitations of the appropriations made for those purposes. (Parks & Wild. Code, Sec. 13.311.)

Source Law

Sec. 13.311. PROJECT PRIORITY. The department may make rules and regulations governing the priority of projects submitted under an outdoor recreation plan under this subchapter and within the limitations of the appropriations made for these purposes.

Revised Law

Sec. 3006.0111. ADMINISTRATIVE EXPENSES AND PERSONNEL. The department may employ necessary personnel, as determined by the executive director, and spend amounts necessary to efficiently administer the outdoor recreation programs under this chapter. (Parks & Wild. Code, Sec. 13.312.)

Source Law

Sec. 13.312. ADMINISTRATION EXPENSE. The department may employ necessary personnel, as determined by the director, and expend amounts necessary to administer efficiently the outdoor recreation programs under this subchapter.

CHAPTER 3007. PROTECTION OF PUBLIC PARKS

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3007.0101. APPLICABILITY OF CHAPTER. This chapter

does not apply to public land over which a department, agency, or political subdivision of this state has control if:

(1) the land was originally obtained and designated for another public use and is temporarily used as a park, recreation area, or wildlife refuge pending the land's use for the originally designated purpose;

(2) the program or project that requires the use or taking of the land is the same program or project for which the land was originally obtained and designated; and

(3) the land was not designated by the department, agency, or political subdivision for use as a park, recreation area, or wildlife refuge before September 1, 1975. (Parks & Wild. Code, Sec. 26.004.)

Source Law

> Sec. 26.004. EXCLUDED LANDS. A department, agency, board, or political subdivision having control of the public land is not required to comply with this chapter if:
>
> (1) the land is originally obtained and designated for another public use and is temporarily used as a park, recreation area, or wildlife refuge pending its use for the originally designated purpose;
>
> (2) the program or project that requires the use or taking of the land being used temporarily as a park, recreation area, or wildlife refuge is the same program or project for which the land was originally obtained and designated; and
>
> (3) the land has not been designated by the department, agency, political subdivision, county, or municipality for use as a park, recreation area, or wildlife refuge before September 1, 1975.

Revisor's Note

(1) Section 26.004, Parks and Wildlife Code, provides the circumstances under which a department, agency, "board," or political subdivision having control of public land is not required to comply with Chapter 26 of that code. The only provision of Chapter 26, Parks and Wildlife Code, that imposes requirements on the use of public land is Section 26.001(a) of that code, revised as Section 3007.0201(a). Section 26.001(a) provides that a department, agency, political subdivision, county, or municipality "of

this state" may not approve a program or project that requires the use or taking of certain public land unless the entity makes certain determinations. The revised law omits the reference to "board" because the requirements of Section 26.001(a) do not apply to a board and adds the phrase "of this state" to conform to the terminology used in that section.

(2) Section 26.004(3), Parks and Wildlife Code, refers to a "political subdivision, county, or municipality." Throughout this chapter, in this and similar contexts, the revised law substitutes "political subdivision" for the quoted language because a county or municipality is a political subdivision included in the meaning of the term "political subdivision."

SUBCHAPTER B. USE OR TAKING OF CERTAIN LAND

Revised Law

Sec. 3007.0201. LIMITATION ON USE OR TAKING OF CERTAIN LAND. (a) A department, agency, or political subdivision of this state may not approve a program or project that requires the use or taking of public land designated and used before the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the department, agency, or political subdivision, acting through its duly authorized governing body or officer, determines that:

(1) there is no feasible and prudent alternative to the use or taking of the land; and

(2) the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.

(b) A governing body or officer may make the determinations required by Subsection (a) only after notice and a hearing as required by this chapter. The governing body or officer shall

consider clearly enunciated local preferences. (Parks & Wild. Code, Sec. 26.001.)

Source Law

> Sec. 26.001. PROTECTED LAND; NOTICE OF TAKING. (a) A department, agency, political subdivision, county, or municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the department, agency, political subdivision, county, or municipality, acting through its duly authorized governing body or officer, determines that:
>
> (1) there is no feasible and prudent alternative to the use or taking of such land; and
>
> (2) the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking.
>
> (b) A finding required by Subsection (a) of this section may be made only after notice and a hearing as required by this chapter.
>
> (c) The governing body or officer shall consider clearly enunciated local preferences, and the provisions of this chapter do not constitute a mandatory prohibition against the use of the area if the findings are made that justify the approval of a program or project.

Revisor's Note

Section 26.001(c), Parks and Wildlife Code, provides that "the provisions of [Chapter 26, Parks and Wildlife Code,] do not constitute a mandatory prohibition against the use of the area if the findings are made that justify the approval of a program or project." The revised law omits the quoted language as unnecessary because there is no reading of any provision of Chapter 26, Parks and Wildlife Code, revised as this chapter, that would prohibit the use of an area for a program or project when findings are made to justify the approval of the program or project.

Revised Law

Sec. 3007.0202. NOTICE OF HEARING. (a) If a program or project requires notice and a public hearing before approval, the notice must be given in writing to the person, organization, department, or agency that has supervision of the land proposed to

be used or taken. The notice must:

(1) be given at least 30 days before the date of the public hearing; and

(2) clearly state the proposed program or project and the date and place for the public hearing.

(b) Notice must also be given to the public by publishing a notice similar to the notice required by Subsection (a) once a week for three consecutive weeks. The last day of publication of the notice may not be later than one week before the date of the hearing or earlier than two weeks before the date of the hearing. Except as provided by Subsection (c), the notice must be published in a newspaper of general circulation that is published at least six days a week in the county where the land proposed to be used or taken is situated.

(c) If there is no qualifying newspaper described by Subsection (b), the notice required by that subsection must be published in a qualifying newspaper that is published in a county adjoining the county where the land is situated. If there is no qualifying newspaper published in any adjoining county, the notice must be published in a qualifying newspaper that is published in the nearest county to the county where the land is situated. If there is no qualifying daily newspaper described by this subsection, the notice must be published in a newspaper of general circulation published in the political subdivision affected. If no newspaper is published in the political subdivision, the notice must be published in the political subdivision nearest the political subdivision affected. (Parks & Wild. Code, Sec. 26.002.)

Source Law

> Sec. 26.002. NOTICE OF HEARING. (a) When any program or project requires notice and a public hearing before approval, the notice must be given in writing to the person, organization, department, or agency that has supervision of the land proposed to be used or taken.
>
> (b) The notice must state clearly the proposed program or project and the date and place for the public hearing. The notice must be given at least 30 days before the date for the public hearing.
>
> (c) Notice must also be given to the public by

publishing a notice similar to that specified in this section once a week for three consecutive weeks. The last days of publication must not be less than one week or more than two weeks before the date of the hearing. The notice must be published in a newspaper of general circulation, which paper must be published at least six days a week in the county where the land proposed to be used or taken is situated.

(d) If there is no newspaper that qualifies under Subsection (c) of this section, the notice must be published in a qualifying newspaper that is published in any county adjoining the county where the land is situated. If there is no qualifying newspaper published in any adjoining county, then the notice must be published in a qualifying newspaper published in the nearest county to the county where the land is situated. If there is no qualifying daily newspaper published therein, the notice must be published in any newspaper of general circulation published in the political subdivision affected. If no newspaper is published in the political subdivision, the notice must be published in a newspaper published in the political subdivision nearest the political subdivision affected.

Revised Law

Sec. 3007.0203. JUDICIAL REVIEW. A petition for judicial review of the approval or disapproval of a program or project under this chapter is barred unless the petition is filed not later than the 30th day after the date the approval or disapproval is announced. (Parks & Wild. Code, Sec. 26.003.)

Source Law

Sec. 26.003. LIMITATIONS ON JUDICIAL REVIEW. A petition for the judicial review of the approval or disapproval of a program or project under this chapter must be filed within 30 days after the approval or disapproval is announced, or the review is barred.

CHAPTER 3008. HISTORIC SITES

Revised Law

Sec. 3008.0101. ACQUISITION OF HISTORIC SITES. The department may acquire by purchase, gift, or other manner historic sites:

(1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;

(2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;

(3) embodying the distinguishing characteristics of

an architectural type that is inherently valuable for study of a period, style, or method of construction;

(4) that contribute significantly to the understanding of aboriginal humans in the nation or state; or

(5) that are of significant geologic interest relating to prehistoric animal or plant life. (Parks & Wild. Code, Sec. 13.005(a).)

Source Law

Sec. 13.005. ACQUISITION OF HISTORICAL SITES. (a) The department may acquire by purchase, gift, or other manner historical sites:

(1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;

(2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;

(3) embodying the distinguishing characteristics of an architectural type which is inherently valuable for study of a period, style, or method of construction;

(4) that contributes significantly to the understanding of aboriginal man in the nation or state; or

(5) that is of significant geologic interest relating to prehistoric animal or plant life.

Revisor's Note

Section 13.005(a), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to acquire certain "historical sites." Throughout this chapter, the revised law substitutes "historic sites" for "historical sites" and "historic site" for "historical site" for the reasons stated in the revisor's note to Section 3001.0101.

Revised Law

Sec. 3008.0102. JOINT PANEL WITH TEXAS HISTORICAL COMMISSION. The department and the Texas Historical Commission shall form a joint panel to:

(1) establish criteria for determining whether a site is of statewide significance under Section 3008.0101; and

(2) promote the continuity of a historic sites program. (Parks & Wild. Code, Sec. 13.005(d).)

Source Law

(d) The department and the Texas Historical Commission shall form a joint panel to establish criteria for determining whether a site is of statewide significance under Subsection (a) and to promote the continuity of a historic sites program.

Revised Law

Sec. 3008.0103. RESTORATION AND MAINTENANCE OF HISTORIC SITES. (a) The department shall restore and maintain each historic site acquired under Section 3008.0101 for the benefit of the public.

(b) The department may enter into interagency contracts for purposes of this section. (Parks & Wild. Code, Sec. 13.005(b).)

Source Law

(b) The department shall restore and maintain each historical site acquired under this section for the benefit of the general public. The department may enter into interagency contracts for this purpose.

Revisor's Note

Section 13.005(b), Parks and Wildlife Code, refers to a historical site acquired under Section 13.005 of that code. Section 13.005 is revised in pertinent part as Section 3008.0101, and the revised law is drafted accordingly.

Revised Law

Sec. 3008.0104. PRESERVATION AND DEVELOPMENT PLANS FOR HISTORIC SITES. (a) The department shall formulate plans for the preservation and development of historic sites.

(b) The department shall conduct an archeological survey of a specific historic site before formulating a plan for the site.

(c) In formulating a plan under this section, the department shall:

(1) consider the results from the archeological survey for the site if the plan is for a specific site;

(2) consider the resources necessary to manage a site; and

(3) meet with and consider comments made by the Texas

Historical Commission. (Parks & Wild. Code, Sec. 13.005(c).)

Source Law

(c) The department shall formulate plans for the preservation and development of historical sites. Before formulating a plan for a specific site, the department shall conduct an archeological survey of the site. In formulating plans, the department shall:

(1) consider the results from the archeological survey for the site if the plan is for a specific site;

(2) consider the resources necessary to manage a site; and

(3) meet with and consider comments made by the Texas Historical Commission.

Revised Law

Sec. 3008.0105. COORDINATION WITH TEXAS HISTORICAL COMMISSION. The department shall meet regularly with the Texas Historical Commission regarding plans to preserve and develop historic sites in this state. (Parks & Wild. Code, Sec. 13.0051.)

Source Law

Sec. 13.0051. COORDINATION WITH TEXAS HISTORICAL COMMISSION; REPORT ON PRESERVATION PLANS. The department shall meet regularly with the Texas Historical Commission regarding plans to preserve and develop historical sites in this state.

Revised Law

Sec. 3008.0106. REPORTS. The department shall periodically prepare reports on plans to preserve and develop in this state historic sites under the department's jurisdiction. (Parks & Wild. Code, Sec. 13.0052.)

Source Law

Sec. 13.0052. REPORTS. The department shall periodically prepare reports on plans to preserve and develop historical sites under the jurisdiction of the department in this state.

Revised Law

Sec. 3008.0107. PROGRAMS FOR DEVELOPMENT OF HISTORIC SITES AND STRUCTURES. (a) The department may apply to an appropriate agency or officer of the United States for participation in or the receipt of aid from a federal program involving the planning, acquisition, and development of historic sites and structures.

(b) The department may contract with the United States to plan, acquire, and develop historic sites and structures in this

state in conformity with any federal law concerning the development of historic sites and structures.

(c) The department shall:

(1) keep financial and other records relating to programs under this section; and

(2) provide to appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs. (Parks & Wild. Code, Sec. 13.301.)

Source Law

> Sec. 13.301. PROGRAMS FOR THE DEVELOPMENT OF HISTORIC SITES AND STRUCTURES. (a) The department may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program involving the planning, acquisition, and development of historic sites and structures.
>
> (b) The department may contract with the United States or its agencies to plan, acquire, and develop historic sites and structures in this state in conformity with any federal act concerning the development of historic sites and structures.
>
> (c) The department shall keep financial and other records relating to programs under this section and shall furnish appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs.

Revisor's Note

Section 13.301(b), Parks and Wildlife Code, refers to the United States "or its agencies." The revised law omits the quoted language for the reason stated in the revisor's note to Section 3006.0105.

Revised Law

Sec. 3008.0108. REFERENCE TO HISTORIC SITE AS HISTORICAL PARK PROHIBITED. (a) In this section, "publication" includes the publication of a book, magazine, photograph, poster, or bulletin.

(b) The department may not refer to a historic site as a "historical park":

(1) in a department publication; or

(2) on a department marker or sign. (Parks & Wild. Code, Sec. 13.0053.)

Source Law

Sec. 13.0053. REFERENCE TO HISTORICAL SITES. (a) In this section, "publication" includes the publication of a book, magazine, photograph, poster, or bulletin.

(b) The department may not refer to a historical site as a "historical park":

(1) in a department publication; or

(2) on a department marker or sign.

Revised Law

Sec. 3008.0109. LOCATION, DESIGNATION, AND MARKING OF HISTORIC SITES. (a) The department and the Texas Historical Commission may cooperate to locate, designate, and suitably mark historic grounds, battlefields, and other historic spots in Texas as historic sites.

(b) Fitting markers may be erected at historic sites, provided that no expense may be incurred in the name of the state for this purpose. (Parks & Wild. Code, Sec. 13.010.)

Source Law

Sec. 13.010. HISTORIC SITES. The department and the Texas Historical Commission may cooperate to locate, designate, and suitably mark historic grounds, battlefields, and other historic spots in Texas as historic sites. Fitting markers may be erected; however, no expense may be incurred in the name of the state for this project.

CHAPTER 3009. TEXAS TRAILS SYSTEM

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3009.0101. DEFINITION. In this chapter, "system" means the Texas Trails System established under this chapter. (New.)

Revisor's Note

The definition of "system" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3009.0102. IMPLEMENTATION OF CHAPTER. The commission may adopt rules or take any other action necessary to implement this

chapter. (Parks & Wild. Code, Sec. 28.002(b).)

Source Law

(b) The commission may adopt rules or take any other action necessary to implement this chapter.

SUBCHAPTER B. ESTABLISHMENT AND ADMINISTRATION OF SYSTEM

Revised Law

Sec. 3009.0201. ESTABLISHMENT OF SYSTEM. The Texas Trails System is established under the administration of the department. (Parks & Wild. Code, Sec. 28.001 (part).)

Source Law

Sec. 28.001. ESTABLISHMENT. The Texas Trails System is established under the administration of the department. . . .

Revised Law

Sec. 3009.0202. PURPOSES OF SYSTEM. The purposes of the system are to:

(1) provide high-quality outdoor recreational, scenic, historic, and expedition trails; and

(2) promote the use and encourage the development of trails in the system. (Parks & Wild. Code, Sec. 28.001 (part).)

Source Law

Sec. 28.001. . . . The purposes of the system are to provide high-quality outdoor recreational, scenic, historic, and expedition trails and to promote the use and encourage the development of trails within the system.

Revised Law

Sec. 3009.0203. POWERS OF DEPARTMENT. The department may:

(1) develop a trails master plan for the orderly development of trails;

(2) designate qualifying trails in the state park system or on state land as components of the trails system;

(3) enter into negotiations with federal, state, regional, local, and private agencies that administer trails to allow those trails to be included in the system;

(4) designate federal, state, regional, local, and private trails as components of the system after obtaining the

consent of the owner or administering agency;

(5) remove trails from the system:

(A) to maintain the quality of the system; or

(B) at the request of the owner or administering agency;

(6) develop criteria and standards for trails in the system;

(7) provide a standardized terminology for trails in the system;

(8) provide a uniform marker for the trails in the system;

(9) provide potential trail administrators with technical assistance in planning or building trails; and

(10) publish information about the system to:

(A) ensure public knowledge of the existence of the system; and

(B) encourage use of the system. (Parks & Wild. Code, Secs. 28.002(a)(1), (2), (3), (4), (5), (6), (8), (9), (10), (11).)

Source Law

Sec. 28.002. SYSTEM ADMINISTRATION. (a) The department may:

(1) develop a trails master plan for the orderly development of trails;

(2) designate qualifying trails within the state park system or on state lands as components of the trail system;

(3) enter into negotiations with federal, state, regional, local, and private agencies that administer trails to allow their trails to be included in the system;

(4) designate federal, state, regional, local, and private trails as components of the system after obtaining the consent of the owner or administering agency;

(5) remove trails from the system at the request of the owner or administering agency or to maintain the quality of the system;

(6) develop criteria and standards for trails in the system;

. . .

(8) provide a standardized terminology for trails within the system;

(9) provide a uniform marker for the trails within the system;

(10) provide technical assistance in planning or building trails to potential trail

administrators; and

(11) publish information about the system to ensure public knowledge of the existence of the system and to encourage its use.

SUBCHAPTER C. CLASSIFICATION OF TRAILS

Revised Law

Sec. 3009.0301. CLASSIFICATION OF TRAILS. (a) The department shall classify trails in the system according to the classifications established in this subchapter.

(b) The department may classify a trail in the system as a recreational, scenic, historic, or expedition trail.

(c) A trail may have more than one classification or may be composed of several trails with different classifications.

(d) A trail may not include:

(1) the main traveled portion of a highway, road, or street that is provided primarily for motor vehicle traffic; or

(2) a motor vehicle travel route that exists or may be established on the main traveled portion of a highway, road, or street. (Parks & Wild. Code, Secs. 28.002(a)(7), 28.004(a).)

Source Law

Sec. 28.002. SYSTEM ADMINISTRATION. (a) The department may:

. . .

(7) classify trails in the system as recreational, scenic, historic, or expedition trails;

. . . .

Sec. 28.004. CLASSIFICATION. (a) The department shall classify trails in the system according to the classifications established in this section. A trail may have more than one classification or may be composed of several trails with different classifications. A trail may not include the main travelway portions of highways, roads, or streets that are provided primarily for motor vehicle traffic or motor vehicle travel routes that exist or may be established on such travelways.

Revisor's Note

Section 28.004(a), Parks and Wildlife Code, requires the Parks and Wildlife Department to classify trails according to the classifications established in "this section," meaning Section 28.004 of that code. The revised law substitutes "this subchapter" for "this section" because Section 28.004 is revised in

this subchapter. Although this subchapter also includes the revision of Section 28.002(a)(7), Parks and Wildlife Code, it is appropriate to refer to the subchapter in its entirety because Section 28.002(a)(7) does not establish classifications for trails.

Revised Law

Sec. 3009.0302. RECREATIONAL TRAIL. A recreational trail is a trail that is:

(1) in or near an urban area; and

(2) primarily used for recreational or health benefits. (Parks & Wild. Code, Sec. 28.004(b).)

Source Law

(b) A recreational trail is a trail that:
(1) is in or near an urban area; and
(2) is primarily used for recreational or health benefits.

Revised Law

Sec. 3009.0303. SCENIC TRAIL. A scenic trail is a trail that is:

(1) in a rural or urban area;

(2) in an area containing natural and scenic qualities of at least regional significance; and

(3) primarily used for enjoyment of its scenic qualities and vistas, such as travel through or to a natural environment. (Parks & Wild. Code, Sec. 28.004(c).)

Source Law

(c) A scenic trail is a trail that:
(1) is in a rural or urban area;
(2) is in an area containing natural and scenic qualities of at least regional significance; and
(3) is primarily used for enjoyment of its scenic qualities and vistas, such as travel through or to a natural environment.

Revised Law

Sec. 3009.0304. HISTORIC TRAIL. A historic trail is a trail that:

(1) is in a rural or urban area;

(2) provides access to or between historic sites, structures, or monuments of regional or statewide significance; and

(3) is used primarily for its historic connotations, such as the significance of a historic structure or the presentation of a historic episode. (Parks & Wild. Code, Sec. 28.004(d).)

Source Law

(d) A historic trail is a trail that:
(1) is in a rural or urban area;
(2) provides access to or between historic sites, structures, or monuments of regional or statewide significance; and
(3) is used primarily for its historic connotations, such as the significance of a historic structure or the presentation of a historic episode.

Revised Law

Sec. 3009.0305. EXPEDITION TRAIL. An expedition trail is a trail that:

(1) is in a rural area;

(2) provides extended travel through scenic and natural areas of regional or statewide significance; and

(3) may require some travel preparation. (Parks & Wild. Code, Sec. 28.004(e).)

Source Law

(e) An expedition trail is a trail that:
(1) is in a rural area;
(2) provides extended travel through scenic and natural areas of regional or statewide significance; and
(3) may require some travel preparation.

CHAPTER 3010. OFF-HIGHWAY VEHICLE TRAIL AND RECREATIONAL AREA PROGRAM

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3010.0101. DEFINITIONS. In this chapter:

(1) "Off-highway vehicle" means:

(A) an off-highway vehicle, as defined by Section 551A.001, Transportation Code;

(B) an off-highway motorcycle; or

(C) any other motorized vehicle used for

off-highway recreation on:

(i) public land over which the department has authority or on land purchased or leased by the department; or

(ii) land acquired or developed under a grant made under Section 3010.0205 or any other grant program operated or administered by the department.

(2) "Program" means the off-highway vehicle trail and recreational area program established under this chapter. (Parks & Wild. Code, Sec. 29.001; New.)

Source Law

Sec. 29.001. DEFINITION. In this chapter, "off-highway vehicle" means:

(1) an off-highway vehicle, as defined by Section 551A.001, Transportation Code;

(2) an off-highway motorcycle; or

(3) any other motorized vehicle used for off-highway recreation on:

(A) public land over which the department has authority or on land purchased or leased by the department; or

(B) land acquired or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department.

Revisor's Note

The definition of "program" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3010.0102. COMMISSION RULES. The commission:

(1) shall adopt rules necessary to implement this chapter; and

(2) may adopt rules:

(A) exempting certain classes of persons from the requirement of Section 3010.0301(b); or

(B) concerning the department's use of funding from sources outside the general revenue fund under Section 3010.0206. (Parks & Wild. Code, Sec. 29.010.)

Source Law

Sec. 29.010. RULES. The commission:

(1) shall adopt rules necessary to implement this chapter; and

(2) may adopt rules:

(A) exempting certain classes of persons from the requirements of Section 29.003; or

(B) concerning the department's use of funding from sources outside the general revenue fund under Section 29.007.

Revisor's Note

Section 29.010(2)(A), Parks and Wildlife Code, refers to the requirements of Section 29.003 of that code. Section 29.003 is revised in pertinent part as Section 3010.0301(b), and the revised law is drafted accordingly.

SUBCHAPTER B. ESTABLISHMENT AND ADMINISTRATION OF PROGRAM

Revised Law

Sec. 3010.0201. ESTABLISHMENT OF PROGRAM. The off-highway vehicle trail and recreational area program is established under the administration of the department. (Parks & Wild. Code, Sec. 29.002(a) (part).)

Source Law

Sec. 29.002. ESTABLISHMENT AND OPERATION. (a) The off-highway vehicle trail and recreational area program is established under the administration of the department. . . .

Revised Law

Sec. 3010.0202. PURPOSES OF PROGRAM. The purposes of the program are to:

(1) further the establishment of motor vehicle recreation sites under Section 5003.0204;

(2) establish and maintain a public system of trails and other recreational areas for use by owners and riders of off-highway vehicles;

(3) improve existing trails and other recreational areas open to the public for use by owners and riders of off-highway vehicles; and

(4) foster the responsible use of off-highway vehicles. (Parks & Wild. Code, Sec. 29.002(a) (part).)

Source Law

(a) . . . The purposes of the program are to:

(1) further the establishment of motor vehicle recreation sites under Section 90.009;

(2) establish and maintain a public system of trails and other recreational areas for use by owners and riders of off-highway vehicles;

(3) improve existing trails and other recreational areas open to the public for use by owners and riders of off-highway vehicles; and

(4) foster the responsible use of off-highway vehicles.

Revised Law

Sec. 3010.0203. ESTABLISHMENT AND MAINTENANCE OF OFF-HIGHWAY VEHICLE TRAILS AND RECREATIONAL AREAS. The department shall establish and maintain trails and recreational areas for use by owners and riders of off-highway vehicles:

(1) on public land over which the department has authority or on land purchased or leased by the department; or

(2) by making grants to federal agencies, political subdivisions of this state, and nonprofit organizations under Section 3010.0205. (Parks & Wild. Code, Sec. 29.002(b).)

Source Law

(b) The department shall establish and maintain trails and recreational areas for use by owners and riders of off-highway vehicles:

(1) on public land over which the department has authority or on land purchased or leased by the department; or

(2) by making grants to federal agencies, political subdivisions of this state, and nonprofit organizations under Section 29.008.

Revised Law

Sec. 3010.0204. COORDINATION OF IMPLEMENTATION AND OPERATION OF PROGRAM. The department shall coordinate the implementation and operation of the program with the implementation and operation of the program established under Section 5003.0204. (Parks & Wild. Code, Sec. 29.002(c).)

Source Law

(c) The department shall coordinate the implementation and operation of the program established under this chapter with the implementation and operation of the program established under Section 90.009.

Revised Law

Sec. 3010.0205. GRANTS. The department may make grants to federal agencies, political subdivisions of this state, and nonprofit organizations for the purpose of acquiring, developing, and maintaining public trails or recreational areas under this chapter. (Parks & Wild. Code, Sec. 29.008.)

Source Law

> Sec. 29.008. GRANTS. The department may make grants to federal agencies, political subdivisions of this state, and nonprofit organizations for the purpose of acquiring, developing, and maintaining public trails or recreational areas under this chapter.

Revised Law

Sec. 3010.0206. USE OF OTHER REVENUE. The department shall seek and use funding from the federal government, including the Recreational Trails Program administered by the United States Department of Transportation, and other sources outside the general revenue fund to identify and facilitate the development of off-highway vehicle trails and recreational areas under this chapter. (Parks & Wild. Code, Sec. 29.007.)

Source Law

> Sec. 29.007. OTHER REVENUE. The department shall seek and use funding from the federal government, including the Recreational Trails Program administered by the United States Department of Transportation, and other sources outside the general revenue fund to identify and facilitate the development of off-highway vehicle trails and recreational areas under this chapter.

SUBCHAPTER C. OFF-HIGHWAY VEHICLE DECAL

Revised Law

Sec. 3010.0301. OFF-HIGHWAY VEHICLE DECAL REQUIRED; OFFENSE. (a) This section applies only to the operation of an off-highway vehicle on:

(1) public land over which the department has authority;

(2) land purchased or leased by the department;

(3) any other public land; or

(4) land purchased or developed under a grant made

under:

(A) Section 3010.0205; or

(B) any other grant program operated or administered by the department.

(b) Except as provided by Subsection (c), a person may not operate an off-highway vehicle on land on which off-highway vehicle recreation is legal unless:

(1) the person has obtained an off-highway vehicle decal for the vehicle; and

(2) the decal is properly mounted on the vehicle.

(c) This section does not apply to a person who is:

(1) acting on behalf of the United States, any state, or a political subdivision of any state;

(2) participating in a search and rescue operation under the authority or direction of a search and rescue or law enforcement agency; or

(3) exempt under a rule adopted by the commission.

(d) A person commits an offense if the person violates this section. An offense under this subsection is a Class C Parks and Wildlife Code misdemeanor. (Parks & Wild. Code, Secs. 29.003(a), 29.004, 29.009.)

Source Law

> Sec. 29.003. OFF-HIGHWAY VEHICLE DECAL REQUIRED; FEE. (a) Except as provided by Section 29.004, a person may not operate an off-highway vehicle on public land over which the department has authority, on land purchased or leased by the department, on other public land, or on land purchased or developed under a grant made under Section 29.008 or any other grant program operated or administered by the department on which off-highway vehicle recreation is legal without having obtained and properly mounted an off-highway vehicle decal.
>
> Sec. 29.004. EXEMPTIONS. Section 29.003 does not apply to a person that is:
>
> (1) acting on behalf of the United States, any state, or a political subdivision of the United States or any state;
>
> (2) participating in a search and rescue operation under the authority or direction of a search and rescue or law enforcement agency; or
>
> (3) exempt under a rule adopted by the commission.

Sec. 29.009. PENALTY. A person who violates Section 29.003 commits an offense that is a Class C Parks and Wildlife misdemeanor.

Revisor's Note

Section 29.004(1), Parks and Wildlife Code, refers to a "political subdivision of the United States or any state." The revised law omits the reference to a "political subdivision of the United States" as unnecessary because, under Section 311.005(9), Government Code (Code Construction Act), "United States" includes a "department, bureau, or other agency" of the United States and the meaning of "political subdivision" is included in the meaning of "department, bureau, or other agency."

Revised Law

Sec. 3010.0302. ISSUANCE AND DISPLAY OF DECAL. (a) The department shall issue an off-highway vehicle decal on the payment of the fee under Section 3010.0304.

(b) The department shall prescribe the form and manner in which the decal must be issued to a person and displayed for use by the person. (Parks & Wild. Code, Secs. 29.005(a), (b).)

Source Law

Sec. 29.005. ISSUANCE, DISPLAY, AND EXPIRATION OF DECAL. (a) The department shall issue an off-highway vehicle decal on the payment of the fee under Section 29.003(b).

(b) The department shall prescribe the form and manner in which the decal must be issued to a person and displayed for use by the person.

Revised Law

Sec. 3010.0303. DECAL TERM. (a) A decal issued under Section 3010.0302 is valid only during the yearly period for which the decal is issued without regard to the date the decal is acquired.

(b) A yearly period for a decal issued under Section 3010.0302:

(1) begins on September 1 or another date set by the commission; and

(2) extends through August 31 of the next year or another date set by the commission. (Parks & Wild. Code, Sec. 29.005(c).)

Source Law

(c) A decal issued under this section is valid only during the yearly period for which the decal is issued without regard to the date on which the decal is acquired. A yearly period begins on September 1 or another date set by the commission and extends through August 31 of the next year or another date set by the commission.

Revisor's Note

Section 29.005(c), Parks and Wildlife Code, refers to a decal issued under Section 29.005 of that code. Section 29.005 is revised in pertinent part as Section 3010.0302, and the revised law is drafted accordingly.

Revised Law

Sec. 3010.0304. DECAL FEE. The fee for an off-highway vehicle decal is $8 or a greater amount set by the commission. (Parks & Wild. Code, Sec. 29.003(b).)

Source Law

(b) The fee for an off-highway vehicle decal is $8 or an amount set by the commission, whichever amount is more.

Revised Law

Sec. 3010.0305. DISPOSITION OF DECAL FEES. The department shall deposit all revenue, less allowable costs, collected under Section 3010.0302 to the credit of the off-highway vehicle trail and recreational area account under Section 2052.1401. (Parks & Wild. Code, Sec. 29.006.)

Source Law

Sec. 29.006. DISPOSITION OF DECAL FEES. The department shall deposit all revenue, less allowable costs, collected under Section 29.005 to the credit of the off-highway vehicle trail and recreational area account under Section 11.046.

Revisor's Note

(1) Section 29.006, Parks and Wildlife Code, refers to revenue collected under Section 29.005 of

that code. Section 29.005 is revised in pertinent part as Section 3010.0302, and the revised law is drafted accordingly.

(2) Section 29.006, Parks and Wildlife Code, refers to the off-highway vehicle trail and recreational area account under Section 11.046 of that code. Section 11.046 is revised in pertinent part as Section 2052.1401, and the revised law is drafted accordingly.

## CHAPTER 3011. STATE ASSISTANCE FOR LOCAL PARKS

### SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3011.0101. DEFINITIONS. In this chapter:

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

(2) "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 areas, or open space areas and facilities, including improvements in park landscapes, buildings, and support facilities.

(3) "Nonprofit corporation" means a nonpolitical legal entity that is:

(A) incorporated under the laws of this state; and

(B) exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code.

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

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

(6) "Park, recreational, cultural resource, and open space plan" means a comprehensive plan that:

(A) includes information on and analyses of park, recreational, cultural resource, and open space objectives, needs, resources, environment, and uses; and

(B) identifies the amounts, locations, characteristics, and potentialities of areas for adequate park, recreational, cultural resource, and open space opportunities.

(7) "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. (Parks & Wild. Code, Secs. 24.001(1), (3), (4), (6), (7), (10), (11); 24.051(2), (3), (6), (7), (8), (9), (10).)

Source Law

Sec. 24.001. DEFINITIONS. In this subchapter:

(1) "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.

(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.

(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.

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

[Sec. 24.051]

(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.

(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 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.

Revisor's Note

(1) Sections 24.001(2) and (9), Parks and Wildlife Code, define the terms "urban area" and "rural area," respectively, for purposes of Subchapter A, Chapter 24, of that code, which is revised as various provisions of this chapter. The revised law omits the definition of "urban area" as unnecessary because the only provision of Subchapter A, Chapter 24, where the term is used is in the definition of "rural area," which is omitted from the revised law. The revised law omits the definition of "rural area" as unnecessary because the term is not used elsewhere in Subchapter A, Chapter 24. The omitted law reads:

(2) "Urban area" means the area

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

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

(2) Sections 24.001(6) and 24.051(9), Parks and Wildlife Code, define the term "parks, recreational, and open space area plan." The revised law substitutes "park, recreational, cultural resource, and open space plan" for the quoted language because "park, recreational, cultural resource, and open space plan[s]" is the term used in Sections 24.008(e) and 24.058(c), Parks and Wildlife Code, revised in pertinent part as Sections 3011.0306(c) and 3011.0206(c), respectively, and no other provision of Chapter 24 uses the term "parks, recreational, and open space area plan."

(3) Sections 24.001(7) and 24.051(3), Parks and Wildlife Code, refer to "outdoor or indoor parks, recreational, or open space areas and facilities." In this code, "recreational" most commonly modifies "area." The revised law substitutes "recreational areas" for "recreational" for consistency in terminology because it is clear from the context that "recreational" is intended to refer to "recreational areas."

(4) Sections 24.001(11) and 24.051(6), Parks and Wildlife Code, refer to a nonpolitical legal entity that has been "granted an exemption from federal income tax under Section 501(c), Internal Revenue Code of 1986, as amended." The revised law omits "as amended" because under Section 311.027, Government Code (Code Construction Act), a reference to a statute or rule applies to all reenactments, revisions, or amendments of the statute or rule unless expressly provided otherwise. Additionally, the

revised law substitutes "exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code" for "granted an exemption from federal income tax under Section 501(c), Internal Revenue Code of 1986" for clarity and to more accurately reflect the structure of the applicable federal income tax exemption.

Revised Law

Sec. 3011.0102. LIMIT TO AUTHORITY OF POLITICAL SUBDIVISIONS. (a) In this section, "natural area" means a site having valuable or vulnerable natural resources, ecological processes, or rare, threatened, or endangered species of vegetation or wildlife.

(b) This chapter does not authorize a political subdivision to acquire, develop, maintain, or operate a park, recreational area, open space area, or natural area. (Parks & Wild. Code, Secs. 24.001(5), 24.013, 24.051(5), 24.062.)

Source Law

[Sec. 24.001]

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

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

[Sec. 24.051]

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

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.

Revisor's Note

Section 24.062, Parks and Wildlife Code, refers to a "large county or municipality." The revised law

substitutes "political subdivision" for "large county or municipality" for consistency in terminology used in this section and because a large county or municipality is included in the meaning of the term "political subdivision."

SUBCHAPTER B. LOCAL PARKS IN LARGE COUNTIES AND MUNICIPALITIES

Revised Law

Sec. 3011.0201. DEFINITIONS. In this subchapter:

(1) "Account" means the large county and municipality recreation and parks account established under Section 2052.0702.

(2) "Large county or municipality" means a county or municipality with a population of 500,000 or more. (Parks & Wild. Code, Secs. 24.051(1), (4).)

Source Law

Sec. 24.051. DEFINITIONS. In this subchapter:

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

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

Revisor's Note

Section 24.051(1), Parks and Wildlife Code, defines the term "account" as "the large county and municipality recreation and parks account." That account is established under Section 24.052, Parks and Wildlife Code, revised in pertinent part as Section 2052.0702, and the revised law adds a reference to that section for the convenience of the reader.

Revised Law

Sec. 3011.0202. 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 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) To receive a grant under this section, the county or

municipality seeking the federal grant shall:

(1) apply to the department for the grant; and

(2) 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. (Parks & Wild. Code, Sec. 24.054.)

Source 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 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.

Revised Law

Sec. 3011.0203. DIRECT STATE MATCHING GRANTS. (a) In this section, "underserved population" means any group of people who are:

(1) low income or located in an inner city, as determined by the last census;

(2) minority;

(3) youth, including youth at risk and youth with a physical, developmental, or intellectual disability or mental illness; or

(4) female.

(b) 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.

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

(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) Money granted to a large 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:

(A) is owned or operated and maintained by the department; and

(B) 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 necessary to effect the official transfer of the park, site, or area. (Parks & Wild. Code, Secs. 24.051(11), 24.055(a), (b), (c), (d).)

Source Law

[Sec. 24.051]

(11) "Underserved population" means any group of people that is:

(A) low income or inner city, as determined by the last census;

(B) minority;

(C) youth, including youth at risk and youth with a physical, developmental, or intellectual disability or mental illness; or

(D) female.

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 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.

Revisor's Note

Section 24.055(b), Parks and Wildlife Code, requires the Parks and Wildlife Department to adopt "rules and regulations" for grant assistance. The revised law substitutes "rules" for the quoted language for the reasons stated in Revisor's Note (1) to Section 3006.0102.

Revised Law

Sec. 3011.0204. GRANTS FOR INDOOR PUBLIC RECREATION FACILITIES. If state revenue to the account exceeds $14 million per year, an amount not less than 15 percent must 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. (Parks & Wild. Code, Sec. 24.056.)

Source Law

Sec. 24.056. FUNDS FOR GRANTS TO LARGE COUNTIES AND MUNICIPALITIES. When state 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.

Revised Law

Sec. 3011.0205. ADDITIONAL REQUIREMENTS FOR STATE ASSISTANCE. The department may not make a grant under Section

3011.0203 and account money may not be used under Section 3011.0204 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 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. (Parks & Wild. Code, Sec. 24.057.)

Source Law

> 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 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.

Revisor's Note

Section 24.057, Parks and Wildlife Code, refers to a grant made under Section 24.055 of that code. Section 24.055 is revised in pertinent part as Section 3011.0203, and the revised law is drafted accordingly.

Revised Law

Sec. 3011.0206. ACQUISITION OF PROPERTY. (a) Property may not be acquired with grant money made under this subchapter if the purchase price exceeds the fair market value of the property as determined by an 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, those large counties or municipalities may cooperate under state law to secure assistance from the account to acquire or develop the property.

(d) If two or more large counties or municipalities cooperate to secure assistance from the account under Subsection (c), the department may modify the standards for individual applicants but must be assured that:

(1) a cooperative management plan for the land or water can be developed and effectuated; and

(2) one of the counties or municipalities possesses the necessary qualifications to perform contractual responsibilities for purposes of the grant.

(e) Land or water purchased with assistance from the account:

(1) must be dedicated in perpetuity for park, recreational, cultural resource, indoor recreation center, and open space purposes; and

(2) may not be used for any other purpose unless the use is:

(A) compatible with park, recreational, cultural resource, and open space objectives; and

(B) approved in advance by the department. (Parks & Wild. Code, Sec. 24.058.)

Source Law

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 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.

Revisor's Note

Section 24.058(a), Parks and Wildlife Code, prohibits the Parks and Wildlife Department from acquiring property under Subchapter B, Chapter 24, of that code if the purchase price exceeds the fair market value of the property. The revised law omits the phrase "or by the department under this subchapter" as unnecessary because Subchapter B, Chapter 24, does not authorize the department to acquire property and therefore the phrase does not add to the clear meaning of the law.

SUBCHAPTER C. LOCAL PARKS IN SMALLER COUNTIES AND MUNICIPALITIES AND CERTAIN OTHER POLITICAL SUBDIVISIONS

Revised Law

Sec. 3011.0301. DEFINITION. In this subchapter, "account" means the Texas recreation and parks account established under Section 2052.0802. (Parks & Wild. Code, Sec. 24.001(8).)

Source Law

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

Revisor's Note

Section 24.001(8), Parks and Wildlife Code, defines the term "account" as "the Texas recreation and parks account." That account is established under Section 24.002, Parks and Wildlife Code, revised in pertinent part as Section 2052.0802, and the revised law adds a reference to that section for the convenience of the reader.

Revised Law

Sec. 3011.0302. ASSISTANCE GRANTS. (a) Subject to Section 2052.0804, the department may make grants of money from the account to a political subdivision for use by the political subdivision as all or part of the political subdivision's required share of funds for eligibility for receiving a federal rehabilitation and recovery grant.

(b) To receive a grant under this section, the political subdivision seeking the federal grant shall:

(1) apply to the department for the grant; and

(2) present evidence that the political subdivision qualifies for the federal grant.

(c) A grant under this section is conditioned on the political subdivision qualifying for and receiving the federal grant. (Parks & Wild. Code, Sec. 24.004.)

Source Law

Sec. 24.004. ASSISTANCE GRANTS. (a) The department may make grants of money from the account to a political subdivision for use by the political subdivision as all or part of the subdivision'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 political subdivision seeking the federal grant shall apply to the department for the grant and present evidence that the political subdivision qualifies for the federal grant.

(c) A grant under this section is conditioned on the political subdivision qualifying for and receiving the federal grant.

Revisor's Note

Section 24.004(a), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to make grants of money from the Texas recreation and parks account to a political subdivision to use as matching funds for a federal rehabilitation and recovery grant. Throughout this subchapter, in this and similar contexts, the revised law adds the phrase "[s]ubject to Section 2052.0804" to indicate to the reader that a limitation on the authority to grant money from the

Texas recreation and parks account is contained in that section.

Revised Law

Sec. 3011.0303. DIRECT STATE MATCHING GRANTS. (a) In this section, "underserved population" means any group of people who are:

(1) low income, located in an inner city, or located in an area that is rural as determined by the last census;

(2) minority;

(3) youth, including youth at risk and youth with a physical, developmental, or intellectual disability or mental illness; or

(4) female.

(b) Subject to Section 2052.0804, the department shall make grants of money from the account to a political subdivision 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 political subdivision.

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

(d) Subject to Section 2052.0804, the department shall make grants of money from the account to a political subdivision or nonprofit corporation 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) Money granted to a political subdivision 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:

(A) is owned or operated and maintained by the department; and

(B) is being transferred by the commission for public use to a political subdivision for operation and maintenance; and

(2) during the period the commission determines to be necessary to effect the official transfer of the park, site, or area. (Parks & Wild. Code, Secs. 24.001(12), 24.005(a), (b), (c), (d).)

Source Law

[Sec. 24.001]

(12) "Underserved population" means any group of people that is:

(A) low income, inner city, or rural as determined by the last census;

(B) minority;

(C) youth, including youth at risk and youth with a physical, developmental, or intellectual disability or mental illness; or

(D) female.

Sec. 24.005. DIRECT STATE MATCHING GRANTS. (a) The department shall make grants of money from the account to a political subdivision 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 political subdivision.

(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 political subdivision 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 a political subdivision for operation and maintenance; and

(2) during the period the commission determines to be 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 political subdivision or nonprofit corporation 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.

Revisor's Note

Section 24.005(b), Parks and Wildlife Code, requires the Parks and Wildlife Department to adopt "rules and regulations" for grant assistance. The revised law substitutes "rules" for the quoted

language for the reasons stated in Revisor's Note (1) to Section 3006.0102.

Revised Law

Sec. 3011.0304. GRANTS FOR INDOOR PUBLIC RECREATION FACILITIES. If state revenue to the account exceeds $14 million per year and subject to Section 2052.0804, an amount not less than 15 percent must be made available for grants to local governments 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. (Parks & Wild. Code, Sec. 24.006.)

Source Law

> Sec. 24.006. FUNDS FOR GRANTS TO LOCAL GOVERNMENTS. When state revenues to the Texas recreation and parks account exceed $14 million per year, an amount not less than 15 percent shall be made available for grants to local governments 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.

Revised Law

Sec. 3011.0305. ADDITIONAL REQUIREMENTS FOR STATE ASSISTANCE. The department may not make a grant under Section 3011.0303 and account money may not be used under Section 3011.0304 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 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. (Parks & Wild. Code, Sec. 24.007.)

Source Law

> Sec. 24.007. ACCOUNT USE TO BE CONSISTENT WITH PLANS. No grant may be made under Section 24.005 of this code nor may account money be used under Section 24.006 of this code 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 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.

Revisor's Note

Section 24.007, Parks and Wildlife Code, refers to a grant made under Section 24.005 of that code. Section 24.005 is revised in pertinent part as Section 3011.0303, and the revised law is drafted accordingly.

Revised Law

Sec. 3011.0306. ACQUISITION OF PROPERTY. (a) Property may not be acquired with grant money made under this subchapter if the purchase price exceeds the fair market value of the property as determined by an 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 jurisdictions, those jurisdictions may cooperate under state law to secure assistance from the account to acquire or develop the property.

(d) If two or more jurisdictions cooperate to secure assistance from the account under Subsection (c), the department may modify the standards for individual applicants but must be assured that:

(1) a cooperative management plan for the land or water can be developed and effectuated; and

(2) one of the jurisdictions possesses the necessary qualifications to perform contractual responsibilities for purposes of the grant.

(e) Land or water purchased with assistance from the account:

(1) must be dedicated in perpetuity for park, recreational, cultural resource, indoor recreation center, and open space purposes; and

(2) may not be used for any other purpose unless the use is:

(A) compatible with park, recreational, cultural resource, and open space objectives; and

(B) approved in advance by the department. (Parks & Wild. Code, Sec. 24.008.)

Source Law

Sec. 24.008. 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.

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

(e) 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 jurisdictions, the two or more jurisdictions 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 jurisdictions possesses the necessary qualifications to perform contractual responsibilities for purposes of the grant.

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

Revisor's Note

Section 24.008(a), Parks and Wildlife Code, prohibits the Parks and Wildlife Department from acquiring property under Subchapter A, Chapter 24, of that code, if the purchase price exceeds the fair market value of the property. The revised law omits the phrase "or by the department under this subchapter" as unnecessary because Subchapter A, Chapter 24, does not

authorize the department to acquire property and therefore the phrase does not add to the clear meaning of the law.

SUBCHAPTER D. PAYMENTS, RECORDS, AND REPORTS

Revised Law

Sec. 3011.0401. PAYMENTS. On the approval of a grant under this chapter and on the written request by the executive director, the comptroller shall issue a warrant drawn against the Texas recreation and parks account or the large county and municipality recreation and parks account, as applicable, and payable to the political subdivision or nonprofit corporation awarded the grant in the amount specified by the executive director. (Parks & Wild. Code, Secs. 24.009(a), 24.059(a).)

Source Law

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

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.

Revisor's Note

Section 24.009(a), Parks and Wildlife Code, refers to the "comptroller of public accounts." The revised law substitutes "comptroller" for the quoted language because Section 403.001, Government Code, defines "comptroller" in any state statute to mean the comptroller of public accounts of the State of Texas.

Revised Law

Sec. 3011.0402. RECORDS. (a) Each recipient of assistance under this chapter 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.

(b) The executive director and the comptroller, or their authorized representatives, may examine any book, document, or record of a recipient of assistance under this chapter that is pertinent to the assistance. (Parks & Wild. Code, Secs. 24.009(b), 24.059(b).)

Source Law

[Sec. 24.009]

(b) Each recipient of assistance under this subchapter 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.

[Sec. 24.059]

(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.

Revisor's Note

Sections 24.009(b) and 24.059(b), Parks and Wildlife Code, authorize certain persons to examine any "book, document, paper, [or] record" of a recipient of assistance under Subchapter A or B, Chapter 24, of that code, as applicable, that is pertinent to the assistance received. The revised law omits "paper" because "paper" is included in the

meaning of "document" and "record."

Revised Law

Sec. 3011.0403. REPORTS. A recipient of money under this chapter shall, on each anniversary date of the grant for five years after the grant is made, provide to the department a comprehensive report detailing:

(1) the present and anticipated use of the property;

(2) any contiguous additions to the property; and

(3) any major changes in the character of the property, including the extent of park development that may have taken place. (Parks & Wild. Code, Secs. 24.009(c), 24.059(c).)

Source Law

[Sec. 24.009]

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

[Sec. 24.059]

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

Revisor's Note

Sections 24.009(c) and 24.059(c), Parks and Wildlife Code, refer to a recipient of "funds." The revised law substitutes "money" for "funds" for the reason stated in the revisor's note to Section 3002.0205.

SUBCHAPTER Z. ENFORCEMENT

Revised Law

Sec. 3011.9901. NONCOMPLIANCE WITH CHAPTER. (a) The attorney general shall file suit in court against a political subdivision or nonprofit corporation that fails to comply with the

requirements of this chapter:

(1) to recover the full amount of the grant and interest on that amount of five percent a year accruing from the time of noncompliance; or

(2) for injunctive relief to require compliance with this chapter.

(b) If the court finds that the political subdivision or nonprofit corporation has not complied with the requirements of this chapter, the political subdivision or nonprofit corporation is not eligible for further participation in the applicable program for three years following the finding of noncompliance. (Parks & Wild. Code, Secs. 24.011, 24.060.)

Source Law

Sec. 24.011. NONCOMPLIANCE WITH SUBCHAPTER. 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 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 political subdivision 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. 24.060. 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.

Revisor's Note

(1) Sections 24.011 and 24.060, Parks and Wildlife Code, refer to a court "of competent jurisdiction." The revised law omits the quoted language for the reason stated in the revisor's note to Section 3003.9802.

(2) Section 24.060, Parks and Wildlife Code, refers to a "county, municipality, or nonprofit corporation." The revised law substitutes "political subdivision or nonprofit corporation" for the quoted language for consistency in terminology used in this section and because a county or municipality is a political subdivision included in the meaning of the term "political subdivision."

SUBTITLE B. SPECIFIC STATE PARKS

CHAPTER 3053. CADDO LAKE STATE PARK

Revised Law

Sec. 3053.0101. EASEMENT THROUGH CADDO LAKE STATE PARK. The department shall grant an easement through Caddo Lake State Park to provide access to private real property located in the park. (Parks & Wild. Code, Sec. 13.022.)

Source Law

Sec. 13.022. EASEMENT THROUGH CADDO LAKE STATE PARK. The department shall grant an easement through Caddo Lake State Park to provide access to private real property located within the park.

CHAPTER 3056. EISENHOWER STATE PARK

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3056.0101. DEFINITION. In this chapter, "park" means Eisenhower State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3056.0102. JURISDICTION. Eisenhower State Park, located near Lake Texoma in Grayson County, is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.161.)

Source Law

Sec. 22.161. JURISDICTION. The Eisenhower State Park, located near Lake Texoma in Grayson County, is under the jurisdiction of the department.

Revised Law

Sec. 3056.0103. POWERS OF DEPARTMENT. The department may:

(1) operate and maintain the park;

(2) adopt rules for the administration of the park;

(3) hire personnel necessary to carry out the department's duties;

(4) advertise the affairs of the park;

(5) accept gifts for the construction, building, or advertising of the park; and

(6) accept gifts for exhibition relating to the history or life of Dwight D. Eisenhower. (Parks & Wild. Code, Secs. 22.162(1), (2), (3), (4), (5), (7).)

Source Law

Sec. 22.162. POWERS OF DEPARTMENT. The department may:

(1) accept gifts for the construction, building, or advertising of the park;

(2) accept gifts for exhibition dealing with the history or life of Dwight D. Eisenhower;

(3) advertise the affairs of the park;

(4) make rules and regulations for administration of the park;

(5) hire personnel necessary to carry out its duties;

. . .

(7) operate and maintain the park.

Revisor's Note

(1) Section 22.162(4), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to make "rules and regulations" for administration of Eisenhower State Park. The revised law substitutes "rules" for the quoted language for the reasons stated in Revisor's Note (1) to Section 3006.0102.

(2) Section 22.162(6), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to grant concessions. The revised law omits that provision because it duplicates in substance Section 13.015(b),

Parks and Wildlife Code, revised as Section 3003.0501.

The omitted law reads:

> Sec. 22.162. POWERS OF DEPARTMENT. [The department may:]
>
> . . .
>
> (6) grant concessions; and
>
> . . .

SUBCHAPTER B. ACCESS TO CERTAIN PROPERTY THROUGH PARK

Revised Law

Sec. 3056.0201. DEFINITIONS. In this subchapter:

(1) "Family member" means a family member of an owner.

(2) "Guest" means a business or personal guest or employee of an owner.

(3) "Impacted property" means the real property described by former Section 1(a), Chapter 955 (S.B. 1011), Acts of the 62nd Legislature, Regular Session, 1971.

(4) "Owner" means the owner or lessee of impacted property. (Parks & Wild. Code, Sec. 22.163; New.)

Source Law

> Sec. 22.163. DEFINITIONS. As used in this subchapter:
>
> (1) "Impacted property" means that real property located in Grayson County adjacent to or near the western end of Eisenhower State Park that is described as:
>
> (A) Lots 54-79 in "Elm Ridge Homesite Area" as described on a survey and plat of this area by B. & B. Engineering Co. in May, 1958, recorded in Plat Book 1, Page 73, Deed Records, Grayson County, Texas; and
>
> (B) the East one-half and the West one-half of a 60.49 acre tract being part of the survey patented to Alan Carter, Abstract No. 231, dated June 22, 1851, and also being part of the J. A. Sadler 380 acre tract except the 316.05 acres thereof described in a deed to the United States of America, recorded in Volume 432, Page 389, Deed Records, Grayson County, Texas.
>
> (2) "Owner" means the owner or a lessee of impacted property.
>
> (3) "Guest" means a business or personal guest or an employee of an owner of impacted property.

Revisor's Note

(1) The definition of "family member" is added to the revised law for the convenience of the reader and for brevity.

(2) Section 22.163(1), Parks and Wildlife Code,

defines "impacted property" to include certain real property in Grayson County. Former Section 1(a), Chapter 955 (S.B. 1011), Acts of the 62nd Legislature, Regular Session, 1971, includes the description of that property. The revised law substitutes the citation of the provision of that act describing the property for the actual description of the property to avoid the lengthy recitation of the description.

Revised Law

Sec. 3056.0202. PARK ENTRANCE AND ROAD ACCESS. An owner, family member, or guest may:

(1) enter the park at:

(A) the points where an owner, family member, or guest was able to enter the park and the roads of the park before November 1, 1968; or

(B) other reasonably located points the department may direct by regulation;

(2) use the roads of the park without charge for egress from or ingress to impacted property when traveling between the property and points east of the park; and

(3) use throughout the year any road that is maintained by the department for travel by motor vehicles between the eastern and western points of the park. (Parks & Wild. Code, Sec. 22.164.)

Source Law

Sec. 22.164. RIGHT TO USE ROADS. (a) Owners, their family members, and their guests may use the roads of the park without charge for egress from or ingress to the impacted property when traveling between the impacted property and points east of the park.

(b) Owners, their family members, and their guests may use throughout the year whatever road is maintained by the department for travel by automobiles between the eastern and western points of the park and may enter the park at the points at which they were able to enter the park and its roads prior to November 1, 1968, or other reasonably located points the department may direct by regulation.

Revisor's Note

Section 22.164(b), Parks and Wildlife Code, refers to travel by "automobiles." The revised law substitutes "motor vehicles" for "automobiles" because, in context, the terms are synonymous and "motor vehicles" is more commonly used.

Revised Law

Sec. 3056.0203. ISSUANCE OF PERMIT. (a) The department may require an owner, family member, or guest to obtain a permit for entrance into and use of park roads under this subchapter.

(b) The department shall automatically issue a permit described by Subsection (a) on presentation of proper identification. (Parks & Wild. Code, Secs. 22.165(a), (b).)

Source Law

Sec. 22.165. PERMITS. (a) The department may require owners, their family members, and their guests to obtain permits for entrance into and use of park roads under this subchapter.

(b) Permits shall be issued automatically on presentation of proper identification.

Revised Law

Sec. 3056.0204. TERMS AND RENEWAL OF PERMITS. (a) A permit issued under Section 3056.0203 is valid for:

(1) at least one year if the permit is for an owner or family member; and

(2) the period requested by the owner if the permit is for a guest.

(b) The department shall automatically renew a permit described by Subsection (a)(1). (Parks & Wild. Code, Secs. 22.165(c), (d).)

Source Law

(c) Permits are valid for at least one year and shall be automatically renewed for owners and their family members.

(d) Permits for guests of owners shall be valid for the period of time requested by the owner.

## CHAPTER 3059. FRANKLIN MOUNTAINS STATE PARK

Revised Law

Sec. 3059.0101. DEFINITION. In this chapter, "park" means Franklin Mountains State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3059.0102. ESTABLISHMENT. Franklin Mountains State Park is established under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.221.)

Source Law

> Sec. 22.221. PARK ESTABLISHED: JURISDICTION OF DEPARTMENT. The Franklin Mountains State Park is established under the jurisdiction of the department.

Revised Law

Sec. 3059.0103. ACQUISITION OF PARK LAND. (a) The department shall acquire by purchase, gift, lease, or the exercise of the power of eminent domain the land described by Section 2, Chapter 736 (H.B. 867), Acts of the 66th Legislature, Regular Session, 1979, as amended, for the park.

(b) The department may acquire the mineral interests in the land described by Subsection (a). (Parks & Wild. Code, Sec. 22.222(a).)

Source Law

> Sec. 22.222. DEPARTMENT TO ACQUIRE PARK LAND. (a) The department shall acquire by purchase, gift, lease, or condemnation all of the land described in Section 2 of the Act that added this subchapter to this code. The department may acquire the mineral interests in the land to be acquired.

Revisor's Note

(1) Section 22.222(a), Parks and Wildlife Code, provides that the Parks and Wildlife Department may acquire certain land by "condemnation." The revised

law substitutes "the exercise of the power of eminent domain" for "condemnation" for the reasons stated in Revisor's Note (1) to Section 3002.0201.

(2) Section 22.222(a), Parks and Wildlife Code, refers to "Section 2 of the Act that added this subchapter to this code," meaning Section 2, Chapter 736 (H.B. 867), Acts of the 66th Legislature, Regular Session, 1979, which created Franklin Mountains State Park. For the reader's convenience, the revised law substitutes the full citation for that act for the quoted language. Additionally, Section 2 of that act was amended by Chapter 860 (S.B. 1273), Acts of the 67th Legislature, Regular Session, 1981, and Chapter 383 (S.B. 512), Acts of the 71st Legislature, Regular Session, 1989. For clarity, the revised law adds "as amended" to the full citation for the act that created Franklin Mountains State Park.

Revised Law

Sec. 3059.0104. REQUIREMENTS OF LEASE. (a) In this section, "public entity" means an agency or instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

(b) A lease executed under Section 3059.0103 must be from a public entity.

(c) A lease executed under Section 3059.0103 from the state may not exceed 30 years and may be renewed on the lease's expiration. A lease from a public entity other than the state is not limited to a term of years. (Parks & Wild. Code, Sec. 22.222(b).)

Source Law

(b) A lease executed under this section may only be from a public entity. A lease executed under this section from the state may not exceed 30 years and may be renewed on its expiration. A lease executed under this section from any other public entity is not limited to any term of years. For purposes of this subsection, "public entity" means an agency or

instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

Revisor's Note

Section 22.222(b), Parks and Wildlife Code, refers to a lease executed under Section 22.222 of that code. Section 22.222 is revised in pertinent part as Section 3059.0103, and the revised law is drafted accordingly.

Revised Law

Sec. 3059.0105. CONDEMNATION PROCEEDINGS. The department shall institute condemnation proceedings against any person if necessary for the acquisition of the park. (Parks & Wild. Code, Sec. 22.223(a).)

Source Law

Sec. 22.223. CONDEMNATION. (a) If necessary for the acquisition of the Franklin Mountains State Park, the department shall institute condemnation proceedings according to the laws of this state against any person, including a governmental entity.

Revisor's Note

(1) Section 22.223(a), Parks and Wildlife Code, requires the Parks and Wildlife Department to institute certain condemnation proceedings "according to the laws of this state." The revised law omits the quoted language as unnecessary for the reason stated in the revisor's note to Section 3006.0103.

(2) Section 22.223(a), Parks and Wildlife Code, refers to any "person, including a governmental entity." The revised law substitutes "person" for the quoted language for the reason stated in the revisor's note to Section 3002.0102.

Revised Law

Sec. 3059.0106. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b)

in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

(b) Costs incurred in the exercise of eminent domain under Section 3059.0105 for the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department. (Parks & Wild. Code, Secs. 22.223(b), (c).)

Source Law

(b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline are the sole expense of the department.

(c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

Revisor's Note

Section 22.223(b), Parks and Wildlife Code, refers to the exercise of eminent domain under Section 22.223 of that code. Section 22.223 is revised in pertinent part as Section 3059.0105, and the revised law is drafted accordingly.

Revised Law

Sec. 3059.0107. SOURCE OF MONEY FOR LAND. The department shall acquire land for the park with money from:

(1) the Texas park development fund; or

(2) any fund or account created to finance the acquisition of state parks. (Parks & Wild. Code, Sec. 22.222(c).)

Source Law

(c) The department shall acquire the land with money from the Texas Park Development Fund, or any fund or account created to finance the acquisition of state parks.

Revisor's Note
(End of Chapter)

Section 22.222(d), Parks and Wildlife Code, provides that the Parks and Wildlife Department may expend funds for the operation and maintenance of Franklin Mountains State Park. The revised law omits that provision because it duplicates in substance the general powers and duties of the department to operate and maintain state parks under Chapter 13, Parks and Wildlife Code, revised in pertinent part as various provisions of Subtitle A of this title. The omitted law reads:

> (d) The department may expend funds for the operation and maintenance of the Franklin Mountains State Park.

CHAPTER 3062. GOLIAD STATE PARK

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3062.0101. DEFINITIONS. In this chapter:

(1) "Birthplace" means General Ignacio Zaragoza Birthplace.

(2) "Mission" means Mission of San Rosario. (New.)

Revisor's Note

The definitions of "birthplace" and "mission" are added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definitions.

Revised Law

Sec. 3062.0102. JURISDICTION. Goliad State Park, including the General Ignacio Zaragoza Birthplace and the Mission of San Rosario, is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.081.)

Source Law

> Sec. 22.081. JURISDICTION. Goliad State Park, including the General Ignacio Zaragoza Birthplace and the Mission of San Rosario, is under the jurisdiction of the department.

Revised Law

Sec. 3062.0103. IMPROVEMENTS. The department may construct, maintain, and repair historical and recreational structures and facilities in Goliad State Park. (Parks & Wild. Code, Sec. 22.084.)

Source Law

> Sec. 22.084. IMPROVEMENTS. The department may construct, maintain, and repair historical and recreational structures and facilities in the park.

SUBCHAPTER B. GENERAL IGNACIO ZARAGOZA BIRTHPLACE

Revised Law

Sec. 3062.0201. POWERS OF DEPARTMENT. The department may care for and protect the birthplace. (Parks & Wild. Code, Sec. 22.082(a) (part).)

Source Law

> Sec. 22.082. GENERAL IGNACIO ZARAGOZA BIRTHPLACE. (a) The department may care for and protect the birthplace of General Ignacio Zaragoza and . . . .

Revisor's Note

Section 22.082(a), Parks and Wildlife Code, requires the Parks and Wildlife Department to designate the birthplace of General Ignacio Zaragoza as the General Ignacio Zaragoza Birthplace. The revised law omits that provision as executed. The omitted law reads:

> (a) [The department] . . . shall designate the site as the General Ignacio Zaragoza Birthplace.

Revised Law

Sec. 3062.0202. ORIGINAL SITE. The original site of the birthplace consists of the land in Goliad County described by former Section 1, Chapter 276 (H.B. 596), Acts of the 57th Legislature, Regular Session, 1961 (Article 6077s, Vernon's Texas Civil Statutes). (Parks & Wild. Code, Sec. 22.082(b).)

Source Law

> (b) The site originally accepted by the state includes approximately two acres, described as lots 4,

5, 6, 11, 12, 13, 14, 15, and 16 in Block X, La Bahia Townsite, in Goliad County.

Revisor's Note

Section 22.082(b), Parks and Wildlife Code, describes the site originally accepted by the state as the birthplace of General Ignacio Zaragoza. Former Section 1, Chapter 276 (H.B. 596), Acts of the 57th Legislature, Regular Session, 1961 (Article 6077s, Vernon's Texas Civil Statutes), includes the description of that property. The revised law substitutes the citation of the provision of that act describing property for the actual description of that property for the reason stated in Revisor's Note (2) to Section 3056.0201.

Revised Law

Sec. 3062.0203. REVERSION OF TITLE. If the state ceases to use the birthplace as park land, all rights, title, and interests in the land revert to Goliad County. (Parks & Wild. Code, Sec. 22.085(a) (part).)

Source Law

Sec. 22.085. REVERSION OF TITLE; MINERAL RESERVATION. (a) If the state ceases to use the General Ignacio Zaragoza Birthplace or . . . as park land, all right, title, and interest shall revert to Goliad County.

SUBCHAPTER C. MISSION OF SAN ROSARIO

Revised Law

Sec. 3062.0301. DUTIES OF DEPARTMENT. The department shall:

(1) care for the mission grounds as an appropriate memorial; and

(2) enclose the mission grounds with an appropriate and substantial park fence. (Parks & Wild. Code, Sec. 22.083(a).)

Source Law

Sec. 22.083. MISSION OF SAN ROSARIO. (a) The department shall care for the grounds of the Mission of San Rosario as a suitable and appropriate memorial and shall enclose the mission grounds with an appropriate and substantial park fence.

Revisor's Note

Section 22.083(a), Parks and Wildlife Code, requires the Parks and Wildlife Department to care for the grounds of the Mission of San Rosario as a "suitable and appropriate" memorial. The revised law omits "suitable" because, in context, "suitable" is included in the meaning of "appropriate."

Revised Law

Sec. 3062.0302. ORIGINAL SITE. (a) The original site of the mission consists of the land in Goliad County described by former Section 1, Chapter 691 (H.B. 1812), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6077a-1, Vernon's Texas Civil Statutes).

(b) All minerals under the land accepted as the mission are excepted from any conveyance to the state. (Parks & Wild. Code, Secs. 22.083(b), 22.085(b).)

Source Law

[Sec. 22.083]

(b) The original boundaries of the mission consist of the surface title of 4.77 acres of land in the County of Goliad, Texas, said 4.77 acres of land, more or less, being the following described parcel of land:

BEGINNING at a concrete monument in the Southeast Right-of-Way line of State Highway No. 12, same being a R/W marker for said Highway, and being 50 ft. at right angles from the center line of said Highway, and marked Sta. 914/00;

THENCE South 39 deg. 36 min. West, with right-of-way fence, 295.9 ft. to a concrete monument for corner of this present survey;

THENCE South 56 deg. 02 min. East, at 148.0 ft. an iron pipe, at 350.0 ft. a concrete monument for corner of this present survey;

THENCE South 32 deg. 08 min. East, at 69.9 ft. an iron pipe, at 193.3 ft. a tack in cedar post at 241.4 ft. a concrete monument for corner of this present survey;

THENCE North 83 deg. 35 min. East, 193.4 ft. to a concrete monument for corner of this present survey;

THENCE North 17 deg. 46 min. East, at 109.7 ft. an iron pipe, at 227.3 ft. a concrete monument for corner of this present survey;

THENCE North 43 deg. 17 min. West, at 116.8 ft. an iron pipe, at 240.5 ft. a concrete monument for corner of this present survey;

THENCE North 57 deg. 21 min. West, at 193.3 ft. an iron pipe, at 356.3 ft. a concrete monument for corner of this present survey; same being a highway

R/W marker for said Highway for extra width in R/W and also marked Sta. 914/00;

THENCE North 49 deg. 55 min. West, with Highway R/W line, 34.9 ft. to the place of beginning;

Containing Four and 77/100 (4.77) acres of land and all being out of Maria de Jesus de Leon Survey, Abstract 21, Goliad County, Texas.

Said 4.77 acres of land, more or less, being the land conveyed to the County of Goliad by William J. O'Connor on July 15, 1935, as shown by deed of such date duly recorded in Volume 77, Page 565, of the Deed Records of Goliad County, Texas, on July 17, 1935, and to which reference is here made for all pertinent purposes.

[Sec. 22.085]

(b) All minerals under the land accepted as the Mission of San Rosario are excepted from any conveyance to the state.

Revisor's Note

(1) Section 22.083(b), Parks and Wildlife Code, provides that the Mission of San Rosario consists of the "surface title" of certain land in Goliad County. The revised law omits the reference to "surface title" as unnecessary because it duplicates in substance Section 22.085(b), Parks and Wildlife Code, revised as Subsection (b) of this section.

(2) Section 22.083(b), Parks and Wildlife Code, describes the original boundaries of the Mission of San Rosario. Former Section 1, Chapter 691 (H.B. 1812), Acts of the 62nd Legislature, Regular Session, 1971 (Article 6077a-1, Vernon's Texas Civil Statutes), includes the description of that property. The revised law substitutes the citation of the provision of that act describing the property for the actual description of the property for the reason stated in Revisor's Note (2) to Section 3056.0201.

Revised Law

Sec. 3062.0303. REVERSION OF TITLE. If the state ceases to use the mission as park land, all rights, title, and interests in the land revert to Goliad County. (Parks & Wild. Code, Sec. 22.085(a) (part).)

Source Law

Sec. 22.085. REVERSION OF TITLE; MINERAL RESERVATION. (a) If the state ceases to use . . . the Mission of San Rosario as park land, all right, title, and interest shall revert to Goliad County.

CHAPTER 3065. HUBBARD CREEK LAKE

Revised Law

Sec. 3065.0101. AUTHORITY TO CREATE PARK. (a) The department may create, develop, operate, and maintain a state park on the land donated by West Central Texas Municipal Water District and located on Hubbard Creek Lake in Stephens County.

(b) The department may accept additional gifts of any adjoining land or interest in land donated by West Central Texas Municipal Water District to enlarge the park created under Subsection (a). (Parks & Wild. Code, Sec. 22.183.)

Source Law

Sec. 22.183. HUBBARD LAKE. (a) The department may create, develop, operate, and maintain a state park on the land donated by the West Central Texas Municipal Water District located on Hubbard Lake in Stephens County.

(b) The department may accept additional gifts of any adjoining land or interest in land donated by the West Central Texas Water Municipal District to enlarge the park created by Subsection (a) of this section.

Revisor's Note

Section 22.183(a), Parks and Wildlife Code, refers to "Hubbard Lake." The revised law substitutes "Hubbard Creek Lake" for "Hubbard Lake" to reflect the official name of the lake.

CHAPTER 3068. HUECO TANKS STATE PARK

Revised Law

Sec. 3068.0101. DEFINITION. In this chapter, "park" means Hueco Tanks State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3068.0102. CONTROL. The department has control of Hueco Tanks State Park. (Parks & Wild. Code, Sec. 22.111 (part).)

Source Law

> Sec. 22.111. CONTROL. The department has control of Hueco Tanks State Park and . . . .

Revised Law

Sec. 3068.0103. TITLE TO PARK. The title of the land known as Hueco Tanks in El Paso County is:

(1) in the name of the state; and

(2) subject to limitations, conditions, and exceptions made by the former owners and approved by the department or the department's predecessor. (Parks & Wild. Code, Sec. 22.113.)

Source Law

> Sec. 22.113. TITLE TO PARK. The title of the land known as Hueco Tanks in El Paso County is in the name of the state and is subject to limitations, conditions, and exceptions made by the former owners and approved by the department or the department's predecessor.

Revised Law

Sec. 3068.0104. DUTIES OF DEPARTMENT. The department shall improve, preserve, restore, and protect the land and property in the park. (Parks & Wild. Code, Sec. 22.111 (part).)

Source Law

> Sec. 22.111. CONTROL. The department . . . shall improve, preserve, restore, and protect the land and property in the park.

Revised Law

Sec. 3068.0105. GIFTS. The department may accept gifts for constructing, building, advertising, or creating the park, including gifts for public exhibition that relate to the history of the park or the state. (Parks & Wild. Code, Sec. 22.112.)

Source Law

> Sec. 22.112. ACCEPTANCE OF GIFTS. The department may accept gifts for constructing, building, advertising, or creating the park, including gifts for public exhibition that relate to the history of the park or the state.

CHAPTER 3071. HUNTSVILLE STATE PARK

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3071.0101. DEFINITION. In this chapter, "park" means Huntsville State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3071.0102. IMPROVEMENTS. The department may:

(1) construct and repair improvements for recreational and park purposes in the park, including dams to impound water and form reservoirs or lakes; and

(2) cooperate with other governmental agencies in making the improvements. (Parks & Wild. Code, Sec. 22.071.)

Source Law

Sec. 22.071. IMPROVEMENTS. (a) The department may construct and repair improvements to be used for recreational and park purposes in Huntsville State Park, including dams to impound water and form reservoirs or lakes.

(b) The department may cooperate with other governmental agencies in making the improvements.

Revised Law

Sec. 3071.0103. PERMIT REQUIRED FOR DAM CONSTRUCTION. The department may not construct a dam in the park unless a permit has been obtained from the Texas Commission on Environmental Quality. (Parks & Wild. Code, Sec. 22.072.)

Source Law

Sec. 22.072. PERMIT FOR DAM. A dam may not be constructed until a permit has been obtained from the Texas Water Rights Commission.

Revisor's Note

Section 22.072, Parks and Wildlife Code, refers to the "Texas Water Rights Commission." The revised law substitutes "Texas Commission on Environmental

Quality" for "Texas Water Rights Commission" to reflect the current name of the agency with the relevant regulatory authority.

SUBCHAPTER B. SALE AND USE OF TIMBER

Revised Law

Sec. 3071.0201. AUTHORITY FOR SALE AND USE OF TIMBER. (a) The department may sell timber from land in the park to finance the construction or repair of improvements and dams. The department may not sell an amount of timber that exceeds $250,000.

(b) The department may use timber cut from land in the park to construct or repair improvements.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas A&M Forest Service. (Parks & Wild. Code, Sec. 22.073.)

Source Law

Sec. 22.073. SALE AND USE OF TIMBER. (a) The department may use timber cut from land in the park to repair or construct improvements.

(b) The department may sell timber from land in the park to finance the construction or repair of improvements and dams.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service.

(d) The amount of timber sold may not exceed $250,000.

Revisor's Note

Section 22.073(c), Parks and Wildlife Code, refers to the "Texas Forest Service." Throughout this chapter, the revised law substitutes "Texas A&M Forest Service" for "Texas Forest Service" to reflect a change in the agency's name. The board of regents of The Texas A&M University System, which oversees the agency, approved the name change for the agency beginning September 1, 2012.

Revised Law

Sec. 3071.0202. COMPETITIVE BIDDING REQUIRED. The department may sell timber from the park only through competitive bidding. (Parks & Wild. Code, Sec. 22.074(a) (part).)

Source Law

Sec. 22.074. COMPETITIVE BIDS. (a) Timber may be sold on competitive bids only. . . .

Revised Law

Sec. 3071.0203. ADVERTISING FOR BIDS. (a) The Texas A&M Forest Service shall advertise for the sale of timber for two weeks in at least one weekly newspaper published and circulated in Walker County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be published at least 10 days before the date of receiving bids. (Parks & Wild. Code, Sec. 22.075.)

Source Law

Sec. 22.075. ADVERTISING FOR BIDS. (a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Walker County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10 days before the date of receiving bids.

Revised Law

Sec. 3071.0204. ACCEPTANCE OR REJECTION OF BIDS. (a) The contract for the sale of timber must be awarded to the party submitting the highest and best bid in the judgment of the Texas A&M Forest Service and then approved by the department.

(b) The Texas A&M Forest Service may:

(1) reject any or all bids; and

(2) readvertise for new bids. (Parks & Wild. Code, Secs. 22.074(a) (part), (c).)

Source Law

(a) . . . The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids.

Revised Law

Sec. 3071.0205. RECORDS OF BIDS. (a) The Texas A&M Forest Service shall:

(1) keep on file the bids for timber sale; and

(2) provide copies of the bids to the department.

(b) The bids are public records. (Parks & Wild. Code, Sec. 22.074(b).)

Source Law

(b) All bids shall be kept on file by the Texas Forest Service and are public records. Copies of the bids shall be furnished to the department.

Revised Law

Sec. 3071.0206. PROCEEDS FROM SALE. Money received from the sale of timber cut from the park shall be deposited to the credit of the state parks account. (Parks & Wild. Code, Sec. 22.076.)

Source Law

Sec. 22.076. DISPOSITION OF FUNDS. Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of the state parks account.

CHAPTER 3074. MATAGORDA ISLAND STATE PARK AND WILDLIFE MANAGEMENT AREA

Revised Law

Sec. 3074.0101. DEFINITION. In this chapter, "park and wildlife management area" means Matagorda Island State Park and Wildlife Management Area. (New.)

Revisor's Note

The definition of "park and wildlife management area" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3074.0102. ESTABLISHMENT. Matagorda Island State Park and Wildlife Management Area is established under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.201(a) (part).)

Source Law

Sec. 22.201. MATAGORDA ISLAND STATE PARK AND WILDLIFE MANAGEMENT AREA. (a) The Matagorda Island State Park and Wildlife Management Area is established under the jurisdiction of the department . . . .

Revised Law

Sec. 3074.0103. TERRITORY. The park and wildlife management area consists of:

(1) all land, including tideland, submerged land, and beaches, on Matagorda Island in Calhoun County belonging to the state on June 1, 1979, other than permanent school fund land; and

(2) any other land on Matagorda Island acquired after that date by the department for inclusion in the park and wildlife management area. (Parks & Wild. Code, Sec. 22.201(b).)

Source Law

(b) The Matagorda Island State Park and Wildlife Management Area consists of all land, including tideland, submerged land, and beaches, on Matagorda Island in Calhoun County belonging to the state on June 1, 1979, other than permanent school fund land, and any other land on Matagorda Island acquired after that date by the department for inclusion in the park and wildlife management area.

Revised Law

Sec. 3074.0104. DEDICATED USE. (a) Land in the park and wildlife management area is dedicated for park and wildlife management area purposes.

(b) The park and wildlife management area must be used:

(1) for public recreational and wildlife conservation purposes as a state park; and

(2) as a wildlife management area. (Parks & Wild. Code, Secs. 22.201(a) (part), 22.202.)

Source Law

Sec. 22.201. MATAGORDA ISLAND STATE PARK AND WILDLIFE MANAGEMENT AREA. (a) The Matagorda Island State Park and Wildlife Management Area is . . . to be used for public recreational and wildlife conservation purposes as a state park and to be used as a wildlife management area.

Sec. 22.202. DEDICATED LAND. All land within the Matagorda Island State Park and Wildlife Management Area on June 1, 1979, and all land included within the park and management area after that date are

dedicated for park and wildlife management area purposes.

Revisor's Note

Section 22.202, Parks and Wildlife Code, provides that the land within the Matagorda Island State Park and Wildlife Management Area "on June 1, 1979, and all land included within the park and management area after that date" is dedicated to certain purposes. The revised law omits the quoted language as duplicative of Section 22.201(b), Parks and Wildlife Code, revised as Section 3074.0103, which provides that the park and wildlife management area consists of the area described by the quoted language.

## CHAPTER 3077. MISSION SAN FRANCISCO DE LOS TEJAS STATE PARK

### SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3077.0101. DEFINITION. In this chapter, "park" means Mission San Francisco de los Tejas State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3077.0102. ORIGINAL SITE. The original site of Mission San Francisco de los Tejas State Park consists of the land described by former Section 1, Chapter 470 (S.B. 477), Acts of the 55th Legislature, Regular Session, 1957 (Article 6077q, Vernon's Texas Civil Statutes). (Parks & Wild. Code, Sec. 22.091(b).)

Source Law

(b) The original boundaries of the park include portions of Hardy Ware Survey, Abstract 1240, situated on the N side of Highway No. 21, about 21 miles NE from the City of Crockett, and being the same tracts of land conveyed to the State of Texas for the use and benefit of the Agricultural and Mechanical College of Texas, more particularly described by the following deeds, to-wit:

Deed from Mrs. Kittie A. Cook, surviving

widow of T. S. Cook, deceased, dated October 16, 1939, recorded in Book 200, page 533, Deed Records of Houston County, Texas;

Deed from Southern Pine Lumber Company, dated September 20, 1935, recorded in Book 170, page 367, Deed Records of Houston County, Texas;

Deed from Mrs. Kittie A. Cook, surviving widow of T. S. Cook, deceased, dated February 1, 1935, recorded in Book 166, page 141, Deed Records of Houston County, Texas;

Deed from C. H. Callaway, Trustee, dated January 3, 1935, recorded in Volume 164, page 543, Deed Records of Houston County, Texas.

Revisor's Note

Section 22.091(b), Parks and Wildlife Code, describes the original boundaries of Mission San Francisco de los Tejas State Park. Former Section 1, Chapter 470 (S.B. 477), Acts of the 55th Legislature, Regular Session, 1957 (Article 6077q, Vernon's Texas Civil Statutes), includes the description of that property. The revised law substitutes the citation of the provision of that act describing the property for the actual description of the property for the reason stated in Revisor's Note (2) to Section 3056.0201.

Revised Law

Sec. 3077.0103. CONSTRUCTION AND REPAIR OF PARK FACILITIES. The department may construct and repair facilities for recreational and other appropriate purposes at the park. (Parks & Wild. Code, Sec. 22.091(a).)

Source Law

Sec. 22.091. FACILITIES; PARK SITE. (a) The department may construct and repair facilities for recreational and other appropriate purposes at Mission San Francisco de los Tejas State Park.

SUBCHAPTER B. SALE AND USE OF TIMBER

Revised Law

Sec. 3077.0201. AUTHORITY FOR SALE AND USE OF TIMBER. (a) The department may sell timber from land in the park and use timber from the park to construct or repair improvements in the park.

(b) Timber may be cut for salvage purposes only or under good forestry practices with the advice of the Texas A&M Forest Service. (Parks & Wild. Code, Sec. 22.092.)

Source Law

Sec. 22.092. TIMBER SALE. (a) The department may sell timber from land in the park and may use timber of the park to repair or construct improvements in the park.

(b) Timber may be cut for salvage purposes only or under good forestry practices with the advice of the Texas Forest Service.

Revisor's Note

Section 22.092(b), Parks and Wildlife Code, refers to the "Texas Forest Service." Throughout this chapter, the revised law substitutes "Texas A&M Forest Service" for "Texas Forest Service" for the reason stated in the revisor's note to Section 3071.0201.

Revised Law

Sec. 3077.0202. COMPETITIVE BIDDING REQUIRED. The department may sell timber from the park only through competitive bidding. (Parks & Wild. Code, Sec. 22.093(a) (part).)

Source Law

Sec. 22.093. COMPETITIVE BIDS. (a) Timber may be sold on competitive bids only. . . .

Revised Law

Sec. 3077.0203. ADVERTISING FOR BIDS. (a) The Texas A&M Forest Service shall advertise for the sale of timber for two weeks in at least one weekly newspaper published and circulated in Houston County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be published at least 10 days before the date of receiving bids. (Parks & Wild. Code, Sec. 22.094.)

Source Law

Sec. 22.094. ADVERTISING FOR BIDS. (a) The Texas Forest Service shall advertise for the sale of the timber for two weeks in at least one weekly newspaper published and circulated in Houston County.

(b) The advertisement must contain the necessary information pertaining to the timber sale and the time and place for receiving bids.

(c) The first advertisement must be at least 10

days before the date of receiving bids.

Revised Law

Sec. 3077.0204. ACCEPTANCE OR REJECTION OF BIDS. (a) The contract for the sale of timber must be awarded to the party submitting the highest and best bid in the judgment of the Texas A&M Forest Service and then approved by the department.

(b) The Texas A&M Forest Service may:

(1) reject any or all bids; and

(2) readvertise for new bids. (Parks & Wild. Code, Secs. 22.093(a) (part), (c).)

Source Law

(a) . . . The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service and then approved by the department.

(c) The Texas Forest Service may reject any or all bids and readvertise for new bids.

Revised Law

Sec. 3077.0205. RECORDS OF BIDS. (a) The Texas A&M Forest Service shall keep on file the bids for timber sale.

(b) The bids are public records. (Parks & Wild. Code, Sec. 22.093(b).)

Source Law

(b) All bids shall be kept on file by the Texas Forest Service and are public records.

Revised Law

Sec. 3077.0206. PROCEEDS FROM SALE. Money received from the sale of timber cut from the park shall be deposited to the credit of the state parks account. (Parks & Wild. Code, Sec. 22.095.)

Source Law

Sec. 22.095. DISPOSITION OF FUNDS. Money received from the sale of timber cut from the park shall be placed in the state treasury to the credit of the state parks account.

CHAPTER 3080. NIMITZ STATE PARK

Revised Law

Sec. 3080.0101. DEFINITION. In this chapter, "park" means

Nimitz State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3080.0102. JURISDICTION. Nimitz State Park, located near Fredericksburg in Gillespie County, is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.151.)

Source Law

Sec. 22.151. JURISDICTION. The Nimitz State Park, located near Fredericksburg in Gillespie County, is under the jurisdiction of the department.

Revised Law

Sec. 3080.0103. POWERS OF DEPARTMENT. The department may:

(1) operate and maintain the park;

(2) adopt rules for administration of the park;

(3) hire personnel necessary to carry out the department's duties;

(4) advertise the affairs of the park;

(5) accept gifts for the construction, building, or advertising of the park; and

(6) accept gifts for exhibition relating to the history or life of Fleet Admiral Chester W. Nimitz. (Parks & Wild. Code, Secs. 22.152(1), (2), (3), (4), (5), (7).)

Source Law

Sec. 22.152. POWERS OF DEPARTMENT. The department may:

(1) accept gifts for the construction, building, or advertising of the park;

(2) accept gifts for exhibition dealing with the history or life of Fleet Admiral Chester W. Nimitz;

(3) advertise the affairs of the park;

(4) make rules and regulations for administration of the park;

(5) hire personnel necessary to carry out its duties;

. . .

(7) operate and maintain the park.

Revisor's Note

(1) Section 22.152(4), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to make "rules and regulations" for administration of Nimitz State Park. The revised law substitutes "rules" for the quoted language for the reasons stated in Revisor's Note (1) to Section 3006.0102.

(2) Section 22.152(6), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to grant concessions. The revised law omits that provision for the reason stated in Revisor's Note (2) to Section 3056.0103. The omitted law reads:

> Sec. 22.152. POWERS OF DEPARTMENT. [The department may:]
>
> . . .
>
> (6) grant concessions; and
>
> . . .

CHAPTER 3083. PALO DURO CANYON STATE PARK

SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3083.0101. DEFINITION. In this chapter, "park" means Palo Duro Canyon State Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3083.0102. JURISDICTION. Palo Duro Canyon State Park is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.021(a).)

Source Law

> Sec. 22.021. JURISDICTION. (a) The Palo Duro Canyon State Park is under the jurisdiction of the department.

Revised Law

Sec. 3083.0103. ORIGINAL SITE. The original site of the

park includes the land in Armstrong and Randall Counties described by former Section 7, Chapter 64 (S.B. 39), Acts of the 50th Legislature, Regular Session, 1947 (Article 6077j, Vernon's Texas Civil Statutes). (Parks & Wild. Code, Sec. 22.021(b).)

Source Law

> (b) The original boundaries of the park include the land located in Armstrong and Randall counties and described in the deed executed by Fred A. Emery and wife to Texas State Parks Board, July 28, 1933, and recorded in Volume 69, pages 347 through 350, of the deed records of Randall County.

Revisor's Note

Section 22.021(b), Parks and Wildlife Code, describes the original boundaries of the Palo Duro Canyon State Park. Former Section 7, Chapter 64 (S.B. 39), Acts of the 50th Legislature, Regular Session, 1947 (Article 6077j, Vernon's Texas Civil Statutes), includes the description of that property. The revised law substitutes the citation of the provision of that act describing the property for the actual description of the property for the reason stated in Revisor's Note (2) to Section 3056.0201.

Revised Law

Sec. 3083.0104. IMPROVEMENTS. The department may make improvements in the park, including the construction of dams to impound water to form lakes for recreational and other conservation purposes in the park. (Parks & Wild. Code, Secs. 22.022(a)(5), (b) (part).)

Source Law

> Sec. 22.022. POWERS OF DEPARTMENT. (a) The department may:
>
> . . .
>
> (5) make improvements in the park; and
>
> . . .
>
> (b) Improvements may include the construction of dams to impound water to form a lake or lakes for recreational and other conservation purposes within the park. . . .

Revised Law

Sec. 3083.0105. PERMITS REQUIRED FOR DAM OR LAKE

CONSTRUCTION. The commission must obtain permits required by law from the Texas Commission on Environmental Quality before constructing a dam or lake. (Parks & Wild. Code, Sec. 22.022(b) (part).)

Source Law

> (b) . . . Before constructing any dam or lake, the commission must obtain permits required by law from the Texas Water Rights Commission.

Revisor's Note

Section 22.022(b), Parks and Wildlife Code, refers to the "Texas Water Rights Commission." The revised law substitutes "Texas Commission on Environmental Quality" for "Texas Water Rights Commission" for the reason stated in the revisor's note to Section 3071.0103.

Revised Law

Sec. 3083.0106. AUTHORITY TO SET CHARGES. The department may set charges to be collected from patrons of the park. (Parks & Wild. Code, Sec. 22.022(a)(2).)

Source Law

> Sec. 22.022. POWERS OF DEPARTMENT. (a) The department may:
>
> . . .
>
> (2) fix charges to be collected from patrons of the park;
>
> . . .

Revised Law

Sec. 3083.0107. AUTHORITY TO EXECUTE CONTRACTS. The department may execute any contract necessary to carry out the provisions of this chapter. (Parks & Wild. Code, Sec. 22.022(a)(6).)

Source Law

> Sec. 22.022. POWERS OF DEPARTMENT. (a) The department may:
>
> . . .
>
> (6) execute any other contracts necessary to carry out the provisions of this subchapter.

Revised Law

Sec. 3083.0108. USE AND DISPOSITION OF INCOME. (a) The

department shall use the income derived from leases, royalties, and operation of the park as necessary to maintain, improve, and operate the park.

(b) The unexpended income at the end of each state fiscal biennium shall be deposited to the credit of the state parks account. (Parks & Wild. Code, Sec. 22.023.)

Source Law

> 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 unexpended income at the end of the biennium shall be placed in the state treasury to the credit of the state parks account.

Revisor's Note

Section 22.023, Parks and Wildlife Code, provides that certain unexpended income at the end of "the biennium" shall be placed in the state treasury to the credit of the state parks account. The revised law substitutes "each state fiscal biennium" for the quoted language because, in context, "the biennium" clearly refers to each state fiscal biennium.

Revisor's Note
(End of Subchapter)

(1) Section 22.022(a)(1), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to fix entrance fees for admission to Palo Duro Canyon State Park. The revised law omits that provision because it duplicates in substance Section 21.111(a), Parks and Wildlife Code, revised as Section 3003.0201. The omitted law reads:

> (a) [The department may:]
> (1) fix entrance fees for admission to the park;
> . . .

(2) Section 22.022(a)(3), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to execute grazing leases in all or part of Palo Duro Canyon State Park. The revised law omits that

provision because it duplicates in substance Section 13.0061(a), Parks and Wildlife Code, revised in pertinent part as Section 2053.0201(a). The omitted law reads:

> (a) [The department may:]
>
> . . .
>
> (3) execute grazing leases covering all or part of the park land;
>
> . . .

(3) Section 22.022(a)(4), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to grant concessions in Palo Duro Canyon State Park. The revised law omits that provision for the reason stated in Revisor's Note (2) to Section 3056.0103. The omitted law reads:

> (a) [The department may:]
>
> . . .
>
> (4) grant concessions in the park;
>
> . . .

SUBCHAPTER B. BONDS

Revised Law

Sec. 3083.0201. AUTHORITY TO ISSUE BONDS. The department may issue bonds necessary for the construction of improvements in the park. (Parks & Wild. Code, Sec. 22.024.)

Source Law

> Sec. 22.024. ISSUANCE OF BONDS. The department may issue bonds necessary for the construction of improvements in the park.

Revised Law

Sec. 3083.0202. MATURITY. Bonds issued under this subchapter must mature not later than 40 years after the date of issuance. (Parks & Wild. Code, Sec. 22.026.)

Source Law

> Sec. 22.026. MATURITY OF BONDS. The bonds may mature, serially or otherwise, not more than 40 years from the date of their issuance.

Revisor's Note

Section 22.026, Parks and Wildlife Code, provides that a bond authorized to be sold by the Parks and

Wildlife Department under Subchapter C, Chapter 22, of that code may mature "serially or otherwise." The revised law omits the quoted language for the reasons stated in the revisor's note to Section 3005.0207.

Revised Law

Sec. 3083.0203. BONDS PAYABLE FROM REVENUE. (a) The department may:

(1) irrevocably pledge revenue from the improvements financed by bonds issued under this subchapter and from any other revenue-producing facilities or properties of the park, including the fees collected for admission to the park, to the payment of the interest on and the principal of the bonds; and

(2) enter into agreements regarding the imposition of charges and the collection, pledge, and disposition of revenue.

(b) In pledging revenue of the park under Subsection (a), the department may expressly reserve the right to issue additional bonds on a parity with or subordinate to the bonds then being issued. (Parks & Wild. Code, Secs. 22.029, 22.030.)

Source Law

> Sec. 22.029. PLEDGE OF INCOME. The department may irrevocably pledge the rents, revenues, and income from the improvements financed by the bonds and from any other revenue-producing facilities or properties of the park, including the fees collected for admission to the park, to the payment of the interest on and the principal of the bonds and may enter into agreements regarding the imposition of charges and the collection, pledge, and disposition of revenue.
>
> Sec. 22.030. RIGHT TO ISSUE ADDITIONAL BONDS. In pledging the rents, revenues, and income, the department may expressly reserve the right to issue additional bonds on a parity with or subordinate to the bonds then being issued.

Revisor's Note

Sections 22.029 and 22.030, Parks and Wildlife Code, refer to the pledge of "rents, revenues, and income." Throughout this chapter, in this and similar contexts, the revised law omits "rents" and "income" because, in context, "rents" and "income" are included in the meaning of "revenue."

Revised Law

Sec. 3083.0204. ADDITIONAL SECURITY FOR BONDS. The department may additionally secure bonds authorized under this subchapter by a deed of trust lien on the property comprising the park, or any part of the park, if the department:

(1) is unable to sell the bonds after reasonable effort; and

(2) obtains written approval from the governor after the governor obtains the advice and consent of the Legislative Budget Board. (Parks & Wild. Code, Sec. 22.031.)

Source Law

Sec. 22.031. ADDITIONAL SECURITY FOR BONDS. (a) If, after reasonable effort, the department is unable to sell the bonds, the bonds may be additionally secured by a deed of trust lien on the land and property comprising the park, or any part of it, after the department has obtained written approval of the governor.

(b) The governor may not give his approval under this section until he has obtained the advice and consent of the Legislative Budget Board.

Revisor's Note

Section 22.031(a), Parks and Wildlife Code, refers to the "land and property" comprising the Palo Duro Canyon State Park. Throughout this chapter, in this and similar contexts, the revised law omits "land" as included in the meaning of "property."

Revised Law

Sec. 3083.0205. REFUNDING BONDS. (a) The provisions of this subchapter apply to a refunding bond.

(b) A bond issued by the department that is payable from any part of the revenue of a facility or property of the park may be refunded or refinanced by the department under this subchapter.

(c) In the same authorizing proceedings, the department may:

(1) refund or refinance any bond issued under this subchapter;

(2) combine all refunding bonds and any new bonds to be

issued into one or more issues or series; and

(3) provide for the subsequent issuance of additional parity bonds under terms established in the proceedings. (Parks & Wild. Code, Sec. 22.033.)

Source Law

Sec. 22.033. REFUNDING OF BONDS. (a) A bond issued by the department under a law of this state which is payable from any part of the revenues of a revenue-producing facility or property of Palo Duro Canyon State Park may be refunded or refinanced by the department under this subchapter.

(b) The provisions of this subchapter are applicable to a refunding bond.

(c) In the same authorizing proceedings, the department may refund or refinance any bond issued under this subchapter and combine all refunding bonds and any new bonds to be issued into one or more issues or series and may provide for the subsequent issuance of additional parity bonds under terms and conditions set out in the authorizing proceedings.

Revisor's Note

(1) Section 22.033(a), Parks and Wildlife Code, refers to a bond issued by the Parks and Wildlife Department "under a law of this state." The revised law omits the quoted language as unnecessary because the department is not authorized to issue bonds except under the laws of this state.

(2) Section 22.033(c), Parks and Wildlife Code, refers to the issuance of additional parity bonds under certain "terms and conditions." The revised law omits "conditions" because, in context, the meaning of "conditions" is included in the meaning of "terms."

Revised Law

Sec. 3083.0206. PAYMENT OF INTEREST AND EXPENSES. The department may set aside amounts from the proceeds of the sale of a bond issue under this subchapter for:

(1) the payment of interest anticipated to accrue during the construction period;

(2) a deposit into the reserve for the interest and sinking fund to the extent prescribed in the authorizing proceedings; or

(3) the payment of attorney's fees, engineer's fees, and expenses of the issuance and sale of bonds, including the fees of fiscal agents or financial advisors. (Parks & Wild. Code, Sec. 22.036.)

Source Law

> Sec. 22.036. PAYMENT OF INTEREST AND EXPENSES. The department may set aside amounts from the proceeds of the sale of a bond issue for:
>
> (1) the payment of interest anticipated to accrue during the construction period;
>
> (2) a deposit into the reserve for the interest and sinking fund to the extent prescribed in the authorizing proceedings; and
>
> (3) payment of attorney's fees, engineer's fees, and expenses of the issuance and sale of bonds, including the fees of fiscal agents or financial advisors.

Revised Law

Sec. 3083.0207. DEBT AGAINST THE STATE. This chapter does not create a debt against the state or bind the state in any way except as to:

(1) the mortgage of the property comprising the park; and

(2) the pledge of revenue from the park. (Parks & Wild. Code, Sec. 22.039.)

Source Law

> Sec. 22.039. DEBT AGAINST THE STATE. Nothing in this subchapter creates a debt against the state or binds the state in any way except as to the mortgage of the land and property comprising the Palo Duro Canyon State Park and as to the pledge of the rents, revenue, and income from the park.

Revisor's Note
(End of Subchapter)

(1) Section 22.025, Parks and Wildlife Code, provides for the rate and computation of interest on a bond authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code. The revised law omits that provision as superseded by other law. Chapter 1204, Government Code, establishes a maximum interest rate for public securities. Section 1204.006, Government Code,

permits a public agency to issue public securities at any net effective interest rate of 15 percent or less. Chapter 1204, Government Code, applies to department bonds under Sections 1204.001 and 1204.002 of that code. The omitted law reads:

> Sec. 22.025. INTEREST ON BONDS. Interest on the bonds may not exceed six percent per year, computed with relation to the absolute maturity of the bonds in accordance with standard bond interest tables currently in use by insurance companies and investment houses, excluding from the computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

(2) Section 22.027, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to fix the price, terms, and conditions for the redemption of a bond authorized to be sold by the department under Subchapter C, Chapter 22, of that code. The revised law omits that provision for the reasons stated in Revisor's Note (2) at the end of Subchapter B, Chapter 3005. The omitted law reads:

> Sec. 22.027. REDEMPTION BEFORE MATURITY. The department may fix the price, terms, and conditions for redemption of the bonds before maturity in the authorizing proceedings.

(3) Section 22.028, Parks and Wildlife Code, provides in part that a bond authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code may be sold at public or private sale. The revised law omits that provision because it duplicates Section 1201.022(a)(3)(A), Government Code, which provides that a public security may be issued to be sold "at a public or private sale." Throughout this chapter, the revised law omits law that is superseded by or duplicates law in Chapter 1201, Government Code, which applies to department bonds under Sections 1201.002 and 1201.003 of that

code. The omitted law reads:

> Sec. 22.028. SALE OF BONDS. The bonds may be sold, at public or private sale, . . . .

(4) Section 22.028, Parks and Wildlife Code, provides in part that a bond authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code may be sold at a price and under terms determined by the department. Section 22.032, Parks and Wildlife Code, provides in part that the department may prescribe the conditions and details of the bonds. The revised law omits those provisions because they duplicate in substance Section 1201.022, Government Code, which provides that a public security may be issued with specified characteristics on specified terms, or in a specified manner and under terms determined by the issuer to be in the issuer's best interests. The omitted law reads:

> Sec. 22.028. . . . at a price and under terms determined by the department to be the most advantageous terms reasonably obtainable.

> Sec. 22.032. FORM OF BONDS. The department may prescribe . . . conditions, and details of the bonds in accordance with the provisions of this subchapter.

(5) Section 22.032, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to "prescribe the form" of a bond authorized to be sold by the department under Subchapter C, Chapter 22, of that code. The revised law omits that provision because it duplicates in substance Section 1201.024(a)(1), Government Code, which provides that a public security may be "issued in a specified form or forms." The omitted law reads:

> Sec. 22.032. FORM OF BONDS. [The department may prescribe] the form, . . . [of the bonds in accordance with the provisions of this subchapter.]

(6) Section 22.034, Parks and Wildlife Code, authorizes the Parks and Wildlife Department to employ certain persons necessary in the issuance of bonds authorized to be sold by the department under Subchapter C, Chapter 22, of that code. The revised law omits that provision because it duplicates in substance Section 1201.027(a), Government Code. The omitted law reads:

> Sec. 22.034. EMPLOYMENT OF PERSONNEL. The department may employ engineers, attorneys, and fiscal agents or financial advisors necessary in the issuance or refunding of bonds.

(7) Section 22.035(a), Parks and Wildlife Code, requires that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code be submitted to the attorney general for examination prior to delivery. The revised law omits that provision for the reasons stated in Revisor's Note (4) at the end of Subchapter B, Chapter 3005. The omitted law reads:

> Sec. 22.035. APPROVAL BY ATTORNEY GENERAL. (a) The bonds and all records relating to their issuance must be submitted to the attorney general for examination prior to delivery.

(8) Section 22.035(b), Parks and Wildlife Code, requires the attorney general to approve bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code that are submitted to the attorney general under certain circumstances, and provides that such approved bonds will be binding obligations of the department. The revised law omits that provision because it duplicates in substance Sections 1202.003(b)(1) and 1202.006(a), Government Code. Section 1202.003(b)(1) requires the attorney general to "approve . . . [a] public security" if "the attorney general finds that

the public security has been authorized to be issued in conformity with law." Section 1202.006(a) provides that after approval and registration, public securities are "binding obligations for all purposes." Chapter 1202, Government Code, applies to department bonds under Section 1202.001 of that code. The omitted law reads:

> (b) The attorney general shall approve the bonds if he finds that they have been issued in accordance with the constitution and this subchapter and that they will be binding special obligations of the department.

(9) Section 22.035(c), Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code that are approved by the attorney general must be registered by the comptroller of public accounts. The revised law omits that provision for the reasons stated in Revisor's Note (5) at the end of Subchapter B, Chapter 3005. The omitted law reads:

> (c) Bonds approved by the attorney general must be registered by the comptroller of public accounts.

(10) Section 22.035(d), Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code are "incontestable" after approval by the attorney general and being registered by the comptroller of public accounts. The revised law omits that provision because it duplicates Section 1202.006(a), Government Code, which provides that after approval and registration, a public security is "valid and incontestable." Chapter 1202, Government Code, applies to department bonds under Section 1202.001 of that code. The omitted law reads:

> (d) After approval and registration, the bonds are incontestable.

(11) Section 22.037(a), Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code are legal and authorized investments for various entities. The revised law omits that provision for the reasons stated in Revisor's Note (10) at the end of Subchapter B, Chapter 3005. The omitted law reads:

> Sec. 22.037. LEGAL INVESTMENTS. (a) Bonds issued under this subchapter are legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.

(12) Sections 22.037(b) and (c), Parks and Wildlife Code, provide that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code may secure deposits of public funds of the state or political subdivisions and are lawful and sufficient security for deposits. The revised law omits those provisions for the reasons stated in Revisor's Note (11) at the end of Subchapter B, Chapter 3005. The omitted law reads:

> (b) The bonds are eligible to secure the deposit of the public funds of the state, cities, towns, villages, counties, school districts, and other political corporations and subdivisions of the state.
>
> (c) The bonds are lawful and sufficient security for deposits to the extent of their value when accompanied by all unmatured coupons.

(13) Section 22.038, Parks and Wildlife Code, provides that bonds authorized to be sold by the Parks and Wildlife Department under Subchapter C, Chapter 22, of that code are negotiable instruments. The revised law omits that provision for the reasons

stated in Revisor's Note (2) to Section 3005.0202. The omitted law reads:

> Sec. 22.038. NEGOTIABLE INSTRUMENTS. Bonds issued under this subchapter are negotiable instruments under the laws of this state.

CHAPTER 3086. STEPHEN F. AUSTIN STATE PARK

Revised Law

Sec. 3086.0101. JURISDICTION. Stephen F. Austin State Park is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.121 (part).)

Source Law

> Sec. 22.121. JURISDICTION. Stephen F. Austin State Park is under the jurisdiction of the department. . . .

Revised Law

Sec. 3086.0102. DUTIES OF DEPARTMENT. The department shall improve, preserve, and protect the land in Stephen F. Austin State Park. (Parks & Wild. Code, Sec. 22.121 (part).)

Source Law

> Sec. 22.121. . . . The department shall improve, preserve, and protect the land in the park.

CHAPTER 3089. TRINITY RIVER STATE PARK

Revised Law

Sec. 3089.0101. DEFINITION. In this chapter, "park" means Trinity River State Park. (New.)

Revisor's Note

> The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3089.0102. ESTABLISHMENT. Trinity River State Park is established under the jurisdiction of the department on property that may be acquired under this chapter. (Parks & Wild. Code, Sec. 22.251.)

Source Law

Sec. 22.251. PARK ESTABLISHED: JURISDICTION OF DEPARTMENT. The Trinity River State Park is established under the jurisdiction of the department on property that may be acquired according to this Act.

Revisor's Note

Section 22.251, Parks and Wildlife Code, refers to property that may be acquired according to "this Act," meaning Chapter 983 (H.B. 2061), Acts of the 68th Legislature, Regular Session, 1983. Throughout this chapter, in this and similar contexts, the revised law substitutes a reference to "this chapter" for references to "this Act" because the relevant provisions of that act are revised as this chapter.

Revised Law

Sec. 3089.0103. ACQUISITION OF PARK LAND. (a) The department may acquire by purchase, gift, lease, or the exercise of the power of eminent domain the land described by Section 4, Chapter 983 (H.B. 2061), Acts of the 68th Legislature, Regular Session, 1983.

(b) The department may acquire the mineral interests in the land described by Subsection (a).

(c) The department shall honor all existing:

(1) easements on the property to be acquired under this chapter; and

(2) permits to pump water from the Trinity River and to discharge water into the Trinity River. (Parks & Wild. Code, Secs. 22.252(a), (e).)

Source Law

Sec. 22.252. DEPARTMENT TO ACQUIRE PARK LAND. (a) The department may acquire by purchase, gift, lease, or condemnation all of the land described in Section 4 of the Act that added this subchapter to this code. The department may acquire the mineral interests in that land.

(e) The department will honor all existing easements on the property to be acquired under this Act, as well as all existing permits to pump water from the Trinity River and to discharge water into the Trinity River.

Revisor's Note

(1) Section 22.252(a), Parks and Wildlife Code, provides that the Parks and Wildlife Department may acquire certain land by "condemnation." The revised law substitutes "the exercise of the power of eminent domain" for "condemnation" for the reasons stated in Revisor's Note (1) to Section 3002.0201.

(2) Section 22.252(a), Parks and Wildlife Code, refers to Section 4 of "the Act that added this subchapter to this code," meaning Chapter 983 (H.B. 2061), Acts of the 68th Legislature, Regular Session, 1983. For the reader's convenience, the revised law substitutes the full citation for the act that created Trinity River State Park for the quoted language.

Revised Law

Sec. 3089.0104. LEASE TERM. (a) In this section, "public entity" means an agency or instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

(b) A lease executed under Section 3089.0103 from the state may not exceed 30 years and may be renewed on the lease's expiration. A lease from a public entity other than the state is not limited to a term of years. (Parks & Wild. Code, Sec. 22.252(b).)

Source Law

(b) A lease executed under this section from the state may not exceed 30 years and may be renewed on its expiration. A lease executed under this section from any other public entity is not limited to any term of years. For purposes of this subsection, "public entity" means an agency or instrumentality of federal, state, or local government, including the board of directors of a municipally owned utility system.

Revisor's Note

Section 22.252(b), Parks and Wildlife Code, refers to a lease executed under Section 22.252 of that code. Section 22.252 is revised in pertinent part as

Section 3089.0103, and the revised law is drafted accordingly.

Revised Law

Sec. 3089.0105. CONDEMNATION PROCEEDINGS. The department may institute condemnation proceedings against any person if necessary for the acquisition of the park. (Parks & Wild. Code, Sec. 22.253(a).)

Source Law

> Sec. 22.253. CONDEMNATION. (a) If necessary for the acquisition of the Trinity River State Park, the department may institute condemnation proceedings according to the laws of this state against any person, including a governmental entity.

Revisor's Note

(1) Section 22.253(a), Parks and Wildlife Code, authorizes the Parks and Wildlife Department to institute certain condemnation proceedings "according to the laws of this state." The revised law omits the quoted language for the reason stated in the revisor's note to Section 3006.0103.

(2) Section 22.253(a), Parks and Wildlife Code, refers to any "person, including a governmental entity." The revised law substitutes "person" for the quoted language for the reason stated in the revisor's note to Section 3002.0102.

Revised Law

Sec. 3089.0106. COST OF RELOCATING OR ALTERING PROPERTY. (a) In this section, "sole expense" means the actual cost of the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b) in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

(b) Costs incurred in the exercise of eminent domain under Section 3089.0105 for the relocating, raising, lowering, rerouting, changing the grade of, or altering the construction of

any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline may be the sole expense of the department. (Parks & Wild. Code, Secs. 22.253(b), (c).)

Source Law

> (b) Costs incurred in the exercise of eminent domain under this section for the relocation, raising, lowering, rerouting, or change in grade or alteration in the construction of any electric transmission, telegraph, or telephone line, railroad, conduit, pole, property, facility, or pipeline may be the sole expense of the department.
>
> (c) "Sole expense" means the actual cost of the lowering, rerouting, or change in grade or alteration of construction in providing comparable replacement without enhancement of the facility, after deducting the net salvage value derived from the old facility.

Revisor's Note

Section 22.253(b), Parks and Wildlife Code, refers to the exercise of eminent domain under Section 22.253 of that code. Section 22.253 is revised in pertinent part as Section 3089.0105, and the revised law is drafted accordingly.

Revised Law

Sec. 3089.0107. SOURCE OF MONEY FOR LAND. The department may acquire land for the park with money from the urban park fund. (Parks & Wild. Code, Sec. 22.252(c).)

Source Law

> (c) The department may acquire the land with money from the urban park fund.

Revisor's Note

Section 22.252(c), Parks and Wildlife Code, refers to the "urban park fund." The urban park fund does not exist and neither the comptroller of public accounts nor the Parks and Wildlife Department have a record of that fund. Based on our research, we believe that the reference to that fund may be a reference to the Texas recreation and parks account (General Revenue Account 0467), formerly known as the "Texas local parks, recreation, and open space fund." See

former Section 24.002, Parks and Wildlife Code, revised in pertinent part as Section 2052.0802, and Section 29, Chapter 679 (H.B. 706), Acts of the 73rd Legislature, Regular Session, 1993. The revised law retains the reference to the urban park fund because it is unclear whether the reference was intended to refer to another existing fund.

Revised Law

Sec. 3089.0108. PROJECTS BY CITY OF DALLAS. (a) Chapter 3007 does not apply to a project described by this section.

(b) This chapter does not prohibit the City of Dallas from initiating, developing, completing, extending, or maintaining a project described by Subsection (c) located wholly or partly in or adjacent to the boundaries of the park.

(c) The governing body of the City of Dallas by ordinance or resolution may authorize:

(1) the development of a lake to be located in the flood plain of the Trinity River in the city of Dallas;

(2) the extension of Trinity River flood controls, including the construction of drainage channels, swales, levees, and associated flood control appurtenances in the Trinity River flood plain that may be constructed and maintained in the boundaries of the park;

(3) the extension of Simpson Stuart Road at the point where the road may cross the flood plain of the Trinity River; or

(4) the construction of swales in or adjacent to the natural channel of the Trinity River as necessary to provide offset capacity for full use of the McCommas Bluff Reclamation Landfill.

(d) If the City of Dallas approves a project under this section, the department shall grant the city:

(1) access to land in the park; and

(2) each permission necessary to attain the purposes of the project. (Parks & Wild. Code, Sec. 22.254.)

Source Law

Sec. 22.254. POWERS OF CITY OF DALLAS. (a) Nothing in this Act shall preclude or prohibit the city of Dallas from initiating, developing, completing, extending, or maintaining any project, as described in Subsection (b) of this section, whether the project may be located within, partially within, or adjacent to the boundaries of Trinity River State Park.

(b) For purposes of this section, the city of Dallas by ordinance or resolution of the governing body may approve and authorize any or all of the following:

(1) the development of a lake to be located within the flood plain of the Trinity River within the city of Dallas;

(2) the extension of Trinity River flood controls which shall include but not be limited to the construction of drainage channels, swales, levees, and associated flood control appurtenances in the Trinity River flood plain which may be constructed and maintained within the boundaries of Trinity River State Park;

(3) the extension of Simpson Stuart Road at the point where it may cross the flood plain of the Trinity River; and

(4) the construction of swales in or adjacent to the natural channel of the Trinity River as necessary to provide offset capacity for full utilization of the McCommas Bluff Reclamation landfill.

(c) If the city of Dallas approves a project, as authorized by this section, the department shall grant the city of Dallas access to land within Trinity River State Park and whatever permissions are necessary in order to attain the purposes of the project.

(d) For purposes of this section, Chapter 276, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421q, Vernon's Texas Civil Statutes), does not apply.

Revisor's Note

(1) Section 22.254(a), Parks and Wildlife Code, provides that nothing in this Act shall "preclude or prohibit" certain actions by the City of Dallas. The revised law omits the reference to "preclude" because, in context, "preclude" is included in the meaning of "prohibit."

(2) Section 22.254(b), Parks and Wildlife Code, provides that the City of Dallas may "approve and authorize" certain actions. The revised law omits "approve" as redundant because, in this context, "approve" is included in the meaning of "authorize."

(3) Section 22.254(b)(2), Parks and Wildlife

Code, provides that the City of Dallas may authorize the extension of Trinity River flood controls which "shall include but not be limited to" the construction of drainage channels, swales, levees, and associated flood control appurtenances. The revised law omits "but not be limited to" because under Section 311.005(13), Government Code (Code Construction Act), "includes" and "including" are terms of enlargement and not limitation and do not create a presumption that components not expressed are excluded.

(4) Section 22.254(d), Parks and Wildlife Code, refers to Chapter 276, Acts of the 61st Legislature, Regular Session, 1969 (Article 5421q, Vernon's Texas Civil Statutes). Chapter 276 was codified in 1983 as Chapter 26, Parks and Wildlife Code, which is revised as Chapter 3007 of this code. The revised law is drafted accordingly.

Revisor's Note
(End of Chapter)

Section 22.252(d), Parks and Wildlife Code, provides that the Parks and Wildlife Department may expend funds for the operation and maintenance of the Trinity River State Park. The revised law omits that provision for the reason stated in the revisor's note at the end of Chapter 3059. The omitted law reads:

> (d) The department may expend funds for the operation and maintenance of the Trinity River State Park.

## SUBTITLE C. SPECIFIC STATE PUBLIC SITES

## CHAPTER 3105. BATTLESHIP "TEXAS"

Revised Law

Sec. 3105.0101. JURISDICTION. The Battleship "Texas" is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.261 (part).)

Source Law

> Sec. 22.261. JURISDICTION. The Battleship "Texas" is under the jurisdiction of the department. . . .

Revised Law

Sec. 3105.0102. MEMORANDUM OF UNDERSTANDING WITH NONPROFIT FOUNDATION. (a) The department shall enter into a memorandum of understanding for a term of 99 years with an appropriate nonprofit foundation for the operation and maintenance of the Battleship "Texas."

(b) The memorandum of understanding required by Subsection (a) must include provisions:

(1) governing the preservation, management, and operation of the Battleship "Texas" consistent with the Standards for Historic Vessel Preservation Projects with Guidelines for Applying the Standards published by the Secretary of the United States Department of the Interior, as those standards existed on January 1, 2019;

(2) requiring the nonprofit foundation described by Subsection (a) to consult with the state historic preservation officer on matters related to the preservation or repair of the battleship; and

(3) regarding the protection of the public's interest in maintaining and preserving a priceless historical asset in a manner that ensures the public has access to the asset and an opportunity to provide comment regarding the preservation of the asset. (Parks & Wild. Code, Secs. 22.261 (part), 22.262.)

Source Law

> Sec. 22.261. . . . The department shall enter into a memorandum of understanding for a term of 99 years with an appropriate nonprofit foundation for the operation and maintenance of the Battleship "Texas."
>
> Sec. 22.262. PRESERVATION STANDARDS. The memorandum of understanding required by Section 22.261 must include provisions:
>
> (1) governing the preservation, management, and operation of the Battleship "Texas" consistent with the Standards for Historic Vessel Preservation Projects with Guidelines for Applying the Standards published by the Secretary of the United States Department of the Interior as those standards

existed on January 1, 2019;

(2) requiring the nonprofit foundation described by Section 22.261 to consult with the state historic preservation officer on matters related to the preservation or repair of the battleship; and

(3) regarding the protection of the public's interest in maintaining and preserving a priceless historical asset in a manner that ensures the public has access to the asset and an opportunity to provide comment regarding the preservation of the asset.

Revisor's Note

Section 22.262, Parks and Wildlife Code, refers to Section 22.261 of that code with respect to the memorandum of understanding required by that section as well as to the nonprofit foundation described by that section. Section 22.261 is revised in pertinent part as Subsection (a) of this section, and the revised law is drafted accordingly.

CHAPTER 3110. COPANO BAY AND LAVACA BAY CAUSEWAYS

Revised Law

Sec. 3110.0101. MAINTENANCE OF CAUSEWAYS. The department may repair and maintain as public fishing piers and recreation areas the old causeways across:

(1) Copano Bay on State Highway 35 in Aransas County; and

(2) Lavaca Bay on State Highway 35 in Calhoun County.

(Parks & Wild. Code, Sec. 22.184(a).)

Source Law

Sec. 22.184. FISHING PIERS. (a) The department may repair and maintain the old causeway across Copano Bay on Highway 35 in Aransas County and the old causeway across Lavaca Bay on Highway 35 in Calhoun County as public fishing piers and recreation areas.

Revised Law

Sec. 3110.0102. CONCESSIONS. The department may grant a concession to a person allowing the concessioner to charge for the use of the fishing piers described by Section 3110.0101 and approaches to the piers. (Parks & Wild. Code, Sec. 22.184(c).)

Source Law

(c) The department may grant concessions to persons allowing the concessioners to charge for use

of the piers and approaches.

Revised Law

Sec. 3110.0103. GIFTS. The department and the Texas Department of Transportation may solicit and receive gifts of labor and materials for the construction and improvement of the fishing piers described by Section 3110.0101. (Parks & Wild. Code, Sec. 22.184(b).)

Source Law

> (b) The department and the Texas Department of Transportation may solicit and receive gifts of labor and materials for the construction and improvement of the fishing piers.

Revised Law

Sec. 3110.0104. DISPOSITION OF REVENUE. All revenue received under this chapter shall be deposited to the credit of the state parks account. (Parks & Wild. Code, Sec. 22.184(d).)

Source Law

> (d) All revenue received under this section shall be deposited in the state treasury to the credit of the state parks account.

## CHAPTER 3115. GOVERNOR JAMES STEPHEN HOGG MEMORIAL SHRINE

Revised Law

Sec. 3115.0101. ESTABLISHMENT. Governor James Stephen Hogg Memorial Shrine, located near Quitman in Wood County, is established. (Parks & Wild. Code, Sec. 22.171.)

Source Law

> Sec. 22.171. GOVERNOR HOGG MEMORIAL. The Governor James Stephen Hogg Memorial Shrine, located near Quitman, Wood County, is established.

## CHAPTER 3120. JIM HOGG MEMORIAL PARK

### SUBCHAPTER A. GENERAL PROVISIONS

Revised Law

Sec. 3120.0101. DEFINITION. In this chapter, "park" means Jim Hogg Memorial Park. (New.)

Revisor's Note

> The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of

the definition.

Revised Law

Sec. 3120.0102. JURISDICTION. Jim Hogg Memorial Park is under the jurisdiction of the department. (Parks & Wild. Code, Sec. 22.051(a).)

Source Law

> Sec. 22.051. JURISDICTION. (a) The Jim Hogg Memorial Park is under the jurisdiction of the department.

Revised Law

Sec. 3120.0103. ORIGINAL SITE. The original site of the park includes approximately 180 acres in Cherokee County, formerly a part of the General Joseph L. Hogg homestead. (Parks & Wild. Code, Sec. 22.051(b).)

Source Law

> (b) The original boundaries of the park include approximately 180 acres, formerly a part of the General Joseph L. Hogg homestead in Cherokee County.

Revised Law

Sec. 3120.0104. IMPROVEMENTS. The department may construct or repair facilities for recreational and park purposes at the park and may work with other governmental agencies for this purpose. (Parks & Wild. Code, Sec. 22.053.)

Source Law

> Sec. 22.053. IMPROVEMENTS. The department may repair or construct facilities for recreational and park purposes at the park and may work in conjunction with other governmental agencies for this purpose.

Revised Law

Sec. 3120.0105. HOGG RESIDENCE. To the extent possible, the department shall maintain a replica of the original Hogg residence and the grounds adjacent to the residence at the park. (Parks & Wild. Code, Sec. 22.052.)

Source Law

> Sec. 22.052. HISTORICAL IMPROVEMENTS. To the extent possible, the department shall maintain a replica of the original Hogg home and the grounds adjacent to the residence.

SUBCHAPTER B. SALE AND USE OF TIMBER AND IRON ORE

Revised Law

Sec. 3120.0201. AUTHORITY FOR SALE AND USE OF TIMBER. (a) The department may sell timber from land in the park to finance the construction or repair of improvements.

(b) The department may use timber cut from land in the park to construct or repair improvements.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas A&M Forest Service. (Parks & Wild. Code, Sec. 22.054.)

Source Law

Sec. 22.054. SALE AND USE OF TIMBER. (a) The department may use timber cut from the land in the park to repair or construct improvements.

(b) The department may sell timber from the land in the park to finance the construction or repair of improvements.

(c) Timber must be selectively cut for sale or use under the supervision of the Texas Forest Service.

Revisor's Note

Section 22.054(c), Parks and Wildlife Code, refers to the "Texas Forest Service." Throughout this chapter, the revised law substitutes "Texas A&M Forest Service" for "Texas Forest Service" for the reason stated in the revisor's note to Section 3071.0201.

Revised Law

Sec. 3120.0202. AUTHORITY FOR SALE OF IRON ORE. (a) The department may sell iron ore in place in the park.

(b) The department may grant all rights necessary for the development of the iron ore to the purchasers of the iron ore. (Parks & Wild. Code, Sec. 22.055(a).)

Source Law

Sec. 22.055. SALE OF IRON ORE. (a) The department may sell iron ore in place located in the park. The department may grant all rights necessary for the development of the iron ore to the purchasers of the iron ore.

Revised Law

Sec. 3120.0203. REGULATIONS AND INSTRUMENTS FOR SALE OF

IRON ORE. (a) The department shall adopt regulations, forms, and contracts for the sale of iron ore in the park and protection of the income produced from the sale.

(b) The presiding officer, on behalf of the department, may execute and deliver the necessary instruments to convey the iron ore in place to the purchasers. (Parks & Wild. Code, Secs. 22.055(b), 22.058.)

Source Law

[Sec. 22.055]

(b) The presiding officer, on behalf of the department, may execute and deliver the necessary instruments to convey the iron ore in place to the purchasers.

Sec. 22.058. REGULATIONS. The department shall adopt regulations, forms, and contracts for the sale of iron ore and protection of the income produced from the sale.

Revised Law

Sec. 3120.0204. COMPETITIVE BIDDING REQUIRED. The department may sell timber and iron ore from the park only through competitive bidding. (Parks & Wild. Code, Sec. 22.056(a) (part).)

Source Law

Sec. 22.056. COMPETITIVE BIDS. (a) Timber and iron ore may be sold on competitive bids only. . . .

Revised Law

Sec. 3120.0205. ADVERTISING FOR BIDS. (a) The Texas A&M Forest Service shall advertise for the sale of timber. The department shall advertise for the sale of iron ore.

(b) The sale must be advertised for two weeks in at least one weekly newspaper published and circulated in Cherokee County.

(c) The advertisement must contain the necessary information pertaining to the sale and the time and place for receiving bids.

(d) The first advertisement must be published at least 10 days before the date of receiving bids. (Parks & Wild. Code, Sec. 22.057.)

Source Law

Sec. 22.057. ADVERTISING FOR BIDS. (a) The

Texas Forest Service shall advertise for the sale of timber. The department shall advertise for the sale of iron ore.

(b) The sale must be advertised for two weeks in at least one weekly newspaper published and circulated in Cherokee County.

(c) The advertisement must contain the necessary information pertaining to the sale and the time and place for receiving bids.

(d) The first advertisement must be at least 10 days before the date of receiving bids.

Revised Law

Sec. 3120.0206. ACCEPTANCE OR REJECTION OF BIDS. (a) The contract for the sale of timber or iron ore must be awarded to the party submitting the highest and best bid in the judgment of the Texas A&M Forest Service for the sale of timber and the department for the sale of iron ore. The department must approve the contract for the sale of timber.

(b) The Texas A&M Forest Service may:

(1) reject any or all bids for timber sale; and

(2) readvertise for new bids.

(c) The department may:

(1) reject any or all bids for iron ore sale; and

(2) readvertise for new bids. (Parks & Wild. Code, Secs. 22.056(a) (part), (d).)

Source Law

(a) . . . The contract shall be awarded to the party submitting the highest and best bid in the judgment of the Texas Forest Service for the sale of timber and of the department for the sale of iron ore. The department must approve the contract for sale of timber.

(d) The Texas Forest Service may reject any or all bids for timber sale and readvertise for new bids. The department may reject any or all bids for iron ore sale and readvertise for new bids.

Revised Law

Sec. 3120.0207. RECORDS OF BIDS. (a) The Texas A&M Forest Service shall keep on file the bids for timber sale. Copies of the bids shall be given to the department.

(b) The department shall keep on file the bids for iron ore sale.

(c) The bids are public records. (Parks & Wild. Code, Secs.

22.056(b), (c).)

Source Law

(b) The Texas Forest Service shall keep on file the bids for timber sale. The bids are public records. Copies of the bids shall be given to the department.

(c) The department shall keep on file the bids for the sale of iron ore. The bids are public records.

Revised Law

Sec. 3120.0208. PROCEEDS FROM SALE. Money received from the sale of timber or iron ore from the land in the park shall be deposited to the credit of the state parks account. (Parks & Wild. Code, Sec. 22.059.)

Source Law

Sec. 22.059. DISPOSITION OF FUNDS. Money received from the sale of timber or iron ore from the land in the park shall be placed in the state treasury to the credit of the state parks account.

## CHAPTER 3125. LAKE BUCHANAN AND INKS LAKE

Revised Law

Sec. 3125.0101. ROADS AND TRAILS TO CERTAIN PARK SITES. (a) The department shall acquire, construct, and maintain roads and trails from public roads to park sites located on and accessible to the waters of Lake Buchanan and Inks Lake in Burnet, Lampasas, Llano, San Saba, Travis, and Williamson Counties.

(b) The park sites described by Subsection (a) may be:

(1) state parks; or

(2) land owned by the Lower Colorado River Authority dedicated to public use for park purposes. (Parks & Wild. Code, Sec. 13.014(a).)

Source Law

Sec. 13.014. ROADS AND TRAILS TO CERTAIN PARK SITES. (a) The department shall acquire, construct, and maintain roads and trails from public roads to park sites located on and accessible to the waters of Buchanan and Inks lakes in Burnet, Lampasas, Llano, San Saba, Travis, and Williamson counties. The park sites may be state parks or land owned by the Lower Colorado River Authority dedicated to public use for park purposes.

Revised Law

Sec. 3125.0102. AUTHORITY TO CONTRACT. The department may

make contracts to carry out the provisions of this chapter. (Parks & Wild. Code, Sec. 13.014(d).)

Source Law

(d) The department may make contracts to carry out the provisions of this section.

Revised Law

Sec. 3125.0103. AUTHORITY TO ACQUIRE RIGHTS-OF-WAY. The department may acquire the rights-of-way for the roads and trails described by Section 3125.0101 by purchase, gift, or the exercise of the power of eminent domain. (Parks & Wild. Code, Sec. 13.014(b).)

Source Law

(b) The department may acquire the rights-of-way for the roads and trails by purchase or gift or by exercise of the power of eminent domain.

Revised Law

Sec. 3125.0104. COOPERATION WITH CERTAIN AGENCIES. For the purposes of this chapter, the Texas Transportation Commission shall cooperate with the department. The department shall:

(1) cooperate and match funds with any state or federal governmental agency; and

(2) sponsor any state or federal project. (Parks & Wild. Code, Sec. 13.014(c).)

Source Law

(c) The Texas Transportation Commission shall cooperate with the department, and the department shall cooperate and match funds with any state or federal governmental agency and shall sponsor any state or federal project.

CHAPTER 3130. SPANISH MISSIONS

Revised Law

Sec. 3130.0101. AUTHORITY TO ACQUIRE CERTAIN SPANISH MISSION SITES. The department may acquire the following Spanish mission sites in Milam County:

(1) Nuestra Señora de la Candelaria;

(2) San Francisco Xavier de los Dolores; and

(3) San Ildefonso. (Parks & Wild. Code, Sec.

22.181(a).)

Source Law

Sec. 22.181. SPANISH MISSIONS. (a) The department may acquire the following Spanish Mission sites, located in Milam County:

(1) Nuestra Senora de la Candelaria;

(2) San Francisco Xavier de los Dolores; and

(3) San Ildefonso.

Revised Law

Sec. 3130.0102. MONEY AND GIFTS FOR SITES. The department may:

(1) acquire the sites described by Section 3130.0101 with available or appropriated money; or

(2) accept gifts for acquisition, construction, or restoration of the sites. (Parks & Wild. Code, Sec. 22.181(b).)

Source Law

(b) The department may acquire the sites with available or appropriated funds or may accept gifts for acquisition, construction, or restoration of the sites.

Revisor's Note

Section 22.181(b), Parks and Wildlife Code, refers to available or appropriated "funds." The revised law substitutes "money" for "funds" for the reason stated in the revisor’s note to Section 3002.0205.

SUBTITLE D. SPECIFIC NATIONAL PARKS AND NATIONAL SEASHORES

CHAPTER 3155. BIG BEND NATIONAL PARK

Revised Law

Sec. 3155.0101. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in Big Bend National Park, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process issued under the authority of the state on any person subject to service; and

(2) the imposition of taxes on the sales of products and commodities and on franchises and property. (Parks & Wild.

Code, Sec. 23.001.)

Source Law

Sec. 23.001. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in the Big Bend National Park, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and

(2) the assessment and collection of taxes on the sales of products and commodities and on franchises and property.

Revisor's Note

Section 23.001(2), Parks and Wildlife Code, refers to the "assessment and collection" of certain taxes. The revised law substitutes "imposition" for "assessment and collection" because "imposition" is the term generally used in Title 1, Tax Code, and includes the assessment and collection of a tax.

Revised Law

Sec. 3155.0102. VOTING BY PARK RESIDENTS. Subject to the same conditions as other residents of the county, a person residing in Big Bend National Park may vote in any election in the county of the person's residence as though cession had not occurred. (Parks & Wild. Code, Sec. 23.002.)

Source Law

Sec. 23.002. PARK RESIDENTS MAY VOTE. A person residing in Big Bend National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

## CHAPTER 3160. GUADALUPE MOUNTAINS NATIONAL PARK

Revised Law

Sec. 3160.0101. DEFINITION. In this chapter, "park" means Guadalupe Mountains National Park. (New.)

Revisor's Note

The definition of "park" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3160.0102. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in the park, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process issued under the authority of the state on any person subject to service; and

(2) the imposition of taxes on sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes. (Parks & Wild. Code, Sec. 23.031.)

Source Law

> Sec. 23.031. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in the Guadalupe Mountains National Park, concurrently with the United States, as though cession had not occurred, for:
>
> (1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and
>
> (2) the assessment and collection of taxes on sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes.

Revisor's Note

Section 23.031(2), Parks and Wildlife Code, refers to the "assessment and collection" of certain taxes. The revised law substitutes "imposition" for "assessment and collection" for the reasons stated in the revisor's note to Section 3155.0101.

Revised Law

Sec. 3160.0103. VOTING BY PARK RESIDENTS. Subject to the same conditions as other residents of the county, a person residing in the park may vote in any election in the county of the person's residence as though cession had not occurred. (Parks & Wild. Code, Sec. 23.032.)

Source Law

> Sec. 23.032. PARK RESIDENTS MAY VOTE. A person residing in the Guadalupe Mountains National Park may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

Revised Law

Sec. 3160.0104. RECONVEYANCE OF MINERAL RIGHTS. If any of the land described by the drawing entitled "Proposed Guadalupe Mountains National Park, Texas," numbered SA-GM-7100C, dated February 1965, and on file in the offices of the National Park Service and the Texas secretary of state ceases to be used for the park, the state may require a reconveyance, without consideration, of the mineral rights conveyed for the creation of the park. (Parks & Wild. Code, Sec. 23.033.)

Source Law

> Sec. 23.033. RECONVEYANCE OF TITLE. If any of the land described by the drawing entitled "Proposed Guadalupe Mountains National Park, Texas," numbered SA-GM-7100C, dated February, 1965, and on file in the offices of the National Park Service and the Secretary of State of Texas ceases to be used for the Guadalupe Mountains National Park, the state may require a reconveyance, without consideration, of the mineral rights conveyed for the creation of the park.

Revised Law

Sec. 3160.0105. PREFERENTIAL RIGHT TO LEASE MINERAL RIGHTS. The state reserves a preferential right, without consideration to the United States, to lease all mineral rights that were conveyed by the state for the establishment of the park if:

(1) the United States Congress declares by an act that the national welfare or an emergency requires the development and production of minerals in the park; and

(2) the United States Congress authorizes the United States secretary of the interior to lease park land for drilling, mining, developing, or producing minerals. (Parks & Wild. Code, Sec. 23.034(a).)

Source Law

> Sec. 23.034. MINERAL RIGHTS IN PARK. (a) The state reserves a preferential right, without consideration to the United States, to lease all mineral rights and interests that were conveyed by the state for the establishment of the Guadalupe Mountains National Park if:
>
> (1) Congress declares by an act that the national welfare or an emergency requires the development and production of minerals in the park; and
>
> (2) Congress authorizes the Secretary of

Interior of the U. S. to lease park land for drilling, mining, developing, or producing minerals.

Revisor's Note

Section 23.034(a), Parks and Wildlife Code, refers to mineral "rights and interests" conveyed by the state for the establishment of Guadalupe Mountains National Park. The revised law omits the reference to "interests" because, in this context, "interests" is included in the meaning of "rights."

Revised Law

Sec. 3160.0106. DRAINAGE OF MINERALS FROM PARK. (a) If oil, gas, or other minerals are discovered and produced in commercial quantities from land outside the park sufficient to cause drainage of minerals from inside the park and the United States secretary of the interior participates in a communitization agreement or takes other action to protect the rights of the United States, the state retains the state's right to the state's proper share of the proceeds of the agreement or action.

(b) The state's proper share under Subsection (a) is not less than all bonuses, rentals, and royalties attributable to mineral rights conveyed to the United States for the establishment of the park. (Parks & Wild. Code, Sec. 23.034(b).)

Source Law

(b) If oil, gas, or other minerals are discovered and produced in commercial quantities from land outside the park sufficient to cause drainage of minerals from in the park and the Secretary of Interior participates in a communitization agreement or takes other action to protect the rights of the United States, the state retains its right to its proper share of the proceeds of the agreement or action. The state's proper share is not less than all bonuses, rentals, and royalties attributable to mineral rights conveyed to the United States for the establishment of Guadalupe Mountains National Park.

CHAPTER 3165. PADRE ISLAND NATIONAL SEASHORE

Revised Law

Sec. 3165.0101. DEFINITION. In this chapter, "seashore" means Padre Island National Seashore. (New.)

Revisor's Note

The definition of "seashore" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

Revised Law

Sec. 3165.0102. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in Padre Island National Seashore, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process issued under the authority of the state on any person subject to service; and

(2) the imposition of taxes on the sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes. (Parks & Wild. Code, Sec. 23.011.)

Source Law

Sec. 23.011. LIMITED JURISDICTION RETAINED. The state retains jurisdiction in the Padre Island National Seashore, concurrently with the United States, as though cession had not occurred, for:

(1) the service of criminal and civil process, issued under the authority of the state, on any person amenable to service; and

(2) the assessment and collection of taxes on the sales and use, or the gross receipts from the sales, of products and commodities and on franchises, properties, and incomes.

Revisor's Note

Section 23.011(2), Parks and Wildlife Code, refers to the "assessment and collection" of certain taxes. The revised law substitutes "imposition" for "assessment and collection" for the reasons stated in the revisor's note to Section 3155.0101.

Revised Law

Sec. 3165.0103. VOTING BY SEASHORE RESIDENTS. Subject to the same conditions as other residents of the county, a person residing in the seashore may vote in any election in the county of

the person's residence as though cession had not occurred. (Parks & Wild. Code, Sec. 23.012.)

Source Law

> Sec. 23.012. SEASHORE RESIDENTS MAY VOTE. A person residing in the Padre Island National Seashore may vote in all elections in the county of his residence, subject to the same conditions as other residents of the county, as though cession had not occurred.

Revised Law

Sec. 3165.0104. DEVELOPMENT AND RECOVERY OF MINERALS. The development and recovery of minerals in the seashore must be carried out in a manner that does not unreasonably interfere with the use of the land for park purposes. (Parks & Wild. Code, Sec. 23.013(c).)

Source Law

> (c) The development and recovery of minerals in the Padre Island National Seashore shall be carried out in a manner that does not unreasonably interfere with the use of the land for park purposes.

Revised Law

Sec. 3165.0105. REGULATION OF MINERAL RIGHTS BY RAILROAD COMMISSION OF TEXAS. (a) The Railroad Commission of Texas shall send by certified mail to the United States secretary of the interior a copy of each proposed rule affecting mineral rights reserved in deeds conveying land in the seashore to the United States.

(b) Not later than the 30th day after the date the United States Department of the Interior receives a copy of a proposed rule, that department may send to the Railroad Commission of Texas that department's objections or exceptions. The United States Department of the Interior must send an objection or exception by certified mail. A rule, with amendments, if any, adopted by the Railroad Commission of Texas takes effect after the 30-day period. (Parks & Wild. Code, Secs. 23.013(a), (b).)

Source Law

> Sec. 23.013. REGULATIONS OF RAILROAD COMMISSION. (a) The Railroad Commission shall send by certified mail to the Secretary of Interior of the

United States a copy of each proposed rule or regulation affecting mineral rights reserved in deeds conveying land in the Padre Island National Seashore to the United States.

(b) The Department of Interior has 30 days from the day a copy of a proposed rule or regulation is received to send to the Railroad Commission its objections or exceptions. An objection or exception must be sent by certified mail. Thereupon, a rule or regulation, with amendments, if any, promulgated by the Railroad Commission, takes effect.

Revisor's Note

(1) Sections 23.013(a) and (b), Parks and Wildlife Code, refer to a proposed "rule or regulation" affecting certain mineral rights. The revised law substitutes "rule" for the quoted language for the reasons stated in Revisor's Note (1) to Section 3006.0102.

(2) Section 23.013(b), Parks and Wildlife Code, refers to a rule or regulation "promulgated" by the Railroad Commission of Texas. The revised law substitutes "adopted" for "promulgated" for the reasons stated in the revisor's note to Section 3004.0101.

Revised Law

Sec. 3165.0106. REVERSION TO STATE. (a) A deed executed by the state to the United States for the creation of the seashore is void on the initiation by the United States of a suit in federal court to expand the title or a right or interest granted by the deed. If a deed becomes void under this subsection, the land immediately reverts to the state.

(b) All state-owned land conveyed to the United States for the creation of the seashore reverts to the state and to the fund or account to which the land belonged before conveyance if:

(1) the United States fails to use as a national seashore the privately owned land in the area described by former Section 1, Chapter 38 (S.B. 6), Acts of the 58th Legislature, Regular Session, 1963 (Article 6077t, Vernon's Texas Civil Statutes), and acquired by the United States; and

(2) the legislature does not waive the reversion during the biennium after the date the condition described by Subdivision (1) occurred. (Parks & Wild. Code, Secs. 23.014(a), (b) (part).)

Source Law

> Sec. 23.014. REVERSION TO STATE. (a) Any deed executed by the state to the United States for the creation of Padre Island National Seashore becomes null and void on the initiation by any elected or appointed agent, officer, or employee of the United States, or by any agency or department of the United States, of a suit at law or in equity in any federal court to enlarge or expand the title, right, or interest granted by the deed. When a deed becomes void under this subsection, the land immediately reverts to the state.
>
> (b) Unless reversion is waived by the legislature during the biennium following the happening of a condition of reversion, all state-owned land conveyed to the United States for the creation of the Padre Island National Seashore reverts to the state and to the fund or account to which it belonged before conveyance if:
>
> [(1) the United States fails to acquire two-thirds of all privately owned land in the area described by Section 1, Chapter 38, Acts of the 58th Legislature, 1963] . . .
>
> (2) the United States fails to use as a national seashore the privately owned land it has acquired.

Revisor's Note

(1) Section 23.014(a), Parks and Wildlife Code, refers to the initiation of a suit by "any elected or appointed agent, officer, or employee of the United States, or by any agency or department of the United States." The revised law substitutes "the United States" for the quoted language because Section 311.005(9), Government Code (Code Construction Act), defines "United States" to include a department, bureau, or other agency of the United States and because, in this context, a suit initiated by an elected or appointed agent, officer, or employee of the United States is brought in the name of the United States.

(2) Section 23.014(a), Parks and Wildlife Code, refers to a suit "at law or in equity" in federal

court. The revised law omits the quoted language as unnecessary because a suit can only be brought at law or in equity.

(3) Section 23.014(a), Parks and Wildlife Code, refers to a suit to "enlarge or expand" Padre Island National Seashore. The revised law omits "enlarge" because, in context, "enlarge" is included in the meaning of "expand."

(4) Section 23.014(b)(1), Parks and Wildlife Code, provides for the reversion of state-owned land conveyed for the creation of Padre Island National Seashore if the United States fails to acquire certain land within a certain period. The revised law omits that provision as executed because the United States acquired the land as specified by that provision. The omitted law reads:

> (b) . . . [all state-owned land conveyed to the United States for the creation of the Padre Island National Seashore reverts to the state and to the fund or account to which it belonged before conveyance if:]
>
> (1) the United States fails to acquire two-thirds of all privately owned land in the area described by Section 1, Chapter 38, Acts of the 58th Legislature, 1963, within 10 years after the date that the state-owned land was acquired; or
>
> . . .

(5) Section 23.014(b)(2), Parks and Wildlife Code, refers to certain privately owned land acquired by the United States for use as a national seashore. For the convenience of the reader, the revised law adds a reference to former Section 1, Chapter 38 (S.B. 6), Acts of the 58th Legislature, Regular Session, 1963 (Article 6077t, Vernon's Texas Civil Statutes), because it is clear from the context that the land referred to is the land described in that act.

Revised Law

Sec. 3165.0107. WILLACY COUNTY NAVIGATION DISTRICT

PROPERTY INTERESTS. (a) Willacy County Navigation District may consent to the acquisition of surface land for inclusion in the seashore.

(b) An interest in a surface estate, spoil bank, easement, or right-of-way controlled by the district in the seashore must be used for a public purpose only. (Parks & Wild. Code, Sec. 23.015.)

Source Law

> Sec. 23.015. CONSENT FOR ACQUISITION OF NAVIGATION DISTRICT LAND. The Willacy County Navigation District may consent to the acquisition of surface land for inclusion in Padre Island National Seashore. Interests in surface estates, spoil banks, easements, and rights-of-way controlled by the district in the Padre Island National Seashore shall be used for public purposes only.

Revised Law

Sec. 3165.0108. PROVISION OF ROADS. The United States secretary of interior is requested to provide roads from the north boundary of the seashore and from the Port Mansfield cut to the access highways from the mainland. (Parks & Wild. Code, Sec. 23.016.)

Source Law

> Sec. 23.016. ROADS. The Secretary of Interior is requested to provide roads from the north boundary of Padre Island National Seashore and from the Port Mansfield cut to the access highways from the mainland.