

## **Texas Recreation and Parks Account**

Background: The Texas Recreation & Parks Account Program (TRPA) was created in 1993 by the Texas Legislature to provide financial assistance to local governments in the acquisition of land and development of both outdoor and indoor recreation facilities. The revenue for the program comes solely from a portion of the sales tax on designated sporting goods in Texas. Grants from this account are a 50/50 match between the state and the local sponsor. No income from Texas Parks and Wildlife facility use fees and license fees is utilized for these grants.

This program is ststutoraly dedicated in Chapter 151.801 of the Tax Code and Chapter 24 Texas Parks and Wildlife Code. The language is as follows:

### **Tax Code:**

#### **§ 151.801. Disposition of Proceeds**

(a) Except for the amounts allocated under Subsections (b) and (c), all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(b) The amount of the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of lubricating and motor oils used to propel motor vehicles over the public roadways shall be deposited to the credit of the state highway fund.

(c) The proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be deposited as follows:

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

(2) Beginning September 1, 1995, the taxes collected shall be credited to the Parks and Wildlife Department and deposited as specified in the Parks and Wildlife Code. The comptroller shall not credit in excess of \$32 million in sporting goods tax revenue annually to the Parks and Wildlife Department.

### **Parks and Wildlife Code**

#### **§ 24.002. Texas Recreation and Parks Account**

The Texas recreation and parks account is a separate account in the general revenue fund.

#### **§ 24.003. Account Revenue Source**

The department shall deposit to the credit of the Texas recreation and parks account:

(1) \$1,125,000 per month and 40 percent of the amount above \$27 million per year of credits made to the department under Section 151.801, Tax Code; or

(2) any other source authorized by law.

To reduce or change the current statutory dedication language and reduce the dedicated funding (\$1,125,000 per month and 40 percent of the amount above \$27 million per year of credits made to the department under Section 151.801, Tax Code) both the above statutes must be changed by changes in the laws. That is precisely what the Pickett bill (HB 3442) and Bivens Bill (SB 1863) proposes to do. **Here is their proposed change in the law:**

(c) Section 24.003, Parks and Wildlife Code, is amended to

read as follows:

Sec. 24.003. ACCOUNT REVENUE SOURCE. The department shall deposit to the credit of the Texas recreation and parks account amounts as[+]

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

~~[(2) any other source]~~ authorized by law.

(d) Section 151.801(c), Tax Code, is amended to read as follows:

(c) The proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be ~~[deposited as follows:~~

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

~~[(2) Beginning September 1, 1995, the taxes collected shall be] credited to the Parks and Wildlife Department [and deposited as specified in the Parks and Wildlife Code. The comptroller shall not credit in excess of \$32 million in sporting goods tax revenue annually to the Parks and Wildlife Department].~~

This would leave only the phrase *as authorized by law* and would subject the Account to the whim of the appropriations process.

### Legislative Process:

HB 3442 and SB 1863 have been referred to committee as follows:

HB 3442

INTRODUCED 03/26/2003 Referred to Appropriations Committee

Clerk: Angela Pena Phone: 463-1091 Room: EXT E1.032

Chair: Rep. Talmadge Heflin Houston

Vice-Chair: Rep. Vilma Luna Corpus Christi

Members:

Rep. Leo Berman	Tyler
Rep. Dan Branch	Dallas
Rep. Betty Brown	Terrell
Rep. Fred Brown	Bryan
Rep. Myra Crownover	Dallas
Rep. John Davis	Houston
Rep. Joe Deshotel	Port Arthur
Rep. Dawanna Dukes	Austin
Rep. Craig Eiland	Galveston
Rep. Dan Ellis	Livingston
Rep. Roberto Gutierrez	Mc Allen
Rep. Peggy Hamric	Houston
Rep. Ruben Hope	Conroe
Rep. Suzanna Gratia Hupp	Lampasas

Rep. Carl Isett	Lubbock
Rep. Elizabeth Ames Jones	San Antonio
Rep. Lois W. Kolkhorst	Brenham
Rep. Ruth Jones McClendon	San Antonio
Rep. Jose Menendez	San Antonio
Rep. Joseph Pickett	El Paso
Rep. Jim Pitts	Waxahachie
Rep. Richard Raymond	Laredo
Rep. Jim Solis	Harlingen
Rep. Jack Stick	Austin
Rep. Vicki Truitt	Southlake
Rep. Sylvester Turner	Houston
Rep. Arlene Wohlgemuth	Burleson

No hearing on the bill is yet scheduled. When posted, the public can appear before the committee to testify on, for or against the bill or any committee substitutes that might be offered. An example of a committee substitute might be the return of the dedication language discussed above or any other changes offered by any member of the committee. Information about committee substitutes and the status of any such proposed can be obtained from the committee clerk prior to committee hearing on the bill.

SB 1863

INTRODUCED 03/20/2003 Referred to Finance Committee

Clerk: Stephanie Hoover Phone: 463-0370 Room: EXT E1.038

Chair: Senator Teel Bivins Amarillo

Vice-Chair: Senator Judith Zaffirini Laredo

Members:

Senator Kip Averitt	Waco
Senator Gonzalo Barrientos	Austin
Senator Kim Brimer	Fort Worth
Senator Robert Duncan	Lubbock
Senator Kyle Janek	Houston
Senator Jane Nelson	Flower Mound
Senator Steve Ogden	College Station
Senator Florence Shapiro	Addison
Senator Eliot Shapleigh	El Paso
Senator Todd Staples	Palestine
Senator Royce West	Dallas
Senator John Whitmire	Houston
Senator Tommy Williams	The Woodlands

No hearing on the bill is yet scheduled. When posted, the public can appear before the committee to testify on, for or against the bill or any committee substitutes that might be offered. An example of a committee substitute might be the return of the dedication language discussed above, or any other changes offered by any member of the committee. Information about committee substitutes and the status of any such proposed can be obtained from the committee clerk prior to committee hearing on the bill.