

BILL ANALYSIS

H.B. 1764
By: Smith, Wayne
State Cultural and Recreational Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The existence of the San Jacinto Historical Advisory Board was reaffirmed by the Legislature in 1999. The Advisory Board has rendered services far beyond its official advisory function. Examples include the board coordinating the annual San Jacinto Day ceremony at the state park recently attended by over 15,000 people, and an annual academic symposium on the Battle of San Jacinto. H.B. 1764 provides for revisions, clarifications and reaffirmations of the current activities of the Advisory Board to the statute.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1.

Amends the Parks and Wildlife Code by adding the word "Battleground" to the official name of the San Jacinto Historical Advisory Board to clarify that the board's focus is on the battleground.

Amends the Parks and Wildlife Code by changing "chairman of the Battleship Texas Commission" to the "presiding officer of the Battleship Texas Foundation."

Amends the Parks and Wildlife Code by changing the "president" to the "presiding officer" of the San Jacinto Museum of History Association.

Amends the Parks and Wildlife Code by clarifying that public member appointments are staggered terms of six years each, with terms expiring on September 1 of odd-numbered years.

Amends the Parks and Wildlife Code by adding the requirement that public member appointees shall include persons who are knowledgeable about Texas history and have demonstrated an interest in the historical preservation of the battleground. Clarifies the existing requirement that one or more of the three public members of the board may be selected from the San Jacinto Chapter of the Daughters of the Republic of Texas, in recognition that this chapter was responsible for the creation of the state park.

Amends the Parks and Wildlife Code by clarifying current policy permitting members of the advisory board to elect among themselves a presiding officer, vice presiding officer, and secretary.

Also provides that the state senator and state representative whose respective districts include the battleground shall be standing ex-officio members of the board.

Amends the Parks and Wildlife Code by adding that it is a ground for removal of a public member if the member is absent for three regularly scheduled advisory board meetings during a calendar year without an excuse approved by a majority vote of the advisory board. Also provides that if a public member is removed or resigns, the governor shall appoint another public member to fulfill the remaining term of the removed member as soon as practicable.

Amends Section 22.013(a), Parks and Wildlife Code, by adding “Bylaws” to the title of the section and by adding the word “Battleground” to the official name of the San Jacinto Historical Advisory Board.

Amends the Parks and Wildlife Code by clarifying that the board shall prepare and take minutes for all board meetings and that the bylaws may provide for non-voting ex-officio members. The bill also clarifies that the secretary of the board shall deliver the bylaws, any amendments to the bylaws, and the minutes of each meeting to the Parks & Wildlife Commission following approval of the board. Deletes the portion of the existing statute that requires the minutes or bylaws to be delivered to the commission by the member of the board who is an employee of the department.

Amends the Parks and Wildlife Code by providing that each member of the advisory board and the department shall be given timely notice of each advisory board meeting.

Amends the Parks and Wildlife Code by deleting an existing provision providing that the board may accept, in the name of the state, all bequests, gifts, and grants of money or property made to the battleground and use the bequests for the purpose specified by the grantor, if any.

Amends the Parks and Wildlife Code by adding that the board may conduct an annual commemoration of the battle of San Jacinto at the battleground and sponsor other educational programs pertaining to the battle and Texas history.

SECTION 2.

Sets effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2003.