

By: Hilderbran, Casteel, Branch

H.B. No. 2025

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the transfer of jurisdiction over the National Museum  
3 of the Pacific War and other historical sites from the Parks and  
4 Wildlife Department to the Texas Historical Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 442.001-442.018, Government Code, are  
7 designated as Subchapter A, Chapter 442, Government Code, and a  
8 heading to Subchapter A is added to read as follows:

9 SUBCHAPTER A. GENERAL PROVISIONS

10 SECTION 2. Subchapter A, Chapter 442, Government Code, as  
11 added by this Act, is amended by adding Section 442.019 to read as  
12 follows:

13 Sec. 442.019. TRANSFER OF HISTORICAL SITES FROM PARKS AND  
14 WILDLIFE. (a) By interagency agreement, a historical site under  
15 the jurisdiction of the Parks and Wildlife Department may be  
16 transferred to the commission.

17 (b) If jurisdiction over a historical site is transferred  
18 under this section, all rights, powers, duties, obligations,  
19 functions, activities, property, and programs of the Parks and  
20 Wildlife Department relating to the historical site are transferred  
21 to the commission.

22 (c) On or after the transfer of jurisdiction over a  
23 historical site, the commission may enter into an agreement with a  
24 nonprofit corporation, including the Admiral Nimitz Foundation,

1 for the expansion, renovation, management, operation, or financial  
2 support of the site.

3 SECTION 3. Subchapter Q, Chapter 22, Parks and Wildlife  
4 Code, is redesignated as Subchapter B, Chapter 442, Government  
5 Code, and amended to read as follows:

6 SUBCHAPTER B [~~Q~~]. NATIONAL MUSEUM OF THE PACIFIC WAR  
7 [~~FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM~~]

8 Sec. 442.051 [~~22.231~~]. MUSEUM DEFINITION; JURISDICTION.

9 (a) In this subchapter, "museum" means the National Museum of the  
10 Pacific War.

11 (b) The museum [~~Fleet Admiral Chester W. Nimitz Memorial~~  
12 ~~Naval Museum~~] is under the jurisdiction of the commission  
13 [~~department~~].

14 Sec. 442.052 [~~22.232~~]. POWERS OF COMMISSION [~~DEPARTMENT~~].

15 With respect to the [~~Nimitz~~] museum and in addition to its other  
16 powers and duties, the commission [~~department~~]:

17 (1) shall foster and commemorate the memory of the era  
18 of supreme United States naval power upon the seas and the men and  
19 women of the armed services whose gallant and selfless dedication  
20 to duty made this era possible;

21 (2) shall administer the museum [~~Fleet Admiral Chester~~  
22 ~~W. Nimitz Memorial Naval Museum~~] at Fredericksburg;

23 (3) shall act in any other capacity relative to  
24 preserving naval documents, relics, and other items of historical  
25 interest;

26 (4) may employ and discharge a museum director and  
27 other employees it deems necessary to fulfill its duties and

1 responsibilities within the limits of funds available;

2 (5) may accept on behalf of the State of Texas  
3 donations of money, property, and historical relics related to the  
4 museum's theme; and

5 (6) may acquire property and historical relics by  
6 purchase within the limits of funds available.

7 Sec. 442.053 [~~22.233~~]. REVENUE BONDS FOR MUSEUM. (a) The  
8 commission [~~department,~~] by resolution [~~of the commission,~~] may  
9 request the Texas Public Finance Authority to issue revenue bonds  
10 or other revenue obligations to finance the repair, renovation,  
11 improvement, expansion, and equipping of the [~~Nimitz~~] museum for  
12 one or more projects not to exceed an aggregated estimated cost of  
13 \$9 million.

14 (b) On receipt of a request by the commission [~~department~~]  
15 under this section, the Texas Public Finance Authority shall  
16 promptly issue the bonds or other revenue obligations under and in  
17 accordance with Chapter 1232 [~~, Government Code~~].

18 (c) The commission [~~department~~] shall deposit the proceeds  
19 of revenue bonds or other revenue obligations issued under this  
20 section to the credit of the National Museum of the Pacific War  
21 account [~~Texas parks and wildlife conservation and capital account~~]  
22 and may use the proceeds only to finance the repair, renovation,  
23 improvement, expansion, and equipping of the museum.

24 (d) Notwithstanding any other law, the commission  
25 [~~department~~] may contract with the Admiral Nimitz Foundation for  
26 the administration and operation of the museum, including any  
27 necessary renovation, improvement, or expansion of the museum.

1           (e) The commission [~~department~~] may accept contributions  
2 from the Admiral Nimitz Foundation and other sources in connection  
3 with the repair, renovation, improvement, expansion, equipping, or  
4 operation of the museum.

5           Sec. 442.054. NATIONAL MUSEUM OF THE PACIFIC WAR ACCOUNT.

6           (a) The National Museum of the Pacific War account is a separate  
7 account in the general revenue fund.

8           (b) The account consists of:

9                   (1) transfers made to the account;

10                   (2) revenue from the operation of the museum;

11                   (3) grants and donations made by the Admiral Nimitz  
12 Foundation and other sources; and

13                   (4) income earned on investments of money in the  
14 account.

15           (c) Appropriations to the commission for the preservation,  
16 operation, or maintenance of the museum shall be deposited to the  
17 credit of the account.

18           (d) The commission may use money in the account to  
19 administer this subchapter, including to support the preservation,  
20 repair, renovation, improvement, expansion, equipping, operation,  
21 or maintenance of the museum or acquisition of historical items  
22 appropriate to the museum.

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

26           Sec. 442.055. GRANTS; DONATIONS. The commission may accept  
27 a grant or donation for any program or purpose of the museum.

1           SECTION 4.   (a)   On November 1, 2005, the following are  
2 transferred to the Texas Historical Commission:

3                   (1)   all powers, duties, obligations, and liabilities  
4 of the Parks and Wildlife Department relating to the National  
5 Museum of the Pacific War;

6                   (2)   all unobligated and unexpended funds appropriated  
7 to the Parks and Wildlife Department designated for the  
8 administration of the National Museum of the Pacific War;

9                   (3)   all equipment and property of the Parks and  
10 Wildlife Department used for the administration of or related to  
11 the National Museum of the Pacific War; and

12                   (4)   all files and other records of the Parks and  
13 Wildlife Department kept by the department regarding the National  
14 Museum of the Pacific War.

15           (b)   A rule adopted by the Parks and Wildlife Department that  
16 is in effect immediately before November 1, 2005, and that relates  
17 to the National Museum of the Pacific War is, on November 1, 2005, a  
18 rule of the Texas Historical Commission and remains in effect until  
19 amended or repealed by the Texas Historical Commission.

20           (c)   Any money in the Texas parks and wildlife conservation  
21 and capital account deposited to the credit of the National Museum  
22 of the Pacific War on October 31, 2005, is transferred on November  
23 1, 2005, to the National Museum of the Pacific War account.

24           (d)   The transfers under this Act do not diminish or impair  
25 the rights of a holder of an outstanding bond or other obligation  
26 issued by the Parks and Wildlife Department under former Section  
27 22.233, Parks and Wildlife Code.

1           (e) Before November 1, 2005, the Parks and Wildlife  
2 Department may agree with the Texas Historical Commission to  
3 transfer any property of the Parks and Wildlife Department to the  
4 Texas Historical Commission to implement the transfer required by  
5 this Act.

6           (f) In the period beginning on the effective date of this  
7 Act and ending on November 1, 2005, the Parks and Wildlife  
8 Department shall continue to perform functions and activities under  
9 Subchapter Q, Chapter 22, Parks and Wildlife Code, as if that  
10 subchapter had not been amended by this Act, and the former law is  
11 continued in effect for that purpose.

12           SECTION 5. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.