

1-1 By: Hilderbran, et al. (Senate Sponsor - Fraser) H.B. No. 2025
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 May 3, 2005, read first time and referred to Committee on
1-4 Government Organization; May 17, 2005, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 17, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the transfer of jurisdiction over the National Museum
1-9 of the Pacific War and other historical sites from the Parks and
1-10 Wildlife Department to the Texas Historical Commission.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 442.001-442.018, Government Code, are
1-13 designated as Subchapter A, Chapter 442, Government Code, and a
1-14 heading to Subchapter A is added to read as follows:

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 SECTION 2. Subchapter A, Chapter 442, Government Code, as
1-17 added by this Act, is amended by adding Section 442.019 to read as
1-18 follows:

1-19 Sec. 442.019. TRANSFER OF HISTORICAL SITES FROM PARKS AND
1-20 WILDLIFE. (a) By interagency agreement, a historical site under
1-21 the jurisdiction of the Parks and Wildlife Department may be
1-22 transferred to the commission.

1-23 (b) If jurisdiction over a historical site is transferred
1-24 under this section, all rights, powers, duties, obligations,
1-25 functions, activities, property, and programs of the Parks and
1-26 Wildlife Department relating to the historical site are transferred
1-27 to the commission.

1-28 (c) On or after the transfer of jurisdiction over a
1-29 historical site, the commission may enter into an agreement with a
1-30 nonprofit corporation, including the Admiral Nimitz Foundation,
1-31 for the expansion, renovation, management, operation, or financial
1-32 support of the site.

1-33 SECTION 3. Subchapter Q, Chapter 22, Parks and Wildlife
1-34 Code, is redesignated as Subchapter B, Chapter 442, Government
1-35 Code, and amended to read as follows:

1-36 SUBCHAPTER B [Q]. NATIONAL MUSEUM OF THE PACIFIC WAR

1-37 [FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM]

1-38 Sec. 442.051 [22.231]. MUSEUM DEFINITION; JURISDICTION.

1-39 (a) In this subchapter, "museum" means the National Museum of the
1-40 Pacific War.

1-41 (b) The museum [Fleet Admiral Chester W. Nimitz Memorial
1-42 Naval Museum] is under the jurisdiction of the commission
1-43 [department].

1-44 Sec. 442.052 [22.232]. POWERS OF COMMISSION [DEPARTMENT].
1-45 With respect to the [Nimitz] museum and in addition to its other
1-46 powers and duties, the commission [department]:

1-47 (1) shall foster and commemorate the memory of the era
1-48 of supreme United States naval power upon the seas and the men and
1-49 women of the armed services whose gallant and selfless dedication
1-50 to duty made this era possible;

1-51 (2) shall administer the museum [Fleet Admiral Chester
1-52 W. Nimitz Memorial Naval Museum] at Fredericksburg;

1-53 (3) shall act in any other capacity relative to
1-54 preserving naval documents, relics, and other items of historical
1-55 interest;

1-56 (4) may employ and discharge a museum director and
1-57 other employees it deems necessary to fulfill its duties and
1-58 responsibilities within the limits of funds available;

1-59 (5) may accept on behalf of the State of Texas
1-60 donations of money, property, and historical relics related to the
1-61 museum's theme; and

1-62 (6) may acquire property and historical relics by
1-63 purchase within the limits of funds available.

1-64 Sec. 442.053 [22.233]. REVENUE BONDS FOR MUSEUM. (a) The

2-1 commission [~~department,~~] by resolution [~~of the commission,~~] may
 2-2 request the Texas Public Finance Authority to issue revenue bonds
 2-3 or other revenue obligations to finance the repair, renovation,
 2-4 improvement, expansion, and equipping of the [~~Nimitz~~] museum for
 2-5 one or more projects not to exceed an aggregated estimated cost of
 2-6 \$9 million.

2-7 (b) On receipt of a request by the commission [~~department~~]
 2-8 under this section, the Texas Public Finance Authority shall
 2-9 promptly issue the bonds or other revenue obligations under and in
 2-10 accordance with Chapter 1232 [~~, Government Code~~].

2-11 (c) The commission [~~department~~] shall deposit the proceeds
 2-12 of revenue bonds or other revenue obligations issued under this
 2-13 section to the credit of the National Museum of the Pacific War
 2-14 account [~~Texas parks and wildlife conservation and capital account~~]
 2-15 and may use the proceeds only to finance the repair, renovation,
 2-16 improvement, expansion, and equipping of the museum.

2-17 (d) Notwithstanding any other law, the commission
 2-18 [~~department~~] may contract with the Admiral Nimitz Foundation for
 2-19 the administration and operation of the museum, including any
 2-20 necessary renovation, improvement, or expansion of the museum.

2-21 (e) The commission [~~department~~] may accept contributions
 2-22 from the Admiral Nimitz Foundation and other sources in connection
 2-23 with the repair, renovation, improvement, expansion, equipping, or
 2-24 operation of the museum.

2-25 Sec. 442.054. NATIONAL MUSEUM OF THE PACIFIC WAR ACCOUNT.

2-26 (a) The National Museum of the Pacific War account is a separate
 2-27 account in the general revenue fund.

2-28 (b) The account consists of:
 2-29 (1) transfers made to the account;
 2-30 (2) revenue from the operation of the museum;
 2-31 (3) grants and donations made by the Admiral Nimitz
 2-32 Foundation and other sources; and
 2-33 (4) income earned on investments of money in the
 2-34 account.

2-35 (c) Appropriations to the commission for the preservation,
 2-36 operation, or maintenance of the museum shall be deposited to the
 2-37 credit of the account.

2-38 (d) The commission may use money in the account to
 2-39 administer this subchapter, including to support the preservation,
 2-40 repair, renovation, improvement, expansion, equipping, operation,
 2-41 or maintenance of the museum or acquisition of historical items
 2-42 appropriate to the museum.

2-43 (e) Any money in the account not used in a fiscal year
 2-44 remains in the account. The account is exempt from the application
 2-45 of Section 403.095.

2-46 Sec. 442.055. GRANTS; DONATIONS. The commission may accept
 2-47 a grant or donation for any program or purpose of the museum.

2-48 SECTION 4. (a) On November 1, 2005, the following are
 2-49 transferred to the Texas Historical Commission:

2-50 (1) all powers, duties, obligations, and liabilities
 2-51 of the Parks and Wildlife Department relating to the National
 2-52 Museum of the Pacific War;

2-53 (2) all unobligated and unexpended funds appropriated
 2-54 to the Parks and Wildlife Department designated for the
 2-55 administration of the National Museum of the Pacific War;

2-56 (3) all equipment and property of the Parks and
 2-57 Wildlife Department used for the administration of or related to
 2-58 the National Museum of the Pacific War; and

2-59 (4) all files and other records of the Parks and
 2-60 Wildlife Department kept by the department regarding the National
 2-61 Museum of the Pacific War.

2-62 (b) A rule adopted by the Parks and Wildlife Department that
 2-63 is in effect immediately before November 1, 2005, and that relates
 2-64 to the National Museum of the Pacific War is, on November 1, 2005, a
 2-65 rule of the Texas Historical Commission and remains in effect until
 2-66 amended or repealed by the Texas Historical Commission.

2-67 (c) Any money in the Texas parks and wildlife conservation
 2-68 and capital account deposited to the credit of the National Museum
 2-69 of the Pacific War on October 31, 2005, is transferred on November

3-1 1, 2005, to the National Museum of the Pacific War account.

3-2 (d) The transfers under this Act do not diminish or impair
3-3 the rights of a holder of an outstanding bond or other obligation
3-4 issued by the Parks and Wildlife Department under former Section
3-5 22.233, Parks and Wildlife Code.

3-6 (e) Before November 1, 2005, the Parks and Wildlife
3-7 Department may agree with the Texas Historical Commission to
3-8 transfer any property of the Parks and Wildlife Department to the
3-9 Texas Historical Commission to implement the transfer required by
3-10 this Act.

3-11 (f) In the period beginning on the effective date of this
3-12 Act and ending on November 1, 2005, the Parks and Wildlife
3-13 Department shall continue to perform functions and activities under
3-14 Subchapter Q, Chapter 22, Parks and Wildlife Code, as if that
3-15 subchapter had not been amended by this Act, and the former law is
3-16 continued in effect for that purpose.

3-17 SECTION 5. This Act takes effect immediately if it receives
3-18 a vote of two-thirds of all the members elected to each house, as
3-19 provided by Section 39, Article III, Texas Constitution. If this
3-20 Act does not receive the vote necessary for immediate effect, this
3-21 Act takes effect September 1, 2005.

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