

By: Casteel

H.B. No. 2908

A BILL TO BE ENTITLED

AN ACT

relating to the administration and operation of the Fleet Admiral Chester W. Nimitz Memorial Naval Museum.

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

SECTION 1. Sections 22.231, 22.232, and 22.233, Parks and Wildlife Code, are transferred to Chapter 442, Government Code, redesignated as Sections 442.019 and 442.020, Government Code, and amended to read as follows:

Sec. 442.019 [~~22.231~~]. FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM [~~JURISDICTION~~]. (a) The Fleet Admiral Chester W. Nimitz Memorial Naval Museum is under the jurisdiction of the commission [~~department~~].

(b) [~~Sec. 22.232. POWERS OF DEPARTMENT.~~] With respect to the Nimitz museum and in addition to its other powers and duties, the commission [~~department~~]:

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

(2) shall administer the Fleet Admiral Chester W. Nimitz Memorial Naval Museum at Fredericksburg;

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

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

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

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

9 Sec. 442.020 [~~22.233~~]. REVENUE BONDS FOR NIMITZ MUSEUM.

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

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

21 (c) The commission [~~department~~] shall deposit the proceeds
22 of revenue bonds or other revenue obligations issued under this
23 section to the credit of the Fleet Admiral Chester W. Nimitz
24 Memorial Naval Museum account. The account is a separate account in
25 the general revenue fund that is composed of money deposited to the
26 credit of the account under this section or Section 442.019. The
27 commission may use money in the account [~~Texas parks and wildlife~~

1 ~~conservation and capital account and may use the proceeds]~~ only to
2 finance the repair, renovation, improvement, expansion, and
3 equipping of the museum.

4 (d) Notwithstanding any other law, the commission
5 ~~[department]~~ may contract with the Admiral Nimitz Foundation for
6 the renovation, improvement, or expansion of the museum.

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

11 SECTION 2. The subchapter heading to Subchapter Q, Chapter
12 22, Parks and Wildlife Code, is repealed.

13 SECTION 3. (a) On the date specified by the Parks and
14 Wildlife Department and the Texas Historical Commission in a
15 memorandum of understanding entered into under Section 4 of this
16 Act:

17 (1) the Texas Historical Commission replaces the Parks
18 and Wildlife Department as the administrator of the Fleet Admiral
19 Chester W. Nimitz Memorial Naval Museum;

20 (2) all functions and activities performed by the
21 Parks and Wildlife Department that relate to the administration and
22 operation of the Fleet Admiral Chester W. Nimitz Memorial Naval
23 Museum immediately before that date are transferred to the Texas
24 Historical Commission;

25 (3) a rule or form adopted by the Parks and Wildlife
26 Department that relates to the administration and operation of the
27 Fleet Admiral Chester W. Nimitz Memorial Naval Museum is a rule or

1 form of the Texas Historical Commission and remains in effect until
2 changed by the commission;

3 (4) a reference in law to the Parks and Wildlife
4 Department that relates to the administration and operation of the
5 Fleet Admiral Chester W. Nimitz Memorial Naval Museum means the
6 Texas Historical Commission;

7 (5) a contract negotiation or other proceeding
8 involving the Parks and Wildlife Department that is related to the
9 administration and operation of the Fleet Admiral Chester W. Nimitz
10 Memorial Naval Museum is transferred without change in status to
11 the Texas Historical Commission, and the commission assumes,
12 without a change in status, the position of the Parks and Wildlife
13 Department in a negotiation or proceeding relating to the
14 administration and operation of the Fleet Admiral Chester W. Nimitz
15 Memorial Naval Museum;

16 (6) all money, contracts, leases, rights, and
17 obligations of the Parks and Wildlife Department related to the
18 administration and operation of the Fleet Admiral Chester W. Nimitz
19 Memorial Naval Museum are transferred to the Texas Historical
20 Commission;

21 (7) the proceeds of any bonds or other obligations
22 related to the repair, renovation, or other improvement to the
23 Fleet Admiral Chester W. Nimitz Memorial Naval Museum deposited to
24 the credit of the Texas parks and wildlife conservation and capital
25 account are transferred to the Fleet Admiral Chester W. Nimitz
26 Memorial Naval Museum account under Section 442.020, Government
27 Code, as added by this Act, to be used by the Texas Historical

1 Commission in accordance with that section;

2 (8) all real and personal property in the custody of
3 the Parks and Wildlife Department related to the administration and
4 operation of the Fleet Admiral Chester W. Nimitz Memorial Naval
5 Museum, including administrative records and naval documents,
6 relics, and other items of historical interest acquired by the
7 department in relation to the museum, becomes property in the
8 custody of the Texas Historical Commission, but stays in the same
9 physical location unless moved in accordance with the memorandum
10 entered into under Section 4 of this Act; and

11 (9) all funds appropriated by the legislature to the
12 Parks and Wildlife Department for purposes related to the
13 administration and operation of the Fleet Admiral Chester W. Nimitz
14 Memorial Naval Museum, including funds for providing
15 administrative support for those services such as funds to pay the
16 salary and benefits of employees who provide the administrative
17 support, are transferred to the Texas Historical Commission.

18 (b) If no date is specified for a transfer under Subsection
19 (a) of this section in a memorandum of understanding entered into
20 under Section 4 of this Act, the transfer takes place on December 1,
21 2009.

22 SECTION 4. (a) As soon as possible after the effective date
23 of this section, but not later than December 1, 2009, the Parks and
24 Wildlife Department and the Texas Historical Commission shall enter
25 into a memorandum of understanding to implement the transfer
26 described in Section 3 of this Act. The memorandum:

27 (1) may require the Parks and Wildlife Department to

1 provide funding to the Texas Historical Commission in relation to
2 an agreement under the memorandum for the operation of the Fleet
3 Admiral Chester W. Nimitz Memorial Naval Museum; and

4 (2) shall specify:

5 (A) the date that the transfer under Section 3 of
6 this Act takes place;

7 (B) a timetable for any necessary or advisable
8 movement of the physical location of property, including records;

9 (C) an inventory of all historical artifacts,
10 documents, and other property required to be transferred; and

11 (D) provisions for the access of the Texas
12 Historical Commission to the Fleet Admiral Chester W. Nimitz
13 Memorial Naval Museum and any related facilities not later than
14 December 1, 2009.

15 (b) If the Parks and Wildlife Department and the Texas
16 Historical Commission transfer funds relating to the operation of
17 the Fleet Admiral Chester W. Nimitz Memorial Naval Museum under a
18 memorandum of understanding under this section, the agencies shall,
19 in addition, transfer any bonds or other obligations relating to
20 the funds.

21 SECTION 5. As soon as possible after the Parks and Wildlife
22 Department and the Texas Historical Commission enter into a
23 memorandum of understanding under Section 4 of this Act that
24 specifies the date of the transfer under Section 3 of this Act, the
25 agencies shall send the memorandum to the secretary of state for
26 publication in the Texas Register.

27 SECTION 6. (a) This section and Sections 4 and 5 of this Act

1 take effect September 1, 2005.

2 (b) Sections 1, 2, and 3 of this Act take effect in
3 accordance with the date specified in the memorandum of
4 understanding required by Section 4 of this Act as the date of the
5 transfer under Section 3 of this Act.