

By: Fraser

S.B. No. 1497

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.