

BILL ANALYSIS

C.S.H.B. 7
By: Hilderbran
Culture, Recreation, & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many historical sites are currently administered by the Texas Parks and Wildlife Department (TPWD). The Texas Historical Commission (THC) manages and maintains most of the remaining historical sites in Texas.

C.S.H.B. 7 amends Chapter 442 of the Government Code, Chapter 13 of the Parks and Wildlife Code, and Section 151.801(c) of the Tax Code. This bill adds Subchapter C, which delineates 18 sites to be transferred to THC from TPWD. To provide additional funding for expansion, renovation, management, operation or financial support for the transferred sites, the bill sets up and describes a historic site account in the general revenue fund and allows THC to accept grants and donations, thereby providing the Commission with an infrastructure to manage the sites. CSHB7 modifies the Tax Code to give 94% of the proceeds from the sporting goods tax to TPWD and 6% to THC. The bill further transfers jurisdiction of the sites, as well as all authority to property and debt, from TPWD to THC.

RULEMAKING AUTHORITY

This bill provides rulemaking authority to THC by allowing the commission to adopt criteria for determining the eligibility of land donated to the TPWD for inclusion in the state parks system in SECTION 3.

ANALYSIS

SECTION 1.

Amends Chapter 442 of the Government Code to include Subchapter C relating to historic sites and providing a definition for historic site.

Delineates the 18 sites that will be transferred from TPWD to THC, and gives THC all powers necessary to operate the transferred sites in the required manner or for the required purpose, including entering into an agreement with a nonprofit entity for the expansion, renovation, management, operation or financial support of a site.

Sets up and describes the historic site account in the general revenue fund.

Allows THC to seek and accept grants and donations to be deposited in the historic site account.

SECTION 2.

Transfers Section 442.019 of the Government Code to Subchapter C, Chapter 442, of the Government Code, renumbers the section as 442.075, and amends this Section of the Government Code by stating that Section 442.071 does not apply to the section and removing and replacing the word "historical" with "historic" as necessary.

SECTION 3.

Amends Subchapter A, Chapter 13, of the Parks and Wildlife Code by adding Section 13.0075, which gives THC rulemaking authority to adopt criteria for including donated land into the state park system.

SECTION 4. Amends Section 151.801(c) of the Tax Code to remove the prior calculation and date specification for distribution of the proceeds of the sporting goods sales tax and the \$32 million sales cap. The language is modified to give TPWD 94% and the THC 6% of the total proceeds from the sporting goods tax.

SECTION 5. Defines "historic site" for this section and sets forth and describes what will be transferred to THC on September 1, 2007 along with the historic sites, including obligations and liabilities of TPWD associated with the sites, unobligated and unexpended funds appropriated to TPWD for the sites, all equipment and property of TPWD used for or related to the sites; and all files and records of TPWD regarding the sites.

Transfers the TPWD rules relating to the historic sites to THC and keeps them in effect as necessary.

Maintains the rights of the holders of bonds and other obligations.

States that THC is the successor agency to TPWD for these sites and reflects this in statute, including the rules adopted by TPWD pertaining to the sites.

States that TPWD shall operate and maintain the sites, under applicable law as it existed on January 1, 2007, until they are transferred.

SECTION 6. Effective Date.

EFFECTIVE DATE

This act takes effect immediately with a two-thirds vote, or on September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB7 removes Fanthorp Inn State Historic Site, Fort Leaton State Historic Site, Lipantitlan State Historic Site, Monument Hill and Kreische Brewery State Historic Sites, Port Isabel Lighthouse State Historic Site, Sebastopol House State Historic Site, and includes Fort Griffin State Historic Site, Fort McKavett State Historic Site, and San Felipe State Historic Site.

This substitute includes in the Historic Site Account credits made to the commission under Section 151.801 of the Tax Code, and includes language modifying Section 151.801(c) of the Tax Code to remove the prior calculation for distribution of the proceeds of the sporting goods sales tax and the \$32 million sales cap. The language is modified to give TPWD 94% and the THC 6% of the total proceeds from the sporting goods tax, and removes the language allowing TPWD and the THC to agree to transfer any of its property to implement the transfers required by the bill before January 1, 2008.

Necessary cleanup is made by renumbering and relettering sections and subsections.

Finally, CSHB7 changes the date for the transfer of sites and rules in SECTION 5 from January 1, 2008 to September 1, 2007.