

By: Hilderbran, Flores, Davis of Dallas

H.B. No. 7

Substitute the following for H.B. No. 7:

By: Hilderbran

C.S.H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of historic sites from the Parks and
3 Wildlife Department to the Texas Historical Commission, to the
4 allocation and use of revenue by the department and commission, and
5 to the eligibility of certain land for entry into the state parks
6 system.

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

8 SECTION 1. Chapter 442, Government Code, is amended by
9 adding Subchapter C to read as follows:

10 SUBCHAPTER C. CERTAIN HISTORIC SITES

11 Sec. 442.071. DEFINITION. In this subchapter, "historic
12 site" means a site or park listed under Section 442.072.

13 Sec. 442.072. JURISDICTION. (a) The following historic
14 sites and parks formerly under the jurisdiction of the Parks and
15 Wildlife Department are under the commission's jurisdiction:

16 (1) Acton State Historic Site;

17 (2) Caddoan Mounds State Historic Site;

18 (3) Casa Navarro State Historic Site;

19 (4) Confederate Reunion Grounds State Historic Site;

20 (5) Eisenhower Birthplace State Historic Site;

21 (6) Fannin Battleground State Historic Site;

22 (7) Fort Griffin State Historic Site;

23 (8) Fort Lancaster State Historic Site;

24 (9) Fort McKavett State Historic Site;

- 1 (10) Fulton Mansion State Historic Site;
- 2 (11) Landmark Inn State Historic Site;
- 3 (12) Levi Jordan State Historic Site;
- 4 (13) Magoffin Home State Historic Site;
- 5 (14) Sabine Pass Battleground State Historic Site;
- 6 (15) Sam Bell Maxey House State Historic Site;
- 7 (16) San Felipe State Historic Site;
- 8 (17) Starr Family Home State Historic Site;
- 9 (18) Varner-Hogg Plantation State Historic Site.

10 (b) This subsection applies to a historic site that the
11 state is required to operate in a particular manner or for a
12 particular purpose, such as a site improved with federal money
13 subject to federal restrictions on the purposes for which the
14 improved site may be used or a site donated to the state subject to a
15 reversion clause providing that the title reverts to the grantor
16 when the site is not used for the purposes for which it was
17 acquired. The commission has all powers necessary to operate the
18 site in the required manner or for the required purpose.

19 (c) The commission may enter into an agreement with a
20 nonprofit corporation, foundation, association, or other nonprofit
21 entity for the expansion, renovation, management, operation, or
22 financial support of a historic site.

23 Sec. 442.073. HISTORIC SITE ACCOUNT. (a) The historic site
24 account is a separate account in the general revenue fund.

25 (b) The account consists of:

26 (1) credits made to the commission under Section
27 151.801, Tax Code;

- 1 (2) transfers to the account;
2 (3) interest earned on the account;
3 (4) fees and other revenue from operation of a
4 historic site; and
5 (5) grants and donations accepted under Section
6 442.074.

7 (c) A fee or other revenue generated at a historic site must
8 be credited to the account.

9 (d) Money in the account may be used only to administer,
10 operate, preserve, repair, expand, or otherwise maintain a historic
11 site or to acquire a historical item appropriate to a historic site.

12 (e) Any money in the account not used in a fiscal year
13 remains in the account. The account is exempt from the application
14 of Section 403.095.

15 Sec. 442.074. GRANTS; DONATIONS. (a) The commission may
16 seek and accept grants and donations for a historic site from any
17 appropriate source.

18 (b) Money accepted under this section shall be deposited to
19 the credit of the historic site account.

20 SECTION 2. Section 442.019, Government Code, as added by
21 Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005,
22 is transferred to Subchapter C, Chapter 442, Government Code, as
23 added by this Act, renumbered as Section 442.075, Government Code,
24 and amended to read as follows:

25 Sec. 442.075 [442.019]. TRANSFER OF HISTORIC [HISTORICAL]
26 SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply
27 to this section.

1 **(b)** By interagency agreement, a historic [~~historical~~] site
2 under the jurisdiction of the Parks and Wildlife Department may be
3 transferred to the commission.

4 **(c)** [~~(b)~~] If jurisdiction over a historic [~~historical~~] site
5 is transferred under this section, all rights, powers, duties,
6 obligations, functions, activities, property, and programs of the
7 Parks and Wildlife Department relating to the [~~historical~~] site are
8 transferred to the commission.

9 **(d)** [~~(c)~~] On or after the transfer of jurisdiction over a
10 historic [~~historical~~] site, the commission may enter into an
11 agreement with a nonprofit corporation, including the Admiral
12 Nimitz Foundation, for the expansion, renovation, management,
13 operation, or financial support of the site.

14 SECTION 3. Subchapter A, Chapter 13, Parks and Wildlife
15 Code, is amended by adding Section 13.0075 to read as follows:

16 Sec. 13.0075. ELIGIBILITY CRITERIA FOR INCLUSION OF LAND IN
17 STATE PARKS SYSTEM. The commission by rule shall adopt criteria for
18 determining the eligibility of land donated to the department for
19 inclusion in the state parks system.

20 SECTION 4. Section 151.801(c), Tax Code, is amended to read
21 as follows:

22 (c) The proceeds from the collection of the taxes imposed by
23 this chapter on the sale, storage, or use of sporting goods shall be
24 deposited as follows:

25 (1) an amount equal to 94 percent of the proceeds [~~For~~
26 ~~the period beginning September 1, 1993, and ending August 31, 1995,~~
27 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~

1 ~~to the credit of the general revenue fund, state parks account, and~~
2 ~~an amount equal to 50 cents per 1,000 cigarettes shall be deposited~~
3 ~~to the credit of the general revenue fund, Texas recreation and~~
4 ~~parks account, and the balance shall be retained in the general~~
5 ~~revenue fund.~~

6 ~~[(2) Beginning September 1, 1995, the taxes collected]~~
7 shall be credited to the Parks and Wildlife Department and
8 deposited as specified in the Parks and Wildlife Code; and

9 (2) an amount equal to six percent of the proceeds
10 shall be credited to the Texas Historical Commission and deposited
11 as specified in Section 442.073, Government Code. ~~[The comptroller~~
12 ~~shall not credit in excess of \$32 million in sporting goods tax~~
13 ~~revenue annually to the Parks and Wildlife Department.]~~

14 SECTION 5. (a) In this section, "historic site" means a
15 historic site or park listed under Section 442.072, Government
16 Code, as added by this Act.

17 (b) On September 1, 2007, the following are transferred to
18 the Texas Historical Commission:

19 (1) all historic sites and all obligations and
20 liabilities of the Parks and Wildlife Department relating to the
21 sites;

22 (2) all unobligated and unexpended funds appropriated
23 to the Parks and Wildlife Department designated for the
24 administration of those sites;

25 (3) all equipment and property of the Parks and
26 Wildlife Department used for the administration of or related to
27 those sites; and

1 (4) all files and other records of the Parks and
2 Wildlife Department kept by the department regarding those sites.

3 (c) A rule adopted by the Parks and Wildlife Commission that
4 is in effect immediately before September 1, 2007, and that relates
5 to a historic site is, on September 1, 2007, a rule of the Texas
6 Historical Commission and remains in effect until amended or
7 repealed by the Texas Historical Commission. A rule that applies to
8 both transferred sites and parks that are not transferred is a rule
9 of both commissions and applies to the transferred sites until
10 amended or repealed by the Texas Historical Commission.

11 (d) The transfers under this Act do not diminish or impair
12 the rights of a holder of an outstanding bond or other obligation
13 issued by the Parks and Wildlife Department in relation to the
14 support of a historic site.

15 (e) On September 1, 2007, a reference in the Parks and
16 Wildlife Code or other law to a power, duty, obligation, or
17 liability of the Parks and Wildlife Department or the Parks and
18 Wildlife Commission that relates to a historic site is a reference
19 to the Texas Historical Commission. The Texas Historical
20 Commission is the successor agency to the Parks and Wildlife
21 Department and the Parks and Wildlife Commission for those sites.

22 (f) Until a historic site is transferred to the Texas
23 Historical Commission in accordance with this Act, the Parks and
24 Wildlife Department shall continue to operate and maintain the site
25 under applicable law as it existed on January 1, 2007.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.