By: Hilderbran H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

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

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

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

SUBCHAPTER C. CERTAIN HISTORIC SITES

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

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

(1) Acton State Historic Site;

(2) Caddoan Mounds State Historic Site;

(3) Casa Navarro State Historic Site;

(4) Confederate Reunion Grounds State Historic Site;

(5) Eisenhower Birthplace State Historic Site;

(6) Fannin Battleground State Historic Site;

(7) Fanthorp Inn State Historic Site;

(8) Fort Lancaster State Historic Site;

(9) Fort Leaton State Historic Site;

(10) Fulton Mansion State Historic Site;

(11) Landmark Inn State Historic Site;

(12) Levi Jordan Plantation State Historic Site;

(13) Lipantitlan State Historic Site;

(14) Magoffin Home State Historic Site;

(15) Monument Hill and Kreische Brewery State Historic Sites;

(16) Port Isabel Lighthouse State Historic Site;

(17) Sabine Pass Battleground State Park and Historic Site;

(18) Sam Bell Maxey House State Historic Site;

(19) Sebastopol House State Historic Site;

(20) Starr Family Home State Historic Site; and

(21) Varner-Hogg Plantation State Historic Site.

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

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

Sec. 442.073. STATE PARKS ACCOUNT; TEXAS RECREATION AND PARKS ACCOUNT. (a) Subject to Subsection (b), the commission may use money from the state parks account or the Texas recreation and parks account to administer, operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a historical item appropriate to the site.

(b) For each state fiscal year, the commission may not use more money from the state parks account or the Texas recreation and parks account to administer, operate, preserve, repair, expand, or otherwise maintain a historic site than the Parks and Wildlife Department used from those accounts for those purposes for that historic site during the state fiscal year that began September 1, 2006.

(c) Section 11.042, Parks and Wildlife Code, does not apply to this section.

Sec. 442.074. HISTORIC SITE ACCOUNT. (a) The historic site account is a separate account in the general revenue fund.

(b) The account consists of:

(1) transfers to the account;

(2) interest earned on the account;

(3) fees and other revenue from operation of a historic site; and

(4) grants and donations accepted under Section 442.075.

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

(d) Money in the account may be used only to administer,

operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a historical item appropriate to a historic site.

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

Sec. 442.075. GRANTS; DONATIONS. (a) The commission may seek and accept grants and donations for a historic site from any appropriate source.

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

SECTION 2. Section 442.019, Government Code, as added by Chapter 1259, Acts of the 79th Legislature, Regular Session, 2005, is transferred to Subchapter C, Chapter 442, Government Code, as added by this Act, renumbered as Section 442.076, Government Code, and amended to read as follows:

Sec. 442.076 [~~442.019~~]. TRANSFER OF HISTORIC [~~HISTORICAL~~] SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply to this section.

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

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

(d) [~~(c)~~] On or after the transfer of jurisdiction over a

historic [~~historical~~] site, the commission may enter into an agreement with a nonprofit corporation, including the Admiral Nimitz Foundation, for the expansion, renovation, management, operation, or financial support of the site.

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

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

SECTION 4. (a) In this section, "historic site" means a historic site or park listed under Section 442.072, Government Code, as added by this Act.

(b) On January 1, 2008, the following are transferred to the Texas Historical Commission:

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

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

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

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

(c) A rule adopted by the Parks and Wildlife Commission that

is in effect immediately before January 1, 2008, and that relates to a historic site is, on January 1, 2008, a rule of the Texas Historical Commission and remains in effect until amended or repealed by the Texas Historical Commission. A rule that applies to both transferred sites and parks that are not transferred is a rule of both commissions and applies to the transferred sites until amended or repealed by the Texas Historical Commission.

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

(e) On January 1, 2008, a reference in the Parks and Wildlife Code or other law to a power, duty, obligation, or liability of the Parks and Wildlife Department or the Parks and Wildlife Commission that relates to a historic site is a reference to the Texas Historical Commission. The Texas Historical Commission is the successor agency to the Parks and Wildlife Department and the Parks and Wildlife Commission for those sites.

(f) Before January 1, 2008, the Parks and Wildlife Department may agree with the Texas Historical Commission to transfer any property of the Parks and Wildlife Department to the Texas Historical Commission to implement the transfers required by this Act.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.