

By: Kolkhorst

S.B. No. 2230

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the transfer of the Washington-on-the-Brazos State
3 Historic Site from the Texas Parks and Wildlife Department to the
4 Texas Historical Commission.

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

6 SECTION 1. Section 442.072(a), Government Code is amended
7 to read as follows:

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

- 11 (1) Acton State Historic Site;
- 12 (2) Caddoan Mounds State Historic Site;
- 13 (3) Casa Navarro State Historic Site;
- 14 (4) Confederate Reunion Grounds State Historic Site;
- 15 (5) Eisenhower Birthplace State Historic Site;
- 16 (6) Fannin Battleground State Historic Site;
- 17 (7) Fort Griffin State Historic Site;
- 18 (8) Fort Lancaster State Historic Site;
- 19 (9) Fort McKavett State Historic Site;
- 20 (10) Fulton Mansion State Historic Site;
- 21 (11) Landmark Inn State Historic Site;
- 22 (12) Levi Jordan State Historic Site;
- 23 (13) Magoffin Home State Historic Site;
- 24 (14) Sabine Pass Battleground State Historic Site;

- 1 (15) Sam Bell Maxey House State Historic Site;
- 2 (16) San Felipe State Historic Site;
- 3 (17) Starr Family Home State Historic Site;
- 4 (18) Varner-Hogg Plantation State Historic Site;
- 5 (19) Washington-on-the-Brazos State Historic Site.

6 SECTION 2. (a) In this section, "historic site" means a
7 historic site or park listed under Section [442.072](#), Government
8 Code, as amended by this Act.

9 (b) On or after January 1, 2018, as provided by this
10 section, the following are transferred to the Texas Historical
11 Commission:

12 (1) the historic site and all obligations and
13 liabilities of the Parks and Wildlife Department relating to the
14 site;

15 (2) all unobligated and unexpended funds appropriated
16 to the Parks and Wildlife Department designated for the
17 administration of each site;

18 (3) all equipment and property of the Parks and
19 Wildlife Department used for the administration of or related to
20 each site; and

21 (4) all files and other records of the Parks and
22 Wildlife Department kept by the department regarding each site.

23 (c) A rule adopted by the Parks and Wildlife Commission that
24 is in effect immediately before January 1, 2018, and that relates to
25 a historic site is, on January 1, 2018, a rule of the Texas
26 Historical Commission and remains in effect until amended or
27 repealed by the Texas Historical Commission. A rule that applies to

1 both a transferred site and park that is not transferred is a rule
2 of both commissions and applies to the transferred site until
3 amended or repealed by the Texas Historical Commission.

4 (d) A transfer under this Act does not diminish or impair
5 the rights of a holder of an outstanding bond or other obligation
6 issued by the Parks and Wildlife Department in relation to the
7 support of a historic site.

8 (e) On January 1, 2018, a reference in the Parks and
9 Wildlife Code or other law to a power, duty, obligation, or
10 liability of the Parks and Wildlife Department or the Parks and
11 Wildlife Commission that relates to a historic site is a reference
12 to the Texas Historical Commission. The Texas Historical Commission
13 is the successor agency to the Parks and Wildlife Department and the
14 Parks and Wildlife Commission for the site.

15 (f) The Texas Historical Commission shall prepare a base
16 operating plan for each historic site before the transfer of any
17 site or associated artifact or archival materials from the Parks
18 and Wildlife Department to the commission. The base operating plan
19 for each site must be completed on or before January 1, 2018. The
20 base operating plan for each site must include:

21 (1) a mission statement outlining the goals for the
22 site;

23 (2) an interpretive plan showing how the mission is to
24 be accomplished;

25 (3) an operational plan, including:

26 (A) facilities, documents, records, and other
27 assets to be transferred;

1 (B) parties responsible for daily site
2 management, including staff that will be transferred;

3 (C) off-site support structure;

4 (D) plans for artifact and archival curation;

5 (E) assigned memoranda of understanding or
6 memoranda of agreement with appropriate friends groups and
7 volunteer organizations; and

8 (F) emergency plans;

9 (4) a maintenance plan, including maintenance and
10 repair needs;

11 (5) a marketing plan;

12 (6) a business plan, including revenue and visitation
13 goals;

14 (7) a plan for compliance with:

15 (A) Chapter 191, Natural Resources Code (the
16 Antiquities Code of Texas); and

17 (B) the National Historic Preservation Act (16
18 U.S.C. Section 470 et seq.); and

19 (8) fiscal plans and budgets associated with
20 Subdivisions (1) through (7) of this subsection.

21 (g) Until a historic site is transferred to the Texas
22 Historical Commission in accordance with this Act, the Parks and
23 Wildlife Department shall continue to operate and maintain the site
24 under applicable law as it existed on January 1, 2017.

25 (h) An employee of the Parks and Wildlife Department whose
26 job responsibilities are more than 50 percent related to a historic
27 site transferred to the Texas Historical Commission under this Act

1 becomes an employee of the Texas Historical Commission on the date
2 of the transfer of that site. An employee whose job is transferred
3 may not be dismissed after the transfer except for cause before the
4 first anniversary of the date of the transfer.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2017.