

AN ACT

relating to the continuation and functions of the Texas Historical Commission.

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

SECTION 1. Section 442.002(k), Government Code, is amended to read as follows:

(k) The Texas Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2031 ~~[2019]~~.

SECTION 2. Section 442.0021, Government Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) The training program must provide the person with information regarding:

(1) the law governing ~~[legislation that created the]~~ commission operations;

(2) the programs, functions, rules, and budget of the commission;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the commission;

(5) [4] ~~[4]~~ the requirements of:

1 (A) laws relating to open meetings, public
2 information, administrative procedure, and disclosing conflicts of
3 interest; and

4 (B) other laws applicable to members of the
5 commission in performing their duties; and

6 (6) [~~(5)~~] any applicable ethics policies adopted by
7 the commission or the Texas Ethics Commission.

8 (d) The executive director of the commission shall create a
9 training manual that includes the information required by
10 Subsection (b). The executive director shall distribute a copy of
11 the training manual annually to each member of the commission. Each
12 member of the commission shall sign and submit to the executive
13 director a statement acknowledging that the member received and has
14 reviewed the training manual.

15 SECTION 3. Subchapter A, Chapter 442, Government Code, is
16 amended by adding Sections 442.0045 and 442.0088 to read as
17 follows:

18 Sec. 442.0045. DELEGATION OF CERTAIN POWERS AND DUTIES.

19 (a) Except as provided by Subsection (b), the commission by order
20 or rule may delegate to the executive director the authority to
21 perform the duties or exercise the powers of the commission under
22 this chapter or other law, including Chapter 191, Natural Resources
23 Code.

24 (b) The commission may not delegate to the executive
25 director the following powers and duties:

26 (1) proposing and adopting commission policies and
27 rules;

1 (2) developing and approving the commission's
2 strategic plan under Chapter 2056 and annual operations plan and
3 periodically updating and reviewing those plans;

4 (3) approving the commission's legislative
5 appropriations request;

6 (4) approving the commission's biennial budget and any
7 significant amendments to that budget;

8 (5) approving the statewide comprehensive
9 preservation plan;

10 (6) providing information to the legislature
11 regarding the commission's budget and policies;

12 (7) hiring, evaluating, terminating, and setting the
13 compensation of the executive director;

14 (8) formally accepting gifts and grants to the
15 commission;

16 (9) establishing advisory committees and appointing
17 the members of those committees;

18 (10) designating, and removing the designation of,
19 State Archeological Landmarks;

20 (11) excusing a commissioner's absence from a meeting
21 of the commission;

22 (12) approving the designation and removal of Recorded
23 Texas Historic Landmarks, historic cemeteries, and Official Texas
24 Historical Markers;

25 (13) designating official main street cities;

26 (14) awarding historic courthouse preservation
27 program grants, certified local government grants, Texas

1 preservation trust fund account grants, and all other grants;

2 (15) selecting the winners of the governor's award for
3 historic preservation and other competitive statewide awards
4 awarded by the commission;

5 (16) approving curatorial facilities to hold
6 state-associated collections that are held in trust;

7 (17) acquiring and disposing of real property;

8 (18) establishing fees for commission services;

9 (19) approving amendments to contracts entered into by
10 the commission if the amendment extends the contract by six or more
11 months or increases the contract price by 10 percent or more;

12 (20) identifying and defining the relationship
13 between the commission and any affiliated nonprofit organization;

14 (21) raising issues regarding the performance of the
15 commission's staff and the operation of agency programs with the
16 chair, the executive director, or the appropriate deputy executive
17 director;

18 (22) determining whether a property offered to the
19 commission should be accepted into the commission's land banking
20 program or as a historic site; and

21 (23) recommending, in partnership with the Texas State
22 Historical Association, a nominee for appointment by the governor
23 as state historian.

24 (c) A delegation under this section may be amended or
25 withdrawn by commission vote.

26 Sec. 442.0088. TEXAS HERITAGE TRAILS PROGRAM. (a) The
27 Texas Historical Commission may establish and administer the Texas

1 Heritage Trails Program to promote tourism to heritage and cultural
2 attractions in this state.

3 (b) The commission may contract with one or more nonprofit
4 organizations to fulfill the commission's duties under this
5 section.

6 (c) The commission shall adopt rules to administer the Texas
7 Heritage Trails Program, including rules defining the principles of
8 heritage tourism and relating to contracts the commission enters
9 into with nonprofit organizations. Rules adopted under this
10 subsection relating to contracts with nonprofit organizations must
11 require each contract to clearly establish:

12 (1) the role of the nonprofit organization in
13 promoting heritage tourism;

14 (2) the nature of the relationship between the
15 commission and the nonprofit organization;

16 (3) the performance expectations for the nonprofit
17 organization;

18 (4) requirements and expectations regarding the
19 nonprofit organization's employees;

20 (5) the commission's expectations regarding ownership
21 of any literature, media, or other products developed or produced
22 by the nonprofit organization to promote heritage tourism during
23 the course of the contract;

24 (6) the commission's long-term goals for the program
25 and the nonprofit organization's role in meeting those goals;

26 (7) a system for evaluating the nonprofit
27 organization's overall performance, including the organization's

1 effectiveness in meeting the performance expectations described by
2 Subdivision (3); and
3 (8) the types of support, other than financial
4 support, the commission will provide to the nonprofit organization
5 to assist in the implementation and administration of the Texas
6 Heritage Trails Program.

7 SECTION 4. Section 442.072(a), Government Code, is amended
8 to read as follows:

9 (a) The following historic sites and parks are under the
10 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) Fanthorp Inn State Historic Site;
- 18 (8) Fort Griffin State Historic Site;
- 19 (9) [~~(8)~~] Fort Lancaster State Historic Site;
- 20 (10) [~~(9)~~] Fort McKavett State Historic Site;
- 21 (11) [~~(10)~~] Fulton Mansion State Historic Site;
- 22 (12) [~~(11)~~] Landmark Inn State Historic Site;
- 23 (13) [~~(12)~~] Levi Jordan State Historic Site;
- 24 (14) Lipantitlan State Historic Site;
- 25 (15) [~~(13)~~] Magoffin Home State Historic Site;
- 26 (16) Mission Dolores State Historic Site;
- 27 (17) Monument Hill and Kreische Brewery State Historic

Sites;

(18) National Museum of the Pacific War;

(19) [(14)] Sabine Pass Battleground State Historic Site;

(20) [(15)] Sam Bell Maxey House State Historic Site;

(21) Sam Rayburn House State Historic Site;

(22) [(16)] San Felipe State Historic Site;

(23) [(17)] Starr Family Home State Historic Site;

(24) [(18)] Varner-Hogg Plantation State Historic Site;

(25) Washington-on-the-Brazos State Historic Site;

and

(26) [(19)] ~~Sam Rayburn House State Historic Site,~~

[(20)] ~~National Museum of the Pacific War,~~

[(21)] the property known as the French Legation[, and

[(22)] ~~Mission Dolores State Historic Site]~~.

SECTION 5. Section [442.073](#), Government Code, is amended by adding Subsection (f) to read as follows:

(f) Money in the account may not be used to pay employee benefits or benefit-related costs. Notwithstanding any other law, the account is exempt from any applicable employee benefits proportionality requirement.

SECTION 6. Chapter [442](#), Government Code, is amended by adding Subchapter F, and a heading is added to that subchapter to read as follows:

SUBCHAPTER F. SAN JACINTO BATTLEGROUND STATE HISTORIC SITE

SECTION 7. Sections [22.011](#) and [22.016](#), Parks and Wildlife

Code, are transferred to Subchapter F, Chapter 442, Government Code, as added by this Act, redesignated as Sections 442.251 and 442.252, Government Code, and amended to read as follows:

Sec. 442.251 [22.011]. JURISDICTION. (a) The San Jacinto Battleground State Historic Site is under the jurisdiction of the commission [~~department~~].

(b) The San Jacinto Battleground State Historic Site is a historic site for purposes of Subchapter C.

Sec. 442.252 [22.016]. SAN JACINTO MUSEUM OF HISTORY ASSOCIATION. The San Jacinto Museum of History Association, a nonprofit historical association organized for the purposes of operating the San Jacinto Memorial Building and Tower and establishing a museum, retains ownership of property and historical data held in the name of the association and may acquire museum accessions by gift, grant, or purchase from association funds.

SECTION 8. Subchapter H, Chapter 22, Parks and Wildlife Code, is transferred to Chapter 442, Government Code, redesignated as Subchapter G, Chapter 442, Government Code, and amended to read as follows:

SUBCHAPTER G [~~H~~]. PORT ISABEL LIGHTHOUSE STATE HISTORICAL MONUMENT
AND PARK

Sec. 442.271 [22.101]. JURISDICTION. (a) The Port Isabel Lighthouse is a state historical monument and park and is under the jurisdiction of the commission [~~department~~].

(b) The Port Isabel Lighthouse State Historical Monument and Park is a historic site for purposes of Subchapter C.

Sec. 442.272 [22.102]. POWERS OF COMMISSION [~~DEPARTMENT~~].

1 The commission [~~department~~] may rehabilitate, maintain, and
2 preserve the property of the park, and may collect entrance fees for
3 admission to the park or operate it on a concession basis under the
4 provisions of this chapter [~~code~~].

5 SECTION 9. Subchapter Z, Chapter 2175, Government Code, is
6 amended by adding Section 2175.909 to read as follows:

7 Sec. 2175.909. SALE OF CERTAIN HISTORIC PROPERTY; PROCEEDS
8 OF SALE. (a) In this section, "qualifying collection" means an
9 archeological, architectural, archival, decorative, or fine arts
10 collection.

11 (b) This section applies only to a state agency:

12 (1) that maintains a qualifying collection;

13 (2) that is authorized to dispose of surplus or
14 salvage property under Section 2175.065; and

15 (3) the governing body of which has adopted a written
16 policy governing the care and preservation of the qualifying
17 collection, including procedures relating to the deaccession of an
18 item from the collection.

19 (c) The state agency may deaccession an item from the
20 agency's qualifying collection if the governing body determines
21 that deaccession of the item is appropriate under the agency's
22 written policy governing the care and preservation of the
23 collection.

24 (d) A state agency and the Texas Facilities Commission may
25 sell a deaccessioned item in the manner provided by Subchapter D.
26 Before the sale of the item, the Texas Facilities Commission must
27 verify that the state agency's governing body complied with

1 Subsection (c).

2 (e) Notwithstanding Section 2175.191, proceeds from the
3 sale of the deaccessioned item by a state agency shall be deposited
4 to the credit of a dedicated account in the general revenue fund in
5 the manner prescribed by Subsection (f).

6 (f) The comptroller shall separately account for the amount
7 of money deposited to the credit of the account under Subsection (e)
8 resulting from the sale of deaccessioned items by each state
9 agency. Money deposited to the credit of the account may be
10 appropriated only to the state agency for which the comptroller
11 deposited the money to the account for the care and preservation of
12 the agency's qualifying collection.

13 SECTION 10. Section 21.104, Parks and Wildlife Code, is
14 amended to read as follows:

15 Sec. 21.104. CONTRACTS AUTHORIZED. The department may
16 contract with any state or federal agency or with any other person
17 to accomplish the functions prescribed by Sections 21.102(1) and
18 (2) [Subdivisions (1) and (2) of Section 22.102 of this code].

19 SECTION 11. Section 151.801(c), Tax Code, is amended to
20 read as follows:

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

24 (1) an amount equal to 93 ~~[94]~~ percent of the proceeds
25 shall be credited to the Parks and Wildlife Department for the
26 purposes described by Subsection (c-1) and deposited to department
27 accounts as provided by that subsection ~~[specified in the Parks and~~

1 ~~Wildlife Code~~]; and

2 (2) an amount equal to seven [~~six~~] percent of the
3 proceeds shall be credited to the Texas Historical Commission and
4 deposited to the credit of the historic site account under [~~as~~
5 ~~specified in~~] Section 442.073, Government Code.

6 SECTION 12. The following provisions are repealed:

7 (1) Section 442.0081(g), Government Code;

8 (2) Sections 442.015(d), (e), and (f), Government
9 Code;

10 (3) Subchapter A, Chapter 22, Parks and Wildlife Code;

11 (4) the heading to Subchapter B, Chapter 22, Parks and
12 Wildlife Code; and

13 (5) Sections 22.012, 22.013, 22.014, and 22.015, Parks
14 and Wildlife Code.

15 SECTION 13. (a) Except as provided by Subsection (b) of
16 this section, Section 442.0021, Government Code, as amended by this
17 Act, applies to a member of the Texas Historical Commission
18 appointed before, on, or after the effective date of this Act.

19 (b) A member of the Texas Historical Commission who, before
20 the effective date of this Act, completed the training program
21 required by Section 442.0021, Government Code, as that law existed
22 before the effective date of this Act, is required to complete
23 additional training only on subjects added by this Act to the
24 training program as required by Section 442.0021, Government Code,
25 as amended by this Act. A commission member described by this
26 subsection may not vote, deliberate, or be counted as a member in
27 attendance at a meeting of the commission held on or after December

1, 2019, until the member completes the additional training.

SECTION 14. (a) Not later than November 1, 2019, the Texas Historical Commission shall adopt rules under Section 442.0088, Government Code, as added by this Act.

(b) Section 442.0088(c), Government Code, as added by this Act, applies only to a contract relating to the Texas Heritage Trails Program that is entered into by the Texas Historical Commission and a nonprofit organization on or after the effective date of this Act.

SECTION 15. Section 2175.909, Government Code, as added by this Act, applies only to the deaccession of an item from a state agency's qualifying collection, as that term is defined by Section 2175.909, that occurs on or after the effective date of this Act.

SECTION 16. (a) In this section, "historic site" means the:

- (1) Fanthorp Inn State Historic Site;
- (2) Lipantitlan State Historic Site;
- (3) Monument Hill and Kreische Brewery State Historic Sites;
- (4) Port Isabel Lighthouse State Historical Monument and Park;
- (5) San Jacinto Battleground State Historic Site; and
- (6) Washington-on-the-Brazos State Historic Site.

(b) On September 1, 2019, the following are transferred to the Texas Historical Commission:

- (1) each historic site described by Subsection (a) of this section and all obligations and liabilities of the Parks and Wildlife Department relating to those sites;

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

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

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

9 (c) A rule adopted by the Parks and Wildlife Commission that
10 is in effect immediately before September 1, 2019, and that relates
11 to a historic site is, on September 1, 2019, a rule of the Texas
12 Historical Commission and remains in effect until amended or
13 repealed by the Texas Historical Commission.

14 (d) The transfer under this section does not diminish or
15 impair the rights of a holder of an outstanding bond or other
16 obligation issued by the Parks and Wildlife Department in relation
17 to the support of a historic site.

18 (e) Beginning September 1, 2019, a reference in the Parks
19 and Wildlife Code or other law to a power, duty, obligation, or
20 liability of the Parks and Wildlife Department or the Parks and
21 Wildlife Commission that relates to a historic site is a reference
22 to the Texas Historical Commission. The Texas Historical
23 Commission is the successor agency to the Parks and Wildlife
24 Department and the Parks and Wildlife Commission for a historic
25 site.

26 (f) Before September 1, 2019, the Parks and Wildlife
27 Department may agree with the Texas Historical Commission to

1 transfer any property of the Parks and Wildlife Department to the
2 Texas Historical Commission to implement the transfer required by
3 this section.

4 (g) Until a historic site is transferred to the Texas
5 Historical Commission in accordance with this section, the Parks
6 and Wildlife Department shall continue to operate and maintain the
7 site under applicable law as it existed on January 1, 2018.

8 (h) This section takes effect immediately if this Act
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this section takes effect on the 91st day after the last day
13 of the legislative session.

14 SECTION 17. Notwithstanding any other provision of this
15 Act, if on or before September 1, 2019, the Parks and Wildlife
16 Department has applied for a grant for which the department is
17 required to possess legal title to the San Jacinto Battleground
18 State Historic Site, the department may retain legal title to the
19 site for purposes of receiving the grant until the earlier of:

20 (1) the date on which the grant application is denied;

21 or

22 (2) September 1, 2021.

23 SECTION 18. The Texas Historical Commission is required to
24 implement a provision of this Act only if the legislature
25 appropriates money specifically for that purpose. If the
26 legislature does not appropriate money specifically for that
27 purpose, the commission may, but is not required to, implement a

1 provision of this Act using other appropriations available for that
2 purpose.

3 SECTION 19. Except as otherwise provided by this Act, this
4 Act takes effect September 1, 2019.

H.B. No. 1422

President of the Senate

Speaker of the House

I certify that H.B. No. 1422 was passed by the House on April 5, 2019, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1422 on May 10, 2019, by the following vote: Yeas 98, Nays 7, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1422 was passed by the Senate, with amendments, on May 2, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor