

By: Buckingham, Birdwell

S.B. No. 605

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation and functions of the Texas Historical
3 Commission.

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

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

7 (k) The Texas Historical Commission is subject to Chapter
8 325 (Texas Sunset Act). Unless continued in existence as provided
9 by that chapter, the commission is abolished and this chapter
10 expires September 1, 2031 [~~2019~~].

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

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

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

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

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

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

24 (5) [~~(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. On
12 receipt of the training manual, each member of the commission shall
13 sign and submit to the executive director a statement acknowledging
14 receipt of the training manual.

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

17 Sec. 442.0088. TEXAS HERITAGE TRAILS PROGRAM. (a) The
18 Texas Historical Commission may establish and administer the Texas
19 Heritage Trails Program to promote tourism to heritage and cultural
20 attractions in this state.

21 (b) The commission may contract with one or more nonprofit
22 organizations to fulfill the commission's duties under this
23 section.

24 (c) The commission shall adopt rules to administer the Texas
25 Heritage Trails Program, including rules defining the principles of
26 heritage tourism and relating to contracts the commission enters
27 into with nonprofit organizations. Rules adopted under this

1 subsection relating to contracts with nonprofit organizations must
2 require each contract to clearly establish:

3 (1) the role of the nonprofit organization in
4 promoting heritage tourism;

5 (2) the nature of the relationship between the
6 commission and the nonprofit organization;

7 (3) the performance expectations for the nonprofit
8 organization;

9 (4) requirements and expectations regarding the
10 nonprofit organization's employees;

11 (5) the commission's expectations regarding ownership
12 of any literature, media, or other products developed or produced
13 by the nonprofit organization to promote heritage tourism during
14 the course of the contract;

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

17 (7) a system for evaluating the nonprofit
18 organization's overall performance, including the organization's
19 effectiveness in meeting the performance expectations described by
20 Subdivision (3); and

21 (8) the types of support, other than financial
22 support, the commission will provide to the nonprofit organization
23 to assist in the implementation and administration of the Texas
24 Heritage Trails Program.

25 SECTION 4. Section [442.072](#)(a), Government Code, is amended
26 to read as follows:

27 (a) The following historic sites and parks are under the

1 commission's jurisdiction:

2 (1) Acton State Historic Site;

3 (2) Battleship Texas State Historic Site;

4 (3) Caddoan Mounds State Historic Site;

5 (4) [~~3~~] Casa Navarro State Historic Site;

6 (5) [~~4~~] Confederate Reunion Grounds State Historic
7 Site;

8 (6) [~~5~~] Eisenhower Birthplace State Historic Site;

9 (7) [~~6~~] Fannin Battleground State Historic Site;

10 (8) Fanthorp Inn State Historic Site;

11 (9) [~~7~~] Fort Griffin State Historic Site;

12 (10) [~~8~~] Fort Lancaster State Historic Site;

13 (11) Fort Leaton State Historic Site;

14 (12) [~~9~~] Fort McKavett State Historic Site;

15 (13) [~~10~~] Fulton Mansion State Historic Site;

16 (14) [~~11~~] Landmark Inn State Historic Site;

17 (15) [~~12~~] Levi Jordan State Historic Site;

18 (16) Lipantitlan State Historic Site;

19 (17) [~~13~~] Magoffin Home State Historic Site;

20 (18) Mission Dolores State Historic Site;

21 (19) Monument Hill and Kreishe Brewery State Historic
22 Sites;

23 (20) National Museum of the Pacific War;

24 (21) [~~14~~] Sabine Pass Battleground State Historic
25 Site;

26 (22) [~~15~~] Sam Bell Maxey House State Historic Site;

27 (23) Sam Rayburn House State Historic Site;

- 1 (24) [~~(16)~~] San Felipe State Historic Site;
2 (25) [~~(17)~~] Starr Family Home State Historic Site;
3 (26) [~~(18)~~] Varner-Hogg Plantation State Historic
4 Site;
5 (27) Washington-on-the-Brazos State Historic Site;
6 and
7 (28) [~~(19)~~ Sam Rayburn House State Historic Site,
8 [~~(20)~~ National Museum of the Pacific War,
9 [~~(21)~~ the property known as the French Legation[, and
10 [~~(22)~~ Mission Dolores State Historic Site].

11 SECTION 5. Subchapter B, Chapter 22, Parks and Wildlife
12 Code, is transferred to Chapter 442, Government Code, redesignated
13 as Subchapter F, Chapter 442, Government Code, and amended to read
14 as follows:

15 SUBCHAPTER F [~~B~~]. SAN JACINTO BATTLEGROUND STATE HISTORIC SITE

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

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

21 Sec. 442.252 [~~22.012~~]. SAN JACINTO HISTORICAL ADVISORY
22 BOARD. (a) The San Jacinto Historical Advisory Board is composed
23 of:

24 (1) the chair [~~chairman~~] of the Battleship Texas
25 Foundation;

26 (2) the president of the San Jacinto Museum of History
27 Association; and

1 (3) three members of the public.

2 (b) The three members of the public are appointed by the
3 governor for terms of six years each, with the term of one member
4 expiring each odd-numbered year.

5 (c) One or more of the three members of the public may be
6 selected from the San Jacinto Chapter, Daughters of the Republic of
7 Texas.

8 Sec. 442.253 [~~22.013~~]. MEETINGS. (a) The San Jacinto
9 Historical Advisory Board shall meet quarterly to review the
10 policies and operations of the San Jacinto Battleground State
11 Historic Site and to advise the commission [~~department~~] on the
12 proper historical development of the battleground.

13 (b) The board shall prepare minutes for all board meetings
14 and deliver them to the commission. The board shall deliver the
15 board's bylaws and any changes made to the bylaws to the commission.
16 [~~Any minutes or bylaws delivered to the commission shall be~~
17 ~~delivered by the member of the board who is an employee of the~~
18 ~~department.~~]

19 Sec. 442.254 [~~22.014~~]. POWERS OF THE BOARD. Subject to
20 Section 442.074, the [~~The~~] board may accept, in the name of the
21 state, all bequests, gifts, and grants of money or property made to
22 the battleground and use the bequests for the purposes specified by
23 the grantor, if any.

24 Sec. 442.255 [~~22.015~~]. DATA. All data collected by the
25 board is the property of the state and shall be used to depict the
26 story of Texas history and independence at the battleground.

27 Sec. 442.256 [~~22.016~~]. SAN JACINTO MUSEUM OF HISTORY

1 ASSOCIATION. The San Jacinto Museum of History Association, a
2 nonprofit historical association organized for the purposes of
3 operating the San Jacinto Memorial Building and Tower and
4 establishing a museum, retains ownership of property and historical
5 data held in the name of the association and may acquire museum
6 accessions by gift, grant, or purchase from association funds.

7 SECTION 6. Subchapter H, Chapter 22, Parks and Wildlife
8 Code, is transferred to Chapter 442, Government Code, redesignated
9 as Subchapter G, Chapter 442, Government Code, and amended to read
10 as follows:

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

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

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

18 Sec. 442.272 [~~22.102~~]. POWERS OF COMMISSION [~~DEPARTMENT~~].
19 The commission [~~department~~] may rehabilitate, maintain, and
20 preserve the property of the park, and may collect entrance fees for
21 admission to the park or operate it on a concession basis under the
22 provisions of this chapter [~~code~~].

23 SECTION 7. Subchapter Z, Chapter 2175, Government Code, is
24 amended by adding Section 2175.909 to read as follows:

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

1 collection.

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

3 (1) that maintains a qualifying collection;

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

6 (3) the governing body of which has adopted a written
7 policy governing the care and preservation of the qualifying
8 collection, including procedures relating to the deaccession of an
9 item from the collection.

10 (c) The state agency may deaccession an item from the
11 agency's qualifying collection if the governing body determines
12 that deaccession of the item is appropriate under the agency's
13 written policy governing the care and preservation of the
14 collection.

15 (d) A state agency and the Texas Facilities Commission may
16 sell a deaccessioned item in the manner provided by Subchapter D.
17 Before the sale of the item, the Texas Facilities Commission must
18 verify that the state agency's governing body complied with
19 Subsection (c).

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

24 (f) The comptroller shall separately account for the amount
25 of money deposited to the credit of the account under Subsection (e)
26 resulting from the sale of deaccessioned items by each state
27 agency. Money deposited to the credit of the account may be

1 appropriated only to the state agency for which the comptroller
2 deposited the money to the account for the care and preservation of
3 the agency's qualifying collection.

4 SECTION 8. Section 21.104, Parks and Wildlife Code, is
5 amended to read as follows:

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

10 SECTION 9. The following provisions are repealed:

- 11 (1) Section 442.0081(g), Government Code;
12 (2) Sections 442.015(d), (e), and (f), Government
13 Code; and
14 (3) Subchapters A and T, Chapter 22, Parks and
15 Wildlife Code.

16 SECTION 10. (a) Except as provided by Subsection (b) of
17 this section, Section 442.0021, Government Code, as amended by this
18 Act, applies to a member of the Texas Historical Commission
19 appointed before, on, or after the effective date of this Act.

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

1 attendance at a meeting of the commission held on or after December
2 1, 2019, until the member completes the additional training.

3 SECTION 11. (a) Not later than November 1, 2019, the Texas
4 Historical Commission shall adopt rules under Section 442.0088,
5 Government Code, as added by this Act.

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

11 SECTION 12. Section 2175.909, Government Code, as added by
12 this Act, applies only to the deaccession of an item from a state
13 agency's qualifying collection, as that term is defined by Section
14 2175.909, that occurs on or after the effective date of this Act.

15 SECTION 13. (a) In this section, "historic site" means the:

- 16 (1) Battleship Texas State Historic Site;
- 17 (2) Fanthorp Inn State Historic Site;
- 18 (3) Fort Leaton State Historic Site;
- 19 (4) Lipantitlan State Historic Site;
- 20 (5) Monument Hill and Kreische Brewery State Historic
21 Sites;
- 22 (6) Port Isabel Lighthouse State Historical Monument
23 and Park;
- 24 (7) San Jacinto Battleground State Historic Site; and
- 25 (8) Washington-on-the-Brazos State Historic Site.

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

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

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

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

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

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

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

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

1 site.

2 (f) Before September 1, 2019, the Parks and Wildlife
3 Department may agree with the Texas Historical Commission to
4 transfer any property of the Parks and Wildlife Department to the
5 Texas Historical Commission to implement the transfer required by
6 this section.

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

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

17 SECTION 14. Except as otherwise provided by this Act, this
18 Act takes effect September 1, 2019.