

SENATE AMENDMENTS

2nd Printing

By: Paddie

H.B. No. 1422

A BILL TO BE ENTITLED

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)~~] 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 Sections 442.0045 and 442.0088 to read as
17 follows:

18 Sec. 442.0045. DELEGATION OF POWERS AND DUTIES. The
19 commission by order or rule may delegate to the executive director
20 the authority to perform the duties or exercise the powers of the
21 commission under this chapter or other law, including Chapter 191,
22 Natural Resources Code. A delegation under this section may be
23 amended or withdrawn by commission vote.

24 Sec. 442.0088. TEXAS HERITAGE TRAILS PROGRAM. (a) The
25 Texas Historical Commission may establish and administer the Texas
26 Heritage Trails Program to promote tourism to heritage and cultural
27 attractions in this state.

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

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

10 (1) the role of the nonprofit organization in
11 promoting heritage tourism;

12 (2) the nature of the relationship between the
13 commission and the nonprofit organization;

14 (3) the performance expectations for the nonprofit
15 organization;

16 (4) requirements and expectations regarding the
17 nonprofit organization's employees;

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

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

24 (7) a system for evaluating the nonprofit
25 organization's overall performance, including the organization's
26 effectiveness in meeting the performance expectations described by
27 Subdivision (3); and

1 (8) the types of support, other than financial
2 support, the commission will provide to the nonprofit organization
3 to assist in the implementation and administration of the Texas
4 Heritage Trails Program.

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

7 (a) The following historic sites and parks are under the
8 commission's jurisdiction:

- 9 (1) Acton State Historic Site;
- 10 (2) Caddoan Mounds State Historic Site;
- 11 (3) Casa Navarro State Historic Site;
- 12 (4) Confederate Reunion Grounds State Historic Site;
- 13 (5) Eisenhower Birthplace State Historic Site;
- 14 (6) Fannin Battleground State Historic Site;
- 15 (7) Fanthorp Inn State Historic Site;
- 16 (8) Fort Griffin State Historic Site;
- 17 (9) [~~(8)~~] Fort Lancaster State Historic Site;
- 18 (10) [~~(9)~~] Fort McKavett State Historic Site;
- 19 (11) [~~(10)~~] Fulton Mansion State Historic Site;
- 20 (12) [~~(11)~~] Landmark Inn State Historic Site;
- 21 (13) [~~(12)~~] Levi Jordan State Historic Site;
- 22 (14) Lipantitlan State Historic Site;
- 23 (15) [~~(13)~~] Magoffin Home State Historic Site;
- 24 (16) Mission Dolores State Historic Site;
- 25 (17) Monument Hill and Kreische Brewery State Historic
26 Sites;
- 27 (18) National Museum of the Pacific War;

- 1 (19) [~~(14)~~] Sabine Pass Battleground State Historic
2 Site;
3 (20) [~~(15)~~] Sam Bell Maxey House State Historic Site;
4 (21) Sam Rayburn House State Historic Site;
5 (22) [~~(16)~~] San Felipe State Historic Site;
6 (23) [~~(17)~~] Starr Family Home State Historic Site;
7 (24) [~~(18)~~] Varner-Hogg Plantation State Historic
8 Site;
9 (25) Washington-on-the-Brazos State Historic Site;
10 and
11 (26) [~~(19)~~] ~~Sam Rayburn House State Historic Site;~~
12 [~~(20)~~] ~~National Museum of the Pacific War;~~
13 [~~(21)~~] the property known as the French Legation [~~, and~~
14 [~~(22)~~] ~~Mission Dolores State Historic Site~~].

15 SECTION 5. Subchapter B, Chapter 22, Parks and Wildlife
16 Code, is transferred to Chapter 442, Government Code, redesignated
17 as Subchapter F, Chapter 442, Government Code, and amended to read
18 as follows:

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

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

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

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

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

3 (2) the president of the San Jacinto Museum of History
4 Association; and

5 (3) three members of the public.

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

9 (c) One or more of the three members of the public may be
10 selected from the San Jacinto Chapter, Daughters of the Republic of
11 Texas.

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

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

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

1 amended by adding Section 2175.909 to read as follows:

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

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

7 (1) that maintains a qualifying collection;

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

10 (3) the governing body of which has adopted a written
11 policy governing the care and preservation of the qualifying
12 collection, including procedures relating to the deaccession of an
13 item from the collection.

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

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

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

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

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

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

14 SECTION 9. Section 151.801(c), Tax Code, is amended to read
15 as follows:

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

19 (1) an amount equal to 93.4 [~~94~~] percent of the
20 proceeds shall be credited to the Parks and Wildlife Department and
21 deposited as specified in the Parks and Wildlife Code; and

22 (2) an amount equal to 6.6 [~~six~~] percent of the
23 proceeds shall be credited to the Texas Historical Commission and
24 deposited as specified in Section 442.073, Government Code.

25 SECTION 10. The following provisions are repealed:

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

27 (2) Sections 442.015(d), (e), and (f), Government

1 Code; and

2 (3) Subchapter A, Chapter 22, Parks and Wildlife Code.

3 SECTION 11. (a) Except as provided by Subsection (b) of
4 this section, Section 442.0021, Government Code, as amended by this
5 Act, applies to a member of the Texas Historical Commission
6 appointed before, on, or after the effective date of this Act.

7 (b) A member of the Texas Historical Commission who, before
8 the effective date of this Act, completed the training program
9 required by Section 442.0021, Government Code, as that law existed
10 before the effective date of this Act, is required to complete
11 additional training only on subjects added by this Act to the
12 training program as required by Section 442.0021, Government Code,
13 as amended by this Act. A commission member described by this
14 subsection may not vote, deliberate, or be counted as a member in
15 attendance at a meeting of the commission held on or after December
16 1, 2019, until the member completes the additional training.

17 SECTION 12. (a) Not later than November 1, 2019, the Texas
18 Historical Commission shall adopt rules under Section 442.0088,
19 Government Code, as added by this Act.

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

25 SECTION 13. Section 2175.909, Government Code, as added by
26 this Act, applies only to the deaccession of an item from a state
27 agency's qualifying collection, as that term is defined by Section

1 2175.909, that occurs on or after the effective date of this Act.

2 SECTION 14. (a) In this section, "historic site" means the:

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

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

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

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

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

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

24 (c) A rule adopted by the Parks and Wildlife Commission that
25 is in effect immediately before September 1, 2019, and that relates
26 to a historic site is, on September 1, 2019, a rule of the Texas
27 Historical Commission and remains in effect until amended or

1 repealed by the Texas Historical Commission.

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

6 (e) Beginning September 1, 2019, a reference in the Parks
7 and Wildlife Code or other law to a power, duty, obligation, or
8 liability of the Parks and Wildlife Department or the Parks and
9 Wildlife Commission that relates to a historic site is a reference
10 to the Texas Historical Commission. The Texas Historical
11 Commission is the successor agency to the Parks and Wildlife
12 Department and the Parks and Wildlife Commission for a historic
13 site.

14 (f) Before September 1, 2019, the Parks and Wildlife
15 Department may agree with the Texas Historical Commission to
16 transfer any property of the Parks and Wildlife Department to the
17 Texas Historical Commission to implement the transfer required by
18 this section.

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

23 (h) This section takes effect immediately if this Act
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this section takes effect on the 91st day after the last day

1 of the legislative session.

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

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

9 or

10 (2) September 1, 2021.

11 SECTION 16. Except as otherwise provided by this Act, this
12 Act takes effect September 1, 2019.

ADOPTED

MAY 02 2019

Lotay Speed
Secretary of the Senate

By: *D. Borking*

H.B. No. 1422

Substitute the following for __.B. No. _____:

By: *Brian Sidwell*

C.S. __.B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
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. 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

1 Sites;

2 (18) National Museum of the Pacific War;

3 (19) [(14)] Sabine Pass Battleground State Historic
4 Site;

5 (20) [(15)] Sam Bell Maxey House State Historic Site;

6 (21) Sam Rayburn House State Historic Site;

7 (22) [(16)] San Felipe State Historic Site;

8 (23) [(17)] Starr Family Home State Historic Site;

9 (24) [(18)] Varner-Hogg Plantation State Historic
10 Site;

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

12 and

13 (26) [(19)] ~~Sam Rayburn House State Historic Site,~~

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

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

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

17 SECTION 5. Chapter 442, Government Code, is amended by
18 adding Subchapter F, and a heading is added to that subchapter to
19 read as follows:

20 SUBCHAPTER F. SAN JACINTO BATTLEGROUND STATE HISTORIC SITE

21 SECTION 6. Sections 22.011 and 22.016, Parks and Wildlife
22 Code, are transferred to Subchapter F, Chapter 442, Government
23 Code, as added by this Act, redesignated as Sections 442.251 and
24 442.252, Government Code, and amended to read as follows:

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

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

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

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

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

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

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

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

26 SECTION 8. Subchapter Z, Chapter 2175, Government Code, is
27 amended by adding Section 2175.909 to read as follows:

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

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

6 (1) that maintains a qualifying collection;

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

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

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

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

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

27 (f) The comptroller shall separately account for the amount

1 of money deposited to the credit of the account under Subsection (e)
2 resulting from the sale of deaccessioned items by each state
3 agency. Money deposited to the credit of the account may be
4 appropriated only to the state agency for which the comptroller
5 deposited the money to the account for the care and preservation of
6 the agency's qualifying collection.

7 SECTION 9. Section 21.104, Parks and Wildlife Code, is
8 amended to read as follows:

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

13 SECTION 10. Section 151.801(c), Tax Code, is amended to
14 read as follows:

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

18 (1) an amount equal to 93.4 [~~94~~] percent of the
19 proceeds shall be credited to the Parks and Wildlife Department and
20 deposited as specified in the Parks and Wildlife Code; and

21 (2) an amount equal to 6.6 [~~six~~] percent of the
22 proceeds shall be credited to the Texas Historical Commission and
23 deposited as specified in Section 442.073, Government Code.

24 SECTION 11. The following provisions are repealed:

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

26 (2) Sections 442.015(d), (e), and (f), Government
27 Code;

- 1 (3) Subchapter A, Chapter 22, Parks and Wildlife Code;
2 (4) the heading to Subchapter B, Chapter 22, Parks and
3 Wildlife Code; and
4 (5) Sections 22.012, 22.013, 22.014, and 22.015, Parks
5 and Wildlife Code.

6 SECTION 12. (a) Except as provided by Subsection (b) of
7 this section, Section 442.0021, Government Code, as amended by this
8 Act, applies to a member of the Texas Historical Commission
9 appointed before, on, or after the effective date of this Act.

10 (b) A member of the Texas Historical Commission who, before
11 the effective date of this Act, completed the training program
12 required by Section 442.0021, Government Code, as that law existed
13 before the effective date of this Act, is required to complete
14 additional training only on subjects added by this Act to the
15 training program as required by Section 442.0021, Government Code,
16 as amended by this Act. A commission member described by this
17 subsection may not vote, deliberate, or be counted as a member in
18 attendance at a meeting of the commission held on or after December
19 1, 2019, until the member completes the additional training.

20 SECTION 13. (a) Not later than November 1, 2019, the Texas
21 Historical Commission shall adopt rules under Section 442.0088,
22 Government Code, as added by this Act.

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

1 SECTION 14. Section 2175.909, Government Code, as added by
2 this Act, applies only to the deaccession of an item from a state
3 agency's qualifying collection, as that term is defined by Section
4 2175.909, that occurs on or after the effective date of this Act.

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

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

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

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

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

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

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

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

1 is in effect immediately before September 1, 2019, and that relates
2 to a historic site is, on September 1, 2019, a rule of the Texas
3 Historical Commission and remains in effect until amended or
4 repealed by the Texas Historical Commission.

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

9 (e) Beginning September 1, 2019, a reference in the Parks
10 and Wildlife Code or other law to a power, duty, obligation, or
11 liability of the Parks and Wildlife Department or the Parks and
12 Wildlife Commission that relates to a historic site is a reference
13 to the Texas Historical Commission. The Texas Historical
14 Commission is the successor agency to the Parks and Wildlife
15 Department and the Parks and Wildlife Commission for a historic
16 site.

17 (f) Before September 1, 2019, the Parks and Wildlife
18 Department may agree with the Texas Historical Commission to
19 transfer any property of the Parks and Wildlife Department to the
20 Texas Historical Commission to implement the transfer required by
21 this section.

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

26 (h) This section takes effect immediately if this Act
27 receives a vote of two-thirds of all the members elected to each

1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this section takes effect on the 91st day after the last day
4 of the legislative session.

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

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

12 or

13 (2) September 1, 2021.


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

ADOPTED

✓✓
MAY 02 2019

FLOOR AMENDMENT NO. 1

BY: 


Secretary of the Senate

1 Amend C.S.H.B. No. 1422 (senate committee printing) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering Subsequent SECTIONS of the bill accordingly:

4 SECTION _____. The Texas Historical Commission is required
5 to implement a provision of this Act only if the legislature
6 appropriates money specifically for that purpose. If the
7 legislature does not appropriate money specifically for that
8 purpose, the commission may, but is not required to, implement a
9 provision of this Act using other appropriations available for
10 that purpose.

ADOPTED

MAY 02 2019

Atty. Gen.
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY: L. W. Kolbe

1 Amend C.S.H.B. No. 1422 (senate committee printing) as
2 follows:

3 (1) Strike SECTION 10 of the bill (page 5, lines 7-17).

4 (2) Add the following appropriately numbered SECTIONS to
5 the bill:

6 SECTION _____. Section 442.073, Government Code, is amended
7 by adding Subsection (f) to read as follows:

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

12 SECTION _____. Section 151.801(c), Tax Code, is amended to
13 read as follows:

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

17 (1) an amount equal to 93 [~~94~~] percent of the proceeds
18 shall be credited to the Parks and Wildlife Department for the
19 purposes described by Subsection (c-1) and deposited to department
20 accounts as provided by that subsection [~~specified in the Parks and~~
21 ~~Wildlife Code~~]; and

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

26 (3) Renumber the SECTIONS of the bill accordingly.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 4, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1422 by Paddie (Relating to the continuation and functions of the Texas Historical Commission.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1422, As Passed 2nd House: a negative impact of (\$2,026,678) through the biennium ending August 31, 2021.

Provisions of the bill related to the sale and deaccession of curatorial collection items could result in an indeterminate increase of revenue to a new dedicated account in the General Revenue Fund.

The Historical Commission is required to implement a provision of this Act only if the Legislature appropriates money specifically for that purpose. If the Legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$1,021,839)
2021	(\$1,004,839)
2022	(\$969,839)
2023	(\$934,839)
2024	(\$881,839)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from Parks and Wildlife Department General Revenue-Dedicated Accounts	Probable Savings from State Parks Acct 64	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1
2020	(\$1,977,000)	\$2,998,839	\$1,977,000	(\$2,998,839)
2021	(\$1,994,000)	\$2,998,839	\$1,994,000	(\$2,998,839)
2022	(\$2,029,000)	\$2,998,839	\$2,029,000	(\$2,998,839)
2023	(\$2,064,000)	\$2,998,839	\$2,064,000	(\$2,998,839)
2024	(\$2,117,000)	\$2,998,839	\$2,117,000	(\$2,998,839)

Fiscal Analysis

The bill would continue the Texas Historical Commission (THC) for 12 years, through September 1, 2031. The bill would amend requirements regarding the training of the agency's commission members. With the exception of certain powers and duties specified in the bill, the bill would allow the THC to delegate to the executive director the authority to perform the duties or exercise the powers of the commission. The bill would establish the Heritage Trails program in statute and require THC to adopt rules regarding the program. The bill would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board associated with the Preservation Trust Fund Account.

The bill would transfer six historic sites from the Texas Parks and Wildlife Department (TPWD) to THC on September 1, 2019: Fanthorp Inn, Lipantitlan, Monument Hill and Kreische Brewery, Port Isabel Lighthouse, San Jacinto Battleground, and Washington-on-the-Brazos. The bill includes a provision which would allow TPWD to retain legal title to the San Jacinto Battleground if the agency, before September 1, 2019, has applied for a grant for which they are required to possess legal title to the site; the possession of the legal title ceases on the earlier of either the date on which the grant application is denied or September 1, 2021. The bill would abolish the San Jacinto Historical Advisory Board.

The bill would exempt the historic sites account from any applicable employee benefits proportionality requirements.

The bill would amend the maximum Sporting Goods Sales Tax allocations to the TPWD and THC from 94 percent and 6 percent, respectively, to 93 percent and 7 percent.

The bill would authorize agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items through the State Surplus Property program administered by the Texas Facilities Commission (TFC). Proceeds from the sale of deaccessioned items would be deposited to the credit of a new dedicated account in the General Revenue Fund. Proceeds from a sale would be authorized to be appropriated only to the respective agency from which the deaccessioned item originated and only for the care and preservation of the respective agency's qualifying curatorial collection.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on the analysis of TPWD, the operation of the six historic sites to be transferred to THC is estimated to cost \$2,998,839 in each fiscal year out of the General Revenue-Dedicated State Parks Account No. 64 and requires 42.3 full-time-equivalent (FTE) positions. Included within the TPWD's cost from the State Parks Account is \$2,189,152 in each fiscal year from Sporting Goods Sales Tax (SGST) allocations.

Under Section 151.801 of the Tax Code, as currently written, a maximum of 94 percent of SGST revenues may be appropriated to TPWD and a maximum of 6 percent of the SGST revenues may be appropriated to THC. The bill would amend the maximum allocations to 93 percent and 7 percent, respectively to TPWD and THC. SGST allocations are appropriated to TPWD for transfer to multiple General Revenue-Dedicated accounts: State Parks Account No. 64, Texas Recreation and Parks Account No. 467, Parks and Wildlife Conservation and Capital Account No. 5004, and the Large County and Municipality Recreation and Parks Account No. 5150. SGST is appropriated to the THC as General Revenue. The amounts reflected as the probable revenue loss to the TPWD dedicated accounts and corresponding gain to the General Revenue Fund reflect the one percent adjustment to the maximum SGST allocations (ranging from \$1,702,000 in fiscal year 2020 to \$1,842,000 in fiscal year 2024).

Additionally, TPWD and Comptroller of Public Accounts estimates that the affected six historic sites generate approximately \$275,000 in each fiscal year, which are currently deposited to the State Parks Account. This analysis assumes that, upon transfer of the historic sites, these revenues would be deposited to the General Revenue Fund for a revenue gain of \$275,000 in each fiscal year and a corresponding revenue loss to the State Parks Account.

Based on the analysis of the Comptroller, provisions of the bill related to the sale and deaccession of historic property by state agencies could result in an increase of revenue, to be deposited into a new dedicated account in General Revenue, but the amount of increased revenue cannot be estimated.

TFC estimates there would be a cost associated with provisions of the bill pertaining to the sale of deaccessioned items through the State Surplus Property program. This analysis assumes the cost could be absorbed within existing resources.

Technology

This analysis does not assume a technology impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department, 808 Historical Commission, 116 Sunset Advisory Commission, 303 Facilities Commission, 356 Texas Ethics Commission, 304 Comptroller of Public Accounts

LBB Staff: WP, LCO, KFB, SZ, NV, TBo, JMO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 25, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1422 by Paddie (Relating to the continuation and functions of the Texas Historical Commission.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1422, Committee Report 2nd House, Substituted: a negative impact of (\$3,394,678) through the biennium ending August 31, 2021.

Provisions of the bill related to the sale and deaccession of curatorial collection items could result in an indeterminate increase of revenue to a new dedicated account in the General Revenue Fund.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$1,702,839)
2021	(\$1,691,839)
2022	(\$1,673,839)
2023	(\$1,653,839)
2024	(\$1,623,839)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from Parks and Wildlife Department General Revenue-Dedicated Accounts	Probable Savings from State Parks Acct 64	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1
2020	(\$1,296,000)	\$2,998,839	\$1,296,000	(\$2,998,839)
2021	(\$1,307,000)	\$2,998,839	\$1,307,000	(\$2,998,839)
2022	(\$1,325,000)	\$2,998,839	\$1,325,000	(\$2,998,839)
2023	(\$1,345,000)	\$2,998,839	\$1,345,000	(\$2,998,839)
2024	(\$1,375,000)	\$2,998,839	\$1,375,000	(\$2,998,839)

Fiscal Analysis

The bill would continue the Texas Historical Commission (THC) for 12 years, through September 1, 2031. The bill would amend requirements regarding the training of the agency's commission members. With the exception of certain powers and duties specified in the bill, the bill would allow the THC to delegate to the executive director the authority to perform the duties or exercise the powers of the commission. The bill would establish the Heritage Trails program in statute and require THC to adopt rules regarding the program. The bill would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board associated with the Preservation Trust Fund Account.

The bill would transfer six historic sites from the Texas Parks and Wildlife Department (TPWD) to THC on September 1, 2019: Fanthorp Inn, Lipantitlan, Monument Hill and Kreische Brewery, Port Isabel Lighthouse, San Jacinto Battleground, and Washington-on-the-Brazos. The bill includes a provision which would allow TPWD to retain legal title to the San Jacinto Battleground if the agency, before September 1, 2019, has applied for a grant for which they are required to possess legal title to the site; the possession of the legal title ceases on the earlier of either the date on which the grant application is denied or September 1, 2021. The bill would abolish the San Jacinto Historical Advisory Board.

The bill would amend the maximum Sporting Goods Sales Tax allocations to the TPWD and THC from 94 percent and 6 percent, respectively, to 93.4 percent and 6.6 percent.

The bill would authorize agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items through the State Surplus Property program administered by the Texas Facilities Commission (TFC). Proceeds from the sale of deaccessioned items would be deposited to the credit of a new dedicated account in the General Revenue Fund. Proceeds from a sale would be authorized to be appropriated only to the respective agency from which the deaccessioned item originated and only for the care and preservation of the respective agency's qualifying curatorial collection.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on the analysis of TPWD, the operation of the six historic sites to be transferred to THC is

estimated to cost \$2,998,840 in each fiscal year out of the General Revenue-Dedicated State Parks Account No. 64 and requires 42.3 full-time-equivalent (FTE) positions. Included within the TPWD's cost from the State Parks Account is \$2,189,152 in each fiscal year from Sporting Goods Sales Tax (SGST) allocations.

Under Section 151.801 of the Tax Code, as currently written, a maximum of 94 percent of SGST revenues may be appropriated to TPWD and a maximum of 6 percent of the SGST revenues may be appropriated to THC. The bill would amend the maximum allocations to 93.4 percent and 6.6 percent, respectively to TPWD and THC. SGST allocations are appropriated to TPWD for transfer to multiple General Revenue-Dedicated accounts: State Parks Account No. 64, Texas Recreation and Parks Account No. 467, Parks and Wildlife Conservation and Capital Account No. 5004, and the Large County and Municipality Recreation and Parks Account No. 5150. SGST is appropriated to the THC as General Revenue. The amounts reflected as the probable revenue loss to the TPWD dedicated accounts and corresponding gain to the General Revenue Fund reflect the 0.6 percent adjustment to the maximum SGST allocations (ranging from \$1,021,000 in fiscal year 2020 to \$1,100,000 in fiscal year 2024).

Additionally, TPWD and Comptroller of Public Accounts estimates that the affected six historic sites generate approximately \$275,000 in each fiscal year, which are currently deposited to the State Parks Account. This analysis assumes that, upon transfer of the historic sites, these revenues would be deposited to the General Revenue Fund for a revenue gain of \$275,000 in each fiscal year and a corresponding revenue loss to the State Parks Account.

Based on the analysis of the Comptroller, provisions of the bill related to the sale and deaccession of historic property by state agencies could result in an increase of revenue, to be deposited into a new dedicated account in General Revenue, but the amount of increased revenue cannot be estimated.

TFC estimates there would be a cost associated with provisions of the bill pertaining to the sale of deaccessioned items through the State Surplus Property program. This analysis assumes the cost could be absorbed within existing resources.

Technology

This analysis does not assume a technology impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 303 Facilities Commission, 356 Texas Ethics Commission, 802 Parks and Wildlife Department, 808 Historical Commission, 304 Comptroller of Public Accounts

LBB Staff: WP, LCO, SZ, NV, TBo, JMO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 12, 2019

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1422 by Paddie (Relating to the continuation and functions of the Texas Historical Commission.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1422, As Engrossed: a negative impact of (\$3,394,678) through the biennium ending August 31, 2021.

Provisions of the bill related to the sale and deaccession of curatorial collection items could result in an indeterminate increase of revenue to a new dedicated account in the General Revenue Fund.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$1,702,839)
2021	(\$1,691,839)
2022	(\$1,673,839)
2023	(\$1,653,839)
2024	(\$1,623,839)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from Parks and Wildlife Department General Revenue-Dedicated Accounts	Probable Savings from State Parks Acct 64	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1
2020	(\$1,296,000)	\$2,998,839	\$1,296,000	(\$2,998,839)
2021	(\$1,307,000)	\$2,998,839	\$1,307,000	(\$2,998,839)
2022	(\$1,325,000)	\$2,998,839	\$1,325,000	(\$2,998,839)
2023	(\$1,345,000)	\$2,998,839	\$1,345,000	(\$2,998,839)
2024	(\$1,375,000)	\$2,998,839	\$1,375,000	(\$2,998,839)

Fiscal Analysis

The bill would continue the Texas Historical Commission (THC) for 12 years, through September 1, 2031. The bill would amend requirements regarding the training of the agency's commission members. The bill would allow the THC to delegate to the executive director the authority to perform the duties or exercise the powers of the commission. The bill would establish the Heritage Trails program in statute and require THC to adopt rules regarding the program. The bill would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board associated with the Preservation Trust Fund Account.

The bill would transfer six historic sites from the Texas Parks and Wildlife Department (TPWD) to THC on September 1, 2019: Fanthorp Inn, Lipantitlan, Monument Hill and Kreische Brewery, Port Isabel Lighthouse, San Jacinto Battleground, and Washington-on-the-Brazos. The bill includes a provision which would allow TPWD to retain legal title to the San Jacinto Battleground if the agency, before September 1, 2019, has applied for a grant for the site for which they are required to possess legal title to the site; the possession of the legal title ceases on the earlier of either the date on which the grant application is denied or September 1, 2021.

The bill would amend the maximum Sporting Goods Sales Tax allocations to the TPWD and THC from 94 percent and 6 percent, respectively, to 93.4 percent and 6.6 percent.

The bill would authorize agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items through the State Surplus Property program administered by the Texas Facilities Commission (TFC). Proceeds from the sale of deaccessioned items would be deposited to the credit of a new dedicated account in the General Revenue Fund. Proceeds from a sale would be authorized to be appropriated only to the respective agency from which the deaccessioned item originated and only for the care and preservation of the respective agency's qualifying curatorial collection.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on the analysis of TPWD, the operation of the six historic sites to be transferred to THC is estimated to cost \$2,998,840 in each fiscal year out of the General Revenue-Dedicated State Parks Account No. 64 and requires 42.3 full-time-equivalent (FTE) positions. Included within the

TPWD's cost from the State Parks Account is \$2,189,152 in each fiscal year from Sporting Goods Sales Tax (SGST) allocations.

Under Section 151.801 of the Tax Code, as currently written, a maximum of 94 percent of SGST revenues may be appropriated to TPWD and a maximum of 6 percent of the SGST revenues may be appropriated to THC. The bill would amend the maximum allocations to 93.4 percent and 6.6 percent, respectively to TPWD and THC. SGST allocations are appropriated to TPWD for transfer to multiple General Revenue-Dedicated accounts: State Parks Account No. 64, Texas Recreation and Parks Account No. 467, Parks and Wildlife Conservation and Capital Account No. 5004, and the Large County and Municipality Recreation and Parks Account No. 5150. SGST is appropriated to the THC as General Revenue. The amounts reflected as the probable revenue loss to the TPWD dedicated accounts and corresponding gain to the General Revenue Fund reflect the 0.6 percent adjustment to the maximum SGST allocations (ranging from \$1,021,000 in fiscal year 2020 to \$1,100,000 in fiscal year 2024).

Additionally, TPWD and Comptroller of Public Accounts estimates that the affected six historic sites generate approximately \$275,000 in each fiscal year, which are currently deposited to the State Parks Account. This analysis assumes that, upon transfer of the historic sites, these revenues would be deposited to the General Revenue Fund for a revenue gain of \$275,000 in each fiscal year and a corresponding revenue loss to the State Parks Account.

Based on the analysis of the Comptroller, provisions of the bill related to the sale and deaccession of historic property by state agencies could result in an increase of revenue, to be deposited into a new dedicated account in General Revenue, but the amount of increased revenue cannot be estimated.

TFC estimates there would be a cost associated with provisions of the bill pertaining to the sale of deaccessioned items through the State Surplus Property program. This analysis assumes the cost could be absorbed within existing resources.

Technology

This analysis does not assume a technology impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 356 Texas Ethics Commission, 303 Facilities Commission, 304 Comptroller of Public Accounts, 802 Parks and Wildlife Department, 808 Historical Commission

LBB Staff: WP, LCO, SZ, NV, TBo, JMO

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 21, 2019

TO: Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1422 by Paddie (Relating to the continuation and functions of the Texas Historical Commission.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1422, Committee Report 1st House, Substituted: a negative impact of (\$3,394,678) through the biennium ending August 31, 2021.

Provisions of the bill related to the sale and deaccession of curatorial collection items could result in an indeterminate increase of revenue to a new dedicated account in the General Revenue Fund.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$1,702,839)
2021	(\$1,691,839)
2022	(\$1,673,839)
2023	(\$1,653,839)
2024	(\$1,623,839)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from <i>Parks and Wildlife Department General Revenue-Dedicated Accounts</i>	Probable Savings from <i>State Parks Acct 64</i>	Probable Revenue Gain from <i>General Revenue Fund 1</i>	Probable (Cost) from <i>General Revenue Fund 1</i>
2020	(\$1,296,000)	\$2,998,839	\$1,296,000	(\$2,998,839)
2021	(\$1,307,000)	\$2,998,839	\$1,307,000	(\$2,998,839)
2022	(\$1,325,000)	\$2,998,839	\$1,325,000	(\$2,998,839)
2023	(\$1,345,000)	\$2,998,839	\$1,345,000	(\$2,998,839)
2024	(\$1,375,000)	\$2,998,839	\$1,375,000	(\$2,998,839)

Fiscal Analysis

The bill would continue the Texas Historical Commission (THC) for 12 years, through September 1, 2031. The bill would amend requirements regarding the training of the agency's commission members. The bill would allow the THC to delegate to the executive director the authority to perform the duties or exercise the powers of the commission. The bill would establish the Heritage Trails program in statute and require THC to adopt rules regarding the program. The bill would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board associated with the Preservation Trust Fund Account.

The bill would transfer six historic sites from the Texas Parks and Wildlife Department (TPWD) to THC on September 1, 2019: Fanthorp Inn, Lipantitlan, Monument Hill and Kreische Brewery, Port Isabel Lighthouse, San Jacinto Battleground, and Washington-on-the-Brazos. The bill includes a provision which would allow TPWD to retain legal title to the San Jacinto Battleground if the agency, before September 1, 2019, has applied for a grant for the site for which they are required to possess legal title to the site; the possession of the legal title ceases on the earlier of either the date on which the grant application is denied or September 1, 2021.

The bill would amend the maximum Sporting Goods Sales Tax allocations to the TPWD and THC from 94 percent and 6 percent, respectively, to 93.4 percent and 6.6 percent.

The bill would authorize agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items through the State Surplus Property program administered by the Texas Facilities Commission (TFC). Proceeds from the sale of deaccessioned items would be deposited to the credit of a new dedicated account in the General Revenue Fund. Proceeds from a sale would be authorized to be appropriated only to the respective agency from which the deaccessioned item originated and only for the care and preservation of the respective agency's qualifying curatorial collection.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on the analysis of TPWD, the operation of the six historic sites to be transferred to THC is estimated to cost \$2,998,840 in each fiscal year out of the General Revenue-Dedicated State Parks Account No. 64 and requires 42.3 full-time-equivalent (FTE) positions. Included within the

TPWD's cost from the State Parks Account is \$2,189,152 in each fiscal year from Sporting Goods Sales Tax (SGST) allocations.

Under Section 151.801 of the Tax Code, as currently written, a maximum of 94 percent of SGST revenues may be appropriated to TPWD and a maximum of 6 percent of the SGST revenues may be appropriated to THC. The bill would amend the maximum allocations to 93.4 percent and 6.6 percent, respectively to TPWD and THC. SGST allocations are appropriated to TPWD for transfer to multiple General Revenue-Dedicated accounts: State Parks Account No. 64, Texas Recreation and Parks Account No. 467, Parks and Wildlife Conservation and Capital Account No. 5004, and the Large County and Municipality Recreation and Parks Account No. 5150. SGST is appropriated to the THC as General Revenue. The amounts reflected as the probable revenue loss to the TPWD dedicated accounts and corresponding gain to the General Revenue Fund reflect the 0.6 percent adjustment to the maximum SGST allocations (ranging from \$1,021,000 in fiscal year 2020 to \$1,100,000 in fiscal year 2024).

Additionally, TPWD and Comptroller of Public Accounts estimates that the affected six historic sites generate approximately \$275,000 in each fiscal year, which are currently deposited to the State Parks Account. This analysis assumes that, upon transfer of the historic sites, these revenues would be deposited to the General Revenue Fund for a revenue gain of \$275,000 in each fiscal year and a corresponding revenue loss to the State Parks Account.

Based on the analysis of the Comptroller, provisions of the bill related to the sale and deaccession of historic property by state agencies could result in an increase of revenue, to be deposited into a new dedicated account in General Revenue, but the amount of increased revenue cannot be estimated.

TFC estimates there would be a cost associated with provisions of the bill pertaining to the sale of deaccessioned items through the State Surplus Property program. This analysis assumes the cost could be absorbed within existing resources.

Technology

This analysis does not assume a technology impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 356 Texas Ethics Commission, 303 Facilities Commission, 304 Comptroller of Public Accounts, 802 Parks and Wildlife Department, 808 Historical Commission

LBB Staff: WP, LCO, SZ, NV, TBo, JMO

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 11, 2019

TO: Honorable John Cyrier, Chair, House Committee on Culture, Recreation & Tourism

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
 Legislative Budget Board

IN RE: HB1422 by Paddie (Relating to the continuation and functions of the Texas Historical Commission.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1422, As Introduced: a negative impact of (\$6,967,400) through the biennium ending August 31, 2021.

Provisions of the bill related to the sale and deaccession of curatorial collection items could result in an indeterminate increase of revenue to a new dedicated account in the General Revenue Fund.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$3,483,700)
2021	(\$3,483,700)
2022	(\$3,483,700)
2023	(\$3,483,700)
2024	(\$3,483,700)

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue (Loss) from State Parks Acct 64	Probable Savings from State Parks Acct 64	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1
2020	(\$1,543,000)	\$5,026,700	\$1,543,000	(\$5,026,700)
2021	(\$1,543,000)	\$5,026,700	\$1,543,000	(\$5,026,700)
2022	(\$1,543,000)	\$5,026,700	\$1,543,000	(\$5,026,700)
2023	(\$1,543,000)	\$5,026,700	\$1,543,000	(\$5,026,700)
2024	(\$1,543,000)	\$5,026,700	\$1,543,000	(\$5,026,700)

Fiscal Analysis

The bill would continue the Texas Historical Commission (THC) for 12 years, through September 1, 2031. The bill would amend requirements regarding the training of the agency's commission members. The bill would establish the Heritage Trails program in statute and require THC to adopt rules regarding the program. The bill would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board associated with the Preservation Trust Fund Account.

The bill would transfer eight historic sites from the Texas Parks and Wildlife Department (TPWD) to THC on September 1, 2019: Battleship Texas, Fanthorp Inn, Fort Leaton, Lipantitlan, Monument Hill and Kreische Brewery, Port Isabel Lighthouse, San Jacinto Battleground, and Washington-on-the-Brazos.

The bill would authorize agencies with curatorial collections and an officially adopted deaccession policy to sell deaccessioned items through the State Surplus Property program administered by the Texas Facilities Commission (TFC). Proceeds from the sale of deaccessioned items would be deposited to the credit of a new dedicated account in the General Revenue Fund. Proceeds from a sale would be authorized to be appropriated only to the respective agency from which the deaccessioned item originated and only for the care and preservation of the respective agency's qualifying curatorial collection.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either within or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

Methodology

Based on the analysis of TPWD, the operation of the eight historic sites to be transferred to THC is estimated to cost \$5,026,700 in each fiscal year out of the General Revenue-Dedicated State Parks Account No. 64 and requires 73 full-time-equivalent (FTE) positions. Included within the TPWD's cost from the State Parks Account is \$3,669,491 in each fiscal year from Sporting Goods Sales Tax (SGST) allocations. Under Section 151.801 of the Tax Code, as currently written, a maximum of 94 percent of SGST revenues may be allocated to TPWD and a maximum of 6 percent of the SGST revenues may be allocated to THC. The bill does not amend this allocation to provide a corresponding transfer of SGST revenue to the General Revenue Fund for appropriation to THC. This analysis assumes that the THC would require an appropriation out of the General Revenue Fund to operate the eight affected sites.

Additionally, TPWD and Comptroller of Public Accounts estimates that the affected eight historic sites generate approximately \$1,543,000 in each fiscal year, which are currently deposited to the State Parks Account. This analysis assumes that, upon transfer of the historic sites, these revenues would be deposited to the General Revenue Fund for a revenue gain of \$1,543,000 in each fiscal year and a corresponding revenue loss to the State Parks Account.

Based on the analysis of the Comptroller, provisions of the bill related to the sale and deaccession of historic property by state agencies could result in an increase of revenue, to be deposited into a new dedicated account in General Revenue, but the amount of increased revenue cannot be estimated.

TFC estimates there would be a cost associated with provisions of the bill pertaining to the sale of deaccessioned items through the State Surplus Property program. This analysis assumes the cost

could be absorbed within existing resources.

Technology

This analysis does not assume a technology impact.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 303 Facilities Commission, 304 Comptroller of Public Accounts, 356 Texas Ethics Commission, 802 Parks and Wildlife Department, 808 Historical Commission

LBB Staff: WP, SZ, NV, LCO, TBo, JMO