

By: Kolkhorst

S.B. No. 2036

A BILL TO BE ENTITLED

AN ACT

relating to the authority and responsibilities of the Texas Historical Commission; authorizing fees.

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

SECTION 1. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.0046 to read as follows:

Sec. 442.0046. AUTHORITY OF EXECUTIVE DIRECTOR TO ENTER CERTAIN CONTRACTS. (a) The executive director may negotiate with and award a contract for goods or services to any qualified vendor if the executive director:

(1) solicits bids for the goods or services through a competitive process in compliance with all applicable laws, including Chapters 2155, 2254, and 2269, that fails to result in competitive responsive bids;

(2) makes a written determination that resoliciting bids for the goods or services would:

(A) be unlikely to result in responsive bids;

(B) increase costs to the commission; or

(C) delay the ability of the commission to address a critical need; and

(3) determines that the vendor meets the requirements of the original solicitation.

(b) To the extent practicable, the executive director may combine the procurement of multiple goods or services into a single

1 competitively bid contract to enhance the contract's attraction for
2 potential vendors.

3 SECTION 2. Section 442.005(p), Government Code, is amended
4 to read as follows:

5 (p) The commission may accept a gift, grant, devise, or
6 bequest of money, securities, services, or property to carry out
7 any purpose of this chapter, including funds raised or services
8 provided by a volunteer or volunteer group to promote the work of
9 the commission. The commission shall ~~may~~ participate in the
10 establishment and operation of the ~~an~~ affiliated nonprofit
11 organization described by Subchapter A-1 whose purpose is to raise
12 funds for or provide services or other benefits to the commission.

13 SECTION 3. Subchapter A, Chapter 442, Government Code, is
14 amended by adding Section 442.034 to read as follows:

15 Sec. 442.034. PRESERVATION, MAINTENANCE, AND REPAIR OF
16 CERTAIN HISTORICAL MARKERS. (a) In this section:

17 (1) "Civil War centennial marker" means a marker
18 installed as part of the celebration of the centennial of the Civil
19 War.

20 (2) "Institution of higher education" and "university
21 system" have the meanings assigned by Section 61.003, Education
22 Code.

23 (3) "Marker" means a marker, monument, or other
24 memorial installed on public or private property to commemorate an
25 area, event, or person that is engraved with text or to which a
26 plaque with text is attached.

27 (4) "Republic of Texas centennial marker" means a

marker installed as part of the celebration of the centennial of the Republic of Texas.

(b) This section applies only to a Civil War centennial marker or a Republic of Texas centennial marker that was installed by or at the direction of:

(1) the former Centennial Commission;

(2) the former Texas Civil War Centennial Commission;

(3) the commission or a predecessor of the commission;

or

(4) the Republic of Texas.

(c) A Civil War centennial marker or a Republic of Texas centennial marker is state property, regardless of whether the marker is located on public or private property.

(d) The commission has jurisdiction over and is responsible for the preservation, maintenance, and repair of Civil War centennial markers and Republic of Texas centennial markers.

(e) This section may not be construed as transferring ownership or control of, or the responsibility to preserve, maintain, or repair, a museum, exhibition building, or other building that is:

(1) associated with or located near a Civil War centennial marker or a Republic of Texas centennial marker; and

(2) owned or operated by a private entity, municipality, county, or institution of higher education or university system.

SECTION 4. Chapter 442, Government Code, is amended by adding Subchapter A-1 to read as follows:

1 SUBCHAPTER A-1. FRIENDS OF TEXAS HISTORICAL COMMISSION

2 Sec. 442.041. DEFINITION. In this subchapter,
3 "organization" means the Friends of the Texas Historical
4 Commission.

5 Sec. 442.042. PURPOSE. (a) The organization is the
6 affiliated nonprofit organization formed under Section 442.005(p).

7 (b) The commission shall designate the organization as the
8 entity responsible for providing:

- 9 (1) services and other benefits to the commission; and
10 (2) financial support as requested by the commission
11 and approved by the organization's board.

12 Sec. 442.043. RULES; GUIDELINES. (a) The commission shall
13 adopt rules:

14 (1) establishing guidelines under which the
15 organization may solicit and accept sponsorships or donations from
16 private entities in connection with commission activities;

17 (2) establishing best practices under which the
18 organization may engage in business activities described by this
19 subchapter, including procurement guidelines for the use of state
20 money; and

21 (3) governing the relationship between the commission
22 and the organization that, at a minimum:

23 (A) define the extent to which commission
24 employees with regulatory responsibilities, including the
25 executive director, may participate in activities that raise funds
26 for the organization, which may not include the direct solicitation
27 of funds; and

1 (B) define the relationship between commission
2 employees and the organization.

3 (b) The commission shall establish guidelines for
4 identifying and defining the administrative and financial support
5 the commission may provide for the organization.

6 Sec. 442.044. AGREEMENTS. The organization and the
7 commission may enter into an agreement for the following purposes:

8 (1) expanding, renovating, or improving historic
9 sites or facilities, including through construction;

10 (2) maintaining, preserving, restoring, and
11 protecting historical markers, monuments, and historic sites;

12 (3) promoting and conducting archeological studies;

13 (4) designing and fabricating exhibits and
14 preserving, storing, and displaying artifacts, historical data,
15 items of historical significance, and other items;

16 (5) creating interpretive and educational programs;

17 (6) acquiring additional artifacts, historical and
18 marketing data, real estate, and items of historical significance
19 relevant to state history, settlement, and culture and state
20 historic sites; and

21 (7) supporting programming or providing financial
22 support for projects of the commission.

23 Sec. 442.045. COLLECTION AND USE OF CERTAIN FEE AND REVENUE
24 RECEIPTS. (a) An agreement described by Section 442.044 may
25 authorize the organization to:

26 (1) charge and collect fees in connection with the
27 organization's activities, including fees for viewing special

exhibits or films, attending programs or events, and using
commission facilities or other facilities; and

(2) collect revenue from gift shop and concession
sales.

(b) The organization shall hold, invest, manage, use, and
apply money received from the fees and sales described by
Subsection (a) only for the benefit of the commission and may
exercise discretion, subject to the terms of an agreement described
by Section 442.044, regarding business operations, exhibits,
programming, management, preservation, restoration, and site
development.

Sec. 442.046. OWNERSHIP AND ACQUISITION OF PROPERTY. The
organization:

(1) retains ownership of property held in the name of
the organization; and

(2) may acquire items by gift, grant, or purchase
using the organization's money.

Sec. 442.047. DISPOSITION OF ORGANIZATION ASSETS ON
DISSOLUTION. (a) In the event of the organization's dissolution,
the commission is the sole beneficiary of all items held in the
organization's name that relate to the commission, except as
otherwise provided by the organization's articles of incorporation
or the terms of the gift or other transfer of the items to the
organization.

(b) An item for which the commission is not the sole
beneficiary must be clearly identified and described on an agreed
list prepared jointly by the commission and the organization.

1 Sec. 442.048. CONFIDENTIALITY OF CERTAIN INFORMATION. The
2 name, address, and other identifying information of a person who
3 makes a donation, including a gift, grant, or other financial
4 contribution, to the organization is confidential and excepted from
5 disclosure under Chapter 552.

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

8 (a) The following historic sites in this state are under the
9 commission's jurisdiction:

- 10 (1) Acton State Historic Site;
- 11 (2) Barrington Living History Farm State Historic
12 Site;
- 13 (3) Bush Family Home State Historic Site;
- 14 (4) Caddo ~~[Caddoan]~~ Mounds State Historic Site;
- 15 (5) [~~(3)~~] Casa Navarro State Historic Site;
- 16 (6) [~~(4)~~] Confederate Reunion Grounds State Historic
17 Site;
- 18 (7) [~~(5)~~] Eisenhower Birthplace State Historic Site;
- 19 (8) [~~(6)~~] Fannin Battleground State Historic Site;
- 20 (9) [~~(7)~~] Fanthorp Inn State Historic Site;
- 21 (10) [~~(8)~~] Fort Griffin State Historic Site;
- 22 (11) [~~(9)~~] Fort Lancaster State Historic Site;
- 23 (12) Fort Martin Scott State Historic Site;
- 24 (13) [~~(10)~~] Fort McKavett State Historic Site;
- 25 (14) French Legation State Historic Site;
- 26 (15) [~~(11)~~] Fulton Mansion State Historic Site;
- 27 (16) Goodnight Ranch State Historic Site;

1 (17) Harvey House State Historic Site;
 2 (18) Iwo Jima Monument and Museum State Historic Site;
 3 (19) Kreische Brewery State Historic Site;
 4 (20) [(12)] Landmark Inn State Historic Site;
 5 (21) [(13)] Levi Jordan State Historic Site;
 6 (22) [(14)] Lipantitlan State Historic Site;
 7 (23) [(15)] Magoffin Home State Historic Site;
 8 (24) [(16)] Mission Dolores State Historic Site;
 9 (25) [(17)] Monument Hill [and Kreische Brewery]
 10 State Historic Site ~~[Sites]~~;
 11 (26) [(18)] National Museum of the Pacific War;
 12 (27) Old Socorro Mission State Historic Site;
 13 (28) Palmito Ranch Battlefield State Historic Site;
 14 (29) Port Isabel Lighthouse State Historic Site;
 15 (30) Presidio La Bahia State Historic Site;
 16 (31) [(19)] Sabine Pass Battleground State Historic
 17 Site;
 18 (32) [(20)] Sam Bell Maxey House State Historic Site;
 19 (33) [(21)] Sam Rayburn House State Historic Site;
 20 (34) [(22)] San Felipe de Austin State Historic Site;
 21 (35) San Jacinto Battleground State Historic Site;
 22 (36) Star of the Republic Museum State Historic Site;
 23 (37) [(23)] Starr Family Home State Historic Site;
 24 (38) Stephen F. Austin Memorial State Historic Site;
 25 (39) [(24)] Varner-Hogg Plantation State Historic
 26 Site; and
 27 (40) [(25)] Washington-on-the-Brazos State Historic

1 Site[, ~~and~~

2 [~~(26) the property known as the French Legation~~].

3 SECTION 6. Section 442.101(c), Government Code, is amended
4 to read as follows:

5 (c) Except as authorized by Section 442.0046, the [The]
6 commission by rule shall adopt policies and procedures consistent
7 with Subchapter A, Chapter 2254, and other applicable state
8 procurement practices for soliciting and awarding contracts under
9 this section.

10 SECTION 7. Section 442.113, Government Code, is amended by
11 amending Subsection (a) and adding Subsections (a-1) and (d) to
12 read as follows:

13 (a) The Texas Historical Commission retail operations fund
14 is a special fund established outside the state treasury as a fund
15 to be held and administered by the comptroller as directed by the
16 commission to provide support for commission retail operations
17 under Section 442.112. The fund consists of revenue from
18 commission retail operations and earned revenue operating receipts
19 and may not include appropriated money.

20 (a-1) The commission may purchase goods for resale
21 necessary to support the commission's retail operations using
22 general revenue available to the commission for that purpose only
23 until sufficient money is available in the fund established under
24 this section to fully support retail operations.

25 (d) The commission's retail and earned revenue operations
26 are considered auxiliary enterprises for purposes of Section
27 2155.141.

SECTION 8. Chapter 442, Government Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. WASHINGTON-ON-THE-BRAZOS HISTORICAL FOUNDATION

Sec. 442.151. DEFINITION. In this subchapter, "foundation" means the Washington-on-the-Brazos Historical Foundation.

Sec. 442.152. PURPOSE OF FOUNDATION. (a) The foundation is a nonprofit historical association organized for the purposes of supporting the operations of:

- (1) the Washington-on-the-Brazos State Historic Site;
- (2) the Fanthorp Inn State Historic Site;
- (3) the Barrington Living History Farm State Historic Site; and
- (4) the Star of the Republic Museum State Historic Site.

(b) The commission shall designate the foundation as the entity responsible for providing operational support for the sites described by Subsection (a) and engaging in related activities for, and providing financial support to, those sites.

Sec. 442.153. RESPONSIBILITIES OF FOUNDATION AND COMMISSION. The foundation and the commission shall enter into an agreement that establishes the:

- (1) working relationship between the foundation and the commission in connection with the activities conducted at the sites described by Section 442.152(a);
- (2) best practices under which the foundation may engage in business activities described by this subchapter, including procurement guidelines for the use of state money;

1 (3) relationship between the commission's employees
2 and the foundation; and

3 (4) guidelines for identifying and defining the
4 administrative and financial support the commission may provide in
5 connection with the sites described by Section 442.152(a).

6 Sec. 442.154. AGREEMENTS REGARDING CERTAIN HISTORIC SITES.

7 (a) The foundation and the commission may enter into an agreement
8 regarding a site described by Section 442.152(a) for the following
9 purposes:

10 (1) expanding, renovating, managing, maintaining,
11 operating, or providing financial support for the site;

12 (2) maintaining, preserving, restoring, and
13 protecting property located on the site;

14 (3) promoting and conducting archeological studies at
15 the site;

16 (4) maintaining, repairing, renovating, restoring,
17 improving, expanding, or equipping improvements at the site,
18 including constructing new improvements;

19 (5) designing and fabricating exhibits and
20 preserving, storing, and displaying artifacts, historical data,
21 and items of historical significance, including artifacts, data,
22 livestock, and items owned or held by the foundation, at the site;

23 (6) creating interpretive and educational programs
24 regarding the site;

25 (7) acquiring additional artifacts, historical data,
26 and items of historical significance relevant to the Texas
27 Revolution and the period in which it occurred, and early Texas

1 settlement and culture related to the site; and

2 (8) preserving, restoring, storing, and conserving
3 artifacts, historical data, and items of historical significance
4 related to the site.

5 (b) Subject to the terms of an agreement under this section,
6 the foundation may exercise discretion regarding business
7 operations, exhibits, programming, collection management,
8 preservation, restoration, storage, and site development at the
9 site that is the subject of the agreement.

10 Sec. 442.155. COLLECTION AND USE OF CERTAIN FEE AND REVENUE
11 RECEIPTS. (a) An agreement described by Section 442.154 may
12 authorize the foundation to, at the site that is the subject of the
13 agreement:

14 (1) charge and collect fees in connection with the
15 foundation's activities at the site, including fees for viewing
16 special exhibits or films, attending programs or events, and using
17 the facilities at the site; and

18 (2) collect revenue from gift shop and concession
19 sales at the site.

20 (b) The foundation shall hold, invest, manage, use, and
21 apply money received from the fees and sales described by
22 Subsection (a) only for the benefit of the sites described by
23 Section 442.152(a).

24 Sec. 442.156. COMMISSION ADVICE AND OVERSIGHT. (a) The
25 commission shall advise the foundation on the operation,
26 interpretation, and presentation of historical events,
27 preservation, archeology, education, nature, philanthropy, and

business development regarding a site described by Section 442.152(a).

(b) The commission may appoint two nonvoting members to the foundation's board.

Sec. 442.157. FUNDRAISING. (a) The foundation shall set priorities for fundraising activities at the sites described by Section 442.152(a).

(b) Notwithstanding Subsection (a), the commission may adopt rules to establish naming opportunities as described by Section 442.032.

Sec. 442.158. OWNERSHIP AND ACQUISITION OF PROPERTY. The foundation:

(1) retains ownership of property held in the name of the foundation; and

(2) may acquire items by gift, grant, or purchase using the foundation's money.

Sec. 442.159. DISPOSITION OF FOUNDATION ASSETS ON DISSOLUTION. (a) In the event of the foundation's dissolution, the commission is the sole beneficiary of all items held in the foundation's name that relate to the revolutionary history of a site described by Section 442.152(a) and to early Texas settlement and culture, except as otherwise provided by the foundation's articles of incorporation or the terms of the gift or other transfer of the items to the foundation.

(b) An item for which the commission is not the sole beneficiary must be clearly identified and described on an agreed list prepared jointly by the commission and the foundation.

SECTION 9. Subchapter K, Chapter 2166, Government Code, is amended by adding Section 2166.504 to read as follows:

Sec. 2166.504. APPLICABILITY OF SUBCHAPTER TO CERTAIN MARKERS. This subchapter does not apply to a marker over which the Texas Historical Commission has jurisdiction under Section 442.034.

SECTION 10. Section 442.0055, Government Code, is repealed.

SECTION 11. Section 442.0046, Government Code, as added by this Act, applies only to a contract for which bids are first solicited on or after the effective date of this Act. A contract for which bids are first solicited before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. On the effective date of this Act, the Texas Historical Commission replaces the Texas Facilities Commission as the state agency responsible for the preservation, maintenance, and repair of the markers described by Section 442.034, Government Code, as added by this Act.

SECTION 13. This Act takes effect September 1, 2025.