

**House Bill 4187**  
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HOUSE VERSION

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

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

(p) The commission may accept a gift, grant, devise, or bequest of money, securities, services, or property to carry out any purpose of this chapter, including funds raised or services provided by a volunteer or volunteer group to promote the work of the commission. The commission may participate in the establishment and operation of an affiliated nonprofit

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

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organization whose purpose is to raise funds for or provide services or other benefits to the commission or one or more historic sites as defined by Section 442.071.

No equivalent provision.

SECTION \_\_.Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.0062 to read as follows:  
Sec. 442.0062. PRESERVATION, MAINTENANCE, AND REPAIR OF OFFICIAL TEXAS HISTORICAL MARKERS.  
(a) In this section:  
(1) "Official Texas historical marker" means a marker, medallion, monument, or plaque awarded, approved, or administered by the commission, including:  
(A) centennial monuments installed by the State of Texas in the 1930s;  
(B) monuments installed by the State of Texas in the 1950s and 1960s to commemorate Texas history;  
(C) medallions, plaques, or markers installed by the Texas State Historical Survey Committee, the commission's predecessor, in or after 1953; and  
(D) markers, medallions, monuments, or plaques installed by the commission in or after 1973 on public or private property to commemorate an area, event, or person that are engraved with text or to which a plaque with text is attached.  
(2) "Institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.  
(b) An official Texas historical marker is state property, regardless of whether the marker is located on public or private property.  
(c) The commission has jurisdiction over and is responsible for the preservation, maintenance, and repair of official Texas

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historical markers.  
(d) This section may not be construed as transferring ownership or control of, or the responsibility to preserve, maintain, or repair, a museum, statue, exhibition building, or other building that is owned or operated by a private entity, municipality, county, or institution of higher education or university system. [FA1]

SECTION 3. Sections 442.0151(b), (f), and (h), Government Code, are amended to read as follows:

(b) The historic infrastructure sustainability trust fund is created as a trust fund outside the treasury held by the trust company and administered by the comptroller as trustee on behalf of the people of this state to generate earnings on money in the fund for the purpose of maintaining, preserving, rehabilitating, improving, and restoring historic sites throughout the state.

(f) The commission annually may request a distribution from the fund in an amount that may not exceed the amount the trust company determines is available for distribution in the applicable year under Subsection (d). Money distributed from the fund to the commission may be used only for the purpose of maintaining, preserving, rehabilitating, improving, and restoring state historic sites under the control of the commission and for the historic courthouse preservation program under Section 442.0081. The commission shall allocate at least one-third of each annual distribution from the fund under this subsection for the historic courthouse preservation program. The commission may not use money received from an annual distribution under this subsection to pay salaries, employee benefits, costs associated with

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employee benefits, or administration, operating, or program costs of the commission.

(h) The commission may receive an additional distribution from the fund under Subsection (g) only after the commission certifies to the Legislative Budget Board that:

- (1) the commission has reviewed and approved the use of the money;
- (2) all purchases made with the money will conform to any applicable provision of law governing state procurement and contracting; and
- (3) the money will not be used to:
  - (A) pay salaries, employee benefits, costs associated with employee benefits, or administration, operating, or program costs of the commission or the state historic sites under the control of the commission;
  - (B) acquire new historic sites [~~or real property~~]; or
  - (C) purchase capital equipment that is not related to the rehabilitation or restoration of a historic site under the control of the commission or the historic courthouse preservation program under Section 442.0081.

SECTION 4. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.034 to read as follows:  
Sec. 442.034. PRESERVATION, MAINTENANCE, AND REPAIR OF CERTAIN HISTORICAL MARKERS. (a) In this section:  
(1) "Civil War centennial marker" means a marker installed as part of the celebration of the centennial of the Civil War.  
(2) "Institution of higher education" and "university system" have the meanings assigned by Section 61.003, Education Code.

No equivalent provision. SECTION 4. [Deleted by FA1]

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

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

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SUBCHAPTER A-1. AFFILIATED NONPROFIT ORGANIZATIONS; FRIENDS OF THE TEXAS HISTORICAL COMMISSION

Sec. 442.041. DEFINITION. In this subchapter, "organization" means an affiliated nonprofit organization established under Section 442.005(p), including the Friends of the Texas Historical Commission or any other affiliated nonprofit organization referenced in this chapter.

Sec. 442.042. PURPOSE. The commission shall designate each organization as responsible for providing:

(1) services and other benefits to the commission or a historic site defined by Section 442.071; and

(2) financial support as requested by the commission and approved by the organization's board.

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

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

(2) establishing best practices under which an organization may engage in business activities described by this subchapter;

(3) requiring an organization to comply with specified standards and safeguards for the accounting of state assets held by the organization; and

(4) governing the relationship between the commission and an organization that, at a minimum:

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

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

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

Sec. 442.044. AGREEMENTS. (a) Notwithstanding any other law, an organization and the commission may enter into an agreement to use state money for the following purposes:

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

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

(3) promoting and conducting archeological studies;

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

(5) creating interpretive and educational programs;

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

(7) supporting programming or providing financial support for projects of the commission or a historic site.

(b) Each agreement entered into under this section must be approved by the commission.

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

(1) charge and collect fees in connection with the 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.

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(b) An 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. An organization:

(1) retains ownership of property purchased using the organization's money and held in the organization's name; 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 an 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.

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

Sec. 442.049. ACCOUNTABILITY; INVESTMENT RESTRICTIONS; AUDIT. (a) Chapter 2256 applies to an organization that is a party to an agreement under this



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subchapter to the extent that the agreement authorizes the organization to exercise control over state money.

(b) An organization that is a party to an agreement under this subchapter shall have an annual audit prepared by an independent auditor. The organization shall file the audit report with the commission.

(c) All financial transactions involving, and financial records relating to, state money held by an organization that is a party to an agreement under this subchapter are subject to audit by the state auditor as provided by Section 321.013.

Sec. 442.050. EXPENDITURES; LIMITS. (a) The commission shall direct, by the terms of an agreement entered into under this subchapter, an organization's spending of state money.

(b) A state employee may not directly spend or obligate an organization's money.

(c) An organization may not spend state money to:

(1) lobby or otherwise attempt to influence a member of the legislature; or

(2) directly or indirectly attempt to influence legislation.

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

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

(1) Acton State Historic Site;

(2) Barrington Living History Farm State Historic Site;

(3) Bush Family Home State Historic Site;

(4) Caddo [Caddoan] Mounds State Historic Site;

(5) ~~(3)~~ Casa Navarro State Historic Site;

(6) ~~(4)~~ Confederate Reunion Grounds State Historic Site;

SECTION 6. Same as House version.

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<p>(7) [(5)] Eisenhower Birthplace State Historic Site;</p> <p>(8) [(6)] Fannin Battleground State Historic Site;</p> <p>(9) [(7)] Fanthorp Inn State Historic Site;</p> <p>(10) [(8)] Fort Griffin State Historic Site;</p> <p>(11) [(9)] Fort Lancaster State Historic Site;</p> <p>(12) Fort Martin Scott State Historic Site;</p> <p>(13) [(40)] Fort McKavett State Historic Site;</p> <p>(14) <u>French Legation State Historic Site;</u></p> <p>(15) [(44)] Fulton Mansion State Historic Site;</p> <p>(16) <u>Goodnight Ranch State Historic Site;</u></p> <p>(17) <u>Harvey House State Historic Site;</u></p> <p>(18) <u>Iwo Jima Monument and Museum State Historic Site;</u></p> <p>(19) <u>Kreische Brewery State Historic Site;</u></p> <p>(20) [(42)] Landmark Inn State Historic Site;</p> <p>(21) [(43)] Levi Jordan State Historic Site;</p> <p>(22) [(44)] Lipantitlan State Historic Site;</p> <p>(23) [(45)] Magoffin Home State Historic Site;</p> <p>(24) [(46)] Mission Dolores State Historic Site;</p> <p>(25) [(47)] Monument Hill [<del>and Kreische Brewery</del>] State Historic Site [Sites];</p> <p>(26) [(48)] National Museum of the Pacific War;</p> <p>(27) <u>Old Socorro Mission State Historic Site;</u></p> <p>(28) <u>Palmito Ranch Battlefield State Historic Site;</u></p> <p>(29) <u>Port Isabel Lighthouse State Historic Site;</u></p> <p>(30) <u>Presidio La Bahia State Historic Site;</u></p> <p>(31) [(49)] Sabine Pass Battleground State Historic Site;</p> <p>(32) [(20)] Sam Bell Maxey House State Historic Site;</p> <p>(33) [(24)] Sam Rayburn House State Historic Site;</p> <p>(34) [(22)] San Felipe <u>de Austin</u> State Historic Site;</p> <p>(35) <u>San Jacinto Battleground State Historic Site;</u></p> <p>(36) <u>Star of the Republic Museum State Historic Site;</u></p> <p>(37) [(23)] Starr Family Home State Historic Site;</p>		

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(38) Stephen F. Austin Memorial State Historic Site;  
(39) [(24)] Varner-Hogg Plantation State Historic Site; and  
(40) [(25)] Washington-on-the-Brazos State Historic Site[;  
and  
[(26) the property known as the French Legation].

SECTION 7. Section 442.101(c), Government Code, is amended to read as follows:  
(c) Except as authorized by Section 442.0046, the [The] commission by rule shall adopt policies and procedures consistent with Subchapter A, Chapter 2254, and other applicable state procurement practices for soliciting and awarding contracts under this section.

SECTION 7. Same as House version.

SECTION 8. Section 442.113, Government Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (d) to read as follows:  
(a) The Texas Historical Commission retail operations fund is a special fund established outside the state treasury as a fund to be held and administered by the comptroller as directed by the commission to provide support for commission retail operations under Section 442.112. The fund may include ~~[consists of]~~ revenue from commission retail operations and earned revenue from operating receipts but [and] may not include appropriated money.  
(a-1) Appropriated money may be used to provide financial support for and grow retail operations.  
(d) The commission's retail operations are considered an auxiliary enterprise for purposes of Section 2155.141.

SECTION 8. Same as House version.

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No equivalent provision.	<p>SECTION 9. Subchapter D, Chapter 442, Government Code, is amended by adding Section 442.114 to read as follows:</p> <p><u>Sec. 442.114. HISTORIC SITE THEMES AND INTERPRETATION. (a) The commission shall approve historical themes and interpretive storylines for each historic site based on a framework that portrays a cohesive story of Texas as seen through its historic sites.</u></p> <p><u>(b) Staff historians and interpretive planners employed by the commission shall develop the framework described by Subsection (a) and submit the framework to the commission for approval.</u></p> <p><u>(c) The historical themes and interpretive storylines approved by the commission for each historic site shall be the basis for exhibits and interpretive plans produced for each historic site by commission staff or contractors.</u></p> <p><u>(d) Staff and volunteer educators, interpreters, guides, and presenters must be trained by commission staff in a manner consistent with the framework described by Subsection (a) and approved by the commission.</u></p> <p><u>(e) The commission shall ensure that visitors to each historic site are presented with exhibits and programs that are consistent with the framework described by Subsection (a) and approved by the commission.</u></p>	
<p>SECTION 9. Chapter 442, Government Code, is amended by adding Subchapter D-1 to read as follows:</p> <p><u>SUBCHAPTER D-1. WASHINGTON-ON-THE-BRAZOS HISTORICAL FOUNDATION</u></p> <p><u>Sec. 442.151. DEFINITION. In this subchapter, "foundation" means the Washington-on-the-Brazos Historical Foundation.</u></p> <p><u>Sec. 442.152. PURPOSE OF FOUNDATION. (a) The</u></p>	<p>SECTION 10. Same as House version.</p>	

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foundation is a nonprofit historical association established under Section 442.005(p) 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;
- (3) relationship between the commission's employees and the foundation; and
- (4) guidelines for identifying and defining the administrative and financial support the commission may provide in connection with the sites described by Section 442.152(a).

Sec. 442.154. AGREEMENTS REGARDING CERTAIN HISTORIC SITES. (a) Notwithstanding any other law, the foundation and the commission may enter into an agreement under Subchapter A-1 to use state money for the following purposes regarding a site described by Section 442.152(a):

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

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<p><u>(2) maintaining, preserving, restoring, and protecting property located on the site;</u></p> <p><u>(3) promoting and conducting archeological studies at the site;</u></p> <p><u>(4) maintaining, repairing, renovating, restoring, improving, expanding, or equipping improvements at the site, including constructing new improvements;</u></p> <p><u>(5) designing and fabricating exhibits and preserving, storing, and displaying artifacts, historical data, and items of historical significance, including artifacts, data, livestock, and items owned or held by the foundation, at the site;</u></p> <p><u>(6) creating interpretive and educational programs regarding the site;</u></p> <p><u>(7) acquiring real property, additional artifacts, historical data, and items of historical significance relevant to the Texas Revolution and the period in which it occurred, and early Texas settlement and culture related to the site; and</u></p> <p><u>(8) preserving, restoring, storing, and conserving artifacts, historical data, and items of historical significance related to the site.</u></p> <p><u>(b) Subject to the terms of an agreement under Subchapter A-1, the foundation may exercise discretion regarding business operations, exhibits, programming, collection management, preservation, restoration, storage, and site development at the site that is the subject of the agreement.</u></p> <p><u>Sec. 442.155. COLLECTION AND USE OF CERTAIN FEE AND REVENUE RECEIPTS. (a) An agreement described by Section 442.154 may authorize the foundation to, at the site that is the subject of the agreement:</u></p> <p><u>(1) charge and collect fees in connection with the foundation's activities at the site, including fees for viewing special exhibits or films, attending programs or events, and using the</u></p>		

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facilities at the site; and  
(2) collect revenue from gift shop and concession sales at the site.  
(b) The foundation shall hold, invest, manage, use, and apply money received from the fees and sales described by Subsection (a) only for the benefit of the sites described by Section 442.152(a).  
Sec. 442.156. COMMISSION ADVICE AND OVERSIGHT.  
(a) The commission shall advise the foundation on the operation, interpretation, and presentation of historical events, 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 purchased using the foundation's money and held in the foundation's name; 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

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<p><u>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.</u></p> <p><u>(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.</u></p>		
<p>SECTION 10. Subchapter K, Chapter 2166, Government Code, is amended by adding Section 2166.504 to read as follows:</p> <p><u>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.</u></p>	<p>SECTION 11. Same as House version.</p>	
<p>SECTION 11. Section 442.0055, Government Code, is repealed.</p>	<p>SECTION 12. Same as House version.</p>	
<p>SECTION 12. 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.</p>	<p>SECTION 13. Same as House version.</p>	
<p>SECTION 13. Section 442.0151, Government Code, as</p>	<p>SECTION 14. Same as House version.</p>	



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amended by this Act, applies only to a distribution from the historic infrastructure sustainability trust fund requested by the Texas Historical Commission on or after the effective date of this Act.		
SECTION 14. 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 15. Same as House version.	
SECTION 15. This Act takes effect September 1, 2025.	SECTION 16. Same as House version.	