

AN ACT

relating to the transfer of jurisdiction over the National Museum of the Pacific War and other historical sites from the Parks and Wildlife Department to the Texas Historical Commission.

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

SECTION 1. Sections 442.001-442.018, Government Code, are designated as Subchapter A, Chapter 442, Government Code, and a heading to Subchapter A is added to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Subchapter A, Chapter 442, Government Code, as added by this Act, is amended by adding Section 442.019 to read as follows:

Sec. 442.019. TRANSFER OF HISTORICAL SITES FROM PARKS AND WILDLIFE. (a) By interagency agreement, a historical site under the jurisdiction of the Parks and Wildlife Department may be transferred to the commission.

(b) If jurisdiction over a historical site is transferred under this section, all rights, powers, duties, obligations, functions, activities, property, and programs of the Parks and Wildlife Department relating to the historical site are transferred to the commission.

(c) On or after the transfer of jurisdiction over a historical site, the commission may enter into an agreement with a nonprofit corporation, including the Admiral Nimitz Foundation,

1 for the expansion, renovation, management, operation, or financial
2 support of the site.

3 SECTION 3. Subchapter Q, Chapter 22, Parks and Wildlife
4 Code, is redesignated as Subchapter B, Chapter 442, Government
5 Code, and amended to read as follows:

6 SUBCHAPTER B [Q]. NATIONAL MUSEUM OF THE PACIFIC WAR
7 [~~FLEET ADMIRAL CHESTER W. NIMITZ MEMORIAL NAVAL MUSEUM~~]

8 Sec. 442.051 [~~22.231~~]. MUSEUM DEFINITION; JURISDICTION.

9 (a) In this subchapter, "museum" means the National Museum of the
10 Pacific War.

11 (b) The museum [~~Fleet Admiral Chester W. Nimitz Memorial~~
12 ~~Naval Museum~~] is under the jurisdiction of the commission
13 [~~department~~].

14 Sec. 442.052 [~~22.232~~]. POWERS OF COMMISSION [~~DEPARTMENT~~].

15 With respect to the [~~Nimitz~~] museum and in addition to its other
16 powers and duties, the commission [~~department~~]:

17 (1) shall foster and commemorate the memory of the era
18 of supreme United States naval power upon the seas and the men and
19 women of the armed services whose gallant and selfless dedication
20 to duty made this era possible;

21 (2) shall administer the museum [~~Fleet Admiral Chester~~
22 ~~W. Nimitz Memorial Naval Museum~~] at Fredericksburg;

23 (3) shall act in any other capacity relative to
24 preserving naval documents, relics, and other items of historical
25 interest;

26 (4) may employ and discharge a museum director and
27 other employees it deems necessary to fulfill its duties and

1 responsibilities within the limits of funds available;

2 (5) may accept on behalf of the State of Texas
3 donations of money, property, and historical relics related to the
4 museum's theme; and

5 (6) may acquire property and historical relics by
6 purchase within the limits of funds available.

7 Sec. 442.053 [~~22.233~~]. REVENUE BONDS FOR MUSEUM. (a) The
8 commission [~~department~~] by resolution [~~of the commission~~] may
9 request the Texas Public Finance Authority to issue revenue bonds
10 or other revenue obligations to finance the repair, renovation,
11 improvement, expansion, and equipping of the [~~Nimitz~~] museum for
12 one or more projects not to exceed an aggregated estimated cost of
13 \$9 million.

14 (b) On receipt of a request by the commission [~~department~~]
15 under this section, the Texas Public Finance Authority shall
16 promptly issue the bonds or other revenue obligations under and in
17 accordance with Chapter 1232[~~, Government Code~~].

18 (c) The commission [~~department~~] shall deposit the proceeds
19 of revenue bonds or other revenue obligations issued under this
20 section to the credit of the National Museum of the Pacific War
21 account [~~Texas parks and wildlife conservation and capital account~~]
22 and may use the proceeds only to finance the repair, renovation,
23 improvement, expansion, and equipping of the museum.

24 (d) Notwithstanding any other law, the commission
25 [~~department~~] may contract with the Admiral Nimitz Foundation for
26 the administration and operation of the museum, including any
27 necessary renovation, improvement, or expansion of the museum.

1 (e) The commission [~~department~~] may accept contributions
2 from the Admiral Nimitz Foundation and other sources in connection
3 with the repair, renovation, improvement, expansion, equipping, or
4 operation of the museum.

5 Sec. 442.054. NATIONAL MUSEUM OF THE PACIFIC WAR ACCOUNT.

6 (a) The National Museum of the Pacific War account is a separate
7 account in the general revenue fund.

8 (b) The account consists of:

9 (1) transfers made to the account;

10 (2) revenue from the operation of the museum;

11 (3) grants and donations made by the Admiral Nimitz
12 Foundation and other sources; and

13 (4) income earned on investments of money in the
14 account.

15 (c) Appropriations to the commission for the preservation,
16 operation, or maintenance of the museum shall be deposited to the
17 credit of the account.

18 (d) The commission may use money in the account to
19 administer this subchapter, including to support the preservation,
20 repair, renovation, improvement, expansion, equipping, operation,
21 or maintenance of the museum or acquisition of historical items
22 appropriate to the museum.

23 (e) Any money in the account not used in a fiscal year
24 remains in the account. The account is exempt from the application
25 of Section 403.095.

26 Sec. 442.055. GRANTS; DONATIONS. The commission may accept
27 a grant or donation for any program or purpose of the museum.

1 SECTION 4. (a) On November 1, 2005, the following are
2 transferred to the Texas Historical Commission:

3 (1) all powers, duties, obligations, and liabilities
4 of the Parks and Wildlife Department relating to the National
5 Museum of the Pacific War;

6 (2) all unobligated and unexpended funds appropriated
7 to the Parks and Wildlife Department designated for the
8 administration of the National Museum of the Pacific War;

9 (3) all equipment and property of the Parks and
10 Wildlife Department used for the administration of or related to
11 the National Museum of the Pacific War; and

12 (4) all files and other records of the Parks and
13 Wildlife Department kept by the department regarding the National
14 Museum of the Pacific War.

15 (b) A rule adopted by the Parks and Wildlife Department that
16 is in effect immediately before November 1, 2005, and that relates
17 to the National Museum of the Pacific War is, on November 1, 2005, a
18 rule of the Texas Historical Commission and remains in effect until
19 amended or repealed by the Texas Historical Commission.

20 (c) Any money in the Texas parks and wildlife conservation
21 and capital account deposited to the credit of the National Museum
22 of the Pacific War on October 31, 2005, is transferred on November
23 1, 2005, to the National Museum of the Pacific War account.

24 (d) The transfers under this Act do not diminish or impair
25 the rights of a holder of an outstanding bond or other obligation
26 issued by the Parks and Wildlife Department under former Section
27 22.233, Parks and Wildlife Code.

1 (e) Before November 1, 2005, the Parks and Wildlife
2 Department may agree with the Texas Historical Commission to
3 transfer any property of the Parks and Wildlife Department to the
4 Texas Historical Commission to implement the transfer required by
5 this Act.

6 (f) In the period beginning on the effective date of this
7 Act and ending on November 1, 2005, the Parks and Wildlife
8 Department shall continue to perform functions and activities under
9 Subchapter Q, Chapter 22, Parks and Wildlife Code, as if that
10 subchapter had not been amended by this Act, and the former law is
11 continued in effect for that purpose.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2005.

David Swinhurst

President of the Senate

Jim Cuddihy

Speaker of the House

I certify that H.B. No. 2025 was passed by the House on April 22, 2005, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Robert Harey
Chief Clerk of the House

I certify that H.B. No. 2025 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

APPROVED:

18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
JUN 18 2005

Roger Williams
Secretary of State