

BILL ANALYSIS

C.S.H.B. 1422
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Historical Commission provides leadership and coordinates services in the field of archaeological and historic preservation and is subject to the Texas Sunset Act. C.S.H.B. 1422 provides for the continuation of the commission and the implementation of certain recommendations of the Sunset Advisory Commission.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 1422 amends the Government Code to postpone the date on which the Texas Historical Commission is abolished and related provisions expire unless continued in existence as provided by the Texas Sunset Act from September 1, 2019, to September 1, 2031.

C.S.H.B. 1422 revises the information required to be provided in the training program for commission members, requires the executive director of the commission to create and annually distribute a copy of a related training manual to each member, and requires each member to sign and submit to the executive director a statement acknowledging receipt of the manual. These training provisions apply to a member appointed before, on, or after the bill's effective date, except that a member who completed the training program before the bill's effective date is required to complete additional training only on subjects added by the bill and may not vote, deliberate, or be counted as a member in attendance at a commission meeting held on or after December 1, 2019, until the member completes the additional training.

C.S.H.B. 1422 authorizes the commission by order or rule to delegate to the executive director the authority to perform the duties or exercise the powers of the commission and authorizes such a delegation to be amended or withdrawn by commission vote. The bill authorizes the commission to establish and administer the Texas Heritage Trails Program to promote tourism to heritage and cultural attractions in Texas and authorizes the commission to contract with one or more nonprofit organizations to fulfill the commission's duties relating to the program. The bill requires the commission, not later than November 1, 2019, to adopt rules to administer the program, including rules defining the principles of heritage tourism and relating to contracts with nonprofit organizations, and sets out requirements for those contract-related rules.

C.S.H.B. 1422 authorizes a state agency that maintains a qualifying archaeological, architectural,

archival, decorative, or fine arts collection, that is authorized by the Texas Facilities Commission (TFC) to dispose of surplus or salvage property, and that has a governing body that has adopted a written policy governing the care and preservation of the qualifying collection to deaccession an item from the agency's qualifying collection if the governing body determines that deaccession of the item is appropriate under the agency's written policy governing the care and preservation of the collection. The bill sets out provisions relating to the sale of a deaccessioned item by a state agency and the TFC and to the deposit of the proceeds from such a sale to the credit of a dedicated account in the general revenue fund and the appropriation of the money deposited to the credit of that account for the care and preservation of the agency's qualifying collection.

C.S.H.B. 1422 transfers on September 1, 2019, from the Parks and Wildlife Department (TPWD) to the Texas Historical Commission the following historic sites: the Fanthorp Inn State Historic Site, the Lipantitlan State Historic Site, the Monument Hill and Kreische Brewery State Historic Sites, the Port Isabel Lighthouse State Historical Monument and Park, the San Jacinto Battleground State Historic Site, and the Washington-on-the-Brazos State Historic Site. The bill sets out provisions relating to the transfer and makes the transfer provisions effective on the bill's passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

C.S.H.B. 1422 amends the Tax Code to revise the amounts that are credited to TPWD and the commission, respectively, from the proceeds from the collection of the sales and use tax imposed on the sale, storage, or use of sporting goods.

C.S.H.B. 1422 repeals provisions providing for the Texas Courthouse Preservation Program Advisory Committee and the advisory board for the Texas preservation trust fund account.

C.S.H.B. 1422 amends the Parks and Wildlife Code to make a technical correction and to make conforming changes relating to the bill's transfer of historic sites. The bill transfers and redesignates certain Parks and Wildlife Code provisions relating to the transferred historic sites to the Government Code.

C.S.H.B. 1422 authorizes TPWD, if on or before September 1, 2019, TPWD has applied for a grant for the San Jacinto Battleground State Historic Site for which TPWD is required to possess legal title to the site, to retain legal title to the site for purposes of receiving the grant until the earlier of the date on which the grant application is denied or September 1, 2021.

C.S.H.B. 1422 repeals the following provisions:

- Section 442.0081(g), Government Code
- Sections 442.015(d), (e), and (f), Government Code
- Subchapter A, Chapter 22, Parks and Wildlife Code

EFFECTIVE DATE

Except as otherwise provided, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1422 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision providing for the delegation by the Texas Historical Commission to its executive director of the authority to perform the duties or exercise the powers of the commission.

The substitute includes a provision revising the amounts that are credited to TPWD and the commission, respectively, from the proceeds from the collection of the sales and use tax imposed on the sale, storage, or use of sporting goods.

The substitute does not include the transfer from the Parks and Wildlife Department (TPWD) to the Texas Historical Commission of the Battleship Texas State Historic Site or the Fort Leaton State Historic Site.

The substitute includes a provision conditionally authorizing TPWD to retain legal title to the San Jacinto Battleground State Historic Site for certain purposes until a certain date.