

- SUBJECT:** Continuing the Texas Historical Commission
- COMMITTEE:** Culture, Recreation and Tourism — committee substitute recommended
- VOTE:** 9 ayes — Cyrier, Martinez, Bucy, Gervin-Hawkins, Holland, Jarvis  
Johnson, Kacal, Morrison, Toth
- 0 nays
- WITNESSES:** For — Mike Brannon, Friends of Washington-on-the-Brazos State Park; Evan Thompson, Preservation Texas; Rick Stryker, Tropical Trail Region; Valerie Bates; J Frank Monk; Michael Moore; (*Registered, but did not testify*: Bill Kelly, City of Houston Mayor's Office; Catherine Sak, Texas Downtown Association; Gena Carter; Tom Hatch)
- Against — None
- On — Jared Hockema, City of Port Isabel; Cyrus Reed, Lone Star Chapter Sierra Club; Mark Wolfe, Texas Historical Commission; Carter Smith, Texas Parks and Wildlife Department; Steven Ogle, Texas Sunset Advisory Commission; (*Registered, but did not testify*: Rodney Franklin, Texas Parks and Wildlife Department; Abby Pfeiffer, Texas Sunset Advisory Commission)
- BACKGROUND:** Founded in 1953 as the Texas State Historical Survey Committee, the Texas Historical Commission (THC) is charged with protecting and preserving historical and prehistorical resources for the enjoyment, education, and economic benefit of the people of Texas, both present and future generations. The agency is responsible for:
- identifying and designating historic resources throughout the state;
  - supporting local communities in their efforts to develop and preserve historical resources;
  - promoting heritage tourism;
  - reviewing potential construction efforts that are aimed at protecting

- historic resources;
- managing 22 historic sites across the state; and
- acting as a steward of the state's history and related resources.

**Governing structure.** THC is governed by a 15-member, governor-appointed commission that provides direction and oversight regarding the agency's activities. Twelve of the members represent the general public, and three individuals specialize in archaeology, history, and architecture, respectively.

**Size and scope of the agency.** The agency manages sites, oversees programs, and administers grants throughout the state. Over the past 20 years, the scope of the agency has broadened, as several sites have been transferred to the agency from the Texas Parks and Wildlife Department. THC has 208 employees, with 122 employees at the agency's headquarters in Austin and 86 staff members at historical sites across the state.

**Budget and expenditures.** THC received \$41.7 million in revenue for fiscal 2017, of which 59 percent was from the general revenue fund, 15 percent from sporting goods sales tax revenue, and 15 percent from bond proceeds. Federal funds constituted 3 percent of the agency's funding for fiscal 2017, and the remainder of THC's revenues were from a trust fund and other appropriated revenues. For the 2018-19 biennium, the Legislature appropriated \$12.1 million from the Economic Stabilization Fund to the agency to offset a reduction in general revenue.

The Texas Historical Commission would be discontinued on September 1, 2019, unless continued in statute.

**DIGEST:**

CSHB 1422 would continue the Texas Historical Commission (THC) until 2031, transfer six historic sites from the Texas Parks and Wildlife Department (TPWD) to THC, establish the Heritage Trails program in statute, and align certain statutory requirements with industry best practices.

**Site transfers.** CSHB 1422 would transfer the following historic sites

from TPWD to THC, beginning on September 1, 2019:

- Fanthorp Inn State Historic Site;
- Lipantitlan State Historic Site;
- Monument Hill and Kreische Brewery State Historic Sites;
- Port Isabel Lighthouse State Historical Monument and Park;
- San Jacinto Battleground State Historic Site; and
- Washington-on-the-Brazos State Historic Site.

The bill would establish THC as the successor agency to TPWD for these historic sites. All obligations and liabilities of TPWD related to those sites, along with all unobligated and unexpended funds appropriated to the department for those sites and all equipment and property used for their administration, would be transferred to THC. Beginning on September 1, 2019, any reference in the Parks and Wildlife Code or other law to a power, duty, obligation or liability of the Parks and Wildlife Department or the Parks and Wildlife Commission related to these historic sites would be a reference to the Texas Historical Commission.

Before September 1, 2019, TPWD could agree to transfer any property to the THC in order to implement the transfer of these sites.

**Heritage Trails.** The bill would authorize THC to establish and administer the Texas Heritage Trails Program to promote cultural and heritage tourism in the state.

THC would be allowed to enter into a contract with one or more nonprofit organizations to fulfil the duties of the Texas Heritage Trails Program, and would be required to adopt rules defining the principles of heritage tourism and relating to contracts entered into with nonprofit organizations. These rules would require each contract to clearly establish:

- the role of the nonprofit organization in promoting heritage tourism;
- the nature of the relationship between THC and the nonprofit;
- performance expectations for the nonprofit organization and

requirements and expectations regarding the organization's employees;

- THC's expectations regarding ownership of any literature, media, or other products developed or produced by the nonprofit to promote heritage tourism during the course of the contract;
- THC's long-term goals for the program and the organization's role in meeting those goals;
- a system for evaluating the nonprofit organization's overall performance; and
- the types of support, other than financial support, that THC would provide to the nonprofit organization to assist in the implementation and administration of the Texas Heritage Trails Program.

**Sale of historic property.** CSHB 1422 would grant certain state agencies with qualifying curatorial collections the authority to sell certain property.

The bill would apply only to state agencies that maintained a qualifying collection, were authorized by THC to dispose of surplus or salvage property, and had adopted a written policy governing procedures related to the care of the collection and the deaccession of items from it. A state agency could sell an item from a qualifying collection only if the agency determined the sale was appropriate under its policies for the care of the collection. Before a state agency or the THC sold surplus or salvage property, THC would be required to verify that the decision to sell the property was made in compliance with the agency's policy for the care of a qualifying collection.

The proceeds from the sale of a deaccessioned item would be deposited into a dedicated account in the general revenue fund. This money could be appropriated only to the state agency for which the comptroller deposited the money to the account for the care and preservation of the agency's qualifying collection.

**Other provisions.** CSHB 1422 would change the distribution of sporting goods sales tax collections that are credited to TPWD and THC each

biennium. TPWD would receive 93.4 percent instead of the current level of 94 percent, and THC would receive 6.6 percent instead of the current level 6 percent.

The bill would allow THC to delegate its authority by vote to the executive director to perform the duties or exercise THC's powers.

CSHB 1422 would delay the transfer of the legal title to the San Jacinto Battleground State Historic Site from TPWD to THC, pending approval of a federal grant application by TPWD. The title would be transferred to THC on either the date on which the application was denied or September 1, 2021, whichever was earlier.

CSHB 1422 would abolish the Texas Courthouse Preservation Program Advisory Committee and the advisory board for the Texas Preservation Trust Fund Account.

**Standard recommendations.** CSHB 1422 would apply several standard Sunset recommendations to THC, including provisions on training for THC members.

**Effective date.** The provisions of the bill regarding the transfer of six historic sites from TPWD to THC would take immediate effect if the bill was finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect the 91st day after the last day of the legislative session.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 1422 would allow the Texas Historical Commission (THC) to continue its work protecting and preserving the state's most valuable historic sites and better enable it to protect historic resources. THC's work has numerous positive cultural and economic impacts on the state and contributed to an estimated \$3 billion in heritage-related tourism spending in the state last year.

**Transfer of historic sites.** While the Texas Parks and Wildlife Department (TPWD) has admirably managed the six historic sites addressed in the bill, THC is the logical agency to manage these sites because of their historic nature. Transferring responsibility for these sites to THC would allow for the central management of historic resources, rather than spreading the responsibility for managing historic sites across several separate agencies. Placing the majority of the state's historic sites under THC's administration would better enable the agency to coordinate its approach to telling Texas' story and would allow for greater efficiency across sites. Transferring the full-time equivalent positions and other TPWD resources responsible for the operation of these sites to THC would ensure continuity in preservation and management, and transferring funding related to these sites from TPWD to THC would ensure no unmet burden was placed on the agency.

**Heritage Trails Program.** CSHB 1422 would codify the Texas Heritage Trails Program in statute and would strengthen the program's structure by providing increased accountability. This would benefit other agency programs as well, as the regional structure of the Heritage Trails Program provides a framework to develop heritage preservation efforts and expand the reach of other geographically diverse programs such as historical markers, historic sites, and historic county courthouse renovations. These preservation efforts would benefit the surrounding communities and would support economic development through increased heritage tourism.

**Sale of certain historic items.** Currently, agencies with curatorial collections are unable to properly dispose of items that are not relevant to their mission and purpose, causing storage issues. CSHB 1422 would enable qualifying agencies to sell such items at state and national auctions, where they could receive the maximum price possible. This would not result in agencies selling artifacts to cover operational costs, as national museum accreditation requirements and the provisions of the bill mandate that the proceeds from the sale of an item from a curatorial collection be allocated to the direct care and preservation of the collection. CSHB 1422 would ensure that THC could make the best use of its existing resources while meeting established standards.

OPPONENTS  
SAY:

CSHB 1422 would mandate an unnecessary transfer of several historic sites from the Texas Parks and Wildlife Department to the Texas Historical Commission (THC). While THC is an important agency and should be allowed to continue, this transfer should not be required as part of THC's Sunset legislation.

**Transfer of historic sites.** THC may not possess the expertise necessary to preserve and maintain certain environmental aspects of the historic sites that would be transferred to the agency under CSHB 1422. The commission is not as well positioned to restore and maintain the coastal prairie and tidal marshes of the San Jacinto Battleground, nor does it possess the habitat management and interpretation skills required to oversee Monument Hill and Kreishe Brewery State Historical Park. These sites, as well as Washington-on-the-Brazos, could lose the unique focus that TPWD currently brings to landscape and wildlife restoration and preservation if they were transferred to THC. These sites should remain under the authority and management of TPWD.

The transfer of Port Isabel Lighthouse State Historic Monument and Park would interrupt an existing agreement between the city of Port Isabel and TPWD that expires in 2020. The agreement allows the city to use the lighthouse as a tourist attraction for town fairs, markets, and movie screenings. The lighthouse functions as a town square and should continue to do so without interference.

OTHER  
OPPONENTS  
SAY:

CSHB 1422 would not address issues related to the process by which errors identified by contemporary historical research are corrected on the state's historical markers. Currently, the Texas Historical Commission has sole authority to make the final decision related to the retention, replacement, or removal of an official historical marker. With no oversight or process for dispute resolution, the people of Texas are left without a voice in an important process to correctly recognize locations significant to their state's history. THC should be made subject to a procedure regarding disputes over text on existing markers.

NOTES: According to the Legislative Budget Board, CSHB 1422 would result in an estimated cost of \$3.4 million in general revenue funds through the biennium ending on August 31, 2021.