

BILL ANALYSIS

Senate Research Center

H.B. 2025
By: Hilderbran (Fraser)
Government Organization
5/13/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The National Museum of the Pacific War - Admiral Nimitz State Historical Site, located in Fredericksburg, is currently administered by the Texas Parks and Wildlife Department (TPWD). The Admiral Nimitz Foundation (foundation) is a 501(c)(3) organization that has raised over \$6.5 million used to build the George Bush Gallery, the Pacific Combat Zone, established a \$1 million endowment to assist in the operating costs of the museum, and is contributing \$1.1 million to the current renovation of the Nimitz Hotel Building. Legislation in 2001 and 2003 provided for the issuance of \$9 million of revenue bonds in order to complete the George Bush Gallery, however, the funds to service the bonds have not been appropriated. At the request of TPWD, the foundation conducted a study and subsequently proposed this legislation to transfer jurisdiction to the Texas Historical Commission (commission), seek funds for debt service, and authorize an agreement for the foundation to assume responsibility for the long-term administration and operation of the museum.

H.B. 2025 amends Chapter 442, Government Code, to authorize TPWD to transfer historical sites, including the Nimitz Museum, to the commission, and to redesignate Chapter 22, Parks and Wildlife Code, as Subchapter B, of Chapter 442, Government Code, thereby transferring jurisdiction of the Nimitz Museum. This bill authorizes the commission to request the Public Finance Authority to issue revenue bonds to finance the renovation, improvement, expansion, and equipping of the museum. The commission would be authorized to contract with the Nimitz Foundation for the renovation and improvements of the museum and to accept contributions for capital projects. Bond revenue, contributions and other monies would be deposited to the Nimitz Museum Account. The fund would not be swept at the end of each biennium.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Designates Sections 442.001-442.018, Government Code, as Subchapter A, Chapter 442, Government Code, and adds a heading to Subchapter A, to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Amends Subchapter A, Chapter 442, Government Code, by adding Section 442.019, as follows:

Sec. 442.019. TRANSFER OF HISTORICAL SITES FROM PARKS AND WILDLIFE. Authorizes a historical site under the jurisdiction of the Parks and Wildlife Department (department), by interagency agreement, to be transferred to the Texas Historical Commission (commission). Provides that, if jurisdiction of a historical site is transferred under this section, all rights, powers, duties, obligations, functions, activities, property, and programs of the department relating to the historical site are transferred to the commission. Authorizes the commission, on or after the transfer of jurisdiction over a historical site, to enter into an agreement with a nonprofit corporation, including the Admiral Nimitz Foundation (foundation), for the expansion, renovation, management, operation, or financial support of the site.

SECTION 3. Redesignates and amends Subchapter Q, Chapter 22, Parks and Wildlife Code, as Subchapter B, Chapter 442, Government Code, as follows:

SUBCHAPTER B. New heading: NATIONAL MUSEUM OF THE PACIFIC WAR

Sec. 442.051. New heading: MUSEUM DEFINITION; JURISDICTION. Redesignated from existing text of Section 22.231, Parks and Wildlife Code. Defines "museum." Provides that the National Museum of the Pacific War (museum), rather than the Fleet Admiral Chester W. Nimitz Museum, is under the jurisdiction of the commission, rather than the department.

Sec. 442.052. New heading: POWERS OF COMMISSION. Redesignated from existing text of Section 22.232, Parks and Wildlife Code. Makes conforming changes.

Sec. 442.053. REVENUE BONDS FOR MUSEUM. Redesignated from existing text of Section 22.233, Parks and Wildlife Code. Makes conforming changes.

Sec. 442.054. NATIONAL MUSEUM OF THE PACIFIC WAR ACCOUNT. (a) Provides that the museum account (account) is a separate account in the general revenue fund.

(b) Provides that the account consists of transfers made to the account, revenue from the operation of the museum, grants and donations made by the foundation and other sources, and income earned on investments of money in the account.

(c) Requires appropriations to the commission for the preservation, operation, or maintenance of the museum to be deposited to the credit of the account.

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

(e) Provides that any money in the account not used in a fiscal year remains in the account. Provides that the account is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

Sec. 442.055. GRANTS; DONATIONS. Authorizes the commission to accept a grant or donation for any program or purpose of the museum.

SECTION 4. (a) Provides that on November 1, 2005, all powers, duties, obligations, liabilities, unobligated and unexpended funds, equipment, property, files, and other records of the department relating to the museum are transferred to the commission.

(b) Provides that a rule adopted by the department that is in effect immediately before November 1, 2005, and that relates to the museum is, on November 1, 2005, a rule of the commission and remains in effect until amended or repealed by the commission.

(c) Provides that any money in the Texas parks and wildlife conservation and capital account deposited to the credit of the museum on October 31, 2005, is transferred on November 1, 2005, to the museum account.

(d) Provides that the transfers under this Act do not diminish or impair the rights of a holder of an outstanding bond or other obligation issued by the department under former Section 22.233, Parks and Wildlife Code.

(e) Authorizes the department, before November 1, 2005, to agree with the commission to transfer any property of the department to the commission to implement the transfer required by this Act.

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

SECTION 5. Effective date: upon passage or September 1, 2005.