

SUBJECT: Transferring oversight of historic parks, sites and structures

COMMITTEE: State, Federal and International Relations — committee substitute recommended

VOTE: 6 ayes — Hunter, Moreno, Chavez, Palmer, Pitts, Wise
1 nay — Seaman
2 absent — Isett, West

WITNESSES: For — Libby Willis, Preservation Texas; Walter Plitt, Palo Alto National Park Commission; David A. Williams; T.R. Fehrenbach; Robert Bush

Against — Robert L. Bucher II, Gulf Coast Chapter, National Railway Historical Society; Micky Burleson, Texas Parks and Wildlife Department; Dan Byfield, American Land Foundation; Sam Cartwright, Palestine Area Chamber of Commerce; Louis Caveness, Rusk Chamber of Commerce; Kenneth Conway, Texas Recreation and Park Society; Sam Davidson and Laurence Gustafson, The Access Fund; Ellis Gilleland, Texas Animals; Rebecca Gonzales, Central Texas Mountaineers; Michael Lewis, Central Texas Climbing Commission; Charles Grojean, Admiral Nimitz Foundation; Eric Hobday, Texas Mountaineers; Robert Kiker, Permian Basin Petroleum; Joe Meyer, City of Palestine; Clyde Mummert, Texas Mountain Climbers; Charlie Ogilvie, State Historical Volunteers; Diane Probst, Rockport Chamber of Commerce; Milton Tate, Brazos State Park; John Williams, National Audubon Society; Tony Williams; Jerry Hanson; David Head; Wallace Klussman; Jean Mollard; Denise Rhodes; Emmett Whitehead; Morris Wilkes

On — Andrew Samson, Texas Parks and Wildlife Department; James Steely, Texas Historical Commission; Gary Miglicco, LPMG Peat Marwick; Conover Hunt

DIGEST: CSHB 2356 would transfer from the Texas Parks and Wildlife Department (TPWD) to the Texas Historical Commission (THC) authority over 15 state historical parks, structures and sites, including Nimitz State Park and the Nimitz Memorial Naval Museum in Gillespie County and the Varner-Hogg Plantation State Historical Park in Brazoria County.

The bill would require the comptroller to transfer \$3.5 million per fiscal year from the state parks account to the state historical areas account for THC to use for administering parks, structures, and sites under its jurisdiction. If the general appropriations act did not contain an appropriation for this amount, the \$3.5 million would be appropriated from the state historical areas account, and appropriations to TPWD would be reduced by this amount.

THC would plan, develop, acquire, operate and improve historical parks, sites or structures under its jurisdiction. The commission also would be authorized to acquire by purchase, gift or another manner historical areas or sites:

- where important historical events occurred;
- associated with outstanding historic persons or events;
- embodying the distinguishing characteristics of an architectural type;
- contributing significantly to the understanding of aboriginal man; or
- of significant geological interest.

THC would be required to restore or maintain each area and could enter into interagency contracts for this purpose. It could locate, designate, suitably mark and promote historic grounds and battlefields and other historic spots in and outside Texas. Fitting markers could be erected, but no state money could be used for these markers.

THC could adopt rules on the health, safety and protection of people and property in sites under its jurisdiction. Violations of THC rules would be a Class C misdemeanor, punishable by a fine of up to \$500.

CSHB 2356 would establish a special account in the general revenue fund where revenue from park and site fees, publications, fines, gifts and other sources would be deposited. THC could use these funds only for parks,

sites and structures under its jurisdiction. THC would be subject to regulations currently governing TPWD program administration.

THC could apply for federal funding for projects, or contract with federal agencies to plan, acquire, and develop historic sites and structures. It would have to keep financial and other records relating to programs administered with federal agencies, and furnish appropriate federal and state agencies with necessary reports and information.

CSHB 2356 would take effect September 1, 1997. TPWD rules would apply to parks, structures and sites transferred to THC until September 1, 1999, unless THC adopted new rules sooner.

**SUPPORTERS
SAY:**

CSHB 2356 would ensure more effective oversight and protection of Texas historical parks, sites and structures by transferring responsibility for these functions to an agency that has the appropriate expertise and commitment. Many Texas state parks are historic sites or contain historic structures, but in many cases TPWD has not made a priority of preserving these sites, even in the presence of deterioration. Historic sites are a very high priority for tourists visiting Texas, and they are worthy of focused management and promotion.

CSHB 2356 would represent a positive business move for the state. If these historic sites were properly managed, they could generate substantial additional revenue. According to studies by the Texas Department of Commerce, the average historic site visitor spends one half a day longer visiting these sites and spends \$63 per day more than other visitors to state parks. Rather than letting these historic sites fall into disrepair, the state should take advantage of this economic and tourism development opportunity by putting the appropriate agency in charge of historic sites. Texas cannot take advantage of the heritage component of tourism unless it first takes care of these sites.

Transferring \$3.5 million from TPWD to THC would be an appropriate move, because this is the amount THC would need to administer the sites identified in the bill. TPWD now spends only \$2.2 million to operate these sites because they have a low priority.

The funding mechanism for transferring money from TPWD was not intended to circumvent the appropriations process, but instead to ensure that THC received necessary funds. Expenditures for historical sites are distributed in various TPWD programs, and it would be difficult to go through each program to withdraw the appropriate amounts.

OPPONENTS
SAY:

CSHB 2356 would take away money from popular TPWD functions, such as operating state parks and campsites, to dramatically increase the amount of money the state spends on historical sites. Many of these sites are houses or structures that, while historically significant, are not nearly as well attended as even the smallest state park. TPWD is already struggling to allocate scarce resources among a number of important projects; CSHB 2356 would further limit the agency's ability to meet Texans' diverse demands in operating various parks to meet varied interests.

CSHB 2356 would run directly counter to the recommendations of a management study conducted to fulfill a 1995 legislative mandate to examine state management of historic sites. That study recommended that while THC should have a role in the oversight of historic sites, TPWD should continue to have the responsibility for managing these sites because the department has the critical mass of skills required. CSHB 2356 would create a parallel system of bureaucracy in which two agencies would conduct many of the same tasks and functions. This would be a poor use of already stretched resources.

CSHB 2356 would appropriate \$3.5 million to THC, whether or not the funds were included in the general appropriations act. Directly allocating state funds in this manner would circumvent the appropriations process.

The \$3.5 million specified in the bill was originally intended to fund oversight of 24 state parks included in the original version of the bill. The sites included in the committee substitute are mostly small houses, inns and forts that do not justify annual expenditures of \$3.5 million. According to the bill's fiscal note, TPWD currently spends \$2.2 million to operate the historic sites identified in the bill. Yet THC would receive an additional \$1.3 million to serve the same function TPWD currently serves.

OTHER
OPPONENTS
SAY:

A better solution to the concerns about TPWD's operation of historic sites would be to enact HB 2474 by Gallego, which would provide a mechanism for interagency cooperation without transferring all responsibility for these parks and sites to THC.

NOTES:

The committee substitute eliminated ten sites and added one to the sites for transfer from TPWD to THC.

The companion bill, SB 985 by Gallegos, has been referred to the Senate State Affairs Committee.

A related bill, HB 2474 by Gallego, passed the House on May 14. HB 2242 by Davis, which would require THC to submit to TPWD annual recommendations regarding the management of historical sites, is pending in the State, Federal and International Relations Committee.