

## **BILL ANALYSIS**

Senate Research Center  
77R10407 MCK-D

C.S.S.B. 1150  
By: Lindsay  
Intergovernmental Relations  
3/22/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, certain provisions relating to the Texas Historical Commission (THC) and county historical commissions require clarification in order to improve coordination between THC and the various county commissions and more effectively preserve the historic cultural resources of Texas. C.S.S.B. 1150 more clearly defines the relationship between THC and county historical commissions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 5 (Section 442.017, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 318, Local Government Code, by amending Sections 318.002-318.010 and adding Sections 318.0101 and 318.0102, as follows:

Sec. 318.002. Authorizes the commissioners court of a county to appoint a county historical commission (commission) for the purpose of initiating and conducting programs suggested by the commissioners court and the Texas Historical Commission (THC) for the preservation of the county's historic cultural resources (rather than the historical heritage of the county). Requires programs suggested by THC to be consistent with the statewide preservation plan. Requires THC, in suggesting programs, to consider the fiscal and human resources the county has to conduct the programs.

Sec. 318.003. Requires members of the commission to be individuals who broadly reflect the age, ethnic, and geographic diversity of the county. Requires the commissioners court to fill a vacancy on the commission for the remainder of the unexpired term. Requires each commission member to have an interest in historic preservation and an understanding of local history and resources. Requires the commissioners court to provide to THC a list of appointed members and the mailing address of each member.

Sec. 318.004. Requires the county judge to serve as commission chair during any interim period.

Sec. 318.005. Requires the commission to meet at least four times, rather than once, each year. Deletes language requiring the commission to meet at the county seat. Requires all meetings of the commission to be conducted in accordance with the open meetings law, Chapter 551, Government Code.

Sec. 318.006. New heading: RESOURCE IDENTIFICATION. Provides that the commission should, rather than shall, institute and carry out a continuing survey of the county to determine the existence of historic buildings and other historical and archeological sites, private archeological collections, important endangered properties, or other historical features within

the county, and should, rather than shall, report the data collected to the commissioners court and THC. Provides that the commission should develop and maintain its inventory of surveyed individual properties and districts in accordance with standards established by THC. Deletes text regarding compiling reported data in a county register. Provides that the commission should establish a system for the periodic review and assessment of the condition of designated properties in the county, including certain stated properties. Provides that the commission should report the results of the review and assessment to THC.

Sec. 318.007. New heading: EDUCATION. Provides that the commission should strive to create countywide awareness and appreciation of historic preservation and its benefits and uses. Deletes text regarding the commission designating historical trails, roads, or highways.

Sec. 318.008. Requires the commission, in order to inform the commissioners court and THC of the commission's needs and programs, to make an annual report of its activities and recommendations to the commissioners court and to THC before the end of each calendar year. Requires the commission to make recommendations to the commissioners court and THC concerning the acquisition and designation of property, real or personal, that is of historical or archeological significance.

Sec. 318.009. New heading. FISCAL AND HUMAN RESOURCES. Authorizes the commissioners court to make agreements with governmental agencies or private organizations and to appropriate funds from the general fund of the county for certain purposes. Authorizes THC to make grants available to the commission, subject to the budgetary authority of the commissioners court, to carry out the purposes of this chapter.

Sec. 318.101. New heading. RESOURCE INTERPRETATION. Requires the commission to review applications for official Texas Historical Markers to determine the accuracy, appropriateness, and completeness of the application. Provides that the commission should establish a system for the periodic review, assessment, and maintenance of Official Texas Historical Markers in the county. Provides that the commission should work to promote historic and cultural sites in the county to develop and sustain heritage tourism. Authorizes the commission to perform certain functions. Requires the commission, in operating museums, to adhere to professional standards in the care, collection, management, and interpretation of artifacts.

Sec. 318.0101. PLANNING. Provides that the commission should work in partnership with other preservation entities in the county to prepare a plan for the preservation of the county's historic and cultural resources. Provides that the commission should use THC's statewide preservation plan for guidance.

Sec. 318.0102. LEADERSHIP AND TRAINING. Requires THC to make orientation materials and training available to all county historical commissions. Provides that the commission should strive to be represented at informational or educational meetings sponsored by THC at least twice a year. Requires the commission, with assistance from THC, to carry out board and volunteer training.

SECTION 2. Amends Section 442.005, Government Code, by adding Subsection (v), to prohibit THC from accepting a gift of real property, whether of historical value or not. Sets forth guidelines concerning remedies for such an occurrence.

SECTION 3. Amends Section 442.0145(a), Government Code, to require THC to administer a program to assist municipalities, counties, museums, and county historical commissions with the acquisition of historical artifacts discovered in Texas that are significant to Texas or American history.

SECTION 4. Amends Sections 442.015(b) , (c), and (d), Government Code, as follows:

(b) Authorizes THC to use money in the Texas preservation trust fund account for certain stated purposes. Requires THC to give priority to certain types of property. Authorizes money deposited to the credit of the account specifically for any eligible projects to be used only for the type of projects specified. Deletes text regarding architectural or archeological projects. Requires the money, if such a specification is not made, to be unencumbered and accrue to the benefit of the Texas preservation trust fund account. Deletes text requiring 90 percent of the money to be used for certain projects and 10 percent to be used for certain other projects.

(c) Requires THC, as a condition of providing financial assistance under this section, to require the creation of a preservation easement in the property, as provided by Chapter 183 (Conservation Easements), Natural Resources Code, in favor of the state, the designation of the property as a State Archeological Landmark, as provided by Chapter 191 (Antiquities Code), Natural Resources Code, or the creation of other appropriate covenants in favor of the state.

(d) Requires THC, after considering the recommendations of the governor, lieutenant governor, and speaker of the house of representatives, to appoint an advisory board composed of certain members.

SECTION 5. Amends Chapter 442, Government Code, by adding Section 442.017, as follows:

Sec. 442.017. IDENTIFICATION AND PRESERVATION OF ABANDONED CEMETERIES. Provides that THC should establish a program to identify and preserve abandoned cemeteries across the state. Provides that THC is encouraged to use volunteers to the maximum extent possible to implement the program and to model the program to the extent appropriate on the "Adopt-A-Beach" program conducted by the General Land Office. Authorizes THC to accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. Authorizes the legislature to appropriate money to THC to implement the program. Authorizes THC to adopt rules reasonably necessary to implement the program.

SECTION 6. Repealer: Section 318.011 (Markers; Collections; County History), Local Government Code.

SECTION 7. Effective date: September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Amends As Filed S.B. 1150, Section 318.009, Local Government Code, to authorize THC to make grants available to the commission, subject to the budgetary authority of the commissioners court, to carry out the purposes of this chapter.

SECTION 2. No changes.

SECTION 3. No changes.

SECTION 4. No changes.

SECTION 5. No changes.

SECTION 6. No changes.

SECTION 7. No changes.

