

GOVERNMENT CODE
TITLE 4. EXECUTIVE BRANCH
SUBTITLE D. HISTORY, CULTURE, AND EDUCATION
CHAPTER 442. TEXAS HISTORICAL COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 442.001. DEFINITIONS. In this chapter:

(1) "Historic courthouse" means a county courthouse that is at least 50 years old. The term includes a structure that:

(A) previously functioned as the official county courthouse of the county in which it is located; and

(B) is owned by a municipality.

(2) "Historic courthouse project" means a project to preserve or restore a historic courthouse.

(3) "Historic structure" means a structure that:

(A) is included on the National Register of Historic Places;

(B) is designated as a Recorded Texas Historic Landmark;

(C) is designated as a State Archeological Landmark;

(D) is determined by the Texas Historical Commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archeological Landmark;

(E) is certified by the Texas Historical Commission to other state agencies as worthy of preservation; or

(F) is designated by an ordinance of a municipality with a population of more than 1.5 million as historic.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 1056, Sec. 2, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 403, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. [3674](#)), Sec. 1, eff.

September 1, 2013.

Sec. 442.002. COMMISSION; MEMBERS; SUNSET ACT. (a) The Texas Historical Commission is an agency of the state.

(b) The commission is composed of 15 members appointed by the governor with the advice and consent of the senate. One member must have expertise in archeology, preferably as a professional archeologist, one must have expertise in history, preferably as a professional historian, and one must have expertise in architecture, preferably as a professional architect who is licensed in this state and has expertise in historic preservation and architectural history. The remaining members must represent the general public. A person is not eligible for appointment as a member of the commission if the person or the person's spouse:

(1) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving money other than grant money from the commission;

(2) uses or receives a substantial amount of tangible goods, services, or money from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(3) is employed by or participates in the management of a business entity or other organization regulated by or receiving money other than grant money from the commission.

(c) Members serve for staggered six-year terms, with the terms of one-third of the members expiring February 1 of each odd-numbered year.

(d) Any vacancy occurring on the commission shall be filled for the unexpired term.

(e) A member of the commission must be a citizen of this state who has demonstrated an interest in the preservation of the state's historical or archeological heritage. In making appointments to the commission, the governor shall seek to have each geographical section of the state represented as nearly as possible.

(f) A person may not serve as a member of the commission or

act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(g) The commission shall hold at least one regular meeting in each calendar quarter of each year. The commission may hold other meetings at times and places scheduled by it in formal session or called by the chairman of the commission.

(h) The governor shall designate a member of the commission as the presiding officer of the commission to serve in that capacity at the pleasure of the governor. At its first meeting in each odd-numbered year, the commission shall select from its membership an assistant presiding officer and a secretary.

(i) A member of the commission serves without pay but shall be reimbursed for actual expenses incurred in attending a meeting of the commission.

(j) The commission is subject to the open meetings law, Chapter 551, and the administrative procedure law, Chapter 2001. The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

(k) The Texas Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2031.

(l) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 2.13, eff. Nov. 12, 1991; Acts 1995, 74th Leg., ch. 76, Sec. 5.95(50), (83), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 109, Sec. 1, eff. Aug. 30, 1995; Acts 2003, 78th Leg., ch. 1170, Sec. 19.01, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 1, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 37 (S.B. 283), Sec. 1, eff. May 14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 26 (S.B. 763), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 1, eff. September 1, 2019.

Sec. 442.0021. COMMISSION MEMBERS: TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the law governing commission operations;
- (2) the programs, functions, rules, and budget of the commission;
- (3) the scope of and limitations on the rulemaking authority of the commission;
- (4) the results of the most recent formal audit of the commission;
- (5) the requirements of:
 - (A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and
 - (B) other laws applicable to members of the commission in performing their duties; and
- (6) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director of the commission shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of

the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 2, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 2, eff. September 1, 2019.

Sec. 442.0022. COMMISSION MEMBERS: CONFLICT OF INTEREST.

(a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation.

(c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1159, Sec. 46, eff. June 15, 2007.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 3, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 46, eff.

June 15, 2007.

Sec. 442.0023. COMMISSION MEMBERS: GROUNDS FOR REMOVAL.

(a) It is a ground for removal from the commission if a member:

(1) does not have at the time of appointment the qualifications required by Sections 442.002(b) and (e);

(2) does not maintain during service on the commission the qualifications required by Sections 442.002(b) and (e);

(3) violates a prohibition established by Sections 442.002(f) or 442.0022;

(4) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the commission of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest officer of the commission, who shall notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 2, eff. Aug. 30, 1995.

Sec. 442.003. PURPOSE OF COMMISSION. The commission shall provide leadership and coordinate services in the field of archeological and historic preservation.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 3, eff. Aug. 30, 1995.

Sec. 442.004. PERSONNEL. (a) The commission shall employ an executive director.

(b) A person employed as executive director must:

(1) be a citizen of this state;

(2) have ability in organization, administration, and coordination of organizational work; and

(3) have particular qualities for carrying out the purposes of the commission.

(b-1) The executive director may not serve as a voting director on the board of directors of an affiliated nonprofit organization formed under Section 442.005(p).

(c) The executive director may employ professional and clerical personnel as considered necessary. The number of employees, their compensation, and other expenditures shall be in accordance with appropriations to the commission by the legislature.

(d) The executive director or the executive director's designee shall provide to members of the commission and to agency employees, as often as necessary, information regarding their qualification for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(e) The executive director or the executive director's designee shall develop an intra-agency career ladder program that addresses opportunities for mobility and advancement for employees within the commission. The program shall require intra-agency posting of all positions concurrently with any public posting.

(f) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on documented employee performance. All merit pay for commission employees must be based on the system established under this subsection.

(g) The executive director or the executive director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin.

The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the commission workforce that meets federal and state guidelines;

(3) procedures by which a determination can be made about the extent of underuse in the commission workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(h) A policy statement prepared under Subsection (g) must cover an annual period, be updated annually, be reviewed by the Commission on Human Rights for compliance with Subsection (g), and be filed with the governor's office.

(i) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (h). The report may be made separately or as a part of other biennial reports made to the legislature.

(j) Before the expiration of 30 days after April 1 and November 1 of each year the commission shall submit a progress report to the governor. The report must include a statement of the steps that the commission has taken during the previous six months to comply with the requirement of Subsection (g).

(k) The governor shall designate the executive director as the state historic preservation officer, and the executive director shall act in that capacity for the conduct of relations with the representatives of the federal government and the respective states concerning matters of historic preservation.

(l) The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the executive director and the staff of the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 4, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 4, eff. September 1, 2007.

Sec. 442.0045. DELEGATION OF CERTAIN POWERS AND DUTIES.

(a) Except as provided by Subsection (b), the commission by order or rule may delegate to the executive director the authority to perform the duties or exercise the powers of the commission under this chapter or other law, including Chapter 191, Natural Resources Code.

(b) The commission may not delegate to the executive director the following powers and duties:

(1) proposing and adopting commission policies and rules;

(2) developing and approving the commission's strategic plan under Chapter 2056 and annual operations plan and periodically updating and reviewing those plans;

(3) approving the commission's legislative appropriations request;

(4) approving the commission's biennial budget and any significant amendments to that budget;

(5) approving the statewide comprehensive preservation plan;

(6) providing information to the legislature regarding the commission's budget and policies;

(7) hiring, evaluating, terminating, and setting the compensation of the executive director;

(8) formally accepting gifts and grants to the commission;

(9) establishing advisory committees and appointing the members of those committees;

(10) designating, and removing the designation of, State Archeological Landmarks;

(11) excusing a commissioner's absence from a meeting of the commission;

(12) approving the designation and removal of Recorded Texas Historic Landmarks, historic cemeteries, and Official Texas

Historical Markers;

(13) designating official main street cities;

(14) awarding historic courthouse preservation program grants, certified local government grants, Texas preservation trust fund account grants, and all other grants;

(15) selecting the winners of the governor's award for historic preservation and other competitive statewide awards awarded by the commission;

(16) approving curatorial facilities to hold state-associated collections that are held in trust;

(17) acquiring and disposing of real property;

(18) establishing fees for commission services;

(19) approving amendments to contracts entered into by the commission if the amendment extends the contract by six or more months or increases the contract price by 10 percent or more;

(20) identifying and defining the relationship between the commission and any affiliated nonprofit organization;

(21) raising issues regarding the performance of the commission's staff and the operation of agency programs with the chair, the executive director, or the appropriate deputy executive director;

(22) determining whether a property offered to the commission should be accepted into the commission's land banking program or as a historic site; and

(23) recommending, in partnership with the Texas State Historical Association, a nominee for appointment by the governor as state historian.

(c) A delegation under this section may be amended or withdrawn by commission vote.

Added by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. [1422](#)), Sec. 3, eff. September 1, 2019.

Sec. 442.005. GENERAL POWERS AND DUTIES OF COMMISSION. (a) The commission shall furnish leadership, coordination, and services to county historical commissions, historical societies, and the organizations, agencies, institutions, museums, and individuals of this state interested in the preservation of

archeological or historical heritage and shall act as a clearinghouse and information center for that work in this state.

(b) The commission is responsible for the administration of the Antiquities Code of Texas, Chapter 191, Natural Resources Code, and shall strive to establish effective working relationships among individuals primarily interested in history, architecture, and archeology.

(c) The commission shall furnish professional consultant services to museums and to agencies, individuals, and organizations interested in the preservation and restoration of archeological or historic structures, sites, or landmarks.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(41), eff. June 17, 2011.

(e) The commission shall administer the federal National Historic Preservation Act of 1966 and may prepare, maintain, and keep up to date a statewide comprehensive historic preservation plan.

(f) The commission by rule may establish a reasonable fee to recover its costs arising from review of a rehabilitation project on an income-producing property included in the National Register of Historic Places. Any fee established is payable by the applicant for the rehabilitation project.

(g) The commission may apply to any appropriate agency or officer of the United States for participation in any federal program pertaining to historic preservation.

(h) The commission may certify to another state agency the worthiness of preservation of any historic district, site, structure, or object significant in Texas or American history, architecture, archeology, or culture.

(i) The commission may provide matching grants to assist the preservation of a historic structure significant in Texas or American history, architecture, archeology, or culture.

(j) The commission shall use its facilities and leadership to stimulate the development and protection of archeological or historical resources in every locality of this state, emphasizing responsibility and privilege of local effort except in a case in which the project or problem clearly demands a broader approach.

(k) The commission may provide matching grants to preserve collections of small history museums in this state if the collections are significant in Texas or American history, architecture, archeology, or culture.

(l) The commission may conduct educational programs, seminars, and workshops throughout this state covering any phase of historic preservation.

(m) The commission shall continue cooperative studies and surveys of the various aspects of historical heritage.

(n) Not later than December 1 before each regular session of the legislature, the commission shall make a report of its activities to the governor and to the legislature.

(o) The commission may enter into contracts with other state agencies or institutions, qualified private institutions, and other persons, including for-profit corporations, to carry out the purposes of this chapter. A contract with a for-profit corporation under this chapter may not permit any property preserved, maintained, or administered by the commission under this chapter to display any corporate name, logo, or product other than a discreet plaque or similar acknowledgment that does not detract from the property's historic purpose.

(p) The commission may accept a gift, grant, devise, or bequest of money, securities, services, or property to carry out any purpose of this chapter, including funds raised or services provided by a volunteer or volunteer group to promote the work of the commission. The commission may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services or other benefits to the commission.

(q) The commission may adopt rules as it considers proper for the effective administration of this chapter.

(r) The commission may establish advisory committees to advise the commission on archeological and historical matters, including an advisory committee to consider matters relating to Chapter 191, Natural Resources Code.

(s) The commission may promote the appreciation of historic sites, structures, or objects in the state through a program

designed to develop tourism in the state.

(t) The commission shall promote heritage tourism by assisting persons, including local governments, organizations, and individuals, in the preservation, enhancement, and promotion of heritage and cultural attractions in this state. The program must include efforts to:

(1) raise the standards of heritage and cultural attractions around this state;

(2) foster heritage preservation and education;

(3) encourage regional cooperation and promotion of heritage and cultural attractions; and

(4) foster effective local tourism leadership and organizational skills.

(u) The commission may:

(1) maintain the historic character of the sites and structures entrusted to its care;

(2) use its resources to develop the historic sites through promotional and educational activities, including the purchase of items for resale or donation and the purchase of plants and landscaping services; and

(3) accept advertisements in selected agency publications, including print and electronic publications, at a rate that offsets development and production costs.

(v) The commission may accept a gift of real property, whether of historical value or not. When the gift is received, the commission may:

(1) arrange for the preservation, maintenance, and public exhibition of the property; or

(2) at the commission's discretion, sell the property at fair market value and use the proceeds to carry out any purpose of this chapter.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 5, eff. Aug. 30, 1995; Acts 1997, 75th Leg., ch. 428, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 461, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 377, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(41), eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 1, eff. September 1, 2013.

Sec. 442.0051. FEES. The commission by rule may establish reasonable fees for commission purposes under this chapter, including an admission fee appropriate to a historic site under its jurisdiction.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Sec. 442.0052. VOLUNTEER SERVICES. (a) Except as provided by Subsection (b), the commission may use the services of volunteers to help carry out the duties and responsibilities of the commission.

(b) A volunteer may not enforce this code.

(c) The executive director may waive entrance fees and facility use fees for historic sites under the commission's jurisdiction for a volunteer to assist in the accomplishment of the volunteer's service to the commission.

(d) The executive director may expend funds appropriated to the commission from dedicated funding sources for:

(1) the establishment of an insurance program to protect volunteers in the performance of volunteer service; and

(2) recognition of the services of a volunteer or volunteer groups.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 2, eff. June 17, 2011.

Sec. 442.0053. ELIGIBILITY CRITERIA FOR INCLUSION OF REAL PROPERTY IN STATE HISTORIC SITES SYSTEM. (a) The commission by rule shall adopt criteria for determining the eligibility of real property donated to the commission for inclusion in the historic

sites system.

(b) The commission may accept a donation of real property that satisfies the criteria adopted under Subsection (a).

(c) The commission may renovate or restore donated real property, including improvements to the property, or construct new improvements on the donated real property as necessary and prudent. Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 5, eff. June 15, 2007.

Sec. 442.0054. DISCLOSURE OF PERSONAL CUSTOMER INFORMATION.

(a) The name and address and a telephone, social security, driver's license, bank account, credit card, or charge card number of a person who purchases customer products, licenses, or services from the commission may not be disclosed except as authorized under this section.

(b) Chapter 552 does not apply to customer information described by Subsection (a).

(c) The commission by rule shall adopt policies relating to:

- (1) the release of the customer information;
- (2) the use of the customer information by the commission; and
- (3) the sale of a mailing list consisting of the names and addresses of persons who purchase customer products, licenses, or services.

(d) The commission shall include in its policies a method for a person by request to exclude information about the person from a mailing list sold by the commission.

(e) The commission may disclose customer information to a federal or state law enforcement agency if the agency provides a lawfully issued subpoena.

(f) The commission and its officers and employees are immune from civil liability for an unintentional violation of this section.

(g) In this section, a reference to the commission includes a reference to an agent of the commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 3, eff. June 17, 2011.

Sec. 442.0055. AFFILIATED NONPROFIT ORGANIZATION; RULES; GUIDELINES. (a) The commission shall adopt rules governing the relationship between the commission and an affiliated nonprofit organization formed under Section 442.005(p), including rules that, at a minimum:

(1) define the extent to which commission employees with regulatory responsibilities, including the executive director, may participate in activities that raise funds for an affiliated nonprofit organization, which may not include the direct solicitation of funds; and

(2) define the relationship between commission employees and an affiliated nonprofit organization.

(b) The commission shall establish guidelines for identifying and defining the administrative and financial support the commission may provide for an affiliated nonprofit organization formed under Section 442.005(p).

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 6, eff. September 1, 2007.

Sec. 442.0056. ACQUISITION OF HISTORIC SITES. (a) The commission may acquire by purchase, gift, or other manner historic sites:

(1) where events occurred that represent an important aspect of the cultural, political, economic, military, or social history of the nation or state;

(2) significantly associated with the lives of outstanding historic persons or with an important event that represents a great ideal or idea;

(3) embodying the distinguishing characteristics of an architectural type that is inherently valuable for study of a period, style, or method of construction;

(4) that contribute significantly to the understanding of aboriginal humans in the nation or state; or

(5) that are of significant geologic interest relating to prehistoric animal or plant life.

(b) The commission shall restore and maintain each historic

site acquired under this section for the benefit of the general public. The commission may enter into interagency contracts and contracts with other persons, including for-profit corporations, for this purpose.

(c) The commission shall formulate plans for the preservation and development of historic sites. Before formulating a plan for a specific site, the commission shall conduct an archeological survey of the site. In formulating plans, the commission shall:

(1) consider the results from the archeological survey for the site if the plan is for a specific site; and

(2) consider the resources necessary to manage a site.
Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 2, eff. September 1, 2013.

Sec. 442.0057. SOLICITATION, RECEIPT, AND TRANSFER OF LAND.

(a) The commission may solicit and receive donations of land for public purposes and may refuse donations of land not acceptable for public purposes.

(b) If title to a site has vested in the commission and if ownership of the site is no longer in the best interest of the commission, the commission may transfer the title:

(1) to another state commission, department, or institution requesting the site;

(2) to the donor of the land if the donor requests the return of the site;

(3) to the United States if it has undertaken the development of the site for public purposes;

(4) to the grantor if the deed to the commission contains a reversion clause providing that title reverts to the grantor when the site is not used for the purposes for which it was acquired; or

(5) to any legally authorized entity if the property is to be used for public purposes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.0058. SALE OR EXCHANGE OF LAND. (a) The executive director with the approval of the commission may execute a deed exchanging real property or an interest in real property either as all or partial consideration for other real property or interest in real property. The executive director with the approval of the commission may execute a deed selling real property or an interest in real property under the jurisdiction of the commission if ownership of the real property is no longer in the best interest of the commission.

(b) The commission shall receive a good and marketable title to all land exchanged under this section.

(c) All land to be received in the exchange must be appraised, and if the land to be received is of greater value, as determined by an independent and competent appraisal, than the state land exchanged, the commission may use funds available for land acquisitions as a partial consideration for the exchange.

(d) The receipts from the sale of land under this section shall be used for improving or acquiring other real property dedicated to the same purpose for which the land sold was dedicated. Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.0059. EMPLOYEE FUND-RAISING. (a) This section applies only to the solicitation or receipt of a gift, including money, that has a value of \$500 or more.

(b) The commission by rule shall adopt policies to govern fund-raising activities by commission employees on behalf of the commission. The rules must:

- (1) designate the types of employees who may solicit donations;
- (2) restrict where and how fund-raising may occur; and
- (3) establish requirements for reports by employees to the director.

(c) The executive director shall approve and manage

fund-raising activities by commission employees on behalf of the commission in accordance with commission rules.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 4, eff. June 17, 2011.

Sec. 442.006. STATE HISTORICAL MARKER PROGRAM. (a) The commission shall give direction and coordination to the state historical marker program.

(b) The commission shall:

(1) develop statewide themes for the program related to the commission's preservation goals for the state;

(2) install markers recognizing districts, sites, individuals, events, structures, and objects significant in Texas or American history, architecture, archeology, or culture;

(3) keep a register of those markers; and

(4) establish a limit for the number of markers the commission awards annually.

(c) To assure a degree of uniformity and quality of historical markers, monuments, and medallions in this state, the commission shall review and approve or reject the final form or dimensions of or text or illustrations on any marker, monument, or medallion before its fabrication by the state or by a county, county historical commission, incorporated city, individual, or organization in this state. The commission shall designate an approved marker as an Official Texas Historical Marker.

(d) The commission shall designate any structure receiving the Official Texas Historical Building Medallion as a Recorded Texas Historic Landmark that is considered worthy of preservation because of its history, culture, or architecture.

(d-1) The commission shall specially designate as a Texas Historical Use Building that is considered worthy of preservation because of its history, culture, or architecture a building that:

(1) is currently used regularly for a purpose that benefits the community in which the building is located, as determined by the commission; and

(2) has been used regularly for the purpose described by Subdivision (1) for at least 150 years.

(e) The commission by rule may establish a reasonable fee to recover its costs arising from review of a proposal for a historical marker, monument, or medallion. Any fee established is payable by the applicant for the marker, monument, or medallion.

(f) A person may not damage the historical or architectural integrity of a structure the commission has designated as a Recorded Texas Historic Landmark without notifying the commission at least 60 days before the date on which the action causing the damage is to begin. After receiving the notice, the commission may waive the waiting period or, if the commission determines that a longer period will enhance the chance for preservation, it may require an additional waiting period of not longer than 30 days. On the expiration of the time limits imposed by this section, the person may proceed, but must proceed not later than the 180th day after the date on which notice was given or the notice is considered to have expired.

(g) This chapter does not authorize the commission to review or determine the placement or location of an object in or on a Recorded Texas Historic Landmark if the placement or location does not result in substantial structural change or damage to the landmark.

(h) The commission by rule shall establish guidelines for an application for, and the commission's review of the application for, a historical marker, monument, or medallion. The guidelines must include criteria for ranking the applications. The commission shall give priority to the markers, monuments, and medallions that relate to the statewide themes developed by the commission.

(i) Notwithstanding any other law, a monument, marker, or medallion installed by the commission is state property solely under the commission's custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without the express written permission of the commission.

(j) The attorney general may file suit in district court to seek civil penalties in accordance with Section 442.011 and equitable relief in accordance with Section 442.012 against a person who violates this section. Governmental immunity to suit of

any county, municipality, or other political subdivision is waived and abolished to the extent liability is created by this section.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 7, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 390 (S.B. 111), Sec. 1, eff. September 1, 2013.

Acts 2021, 87th Leg., R.S., Ch. 718 (H.B. 3584), Sec. 1, eff. September 1, 2021.

Sec. 442.0065. GUIDE TO HISTORICAL MARKERS. (a) In this section, "department" means the Texas Department of Transportation.

(b) The department, in consultation with the commission, shall publish a guide to historical markers along roadways in this state that includes:

(1) a listing of the historical markers along roadways with identifying numbers assigned to each marker by the department; and

(2) a summary of the information on each marker.

(c) For each historical marker, the department shall erect and maintain, if practicable, signs informing users of the roadway of the marker and indicating the identifying number of the marker. The department shall erect a sign under this subsection approximately one mile preceding the historical marker if that placement is practicable.

(d) The department shall use information from the commission's Texas historical roadside marker restoration program and the state historical marker program under Section 442.006 in creating the guide to historical markers under Subsection (b).

(e) The department shall make available to the public the guide published under Subsection (b) at a reasonable price determined by the department. Revenue from sales of the guide shall be deposited to the credit of the state highway fund and is exempt from the application of Section 403.095.

(f) The department shall work with the commission to ensure

that there is no duplication between publications currently available through the commission or other sources.

Added by Acts 2001, 77th Leg., ch. 649, Sec. 1, eff. June 13, 2001.

Sec. 442.007. STATE ARCHEOLOGICAL PROGRAM. (a) The commission, through the state archeologist, shall direct the state archeological program.

(b) The program must include:

(1) a continuing inventory of nonrenewable archeological resources;

(2) evaluation of known sites through testing and excavation;

(3) maintenance of extensive field and laboratory data, including data on collections of antiquities;

(4) consultation with state agencies and organizations and local groups concerning archeological and historical problems; and

(5) publication of the results of the program through various sources, including a regular series of reports.

(c) The commission may enter into contracts or cooperative agreements with the federal government, other state agencies, state or private museums or educational institutions, or qualified persons, including for-profit corporations, for prehistoric or historic archeological investigations, surveys, excavations, or restorations in this state.

(d) The state archeologist has general jurisdiction and supervision over archeological work, reports, surveys, excavations, and archeological programs of the commission and of cooperating state agencies.

(e) The duties of the state archeologist include:

(1) maintaining an inventory of significant historic or prehistoric sites of archeological or historic interest;

(2) providing public information and education in the fields of archeology and history;

(3) conducting surveys and excavations with respect to significant archeological or historic sites in this state;

(4) preparing reports and publications concerning the

work of the office of the state archeologist;

(5) doing cooperative and contract work in prehistoric and historic archeology with other state agencies, the federal government, state or private institutions, or individuals;

(6) maintaining and determining the repository of catalogued collections of artifacts and other materials of archeological or historic interest; and

(7) preserving the archeological and historical heritage of this state.

(f) The state archeologist shall withhold from disclosure to the public information relating to the location or character of archeological or historic resources if the state archeologist determines that the disclosure of the information may create a substantial risk of harm, theft, or destruction to the resources or to the area or place where the resources are located.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.009, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 3, eff. September 1, 2013.

Sec. 442.0071. DUTIES REGARDING GOVERNOR'S MANSION. (a) The commission shall approve construction plans and monitor the work on the Governor's Mansion to ensure compliance with Chapter 191, Natural Resources Code, to ensure the historical and architectural integrity of the mansion's exterior, interior, contents, and grounds. A substantial addition, deletion, or other alteration may not be made to the mansion or its contents or grounds without the prior approval of the commission.

(b) The commission shall:

(1) develop and maintain an inventory of the contents of the Governor's Mansion that includes all furnishings, fixtures, works of art, and decorative objects and states the owner of each of those items;

(2) develop a plan for the acquisition, by purchase, donation, or loan, of furnishings, fixtures, works of art, and

decorative objects for the mansion, especially early 19th-century American, museum-quality items and items having historical significance to the Governor's Mansion;

(3) develop a plan for the disposition of furnishings, fixtures, works of art, and decorative objects that the commission determines are not needed or inappropriate; and

(4) recommend and arrange for the conservation or restoration of furnishings, fixtures, works of art, and decorative objects in the mansion that are owned by the state.

(c) The commission may accept gifts, grants, or other donations on behalf of the Governor's Mansion. The commission shall contract with a nonprofit organization formed to assist in the preservation and maintenance of the Governor's Mansion to develop and implement a plan for the solicitation and acceptance of gifts, grants, devises, and bequests of money, other property, and services to be used in the acquisition of furnishings, fixtures, works of art, and decorative objects for the Governor's Mansion or for necessary landscaping, conservation, or restoration services. The commission also may contract with a nonprofit organization described by this subsection for the performance of any duty provided by Subsection (b). A contract under this subsection may not exceed a term of two years.

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 240, Sec. 3, eff. May 27, 2009.

(e) The State Preservation Board and the office of the governor may exercise the powers and shall perform the duties relating to the Governor's Mansion that are provided by applicable law, subject to the requirements of this section.

(f) Section [443.007](#) does not apply to this section.
Added by Acts 1989, 71st Leg., ch. 177, Sec. 1, eff. May 25, 1989.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 240 (S.B. [2307](#)), Sec. 2, eff. May 27, 2009.

Acts 2009, 81st Leg., R.S., Ch. 240 (S.B. [2307](#)), Sec. 3, eff. May 27, 2009.

Sec. 442.0072. PRESERVATION AND MAINTENANCE OF GETHSEMANE

CHURCH AND CARRINGTON-COVERT HOUSE. (a) In this section:

(1) The Gethsemane Church includes the adjoining grounds of the church.

(2) The Carrington-Covert House includes the adjoining grounds of the house.

(b) The State of Texas owns the Gethsemane Church and the Carrington-Covert House.

(c) The church and the house are located at Congress Avenue and 16th Street on Lots 5, 6, 7, and 8, Outlot 46, Division "E" of the original City of Austin, Travis County, Texas.

(d) The commission shall preserve, maintain in a state of suitable repair, restore, and develop the church and the house, their contents, and their grounds, in the manner determined by the commission, for the beautification and cultural enhancement of the properties as a significant Texas historical site and in a manner consistent with development of the Capitol Complex.

(e) The commission shall spend the money the legislature appropriates for purposes of this section to accomplish those purposes.

(f) The commission may:

(1) accept gifts and donations for the church and the house; and

(2) use the gifts and donations in accordance with the donor's conditions and instructions that are consistent with this section.

Added by Acts 2001, 77th Leg., ch. 1420, Sec. 7.102, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 898 (H.B. [2621](#)), Sec. 1, eff. September 1, 2007.

Sec. 442.0073. PRESERVATION AND MAINTENANCE OF CERTAIN STATE BUILDINGS. (a) The commission shall preserve, maintain, and restore Luther Hall, the Elrose Building, and the Christianson-Leberman Building, their contents, and their grounds.

(b) For purposes of this section, Luther Hall and the Elrose Building are located on 16th Street between Colorado Street and

North Congress Avenue in Austin and the Christianson-Leberman Building is located at 1304 Colorado Street in Austin.

Added by Acts 2007, 80th Leg., R.S., Ch. 898 (H.B. [2621](#)), Sec. 2, eff. September 1, 2007.

Sec. 442.0074. PRESERVATION, MAINTENANCE, AND IMPROVEMENT OF REPUBLIC OF TEXAS GRANITE BOUNDARY MARKER. (a) In this section, "boundary marker" means the granite marker designating the former international boundary between the Republic of Texas and the United States, originally placed in 1841 at its location in Panola County near Farm to Market Road No. 31, at or about 32°2'3"N, 94°2'35"W, and known as the Republic of Texas Granite Boundary Marker and the International Boundary Marker.

(b) To the extent authorized by law, the commission shall preserve, maintain, and improve the boundary marker and state land adjacent to the boundary marker and shall:

(1) design and construct a structure or device sufficient to protect the boundary marker from vandalism, theft, and natural elements;

(2) display historical and educational information on a sign or plaque at the boundary marker site to inform the public of the history of the boundary marker and the region;

(3) cooperate with the federal government and other persons as necessary to facilitate the implementation of duties imposed by this section; and

(4) take other action the commission determines necessary to preserve, maintain, restore, and improve the boundary marker and the state grounds adjacent to the boundary marker for the beautification and cultural enhancement of the property as a significant historical site in this state.

(c) Notwithstanding any other law, any power or duty related to the boundary marker formerly vested in another state agency is vested solely in the commission.

(d) The commission may spend money appropriated to the commission for purposes of this section only to accomplish those purposes.

(e) The commission may solicit and accept gifts, grants, and

donations of money or property from any public or private source to be used for the purposes of this section.

(f) The commission, in consultation with each state senator and representative in whose district the boundary marker is located and other interested parties, may:

(1) replace the original boundary marker with a replica boundary marker;

(2) preserve, maintain, and display the original boundary marker at the Bob Bullock Texas State History Museum; and

(3) perform the duties assigned by Subsection (b) with respect to the replica boundary marker at the original boundary marker location.

Added by Acts 2019, 86th Leg., R.S., Ch. 607 (S.B. 907), Sec. 1, eff. September 1, 2019.

Sec. 442.008. COUNTY COURTHOUSES. (a) A county may not demolish, sell, lease, or damage the historical or architectural integrity of any building that serves or has served as a county courthouse without notifying the commission of the intended action at least six months before the date on which it acts.

(b) If the commission determines that a courthouse has historical significance worthy of preservation, the commission shall notify the commissioners court of the county of that fact not later than the 30th day after the date on which the commission received notice from the county. A county may not demolish, sell, lease, or damage the historical or architectural integrity of a courthouse before the 180th day after the date on which it received notice from the commission. The commission shall cooperate with any interested person during the 180-day period to preserve the historical integrity of the courthouse.

(c) A county may carry out ordinary maintenance of and repairs to a courthouse without notifying the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 403, Sec. 3, eff. Sept. 1, 1999.

Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION AND MAINTENANCE PROGRAMS; GRANTS AND LOANS. (a) The commission shall

administer a historic courthouse preservation program.

(b) A county or municipality that owns a historic courthouse may apply to the commission for a grant or loan for a historic courthouse project. The application must:

(1) state the location of the courthouse;

(2) state whether the courthouse is or is likely to become a historic structure;

(3) state the amount of money or in-kind contributions that the county or municipality promises to contribute to the project;

(4) state whether the courthouse is currently functioning as a courthouse;

(5) include any plans, including a master preservation plan, that the county or municipality may have for the project; and

(6) include any other information that the commission by rule may require.

(c) The commission may grant or loan money to a county or municipality that owns a historic courthouse, for the purpose of preserving or restoring the courthouse, if the county's or municipality's application meets the standards of the historic courthouse preservation program. In considering whether to grant an application, the commission shall consider the preferences and factors listed in this section as well as any other factors that it may provide by rule.

(d) In considering whether to grant an application, the commission shall give preference to:

(1) a proposed project to preserve or restore a courthouse:

(A) that is or is likely to become a historic structure; and

(B) that:

(i) is still functioning as a courthouse;

(ii) was built before 1875; or

(iii) is subject to a conservation easement held by the commission; and

(2) a county or municipality that will provide or has provided at least 15 percent of the project's costs, including:

(A) in-kind contributions; and

(B) previous expenditures for master planning and renovations on the courthouse that are the subject of the application.

(e) In considering whether to grant an application, the commission shall also consider the following factors:

(1) the amount of money available for a grant or loan and the percentage of the costs that the county or municipality will contribute;

(2) whether the county or municipality will contribute any in-kind contribution such as labor or materials;

(3) the cost to preserve or restore the courthouse;

(4) the architectural style of the courthouse;

(5) the historic significance of the courthouse;

(6) the county's or municipality's master preservation plan;

(7) the county's or municipality's local funding capacity as measured by the total taxable value of properties in the county or municipality, as applicable; and

(8) any other factors that the commission by rule may provide.

(f) The commission shall adopt rules regarding the way in which it will consider the following factors in analyzing a county's or municipality's contribution to project costs under Subsection (d)(2):

(1) the period during which past expenditures can be considered;

(2) the amount of past expenditures that can be considered; and

(3) the amount and type of in-kind contributions that can be considered.

(g) Repealed by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. [1422](#)), Sec. 12(1), eff. September 1, 2019.

(g-1) To help protect courthouses that have benefited from the historic courthouse preservation program, the commission shall develop and implement a maintenance program to assist counties and municipalities receiving money under the preservation program in

continuing to maintain, repair, and preserve the courthouses. The maintenance program may include offering to periodically inspect the courthouses and offering counties and municipalities technical assistance and information on best practices in maintaining the courthouses.

(h) The commission shall adopt rules necessary to implement the historic courthouse preservation and maintenance programs.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 2, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 2, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 12(1), eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 424 (S.B. 496), Sec. 1, eff. September 1, 2019.

Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS.

(a) Before incurring any expenses payable from funds received from the commission under the historic courthouse preservation program, a county or municipality must have a master preservation plan for its historic courthouse project. The commission by rule shall prescribe the minimum standards for a master preservation plan.

(b) A county or municipality that receives money under the historic courthouse preservation program must use recognized preservation standards for work on a historic courthouse project. The commission by rule shall establish standards regarding the quality of the work performed on a historic courthouse project.

(c) A county or municipality that receives money under the historic courthouse preservation program for a historic courthouse project may use the money only for eligible preservation and restoration expenses that the commission by rule shall prescribe. Eligible expenses may include costs for:

(1) structural, mechanical, electrical, and plumbing systems and weather protection and emergency public safety issues not covered by insurance;

(2) code and environmental compliance, including complying with the federal Americans with Disabilities Act of 1990 and its subsequent amendments, Chapter 469, and other state laws relating to accessibility standards, hazardous materials mitigation rules, and other similar concerns;

(3) replication of a missing architectural feature;

(4) removal of an inappropriate addition or modification; and

(5) restoration of a courtroom or other significant public space in a functional and historically appropriate manner.

(d) A county's or municipality's expenditure of money received under this chapter for a historic courthouse project is subject to audit by the state auditor in accordance with Chapter 321.

(e) The commission by rule shall provide for oversight procedures on a project. These rules shall provide for reasonable inspections by the commission as well as periodic reports by a county or municipality on a project's progress.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 3, eff. September 1, 2013.

Sec. 442.0083. FUNDING FOR HISTORIC COURTHOUSE PRESERVATION PROGRAM; HISTORIC COURTHOUSE PRESERVATION FUND ACCOUNT. (a) The historic courthouse preservation fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, payments on loans made under the historic courthouse preservation program, grants and donations made for the purposes of the historic courthouse preservation program, and income earned on investments of money in the account. Appropriations to the commission for the historic courthouse preservation program shall be deposited to the credit of the account. Notwithstanding Section 404.071, income earned on

money in the account shall be deposited to the credit of the account.

(b) Except as otherwise provided by Subsection (c), the commission may use money in the historic courthouse preservation fund account to provide a grant or loan to a county or municipality that owns a historic courthouse for a historic courthouse project. The grant or loan may be in the amount and according to the terms that the commission by rule shall determine.

(c) The commission may use money in the historic courthouse preservation fund account to provide a loan under the historic courthouse preservation program only to the extent that the legislature provides in the General Appropriations Act that money appropriated to the commission for the program may be used to make loans.

(d) As a condition for providing the money under this section, the commission may require creation of a conservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state and may require creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan or any other agreements made under this section and Sections 442.0081 and 442.0082.

(e) A grant for a historic courthouse project may not exceed the greater of \$6 million or two percent of the amount appropriated for implementing the historic courthouse preservation program during the state fiscal biennium.

(f) Biennial appropriations to the commission for administering the historic courthouse preservation and maintenance programs during a state fiscal biennium, including providing oversight for historic courthouse projects, may not exceed 2-1/2 percent of the amount appropriated for implementing the historic courthouse preservation and maintenance programs during the state fiscal biennium.

(g) The commission by rule may set a limit on the loan amount for a historic courthouse project. This amount may be expressed as a dollar amount or as a percentage of the total amount appropriated for implementing the historic courthouse preservation program

during the state fiscal biennium.

(h) The commission may accept a gift, grant, or other donation for the historic courthouse preservation program or a specific historic courthouse project.

Added by Acts 1999, 76th Leg., ch. 403, Sec. 2, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 646 (H.B. 2902), Sec. 3, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1100 (H.B. 3674), Sec. 4, eff. September 1, 2013.

Sec. 442.0084. EQUITABLE REPRESENTATION IN MONUMENTS. (a) In this section, "monument" has the meaning assigned by Section 443.015, as added by Chapter 1141, Acts of the 75th Legislature, Regular Session, 1997.

(b) To ensure that the diverse history of Texas is accurately represented on land owned by the state other than the Capitol Complex, the Texas Historical Commission shall:

(1) collect information relating to each monument on land owned by the state other than the Capitol Complex; and

(2) in cooperation with the chair of the history department at Prairie View A&M University, at The University of Texas at Austin, or at any other land grant university in the state, as determined by the commission, ensure the:

(A) historical accuracy of the monuments; and

(B) equitable representation of all Texans, including African slaves, African Americans, Hispanic Americans, Native Americans, women in Texas history, and Texans exemplifying military service and rural heritage in monuments on land owned by the state other than the Capitol Complex.

(c) The commission shall make the information collected under this section available to the public.

Added by Acts 2001, 77th Leg., ch. 1315, Sec. 1, eff. Sept. 1, 2001.

Renumbered from Government Code Sec. 442.0087 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(60), eff. Sept. 1, 2003.

Sec. 442.0085. STATE REGISTER OF HISTORIC PLACES. (a) The

commission shall develop and maintain a state register of historic places using existing statutory classifications of those places, including Recorded Texas Historic Landmarks, National Register listings, subject markers, and state archeological landmarks.

(b) The commission shall adopt rules to implement this section.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 6, eff. Aug. 30, 1995.

Sec. 442.0086. MILITARY SITES PROGRAM. (a) The commission shall identify sites in and outside this state that are historically significant to this state because of:

- (1) military action or service at the sites; or
- (2) other significant events of a military nature at the sites that shaped the history of this state.

(b) In carrying out its duties under Subsection (a), the commission shall assist other governmental entities, including other states, institutions, organizations, and other entities in identifying military sites outside this state where Texans served with distinction.

(c) The commission may designate or encourage the designation of sites identified under Subsections (a) and (b) through existing history programs, including:

- (1) local community landmark programs;
- (2) the state historical marker program under Section [442.006](#);
- (3) the National Register of Historic Places;
- (4) the National Historic Landmarks program;
- (5) the World Heritage List; and
- (6) other appropriate programs.

(d) The commission may provide information regarding the significance of the sites designated under this section using:

- (1) historical markers and monuments;
- (2) publications and films; and
- (3) other appropriate media.

(e) The commission may seek assistance from other state and local governmental entities in carrying out the commission's duties under this section.

(f) The commission may seek and accept gifts, grants, and donations from public or private sources, including seeking available federal funds, to accomplish the purposes of this section.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 7, eff. Aug. 30, 1995.

Sec. 442.0087. FORT BLISS MUSEUM AND STUDY CENTER. (a) The commission may assist Fort Bliss Military Reservation in El Paso in the establishment and operation at Fort Bliss of a museum and study center devoted to the history of the United States air defense system.

(b) To accomplish the purposes of this section, the commission may:

(1) seek and accept gifts, grants, and donations of funds or property from public and private sources, including seeking available federal funds; and

(2) contribute funds appropriated to the commission for the purpose.

(c) The commission may provide assistance and contribute funds under this section only if the commission receives appropriate assurances that, subject to the security requirements of the military reservation, the museum and study center will be open for use by the general public.

Added by Acts 2001, 77th Leg., ch. 312, Sec. 1, eff. May 23, 2001.

Sec. 442.0088. TEXAS HERITAGE TRAILS PROGRAM. (a) The Texas Historical Commission may establish and administer the Texas Heritage Trails Program to promote tourism to heritage and cultural attractions in this state.

(b) The commission may contract with one or more nonprofit organizations to fulfill the commission's duties under this section.

(c) The commission shall adopt rules to administer the Texas Heritage Trails Program, including rules defining the principles of heritage tourism and relating to contracts the commission enters into with nonprofit organizations. Rules adopted under this subsection relating to contracts with nonprofit organizations must

require each contract to clearly establish:

(1) the role of the nonprofit organization in promoting heritage tourism;

(2) the nature of the relationship between the commission and the nonprofit organization;

(3) the performance expectations for the nonprofit organization;

(4) requirements and expectations regarding the nonprofit organization's employees;

(5) the commission's expectations regarding ownership of any literature, media, or other products developed or produced by the nonprofit organization to promote heritage tourism during the course of the contract;

(6) the commission's long-term goals for the program and the nonprofit organization's role in meeting those goals;

(7) a system for evaluating the nonprofit organization's overall performance, including the organization's effectiveness in meeting the performance expectations described by Subdivision (3); and

(8) the types of support, other than financial support, the commission will provide to the nonprofit organization to assist in the implementation and administration of the Texas Heritage Trails Program.

Added by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. [1422](#)), Sec. 3, eff. September 1, 2019.

Sec. 442.009. CONSUMER INFORMATION AND COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) Repealed by Acts 2007, 80th Leg., R.S., Ch. 1159, Sec. 46, eff. June 15, 2007.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 8, eff. Aug. 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 8, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 46, eff. June 15, 2007.

Sec. 442.0095. PROGRAM AND FACILITY ACCESSIBILITY. The commission shall comply with federal and state laws related to program and facility accessibility. The executive director shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.

Added by Acts 1995, 74th Leg., ch. 109, Sec. 9, eff. Aug. 30, 1995.

Sec. 442.010. AUDITS. (a) The financial transactions of the commission are subject to audit by the state auditor in accordance with Chapter 321.

(b) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(42), eff. June 17, 2011.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 584, Sec. 92, eff. Sept. 1, 1989; Acts 1995, 74th Leg., ch. 109, Sec. 10, eff. Aug. 30, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 7, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(42), eff. June 17, 2011.

Sec. 442.011. PENALTY. A person who violates this chapter or Chapter 191, Natural Resources Code, is subject to a civil penalty of not less than \$50 nor more than \$1,000 for each day of violation. Each day a violation continues may be considered a separate violation. If the party seeking a civil penalty

demonstrates the same violation occurred on more than one day, it is presumed that the person committed a violation on each intervening day between the days of violation, including the days on which a violation was demonstrated.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 312 (H.B. 2056), Sec. 1, eff. September 1, 2007.

Acts 2021, 87th Leg., R.S., Ch. 718 (H.B. 3584), Sec. 2, eff. September 1, 2021.

Sec. 442.012. LAWSUITS. (a) The attorney general or any resident of this state may file suit in district court to restrain and enjoin a violation or threatened violation of this chapter or Chapter 191, Natural Resources Code, to recover on behalf of the state a civil penalty provided by this chapter, including a civil penalty provided for a violation of Chapter 191, Natural Resources Code, or for both injunctive relief and a civil penalty.

(b) Venue of the suit filed is in Travis County or the county in which the activity sought to be restrained or penalized is alleged to have occurred, be occurring, or be about to occur.

(c) If the attorney general substantially prevails in an action to recover a civil penalty under this section, the court shall award the attorney general reasonable expenses incurred in recovering the penalty, including court costs, reasonable attorney's fees, expert witness fees, and deposition expenses.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 312 (H.B. 2056), Sec. 2, eff. September 1, 2007.

Sec. 442.013. NO EFFECT ON OTHER ORGANIZATIONS AND ACTIVITIES. It is not the purpose of this chapter to duplicate or replace existing historical heritage organizations and activities, but to give leadership, coordination, and service as needed and desired.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 442.014. MAIN STREET PROGRAM. (a) The commission shall administer a main street program to assist communities with the development, restoration, and preservation of their historic neighborhood commercial districts and central business districts.

(b) The commission shall designate certain communities to participate in the program as official main street cities.

(c) The commission by rule shall prescribe the frequency of community designations and qualification standards for participation in the program.

(d) The commission by rule shall prescribe a fee schedule for participation in the program under Subsection (c). The commission shall collect fees from the participating communities to offset costs of participation in the program.

Added by Acts 1989, 71st Leg., ch. 23, Sec. 1, eff. April 19, 1989.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 393 (S.B. [1269](#)), Sec. 1, eff. September 1, 2021.

Sec. 442.0145. TEXAS HISTORICAL ARTIFACTS PROGRAM; FUND.

(a) The commission shall administer a program to assist municipalities, counties, museums, and county historical commissions with:

(1) the development or improvement of museum facilities used to display historical artifacts discovered in Texas that are significant in Texas or American history; and

(2) the acquisition of historical artifacts discovered in Texas that are significant in Texas or American history.

(b) The Texas Historical Artifacts Program fund is created as a separate account in the general revenue fund. The fund is composed of money appropriated to the fund, money deposited to the fund under Subsection (c), and interest received from investments of money in the fund that the comptroller shall allocate to the fund. Sections [403.095](#) and [404.071](#) do not apply to the fund or to interest received from investments of money in the fund. Money in the fund may be spent only as provided by the commission under this

section.

(c) The commission may accept, for deposit in the Texas Historical Artifacts Program fund, grants or other donations from any source.

(d) The commission shall establish rules governing the use, administration, and distribution of the Texas Historical Artifacts Program fund. The rules must ensure that money in the fund is used only for the purposes prescribed by Subsection (a), including paying the expenses of administering the program.

Added by Acts 1999, 76th Leg., ch. 1370, Sec. 1, eff. June 19, 1999.

Amended by Acts 2001, 77th Leg., ch. 377, Sec. 3, eff. Sept. 1, 2001.

Sec. 442.015. TEXAS PRESERVATION TRUST FUND ACCOUNT.

(a) Notwithstanding Section 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. The account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, earnings on the account, and any other money received under this section. Distributions from the account may be used only for the purposes of this section and may not be used to pay operating expenses of the commission. Money allocated to the commission's historic preservation grant program shall be deposited to the credit of the account. Earnings on the account shall be deposited to the credit of the account.

(b) The commission may use distributions from the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that the commission determines is eligible for such listing or designation. The financial assistance may be in the amount and form and according to the terms that the commission by rule determines. The commission shall give priority to property the commission determines to be endangered by

demolition, neglect, underuse, looting, vandalism, or other threat to the property. Gifts and grants deposited to the credit of the account specifically for any eligible projects may be used only for the type of projects specified. If such a specification is not made, the gift or grant shall be unencumbered and accrue to the benefit of the Texas preservation trust fund account. If such a specification is made, the entire amount of the gift or grant may be used during any period for the project or type of project specified.

(c) As a condition of providing financial assistance under this section, the commission shall require the creation of a preservation easement in the property, as provided by Chapter 183, Natural Resources Code, in favor of the state, the designation of the property as a State Archeological Landmark, as provided by Chapter 191, Natural Resources Code, or the creation of other appropriate covenants in favor of the state. The commission may take any necessary action to enforce repayment of a loan made under this section.

(d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 12(2), eff. September 1, 2019.

(e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 12(2), eff. September 1, 2019.

(f) Repealed by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 12(2), eff. September 1, 2019.

(g) The commission may accept grants or other donations of money or other property and services from any source. Money received under this subsection shall be deposited to the credit of the Texas preservation trust fund account.

(h) The comptroller shall manage the assets of the account. In managing the assets of the account, the comptroller may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions the comptroller considers appropriate, any kind of investment that a prudent investor, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the account then prevailing, taking into consideration the investment of all the assets of the account rather than a single investment.

(i) The amount of a distribution shall be determined by the comptroller in a manner intended to provide a stable and predictable stream of annual distributions and to maintain over time the purchasing power of account investments and annual distributions from the account. If the purchasing power of account investments for any 10-year period is not preserved, the comptroller may not increase annual distributions from the account until the purchasing power of account investments is restored.

(j) An annual distribution made by the comptroller from the account during a fiscal year may not exceed an amount equal to seven percent of the average net fair market value of the investment assets of the account as determined by the comptroller.

(k) The expenses of managing account investments shall be paid from the account.

(l) On request, the comptroller shall fully disclose all details concerning the investments of the account.

Added by Acts 1989, 71st Leg., ch. 366, Sec. 1, eff. Sept. 1, 1989. Renumbered from Sec. 442.0071 by Acts 1990, 71st Leg., 6th C.S., ch. 12, Sec. 2(6), eff. Sept. 6, 1990. Amended by Acts 1995, 74th Leg., ch. 109, Sec. 11, eff. Aug. 30, 1995; Acts 1999, 76th Leg., ch. 461, Sec. 2, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 377, Sec. 4, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. [12](#)), Sec. 9, eff. June 15, 2007.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. [1](#)), Sec. 22.01, eff. November 1, 2011.

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. [1](#)), Sec. 22.02, eff. November 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1218 (S.B. [1546](#)), Sec. 1, eff. September 1, 2013.

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. [1422](#)), Sec. 12(2), eff. September 1, 2019.

Sec. 442.0155. FUNDS SUBJECT TO STATE FUNDS REFORM ACT. All money paid to the commission under this chapter is subject to Subchapter [F](#), Chapter [404](#).

Sec. 442.016. LIABILITY FOR ADVERSELY AFFECTING HISTORIC STRUCTURE OR PROPERTY. (a) In this section, "historic structure or property" means a historic structure or a structure or property that is designated as historic by a political subdivision of the state, the state, or the federal government.

(b) A person is liable to the commission for damages if the person:

(1) demolishes, causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a historic structure or property that is not located in a municipality that has a demolition permit and a building permit procedure; and

(2) does not obtain written permission from the commission before beginning to demolish, cause the demolition of, or otherwise adversely affect the structural, physical, or visual integrity of the structure or property.

(c) If the structural, physical, or visual integrity of the structure or property is adversely affected to the extent that it is not feasible to restore the structural, physical, or visual integrity substantially to its former level, the damages are equal to the cost of constructing, using as many of the original materials as possible, a new structure or property that is a reasonable facsimile of the historic structure or property and the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section. If it is feasible to restore the structural, physical, or visual integrity of the structure or property substantially to its former level, the damages are equal to the cost of the restoration, using as many of the original materials as possible, and the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(d) Instead of accepting monetary damages, the commission may permit the liable person to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or

property or to restore, using as many of the original materials as possible, the historic structure or property and to pay the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this section.

(e) Damages recovered under this section shall be deposited in the Texas preservation trust fund account.

(f) The construction of a facsimile structure or property under Subsection (d) must be undertaken at the location designated by the commission, which may be the same location as that of the demolished historic structure or property.

(g) The commission may make contracts and adopt rules as necessary to carry out this section.

(h) The commission shall file in the real property records of the county clerk's office in each county in which a historic structure or property that is included on the National Register of Historic Places or that is designated as a Recorded Texas Historic Landmark is located a verified written instrument listing each structure or property located in that county by:

(1) the street address, if available in the commission files;

(2) the legal description of the real property on which the structure or property is located; and

(3) the name of the owner of the real property, if available in the commission files.

(i) Subsections (a) through (g) of this section apply only to a historic structure or property on or after the date the instrument has been filed under Subsection (h) and indexed.

Added by Acts 1991, 72nd Leg., ch. 594, Sec. 2, eff. Sept. 1, 1991.
Amended by Acts 1995, 74th Leg., ch. 109, Sec. 13, eff. Aug. 30, 1995.

Sec. 442.017. IDENTIFICATION AND PRESERVATION OF ABANDONED CEMETERIES. (a) The commission should establish a program to identify and preserve abandoned cemeteries across the state.

(b) The commission 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.

(c) The commission may accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

Added by Acts 2001, 77th Leg., ch. 377, Sec. 5, eff. Sept. 1, 2001.

Sec. 442.018. IDENTIFICATION AND PRESERVATION OF TEXAS UNDERGROUND RAILROAD HISTORICAL SITES. (a) The commission should establish a program to identify and preserve Texas Underground Railroad Historical Sites.

(b) The commission 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.

(c) The commission may accept gifts, grants, and in-kind donations from public and private entities for the implementation of the program. The legislature may appropriate money to the commission to implement the program.

(d) The commission may adopt rules reasonably necessary to implement the program.

Added by Acts 2001, 77th Leg., ch. 377, Sec. 6, eff. Sept. 1, 2001.

Sec. 442.019. TOM LEA TRAIL. (a) The commission shall develop a Tom Lea Trail program to commemorate the life and art of Tom Lea.

(b) The program, at a minimum, shall include:

(1) designation of locations that are historically significant to the life and art of Tom Lea;

(2) adoption of an icon, symbol, or other identifying device to represent a designation under this section;

(3) the use of the icon, symbol, or other identifying device in promoting tourism around this state by the commission and at locations designated under this section; and

(4) the development of itineraries and maps to guide

tourists to locations designated under this section.

(c) The commission shall adopt:

(1) eligibility criteria for a designation under this section; and

(2) procedures to administer the program created under this section.

(d) A historic marker or sign relating to the life and art of Tom Lea that is erected or maintained pursuant to the program adopted under this section must be located not more than five miles from a location designated under Subsection (b)(1).

(e) The commission may, as necessary, enter into a memorandum of understanding with the Texas Economic Development and Tourism Office and the Texas Department of Transportation to implement this section.

(f) The commission may solicit and accept gifts, grants, and other donations from any source to implement this section. The commission is not required to promote or market the Tom Lea Trail unless the commission receives funds raised from private entities for that purpose.

(g) The following segments of highway shall constitute the Tom Lea Trail:

(1) Interstate Highway 10 from its intersection with the northern municipal boundary of El Paso to its intersection with Interstate Highway 20;

(2) Interstate Highway 20 from its intersection with Interstate Highway 10 to its intersection with the western municipal boundary of Sweetwater;

(3) Interstate Highway 20 from its intersection with the eastern municipal boundary of Sweetwater to its intersection with U.S. Highway 277;

(4) U.S. Highway 277 from its intersection with Interstate Highway 10 to its intersection with State Highway 114 in Seymour;

(5) State Highway 114 from its intersection with U.S. Highway 277 in Seymour to its intersection with State Highway 199;

(6) State Highway 199 from its intersection with U.S. Highway 281 to its intersection with Interstate Highway 30;

- (7) Interstate Highway 30 from its intersection with State Highway 199 to its intersection with Interstate Highway 35 East in Dallas;
- (8) Interstate Highway 35 East from its intersection with Interstate Highway 30 in Dallas to its intersection with State Highway 6 outside of the southern municipal boundary of Waco;
- (9) State Highway 6 from its intersection with Interstate 35 East to its intersection with State Highway 30 in College Station;
- (10) State Highway 30 from its intersection with State Highway 6 in College Station to its intersection with Interstate Highway 45;
- (11) Interstate Highway 45 from its intersection with State Highway 30 to its terminus in Galveston;
- (12) State Highway 21 from its intersection with State Highway 6 to its intersection with U.S. Highway 290;
- (13) U.S. Highway 290 from its intersection with State Highway 21 to its intersection with the eastern municipal boundary of Austin;
- (14) U.S. Highway 290 from its intersection with the western municipal boundary of Austin to its intersection with the eastern municipal boundary of Fredericksburg;
- (15) U.S. Highway 290 from its intersection with the western municipal boundary of Fredericksburg to its intersection with Interstate Highway 10;
- (16) Interstate Highway 10 from its intersection with U.S. Highway 290:
 - (A) west to its intersection with U.S. Highway 385; and
 - (B) east to its intersection with Interstate Highway 37;
- (17) U.S. Highway 385 from its intersection with Interstate Highway 10 to its intersection with the southern municipal boundary of Odessa;
- (18) Interstate Highway 37 from its intersection with Interstate Highway 10 to its intersection with U.S. Highway 77;
- (19) U.S. Highway 77 from its intersection with

Interstate Highway 37 to its intersection with the northern municipal boundary of Kingsville;

(20) U.S. Highway 77 from its intersection with the southern municipal boundary of Kingsville to its intersection with State Highway 285 in Riviera; and

(21) State Highway 285 from its intersection with U.S. Highway 77 in Riviera to its intersection with the eastern municipal boundary of Hebbronville.

(h) In this section, a reference to a municipal boundary means that boundary as it exists on September 1, 2017.

(i) A designation of highway segments as the Tom Lea Trail may not be construed as a designation under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.).

Added by Acts 2017, 85th Leg., R.S., Ch. 718 (S.B. 928), Sec. 1, eff. September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 1008 (H.B. 1317), Sec. 1, eff. September 1, 2017.

Sec. 442.0195. TEXAS MUSIC HISTORY TRAIL. (a) The commission shall develop a Texas Music History Trail program to promote and preserve Texas music history.

(b) The program, at a minimum, shall include:

(1) designation of locations or organizations that are historically significant to this state's musical heritage;

(2) adoption of an icon, symbol, or other identifying device to represent a designation under this section;

(3) the use of the icon, symbol, or other identifying device in promoting tourism around this state and at the locations or organizations designated under this section; and

(4) to the extent funds are available, the development of itineraries and maps to guide tourists to locations or organizations designated under this section.

(c) The commission shall adopt:

(1) eligibility criteria for a designation under this section; and

(2) procedures to administer the program created under this section.

(d) To implement this section, the commission may, as necessary, enter into a memorandum of understanding with:

(1) the Texas Economic Development and Tourism Office, including the divisions of the governor's office responsible for tourism and music, film, television, and multimedia;

(2) the Texas Commission on the Arts; or

(3) the Texas Department of Transportation.

(e) The commission may solicit and accept gifts, grants, and other donations from any source to implement this section.

Added by Acts 2017, 85th Leg., R.S., Ch. 838 (H.B. 2079), Sec. 1, eff. September 1, 2017.

Redesignated from Government Code, Section 442.019 by Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 21.001(23), eff. September 1, 2019.

Sec. 442.020. TEXAS TREASURE AWARDS. (a) The commission shall create the Texas Treasure Award program to honor businesses that have existed in this state providing employment and supporting the Texas economy for 50 years or more.

(b) Any person may nominate a business that meets the criteria described by Subsection (a) to the commission for consideration to receive the award.

(c) The commission shall establish separate levels of recognition for businesses that have existed in this state providing employment and supporting the Texas economy for at least 50 years, at least 75 years, at least 100 years, and at least 125 years.

(d) The commission shall periodically select businesses to receive Texas Treasure Awards for the various levels of recognition as the commission considers appropriate considering the significance of the contribution of each business to this state. The commission shall honor the recipient of a Texas Treasure Award by presenting the recipient with a suitable plaque that includes the business's level of recognition and other appropriate information.

(e) The commission shall notify the state senator and state representative in whose districts a recipient's principal place of

business in this state is located. The commission, the recipient, and the state senator and state representative shall cooperate in determining whether the ceremony at which the plaque honoring the recipient will be presented will be held in the hall of the senate, in the hall of the house of representatives, in the municipality or general area in which the recipient's principal place of business in this state is located, or in another suitable location.

Added by Acts 2005, 79th Leg., Ch. 850 (S.B. 920), Sec. 1, eff. June 18, 2005.

Renumbered from Government Code, Section 442.019 by Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 17.001(28), eff. September 1, 2007.

Sec. 442.021. EL CAMINO REAL DE LOS TEJAS NATIONAL HISTORIC TRAIL. (a) In cooperation with the National Park Service, the commission shall administer and coordinate the efforts of state and local public and private entities in this state regarding the preservation of El Camino Real de los Tejas National Historic Trail.

(b) The commission shall develop educational and interpretative programs relating to El Camino Real de los Tejas National Historic Trail.

(c) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market the El Camino Real de los Tejas National Historic Trail as a Texas historic highway.

(d) To supplement revenue available for the purposes under Subsection (c), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(e) A designation of the El Camino Real de los Tejas National Historic Trail as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(f) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the

cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2005, 79th Leg., Ch. 1316 (H.B. 3269), Sec. 1, eff. June 18, 2005.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 461 (S.B. 1831), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 838 (H.B. 3421), Sec. 1, eff. September 1, 2011.

Sec. 442.022. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 10, eff. September 1, 2007.

Sec. 442.023. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to

implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 10, eff. September 1, 2007.

Sec. 442.024. SCENIC LOOP ROAD--BOERNE STAGE ROAD--TOUTANT BEAUREGARD ROAD HISTORIC CORRIDOR. (a) The commission shall designate as a historic corridor the corridor that follows part of the Old Spanish Trail automobile highway in Bexar County and consists of four legs. The first leg begins at State Highway 16 in Helotes and continues north on the Scenic Loop Road to the intersection of the Boerne Stage Road and the Toutant Beauregard Road. The second leg begins at the Boerne Stage Road in Leon Springs and continues west to the intersection of the Scenic Loop Road and the Toutant Beauregard Road. The third leg begins at the intersection of the Scenic Loop Road, the Boerne Stage Road, and the Toutant Beauregard Road and continues west on the Toutant Beauregard Road to the Kendall County line. The fourth leg begins at the intersection of the Scenic Loop Road, the Boerne Stage Road, and the Toutant Beauregard Road and continues north on the Boerne Stage Road to the Kendall County line.

(b) The historic corridor designated by the commission shall be known as the Scenic Loop Road--Boerne Stage Road--Toutant Beauregard Road Historic Corridor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1137 (H.B. 1499), Sec. 1, eff. September 1, 2011.

Sec. 442.025. TEXAS HISTORIC ROADS AND HIGHWAYS PROGRAM.

(a) The commission shall cooperate with the Texas Department of Transportation to establish a program for the identification, designation, interpretation, and marketing of Texas historic roads and highways.

(b) The designation of a road or highway under a program established under this section is not, and may not be considered to be, a designation under the National Historic Preservation Act (16

U.S.C. Section 470 et seq.).

(c) To supplement revenue available for the program, the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement for the program.

(d) The Texas Department of Transportation is not required to construct or erect a marker under this section unless a grant or donation of funds is made to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of a marker under this subsection shall be deposited to the credit of the state highway fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 685 (H.B. 2642), Sec. 1, eff. September 1, 2009.

Sec. 442.026. BANKHEAD HIGHWAY AS TEXAS HISTORIC HIGHWAY.

(a) The commission shall cooperate with the Texas Department of Transportation to identify, designate, interpret, and market the Bankhead Highway as a Texas historic highway, for the portion of the Bankhead Highway located in this state.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of the Bankhead Highway as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1315 (H.B. 2644), Sec. 1, eff. September 1, 2009.

Sec. 442.027. STATE HIGHWAY 20 AS TEXAS HISTORIC HIGHWAY.

(a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market State Highway 20

as a Texas historic highway.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of State Highway 20 as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1287 (H.B. 1866), Sec. 1, eff. September 1, 2011.

Sec. 442.028. U.S. HIGHWAY 80 AS TEXAS HISTORIC HIGHWAY.

(a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market the portion of U.S. Highway 80 in Gregg and Upshur Counties as a Texas historic highway.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of a portion of U.S. Highway 80 as a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2013, 83rd Leg., R.S., Ch. 704 (H.B. 3070), Sec. 1, eff. September 1, 2013.

Sec. 442.029. HISPANIC HERITAGE CENTER OF TEXAS. The commission may:

(1) assist the Hispanic Heritage Center of Texas in establishing a facility to educate Texans regarding the contributions and historical significance of Hispanic persons to this state;

(2) solicit and accept gifts, donations, and grants of money or property from any public or private source to be used for the purposes of this section; and

(3) use money appropriated to the commission for the purposes of this section to assist the Hispanic Heritage Center of Texas as described by Subdivision (1).

Added by Acts 2013, 83rd Leg., R.S., Ch. 376 (H.B. 3211), Sec. 1, eff. September 1, 2013.

Redesignated from Government Code, Section 442.028 by Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(23), eff. September 1, 2015.

Sec. 442.030. ROUTE 66 HISTORIC CORRIDOR. (a) The commission shall identify relevant segments of former U.S. Highway 66 located in this state that are still in use and designate those segments as a historic corridor.

(b) The historic corridor designated by the commission shall be known as the Route 66 Historic Corridor.

Added by Acts 2015, 84th Leg., R.S., Ch. 284 (H.B. 978), Sec. 1, eff. September 1, 2015.

Sec. 442.031. DON JUAN DE ONATE TRAIL AS TEXAS HISTORIC HIGHWAY. (a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market Westside Drive in El Paso County as the Don Juan de Onate Trail and a Texas historic highway.

(b) To supplement revenue available for the purposes under Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of Westside Drive in El Paso County as the Don Juan de Onate Trail and a Texas historic highway may not be construed as a designation under the National Historic Preservation Act (16 U.S.C. Section 470 et seq.).

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2015, 84th Leg., R.S., Ch. 445 (H.B. 3868), Sec. 1, eff. September 1, 2015.

Redesignated from Government Code, Section 442.030 by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(13), eff. September 1, 2017.

Sec. 442.032. NAMING OF CERTAIN AREAS ON HISTORIC SITES. The commission may name an area of a historic site, including a room or exhibition hall, in honor of a donor or other benefactor as the commission considers appropriate, provided the area does not have historical value. The commission shall adopt rules to implement this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 556 (H.B. 2332), Sec. 1, eff. September 1, 2015.

Redesignated from Government Code, Section 442.030 by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(14), eff. September 1, 2017.

Sec. 442.033. STATE HIGHWAYS 118 AND 166 AS DAVIS MOUNTAINS SCENIC LOOP HIGHWAY. (a) The commission shall cooperate with the Texas Department of Transportation to designate, interpret, and market as the Davis Mountains Scenic Loop Highway and a Texas historic highway the route formed by:

(1) State Highway 166; and

(2) the portion of State Highway 118 between Fort Davis and its intersection with State Highway 166.

(b) To supplement revenue available for the purposes under

Subsection (a), the commission and the Texas Department of Transportation may pursue federal funds dedicated to highway enhancement.

(c) A designation of the route described by Subsection (a) as the Davis Mountains Scenic Loop Highway and a Texas historic highway may not be construed as a designation under 54 U.S.C. Section 300101 et seq.

(d) The Texas Department of Transportation is not required to design, construct, or erect a marker under this section unless a grant or donation of funds is made to the department to cover the cost of the design, construction, and erection of the marker. Money received to cover the cost of the marker shall be deposited to the credit of the state highway fund.

Added by Acts 2021, 87th Leg., R.S., Ch. 85 (S.B. 633), Sec. 1, eff. September 1, 2021.

SUBCHAPTER B. NATIONAL MUSEUM OF THE PACIFIC WAR

Sec. 442.051. MUSEUM DEFINITION; JURISDICTION. (a) In this subchapter, "museum" means the National Museum of the Pacific War.

(b) The museum is under the jurisdiction of the commission. Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.052. POWERS OF COMMISSION. With respect to the museum and in addition to its other powers and duties, the commission:

(1) shall foster and commemorate the memory of the era of supreme United States naval power upon the seas and the men and women of the armed services whose gallant and selfless dedication to duty made this era possible;

(2) shall administer the museum at Fredericksburg;

(3) shall act in any other capacity relative to preserving naval documents, relics, and other items of historical interest;

(4) may employ and discharge a museum director and

other employees it deems necessary to fulfill its duties and responsibilities within the limits of funds available;

(5) may accept on behalf of the State of Texas donations of money, property, and historical relics related to the museum's theme; and

(6) may acquire property and historical relics by purchase within the limits of funds available.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.053. REVENUE BONDS FOR MUSEUM. (a) The commission by resolution may request the Texas Public Finance Authority to issue revenue bonds or other revenue obligations to finance the repair, renovation, improvement, expansion, and equipping of the museum for one or more projects not to exceed an aggregated estimated cost of \$9 million.

(b) On receipt of a request by the commission under this section, the Texas Public Finance Authority shall promptly issue the bonds or other revenue obligations under and in accordance with Chapter 1232.

(c) The commission shall deposit the proceeds of revenue bonds or other revenue obligations issued under this section in accordance with Chapter 1232 and may use the proceeds only to finance the repair, renovation, improvement, expansion, and equipping of the museum.

(d) Notwithstanding any other law, the commission may contract with the Admiral Nimitz Foundation for the administration and operation of the museum, including any necessary renovation, improvement, or expansion of the museum.

(e) The commission may accept contributions from the Admiral Nimitz Foundation and other sources in connection with the repair, renovation, improvement, expansion, equipping, or operation of the museum.

Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 345 (H.B. 1492), Sec. 1, eff. June 1, 2017.

Sec. 442.055. GRANTS; DONATIONS. The commission may accept a grant or donation for any program or purpose of the museum. Redesignated from Parks and Wildlife Code, Subchapter Q, Chapter 22 and amended by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 3, eff. June 18, 2005.

Sec. 442.056. NATIONAL MUSEUM OF THE PACIFIC WAR MUSEUM FUND. (a) In this section:

(1) "Commission" means the Texas Historical Commission.

(2) "Fund" means the National Museum of the Pacific War museum fund.

(b) The National Museum of the Pacific War museum fund is created as a fund outside the state treasury. The commission shall administer the fund but may contract with the Admiral Nimitz Foundation for administration of the fund. The fund consists of:

(1) admissions revenue from operation of the museum; and

(2) donations made to the commission for the museum.

(c) Money in the fund may be spent without appropriation and only to administer, operate, preserve, repair, expand, or otherwise maintain the museum.

(d) Interest and income from the assets of the fund shall be credited to and deposited in the fund.

Added by Acts 2017, 85th Leg., R.S., Ch. 345 (H.B. 1492), Sec. 2, eff. June 1, 2017.

SUBCHAPTER B-1. STAR OF THE REPUBLIC MUSEUM

Sec. 442.061. DEFINITION. In this subchapter, "museum" means the Star of the Republic Museum.

Added by Acts 2019, 86th Leg., R.S., Ch. 693 (S.B. 2309), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1248 (H.B. 2913), Sec. 2.001, eff. September 1, 2019.

Sec. 442.062. JURISDICTION AND MAINTENANCE OF MUSEUM.

(a) The museum and its contents, artifacts, structure, and land are under the jurisdiction of the commission. The commission is responsible for the preservation, maintenance, and operation of the museum.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 30 (H.B. 2660), Sec. 2, eff. May 15, 2021.

(c) Any power or duty related to the museum formerly vested in any other state agency or entity is vested solely in the commission.

(d) The commission shall, in coordination with an advisory committee appointed by the board of trustees of the Blinn College District, promote the educational and public awareness programs at the museum, the Washington-on-the-Brazos State Historic Site, and the Barrington Living History Farm.

Added by Acts 2019, 86th Leg., R.S., Ch. 693 (S.B. 2309), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1248 (H.B. 2913), Sec. 2.001, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 30 (H.B. 2660), Sec. 1, eff. May 15, 2021.

Acts 2021, 87th Leg., R.S., Ch. 30 (H.B. 2660), Sec. 2, eff. May 15, 2021.

Sec. 442.063. GRANTS; DONATIONS. The commission may accept a grant or donation for any program or purpose of the museum.

Added by Acts 2019, 86th Leg., R.S., Ch. 693 (S.B. 2309), Sec. 1, eff. September 1, 2019.

Added by Acts 2019, 86th Leg., R.S., Ch. 1248 (H.B. 2913), Sec. 2.001, eff. September 1, 2019.

SUBCHAPTER C. CERTAIN HISTORIC SITES

Sec. 442.071. DEFINITION. In this subchapter, "historic site" means a site or park listed under Section 442.072. Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Sec. 442.072. JURISDICTION. (a) The following historic sites and parks are under the commission's jurisdiction:

- (1) Acton State Historic Site;
 - (2) Caddoan Mounds State Historic Site;
 - (3) Casa Navarro State Historic Site;
 - (4) Confederate Reunion Grounds State Historic Site;
 - (5) Eisenhower Birthplace State Historic Site;
 - (6) Fannin Battleground State Historic Site;
 - (7) Fanthorp Inn State Historic Site;
 - (8) Fort Griffin State Historic Site;
 - (9) Fort Lancaster State Historic Site;
 - (10) Fort McKavett State Historic Site;
 - (11) Fulton Mansion State Historic Site;
 - (12) Landmark Inn State Historic Site;
 - (13) Levi Jordan State Historic Site;
 - (14) Lipantitlan State Historic Site;
 - (15) Magoffin Home State Historic Site;
 - (16) Mission Dolores State Historic Site;
 - (17) Monument Hill and Kreische Brewery State Historic Sites;
 - (18) National Museum of the Pacific War;
 - (19) Sabine Pass Battleground State Historic Site;
 - (20) Sam Bell Maxey House State Historic Site;
 - (21) Sam Rayburn House State Historic Site;
 - (22) San Felipe State Historic Site;
 - (23) Starr Family Home State Historic Site;
 - (24) Varner-Hogg Plantation State Historic Site;
 - (25) Washington-on-the-Brazos State Historic Site;
- and
- (26) the property known as the French Legation.

(b) This subsection applies to a historic site that the state is required to operate in a particular manner or for a

particular purpose, such as a site improved with federal money subject to federal restrictions on the purposes for which the improved site may be used or a site donated to the state subject to a reversion clause providing that the title reverts to the grantor when the site is not used for the purposes for which it was acquired. The commission has all powers necessary to operate the site in the required manner or for the required purpose.

(c) The commission may enter into an agreement with a nonprofit or for-profit corporation, foundation, association, or other nonprofit or for-profit entity for the expansion, renovation, management, operation, or financial support of a historic site.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 4, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 709 (H.B. 3810), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 4, eff. September 1, 2019.

Sec. 442.073. HISTORIC SITE ACCOUNT. (a) The historic site account is a dedicated account in the general revenue fund.

(b) The account consists of:

(1) credits made to the account under Section 151.801, Tax Code;

(2) transfers to the account;

(3) interest earned on the account;

(4) fees and other revenue from operation of a historic site; and

(5) grants and donations accepted under Section 442.074.

(c) A fee or other revenue generated at a historic site must be credited to the account.

(d) Money in the account may be used only to administer, operate, preserve, repair, expand, or otherwise maintain a historic site or to acquire a historical item appropriate to a historic site.

(f) Money in the account may not be used to pay employee benefits or benefit-related costs. Notwithstanding any other law, the account is exempt from any applicable employee benefits proportionality requirement.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 5, eff. September 1, 2019.

Reenacted and amended by Acts 2019, 86th Leg., R.S., Ch. 503 (S.B. 26), Sec. 1, eff. January 1, 2020.

Sec. 442.074. GRANTS; DONATIONS. (a) The commission may seek and accept grants and donations for a historic site from any appropriate source.

(b) Money accepted under this section shall be deposited to the credit of the historic site account.

Added by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 11, eff. June 15, 2007.

Sec. 442.075. TRANSFER OF HISTORIC SITES FROM PARKS AND WILDLIFE. (a) Section 442.071 does not apply to this section.

(b) By interagency agreement, a historic site under the jurisdiction of the Parks and Wildlife Department may be transferred to the commission.

(c) If jurisdiction over a historic site is transferred under this section, all rights, powers, duties, obligations, functions, activities, property, and programs of the Parks and Wildlife Department relating to the site are transferred to the commission.

(d) On or after the transfer of jurisdiction over a historic site, the commission may enter into an agreement with a nonprofit or for-profit corporation, including the Admiral Nimitz Foundation, for the expansion, renovation, management, operation, or financial support of the site.

(e) The legislature may adjust the percentages allocated to the commission and the Parks and Wildlife Department under Section

151.801(c), Tax Code, in future appropriations to reflect the transfer of a site under this section and the associated savings or costs to each agency.

Added by Acts 2005, 79th Leg., Ch. 1259 (H.B. 2025), Sec. 2, eff. June 18, 2005.

Renumbered from Government Code, Section 442.019 and amended by Acts 2007, 80th Leg., R.S., Ch. 1159 (H.B. 12), Sec. 12, eff. June 15, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 5, eff. September 1, 2013.

Sec. 442.076. FRENCH LEGATION. (a) The commission is responsible for:

(1) the preservation, maintenance, and restoration of the property known as the French Legation and its contents; and

(2) the protection of the historical and architectural integrity of the exterior, interior, and grounds of the French Legation.

(b) Any power or duty related to the French Legation formerly vested in another state agency or entity is vested solely in the commission.

(c) The commission may solicit and accept gifts, donations, and grants of money or property from any public or private source to be used for the purposes of this section.

Added by Acts 1995, 74th Leg., ch. 41, Sec. 1, eff. Sept. 1, 1995.

Transferred, redesignated and amended from Government Code, Section 2165.257 by Acts 2017, 85th Leg., R.S., Ch. 709 (H.B. 3810), Sec. 3, eff. September 1, 2017.

Sec. 442.077. AGREEMENT RELATING TO FRENCH LEGATION. The commission may enter into an agreement with the Daughters of the Republic of Texas regarding the management, staffing, parking facilities, operation, and financial support of the property known as the French Legation.

Added by Acts 2017, 85th Leg., R.S., Ch. 709 (H.B. 3810), Sec. 2, eff. September 1, 2017.

SUBCHAPTER D. OPERATION OF HISTORIC SITES

Sec. 442.101. AUTHORITY TO CONTRACT. (a) For the purpose of carrying out the powers, duties, and responsibilities of the commission related to historic sites described by Subchapter C, the executive director or the executive director's designee may negotiate, contract, or enter an agreement for:

(1) professional services relating to a commission project, including project management, design, bid, and construction administration; and

(2) construction, restoration, renovation, or preservation of any building, structure, or landscape.

(b) The commission may contract with any appropriate entity, including a for-profit corporation, for services necessary to carry out its responsibilities regarding historic sites described by Subchapter C.

(c) The commission by rule shall adopt policies and procedures consistent with Subchapter A, Chapter 2254, and other applicable state procurement practices for soliciting and awarding contracts under this section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 550 (S.B. 615), Sec. 6, eff. September 1, 2013.

Sec. 442.102. CONSTRUCTION OF ROADS BY TEXAS DEPARTMENT OF TRANSPORTATION. (a) The commission may contract with the Texas Transportation Commission for the construction and paving of roads in and adjacent to historic sites described by Subchapter C.

(b) Agreements under this section must be made in conformity with Chapter 771.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.103. LEASE OF LANDS AND IMPROVEMENTS. (a) The

commission may lease any land or improvement that is part of a historic site described by Subchapter C to a municipality, county, special district, nonprofit organization, or political subdivision. After the execution of the lease, the leased area may not be referred to as a state facility and state funds may not be used to operate or maintain the property.

(b) The conditions and duration of the lease agreement are determined by the agreement of the commission and the lessee.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.104. LEASE OF GRAZING RIGHTS; SALE OF PRODUCTS.

(a) The commission may lease grazing rights on any historic site described by Subchapter C and may lease from other parties grazing rights necessary for proper livestock management. The commission may harvest and sell, or sell in place, any timber, hay, livestock, or other product grown on any historic site described by Subchapter C that the commission finds to be in excess of natural resource management, educational, or interpretive objectives. Timber may be harvested only for forest pest management, salvage, or habitat restoration and consistent with good forestry practices and the advice of the Texas Forest Service.

(b) The commission may agree to accept materials, supplies, or services instead of money as part or full payment for a sale or lease under this subchapter. The commission may not assign to the materials, supplies, or services accepted as payment under this subsection a value that exceeds their actual market value.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.105. ESTABLISHMENT OF FEES; REVENUE. (a) In setting the amounts of the fees for entering, reserving, or using a historic site described by Subchapter C, the commission:

(1) shall establish reasonable and necessary fees for the administration of commission programs; and

(2) may not set fees in amounts that permit the commission to maintain unnecessary fund balances.

(b) The commission may sell any item in the possession of the commission in which the state has title, or acquire and resell items if a profit can be made, to provide funding for programs administered by the commission.

(c) The commission may set and charge a fee for the use of a credit card to pay a fee imposed by the commission in an amount reasonable and necessary to reimburse the commission for the costs involved in the use of the card.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.106. CONCESSIONS. The commission may operate or grant contracts to operate concessions on the grounds of historic sites described by Subchapter C. The commission may make rules governing the granting or operating of concessions. The commission may establish and operate staff concessions, including salaries, consumable supplies and materials, operating expenses, rental and other equipment, and other capital outlays.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.107. PUBLICATIONS ON HISTORIC SITES. (a) The commission may provide or sell information about historic sites described by Subchapter C to the public, including books, magazines, photographs, prints, and bulletins.

(b) The commission may enter into contractual agreements for publication of information concerning historic sites described by Subchapter C.

(c) The commission may receive royalties on commission-owned materials that are sold or supplied to others by the commission for publication.

(d) Money received under this section shall be deposited in the state treasury to the credit of the account from which expenses for the publication were paid.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.108. DEPOSIT OF RECEIPTS. The commission shall deposit to the credit of the historic site account all revenue, less allowable costs, received from the following sources:

- (1) the operation of concessions at historic sites described by Subchapter C;
- (2) lease of grazing rights on a historic site;
- (3) sale of products grown on a historic site;
- (4) fines received from violations of rules governing historic sites under Subchapter E; and
- (5) any other source.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.109. MISTAKEN DEPOSIT. (a) Any funds deposited in the state treasury under this subchapter by the commission by mistake of fact or mistake of law shall be refunded by warrant issued against the fund and credited against the account in the state treasury into which the money was deposited. Refunds necessary to make the proper correction shall be appropriated by the General Appropriations Act.

(b) The comptroller may require written evidence from the executive director of the commission to indicate the reason for the mistake of fact or law before issuing the refund warrant authorized by Subsection (a).

(c) This section does not apply to any funds that have been deposited under a written contract.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.110. PROGRAMS FOR THE DEVELOPMENT OF HISTORIC SITES AND STRUCTURES. (a) The commission may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program involving the planning, acquisition, and development of historic sites and structures described by Subchapter C.

(b) The commission may contract with the United States to plan, acquire, and develop historic sites and structures described

by Subchapter C in conformity with any federal act concerning the development of historic sites and structures.

(c) The commission shall keep financial and other records relating to programs under this section and shall furnish to appropriate officials and agencies of the United States and of this state all reports and information reasonably necessary for the administration of the programs.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.111. FINANCING OF HISTORIC SITE PROGRAMS.

(a) The operation, maintenance, and improvement of historic sites described by Subchapter C shall be financed from the general revenue fund, the historic site account, other accounts that may be authorized by law, and donations, grants, and gifts received by the commission for these purposes.

(b) A donation, grant, or gift accruing to the state or received by the commission for the purpose of operating, maintaining, improving, or developing historic sites described by Subchapter C may not be used for any purpose other than the operation, maintenance, or developing of historic sites.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

SUBCHAPTER E. RULES GOVERNING HISTORIC SITES

Sec. 442.201. AUTHORIZATION. The commission may adopt rules governing the health, safety, and protection of persons and property in historic sites described by Subchapter C under the control of the commission, including public water within historic sites.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.202. SCOPE OF RULES. The rules may govern:

(1) the conservation, preservation, and use of state property, whether natural features or constructed facilities;

(2) the abusive, disruptive, or destructive conduct of persons;

(3) the activities of site visitors, including camping, swimming, boating, fishing, or other recreational activities;

(4) the possession of pets or animals;

(5) the regulation of traffic and parking; and

(6) conduct that endangers the health or safety of site visitors or their property.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.203. POSTING OF RULES. All specific or general rules applying to a historic site described by Subchapter C must be posted in a conspicuous place at the site. A copy of the rules shall be made available on request to persons visiting the site.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.204. REMOVAL FROM SITE. (a) Any person directly or indirectly responsible for disruptive, destructive, or violent conduct that endangers property or the health, safety, or lives of persons or animals may be removed from a historic site described by Subchapter C for a period not to exceed 48 hours.

(b) Before removal under this section, the person must be given notice of the provisions of this section and an opportunity to correct the conduct justifying removal.

(c) A court of competent jurisdiction may enjoin a person from reentry to the historic site described by Subchapter C, on cause shown, for any period set by the court.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.205. ENFORCEMENT OF RULES. Rules adopted under this subchapter may be enforced by any peace officer. A notice to appear may be issued by a peace officer for violation of a rule on a form prescribed by the commission.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.206. EFFECT OF RULES. A rule adopted under this subchapter does not amend or repeal any penal law of this state.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

Sec. 442.207. PENALTY. A person who violates a rule adopted under this subchapter commits an offense that is a Class C misdemeanor.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 5, eff. June 17, 2011.

SUBCHAPTER F. SAN JACINTO BATTLEGROUND STATE HISTORIC SITE

Sec. 442.251. JURISDICTION. (a) The San Jacinto Battleground State Historic Site is under the jurisdiction of the commission.

(b) The San Jacinto Battleground State Historic Site is a historic site for purposes of Subchapter C.

Acts 1975, 64th Leg., p. 1405, ch. 545, Sec. 1, eff. Sept. 1, 1975. Transferred, redesignated, and amended from Parks and Wildlife Code, Section 22.011 by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 7, eff. September 1, 2019.

Sec. 442.252. SAN JACINTO MUSEUM AND BATTLEFIELD ASSOCIATION. (a) In this section, "association" means the San Jacinto Museum and Battlefield Association, which was previously known as the San Jacinto Museum of History Association.

(b) The association is a nonprofit historical association organized for the purposes of operating the San Jacinto Memorial Building and Tower and establishing a museum. The association retains ownership of property and historical data held in the name of the association and may acquire museum accessions by gift, grant, or purchase from association funds.

(c) The commission shall designate the association as the

entity responsible for operating the San Jacinto Memorial Building and Tower, operating the museum, engaging in related activities on the battleground at the San Jacinto Battleground State Historic Site, and providing financial support for the association's responsibilities under this section. The commission is responsible for maintaining and repairing the San Jacinto Memorial Building and Tower and providing utilities required for operation of the San Jacinto Memorial Building and Tower and related facilities.

(d) The commission may enter into an agreement with the association for the purposes of:

(1) expanding, renovating, managing, maintaining, operating, or providing financial support for the San Jacinto Battleground State Historic Site, including the administration and operation of a history museum and related activities in the San Jacinto Memorial Building and Tower or on the battleground;

(2) maintaining, preserving, restoring, and protecting the historic San Jacinto battleground;

(3) promoting and conducting archeological studies at the San Jacinto Battleground State Historic Site;

(4) maintaining, repairing, renovating, restoring, improving, expanding, or equipping the San Jacinto Memorial Building and Tower, museum, or battleground for one or more projects, including construction of new or additional facilities;

(5) designing and fabricating exhibits and preserving, storing, and displaying artifacts, historical data, and items of historical significance, including artifacts, data, and items owned or held by the association;

(6) creating interpretive and educational programs;

(7) acquiring additional artifacts, historical data, and items of historical significance relevant to the battle at San Jacinto, the Texas Revolution and the period in which it occurred, and early Texas settlement and culture; and

(8) preserving, restoring, storing, and conserving artifacts, historical data, and items of historical significance.

(e) Under the terms of an agreement with the commission, the association may, in connection with the association's activities

regarding the San Jacinto Memorial Building and Tower, the museum, and the San Jacinto battleground, charge and collect fees, including entry fees and fees for viewing exhibits or films, attending programs or events, and utilizing the elevator or other facilities, and collect revenue from gift shop and concession sales. The association shall hold, invest, manage, use, and apply money received from those fees and sales for the benefit of the San Jacinto Battleground State Historic Site, and may exercise discretion, subject to the terms of the association's agreement with the commission, regarding business operations, exhibits, programing, collection management, preservation, restoration and storage, and site development at the San Jacinto Battleground State Historic Site.

(f) The commission may appoint two nonvoting members to the association's board of trustees. The commission may advise the association on museum operations, interpretation, history, preservation, archeology, education, nature, philanthropy, and business development.

(g) In the event of the association's dissolution, the commission is the sole beneficiary of all items held in the association's name that relate to the revolutionary and battle history of the San Jacinto Battleground State Historic Site and to early Texas settlement and culture, except as otherwise provided by the association's articles of incorporation or the terms of the gift or other transfer of the items to the association. The items for which the commission is not the sole beneficiary must be clearly identified and described on an agreed list prepared jointly by the commission and the association.

(h) The commission may adopt rules to establish:

(1) guidelines under which the association may solicit and accept sponsorships or donations from private entities in connection with the association's activities at the San Jacinto Battleground State Historic Site; and

(2) best practices under which the association may engage in activities described by this section, including procurement guidelines for the use of state funds.

Acts 1975, 64th Leg., p. 1405, ch. 545, Sec. 1, eff. Sept. 1, 1975.

Transferred and redesignated from Parks and Wildlife Code, Section 22.016 by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 7, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 414 (S.B. 2008), Sec. 1, eff. September 1, 2021.

Sec. 442.253. EXECUTIVE MANAGER; OTHER EMPLOYEES. (a) The commission may employ an executive manager to manage the business operations and direct staff at the San Jacinto Battleground State Historic Site.

(b) The executive manager is responsible for managing the business operations of the San Jacinto Battleground State Historic Site on behalf of the commission and the San Jacinto Museum and Battlefield Association. The executive manager's duties as they relate to the commission and the association must be specified in an agreement between the commission and the association.

(c) The commission may hire employees the commission determines are necessary to fulfill the commission's duties and responsibilities related to the San Jacinto Battleground State Historic Site. The employees report to the executive manager.

Added by Acts 2021, 87th Leg., R.S., Ch. 414 (S.B. 2008), Sec. 2, eff. September 1, 2021.

SUBCHAPTER G. PORT ISABEL LIGHTHOUSE STATE HISTORICAL MONUMENT AND PARK

Sec. 442.271. JURISDICTION. (a) The Port Isabel Lighthouse is a state historical monument and park and is under the jurisdiction of the commission.

(b) The Port Isabel Lighthouse State Historical Monument and Park is a historic site for purposes of Subchapter C.

Transferred, redesignated, and amended from Parks and Wildlife Code, Section 22.102 by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. 1422), Sec. 8, eff. September 1, 2019.

Sec. 442.272. POWERS OF COMMISSION. The commission may

rehabilitate, maintain, and preserve the property of the park, and may collect entrance fees for admission to the park or operate it on a concession basis under the provisions of this chapter.

Transferred, redesignated, and amended from Parks and Wildlife Code, Section 22.102 by Acts 2019, 86th Leg., R.S., Ch. 178 (H.B. [1422](#)), Sec. 8, eff. September 1, 2019.