

**SUBJECT:** Providing maintenance for restored historic courthouses

**COMMITTEE:** Culture, Recreation, and Tourism — committee substitute recommended

**VOTE:** 6 ayes — Hilderbran, Kuempel, Baxter, Dunnam, Gallego, Phillips  
0 nays  
1 absent — Dukes

**WITNESSES:** For — Robert E. Lindsey III, Mills County, County Judge  
Against — None  
On — Larry Oaks, Texas Historical Commission; Michael Vasquez, Texas Conference of Urban Counties; (*Registered, but did not testify*: Stan Graves, Texas Historical Commission)

**BACKGROUND:** In 1999, the 76th Legislature enacted HB 1341 by Gallego, which established the Texas Historic Courthouse Preservation Program. This program, administered by the Texas Historical Commission, provides partial matching grants to Texas counties for the restoration of their historic courthouses. The program began with a \$50 million appropriation for the grants. In 2001, the 77th Legislature approved a further allocation of \$50 million, and two years later the 78th Legislature approved the sale of \$45 million in bonds to fund additional grant projects. Continued financing for the program is part of the proposed state budget for fiscal 2006-07.

**DIGEST:** CSHB 2902 would require the Texas Historical Commission to adopt rules necessary to develop and implement a maintenance program to assist counties that received courthouse preservation funds. Elements of the program could include periodic inspections, technical assistance, and best practices information.  
  
The bill also would raise the cap on the amount of funds the commission could use for courthouse preservation and maintenance from 1 percent of biennial program appropriations to 2.5 percent.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

CSHB 2902 would help protect the economic investment of the state and local counties in historic courthouse buildings. Of 254 counties in Texas, 225 still have historic county courthouses at their social and civic centers, more than 200 of which still are in active government use. Before the implementation of the preservation program, some historic courthouses in Texas were poorly maintained or unable to function as public buildings because they did not meet federal accessibility requirements. Most courthouse preservation grants, however, require the county to preserve the restored building in its new condition for 20 years or longer. Adding the maintenance element to the preservation program would reduce the need for counties to pay for expensive restorations subsequent to the initial, state subsidized restoration.

The bill would allow the historical commission to provide training and technical assistance to counties regarding ongoing maintenance. This especially would help smaller counties that may not have the resources to maintain their restored courthouses. The intention of the bill is to allow the commission to help counties become even better stewards of their historic resources, not to over-regulate or micromanage the work of counties.

It is appropriate to raise the cap on how much the commission could spend to implement the maintenance program. It simply was an oversight that maintenance was not included in the original legislation in 1999. In addition, the bulk of funds for this program come from existing state bond capacity, not from state general revenue.

The preservation program is simply one tool for local communities to restore a courthouse. If there are other options available, such as a local benefactor, the community could take advantage of a local option instead of using the state program.

**OPPONENTS  
SAY:**

The state already spends too much in funding county courthouse restoration projects. Many counties already have restored their courthouses through local and private means, which should be a model for preservation efforts everywhere.

OTHER  
OPPONENTS  
SAY:

While the new maintenance element would lend technical and financial assistance to counties, this program change could lead to bureaucratic difficulties in their dealings with the historical commission. Counties have complained in the past that the commission inappropriately has micromanaged details of local courthouse preservation efforts. The bill should include guarantees that the commission would not, for example, seek the ability to sanction counties that did not comply with commission rules or guidelines for maintaining courthouses.

NOTES:

The committee substitute specified that the purpose of the program would be to protect courthouses that had benefited from the preservation program. It also would make proposed elements of the program, such as inspections and technical assistance, permissive rather than required on the commission's part.

The companion bill, SB 1496 by Fraser, has been referred to the Senate Government Organization Committee.