

SUBJECT: Transferring jurisdiction of French Legation to the Historical Commission

COMMITTEE: Culture, Recreation and Tourism — favorable, without amendment

VOTE: 7 ayes — Frullo, Faircloth, D. Bonnen, Fallon, Gervin-Hawkins, Krause,
Martinez

0 nays

WITNESSES: For — John Nau, Texas Historical Commission; Martha George Withers;
(*Registered, but did not testify*: Jim Brennan, Texas Coalition of Veterans
Organizations; John Shepperd)

Against — Betty Edwards, Daughters of the Republic of Texas

On — Harvey Hilderbran, Texas Facilities Commission; Mark Wolfe,
Texas Historical Commission

BACKGROUND: Government Code, sec. 442.072(a) lists certain historical sites and parks
that are under the jurisdiction of the Texas Historical Commission.

DIGEST: HB 3810 would transfer custodial jurisdiction of the French Legation
from the Texas Facilities Commission (TFC) to the Texas Historical
Commission. The bill also would remove the authorization for the
Daughters of the Republic of Texas (DRT) to use and operate the French
Legation for its purposes. The Historical Commission would be
responsible for the preservation, maintenance, and restoration of the
French Legation and its contents, as well as the protection of the historical
and architectural integrity of the exterior, interior, and grounds.

The bill would require any power or duty formerly vested in another state
entity or agency related to the French Legation to be solely vested to
THC.

Other historical sites, including the Sam Rayburn House State Historic
Site, the National Museum of the Pacific War, and the Mission Dolores

State Historic Site would be added to those under the Historical Commission's jurisdiction under Government Code, ch. 442.072(a).

The bill would require DRT to work with TFC on or as soon as practicable after the bill's effective date to take a complete inventory of personal property and fixtures located at the French Legation, including each item's origin and current ownership as agreed to by the DRT and the TFC. Upon completion of the inventory, DRT would be allowed a reasonable amount of time to remove its personal property and fixtures. The bill would require any dispute over ownership of personal property and fixtures to be resolved through alternative dispute resolution. The bill also would authorize the DRT to transfer its property to the Historical Commission.

Upon taking effect, the bill would transfer all DRT powers and duties, state-owned assets, and files and records relating to the French Legation to the Texas Historical Commission. It also would transfer all powers and duties, files and records, contracts, and appropriated funds of TFC relating to the French Legation to the Historical Commission on the effective date.

The bill would require the DRT to transfer any money held in trust relating to the French Legation to the Historical Commission for use in the management of the Legation House. The bill also would revoke the DRT's authority to charge admission to state property.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 3810 would help improve the poor condition of the French Legation in Austin, which has a number of pressing conservation issues, including the need for new paint and to resolve electrical, mechanical, plumbing, and structural framing issues. The Texas Historical Commission is better equipped to address these issues and to improve the presentation and experience of visitors to the French Legation than the Daughters of the Republic of Texas, which does not have the necessary experience or expertise for property management.

The bill would ensure that needed restorations to the French Legation were not delayed any longer and that it would be funded sufficiently to continue to be open to the public on a regular basis. The French Legation has been periodically closed to the public in the past year due to staff layoffs related to funding issues.

The bill would transfer custodianship from the Facilities Commission to the Historical Commission, both of which operate through state appropriations and are subject to Sunset review.

OPPONENTS
SAY:

HB 3810 could leave the long-term custodianship of the French Legation uncertain by transferring management from DRT to the Texas Historical Commission, which could cease to exist if it were abolished through Sunset review or lost legislative funding. The commission also could redirect funding for the French Legation to another historical site or program or project unrelated to the preservation of the French Legation.

NOTES:

Floor amendment. The bill's author plans to offer a floor amendment that would allow the Texas Historical Commission to solicit and accept gifts, donations, and grants of money or property to manage the French Legation. It also would require that the commission only use money or property acquired by gifts, donations, and grants for funding the preservation, maintenance, and restoration of the French Legation during fiscal 2018-19.

The amendment would allow the Historical Commission to enter into an agreement with the Daughters of the Republic of Texas regarding the management, staffing, operation, and financial support of the French Legation.

Fiscal note. The Legislative Budget Board's fiscal note estimates that HB 3810 would cost \$816,653 in general revenue related funds for fiscal 2018-19 in staff and maintenance costs related to the French Legation.

Companion. A companion bill, SB 2005 by Watson, was reported favorably by the Senate Business and Commerce Committee on May 5

and recommended for the local and uncontested calendar.