

## **BILL ANALYSIS**

Senate Research Center  
85R26413 MCK-D

C.S.S.B. 2005  
By: Watson  
Business & Commerce  
5/2/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

For over fifty years, the Daughters of the Republic of Texas have managed the state-owned French Legation Museum. The French Legation is a historic landmark in Austin with various federal, state, and local historic designations. It is the oldest building in Austin, dating back to 1841 when Texas was a sovereign country.

Recent events have left the Daughters of the Republic with insufficient funding to adequately manage the French Legation. The property is currently part of the Texas Facilities Commission's (TFC's) inventory, and so TFC recently requested authorization from the Legislative Budget Board to use an emergency repair fund to provide critical repairs for the facility. Even if this request is granted, however, the state will need to provide ongoing oversight to ensure the French Legation is adequately maintained and protected.

Recognizing this need, S.B. 2005 transfers the jurisdiction and management of the French Legation, its grounds, and its contents from the Daughters of the Republic to the Texas Historical Commission (THC). S.B. 2005 also includes conforming changes relating to certain historic sites that are already under THC's jurisdiction.

Transferring jurisdiction over the French Legation from the Daughters of the Republic to THC will better ensure this landmark is preserved for future generations of Texans. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 2005 amends current law relating to the transfer of jurisdiction over and management of the property known as the French Legation to the Texas Historical Commission and to certain historic sites under the commission's jurisdiction.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 442.072(a), Government Code, to provide that certain historic sites and parks, rather than certain historic sites and parks formerly under the jurisdiction of the Parks and Wildlife Department, including Sam Rayburn House State Historic Site, National Museum of the Pacific War, the property known as the French Legation, and Mission Dolores State Historic Site, are under the Texas Historical Commission's (THC's) jurisdiction.

SECTION 2. Transfers Section 2165.257, Government Code, to Subchapter C, Chapter 442, Government Code, redesignates it as Section 442.076, Government Code, and amends it, as follows:

Sec. 442.076. New heading: FRENCH LEGATION. (a) Provides that THC is responsible for:

(1) the preservation, maintenance, and restoration of the property known as the French Legation and its contents. Deletes existing text providing that the property known as the French Embassy is for the use and purposes of the Daughters of the Republic of Texas (DRT), and deletes existing text authorizing the Daughters of the Republic of Texas to take full charge of the building and use it as they consider proper;

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

(b) Provides that any power or duty related to the French Legation formerly vested in another state agency or entity is vested solely in THC. Deletes existing text providing that the French Embassy is the property of the state, and title to the property remains in THC's custody.

(c) Authorizes THC to 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.

(d) Authorizes THC, in carrying out THC's responsibilities under this section during the state fiscal biennium ending August 31, 2019, to use only money or property received as a gift, donation, or grant from a public or private source. Provides that this subsection expires September 1, 2019.

SECTION 3. Amends Subchapter C, Chapter 442, Government Code, by adding Section 442.077, as follows:

Sec. 442.007. AGREEMENT RELATING TO FRENCH LEGATION. Authorizes THC to enter into an agreement with DRT regarding the management, staffing, operation, and financial support of the property known as the French legation.

SECTION 4. Amends the heading to Section 2203.003, Government Code, to read as follows:

Sec. 2203.003. STATE PROPERTY UNDER CONTROL OF THE TEXAS DIVISION UNITED DAUGHTERS OF THE CONFEDERACY.

SECTION 5. Amends Section 2203.003(a), Government Code, as follows:

(a) Authorizes the Texas Division United Daughters of the Confederacy, rather than the Daughters of the Confederacy, Texas Division, and DRT each, to charge admission to state property over which the, rather than each, organization has custody or control. Makes a nonsubstantive change.

SECTION 6. (a) Requires, on September 1, 2017, or as soon as practicable after that date, DRT with assistance from the Texas Facilities Commission (TFC) to take a complete inventory of all personal property and fixtures located at the property known as the French Legation. Requires that the inventory identify the origin of each item and its current owner as agreed to between DRT and TFC. Requires DRT to be allowed a reasonable time after completion of the inventory to remove any personal property and fixtures owned by the organization.

(b) Requires that any dispute regarding the ownership of personal property and fixtures located at the French Legation be resolved through alternative dispute resolution as provided by Chapter 2009 (Alternative Dispute Resolution for Use by Governmental Bodies), Government Code.

(c) Authorizes DRT to transfer any property of the organization described by this section to THC.

SECTION 7. Provides that, on September 1, 2017, certain powers, duties, assets, files, and records of DRT are transferred to THC.

SECTION 8. Provides that, on September 1, 2017, certain powers, duties, files, records, contracts, and funds of TFC are transferred to THC.

SECTION 9. Requires DRT, on September 1, 2017, to transfer any money held in trust by the organization under Section 2203.003, Government Code, as amended by this Act, in relation to the property known as the French Legation to THC to be held in trust by THC for the purposes described by Section 442.076, Government Code, as redesignated and amended by this Act.

SECTION 10. Effective date: September 1, 2017.