

## **BILL ANALYSIS**

C.S.H.B. 3799  
By: Geren  
Culture, Recreation & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Prior to the 80th Legislative Session, the preservation and maintenance of the Governor's Mansion was provided by three entities—two state agencies and one nonprofit organization. During that session, legislation was enacted that transferred Texas Facilities Commission responsibilities for the maintenance of the mansion to the State Preservation Board.

The June 2008 fire redirected the mansion project from deferred maintenance to restoration. The remaining funds for the deferred maintenance project were then directed to the clean-up and stabilization of the mansion and preparation for the restoration of the building. The preservation board is the project manager for the restoration project, and the legislature is currently considering funding for the project.

In preparation for the restoration project, the preservation board has identified a conflict in state law regarding the agency that has responsibility for the maintenance of the mansion. The Texas Historical Commission is given this authority in one provision and the preservation board is given this same authority in another provision. To further clarify which agency has responsibility for the mansion, especially as the restoration project is about to begin, the preservation board believes it must have the responsibility for the preservation of the mansion and also the authority to direct and manage the project.

C.S.H.B. 3799 establishes that the State Preservation Board is responsible for the preservation and maintenance of the Governor's Mansion, and requires the Texas Historical Commission to approve construction plans and monitor work on the mansion.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3799 amends the Government Code to make the State Preservation Board, except as otherwise specifically provided by law, responsible for the preservation and maintenance of the Governor's Mansion and the protection of the historical and architectural integrity of the mansion's exterior, interior, and grounds. The bill specifies that its provisions do not limit the authority of the Texas Historical Commission under the Antiquities Code of Texas. The bill specifies that, with certain exceptions, a nonstructural decorative change in or to the private living and guest quarters of the governor and the governor's family on the second floor of the mansion does not require the prior approval of the board or the commission. The bill authorizes the commission and the governor's office to exercise the powers relating to the mansion as provided by applicable law and requires the commission and office to perform the duties relating to the mansion as provided by applicable law.

C.S.H.B. 3799 removes a provision making the commission solely responsible for the

preservation and maintenance of the mansion and the protection of the historical and architectural integrity of the mansion's exterior, interior, contents, and grounds, and instead requires the commission to approve construction plans and monitor the work on the mansion to ensure compliance with the Antiquities Code of Texas in order to ensure the historical and architectural integrity of the mansion's exterior, interior, contents, and grounds. The bill requires the nonprofit organization formed to assist in the preservation and maintenance of the mansion contracted by the commission to additionally develop and implement a plan for the solicitation and acceptance of necessary landscaping services. The bill removes a provision requiring a contract with such a nonprofit organization to expire on December 31 of an odd-numbered year. The bill authorizes the board, rather than the State Purchasing and General Services Commission, to exercise powers relating to the mansion that are provided by applicable law and requires the board, rather than the State Purchasing and General Services Commission, to perform duties relating to the mansion that are provided by applicable law. The bill specifies that the general powers and duties of the board are not applicable to provisions relating to the commission's duties regarding the mansion.

C.S.H.B. 3799 repeals Section 442.0071(d), Government Code, which requires the commission to seek the advice and approval of the governor and governor's spouse on the preservation and maintenance of the mansion and on a contract with a nonprofit organization formed to assist with such preservation and maintenance, and specifies the changes to the mansion that do not require prior commission approval.

#### **EFFECTIVE DATE**

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 3799 makes the State Preservation Board responsible, rather than solely responsible as in the original, for the preservation and maintenance of the Governor's Mansion and the protection of the historical and architectural integrity of the mansion's exterior, interior, and grounds, rather than the exterior, interior, contents, and grounds as in the original. The substitute adds a provision not in the original to specify that its provisions do not limit the authority of the Texas Historical Commission under the Antiquities Code of Texas. The substitute amends a provision, which was repealed in the original, to require the commission to approve construction plans and to monitor the work on the mansion to ensure the historical and architectural integrity of the mansion's exterior, interior, contents, and grounds.

C.S.H.B. 3799 differs from the original by repealing 442.0071(d), rather than 442.0071 in its entirety, thus keeping the following responsibilities with the commission, rather than transferring them to the board as in the original: the duties relating to the contents of the mansion; the authorization to accept gifts, grants, or other donations on behalf of the mansion; the requirement to contract with a nonprofit organization for preservation and maintenance purposes; and prior approval of a substantial addition, deletion, or other alteration made to the mansion or its contents or grounds.

C.S.H.B. 3799 differs from the original by requiring the nonprofit organization formed to assist in the preservation and maintenance of the mansion to additionally develop and implement a plan for the solicitation and acceptance of necessary landscaping services. The substitute differs from the original by removing the requirement that the nonprofit organization contract expire on December 31 of an odd-numbered year.

C.S.H.B. 3799 specifies that, with certain exceptions, a nonstructural decorative change in or to the private living and guest quarters of the governor and the governor's family on the second floor of the mansion does not require the prior approval of the board or commission, rather the

board as in the original. The substitute amends a provision, which was repealed in the original, to authorize the State Preservation Board, rather than the State Purchasing and General Services Commission, and the governor's office to exercise the powers relating to the mansion that are provided by applicable law, and requires the board, rather than the State Purchasing and General Services Commission, and the governor's office to perform the duties relating to the mansion that are provided by applicable law. The substitute adds a provision not in the original specifying that the general powers and duties of the board are not applicable to provisions relating to the commission's duties regarding the mansion.