

BILL ANALYSIS

S.B. 2307
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Culture, Recreation & Tourism
Committee Report (Unamended)

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, 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.

S.B. 2307 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

S.B. 2307 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 and perform the duties relating to the mansion as provided by applicable law.

S.B. 2307 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 includes necessary landscaping services among the items for which gifts, grants, devises, and bequests of money, other property and services may be solicited and accepted. 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 (Texas Facilities Commission), to exercise powers and perform the 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 Texas Historical Commission's duties regarding the mansion.

S.B. 2307 repeals Section 442.0071(d), Government Code, which requires the commission to seek the advice and approval of the governor and governor's spouse concerning the commission's activities relating to the preservation and maintenance of the mansion and their advice on a contract with a nonprofit organization formed to assist with such preservation and maintenance, and contains language regarding the changes to the mansion that do not require prior commission approval that is moved in the bill to the law relating to the State Preservation Board.

EFFECTIVE DATE

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