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H.B. No. 3674

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to eligibility of municipalities to participate in the  
3 historic courthouse preservation and maintenance programs  
4 administered by the Texas Historical Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 442.001(1), Government Code, is amended  
7 to read as follows:

8 (1) "Historic courthouse" means a county courthouse  
9 that is at least 50 years old. The term includes a structure that:

10 (A) previously functioned as the official county  
11 courthouse of the county in which it is located; and

12 (B) is owned by a municipality.

13 SECTION 2. Sections 442.0081(b), (c), (d), (e), (f), and  
14 (g-1), Government Code, are amended to read as follows:

15 (b) A county or municipality that owns a historic courthouse  
16 may apply to the commission for a grant or loan for a historic  
17 courthouse project. The application must:

18 (1) state the location of the courthouse;

19 (2) state whether the courthouse is or is likely to  
20 become a historic structure;

21 (3) state the amount of money or in-kind contributions  
22 that the county or municipality promises to contribute to the  
23 project;

24 (4) state whether the courthouse is currently

1 functioning as a courthouse;

2 (5) include any plans, including a master preservation  
3 plan, that the county or municipality may have for the project; and

4 (6) include any other information that the commission  
5 by rule may require.

6 (c) The commission may grant or loan money to a county or  
7 municipality that owns a historic courthouse, for the purpose of  
8 preserving or restoring the courthouse, if the county's or  
9 municipality's application meets the standards of the historic  
10 courthouse preservation program. In considering whether to grant  
11 an application, the commission shall consider the preferences and  
12 factors listed in this section as well as any other factors that it  
13 may provide by rule.

14 (d) In considering whether to grant an application, the  
15 commission shall give preference to:

16 (1) a proposed project to preserve or restore a  
17 courthouse:

18 (A) that is or is likely to become a historic  
19 structure; and

20 (B) that:

21 (i) is still functioning as a courthouse;

22 (ii) was built before 1875; or

23 (iii) is subject to a conservation easement  
24 held by the commission; and

25 (2) a county or municipality that will provide or has  
26 provided at least 15 percent of the project's costs, including:

27 (A) in-kind contributions; and

1                   (B) previous expenditures for master planning  
2 and renovations on the courthouse that are the subject of the  
3 application.

4           (e) In considering whether to grant an application, the  
5 commission shall also consider the following factors:

6                   (1) the amount of money available for a grant or loan  
7 and the percentage of the costs that the county or municipality will  
8 contribute;

9                   (2) whether the county or municipality will contribute  
10 any in-kind contribution such as labor or materials;

11                   (3) the cost to preserve or restore the courthouse;

12                   (4) the architectural style of the courthouse;

13                   (5) the historic significance of the courthouse;

14                   (6) the county's or municipality's master preservation  
15 plan; and

16                   (7) any other factors that the commission by rule may  
17 provide.

18           (f) The commission shall adopt rules regarding the way in  
19 which it will consider the following factors in analyzing a  
20 county's or municipality's contribution to project costs under  
21 Subsection (d)(2):

22                   (1) the period during which past expenditures can be  
23 considered;

24                   (2) the amount of past expenditures that can be  
25 considered; and

26                   (3) the amount and type of in-kind contributions that  
27 can be considered.

1           (g-1) To help protect courthouses that have benefited from  
2 the historic courthouse preservation program, the commission shall  
3 develop and implement a maintenance program to assist counties and  
4 municipalities receiving money under the preservation program in  
5 continuing to maintain, repair, and preserve the courthouses. The  
6 maintenance program may include offering to periodically inspect  
7 the courthouses and offering counties and municipalities technical  
8 assistance and information on best practices in maintaining the  
9 courthouses.

10           SECTION 3. Section 442.0082, Government Code, is amended to  
11 read as follows:

12           Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS.

13 (a) Before incurring any expenses payable from funds received from  
14 the commission under the historic courthouse preservation program,  
15 a county or municipality must have a master preservation plan for  
16 its historic courthouse project. The commission by rule shall  
17 prescribe the minimum standards for a master preservation plan.

18 (b) A county or municipality that receives money under the  
19 historic courthouse preservation program must use recognized  
20 preservation standards for work on a historic courthouse project.  
21 The commission by rule shall establish standards regarding the  
22 quality of the work performed on a historic courthouse project.

23 (c) A county or municipality that receives money under the  
24 historic courthouse preservation program for a historic courthouse  
25 project may use the money only for eligible preservation and  
26 restoration expenses that the commission by rule shall prescribe.  
27 Eligible expenses may include costs for:

1 (1) structural, mechanical, electrical, and plumbing  
2 systems and weather protection and emergency public safety issues  
3 not covered by insurance;

4 (2) code and environmental compliance, including  
5 complying with the federal Americans with Disabilities Act of 1990  
6 and its subsequent amendments, Chapter 469 [~~Article 9102, Revised~~  
7 ~~Statutes~~], and other state laws relating to accessibility  
8 standards, hazardous materials mitigation rules, and other similar  
9 concerns;

10 (3) replication of a missing architectural feature;

11 (4) removal of an inappropriate addition or  
12 modification; and

13 (5) restoration of a courtroom or other significant  
14 public space in a functional and historically appropriate manner.

15 (d) A county's or municipality's expenditure of money  
16 received under this chapter for a historic courthouse project is  
17 subject to audit by the state auditor in accordance with Chapter  
18 321.

19 (e) The commission by rule shall provide for oversight  
20 procedures on a project. These rules shall provide for reasonable  
21 inspections by the commission as well as periodic reports by a  
22 county or municipality on a project's progress.

23 SECTION 4. Section 442.0083(b), Government Code, is amended  
24 to read as follows:

25 (b) Except as otherwise provided by Subsection (c), the  
26 commission may use money in the historic courthouse preservation  
27 fund account to provide a grant or loan to a county or municipality

1 that owns a historic courthouse for a historic courthouse project.  
2 The grant or loan may be in the amount and according to the terms  
3 that the commission by rule shall determine.

4 SECTION 5. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2013.