

SENATE AMENDMENTS

2nd Printing

By: Cyrier, Howard

H.B. No. 3810

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transfer of jurisdiction over and management of the
3 property known as the French Legation to the Texas Historical
4 Commission and to certain historic sites under the commission's
5 jurisdiction.

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

7 SECTION 1. Section 442.072(a), Government Code, is amended
8 to read as follows:

9 (a) The following historic sites and parks [~~formerly under~~
10 ~~the jurisdiction of the Parks and Wildlife Department~~] are under
11 the commission's jurisdiction:

- 12 (1) Acton State Historic Site;
- 13 (2) Caddoan Mounds State Historic Site;
- 14 (3) Casa Navarro State Historic Site;
- 15 (4) Confederate Reunion Grounds State Historic Site;
- 16 (5) Eisenhower Birthplace State Historic Site;
- 17 (6) Fannin Battleground State Historic Site;
- 18 (7) Fort Griffin State Historic Site;
- 19 (8) Fort Lancaster State Historic Site;
- 20 (9) Fort McKavett State Historic Site;
- 21 (10) Fulton Mansion State Historic Site;
- 22 (11) Landmark Inn State Historic Site;
- 23 (12) Levi Jordan State Historic Site;
- 24 (13) Magoffin Home State Historic Site;

- 1 (14) Sabine Pass Battleground State Historic Site;
- 2 (15) Sam Bell Maxey House State Historic Site;
- 3 (16) San Felipe State Historic Site;
- 4 (17) Starr Family Home State Historic Site;
- 5 (18) Varner-Hogg Plantation State Historic Site;
- 6 (19) Sam Rayburn House State Historic Site;
- 7 (20) National Museum of the Pacific War;
- 8 (21) the property known as the French Legation; and
- 9 (22) Mission Dolores State Historic Site.

10 SECTION 2. Subchapter C, Chapter 442, Government Code, is
11 amended by adding Section 442.077 to read as follows:

12 Sec. 442.077. AGREEMENT RELATING TO FRENCH LEGATION. The
13 commission may enter into an agreement with the Daughters of the
14 Republic of Texas regarding the management, staffing, operation,
15 and financial support of the property known as the French Legation.

16 SECTION 3. Section 2165.257, Government Code, is
17 transferred to Subchapter C, Chapter 442, Government Code,
18 redesignated as Section 442.076, Government Code, and amended to
19 read as follows:

20 Sec. 442.076 [~~2165.257~~]. FRENCH LEGATION [~~EMBASSY~~]. (a)
21 The commission is responsible for:

22 (1) the preservation, maintenance, and restoration of
23 the [The] property known as the French Legation and its contents;
24 and

25 (2) the protection of the historical and architectural
26 integrity of the exterior, interior, and grounds of the French
27 Legation [~~Embassy is for the use and purposes of the Daughters of~~

1 ~~the Republic of Texas. They may take full charge of the building~~
2 ~~and use it as they consider proper].~~

3 (b) Any power or duty related to the French Legation
4 formerly vested in another state agency or entity is vested solely
5 in the commission.

6 (c) The commission may solicit and accept gifts, donations,
7 and grants of money or property from any public or private source to
8 be used for the purposes of this section.

9 (d) In carrying out the commission's responsibilities under
10 this section during the state fiscal biennium ending August 31,
11 2019, the commission may use only money or property received as a
12 gift, donation, or grant from a public or private source. This
13 subsection expires September 1, 2019 [~~The French Embassy is the~~
14 ~~property of the state, and title to the property remains in the~~
15 ~~commission's custody].~~

16 SECTION 4. The heading to Section 2203.003, Government
17 Code, is amended to read as follows:

18 Sec. 2203.003. STATE PROPERTY UNDER CONTROL OF THE TEXAS
19 DIVISION UNITED DAUGHTERS OF THE CONFEDERACY [~~TEXAS DIVISION, AND~~
20 ~~THE DAUGHTERS OF THE REPUBLIC OF TEXAS)].~~

21 SECTION 5. Section 2203.003(a), Government Code, is amended
22 to read as follows:

23 (a) The Texas Division United Daughters of the
24 Confederacy [~~Texas Division, and the Daughters of the Republic of~~
25 ~~Texas each~~] may charge admission to state property over which the
26 [~~each~~] organization has custody or control.

27 SECTION 6. (a) On September 1, 2017, or as soon as

1 practicable after that date, the Daughters of the Republic of Texas
2 with assistance from the Texas Facilities Commission shall take a
3 complete inventory of all personal property and fixtures located at
4 the property known as the French Legation. The inventory must
5 identify the origin of each item and its current owner as agreed to
6 between the Daughters of the Republic of Texas and the Texas
7 Facilities Commission. The Daughters of the Republic of Texas shall
8 be allowed a reasonable time after completion of the inventory to
9 remove any personal property and fixtures owned by the
10 organization.

11 (b) Any dispute regarding the ownership of personal
12 property and fixtures located at the French Legation shall be
13 resolved through alternative dispute resolution as provided by
14 Chapter 2009, Government Code.

15 (c) The Daughters of the Republic of Texas may transfer any
16 property of the organization described by this section to the Texas
17 Historical Commission.

18 SECTION 7. On September 1, 2017, the following are
19 transferred to the Texas Historical Commission:

20 (1) all powers and duties of the Daughters of the
21 Republic of Texas relating to the property known as the French
22 Legation;

23 (2) all state-owned assets in the possession of the
24 Daughters of the Republic of Texas relating to the French Legation;
25 and

26 (3) all files and other records of the Daughters of the
27 Republic of Texas kept by the organization regarding the French

1 Legation.

2 SECTION 8. On September 1, 2017, the following are
3 transferred to the Texas Historical Commission:

4 (1) all powers and duties of the Texas Facilities
5 Commission relating to the property known as the French Legation
6 and its grounds;

7 (2) all files and other records of the Texas
8 Facilities Commission relating to the French Legation;

9 (3) all contracts of the Texas Facilities Commission
10 pertaining specifically to the French Legation and its grounds; and

11 (4) all funds appropriated to the Texas Facilities
12 Commission designated for the benefit of the French Legation.

13 SECTION 9. On September 1, 2017, the Daughters of the
14 Republic of Texas shall transfer any money held in trust by the
15 organization under Section 2203.003, Government Code, as amended by
16 this Act, in relation to the property known as the French Legation
17 to the Texas Historical Commission to be held in trust by the
18 commission for the purposes described by Section 442.076,
19 Government Code, as redesignated and amended by this Act.

20 SECTION 10. This Act takes effect September 1, 2017.

COMMITTEE AMENDMENT NO. 1

BY: Wormi Burton

1 Amend H.B. No. 3810 (House Engrossed version page 2, line 14) by
2 inserting "parking facilities," between "staffing," and
3 "operation".

ADOPTED

MAY 24 2017

Atty. Spaw
Secretary of the Senate

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3810 by Cyrier (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.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3810, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	(\$444,894)
2021	(\$444,894)
2022	(\$444,894)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	\$0	0.0
2019	\$0	0.0
2020	(\$444,894)	5.0
2021	(\$444,894)	5.0
2022	(\$444,894)	5.0

Fiscal Analysis

The bill would amend the Government Code to transfer all powers and duties, state-owned assets, files and other records, and funds appropriated relating to the French Legation historic site from the Texas Facilities Commission (TFC) and from the Daughters of the Republic of Texas to the

Texas Historical Commission (THC) effective September 1, 2017. Section 442.076 as amended by the bill would make THC responsible for the preservation, maintenance, and restoration of the site and its contents and for the preservation of historic and architectural integrity of the interior, exterior, and grounds. To carry out these new duties, the bill would grant THC authority to solicit and accept gifts, donations, and grants of money or property from any public or private source. During the 2018-19 biennium, the bill would require THC to carry out these duties using only gifts, grants, or donations from public or private sources.

The bill would also transfer any money held in trust by the Daughters of the Republic of Texas related to the French Legation site to THC effective September 1, 2017. Additionally, the bill would allow the Daughters of the Republic of Texas to transfer any property or fixtures at the French Legation site to THC. The bill would take effect on September 1, 2017.

Methodology

THC assumes it would require \$444,894 and 5.0 FTEs annually beginning in fiscal year 2020 to implement the provisions of the bill. Currently, TFC does not expend any funds to manage the French Legation site, so costs associated with duties transferred to THC under the bill would represent new costs to the State.

Due to the requirement that THC expend only funds raised from outside sources to manage the French Legation site during the 2018-19 biennium, the agency assumes the State would only begin to incur costs related to site operations beginning in fiscal year 2020. From 2020 forward, THC assumes it would require 5.0 FTEs to manage the site, including one Program Supervisor III (\$65,000 annual salary), one Administrative Assistant IV (\$42,000 annual salary), one Program Specialist II (\$52,000 annual salary), one Customer Service Representative II (\$34,000 annual salary), and one Maintenance Specialist IV (\$38,000 annual salary). Staff benefit costs would total \$84,592 per year.

THC assumes other annual costs to operate the site beginning in fiscal year 2020 would include travel, consumable supplies, advertising, contracted services, utilities, non-capital minor maintenance funds, temporary staffing for special events, gift shop merchandise costs, equipment and furniture rental for special events, IT costs for website and DCS Office 365, training, and other operating expenses. THC assumes these costs would total \$29,300 for professional services, \$1,965 for travel, \$28,500 for utilities, \$17,500 for non-capital minor maintenance expenses and \$52,037 for other operating expenses.

Technology

This analysis assumes annual technology costs would include \$1,200 for website hosting and maintenance and \$837 for DCS Office 365 licensing.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, SD, KK, SZ, NV, ASa, JSm, CL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3810 by Cyrier (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.), **Committee Report 2nd House, As Amended**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3810, Committee Report 2nd House, As Amended: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	(\$444,894)
2021	(\$444,894)
2022	(\$444,894)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	\$0	0.0
2019	\$0	0.0
2020	(\$444,894)	5.0
2021	(\$444,894)	5.0
2022	(\$444,894)	5.0

Fiscal Analysis

The bill would amend the Government Code to transfer all powers and duties, state-owned assets, files and other records, and funds appropriated relating to the French Legation historic site from

the Texas Facilities Commission (TFC) and from the Daughters of the Republic of Texas to the Texas Historical Commission (THC) effective September 1, 2017. Section 442.076 as amended by the bill would make THC responsible for the preservation, maintenance, and restoration of the site and its contents and for the preservation of historic and architectural integrity of the interior, exterior, and grounds. To carry out these new duties, the bill would grant THC authority to solicit and accept gifts, donations, and grants of money or property from any public or private source. During the 2018-19 biennium, the bill would require THC to carry out these duties using only gifts, grants, or donations from public or private sources.

The bill would also transfer any money held in trust by the Daughters of the Republic of Texas related to the French Legation site to THC effective September 1, 2017. Additionally, the bill would allow the Daughters of the Republic of Texas to transfer any property or fixtures at the French Legation site to THC. The bill would take effect on September 1, 2017.

Methodology

THC assumes it would require \$444,894 and 5.0 FTEs annually beginning in fiscal year 2020 to implement the provisions of the bill. Currently, TFC does not expend any funds to manage the French Legation site, so costs associated with duties transferred to THC under the bill would represent new costs to the State.

Due to the requirement that THC expend only funds raised from outside sources to manage the French Legation site during the 2018-19 biennium, the agency assumes the State would only begin to incur costs related to site operations beginning in fiscal year 2020. From 2020 forward, THC assumes it would require 5.0 FTEs to manage the site, including one Program Supervisor III (\$65,000 annual salary), one Administrative Assistant IV (\$42,000 annual salary), one Program Specialist II (\$52,000 annual salary), one Customer Service Representative II (\$34,000 annual salary), and one Maintenance Specialist IV (\$38,000 annual salary). Staff benefit costs would total \$84,592 per year.

THC assumes other annual costs to operate the site beginning in fiscal year 2020 would include travel, consumable supplies, advertising, contracted services, utilities, non-capital minor maintenance funds, temporary staffing for special events, gift shop merchandise costs, equipment and furniture rental for special events, IT costs for website and DCS Office 365, training, and other operating expenses. THC assumes these costs would total \$29,300 for professional services, \$1,965 for travel, \$28,500 for utilities, \$17,500 for non-capital minor maintenance expenses and \$52,037 for other operating expenses.

Technology

This analysis assumes annual technology costs would include \$1,200 for website hosting and maintenance and \$837 for DCS Office 365 licensing.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, KK, SZ, NV, ASa, JSm, CL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 17, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3810 by Cyrier (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.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3810, As Engrossed: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	(\$444,894)
2021	(\$444,894)
2022	(\$444,894)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	\$0	0.0
2019	\$0	0.0
2020	(\$444,894)	5.0
2021	(\$444,894)	5.0
2022	(\$444,894)	5.0

Fiscal Analysis

The bill would amend the Government Code to transfer all powers and duties, state-owned assets, files and other records, and funds appropriated relating to the French Legation historic site from the Texas Facilities Commission (TFC) and from the Daughters of the Republic of Texas to the

Texas Historical Commission (THC) effective September 1, 2017. Section 442.076 as amended by the bill would make THC responsible for the preservation, maintenance, and restoration of the site and its contents and for the preservation of historic and architectural integrity of the interior, exterior, and grounds. To carry out these new duties, the bill would grant THC authority to solicit and accept gifts, donations, and grants of money or property from any public or private source. During the 2018-19 biennium, the bill would require THC to carry out these duties using only gifts, grants, or donations from public or private sources.

The bill would also transfer any money held in trust by the Daughters of the Republic of Texas related to the French Legation site to THC effective September 1, 2017. Additionally, the bill would allow the Daughters of the Republic of Texas to transfer any property or fixtures at the French Legation site to THC. The bill would take effect on September 1, 2017.

Methodology

THC assumes it would require \$444,894 and 5.0 FTEs annually beginning in fiscal year 2020 to implement the provisions of the bill. Currently, TFC does not expend any funds to manage the French Legation site, so costs associated with duties transferred to THC under the bill would represent new costs to the State.

Due to the requirement that THC expend only funds raised from outside sources to manage the French Legation site during the 2018-19 biennium, the agency assumes the State would only begin to incur costs related to site operations beginning in fiscal year 2020. From 2020 forward, THC assumes it would require 5.0 FTEs to manage the site, including one Program Supervisor III (\$65,000 annual salary), one Administrative Assistant IV (\$42,000 annual salary), one Program Specialist II (\$52,000 annual salary), one Customer Service Representative II (\$34,000 annual salary), and one Maintenance Specialist IV (\$38,000 annual salary). Staff benefit costs would total \$84,592 per year.

THC assumes other annual costs to operate the site beginning in fiscal year 2020 would include travel, consumable supplies, advertising, contracted services, utilities, non-capital minor maintenance funds, temporary staffing for special events, gift shop merchandise costs, equipment and furniture rental for special events, IT costs for website and DCS Office 365, training, and other operating expenses. THC assumes these costs would total \$29,300 for professional services, \$1,965 for travel, \$28,500 for utilities, \$17,500 for non-capital minor maintenance expenses and \$52,037 for other operating expenses.

Technology

This analysis assumes annual technology costs would include \$1,200 for website hosting and maintenance and \$837 for DCS Office 365 licensing.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, KK, SZ, NV, ASa, JSm, CL

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 25, 2017

TO: Honorable John Frullo, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3810 by Cyrier (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.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3810, As Introduced: a negative impact of (\$816,653) through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	(\$371,759)
2019	(\$444,894)
2020	(\$444,894)
2021	(\$444,894)
2022	(\$444,894)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2017
2018	(\$371,759)	5.0
2019	(\$444,894)	5.0
2020	(\$444,894)	5.0
2021	(\$444,894)	5.0
2022	(\$444,894)	5.0

Fiscal Analysis

The bill would amend the Government Code to transfer all powers and duties, state-owned assets, files and other records, and funds appropriated relating to the French Legation historic site from the Texas Facilities Commission (TFC) and from the Daughters of the Republic of Texas to the Texas Historical Commission (THC) effective September 1, 2017. Section 442.076 as amended by the bill would make THC responsible for the preservation, maintenance, and restoration of the site and its contents and for the preservation of historic and architectural integrity of the interior, exterior, and grounds. The bill would also transfer any money held in trust by the Daughters of the Republic of Texas related to the French Legation site to THC effective September 1, 2017. Additionally, the bill would allow the Daughters of the Republic of Texas to transfer any property or fixtures at the French Legation site to THC.

The bill would take effect on September 1, 2017.

Methodology

Based on information provided by THC, this analysis assumes the agency would require \$816,635 and 5.0 FTEs in the 2018-19 biennium to implement the provisions of the bill. Currently, TFC does not expend any funds to manage the French Legation site, so costs associated with duties transferred to THC under the bill would represent new costs to the State.

This analysis assumes that the French Legation site would be closed at the beginning of fiscal year 2018 for critical preservation renovations. During this time THC would require an additional 2.0 FTEs, including one Program Supervisor III (\$65,000 annual salary) and one Administrative Assistant IV (\$42,000 annual salary). Beginning January 1, 2018, this analysis assumes THC would hire 3.0 additional FTEs to open the site and develop educational programming. These would include one Program Specialist II, one Customer Service Representative II, and one Maintenance Specialist IV, with prorated fiscal year 2018 salaries of \$34,667, \$22,667, and \$25,333, respectively. Beginning in fiscal year 2019, annual salary costs for those 3.0 FTEs would increase to \$52,000, \$34,000, and \$38,000, respectively. Staff benefit costs for fiscal year 2018 would total \$69,456 and would increase to \$84,592 each subsequent year.

THC assumes other costs to operate the site would include travel, consumable supplies, advertising, contracted services, utilities, non-capital minor maintenance funds, temporary staffing for special events, gift shop merchandise costs, equipment and furniture rental for special events, IT costs for website and DCS Office 365, training, and other operating expenses. THC assumes these costs would total \$29,300 for professional services, \$1,965 for travel, \$28,500 for utilities, and \$17,500 for non-capital minor maintenance expenses annually beginning in fiscal year 2018. Additionally, this analysis assumes that in fiscal year 2018 other operating expenses would total \$35,371 and would increase in subsequent fiscal years to \$52,037 per year following the site's re-opening.

Technology

This analysis assumes annual technology costs would include \$1,200 for website hosting and maintenance and \$837 for DCS Office 365 licensing.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission
LBB Staff: UP, SZ, NV, ASa, JSm, CL