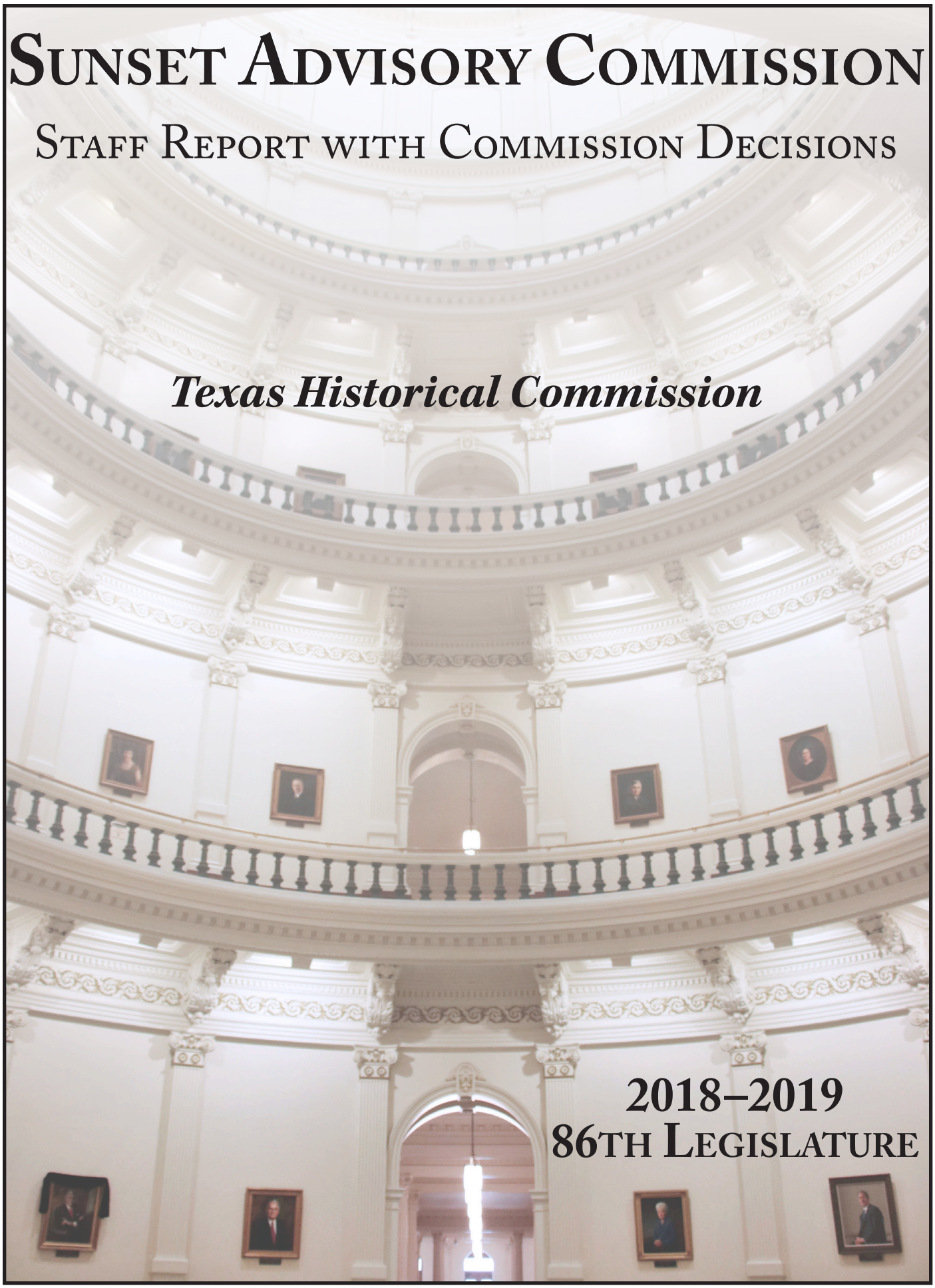
Sunset Advisory Commission

Staff Report with Commission Decisions



Texas Historical Commission

2018–2019
86th Legislature

Texas Historical Commission

Sunset Staff Report With Commission Decisions

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Sunset Advisory Commission

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Cover Photo: The Texas Capitol rotunda houses the Texas Governors and Presidents Portrait Gallery. The gallery includes portraits of every government leader in Texas' history, including several presidents when Texas won its independence from Mexico and became a republic. Photo Credit: Janet Wood

How to Read Sunset Reports

Each Sunset report is issued *three times*, at each of the three key phases of the Sunset process, to compile all recommendations and actions into one, up-to-date document. Only the most recent version is posted to the website. (**The version in bold is the version you are reading**.)

1. Sunset Staff Evaluation Phase

   Sunset staff performs extensive research and analysis to evaluate the need for, performance of, and improvements to the agency under review.

   First Version: The *Sunset Staff Report* identifies problem areas and makes specific recommendations for positive change, either to the laws governing an agency or in the form of management directives to agency leadership.

2. Sunset Commission Deliberation Phase

   The Sunset Commission conducts a public hearing to take testimony on the staff report and the agency overall. Later, the commission meets again to vote on which changes to recommend to the full Legislature.

   Second Version: The *Sunset Staff Report with Commission Decisions*, issued after the decision meeting, documents the Sunset Commission's decisions on the original staff recommendations and any new issues raised during the hearing, forming the basis of the Sunset bills.

3. Legislative Action Phase

   The full Legislature considers bills containing the Sunset Commission's recommendations on each agency and makes final determinations.

   Third Version: The *Sunset Staff Report with Final Results*, published after the end of the legislative session, documents the ultimate outcome of the Sunset process for each agency, including the actions taken by the Legislature on each Sunset recommendation and any new provisions added to the Sunset bill.

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Sunset Commission Decisions

Sunset Commission Decisions

Summary

The following material summarizes the Sunset Commission's decisions on the original Texas Historical Commission (THC) staff recommendations, as well as modifications and new recommendations raised during the public hearing.

Since its last Sunset review in 2007, THC has grown from just a regulatory agency providing advice and tools to preservationists to one actively managing and marketing 22 historic sites and resources in Texas. The Sunset Commission found the agency to be generally well-run, particularly with regard to its core preservation functions, but in need of improving its newer, less established programs — managing state historic sites and supporting local heritage tourism development. In particular, the commission recommends THC establish goals for these programs and find opportunities to coordinate with other agencies to improve historic preservation in the state.

Texas has long failed to comprehensively plan for its state historic sites, which are managed by four agencies — THC, Texas Parks and Wildlife Department (TPWD), State Preservation Board (SPB), and General Land Office (GLO) — with little statewide coordination or direction. Recognizing this, the commission determined the state needs a comprehensive statewide historic sites master plan and increased coordination between all entities managing historic sites or else risk the loss of important state history. Additionally, increased cooperation and collaboration across state historic sites would maximize each agency's strengths and better use the limited resources available to improve and preserve these sites.

THC also works with local governmental and nonprofit groups to foster preservation efforts across the state. The agency's main heritage tourism program, the Texas Heritage Trails, supports 10 regional nonprofit organizations seeking to increase historic and cultural heritage tourism. However, THC has allowed the program to operate for far too long without proper internal or external controls to ensure effective outcomes and full accountability. The commission found no evidence of wrong doing by the nonprofit organizations, but recommends providing clearer direction for the program through statute and rule alongside stronger contracting practices to provide needed oversight of the state's financial investment.

Issue 1

The State's Disjointed Approach to Managing Historic Sites Limits Best Use of State Resources.

Recommendation 1.1, Adopted as Modified — Direct THC to establish a working group with representation from necessary stakeholders to begin to develop a statewide historic sites master plan. The Commission modified the recommendation to specify that the working group would be composed of the chair or his or her designee from Texas Historical Commission (THC), Texas Parks and Wildlife Department (TPWD), and State Preservation Board (SPB), and the commissioner of the General Land Office (GLO) or his or her designee. In addition, THC should form and lead the working group

to create a proposal for the development of a master plan. Finally, specify the working group needs to meet at least twice before presenting the proposal to the Sunset Commission on December 10, 2018. (Management action – nonstatutory)

Issue 2

The State's Approach to Managing Historic Sites and Associated Collections Is Inefficient and Wasteful.

Recommendation 2.1, Adopted — Align statutory requirements for the sale of surplus state goods with curatorial collection best practices.

Recommendation 2.2, Adopted — The House Appropriations and Senate Finance Committees should consider adding a rider to the bill pattern of any agency with an officially adopted deaccession policy to retain proceeds from the sale of deaccessioned items.

Recommendation 2.3, Adopted — Direct agencies with a curatorial collection and deaccession policy to work with Texas Facilities Commission (TFC) to sell unneeded collections items. (Management action – nonstatutory)

Recommendation 2.4, Adopted as Modified — Direct THC and TPWD to work with TFC to explore options for a joint curatorial facility to serve the needs of the state's historic site collections. In addition, the Commission added a modification to direct THC and TPWD to consult with the SPB, GLO, and Texas State Library and Archives Commission to identify and consider each agency's additional storage needs when exploring long-term solutions for a joint curatorial facility to serve the state's needs. Also, specify that the agencies should also work together to create a master inventory of the state's curatorial collections. (Management action – nonstatutory)

Recommendation 2.5, Adopted — Direct THC and TPWD to develop an MOU to limit duplication in management of historic sites related to curatorial storage facilities, procurement and contracting, and preservation and interpretation. (Management action – nonstatutory)

Issue 3

The Texas Historical Commission Lacks Sufficient Oversight of Its Heritage Trails Nonprofits to Ensure Effective Use of State Funds.

Recommendation 3.1, Adopted — Clearly establish the Heritage Trails program in statute and require THC to adopt rules regarding the program.

Recommmendation 3.2, Adopted — Direct THC to work with the attorney general's office on a single, performance based contract and to provide stronger contract oversight. (Management action – nonstatutory)

Recommendation 3.3, Adopted — Direct THC to include the use of the Heritage Trails program and nonprofits in its long-term planning.

Issue 4

The State Has a Continuing Need for the Texas Historical Commission.

Recommendation 4.1, Adopted — Continue the Texas Historical Commission for 12 years.

Recommendation 4.2, Adopted — Update the standard across-the-board requirement related to commission member training.

Adopted New Recommendations

Transfer of Historic Sites From TPWD to THC

Transfer the eight remaining historic sites from TPWD to THC that are not attached to a state park:

- Battleship Texas
- Fanthorp Inn
- Fort Leaton
- Lipantitlan
- Monument Hill / Kreische Brewery
- Port Isabel Lighthouse
- San Jacinto Monument and Battleground
- Washington-on-the-Brazos

Historical Marker Challenge Process

Direct the Historical Commission to adopt rules providing for a process for stakeholders to challenge the accuracy of existing THC historical markers. The process should include a role for the county historical commission in the county where the marker is located. In addition to using in-house expertise, the Historical Commission should seek input from professional historians to provide additional perspectives. (Management action – nonstatutory)

Fiscal Implication Summary

Overall, the Sunset Commission's recommendations would not have a significant fiscal impact to the state, as many are designed to improve efficiency or increase accountability in ways that have minimal impact on resources. The recommendation to allow for the proper sale of unneeded collections items would result in positive revenue gains but cannot be estimated at this time. The recommendation to transfer the eight remaining historic sites that are not attached to a state park from TPWD to THC would not have a fiscal impact as the funding and full-time equivalent positions used to operate these sites would also be transferred from TPWD to THC.

Summary of Sunset Staff Recommendations

Summary

Historic preservation plays an important role informing the public about the events and people that gave rise to the world we live in today. The mission of the Texas Historical Commission (THC) is rooted in historic preservation, seeking to identify, protect, and preserve historic sites and cultural resources for the use, education, enjoyment, and economic benefit of present and future generations. Yet, in the 21st century, the agency has grown from just a regulatory agency providing advice and tools to preservationists to one actively managing 22 historic sites and marketing and sharing Texas' historic resources with the public. The Sunset review of THC occurred at a time of growth as the agency continues to adapt to this new role while maintaining its regulatory and stewardship duties. Sunset staff found the agency to be generally well-run, particularly with regard to its core preservation functions. As such, Sunset staff focused on the agency's less established programs supporting local heritage tourism development and managing state historic sites, finding the need to better establish goals for these programs and finding opportunities to coordinate with other entities in the historic preservation sphere to improve preservation in the state.

Texas has failed to comprehensively plan for its state historic sites.

Texas has long failed to comprehensively plan for its state historic sites, which are managed by four agencies with little statewide coordination or direction. Currently, no one formally prioritizes capital needs across all state historic sites, looks for narrative connections between sites managed by different agencies or entities, or considers what periods of history might be underrepresented by state-owned properties. This is not a conversation for any single agency and should be approached with care and consideration by involved agencies, local stakeholders, and history and preservation professionals. The Texas Historical Commission is poised to be a leading voice in big-picture discussions about what the goals and priorities should be for the state in preserving existing historic sites and potentially adding sites significant to the state's history. Without a comprehensive plan and increased coordination between all entities managing historic sites, the state risks the loss of important state history. In addition to planning, increased cooperation and collaboration across historic sites, particularly with the Texas Parks and Wildlife Department, can maximize the strengths of the agencies involved and better use the limited resources available to improve and preserve the state's historic sites.

In addition to working with other state agencies, THC works with local governmental and nonprofit groups to foster preservation efforts across the state. The agency's main heritage tourism program, the Texas Heritage Trails, supports 10 regional nonprofit organizations seeking to increase historic and cultural heritage tourism. The agency helped establish the nonprofit groups and provides direct financial support to them each year. However, the agency

has allowed the program to operate for far too long without proper internal or external controls to ensure effective outcomes and full accountability. Sunset staff found no evidence of wrongdoing by the nonprofit organizations but did find a lack of evaluation of the work performed by the nonprofits, which receive state funding and administrative support from the agency. While these organizations have built valuable networks in their regions, the program lacks specified long-term goals and formalized expectations for the relationship between the agency and the nonprofits. Sunset staff recommends providing clearer direction for the program through statute and rule alongside stronger contracting practices to provide needed oversight for the state's financial investment.

Finally, Sunset staff considered consolidating the agency's preservation functions into a single agency but found all the agencies involved in historic preservation to be doing a good job, each providing stewardship of the state's historic resources in line with their individual missions, and no clear benefits to the state in consolidating these functions. However, if the state is to continue to have multiple agencies responsible for historic preservation, it needs a coordinated approach, as discussed above. Sunset staff recommends continuing the agency for 12 years, as historic preservation provides clear benefits to the citizens of Texas in honoring and teaching the state's history. The following material highlights Sunset staff's key recommendations for the Texas Historical Commission.

Issues and Recommendations

Issue 1

The State's Disjointed Approach to Managing Historic Sites Limits Best Use of State Resources.

The Texas Historical Commission's mission is to protect and preserve the state's historic and prehistoric resources. In fulfilling its mission, the agency manages 22 historic sites across the state. In addition, the state has tasked three other state agencies — the Texas Parks and Wildlife Department (TPWD), State Preservation Board (SPB), and General Land Office (GLO) — with the management of another 16 historic sites. However, none of the agencies is tasked with providing a comprehensive master plan for how to best manage and use historic sites to preserve and tell the state's overall history. Without a comprehensive approach, the state historic sites suffer from a piecemeal Texas historical narrative, poor planning of historic site acquisition, a lack of prioritization of capital needs, and a lack of historic site inventory management. As the state agency for historic preservation, THC is uniquely positioned to coordinate with necessary stakeholders to create an overall approach to preservation at state historic sites.

Key Recommendation

- Direct THC to establish a working group with representation from necessary stakeholders to begin to develop a statewide historic sites master plan.

Issue 2

The State's Approach to Managing Historic Sites and Associated Collections Is Inefficient and Wasteful.

The Texas Historical Commission, TPWD, SPB, and GLO manage state-owned historic sites, preserving historic structures, creating exhibits, and caring for the associated curatorial collections. These agencies maintain the state's curatorial collections under established standards, but state procurement laws prevent these agencies from properly and cost-effectively disposing of unneeded items. The state also lacks a coordinated effort to best manage historic sites and their collections, particularly between THC and TPWD, both of which manage multiple sites spanning the state. The two agencies inefficiently store curatorial collections, have duplicative contracting and purchasing, and do not adequately share their respective expertise.

Key Recommendations

- Align statutory requirements for the sale of surplus state goods with curatorial collection best practices and direct agencies with a curatorial collection and deaccession policy to work with the Texas Facilities Commission to sell unneeded collections items.
- Direct THC and TPWD to work with the Texas Facilities Commission to explore options for a joint curatorial facility to serve the needs of the state's historic sites collections.
- Direct THC and TPWD to develop an MOU to limit duplication in management of historic sites related to curatorial storage facilities, procurement and contracting, and preservation and interpretation.

Issue 3

The Texas Historical Commission Lacks Sufficient Oversight of Its Heritage Trails Nonprofits to Ensure Effective Use of State Funds.

Since 1998, THC has operated a Heritage Trails program, establishing and financially supporting 10 regional nonprofit organizations that promote the heritage tourism industry across the state. While this program fulfills a general statutory mandate to promote heritage tourism, it lacks specific statutory direction and rules to clearly define the program, establish desired outcomes, set expectations of the nonprofits, and hold them accountable. The agency has no formal process for evaluating the work done by each nonprofit, risking inefficient or ineffective use, or misuse, of state funds. In addition, the agency's contracting practices with the nonprofit organizations, both in establishing terms of the contracts and in enforcement, fail to ensure program success. These organizations engage key stakeholders at the local level, and the agency could better carry out its preservation mission if it were to integrate the Heritage Trails program into its long-term planning.

Key Recommendations

- Clearly establish the Heritage Trails program in statute and require THC to adopt rules regarding the program.
- Direct THC to work with the attorney general's office on a single, performance-based contract and to provide stronger contract oversight.
- Direct THC to include the use of the Heritage Trails program and nonprofits in its long-term planning.

Issue 4

The State Has a Continuing Need for the Texas Historical Commission.

The Texas Historical Commission is the state agency for historic preservation. Sunset staff determined the state has a continuing need to protect and preserve important historic resources for the benefit of present and future generations. While other state agencies perform historic preservation functions, consolidation offers little benefit over the current structure. Federal law requires all states to have a State Historic Preservation Office, and, while organizational structures vary, several other states, like Texas, have an independent agency dedicated to historic preservation serving as the State Historic Preservation Officer.

Key Recommendation

- Continue the Texas Historical Commission for 12 years.

Fiscal Implication Summary

Overall, the recommendations in this report would not have a significant fiscal impact to the state, as many are designed to improve efficiency or increase accountability in ways that have minimal impact on resources. The recommendation to allow for the proper sale of unneeded collections items would result in positive revenue gains but cannot be estimated at this time.

Agency at a Glance
March 2018

Agency At A Glance

The mission of the Texas Historical Commission (THC) is to protect and preserve the state's historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations. The agency also acts as the State Historic Preservation Office for Texas, implementing federally mandated historic preservation programs. To accomplish its mission, THC carries out the following key activities:

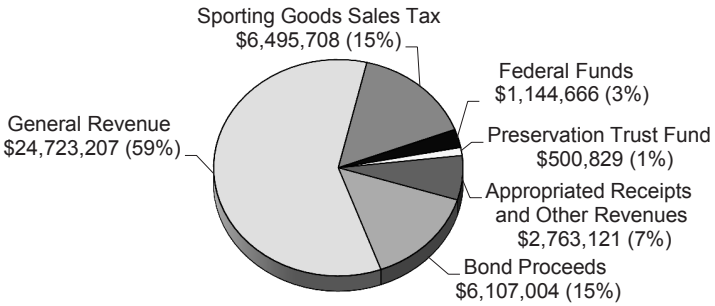
- Identifies and designates historic resources in Texas
- Supports local communities in developing and preserving historic resources
- Promotes heritage tourism regionally and statewide
- Reviews proposed construction projects to protect historic resources on public and private land
- Manages 22 historic sites across the state
- Acts as a steward to preserve and interpret historic resources entrusted to the state's care

Key Facts

- **Texas Historical Commission**. The 15-member commission provides policy direction and oversight to the agency. The members are appointed by the governor, with the advice and consent of the Senate. In 2017, the Legislature increased the size of the commission from nine to 15 members, and required one member to have expertise in archeology, one to have expertise in history, and one to have expertise in architecture. The remaining members represent the public.

- **Funding**. In fiscal year 2017, THC revenues totaled about $41.7 million, as shown in the pie chart, *Texas Historical Commission Sources of Revenue*. The majority of the agency's funding comes from the General Revenue Fund, sporting goods sales tax revenue, and bond proceeds related to the transfer of historic sites from the Texas Parks and Wildlife Department (TPWD) in 2008. THC also receives funds from the National Parks Service to support federally mandated programs, including required project impact reviews (known as Section 106 reviews), the Certified Local Government Program, the National Register of Historic Places, and a federal rehabilitation tax credit program. For the 2018–19 biennium, the agency's appropriation includes $12.1 million from the Emergency Stabilization Fund per year, offsetting a reduction in general revenue.

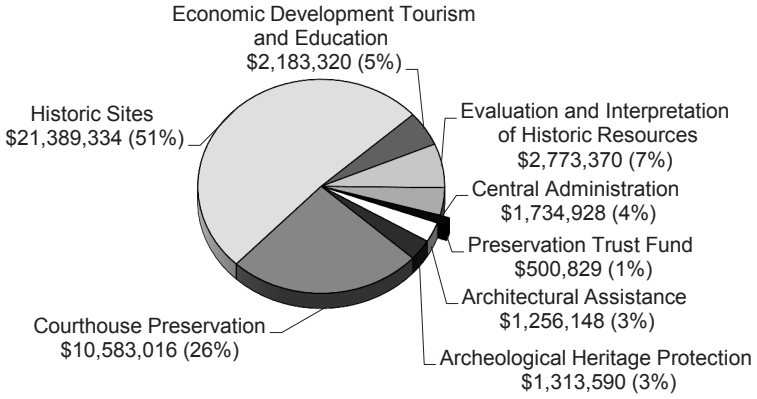
Texas Historical Commission Sources of Revenue – FY 2017



Total: $41,734,535

The pie chart, *Texas Historical Commission Expenditures by Strategy*, details the agency's key expenditures. In fiscal year 2017, the agency spent a little more than half of its budget on historic sites, about $10 million of which was for capital projects and maintenance. A quarter of THC's expenditures went toward the Historic County Courthouse Program, through which THC distributed $10 million in grants to local governments. Appendix A describes the agency's use of historically underutilized businesses (HUB) in purchasing goods and services for fiscal years 2015–2017. During the last three fiscal years, THC has consistently failed to meet statewide goals across all categories of HUB expenditures.

Texas Historical Commission Expenditures by Strategy – FY 2017



Total: $41,734,535

- **Friends of THC**. The agency receives additional funding from its associated nonprofit organization, the Friends of THC, for both one-time capital projects and ongoing programs. The organization raises money from individual donors and applies for grants to help fund specific THC projects. In fiscal year 2017, the Friends of THC raised $1.2 million in cash and pledges for projects such as the new museum at the San Felipe de Austin Historic Site and the agency's Real Places Conference.

- **Staffing**. The agency has 208 employees, with 122 based at THC headquarters in Austin and 86 at the agency's 22 historic sites across the state. Appendix B compares THC's workforce composition to the percentage of minorities in the statewide civilian labor force for the past three fiscal years. The agency exceeded the civilian workforce percentages for female workers, but fell below the average for minorities across all employment categories.

- **Designation of historic resources**. The agency recognizes historic resources, like buildings, districts, and cemeteries, through its designations and historical markers programs. Local preservationists help THC identify and recognize historic resources throughout Texas. Each designation has different requirements and carries different benefits and restrictions for the property owner. Appendix C provides more information about the designations and associated restrictions.

- **Protection of historic resources**. Both federal and state laws require THC to review certain proposed projects that might disturb historic resources above or below ground. Federal law requires federal projects, and any projects using federal funds or permits, to consider possible impacts on historic resources through a Section 106 review. Projects must coordinate with THC to identify potential impacts on and, if possible, avoid or mitigate damage to or loss of historic resources.[1] Texas law requires most projects on public land to notify THC before groundbreaking if any land will be disturbed.[2] If THC determines historic resources might be at risk, it issues permits for survey and mitigation activities as necessary. In fiscal year 2017, THC conducted 12,192 reviews, with 40 requiring mitigation. The agency also maintains the Historic Sites Atlas, an online database with more than 400,000 historic and archeological sites across the state that acts as both a research tool and statewide register.

- **Historic sites**. The agency manages 22 historic sites across the state, including 18 historic sites the Legislature transferred to THC from TPWD in 2008. The agency preserves and maintains the historic sites, creates educational visitor experiences, and engages local communities by hosting special events for the public and school field trips aligned with Texas Essential Knowledge and Skills (TEKS). Most of the historic sites work closely with local nonprofit "friends" groups that raise funds for projects at the sites, coordinate and support volunteers, and help engage the local community.

- **Grants**. The agency administers three grant programs. The Historic County Courthouse Preservation Grant Program, a multimillion-dollar grant program, awards biennial matching grants to local governments to preserve historic county courthouses across the state. The Texas Preservation Trust Fund awards grants to public entities, nonprofits, and individuals to support preservation activities in architecture or archeology and heritage education programs. The Certified Local Government Program is a federally mandated and funded grant program that supports preservation activities by cities and counties and helps establish preservation ordinances at the local level. In fiscal years 2016–2017, THC awarded a combined 42 grants totaling $20.7 million.

- **Heritage tourism**. The agency has several initiatives to foster and support heritage tourism across the state. The Legislature has designated many historical and cultural trails throughout the state, including denoting and honoring certain historic highways, as described in Appendix D. The agency produces travel guides for these trails and highways and for specific cultural interests, such as Hispanic Texas and the La Salle Odyssey. The agency also supports statewide heritage tourism with its Heritage Trails program, highlighting the small towns and unique heritage of 10 regions encompassing the state.

- **Assistance to local communities**. The agency provides expertise, professional consultation services, and official recognition to local communities, nonprofit organizations, and private owners in support of historic preservation. THC administers the Texas branch of the Main Street America program, helping revitalize main street districts in historic cities across the state. In 2017, 87 cities were active participants in the program, and eligible to receive architectural and design assistance and training from THC staff. Appendix E lists the active Main Street cities across the state. The agency also gives historic business awards to long-running businesses in the state, recognizes owners who preserve their homes, commercial properties, or archeological sites with historic preservation medallions, and supports local networks of avocational preservationists and archeologists who assist the agency in identifying and preserving historic resources.

- **Texas Holocaust and Genocide Commission**. In 2009, the Legislature created the Texas Holocaust and Genocide Commission to bring awareness of the Holocaust and other genocides to Texas students, educators, and the general public. This independent commission is administratively attached to THC. In 2017, the Legislature appropriated $587,111 in general revenue and five employees for the commission.

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[1] 54 U.S.C. Section 306108.

[2] All citations to Texas statutes are as they appear in http://statutes.legis.texas.gov/. Chapter 191, Subchapter C, Texas Natural Resources Code.

Issues

Issue 1

The State's Disjointed Approach to Managing Historic Sites Limits Best Use of State Resources.

Background

The state has long recognized that protecting and preserving its historic sites is in the public interest.[1] Texas has a unique history and culture, with historical resources dating from the prehistoric era and early Native American settlement all the way to the Space Age. To help preserve this long and diverse history, the state has primarily tasked four agencies to preserve and manage 38 state-owned historic sites that educate the public about Texas history. Appendix F lists each state-owned historic site, the agency responsible for the site, and the period of Texas history the site represents.

- **The Texas Historical Commission (THC).** The Texas Historical Commission is the state agency for historic preservation, statutorily charged to "provide leadership and coordinate services in the field of archeological and historic preservation."[2] THC's main functions include identifying and designating historic resources in Texas, acting as a steward of historic resources entrusted to the state's care, and managing 22 historic sites. The agency also works with other agencies and entities to uphold regulatory obligations found in the State Antiquities Code and related to THC's role as the State Historic Preservation Office.[3]

- **The Texas Parks and Wildlife Department (TPWD).** The Texas Parks and Wildlife Department is responsible for managing and conserving the natural and cultural resources of Texas and providing hunting, fishing, and other outdoor recreation opportunities for the use and enjoyment of present and future generations.[4] TPWD is charged with classifying park land with historic resources in its control as historic sites and operates 13 historic sites, five of which are designated jointly as a state park and historic site.[5]

- **The State Preservation Board (SPB).** The State Preservation Board is tasked with preserving, maintaining, and restoring the Capitol and the 1857 General Land Office, as well as their contents and grounds, and the Governor's Mansion.[6] The agency is also responsible for the operation of the Capitol Extension, Bob Bullock Texas State History Museum, and Texas State Cemetery.

- **The Texas General Land Office (GLO).** The General Land Office primarily serves the schoolchildren, veterans, and environment of Texas through the stewardship of state lands and natural resources.[7] The agency also collects and keeps records, provides maps and surveys, and issues titles.[8] In addition, the agency is responsible for the preservation and management of the Alamo.

Each state agency provides interpretation for and has jurisdiction over the sites entrusted to its care, except that state and federal law require each agency to work with THC on certain preservation efforts.[9] The Texas Historical Commission and TPWD also have authority to acquire new historic sites that represent important aspects of national or state history.[10] In addition to the state's efforts, county and local preservation entities and private nonprofits also own and manage several historic sites throughout the state, at times working in coordination with state agencies.

Findings

The lack of a comprehensive historic sites plan compromises the state's ability to adequately preserve and promote Texas history.

The state continues to approach historic preservation in an ad hoc manner.

The state lacks a singular statewide plan for managing its historic sites, resulting in duplicative and inefficient preservation efforts. While the state has directed each agency to plan for its site management, these plans focus on the needs of the individual agencies and the specific sites under their jurisdictions, not the needs of the state and the goal of preserving and telling the state's overall history.[11] These agency-specific plans result in the state approaching preservation in an ad hoc manner without coordination between responsible agencies to meet an overarching goal.

Concerns about comprehensive state preservation planning are not new. In 1988, the Summerlee Foundation of Dallas, a private foundation dedicated to preserving Texas history, established the Summerlee Commission on Texas History to study how Texas history could best be preserved.[12] In 1992, the commission, made up of experts in history and preservation, found the state lacked a single resource to set priorities for the state's overall preservation efforts, resulting in duplicative spending between state and private preservation efforts and a lack of clear prioritization for decision-making about limited resources.[13] The commission's recommendation to form a single agency tasked with planning and management of the state's preservation efforts was never implemented. Concerns about the state's preservation planning efforts resurfaced in 2000, and the Sunset Commission required TPWD and THC to establish criteria for determining whether a historic site is of statewide significance and work together on plans to preserve and develop state historical sites, which each agency still does on an ad hoc basis for individual sites. However, even with these efforts and 26 years after the Summerlee Commission report, the state still lacks a coordinated effort to set priorities for its historic preservation efforts. The lack of prioritization results in four major negative impacts on historic site preservation.

The state lacks a comprehensive approach to telling its history.

- **Piecemeal Texas historical narrative**. The state lacks a comprehensive approach for telling its history, resulting in inefficient use of its historic sites. The state uses historic sites to educate the public about different periods and sub-periods in history. However, these moments in history do not exist in isolation; they are part of the overall story of Texas. No single site can represent the entire history of Texas; sites often relate to multiple events in history and to other sites, including those managed by other agencies. The textbox on the following page, *A Snapshot in History*, shows how a single site relates to multiple points in Texas history and to other sites managed by agencies other than THC.

  However, the problem is not simply a matter of coordinating between state agencies, because some historic sites are not owned by the state. For example, the story of the Goliad Massacre is spread across four nearby locations: the

A Snapshot in History

Casa Navarro was the home of founding Texas statesman Jose Antonio Navarro and represents Tejano identity during the Texas Revolution. The site also connects to the story of the founding of the Republic of Texas, and ultimately to the difficulties in the modernization of the City of San Antonio as it struggled to build around this historic site.

Navarro signed the Texas Declaration of Independence at Washington-on-the-Brazos, a site managed by TPWD. The story of Texas' fight for independence undoubtedly includes the Battle of the Alamo, a site managed by GLO. Eventually, Navarro served in the Texas Senate, which now meets in the Texas Capitol, managed by SPB. Each of these sites is important to Navarro's story and to a comprehensive understanding of Texas history, but the state does not capitalize on this narrative thread to better explain history or promote other sites.

battlefield managed by THC; the mission, the Zaragoza birthplace, and one of three massacre sites, managed by TPWD at Goliad State Park and Historic Site; the presidio owned and managed by the Catholic Diocese of Victoria; and the Goliad Massacre Monument owned and maintained by Goliad County. All four sites tell important pieces of the same story, but not only do the two state-owned sites not coordinate with one another, the state does not actively work with the county or the Diocese to tell a shared story. The lack of a master narrative tying these stories together in the overall context of Texas' history limits the sites' educational impact.

- **Poorly planned historic site acquisition**. The state has no comprehensive plan for acquiring properties and has not assessed potential gaps in historic preservation. As shown in Appendix G, THC recognizes 18 thematic periods in Texas history. Within these thematic periods are sub-periods, recognized by THC and generally aligned with Texas Essential Knowledge and Skills (TEKS) history themes. For example, the period of the Texas Revolution is comprised of three sub-periods that help explain the different facets of the revolution, like the Mexican military presence. While all but two thematic periods are represented by a site, only 31 of the 95 recognized sub-periods are affiliated with a site, leaving significant gaps in the state's ongoing efforts to preserve and tell its history. With no plan to address gaps in historic representation, how these important parts of Texas history will be preserved is unclear. Without a plan to guide new site acquisitions, the state cannot ensure that potential new sites are the best investment for the state. For example, the state recently acquired Mission Dolores from the City of San Augustine, but no assessment was done as to whether this was the best site to represent the intended period, whether that period needed to be represented by the site, or if historic preservation could have been better achieved by a local or private manager.

Significant gaps exist in the state's efforts to preserve and tell its history.

- **Lack of prioritized capital needs**. The Legislature lacks sufficient information to make fully informed decisions on funding historic site capital needs. As the Summerlee Commission noted, the Legislature has no single tool with which to decide how best to spend limited funding on historic sites.[14] Each agency is responsible for informing the Legislature of capital needs in its legislative appropriations request, and the Legislative Budget Board works with these agencies to understand the state's overall liability for these sites. However, looking through the lens of each agency's

independent needs fails to account for which sites have the most urgent need overall. All four agencies have sites with pressing capital needs, but the Legislature needs to know the most pressing capital needs within the state's overall historic site portfolio, not on an agency-specific basis, to have a full understanding of the impact of the state's capital investments in historic sites. Without a better method of looking at the state's complete collection of sites, the Legislature cannot determine how to best allocate the state's limited funding for the most effective investment in capital repairs and maintenance.

The state has not reviewed its portfolio of historic sites to ensure each is still needed.

- **No comprehensive statewide historic site inventory management**. The state does not actively assess its inventory of historic sites to ensure efficient use of state funds. Twelve sub-periods of Texas history are represented by multiple sites, but the benefits or shortfalls of this duplication are unclear. In addition, as the state's historic preservation priorities change, the state needs to ensure its collection adequately represents the state's interests without wasting limited resources by needlessly holding on to a property. Furthermore, the state has not reviewed its portfolio of historic sites to ensure each site is still necessary to further the state's current preservation goals. For instance, some historic sites essentially function as local parks, but the state has not analyzed the benefits of continuing to invest resources in managing such a site rather than acquiring a new site that may better serve the state's preservation and education missions. Other states like Pennsylvania, Ohio, and Minnesota have turned the care of certain sites, which the states felt no longer required state management, over to local entities or private partners with deed restrictions to ensure long-term preservation.

The state would benefit from THC coordinating a comprehensive historic sites master plan to address current and future preservation efforts.

The state lacks a historic sites master plan.

Texas has often recognized the benefits of master planning for property. In 2013, following recommendations of the Sunset Commission, the Legislature directed the Texas Facilities Commission to develop a Capitol Complex Master Plan.[15] The Legislature has also tasked the Texas Military Department with facility master planning.[16] The Texas Historical Commission, statutorily charged with leading and coordinating the state's archeological and historic preservation efforts, is uniquely positioned to coordinate a master plan for the state's historic sites.[17] The other agencies are already required to work with THC on preservation efforts at historic sites, and THC assists both TPWD and GLO in their current, individual planning efforts.[18] The state already has directed each of the four agencies to plan for historic site management, which could provide a basis for a larger concerted effort to coordinate an overall approach to preserving the state's historic sites.[19] A statewide historic site master plan could identify the state's current needs and outline clear goals for historic site development to serve as a guide for decision makers.

Recommendation

Management Action

1.1 Direct THC to establish a working group with representation from necessary stakeholders to begin to develop a statewide historic sites master plan.

This recommendation would direct THC to develop a proposal on the best way to create and reach consensus about a consolidated statewide historic sites master plan. A clear need exists for a state historic sites master plan. Given that state-owned historic properties span four state agencies with a myriad of responsibilities and competing interests, mere coordination cannot achieve the comprehensive goal of a statewide plan.

Recognizing the need to carefully consider how best to create a statewide historic sites master plan and that no agency has been tasked with creating such a plan before, this recommendation would direct THC, TPWD, SPB, and GLO to form a working group to set out the best approach for the Legislature to consider for development of a state historic sites master plan. The working group should ensure the proposal includes

- a method to inventory publicly accessible historic properties;
- ways to develop an interconnected approach to using historic sites to tell the state's history;
- opportunities for working with local and private historic site owners;
- a process for gathering public input, including seeking representatives from other appropriate entities, such as the state historian, private preservation organizations, and experts in history, preservation, and archeology; and
- any other historic site preservation and management concerns the advisory committee identifies.

The working group should consider ways to ensure the eventual master plan addresses

- identification of which historic periods and sub-period themes the state should highlight and which properties and sites best represent those themes;
- how to determine whether a site is of statewide significance;
- an inventory of current and future capital needs of the state's historic sites;
- an assessment of the continuing need for each historic site in the state's portfolio; and
- opportunities to develop tools to support on-site and remote learning.

The proposal should also identify the resources the state would need to complete the proposed master plan, the timeframe in which to develop the plan, and which agencies would need to be involved.

This recommendation would direct THC to present this proposal to the Sunset Commission by December 10, 2018. In presenting this proposal, THC should identify whether any additional statutory authority or direction is needed to begin working to develop the proposed master plan.

Fiscal Implication

The recommendation for a working group to develop a proposal for a historic sites master plan would not have a fiscal impact to the state. Producing the initial proposal would require existing experts at these agencies to form a working group and seek stakeholder input, which the agencies can do within their existing budgets. The development of the final master plan may require additional resources depending on the details of the proposal, but is outside the scope of this recommendation.

1 All citations to Texas statutes are as they appear in http://statutes.legis.texas.gov/. Section 191.002, Texas Natural Resources Code.

2 Section 442.003, Texas Government Code; 36 CFR Section 61.4.

3 Section 191.054, Texas Natural Resources Code; see e.g. 54 U.S.C. Sections 306102 and 306108, and Section 442.004(k), Texas Government Code.

4 "Mission & Philosophy," Texas Parks and Wildlife, https://tpwd.texas.gov/about/mission-philosophy; see, Sections 1.011, 11.043(c)(6), 13.001, 13.005, Texas Parks and Wildlife Code.

5 Section 13.001(b), Texas Parks and Wildlife Code.

6 Sections 443.007(a) and 443.029, Texas Government Code.

7 Texas General Land Office & Veterans' Land Board, *Strategic Plan for the Fiscal Years of 2017–2021*, (Austin, 2016), accessed February 16, 2018, http://www.glo.texas.gov/the-glo/reports/audit-legislative/files/GLO-VLB-Agency-Strategic-Plan-2017–2021.pdf.

8 Section 31.052, Texas Natural Resources Code.

9 Section 191.054, Texas Natural Resources Code; see e.g. 54 U.S.C. Sections 306102 and 306108, and Section 442.004(k), Texas Government Code.

10 Section 442.0056, Texas Government Code and Section 13.005, Texas Parks and Wildlife Code.

11 Section 442.0056(c) and 443.007(a) and (a-1), Texas Government Code; Section 13.005(c), Texas Parks and Wildlife Code; and Sections 31.0515(2) and 31.450(b) Texas Natural Resources Code.

12 Summerlee Commission on Texas History, *The Report of the Summerlee Commission on Texas History* (La Porte, 1992), i.

13 Ibid, iii.

14 Ibid.

15 Section 2166.105, Texas Government Code.

16 Section 437.151(f)(1), Texas Government Code.

17 Sections 442.003 and 191.051(b)(6), Texas Government Code.

18 Section 191.054, Texas Natural Resources Code (duty to work with THC); Sections 13.005(d) and 31.455(b)(6), Texas Parks and Wildlife Code.

19 Section 442.0056(c) and 443.007(a) and (a-1), Texas Government Code; Section 13.005(c), Texas Parks and Wildlife Code; and Sections 31.0515(2) and 31.450(b), Texas Natural Resources Code.

Issue 2

The State's Approach to Managing Historic Sites and Associated Collections Is Inefficient and Wasteful.

Background

As explained in Issue 1, the state's 38 designated historic sites are managed by four agencies: Texas Historical Commission (THC), Texas Parks and Wildlife Department (TPWD), State Preservation Board (SPB), and General Land Office (GLO). The Texas Historical Commission and TPWD manage 22 and 13 historic sites across the state, respectively, while SPB manages the Capitol Complex and Governor's Mansion and GLO manages the Alamo. Many historic sites include a curatorial collection, including furniture, documents, paintings, and archeological artifacts critical to understanding the site's history. The management of each site includes preserving historic structures, creating exhibits, and caring for the site's curatorial collection under established collections management standards. These four agencies help fulfill the state's duty to educate the public and preserve and maintain Texas' history.[1]

Findings

State procurement laws prevent agencies with curatorial collections, like THC, from properly and cost-effectively disposing of unneeded items.

The inability of agencies to properly and ethically dispose of unneeded items from their curatorial collections is inefficient and strains limited resources. Collections management standards established by the American Alliance of Museums include deaccession, which is officially removing and disposing of an item from a curatorial collection through several methods, as explained in the textbox, *Deaccession and Disposal*.[2] All four of the agencies managing curatorial collections associated with state historic sites have items that are damaged, incorrect for the sites' historical period, or duplicative of other collection pieces, as described in the textbox on the following page, *Examples of Unneeded Collections Items*. However, Texas procurement laws do not comply with curatorial standards, preventing the agencies from disposing of deaccessioned items through private sale or auction to maximize their value.

Collections management standards require proceeds from a sale of a deaccessioned item be used for the direct care and preservation of the

Deaccession and Disposal

Deaccession is the process by which an item is permanently removed from a curatorial collection. According to museum standards, deaccession can only occur under an established policy that specifies criteria, justification, and final approval requirements for a curatorial director or governing board.

Once an item has officially been deaccessed, it must be properly disposed of. Best practices allow for several methods for proper disposal:

- Donation to or exchange with another museum or nonprofit cultural institution
- Donation to an educational or research program
- Return to original owner or donor
- Physical destruction
- Private sale or public auction

These items are not to be viewed as a source of income for the institution. If an item is sold through private sale or public auction, any proceeds must be used for the direct care and preservation of the collection. Use of these funds for operational costs is a violation of curatorial standards and can result in the loss of accreditation.

Examples of Unneeded Collections Items

From the Historic French Legation, THC has a large collection of 20th century furniture in a French style. These items do not correctly portray 19th century French Legation history but remain fine antiques.

The Governor's Mansion collection includes several similar ornate mirrors, including one with significant damage to the frame decoration. This mirror is not needed due to extensive repair needs and duplication with other items.

The collection at TPWD's Washington-on-the-Brazos site includes a barn frame loom and other weaving equipment. Though the farm at the site historically grew cotton, the owners did not produce yarn or textiles, so the weaving equipment is not appropriate for the site or needed for other TPWD sites.

collection, and the failure to use funds properly is viewed as an ethical violation and can be grounds for losing accreditation.[3] However, state law requires proceeds from any sale of surplus property through the Texas Facilities Commission (TFC) be deposited in the General Revenue Fund, which would violate collections management standards.[4] Consequently, rather than risk losing accreditation, these agencies use already limited funds to store unneeded items in expensive curatorial facilities in perpetuity. The textbox, *Consequences of Improper Deaccession and Disposal*, highlights an example from Massachusetts of the legal and ethical ramifications of inappropriately deaccessioning items and misusing proceeds.[5]

Consequences of Improper Deaccession and Disposal

For museums, a failure to properly use proceeds from a deaccessioned item sold have resulted in a loss or suspension of accreditation by the American Alliance of Museums, making them ineligible to host traveling collections.

The attorney general of Massachusetts temporarily barred one museum from holding an auction of 40 paintings in 2017. The attorney general's suit questioned the deaccessioning criteria and addressed concerns over the planned use of proceeds to support the museum's operations and to expand the mission of the museum. The American Alliance of Museums is publicly against the museum's plan, citing the organization's standards as cause to remove accreditation.

The state lacks a coordinated effort to best preserve historic sites and their collections.

THC and TPWD do not adequately coordinate to leverage limited resources at historic sites.

In managing multiple historic sites across the state, THC and TPWD share many challenges but do not regularly work together to maximize the impact of limited resources and the expertise of each agency. THC and TPWD divide resources among sites spread out across the state, manage large tracts of land often associated with rural sites, continuously update and maintain exhibits, and create programming aligned with Texas Essential Knowledge and Skills (TEKS) for school field trips. However, while THC and TPWD have similar historic site management needs, their overall missions differ. For TPWD, managing and preserving a statewide system of historic properties is part of its mission to manage and conserve natural and cultural resources for outdoor recreation for current and future generations. The mission of THC, on the other hand, is historic preservation, and the agency uses its historical and archeological expertise to preserve a statewide portfolio of historic sites for current and future generations. Although THC and TPWD operate under memorandums of understanding (MOUs) unrelated to historic sites, the agencies do not coordinate in several key areas to leverage their limited resources and better manage state historic sites.

- **Inefficient curatorial collection storage**. Renting two separate facilities to store collections from THC's and TPWD's historic sites is an imprudent financial investment for the state. Historic site collections are important resources that must be permanently preserved in a certified curatorial facility.[6] THC certifies that facilities meet collections standards to ensure any facility holding antiquities, including archeological collections, can adequately protect and preserve these historic resources. To be certified, these facilities must have highly customized HVAC systems, humidity controls, and upgraded electrical and security systems. Storage in a facility without certification would be a violation of state law and could threaten an agency's museum accreditation status.

  Currently, THC and TPWD each rent warehouse space in Austin to store their collections, as detailed in the table, *THC and TPWD Curatorial Facility Rentals*. The agencies also must invest in the rental property to bring the facilities up to curatorial standards. When THC moved into its current facility in 2008, the capital upgrades cost the agency nearly $1.1 million. In 2007, TPWD moved into its current facility and was able to negotiate for upgrades in the initial lease as the first tenant of a newly constructed building. However, the agency still made capital investments in the space in addition to the improvements that were included in the lease agreement. If a property owner declines to renew a lease, only a portion of the capital investment by an agency would be salvageable. Both agencies were only able to sign a five-year lease at their most recent renewal. This temporary approach to permanent storage of historic sites collections will cost the state nearly $2 million in the next five years.

The state will spend $2 million in the next five years on temporary historic site collection storage.

THC and TPWD Curatorial Facility Rentals

	THC	TPWD	Combined
Square Footage	13,063	10,000	23,063
Term of Lease	2018–2023	2018–2023	2018–2023
Monthly Cost	$18,309.97	$12,541.67	$30,851.64
Annual Cost	$219,719.66	$150,500.00	$370,219.66
Total Lease Cost (2018–2023)	$1,098,598.30	$752,500.00	$1,851,098.30

  In addition, the leased facilities are not big enough to store additional items. For example, THC gained a significant collection with the transfer of the French Legation from operation by the Daughters of the Republic of Texas in 2017. While the site is under repair, THC will need to store the collection, and some items may not be returned to the site for display, requiring long-term storage, further taxing the agency's limited curatorial space. An agency gaining a new historic site in the future would likely need more storage space, and agencies continue to receive donations associated with current historic sites. While TPWD, THC, and SPB work together to ensure all collections are properly stored and, at times, store parts of each other's collections, a more permanent storage solution for the state is needed.

A more permanent storage solution for state historic collections is needed.

Greater coordination to establish a long-term curatorial storage solution could save millions of dollars in rental costs and allow for more effective use of state funding. Such solutions may also involve other governmental bodies with similar needs.

- **Duplicative contracting and procurement**. THC and TPWD do not coordinate on contracting and purchasing, diverting funds from preservation activities at historic sites. Many of the agencies' historic sites are on large tracts of land that require ongoing maintenance and repair from acute events like major storms or feral hog damage. With proper machinery and a skilled staff, many TPWD sites are equipped to manage the land. For example, TPWD maintains land management equipment, such as backhoes, and has staff trained as sawyers, able to break down and dispose of fallen trees. As a smaller agency, THC often lacks the proper tools or employees needed for large-scale land management and purchases equipment or contracts for services that TPWD maintains in house. Similarly, THC has remote sensing equipment and staff trained in the use of such equipment. The agencies also have not explored working together to leverage their purchasing power and take full advantage of economies of scale. For example, THC and TPWD sites offer retail items such as books and souvenirs in their gift shops, but each agency purchases smaller orders of these items at a potentially higher cost. Extra expenses for equipment and contracts divert funds from other site needs.

Increased coordination between THC and TPWD could improve state historic sites and reduce costs.

- **Inadequate sharing of expertise**. The state owns historic sites in part to preserve and share these important resources with the public, but limited coordination and connections between sites diminish agency efforts. While TPWD has staff dedicated to exhibits and interpretation, THC is statutorily tasked with providing guidance on historic preservation and should be viewed as a key resource for any agency managing a historic site, including the expertise of its professional interpreters.[7] Conversely, TPWD has an in-house exhibit manufacturing shop and could assist THC in production of exhibits. Increased coordination between THC and TPWD would improve visitor experiences and the preservation and interpretation of the state's historic sites.

Recommendations

Change in Statute

2.1 Align statutory requirements for the sale of surplus state goods with curatorial collection best practices.

This recommendation would require funds from the sale of a deaccessed item sold through the state surplus property system at TFC to be returned to the state agency selling the item. This recommendation would only apply to state agencies with curatorial collections with deaccession policies adopted by the respective governing body, and to the sale of items that agencies have properly deaccessioned. The Texas

Facilities Commission would be required to verify a curatorial item was properly deaccessioned prior to sale. Allowing these particular funds to return to an agency for the direct care and preservation of the collection would ensure agencies with curatorial collections follow best practices and Texas does not lose its curatorial accreditation for improper sale of collection items.

Change in Appropriation

2.2 The House Appropriations and Senate Finance Committees should consider adding a rider to the bill pattern of any agency with an officially adopted deaccession policy to retain proceeds from the sale of deaccessioned items.

This recommendation expresses the will of the Sunset Commission that these committees consider adding a rider authorizing agencies with formally adopted deaccession policies to retain proceeds from the sale of items deaccessioned from their collections and sold through TFC. The proceeds from sales of deaccessioned items would be reflected as appropriated receipts that the agency would receive for the direct care and preservation of the collection as required by curatorial standards and ethics.

Management Action

2.3 Direct agencies with a curatorial collection and deaccession policy to work with TFC to sell unneeded collections items.

This recommendation would direct agencies with deaccession policies adopted by their governing bodies to coordinate with TFC to develop a process to sell deaccessioned items that have been identified as eligible for sale. The Texas Facilities Commission has the discretion to set prices of items at state surplus and can contract with auction houses specializing in antiques to properly price and sell curatorial items.[8] The agency selling the item and TFC should together determine the most appropriate method of sale. With Recommendation 2.1, this recommendation would equip agencies with curatorial collections with all of the tools needed to adhere to industry best practices.

2.4 Direct THC and TPWD to work with TFC to explore options for a joint curatorial facility to serve the needs of the state's historic site collections.

This recommendation would direct THC and TPWD to work together with TFC to explore long-term solutions to their curatorial storage facility needs. The agencies should establish projected costs of such a facility, taking into account expected growth of storage needs in the future, the cost of outfitting a facility to meet curatorial standards, and the capital investments at and spending on current rental spaces. The estimate should include several possible locations in the Austin metropolitan area and an analysis on renting as opposed to building such a facility. While this facility would primarily serve THC and TPWD, the agencies should consult SPB and GLO, each of whom has similar curatorial storage needs but owns a separate facility. In addition, the Texas State Library and Archives Commission (TSLAC) has identified a need for additional storage space for historical archives materials. The agencies should consult TSLAC to see if a new facility could help meet those storage needs. The agencies should report the estimated costs and return on investment of a joint curatorial facility to the Sunset Commission and to the House Appropriations and Senate Finance Committees by no later than December 10, 2018.

2.5 Direct THC and TPWD to develop an MOU to limit duplication in management of historic sites related to curatorial storage facilities, procurement and contracting, and preservation and interpretation.

This recommendation would direct THC and TPWD to coordinate to more efficiently manage historic sites across the state. At a minimum, the MOU should address processes for

- sharing equipment and staff as needed to control costs and enhance preservation through interagency contract;
- coordinating joint procurement of items for historic site management and preservation, such as items for sale in gift shops or online, and preservation materials;
- exhibit interpretation and production at historic sites; and
- preservation services, including identification of needed preservation and proper preservation techniques.

Under an MOU, each agency would be able to focus its efforts and resources on its area of knowledge and skill in assisting the other. Further, the MOU could help reduce costs through limiting duplicative purchasing of equipment, increasing bulk purchasing, and using interagency service contracts. This recommendation would require THC and TPWD enter into an MOU by February 1, 2019. While THC and TPWD should continue to coordinate with SPB and GLO, the needs of THC and TPWD's geographically diverse and often rural sites clearly overlap and provide more opportunities for efficiency gains.

Fiscal Implication

Overall, the recommendations are designed to improve historic site operations, but the fiscal impact of the recommended efficiencies would depend on how they are implemented and cannot be estimated at this time. Positive revenue gains from the sale of deaccessioned items would result, but also cannot be estimated at this time.

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1 All citations to Texas statutes are as they appear in http://statutes.legis.texas.gov/. Section 191.002, Texas Natural Resources Code.

2 American Alliance of Museums, "Direct Care of Collections: Ethics, Guidelines, and Recommendations." http://aam-us.org/docs/default-source/default-document-library/direct-care-of-collections-ethics-guidelines-and-recommendations-pdf.

3 American Association for State and Local History, "Statement of Professional Standards and Ethics."

4 Section 2175.191(a), Texas Government Code.

5 American Alliance of Museums, "Statement on The Berkshire Museum Proposal to Deaccession Works of Art for Its Endowment, Operations, and to Fund Capital Investments," news release, July 25, 2017, http://www.aam-us.org/about-us/media-room/2017/statement-on-the-berkshire-museum-proposal; Adam Frenier, "Mass. AG Looks To Extend Berkshire Museum Injunction By A Week," *New England Public Radio*, January 30, 2018, http://nepr.net/post/mass-ag-looks-extend-berkshire-museum-injunction-week.

6 13 T.A.C. Section 26.17(c).

7 Section 442.003, Texas Government Code.

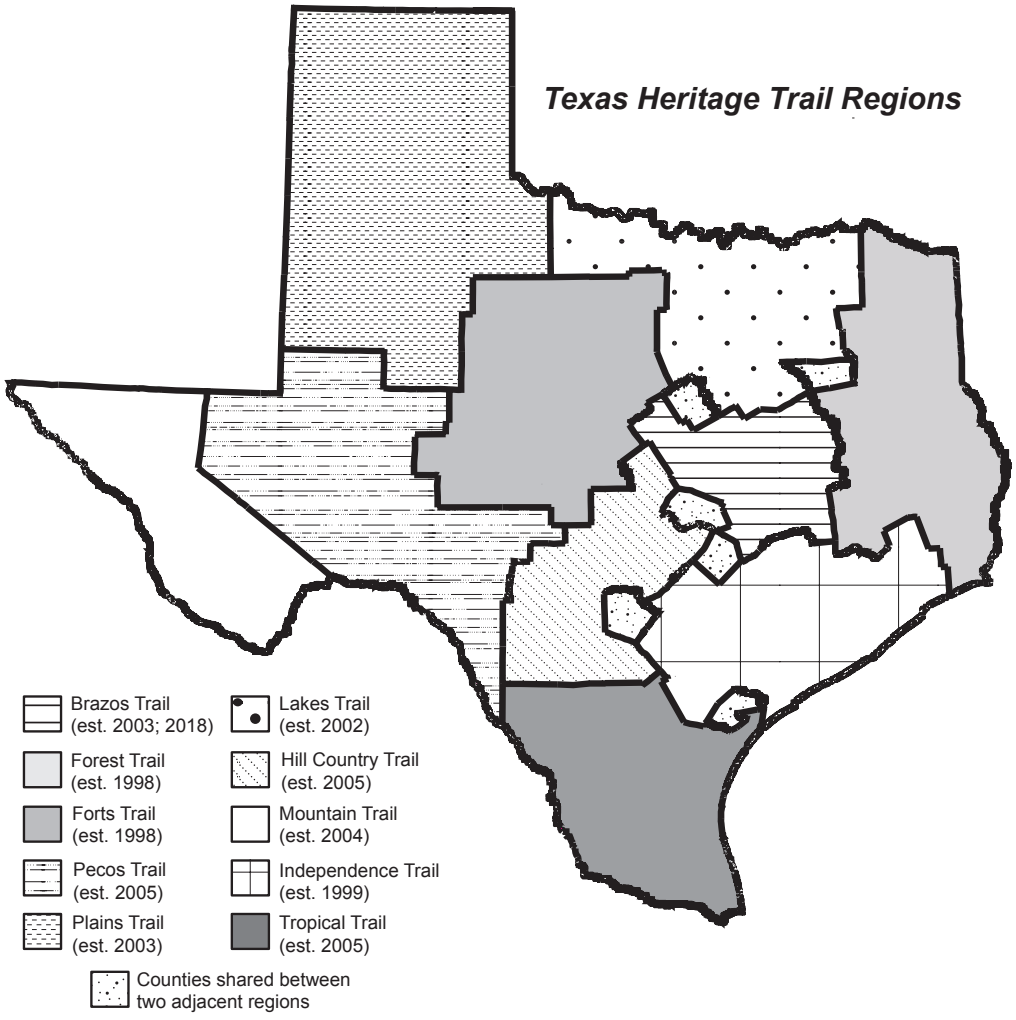
8 Sections 2175.186 and 2175.187, Texas Government Code.

Issue 3

The Texas Historical Commission Lacks Sufficient Oversight of Its Heritage Trails Nonprofits to Ensure Effective Use of State Funds.

Background

In 1968, the state established 10 scenic driving trails called the Travel Trails of Texas to encourage tourists to visit different parts of Texas during the HemisFair World's Fair in San Antonio.[1] After the World's Fair, the state stopped promoting the trails until 1998, when the Texas Historical Commission (THC) revived the trails as part of its Texas Heritage Trails program under a new statutory charge to promote heritage tourism.[2] As shown on the map, *Texas Heritage Trail Regions*, THC divided the state into 10 regions and helped each establish its own independent nonprofit organization to operate the program in the region. The program began with the establishment of the Texas Forts Trail nonprofit, and by 2005, each region had an established nonprofit. A volunteer board governs each nonprofit and hires a paid executive director to run program operations. The nonprofits promote the heritage tourism industry across the state by marketing historic and cultural assets, creating partnerships, and engaging local governments and heritage organizations.



The agency funds the nonprofits to support their operations, and the nonprofits raise some additional money primarily through membership programs, sponsorships, and in-kind contributions. Originally, THC only intended to fund each nonprofit until it became self-sustaining, but the state has continued to fund the nonprofits for the past two decades. Since the program's inception in 1998, the state has provided about $10.2 million directly to the 10 nonprofits and the agency has spent an additional $15.8 million supporting the program, including developing and printing travel guides. In 2016, funding for the program sharply decreased due to the Legislature's decision not to fund the program for the 2016–2017 biennium and the loss of some federal funding THC previously used for the program. The reduced funding contributed to the closure of the Brazos Trail nonprofit, which THC re-established in 2018. The governor's office provided some funding for the program in fiscal year 2017. For the 2018–2019 biennium, the Legislature funded THC at a level to allow $50,000 for each nonprofit with an additional $19,000 available in matching funding.

Findings

A lack of program structure prevents THC from holding the Heritage Trails nonprofits adequately accountable.

The Texas Heritage Trails program lacks structure and accountability.

- **The purpose of the Heritage Trails program is poorly defined**. In 1998, THC established the Heritage Trails program under general statutory direction to promote heritage tourism and to work with local partners to do so.[3] However, the agency never adopted rules to clearly define the program including the purpose, goals, and expected outcomes of the program, or the nature of the relationship between THC and the local nonprofits. While THC developed a five-year strategic plan outlining program goals in 2009, the document has not been updated and the nonprofits' activities are only loosely tied to the plan. With neither statute nor rules defining the structure and expectations of the program, the agency has no formal or consistent process for evaluating the work done by each nonprofit, risking inefficient or ineffective use, or misuse, of public funds.

- **The agency's contracting practices have failed to ensure program success**. The agency's use of contracts to establish program participation guidelines, in lieu of adopting rules, fails to provide program stability. In light of the funding uncertainty in 2016, THC created a participation agreement in addition to its funding contract, to provide general program expectations and guidelines regardless of whether the nonprofits received state funding or not. In 2017, THC worked with the attorney general's contract review team to improve the funding contract and the participation agreement, and address problems related to questions over the ownership of the work produced by the nonprofits, as illustrated in the textbox, *Brazos Trail Closure*. Despite the improvements made by the attorney general's review, having one contract establishing program expectations and one contract covering

Brazos Trail Closure

In 2016, the Brazos Trail nonprofit ceased operation in part due to decreased funding from the state. At the time of the closure, THC was uncertain whether it would be able to retain any of the nonprofit's work product, including social media profiles, mailing lists, and training materials. In the end, THC was able to retain some but not all of the work produced at state expense.

In fiscal year 2018, THC established a new Brazos Trail nonprofit. However, as an entirely new and separate legal entity, it has to rebuild the organization by relying on the limited information THC ultimately recovered from the original nonprofit.

funding and related performance measures remains problematic. The use of a contract to establish program guidelines inefficiently requires periodic renewal and allows for inconsistency as each nonprofit could negotiate the terms of their participation rather than having the terms set in rule.

Regardless of the improvements to the contracts, without effective contract management, THC is unable to protect the state's significant long-term investment in the Heritage Trails program, evaluate program success, or hold the nonprofits accountable. The agency's contracts have always required the nonprofits to comply with state law on subcontracting, HUB usage, and procurement, but THC has not required reporting on compliance, performed audits on the nonprofits, or set consequences for any violations. While THC requires annual reports from the nonprofits, the required content has been inconsistent and lacks tangible performance metrics. Due in part to this lax contract oversight, until recently, the nonprofits viewed the funding from THC as grants to support their independent efforts, rather than funding to provide state-contracted services.

Ineffective contract management prevents THC from holding nonprofits accountable.

The agency could better carry out its preservation mission if it were to integrate the Heritage Trails into its long-term planning.

If THC is able to better use its investment in the Heritage Trails program by strengthening the program structure and providing increased accountability, other agency programs stand to benefit as well. The regional structure of the Heritage Trails program provides an existing framework to support THC projects across the state, allowing the agency to develop heritage preservation efforts and expand the reach of other geographically diverse programs like historical markers, historic sites, Main Street cities, and historic county courthouse renovations. Inconsistent funding and the initial expectation that the nonprofits would become self-sustaining led the agency to question the future of the program. However, the program is two decades old and now established in the agency's base budget; THC can no longer approach the program from funding cycle to funding cycle. Stakeholders have expressed a desire for THC to increase its presence across the state, which could be achieved through collaborative efforts involving the nonprofits. Often, the nonprofits already work closely with certain THC projects and sites in marketing or event development, but the connection could be more comprehensive and used to further established goals of the agency as a whole.

Recommendations

Change in Statute

3.1 Clearly establish the Heritage Trails program in statute and require THC to adopt rules regarding the program.

This recommendation would establish the Heritage Trails program in statute as a part of THC's heritage tourism efforts and direct THC to adopt rules for participating nonprofits to

- establish the principles of heritage tourism;
- outline the relationship between THC and the nonprofits;
- establish performance expectations and require evaluation of effectiveness;
- outline requirements for the employee of the nonprofit;
- define program work products;
- set long-term program goals;
- establish a system for evaluation; and
- establish what non-financial support THC will provide to nonprofits for the program's implementation.

The agency would be authorized to contract with nonprofit organizations to fulfill its statutory mission for the Heritage Trails program. By establishing the program in statute and adopting rules guiding the implementation of the program, the agency can better protect the state's investment in the Heritage Trails program, and ensure state and agency goals are met.

Management Action

3.2 Direct THC to work with the attorney general's office on a single, performance-based contract and to provide stronger contract oversight.

This recommendation would have the agency and the attorney general's office work together to create a single contract for the program to be used in conjunction with adopted rules. The performance-based contract would require compliance with agency rules about the Heritage Trails program, provide standard protections for state funds including limits on use and access to records for audit purposes, and set measurable performance expectations for each nonprofit.

In addition to streamlining the contracts with the nonprofits, THC needs to subject the Heritage Trails contracts to the same oversight as other agency contracts. The agency's contract oversight of the nonprofits must include tracking the use of subcontractors, monitoring and evaluating performance, and establishing remedies to various possible contract violations. A single, updated contract with each nonprofit and proper contract management would allow for more accountability for the use of state funds and improve the program over time through regular programmatic evaluation.

3.3 Direct THC to include the use of the Heritage Trails program and nonprofits in its long-term planning.

This recommendation would direct the agency to plan for the long-term goals of the Heritage Trails program and how best to leverage the Heritage Trails nonprofits to further other agency programs.

Strategically planning for the incorporation of the Heritage Trails program with the agency's other programs should create efficiencies and help the agency expand its reach across the state. For example, the nonprofits occasionally highlight THC projects like its historic sites and the historic county courthouse renovations, but coordination between the nonprofits and other THC programs should be more formalized. The agency should take into account the different capacities and strengths of the regional nonprofits in planning efforts to maximize the impact of the Heritage Trails nonprofits.

Fiscal Implication

These recommendations would not have a fiscal impact to the state.

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1 Barbara Brannon, "History Just Down the Road: Fifty Years of the Texas Heritage Trails Program," *Authentic Texas*, Winter 2016/2017, 46.

2 All citations to Texas statutes are as they appear in http://statutes.legis.texas.gov/. Section 442.005(t), Texas Government Code.

3 Ibid.

Issue 4

The State Has a Continuing Need for the Texas Historical Commission.

Background

The Texas Historical Commission (THC) is the state agency for historic preservation. The agency's mission is to protect and preserve the state's historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations. Historic resources include architectural and archeological properties that are usually more than 50 years old, with a focus on the importance of the resource to the local community and the larger history of Texas. To accomplish its mission, THC identifies and designates historic resources in Texas, supports local communities in developing and preserving historic resources, reviews proposed construction projects to protect historic resources, promotes heritage tourism, and acts as a steward of historic resources entrusted to the state's care, including managing 22 historic sites.

Findings

Texas has a continuing need to protect and preserve important historic resources.

The state's historic resources tell the story of Texas for current and future Texans and, once destroyed, cannot be brought back. Consequently, protecting and preserving important historic resources continues to be in the state's interest. THC leads historic preservation efforts in Texas, fosters preservation at the local level, and acts as a steward of historic resources. These historic preservation efforts have positive economic impacts on the state, helping create jobs and contributing to an estimated $3 billion in heritage-related tourism spending in Texas per year.[1]

Protecting and preserving historic resources is in the state's best interest.

- **Federal requirements**. Under federal law, Texas must designate an entity to coordinate historic preservation at the state level. The National Historic Preservation Act requires each state to have a State Historic Preservation Office to coordinate historic preservation at the state level, and the federal government delegates its powers to these offices.[2] THC acts as the State Historic Preservation Office for Texas and is responsible for implementing a statewide historic preservation plan, reviewing properties for inclusion on the National Register of Historic Places, administering grants to help local communities develop preservation programs, and reviewing federally funded construction projects to determine if they will affect historic or archeological sites.[3]

- **Designating historic resources**. The agency plays a key role in identifying and designating historic resources in Texas. Through its Official Texas Historical Marker Program, THC has worked with citizens to recognize more than 16,000 sites. Through THC's efforts, Texas has nearly 3,300

listings on the National Register of Historic Places. The agency also designates protected antiquities, historic cemeteries, and privately held preserved properties.

Federal and state law require protection of historic resources.

- **Protecting historic resources**. As directed by federal and state law, THC protects historic resources from potential harm or destruction by reviewing proposed projects that are on state land or receive federal aid and might disturb historic resources above or below ground.[4] For example, THC reviews many Texas Department of Transportation highway projects to determine if a project may harm resources. If so, THC works with the agency to mitigate that harm. In fiscal year 2017, THC performed just over 12,000 of these reviews.

- **Assisting local preservation efforts**. The agency fosters preservation efforts on the local level by providing communities with assistance to use historic resources in revitalizing their cities, increasing tourism, and creating jobs. Through its Texas Main Street program, THC provides education, training, and access to preservation services, such as architectural renderings, to help cities with historic downtowns restore their historic buildings. To date, THC has helped revitalize about 175 communities and neighborhoods through the program. The agency also supports local preservation financially through three grant programs, distributing about $11 million to counties, cities, private organizations, individuals, and museums in fiscal year 2017. The Texas Historic Courthouse Preservation program, THC's largest grant program, has awarded more than $270 million since its inception in 1999, helping 93 counties restore historic county courthouses.

THC fosters preservation efforts at the local level.

- **Promoting heritage tourism**. The agency has several initiatives to foster and support heritage tourism, as defined in the textbox, *Heritage Tourism*. THC preserves and maintains 22 historic sites throughout the state, providing educational and interpretive experiences for Texans and visitors to learn about important Texas people and places. The agency hosts events at each site to engage the local community and the larger public, and partners with school districts and others to provide school field trips aligned with Texas Essential Knowledge and Skills (TEKS) to the sites. The agency also produces travel guides for the state's heritage trails and highways, and for specific cultural interests. These guides highlight the towns and unique heritage throughout the different regions of the state.

Heritage Tourism

As defined by the National Trust for Historic Preservation, heritage tourism is traveling to experience the places, artifacts, and activities that authentically represent the stories and people of the past and present.

While other state agencies perform historic preservation functions, consolidation offers little benefit over the current structure.

Sunset staff looked at organizational alternatives for the preservation and maintenance of Texas' historical and cultural resources, but determined no substantial benefits would result from such a change. The Legislature has chosen to task multiple agencies with maintaining historic sites, including THC, Texas Parks and Wildlife Department, General Land Office and State Preservation Board. In addition, the Legislature has tasked THC, Texas Parks and Wildlife, Texas Commission on the Arts, and the Texas State Library and Archives Commission with supporting, developing, and preserving the state's diverse cultural resources. While the Legislature could task just one agency with managing all the state's historic sites and preserving its cultural resources, that agency would need the same level of expertise and similar funding as is currently allocated across these six agencies. While some administrative efficiencies would be gained, the state would lose the unique focus that these separate entities bring to arts, history, recreation, and preservation. Nonetheless, the state agencies maintaining the state's historic sites should better coordinate their efforts in acquiring and maintaining historic sites and associated historical artifacts, as detailed in Issues 1 and 2.

Increased coordination could improve the state's historic preservation efforts.

While organizational structures vary, all other states have an entity dedicated to the preservation of historic resources.

All 50 states have a historic preservation function and are federally required to have a State Historic Preservation Office. Several other states, including Oklahoma, Kansas, and Nebraska, have an independent agency dedicated to historic preservation, like Texas. The remaining states' structures vary, with many states using a consolidated cultural agency or the functions being in the parks or natural resources agency, or the state department. Many of THC's programs, such as the Main Street program, are similar to historic preservation programs in other states and several other State Historic Preservation Offices operate historic sites like THC, including Alabama, Colorado, and New York.

All 50 states must have a State Historic Preservation Office.

The agency's statute does not reflect updated requirements for commission member training.

The Sunset Commission has developed a set of standard recommendations that it applies to all state agencies reviewed unless an overwhelming reason exists not to do so. These across-the-board recommendations (ATBs) reflect an effort by the Legislature to place policy directives on agencies to prevent problems from occurring, instead of reacting to problems after the fact. ATBs are statutory administrative policies adopted by the Sunset Commission that contain "good government" standards for state agencies. The ATBs reflect review criteria contained in the Sunset Act designed to ensure open, responsive, and effective government.

The agency's statute does not reflect updated requirements for commission member training. The agency's statute contains standard language requiring commission members to receive training and information necessary for them to properly discharge their duties. However, statute does not contain a newer requirement that the agency create a training manual for all commission members or specify that the training must include a discussion of the scope of and limitations on the commission's rulemaking authority.

THC should continue to report its activities to the Legislature.

The agency's sole reporting requirement remains necessary.

The Sunset Act establishes a process for the Sunset Commission to consider if reporting requirements of agencies under review need to be continued or abolished.[5] The Sunset Commission has interpreted these provisions as applying to reports that are specific to the agency and not general reporting requirements that extend beyond the scope of the agency under review. Reporting requirements with deadlines or expiration dates are not included, nor are routine notifications or notices, or posting requirements. The agency has one statutory reporting requirement, a biennial report to the Legislature and the governor on THC activities, which Sunset staff found is useful and should be continued.

The agency should continue to implement state cybersecurity requirements and industry best practices.

The 85th Legislature tasked the Sunset Commission with assessing cybersecurity practices for agencies under review.[6] The assessment of THC's cybersecurity practices focused on identifying whether the agency complied with state requirements and industry cybersecurity best practices. Sunset staff did not perform technical assessments or testing due to lack of technical expertise, but worked closely with the Department of Information Resources to gather a thorough understanding of the agency's technical infrastructure. Sunset staff found no issues relating to the agency's cybersecurity practices that require action by the Sunset Commission or the Legislature, and communicated the results of this assessment directly to the agency.

The agency's statutory advisory committees have expired.

The Sunset Act directs the Sunset Commission to evaluate the need for an agency's advisory committees.[7] THC has two statutory advisory committees, the Texas Preservation Trust Fund Advisory Committee and the Texas Courthouse Preservation Advisory Committee.[8] The Texas Government Code establishes the duration of statutory advisory committees at four years from the anniversary of the advisory committee's creation.[9] The Legislature has not enacted a statutory provision for either advisory committee since 2013, meaning both advisory committees were effectively abolished in 2017 pursuant to law. THC can use its existing authority to re-establish these committees in rule.[10]

Recommendations

Change in Statute

4.1 Continue the Texas Historical Commission for 12 years.

This recommendation would continue THC as an independent agency for 12 years, until 2031, and continue its one reporting requirement.

4.2 Update the standard across-the-board requirement related to commission member training.

This recommendation would require the agency to develop a training manual that each commission member attests to receiving annually and require existing commission member training to include information about the scope of and limitations on the commission's rulemaking authority. The training should provide clarity that the Legislature sets policy and agency boards and commissions have rulemaking authority necessary to implement legislative policy.

Fiscal Implication

These recommendations would have no fiscal impact. If THC is continued as an independent agency, the agency's annual appropriation of $41.7 million would continue to be needed.

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1 University of Texas at Austin and Rutgers University, *Economic Impact of Historic Preservation in Texas: Update 2015* (Austin: University of Texas, 2015), 10.

2 National Historic Preservation Act.

3 Ibid.

4 National Historic Preservation Act; All citations to Texas statutes are as they appear in http://statutes.legis.texas.gov/. Chapter 191, Subchapter C, Texas Government Code.

5 Section 325.012(a)(4), Texas Government Code.

6 Section 325.011(14), Texas Government Code; Chapter 683 (H.B. 8), Acts of the 85th Texas Legislature, Regular Session, 2017.

7 Section 325.013, Texas Government Code.

8 Sections 442.0081(g) and 442.015(d), Texas Government Code.

9 Section 2110.008, Texas Government Code.

10 Section 442.005(r), Texas Government Code.

APPENDICES

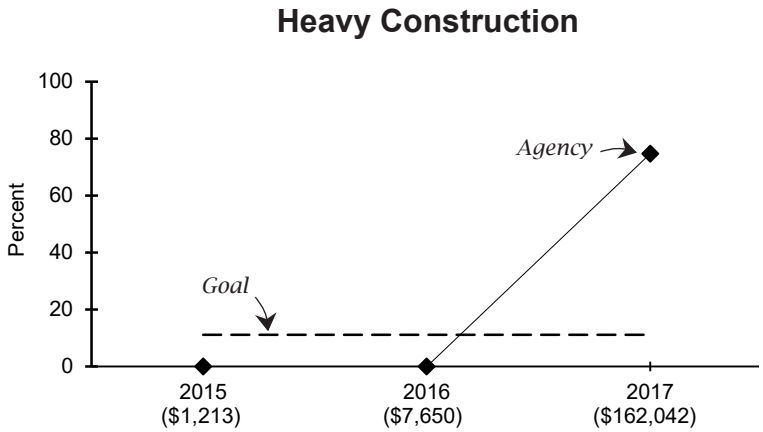
Appendix A

Historically Underutilized Businesses Statistics 2015 to 2017

The Legislature has encouraged state agencies to increase their use of historically underutilized businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.[1]

The following material shows trend information for the Texas Historical Commission's (THC) use of HUBs in purchasing goods and services. The agency maintains and reports this information under guidelines in statute.[2] In the charts, the dashed lines represent the goal for HUB purchasing in each category, as established by the comptroller's office. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from 2015 to 2017. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category.

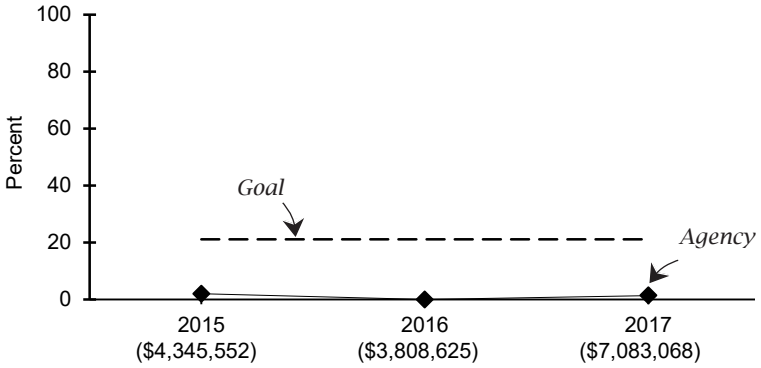
The agency consistently fell below the state's goals in building construction and special trade the past three fiscal years. In heavy construction, professional services, other services, and commodities, THC has had mixed success in meeting state goals.



In fiscal year 2017, THC significantly exceeded the state's goal for spending for heavy construction, but fell below the goal in fiscal years 2015 and 2016 when expenditures were much lower.

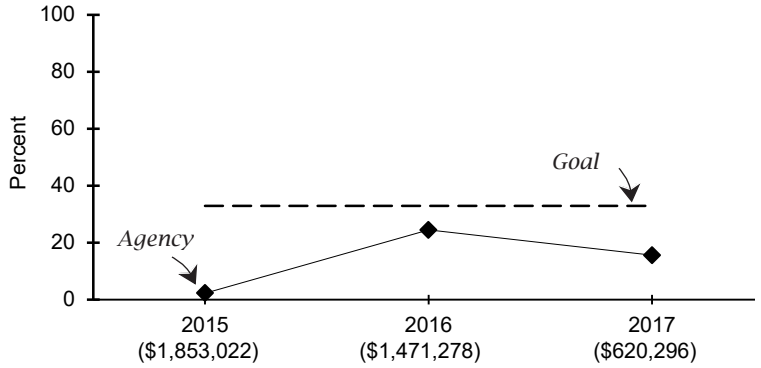
Appendix A

Building Construction



Spending on building construction fell significantly below state's goal in the last three fiscal years. The agency is limited by need for contractors experienced in historic preservation and awards large contracts that can skew HUB numbers for a given year.

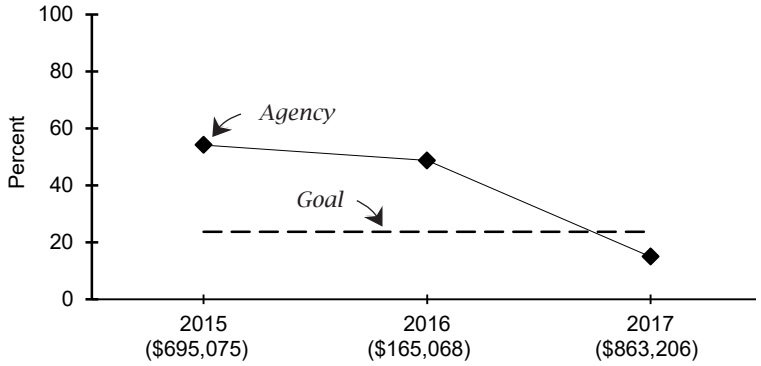
Special Trade



The agency fell below the state's goal in each of the last three fiscal years, in part due to specialized preservation needs.

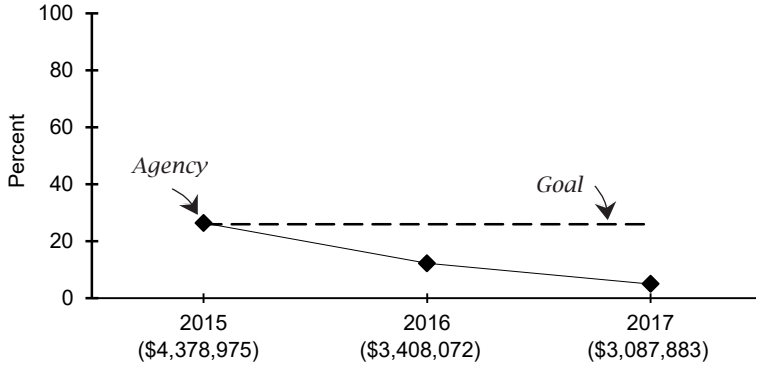
Appendix A

Professional Services



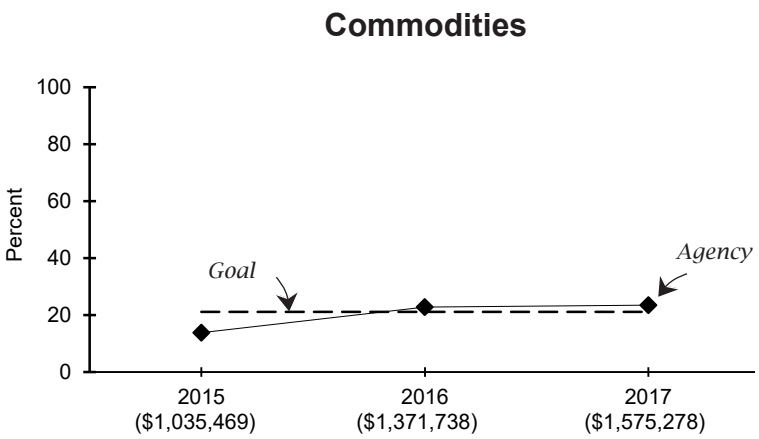
In fiscal years 2015 and 2016, THC exceeded the state's goal, but fell below the goal in fiscal year 2017.

Other Services



In fiscal year 2015, THC met the state's goal but fell below in the past two fiscal years.

Appendix A



The agency fell below the state's goal in fiscal year 2015 but has met the goal in the last two fiscal years.

1 All citations to Texas statutes are as they appear on http://www.statutes.legis.texas.gov/. Section 325.011(9)(B), Texas Government Code.

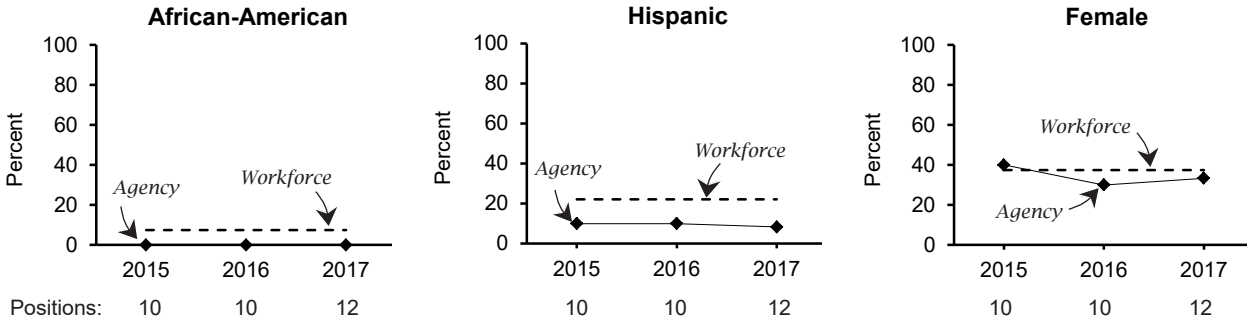
2 Chapter 2161, Texas Government Code.

Appendix B

Equal Employment Opportunity Statistics 2015 to 2017

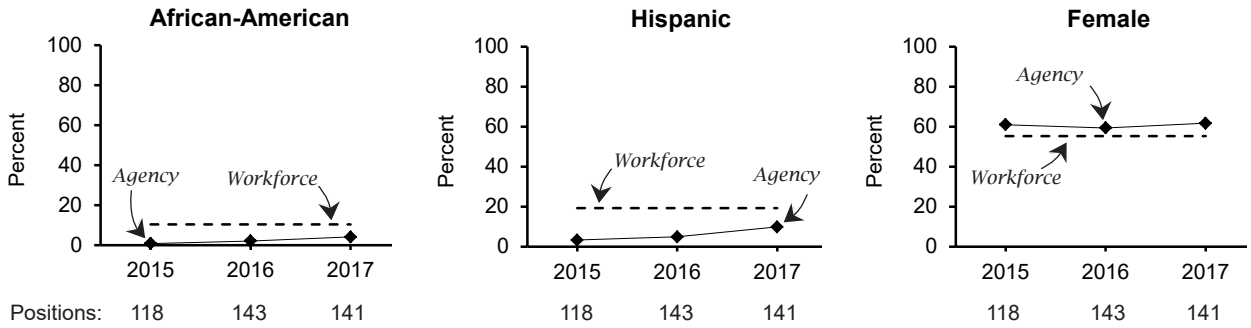
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Texas Historical Commission (THC).[1] The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.[2] In the charts, the dashed lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category.[3] These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2015 to 2017. The Texas Historical Commission consistently fell below the civilian workforce percentages for minorities across all categories, in part due to specific educational requirements. The agency consistently exceeded averages for female employees in the professional, administrative support, and service/maintenance categories.

Administration



The Texas Historical Commission fell below the civilian workforce percentages for African-American and Hispanic employees and met or fell below averages for female employees for the last three fiscal years.

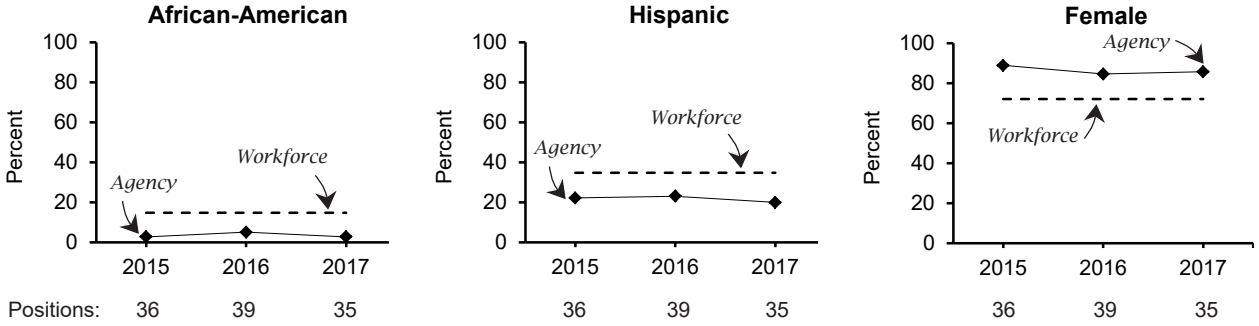
Professional



In the area of the agency with the most employees, THC fell below civilian workforce percentages for African-American and Hispanic employees and exceeded averages for female employees for the last three fiscal years.

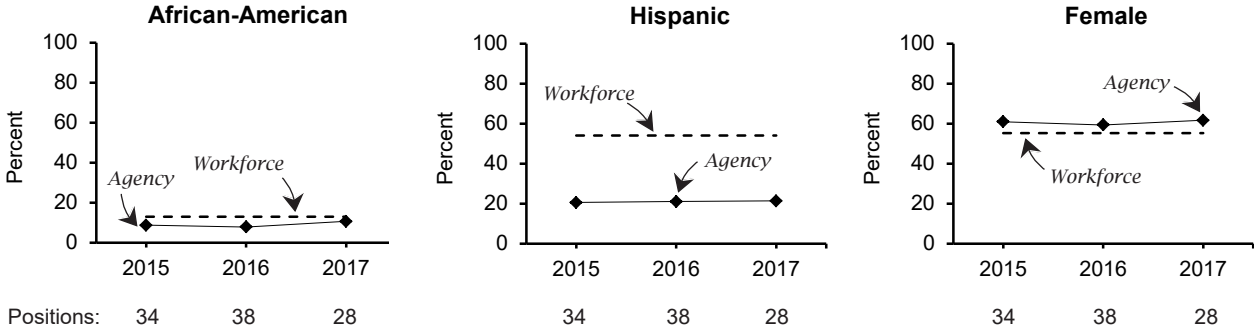
Appendix B

Administrative Support



In the administrative support category, THC fell below civilian workforce percentages for African-American and Hispanic employees and exceeded the average for female employees for the last three fiscal years.

Service/Maintenance



The Texas Historical Commission fell below civilian workforce averages for African-American employees, fell significantly below average for Hispanic employees, and exceeded averages for female employees for the last three fiscal years.

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1 All citations to Texas statutes are as they appear on http://www.statutes.legis.texas.gov/. Section 325.011(9)(A), Texas Government Code.

2 Section 21.501, Texas Labor Code.

3 Based on the most recent statewide civilian workforce percentages published by the Texas Workforce Commission.

Appendix C

Texas Historical Commission Designations and Markers – FY 2017

Designation / Marker	Property / Resource	Recognition / Restriction	Number
Official Texas Historical Marker	Any cultural, archeological, or architectural resource that meets state standards for historical significance.	Property owners must document and prove historical significance before receiving a marker, which carries no restrictions.	11,234
Recorded Texas Historic Landmark	Historic structures that have been designated under the Official Texas Historical Marker Program.	Building owners must give their consent to have their property designated. Once designated, no construction can begin without giving THC notice and an opportunity to review the project and offer guidance, although THC has no authority to prevent alterations.	3,835
National Register of Historic Places	Buildings, sites, objects, structures, and districts that are at least 50 years old and architecturally, archeologically, or historically significant.	A national recognition of a property's historical or archeological significance, which carries no restrictions unless imposed by local governments.	3,239
State Antiquities Landmark (SAL)	State designation for historically significant archeological sites, as well as architecturally significant buildings and structures already listed in the National Register.	If the property is publicly owned, THC may designate it without landowner consent. However, if the property is privately owned, the landowner must consent to this designation. With SAL designation, no construction can begin without a written work permit from THC.	2,972
Historic Texas Cemetery	Cemeteries or burial sites that are at least 50 years old and deemed historically significant.	County clerks record the designation in the deed, and building on these cemeteries is prohibited.	1,111
Historic Texas Land Plaque	Usually ranches or farms with archeological sites on the property.	This is a special, nonrestrictive recognition, or award, given by THC to landowners who are diligent stewards of preservation by working to protect important archeological sites on their property.	39

Appendix D

*Statutorily Created Cultural Trails and Historic Highways**

Trail / Highway	Texas Historical Commission's Role	Statute
Don Juan de Onate Trail and Historic Highway	Specified trail and historic highway designated, interpreted, and marketed by THC.	Sec. 442.031, Texas Government Code
El Camino Real de los Tejas National Historic Trail	National Historic Trail honoring a historic travel path from Mexico to Louisiana designated by the National Parks Service and administered in conjunction with THC for preservation, interpretation, and marketing.	Sec. 442.021, Texas Government Code
Historic Bankhead Highway	Specified historic highway corridor designated, interpreted, and marketed by THC.	Sec. 442.026, Texas Government Code
Historic State Highway 20	Specified historic highway corridor designated, interpreted, and marketed by THC.	Sec. 442.027, Texas Government Code
Historic U.S. Highway 80	Specified historic highway corridor designated, interpreted, and marketed by THC.	Sec. 442.028, Texas Government Code
Route 66 Historic Corridor	Historic highway corridor identified and designated by THC.	Sec. 442.030, Texas Government Code
Scenic Loop Road – Boerne Stage Road – Toutant Beauregard Road Historic Corridor	Historic highway corridor designated by THC.	Sec. 442.024, Texas Government Code
Texas Music Historic Trail	A trail to promote and preserve Texas music history designated, supported, and marketed by THC.	Sec. 442.019, Texas Government Code
Tom Lea Trail	Specified trail to commemorate the life and art of Tom Lea supported and marketed by THC.	Sec. 442.019, Texas Government Code

* Agency rules designate an additional 55 historic highway corridors.

Appendix E

Active Texas Main Street Cities

Main Street City	Years Active
Amarillo	2002–Present
Bastrop	2007–Present
Bay City	1992–Present
Beaumont	1992–Present
Beeville	2006–Present
Bowie	1997–Present
Brenham	1983–1989, 1999–Present
Bridgeport	2007–Present
Brownsville	2016–Present
Buda	2017–Present
Caldwell	2014–Present
Canton	2001–Present
Canyon	2002–Present
Carthage	2001–Present
Celina	1997–Present
Childress	2013–Present
Clarksville	2003–Present
Clifton	1995–Present
Colorado City	2006–Present
Corpus Christi	2016–Present
Corsicana	1985–Present
Cotulla	2007–Present
Cuero	1985–1990, 2013–Present
Decatur	1994–Present
Del Rio	2002–Present
Denison	1989–Present
Denton	1990–Present
Eagle Pass	1981–1982, 2010–Present
Elgin	1990–Present
Ennis	1984–1988, 2015–Present
Farmersville	2000–Present
Georgetown	1982–87, 1991–94, 1998–Present
Gladewater	1999–Present
Goliad	1984–1986, 1997–Present
Gonzales	1988–Present

Main Street City	Years Active
Grand Saline	2004–Present
Grapevine	1983–Present
Greenville	1986–1989, 1999–Present
Harlingen	1983–1985, 1997–Present
Henderson	1988–1991, 1996–Present
Hillsboro	1981–1998, 2001–Present
Huntsville	2001–Present
Kerrville	1995–Present
Kilgore	1987–1991, 2007–Present
Kingsville	1982–1985, 2011–Present
La Grange	1996–Present
Laredo	2008–Present
Levelland	1998–Present
Linden	2017–Present
Livingston	2005–Present
Llano	2003–Present
Longview	1998–1994, 2008–Present
Lufkin	1983–Present
Luling	2003–Present
Marshall	1982–1985, 2003–Present
McKenney	1982–1991, 2004–Present
Mineola	1989–Present
Mount Pleasant	1993–Present
Mount Vernon	1992–Present
Nacogdoches	1998–Present
New Braunfels	1991–Present
Palestine	1986–1991, 2008–Present
Paris	1984-1989, 1998–Present
Pharr	2004–Present
Pilot Point	2002–Present
Pittsburg	1987–Present
Plainview	1981–1985, 1992–Present
Rio Grande City	2002–Present
Rockwall	2009–Present
Rosenberg	2015–Present
Royse City	2008–Present

Appendix E

Main Street City	Years Active
San Angelo	2005–Present
San Augustine	2013–Present
San Marcos	1986–Present
Sealy	2014–Present
Seguin	1981–1986, 1997–Present
Sherman	1993–1998, 2016–Present
Taylor	1999–Present
Texarkana	2006–Present
Tyler	1990–Present
Uvalde	2011–Present
Vernon	2011–Present
Victoria	2012–Present
Waco	2014–Present
Waxahachie	1983–1990, 2002–Present
Weatherford	1987–2004, 2009–Present
Winnsboro	2003–Present

Appendix F

Historic Sites

Historic Site	Location	Managed by	Historical Periods Represented*
Acton Cemetery	Acton	THC	Texas Revolution
The Alamo	San Antonio	GLO	Spanish Rule; Texas Revolution
Battleship Texas	La Porte	TPWD	World War I, World War II
Caddo Mounds	Alto	THC	Woodland-Mississippi Mound Builders; Spanish Rule
The Capitol	Austin	SPB	U.S. Statehood
Casa Navarro	San Antonio	THC	Texas Revolution; Republic of Texas
Confederate Reunion Grounds	Mexia	THC	Reconstruction; Industrialization
Eisenhower Birthplace	Denison	THC	World War II
Fannin Battleground	Goliad	THC	Texas Revolution
Fanthorp Inn	Anderson	TPWD	Republic of Texas
Fort Griffin	Albany	THC	Reconstruction; Industrialization
Fort Lancaster	Sheffield	THC	U.S. Statehood; Reconstruction
Fort Leaton	Presidio	TPWD	Republic of Texas; U.S. Statehood
Fort McKavett	Fort McKavett	THC	U.S. Statehood; Reconstruction
Fort Richardson State Park	Jacksboro	TPWD	Reconstruction
French Legation Museum	Austin	THC	Republic of Texas
Fulton Mansion	Fulton	THC	Post-Civil War
Goliad State Park	Goliad	TPWD	Spanish Rule; Texas Revolution
Governor's Mansion	Austin	SPB	U.S. Statehood; Reconstruction; Gilded Age
Hueco Tanks State Park	El Paso	TPWD	Paleo Indian
Landmark Inn	Castroville	THC	U.S. Statehood; Reconstruction; Gilded Age
Levi Jordan Plantation	Brazoria County	THC	U.S. Statehood
Lipantitlan	San Patricio	TPWD	Texas Revolution
Lyndon B. Johnson State Park	Stonewall	TPWD	Industrialization
Magoffin Home	El Paso	THC	Reconstruction; Gilded Age
Mission Dolores	San Augustine	THC	Spanish Rule
Monument Hill / Kreische Brewery	La Grange	TPWD	Texas Revolution; U.S. Statehood; Gilded Age
Museum of the Pacific War	Fredericksburg	THC	World War II

Appendix F

Historic Site	Location	Managed by	Historical Periods Represented*
Port Isabel Lighthouse	Port Isabel	TPWD	U.S. Statehood; Reconstruction; Industrialization
Sabine Pass Battleground	Sabine Pass	THC	Civil War; Industrialization
Sam Bell Maxey House	Paris	THC	Reconstruction
Sam Rayburn House	Bonham	THC	Post War; Space Age
San Felipe de Austin	San Felipe	THC	Mexican Rule; Texas Revolution; Industrialization
San Jacinto Monument and Battleground	La Porte	TPWD	Texas Revolution
Seminole Canyon State Park	Comstock	TPWD	Paleo Indian
Starr Family Home	Marshall	THC	Post-Civil War; Gilded Age
Varner Hogg Plantation and Museum	West Columbia	THC	Mexican Rule; Republic of Texas; U.S. Statehood; Industrialization
Washington-on-the-Brazos	Washington	TPWD	Texas Revolution

*Source: Texas Historical Commission and Texas Parks and Wildlife staff.

Appendix G

Texas Historic Period Representation

Themes	Sub-themes	Represented by Sites
Paleo Indian 13,000 B.C. to 5000 B.C.		X
Archaic 5000 B.C. to 900 A.D.		
Woodland-Mississippi Mound Builders 900 to 1519		X
European Exploration 1519–1680	Spanish	
	French	
	Native American- European cultural interactions	
Spanish Rule 1680–1821	Camino Real	X
	East missions	X
	West missions	
	South missions	X
	Military presidios	
	City building	
	Ranching	
	Farming	
	Spanish royal government	
	Bonaparte rule	
	Spain's mercantile economy	
	Indigenous cultures under Spanish rule	X
	American explorations 1806–1820	X
Mexican Rule 1821–1835	American colonization	X
	Mexican government (centralist vs federalist)	
	1st Texas Republic, Fredonian	
	Land policy empresarios	X
Texas Revolution* 1836	Texan and Tejano identity	X
	Mexican military presence	X
	Battles	X
	Mexican national and governmental perspective on the Texan rebellion	
Republic of Texas* 1836–1845	Nation building	X
	International relations	X
	Education policy	

Appendix G

Themes	Sub-themes	Represented by Sites
	Indian policy	X
	Slavery during the Republic Era	X
Republic of the Rio Grande 1839–1840		
U.S. Statehood* 1846–1860	Mexican War	X
	Plantation development and slavery prior to emancipation	X
	Increased American migration to Texas / Land company contracts	
	European ethnic group immigration	X
	Mercantile and commercial development	X
	Agricultural development	
	Compromise of 1850	
	Western Frontier Indian wars	X
Secession and Civil War 1860–1865	Department of Texas	
	Battles	X
	Union occupation	
	Internal disputes over secession and abolition	
Reconstruction* 1870–1880	Frontier Forts re-established / Indian wars	X
	Freedman's Bureau	
	Railroads	
	Texas Rangers	
	Rise of the cattle industry	
	Political influence	X
	Freight	X
	Reconciliation	X
	Border trade	X
	Increasing influence of the railroads on commerce and travel	
Gilded Age* 1880–1900	City building	
	Land development	X
	Ranching	
	Fishing/maritime development	
	Banking	
	Railroads	
	Natural resource development	
	Commercial trade	X

Appendix G

Themes	Sub-themes	Represented by Sites
Industrialization*	Oil	X
1900–1929	Timber	
	Shipping	X
	Manufacturing	
	World War I	X
	Prohibition	
	Mexican Revolution	
	Influenza	
	Race relations and Texas in the Jim Crow Era	
Great Depression	New Deal	
1929–1939	WPA	
	Dust Bowl	
	Texas State Republic Centennial celebrations	X
World War II*	Home front	
1940–1945	Coastal defense	
	Internment camps	
	POW camps	
	General Eisenhower	X
Post War	School desegregation	
1946–1959	Post war design	
	Metropolitan growth and urban development	
	Technology growth	
	Texas political influence	X
	Korean War	
	Interstate highway	
Space Age	NASA	
1960–1970	Civil rights	
	JFK administration	
	LBJ administration	X
	Cold War	
	Vietnam War	
	Texas and the rise of modern technologies	

* This thematic period is also represented by a site connected to the theme as a whole but that does not also represent a sub-theme.

Source: Texas Historical Commission.

Appendix H

Staff Review Activities

During the review of the Texas Historical Commission, Sunset staff engaged in the following activities that are standard to all sunset reviews. Sunset staff worked extensively with agency personnel; attended commission meetings; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed agency documents and reports, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research.

In addition, Sunset staff also performed the following activities unique to this agency:

- Visited numerous state historic sites representing Native American settlements, Spanish Rule, the Texas Revolution, the Texas Republic period, U.S. statehood, Industrialization, and World War II and interviewed staff at each site
- Toured two historic county courthouses and interviewed grant recipients
- Visited multiple Main Street Cities and met with a Main Street Manager
- Traveled along several Heritage Trails routes
- Attended meetings of the Texas Preservation Trust Fund Advisory Board
- Attended the Texas Historical Commission's Real Places 2018 conference
- Toured the Texas Historical Commission and the Texas Parks and Wildlife Department's respective curatorial facilities, as well as the Texas Facilities Commission's State Surplus Store
- Viewed the La Belle exhibit at the Bob Bullock State History Museum
- Interviewed executive directors and board members of the Texas Heritage Trails nonprofit organizations
- Interviewed staff from state agencies including Texas Parks and Wildlife Department, State Preservation Board, General Land Office, Texas Facilities Commission, and Texas State Library and Archives Commission

Sunset Staff Review of the *Texas Historical Commission*

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