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RQ-0358-KP**FILE# ML-48812-20****I.D.# 48112**

June 19, 2020

The Honorable Ken Paxton
Texas Attorney General
Attn: Opinions Committee
PO Box 12548
Austin, Texas 78711

Re: Ownership of the Star of the Republic Museum

Dear General Paxton:

The Blinn College District (“Blinn”) and the Texas Historical Commission (“THC”) propose to enter into an Interagency Cooperation Contract regarding the Star of the Republic Museum (the “Museum”), a draft of which is attached to this opinion request.

In 2019, the 86th Legislature adopted Senate Bill 2309 which provides that the Museum and its contents are under the jurisdiction of the THC and that the THC is responsible for the preservation, maintenance, and operation of the Museum.¹ Further, Senate Bill 2309 provided that Blinn maintains ownership of the Museum, the land on which the Museum is located, and the artifacts in the Museum (collectively, the “Museum Real and Personal Property”).² Additionally, the 86th Legislature adopted House Bill 1422 which added the Washington-on-the-Brazos State Historic Site (the “Historic Site”) to the list of historic sites and parks under the THC’s jurisdiction.³ The Museum is located on the Historic Site.

As reflected in the attached draft Interagency Cooperation Contract, Blinn now proposes to donate, convey and transfer the Museum Real and Personal Property to THC pursuant to Section 272.001(l) of the Texas Local Government Code.

Therefore, I respectfully request your opinion on the following question:

Does the codification of Blinn’s ownership of Museum Real and Personal Property under Texas Government Code, Section 442.062(b) require that Blinn maintain ownership of the Museum Real and Personal Property, or may Blinn donate, convey and transfer the Museum Real and Personal Property to THC in accordance with Section 272.001 (l) of the Texas Local Government Code?

¹ See TEX. GOV’T CODE § 442.062(a).

² See *id.* at § 442.062(b).

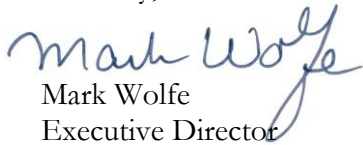
³ See *id.* at § 442.072(a)(25).

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If you have any questions regarding this request or need further information, please contact me at 512.463.6383.

Sincerely,

A handwritten signature in blue ink that reads "Mark Wolfe". The signature is written in a cursive style with a large, looping "W" and a long, sweeping underline.

Mark Wolfe
Executive Director
State Historic Preservation Officer

cc: Sen. Lois Kolkhorst
Rep. Ben Leman
Mary Hensley, Ed.D., Chancellor, Blinn College District
Leighton Schubert, Executive Vice Chancellor, Blinn College District
John L. Nau, III, Chairman, Texas Historical Commission