

BILL ANALYSIS

S.B. 1338
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State Preservation Board was created in response to increasing interest in preserving and protecting the Texas Capitol and is funded from several sources, including general revenue, funds generated from statutorily authorized enterprise operations, and donations. Two funds that are accessed by the board help meet its responsibilities. One of those funds, the Capitol fund, is where enterprise revenue and donations are deposited.

The goal of S.B. 1338 is to streamline the management of the State Preservation Board and give the board more flexibility in recovering its costs, increasing investment income, and increasing donations to help fund certain board responsibilities and initiatives.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1338 amends the Government Code to require a proposal to construct a building, monument, or other improvement in the Capitol complex to be submitted to the State Preservation Board for its review and comment at the earliest planning stages of any such project, rather than before contracts for the construction are executed.

S.B. 1338 requires the board, to the extent practicable, to use gifts of property made to the board for the purpose specified by the grantor. The bill authorizes the board to refuse a gift if in the board's judgment the purpose specified by the grantor conflicts with the goal of preserving the historic character of the buildings under the board's control. The bill authorizes the board to transfer money from the capital renewal trust fund to any account of the Capitol fund, provided that money transferred shall only be used for the purpose of maintaining and preserving the Capitol, the General Land Office Building, their contents, and their grounds.

S.B. 1338 specifies that the deposit collected from a person or entity that uses the Capitol or the grounds of the Capitol for an event, exhibit, or other scheduled activity is in an amount set by the board designed to recover the estimated indirect costs, in addition to the estimated direct costs, to the state of the event, exhibit, or activity. The bill, in provisions describing certain costs that the board is authorized to deduct from the deposit, changes such costs from the costs of extra labor, materials, and utilities directly attributable to the event, exhibit, or other activity to the costs of labor, materials, and utilities directly or indirectly attributable to such an activity and from the costs of extra security requested by the person or entity to the costs of security requested by the person or entity.

S.B. 1338 authorizes the board to establish, maintain, and participate in the operation of one or more organizations of persons whose purpose is to raise funds for or provide services or other benefits to the board. The bill authorizes such an organization to be incorporated as a Texas

nonprofit corporation. The bill makes a conforming change.

S.B. 1338 authorizes the governor, the lieutenant governor, and the speaker of the house of representatives, as a member of the board, to designate a representative to act, including the ability to vote, on behalf of the member during a board meeting. The bill, in a provision designating the chairman of the board, specifies a designee of the governor as an alternative to the governor as chairman of the board.

S.B. 1338 repeals Section 443.0101(e), Government Code, requiring the net proceeds from pay station telephones in the Capitol or another building under the jurisdiction of the board to be deposited to the credit of the Capitol fund.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.