

1-1 By: Eltife S.B. No. 1338
1-2 (In the Senate - Filed March 9, 2011; March 22, 2011, read
1-3 first time and referred to Committee on Administration;
1-4 April 5, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 5, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the membership, powers, and duties of the State
1-9 Preservation Board.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 443.0071, Government
1-12 Code, is amended to read as follows:

1-13 (a) A proposal to construct a building, monument, or other
1-14 improvement in the Capitol complex must be submitted to the board
1-15 for its review and comment at the earliest planning stages of any
1-16 such project [before contracts for the construction are executed].

1-17 SECTION 2. Subsection (a), Section 443.010, Government
1-18 Code, is amended to read as follows:

1-19 (a) The board and the employees of the board shall develop
1-20 plans and programs to solicit, and may solicit, gifts, money, and
1-21 items of value from private persons, foundations, or organizations.
1-22 Property provided by those entities and money donated to the board
1-23 become the property of the state and are under the control of the
1-24 board. The board shall use gifts of money made to the board for the
1-25 purpose specified by the grantor, if any. To the extent
1-26 practicable, the board shall use gifts of property made to the board
1-27 for the purpose specified by the grantor. The board may refuse a
1-28 gift if in the board's judgment the purpose specified by the grantor
1-29 conflicts with the goal of preserving the historic character of the
1-30 buildings under the board's control.

1-31 SECTION 3. Section 443.0103, Government Code, is amended by
1-32 adding Subsection (e) to read as follows:

1-33 (e) The board may transfer money from the capital renewal
1-34 trust fund to any account of the Capitol fund, provided that money
1-35 transferred shall only be used for the purposes outlined in
1-36 Subsection (b).

1-37 SECTION 4. Subsection (a), Section 443.019, Government
1-38 Code, is amended to read as follows:

1-39 (a) The board may require and collect a standardized deposit
1-40 from a person or entity that uses the Capitol or the grounds of the
1-41 Capitol for an event, exhibit, or other scheduled activity. The
1-42 deposit is in an amount set by the board designed to recover the
1-43 estimated direct and indirect costs to the state of the event,
1-44 exhibit, or activity. The board shall set the amounts of deposits
1-45 required under this section in a uniform and nondiscriminatory
1-46 manner for similar events, exhibits, or other scheduled activities.
1-47 The board may deduct from the deposit:

1-48 (1) the cost of damage to the Capitol or grounds of the
1-49 Capitol that directly results from the event, exhibit, or other
1-50 activity;

1-51 (2) the costs of [~~extra~~] labor, materials, and
1-52 utilities directly or indirectly attributable to the event,
1-53 exhibit, or other activity; and

1-54 (3) the costs of [~~extra~~] security requested by the
1-55 person or entity for the event, exhibit, or other activity.

1-56 SECTION 5. Chapter 443, Government Code, is amended by
1-57 adding Section 443.030 to read as follows:

1-58 Sec. 443.030. SUPPORT ORGANIZATIONS. The board may
1-59 establish, maintain, and participate in the operation of one or
1-60 more organizations of persons whose purpose is to raise funds for or
1-61 provide services or other benefits to the board. Such an
1-62 organization may be incorporated as a Texas nonprofit corporation.

1-63 SECTION 6. Section 443.003, Government Code, is amended by
1-64 adding Subsection (e) to read as follows:

2-1 (e) The governor, the lieutenant governor, and the speaker
2-2 of the house of representatives, as a member of the board, may
2-3 designate a representative to act, including the ability to vote,
2-4 on behalf of the member during a board meeting.

2-5 SECTION 7. Subsection (a), Section 443.004, Government
2-6 Code, is amended to read as follows:

2-7 (a) The governor or the governor's designee under Section
2-8 443.003(e) is chairman of the board.

2-9 SECTION 8. Subsection (e), Section 443.0101, Government
2-10 Code, is repealed.

2-11 SECTION 9. This Act takes effect immediately if it receives
2-12 a vote of two-thirds of all the members elected to each house, as
2-13 provided by Section 39, Article III, Texas Constitution. If this
2-14 Act does not receive the vote necessary for immediate effect, this
2-15 Act takes effect September 1, 2011.

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