

**BILL ANALYSIS**

C.S.S.B. 1871  
By: Estes  
Culture, Recreation & Tourism  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Under current law, present and former state officials who have been appointed by the governor and confirmed by the senate are eligible to be buried in the Texas State Cemetery if they have served at least 12 years in the office to which appointed. C.S.S.B. 1871 seeks to decrease the amount of time that such officials are required to serve in order to be eligible for burial in the State Cemetery and also seeks to authorize the removal, under certain conditions, of the cemetery dedication from certain land currently dedicated as part of the State Cemetery.

**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**

C.S.S.B. 1871 amends the Government Code to establish that the property other than the property described as Lot No. 5, Division B, City of Austin, Travis County, Texas, that is dedicated for cemetery purposes as part of the State Cemetery is no longer so dedicated if, not later than December 31, 2013, the State Cemetery Committee makes an affirmative finding that the property is no longer needed for cemetery purposes and expressly consents by a majority vote of the committee to remove the dedication and the chair of the committee files in the deed records of Travis County and submits for publication in the Texas Register a document indicating that the dedication is removed.

C.S.S.B. 1871 decreases from 12 to 10 the minimum number of years that a former state official or a state official who dies in office who has been appointed by the governor and confirmed by the senate is required to have served in the office to which appointed in order to be eligible for burial in the State Cemetery.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 1871 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

**SENATE ENGROSSED**

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subsection (d), Section 2165.256, Government Code, is amended to

SECTION 1. Section 2165.256, Government Code, is amended by adding

read as follows:

- (d) Persons eligible for burial in the State Cemetery are:
- (1) a former member of the legislature or a member who dies in office;
  - (2) a former elective state official or an elective state official who dies in office;
  - (3) a former state official or a state official who dies in office who has been appointed by the governor and confirmed by the senate and who served at least 10 [~~12~~] years in the office to which appointed;
  - (4) a person specified by a governor's proclamation, subject to review and approval by the committee under Subsection (e);
  - (5) a person specified by a concurrent resolution adopted by the legislature, subject to review and approval by the committee under Subsection (e); and
  - (6) a person specified by order of the committee under Subsection (e).

SECTION 2. This Act takes effect September 1, 2013.

Subsection (b-1) and amending Subsection (d) to read as follows:

~~(b-1) Notwithstanding Subsection (b), the property other than the property described as Lot No. 5, Division B, City of Austin, Travis County, Texas, is no longer dedicated for cemetery purposes as part of the State Cemetery as provided by that subsection if, not later than December 31, 2013:~~

~~(1) the State Cemetery Committee makes an affirmative finding that the property is no longer needed for cemetery purposes and expressly consents by a majority vote of the committee to remove the dedication; and~~

~~(2) the chair of the State Cemetery Committee files in the deed records of Travis County and submits for publication in the Texas Register a document indicating that the dedication is removed.~~

- (d) Persons eligible for burial in the State Cemetery are:
- (1) a former member of the legislature or a member who dies in office;
  - (2) a former elective state official or an elective state official who dies in office;
  - (3) a former state official or a state official who dies in office who has been appointed by the governor and confirmed by the senate and who served at least 10 [~~12~~] years in the office to which appointed;
  - (4) a person specified by a governor's proclamation, subject to review and approval by the committee under Subsection (e);
  - (5) a person specified by a concurrent resolution adopted by the legislature, subject to review and approval by the committee under Subsection (e); and
  - (6) a person specified by order of the committee under Subsection (e).

SECTION 2. Same as engrossed version.