

BILL ANALYSIS

H.B. 1545
By: Naishtat
Appropriations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a portion of property owned by the Texas Department of Transportation (TxDOT) in the City of Austin was dedicated for State Cemetery use, but the 83rd Legislature authorized the State Cemetery Committee to release the dedication, contingent on the committee finding that there was no continuing need for the property and that proceeds from a sale could further the goals of the committee. The parties contend that the committee recently released the property after making such an affirmative finding and TxDOT subsequently sold the property and is holding the committee's portion of the proceeds until a mechanism is enacted for the committee to receive the funds. H.B. 1545 seeks to provide such a mechanism by creating the State Cemetery preservation trust fund.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 1545 amends the Government Code to create the State Cemetery preservation trust fund as a trust fund outside the state treasury to be held with the comptroller of public accounts in trust. The bill requires the State Cemetery Committee to administer the fund as trustee on behalf of the people of Texas. The bill establishes that the fund consists of money transferred or appropriated to the fund and money received by the committee as a gift, grant, or bequest and deposited to the fund by the committee. The bill requires the interest received from investment of money in the fund to be credited to the fund. The bill restricts the use of money in the fund to the maintenance, renovation, major repair or capital improvement, or preservation of the State Cemetery, as determined by the committee, or to the acquisition of land in close proximity to the State Cemetery for expansion of the cemetery.

H.B. 1545, as soon as practicable after the sale of certain property that is contingently no longer dedicated for cemetery purposes as part of the State Cemetery, requires the comptroller to transfer from the state highway fund to the State Cemetery preservation trust fund an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation (TxDOT) in a subaccount in the state highway fund for use by the committee under the terms of a memorandum of understanding entered into between TxDOT and the committee.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.