

SUBJECT: Changing dedication for Texas State Cemetery annex, burial requirements

COMMITTEE: Culture, Recreation and Tourism — committee substitute recommended

VOTE: 6 ayes — Guillen, Aycock, Kuempel, Larson, Nevárez, Smith

0 nays

1 absent — Dukes

SENATE VOTE: On final passage, May 13 — 28-2 (Patrick, Schwertner)

WITNESSES: No public hearing

BACKGROUND: Government Code, sec. 2165.256 authorizes the State Cemetery Committee to oversee the operations of the Texas State Cemetery. Property dedicated as part of the state cemetery consists of property described as Lot No. 5, Division B, City of Austin, and another property, described as 44.07 acres near Bull Creek Road and Shoal Creek in Austin.

Among those eligible for burial in the state cemetery are state officials appointed by the governor who served at least 12 years in the appointed office.

DIGEST: CSSB 1871 would provide that property in Austin described as “other than the property described as Lot No. 5, Division 5, City of Austin” was no longer dedicated for state cemetery purposes if no later than December 31, 2013:

- the State Cemetery Committee found the property was no longer needed for the cemetery and its members removed the dedication; and
- the chair of the State Committee filed in the Travis County deed records and submitted for publication in the Texas Register a document indicating that the dedication was removed.

The bill would also amend Government Code, sec. 2165.256 to allow a state official who had served 10 years in the appointed office to be eligible

for burial in the state cemetery.

The bill would take effect on September 1, 2013.

**SUPPORTERS  
SAY:**

The bill would lower from 12 years to 10 years the time of service necessary for a state official who had been appointed by the governor to be eligible to be buried in the state cemetery. Given the available space remaining in the state cemetery, 10 years of service is appropriate. If all sections of the original cemetery property were opened at this time, the cemetery would still have 50 percent of its capacity available.

SB 1871 would authorize the three-member State Cemetery Commission to remove the cemetery dedication from 44.07 acres of land at Bull Creek and West 45th Street in Central Austin, a necessary first step for the possible disposition of vacant land that could be put to better use. The increasingly valuable property was set aside years ago as an annex for the Texas State Cemetery, which is located about one mile east of the Capitol. The annex property is many miles away and remains underutilized. The state could receive an estimated \$15 million to \$20 million if it sold or leased the land. The City of Austin would stand to gain millions of dollars in tax revenue a year if the land was redeveloped and put on the tax rolls.

The bill's sponsor plans to introduce an amendment to state that proceeds from a transaction involving the annex land would be used to further the goals of the Texas State Cemetery, including repairs, renovations, or capital improvements.

**OPPONENTS  
SAY:**

This bill would increase the number of people eligible for burial at the Texas State Cemetery. Given the limited number of available plots at the 18-acre state cemetery, this would cause the original cemetery to more quickly reach capacity.

The bill would authorize the State Cemetery Committee to remove the cemetery dedication from the State Cemetery Annex, which was set aside for use when the existing State Cemetery reached capacity. Removing the cemetery dedication would open the property to being sold or leased to private development. The Legislature should not grant this authority without guarantees of public notice and input to allow affected residential neighborhoods surrounding the property and the City of Austin to participate in the decision and ensure the site is appropriately developed at best value for the state.

OTHER  
OPPONENTS:

The bill should require that the proceeds from the transfer of the annex property remain under the ownership and control of the state cemetery. Similar to the Capitol Fund, which assists with the State Preservation Board's work, money from any transfer of the annex property should be used to create a fund assisting with the maintenance and improvements of the state cemetery.

NOTES:

The committee substitute differs from the Senate bill by adding the provision enabling the State Cemetery Committee to remove certain property as being dedicated for cemetery purposes.