

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1107
By: Telford (Moncrief)
Finance
5-14-97
Committee Report (Substituted)

DIGEST

Currently, the State Preservation Board (board) is subject to the Sunset Act and is scheduled to be abolished September 1, 1997. The board was created in 1983 by the 68th Legislature to oversee and manage the restoration of the Capitol, construction of the Capitol Extension, renovation of the old General Land Office building, and acquisition of antiques and historically reproduced furnishings for use in Capitol buildings. However, the board's mission is changing from construction management to building management and preservation. The board has three ex officio members and three appointed members, and carries out its functions through seven divisions. In fiscal year 1996, the board had 31 employees and an operating budget of \$1,393,139. C.S.H.B. 1107 provides for the continuation of the board for a certain time period while statutory modifications recommended by the Sunset Advisory Commission are completed.

PURPOSE

As proposed, C.S.H.B. 1107 sets forth the provisions for the continuation and functions of the State Preservation Board.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 443.002, Government Code, to provide that, unless continued in existence as provided by Chapter 325 (Texas Sunset Act), the State Preservation Board (board) is abolished and this chapter expires September 1, 2007, rather than September 1, 1997.

SECTION 2. Amends Sections 443.003(c) and (e), Government Code, to provide that board functions, rather than committee functions, performed by certain public officials, are additional functions of their other public offices. Authorizes 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. Deletes existing text regarding chairman of the permanent advisory committee.

SECTION 3. Amends Section 443.005(a), to authorize, rather than require, the board to employ an architect of the Capitol who serves under the direction of the board.

SECTION 4. Amends Chapter 443, Government Code, by adding Section 443.0054, as follows:

Sec. 443.0054. BOARD PERFORMANCE. Requires the state auditor to review the performance of the management of the board by conducting an economy and efficiency audit and an effectiveness audit at least every two years.

SECTION 5. Amends Section 443.006(b), Government Code, to delete a provision requiring the permanent advisory committee to approve certain collections policies developed by the Capitol curator. Requires the Capitol curator to make recommendations to dispose of unused surplus property in the manner provided by Chapter 2175, rather than Article 601b, V.T.C.S.

SECTION 6. Amends Section 443.007, Government Code, by adding Subsection (e), to provide

that Title 10D does not apply to a purchase or lease described by this subsection. Authorizes the presiding officer of a house of the legislature or the governor, as appropriate, to approve the purchase or lease of goods and services needed to repair, improve, or supply certain areas within the capitol or capitol extension under certain circumstances.

SECTION 7. Amends Section 443.0101, Government Code, by adding Subsection (d), to require the state auditor to conduct an annual audit of the fund in accordance with Chapter 321.

SECTION 8. Amends Sections 443.013(b) and (d), Government Code, to authorize money in the account to be spent, rather than used, only for the purchase and maintenance of equipment, furnishings, and space related to food service in the Capitol. Authorizes the excess balance to be transferred, with board approval and to the extent the balance exceeds \$300,000, to another account and spent for any purpose within the board's jurisdiction. Authorizes money in the account to be spent only for the contents and grounds of the buildings. Makes conforming changes.

SECTION 9. Amends Section 443.0131, Government Code, to authorize money in the account to be spent, rather than used, only to maintain and furnish the space rented to news media representatives. Authorizes the excess to be transferred to another account and spent for any purpose within the board's jurisdiction, with board approval and to the extent the balance in the account exceeds \$50,000. Makes a conforming change.

SECTION 10. Amends Chapter 443, Government Code, by adding Section 443.021, as follows:

Sec. 443.021. STATE MUSEUM. Authorizes the board to develop and construct, from funds appropriated for that purpose, a state history museum to be located within the Capitol complex. Defines "Capitol complex."

SECTION 11. Effective date: September 1, 1997.

SECTION 12. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 443.003, Government Code, to authorize a member of the board to designate a representative to act, including the ability to vote. Deletes existing text regarding the chairman of the permanent advisory committee.

SECTION 3.

Amends Section 443.005, Government Code, to authorize, rather than require, the board to employ an architect of the Capitol who serves under the board's direction. Deletes proposed text authorizing the executive director to do the same.

SECTION 4.

Adds Section 443.0054, Government Code, to require the state auditor to conduct certain audits at least every two years.

SECTION 5.

Amends Section 443.006, Government Code, to require the Capitol curator to make recommendations to dispose of unused surplus property in the manner provided by Chapter 2175, rather than Article 601b, V.T.C.S.

Deletes proposed SECTION 5, establishing that the board is considered an agency in the legislative branch of state government.

SECTION 6.

Amends Section 443.007, Government Code, to provide that Title 10D does not apply to a purchase or lease described by this subsection. Sets forth the terms by which the presiding officer of a house of legislature or the governor is authorized to approve the purchase or lease of goods and services needed to repair an area within the capitol or capitol extension.

SECTION 7.

Amends Section 443.0101, Government Code, to require the state auditor to conduct an annual audit of the fund.

SECTION 8.

Amends Section 443.013, Government Code, to authorize the excess account balance to be transferred with board approval.

SECTION 10.

Adds Section 443.021, Government Code, to authorize the board to develop and construct a state history museum.

Deletes former SECTION 8.