

## **BILL ANALYSIS**

Senate Research Center

S.B. 973  
By: Barrientos  
Administration  
3-25-97  
Committee Report (Amended)

### **DIGEST**

Currently, the State Cemetery is under the control of the General Services Commission. Burial in the cemetery is limited to persons specified by law. The limited space in the cemetery has created the need for an annex facility. This legislation creates a State Cemetery Committee to oversee the cemetery and determine which outstanding Texans are to be interred in the state cemetery. In addition, S.B. 973 transfers 50 acres to serve as a cemetery annex and allows the State Cemetery Committee to acquire land to expand the original site.

### **PURPOSE**

As proposed, S.B. 973 creates a State Cemetery Committee and establishes other provisions regarding the State Cemetery.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the State Cemetery Committee in SECTIONS 1 and 2 (Sections 2165.256(i) and 2165.2561(m), Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2165.256, Government Code, by conforming to Section 1, Chapter 264, Acts of the 74th Legislature, 1995, to require the State Cemetery Committee to oversee all operations of the State Cemetery, rather than requiring the General Services Commission (GSC) to control, manage, beautify, preserve, and protect the State Cemetery property and grounds. Dedicates certain property, in addition to the property described as Lot No. 5, Division B, City of Austin, Travis County, Texas, for cemetery purposes as part of the State Cemetery. Provides that persons eligible for burial in the State Cemetery include, among others, 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 12 years in office; a person specified by a governor's proclamation or concurrent resolution subject to review and approval by the committee; and a person specified by order of the committee. Requires the committee to review proclamations and resolutions. Sets forth the terms by which a person is eligible for burial in the State Cemetery, and by which the committee is authorized, by order, to authorize a burial. Prohibits a grave plot from being longer than a certain width. Requires the committee to adopt rules regulating the monuments erected in the State Cemetery. Deletes the provisions regarding the height of monuments or statues. Requires the committee to consider certain persons for burial and reinterment in the State Cemetery. Authorizes the committee to accept certain gifts, grants, or bequests; participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services to the committee; and contract with such an organization. Sets forth other committee responsibilities.

SECTION 2. Amends Chapter 2165F, Government Code, by adding Section 2165.2561, as follows:

Sec. 2165.2561. STATE CEMETERY COMMITTEE. Sets forth the composition of the State Cemetery Committee. Establishes the conditions regarding designation of the presiding officer, appointment of members, member terms, filling of vacancies, and compensation and reimbursement of members. Provides that the advisory members of the committee serve at the will of the appointing authority. Sets forth the terms under which a person is not eligible for appointment to the committee, and by which a person is prohibited from serving as a

member of the committee. Provides that the committee is subject to Chapter 325 (Texas Sunset Act), and unless continued in existence as provided by that chapter, will be abolished and this section expires September 1, 2009. Requires GSC to spend certain money at the direction of the committee. Authorizes funds appropriated to GSC to be transferred at the direction of the committee for the performance of an act related to the State Cemetery. Authorizes the committee to adopt rules as necessary for the administration of the State Cemetery.

SECTION 3. (a) Provides that in addition to the substantive changes made by this Act, this Act conforms Section 2165.256, Government Code, to Section 1, Chapter 264, Acts of the 74th Legislature, 1995.

(b) Repealer: Section 1, Chapter 264, Acts of the 74th Legislature, 1995.

(c) Provides that to the extent of any conflict, this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Sets forth the procedures regarding initial gubernatorial appointments to the committee. Provides that until a majority of the persons appointed by the governor under this section assume their positions, the operation of the State Cemetery continues to be governed by the law as it existed immediately before the effective date of this Act, and prior law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 5, line 17, between the word "justice" and "oil" add "military affairs" and "law enforcement."

Page 6, line 11, add a provision authorizing the committee to accept certain gifts, grants, or bequests; participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services to the committee; and contract with such an organization.