

## **BILL ANALYSIS**

Senate Research Center

S.B. 1338  
By: Eltife  
Administration  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Preservation Board (SPB) was created in 1983, by the 68th Legislature, in response to increasing interest in preserving and protecting the Texas Capitol. SPB is mandated by Chapter 443 (State Preservation Board), Government Code, to restore, preserve, and maintain the State Capitol, the 1857 General Land Office Building, other designated buildings, their contents, and their grounds. Chapter 445 (Texas State History Museum), Government Code, requires SPB to manage and operate the Bob Bullock Texas State History Museum.

SPB is funded from several sources including General Revenue, funds generated from statutorily authorized enterprise operations, and donations. The legislature has established two funds that are accessed by SPB to help meet its responsibilities. One of those funds, the Capitol fund, is where enterprise revenue and donations are deposited.

S.B. 1338 will help streamline the management of SPB and give SPB more flexibility in recovering its costs, increasing investment income, and increasing donations to help fund certain responsibilities and initiatives of SPB.

As proposed, S.B. 1338 amends current law relating to the membership, powers, and duties of the State Preservation Board.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 443.0071(a), Government Code, to require that a proposal to construct a building, monument, or other improvement in the Capitol complex be submitted to the State Preservation Board (SPB) for its review and comment at the earliest planning stages of any such project, rather than before contracts for the construction are executed.

SECTION 2. Amends Section 443.010(a), Government Code, to require SPB, to the extent practicable, to use gifts of property made to SPB for the purpose specified by the grantor. Authorizes SPB to refuse a gift if in SPB's judgment the purpose specified by the grantor conflicts with the goal of preserving the historic character of the buildings under SPB's control.

SECTION 3. Amends Section 443.0103, Government Code, by adding Subsection (e), as follows:

(e) Authorizes SPB to transfer money from the capital renewal trust fund to any account of the capital fund, provided that money transferred shall only be used for the purposes outlined in Subsection (b) (relating to authorizing the money in the fund to be used only for the purpose of maintaining and preserving the Capitol, the General Land Office Building, their contents, and their grounds).

SECTION 4. Amends Section 443.019(a), Government Code, to authorize SPB to require and collect a standardized deposit from a person or entity that uses the Capitol or the grounds of the

Capitol for an event, exhibit, or other scheduled activity. Provides that the deposit is in an amount set by SPB designed to recover the estimated direct and indirect costs to the state of the event, exhibit, or activity. Authorizes SPB to deduct from the deposit certain costs, including the costs of labor, materials, and utilities, rather than extra labor, materials, and utilities, directly or indirectly attributable to the event, exhibit or other activity; and the costs of security, rather than extra security, requested by the person or entity for the event, exhibit, or other activity.

SECTION 5. Amends Chapter 443, Government Code, by adding Section 443.030, as follows:

Sec. 443.030. SUPPORT ORGANIZATIONS. Authorizes SPB to establish, maintain, and participate in the operation of one or more organizations of persons whose purpose is to raise funds for or provide services or other benefits to SPB. Authorizes such an organization to be incorporated as a Texas nonprofit corporation.

SECTION 6. Amends Section 443.003, Government Code, by adding Subsection (e), to authorize the governor, the lieutenant governor, and the speaker of the house of representatives, as a member of SPB, to designate a representative to act, including the ability to vote, on behalf of the member during a board meeting.

SECTION 7. Amends Section 443.004(a), Government Code, to provide that the governor or the governor's designee under Section 443.003(e) is chairman of SPB.

SECTION 8. Repealer: Section 443.0101(e) (relating to requiring that the net proceeds from pay station telephones in the Capitol or another building under the jurisdiction of SPB be deposited to the credit of the Capitol fund), Government Code.

SECTION 9. Effective date: upon passage or September 1, 2011.