

SUBJECT: Continuing the State Preservation Board

COMMITTEE: House Administration — favorable, with amendments

VOTE: 10 ayes — Black, Goolsby, Bailey, Chisum, Combs, Dear, McDonald, Telford, West, Willis

0 nays

1 absent — Conley

SENATE VOTE: On final passage, April 3 — 28-1 (Henderson)

WITNESSES: None

BACKGROUND: The State Preservation Board (SPB) was created by the 68th Legislature in 1983 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 Complex buildings.

The agency has overseen construction activities and payments of about \$190 million in general revenue to contractors for the Capitol complex restoration projects.

SPB's board has three *ex officio* members and three appointed members. The *ex officio* members are the governor, lieutenant governor and the speaker of the House. One appointed member is a senator, appointed by the lieutenant governor, one is a representative appointed by the speaker, and one is a citizen member appointed by the governor.

SPB carries out its programs and functions through six divisions: executive director's office, project manager's office, administration, special activities, finance and curatorial. To carry out these programs the SPB had 58 employees and an annual budget of about \$1 million for fiscal 1994.

Under the Texas Sunset Act the SPB will be abolished September 1, 1995, unless continued by the Legislature.

DIGEST: SB 369, as amended, would continue the SPB until September 1, 1997, and make statutory modifications recommended by the Sunset Advisory Commission. Some of the modifications would include:

- providing for public testimony at board meetings, subjecting the board to the Open Meetings Act and establishing procedures for public information and handling of complaints;
- prohibiting persons required to register as a lobbyist from serving as a public member of the SPB's governing board and
- requiring the board's funds, with the exception of the Capitol Fund, to be managed in accordance with the State Funds Reform Act.

SB 369 would authorize the SPB to adopt rules that would prohibit a vendor or commercial enterprise from operating in the Capitol or on the Capitol grounds unless authorized by the SPB.

The SPB could adopt rules that would prohibit the use of skateboards, rollerblades and rollerskates in the Capitol or on the Capitol grounds.

The bill would take effect September 1, 1995.

SUPPORTERS SAY: SB 369 would allow the SPB to continue the important work that remains to be done to preserve the state Capitol. The Sunset Review Commission recommended that the SPB continue for another two years.

Continuing the SPB for another two years would allow completion of all Capitol project activities and provide a smooth transition from construction management to building management. Some work remains to be finished on the Capitol and its grounds. Problems covered by the contractors' warranties must be rectified within a year. Plans for oversight of the maintenance of the historic nature of the buildings are incomplete. Furthermore, the SPB and the General Services Commission have not adopted a permanent arrangement for Capitol upkeep and maintenance.

OPPONENTS
SAY:

The SPB has completed most of its work and there is little reason to continue it. What tasks remain should be done by another existing state agency. While it is important to preserve and maintain the State Capitol and the Capitol Complex, the state should not spend tax dollars to preserve an agency that has outlived its purpose and gained a reputation for petty rulemaking, micromanagement and unresponsiveness to the needs of those with offices in the Capitol Complex.

NOTES:

The committee amendments would authorize the SPB to adopt rules that would prohibit the use of skateboards, rollerblades and rollerskates in the Capitol or on the Capitol grounds and prohibit a vendor or commercial enterprise from operating in the Capitol or on the Capitol grounds unless the vendor or commercial enterprise received authorization from the SPB.

During consideration of HB 1 by Junell, the general appropriations bill for fiscal 1996-97, the House on March 27 adopted an amendment by Rep. Uher to delete most of the funding for the State Preservation Board. The Senate version of HB 1 includes a total of \$993,139 in fiscal 1996 and \$989,639 in fiscal 1997 for the SPB.