

BILL ANALYSIS

Senate Research Center
76R7246 SRC-D

C.S.S.B. 494
By: Harris
Administration
2/25/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law authorizes the State Preservation Board to restore, preserve, and maintain the Capitol, General Land Office Building, their contents, and their grounds. Under the 75th Legislature, the board assumed the property management functions of the Capitol, Capitol Extension and the General Land Office Building and their grounds. This bill would elaborate on the functions, powers, and duties of the board regarding the Texas State History Museum, Woodlawn, and additional visitors' services.

PURPOSE

As proposed, C.S.S.B. 494 sets forth the functions, powers and duties of the State Preservation Board regarding to the Texas State History Museum, Woodlawn, and additional visitors' services.

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 443.004(b), Government Code, to require the State Preservation Board (board) to meet at the call of the governor, rather than at least quarterly each year. Sets forth required qualifications for the architect of the Capitol.

SECTION 2. Amends Section 443.005, Government Code, to authorize the executive director of the board, rather than the board, to employ an architect of the Capitol, who serves under the direction of the executive director. Sets forth required qualifications for the architect of the Capitol.

SECTION 3. Amends Sections 443.0051(a) and (b), Government Code, to set forth requirements for the executive director, including to provide that the annual budget and work plan is consistent with the master plan for, rather than of the architect of, the Capitol. Deletes text regarding duties of the architect. Makes a nonsubstantive change.

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

Sec. 443.0054. COMPENSATORY TIME FOR EMPLOYEES EXEMPT FROM FLSA. Requires the board to allow compensatory time off in accordance with a schedule adopted by the board for hours worked in a week in which the combination of hours worked, paid leave, and holidays exceeds a total of 40 hours, for employees who are not subject to the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), as amended.

SECTION 5. Amends Section 443.006(b), Government Code, to delete text regarding the original documents relating to the buildings' construction and alteration.

SECTION 6. Amends Section 443.007(a), Government Code, to require the board to maintain records, rather than archives. Makes conforming changes.

SECTION 7. Amends Section 443.007(d), Government Code, to authorize the board to purchase insurance policies to insure any personal property, including insurance covering historical artifacts, art, or other items on loan to the board. Deletes text regarding construction or preservation projects.

SECTION 8. Amends Chapter 443, Government Code, by adding Section 443.0072, as follows:

Sec. 443.0072. POWERS AND DUTIES RELATING TO OTHER BUILDINGS AND GROUNDS. Provides that the board has the same powers and duties it has in regard to the Capitol and the General Land Office Building, except as expressly limited by law in regard to any buildings, contents, or grounds over which the board has jurisdiction.

SECTION 9. Amends Section 443.0101, Government Code, by adding Subsection (e), to require the net proceeds from pay station telephones in the Capitol or another building under the jurisdiction of the board to be deposited to the credit of the Capitol fund.

SECTION 10. Amends Chapter 443, Government Code, by adding Section 443.0103, as follows:

Sec. 443.0103. CAPITOL RENEWAL FUND. Provides that the Capitol renewal account is a special account in the general revenue fund and consists of money appropriated for the purpose of the account. Authorizes money in the account to be used only for the purpose of maintaining the Capitol, the General Land Office Building, their contents and their grounds. Requires the pro rata portion of interest received from investment of money in the general revenue fund to be credited to the account. Provides that the account is exempt from the application of Sections 403.095 and 404.071.

SECTION 11. Amends Section 443.016(a), Government Code, to authorize only plants and trees indigenous to this state to be used in landscaping work, except as otherwise provided by this section, to the extent reasonable and practical, rather than possible. Authorizes the board to authorize the use of specimens of nonindigenous plants that have historical significance in relation to the Capitol grounds. Deletes text regarding the Capitol architect.

SECTION 12. Amends Section 443.021, Government Code, as follows:

Sec. 443.021. New heading: STATE HISTORY MUSEUM. Provides that the board is authorized to govern and operate a state history museum.

SECTION 13. Amends Section 443.023, Government Code, to provide that Title 10D does not apply to a purchase or lease under this chapter. Deletes text regarding the executive director.

SECTION 14. Amends Chapter 443, Government Code, by adding Sections 443.025-443.027, as follows:

Sec. 443.025. WOODLAWN. Provides that title to the historic property Woodlawn, also commonly known as Pease Mansion and Shivers Mansion, located at No. 6 Niles Road in Austin, is in the name of the board. Requires the board to preserve, maintain, restore, and furnish the building, its contents, grounds, and otherwise provide for use of the building and grounds. Authorizes the board to set and collect a fee for the use of Woodlawn for special activities. Requires the board to deposit money received under this subsection to the credit of the Capitol fund.

Sec. 443.026. TOURS. Authorizes the board to provide for public tours of the Capitol and other buildings and grounds under the jurisdiction of the board. Authorizes the board to provide for the transportation of visitors within the Capitol complex and between the buildings and grounds subject to the jurisdiction of the board. Authorizes the board to participate in providing for the transportation of visitors between the buildings and grounds subject to the jurisdiction of the board and other historic and cultural sites, in cooperation with other public and private authorities. Authorizes the board to set and collect a fee for transportation under this section. Requires the board to deposit money received under this subsection to the credit of the Capitol fund.

Sec. 443.027. PUBLICATIONS AND PUBLICITY. Provides that the publicity of the buildings, contents, and grounds subject to the jurisdiction of the board is essential to the board's statutory objectives. Authorizes the board to employ public relations personnel, and publish or contract for the publication of brochures, books, and periodicals intended for the general public that are promotional, informational, or educational. Authorizes the board to sell at prices set by the board publications printed under this section.

SECTION 15. Repealer: Section 415.117(b), Government Code (Duties).

Repealer: Section 443.003(e), Government Code (Membership).

SECTION 16. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Amends Section 443.005, Government Code, to reinstate previously deleted Subsection (b), regarding required qualifications for the architect of the Capitol.

SECTION 4.

Amends Section 443.0054, Government Code, to require the board to allow compensatory time off for employees who are not subject to the overtime provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), as amended.

SECTION 10.

Amends Section 443.0313, Government Code, to provide that the Capitol renewal account, rather than fund, is a special account in the general revenue fund and consists of money appropriated for the purpose of the account. Adds Subsection (c), to require the pro rata portion of interest received from investment of money in the general revenue fund to be credited to the account. Amends Subsection (d), to provide that the account, rather than fund, is exempt from the application of Sections 403.095 and 404.071.