

SUBJECT: Transfer of authority over the Texas State Cemetery

COMMITTEE: State, Federal and International Relations — committee substitute recommended

VOTE: 9 ayes — Hunter, Moreno, Chavez, Isett, Palmer, Pitts, Seaman, West, Wise
0 nays

WITNESSES: For — Shirley Caldwell, Texas Historical Commission; Mike Workman
Against — None
On — Gerron Hite, Curtis Tunnell and Frances Rickart, Texas Historical Commission

BACKGROUND : The Texas State Cemetery, located in Austin just east of IH-35, is the burial ground for Texas' most notable sons and daughters. Under the Government Code, only legislators, elected officials, and members of state commissions with at least 12 years of service are eligible to be buried in the cemetery. Exceptions have been made by governor's proclamation or legislative decree for war heroes, founders of the Republic, jurists, writers and others. The spouses and certain unmarried children of legislators, elected officials, and qualified state commissioners are also automatically eligible for burial in the state cemetery.

The General Services Commission currently oversees operation of the cemetery, which has recently undergone extensive restoration. The project was funded by a federal grant of \$4.74 million and \$1.023 million in appropriated state general revenue.

DIGEST: CSHB 840 would transfer oversight of the Texas State Cemetery from the General Services Commission to the Texas Historical Commission (THC) and dedicate for future cemetery purposes a state-owned tract of undeveloped land in central Austin. The bill would allow THC to adopt rules necessary to operate the cemetery.

Under CSHB 840, THC would be required to:

- consider for burial in the cemetery and designate plots for persons who have made significant contributions to Texas history and culture in the following fields: air and space, agriculture, art and design, business and labor, city building, industry, justice, oil and gas, education, philanthropy, ranching, religion, science, medicine and sports.
- consider for reinterment persons from the following eras: Spanish exploration and colonization, Mexican, Texas revolution, the republic and statehood, the Civil War and reconstruction, frontier era, Gilded Age, the Great Depression, World War II, and the postwar and modern eras.
- adopt rules necessary to regulate the size and design of monuments;
- procure and erect grave markers where they are missing;
- regulate planting;
- approve grave spaces for eligible persons;
- develop plans for obtaining land adjacent for the State Cemetery for expansion;
- actively pursue plot reservations from eligible persons, and
- encourage legislators to advise their constituents who are eligible for burial in the cemetery.

CSHB 840 would allow THC to authorize burial of persons when the Legislature was not in session, if the commission determined that the person made a significant contribution to Texas history.

THC could enter into an interagency transfer with the General Services Commission or Parks and Wildlife Department to spend money appropriated for the cemetery.

CSHB 840 would take effect September 1, 1997.

SUPPORTERS SAY: CSHB 840 would strengthen oversight and upkeep of the Texas State Cemetery by putting it in the hands of an agency that has the appropriate expertise to manage this historical facility. The bill would give THC clear and specific directives for overseeing the cemetery and ensuring that a range of past, present and future Texas dignitaries are buried there. Oversight and development of the state cemetery has historically been haphazard partly because of a lack of clear statutory direction.

CSHB 840 would put into statute recommendations from an interim study by the Committee on State, Federal and International Relations reviewing standards governing the eligibility for burial in the cemetery. Expanding the eligibility requirements for burial to include persons who have made substantial contributions to Texas history would heighten the awareness of the importance of this hallowed ground and memorialize the contributions these people made to Texas. The addition of these persons will better reflect the rich cultural and ethnic heritage of Texas.

OPPONENTS SAY: CSHB 840 strays too far from the Texas State Cemetery's original purpose of honoring significant political and military figures in Texas history expanding eligibility to include people who made contributions in the arts, education, religion, science, and other fields. Expanding the eligibility will also create more competition for space in a cemetery that will probably be filled to capacity within a few years. Even though the state is making plans for expansion sites, these sites may not have the capacity to accommodate the list of dignitaries eligible under CSHB 840.

The Texas Historical Commission currently has no authority over the operations of any cemetery in Texas. Although proficient in preservation techniques and technical information, the THC is not the proper agency for overseeing day-to-day cemetery operations. The General Services Commission is better suited to handling the responsibilities involved in operating this facility.

NOTES: The original version of the bill would have created the State Cemetery Committee and transferred control and operation of the cemetery to the committee.

The companion bill, SB 973 by Barrientos, passed the Senate on April 4 and has been referred to the House State, Federal and International Relations Committee. Under this bill, a newly created State Cemetery Committee would oversee cemetery operations, the General Services Commission would control expenditures, and the THC would have authority over historical presentation and preservation.