

## **BILL ANALYSIS**

Senate Research Center  
83R22958 BEF-D

C.S.S.B. 1207  
By: Van de Putte  
Government Organization  
4/18/2013  
Committee Report (Substituted)

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

Currently, employees of state agencies must find their own parking when they come to the Capitol. Frequently, a senator or representative will request that an employee of a state agency come to the Capitol to provide detailed and insightful information to help craft legislation.

Under current law, an agency employee must find available parking and be reimbursed by his or her agency.

C.S.S.B. 1207 creates greater governmental efficiency by streamlining the parking process for state agency employees. C.S.S.B. 1207 allows employees of state agencies to park in state garages surrounding the capitol for free when their presence is requested by a member of the legislature or an elected official in the executive branch of state government.

C.S.S.B. 1207 amends current law relating to parking and the movement of vehicles in the Capitol complex.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Preservation Board is transferred to the Department of Public Safety of the State of Texas (DPS) in SECTION 1 (Section 411.063, Government Code) and SECTION 4 of this bill.

Rulemaking authority is expressly granted to the State Preservation Board in SECTION 1 (Section 411.063, Government Code) of this bill.

Rulemaking authority is expressly granted to DPS in SECTION 4 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.063, Government Code, by amending Subsection (a) and adding Subsections (a-1) and (c-1), as follows:

(a) Requires the Department of Public Safety of the State of Texas (DPS), rather than the State Preservation Board (SPB), except as provided by Subsection (a-1), to adopt rules for the safe movement and the parking of vehicles in the Capitol Complex. Requires DPS, except as provided by Subsection (a-1), to administer and enforce this subchapter. Deletes existing text providing that this subsection does not affect the authority of DPS to adopt rules under Section 411.067 (Administrative Parking Violations). Makes nonsubstantive and conforming changes.

(a-1) Requires SPB to adopt rules for the safe movement and the parking of vehicles in parking areas under the charge and control of SPB. Authorizes DPS to administer and enforce the rules adopted by SPB under this subsection at the request of SPB. Provides that this subsection does not affect the authority of DPS to adopt rules under Section 411.067.

(c-1) Requires that rules adopted under Subsection (a) include a provision that allows a state employee who works outside the Capitol complex, as defined by Section

443.0071(b) (defining "Capitol complex"), and whose presence at the Capitol is requested by a member of the legislature or an elected official in the executive branch of state government to park free of charge in a parking garage or parking lot in the Capitol complex. Provides that this subsection does not apply to the parking garage for visitors to the Capitol complex under Section 443.0151(a) (relating to requiring SPB to operate a garage or similar parking facility for the benefit of visitors to the Capitol Complex) or to a parking area under the charge and control of SPB.

SECTION 2. Amends Section 411.065(a), Government Code, to provide that a person commits an offense if the person violates a rule of DPS adopted under Section 411.062 (Law Enforcement of Security Authority) or a rule of DPS or SPB adopted under Section 411.063.

SECTION 3. Amends Section 2165.2035, Government Code, by adding Subsection (g-1), as follows:

(g-1) Requires that any lease of a state-owned parking lot or garage in the Capitol complex, as defined by Section 443.0071(b), under this section provide that a state employee whose presence at the Capitol is requested by a member of the legislature or an elected official in the executive branch of state government is authorized to park free of charge in the lot or garage. Provides that this subsection does not apply to the parking garage for visitors to the Capitol complex under Section 443.0151(a).

SECTION 4. (a) Provides that, on the effective date of this Act, rules of SPB adopted under Section 411.063, Government Code, are transferred to DPS and are continued in effect until amended or repealed by DPS. Provides that rules of SPB adopted under Section 411.063, Government Code, relating to parking areas under the charge and control of SPB are continued in effect as rules of SPB. Provides that, as a result of the application of this subsection, a rule may exist as a duplicate rule of SPB and DPS applicable to different areas on and after the effective date of this Act.

(b) Requires DPS to adopt or amend rules, as applicable, as required by Section 411.063(c-1), Government Code, as added by this Act, not later than October 1, 2013.

(c) Provides that Section 2165.2035(g-1), Government Code, as added by this Act, applies only to a lease entered into on or after the effective date of this Act.

SECTION 5. Provides that the change in law made by this Act to Section 411.065, Government Code, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 6. Effective date: upon passage or September 1, 2013.