

## **BILL ANALYSIS**

Senate Research Center  
84R8427 CJC-D

S.B. 574  
By: Watson  
Finance  
2/27/2015  
As Filed

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

By statute a portion of property owned by the Texas Department of Transportation (TxDOT) in the City of Austin was dedicated for Texas State Cemetery use. The 83rd Legislature authorized the Texas State Cemetery Committee (TSCC) to release the dedication, but only if TSCC found there is no continuing need for the property and that proceeds from a sale could further the goals of the Texas State Cemetery.

TSCC made an affirmative finding and released the property in 2014. TxDOT subsequently sold the property and is holding the cemetery's portion of the proceeds until a mechanism is enacted for the cemetery to receive the funds.

S.B. 574 creates a State Cemetery Preservation Trust Fund to receive and govern the funds similar to the Capitol Preservation Trust Fund. The bill also allows for other funds to be transferred or appropriated to the cemetery trust fund. It limits the use of funds to maintenance, renovation, major repairs, capital improvements, and preservation of the state cemetery and for the purchase of additional property to expand the cemetery.

As proposed, S.B. 574 relates to the creation of the State Cemetery preservation trust fund.

### **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 Subchapter F, Chapter 2165, Government Code, by adding Section 2165.2565, as follows:

Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND. (a) Provides that the State Cemetery preservation trust fund is created as a trust fund outside the state treasury to be held with the comptroller of public accounts of the State of Texas (comptroller) in trust. Requires the Texas State Cemetery Committee (TSCC) to administer the fund as trustee on behalf of the people of this state. Provides that the fund consists of money:

(1) transferred or appropriated to the fund; and

(2) received by TSCC under Section 2165.256(s) (authorizing TSCC to accept certain gifts to promote the work of TSCC) and deposited to the fund by TSCC.

(b) Requires that the interest received from investment of money in the fund be credited to the fund.

(c) Requires that money in the fund be used only to:

(1) maintain, renovate, make major repairs or capital improvements to, or preserve the State Cemetery, as determined by TSCC; or

(2) acquire land in close proximity to the Texas State Cemetery for expansion of the cemetery.

SECTION 2. Requires the comptroller, notwithstanding Section 222.002 (Use of State Highway Fund for Department Functions), Transportation Code, or any other law, as soon as practicable after the sale of property that is the subject of Section 2165.256(b-1) (relating to property dedicated for cemetery purposes as part of the State Cemetery), Government Code, to transfer from the state highway fund to the State Cemetery preservation trust fund, as created by this Act, an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation (TxDOT) in a subaccount in the state highway fund for use by the State Cemetery Committee (TSCC) under the terms of a memorandum of understanding entered into between TxDOT and TSCC.

SECTION 3. Effective date: upon passage or September 1, 2015.