

1-1 By: Crownover (Senate Sponsor - Hancock) H.B. No. 2206
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 18, 2015, read first time and referred to Committee on
 1-4 Administration; May 21, 2015, reported favorably, as amended, by
 1-5 the following vote: Yeas 5, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell			X	
1-10 Eltife	X			
1-11 Huffines	X			
1-12 Schwertner			X	
1-13 West	X			

1-15 COMMITTEE AMENDMENT NO. 1 By: Hancock

1-16 Amend H.B. No. 2206 (house engrossment) by adding the
 1-17 following appropriately numbered SECTIONS to the bill and
 1-18 renumbering SECTIONS of the bill accordingly:

1-19 SECTION _____. Subchapter F, Chapter 2165, Government Code,
 1-20 is amended by adding Section 2165.2565 to read as follows:

1-21 Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND.

1-22 (a) The State Cemetery preservation trust fund is created as a
 1-23 trust fund outside the state treasury to be held with the
 1-24 comptroller in trust. The State Preservation Board shall
 1-25 administer the fund as trustee on behalf of the people of this
 1-26 state. The fund consists of money:

1-27 (1) transferred or appropriated to the fund; and

1-28 (2) received by the State Cemetery Committee under
 1-29 Section 2165.256(s) and deposited to the fund by the State
 1-30 Preservation Board for the committee.

1-31 (b) The interest received from investment of money in the
 1-32 fund shall be credited to the fund.

1-33 (c) Money in the fund may be used only to:

1-34 (1) maintain, renovate, make major repairs or capital
 1-35 improvements to, or preserve the State Cemetery, as determined by
 1-36 the State Preservation Board; or

1-37 (2) acquire land in close proximity to the State
 1-38 Cemetery for expansion of the cemetery.

1-39 SECTION _____. Notwithstanding Section 222.002,
 1-40 Transportation Code, or any other law, as soon as practicable after
 1-41 the sale of property that is the subject of Section 2165.256(b-1),
 1-42 Government Code, as that section existed immediately before the
 1-43 effective date of this Act, the comptroller of public accounts
 1-44 shall transfer from the state highway fund to the State Cemetery
 1-45 preservation trust fund, as created by this Act, an amount of money
 1-46 equal to the portion of the proceeds attributable to the sale of
 1-47 that property that is required to be deposited by the Texas
 1-48 Department of Transportation in a subaccount in the state highway
 1-49 fund for use by the State Preservation Board for the State Cemetery
 1-50 Committee under the terms of a memorandum of understanding entered
 1-51 into between the department and the State Cemetery Committee.

1-52 SECTION _____. To the extent of any conflict, this Act
 1-53 controls over another Act of the 84th Legislature, Regular Session,
 1-54 2015, that is enacted and becomes law, relating to the creation of
 1-55 the State Cemetery preservation trust fund.

1-56 A BILL TO BE ENTITLED
 1-57 AN ACT

1-58 relating to transfer of the oversight of the Texas State Cemetery to
 1-59 the State Preservation Board.

2-1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 2-2 SECTION 1. Section 2165.007(b), Government Code, is amended
 2-3 to read as follows:

2-4 (b) Notwithstanding any other law, the commission shall
 2-5 provide facilities management services in relation to all state
 2-6 agency facilities in Travis County or a county adjacent to Travis
 2-7 County. The commission's duty does not apply to:

2-8 (1) a facility owned or operated by an institution of
 2-9 higher education;

2-10 (2) military facilities;

2-11 (3) facilities owned or operated by the Texas
 2-12 Department of Criminal Justice;

2-13 (4) facilities owned or operated by the Texas Juvenile
 2-14 Justice Department;

2-15 (5) facilities owned or operated by the Texas
 2-16 Department of Transportation;

2-17 (6) the Capitol, including the Capitol Extension, the
 2-18 General Land Office building, the Bob Bullock Texas State History
 2-19 Museum, any museum located on the Capitol grounds, the Governor's
 2-20 Mansion, and any property maintained by the Texas Historical
 2-21 Commission under Sections 442.0072 and 442.0073;

2-22 (7) a facility determined by the commission to be
 2-23 completely residential;

2-24 (8) a regional or field office of a state agency;

2-25 (9) a facility located within or on state park
 2-26 property;

2-27 (10) the property known as the Finance Commission
 2-28 Building described by deed recorded in Volume 5080, Page 1099, of
 2-29 the Deed Records of Travis County, Texas;

2-30 (11) the property known as the Credit Union Department
 2-31 Building described by deed recorded in Volume 6126, Page 27, of the
 2-32 Deed Records of Travis County, Texas;

2-33 (12) facilities owned or operated by the Texas School
 2-34 for the Blind and Visually Impaired; ~~[or]~~

2-35 (13) facilities owned or operated by the Texas School
 2-36 for the Deaf; or

2-37 (14) the property known as the Texas State Cemetery
 2-38 described as 17.376 acres located at 801 Comal, Lot 5, Division B,
 2-39 City of Austin, Travis County, Texas.

2-40 SECTION 2. Section 2165.256, Government Code, is amended by
 2-41 amending Subsections (a), (e), (i), and (m) and adding Subsection
 2-42 (a-1) to read as follows:

2-43 (a) In this section:

2-44 (1) "Board" means the State Preservation Board.

2-45 (2) "Committee" means the State Cemetery Committee.

2-46 (a-1) The board, in cooperation with the committee, shall
 2-47 govern and provide oversight, adopt rules and policies, and provide
 2-48 for the operation of the State Cemetery [State Cemetery Committee
 2-49 shall oversee all operations of the State Cemetery. The committee
 2-50 shall develop a budget for the operations of the commission
 2-51 relating to the State Cemetery and determine the salary of
 2-52 employees of the commission whose duties primarily relate to the
 2-53 operation of the State Cemetery].

2-54 (e) The committee shall review the names of state officials
 2-55 presented to the committee for consideration under Subsection
 2-56 (d)(3), in proclamations under Subsection (d)(4), and in
 2-57 resolutions under Subsection (d)(5). A person whose name is
 2-58 presented to the committee or who is specified in a proclamation or
 2-59 resolution is eligible for burial in the State Cemetery only if the
 2-60 committee, following its review, finds that the person specified
 2-61 made a significant contribution to Texas history and only if, based
 2-62 on that finding, the committee approves the person's burial in the
 2-63 cemetery. The committee may by order authorize a burial under
 2-64 Subsection (d)(6) only if the committee finds that the person made a
 2-65 significant contribution to Texas history, which may include a
 2-66 person who served this state through public administration or
 2-67 governmental service.

2-68 (i) The board, in collaboration with the committee, shall
 2-69 adopt rules regulating the monuments erected in the State Cemetery.

3-1 (m) The committee shall consider for burial in the State
 3-2 Cemetery persons who have made significant contributions to Texas
 3-3 history and culture in the following fields: air and space,
 3-4 agriculture, art and design, business and labor, city building,
 3-5 education, governmental service, industry, justice, military
 3-6 affairs, law enforcement, oil and gas, performing arts,
 3-7 philanthropy, public administration, ranching, religion, science
 3-8 and medicine, sports, and writing.

3-9 SECTION 3. Section 2165.2561, Government Code, is amended
 3-10 by amending Subsections (a), (c), (g), (m), (p), (q), and (r) and
 3-11 adding Subsection (a-1) to read as follows:

3-12 (a) In this section:

3-13 (1) "Board" means the State Preservation Board.

3-14 (2) "Committee" means the State Cemetery Committee.

3-15 (a-1) The committee [~~State Cemetery Committee~~] is composed
 3-16 of:

3-17 (1) three voting members appointed as follows:

3-18 (A) one member of the general public appointed by
 3-19 the governor;

3-20 (B) one member of the general public appointed by
 3-21 the governor from a list submitted by the lieutenant governor; and

3-22 (C) one member of the general public appointed by
 3-23 the governor from a list submitted by the speaker of the house of
 3-24 representatives; and

3-25 (2) three nonvoting advisory members appointed as
 3-26 follows:

3-27 (A) one employee of the Texas Historical
 3-28 Commission appointed by the executive director of the Texas
 3-29 Historical Commission;

3-30 (B) one employee of the board [~~Texas Building and~~
 3-31 ~~Procurement Commission~~] appointed by the executive director of the
 3-32 board [~~Texas Building and Procurement Commission~~]; and

3-33 (C) one employee of the Parks and Wildlife
 3-34 Department appointed by the executive director of the Parks and
 3-35 Wildlife Department.

3-36 (c) The voting members of the committee [~~appointed by the~~
 3-37 ~~governor~~] are appointed for staggered terms of six years with one
 3-38 member's term expiring February 1 of each odd-numbered year. The
 3-39 advisory members of the committee serve at the will of the
 3-40 appointing authority.

3-41 (g) A person is not eligible for appointment to the
 3-42 committee under Subsection (a-1)(1) [~~by the governor~~] if the person
 3-43 or the person's spouse:

3-44 (1) is employed by or participates in the management
 3-45 of a business entity or other organization receiving funds from the
 3-46 committee;

3-47 (2) owns or controls, directly or indirectly, more
 3-48 than a 10 percent interest in a business entity or other
 3-49 organization receiving funds from the committee; or

3-50 (3) uses or receives a substantial amount of tangible
 3-51 goods, services, or funds from the committee, other than
 3-52 compensation or reimbursement authorized by law for committee
 3-53 membership, attendance, or expenses.

3-54 (m) The board, in collaboration with the committee, may
 3-55 adopt rules as necessary for the administration of the State
 3-56 Cemetery.

3-57 (p) If the executive director of the board [~~commission~~] has
 3-58 knowledge that a potential ground for removal from the committee
 3-59 exists, the executive director shall notify the presiding officer
 3-60 of the committee of the potential ground. The presiding officer
 3-61 shall then notify the governor and the attorney general that a
 3-62 potential ground for removal exists. If the potential ground for
 3-63 removal involves the presiding officer, the executive director
 3-64 shall notify the next highest ranking officer of the committee, who
 3-65 shall then notify the governor and the attorney general that a
 3-66 potential ground for removal exists.

3-67 (q) The executive director of the board [~~commission~~] or the
 3-68 executive director's designee shall provide to members of the
 3-69 committee, as often as necessary, information regarding the

4-1 requirements for office under this chapter, including information
4-2 regarding a person's responsibilities under applicable laws
4-3 relating to standards of conduct for state officers.

4-4 (r) A person who is appointed to and qualifies for office as
4-5 a member of the committee may not vote, deliberate, or be counted as
4-6 a member in attendance at a meeting of the committee until the
4-7 person completes a training program that complies with this
4-8 subsection. The training program must provide the person with
4-9 information regarding:

4-10 (1) the legislation that created the State Cemetery
4-11 and the committee [~~State Cemetery Committee~~];

4-12 (2) the programs operated by the committee;

4-13 (3) the role and functions of the committee;

4-14 (4) the rules of the committee, with an emphasis on any
4-15 rules that relate to disciplinary and investigatory authority;

4-16 (5) [~~the current budget for the committee,~~

4-17 [~~(6)~~] the results of the most recent formal audit of
4-18 cemetery operations;

4-19 (6) [~~(7)~~] the requirements of:

4-20 (A) the open meetings law, Chapter 551;

4-21 (B) the public information law, Chapter 552;

4-22 (C) the administrative procedure law, Chapter
4-23 2001; and

4-24 (D) other laws relating to public officials,
4-25 including conflict-of-interest laws; and

4-26 (7) [~~(8)~~] any applicable ethics policies adopted by
4-27 the board [~~commission~~], the committee, or the Texas Ethics
4-28 Commission.

4-29 SECTION 4. The following provisions of the Government Code
4-30 are repealed:

4-31 (1) Sections 2165.256(b), (b-1), and (r); and

4-32 (2) Sections 2165.2561(k), (l), and (t).

4-33 SECTION 5. (a) On the effective date of this Act:

4-34 (1) an employee of the Texas Facilities Commission who
4-35 was performing duties exclusively related to the Texas State
4-36 Cemetery becomes an employee of the State Preservation Board;

4-37 (2) all money, contracts, leases, rights, and
4-38 obligations of the Texas Facilities Commission related to the Texas
4-39 State Cemetery are transferred to the State Preservation Board;

4-40 (3) all property, including records, in the custody of
4-41 the Texas Facilities Commission related to the Texas State Cemetery
4-42 becomes the property of the State Preservation Board; and

4-43 (4) all funds appropriated by the legislature to the
4-44 Texas Facilities Commission related to the Texas State Cemetery are
4-45 transferred to the State Preservation Board and may be disbursed to
4-46 the State Cemetery Committee as provided by this Act.

4-47 (b) A rule adopted by the State Cemetery Committee or the
4-48 Texas Facilities Commission related to the Texas State Cemetery
4-49 before the effective date of this Act is continued in effect as a
4-50 rule of the State Preservation Board until amended or repealed by
4-51 the board.

4-52 (c) A function or activity performed by the Texas Facilities
4-53 Commission related to the Texas State Cemetery is transferred to
4-54 the State Preservation Board as provided by this Act.

4-55 (d) As soon as practicable after the effective date of this
4-56 Act, the State Preservation Board shall appoint a nonvoting
4-57 advisory member to the State Cemetery Committee as required by
4-58 Section 2165.2561(a-1)(2), Government Code, as amended by this Act.

4-59 SECTION 6. This Act takes effect September 1, 2015.

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