

## **BILL ANALYSIS**

C.S.H.B. 3559  
By: Pickett  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Peace Officers' Memorial was dedicated more than a decade ago to serve as an official and proper repository for the names of Texas peace officers who have fallen in the line of duty. The Commission on Law Enforcement Officer Standards and Education (TCLEOSE), a state licensing agency, was tasked as the sole determiner of the individuals who would be eligible for inclusion on the memorial monument. In addition, TCLEOSE was charged with fundraising and maintenance duties for the memorial, whereas the State Preservation Board oversees funding for other monuments constructed on the State Capitol grounds.

Interested parties assert that building a memorial on the Capitol grounds and imposing funding duties on a state licensing agency have created confusion among those involved in the annual memorial service, which is funded by private charities and unions, and those with responsibilities relating to the memorial itself, which ultimately is the state's responsibility. These parties contend that there is a need to provide for the funding of the memorial in the same manner as all of the other monuments on the Capitol grounds, through a mixture of public and private funds, while allowing individuals and organizations to continue to contribute dollars intended specifically for the peace officer memorial. C.S.H.B. 3559 seeks to change the name of the Texas Peace Officers' Memorial and clarify provisions regarding the maintenance and funding of the memorial.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3559 amends the Government Code to change the name of the Texas Peace Officers' Memorial to the Texas Peace Officers' Memorial Monument. The bill requires the State Preservation Board to use money appropriated to the board for the maintenance of the monument and authorizes the board to raise money from private or public entities for the continued maintenance and update of the monument, rather than requiring the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to raise money from those entities for that purpose and to transfer all the money to the board. The bill requires an entity that collects funds for the monument to send that money to the board, rather than to TCLEOSE, for deposit in the Capitol fund account and clarifies that the purpose of such collected funds is for the maintenance and improvement of the monument.

### **EFFECTIVE DATE**

September 1, 2013.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3559 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

No equivalent provision.

SECTION 1. Section 3105.001, Government Code, is amended to read as follows:

Sec. 3105.001. PURPOSE OF MEMORIAL. The Texas Peace Officers' Memorial is a monument erected on the grounds of the Capitol Complex to recognize and honor the ultimate sacrifice made by law enforcement and corrections officers in this state who were killed or died as a result of personal injury sustained in the line of duty.

No equivalent provision.

SECTION 2. Sections 3105.003 and 3105.004, Government Code, are amended to read as follows:

Sec. 3105.003. ELIGIBILITY FOR MEMORIAL. A person is eligible to have the person's name on the memorial if the person was [killed in the line of duty and was]:

(1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law, and the person's survivors would be entitled to benefits under Chapter 615;

(2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure, and the person was killed in the line of duty; or

### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. The heading to Chapter 3105, Government Code, is amended to read as follows:

CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT

SECTION 2. Section 3105.001, Government Code, is amended to read as follows:

Sec. 3105.001. PURPOSE OF MONUMENT ~~[MEMORIAL]~~. The Texas Peace Officers' Memorial Monument is ~~[a monument]~~ erected on the grounds of the Capitol Complex to recognize and honor the ultimate sacrifice made by law enforcement and corrections officers in this state who were killed in the line of duty.

SECTION 3. Section 3105.002(3), Government Code, is amended to read as follows:

(3) "Monument" ~~["Memorial"]~~ means the Texas Peace Officers' Memorial Monument.

SECTION 4. Section 3105.003, Government Code, is amended to read as follows:

Sec. 3105.003. ELIGIBILITY FOR MONUMENT ~~[MEMORIAL]~~. A person is eligible to have the person's name on the monument ~~[memorial]~~ if the person was killed in the line of duty and was:

(1) a law enforcement officer or peace officer for this state or a political subdivision of this state under Article 2.12, Code of Criminal Procedure, or other law;

(2) a federal law enforcement officer or special agent performing duties in this state, including those officers under Article 2.122, Code of Criminal Procedure; or

(3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state, and the person's survivors would be entitled to benefits under Chapter 615.

Sec. 3105.004. MAINTENANCE OF MEMORIAL.

(a) The board is responsible for the maintenance of the memorial and shall use money appropriated to the board for that purpose.

The board shall:

(1) establish a schedule for the maintenance of the memorial; ~~and~~

(2) select persons to maintain the memorial; ~~and~~

~~(3) [(b) The commission shall:~~

~~[(1)] establish and maintain historical and archival records of the inducted officers and jailers that must be accessible to family members and independent researchers; and~~

~~(4) [(2)] adopt rules and establish procedures for adding names to the memorial in accordance with Section 3105.003; and~~

~~[(3) raise money from private or public entities for the continued maintenance and update of the memorial and transfer all the money to the board].~~

~~(b) [(c)] The board [commission] may contract with public or private entities to:~~

~~(1) facilitate research;~~

~~(2) establish and maintain historical and archival records; and~~

~~(3) store records in a place accessible to the public; and~~

~~(4) raise money for the continued maintenance and improvement of the memorial.~~

~~(c) [(d)] An entity that collects funds for the maintenance and improvement of the Texas Peace Officers' Memorial shall send~~

(3) a corrections or detention officer or county or municipal jailer employed or appointed by a municipal, county, or state penal institution in this state.

SECTION 5. The heading to Section 3105.004, Government Code, is amended to read as follows:

Sec. 3105.004. MAINTENANCE OF MONUMENT [MEMORIAL].

SECTION 6. Sections 3105.004(a), (b), and (d), Government Code, are amended to read as follows:

(a) The board is responsible for the maintenance of the monument and shall use money appropriated to the board for that purpose. The board may raise money from private or public entities for the continued maintenance and update of the monument

[memorial]. The board shall:

(1) establish a schedule for the maintenance of the monument [memorial]; and

(2) select persons to maintain the monument [memorial].

~~(b) The commission shall:~~

~~(1) establish and maintain historical and archival records of the inducted officers and jailers that must be accessible to family members and independent researchers; and~~

~~(2) adopt rules and establish procedures for adding names to the monument [memorial] in accordance with Section 3105.003; and~~

~~[(3) raise money from private or public entities for the continued maintenance and update of the memorial and transfer all the money to the board].~~

~~(d) An entity that collects funds for the maintenance and improvement of the Texas Peace Officers' Memorial shall~~

that money to the board [~~commission~~] to be deposited in the Capitol fund account.

SECTION 3. Section 3105.002(2), Government Code, is repealed.

**No equivalent provision.**

SECTION 4. This Act takes effect September 1, 2013.

send that money to the board [~~commission~~] to be deposited in the Capitol fund account.

**No equivalent provision.**

SECTION 7. Section 3105.005(a), Government Code, is amended to read as follows:

(a) Money contributed to the state for a purpose related to the monument [~~memorial~~] shall be deposited by the board in the Capitol fund to the credit of a separate interest-bearing account established for the monument [~~memorial~~].

SECTION 8. Same as introduced version.