

By: Crownover

H.B. No. 2206

A BILL TO BE ENTITLED

1 AN ACT

2 relating to transfer of the oversight of the Texas State Cemetery to  
3 the State Preservation Board.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [2165.007\(b\)](#), Government Code, is amended  
6 to read as follows:

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

11 (1) a facility owned or operated by an institution of  
12 higher education;

13 (2) military facilities;

14 (3) facilities owned or operated by the Texas  
15 Department of Criminal Justice;

16 (4) facilities owned or operated by the Texas Juvenile  
17 Justice Department;

18 (5) facilities owned or operated by the Texas  
19 Department of Transportation;

20 (6) the Capitol, including the Capitol Extension, the  
21 General Land Office building, the Bob Bullock Texas State History  
22 Museum, any museum located on the Capitol grounds, the Governor's  
23 Mansion, and any property maintained by the Texas Historical  
24 Commission under Sections [442.0072](#) and [442.0073](#);

1 (7) a facility determined by the commission to be  
2 completely residential;

3 (8) a regional or field office of a state agency;

4 (9) a facility located within or on state park  
5 property;

6 (10) the property known as the Finance Commission  
7 Building described by deed recorded in Volume 5080, Page 1099, of  
8 the Deed Records of Travis County, Texas;

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

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

14 (13) facilities owned or operated by the Texas School  
15 for the Deaf; or

16 (14) the property known as the Texas State Cemetery  
17 described as 17.376 acres located at 801 Comal, Lot 5, Division B,  
18 City of Austin, Travis County, Texas.

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

22 (a) In this section:

23 (1) "Board" means the State Preservation Board.

24 (2) "Committee" means the State Cemetery Committee.

25 (a-1) The board, in cooperation with the committee, shall  
26 govern and provide oversight, adopt rules and policies, and provide  
27 for the operation of the State Cemetery [~~State Cemetery Committee~~

1 ~~shall oversee all operations of the State Cemetery. The committee~~  
2 ~~shall develop a budget for the operations of the commission~~  
3 ~~relating to the State Cemetery and determine the salary of~~  
4 ~~employees of the commission whose duties primarily relate to the~~  
5 ~~operation of the State Cemetery].~~

6 (e) The committee shall review the names of state officials  
7 presented to the committee for consideration under Subsection  
8 (d)(3), in proclamations under Subsection (d)(4), and in  
9 resolutions under Subsection (d)(5). A person whose name is  
10 presented to the committee or who is specified in a proclamation or  
11 resolution is eligible for burial in the State Cemetery only if the  
12 committee, following its review, finds that the person specified  
13 made a significant contribution to Texas history and only if, based  
14 on that finding, the committee approves the person's burial in the  
15 cemetery. The committee may by order authorize a burial under  
16 Subsection (d)(6) only if the committee finds that the person made a  
17 significant contribution to Texas history, which may include a  
18 person who served this state through public administration or  
19 governmental service.

20 (i) The board, in collaboration with the committee, shall  
21 adopt rules regulating the monuments erected in the State Cemetery.

22 (m) The committee shall consider for burial in the State  
23 Cemetery persons who have made significant contributions to Texas  
24 history and culture in the following fields: air and space,  
25 agriculture, art and design, business and labor, city building,  
26 education, governmental service, industry, justice, military  
27 affairs, law enforcement, oil and gas, performing arts,

1 philanthropy, public administration, ranching, religion, science  
2 and medicine, sports, and writing.

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

6 (a) In this section:

7 (1) "Board" means the State Preservation Board.

8 (2) "Committee" means the State Cemetery Committee.

9 (a-1) The committee [~~State Cemetery Committee~~] is composed  
10 of:

11 (1) three voting members appointed as follows:

12 (A) one member of the general public appointed by  
13 the governor;

14 (B) one member of the general public appointed by  
15 the governor from a list submitted by the lieutenant governor; and

16 (C) one member of the general public appointed by  
17 the governor from a list submitted by the speaker of the house of  
18 representatives; and

19 (2) three nonvoting advisory members appointed as  
20 follows:

21 (A) one employee of the Texas Historical  
22 Commission appointed by the executive director of the Texas  
23 Historical Commission;

24 (B) one employee of the board [~~Texas Building and  
25 Procurement Commission~~] appointed by the executive director of the  
26 board [~~Texas Building and Procurement Commission~~]; and

27 (C) one employee of the Parks and Wildlife

1 Department appointed by the executive director of the Parks and  
2 Wildlife Department.

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

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

11 (1) is employed by or participates in the management  
12 of a business entity or other organization receiving funds from the  
13 committee;

14 (2) owns or controls, directly or indirectly, more  
15 than a 10 percent interest in a business entity or other  
16 organization receiving funds from the committee; or

17 (3) uses or receives a substantial amount of tangible  
18 goods, services, or funds from the committee, other than  
19 compensation or reimbursement authorized by law for committee  
20 membership, attendance, or expenses.

21 (m) The board, in collaboration with the committee, may  
22 adopt rules as necessary for the administration of the State  
23 Cemetery.

24 (p) If the executive director of the board [~~commission~~] has  
25 knowledge that a potential ground for removal from the committee  
26 exists, the executive director shall notify the presiding officer  
27 of the committee of the potential ground. The presiding officer

1 shall then notify the governor and the attorney general that a  
2 potential ground for removal exists. If the potential ground for  
3 removal involves the presiding officer, the executive director  
4 shall notify the next highest ranking officer of the committee, who  
5 shall then notify the governor and the attorney general that a  
6 potential ground for removal exists.

7 (q) The executive director of the board [~~commission~~] or the  
8 executive director's designee shall provide to members of the  
9 committee, as often as necessary, information regarding the  
10 requirements for office under this chapter, including information  
11 regarding a person's responsibilities under applicable laws  
12 relating to standards of conduct for state officers.

13 (r) A person who is appointed to and qualifies for office as  
14 a member of the committee may not vote, deliberate, or be counted as  
15 a member in attendance at a meeting of the committee until the  
16 person completes a training program that complies with this  
17 subsection. The training program must provide the person with  
18 information regarding:

19 (1) the legislation that created the State Cemetery  
20 and the committee [~~State Cemetery Committee~~];

21 (2) the programs operated by the committee;

22 (3) the role and functions of the committee;

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

25 (5) [~~the current budget for the committee,~~

26 [~~6~~] the results of the most recent formal audit of  
27 cemetery operations;

1           (6) [~~(7)~~] the requirements of:

2                   (A) the open meetings law, Chapter 551;

3                   (B) the public information law, Chapter 552;

4                   (C) the administrative procedure law, Chapter  
5 2001; and

6                   (D) other laws relating to public officials,  
7 including conflict-of-interest laws; and

8           (7) [~~(8)~~] any applicable ethics policies adopted by  
9 the board [~~commission~~], the committee, or the Texas Ethics  
10 Commission.

11           SECTION 4. The following provisions of the Government Code  
12 are repealed:

13                   (1) Sections 2165.256(b), (b-1), and (r); and

14                   (2) Sections 2165.2561(k), (l), and (t).

15           SECTION 5. (a) On the effective date of this Act:

16                   (1) an employee of the Texas Facilities Commission who  
17 was performing duties exclusively related to the Texas State  
18 Cemetery becomes an employee of the State Preservation Board;

19                   (2) all money, contracts, leases, rights, and  
20 obligations of the Texas Facilities Commission related to the Texas  
21 State Cemetery are transferred to the State Preservation Board;

22                   (3) all property, including records, in the custody of  
23 the Texas Facilities Commission related to the Texas State Cemetery  
24 becomes the property of the State Preservation Board; and

25                   (4) all funds appropriated by the legislature to the  
26 Texas Facilities Commission related to the Texas State Cemetery are  
27 transferred to the State Preservation Board and may be disbursed to

1 the State Cemetery Committee as provided by this Act.

2 (b) A rule adopted by the State Cemetery Committee or the  
3 Texas Facilities Commission related to the Texas State Cemetery  
4 before the effective date of this Act is continued in effect as a  
5 rule of the State Preservation Board until amended or repealed by  
6 the board.

7 (c) A function or activity performed by the Texas Facilities  
8 Commission related to the Texas State Cemetery is transferred to  
9 the State Preservation Board as provided by this Act.

10 (d) As soon as practicable after the effective date of this  
11 Act, the State Preservation Board shall appoint a nonvoting  
12 advisory member to the State Cemetery Committee as required by  
13 Section [2165.2561\(a-1\)\(2\)](#), Government Code, as amended by this Act.

14 SECTION 6. This Act takes effect September 1, 2015.