

AN ACT

relating to the transfer of the oversight of the Texas State Cemetery to the State Preservation Board and to the creation of the State Cemetery preservation trust fund.

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

SECTION 1. Section 2165.007(b), Government Code, is amended to read as follows:

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

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

(2) military facilities;

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

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

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

(6) the Capitol, including the Capitol Extension, the General Land Office building, the Bob Bullock Texas State History Museum, any museum located on the Capitol grounds, the Governor's Mansion, and any property maintained by the Texas Historical

1 Commission under Sections 442.0072 and 442.0073;

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

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

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

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

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

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

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

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

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

23 (a) In this section:

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

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

26 (a-1) The board, in cooperation with the committee, shall
27 govern and provide oversight, adopt rules and policies, and provide

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

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

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

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

1 affairs, law enforcement, oil and gas, performing arts,
2 philanthropy, public administration, ranching, religion, science
3 and medicine, sports, and writing.

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

7 (a) In this section:

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

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

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

12 (1) three voting members appointed as follows:

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

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

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

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

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

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

1 (C) one employee of the Parks and Wildlife
2 Department appointed by the executive director of the Parks and
3 Wildlife Department.

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

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

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

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

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

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

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

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

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

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

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

22 (2) the programs operated by the committee;

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

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

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

27 [~~6~~] the results of the most recent formal audit of

1 cemetery operations;

2 (6) [~~(7)~~] the requirements of:

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

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

5 (C) the administrative procedure law, Chapter
6 2001; and

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

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

12 SECTION 4. Subchapter F, Chapter 2165, Government Code, is
13 amended by adding Section 2165.2565 to read as follows:

14 Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND.

15 (a) The State Cemetery preservation trust fund is created as a
16 trust fund outside the state treasury to be held with the
17 comptroller in trust. The State Preservation Board, in
18 consultation with the State Cemetery Committee, shall administer
19 the fund as trustee on behalf of the people of this state. The fund
20 consists of money:

21 (1) transferred or appropriated to the fund; and

22 (2) received by the State Cemetery Committee under
23 Section 2165.256(s) and deposited to the fund by the State
24 Preservation Board for the committee.

25 (b) The interest received from investment of money in the
26 fund shall be credited to the fund.

27 (c) Money in the fund may be used only to:

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

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

6 SECTION 5. The following provisions of the Government Code
7 are repealed:

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

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

10 SECTION 6. (a) On the effective date of this Act:

11 (1) an employee of the Texas Facilities Commission who
12 was performing duties exclusively related to the Texas State
13 Cemetery becomes an employee of the State Preservation Board;

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

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

20 (4) all funds appropriated by the legislature to the
21 Texas Facilities Commission related to the Texas State Cemetery are
22 transferred to the State Preservation Board and may be disbursed to
23 the State Cemetery Committee as provided by this Act.

24 (b) A rule adopted by the State Cemetery Committee or the
25 Texas Facilities Commission related to the Texas State Cemetery
26 before the effective date of this Act is continued in effect as a
27 rule of the State Preservation Board until amended or repealed by

1 the board.

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

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

9 SECTION 7. Notwithstanding Section 222.002, Transportation
10 Code, or any other law, as soon as practicable after the sale of
11 property that is the subject of Section 2165.256(b-1), Government
12 Code, as that section existed immediately before the effective date
13 of this Act, the comptroller of public accounts shall transfer from
14 the state highway fund to the State Cemetery preservation trust
15 fund, as created by this Act, an amount of money equal to the
16 portion of the proceeds attributable to the sale of that property
17 that is required to be deposited by the Texas Department of
18 Transportation in a subaccount in the state highway fund for use by
19 the State Preservation Board for the State Cemetery Committee under
20 the terms of a memorandum of understanding entered into between the
21 department and the State Cemetery Committee.

22 SECTION 8. To the extent of any conflict, this Act controls
23 over another Act of the 84th Legislature, Regular Session, 2015,
24 that is enacted and becomes law, relating to the creation of the
25 State Cemetery preservation trust fund.

26 SECTION 9. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2206 was passed by the House on May 15, 2015, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2206 on May 30, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2206 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor