

By: Crownover

H.B. No. 2206

A BILL TO BE ENTITLED

AN ACT

1
2 relating to transfer of the oversight of the Texas State Cemetery to
3 the State Cemetery Committee and to transfer of cemetery funding to
4 the State Preservation Board.

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

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

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

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

14 (2) military facilities;

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

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

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

21 (6) the Capitol, including the Capitol Extension, the
22 General Land Office building, the Bob Bullock Texas State History
23 Museum, any museum located on the Capitol grounds, the Governor's
24 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. Sections 2165.256(a), (d), (e), and (m),
21 Government Code, are amended to read as follows:

22 (a) The State Cemetery Committee shall oversee and exercise
23 direct control of all operations of the State Cemetery. The
24 committee shall develop a budget for the operations of [~~the~~
25 ~~commission relating to~~] the State Cemetery and determine the salary
26 of State Cemetery employees, including a superintendent and other
27 staff. The committee may delegate authority granted under this

1 subsection and the management, maintenance, and operation of the
2 State Cemetery to the superintendent [~~of the commission whose~~
3 ~~duties primarily relate to the operation of the State Cemetery~~].

4 (d) Persons eligible for burial in the State Cemetery are:

5 (1) a former member of the legislature or a member who
6 dies in office;

7 (2) a former elective state official or an elective
8 state official who dies in office;

9 (3) a former state official or a state official who
10 dies in office who has been appointed by the governor and confirmed
11 by the senate and who served at least six [~~10~~] years in the office to
12 which appointed, subject to review and approval by the committee
13 under Subsection (e);

14 (4) a person specified by a governor's proclamation,
15 subject to review and approval by the committee under Subsection
16 (e);

17 (5) a person specified by a concurrent resolution
18 adopted by the legislature, subject to review and approval by the
19 committee under Subsection (e); and

20 (6) a person specified by order of the committee under
21 Subsection (e).

22 (e) The committee shall review the names of state officials
23 presented to the committee for consideration under Subsection
24 (d)(3), in proclamations under Subsection (d)(4), and in
25 resolutions under Subsection (d)(5). A person whose name is
26 presented to the committee or who is specified in a proclamation or
27 resolution is eligible for burial in the State Cemetery only if the

1 committee, following its review, finds that the person specified
2 made a significant contribution to Texas history and only if, based
3 on that finding, the committee approves the person's burial in the
4 cemetery. The committee may by order authorize a burial under
5 Subsection (d)(6) only if the committee finds that the person made a
6 significant contribution to Texas history, which may include a
7 person who served this state through public administration or
8 governmental service.

9 (m) The committee shall consider for burial in the State
10 Cemetery persons who have made significant contributions to Texas
11 history and culture in the following fields: air and space,
12 agriculture, art and design, business and labor, city building,
13 education, governmental service, industry, justice, military
14 affairs, law enforcement, oil and gas, performing arts,
15 philanthropy, public administration, ranching, religion, science
16 and medicine, sports, and writing.

17 SECTION 3. Sections 2165.2561(a), (b), (c), (g), (k), (l),
18 (m), (p), (q), and (t), Government Code, are amended to read as
19 follows:

20 (a) The State Cemetery Committee is composed of:

21 (1) three voting members appointed as follows:

22 (A) one member of the general public appointed by
23 the governor;

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

26 (C) one member of the general public appointed by
27 the governor from a list submitted by the speaker of the house of

1 representatives; and

2 (2) one [~~three~~] nonvoting advisory member who is an
3 [~~members appointed as follows:~~

4 [~~(A) one~~] employee of the State Preservation
5 Board [~~Texas Historical Commission~~] appointed by the executive
6 director of the board [~~Texas Historical Commission,~~

7 [~~(B) one employee of the Texas Building and~~
8 ~~Procurement Commission appointed by the executive director of the~~
9 ~~Texas Building and Procurement Commission; and~~

10 [~~(C) one employee of the Parks and Wildlife~~
11 ~~Department appointed by the executive director of the Parks and~~
12 ~~Wildlife Department].~~

13 (b) The voting member serving the last two years of the
14 member's term is [~~governor shall designate~~] the presiding officer
15 of the committee [~~from among its members, and the presiding officer~~
16 ~~shall serve in that capacity for two years].~~

17 (c) The voting members of the committee [~~appointed by the~~
18 ~~governor~~] are appointed for staggered terms of six years with one
19 member's term expiring February 1 of each odd-numbered year. The
20 advisory member [~~members~~] of the committee serves [~~serve~~] at the
21 will of the State Preservation Board [~~appointing authority~~].

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

25 (1) is employed by or participates in the management
26 of a business entity or other organization receiving funds from the
27 committee;

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

4 (3) uses or receives a substantial amount of tangible
5 goods, services, or funds from the committee, other than
6 compensation or reimbursement authorized by law for committee
7 membership, attendance, or expenses.

8 (k) The legislature shall separately appropriate money to
9 the committee within the appropriations to the State Preservation
10 Board [~~Texas Building and Procurement Commission~~] for all matters
11 relating to the operation of the State Cemetery. [~~Activities~~
12 ~~relating to maintenance of the State Cemetery grounds and monuments~~
13 ~~shall conform to guidelines for historic preservation submitted to~~
14 ~~the committee by the Texas Historical Commission.~~]

15 (l) Funds appropriated to the State Preservation Board
16 shall [~~Texas Building and Procurement Commission may~~] be
17 transferred by interagency contract for the performance of, at the
18 direction of the committee, an act related to the State Cemetery,
19 including funds for cemetery operation and maintenance, salaries
20 for the superintendent and staff, clothing and allowances for
21 cemetery employees, and food and drinks for inmates or other
22 persons who are providing maintenance services. The State
23 Preservation Board shall provide the administrative and accounting
24 support required by the committee.

25 (m) The committee may adopt rules and policies as necessary
26 for the administration of the State Cemetery, including policies on
27 personnel, grounds operation, security, and other matters related

1 to cemetery operations.

2 (p) If the superintendent [~~executive director~~] of the State
3 Cemetery [~~commission~~] has knowledge that a potential ground for
4 removal from the committee exists, the superintendent [~~executive~~
5 ~~director~~] shall notify the presiding officer of the committee of
6 the potential ground. The presiding officer shall then notify the
7 governor and the attorney general that a potential ground for
8 removal exists. If the potential ground for removal involves the
9 presiding officer, the superintendent [~~executive director~~] shall
10 notify the next highest ranking officer of the committee, who shall
11 then notify the governor and the attorney general that a potential
12 ground for removal exists.

13 (q) The superintendent [~~executive director~~] of the State
14 Cemetery [~~commission~~] or the superintendent's [~~executive~~
15 ~~director's~~] designee shall provide to members of the committee, as
16 often as necessary, information regarding the requirements for
17 office under this chapter, including information regarding a
18 person's responsibilities under applicable laws relating to
19 standards of conduct for state officers.

20 (t) The committee shall develop and implement policies that
21 clearly separate the policymaking responsibilities of the
22 committee and the management responsibilities of the
23 superintendent [~~executive director of the commission~~] and staff of
24 the cemetery.

25 SECTION 4. The following provisions of the Government Code
26 are repealed:

27 (1) Sections [2165.256](#)(b), (b-1), and (r); and

1 (2) Sections 2165.2561(f) and (j).

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

3 (1) an employee of the Texas Facilities Commission who
4 was performing duties exclusively related to the Texas State
5 Cemetery becomes an employee of the State Cemetery Committee;

6 (2) all money, contracts, leases, rights, and
7 obligations of the Texas Facilities Commission related to the Texas
8 State Cemetery are transferred to the State Cemetery Committee;

9 (3) all property, including records, in the custody of
10 the Texas Facilities Commission related to the Texas State Cemetery
11 becomes the property of the State Cemetery Committee; and

12 (4) all funds appropriated by the legislature to the
13 Texas Facilities Commission related to the Texas State Cemetery are
14 transferred to the State Preservation Board to be transferred to
15 the State Cemetery Committee as required under this Act.

16 (b) A function or activity performed by the Texas Facilities
17 Commission related to the Texas State Cemetery is transferred to
18 the State Cemetery Committee or the State Preservation Board, as
19 applicable, as provided by this Act. The board shall provide the
20 administrative and accounting support required by the committee.

21 (c) As soon as practicable after the effective date of this
22 Act, the State Preservation Board shall appoint a nonvoting
23 advisory member to the State Cemetery Committee as required by
24 Section 2165.2561(a)(2), Government Code, as amended by this Act.

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