

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 26 2015

Atay Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Hancock

1 Amend Committee Amendment No. 1 to H.B. 2206 (senate
2 committee report), on page 1, line 24, between "Board" and
3 "shall", insert ", in consultation with the State Cemetery
4 Committee,".

ADOPTED
as amended
MAY 26 2015

Lotay Spaw
Secretary of the Senate

COMMITTEE AMENDMENT NO. 1

BY: *Kelly Harmon*

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

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

6 Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND.

7 (a) The State Cemetery preservation trust fund is created as a
8 trust fund outside the state treasury to be held with the
9 comptroller in trust. The State Preservation Board shall
10 administer the fund as trustee on behalf of the people of this
11 state. The fund consists of money:

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

13 (2) received by the State Cemetery Committee under
14 Section 2165.256(s) and deposited to the fund by the State
15 Preservation Board for the committee.

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

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

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

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

24 SECTION _____. Notwithstanding Section 222.002,
25 Transportation Code, or any other law, as soon as practicable after
26 the sale of property that is the subject of Section 2165.256(b-1),
27 Government Code, as that section existed immediately before the
28 effective date of this Act, the comptroller of public accounts
29 shall transfer from the state highway fund to the State Cemetery

1 preservation trust fund, as created by this Act, an amount of money
2 equal to the portion of the proceeds attributable to the sale of
3 that property that is required to be deposited by the Texas
4 Department of Transportation in a subaccount in the state highway
5 fund for use by the State Preservation Board for the State Cemetery
6 Committee under the terms of a memorandum of understanding entered
7 into between the department and the State Cemetery Committee.

8 SECTION _____. To the extent of any conflict, this Act
9 controls over another Act of the 84th Legislature, Regular Session,
10 2015, that is enacted and becomes law, relating to the creation of
11 the State Cemetery preservation trust fund.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2206 by Crossover (Relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill transfers the funding, staff, administrative oversight and support for the Texas State Cemetery from the Texas Facilities Commission to the Preservation Board, in consultation with the State Cemetery Committee.

The bill would create the State Cemetery Trust Fund. The fund would consist of money transferred, appropriated to the fund, or received and deposited by the State Cemetery Committee. The fund would only be used to maintain, renovate or repair the State Cemetery.

The Preservation Board and the Facilities Commission identified costs associated with indirect administration of the Texas State Cemetery. It is assumed that the State Preservation Board could reasonably absorb the costs associated with indirect administration using existing resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, KK, SZ, EP, KPe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 21, 2015

TO: Honorable Kelly Hancock, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2206** by Crossover (Relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.), **Committee Report 2nd House, As Amended**

No significant fiscal implication to the State is anticipated.

The bill transfers the funding, staff, administrative oversight and support for the Texas State Cemetery from the Texas Facilities Commission to the Preservation Board.

The bill would create the State Cemetery Trust Fund. The fund would consist of money transferred, appropriated to the fund, or received and deposited by the State Cemetery Committee. The fund would only be used to maintain, renovate or repair the State Cemetery.

The Preservation Board and the Facilities Commission identified costs associated with indirect administration of the Texas State Cemetery. It is assumed that the State Preservation Board could reasonably absorb the costs associated with indirect administration using existing resources.

This legislation would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in this bill would be subject to funds consolidation review by the current Legislature.

The bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, KK, SZ, EP, KPe

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 19, 2015

TO: Honorable Kelly Hancock, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2206** by Crownover (Relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill transfers the funding, staff, administrative oversight and support for the Texas State Cemetery from the Texas Facilities Commission to the Preservation Board.

The Preservation Board and the Facilities Commission identified costs associated with indirect administration of the Texas State Cemetery. It is assumed that the State Preservation Board could reasonably absorb the costs associated with indirect administration using existing resources.

The bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, KK, SZ, EP, KPe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 10, 2015

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2206** by Crossover (relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill transfers the funding, staff, administrative oversight and support for the Texas State Cemetery from the Texas Facilities Commission to the Preservation Board.

The Preservation Board and the Facilities Commission identified costs associated with indirect administration of the Texas State Cemetery. It is assumed that the State Preservation Board could reasonably absorb the costs associated with indirect administration using existing resources.

The bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission

LBB Staff: UP, SZ, EP, KPe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 20, 2015

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2206 by Crossover (Relating to transfer of the oversight of the Texas State Cemetery to the State Cemetery Committee and to transfer of cemetery funding to the State Preservation Board.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill transfers the funding, staff, administrative oversight and support for the Texas State Cemetery from the Texas Facilities Commission to the Preservation Board.

The Preservation Board and the Facilities Commission identified costs associated with indirect administration of the Texas State Cemetery. It is assumed that the State Preservation Board could reasonably absorb the costs associated with indirect administration using existing resources.

The bill would take effect September 1, 2015.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 303 Facilities Commission, 808 Historical Commission, 809 Preservation Board

LBB Staff: UP, SZ, EP, KPe, LCO