

SENATE AMENDMENTS

2nd Printing

By: Dale, Moody, Pickett, Meyer

H.B. No. 3647

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Peace Officers' Memorial Monument.

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

SECTION 1. Section 3105.003, Government Code, is amended to read as follows:

Sec. 3105.003. ELIGIBILITY FOR MONUMENT. (a) A person is eligible to have the person's name on the monument 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.

(b) A person described by Subsection (a) is presumed to have been killed in the line of duty if the Employees Retirement System of Texas makes payments and provides benefits to the eligible survivors of the person as provided by Chapter 615.

SECTION 2. Chapter 3105, Government Code, is amended by adding Section 3105.0035 to read as follows:

Sec. 3105.0035. NOMINATIONS; ADDITION OF NAMES TO MONUMENT.

1 (a) A peace officer, law enforcement agency, independent
2 researcher, or organization that advocates on behalf of the
3 survivors of persons described by Section 3105.003 may submit to
4 the commission a nomination to have a person's name added to the
5 monument.

6 (b) The executive director of the commission shall make a
7 preliminary recommendation to the commission on whether a person
8 nominated under Subsection (a) is eligible under Section 3105.003.

9 (c) The commission shall place each nomination, including
10 the executive director's preliminary recommendation, on the agenda
11 of a scheduled meeting of the commission for consideration by the
12 commission. The commission shall allow public testimony and
13 consider any evidence presented regarding the eligibility of the
14 person nominated. After hearing testimony and considering
15 evidence, the commission shall determine by a public vote whether
16 the person meets the eligibility requirements under Section
17 3105.003.

18 (d) The commission shall add a person's name to the monument
19 if the commission determines that the person meets the eligibility
20 requirements.

21 SECTION 3. Section 3105.004(b), Government Code, is amended
22 to read as follows:

23 (b) The commission shall:

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

27 (2) adopt rules and establish procedures for adding

1 names to the monument in accordance with Sections [~~Section~~]
2 3105.003 and 3105.0035.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2017.

ADOPTED

MAY 22 2017

Atty. Gen. Scott
Secretary of the Senate

By: *Abbie N. Watson*

H.B. No. 3647

Substitute the following for H.B. No. 3647:

By: *John White*

C.S. H.B. No. 3647

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Texas Peace Officers' Memorial Monument and
3 Ceremony.

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

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

7 CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT AND CEREMONY

8 SECTION 2. Section 3105.002, Government Code, is amended by
9 adding Subdivision (2-a) to read as follows:

10 (2-a) "Committee" means the Texas Peace Officers'
11 Memorial Ceremony Committee.

12 SECTION 3. Section 3105.003, Government Code, is amended to
13 read as follows:

14 Sec. 3105.003. ELIGIBILITY FOR MONUMENT. (a) A person is
15 eligible to have the person's name on the monument if the person was
16 killed in the line of duty and was:

17 (1) a law enforcement officer or peace officer for
18 this state or a political subdivision of this state under Article
19 2.12, Code of Criminal Procedure, or other law;

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

23 (3) a corrections or detention officer or county or
24 municipal jailer employed or appointed by a municipal, county, or

1 state penal institution in this state.

2 (b) A person described by Subsection (a) is presumed to have
3 been killed in the line of duty if the Employees Retirement System
4 of Texas makes payments and provides benefits to the eligible
5 survivors of the person as provided by Chapter 615.

6 SECTION 4. Chapter 3105, Government Code, is amended by
7 adding Section 3105.0035 to read as follows:

8 Sec. 3105.0035. NOMINATIONS; ADDITION OF NAMES TO MONUMENT.

9 (a) A peace officer, law enforcement agency, independent
10 researcher, or organization that advocates on behalf of the
11 survivors of persons described by Section 3105.003 may submit to
12 the commission a nomination to have a person's name added to the
13 monument.

14 (b) The executive director of the commission shall make a
15 preliminary recommendation to the commission on whether a person
16 nominated under Subsection (a) is eligible under Section 3105.003.

17 (c) The commission shall place each nomination, including
18 the executive director's preliminary recommendation, on the agenda
19 of a scheduled meeting of the commission for consideration by the
20 commission. The commission shall allow public testimony and
21 consider any evidence presented regarding the eligibility of the
22 person nominated. After hearing testimony and considering
23 evidence, the commission shall determine by a public vote whether
24 the person meets the eligibility requirements under Section
25 3105.003.

26 (d) The commission shall add a person's name to the monument
27 if the commission determines that the person meets the eligibility

1 requirements.

2 SECTION 5. Section 3105.004(b), Government Code, is amended
3 to read as follows:

4 (b) The commission shall:

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

8 (2) adopt rules and establish procedures for adding
9 names to the monument in accordance with Sections [~~Section~~]
10 3105.003 and 3105.0035.

11 SECTION 6. Section 3105.005(c), Government Code, is amended
12 to read as follows:

13 (c) Money in the account may be used only for the purposes
14 prescribed by Section 3105.004 [~~this chapter~~].

15 SECTION 7. Chapter 3105, Government Code, is amended by
16 adding Sections 3105.006 and 3105.007 to read as follows:

17 Sec. 3105.006. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY
18 COMMITTEE. (a) The committee is established to plan, oversee, and
19 facilitate annual ceremonies recognizing and honoring peace
20 officers of this state who were killed in the line of duty.

21 (b) The committee consists of the following members:

22 (1) a president, or the president's designee, of any
23 law enforcement organization that:

24 (A) provides full service legal and political
25 representation to law enforcement officers of this state;

26 (B) has at least 10,000 members paying dues, as
27 provided by the organization's Internal Revenue Service Form 990

1 for the previous reporting period;

2 (C) has complied with all filing requirements of
3 the Internal Revenue Service, the United States Department of
4 Labor, and the secretary of state; and

5 (D) has an elected board of directors;

6 (2) a surviving spouse of a peace officer killed in the
7 line of duty selected by the chapters of the Concerns of Police
8 Survivors of this state; and

9 (3) the following nonvoting members or designees of
10 the members:

11 (A) the governor;

12 (B) the lieutenant governor;

13 (C) the speaker of the house of representatives;

14 (D) the attorney general;

15 (E) the director of the Department of Public
16 Safety;

17 (F) the executive director of the board; and

18 (G) the executive director of the commission.

19 Sec. 3105.007. TEXAS PEACE OFFICERS' MEMORIAL CEREMONY.

20 (a) The committee shall meet as necessary to plan and coordinate
21 an annual memorial ceremony on the Capitol grounds to honor Texas
22 peace officers who were killed in the line of duty.

23 (b) The committee shall hold the ceremony on a date selected
24 by the committee during the week in which May 8 occurs.

25 (c) The ceremony may be funded by public or private money.

26 (d) Each odd-numbered year, the ceremony must include:

27 (1) a parade of law enforcement color guards and

1 personnel ending at the Capitol; and

2 (2) a ceremony held during a joint session of the
3 legislature on the floor of the house of representatives, if
4 possible.

5 (e) During the ceremony under this section, the name of each
6 peace officer who is being added to the monument that year must be
7 read and the surviving family members of the peace officer must be
8 recognized.

9 SECTION 8. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3647 by Dale (Relating to the Texas Peace Officers' Memorial Monument and Ceremony.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend Chapter 3105 of the Government Code to specify the process for nominating a person's name to be added to the Peace Officers' Memorial Monument. The bill would restrict use of money in an account within the Capitol Fund established for the Texas Peace Officers' Memorial Monument, for maintenance of the monument. The bill would establish a Texas Peace Officers' Memorial Ceremony Committee (committee) which would plan and oversee annual ceremonies recognizing and honoring peace officers of this state who were killed in the line of duty. The ceremonies would be held on the Capitol grounds on a date selected during the week in which May 8 occurs. The bill would authorize for the ceremonies to be funded with public or private money. Based on the analysis of the State Preservation Board, no significant fiscal impact is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, SD, KJo, LCO, ZB, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 16, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3647 by Dale (relating to the Texas Peace Officers ' Memorial Monument and Ceremony.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 3105 of the Government Code to specify the process for nominating a person's name to be added to the Peace Officers' Memorial Monument. The bill would restrict use of money in an account within the Capitol Fund established for the Texas Peace Officers' Memorial Monument, for maintenance of the monument. The bill would establish a Texas Peace Officers' Memorial Ceremony Committee (committee) which would plan and oversee annual ceremonies recognizing and honoring peace officers of this state who were killed in the line of duty. The ceremonies would be held on the Capitol grounds on a date selected during the week in which May 8 occurs. The bill would authorize for the ceremonies to be funded with public or private money. Based on the analysis of the State Preservation Board, no significant fiscal impact is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, LCO, ZB, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3647 by Dale (Relating to the Texas Peace Officers' Memorial Monument.), As
Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, ZB, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable Charlie Geren, Chair, House Committee on House Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3647 by Dale (relating to the Texas Peace Officers ' Memorial Monument.),
Committee Report 1st House, Substituted

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 3, 2017

TO: Honorable Charlie Geren, Chair, House Committee on House Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3647 by Dale (Relating to the Texas Peace Officers' Memorial Monument.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 809 Preservation Board

LBB Staff: UP, KK, LCO