

## **BILL ANALYSIS**

Senate Research Center  
84R25800 YDB-F

H.B. 2206  
By: Crownover (Hancock)  
Administration  
5/21/2015  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Preservation Board was established for the purpose of preserving, maintaining, and restoring the State Capitol, other historic buildings and their contents and grounds for the benefit of the citizens of Texas. The Texas Facilities Commission (TFC) is the real estate representative for the state in the purchase of buildings, grounds, and property.

The Texas State Cemetery's mission to honor and commemorate distinguished and notable Texans who have contributed significantly to the history and development of the state is more closely aligned with the mission of the State Preservation Board than with TFC, under which it currently operates.

H.B. 2206 transfers the funding, staff, administrative oversight, and support for the Texas State Cemetery to the State Preservation Board.

H.B. 2206 amends current law relating to transfer of the oversight of the Texas State Cemetery to the State Preservation Board.

[**Note:** While the statutory reference in this bill is to Texas Building and Procurement Commission (TBPC), the following amendments affect Texas Facilities Commission, as the successor agency to TBPC for facilities.]

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the State Preservation Board is modified in SECTION 2 (Section 2165.256, Government Code) of this bill.

Rulemaking authority is expressly granted to the State Preservation Board in SECTION 3 (Section 2165.2561, Government Code) of this bill.

Rulemaking authority previously granted to the Texas State Cemetery Committee is rescinded in SECTION 3 (Section 2165.2561, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2165.007(b), Government Code, as follows:

(b) Requires the Texas Facilities Commission (TFC), notwithstanding any other law, to provide facilities management services in relation to all state agency facilities in Travis County or a county adjacent to Travis County. Provides that TFC's duty does not apply to the property known as the Texas State Cemetery described as 17.376 acres located at 801 Comal, Lot 5, Division B, City of Austin, Travis County, Texas.

SECTION 2. Amends Section 2165.256, Government Code, by amending Subsections (a), (e), (i), and (m) and adding Subsection (a-1), as follows:

(a) Defines "board" and "committee."

(a-1) Requires the State Preservation Board (SPB), in cooperation with the Texas State Cemetery Committee (TSCC), to govern and provide oversight, adopt rules and policies, and provide for the operation of the State Cemetery.

Deletes existing text requiring TSCC to oversee all operations of the State Cemetery and to develop a budget for the operations of TFC relating to the State Cemetery and determine the salary of employees of TFC whose duties primarily relate to the operation of the State Cemetery.

(e) Requires TSCC to review the names of state officials presented to TSCC for consideration under Subsection (d)(3) (relating to persons eligible for burial in the State Cemetery), in proclamations under Subsection (d)(4) (relating to certain persons eligible for burial in the State Cemetery), and in resolutions under Subsection (d)(5) (relating to persons eligible for burial in the State Cemetery). Provides that a person whose name is presented to TSCC or who is specified in a proclamation or resolution is eligible for burial in the State Cemetery only if TSCC, following its review, finds that the person specified made a significant contribution to Texas history and only if, based on that finding, TSCC approves the person's burial in the cemetery. Authorizes TSCC to by order authorize a burial under Subsection (d)(6) (relating to persons eligible for burial in the State Cemetery) only if TSCC finds that the person made a significant contribution to Texas history, which may include a person who served this state through public administration or governmental service.

(i) Requires SPB, in collaboration with TSCC, to adopt rules regulating the monuments erected in the State Cemetery.

(m) Requires TSCC to consider for burial in the State Cemetery persons who have made significant contributions to Texas history and culture in the fields set forth in this subsection, including persons in governmental service and persons in public administration.

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

(a) Defines "board" and "committee."

(a-1) Creates this subsection from existing text. Provides that TSCC, rather than the State Cemetery Committee, is composed of members and employees set forth in this subsection, including one employee of SPB appointed by the executive director of SPB, rather than one employee of the Texas Building and Procurement Commission (TBPC) appointed by the executive director of TBPC.

(c) Provides that the voting members of TSCC are appointed for staggered terms of six years with one member's term expiring February 1 of each odd-numbered year. Provides that the advisory members of TSCC serve at the will of the appointing authority. Deletes existing text providing that the members of TSCC are appointed by the governor.

(g) Provides that a person is not eligible for appointment to TSCC under Subsection (a-1)(1), rather than eligible for appointment by the governor, if the person or the person's spouse meets certain criteria set forth in this subsection.

(m) Authorizes SPB, in collaboration with TSCC, to adopt rules as necessary for the administration of the State Cemetery.

(p) Requires the executive director of SPB, rather than the executive director of TFC, to notify the presiding officer of TSCC of the potential ground if the executive director has knowledge that a potential ground for removal from TSCC exists. Makes no further change to this subsection.

(q) Makes a conforming change.

(r) Prohibits a person who is appointed to and qualifies for office as a member of TSCC from voting, deliberating, or being counted as a member in attendance at a meeting of TSCC until the person completes a training program that complies with this subsection. Requires that the training program provide the person with certain information regarding certain factors, including regarding the legislation that created the State Cemetery and TSCC, and regarding any applicable ethics policies adopted by SPB, rather than TSCC, the committee, or the Texas Ethics Commission.

Deletes information regarding the current budget for TSCC from factors. Makes nonsubstantive changes.

SECTION 4. Repealer: Sections 2165.256(b) (relating to State Cemetery property), (b-1) (relating to State Cemetery property), and (r) (relating to TSCC encouraging the legislature to advise constituents eligible for State Cemetery burial), Government Code; and

Repealers: Sections 2165.2561(k) (relating to the legislature appropriating money to TSCC), (l) (relating to funds appropriated to TBPC), and (t) (relating to policymaking responsibilities of TSCC and the executive director), Government Code.

SECTION 5. (a) Provides that, on the effective date of this Act:

(1) an employee of TFC who was performing duties exclusively related to the Texas State Cemetery becomes an employee of SPB;

(2) all money, contracts, leases, rights, and obligations of TFC related to the Texas State Cemetery are transferred to SPB;

(3) all property, including records, in the custody of TFC related to the Texas State Cemetery becomes the property of SPB; and

(4) all funds appropriated by the legislature to TFC related to the Texas State Cemetery are transferred to SPB and may be disbursed to the State Cemetery Committee as provided by this Act.

(b) Provides that a rule adopted by TSCC or TFC related to the Texas State Cemetery before the effective date of this Act is continued in effect as a rule of SPB until amended or repealed by SPB.

(c) Provides that a function or activity performed by TFC related to the Texas State Cemetery is transferred to SPB as provided by this Act.

(d) Requires SPB, as soon as practicable after the effective date of this Act, to appoint a nonvoting advisory member to TSCC as required by Section 2165.2561(a-1)(2), Government Code, as amended by this Act.

SECTION 6. Effective date: September 1, 2015.

### **SUMMARY OF COMMITTEE CHANGES**

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

SECTION \_\_. Amends Subchapter F, Chapter 2165, Government Code, by adding Section 2165.2565, as follows:

Sec. 2165.2565. STATE CEMETERY PRESERVATION TRUST FUND. (a) Provides that the State Cemetery preservation trust fund (fund) is created as a trust fund outside the state treasury to be held with the comptroller of public accounts of the State of Texas (comptroller) in trust. Requires the State Preservation Board to administer the fund as trustee on behalf of the people of this state. Provides that the fund consists of money:

(1) transferred or appropriated to the fund; and

(2) received by the Texas State Cemetery Committee under Section 2165.256(s) and deposited to the fund by SPB for TSCC.

(b) Requires that the interest received from investment of money in the fund be credited to the fund.

(c) Provides that the money in the fund may be used only to:

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

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

SECTION \_\_. Requires the comptroller, notwithstanding Section 222.002, Transportation Code, or any other law, as soon as practicable after the sale of property that is the subject of Section 2165.256(b-1), Government Code, as that section existed immediately before the effective date of this Act, to transfer from the state highway fund to the State Cemetery preservation trust fund, as created by this Act, an amount of money equal to the portion of the proceeds attributable to the sale of that property that is required to be deposited by the Texas Department of Transportation (TxDOT) in a subaccount in the state highway fund for use by the State Preservation Board for the Texas State Cemetery Committee under the terms of memorandum of understanding entered into between TxDOT and the Texas State Cemetery Committee.

SECTION \_\_. Provides that, to the extent of any conflict, this Act controls over another Act of the 84th Legislature, Regular Session, 2015, that is enacted and becomes law, relating to the creation of the fund.