

BILL ANALYSIS

Senate Research Center
78R10441 YDB-D

C.S.S.B. 1567
By: Madla
Administration
4/1/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, provisions governing the Texas Peace Officers' Memorial are located in Chapter 1701Z, Occupations Code. The initial reason for the creation of the chapter was to establish an advisory committee to design and build the memorial. However, the memorial has been completed for a number of years and the advisory committee has ceased to exist. C.S.S.B. 1567 moves the Texas Peace Officers' Memorial to the Government Code and places it under Title 11 (State Symbols and Honors; Preservation), since the maintenance of the memorial is part of the Capitol Complex and is under the supervision of the State Preservation Board. This bill also removes outdated language and makes necessary updates.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education in SECTION 1 (Section 3105.004, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 11A, Government Code, by adding Chapter 3103, as follows:

CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL

Sec. 3105.001. PURPOSE OF MEMORIAL. Provides that the Texas Peace Officers' Memorial is a monument erected on the grounds of the Capitol Complex to recognize and honor the ultimate sacrifice made by law enforcement and corrections officers in this state who were killed in the line of duty.

Sec. 3105.002. DEFINITIONS. Defines "board," "commission," and "memorial."

Sec. 3105.003. ELIGIBILITY FOR MEMORIAL. Provides that a person is eligible to have the person's name on the memorial if the person was killed in the line of duty and met certain qualifications.

Sec. 3105.004. MAINTENANCE OF MEMORIAL. (a) Provides that the State Preservation Board (SPB) is responsible for the maintenance of the memorial. Requires SPB to establish a schedule for the maintenance of the memorial and select persons to maintain the memorial.

(b) Requires the commission to take certain actions, including adopting rules and establishing procedures for adding names to the memorial in accordance with Section 3105.003.

(c) Authorizes the commission to contract with public or private entities to facilitate research, establish and maintain historical and archival records, and store records in a place accessible to the public.

Sec. 3105.005. ACCOUNT. (a) Requires money contributed to the state for a purpose related to the memorial to be deposited by SPB in the Capitol fund to the credit of a separate interest-bearing account in the general revenue fund established for the

memorial.

(b) Requires income from investment of money in the account to be deposited to the credit of the account, notwithstanding other law.

(c) Authorizes money in the account to only be used for the purposes prescribed by this chapter.

SECTION 2. Repealer: Chapter 1701Z, Occupations Code (TEXAS PEACE OFFICERS' MEMORIAL; ADVISORY COMMITTEE).

SECTION 3. Provides that the advisory committee created under Chapter 1701Z, Occupations Code, which is repealed by this Act, is abolished.

SECTION 4. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

Differs from original in SECTION 1 by adding Chapter 3105 to the Government Code, rather than Chapter 3103, and makes section numbers conform to this change. Defines "board." Changes the heading of Section 3105.004 from COMMISSION POWERS AND DUTIES to MAINTENANCE OF MEMORIAL. Provides that the State Preservation Board (SPB), rather than the Commission on Law Enforcement Officer Standards and Education (commission), is responsible for the maintenance of the memorial. Requires SPB, rather than the commission, to establish a schedule for the maintenance of the memorial and to select persons to maintain the memorial. Requires the commission to establish and maintain historical and archival records of the inducted officers and jailers which is required to be accessible to family members and independent researchers and raise money from private or public entities for the continued maintenance and update of the memorial and transfer all the money to SPB. Creates new Subsection (c) from existing text. Requires money contributed to the state for a purpose related to the memorial to be deposited by SPB in the Capitol fund, rather than the state treasury.

Differs from original in SECTION 3 by deleting Subsection (a).