

## **BILL ANALYSIS**

Senate Research Center  
83R26895 CJC-D

C.S.H.B. 3559  
By: Pickett (Elife)  
Administration  
5/6/2013  
Committee Report (Substituted)

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

The Texas Peace Officers' Memorial was dedicated more than a decade ago to serve as an official and proper repository for the names of Texas peace officers who have fallen in the line of duty. The Commission on Law Enforcement Officer Standards and Education (TCLEOSE), a state licensing agency, was tasked as the sole determiner of the individuals who would be eligible for inclusion on the memorial monument. In addition, TCLEOSE was charged with fundraising and maintenance duties for the memorial, whereas the State Preservation Board oversees funding for other monuments constructed on the State Capitol grounds.

Interested parties assert that building a memorial on the Capitol grounds and imposing funding duties on a state licensing agency have created confusion among those involved in the annual memorial service, which is funded by private charities and unions, and those with responsibilities relating to the memorial itself, which ultimately is the state's responsibility. These parties contend that there is a need to provide for the funding of the memorial in the same manner as all of the other monuments on the Capitol grounds, through a mixture of public and private funds, while allowing individuals and organizations to continue to contribute dollars intended specifically for the peace officer memorial. C.S.H.B. 3559 seeks to change the name of the Texas Peace Officers' Memorial and clarify provisions regarding the maintenance and funding of the memorial.

C.S.H.B. 3559 amends current law relating to the Texas Peace Officers' Memorial Monument.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 3105, Government Code, to read as follows:

#### CHAPTER 3105. TEXAS PEACE OFFICERS' MEMORIAL MONUMENT

SECTION 2. Amends Section 3105.001, Government Code, as follows:

Sec. 3105.001. New heading: PURPOSE OF MONUMENT. Provides that the Texas Peace Officers' Memorial Monument is 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. Makes a nonsubstantive change.

SECTION 3. Amends Section 3105.002(3), Government Code, to define "monument" to mean the Texas Peace Officers' Memorial Monument, rather than defining "memorial" to mean the Texas Peace Officers' Memorial.

SECTION 4. Amends Section 3105.003, Government Code, as follows:

Sec. 3105.003. New heading: ELIGIBILITY FOR MONUMENT. Provides that a person is eligible to have the person's name on the monument, rather than on the memorial, if the person was killed in the line of duty and meets certain criteria.

SECTION 5. Amends the heading to Section 3105.004, Government Code, to read as follows:

Sec. 3105.004. MAINTENANCE OF MONUMENT.

SECTION 6. Amends Sections 3105.004(a), (b), and (d), Government Code, as follows:

(a) Provides that the State Preservation Board (SPB) is responsible for the maintenance of the monument. Authorizes SPB to raise money from private or public entities for the continued maintenance and update of the monument. Deletes existing text providing that SPB is responsible for the maintenance of the memorial. Requires SPB to:

(1) establish a schedule for the maintenance of the monument, rather than the memorial; and

(2) select persons to maintain the monument, rather than the memorial.

(b) Requires the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to:

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

(2) adopt rules and establish procedures for adding names to the monument, rather than to the memorial, in accordance with Section 3105.003.

Deletes existing text requiring TCLEOSE to raise money from private or public entities for the continued maintenance and update of the memorial and transfer all the money to SPB.

(d) Requires an entity that collects funds for the maintenance and improvement of the Texas Peace Officers' Memorial Monument to send that money to SPB to be deposited in the Capitol fund account. Deletes existing text requiring an entity that collects funds for the Texas Peace Officers' Memorial to send that money to TCLEOSE to be deposited in the Capitol fund account.

SECTION 7. Amends Section 3105.005(a), Government Code, to require that money contributed to the state for a purpose related to the monument, rather than to the memorial, be deposited by SPB in the Capitol fund to the credit of a separate interest-bearing account established for the monument, rather than for the memorial.

SECTION 8. Effective date: September 1, 2013.