

CHAPTER 348

S.B. No. 327

AN ACT

relating to the Texas Peace Officers' Memorial Advisory Committee.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 415.112, Government Code, is amended to read as follows:

Sec. 415.112. ESTABLISHMENT OF ADVISORY COMMITTEE. The advisory committee is established to fund, design, ~~and~~ construct, *update, maintain, and manage* a Texas peace officers' memorial on the grounds of the Capitol Complex in honor of those Texas peace officers who have died in the line of duty.

SECTION 2. Section 415.113, Government Code, is amended to read as follows:

Sec. 415.113. COMPOSITION OF ADVISORY COMMITTEE. The advisory committee is composed of:

- (1) ~~the attorney general;~~
- ~~[(2) the director of the Department of Public Safety;~~
- ~~[(3)]~~ three licensed peace officers appointed by the governor;
- (2) ~~[(4)]~~ a surviving spouse of a Texas peace officer who died in the line of duty, appointed by the governor;

(3) ~~[(5)]~~ nine individuals, each appointed by a member of the commission; and

(4) *the following nonvoting ex officio members:*

(A) *the director of the Department of Public Safety;*

(B) *the executive director of the State Preservation Board; and*

(C) *the director and librarian of the Texas State Library and Archives Commission*

~~[(6) the architect of the capitol].~~

SECTION 3. Section 415.114, Government Code, is amended to read as follows:

Sec. 415.114. ELIGIBILITY FOR APPOINTMENT. To be eligible for appointment to the advisory committee, a person must be at least 21 years of age and a resident of this state. Each appointee must be of good character and may not have been convicted of a felony or a misdemeanor involving moral turpitude. Each appointee other than the appointee described by Section ~~[Sections]~~ 415.113(2)~~[(4) and (6)]~~ must meet the experience requirements prescribed for commissioners under Section 415.004. Appointments to the advisory committee shall be made without regard to the race, color, religion, sex, handicap, or national origin of the appointee. A person is not eligible for appointment to the advisory committee if the person is a commissioner, an employee of the commission, or a person who is related within the second degree by affinity or consanguinity, as determined under Article 5996h, Revised Statutes, to a member of the commission or commission employee.

SECTION 4. Section 415.115, Government Code, is amended to read as follows:

Sec. 415.115. TERMS OF OFFICE; REMOVAL. (a) *Appointed members* ~~[Members]~~ of the advisory committee hold office *for two-year terms that expire February 1 of each odd-numbered year* ~~[at the pleasure of the person having the authority to appoint them]~~. In the event of a vacancy during a term, the member of the commission or the public official who appointed the member who has vacated the advisory committee position shall appoint a replacement who meets the qualifications of the vacated office. ~~[The term of a member on the advisory committee expires when replaced by the appointing person or when the appointing person is no longer authorized to appoint a member of the advisory committee under Section 415.113.]~~

(b) ~~[The commission may remove an advisory committee member at any time at a regular or specially called meeting of the commission by a two-thirds vote of the members of the commission present and voting.]~~ It is a ground for removal from the advisory committee if a member does not have at the time of appointment the qualifications required for appointment to the advisory committee or does not maintain during service on the advisory committee the qualifications required for appointment to the advisory committee. The validity of an action of the advisory committee is not affected by the fact that it was taken while a ground for removal of a member of the advisory committee existed.

SECTION 5. Section 415.116, Government Code, is amended to read as follows:

Sec. 415.116. MEETINGS; ORGANIZATION OF ADVISORY COMMITTEE. (a) *Until dedication of the memorial, the* ~~[The]~~ advisory committee shall meet at least once in each quarter of the calendar year and may meet at other times as necessary to perform its duties. *On completion of construction and after dedication of the memorial, the advisory committee shall meet as necessary to perform its duties, but at least once in each calendar year.*

(b) ~~[The attorney general shall serve as permanent chairman.]~~ The ~~[remaining]~~ advisory committee members shall elect from among themselves the *chairman*, vice-chairman, and secretary. *Seven* ~~[Nine]~~ of the *appointed* members constitute a quorum for the transaction of business.

SECTION 6. Section 415.117, Government Code, is amended to read as follows:

Sec. 415.117. DUTIES. The advisory committee shall advise the commission on issues related to the funding, design, ~~[and]~~ construction, *maintenance, and management* of the Texas peace officers' memorial and shall develop goals, tasks, purposes, assignments, policies, rules, programs, standards, and criteria. The advisory committee's duties include:

(1) actual site selection on the grounds of the Capitol Complex, with the approval of the Architect of the Capitol and the State Preservation Board;

(2) raising of funds from private or public contributions;

(3) establishing a schedule for the design, construction, and dedication of the memorial, with the approval of the State Preservation Board;

(4) implementing procedures to solicit designs for the memorial which must be compatible in scale, proportion, materials, and feeling with the early monuments erected on the Capitol Grounds and devising a selection process and choice of the final design, with the approval of the State Preservation Board;

(5) selecting individuals or organizations to provide fund-raising services;

(6) selecting individuals or firms to construct the memorial with the approval of the State Preservation Board and the ~~[State Purchasing and]~~ General Services Commission before any contracts for the construction are executed; ~~[and]~~

(7) reviewing and monitoring the design and construction of the memorial, with the approval of the State Preservation Board;

(8) *establishing rules and procedures for adding names to the memorial; and*

(9) *establishing guidelines for conducting advisory-committee-sponsored memorial services at the memorial site.*

SECTION 7. Section 415.120, Government Code, is amended to read as follows:

Sec. 415.120. FUNDS. (a) All funds contributed for the Texas peace officers' memorial shall be deposited in the state treasury to the credit of *a separate interest-bearing fund established for the peace officers' memorial [account]. Notwithstanding other law, income from investments of the fund is deposited to the credit of the fund.*

(b) *Money in the fund may be used only by the [The] advisory committee for the purpose of [may use funds credited to the account only in] administering this subchapter and performing other duties of the advisory committee established by law.*

SECTION 8. Section 415.122, Government Code, is amended to read as follows:

Sec. 415.122. CEREMONIES. (a) The dedication of the memorial on the Capitol Complex grounds shall be conducted by the Combined Law Enforcement Associations of Texas within *reasonable [the] guidelines established by the Texas Peace Officers' Memorial Advisory Committee, provided that the guidelines do not exceed the guidelines established by the State Preservation Board for other ceremonies held on the Capitol Complex grounds.* All subsequent ceremonies shall be conducted according to *reasonable* guidelines established by the *advisory committee, provided that the guidelines do not exceed the guidelines established by the State Preservation Board for other ceremonies held on the Capitol Complex grounds.*

(b) *The secretary of state shall publish the date of the dedication ceremonies and of subsequent ceremonies in the Texas Register before the 30th day preceding the date of the ceremonies. The advisory committee shall timely inform the secretary of the dates.*

SECTION 9. (a) Sections 415.123 and 443.015, Government Code, are repealed.

(b) Subsection (b), Section 2, Chapter 131, Acts of the 71st Legislature, Regular Session, 1989, is repealed.

SECTION 10. The appointed members of the Texas Peace Officers' Memorial Advisory Committee serving on the committee on the effective date of this Act remain on the committee and serve for terms that expire February 1, 1995.

SECTION 11. This Act takes effect September 1, 1993.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 1, 1993, by a viva-voce vote; passed the House on May 18, 1993, by a non-record vote.

Approved May 30, 1993.

Effective Sept. 1, 1993.