

By: Guillen

H.B. No. 4553

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Hispanic Heritage Commission.

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

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 451 to read as follows:

CHAPTER 451. TEXAS HISPANIC HERITAGE COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 451.001. PURPOSE. The purpose of the Texas Hispanic Heritage Commission is to identify and preserve sites reflecting this state's Hispanic heritage as well as investigate wrongdoings by the state and their impacts on historical landowners who owned grants which emanated from the government of Spain or that of Mexico and recommend any possible remedy for the resulted loss of property.

Sec. 451.002. DEFINITION. In this chapter, "commission" means the Texas Hispanic Heritage Commission.

Sec. 451.003. SUNSET ACT. The Texas Hispanic Heritage Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2033.

Sec. 451.004. ADMINISTRATIVE ATTACHMENT. (a) The commission is administratively attached to the Texas Historical Commission but is independent of direction by the Texas Historical Commission.

1       (b) The Texas Historical Commission shall provide  
2 administrative support services, including human resources,  
3 budgetary, accounting, purchasing, payroll, information  
4 technology, and legal support services to the commission as  
5 necessary to carry out the purposes of this chapter.

6       Sec. 451.005. CONSULTATION; MEMORANDUM OF UNDERSTANDING.

7       (a) The Texas Historical Commission shall consult regularly with  
8 the commission for recommendations on matters impacting the  
9 preservation, identification, documentation, or representation of  
10 sites related to Hispanic heritage, including:

11           (1) applications for designating state historical  
12 markers at sites where a claim is made regarding the site's  
13 connection to Hispanic heritage; and

14       (b) The Texas Historical Commission shall enter into a  
15 memorandum of understanding with the commission to coordinate  
16 consultations under Subsection (a) and any other joint efforts of  
17 both commissions.

18                           SUBCHAPTER B. COMMISSION

19       Sec. 451.051. ESTABLISHMENT. The commission is established  
20 to identify and preserve sites reflecting this state's Hispanic  
21 heritage as well as investigate wrongdoings by the state and their  
22 impacts on historical landowners who owned grants which emanated  
23 from the government of Spain or that of Mexico and recommend any  
24 possible remedy for the resulted loss of property.

25       Sec. 451.052. COMMISSION MEMBERSHIP. (a) The commission  
26 is composed of nine members as follows:

27           (1) seven members appointed by the Texas Mexican

1 American Legislative Caucus;

2 (2) one member appointed by the president of  
3 University of Texas Rio Grande Valley; and

4 (3) one member appointed by the president of  
5 University of Texas at El Paso.

6 (b) Members of the commission must:

7 (1) have a demonstrated interest in the preservation  
8 of Hispanic heritage; and

9 (2) be residents of this state.

10 (c) Appointments to the commission shall be made to ensure  
11 that:

12 (1) each geographic area of this state is represented  
13 on the commission; and

14 (2) the commission includes:

15 (A) at least one member with significant  
16 professional experience in the preservation of Hispanic heritage;  
17 and

18 (B) at least one member with significant  
19 professional experience in Hispanic history, genealogy, or  
20 archeology.

21 Sec. 451.053. TERMS; VACANCY. (a) Members of the  
22 commission shall be appointed to staggered six-year terms with the  
23 terms of one-third of the members expiring February 1 of each  
24 odd-numbered year.

25 (b) Members of the commission are eligible for  
26 reappointment to another term or part of a term.

27 (c) A vacancy shall be filled in the same manner as the

1 original appointment. A member appointed to fill a vacancy on the  
2 commission shall serve for the remainder of the term for which the  
3 predecessor of the member was appointed.

4 Sec. 451.054. REIMBURSEMENT FOR EXPENSES. A member of the  
5 commission serves without pay but is entitled to reimbursement for  
6 the travel expenses incurred by the member in attending commission  
7 meetings as provided by the General Appropriations Act.

8 Sec. 451.055. PRESIDING OFFICER; OTHER OFFICERS. The  
9 members of the commission shall elect from among the commission's  
10 members a presiding officer and other officers considered  
11 necessary.

12 Sec. 451.056. REMOVAL. (a) It is a ground for removal from  
13 the commission that the member:

14 (1) is ineligible for membership under Section  
15 451.052(b);

16 (2) cannot because of illness or disability discharge  
17 the member's duties for a substantial part of the term for which the  
18 member is appointed; or

19 (3) is absent from more than half of the regularly  
20 scheduled commission meetings that the member is eligible to attend  
21 during a calendar year unless the absence is excused by majority  
22 vote of the commission.

23 (b) The validity of an action of the commission is not  
24 affected by the fact that it is taken when a ground for removal of a  
25 commission member exists.

26 Sec. 451.057. COMMISSION MEETINGS; QUORUM; PUBLIC  
27 PARTICIPATION. (a) The commission shall meet at least three times

1 each year at the times and places in this state that the commission  
2 designates.

3 (b) Five members of the commission constitute a quorum for  
4 transacting commission business.

5 (c) The commission shall develop and implement policies  
6 that provide the public with a reasonable opportunity to appear  
7 before the commission and speak on any issue under the jurisdiction  
8 of the commission.

9 Sec. 451.058. EXECUTIVE DIRECTOR; STAFF. (a) The Texas  
10 Historical Commission shall provide one employee to serve as the  
11 executive director for the commission to transact commission  
12 business.

13 (b) The Texas Historical Commission may provide additional  
14 staff and may support functions and activities of the commission  
15 from money available to the Texas Historical Commission that may be  
16 used for this purpose.

17 SUBCHAPTER C. DUTIES AND FUNDING

18 Sec. 451.101. GENERAL DUTIES. The commission may:

19 (1) promote public awareness of historic buildings,  
20 sites, and structures reflecting this state's Hispanic heritage  
21 through special programs and events, exhibitions, publications,  
22 and educational materials;

23 (2) develop a program to catalog, preserve, assess,  
24 and interpret sites reflecting this state's Hispanic heritage;

25 (3) build a statewide network of individuals,  
26 organizations, and institutions interested in the preservation of  
27 sites reflecting this state's Hispanic heritage;

1           (4) make recommendations to the Texas Historical  
2 Commission and county historical commissions regarding the  
3 preservation of sites reflecting the state's Hispanic heritage,  
4 including recommendations regarding the installation of markers  
5 recognizing districts, sites, individuals, events, structures, and  
6 objects significant to Hispanic history, archeology, or culture;

7           (5) make recommendations to state agencies and local  
8 governmental entities regarding wrongdoings by the state and their  
9 impacts on historical landowners who owned grants which emanated  
10 from the government of Spain or that of Mexico and recommend any  
11 possible remedy for the resulted loss of property;

12           (6) appoint advisory committees as the commission  
13 considers necessary to carry out this chapter;

14           (7) investigate wrongdoings by the state and their  
15 impacts on historical landowners who owned grants which emanated  
16 from the government of Spain or that of Mexico and recommend any  
17 possible remedy for the resulted loss of property.

18           Sec. 451.102. ADVISORY STATUS. (a) In implementing its  
19 duties under this chapter, the commission functions only in an  
20 advisory capacity. Membership on the commission does not  
21 constitute a public office.

22           (b) Chapter 2110 does not apply to the commission.

23           Sec. 451.103. FUNDING. (a) The commission may accept  
24 gifts, grants, or donations or raise money from any available  
25 public or private source for the commission to use in performing the  
26 commission's duties under this chapter.

27           (b) The legislature may specifically appropriate money to

1 the Texas Historical Commission to provide staff and to otherwise  
2 support functions and activities of the commission, or appropriate  
3 money directly to the commission.

4 (c) The commission may participate in the establishment and  
5 operation of an affiliated nonprofit organization dedicated to  
6 raising money for or providing services or other benefits to the  
7 commission.

8 Sec. 451.104. TEXAS HISPANIC HERITAGE COMMISSION ACCOUNT.

9 (a) The Texas Hispanic Heritage Commission account is created as an  
10 account in the general revenue fund. The Texas Historical  
11 Commission shall administer the account. Distributions from the  
12 account may be used only for furthering the purposes of this chapter  
13 and duties of the commission under this chapter. The account is  
14 composed of:

15 (1) amounts appropriated by the legislature to the  
16 account; and

17 (2) gifts, grants, and other donations received by the  
18 commission for the account.

19 SECTION 2. (a) Not later than January 1, 2022, the Texas  
20 Legislative Mexican American Legislative Caucus, the president of  
21 University of Texas Rio Grande Valley, and the president of  
22 University of Texas of at El Paso shall appoint members to the Texas  
23 Hispanic Heritage Commission as provided by Chapter 451, Government  
24 Code, as added by this Act.

25 (b) In appointing the initial members of the commission, the  
26 officials described by Subsection (a) of this section shall  
27 appoint:

- 1           (1) three members to serve terms expiring February 1,  
2 2023;
- 3           (2) three members to serve terms expiring February 1,  
4 2025; and
- 5           (3) three members to serve terms expiring February 1,  
6 2027.

7           SECTION 3. REPORT ON RESULTING PROPERTY LOSS. Not later  
8 than January 1, 2023, the commission shall provide to the governor,  
9 lieutenant governor, and speaker of the house of representatives a  
10 final report on any wrongdoings by the state and their impacts on  
11 historical landowners who owned grants which emanated from the  
12 government of Spain or that of Mexico.

13           The final report must include:

- 14           (1) recommendations for any possible remedy for the  
15 resulted loss of property;
- 16           (2) proposed legislation necessary to implement the  
17 recommendations made in the final report;
- 18           (3) any administrative recommendations proposed by  
19 the commission; and
- 20           (4) a complete explanation of each of the commission's  
21 recommendations.

22           SECTION 4. This Act takes effect September 1, 2021.