

By: Miles

S.B. No. 194

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas African American 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 452 to read as follows:

CHAPTER 452. TEXAS AFRICAN AMERICAN HERITAGE COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 452.001. PURPOSE. The purpose of the Texas African American Heritage Commission is to identify, preserve, interpret, and promote sites reflecting this state's African American heritage.

Sec. 452.002. DEFINITION. In this chapter, "commission" means the Texas African American Heritage Commission.

Sec. 452.003. SUNSET ACT. The Texas African American 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, 2035.

Sec. 452.004. ADMINISTRATIVE ATTACHMENT. (a) The commission is administratively attached to the Texas Historical Commission but is independent of direction by the Texas Historical Commission.

(b) The Texas Historical Commission shall provide administrative support services, including human resources,

1 budgetary, accounting, purchasing, payroll, information  
2 technology, and legal support services to the commission as  
3 necessary to carry out the purposes of this chapter.

4 Sec. 452.005. CONSULTATION; MEMORANDUM OF UNDERSTANDING.

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

9 (1) applications for designating state historical  
10 markers at sites for which a claim is made regarding the site's  
11 connection to African American heritage; and

12 (2) proposed projects submitted to the Texas  
13 Historical Commission by a state agency for consultation under  
14 Section 106, National Historic Preservation Act of 1966 (54 U.S.C.  
15 Section 306108) in which a claim is made regarding the project  
16 site's connection to African American heritage.

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

21 SUBCHAPTER B. COMMISSION

22 Sec. 452.051. ESTABLISHMENT. The commission is established  
23 to preserve, interpret, and promote sites reflecting this state's  
24 African American heritage.

25 Sec. 452.052. COMMISSION MEMBERSHIP. (a) The commission  
26 is composed of nine members as follows:

27 (1) seven members appointed by the Texas Legislative

1 Black Caucus;

2 (2) one member appointed by the president of Texas  
3 Southern University; and

4 (3) one member appointed by the president of Prairie  
5 View A&M University.

6 (b) Commission members must:

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

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

21 Sec. 452.053. TERMS; VACANCY. (a) Commission members  
22 shall be appointed to staggered six-year terms with the terms of  
23 one-third of the members expiring February 1 of each odd-numbered  
24 year.

25 (b) Commission members are eligible for reappointment to  
26 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. 452.054. REIMBURSEMENT FOR EXPENSES. A commission  
5 member serves without pay but is entitled to reimbursement for the  
6 travel expenses incurred by the member in attending commission  
7 meetings as provided by the General Appropriations Act.

8 Sec. 452.055. PRESIDING OFFICER; OTHER OFFICERS. The  
9 commission members shall elect from among the commission's members  
10 a presiding officer and other officers considered necessary.

11 Sec. 452.056. REMOVAL. (a) It is a ground for removal from  
12 the commission that the commission member:

13 (1) is ineligible for membership under Section  
14 452.052(b);

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

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

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

25 Sec. 452.057. COMMISSION MEETINGS; QUORUM; PUBLIC  
26 PARTICIPATION. (a) The commission shall meet at least three times  
27 each year at the times and places in this state the commission

1 designates.

2 (b) Five commission members constitute a quorum for  
3 transacting commission business.

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

8 Sec. 452.058. EXECUTIVE DIRECTOR; STAFF. (a) The Texas  
9 Historical Commission shall provide one employee to serve as the  
10 executive director for the commission to transact commission  
11 business.

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

16 SUBCHAPTER C. DUTIES AND FUNDING

17 Sec. 452.101. GENERAL DUTIES. The commission may:

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

22 (2) support African American heritage education at the  
23 elementary, secondary, and college or university levels;

24 (3) develop a program to catalog, preserve, assess,  
25 and interpret sites reflecting this state's African American  
26 heritage;

27 (4) build a statewide network of individuals,

1 organizations, and institutions interested in the preservation of  
2 sites reflecting this state's African American heritage;

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

10 (6) make recommendations to state agencies and local  
11 governmental entities regarding policies and programs to promote  
12 the preservation of sites reflecting this state's African American  
13 heritage;

14 (7) appoint advisory committees as the commission  
15 considers necessary to carry out this chapter;

16 (8) provide technical assistance to local governments  
17 and nonprofit organizations to further the study and preservation  
18 of African American heritage; and

19 (9) promote collaboration among local African  
20 American heritage organizations in this state and provide support  
21 and services to those organizations.

22 Sec. 452.102. ADVISORY STATUS. (a) In implementing its  
23 duties under this chapter, the commission functions only in an  
24 advisory capacity. Commission membership does not constitute a  
25 public office.

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

27 Sec. 452.103. FUNDING. (a) The commission may accept

1 gifts, grants, or donations or raise money from any available  
2 public or private source for the commission to use in performing the  
3 commission's duties under this chapter.

4 (b) The legislature may specifically appropriate money to  
5 the Texas Historical Commission to provide staff and to otherwise  
6 support commission functions and activities, or appropriate money  
7 directly to the commission.

8 (c) The commission may participate in the establishment and  
9 operation of an affiliated nonprofit organization dedicated to  
10 raising money for or providing services or other benefits to the  
11 commission.

12 Sec. 452.104. TEXAS AFRICAN AMERICAN HERITAGE COMMISSION  
13 ACCOUNT. The Texas African American Heritage Commission account is  
14 created as an account in the general revenue fund. The Texas  
15 Historical Commission shall administer the account. Distributions  
16 from the account may be used only for furthering the purposes of  
17 this chapter and commission duties under this chapter. The account  
18 is composed of:

19 (1) amounts the legislature appropriates to the  
20 account; and

21 (2) gifts, grants, and other donations the commission  
22 receives for the account.

23 SECTION 2. (a) Not later than January 1, 2024, the Texas  
24 Legislative Black Caucus, the president of Texas Southern  
25 University, and the president of Prairie View A&M University shall  
26 appoint members to the Texas African American Heritage Commission  
27 as provided by Chapter 452, Government Code, as added by this Act.

1           (b) In appointing the initial commission members, the  
2 officials described by Subsection (a) of this section shall  
3 appoint:

4                   (1) three members to serve terms expiring February 1,  
5 2025;

6                   (2) three members to serve terms expiring February 1,  
7 2027; and

8                   (3) three members to serve terms expiring February 1,  
9 2029.

10           SECTION 3. The Texas Historical Commission is required to  
11 implement a provision of this Act only if the legislature  
12 appropriates money specifically for that purpose. If the  
13 legislature does not appropriate money specifically for that  
14 purpose, the commission may, but is not required to, implement a  
15 provision of this Act using other appropriations available for that  
16 purpose.

17           SECTION 4. This Act takes effect September 1, 2023.