

BILL ANALYSIS

Senate Research Center

S.B. 482
By: Ellis et al.
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately 15 million people died in the Holocaust and other genocides in the 20th century. The purpose of creating the Texas Holocaust and Genocide Commission (commission) is to ensure that the Holocaust and other genocide incidents will never occur again and that schools and organizations in smaller communities have access to Holocaust and genocide information that is available in larger cities.

The definition of genocide included in the bill is the legal definition of genocide provided by Article 2 of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. This bill requires the commission, like other state agencies, to be subject to Sunset review. The bill administratively attaches the commission to the Texas Historical Commission and provides for one part-time employee to serve as the coordinator for the commission. The advisory commission would include 18 members, 15 of whom are public members, appointed by the governor, the lieutenant governor, and the speaker. The additional three members would be the commissioner of education, the commissioner of higher education, and the executive director of the Texas Veterans Commission. Public members are appointed for four-year terms and may serve no more than two consecutive terms. The governor designates a public member as the presiding officer of the commission. Public members of the commission are not entitled to compensation, but are entitled to reimbursement for travel expenses incurred while transacting commission business.

The commission will be required to meet at least quarterly. The commission will provide advice and assistance to the public and various public and private primary and secondary schools and institutions of higher education on the implementation of Holocaust and genocide courses and awareness programs. The bill authorizes the commission to contact and cooperate with organizations, agencies, museums, as well as survivors and liberators, in order to provide information and experiences regarding the Holocaust or other genocide events, and to coordinate events in the state memorializing the Holocaust and genocide events. The commission is authorized to accept gifts and grants from public or private sources to use in performing its duties.

S.B. 482 creates an advisory commission whose main function is to provide resources to the public regarding the Holocaust and other genocide incidents.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Holocaust and Genocide Commission in SECTION 1 (Section 449.052, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 4, Government Code, by adding Chapter 449, as follows:

CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 449.001. DEFINITIONS. Defines "commission," "genocide," and "Holocaust."

Sec. 449.002. SUNSET PROVISION. Provides that the Texas Holocaust and Genocide Commission (commission) is subject to Chapter 325 (Texas Sunset Act) and unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021.

Sec. 449.003. ADMINISTRATIVE ATTACHMENT. Provides that the commission is administratively attached to the Texas Historical Commission (THC).

Sec. 449.004. COMPOSITION OF COMMISSION. (a) Provides that the commission is composed of 18 members, 15 of whom are appointed by the governor, the lieutenant governor, and the speaker of the house of representatives, and three of whom are ex officio members.

(b) Requires the speaker of the house of representatives to designate a member of the house and requires the lieutenant governor to designate a member of the senate to advise the commission.

Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT; VACANCY. (a) Requires a person appointed as a public member of the commission to be a resident of this state.

(b) Requires public members of the commission to include persons who have served prominently as leaders of or spokespersons for public or private organizations that serve members of religious, ethnic, national heritage, or social groups that were subjected to the Holocaust or other genocides; persons who have significant professional experience in the field of Holocaust or genocide education; persons who represent liberators of Holocaust or other genocide victims; and persons who have demonstrated a significant, particular interest in Holocaust or genocide education.

(c) Requires that appointments of public members to the commission be made without regard to the race, color, disability, sex, religion, age, or national origin of an appointee and so that each geographic area of this state is represented on the commission.

(d) Requires the original appointing authority to fill any vacancy in an appointed position on the commission for the unexpired portion of the term.

Sec. 449.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION OF REPRESENTATIVE. (a) Provides that an ex officio member of the commission vacates the person's position on the commission if the person ceases to hold the position that qualifies the person for service on the commission.

(b) Authorizes an ex officio member to designate a representative to serve on the commission in the member's absence. Requires a representative designated under this subsection to be an officer or employee of the state agency that employs the ex officio member.

Sec. 449.007. REMOVAL OF PUBLIC MEMBER. (a) Provides that it is a ground for removal of a public member from the commission if the member is ineligible for public membership under Section 449.005(a), cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed, or is absent from more than three consecutive regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

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

(c) Requires a member of the commission to notify the presiding officer of the commission if the member of the commission has knowledge that a potential

ground for removal exists. Requires the presiding officer to then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 449.008. TERM OF PUBLIC MEMBER. (a) Provides that a public member of the commission serves a term of four years.

(b) Provides that a public member is eligible for reappointment to another term or part of a term.

(c) Prohibits a public member from serving more than two consecutive terms. Provides that, for purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

Sec. 449.009. OFFICERS; SUBCOMMITTEES. (a) Requires the governor to designate a public member of the commission as presiding officer to serve in that capacity at the pleasure of the governor.

(b) Authorizes the presiding officer of the commission to appoint a subcommittee for any purpose consistent with the duties of the commission under this chapter.

Sec. 449.010. COMPENSATION; EXPENSES. (a) Provides that a public member of the commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business, as provided by the General Appropriations Act.

(b) Provides that an ex officio member's service on the commission is an additional duty of the underlying position that qualifies the member for service on the commission. Provides that the entitlement of an ex officio member to compensation or to reimbursement for travel expenses incurred while transacting commission business is governed by the law that applies to the member's service in that underlying position, and requires any payment to the member for either purpose to be made from money that is authorized to be used for the purpose and is available to the state agency that the member serves in that underlying position.

Sec. 449.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a) Requires the commission to meet at least quarterly at the times and places in this state that the commission designates.

(b) Provides that seven voting members of the commission constitute a quorum for transacting commission business.

(c) Prohibits an ex officio member of the commission from voting on commission business.

(d) Requires the commission to develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and speak on any issue under the jurisdiction of the commission.

Sec. 449.012. COORDINATOR. Requires THC to provide one part-time employee to serve as the coordinator for the commission to transact commission business.

[Reserves Sections 449.013-449.050 for expansion.]

SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 449.051. ADVISORY STATUS OF COMMISSION. (a) Provides that the commission, in implementing its powers and duties under this chapter, functions only in an advisory capacity. Provides that membership on the commission does not constitute a public office.

(b) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the commission.

Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Requires the commission to perform certain duties.

(b) Authorizes the commission, in implementing certain duties, to contact and cooperate with certain public or private organizations, museums, or centers; state agencies; and members of the United States Congress and Texas Legislature.

(c) Requires the commission to adopt rules as necessary for its own procedures.

(d) Authorizes the commission to appoint advisory committees to advise the commission.

Sec. 449.053. FUNDING. (a) Authorizes the commission to accept gifts and grants from a public or private source for the commission to use in performing the commission's powers and duties under this chapter.

(b) Authorizes THC to provide staff and to support functions and activities of the commission from money available to THC that is authorized to be used for this purpose. Authorizes the legislature to also specifically appropriate money to THC to provide staff and to otherwise support functions and activities of the commission.

SECTION 2. Requires that as soon as practicable after the effective date of this Act appointments of public members be made to the Texas Holocaust and Genocide Commission as provided by Chapter 449, Government Code, as added by this Act. Provides that the terms of initial public members appointed to the Texas Holocaust and Genocide Commission expire February 1, 2015, notwithstanding Section 449.008, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2009.