

BILL ANALYSIS

S.B. 482
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Culture, Recreation & Tourism
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 Office of the Secretary of State (SOS) 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 Veteran's 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. The SOS is authorized to provide one part-time employee to serve as the coordinator for the commission to support for the commission from funds made available to the SOS for that purpose.

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

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Holocaust and Genocide Commission in SECTION 1 of this bill.

ANALYSIS

S.B. 482 amends the Government Code to create the Texas Holocaust and Genocide Commission, attached administratively to the office of the secretary of state, with a sunset date of September 1, 2021. The bill requires the commission to provide advice and assistance to Texas primary and secondary schools and institutions of higher education regarding implementation of Holocaust and genocide courses of study and awareness programs; meet with appropriate public and private organization representatives to provide information on and to

assist in planning, coordinating, or modifying Holocaust and genocide courses of study and awareness programs; determine which, if any, existing memorials, exhibits, or other resources could be included in or used to support Holocaust and genocide courses of study and awareness programs; compile a list of volunteers who have agreed to share, in classrooms, seminars, exhibits, or workshops, their verifiable knowledge and experiences regarding the Holocaust or other genocide; coordinate events in Texas memorializing the Holocaust and other genocides on January 27, International Holocaust Remembrance Day, on the Days of Remembrance established by the United States Congress, or on any other day designated by the commission for that purpose; and solicit volunteers to participate in commemorative events to enhance public awareness of the continuing significance of the Holocaust or other genocides. The bill authorizes the commission, in determining which existing resources could be included in or used to support Holocaust and genocide courses of study and awareness programs, to contact and cooperate with existing Holocaust or other genocide resource organizations; other museums, centers, and organizations based in Texas; state agencies that carry out educational functions under the Education Code; and members of the United States Congress and the Texas Legislature. The bill requires the commission to adopt rules as necessary for its own procedures. The bill defines "commission," "genocide," and "Holocaust."

S.B. 482 authorizes the commission to accept gifts and grants from a public or private source to use in performing its powers and duties. The bill authorizes the secretary of state to provide staff and to support functions and activities of the commission from money available to the secretary that may be used for such purpose. The bill authorizes the legislature to specifically appropriate money to the secretary to provide staff and to otherwise support the functions and activities of the commission. The bill requires the office of the secretary to provide one part-time employee to serve as coordinator for the commission.

S.B. 482 specifies that the commission is composed of 18 members, including five public members appointed by the governor, five public members appointed by the lieutenant governor, five public members appointed by the speaker of the house of representatives, and, as nonvoting ex officio members, the commissioner of education, commissioner of higher education, and executive director of the Texas Veterans Commission. The bill requires the governor to designate a public member as presiding officer of the commission, to serve in that capacity at the pleasure of the governor.

S.B. 482 requires the speaker to designate a member of the house and the lieutenant governor to designate a member of the senate to advise the commission. The bill requires a person appointed as a public member of the commission to be a resident of Texas. The bill requires public members to include persons who have served prominently as leaders or spokespersons for 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. The bill requires appointments of public members to be made without regard to race, color, disability, sex, religion, age, or national origin of the appointee, and so that each geographic area of Texas is represented. The bill requires the original appointing authority to fill any vacancy in an appointed position for the unexpired portion of the term. The bill specifies that an ex officio member 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. The bill authorizes an ex officio member to designate a representative, who must be an officer or employee of the state agency that employs the ex officio member, to serve on the commission in the member's absence.

S.B. 482 provides for removal of a public member under certain circumstances and specifies 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 member exists. The bill requires a member who has knowledge of a potential ground for removal to notify the presiding officer of the commission, who then is required to notify the governor and the attorney general that a potential ground for removal exists. The bill provides for a four-year term of service for a public member of the commission. The bill specifies that a public member is eligible for reappointment to another term or part of a term, but is prohibited from serving more than two consecutive terms, counting a fractional term as a term for purposes of the prohibition, if the member has served more than half of the term.

S.B. 482 specifies that the commission functions only in an advisory capacity in implementing its powers and duties and that membership in the commission does not constitute a public office. The bill authorizes the commission to appoint advisory committees to assist it, and exempts the commission from certain laws relating to state agency advisory committees. The bill authorizes the commission's presiding officer to appoint a subcommittee for any purpose consistent with the commission's duties.

S.B. 482 specifies that a public member is not entitled to compensation, but is entitled to reimbursement for travel expenses incurred by the member while transacting commission business, as provided by the General Appropriations Act. The bill specifies that an ex officio member's service on the commission is an additional duty of that member's underlying position and that entitlement to compensation or travel reimbursement is governed by the law that applies to the member's service in the underlying position.

S.B. 482 requires the commission to meet at least quarterly in Texas at times and places as designated by the commission. The bill establishes that seven voting members constitutes a quorum for transacting commission business. The bill 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 commission's jurisdiction.

S.B. 482 requires appointments of public members to be made as soon as practicable after September 1, 2009. The bill specifies that, notwithstanding the provision for four-year terms, the terms of initial public members appointed to the commission expire February 1, 2015.

EFFECTIVE DATE

September 1, 2009.