

1-1 By: Ellis, et al. S.B. No. 482  
1-2 (In the Senate - Filed January 14, 2009; February 17, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 26, 2009, reported favorably by the following vote: Yeas 9,  
1-5 Nays 0; March 26, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the Texas Holocaust and Genocide Commission.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subtitle D, Title 4, Government Code, is amended  
1-11 by adding Chapter 449 to read as follows:

1-12 CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE COMMISSION

1-13 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

1-14 Sec. 449.001. DEFINITIONS. In this chapter:

1-15 (1) "Commission" means the Texas Holocaust and  
1-16 Genocide Commission.

1-17 (2) "Genocide" means any of the following acts  
1-18 committed with intent to destroy, in whole or in part, a national,  
1-19 ethnic, racial, or religious group as such:

1-20 (A) killing members of the group;

1-21 (B) causing serious bodily or mental harm to  
1-22 members of the group;

1-23 (C) deliberately inflicting on the group  
1-24 conditions of life calculated to bring about the group's physical  
1-25 destruction in whole or in part;

1-26 (D) imposing measures intended to prevent births  
1-27 within the group; or

1-28 (E) forcibly transferring children of the group  
1-29 to another group.

1-30 (3) "Holocaust" means the killing of approximately six  
1-31 million Jews and millions of other persons during World War II by  
1-32 the National Socialist German Workers' Party (Nazis) and Nazi  
1-33 collaborators as part of a state-sponsored, systematic program of  
1-34 genocide and other actions of persecution, discrimination,  
1-35 violence, or other human rights violations committed by the Nazis  
1-36 and Nazi collaborators against those persons.

1-37 Sec. 449.002. SUNSET PROVISION. The Texas Holocaust and  
1-38 Genocide Commission is subject to Chapter 325 (Texas Sunset Act).  
1-39 Unless continued in existence as provided by that chapter, the  
1-40 commission is abolished and this chapter expires September 1, 2021.

1-41 Sec. 449.003. ADMINISTRATIVE ATTACHMENT. The commission is  
1-42 administratively attached to the office of the secretary of state.

1-43 Sec. 449.004. COMPOSITION OF COMMISSION. (a) The  
1-44 commission is composed of 18 members as follows:

1-45 (1) 15 public members appointed as follows:

1-46 (A) five public members appointed by the  
1-47 governor;

1-48 (B) five public members appointed by the  
1-49 lieutenant governor; and

1-50 (C) five public members appointed by the speaker  
1-51 of the house of representatives; and

1-52 (2) three ex officio members as follows:

1-53 (A) the commissioner of education;

1-54 (B) the commissioner of higher education; and

1-55 (C) the executive director of the Texas Veterans  
1-56 Commission.

1-57 (b) The speaker of the house of representatives shall  
1-58 designate a member of the house and the lieutenant governor shall  
1-59 designate a member of the senate to advise the commission.

1-60 Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;  
1-61 VACANCY. (a) A person appointed as a public member of the  
1-62 commission must be a resident of this state.

1-63 (b) Public members of the commission must include:

1-64 (1) persons who have served prominently as leaders of

2-1 or spokespersons for public or private organizations that serve  
 2-2 members of religious, ethnic, national heritage, or social groups  
 2-3 that were subjected to the Holocaust or other genocides;

2-4 (2) persons who have significant professional  
 2-5 experience in the field of Holocaust or genocide education;

2-6 (3) persons who represent liberators of Holocaust or  
 2-7 other genocide victims; and

2-8 (4) persons who have demonstrated a significant,  
 2-9 particular interest in Holocaust or genocide education.

2-10 (c) Appointments of public members to the commission shall  
 2-11 be made:

2-12 (1) without regard to the race, color, disability,  
 2-13 sex, religion, age, or national origin of an appointee; and

2-14 (2) so that each geographic area of this state is  
 2-15 represented on the commission.

2-16 (d) The original appointing authority shall fill any  
 2-17 vacancy in an appointed position on the commission for the  
 2-18 unexpired portion of the term.

2-19 Sec. 449.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION  
 2-20 OF REPRESENTATIVE. (a) An ex officio member of the commission  
 2-21 vacates the person's position on the commission if the person  
 2-22 ceases to hold the position that qualifies the person for service on  
 2-23 the commission.

2-24 (b) An ex officio member may designate a representative to  
 2-25 serve on the commission in the member's absence. A representative  
 2-26 designated under this subsection must be an officer or employee of  
 2-27 the state agency that employs the ex officio member.

2-28 Sec. 449.007. REMOVAL OF PUBLIC MEMBER. (a) It is a ground  
 2-29 for removal of a public member from the commission if the member:

2-30 (1) is ineligible for public membership under Section  
 2-31 449.005(a);

2-32 (2) cannot because of illness or disability discharge  
 2-33 the member's duties for a substantial part of the term for which the  
 2-34 member is appointed; or

2-35 (3) is absent from more than three consecutive  
 2-36 regularly scheduled commission meetings that the member is eligible  
 2-37 to attend during a calendar year unless the absence is excused by  
 2-38 majority vote of the commission.

2-39 (b) The validity of an action of the commission is not  
 2-40 affected by the fact that it is taken when a ground for removal of a  
 2-41 commission member exists.

2-42 (c) If a member of the commission has knowledge that a  
 2-43 potential ground for removal exists, the member shall notify the  
 2-44 presiding officer of the commission of the potential ground. The  
 2-45 presiding officer shall then notify the governor and the attorney  
 2-46 general that a potential ground for removal exists.

2-47 Sec. 449.008. TERM OF PUBLIC MEMBER. (a) A public member  
 2-48 of the commission serves a term of four years.

2-49 (b) A public member is eligible for reappointment to another  
 2-50 term or part of a term.

2-51 (c) A public member may not serve more than two consecutive  
 2-52 terms. For purposes of this prohibition, a member is considered to  
 2-53 have served a term only if the member has served more than half of  
 2-54 the term.

2-55 Sec. 449.009. OFFICERS; SUBCOMMITTEES. (a) The governor  
 2-56 shall designate a public member of the commission as presiding  
 2-57 officer to serve in that capacity at the pleasure of the governor.

2-58 (b) The presiding officer of the commission may appoint a  
 2-59 subcommittee for any purpose consistent with the duties of the  
 2-60 commission under this chapter.

2-61 Sec. 449.010. COMPENSATION; EXPENSES. (a) A public member  
 2-62 of the commission is not entitled to compensation but is entitled to  
 2-63 reimbursement for the travel expenses incurred by the member while  
 2-64 transacting commission business, as provided by the General  
 2-65 Appropriations Act.

2-66 (b) An ex officio member's service on the commission is an  
 2-67 additional duty of the underlying position that qualifies the  
 2-68 member for service on the commission. The entitlement of an ex  
 2-69 officio member to compensation or to reimbursement for travel

3-1 expenses incurred while transacting commission business is  
 3-2 governed by the law that applies to the member's service in that  
 3-3 underlying position, and any payment to the member for either  
 3-4 purpose must be made from money that may be used for the purpose and  
 3-5 is available to the state agency that the member serves in that  
 3-6 underlying position.

3-7 Sec. 449.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS.

3-8 (a) The commission shall meet at least quarterly at the times and  
 3-9 places in this state that the commission designates.

3-10 (b) Seven voting members of the commission constitute a  
 3-11 quorum for transacting commission business.

3-12 (c) An ex officio member of the commission may not vote on  
 3-13 commission business.

3-14 (d) The commission shall develop and implement policies  
 3-15 that provide the public with a reasonable opportunity to appear  
 3-16 before the commission and speak on any issue under the jurisdiction  
 3-17 of the commission.

3-18 Sec. 449.012. COORDINATOR. The office of the secretary of  
 3-19 state shall provide one part-time employee to serve as the  
 3-20 coordinator for the commission to transact commission business.

3-21 [Sections 449.013-449.050 reserved for expansion]

3-22 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

3-23 Sec. 449.051. ADVISORY STATUS OF COMMISSION. (a) In  
 3-24 implementing its powers and duties under this chapter, the  
 3-25 commission functions only in an advisory capacity. Membership on  
 3-26 the commission does not constitute a public office.

3-27 (b) Chapter 2110 does not apply to the commission.

3-28 Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION.

3-29 (a) The commission shall:

3-30 (1) provide advice and assistance to public and  
 3-31 private primary and secondary schools and institutions of higher  
 3-32 education in this state regarding implementation of Holocaust and  
 3-33 genocide courses of study and awareness programs;

3-34 (2) meet with appropriate representatives of public  
 3-35 and private organizations, including service organizations, to  
 3-36 provide information on and to assist in planning, coordinating, or  
 3-37 modifying Holocaust and genocide courses of study and awareness  
 3-38 programs;

3-39 (3) determine which, if any, existing Holocaust or  
 3-40 other genocide memorials, exhibits, or other resources could be  
 3-41 included in or used to support Holocaust and genocide courses of  
 3-42 study and awareness programs;

3-43 (4) compile a list of volunteers, such as Holocaust or  
 3-44 other genocide survivors, liberators of concentration camps,  
 3-45 scholars, and members of the clergy, who have agreed to share, in  
 3-46 classrooms, seminars, exhibits, or workshops, their verifiable  
 3-47 knowledge and experiences regarding the Holocaust or other  
 3-48 genocide;

3-49 (5) coordinate events in this state memorializing the  
 3-50 Holocaust and other genocides on January 27, International  
 3-51 Holocaust Remembrance Day, on the Days of Remembrance established  
 3-52 by the United States Congress, or on any other day designated by the  
 3-53 commission for that purpose; and

3-54 (6) solicit volunteers to participate in  
 3-55 commemorative events designed to enhance public awareness of the  
 3-56 continuing significance of the Holocaust and other genocides.

3-57 (b) In implementing Subsection (a)(3), the commission may  
 3-58 contact and cooperate with:

3-59 (1) existing public or private Holocaust or other  
 3-60 genocide resource organizations, including the United States  
 3-61 Holocaust Memorial Museum;

3-62 (2) other museums, centers, and organizations based in  
 3-63 this state;

3-64 (3) state agencies that carry out the educational  
 3-65 functions of the state delegated under the Education Code,  
 3-66 including the Texas Education Agency and the Texas Higher Education  
 3-67 Coordinating Board; and

3-68 (4) members of the United States Congress and of the  
 3-69 legislature of this state.

4-1           (c) The commission shall adopt rules as necessary for its  
4-2 own procedures.

4-3           (d) The commission may appoint advisory committees to  
4-4 advise the commission.

4-5           Sec. 449.053. FUNDING. (a) The commission may accept  
4-6 gifts and grants from a public or private source for the commission  
4-7 to use in performing the commission's powers and duties under this  
4-8 chapter.

4-9           (b) The secretary of state may provide staff and may support  
4-10 functions and activities of the commission from money available to  
4-11 the secretary of state that may be used for this purpose. The  
4-12 legislature may also specifically appropriate money to the  
4-13 secretary of state to provide staff and to otherwise support  
4-14 functions and activities of the commission.

4-15           SECTION 2. As soon as practicable after the effective date  
4-16 of this Act, appointments of public members shall be made to the  
4-17 Texas Holocaust and Genocide Commission as provided by Chapter 449,  
4-18 Government Code, as added by this Act. Notwithstanding Section  
4-19 449.008, Government Code, as added by this Act, the terms of initial  
4-20 public members appointed to the Texas Holocaust and Genocide  
4-21 Commission expire February 1, 2015.

4-22           SECTION 3. This Act takes effect September 1, 2009.

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