

Amend CSHB 3257 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 448 to read as follows:

CHAPTER 448. TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 448.001. DEFINITIONS. In this chapter:

(1) "Advisory commission" means the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

(2) "Antisemitism" means a certain perception of Jews that may be expressed as hatred toward Jews. The term includes rhetorical and physical acts of antisemitism directed toward Jewish or non-Jewish individuals or their property or toward Jewish community institutions and religious facilities. Examples of antisemitism are included with the International Holocaust Remembrance Alliance's "Working Definition of Antisemitism" adopted on May 26, 2016.

(3) "Commission" means the Texas Historical Commission.

(4) "Genocide" means any of the following acts committed with intent to wholly or partly destroy a national, ethnic, racial, or religious group:

(A) killing members of the group;

(B) causing serious bodily or mental harm to members of the group;

(C) deliberately inflicting on the group conditions of life calculated to wholly or partly cause the group's physical destruction;

(D) imposing measures intended to prevent births within the group; or

(E) forcibly transferring children of the group to another group.

(5) "Holocaust" means the killing of approximately six million Jews and millions of other persons during World War II by the National Socialist German Workers' Party (Nazis) and Nazi collaborators as part of a state-sponsored, systematic program of

genocide and other acts of persecution, discrimination, violence, or other human rights violations committed by the Nazis and Nazi collaborators against those persons.

Sec. 448.002. SUNSET REVIEW. The advisory commission shall be reviewed during the period in which the Texas Historical Commission is reviewed under Chapter 325.

Sec. 448.003. ADVISORY COMMISSION. The Texas Holocaust, Genocide, and Antisemitism Advisory Commission is established as an advisory commission to the commission.

SUBCHAPTER B. TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY COMMISSION

Sec. 448.051. COMPOSITION OF ADVISORY COMMISSION. (a) The governor shall appoint nine members to the advisory commission.

(b) A member of the advisory commission must be a resident of this state.

(c) The advisory commission must include members who:

(1) have demonstrated a significant interest in and are knowledgeable about issues in the Jewish community and antisemitism;

(2) 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 antisemitism, the Holocaust, or other genocides;

(3) have significant professional experience in the field of Holocaust or genocide education;

(4) represent liberators of Holocaust or other genocide victims; or

(5) have demonstrated a significant, particular interest in Holocaust or genocide education.

(d) The governor shall fill any vacancy in a position on the advisory commission for the unexpired portion of the term.

Sec. 448.052. TERMS. (a) Advisory commission members serve staggered six-year terms with the terms of three members expiring February 1 of each odd-numbered year.

(b) An advisory commission member is eligible for reappointment to another term or part of a term.

(c) An advisory commission member may not serve more than two consecutive terms. For purposes of this subsection, a member is considered to have served a term only if the member served two or more years of the member's term.

Sec. 448.053. PRESIDING OFFICER. The governor shall designate a member of the advisory commission as presiding officer of the advisory commission to serve in that capacity at the pleasure of the governor.

Sec. 448.054. SUBCOMMITTEES. The presiding officer of the advisory commission may appoint a subcommittee for any purpose consistent with the duties of the advisory commission under this chapter.

Sec. 448.055. COMPENSATION; EXPENSES. A member of the advisory commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting advisory commission business, as provided by the General Appropriations Act.

Sec. 448.056. MEETINGS; QUORUM; PUBLIC ACCESS. (a) The advisory commission shall meet at least quarterly at the times and places in this state the commission designates.

(b) Five voting members of the advisory commission constitute a quorum for transacting advisory commission business.

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

Sec. 448.057. TRAINING. Each member of the advisory commission shall complete the training program prescribed by the commission. The program must provide the member with information on:

(1) the role and duties of advisory commission members;

(2) the functions of the advisory commission; and

(3) the commission's oversight of the advisory commission.

Sec. 448.058. PERSONNEL. The commission shall:

(1) hire personnel as necessary to support the

advisory commission in fulfilling its duties under this chapter, including establishing staffing levels, position titles, and salaries of the employees and managing and evaluating the employees; and

(2) provide other administrative support to the advisory commission as necessary.

SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION AND ADVISORY COMMISSION; FUNDING

Sec. 448.101. DUTIES OF ADVISORY COMMISSION. (a) The advisory commission, under direction of the commission, shall:

(1) conduct a study on antisemitism in this state and submit a report on the results of the study to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature not later than November 1 of each even-numbered year;

(2) provide advice and assistance to public and private primary and secondary schools and institutions of higher education in this state regarding methods of combating antisemitism and implementation of Holocaust and genocide courses of study and awareness programs;

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

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

(5) annually coordinate events in this state 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 advisory commission for that purpose; and

(6) solicit volunteers to participate in

commemorative events designed to enhance public awareness of the fight against antisemitism and continuing significance of the Holocaust and other genocides.

(b) In implementing Subsection (a), the advisory commission, under direction of the commission, may contact and cooperate with:

(1) existing public or private antisemitism, Holocaust, or other genocide resource organizations, including the United States Holocaust Memorial Museum;

(2) other museums, centers, and organizations based in this state;

(3) state agencies that perform this state's educational functions as delegated under the Education Code, including the Texas Education Agency and the Texas Higher Education Coordinating Board;

(4) the Texas Veterans Commission; and

(5) members of the United States Congress and of the legislature of this state.

(c) The commission may provide matching grants to assist in the implementation of the advisory commission's goals and objectives.

(d) Chapter 2110 does not apply to the advisory commission.

Sec. 448.102. COMMISSION POWERS AND DUTIES. (a) The commission shall adopt rules as necessary governing the operation of the advisory commission. The rules may include the delegation of certain final decisions and authorities to the advisory commission that are appropriate given the advisory commission's advisory status.

(b) The commission, in coordination with the advisory commission, shall adopt rules, policies, and procedures for the matching grants program established to assist in the implementation of the goals and objectives of this chapter. The commission must prescribe for the program an annual budget, a funding cycle, goals, award eligibility criteria, grant application and selection processes, requirements for in-kind services and matching fund waivers, maximum grant awards, conflict of interest policies, data collection and evaluation, and audits of grant recipients.

Sec. 448.103. FUNDING. (a) The commission may accept gifts and grants from a public or private source on behalf of the advisory commission for the advisory commission to use in performing the duties assigned to the advisory commission under this chapter.

(b) All legislative appropriations to support the functions and activities of the advisory commission shall be made as part of the commission's legislative appropriations request process and disbursed to the commission.

Sec. 448.104. COMMISSION REPORT; AUDITS. (a) The commission shall include the activities of the advisory commission as authorized by Section 448.101 in the report the commission is required to submit under Section 442.005(n).

(b) The advisory commission is subject to audit and evaluation by the commission or another appropriate state agency, including the state auditor's office.

Sec. 448.105. CONTRACTS WITH NONPROFIT ORGANIZATIONS. (a) The commission may contract with one or more nonprofit organizations to assist in fulfilling the advisory commission's duties under this chapter.

(b) The commission shall adopt rules relating to contracts entered into under this section. The rules must require each contract to clearly establish:

(1) the role of the nonprofit organization in assisting the advisory commission in fulfilling its duties under this chapter;

(2) the nature of the relationship between the commission and the nonprofit organization;

(3) the performance expectations for the nonprofit organization;

(4) requirements and expectations regarding the nonprofit organization's employees;

(5) the commission's expectations regarding ownership of any literature, media, or other products developed or produced by the nonprofit organization to assist the advisory commission in fulfilling its duties under this chapter;

(6) the commission's long-term goals for the advisory commission and the nonprofit organization's role in meeting those

goals;

(7) a system for evaluating the nonprofit organization's overall performance, including the organization's effectiveness in meeting the performance expectations described by Subdivision (3); and

(8) the types of support, other than financial support, the commission will provide to the nonprofit organization to assist in the fulfillment of the advisory commission's duties.

SECTION 2. Section 29.9072(c), Education Code, is amended to read as follows:

(c) Holocaust Remembrance Week shall include age-appropriate instruction, as determined by each school district. Instruction shall include:

(1) information about the history of and lessons learned from the Holocaust;

(2) participation, in person or using technology, in learning projects about the Holocaust; and

(3) the use of materials developed or approved by the Texas Holocaust, ~~and~~ Genocide, and Antisemitism Advisory Commission.

SECTION 3. Chapter 449, Government Code, is repealed.

SECTION 4. (a) As soon as practicable after the effective date of this Act, the governor shall appoint members to the vacant positions on the Texas Holocaust, Genocide, and Antisemitism Advisory Commission as provided by Chapter 448, Government Code, as added by this Act. To implement the staggering of terms of members of the advisory commission provided by Section 448.052, Government Code, as added by this Act, in making the first appointments to the advisory commission, the governor shall provide for three of the members to serve terms expiring February 1, 2023, three of the members to serve terms expiring February 1, 2025, and three of the members to serve terms expiring February 1, 2027. Subsequent appointments shall be for six-year terms, as provided by Section 448.052, Government Code, as added by this Act.

(b) Members who have served two terms under the former Texas Holocaust and Genocide Commission are not eligible for appointment under the Texas Holocaust, Genocide, and Antisemitism Advisory

Commission.

(c) Section 448.057, Government Code, as added by this Act, applies to a member of the Texas Holocaust, Genocide, and Antisemitism Advisory Commission appointed before, on, or after the effective date of this Act.

SECTION 5. (a) Not later than December 1, 2022, the Texas Historical Commission and the Texas Holocaust, Genocide, and Antisemitism Advisory Commission shall provide a written report to the Sunset Advisory Commission on the progress of the Texas Historical Commission and the Texas Holocaust, Genocide, and Antisemitism Advisory Commission in implementing the changes in law made by this Act. The report must identify any obstacles or concerns encountered in implementing the changes.

(b) All contracts and agreements of the former Texas Holocaust and Genocide Commission are continued in effect as contracts and agreements of the Texas Historical Commission.

(c) The Texas Historical Commission shall coordinate with the Texas Holocaust, Genocide, and Antisemitism Advisory Commission and the Legislative Budget Board to propose goals, strategies, and performance measures for the advisory commission in the commission's legislative appropriations request for the state fiscal biennium ending August 31, 2025.

SECTION 6. As soon as practicable after the effective date of this Act, the Texas Historical Commission shall perform an evaluation of the job titles and salaries of personnel employed by the commission to support the Texas Holocaust, Genocide, and Antisemitism Advisory Commission under Section 448.058, Government Code, as added by this Act, in order to ensure that the salaries and titles are commensurate with other commission employees with comparable duties.

SECTION 7. This Act takes effect September 1, 2021.