

All Published Pre-filed Amendments for HB 3257

Goldman

Amendment

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: 

1 Amend C.S.H.B. No. 3257 (house committee printing) by
2 striking all below the enacting clause and substituting the
3 following:

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

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

8 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

9 Sec. 448.001. DEFINITIONS. In this chapter:

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

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

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

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

25 (A) killing members of the group;

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

28 (C) deliberately inflicting on the group
29 conditions of life calculated to wholly or partly cause the group's

1 physical destruction;

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

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

6 (5) "Holocaust" means the killing of approximately six
7 million Jews and millions of other persons during World War II by
8 the National Socialist German Workers' Party (Nazis) and Nazi
9 collaborators as part of a state-sponsored, systematic program of
10 genocide and other acts of persecution, discrimination, violence,
11 or other human rights violations committed by the Nazis and Nazi
12 collaborators against those persons.

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

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

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

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

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

25 (c) The advisory commission must include members who:

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

29 (2) have served prominently as leaders of or
30 spokespersons for public or private organizations that serve
31 members of religious, ethnic, national heritage, or social groups

1 that were subjected to antisemitism, the Holocaust, or other
2 genocides;

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

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

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

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

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

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

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

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

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

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

1 General Appropriations Act.

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

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

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

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

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

17 (2) the functions of the advisory commission; and

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

20 Sec. 448.058. PERSONNEL. The commission shall:

21 (1) hire personnel as necessary to support the
22 advisory commission in fulfilling its duties under this chapter,
23 including establishing staffing levels, position titles, and
24 salaries of the employees and managing and evaluating the
25 employees; and

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

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

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

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

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

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

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

22 (5) annually coordinate events in this state
23 memorializing the Holocaust and other genocides on January 27,
24 International Holocaust Remembrance Day, on the Days of Remembrance
25 established by the United States Congress, or on any other day
26 designated by the advisory commission for that purpose; and

27 (6) solicit volunteers to participate in
28 commemorative events designed to enhance public awareness of the
29 fight against antisemitism and continuing significance of the
30 Holocaust and other genocides.

31 (b) In implementing Subsection (a), the advisory

1 commission, under direction of the commission, may contact and
2 cooperate with:

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

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

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

12 (4) the Texas Veterans Commission; and

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

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

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

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

25 (b) The commission, in coordination with the advisory
26 commission, shall adopt rules, policies, and procedures for the
27 matching grants program established to assist in the implementation
28 of the goals and objectives of this chapter. The commission must
29 prescribe for the program an annual budget, a funding cycle, goals,
30 award eligibility criteria, grant application and selection
31 processes, requirements for in-kind services and matching fund

1 waivers, maximum grant awards, conflict of interest policies, data
2 collection and evaluation, and audits of grant recipients.

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

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

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

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

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

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

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

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

30 (3) the performance expectations for the nonprofit
31 organization;

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 4. (a) As soon as practicable after the effective
31 date of this Act, the governor shall appoint members to the vacant

1 positions on the Texas Holocaust, Genocide, and Antisemitism
2 Advisory Commission as provided by Chapter 448, Government Code, as
3 added by this Act. To implement the staggering of terms of members
4 of the advisory commission provided by Section 448.052, Government
5 Code, as added by this Act, in making the first appointments to the
6 advisory commission, the governor shall provide for three of the
7 members to serve terms expiring February 1, 2023, three of the
8 members to serve terms expiring February 1, 2025, and three of the
9 members to serve terms expiring February 1, 2027. Subsequent
10 appointments shall be for six-year terms, as provided by Section
11 448.052, Government Code, as added by this Act.

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

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

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

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

31 (c) The Texas Historical Commission shall coordinate with

1 the Texas Holocaust, Genocide, and Antisemitism Advisory
2 Commission and the Legislative Budget Board to propose goals,
3 strategies, and performance measures for the advisory commission in
4 the commission's legislative appropriations request for the state
5 fiscal biennium ending August 31, 2025.

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

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