

## **BILL ANALYSIS**

Senate Research Center

H.B. 3257  
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Natural Resources & Economic Development  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In recent years, instances of antisemitic activity in the United States have increased. According to the United States Department of Justice, American Jews are at a greater risk of being subjected to hate crimes than any other faith group in this country. As the First Amendment to the United States Constitution guarantees freedom of religion, it is important that the state do all that it can to help identify and root out antisemitism and ensure that all Texans are able to exercise their religious freedom without fear.

To address this issue, H.B. 3257 establishes the Texas Holocaust, Genocide, and Antisemitism Advisory Commission to replace the Texas Holocaust and Genocide Commission. This commission will serve as an advisory commission to the Texas Historical Commission to identify and combat antisemitism in Texas. In addition, H.B. 3257 formally adopts the International Holocaust Remembrance Alliance's definition of antisemitism, which is widely used by the international community.

H.B. 3257 amends current law relating to the creation of the Texas Holocaust, Genocide, and Antisemitism Advisory Commission.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Historical Commission in SECTION 1 (Sections 448.102 and 448.105, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle D, Title 4, Government Code, by adding Chapter 448, as follows:

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

##### **SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS**

Sec. 448.001. DEFINITIONS. Defines "advisory commission," "antisemitism," "commission," "genocide," and "Holocaust."

Sec. 448.002. SUNSET REVIEW. Requires the Texas Holocaust, Genocide, and Antisemitism Advisory Commission (advisory commission) to be reviewed during the period in which the Texas Historical Commission (THC) is reviewed under Chapter 325 (Sunset Law).

Sec. 448.003. ADVISORY COMMISSION. Establishes the advisory commission as an advisory commission to THC.

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

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

(b) Requires a member of the advisory commission to be a resident of this state.

(c) Requires the advisory commission to 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) Requires the governor to fill any vacancy in a position on the advisory commission for the unexpired portion of the term.

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

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

(c) Prohibits an advisory commission member from serving more than two consecutive terms. Provides that 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. Requires the governor to 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. Authorizes the presiding officer of the advisory commission to appoint a subcommittee for any purpose consistent with the duties of the advisory commission under this chapter.

Sec. 448.055. COMPENSATION; EXPENSES. Provides that 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) Requires the advisory commission to meet at least quarterly at the times and places in Texas that THC designates.

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

(c) Requires THC to 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. Requires each member of the advisory commission to complete the training program prescribed by THC. Requires that the program provide the member with information on the role and duties of advisory commission members, the functions of the advisory commission, and THC's oversight of the advisory commission.

Sec. 448.058. PERSONNEL. Requires THC to:

- (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) Requires the advisory commission, under direction of THC, to:

- (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 Texas 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;
- (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;
- (7) collaborate with appropriate groups to support efforts to recognize International Holocaust Remembrance Day; and
- (8) make recommendations as to whether International Holocaust Remembrance Day is required to be a state holiday.

(b) Authorizes the advisory commission, in implementing Subsection (a), under direction of THC, to 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) Authorizes THC to provide matching grants to assist in the implementation of the advisory commission's goals and objectives.

(d) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the advisory commission.

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

(b) Requires THC, in coordination with the advisory commission, to adopt rules, policies, and procedures for the matching grants program established to assist in the implementation of the goals and objectives of this chapter. Requires THC to 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) Authorizes THC to 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) Requires that all legislative appropriations to support the functions and activities of the advisory commission be made as part of THC's legislative appropriations request process and disbursed to THC.

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

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

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

(b) Requires THC to adopt rules relating to contracts entered into under this section. Requires that the rules 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 THC and the nonprofit organization;
- (3) the performance expectations for the nonprofit organization;
- (4) requirements and expectations regarding the nonprofit organization's employees;
- (5) THC'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) THC'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, THC will provide to the nonprofit organization to assist in the fulfillment of the advisory commission's duties.

SECTION 2. Amends Section 29.9072(c), Education Code, to make a conforming change.

SECTION 3. Repealer: Chapter 449 (Texas Holocaust and Genocide Commission), Government Code.

SECTION 4. (a) Requires the governor, as soon as practicable after the effective date of this Act, to appoint members to the vacant positions on the advisory commission as provided by Chapter 448, Government Code, as added by this Act. Requires the governor, 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, to 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. Requires that subsequent appointments be for six-year terms, as provided by Section 448.052, Government Code, as added by this Act.

(b) Provides that members who have served two terms under the former Texas Holocaust and Genocide Commission (THGC) are not eligible for appointment under the advisory commission.

(c) Provides that Section 448.057, Government Code, as added by this Act, applies to a member of the advisory commission appointed before, on, or after the effective date of this Act.

SECTION 5. (a) Requires THC and the advisory commission, not later than December 1, 2022, to provide a written report to the Sunset Advisory Commission on the progress of THC and the advisory commission in implementing the changes in law made by this Act. Requires that the report identify any obstacles or concerns encountered in implementing the changes.

(b) Provides that all contracts and agreements of the former THGC are continued in effect as contracts and agreements of THC.

(c) Requires THC to coordinate with the advisory commission and the Legislative Budget Board to propose goals, strategies, and performance measures for the advisory commission in THC's legislative appropriations request for the state fiscal biennium ending August 31, 2025.

SECTION 6. Requires THC, as soon as practicable after the effective date of this Act, to perform an evaluation of the job titles and salaries of personnel employed by THC to support the 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 THC employees with comparable duties.

SECTION 7. Effective date: September 1, 2021.