87R8067 MWC-D

By:  Lucio S.B. No. 708

A BILL TO BE ENTITLED

AN ACT

relating to the continuation of the Texas Holocaust and Genocide Commission as an advisory committee to the Texas Historical Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Chapter 449, Government Code, is amended to read as follows:

CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE ADVISORY COMMITTEE [~~COMMISSION~~]

SECTION 2.  Section 449.001, Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1)  "Advisory committee" means the Texas Holocaust and Genocide Advisory Committee.

(1-a)  "Commission" means the Texas Historical [~~Holocaust and Genocide~~] Commission.

SECTION 3.  Section 449.002, Government Code, is amended to read as follows:

Sec. 449.002.  APPLICATION OF SUNSET ACT [~~PROVISION~~]. The advisory committee [~~Texas Holocaust and Genocide Commission~~] is subject to Chapter 325 (Texas Sunset Act). The advisory committee shall be reviewed during the period in which the commission is reviewed [~~Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021~~].

SECTION 4.  Section 449.004, Government Code, is amended to read as follows:

Sec. 449.004.  ADVISORY COMMITTEE [~~COMPOSITION OF COMMISSION~~]. (a) The Texas Holocaust and Genocide Advisory Committee is established as an advisory committee to the commission.

(b)  The advisory committee [~~commission~~] is composed of [~~18 members as follows:~~

[~~(1)~~]  15 [~~public~~] members appointed as follows:

(1) [~~(A)~~]  five [~~public~~] members appointed by the governor;

(2) [~~(B)~~]  five [~~public~~] members appointed by the lieutenant governor; and

(3) [~~(C)~~]  five [~~public~~] members appointed by the speaker of the house of representatives[~~; and~~

[~~(2)  three ex officio members as follows:~~

[~~(A)  the commissioner of education;~~

[~~(B)  the commissioner of higher education; and~~

[~~(C)  the executive director of the Texas Veterans Commission.~~

[~~(b)  The speaker of the house of representatives shall designate a member of the house and the lieutenant governor shall designate a member of the senate to advise the commission~~].

SECTION 5.  Section 449.005, Government Code, is amended to read as follows:

Sec. 449.005.  ADVISORY COMMITTEE [~~PUBLIC~~] MEMBERS: ELIGIBILITY; APPOINTMENT; VACANCY. (a) A person appointed as a [~~public~~] member of the advisory committee [~~commission~~] must be a resident of this state.

(b)  Members [~~Public members~~] of the advisory committee [~~commission~~] must include:

(1)  persons who 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 the Holocaust or other genocides;

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

(3)  persons who represent liberators of Holocaust or other genocide victims; and

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

(c)  Appointments of [~~public~~] members to the advisory committee [~~commission~~] shall be made:

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

(2)  so that each geographic area of this state is represented on the advisory committee [~~commission~~].

(d)  The original appointing authority shall fill any vacancy in a [~~an appointed~~] position on the advisory committee [~~commission~~] for the unexpired portion of the term.

SECTION 6.  Section 449.007, Government Code, is amended to read as follows:

Sec. 449.007.  REMOVAL OF ADVISORY COMMITTEE [~~PUBLIC~~] MEMBER. (a) It is a ground for removal of a [~~public~~] member from the advisory committee [~~commission~~] if the member:

(1)  is ineligible for [~~public~~] membership under Section 449.005(a);

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

(3)  is absent from more than three consecutive regularly scheduled advisory committee [~~commission~~] meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the advisory committee [~~commission~~].

(b)  The validity of an action of the advisory committee [~~commission~~] is not affected by the fact that it is taken when a ground for removal of an advisory committee [~~a commission~~] member exists.

(c)  If a member of the advisory committee [~~commission~~] has knowledge that a potential ground for removal exists, the member shall notify the presiding officer of the advisory committee [~~commission~~] of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 7.  Section 449.008, Government Code, is amended to read as follows:

Sec. 449.008.  TERM OF ADVISORY COMMITTEE [~~PUBLIC~~] MEMBER. (a) Members [~~Public members~~] of the advisory committee [~~commission~~] serve staggered four-year terms with the terms of seven or eight members expiring February 1 of each odd-numbered year.

(b)  An advisory committee [~~A public~~] member is eligible for reappointment to another term or part of a term.

(c)  An advisory committee [~~A public~~] member may not serve more than two consecutive terms. For purposes of this prohibition, a member is considered to have served a term only if the member has served more than half of the term.

SECTION 8.  Section 449.009, Government Code, is amended to read as follows:

Sec. 449.009.  OFFICERS; SUBCOMMITTEES. (a) The governor shall designate a [~~public~~] member of the advisory committee [~~commission~~] as presiding officer to serve in that capacity at the pleasure of the governor.

(b)  The presiding officer of the advisory committee [~~commission~~] may appoint a subcommittee for any purpose consistent with the duties of the advisory committee [~~commission~~] under this chapter.

SECTION 9.  Section 449.010, Government Code, is amended to read as follows:

Sec. 449.010.  COMPENSATION; EXPENSES. [~~(a)~~] A [~~public~~] member of the advisory committee [~~commission~~] is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting advisory committee [~~commission~~] business, as provided by the General Appropriations Act.

[~~(b)  An ex officio member's service on the commission is an additional duty of the underlying position that qualifies the member for service on the commission.  The entitlement of an ex officio member to compensation or to reimbursement for travel expenses incurred while transacting commission business is governed by the law that applies to the member's service in that underlying position, and any payment to the member for either purpose must be made from money that may be used for the purpose and is available to the state agency that the member serves in that underlying position.~~]

SECTION 10.  Section 449.011, Government Code, is amended to read as follows:

Sec. 449.011.  MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a) The advisory committee [~~commission~~] shall meet at least quarterly at the times and places in this state that the advisory committee [~~commission~~] designates.

(b)  Seven voting members of the advisory committee [~~commission~~] constitute a quorum for transacting advisory committee [~~commission~~] business.

(c)  [~~An ex officio member of the commission may not vote on commission business.~~

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

SECTION 11.  Subchapter A, Chapter 449, Government Code, is amended by adding Section 449.0115 to read as follows:

Sec. 449.0115.  TRAINING. Each member of the advisory committee 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 committee members;

(2)  the functions of the advisory committee; and

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

SECTION 12.  Section 449.012, Government Code, is amended to read as follows:

Sec. 449.012.  PERSONNEL [~~COORDINATOR~~]. The commission shall:

(1)  hire [~~Texas Historical Commission shall provide~~] personnel as necessary to support the advisory committee 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 committee as necessary [~~one part-time employee to serve as the coordinator for the Texas Holocaust and Genocide Commission to transact commission business~~].

SECTION 13.  Subchapter A, Chapter 449, Government Code, is amended by adding Section 449.013 to read as follows:

Sec. 449.013.  APPLICABILITY OF OTHER LAW. Chapter 2110 does not apply to the advisory committee.

SECTION 14.  The heading to Subchapter B, Chapter 449, Government Code, is amended to read as follows:

SUBCHAPTER B. POWERS AND DUTIES OF COMMISSION AND

ADVISORY COMMITTEE; FUNDING

SECTION 15.  Subchapter B, Chapter 449, Government Code, is amended by adding Section 449.0515 to read as follows:

Sec. 449.0515.  MEMORANDUM OF UNDERSTANDING. The commission and advisory committee shall:

(1)  enter into a memorandum of understanding to establish the roles and responsibilities of the commission and advisory committee under this chapter, including necessary policies and procedures; and

(2)  periodically review and update the memorandum as necessary to carry out the purposes of this chapter.

SECTION 16.  Section 449.052, Government Code, is amended to read as follows:

Sec. 449.052.  GENERAL POWERS AND DUTIES OF ADVISORY COMMITTEE AND COMMISSION. (a) The advisory committee, under direction of the commission, shall:

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

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

(3)  [~~determine which, if any, existing Holocaust or other genocide memorials, exhibits, or other resources could be included in or used to support 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;

(4) [~~(5)~~]  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 committee [~~commission~~] for that purpose; and

(5) [~~(6)~~]  solicit volunteers to participate in commemorative events designed to enhance public awareness of the continuing significance of the Holocaust and other genocides.

(b)  In implementing Subsection (a) [~~(a)(3)~~], the advisory committee, under direction of the commission, may contact and cooperate with:

(1)  existing public or private 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 carry out the educational functions of the state delegated under the Education Code, including the Texas Education Agency and the Texas Higher Education Coordinating Board; [~~and~~]

(4)  the Texas Veterans Commission; and

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

(c)  The commission shall adopt rules as necessary governing the operation of the advisory committee [~~for its own procedures~~]. The rules may include the delegation of certain final decisions and authorities to the advisory committee that are appropriate given the committee's advisory status.

(d)  [~~The commission may appoint advisory committees to advise the commission.~~

[~~(e)~~] The commission, in coordination with the advisory committee, shall adopt rules, policies, and procedures for the [~~may provide~~] matching grants program established to assist in the implementation of the [~~commission's~~] 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.

SECTION 17.  Section 449.053, Government Code, is amended to read as follows:

Sec. 449.053.  FUNDING. (a) The commission may accept gifts and grants from a public or private source on behalf of the advisory committee for the advisory committee [~~commission~~] to use in performing the [~~commission's powers and~~] duties assigned to the advisory committee under this chapter. The commission may participate in the establishment and operation of an affiliated nonprofit organization whose purpose is to raise funds for or provide services or other benefits to the advisory committee [~~commission~~].

(b)  All legislative appropriations to [~~The Texas Historical Commission may provide staff and may~~] support the functions and activities of the advisory committee shall be made as part of the commission's legislative appropriations request process and disbursed to the commission [~~Texas Holocaust and Genocide Commission from money available to the Texas Historical Commission that may be used for this purpose. The legislature may also specifically appropriate money to the Texas Historical Commission to provide staff and to otherwise support functions and activities of the Texas Holocaust and Genocide Commission~~].

SECTION 18.  Subchapter B, Chapter 449, Government Code, is amended by adding Section 449.054 to read as follows:

Sec. 449.054.  COMMISSION REPORT; AUDITS. (a) The commission shall include the activities of the advisory committee as authorized by Section 449.052 in the report the commission is required to submit under Section 442.005(n).

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

SECTION 19.  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 Advisory Committee [~~Commission~~].

SECTION 20.  The following provisions of the Government Code are repealed:

(1)  Section 449.003;

(2)  Section 449.006; and

(3)  Section 449.051.

SECTION 21.  (a) On the effective date of this Act, a public member of the former Texas Holocaust and Genocide Commission becomes a member of the Texas Holocaust and Genocide Advisory Committee and continues the member's term on the advisory committee in accordance with the original appointment on the commission.

(b)  Section 449.0115, Government Code, as added by this Act, applies to a member of the Texas Holocaust and Genocide Advisory Committee appointed before, on, or after the effective date of this Act.

(c)  Not later than September 1, 2021, the Texas Historical Commission and the Texas Holocaust and Genocide Advisory Committee shall develop and enter into a memorandum of understanding as required by Section 449.0515, Government Code, as added by this Act. Before the effective date of this Act, the Texas Historical Commission and Texas Holocaust and Genocide Commission may begin developing the memorandum of understanding.

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

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

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

SECTION 22.  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 and Genocide Advisory Committee under Section 449.012, Government Code, as amended by this Act, in order to ensure that the salaries and titles are commensurate with other commission employees with comparable duties.

SECTION 23.  This Act takes effect September 1, 2021.