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H.B. No. 3257

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Texas Holocaust, Genocide, and
3 Antisemitism Advisory Commission.

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

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

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

9 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

10 Sec. 448.001. DEFINITIONS. In this chapter:

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

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

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

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

1 ethnic, racial, or religious group:

2 (A) killing members of the group;

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

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

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

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

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

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

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

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

27 Sec. 448.051. COMPOSITION OF ADVISORY COMMISSION. (a) The

1 governor shall appoint nine members to the advisory commission.

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

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

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

8 (2) have served prominently as leaders of or
9 spokespersons for public or private organizations that serve
10 members of religious, ethnic, national heritage, or social groups
11 that were subjected to antisemitism, the Holocaust, or other
12 genocides;

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

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

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

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

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

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

26 (c) An advisory commission member may not serve more than
27 two consecutive terms. For purposes of this subsection, a member is

1 considered to have served a term only if the member served two or
2 more years of the member's term.

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

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

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

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

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

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

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

1 on:

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

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

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

7 Sec. 448.058. PERSONNEL. The commission shall:

8 (1) hire personnel as necessary to support the
9 advisory commission in fulfilling its duties under this chapter,
10 including establishing staffing levels, position titles, and
11 salaries of the employees and managing and evaluating the
12 employees; and

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

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

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

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

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

1 awareness programs;

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

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

13 (5) annually coordinate events in this state
14 memorializing the Holocaust and other genocides on January 27,
15 International Holocaust Remembrance Day, on the Days of Remembrance
16 established by the United States Congress, or on any other day
17 designated by the advisory commission for that purpose;

18 (6) solicit volunteers to participate in
19 commemorative events designed to enhance public awareness of the
20 fight against antisemitism and continuing significance of the
21 Holocaust and other genocides;

22 (7) collaborate with appropriate groups to support
23 efforts to recognize International Holocaust Remembrance Day; and

24 (8) make recommendations as to whether International
25 Holocaust Remembrance Day shall be a state holiday.

26 (b) In implementing Subsection (a), the advisory
27 commission, under direction of the commission, may contact and

1 cooperate with:

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

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

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

11 (4) the Texas Veterans Commission; and

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

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

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

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

24 (b) The commission, in coordination with the advisory
25 commission, shall adopt rules, policies, and procedures for the
26 matching grants program established to assist in the implementation
27 of the goals and objectives of this chapter. The commission must

1 prescribe for the program an annual budget, a funding cycle, goals,
2 award eligibility criteria, grant application and selection
3 processes, requirements for in-kind services and matching fund
4 waivers, maximum grant awards, conflict of interest policies, data
5 collection and evaluation, and audits of grant recipients.

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

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

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

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

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

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

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

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

6 (3) the performance expectations for the nonprofit
7 organization;

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

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

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

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

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

24 SECTION 2. Section [29.9072\(c\)](#), Education Code, is amended
25 to read as follows:

26 (c) Holocaust Remembrance Week shall include
27 age-appropriate instruction, as determined by each school

1 district. Instruction shall include:

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

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

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

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

10 SECTION 4. (a) As soon as practicable after the effective
11 date of this Act, the governor shall appoint members to the vacant
12 positions on the Texas Holocaust, Genocide, and Antisemitism
13 Advisory Commission as provided by Chapter 448, Government Code, as
14 added by this Act. To implement the staggering of terms of members
15 of the advisory commission provided by Section 448.052, Government
16 Code, as added by this Act, in making the first appointments to the
17 advisory commission, the governor shall provide for three of the
18 members to serve terms expiring February 1, 2023, three of the
19 members to serve terms expiring February 1, 2025, and three of the
20 members to serve terms expiring February 1, 2027. Subsequent
21 appointments shall be for six-year terms, as provided by Section
22 448.052, Government Code, as added by this Act.

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

27 (c) Section 448.057, Government Code, as added by this Act,

1 applies to a member of the Texas Holocaust, Genocide, and
2 Antisemitism Advisory Commission appointed before, on, or after the
3 effective date of this Act.

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

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

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

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

1 comparable duties.

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