

1-1 By: King of Parker, et al. H.B. No. 3257  
 1-2 (Senate Sponsor - Alvarado)  
 1-3 (In the Senate - Received from the House April 21, 2021;  
 1-4 May 10, 2021, read first time and referred to Committee on Natural  
 1-5 Resources & Economic Development; May 21, 2021, reported favorably  
 1-6 by the following vote: Yeas 9, Nays 0; May 21, 2021, sent to  
 1-7 printer.)

1-8 COMMITTEE VOTE

1-9	Yea	Nay	Absent	PNV
1-10	Birdwell	X		
1-11	Zaffirini	X		
1-12	Alvarado	X		
1-13	Hancock	X		
1-14	Hinojosa	X		
1-15	Hughes	X		
1-16	Kolkhorst	X		
1-17	Lucio	X		
1-18	Seliger	X		

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the creation of the Texas Holocaust, Genocide, and  
 1-22 Antisemitism Advisory Commission.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle D, Title 4, Government Code, is amended  
 1-25 by adding Chapter 448 to read as follows:

1-26 CHAPTER 448. TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY  
 1-27 COMMISSION

1-28 SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

1-29 Sec. 448.001. DEFINITIONS. In this chapter:

1-30 (1) "Advisory commission" means the Texas Holocaust,  
 1-31 Genocide, and Antisemitism Advisory Commission.

1-32 (2) "Antisemitism" means a certain perception of Jews  
 1-33 that may be expressed as hatred toward Jews. The term includes  
 1-34 rhetorical and physical acts of antisemitism directed toward Jewish  
 1-35 or non-Jewish individuals or their property or toward Jewish  
 1-36 community institutions and religious facilities. Examples of  
 1-37 antisemitism are included with the International Holocaust  
 1-38 Remembrance Alliance's "Working Definition of Antisemitism"  
 1-39 adopted on May 26, 2016.

1-40 (3) "Commission" means the Texas Historical  
 1-41 Commission.

1-42 (4) "Genocide" means any of the following acts  
 1-43 committed with intent to wholly or partly destroy a national,  
 1-44 ethnic, racial, or religious group:

1-45 (A) killing members of the group;

1-46 (B) causing serious bodily or mental harm to  
 1-47 members of the group;

1-48 (C) deliberately inflicting on the group  
 1-49 conditions of life calculated to wholly or partly cause the group's  
 1-50 physical destruction;

1-51 (D) imposing measures intended to prevent births  
 1-52 within the group; or

1-53 (E) forcibly transferring children of the group  
 1-54 to another group.

1-55 (5) "Holocaust" means the killing of approximately six  
 1-56 million Jews and millions of other persons during World War II by  
 1-57 the National Socialist German Workers' Party (Nazis) and Nazi  
 1-58 collaborators as part of a state-sponsored, systematic program of  
 1-59 genocide and other acts of persecution, discrimination, violence,  
 1-60 or other human rights violations committed by the Nazis and Nazi  
 1-61 collaborators against those persons.

2-1 Sec. 448.002. SUNSET REVIEW. The advisory commission shall  
 2-2 be reviewed during the period in which the Texas Historical  
 2-3 Commission is reviewed under Chapter 325.

2-4 Sec. 448.003. ADVISORY COMMISSION. The Texas Holocaust,  
 2-5 Genocide, and Antisemitism Advisory Commission is established as an  
 2-6 advisory commission to the commission.

2-7 SUBCHAPTER B. TEXAS HOLOCAUST, GENOCIDE, AND ANTISEMITISM ADVISORY  
 2-8 COMMISSION

2-9 Sec. 448.051. COMPOSITION OF ADVISORY COMMISSION. (a) The  
 2-10 governor shall appoint nine members to the advisory commission.

2-11 (b) A member of the advisory commission must be a resident  
 2-12 of this state.

2-13 (c) The advisory commission must include members who:

2-14 (1) have demonstrated a significant interest in and  
 2-15 are knowledgeable about issues in the Jewish community and  
 2-16 antisemitism;

2-17 (2) have served prominently as leaders of or  
 2-18 spokespersons for public or private organizations that serve  
 2-19 members of religious, ethnic, national heritage, or social groups  
 2-20 that were subjected to antisemitism, the Holocaust, or other  
 2-21 genocides;

2-22 (3) have significant professional experience in the  
 2-23 field of Holocaust or genocide education;

2-24 (4) represent liberators of Holocaust or other  
 2-25 genocide victims; or

2-26 (5) have demonstrated a significant, particular  
 2-27 interest in Holocaust or genocide education.

2-28 (d) The governor shall fill any vacancy in a position on the  
 2-29 advisory commission for the unexpired portion of the term.

2-30 Sec. 448.052. TERMS. (a) Advisory commission members  
 2-31 serve staggered six-year terms with the terms of three members  
 2-32 expiring February 1 of each odd-numbered year.

2-33 (b) An advisory commission member is eligible for  
 2-34 reappointment to another term or part of a term.

2-35 (c) An advisory commission member may not serve more than  
 2-36 two consecutive terms. For purposes of this subsection, a member is  
 2-37 considered to have served a term only if the member served two or  
 2-38 more years of the member's term.

2-39 Sec. 448.053. PRESIDING OFFICER. The governor shall  
 2-40 designate a member of the advisory commission as presiding officer  
 2-41 of the advisory commission to serve in that capacity at the pleasure  
 2-42 of the governor.

2-43 Sec. 448.054. SUBCOMMITTEES. The presiding officer of the  
 2-44 advisory commission may appoint a subcommittee for any purpose  
 2-45 consistent with the duties of the advisory commission under this  
 2-46 chapter.

2-47 Sec. 448.055. COMPENSATION; EXPENSES. A member of the  
 2-48 advisory commission is not entitled to compensation but is entitled  
 2-49 to reimbursement for the travel expenses incurred by the member  
 2-50 while transacting advisory commission business, as provided by the  
 2-51 General Appropriations Act.

2-52 Sec. 448.056. MEETINGS; QUORUM; PUBLIC ACCESS. (a) The  
 2-53 advisory commission shall meet at least quarterly at the times and  
 2-54 places in this state the commission designates.

2-55 (b) Five voting members of the advisory commission  
 2-56 constitute a quorum for transacting advisory commission business.

2-57 (c) The commission shall develop and implement policies  
 2-58 that provide the public with a reasonable opportunity to appear  
 2-59 before the advisory commission and speak on any issue under the  
 2-60 jurisdiction of the advisory commission.

2-61 Sec. 448.057. TRAINING. Each member of the advisory  
 2-62 commission shall complete the training program prescribed by the  
 2-63 commission. The program must provide the member with information  
 2-64 on:

2-65 (1) the role and duties of advisory commission  
 2-66 members;

2-67 (2) the functions of the advisory commission; and

2-68 (3) the commission's oversight of the advisory  
 2-69 commission.

3-1 Sec. 448.058. PERSONNEL. The commission shall:

3-2 (1) hire personnel as necessary to support the  
 3-3 advisory commission in fulfilling its duties under this chapter,  
 3-4 including establishing staffing levels, position titles, and  
 3-5 salaries of the employees and managing and evaluating the  
 3-6 employees; and

3-7 (2) provide other administrative support to the  
 3-8 advisory commission as necessary.

3-9 SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION AND ADVISORY  
 3-10 COMMISSION; FUNDING

3-11 Sec. 448.101. DUTIES OF ADVISORY COMMISSION. (a) The  
 3-12 advisory commission, under direction of the commission, shall:

3-13 (1) conduct a study on antisemitism in this state and  
 3-14 submit a report on the results of the study to the governor, the  
 3-15 lieutenant governor, the speaker of the house of representatives,  
 3-16 and each member of the legislature not later than November 1 of each  
 3-17 even-numbered year;

3-18 (2) provide advice and assistance to public and  
 3-19 private primary and secondary schools and institutions of higher  
 3-20 education in this state regarding methods of combating antisemitism  
 3-21 and implementation of Holocaust and genocide courses of study and  
 3-22 awareness programs;

3-23 (3) meet with appropriate representatives of public  
 3-24 and private organizations, including service organizations, to  
 3-25 provide information on and to assist in planning, coordinating, or  
 3-26 modifying antisemitism awareness programs and Holocaust and  
 3-27 genocide courses of study and awareness programs;

3-28 (4) compile a list of volunteers, such as Holocaust or  
 3-29 other genocide survivors, liberators of concentration camps,  
 3-30 scholars, and members of the clergy, who have agreed to share, in  
 3-31 classrooms, seminars, exhibits, or workshops, their verifiable  
 3-32 knowledge and experiences regarding the Holocaust or other  
 3-33 genocide;

3-34 (5) annually coordinate events in this state  
 3-35 memorializing the Holocaust and other genocides on January 27,  
 3-36 International Holocaust Remembrance Day, on the Days of Remembrance  
 3-37 established by the United States Congress, or on any other day  
 3-38 designated by the advisory commission for that purpose;

3-39 (6) solicit volunteers to participate in  
 3-40 commemorative events designed to enhance public awareness of the  
 3-41 fight against antisemitism and continuing significance of the  
 3-42 Holocaust and other genocides;

3-43 (7) collaborate with appropriate groups to support  
 3-44 efforts to recognize International Holocaust Remembrance Day; and

3-45 (8) make recommendations as to whether International  
 3-46 Holocaust Remembrance Day shall be a state holiday.

3-47 (b) In implementing Subsection (a), the advisory  
 3-48 commission, under direction of the commission, may contact and  
 3-49 cooperate with:

3-50 (1) existing public or private antisemitism,  
 3-51 Holocaust, or other genocide resource organizations, including the  
 3-52 United States Holocaust Memorial Museum;

3-53 (2) other museums, centers, and organizations based in  
 3-54 this state;

3-55 (3) state agencies that perform this state's  
 3-56 educational functions as delegated under the Education Code,  
 3-57 including the Texas Education Agency and the Texas Higher Education  
 3-58 Coordinating Board;

3-59 (4) the Texas Veterans Commission; and

3-60 (5) members of the United States Congress and of the  
 3-61 legislature of this state.

3-62 (c) The commission may provide matching grants to assist in  
 3-63 the implementation of the advisory commission's goals and  
 3-64 objectives.

3-65 (d) Chapter 2110 does not apply to the advisory commission.

3-66 Sec. 448.102. COMMISSION POWERS AND DUTIES. (a) The  
 3-67 commission shall adopt rules as necessary governing the operation  
 3-68 of the advisory commission. The rules may include the delegation of  
 3-69 certain final decisions and authorities to the advisory commission

4-1 that are appropriate given the advisory commission's advisory  
4-2 status.

4-3 (b) The commission, in coordination with the advisory  
4-4 commission, shall adopt rules, policies, and procedures for the  
4-5 matching grants program established to assist in the implementation  
4-6 of the goals and objectives of this chapter. The commission must  
4-7 prescribe for the program an annual budget, a funding cycle, goals,  
4-8 award eligibility criteria, grant application and selection  
4-9 processes, requirements for in-kind services and matching fund  
4-10 waivers, maximum grant awards, conflict of interest policies, data  
4-11 collection and evaluation, and audits of grant recipients.

4-12 Sec. 448.103. FUNDING. (a) The commission may accept gifts  
4-13 and grants from a public or private source on behalf of the advisory  
4-14 commission for the advisory commission to use in performing the  
4-15 duties assigned to the advisory commission under this chapter.

4-16 (b) All legislative appropriations to support the functions  
4-17 and activities of the advisory commission shall be made as part of  
4-18 the commission's legislative appropriations request process and  
4-19 disbursed to the commission.

4-20 Sec. 448.104. COMMISSION REPORT; AUDITS. (a) The  
4-21 commission shall include the activities of the advisory commission  
4-22 as authorized by Section 448.101 in the report the commission is  
4-23 required to submit under Section 442.005(n).

4-24 (b) The advisory commission is subject to audit and  
4-25 evaluation by the commission or another appropriate state agency,  
4-26 including the state auditor's office.

4-27 Sec. 448.105. CONTRACTS WITH NONPROFIT ORGANIZATIONS. (a)  
4-28 The commission may contract with one or more nonprofit  
4-29 organizations to assist in fulfilling the advisory commission's  
4-30 duties under this chapter.

4-31 (b) The commission shall adopt rules relating to contracts  
4-32 entered into under this section. The rules must require each  
4-33 contract to clearly establish:

4-34 (1) the role of the nonprofit organization in  
4-35 assisting the advisory commission in fulfilling its duties under  
4-36 this chapter;

4-37 (2) the nature of the relationship between the  
4-38 commission and the nonprofit organization;

4-39 (3) the performance expectations for the nonprofit  
4-40 organization;

4-41 (4) requirements and expectations regarding the  
4-42 nonprofit organization's employees;

4-43 (5) the commission's expectations regarding ownership  
4-44 of any literature, media, or other products developed or produced  
4-45 by the nonprofit organization to assist the advisory commission in  
4-46 fulfilling its duties under this chapter;

4-47 (6) the commission's long-term goals for the advisory  
4-48 commission and the nonprofit organization's role in meeting those  
4-49 goals;

4-50 (7) a system for evaluating the nonprofit  
4-51 organization's overall performance, including the organization's  
4-52 effectiveness in meeting the performance expectations described by  
4-53 Subdivision (3); and

4-54 (8) the types of support, other than financial  
4-55 support, the commission will provide to the nonprofit organization  
4-56 to assist in the fulfillment of the advisory commission's duties.

4-57 SECTION 2. Section 29.9072(c), Education Code, is amended  
4-58 to read as follows:

4-59 (c) Holocaust Remembrance Week shall include  
4-60 age-appropriate instruction, as determined by each school  
4-61 district. Instruction shall include:

4-62 (1) information about the history of and lessons  
4-63 learned from the Holocaust;

4-64 (2) participation, in person or using technology, in  
4-65 learning projects about the Holocaust; and

4-66 (3) the use of materials developed or approved by the  
4-67 Texas Holocaust, ~~and~~ Genocide, and Antisemitism Advisory  
4-68 Commission.

4-69 SECTION 3. Chapter 449, Government Code, is repealed.

5-1 SECTION 4. (a) As soon as practicable after the effective  
5-2 date of this Act, the governor shall appoint members to the vacant  
5-3 positions on the Texas Holocaust, Genocide, and Antisemitism  
5-4 Advisory Commission as provided by Chapter 448, Government Code, as  
5-5 added by this Act. To implement the staggering of terms of members  
5-6 of the advisory commission provided by Section 448.052, Government  
5-7 Code, as added by this Act, in making the first appointments to the  
5-8 advisory commission, the governor shall provide for three of the  
5-9 members to serve terms expiring February 1, 2023, three of the  
5-10 members to serve terms expiring February 1, 2025, and three of the  
5-11 members to serve terms expiring February 1, 2027. Subsequent  
5-12 appointments shall be for six-year terms, as provided by Section  
5-13 448.052, Government Code, as added by this Act.

5-14 (b) Members who have served two terms under the former Texas  
5-15 Holocaust and Genocide Commission are not eligible for appointment  
5-16 under the Texas Holocaust, Genocide, and Antisemitism Advisory  
5-17 Commission.

5-18 (c) Section 448.057, Government Code, as added by this Act,  
5-19 applies to a member of the Texas Holocaust, Genocide, and  
5-20 Antisemitism Advisory Commission appointed before, on, or after the  
5-21 effective date of this Act.

5-22 SECTION 5. (a) Not later than December 1, 2022, the Texas  
5-23 Historical Commission and the Texas Holocaust, Genocide, and  
5-24 Antisemitism Advisory Commission shall provide a written report to  
5-25 the Sunset Advisory Commission on the progress of the Texas  
5-26 Historical Commission and the Texas Holocaust, Genocide, and  
5-27 Antisemitism Advisory Commission in implementing the changes in law  
5-28 made by this Act. The report must identify any obstacles or  
5-29 concerns encountered in implementing the changes.

5-30 (b) All contracts and agreements of the former Texas  
5-31 Holocaust and Genocide Commission are continued in effect as  
5-32 contracts and agreements of the Texas Historical Commission.

5-33 (c) The Texas Historical Commission shall coordinate with  
5-34 the Texas Holocaust, Genocide, and Antisemitism Advisory  
5-35 Commission and the Legislative Budget Board to propose goals,  
5-36 strategies, and performance measures for the advisory commission in  
5-37 the commission's legislative appropriations request for the state  
5-38 fiscal biennium ending August 31, 2025.

5-39 SECTION 6. As soon as practicable after the effective date  
5-40 of this Act, the Texas Historical Commission shall perform an  
5-41 evaluation of the job titles and salaries of personnel employed by  
5-42 the commission to support the Texas Holocaust, Genocide, and  
5-43 Antisemitism Advisory Commission under Section 448.058, Government  
5-44 Code, as added by this Act, in order to ensure that the salaries and  
5-45 titles are commensurate with other commission employees with  
5-46 comparable duties.

5-47 SECTION 7. This Act takes effect September 1, 2021.

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