

By: Miles

S.B. No. 1636

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas African American Heritage Commission.

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

SECTION 1. Subtitle D, Title 4, Government Code, is amended by adding Chapter 451 to read as follows:

CHAPTER 451. TEXAS AFRICAN AMERICAN HERITAGE COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 451.001. PURPOSE. The purpose of the Texas African American Heritage Commission is to identify, preserve, interpret, and promote sites reflecting this state's African American heritage.

Sec. 451.002. DEFINITION. In this chapter, "commission" means the Texas African American Heritage Commission.

Sec. 451.003. SUNSET ACT. The Texas African American Heritage Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2033.

Sec. 451.004. ADMINISTRATIVE ATTACHMENT. (a) The commission is administratively attached to the Texas Historical Commission but is independent of direction by the Texas Historical Commission.

(b) The Texas Historical Commission shall provide administrative support services, including human resources,

budgetary, accounting, purchasing, payroll, information technology, and legal support services to the commission as necessary to carry out the purposes of this chapter.

Sec. 451.005. CONSULTATION; MEMORANDUM OF UNDERSTANDING.

(a) The Texas Historical Commission shall consult regularly with the commission for recommendations on matters impacting the preservation, identification, documentation, or representation of sites related to African American heritage, including:

(1) applications for designating state historical markers at sites where a claim is made regarding the site's connection to African American heritage; and

(2) proposed projects submitted to the Texas Historical Commission by a state agency for consultation under Section 106, National Historic Preservation Act of 1966 (54 U.S.C. Section 306108) in which a claim is made regarding the project site's connection to African American heritage.

(b) The Texas Historical Commission shall enter into a memorandum of understanding with the commission to coordinate consultations under Subsection (a) and any other joint efforts of both commissions.

SUBCHAPTER B. COMMISSION

Sec. 451.051. ESTABLISHMENT. The commission is established to preserve, interpret, and promote sites reflecting this state's African American heritage.

Sec. 451.052. COMMISSION MEMBERSHIP. (a) The commission is composed of nine members as follows:

(1) seven members appointed by the Texas Legislative

1 Black Caucus;

2 (2) one member appointed by the president of Texas
3 Southern University; and

4 (3) one member appointed by the president of Prairie
5 View A&M University.

6 (b) Members of the commission must:

7 (1) have a demonstrated interest in the preservation
8 of African American heritage; and

9 (2) be residents of this state.

10 (c) Appointments to the commission shall be made to ensure
11 that:

12 (1) each geographic area of this state is represented
13 on the commission; and

14 (2) the commission includes:

15 (A) at least one member with significant
16 professional experience in the preservation of African American
17 heritage; and

18 (B) at least one member with significant
19 professional experience in African American history, genealogy, or
20 archeology.

21 Sec. 451.053. TERMS; VACANCY. (a) Members of the
22 commission shall be appointed to staggered six-year terms with the
23 terms of one-third of the members expiring February 1 of each
24 odd-numbered year.

25 (b) Members of the commission are eligible for
26 reappointment to another term or part of a term.

27 (c) A vacancy shall be filled in the same manner as the

1 original appointment. A member appointed to fill a vacancy on the
2 commission shall serve for the remainder of the term for which the
3 predecessor of the member was appointed.

4 Sec. 451.054. REIMBURSEMENT FOR EXPENSES. A member of the
5 commission serves without pay but is entitled to reimbursement for
6 the travel expenses incurred by the member in attending commission
7 meetings as provided by the General Appropriations Act.

8 Sec. 451.055. PRESIDING OFFICER; OTHER OFFICERS. The
9 members of the commission shall elect from among the commission's
10 members a presiding officer and other officers considered
11 necessary.

12 Sec. 451.056. REMOVAL. (a) It is a ground for removal from
13 the commission that the member:

14 (1) is ineligible for membership under Section
15 451.052(b);

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

19 (3) is absent from more than half of the regularly
20 scheduled commission meetings that the member is eligible to attend
21 during a calendar year unless the absence is excused by majority
22 vote of the commission.

23 (b) The validity of an action of the commission is not
24 affected by the fact that it is taken when a ground for removal of a
25 commission member exists.

26 Sec. 451.057. COMMISSION MEETINGS; QUORUM; PUBLIC
27 PARTICIPATION. (a) The commission shall meet at least three times

1 each year at the times and places in this state that the commission
2 designates.

3 (b) Five members of the commission constitute a quorum for
4 transacting commission business.

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

9 Sec. 451.058. EXECUTIVE DIRECTOR; STAFF. (a) The Texas
10 Historical Commission shall provide one employee to serve as the
11 executive director for the commission to transact commission
12 business.

13 (b) The Texas Historical Commission may provide additional
14 staff and may support functions and activities of the commission
15 from money available to the Texas Historical Commission that may be
16 used for this purpose.

17 SUBCHAPTER C. DUTIES AND FUNDING

18 Sec. 451.101. GENERAL DUTIES. The commission may:

19 (1) promote public awareness of historic buildings,
20 sites, and structures reflecting this state's African American
21 heritage through special programs and events, exhibitions,
22 publications, and educational materials;

23 (2) support African American heritage education at the
24 elementary, secondary, and college or university levels;

25 (3) develop a program to catalog, preserve, assess,
26 and interpret sites reflecting this state's African American
27 heritage;

1 (4) build a statewide network of individuals,
2 organizations, and institutions interested in the preservation of
3 sites reflecting this state's African American heritage;

4 (5) make recommendations to the Texas Historical
5 Commission and county historical commissions regarding the
6 preservation of sites reflecting the state's African American
7 heritage, including recommendations regarding the installation of
8 markers recognizing districts, sites, individuals, events,
9 structures, and objects significant to African American history,
10 archeology, or culture;

11 (6) make recommendations to state agencies and local
12 governmental entities regarding policies and programs to promote
13 the preservation of sites reflecting this state's African American
14 heritage;

15 (7) appoint advisory committees as the commission
16 considers necessary to carry out this chapter;

17 (8) provide technical assistance to local governments
18 and nonprofit organizations to further the study and preservation
19 of African American heritage; and

20 (9) promote collaboration among local African
21 American heritage organizations in this state and provide support
22 and services to those organizations.

23 Sec. 451.102. ADVISORY STATUS. (a) In implementing its
24 duties under this chapter, the commission functions only in an
25 advisory capacity. Membership on the commission does not
26 constitute a public office.

27 (b) Chapter [2110](#) does not apply to the commission.

1 Sec. 451.103. FUNDING. (a) The commission may accept
2 gifts, grants, or donations or raise money from any available
3 public or private source for the commission to use in performing the
4 commission's duties under this chapter.

5 (b) The legislature may specifically appropriate money to
6 the Texas Historical Commission to provide staff and to otherwise
7 support functions and activities of the commission, or appropriate
8 money directly to the commission.

9 (c) The commission may participate in the establishment and
10 operation of an affiliated nonprofit organization dedicated to
11 raising money for or providing services or other benefits to the
12 commission.

13 Sec. 451.104. TEXAS AFRICAN AMERICAN HERITAGE COMMISSION
14 ACCOUNT. (a) The Texas African American Heritage Commission
15 account is created as an account in the general revenue fund. The
16 Texas Historical Commission shall administer the account.
17 Distributions from the account may be used only for furthering the
18 purposes of this chapter and duties of the commission under this
19 chapter. The account is composed of:

20 (1) amounts appropriated by the legislature to the
21 account; and

22 (2) gifts, grants, and other donations received by the
23 commission for the account.

24 SECTION 2. (a) Not later than January 1, 2022, the Texas
25 Legislative Black Caucus, the president of Texas Southern
26 University, and the president of Prairie View A&M University shall
27 appoint members to the Texas African American Heritage Commission

as provided by Chapter 451, Government Code, as added by this Act.

(b) In appointing the initial members of the commission, the officials described by Subsection (a) of this section shall appoint:

(1) three members to serve terms expiring February 1, 2023;

(2) three members to serve terms expiring February 1, 2025; and

(3) three members to serve terms expiring February 1, 2027.

SECTION 3. This Act takes effect September 1, 2021.