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By:  Thierry H.B. No. 3552

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Slavery and Segregation 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 452 to read as follows:

CHAPTER 452. TEXAS SLAVERY AND SEGREGATION COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 452.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Slavery and Segregation Commission.

(2)  "Segregation" means the legally or socially enforced separation of facilities, services, and opportunities, such as housing, medical care, education, employment, and transportation, on the basis of race or ethnicity.

(3)  "Slavery" means the enslavement of approximately six million Africans and thousands of other persons in the United States before the passage of the 13th Amendment to the United States Constitution. It includes state-sponsored, systematic acts of persecution, discrimination, violence, and other human rights violations committed against those persons by former slaveholders and slave traders.

Sec. 452.002.  SUNSET PROVISION. The Texas Slavery and Segregation 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, 2035.

Sec. 452.003.  ADMINISTRATIVE ATTACHMENT. The commission is administratively attached to the office of the secretary of state.

Sec. 452.004.  COMPOSITION OF COMMISSION. (a) The commission is composed of the following 18 members:

(1)  15 public members appointed as follows:

(A)  five public members appointed by the governor;

(B)  five public members appointed by the lieutenant governor; and

(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.

Sec. 452.005.  PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT; VACANCY. (a) A person appointed as a public member of the commission under Section 452.004 must be a resident of this state.

(b)  Public members of the commission must include:

(1)  persons who have served prominently as leaders of or spokespersons for public or private organizations that serve members of racial and ethnic groups that were victims of slavery or segregation;

(2)  persons who have significant professional experience in the field of slavery or segregation education; and

(3)  persons who have demonstrated a significant, particular interest in slavery or segregation education.

(c)  Appointments of public members to the 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 commission.

(d)  The original appointing authority shall fill any vacancy in an appointed position by appointing a new public member for the unexpired portion of the term.

Sec. 452.006.  EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION OF REPRESENTATIVE. (a) An ex officio member of the commission vacates the person's position on the commission if the person ceases to hold the position that qualifies the person for service on the commission.

(b)  An ex officio member may designate a representative to serve on the commission in the member's absence. A representative designated under this subsection must be an officer or employee of the state agency that employs the ex officio member.

Sec. 452.007.  REMOVAL OF PUBLIC MEMBER. (a) It is a ground for removal of a public member from the commission if the member:

(1)  is ineligible for public membership under Section 452.005(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 commission meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

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

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

Sec. 452.008.  TERM OF PUBLIC MEMBER. (a) A public member of the commission serves a four-year term expiring February 1 of every other odd-numbered year.

(b)  A public member is eligible for reappointment to another term or part of a term.

(c)  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.

Sec. 452.009.  OFFICERS; SUBCOMMITTEES. (a) The governor shall designate a public member of the commission as presiding officer to serve in that capacity at the pleasure of the governor.

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

Sec. 452.010.  COMPENSATION; EXPENSES. (a) A public member of the commission is not entitled to compensation but is entitled to reimbursement for travel expenses incurred by the member while transacting 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.

Sec. 452.011.  MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a) The commission shall meet at least quarterly at the times and places in this state that the commission designates.

(b)  Seven voting members of the commission constitute a quorum for transacting commission business. An ex officio member of the commission may not vote on commission business.

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

Sec. 452.012.  COORDINATOR. The office of the secretary of state shall provide one part-time employee to serve as the coordinator for the commission to transact commission business.

SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 452.051.  ADVISORY STATUS OF COMMISSION. (a) In implementing its powers and duties under this chapter, the commission functions only in an advisory capacity. Membership on the commission does not constitute a public office.

(b)  Chapter 2110 does not apply to the commission.

Sec. 452.052.  GENERAL POWERS AND DUTIES OF COMMISSION. (a) 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 the implementation of courses and awareness programs about slavery and segregation;

(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 courses and awareness programs about slavery and segregation;

(3)  determine which, if any, existing memorials, exhibits, or other resources on slavery or segregation could be included in or used to support courses and awareness programs about slavery and segregation;

(4)  compile a list of volunteers who have agreed to share their verifiable knowledge and experiences regarding slavery or segregation;

(5)  coordinate events in this state on days designated for memorializing slavery and segregation; and

(6)  solicit volunteers to participate in commemorative events designed to enhance public awareness of the continuing impact of slavery and segregation.

(b)  In implementing Subsection (a)(3), the commission may contact and cooperate with:

(1)  existing public or private resource organizations dedicated to slavery or segregation, including museums, centers, and organizations based in this state;

(2)  state agencies that carry out the educational functions of the state, including the Texas Education Agency and the Texas Higher Education Coordinating Board; and

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

(c)  The commission shall adopt rules as necessary for its own procedures.

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

Sec. 452.053.  FUNDING. (a) The commission may accept gifts and grants from a public or private source for the commission to use in performing the commission's powers and duties under this chapter.

(b)  The office of the secretary of state may provide staff and support commission functions and activities with money available to the office that may be used for that purpose. The legislature may also specifically appropriate money to the office of the secretary of state to provide staff and to otherwise support commission functions and activities.

SECTION 2.  (a) As soon as practicable after the effective date of this Act, the governor, the lieutenant governor, and the speaker of the house of representatives shall appoint public members to the Texas Slavery and Segregation Commission as provided by Chapter 452, Government Code, as added by this Act.

(b)  The terms of the initial public members appointed to the Texas Slavery and Segregation Commission expire February 1, 2027.

SECTION 3.  This Act takes effect September 1, 2023.