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H.B. No. 795

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Holocaust and Genocide 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 449 to read as follows:

CHAPTER 449. TEXAS HOLOCAUST AND GENOCIDE COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 449.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Holocaust and  
Genocide Commission.

(2) "Genocide" means any of the following acts  
committed with intent to destroy, in whole or in part, a national,  
ethnic, racial, or religious group as such:

(A) killing members of the group;

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

(C) deliberately inflicting on the group  
conditions of life calculated to bring about the group's physical  
destruction in whole or in part;

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

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

(3) "Holocaust" means the killing of approximately six

1 million Jews and millions of other persons during World War II by  
2 the National Socialist German Workers' Party (Nazis) and Nazi  
3 collaborators as part of a state-sponsored, systematic program of  
4 genocide and other actions of persecution, discrimination,  
5 violence, or other human rights violations committed by the Nazis  
6 and Nazi collaborators against those persons.

7 Sec. 449.002. SUNSET PROVISION. The Texas Holocaust and  
8 Genocide Commission is subject to Chapter 325 (Texas Sunset Act).  
9 Unless continued in existence as provided by that chapter, the  
10 commission is abolished and this chapter expires September 1, 2021.

11 Sec. 449.003. ADMINISTRATIVE ATTACHMENT. The commission is  
12 administratively attached to the office of the secretary of state.

13 Sec. 449.004. COMPOSITION OF COMMISSION. (a) The  
14 commission is composed of 18 members as follows:

15 (1) 15 public members appointed as follows:

16 (A) five public members appointed by the  
17 governor;

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

20 (C) five public members appointed by the speaker  
21 of the house of representatives; and

22 (2) three ex officio members as follows:

23 (A) the commissioner of education;

24 (B) the commissioner of higher education; and

25 (C) the executive director of the Texas Veterans  
26 Commission.

27 (b) The speaker of the house of representatives shall

1 designate a member of the house and the lieutenant governor shall  
2 designate a member of the senate to advise the commission.

3 Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;  
4 VACANCY. (a) A person appointed as a public member of the  
5 commission must be a resident of this state.

6 (b) Public members of the commission must include:

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

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

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

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

17 (c) Appointments of public members to the commission shall  
18 be made:

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

21 (2) so that each geographic area of this state is  
22 represented on the commission.

23 (d) The original appointing authority shall fill any  
24 vacancy in an appointed position on the commission for the  
25 unexpired portion of the term.

26 Sec. 449.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION  
27 OF REPRESENTATIVE. (a) An ex officio member of the commission

1 vacates the person's position on the commission if the person  
2 ceases to hold the position that qualifies the person for service on  
3 the commission.

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

8 Sec. 449.007. REMOVAL OF PUBLIC MEMBER. (a) It is a ground  
9 for removal of a public member from the commission if the member:

10 (1) is ineligible for public membership under Section  
11 449.005(a);

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

15 (3) is absent from more than three consecutive  
16 regularly scheduled commission meetings that the member is eligible  
17 to attend during a calendar year unless the absence is excused by  
18 majority vote of the commission.

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

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

27 Sec. 449.008. TERM OF PUBLIC MEMBER. (a) A public member

1 of the commission serves a term of four years.

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

4 (c) A public member may not serve more than two consecutive  
5 terms. For purposes of this prohibition, a member is considered to  
6 have served a term only if the member has served more than half of  
7 the term.

8 Sec. 449.009. OFFICERS; SUBCOMMITTEES. (a) The governor  
9 shall designate a public member of the commission as presiding  
10 officer to serve in that capacity at the pleasure of the governor.

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

14 Sec. 449.010. COMPENSATION; EXPENSES. (a) A public member  
15 of the commission is not entitled to compensation but is entitled to  
16 reimbursement for the travel expenses incurred by the member while  
17 transacting commission business, as provided by the General  
18 Appropriations Act.

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

1 underlying position.

2 Sec. 449.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a)  
3 The commission shall meet at least quarterly at the times and places  
4 in this state that the commission designates.

5 (b) Seven voting members of the commission constitute a  
6 quorum for transacting commission business.

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

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

13 Sec. 449.012. COORDINATOR. The office of the secretary of  
14 state shall provide one part-time employee to serve as the  
15 coordinator for the commission to transact commission business.

16 [Sections 449.013-449.050 reserved for expansion]

17 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

18 Sec. 449.051. ADVISORY STATUS OF COMMISSION. (a) In  
19 implementing its powers and duties under this chapter, the  
20 commission functions only in an advisory capacity. Membership on  
21 the commission does not constitute a public office.

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

23 Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a)  
24 The commission shall:

25 (1) provide advice and assistance to public and  
26 private primary and secondary schools and institutions of higher  
27 education in this state regarding implementation of Holocaust and

1 genocide courses of study and awareness programs;

2 (2) 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 Holocaust and genocide courses of study and awareness  
6 programs;

7 (3) determine which, if any, existing Holocaust or  
8 other genocide memorials, exhibits, or other resources could be  
9 included in or used to support Holocaust and genocide courses of  
10 study and awareness programs;

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

17 (5) coordinate events in this state memorializing the  
18 Holocaust and other genocides on January 27, International  
19 Holocaust Remembrance Day, on the Days of Remembrance established  
20 by the United State Congress, or on any other day designated by the  
21 commission for that purpose; and

22 (6) solicit volunteers to participate in  
23 commemorative events designed to enhance public awareness of the  
24 continuing significance of the Holocaust and other genocides.

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

27 (1) existing public or private Holocaust or other

1 genocide resource organizations, including the United States  
2 Holocaust Memorial Museum;

3 (2) other museums, centers, and organizations based in  
4 this state;

5 (3) state agencies that carry out the educational  
6 functions of the state delegated under the Education Code,  
7 including the Texas Education Agency and the Texas Higher Education  
8 Coordinating Board; and

9 (4) members of the United States Congress and of the  
10 legislature of this state.

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

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

15 Sec. 449.053. FUNDING. (a) The commission may accept gifts  
16 and grants from a public or private source for the commission to use  
17 in performing the commission's powers and duties under this  
18 chapter.

19 (b) The secretary of state may provide staff and may support  
20 functions and activities of the commission from money available to  
21 the secretary of state that may be used for this purpose. The  
22 legislature may also specifically appropriate money to the  
23 secretary of state to provide staff and to otherwise support  
24 functions and activities of the commission.

25 SECTION 2. As soon as practicable after the effective date  
26 of this Act, appointments of public members shall be made to the  
27 Texas Holocaust and Genocide Commission as provided by Chapter 449,

1 Government Code, as added by this Act. Notwithstanding Section  
2 449.008, Government Code, as added by this Act, the terms of initial  
3 public members appointed to the Texas Holocaust and Genocide  
4 Commission expire February 1, 2015.

5 SECTION 3. This Act takes effect September 1, 2009.