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

Sec. 449.002. SUNSET PROVISION. The Texas Holocaust and
Genocide 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, 2021.

Sec. 449.003. ADMINISTRATIVE ATTACHMENT. The commission is
administratively attached to the Texas Historical Commission.

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

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

Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;
VACANCY. (a) A person appointed as a public member of the
commission 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 religious, ethnic, national heritage, or social groups
that were subjected to the Holocaust or other genocides;
(2) persons who have significant professional
experience in the field of Holocaust or genocide education;
(3) persons who represent liberators of Holocaust or
other genocide victims; and
(4) persons who have demonstrated a significant,
particular interest in Holocaust or genocide 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 on the commission for the
unexpired portion of the term.

Sec. 449.006. 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. 449.007. 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
449.005(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
majority vote of the commission.

(b) The validity of an action of the commission is not
affected by the fact that it is taken when a ground for removal of a
commission 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. 449.008. TERM OF PUBLIC MEMBER. (a) A public member
of the commission serves a term of four years.

(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. 449.009. 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. 449.010. COMPENSATION; EXPENSES. (a) A public member of the commission is not entitled to compensation but is entitled to reimbursement for the 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. 449.011. 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.

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

(d) 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. 449.012. COORDINATOR. The Texas Historical Commission
shall provide one part-time employee to serve as the coordinator
for the Texas Holocaust and Genocide Commission to transact
commission business.

[Sections 449.013-449.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 449.051. 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. 449.052. 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
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education in this state regarding implementation of Holocaust and

(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 Holocaust and genocide courses of study and awareness
programs;

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

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

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

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

(b) In implementing Subsection (a)(3), the commission may
contact and cooperate with:
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(1) existing public or private Holocaust or other genocide resource organizations, including the United States Holocaust Memorial Museum;

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

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

(4) 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. 449.053. 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 Texas Historical Commission may provide staff and may support functions and activities of the Texas Holocaust and Genocide Commission from money available to the Texas Historical Commission that may be used for this purpose. The legislature may also specifically appropriate money to the Texas Historical Commission to provide staff and to otherwise support functions and activities of the Texas Holocaust and Genocide Commission.

SECTION 2. As soon as practicable after the effective date
of this Act, appointments of public members shall be made to the
Texas Holocaust and Genocide Commission as provided by Chapter 449,
Government Code, as added by this Act. Notwithstanding Section
449.008, Government Code, as added by this Act, the terms of initial
public members appointed to the Texas Holocaust and Genocide
Commission expire February 1, 2015.

SECTION 3. This Act takes effect September 1, 2009.
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David Dewhurst  
President of the Senate

I hereby certify that S.B. No. 482 passed the Senate on April 7, 2009, by the following vote: Yeas 31, Nays 0; May 4, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 15, 2009, House granted request of the Senate; May 30, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 482 passed the House, with amendments, on April 28, 2009, by the following vote: Yeas 145, Nays 0, two present not voting; May 15, 2009, House granted request of the Senate for appointment of Conference Committee; May 25, 2009, House adopted Conference Committee Report by the following vote: Yeas 141, Nays 0, one present not voting.

Nancy R. Flatley  
Secretary of the Senate

Robert H. Hess  
Chief Clerk of the House

Approved: 19 JUN 09

Rick Perry  
Governor

Filed in the office of the Secretary of State  
6 PM, O'clock  
JUN 19 2009