

GOVERNMENT CODE

CHAPTER 448. TEXAS EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 448.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Emancipation Juneteenth Cultural and Historical Commission.

(2) "Juneteenth" means the anniversary of the event of emancipation from slavery that occurred in Texas on June 19, 1865. Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.002. SUNSET PROVISION. The Texas Emancipation Juneteenth Cultural and Historical 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, 2011.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1396, Sec. 1, eff. Sept. 1, 1999.

Sec. 448.003. COMPOSITION OF COMMISSION. The commission is composed of:

(1) five public members appointed by the governor with the advice and consent of the senate;

(2) two members of the senate appointed by the lieutenant governor to serve as ex officio, nonvoting members;

(3) two members of the house of representatives appointed by the speaker of the house to serve as ex officio, nonvoting members; and

(4) the executive director of the Texas Historical Commission to serve as an ex officio, nonvoting member.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 1170, Sec. 13.01, eff. Sept. 1, 2003.

Sec. 448.004. APPOINTMENT. (a) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(b) Appointments of the public members to the commission shall be made so that each geographic area of the state is represented on the commission.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.005. ELIGIBILITY OF EX OFFICIO MEMBERS. (a) An ex officio member of the commission vacates the person's position on the commission if the person ceases to hold the underlying position that qualifies the person for service on the commission. A vacancy in the office is filled in the same manner as originally.

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

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.006. CONFLICTS OF INTEREST; REMOVAL PROVISIONS. (a) A person may not serve as a member of the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(b) An officer, employee, or paid consultant of a Texas trade association in the field of historic preservation may not be a member of the commission and may not be an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(c) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of historic preservation may not be a member of the commission and may not be an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(d) It is a ground for removal from the commission if a member:

(1) violates a prohibition established by this section;

(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 half of the 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.

(e) 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.

(f) 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.

(g) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in obtaining public money or influencing governmental policy.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.007. TERMS. Public members of the commission serve staggered terms of six years with the terms of approximately one-third of the members expiring on February 1 of each odd-numbered year.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 1170, Sec. 13.02, eff. Sept. 1, 2003.

Sec. 448.008. OFFICERS; SUBCOMMITTEES. (a) The commission shall elect one of its members as the presiding officer of the commission.

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

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1396, Sec. 2, eff. Sept. 1, 1999.

Sec. 448.009. COMPENSATION; EXPENSES. (a) A public member of the commission is not entitled to compensation, but is entitled to reimbursement, from commission funds, for the travel expenses incurred by the member while conducting the business of the commission, as provided by the General Appropriations Act.

(b) The service to the commission of an ex officio member is an additional duty of the member's underlying position that qualifies the member for service on the commission. The entitlement of an ex officio member to compensation or reimbursement for travel expenses is governed by the law applying to the member's service in that underlying position, and any payments to the member shall be made from the appropriate funds of the state agency or house of the legislature with which the member serves.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.010. MEETINGS; PUBLIC ACCESS. (a) The commission may meet at the times and places within the state that the commission designates.

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

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.011. ANNUAL REPORT. The commission shall prepare annually a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. The annual report must meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

#### SUBCHAPTER B. POWERS AND DUTIES; FUNDING

Sec. 448.031. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall:

- (1) adopt rules as necessary for its own procedures;
- (2) coordinate state and local activities relating to the cultural and historical celebration of Juneteenth;
- (3) establish a Juneteenth memorial monument on the grounds of the State Capitol in cooperation with the State Preservation Board, establish other Juneteenth memorial monuments at appropriate locations throughout the state, and establish an

advisory committee to advise the commission on all matters relating to the construction, dedication, and maintenance of the monuments, including:

- (A) site selection;
- (B) fund-raising from public and private sources;
- (C) establishing a schedule for the design, construction, and dedication of each monument;
- (D) procedures for soliciting designs for each monument;
- (E) selecting the final design of each monument;
- (F) procedures for selecting a contractor to construct each monument;
- (G) selecting the contractor to construct each monument; and
- (H) reviewing and monitoring the design and construction process;

(4) prepare and distribute publications that relate to the cultural or historical significance of Juneteenth or that otherwise promote Juneteenth; and

(5) encourage individuals, private organizations, and local governmental bodies to organize appropriate activities.

(b) The State Preservation Board shall cooperate with the commission in establishing a monument on the grounds of the State Capitol under Subsection (a)(3).

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1396, Sec. 3, eff. Sept. 1, 1999.

Sec. 448.032. DONATIONS; APPROPRIATIONS; AUDIT. (a) The commission may accept, on behalf of the state, donations, gifts, grants, property, or matching funds from a public or private source for the use of the commission in performing its functions under this chapter.

(b) The commission by rule shall establish an acquisition policy for accepting property or art objects related to the commission's purpose.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.033. EMANCIPATION JUNETEENTH CULTURAL AND HISTORICAL COMMISSION ACCOUNT. The Emancipation Juneteenth Cultural and Historical Commission Account is created as an account in the general revenue fund. The commission shall remit all money collected under this chapter to the comptroller for deposit to the credit of the account. Money in the account may be appropriated only to the commission for administration of this chapter.

Added by Acts 1997, 75th Leg., ch. 563, Sec. 1, eff. Sept. 1, 1997.

Sec. 448.034. LOCATION OF MONUMENT. The site of the monument established under this chapter shall be on the State Capitol grounds, subject to approval by the State Preservation Board of the monument location and design.

Added by Acts 1999, 76th Leg., ch. 781, Sec. 1, eff. June 18, 1999.