

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

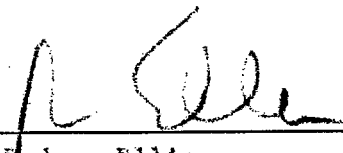
5/18/09
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

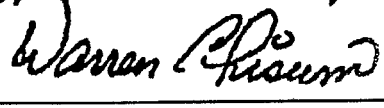
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 402 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

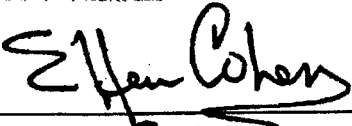

Rodney Ellis

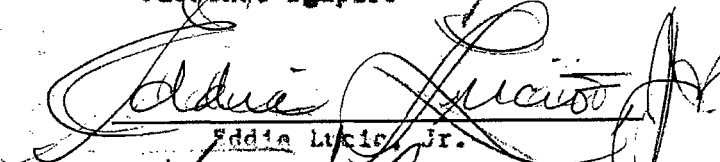

Sen. Patricia Thompson



John Carona

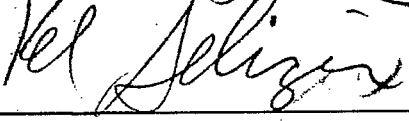

Warren Chisum



Florence Shapiro


Ellen Cohen


Eddie Lucio, Jr.


Dan Branch


On the part of the Senate Kel Seliger


On the part of the House Elliott Naughton

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 482

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, 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

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 Texas Historical Commission.

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.

3 (a) The commission shall meet at least quarterly at the times and
4 places 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 Texas Historical Commission
14 shall provide one part-time employee to serve as the coordinator
15 for the Texas Holocaust and Genocide Commission to transact
16 commission business.

17 [Sections 449.013-449.050 reserved for expansion]

18 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

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

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

24 Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION.

25 (a) The commission shall:

26 (1) provide advice and assistance to public and
27 private primary and secondary schools and institutions of higher

1 education in this state regarding implementation of Holocaust and
2 genocide courses of study and awareness programs;

3 (2) meet with appropriate representatives of public
4 and private organizations, including service organizations, to
5 provide information on and to assist in planning, coordinating, or
6 modifying Holocaust and genocide courses of study and awareness
7 programs;

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

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

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

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

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

1 (1) existing public or private Holocaust or other
2 genocide resource organizations, including the United States
3 Holocaust Memorial Museum;

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

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

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

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

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

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

20 (b) The Texas Historical Commission may provide staff and
21 may support functions and activities of the Texas Holocaust and
22 Genocide Commission from money available to the Texas Historical
23 Commission that may be used for this purpose. The legislature may
24 also specifically appropriate money to the Texas Historical
25 Commission to provide staff and to otherwise support functions and
26 activities of the Texas Holocaust and Genocide Commission.

27 SECTION 2. As soon as practicable after the effective date

1 of this Act, appointments of public members shall be made to the
2 Texas Holocaust and Genocide Commission as provided by Chapter 449,
3 Government Code, as added by this Act. Notwithstanding Section
4 449.008, Government Code, as added by this Act, the terms of initial
5 public members appointed to the Texas Holocaust and Genocide
6 Commission expire February 1, 2015.

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

Senate Bill 482
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Adds Chapter 449, Government Code, TEXAS HOLOCAUST AND GENOCIDE **COMMISSION**, as follows:

Sec. 449.001. DEFINITIONS. Among other definitions, defines (1) "commission" to mean the Texas Holocaust and Genocide Commission.

Sec. 449.002. SUNSET PROVISION. Provides that unless continued in existence, the commission is abolished and this chapter expires September 1, 2021.

Sec. 449.003. ADMINISTRATIVE ATTACHMENT. Provides that the commission is administratively attached to the *office of the secretary of state*.

Sec. 449.004. COMPOSITION OF COMMISSION. Provides that the commission is composed of 18 members including, 15 appointed public members and three ex officio members. Requires the speaker of the house of representatives and the lieutenant governor to designate a member from the house and the senate to advise the commission.

Sec. 449.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT; VACANCY. Sets forth provisions relating to the eligibility, appointment, and vacancy procedures of public members.

HOUSE VERSION

SECTION 1. Adds Chapter 442, Government Code, TEXAS HOLOCAUST AND GENOCIDE **PROGRAM**, as follows:

Sec. 442.101. Same as Senate version except does not include a definition for "commission."

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

CONFERENCE

Same as Senate version except as follows:

Same as Senate version.

Same as Senate version.

Provides that the commission is administratively attached to the *Texas Historical Commission*.

Same as Senate version.

Same as Senate version.

Senate Bill 482
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
Sec. 449.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION OF REPRESENTATIVE. Provides that an ex officio member of the commission vacates the position if the person ceases to hold the position that qualifies the person for service on the commission. An ex officio member may designate a representative to serve on the commission in the member's absence. A designated representative is required to be an officer or employee of the state agency that employs the ex officio member.	No equivalent provision.	Same as Senate version.
Sec. 449.007. REMOVAL OF PUBLIC MEMBER. Sets forth provisions relating to the removal of a public member of the commission.	No equivalent provision.	Same as Senate version.
Sec. 449.008. TERM OF PUBLIC MEMBER. Establishes that a public member of the commission serves a term of four years and is eligible for reappointment to another term or part of a term. Prohibits a public member from serving more than two consecutive terms.	No equivalent provision.	Same as Senate version.
Sec. 449.009. OFFICERS; SUBCOMMITTEES. Requires the governor to designate a public member of the commission as presiding officer and to serve in that capacity at the pleasure of the governor. Authorizes the presiding officer of the commission to appoint a subcommittee for any purpose consistent with the duties of the commission.	No equivalent provision.	Same as Senate version.

Senate Bill 482
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

Sec. 449.010. COMPENSATION; EXPENSES. Prohibits a public member of the commission from receiving compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting commission business. Provides that 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. Requires the commission to meet at least quarterly at the times and places in this state that the commission designates. Establishes that seven voting members of the commission constitute a quorum for transacting commission business. Prohibits an ex officio member of the commission from voting on commission business. Requires the commission to 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.

HOUSE VERSION

No equivalent provision.

No equivalent provision.

CONFERENCE

Same as Senate version.

Same as Senate version.

Senate Bill 482
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

Sec. 449.012. COORDINATOR. Requires the *office of the secretary of state* to provide one part-time employee to serve as the coordinator for the commission to transact commission business.

Sec. 449.051. ADVISORY STATUS OF COMMISSION. Provides that the commission functions in an advisory capacity and membership on the commission does not constitute a public office. Specifies that state law relating to state agency advisory committees does not apply to the commission.

Sec. 449.052. GENERAL POWERS AND DUTIES OF COMMISSION. Sets out the powers and duties of the *Texas Holocaust and Genocide Commission*, including provisions requiring the commission to adopt rules and authorizing the commission to appoint advisory committees.

Sec. 449.053. FUNDING. Among other provisions, authorizes the *secretary of state* to provide staff and to support functions and activities of the Texas Holocaust and Genocide Commission from money available to the *secretary of state*. Authorizes the legislature to specifically appropriate money to the *secretary of state* for these purposes.

SECTION 2. Transition provision.

HOUSE VERSION

No equivalent provision.

No equivalent provision.

Sec. 442.102. TEXAS HOLOCAUST AND GENOCIDE PROGRAM. Same as Senate version except assigns the powers and duties relating to the program to the *Texas Historical Commission*, and does not include the provisions requiring the commission to adopt rules and authorizing the commission to appoint advisory committees.

No equivalent provision.

No equivalent provision.

CONFERENCE

Same as Senate version except requires the *Texas Historical Commission* to provide the employee to serve as the coordinator.

Same as Senate version.

Same as Senate version.

Same as Senate version except authorizes the *Texas Historical Commission* to provide staff and to support functions and activities of the Texas Holocaust and Genocide Commission from money available to the *Texas Historical Commission*. Authorizes the legislature to specifically appropriate money to the *Texas Historical Commission* for these purposes.

Same as Senate version.

Senate Bill 482
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 3. Effective date.

HOUSE VERSION

SECTION 2. Same as Senate version.

CONFERENCE

Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB482 by Ellis (Relating to the Texas Holocaust and Genocide Commission.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB482, Conference Committee Report: a negative impact of (\$167,794) through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	(\$86,397)
2011	(\$81,397)
2012	(\$81,397)
2013	(\$81,397)
2014	(\$81,397)

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	(\$86,397)	0.5
2011	(\$81,397)	0.5
2012	(\$81,397)	0.5
2013	(\$81,397)	0.5
2014	(\$81,397)	0.5

Fiscal Analysis

The bill would add a subchapter to Chapter 449 of the Government Code to create a Texas Holocaust and Genocide Commission which would be administratively attached to the Historical Commission. Fifteen of the eighteen member commission would be entitled to reimbursement for travel expenses incurred while transacting commission business. Meetings would be held quarterly. The Historical Commission would be required to provide one part-time employee to serve as the coordinator for the commission.

The act would take effect on September 1, 2009.

Methodology

It is assumed that one part-time Program Specialist II would be needed to serve as the coordinator for the commission at a cost of \$19,559 for salaries and wages and \$5,588 for benefits per fiscal year. The position would be funded out of General Revenue. In addition, one-time equipment costs of \$5,000 would be needed in fiscal year 2010. Ongoing costs, including travel (\$6,250), professional services (\$25,000), and other operating expenses (\$25,000) would be needed each fiscal year.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 808 Historical Commission, 116 Sunset Advisory Commission, 307 Secretary of State

LBB Staff: JOB, SD, MS, LCO, KJG, BTA