

By: Thierry

H.B. No. 4009

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 451 to read as follows:

CHAPTER 451. TEXAS SLAVERY AND SEGREGATION COMMISSION

SUBCHAPTER A. GENERAL AND ADMINISTRATIVE PROVISIONS

Sec. 451.001. 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. 451.002. SUNSET PROVISION. The Texas Slavery and Segregation Commission is subject to Chapter 325 (Texas Sunset

1 Act). Unless continued in existence as provided by that chapter,  
2 the commission is abolished and this chapter expires September 1,  
3 2029.

4 Sec. 451.003. ADMINISTRATIVE ATTACHMENT. The commission is  
5 administratively attached to the office of the secretary of state.

6 Sec. 451.004. COMPOSITION OF COMMISSION. (a) The  
7 commission is composed of the following 18 members:

8 (1) 15 public members appointed as follows:

9 (A) five public members appointed by the  
10 governor;

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

13 (C) five public members appointed by the speaker  
14 of the house of representatives; and

15 (2) three ex officio members as follows:

16 (A) the commissioner of education;

17 (B) the commissioner of higher education; and

18 (C) the executive director of the Texas Veterans  
19 Commission.

20 (b) The speaker of the house of representatives shall  
21 designate a member of the house and the lieutenant governor shall  
22 designate a member of the senate to advise the commission.

23 Sec. 451.005. PUBLIC MEMBERS: ELIGIBILITY; APPOINTMENT;  
24 VACANCY. (a) A person appointed as a public member of the  
25 commission under Section 451.004 must be a resident of this state.

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

27 (1) persons who have served prominently as leaders of

1 or spokespersons for public or private organizations that serve  
2 members of racial and ethnic groups that were victims of slavery or  
3 segregation;

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

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

8 (c) Appointments of public members to the commission shall  
9 be made:

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

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

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

17 Sec. 451.006. EX OFFICIO MEMBERS: ELIGIBILITY; DESIGNATION  
18 OF REPRESENTATIVE. (a) An ex officio member of the commission  
19 vacates the person's position on the commission if the person  
20 ceases to hold the position that qualifies the person for service on  
21 the commission.

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

26 Sec. 451.007. REMOVAL OF PUBLIC MEMBER. (a) It is a ground  
27 for removal of a public member from the commission if the member:

1           (1) is ineligible for public membership under Section  
2 451.005(a);

3           (2) cannot, because of illness or disability,  
4 discharge the member's duties for a substantial part of the term for  
5 which the member is appointed; or

6           (3) is absent from more than three consecutive  
7 regularly scheduled commission meetings that the member is eligible  
8 to attend during a calendar year, unless the absence is excused by a  
9 majority vote of the commission.

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

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

18          Sec. 451.008. TERM OF PUBLIC MEMBER. (a) A public member  
19 of the commission serves a four-year term expiring February 1 of  
20 every other odd-numbered year.

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

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

27          Sec. 451.009. OFFICERS; SUBCOMMITTEES. (a) The governor

1 shall designate a public member of the commission as presiding  
2 officer to serve in that capacity at the pleasure of the governor.

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

6 Sec. 451.010. COMPENSATION; EXPENSES. (a) A public member  
7 of the commission is not entitled to compensation but is entitled to  
8 reimbursement for travel expenses incurred by the member while  
9 transacting commission business, as provided by the General  
10 Appropriations Act.

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

21 Sec. 451.011. MEETINGS; QUORUM; VOTING; PUBLIC ACCESS. (a)  
22 The commission shall meet at least quarterly at the times and places  
23 in this state that the commission designates.

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

27 (c) The commission shall develop and implement policies

1 that provide the public with a reasonable opportunity to appear  
2 before the commission and speak on any issue under the jurisdiction  
3 of the commission.

4 Sec. 451.012. COORDINATOR. The office of the secretary of  
5 state shall provide one part-time employee to serve as the  
6 coordinator for the commission to transact commission business.

7 SUBCHAPTER B. POWERS AND DUTIES; FUNDING

8 Sec. 451.051. ADVISORY STATUS OF COMMISSION. (a) In  
9 implementing its powers and duties under this chapter, the  
10 commission functions only in an advisory capacity. Membership on  
11 the commission does not constitute a public office.

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

13 Sec. 451.052. GENERAL POWERS AND DUTIES OF COMMISSION. (a)  
14 The commission shall:

15 (1) provide advice and assistance to public and  
16 private primary and secondary schools and institutions of higher  
17 education in this state regarding the implementation of courses and  
18 awareness programs about slavery and segregation;

19 (2) meet with appropriate representatives of public  
20 and private organizations, including service organizations, to  
21 provide information on and to assist in planning, coordinating, or  
22 modifying courses and awareness programs about slavery and  
23 segregation;

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

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

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

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

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

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

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

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

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

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

23           Sec. 451.053. FUNDING. (a) The commission may accept gifts  
24 and grants from a public or private source for the commission to use  
25 in performing the commission's powers and duties under this  
26 chapter.

27           (b) The office of the secretary of state may provide staff

1 and support commission functions and activities with money  
2 available to the office that may be used for that purpose. The  
3 legislature may also specifically appropriate money to the office  
4 of the secretary of state to provide staff and to otherwise support  
5 commission functions and activities.

6       SECTION 2. (a) As soon as practicable after the effective  
7 date of this Act, the governor, the lieutenant governor, and the  
8 speaker of the house of representatives shall appoint public  
9 members to the Texas Slavery and Segregation Commission as provided  
10 by Chapter 451, Governmental Code, as added by this Act.

11       (b) The terms of the initial public members appointed to the  
12 Texas Slavery and Segregation Commission expire February 1, 2021.

13       SECTION 3. This Act takes effect September 1, 2017.