

# TEXAS HOLOCAUST AND GENOCIDE COMMISSION

## Issue 1

The Texas Holocaust and Genocide Commission Has Never Functioned as Intended, Cannot Show Measurable Benefit to the State, and Should Be Abolished.

### Change in Statute

#### **Rec. 1.1, Adopted as Modified**

Replace the original staff recommendation to abolish the Texas Holocaust and Genocide Commission with the following language.

Continue the Texas Holocaust and Genocide Commission (THGC) as an advisory committee of the Texas Historical Commission (THC). Clarify THGC's advisory status, authority, duties, and accountability in statute as follows:

- a. **Sunset date.** As an advisory committee to THC, THGC would no longer have a separate Sunset date and would be reviewed as part of THC during its next Sunset review currently scheduled for 2031.
- b. **Advisory status.** THC would have ultimate responsibility for THGC's advisory duties and would supervise THGC, approve its actions, monitor its performance, and hold it accountable. As the oversight body, THC would have final approval of THGC's rules, budget, expenditures, contracts, and matching grant awards. THC would be authorized to adopt rules as necessary to guide THGC in performing its statutory duties. THC would also have authority to delegate certain final authorities to THGC that are appropriate for an advisory body, such as approval of educational materials for the annual Holocaust Remembrance Week.
- c. **Memorandum of understanding.** Require THC and THGC to develop and enter into a memorandum of understanding (MOU) by September 1, 2021, to establish each entity's roles and responsibilities, as well as policies and processes for how they will be carried out. THC and THGC should designate a timeframe and procedure to periodically review and update the MOU.
- d. **Commission composition and advisors.** Reduce the size of the commission to be comparable to THC's commission and its other advisory boards by eliminating the three ex officio positions. THC and THGC would be authorized to coordinate with the Texas Education Agency, Texas Higher Education Coordinating Board, and the Texas Veterans Commission as necessary to perform THGC's statutory duties. Also eliminate the two legislative advisory positions. These roles are unusual for an advisory body and could potentially lead to conflicts and misunderstandings among THC, THGC, and the advisors.

- e. **Commission member training.** Require THC to provide training for THGC commission members on their advisory role and duties, and their relationship with THC.
- f. **Funding and operational oversight.** THC would work with THGC and the Legislative Budget Board to develop goals, outcomes, strategies, and performance measures for THGC during the state appropriations process. THC would receive, manage, and oversee any appropriations made to carry out THGC's statutory duties.
- g. **Administrative services and staffing.** Authorize THC to hire, manage, and evaluate staff as necessary to support THGC's advisory duties. Staff would be employees of THC and their salaries and titles should be commensurate with other THC employees with comparable duties. THC would provide administrative support as necessary for THGC's duties, including but not limited to budget and finance, legal services, human resources, and information technology.
- h. **Clarify statutory duties.** Require THC, in coordination with THGC, to establish and adopt rules, policies, and procedures for THGC's matching grant program, including an annual budget and funding cycle, program goals, grant eligibility criteria, and grant application and selection processes. THC and THGC should also consider and establish requirements for in-kind services and matching fund waivers, maximum grant limits, conflicts of interest, grant program data collection and evaluation, and periodic audits of the grant program and grant recipients.

Also eliminate the statutory provision requiring THGC to 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.

- i. **Accountability.** Require THC to report on THGC in its statutorily mandated biennial report to the Legislature and the governor. The report should include information on THGC's activities to advise, assist, and support others using existing resources; the matching grant program; an updated assessment of the state's Holocaust and genocide educational resources and needs; an updated list of volunteer speakers; THGC's coordination of commemorative or memorial events; and any efforts to improve Holocaust and genocide educational resources.

Also specify THGC is subject to THC's internal audit program and may be included in external reviews of THC, such as state audits.

These statutory changes would be effective September 1, 2021. THC and THGC would be required to provide a written update to the Sunset Commission on the progress in implementing these recommendations by December 1, 2022. The update would identify any obstacles or concerns encountered during implementation.