

By: Metcalf

H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the organization and efficient operation of the
3 legislative branch of state government through joint entities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter B, Chapter 301, Government Code, is
6 amended by adding Section 301.035 to read as follows:

7 Sec. 301.035. JOINT INTERIM COMMITTEE PER DIEM AND TRAVEL
8 EXPENSES. Unless a statute expressly provides otherwise, per diem
9 and travel expenses paid to a member of a joint committee
10 established by statute shall be paid by the house to which the
11 member belongs. The per diem and travel expenses paid to a public
12 member of the committee shall be paid by the office of the
13 appointing entity.

14 SECTION 2. Section 321.002, Government Code, is amended by
15 adding Subsections (f) and (g) to read as follows:

16 (f) Notwithstanding Chapter 551 or other law, if the joint
17 chairs of the committee are physically present at a meeting of the
18 committee located in Austin, then any number of the other members of
19 the committee may attend and participate in the meeting remotely by
20 use of telephone conference call, video conference call, or other
21 similar means of telecommunication. A member of the committee who
22 participates in a meeting remotely as provided by this subsection
23 is considered present for purposes of determining whether a quorum
24 is present, for purposes of voting, and for any other purpose that

1 allows a member of the committee to otherwise fully participate in a
2 meeting of the committee. This subsection applies:

3 (1) only if a disaster has been declared for the first
4 time after the date of final adjournment of the most recent regular
5 session of the legislature and is currently in effect in this state
6 as the result of:

7 (A) a declaration by the president of the United
8 States under federal law; or

9 (B) a declaration or determination by a public
10 officer, governing body, or authority under Chapter 418 of this
11 code, Chapter 81, Health and Safety Code, or other law including the
12 Texas Constitution; and

13 (2) regardless of the subject of the meeting or the
14 topics considered by the members.

15 (g) A meeting held under Subsection (f) by use of telephone
16 conference call, video conference call, or other similar means of
17 telecommunication:

18 (1) is subject to the notice requirements applicable
19 to other meetings of the committee;

20 (2) must specify in the notice of the meeting the
21 location in Austin of the meeting at which the joint chairs will be
22 physically present;

23 (3) must be open to the public and shall be audible to
24 the public at the location in Austin specified in the notice of the
25 meeting as the location of the meeting at which the joint chairs
26 will be physically present;

27 (4) must provide two-way audio communication between

1 all members of the committee attending the meeting during the
2 entire meeting; and

3 (5) if the two-way audio communication link with any
4 member attending the meeting is disrupted at any time, may not
5 continue until the two-way audio communication link is
6 reestablished.

7 SECTION 3. Section 323.003, Government Code, is amended by
8 adding Subsections (e) and (f) to read as follows:

9 (e) Notwithstanding Chapter 551 or other law, if the joint
10 chairs of the council are physically present at a meeting of the
11 council located in Austin, then any number of the other members of
12 the council may attend and participate in the meeting remotely by
13 use of telephone conference call, video conference call, or other
14 similar means of telecommunication. A member of the council who
15 participates in a meeting remotely as provided by this subsection
16 is considered present for purposes of determining whether a quorum
17 is present, for purposes of voting, and for any other purpose that
18 allows a member of the council to otherwise fully participate in a
19 meeting of the council. This subsection applies:

20 (1) only if a disaster has been declared for the first
21 time after the date of final adjournment of the most recent regular
22 session of the legislature and is currently in effect in this state
23 as the result of:

24 (A) a declaration by the president of the United
25 States under federal law; or

26 (B) a declaration or determination by a public
27 officer, governing body, or authority under Chapter 418 of this

1 code, Chapter 81, Health and Safety Code, or other law including the
2 Texas Constitution; and

3 (2) regardless of the subject of the meeting or the
4 topics considered by the members.

5 (f) A meeting held under Subsection (e) by use of telephone
6 conference call, video conference call, or other similar means of
7 telecommunication:

8 (1) is subject to the notice requirements applicable
9 to other meetings of the council;

10 (2) must specify in the notice of the meeting the
11 location in Austin of the meeting at which the joint chairs will be
12 physically present;

13 (3) must be open to the public and shall be audible to
14 the public at the location in Austin specified in the notice of the
15 meeting as the location of the meeting at which the joint chairs
16 will be physically present;

17 (4) must provide two-way audio communication between
18 all members of the council attending the meeting during the entire
19 meeting; and

20 (5) if the two-way audio communication link with any
21 member attending the meeting is disrupted at any time, may not
22 continue until the two-way audio communication link is
23 reestablished.

24 SECTION 4. Section 324.004, Government Code, is amended by
25 adding Subsections (e) and (f) to read as follows:

26 (e) Notwithstanding Chapter 551 or other law, if the joint
27 chairs of the board are physically present at a meeting of the board

1 located in Austin, then any number of the other members of the board
2 may attend and participate in the meeting remotely by use of
3 telephone conference call, video conference call, or other similar
4 means of telecommunication. A member of the board who participates
5 in a meeting remotely as provided by this subsection is considered
6 present for purposes of determining whether a quorum is present,
7 for purposes of voting, and for any other purpose that allows a
8 member of the board to otherwise fully participate in a meeting of
9 the board. This subsection applies:

10 (1) only if a disaster has been declared for the first
11 time after the date of final adjournment of the most recent regular
12 session of the legislature and is currently in effect in this state
13 as the result of:

14 (A) a declaration by the president of the United
15 States under federal law; or

16 (B) a declaration or determination by a public
17 officer, governing body, or authority under Chapter 418 of this
18 code, Chapter 81, Health and Safety Code, or other law including the
19 Texas Constitution; and

20 (2) regardless of the subject of the meeting or the
21 topics considered by the members.

22 (f) A meeting held under Subsection (e) by use of telephone
23 conference call, video conference call, or other similar means of
24 telecommunication:

25 (1) is subject to the notice requirements applicable
26 to other meetings of the board;

27 (2) must specify in the notice of the meeting the

1 location in Austin of the meeting at which the joint chairs will be
2 physically present;

3 (3) must be open to the public and shall be audible to
4 the public at the location in Austin specified in the notice of the
5 meeting as the location of the meeting at which the joint chairs
6 will be physically present;

7 (4) must provide two-way audio communication between
8 all members of the board attending the meeting during the entire
9 meeting; and

10 (5) if the two-way audio communication link with any
11 member attending the meeting is disrupted at any time, may not
12 continue until the two-way audio communication link is
13 reestablished.

14 SECTION 5. Section 325.003, Government Code, is amended by
15 adding Subsections (l) and (m) to read as follows:

16 (1) Notwithstanding Chapter 551 or other law, if the
17 chairman and vice-chairman of the commission are physically present
18 at a meeting of the commission located in Austin, then any number of
19 the other members of the commission may attend and participate in
20 the meeting remotely by use of telephone conference call, video
21 conference call, or other similar means of telecommunication. A
22 member of the commission who participates in a meeting remotely as
23 provided by this subsection is considered present for purposes of
24 determining whether a quorum is present, for purposes of voting,
25 and for any other purpose that allows a member of the commission to
26 otherwise fully participate in a meeting of the commission. This
27 subsection applies:

1 (1) only if a disaster has been declared for the first
2 time after the date of final adjournment of the most recent regular
3 session of the legislature and is currently in effect in this state
4 as the result of:

5 (A) a declaration by the president of the United
6 States under federal law; or

7 (B) a declaration or determination by a public
8 officer, governing body, or authority under Chapter 418 of this
9 code, Chapter 81, Health and Safety Code, or other law including the
10 Texas Constitution; and

11 (2) regardless of the subject of the meeting or the
12 topics considered by the members.

13 (m) A meeting held under Subsection (1) by use of telephone
14 conference call, video conference call, or other similar means of
15 telecommunication:

16 (1) is subject to the notice requirements applicable
17 to other meetings of the commission;

18 (2) must specify in the notice of the meeting the
19 location in Austin of the meeting at which the chairman and
20 vice-chairman will be physically present;

21 (3) must be open to the public and shall be audible to
22 the public at the location in Austin specified in the notice of the
23 meeting as the location of the meeting at which the chairman and
24 vice-chairman will be physically present;

25 (4) must provide two-way audio communication between
26 all members of the commission attending the meeting during the
27 entire meeting; and

1 (5) if the two-way audio communication link with any
2 member attending the meeting is disrupted at any time, may not
3 continue until the two-way audio communication link is
4 reestablished.

5 SECTION 6. Section 326.001, Government Code, is amended to
6 read as follows:

7 Sec. 326.001. DEFINITION. In this chapter, "legislative
8 agency":

9 (1) means:

10 (A) [~~(1)~~] the senate;

11 (B) [~~(2)~~] the house of representatives;

12 (C) [~~(3)~~] a committee, division, department, or
13 office of the senate or house;

14 (D) [~~(4)~~] the Texas Legislative Council;

15 (E) [~~(5)~~] the Legislative Budget Board;

16 (F) [~~(6)~~] the Legislative Reference Library;

17 (G) [~~(7)~~] the office of the State Auditor; or

18 (H) [~~(8)~~] any other agency in the legislative
19 branch of state government; and

20 (2) does not include the Texas Ethics Commission.

21 SECTION 7. Section 326.002, Government Code, is amended by
22 adding Subsection (c) to read as follows:

23 (c) The Texas Legislative Council may transfer money to
24 another legislative agency to cover expenses of the other agency
25 that the executive director of the council determines to be
26 necessary to further a purpose of the council.

27 SECTION 8. Chapter 762, Government Code, is transferred to

1 Subtitle C, Title 3, Government Code, redesignated as Chapter 329,
2 Government Code, and amended to read as follows:

3 CHAPTER 329 [~~762~~]. COMMISSION ON UNIFORM STATE LAWS

4 Sec. 329.001 [~~762.001~~]. DEFINITIONS. In this chapter:

5 (1) "Commission" means the Commission on Uniform State
6 Laws.

7 (2) "National conference" means the National
8 Conference of Commissioners on Uniform State Laws.

9 Sec. 329.002 [~~762.002~~]. DUTIES OF COMMISSION. (a) The
10 commission shall:

11 (1) promote the uniform judicial interpretation of all
12 uniform laws; and

13 (2) before January 1 of each odd-numbered year, submit
14 a biennial report to the legislature that contains an account of the
15 commission's transactions and its advice and recommendations for
16 legislation.

17 (b) The commission may supplement the report.

18 Sec. 329.003 [~~762.003~~]. COMPOSITION OF COMMISSION; TERMS.

19 (a) The commission is composed of:

20 (1) nine members appointed by the governor;

21 (2) two members appointed by the lieutenant governor,
22 who are members or officers of the senate;

23 (3) two members appointed by the speaker of the house
24 of representatives, who are members or officers of the house of
25 representatives;

26 (4) the chair of the standing committee of the senate
27 with primary jurisdiction over uniform state laws;

1 (5) the chair of the standing committee of the house of
2 representatives with primary jurisdiction over uniform state laws;

3 (6) the executive director of the Texas Legislative
4 Council or a person designated by the executive director; and

5 (7) [~~3~~] in addition to the persons described by
6 Subdivisions (1) through (6) [~~and (2)~~], residents of this state who
7 have long service in the cause of uniformity in state legislation as
8 shown by:

9 (A) at least 20 years of service representing the
10 state as an associate member of the national conference;

11 (B) election as a life member of the national
12 conference; or

13 (C) at least 15 years of service as a member of
14 the commission and at least five years of combined service as a
15 judge or justice of a trial or appellate court of this state.

16 (b) Appointments to the commission shall be made without
17 regard to the race, creed, sex, religion, or national origin of the
18 appointees.

19 (c) Members appointed by the governor under Subsection
20 (a)(1) [~~Appointed members~~] serve staggered six-year terms, with the
21 terms of three members expiring September 30 of each even-numbered
22 year.

23 (d) Members appointed by the lieutenant governor under
24 Subsection (a)(2) serve at the pleasure of the lieutenant governor.

25 (e) Members appointed by the speaker of the house of
26 representatives under Subsection (a)(3) serve at the pleasure of
27 the speaker.

1 Sec. 329.004 [~~762.004~~]. ELIGIBILITY [~~FOR APPOINTMENT~~];
2 LOBBYIST RESTRICTION. (a) To be eligible for appointment to or
3 service on the commission, a person must be an attorney licensed to
4 practice law.

5 (b) At least one of the commissioners, at the time of that
6 commissioner's appointment, must be a state judge.

7 (c) At least one of the commissioners, at the time of that
8 commissioner's appointment, must be a legal educator.

9 (d) A person required to register as a lobbyist under
10 Chapter 305 because of the person's activities for compensation in
11 or on behalf of a profession related to the operation of the
12 commission may not serve as a commissioner or act as general counsel
13 to the commission.

14 Sec. 329.005 [~~762.005~~]. DUTIES OF COMMISSIONERS. Each
15 commissioner shall:

16 (1) promote uniformity in state laws in subject areas
17 in which uniformity is desirable and practicable; and

18 (2) attend national conference meetings.

19 Sec. 329.006 [~~762.006~~]. VACANCY; EXPIRATION OF TERM. (a)
20 This section applies only to a commissioner appointed by the
21 governor.

22 (b) The office of an appointed commissioner becomes vacant
23 on the death, resignation, failure or refusal to serve, or removal
24 of the commissioner.

25 (c) [~~(b)~~] The governor shall fill a vacancy by appointing a
26 person to the commission for the unexpired term of the commissioner
27 vacating the office.

1 (d) [~~(e)~~] On the vacancy or expiration of the term of office
2 of an appointed commissioner, the governor shall appoint a state
3 judge or legal educator if the appointment is required by Section
4 329.004(b) [~~762.004(b)~~] or (c).

5 Sec. 329.007 [~~762.008~~]. GROUND FOR REMOVAL. (a) It is a
6 ground for removal from the commission if a member:

7 (1) did not have, at the time of appointment or
8 election, the qualifications required by Section 329.004
9 [~~762.004~~];

10 (2) does not maintain the qualifications required by
11 Section 329.004 [~~762.004~~];

12 (3) is prohibited from serving as a commissioner under
13 Section 329.004(d) [~~762.004(d)~~]; or

14 (4) is ineligible to participate in activities of the
15 national conference.

16 (b) The validity of an action of the commission is not
17 affected because it is taken when a member is subject to removal.

18 Sec. 329.008 [~~762.009~~]. MEETING AND ELECTION OF OFFICERS.

19 (a) The commission shall meet at least once every two years.

20 (b) The commissioners shall elect a chair [~~chairman~~] and
21 secretary, who shall each hold office for a term of two years.

22 Sec. 329.009 [~~762.010~~]. COMPENSATION. A commissioner
23 serves without compensation but is entitled to be reimbursed for
24 reasonable expenses incurred in the performance of the
25 commissioner's duties.

26 Sec. 329.010 [~~762.011~~]. SUPPORT SERVICES. The Texas
27 Legislative Council shall provide accounting, clerical, and other

1 support services necessary for the commission to carry out its
2 duties.

3 SECTION 9. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2021.