

1-1 By: Metcalf (Senate Sponsor - Hancock) H.B. No. 4294
1-2 (In the Senate - Received from the House May 10, 2021;
1-3 May 14, 2021, read first time and referred to Committee on Business
1-4 & Commerce; May 21, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4294 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the organization and efficient operation of the
1-22 legislative branch of state government through joint entities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter B, Chapter 301, Government Code, is
1-25 amended by adding Section 301.035 to read as follows:

1-26 Sec. 301.035. JOINT INTERIM COMMITTEE PER DIEM AND TRAVEL
1-27 EXPENSES. Unless a statute expressly provides otherwise, per diem
1-28 and travel expenses paid to a member of a joint committee
1-29 established by statute shall be paid by the house to which the
1-30 member belongs. The per diem and travel expenses paid to a public
1-31 member of the committee shall be paid by the office of the
1-32 appointing entity.

1-33 SECTION 2. Section 326.001, Government Code, is amended to
1-34 read as follows:

1-35 Sec. 326.001. DEFINITION. In this chapter, "legislative
1-36 agency":

1-37 (1) means:

1-38 (A) [~~(1)~~] the senate;
1-39 (B) [~~(2)~~] the house of representatives;
1-40 (C) [~~(3)~~] a committee, division, department, or
1-41 office of the senate or house;
1-42 (D) [~~(4)~~] the Texas Legislative Council;
1-43 (E) [~~(5)~~] the Legislative Budget Board;
1-44 (F) [~~(6)~~] the Legislative Reference Library;
1-45 (G) [~~(7)~~] the office of the State Auditor; or
1-46 (H) [~~(8)~~] any other agency in the legislative
1-47 branch of state government; and

1-48 (2) does not include the Texas Ethics Commission.

1-49 SECTION 3. Section 326.002, Government Code, is amended by
1-50 adding Subsection (c) to read as follows:

1-51 (c) The Texas Legislative Council may transfer money to
1-52 another legislative agency to cover expenses of the other agency
1-53 that the executive director of the council determines to be
1-54 necessary to further a purpose of the council.

1-55 SECTION 4. Chapter 762, Government Code, is transferred to
1-56 Subtitle C, Title 3, Government Code, redesignated as Chapter 329,
1-57 Government Code, and amended to read as follows:

1-58 CHAPTER 329 [~~762~~]. COMMISSION ON UNIFORM STATE LAWS

1-59 Sec. 329.001 [~~762.001~~]. DEFINITIONS. In this chapter:

1-60 (1) "Commission" means the Commission on Uniform State

2-1 Laws.

2-2 (2) "National conference" means the National

2-3 Conference of Commissioners on Uniform State Laws.

2-4 Sec. 329.002 [~~762.002~~]. DUTIES OF COMMISSION. (a) The

2-5 commission shall:

2-6 (1) promote the uniform judicial interpretation of all

2-7 uniform laws; and

2-8 (2) before January 1 of each odd-numbered year, submit

2-9 a biennial report to the legislature that contains an account of the

2-10 commission's transactions and its advice and recommendations for

2-11 legislation.

2-12 (b) The commission may supplement the report.

2-13 Sec. 329.003 [~~762.003~~]. COMPOSITION OF COMMISSION; TERMS.

2-14 (a) The commission is composed of:

2-15 (1) nine members appointed by the governor;

2-16 (2) two members appointed by the lieutenant governor,

2-17 who are members or officers of the senate;

2-18 (3) two members appointed by the speaker of the house

2-19 of representatives, who are members or officers of the house of

2-20 representatives;

2-21 (4) the chair of the standing committee of the senate

2-22 with primary jurisdiction over uniform state laws;

2-23 (5) the chair of the standing committee of the house of

2-24 representatives with primary jurisdiction over uniform state laws;

2-25 (6) the executive director of the Texas Legislative

2-26 Council or a person designated by the executive director; and

2-27 (7) [~~(3)~~] in addition to the persons described by

2-28 Subdivisions (1) through (6) [~~and (2)~~], residents of this state who

2-29 have long service in the cause of uniformity in state legislation as

2-30 shown by:

2-31 (A) at least 20 years of service representing the

2-32 state as an associate member of the national conference;

2-33 (B) election as a life member of the national

2-34 conference; or

2-35 (C) at least 15 years of service as a member of

2-36 the commission and at least five years of combined service as a

2-37 judge or justice of a trial or appellate court of this state.

2-38 (b) Appointments to the commission shall be made without

2-39 regard to the race, creed, sex, religion, or national origin of the

2-40 appointees.

2-41 (c) Members appointed by the governor under Subsection

2-42 (a)(1) [~~Appointed members~~] serve staggered six-year terms, with the

2-43 terms of three members expiring September 30 of each even-numbered

2-44 year.

2-45 (d) Members appointed by the lieutenant governor under

2-46 Subsection (a)(2) serve at the pleasure of the lieutenant governor.

2-47 (e) Members appointed by the speaker of the house of

2-48 representatives under Subsection (a)(3) serve at the pleasure of

2-49 the speaker.

2-50 Sec. 329.004 [~~762.004~~]. ELIGIBILITY [~~FOR APPOINTMENT~~];

2-51 LOBBYIST RESTRICTION. (a) To be eligible for appointment to or

2-52 service on the commission, a person must be an attorney licensed to

2-53 practice law.

2-54 (b) At least one of the commissioners, at the time of that

2-55 commissioner's appointment, must be a state judge.

2-56 (c) At least one of the commissioners, at the time of that

2-57 commissioner's appointment, must be a legal educator.

2-58 (d) A person required to register as a lobbyist under

2-59 Chapter 305 because of the person's activities for compensation in

2-60 or on behalf of a profession related to the operation of the

2-61 commission may not serve as a commissioner or act as general counsel

2-62 to the commission.

2-63 Sec. 329.005 [~~762.005~~]. DUTIES OF COMMISSIONERS. Each

2-64 commissioner shall:

2-65 (1) promote uniformity in state laws in subject areas

2-66 in which uniformity is desirable and practicable; and

2-67 (2) attend national conference meetings.

2-68 Sec. 329.006 [~~762.006~~]. VACANCY; EXPIRATION OF TERM. (a)

2-69 This section applies only to a commissioner appointed by the

3-1 governor.
3-2 (b) The office of an appointed commissioner becomes vacant
3-3 on the death, resignation, failure or refusal to serve, or removal
3-4 of the commissioner.
3-5 (c) [~~(b)~~] The governor shall fill a vacancy by appointing a
3-6 person to the commission for the unexpired term of the commissioner
3-7 vacating the office.
3-8 (d) [~~(c)~~] On the vacancy or expiration of the term of office
3-9 of an appointed commissioner, the governor shall appoint a state
3-10 judge or legal educator if the appointment is required by Section
3-11 329.004(b) [~~762.004(b)~~] or (c).
3-12 Sec. 329.007 [~~762.008~~]. GROUND FOR REMOVAL. (a) It is a
3-13 ground for removal from the commission if a member:
3-14 (1) did not have, at the time of appointment or
3-15 election, the qualifications required by Section 329.004
3-16 [~~762.004~~];
3-17 (2) does not maintain the qualifications required by
3-18 Section 329.004 [~~762.004~~];
3-19 (3) is prohibited from serving as a commissioner under
3-20 Section 329.004(d) [~~762.004(d)~~]; or
3-21 (4) is ineligible to participate in activities of the
3-22 national conference.
3-23 (b) The validity of an action of the commission is not
3-24 affected because it is taken when a member is subject to removal.
3-25 Sec. 329.008 [~~762.009~~]. MEETING AND ELECTION OF OFFICERS.
3-26 (a) The commission shall meet at least once every two years.
3-27 (b) The commissioners shall elect a chair [~~chairman~~] and
3-28 secretary, who shall each hold office for a term of two years.
3-29 Sec. 329.009 [~~762.010~~]. COMPENSATION. A commissioner
3-30 serves without compensation but is entitled to be reimbursed for
3-31 reasonable expenses incurred in the performance of the
3-32 commissioner's duties.
3-33 Sec. 329.010 [~~762.011~~]. SUPPORT SERVICES. The Texas
3-34 Legislative Council shall provide accounting, clerical, and other
3-35 support services necessary for the commission to carry out its
3-36 duties.
3-37 SECTION 5. This Act takes effect immediately if it receives
3-38 a vote of two-thirds of all the members elected to each house, as
3-39 provided by Section 39, Article III, Texas Constitution. If this
3-40 Act does not receive the vote necessary for immediate effect, this
3-41 Act takes effect September 1, 2021.

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