

By: Metcalf

H.B. No. 5125

A BILL TO BE ENTITLED

AN ACT

relating to the organization and operation of the legislative branch of state government.

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

SECTION 1. Subchapter B, Chapter 301, Government Code, is amended by adding Sections 301.0161, 301.0291, 301.0321, and 301.036 to read as follows:

Sec. 301.0161. ADMINISTRATION COMMITTEES. (a) By rule or resolution, each house may establish an administration committee.

(b) The senate administration committee shall perform the duties and functions assigned to the committee by rule or resolution.

(c) The house administration committee shall:

(1) adopt policies and determine guidelines for the effective and efficient operation of the house, including the appointment and discharge of employees and the use of state property and facilities; and

(2) not later than the 60th day after the convening of a regular session, prepare and distribute to all members a manual of policy statements to include, but not be limited to, policies pertaining to members as a class.

Sec. 301.0291. ADMINISTRATIVE HEAD OF AGENCY. (a) For purposes of any law applicable to the legislature that requires an action by an administrative head of agency, the senate by

1 resolution shall designate the administrative head of agency for
2 the senate.

3 (b) The senate may delegate all or part of the authority
4 granted under Subsection (a) to a senate committee or legislative
5 officer as provided by law, rule, resolution, or policy.

6 (c) For purposes of any law applicable to the legislature
7 that requires an action by an administrative head of agency and
8 unless otherwise directed by resolution, the speaker is the
9 administrative head of agency for the house of representatives.

10 (d) As administrative head of the house of representatives,
11 the speaker may make any expenditures or transfers, including
12 expenditures and transfers necessary to discharge properly the
13 duties and responsibilities of the office of speaker, and perform
14 any function deemed necessary for the effective and efficient
15 operation of the house of representatives.

16 (e) The speaker may delegate all or part of the authority
17 granted under Subsections (c) and (d) to a house committee or
18 legislative officer as provided by law, rule, resolution, or
19 policy.

20 Sec. 301.0321. INTERNS. Notwithstanding Section 301.032 or
21 any other law, a member, officer, committee, or division of a house
22 of the legislature or the lieutenant governor may accept
23 uncompensated service from an individual participating in a bona
24 fide internship program approved by the committee on administration
25 of the respective house or for which the student receives academic
26 credit.

27 Sec. 301.036. COMMITTEES WITH LEGISLATIVE APPOINTEES. (a)

1 This section applies to any committee, council, board, commission,
2 or other body created or authorized by state law:

3 (1) that includes members appointed by the lieutenant
4 governor or the speaker; or

5 (2) for which the lieutenant governor or the speaker
6 designates the presiding officer.

7 (b) For an entity described by Subsection (a), the per diem
8 and travel expenses paid to a member of the entity shall be paid by
9 the state agency providing administrative support to the entity or
10 as otherwise directed by rider in the general appropriations act.

11 (c) An entity described by Subsection (a) is abolished on
12 the date of the sine die adjournment of the second regular session
13 of the legislature that begins after the date the entity is created
14 or authorized.

15 (d) This section prevails to the extent of any conflict with
16 any other law. The application of this section to an entity
17 described by Subsection (a) may be altered only by an amendment to
18 this section.

19 (e) Subsection (c) does not apply to an entity that is a
20 state agency.

21 (f) In this section, "state agency" means a department,
22 commission, board, office, or other body that is in the executive or
23 judicial branch of state government and was created by the
24 constitution or statute, but does not include an advisory committee
25 administratively attached to a state agency.

26 SECTION 2. Section 301.035, Government Code, is amended to
27 read as follows:

1 Sec. 301.035. [~~JOINT~~] INTERIM COMMITTEE PER DIEM AND TRAVEL
2 EXPENSES. Unless a statute expressly provides otherwise, per diem
3 and travel expenses paid to a member of a joint committee
4 established by statute or an interim committee of a house created by
5 rule or resolution shall be paid by the house to which the member
6 belongs. The per diem and travel expenses paid to a public member of
7 the committee shall be paid by the office of the appointing entity.

8 SECTION 3. Section 301.072, Government Code, is amended by
9 adding Subsection (c) to read as follows:

10 (c) A state agency with charge and control of a state
11 building shall, as soon as practicable, notify each legislative
12 office or agency occupying the building of any planned or
13 anticipated activity described by Subsection (b)(4) that is
14 conducted, directed, or authorized by the state agency, including
15 an interruption in utilities, a maintenance or construction
16 activity likely to cause prolonged noise or vibration perceptible
17 in the space occupied by a legislative office or agency, a major
18 excavation project within 1,000 feet of any outer wall of the
19 building, or a change to or closure of a street or sidewalk adjacent
20 to the building or affecting vehicle or pedestrian access to the
21 building.

22 SECTION 4. Subchapter F, Chapter 301, Government Code, is
23 amended by adding Sections 301.073 and 301.074 to read as follows:

24 Sec. 301.073. FACILITIES MANAGEMENT SERVICES FOR SPACE
25 OCCUPIED BY LEGISLATURE. (a) In this section, "facilities
26 management services" has the meaning assigned by Section 2165.007,
27 except that the term does not include utility services or utility

1 expenses.

2 (b) Notwithstanding Section 2165.007 or other law and
3 except as otherwise provided by this section, the State
4 Preservation Board is responsible for providing:

5 (1) for the Sam Houston Building, the facilities
6 management services designated by the administrative head of the
7 senate;

8 (2) for the John H. Reagan Building, the facilities
9 management services designated by the administrative head of the
10 house; and

11 (3) for the Robert E. Johnson Building and the
12 attached parking facility known as state parking garage P, the
13 facilities management services designated by the administrative
14 head of the Texas Legislative Council in consultation with the
15 other affected legislative agencies occupying space in the
16 building.

17 (c) The Texas Facilities Commission shall:

18 (1) provide any facilities management service for a
19 facility listed in Subsection (b) that has not been designated to be
20 performed by the State Preservation Board;

21 (2) operate and maintain the central utility plant in
22 the Sam Houston Building;

23 (3) subject to Subdivision (4), operate and maintain
24 the chiller utility plant attached to the Robert E. Johnson
25 Building; and

26 (4) as part of phase 2 construction of the Capitol
27 Complex master plan developed under Section 2166.105:

1 (A) connect the Robert E. Johnson Building to the
2 centralized chilled water distribution system described by that
3 plan; and

4 (B) subsequently decommission the chiller
5 utility plant attached to the Robert E. Johnson Building, except
6 for portions of the plant needed to provide backup chilled water for
7 the building's data center or other critical infrastructure
8 identified by the administrative head of the Texas Legislative
9 Council.

10 (d) The Texas Facilities Commission shall transfer to the
11 State Preservation Board an amount of money sufficient to reimburse
12 the board for the costs incurred by the board to perform the
13 services described by Subsection (b).

14 (e) This section does not, and may not be construed to,
15 specifically commit the control of any public buildings or grounds
16 to the State Preservation Board for purposes of Section [2165.002](#) or
17 any other law.

18 (f) For the chamber and committee rooms occupied by the
19 house and senate in the Capitol, Capitol Extension, and any
20 legislative office building, the administrative head of agency for
21 the appropriate house shall specify the scope, manner, and
22 performance of all work related to audiovisual systems, including
23 sound systems.

24 Sec. 301.074. LEGISLATIVE AGENCY ADMINISTRATIVE FUNCTIONS.

25 (a) In this section:

26 (1) "Financial system" includes an accounting system,
27 payroll system, purchasing system, human resources information

1 system, or enterprise resource planning system.

2 (2) "Legislative agency" has the meaning assigned by
3 Sections 326.001(1)(A)-(B) and (D)-(H).

4 (b) The administrative head of a legislative agency shall
5 oversee the agency's central business and administrative functions
6 and other matters vested in or delegated to the administrative
7 head.

8 (c) The director or other highest ranking employee, or that
9 person's designee, is the administrative head of a legislative
10 agency other than the senate or house of representatives.

11 (d) A legislative agency may use an internal financial
12 system selected by the administrative head of the agency.

13 (e) The comptroller shall provide an application
14 programming interface or other means mutually acceptable to the
15 administrative head of a legislative agency and the comptroller for
16 the legislative agency's internal financial system to exchange the
17 requisite financial and other data with the financial system of
18 record for this state necessary for the comptroller to pay each
19 agency's expenses from that agency's funds as held by the
20 comptroller.

21 (f) A legislative agency may use all or any part of a
22 financial system provided by the comptroller under Chapter 2101 or
23 other law as mutually agreed to by the administrative head of the
24 agency and the comptroller.

25 (g) This section prevails to the extent of a conflict
26 between this section and Chapter 2101.

27 SECTION 5. Section 323.006(b), Government Code, is amended

1 to read as follows:

2 (b) By agreement with either house of the legislature or a
3 legislative agency, the council may perform administrative,
4 accounting, purchasing, facilities management, or other services
5 or functions for or on behalf of the house or agency.

6 SECTION 6. Section 323.009(a), Government Code, is amended
7 to read as follows:

8 (a) The council may reimburse members-elect of the
9 legislature for travel expenses incurred in attending an
10 orientation program [~~conducted by the council~~] between the date of
11 the general election and the convening of the regular legislative
12 session.

13 SECTION 7. Section 325.003(a-1), Government Code, is
14 amended to read as follows:

15 (a-1) A public member acts on behalf of the legislature when
16 participating on the commission in furtherance of the legislature's
17 duty to provide oversight of state [~~executive branch~~] agencies'
18 implementation of legislative priorities.

19 SECTION 8. Section 468.003(b), Government Code, is amended
20 to read as follows:

21 (b) The Texas Legislative Council may [~~shall~~] provide
22 office space and other support in Austin necessary for the state
23 demographer to perform the demographer's duties for the
24 legislature.

25 SECTION 9. Section 2052.205(a), Government Code, is amended
26 to read as follows:

27 (a) A state agency shall send to the Legislative Reference

1 Library three physical [~~five~~] copies and one electronic copy of
2 each publication that it distributes.

3 SECTION 10. Section 6, Article 38.01, Code of Criminal
4 Procedure, is amended to read as follows:

5 Sec. 6. ASSISTANCE. The [~~Texas Legislative Council, the~~
6 ~~Legislative Budget Board, and The~~] University of Texas at Austin
7 shall assist the commission in performing the commission's duties.

8 SECTION 11. Section 31, Chapter 1250 (H.B. 4181), Acts of
9 the 86th Legislature, Regular Session, 2019, is amended to read as
10 follows:

11 Sec. 31. Records described by Section 301.041(b) or
12 301.043, Government Code, as added by this Act, or Section
13 301.020(e) or 323.018, Government Code, as amended by this Act, are
14 not subject to request, inspection, or duplication under Chapter
15 552, Government Code. A governmental body may withhold the records
16 without the necessity of requesting a decision from the attorney
17 general under Subchapter G, Chapter 552, Government Code.

18 SECTION 12. The following provisions of the Government Code
19 are repealed:

- 20 (1) Section 2053.004;
21 (2) Chapter 2060; and
22 (3) Section 2206.101(e).

23 SECTION 13. Section 301.036(c), Government Code, as added
24 by this Act, applies only to an entity described by Section
25 301.036(a), Government Code, as added by this Act, that is created
26 or authorized on or after the effective date of this Act.

27 SECTION 14. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect September 1, 2023.