

By: Metcalf

H.B. No. 5125

Substitute the following for H.B. No. 5125:

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C.S.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) The speaker may make any expenditures or transfers,
11 including expenditures and transfers necessary to discharge
12 properly the duties and responsibilities of the office of speaker,
13 and perform any function deemed necessary for the effective and
14 efficient operation of the house of representatives.

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

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

26 Sec. 301.036. COMMITTEES WITH LEGISLATIVE APPOINTEES. (a)
27 This section applies to any committee, council, board, commission,

1 or other body created or authorized by state law:

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

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

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

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

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

18 SECTION 2. Section 301.035, Government Code, is amended to
19 read as follows:

20 Sec. 301.035. [~~JOINT~~] INTERIM COMMITTEE PER DIEM AND TRAVEL
21 EXPENSES. Unless a statute expressly provides otherwise, per diem
22 and travel expenses paid to a member of a joint committee
23 established by statute or an interim committee of a house created by
24 rule or resolution shall be paid by the house to which the member
25 belongs. The per diem and travel expenses paid to a public member of
26 the committee shall be paid by the office of the appointing entity.

27 SECTION 3. Section 301.072, Government Code, is amended by

1 adding Subsection (c) to read as follows:

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

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

16 Sec. 301.073. FACILITIES MANAGEMENT SERVICES FOR SPACE
17 OCCUPIED BY LEGISLATURE. (a) In this section, "facilities
18 management services" has the meaning assigned by Section 2165.007,
19 except that the term does not include utility services or utility
20 expenses.

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

24 (1) for the Sam Houston Building, the facilities
25 management services designated by the administrative head of the
26 senate;

27 (2) for the John H. Reagan Building, the facilities

1 management services designated by the administrative head of the
2 house; and

3 (3) for the Robert E. Johnson Building and the
4 attached parking facility known as state parking garage P, the
5 facilities management services designated by the administrative
6 head of the Texas Legislative Council in consultation with the
7 other affected legislative agencies occupying space in the
8 building.

9 (c) The Texas Facilities Commission shall:

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

13 (2) operate and maintain the central utility plant in
14 the Sam Houston Building;

15 (3) subject to Subdivision (4), operate and maintain
16 the chiller utility plant attached to the Robert E. Johnson
17 Building; and

18 (4) as part of phase 2 construction of the Capitol
19 Complex master plan developed under Section [2166.105](#):

20 (A) connect the Robert E. Johnson Building to the
21 centralized chilled water distribution system described by that
22 plan; and

23 (B) subsequently decommission the chiller
24 utility plant attached to the Robert E. Johnson Building, except
25 for portions of the plant needed to provide backup chilled water for
26 the building's data center or other critical infrastructure
27 identified by the administrative head of the Texas Legislative

1 Council.

2 (d) The Texas Facilities Commission shall transfer to the
3 State Preservation Board an amount of money sufficient to reimburse
4 the board for the costs incurred by the board to perform the
5 services described by Subsection (b).

6 (e) This section does not, and may not be construed to,
7 specifically commit the control of any public buildings or grounds
8 to the State Preservation Board for purposes of Section 2165.002 or
9 any other law.

10 (f) For the chamber and committee rooms occupied by the
11 house and senate in the Capitol, Capitol Extension, and any
12 legislative office building, the administrative head of agency for
13 the appropriate house shall specify the scope, manner, and
14 performance of all work related to audiovisual systems, including
15 sound systems.

16 Sec. 301.074. LEGISLATIVE AGENCY ADMINISTRATIVE FUNCTIONS.

17 (a) In this section:

18 (1) "Financial system" includes an accounting system,
19 payroll system, purchasing system, human resources information
20 system, or enterprise resource planning system.

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

23 (b) The administrative head of a legislative agency shall
24 oversee the agency's central business and administrative functions
25 and other matters vested in or delegated to the administrative
26 head.

27 (c) The director or other highest ranking employee, or that

1 person's designee, is the administrative head of a legislative
2 agency other than the senate or house of representatives.

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

5 (e) The comptroller shall provide an application
6 programming interface or other means mutually acceptable to the
7 administrative head of a legislative agency and the comptroller for
8 the legislative agency's internal financial system to exchange the
9 requisite financial and other data with the financial system of
10 record for this state necessary for the comptroller to pay each
11 agency's expenses from that agency's funds as held by the
12 comptroller.

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

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

19 SECTION 5. Section 323.006(b), Government Code, is amended
20 to read as follows:

21 (b) By agreement with either house of the legislature or a
22 legislative agency, the council may perform administrative,
23 accounting, purchasing, facilities management, or other services
24 or functions for or on behalf of the house or agency.

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

27 (a) The council may reimburse members-elect of the

1 legislature for travel expenses incurred in attending an
2 orientation program [~~conducted by the council~~] between the date of
3 the general election and the convening of the regular legislative
4 session.

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

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

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

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

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

19 (a) A state agency shall send to the Legislative Reference
20 Library three physical [~~five~~] copies and one electronic copy of
21 each publication that it distributes.

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

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

27 SECTION 11. Section 31, Chapter 1250 (H.B. 4181), Acts of

1 the 86th Legislature, Regular Session, 2019, is amended to read as
2 follows:

3 Sec. 31. Records described by Section 301.041(b) or
4 301.043, Government Code, as added by this Act, or Section
5 301.020(e) or 323.018, Government Code, as amended by this Act, are
6 not subject to request, inspection, or duplication under Chapter
7 552, Government Code. A governmental body may withhold the records
8 without the necessity of requesting a decision from the attorney
9 general under Subchapter G, Chapter 552, Government Code.

10 SECTION 12. The following provisions of the Government Code
11 are repealed:

- 12 (1) Section 2053.004;
- 13 (2) Chapter 2060; and
- 14 (3) Section 2206.101(e).

15 SECTION 13. Section 301.036(c), Government Code, as added
16 by this Act, applies only to an entity described by Section
17 301.036(a), Government Code, as added by this Act, that is created
18 or authorized on or after the effective date of this Act.

19 SECTION 14. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2023.