

By: Ellis

S.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to the organization, board membership, and functions of certain state agencies and to the transfer of certain functions to other state agencies; providing penalties.

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

ARTICLE 1. CREATION OF LEGISLATIVE INFORMATION SERVICES BOARD;

ABOLITION OF TEXAS LEGISLATIVE COUNCIL AND TRANSFER OF ITS

FUNCTIONS

SECTION 1.01. Subtitle C, Title 3, Government Code, is amended by adding Chapter 327 to read as follows:

CHAPTER 327. LEGISLATIVE INFORMATION SERVICES BOARD

Sec. 327.001. DEFINITIONS. In this chapter:

(1) "Board" means the Legislative Information Services Board.

(2) "Director" means the director of the board.

Sec. 327.002. CREATION. The Legislative Information Services Board is an agency of the legislative branch of state government.

Sec. 327.003. LEGISLATIVE INFORMATION SERVICES BOARD.

(a) The board consists of:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) the chairs of the senate and house administration committees;

1 (4) five other senators from various areas of the
2 state appointed by the lieutenant governor; and

3 (5) five other members of the house of representatives
4 from various areas of the state appointed by the speaker.

5 (b) The lieutenant governor and the speaker of the house of
6 representatives serve alternate terms as the chairman and vice
7 chairman of the board. The terms are for two years and expire on
8 February 1 of each odd-numbered year.

9 (c) Members of the board serve without compensation but are
10 entitled to reimbursement for actual and necessary expenses
11 incurred in attending meetings and performing official functions.

12 (d) Actual and necessary expenses are paid from funds
13 appropriated to the board.

14 Sec. 327.004. DIRECTOR. (a) The board shall appoint a
15 director to serve at the pleasure of the board.

16 (b) The board shall set the salary of the director.

17 Sec. 327.005. PERSONNEL. (a) The director, with the
18 approval of the board, may employ professional and clerical
19 personnel.

20 (b) The board shall set the salaries of the personnel
21 employed by the director.

22 Sec. 327.006. GIFTS AND GRANTS. (a) The board may accept
23 gifts, grants, and donations from any organization described in
24 Section 501(c)(3), Internal Revenue Code of 1986, for the purposes
25 of funding any activity under this chapter.

26 (b) All gifts, grants, and donations must be accepted in an
27 open meeting by a majority of the voting members of the board and

1 reported in the public record of the board with the name of the
2 donor and purpose of the gift, grant, or donation.

3 Sec. 327.007. DUTIES. The board shall provide computer
4 support services to the legislative branch of state government,
5 including:

6 (1) installing and maintaining computer equipment;

7 (2) testing new software and hardware;

8 (3) developing custom software;

9 (4) maintaining a local area network; and

10 (5) providing computer training and assistance.

11 Sec. 327.008. ELECTRONIC AVAILABILITY OF LEGISLATIVE
12 INFORMATION THROUGH THE INTERNET. (a) In this section:

13 (1) "Internet" means the largest nonproprietary
14 nonprofit cooperative public computer network, popularly known as
15 the Internet.

16 (2) "Legislative information" means:

17 (A) a list of all the members of each house of the
18 legislature;

19 (B) a list of the committees of the legislature
20 and their members;

21 (C) the full text of each bill as filed and as
22 subsequently amended, substituted, engrossed, or enrolled in
23 either house of the legislature;

24 (D) the full text of each amendment or substitute
25 adopted by a legislative committee for each bill filed in either
26 house of the legislature;

27 (E) the calendar of each house of the

1 legislature, the schedule of legislative committee hearings, and a
2 list of the matters pending on the floor of each house of the
3 legislature;

4 (F) detailed procedural information about how a
5 bill filed in either house of the legislature becomes law,
6 including detailed timetable information concerning the times
7 under the constitution or the rules of either house when the
8 legislature may take certain actions on a bill;

9 (G) the district boundaries or other identifying
10 information for the following types of districts in Texas:

11 (i) house of representatives districts;

12 (ii) senate districts;

13 (iii) State Board of Education districts;

14 and

15 (iv) United States congressional
16 districts; and

17 (H) other information related to the legislative
18 process that in the board's opinion should be made available
19 through the Internet.

20 (b) The board, to the extent it considers it to be feasible
21 and appropriate, may make legislative information available to the
22 public through the Internet.

23 (c) The board may make available to the public through the
24 Internet any documentation that describes the electronic digital
25 formats of legislative information.

26 (d) The access to legislative information provided for
27 under this section:

1 (1) is in addition to the public's access to the
2 information through other electronic or print distribution of the
3 information;

4 (2) does not alter, diminish, or relinquish any
5 copyright or other proprietary interest or entitlement of the State
6 of Texas or a private entity under contract with the state; and

7 (3) is subject to Section 327.009.

8 Sec. 327.009. COMPUTER ACCESS, INFORMATION, AND USE.

9 (a) The board shall consider each application for direct access to
10 a computer under its control in which confidential information is
11 stored or processed or that is connected with another computer in
12 which confidential information is stored or processed and solely
13 shall determine whether or not to permit direct access by the
14 applicant. Direct access to such a computer may not be permitted
15 unless protection of confidential information is ensured.

16 (b) If public information of the board is stored in a
17 computer-readable form, the board has exclusive authority to
18 determine the form in which the information will be reproduced for
19 the requestor of the information.

20 (c) Notwithstanding Subchapter F, Chapter 552, the board
21 has exclusive authority to determine the charge for direct access
22 to a computer under its control and the charge for information
23 reproduced for a requestor.

24 (d) The board may consider the needs of persons with
25 disabilities when making decisions regarding the formats in which
26 information is made available under this chapter.

27 Sec. 327.010. COMPUTER SECURITY; PENALTY. (a) A person

1 commits an offense if the person intentionally or knowingly gains
2 access to information stored or maintained by a computer under the
3 control of the board and the person is not authorized by the board
4 to have access to that information.

5 (b) A person commits an offense if the person intentionally,
6 knowingly, or recklessly damages, destroys, deletes, or alters or
7 impairs access to or use of information stored or maintained by a
8 computer under the control of the board and the person is not
9 authorized by the board to do so.

10 (c) Subsection (b) does not apply to an interruption of
11 utility service or other service that causes the damage,
12 destruction, deletion, or alteration of or impairment of access to
13 or use of the information unless the interruption was intended to
14 have that result.

15 (d) An offense under this section is a Class A misdemeanor.

16 SECTION 1.02. The following laws are repealed:

- 17 (1) Section 276.008, Election Code;
18 (2) Chapter 323, Government Code;
19 (3) Section 2053.004, Government Code; and
20 (4) Section 6.14, Tax Code.

21 ARTICLE 2. TRANSFER OF FINANCIAL AUDIT FUNCTIONS FROM STATE
22 AUDITOR TO LEGISLATIVE BUDGET BOARD

23 SECTION 2.01. Chapter 322, Government Code, is amended by
24 adding Section 322.002 to read as follows:

25 Sec. 322.002. DEFINITIONS. In this chapter:

- 26 (1) "Board" means the Legislative Budget Board.
27 (2) "Department" includes every department, agency,

1 board, bureau, institution, or commission of the state.

2 SECTION 2.02. Chapter 322, Government Code, is amended by
3 adding Sections 322.015 through 322.026 to read as follows:

4 Sec. 322.015. FINANCIAL AND COMPLIANCE AUDITS: POWERS AND
5 DUTIES. (a) The board shall conduct financial audits of all
6 departments, including institutions of higher education, as
7 specified in the audit plan required under Subsection (c). The
8 board may conduct an audit or investigation of any entity receiving
9 funds from the state.

10 (b) The board shall conduct the audits in accordance with
11 generally accepted auditing standards as prescribed by the American
12 Institute of Certified Public Accountants, the Governmental
13 Accounting Standards Board, the United States General Accounting
14 Office, or other professionally recognized entities that prescribe
15 auditing standards.

16 (c) The board shall devise an audit plan for the state for
17 each fiscal year. In the plan, the board shall consider
18 recommendations concerning coordination of agency functions made
19 by representatives of the Performance Review Commission. The board
20 shall also consider the extent to which a department has received a
21 significant increase in appropriations, including a significant
22 increase in federal or other money passed through to the
23 department, and shall review procurement activities for compliance
24 with Section 2161.123. The plan shall provide for the auditing of
25 federal programs at least once in each fiscal biennium and shall
26 ensure that audit requirements of all bond covenants and other
27 credit or financial agreements are satisfied.

1 (d) At any time during an audit or investigation, the board
2 may require the assistance of the administrative head, official,
3 auditor, accountant, or other employees of the entity being audited
4 or investigated.

5 (e) The board is entitled to access to all of the books,
6 accounts, confidential or unconfidential reports, vouchers, or
7 other records of information in any department or entity subject to
8 audit, including access to all electronic data.

9 (f) The board has access to information and data the release
10 of which is restricted under federal law only with the approval of
11 the appropriate federal administrative agency. The board shall
12 have access to copyrighted or restricted information obtained by
13 the office of the comptroller under subscription agreements and
14 used in the preparation of economic estimates only for audit
15 purposes.

16 (g) The board may conduct compliance and financial audits as
17 defined by Sections 322.016 and 322.017 and specified in the audit
18 plan.

19 (h) To the extent that the performance of the powers and
20 duties of the board under law is not impeded, the board shall make
21 reasonable efforts to coordinate requests for employee assistance
22 under Subsection (d) or requests for access to books, accounts,
23 vouchers, records, or data under Subsection (e) or (f) so as not to
24 hinder the daily operations of the audited entity.

25 (i) The board may not conduct audits of private entities
26 concerning collection or remittance of taxes or fees to the state if
27 the entity is subject to audit by another state agency for the taxes

1 or fees.

2 (j) If the board determines that a change in an accounting
3 system is necessary, the board shall consider the present system of
4 books, records, accounts, and reports to ensure that the transition
5 will be gradual and that the past and present records will be
6 coordinated into the new system.

7 Sec. 322.016. COMPLIANCE AUDIT. A compliance audit is an
8 audit to determine:

9 (1) whether the audited entity has obligated,
10 expended, received, and used state funds in accordance with the
11 purpose for which those funds have been appropriated or otherwise
12 authorized by law;

13 (2) whether the audited entity has obligated,
14 expended, received, and used state funds in accordance with any
15 limitations, restrictions, conditions, or mandatory directions
16 imposed by law on those obligations, expenditures, receipts, or
17 uses;

18 (3) in the case of a local or private entity or agency,
19 whether the records, books, and accounts of the audited entity
20 fairly and accurately reflect the entity's financial and fiscal
21 operations relating to the obligation, receipt, expenditure, and
22 use of state funds or funds represented as being collected for a
23 state purpose;

24 (4) whether the collections of state revenues and
25 receipts by the audited entity are in accordance with applicable
26 laws and regulations; and

27 (5) whether money or negotiable securities or similar

1 assets handled by the audited entity on behalf of the state or
2 received from the state and held in trust by the audited entity have
3 been properly and legally administered.

4 Sec. 322.017. FINANCIAL AUDIT. A financial audit is an
5 audit to determine:

6 (1) in the case of the state or a department, whether
7 the records, books, and accounts of the audited entity accurately
8 reflect its financial and fiscal operations;

9 (2) whether the audited entity is maintaining
10 effective accounting control over revenues, obligations,
11 expenditures, assets, and liabilities;

12 (3) whether the accounting and record-keeping of
13 collections of state revenues and receipts by the audited entity
14 are fair, accurate, and in accordance with law;

15 (4) whether the accounting and record-keeping of money
16 or negotiable securities or similar assets handled by the audited
17 entity on behalf of the state or received from the state and held in
18 trust by the audited entity are proper, accurate, and in accordance
19 with law; and

20 (5) whether financial reports of the audited entity
21 are fairly presented.

22 Sec. 322.018. FINANCIAL AND COMPLIANCE AUDIT REPORTS.

23 (a) The board shall prepare a written report for each financial or
24 compliance audit conducted by the board.

25 (b) The written report must include a management letter with
26 comments about internal controls, compliance with state or federal
27 laws, and recommendations for improving operations or program

1 effectiveness, as applicable. The report must also include an
2 opinion on fair presentation of financial statements if the board
3 considers an opinion to be necessary.

4 (c) The board shall file a copy of each report prepared
5 under this section with:

- 6 (1) the governor;
- 7 (2) the lieutenant governor;
- 8 (3) the speaker of the house of representatives;
- 9 (4) the secretary of state;
- 10 (5) the Legislative Reference Library;
- 11 (6) each member of the governing body and the
12 administrative head of each entity that is the subject of the
13 report; and
- 14 (7) members of the legislature on a committee with
15 oversight responsibility for the entity or program that is the
16 subject of the report.

17 (d) The board shall maintain a complete file containing:

- 18 (1) copies of each audit report; and
- 19 (2) audit work papers and other evidence relating to
20 the work of the board.

21 (e) The board shall maintain the file required by Subsection
22 (d) for at least eight years after the date on which the information
23 is filed.

24 (f) Each audited department or entity shall report on the
25 manner in which the department or entity addressed the findings and
26 recommendations that are included in a report prepared by the board
27 under this section. The board shall prescribe the form and schedule

1 for a report by the department or entity under this subsection.

2 (g) If a department or entity does not implement a change
3 recommended by the board's report, the department or entity shall
4 file a report with the persons specified by Subsection (c). The
5 report must:

6 (1) identify the recommendation the department or
7 entity did not implement; and

8 (2) state the reason the department or entity did not
9 implement the recommendation.

10 Sec. 322.019. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS.

11 (a) If in the course of an audit the board finds evidence of
12 improper practices of financial administration, inadequate fiscal
13 records, or uneconomical use of resources, the board, after
14 consulting with the head of the department being audited, shall
15 immediately report the evidence to the governor and to the
16 administrative head and the chairman of the governing body of the
17 affected department.

18 (b) If in the course of an audit the board finds evidence of
19 an illegal transaction, the board, after consulting with the head
20 of the department, shall immediately report the transaction to the
21 governor and the appropriate legal authority.

22 (c) Immediately after receiving a report alleging improper
23 practices of financial administration or uneconomical use of
24 resources, the board shall review the report and shall consult with
25 and may hold hearings with the administrative head and the chairman
26 of the governing body of the affected department regarding the
27 report.

1 (d) If the administrative head or the governing body of the
2 affected department refuses to make the changes recommended by the
3 board at a hearing under Subsection (c) or refuses to provide any
4 additional information or reports requested, the board shall report
5 the refusal to the legislature.

6 Sec. 322.020. REVIEW AND OVERSIGHT OF FUNDS AND ACCOUNTS
7 RECEIVING COURT COSTS. (a) The board may review each fund and
8 account into which money collected as a court cost is directed by
9 law to be deposited to determine whether:

10 (1) the money is being used for the purpose for which
11 the money is collected; and

12 (2) the amount of the court cost is appropriate,
13 considering the purpose for which the cost is collected.

14 (b) The board may perform reviews under this section as
15 specified in the audit plan developed under Section 322.015.

16 (c) The board shall make the findings of a review performed
17 under this section available to the public and shall report the
18 findings to the governor, the chief justice of the supreme court,
19 and the presiding judge of the court of criminal appeals. The
20 report may include the board's recommendations for legislation or
21 policy changes.

22 Sec. 322.021. SUBPOENAS. (a) The board may subpoena
23 witnesses or any books, records, or other documents reasonably
24 necessary to conduct an examination under this chapter.

25 (b) Each subpoena must be signed by the chairman or the
26 secretary of the board.

27 (c) On the request of the chairman or the secretary of the

1 board, the sergeant at arms or an assistant sergeant at arms of
2 either house of the legislature or any peace officer shall serve the
3 subpoena in the manner prescribed for service of a district court
4 subpoena.

5 (d) If the person to whom a subpoena is directed fails to
6 comply, the board may bring suit in district court to enforce the
7 subpoena. If the court determines that good cause exists for the
8 issuance of the subpoena, the court shall order compliance. The
9 court may modify the requirements of a subpoena that the court
10 determines are unreasonable. Failure to comply with the order of
11 the district court is punishable as contempt.

12 (e) The board may provide for the compensation of subpoenaed
13 witnesses. The amount of compensation may not exceed the amount
14 paid to a witness subpoenaed by a district court in a civil
15 proceeding.

16 Sec. 322.022. INTERFERENCE WITH AUDIT OR INVESTIGATION.

17 (a) An officer or employee of this state or of an entity subject to
18 audit or investigation by the board commits an offense if the
19 officer or employee:

20 (1) refuses to immediately permit the board to examine
21 or have access to the books, accounts, reports, vouchers, papers,
22 documents, or electronic data to which the board is entitled under
23 Section 322.015(e) or (f) or other law, or access to the cash drawer
24 or cash from the officer's or employee's department;

25 (2) interferes with an examination by the board; or

26 (3) refuses to make a report required by this chapter.

27 (b) An offense under this section is a Class A misdemeanor.

Sec. 322.023. COORDINATION OF CERTAIN AUDITS.

(a) Notwithstanding any other law, a state agency, or a corporation that is dedicated to the benefit of a state agency and that meets the criteria specified by Section B, Article 2.23B, Texas Non-Profit Corporation Act (Article 1396-2.23B, Vernon's Texas Civil Statutes), may employ a private auditor to audit the state agency or corporation only if:

(1) the agency or corporation is authorized to do so by law or through a delegation of authority from the board;

(2) the scope of the proposed audit has been submitted to the board for review and comment; and

(3) the services of the private auditor are procured through a competitive selection process in a manner allowed by law.

(b) At the joint direction of the lieutenant governor and the speaker of the house of representatives, the board shall provide contract management services to the agency or corporation for an audit described by this section.

Sec. 322.024. GIFTS AND GRANTS. (a) The board may accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, for the purpose of funding any activity under this chapter.

(b) All gifts, grants, and donations must be accepted in an open meeting by a majority of the voting members of the board and reported in the public record of the committee with the name of the donor and purpose of the gift, grant, or donation.

Sec. 322.025. COORDINATION OF INVESTIGATIONS. (a) If the administrative head of a department or entity that is subject to

audit by the board has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, the administrative head shall report the reason and basis for the belief to the board. The board may investigate the report or may monitor any investigation conducted by the department or entity.

(b) The board, in consultation with state agencies and institutions, shall prescribe the form, content, and timing of a report required by this section.

(c) All records of a communication by or to the board relating to a report to the board under Subsection (a) are audit working papers of the board.

(d) In this section, "audit working papers" means all documentary and other information prepared or maintained in conducting an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and all draft reports or portions thereof.

Sec. 322.026. SEAL. The board shall obtain a seal with "Legislative Budget Board, State of Texas" engraved around the margin and a five-pointed star in the center to be used to authenticate official documents issued by the board.

SECTION 2.03. Chapter 321, Government Code, is repealed.

ARTICLE 3. CREATION OF PERFORMANCE REVIEW COMMISSION; ABOLITION
OF SUNSET ADVISORY COMMISSION AND TRANSFER OF FUNCTIONS TO
PERFORMANCE REVIEW COMMISSION

SECTION 3.01. Section 325.002, Government Code, is amended
to read as follows:

Sec. 325.002. DEFINITIONS. In this chapter:

(1) ~~["State agency" means an agency expressly made
subject to this chapter.~~

~~[(2)]~~ "Advisory committee" means a committee,
council, commission, or other entity created under state law whose
primary function is to advise a state agency.

(2) ~~[(3)]~~ "Commission" means the Performance Review
~~[Sunset Advisory]~~ Commission.

(3) "Department" includes every department, agency,
board, bureau, institution, or commission of the state.

(4) "State agency" means an agency expressly made
subject to this chapter.

SECTION 3.02. Section 325.003, Government Code, is amended
by amending the section heading and Subsections (a), (d), and (i) to
read as follows:

Sec. 325.003. PERFORMANCE REVIEW ~~[SUNSET—ADVISORY]~~
COMMISSION.

(a) The Performance Review ~~[Sunset Advisory]~~ Commission
consists of the lieutenant governor and three other ~~[four]~~ members
of the senate and one public member appointed by the lieutenant
governor and the speaker of the house of representatives and three
other ~~[four]~~ members of the house of representatives and one public

1 member appointed by the speaker of the house. ~~[Each appointing~~
2 ~~authority may designate himself as one of the legislative~~
3 ~~appointees.]~~

4 (d) Legislative members other than the lieutenant governor
5 and the speaker of the house of representatives serve four-year
6 terms, with terms staggered so that the terms of one-half of the
7 legislative members appointed by the lieutenant governor and the
8 terms of one-half of the legislative members appointed by the
9 speaker expire September 1 of each odd-numbered year. The ~~[If the]~~
10 lieutenant governor and ~~[or]~~ the speaker shall serve ~~[serves]~~ on
11 the commission~~[, he continues to serve]~~ until resignation from the
12 commission or until the lieutenant governor or speaker ~~[he]~~ ceases
13 to hold the office. Public members serve two-year terms expiring
14 September 1 of each odd-numbered year.

15 (i) The speaker of the house of representatives is the
16 chairman of the commission ~~[shall have a chairman and vice-chairman~~
17 ~~as presiding officers. The chairmanship and vice-chairmanship must~~
18 ~~alternate every two years between the two membership groups~~
19 ~~appointed by the lieutenant governor and the speaker. The chairman~~
20 ~~and vice-chairman may not be from the same membership group. The~~
21 ~~lieutenant governor shall designate a presiding officer from his~~
22 ~~appointed membership group and the speaker shall designate the~~
23 ~~other presiding officer from his appointed membership group]~~.

24 SECTION 3.03. Subsection (a), Section 325.008, Government
25 Code, is amended to read as follows:

26 (a) Before September 1 of the even-numbered year before the
27 year in which a state agency subject to this chapter and its

1 advisory committees are abolished, the commission shall:

2 (1) review and take action necessary to verify the
3 reports submitted by the agency under Section 325.007;

4 (2) consult the Legislative Budget Board, the
5 Governor's Budget and Planning Office, [~~the State Auditor,~~] and the
6 comptroller of public accounts, or their successors, on the
7 application to the agency of the criteria provided in Section
8 325.011;

9 (3) conduct a performance evaluation of the agency
10 based on the criteria provided in Section 325.011 and prepare a
11 written report; and

12 (4) review the implementation of commission
13 recommendations contained in the reports presented to the
14 legislature during the preceding legislative session.

15 ARTICLE 4. POWERS AND FUNCTIONS OF THE STATE PRESERVATION BOARD

16 SECTION 4.01. Section 443.007, Government Code, is amended
17 by adding Subsection (e) to read as follows:

18 (e) The board may adopt any management or oversight method
19 or procedure reasonably necessary to ensure that the requirements
20 under Subsection (a) are met in the most economical and efficient
21 manner.

22 SECTION 4.02. Chapter 443, Government Code, is amended by
23 adding Section 443.0232 to read as follows:

24 Sec. 443.0232. CONSULTATION WITH THE LEGISLATIVE
25 INFORMATION SERVICES BOARD. (a) The board shall consult with the
26 Legislative Information Services Board regarding the installation
27 of information technology equipment in the Capitol, the General

1 Land Office Building, and their grounds. The interest of
2 preservation must be balanced against the need of the legislative
3 branch of state government for computer hardware and other types of
4 office machinery and communication tools.

5 (b) The consultation under Subsection (a) shall include an
6 analysis of:

7 (1) the extent of any permanent changes in the
8 appearance of the buildings or their grounds likely to be caused by
9 the installation of information technology equipment, including
10 wiring and antennas;

11 (2) methods for minimizing the impact of the
12 installation on the appearance of the buildings or grounds; and

13 (3) ways to ensure that any necessary alterations in
14 the appearance of the buildings or grounds conform, to the extent
15 reasonably practicable, with the architectural and historical
16 integrity of the buildings or grounds.

17 ARTICLE 5. CONFORMING AMENDMENTS

18 SECTION 5.01. Subsection (a), Section 81.113, Government
19 Code, is amended to read as follows:

20 (a) Except as provided by Subsection (b), the state bar
21 shall credit an attorney licensed in this state with meeting the
22 minimum continuing legal education requirements of the state bar
23 for a reporting year if during the reporting year the attorney is
24 employed full-time as an attorney by:

25 (1) the senate;

26 (2) the house of representatives;

27 (3) a committee, division, department, or office of

1 the senate or house;

2 (4) ~~[the Texas Legislative Council,~~
3 ~~(5)]~~ the Legislative Budget Board;
4 (5) ~~[(6)]~~ the Legislative Reference Library;
5 ~~[(7) the office of the state auditor,]~~ or
6 (6) ~~[(8)]~~ the Performance Review ~~[Sunset Advisory]~~
7 Commission.

8 SECTION 5.02. Subsection (a), Section 301.021, Government
9 Code, is amended to read as follows:

10 (a) If for any reason it is necessary to obtain assistance
11 in addition to the services provided by the Legislative Budget
12 Board ~~[State Auditor]~~, attorney general, ~~[Texas Legislative~~
13 ~~Council,~~] or Department of Public Safety, each general
14 investigating committee may employ and compensate assistants to
15 assist in any investigation, audit, or legal matter.

16 SECTION 5.03. Subsection (a), Section 301.028, Government
17 Code, is amended to read as follows:

18 (a) Each standing committee, including a general
19 investigating committee, may request necessary assistance from all
20 state agencies, departments, and offices, including:

21 (1) the Legislative Budget Board ~~[State Auditor]~~;
22 (2) ~~[the Texas Legislative Council,~~
23 ~~(3)]~~ the Department of Public Safety; and
24 (3) ~~[(4)]~~ the attorney general.

25 SECTION 5.04. Subsections (a) and (d), Section 301.041,
26 Government Code, are amended to read as follows:

27 (a) A duly appointed senator's or representative's

1 membership on the Legislative Budget Board, Legislative Library
2 Board, [~~Legislative Audit Committee, Texas~~] Legislative
3 Information Services Board [~~Council~~], or any other interim
4 committee terminates if the member:

5 (1) resigns the membership;

6 (2) ceases membership in the legislature for any
7 reason; or

8 (3) fails to be nominated or elected to the
9 legislature for the next term.

10 (d) In filling a vacancy created under this section, the
11 lieutenant governor or the speaker may appoint a senator or
12 representative, as appropriate, other than a committee chairman
13 designated by law to serve as a member of the Legislative Budget
14 Board, Legislative Library Board, [~~Legislative Audit Committee,~~
15 ~~Texas~~] Legislative Information Services Board [~~Council~~], or any
16 other interim committee. An appointment made under this subsection
17 does not constitute an appointment to any position other than that
18 of a member of a board[~~, council,~~] or committee covered by this
19 section.

20 SECTION 5.05. Section 302.032, Government Code, is amended
21 to read as follows:

22 Sec. 302.032. LEGISLATIVE BRIBERY: PROMISES OR THREATS. A
23 person commits an offense if, with the intent to influence a member
24 of or candidate for the house of representatives in casting a vote
25 for speaker of the house of representatives, the person:

26 (1) promises or agrees to cause:

27 (A) the appointment of a person to a chairmanship

1 or vice-chairmanship of a house committee or subcommittee;

2 (B) the appointment of a person to a particular
3 house committee or subcommittee, the Legislative Budget Board, the
4 [~~Texas~~] Legislative Information Services Board [~~Council~~], the
5 Legislative Library Board, [~~the Legislative Audit Committee,~~] or
6 any other position the speaker appoints;

7 (C) preferential treatment on any legislation or
8 appropriation;

9 (D) the employment of a person; or

10 (E) economic benefit to a person; or

11 (2) threatens to cause:

12 (A) the failure to appoint a person to a
13 chairmanship or vice-chairmanship of a house committee or
14 subcommittee;

15 (B) the failure to appoint a person to a
16 particular house committee or subcommittee, the Legislative Budget
17 Board, the [~~Texas~~] Legislative Information Services Board
18 [~~Council~~], the Legislative Library Board, [~~the Legislative Audit~~
19 ~~Committee,~~] or any other position the speaker appoints;

20 (C) unfavorable treatment on any legislation or
21 appropriation;

22 (D) the refusal of or removal from employment of
23 a person; or

24 (E) the withholding of economic benefit from a
25 person.

26 SECTION 5.06. Section 302.033, Government Code, is amended
27 to read as follows:

1 Sec. 302.033. LEGISLATIVE BRIBERY: ACCEPTING BENEFITS. A
2 member of or candidate for the house of representatives commits an
3 offense if, on the representation or understanding that the member
4 or candidate will cast a vote for a particular person for speaker of
5 the house of representatives, the member or candidate solicits,
6 accepts, or agrees to accept:

7 (1) the appointment of or refusal to appoint a person
8 to a chairmanship or vice-chairmanship of a house committee or
9 subcommittee;

10 (2) the appointment of or refusal to appoint a person
11 to a particular house committee or subcommittee, the Legislative
12 Budget Board, the [~~Texas~~] Legislative Information Services Board
13 [~~Council~~], the Legislative Library Board, [~~the Legislative Audit~~
14 ~~Committee~~], or any other position the speaker appoints;

15 (3) preferential or unfavorable treatment on any
16 legislation or appropriation;

17 (4) the employment of, refusal of employment of, or
18 removal from employment of a person; or

19 (5) economic benefit to or withholding of economic
20 benefit from a person.

21 SECTION 5.07. Section 306.007, Government Code, is amended
22 to read as follows:

23 Sec. 306.007. MINUTES AND REPORTS ELECTRONICALLY AVAILABLE
24 TO LEGISLATURE. A state officer or board, commission, or other
25 agency in the executive branch of state government, and an agency in
26 the judicial branch of state government other than a court, shall
27 make reports required by law and minutes of meetings of the agency's

1 governing body available to members of the legislature and to
2 agencies in the legislative branch of state government in an
3 electronic format determined by the ~~[Texas]~~ Legislative
4 Information Services Board ~~[Council]~~.

5 SECTION 5.08. Section 326.001, Government Code, is amended
6 to read as follows:

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

- 9 (1) the senate;
- 10 (2) the house of representatives;
- 11 (3) a committee, division, department, or office of
12 the senate or house;
- 13 (4) the ~~[Texas]~~ Legislative Information Services
14 Board ~~[Council]~~;
- 15 (5) the Legislative Budget Board;
- 16 (6) the Legislative Reference Library; or
- 17 (7) ~~[the office of the State Auditor, or~~
18 ~~(8)]~~ any other agency in the legislative branch of
19 state government.

20 SECTION 5.09. Subsections (a) and (b), Section 326.003,
21 Government Code, are amended to read as follows:

22 (a) The ~~[State Auditor's Office,]~~ Legislative Budget
23 Board~~[,]~~ and the Performance Review ~~[Sunset Advisory]~~ Commission
24 shall form a committee to make recommendations relating to the
25 coordination of the agencies' functions.

26 (b) The committee shall meet on a regular basis at least
27 quarterly. The director of the Legislative Budget Board ~~[State~~

1 ~~Auditor~~] shall call each meeting.

2 SECTION 5.10. Subsection (b), Section 468.003, Government
3 Code, is amended to read as follows:

4 (b) The ~~[Texas]~~ Legislative Information Services Board
5 ~~[Council]~~ shall provide office space and other support in Austin
6 necessary for the state demographer to perform the demographer's
7 duties for the legislature.

8 SECTION 5.11. Subsection (d), Section 531.203, Government
9 Code, is amended to read as follows:

10 (d) The committee may use staff of standing committees in
11 the senate and house of representatives with appropriate
12 jurisdiction, the Department of Information Resources, ~~[the state~~
13 ~~auditor, the Texas Legislative Council,~~] and the Legislative Budget
14 Board in carrying out its responsibilities.

15 SECTION 5.12. Subdivision (11), Section 572.002,
16 Government Code, is amended to read as follows:

17 (11) "State employee" means an individual, other than
18 a state officer, who is employed by:

19 (A) a state agency;

20 (B) the Supreme Court of Texas, the Court of
21 Criminal Appeals of Texas, a court of appeals, or the Texas Judicial
22 Council; or

23 (C) either house of the legislature or a
24 legislative agency, council, or committee, including the
25 Legislative Budget Board, the ~~[Texas]~~ Legislative Information
26 Services Board ~~[Council]~~, ~~[the State Auditor's Office,~~] and the
27 Legislative Reference Library.

1 SECTION 5.13. Subsection (a), Section 660.203, Government
2 Code, is amended to read as follows:

3 (a) An individual is entitled to reimbursement for the
4 actual expense of meals and lodging incurred while performing the
5 duties of the individual's office or employment if the individual
6 is:

7 (1) a judicial officer;

8 (2) a chief administrative officer of a state agency,
9 subject to Subsection (c);

10 (3) ~~[the executive director of the Texas Legislative~~
11 ~~Council,~~

12 ~~[(4)]~~ the secretary of the senate;

13 (4) ~~[(5)]~~ a member of the Texas Natural Resource
14 Conservation Commission, the Texas Workforce Commission, the
15 Public Utility Commission of Texas, the Board of Pardons and
16 Paroles, or the Sabine River Compact Administration; or

17 (5) ~~[(6)]~~ a full-time member of a board and receives a
18 salary from the state for service on that board.

19 SECTION 5.14. Section 660.206, Government Code, is amended
20 to read as follows:

21 Sec. 660.206. REPRESENTATION OF CERTAIN OFFICERS AND
22 EMPLOYEES. (a) A state employee who is designated by a member of
23 the legislature, a judicial officer, a chief administrator of a
24 state agency, ~~[the executive director of the Texas Legislative~~
25 ~~Council,~~] the secretary of the senate, or a board member to
26 represent the designating party at a particular meeting or
27 conference is entitled to reimbursement for the actual expense of

1 meals and lodging on the trip.

2 (b) A member of the legislature, a judicial officer, a chief
3 administrator of a state agency, ~~[the executive director of the~~
4 ~~Texas Legislative Council,~~] the secretary of the senate, and a
5 board member may authorize a state employee traveling with the
6 authorizing party to a particular meeting or conference to receive
7 reimbursement for the actual expense of the employee's meals and
8 lodging on the trip.

9 SECTION 5.15. Subsection (a), Section 762.003, Government
10 Code, is amended to read as follows:

11 (a) The commission is composed of:

12 (1) nine members appointed by the governor; and

13 (2) ~~[the executive director of the Texas Legislative~~
14 ~~Council or a person designated by the executive director; and~~

15 ~~[(3)]~~ in addition to the persons described by
16 Subdivision ~~[Subdivisions]~~ (1) ~~[and (2)]~~, residents of this state
17 who have long service in the cause of uniformity in state
18 legislation as shown by:

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

21 (B) election as a life member of the national
22 conference; or

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

26 SECTION 5.16. Section 762.011, Government Code, is amended
27 to read as follows:

1 Sec. 762.011. SUPPORT SERVICES. The [~~Texas~~] Legislative
2 Information Services Board [~~Council~~] shall provide accounting,
3 clerical, and other support services necessary for the commission
4 to carry out its duties.

5 SECTION 5.17. Subsection (c), Section 2052.0021,
6 Government Code, is amended to read as follows:

7 (c) A state agency shall make each report required by law
8 available to members of the legislature in an electronic format
9 determined by the [~~Texas~~] Legislative Information Services Board
10 [~~Council~~]. The agency shall promptly send a suitable printed copy
11 of the report to a member of the legislature at the request of the
12 member.

13 SECTION 5.18. Subsection (d), Section 2056.002, Government
14 Code, is amended to read as follows:

15 (d) A state agency shall send two copies of each plan to both
16 the Legislative Reference Library and the state publications
17 clearinghouse of the Texas State Library and one copy each to:

- 18 (1) the governor;
19 (2) the lieutenant governor;
20 (3) the speaker of the house of representatives;
21 (4) the Legislative Budget Board;
22 (5) the Performance Review [~~Sunset Advisory~~]
23 Commission; and
24 (6) [~~the state auditor, and~~
25 [~~(7)~~] the comptroller.

26 SECTION 5.19. Section 2056.010, Government Code, is amended
27 to read as follows:

1 Sec. 2056.010. AGENCY CONFORMANCE TO STRATEGIC PLAN. The
2 comptroller, the Performance Review [~~Sunset Advisory~~] Commission,
3 the [~~state auditor, the~~] Legislative Budget Board, or another
4 agency that conducts performance audits of a state agency shall
5 consider in the evaluation of an agency the extent to which the
6 agency conforms to the agency's strategic plan.

7 SECTION 5.20. Section 2102.009, Government Code, is amended
8 to read as follows:

9 Sec. 2102.009. ANNUAL REPORT. The internal auditor shall
10 prepare an annual report and submit the report before November 1 of
11 each year to the governor, the Legislative Budget Board, the
12 Performance Review [~~Sunset Advisory~~] Commission, the [~~state~~
13 ~~auditor, the~~] state agency's governing board, and the
14 administrator. The Legislative Budget Board [~~state auditor~~] shall
15 prescribe the form and content of the report[, ~~subject to the~~
16 ~~approval of the legislative audit committee~~].

17 SECTION 5.21. Subsections (a) and (c), Section 2102.0091,
18 Government Code, are amended to read as follows:

19 (a) A state agency shall file with the Performance Review
20 [~~Sunset Advisory~~] Commission, the budget division of the governor's
21 office, [~~the state auditor,~~] and the Legislative Budget Board a
22 copy of each report submitted to the state agency's governing board
23 or the administrator of the state agency if the state agency does
24 not have a governing board by the agency's internal auditor.

25 (c) In addition to the requirements of Subsection (a), a
26 state agency shall file with the budget division of the governor's
27 office[, ~~the state auditor,~~] and the Legislative Budget Board any

1 action plan or other response issued by the state agency's
2 governing board or the administrator of the state agency if the
3 state agency does not have a governing board in response to the
4 report of the state agency's internal auditor.

5 SECTION 5.22. Section 2155.203, Government Code, is amended
6 to read as follows:

7 Sec. 2155.203. PURCHASES BY LEGISLATURE AND LEGISLATIVE
8 AGENCIES. A house of the legislature, or an agency, council, or
9 committee of the legislature, including the Legislative Budget
10 Board, the ~~[Texas]~~ Legislative Information Services Board
11 ~~[Council]~~, ~~[the state auditor's office,]~~ and the Legislative
12 Reference Library, may use the commission's purchasing services for
13 purchasing goods and services, including items covered by Section
14 21, Article XVI, Texas Constitution.

15 SECTION 5.23. Section 2158.065, Government Code, is amended
16 to read as follows:

17 Sec. 2158.065. DISTRIBUTION OF PRINTED LAWS. The secretary
18 of state shall distribute the printed laws of each session of the
19 legislature as follows:

20 (1) one copy each to:

21 (A) the governor;

22 (B) the lieutenant governor;

23 (C) the speaker of the house of representatives;

24 (D) each court of appeals; and

25 (E) each county law library;

26 (2) ~~[10 copies to the Texas Legislative Council,~~

27 ~~[3]]~~ 15 copies to the Legislative Reference Library;

1 (3) [~~(4)~~] 30 copies to the State Law Library; and

2 (4) [~~(5)~~] 60 copies to the Texas State Library.

3 SECTION 5.24. Subsection (c), Section 201.403,
4 Transportation Code, is amended to read as follows:

5 (c) Not later than February 1 of each year, the director
6 shall report to the commission, each house of the legislature, and
7 the Performance Review [~~Sunset Advisory~~] Commission on the
8 department's progress in the recruitment and hiring of women and
9 minority applicants.

10 SECTION 5.25. Subsection (c), Section 41.060, Utilities
11 Code, is amended to read as follows:

12 (c) The commission shall prepare a report for the
13 Performance Review [~~Sunset Advisory~~] Commission that includes
14 information submitted and responses by electric cooperatives in
15 accordance with the Performance Review [~~Sunset Advisory~~]
16 Commission's schedule for reviewing the commission.

17 SECTION 5.26. Subsection (a), Section 12, Chapter 357, Acts
18 of the 64th Legislature, Regular Session, 1975 (Article 4413(32e),
19 Vernon's Texas Civil Statutes), is amended to read as follows:

20 (a) The [~~Texas Legislative Council, the~~] Legislative Budget
21 Board, [~~the Legislative Audit Committee,~~] the Advisory Commission
22 on Intergovernmental Relations, and the Division of Planning
23 Coordination shall, through their respective administrative
24 officers, furnish staff assistance to the committee upon request.

25 SECTION 5.27. Subsection (a), Section 11, Chapter 672, Acts
26 of the 65th Legislature, Regular Session, 1977 (Article 4413(42a),
27 Vernon's Texas Civil Statutes), is amended to read as follows:

1 (a) The [~~Texas Legislative Council, the~~] Legislative Budget
2 Board, [~~the Legislative Audit Committee,~~] the Texas Advisory
3 Commission on Intergovernmental Relations, and the Division of
4 Planning Coordination shall, through their respective
5 administrative officers, furnish staff assistance to the committee
6 upon request.

7 ARTICLE 6. TRANSITION

8 SECTION 6.01. (a) The Texas Legislative Council is
9 abolished effective September 1, 2003.

10 (b) On September 1, 2003:

11 (1) all functions and activities assigned to or
12 performed by the information systems division of the Texas
13 Legislative Council immediately before that date are transferred to
14 the Legislative Information Services Board;

15 (2) all funds, obligations, contracts, property, and
16 records of the Texas Legislative Council relating to the services
17 performed by the information systems division of the Texas
18 Legislative Council are transferred to the Legislative Information
19 Services Board;

20 (3) all employees of the information systems division
21 of the Texas Legislative Council become employees of the
22 Legislative Information Services Board;

23 (4) all of the property and records of the Texas
24 Legislative Council relating to the services performed by the legal
25 and research divisions of the Texas Legislative Council are
26 transferred to either the senate or the house of representatives,
27 as determined by the lieutenant governor and the speaker of the

1 house of representatives;

2 (5) all employees of the legal and research divisions
3 of the Texas Legislative Council become employees of either the
4 senate or house of representatives, as determined by the lieutenant
5 governor and the speaker of the house of representatives; and

6 (6) a reference in law to the Texas Legislative
7 Council that relates to the services performed by the information
8 systems division of the Texas Legislative Council means the
9 Legislative Information Services Board.

10 SECTION 6.02. (a) The office of state auditor and the
11 legislative audit committee are abolished but continue in effect
12 until December 1, 2003, for the sole purpose of transferring to the
13 Legislative Budget Board all the rights, powers, duties, and
14 functions exercised by the state auditor and the legislative audit
15 committee immediately before the effective date of this Act. The
16 transfer must be completed not later than December 1, 2003.

17 (b) All the funds, contracts, property, personnel, and
18 records of the office of the state auditor and the legislative audit
19 committee are transferred to the Legislative Budget Board for the
20 purpose of performing the audit functions that the state auditor
21 was authorized or required to perform immediately before the
22 effective date of this Act.

23 (c) A reference in law or in an administrative rule to the
24 state auditor or the office of the state auditor or the legislative
25 audit committee means the Legislative Budget Board.

26 (d) A reference in law to a financial or compliance audit
27 under Chapter 321, Government Code, as repealed by this Act, means

1 an audit under Chapter 322, Government Code, as amended by this Act.

2 (e) A reference in law to an efficiency audit, an economy
3 audit, or a program audit under Chapter 321, Government Code, as
4 repealed by this Act, means an audit under Chapter 325, Government
5 Code (Texas Sunset Act), as amended by this Act.

6 SECTION 6.03. (a) The Sunset Advisory Commission is
7 abolished and the offices of the members of the commission serving
8 on the effective date of this Act are abolished.

9 (b) The validity of an action taken by the Sunset Advisory
10 Commission before it is abolished under Subsection (a) of this
11 section is not affected by the abolishment.

12 SECTION 6.04. On September 1, 2003:

13 (1) a rule, standard, or form adopted by the Sunset
14 Advisory Commission is a rule, standard, or form of the Performance
15 Review Commission and remains in effect until changed by the
16 Performance Review Commission;

17 (2) a reference in law to the Sunset Advisory
18 Commission means the Performance Review Commission;

19 (3) all money, contracts, leases, rights, and
20 obligations of the Sunset Advisory Commission are transferred to
21 the Performance Review Commission;

22 (4) all property, including records, in the custody of
23 the Sunset Advisory Commission becomes the property of the
24 Performance Review Commission; and

25 (5) all funds appropriated by the legislature to the
26 Sunset Advisory Commission are transferred to the Performance
27 Review Commission.

1 SECTION 6.05. On September 1, 2003, the lieutenant governor
2 shall assume the chairmanship of the Legislative Information
3 Services Board and the speaker of the house of representatives
4 shall assume the vice chairmanship of the board. The initial terms
5 of the lieutenant governor and the speaker of the house of
6 representatives expire February 1, 2005.

7 ARTICLE 7. EFFECTIVE DATE

8 SECTION 7.01. This Act takes effect September 1, 2003, if
9 it receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for effect on that
12 date, this Act takes effect on the 91st day after the last day of the
13 legislative session.