

By: Swinford

H.B. No. 14

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain legislative agencies.

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

SECTION 1. Section 321.002(e), Government Code, is amended to read as follows:

(e) The lieutenant governor and the speaker are joint chairs of the committee. The committee shall elect [~~organize by electing~~] one member to serve as [~~chairman and one member to serve as~~] secretary.

SECTION 2. Sections 321.018(b) and (c), Government Code, are amended to read as follows:

(b) Each subpoena must be signed by either of the joint chairs of the committee [~~chairman~~] or the secretary of the committee.

(c) On the request of either of the joint chairs of the committee [~~chairman~~] or the secretary of the committee, the sergeant at arms or an assistant sergeant at arms of either house of the legislature or any peace officer shall serve the subpoena in the manner prescribed for service of a district court subpoena.

SECTION 3. Section 322.001(b), Government Code, is amended to read as follows:

(b) The lieutenant governor [~~is the chairman of the board~~] and the speaker are joint chairs of the board [~~is the vice-chairman~~].

1 SECTION 4. Sections 322.003(a) and (b), Government Code,  
2 are amended to read as follows:

3 (a) A majority of the members of the board from each house  
4 constitutes a quorum to transact business. If a quorum is present,  
5 the board may act on any matter that is within its jurisdiction by a  
6 majority vote.

7 (b) The board shall meet as often as necessary to perform  
8 its duties. Meetings may be held at any time at the request [at the  
9 call] of either of the joint chairs of the board [chairman] or on  
10 written petition of a majority of the members of the board from each  
11 house.

12 SECTION 5. Section 322.006, Government Code, is amended to  
13 read as follows:

14 Sec. 322.006. APPROVAL OF EXPENSES. Before payment may be  
15 made on an item of expense for the board, one of the joint chairs of  
16 the board [chairman] must approve the expense.

17 SECTION 6. Section 322.009, Government Code, is amended to  
18 read as follows:

19 Sec. 322.009. INSPECTION COMMITTEES. Either of the joint  
20 chairs of the board [The chairman], with the approval of the board,  
21 may appoint a committee to visit, inspect, and report on any state  
22 institution, department, agency, officer, or employee.

23 SECTION 7. Section 322.013(d), Government Code, is amended  
24 to read as follows:

25 (d) For purposes of carrying out its duties, the board may  
26 administer oaths and issue subpoenas, signed by either of the joint  
27 chairs of the board [chairman or vice-chairman], to compel the

1 attendance of witnesses and the production of books, records, and  
2 documents. A subpoena of the board shall be served by a peace  
3 officer in the manner in which district court subpoenas are served.  
4 On application of the board, a district court of Travis County shall  
5 compel compliance with a subpoena issued by the board in the same  
6 manner as for district court subpoenas.

7 SECTION 8. Section 323.001(b), Government Code, as amended  
8 by Senate Bill No. 1418, Acts of the 78th Legislature, Regular  
9 Session, 2003, is amended to read as follows:

10 (b) The council consists of:

11 (1) the lieutenant governor;

12 (2) the speaker of the house of representatives;

13 (3) the chairman of the house administration  
14 committee;

15 (4) six [~~five~~] senators from various areas of the  
16 state appointed by the president of the senate; and

17 (5) five [~~nine~~] other members of the house of  
18 representatives from various areas of the state appointed by the  
19 speaker.

20 SECTION 9. Section 323.001(c), Government Code, is amended  
21 to read as follows:

22 (c) The lieutenant governor and the speaker are joint chairs  
23 [~~is the chairman~~] of the council [~~and the speaker is the~~  
24 ~~vice-chairman~~].

25 SECTION 10. Sections 323.003(a) and (b), Government Code,  
26 are amended to read as follows:

27 (a) The council shall meet as often as necessary to perform

1 its duties. Meetings may be held at any time at the request of  
2 either of the joint chairs of the council.

3 (b) A majority of the [Twelve] members of the council from  
4 each house of the legislature constitutes [including the chairman  
5 and vice-chairman constitute] a quorum. If a quorum is present, the  
6 council may act on any matter that is within its jurisdiction by a  
7 majority vote.

8 SECTION 11. Section 323.005(c), Government Code, is amended  
9 to read as follows:

10 (c) The certificate of either of the joint chairs of the  
11 council [chairman or vice-chairman] is sufficient evidence of the  
12 validity of a claim. On certification, the comptroller shall issue  
13 warrants on the treasury to pay each claim for mileage and per diem  
14 expenses, salaries of employees, and other authorized expenses.

15 SECTION 12. Sections 323.008(a)-(d), Government Code, are  
16 amended to read as follows:

17 (a) If the council determines a need exists, either of the  
18 joint chairs [chairman] of the council may appoint statutory  
19 revision advisory committees to advise the council on matters  
20 relating to the revision of particular subjects of the law.

21 (b) Advisory committees consist of seven members appointed  
22 by a joint chair [the chairman] of the council. Advisory committee  
23 members serve for a period of two years from the date of  
24 appointment.

25 (c) In appointing an advisory committee, a joint chair [the  
26 chairman] shall include representatives of the:

- 27 (1) State Bar of Texas;

1 (2) judiciary; and

2 (3) Texas law schools.

3 (d) An advisory committee shall meet at the call of either  
4 of the joint chairs [~~chairman~~] of the council.

5 SECTION 13. Section 323.011(b), Government Code, is amended  
6 to read as follows:

7 (b) A subpoena must be signed by either of the joint chairs  
8 [~~chairman~~] of the council [~~or the vice-chairman~~].

9 SECTION 14. Section 323.012(b), Government Code, is amended  
10 to read as follows:

11 (b) On the request of either of the joint chairs [~~chairman~~]  
12 of the council [~~or the vice-chairman~~], the attorney general shall  
13 render opinions and give advice and assistance to the council.

14 SECTION 15. Sections 325.003(a), (d), and (j), Government  
15 Code, are amended to read as follows:

16 (a) The Sunset Advisory Commission consists of five [~~four~~]  
17 members of the senate and one public member appointed by the  
18 lieutenant governor and five [~~four~~] members of the house of  
19 representatives and one public member appointed by the speaker of  
20 the house. Each appointing authority may designate himself as one  
21 of the legislative appointees.

22 (d) Legislative members serve four-year terms, with terms  
23 staggered so that the terms of as near to one-half of the  
24 legislative members appointed by the lieutenant governor as  
25 possible and the terms of as near to one-half of the legislative  
26 members appointed by the speaker as possible expire September 1 of  
27 each odd-numbered year. If the lieutenant governor or the speaker

1 serves on the commission, he continues to serve until resignation  
2 from the commission or until he ceases to hold the office. Public  
3 members serve two-year terms expiring September 1 of each  
4 odd-numbered year.

5 (j) Seven [~~Six~~] members of the commission constitute a  
6 quorum. A final action or recommendation may not be made unless  
7 approved by a record vote of a majority of the commission's full  
8 membership.

9 SECTION 16. (a) If, on the effective date of this Act, more  
10 than five members of the house of representatives appointed under  
11 Section 323.001(b)(5), Government Code, as amended by this Act, are  
12 serving as members of the Texas Legislative Council:

13 (1) those members' terms on the council expire on the  
14 effective date of this Act; and

15 (2) the speaker of the house of representatives, as  
16 soon as possible on or after the effective date of this Act, shall  
17 appoint five members of the house to serve as members of the Texas  
18 Legislative Council under Section 323.001(b)(5), Government Code,  
19 as amended by this Act.

20 (b) The lieutenant governor, as soon as possible on or after  
21 the effective date of this Act, shall appoint an additional senator  
22 to serve as a member of the Texas Legislative Council under Section  
23 323.001(b)(4), Government Code, as amended by this Act.

24 SECTION 17. The lieutenant governor and the speaker of the  
25 house of representatives, as soon as possible on or after the  
26 effective date of the section of this Act that amends Section  
27 325.003, Government Code, shall appoint a member of the senate or

1 the house of representatives, respectively, to serve an initial  
2 term on the Sunset Advisory Commission under Section 325.003,  
3 Government Code, as amended by this Act, expiring September 1,  
4 2005.

5 SECTION 18. The section of this Act that amends Section  
6 325.003, Government Code, takes effect immediately if this Act  
7 receives a vote of two-thirds of all the members elected to each  
8 house, as provided by Section 39, Article III, Texas Constitution.  
9 If this Act does not receive the vote necessary for immediate  
10 effect, that section takes effect on the 91st day after the last day  
11 of the legislative session.

12 SECTION 19. Except as otherwise provided by this Act, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.