

Amend Amendment No. 1 by Wolens to CSHB 1606 in Article 5 of the bill, by inserting the following new SECTION, appropriately numbered, and renumbering subsection SECTIONS of the article appropriately:

SECTION 5._____. Subtitle A, Title 10, Government Code, is amended by adding Chapter 2010 to read as follows:

CHAPTER 2010. LEGISLATIVE CONTINUANCE IN AGENCY PROCEEDING

Sec. 2010.001. APPLICABILITY. This chapter applies only to a proceeding before an agency of this state in the executive branch of government with statewide jurisdiction, including any department, bureau, board, commission, office, agency, or council, established under the statutes or constitution of this state. This chapter applies to a contested case governed by Chapter 2001.

Sec. 2010.002. LEGISLATIVE CONTINUANCE FOR PARTY. (a) Except as provided by Subsection (c), at any time within 30 days of a date when the legislature is to be in session, at any time during a legislative session, or when the legislature sits as a constitutional convention, the state agency on application shall continue a proceeding before the agency in which a party applying for the continuance or the attorney for that party is a member or member-elect of the legislature. The agency shall continue the proceeding until 30 days after the date on which the legislature adjourns.

(b) This section applies without regard to another law of this state establishing a time for completing the proceeding.

(c) If the attorney for a party to the proceeding is a member or member-elect of the legislature who was employed within 10 days before the date on which the proceeding will be heard, the continuance is discretionary with the person or body hearing the proceeding.

(d) The party seeking the continuance must file with the state agency an affidavit stating the grounds for the continuance. The affidavit is proof of the necessity of the continuance. The affidavit need not be corroborated.

(e) If the member or member-elect of the legislature is an attorney for a party, the affidavit must contain a declaration that it is the attorney's intention to participate actively in the

preparation or presentation in connection with the proceeding and the attorney has not agreed to represent a person in the proceeding for the purpose of obtaining a continuance under this section.

Sec. 201.003. FILING WITH ETHICS COMMISSION. If the attorney for a party seeking a continuance under this chapter is a member or member-elect of the legislature, the attorney shall file a copy of the application for a continuance with the Texas Ethics Commission. The copy must be sent to the commission on the same day the attorney files the application with the court.

Sec. 2010.004. APPLICATION OF OTHER LAW. An member or member-elect of the legislature's participation as an attorney in a proceeding subject to this chapter is subject to Section 572.052.