

Suspending limitations on conference committee  
jurisdiction, S.B. 287 (Ellis/Chisum)

By: Chisum

H.R. No. 1478

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 78th Legislature, Regular Session, 2003, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill No. 287, relating to  
6 changing the composition of certain state agency governing bodies  
7 with an even number of members to comply with the changes made to  
8 Section 30a, Article XVI, Texas Constitution, to consider and take  
9 action on the following matters:

10 (1) House Rule 13, Section 9(a)(3), is suspended to permit  
11 the committee to add new text to Section 651.008(a), Government  
12 Code, as added by the bill, so that Subsection (a) reads as follows:

13 (a) This section applies to the governing body of a state  
14 board or commission or other state agency only if:

15 (1) by statute the governing body is composed of an  
16 even number of voting members, the appointed members of whom serve  
17 staggered six-year terms; and

18 (2) there is no provision of the Texas Constitution  
19 under which the governing body is allowed to be composed in that  
20 manner and serve staggered six-year terms.

21 Explanation: The added text is necessary to clarify in  
22 Subsection (a)(2) that the length of the members' terms, as well as  
23 the composition of the governing body, must comply with applicable  
24 constitutional provisions.

1           (2) House Rule 13, Sections 9(a)(3) and (4), are suspended  
2 to permit the committee to add a new Section 651.0085, Government  
3 Code, to the bill to read as follows:

4           Sec. 651.0085. CERTAIN UNCONSTITUTIONALLY COMPOSED  
5 DISTRICTS AND AUTHORITIES WITH SIX-YEAR TERMS. (a) This section  
6 applies only to the governing body of a district or authority  
7 created under Section 52(b), Article III, Texas Constitution, or  
8 Section 59, Article XVI, Texas Constitution, and only if:

9           (1) by law the governing body is composed of an even  
10 number of voting members; and

11           (2) the elected or appointed members of the governing  
12 body serve staggered six-year terms and the only provision of the  
13 Texas Constitution under which the members of the governing body  
14 are allowed to serve staggered six-year terms is Section 30a,  
15 Article XVI.

16           (b) Section 651.008 does not apply to a district or  
17 authority to which this section applies.

18           (c) Notwithstanding the terms of the enabling statute of the  
19 district or authority that prescribes the number of members of the  
20 governing body:

21           (1) if some or all of the members of the governing body  
22 are appointed, the governor shall appoint an additional public or  
23 at-large member, as applicable, to the governing body for an  
24 initial term expiring on the date on which the terms of members of  
25 the governing body whose terms are scheduled to expire between four  
26 and six years after the date of the governor's appointment under  
27 this subdivision expire; and

1           (2) if all of the members of the governing body are  
2 elected, an additional public or at-large elected position, as  
3 applicable, is created on the governing body and the governor shall  
4 appoint the initial member to fill that position for an initial term  
5 expiring on the first date on which members' terms expire following  
6 the next election for members of the governing body.

7           (d) As soon as possible after it is determined that this  
8 section applies to the governing body, the administrative head of  
9 the district or authority shall inform of that fact:

10           (1) each appointing authority that by statute appoints  
11 one or more members to the governing body;

12           (2) the governor and the presiding officer of each  
13 house of the legislature;

14           (3) each standing committee of each house of the  
15 legislature that under the rules of either house has jurisdiction  
16 over legislative matters pertaining to the district or authority;

17           (4) the secretary of state, if the governing body is  
18 subject to Subsection (c)(2), for purposes of allowing the  
19 secretary of state to advise the district or authority on matters  
20 relating to preclearance under the federal Voting Rights Act (42  
21 U.S.C. Section 1973c et seq.); and

22           (5) the Legislative Reference Library for purposes of  
23 including current information in the Texas Appointment System  
24 database.

25           (e) If the governor appoints a member to the governing body  
26 of the district or authority under Subsection (c)(1) and the  
27 legislature does not, by law, make other arrangements for electing

1 or appointing a person to fill the position, the governor shall  
2 continue to appoint a member to fill the position as vacancies in  
3 the position occur and as a member's term in the position expires.  
4 If the governor appoints a member to the governing body of the  
5 district or authority under Subsection (c)(2) and the legislature  
6 does not, by law, make other arrangements for electing or  
7 appointing a person to fill the position, the position shall be  
8 filled by election as vacancies in the position occur and as a  
9 member's term in the position expires, except to the extent that the  
10 enabling statute for the district or authority provides a different  
11 method for filling vacancies on the governing body.

12 (f) After the initial term of a position created under this  
13 section expires, the term of the position is six years.

14 Explanation: The added text is necessary to allow districts  
15 and authorities created under Section 52(b), Article III, Texas  
16 Constitution, or Section 59, Article XVI, Texas Constitution, such  
17 as river authorities, that have a governing body composed of an even  
18 number of members who serve staggered six-year terms and that  
19 depend on Section 30a, Article XVI, Texas Constitution, for the  
20 constitutional authority to have the members of the governing body  
21 serve six-year terms, to come into compliance with the changes made  
22 to Section 30a, Article XVI.

23 (3) House Rule 13, Sections 9(a)(3) and (4), are suspended  
24 to permit the committee to add text to the introductory language to  
25 the SECTION of the bill adding Sections 651.008, 651.0085, and  
26 651.009 to the Government Code so that the introductory language  
27 reads as follows:

1           SECTION 50.01. Chapter 651, Government Code, is amended by  
2 adding Sections 651.008, 651.0085, and 651.009 to read as follows:

3           Explanation: The added text is necessarily connected with  
4 adding Section 651.0085, Government Code, to the bill.