

Suspending limitations on conference committee
jurisdiction, S.B. No. 287

By: Ellis

S.R. No. 982

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, Regular Session, 2003, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill No. 287, relating to changing the composition of certain state agency governing bodies with an even number of members to comply with the changes made to Section 30a, Article XVI, Texas Constitution, to consider and take action on the following matters:

(1) Senate Rule 12.03(3) is suspended to permit the committee to add new text to Section 651.008(a), Government Code, as added by the bill, so that Subsection (a) reads as follows:

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

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

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

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

(2) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new Section 651.0085, Government Code, to the bill to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) If the governor appoints a member to the governing

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

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

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

(3) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add text to the introductory language to the

S.R. No. 982

SECTION of the bill adding Sections 651.008, 651.0085, and 651.009 to the Government Code so that the introductory language reads as follows:

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

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on June 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate