

Amend CSHB 12 (Senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS accordingly:

SECTION _____. Subsections (b) and (k), Section 442.002, Government Code, are amended to read as follows:

(b) The commission is composed of 17 members appointed by the governor with the advice and consent of the senate. One member must be a professional archeologist, one must be a professional historian, and one must be a licensed architect who has expertise in historic preservation and architectural history. Fourteen members must be representatives of the general public. A person may ~~[is]~~ not be ~~[eligible for appointment as]~~ a public member of the commission if the person or the person's spouse:

(1) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the commission or receiving money ~~[funds]~~ other than grant money ~~[funds]~~ from the commission; ~~[or]~~

(2) uses or receives a substantial amount of tangible goods, services, or money ~~[funds]~~ from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses; or

(3) is employed by or participates in the management of a business entity or other organization regulated by or receiving money other than grant money from the commission.

(k) The Texas Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2019 ~~[2007]~~.

SECTION _____. Section 442.0021, Government Code, is amended to read as follows:

Sec. 442.0021. COMMISSION MEMBERS: TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with ~~[Before a member of the commission may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least~~

~~one course of the training program established under]~~ this section.

(b) The [A] training program must ~~[established under this section shall]~~ provide the person with information ~~[to the member]~~ regarding:

(1) the ~~[enabling]~~ legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission ~~[(2) the programs operated by the commission];~~

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest ~~[(3) the role and functions of the commission];~~ and

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission ~~[(4) the rules of the commission with an emphasis on the rules that relate to disciplinary and investigatory authority];~~

~~[(5) the current budget for the commission];~~

~~[(6) the results of the most recent formal audit of the commission];~~

~~[(7) the requirements of the:~~

~~[(A) open meetings law, Chapter 551;~~

~~[(B) open records law, Chapter 552; and~~

~~[(C) administrative procedure law, Chapter 2001;~~

~~[(8) the requirements of the conflict of interest laws and other laws relating to public officials; and~~

~~[(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission].~~

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION _____. Subsections (a) and (b), Section 442.0022, Government Code, are amended to read as follows:

(a) In this section, "Texas trade association" means a

cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest [~~An officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation may not be a member of the commission or employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule~~].

(b) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of archeology or historic preservation; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation [~~who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of archeology or historic preservation may not be a member of the commission and may not be an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule~~].

SECTION _____. Section 442.004, Government Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The executive director may not serve as a voting director on the board of directors of an affiliated nonprofit organization formed under Section 442.005(p).

SECTION _____. Subchapter A, Chapter 442, Government Code, is amended by adding Section 442.0055 to read as follows:

Sec. 442.0055. AFFILIATED NONPROFIT ORGANIZATION; RULES; GUIDELINES. (a) The commission shall adopt rules governing the relationship between the commission and an affiliated nonprofit organization formed under Section 442.005(p), including rules that, at a minimum:

(1) define the extent to which commission employees with regulatory responsibilities, including the executive director, may participate in activities that raise funds for an affiliated nonprofit organization, which may not include the direct solicitation of funds; and

(2) define the relationship between commission employees and an affiliated nonprofit organization.

(b) The commission shall establish guidelines for identifying and defining the administrative and financial support the commission may provide for an affiliated nonprofit organization formed under Section 442.005(p).

SECTION _____. Section 442.006, Government Code, is amended by amending Subsection (b) and adding Subsection (h) to read as follows:

(b) The commission shall:

(1) develop statewide themes for the program related to the commission's preservation goals for the state;

(2) install markers recognizing districts, sites, individuals, events, structures, and objects significant in Texas or American history, architecture, archeology, or culture;

(3) ~~and shall~~ keep a register of those markers; and

(4) establish a limit for the number of markers the commission awards annually.

(h) The commission by rule shall establish guidelines for an application for, and the commission's review of the application for, a historical marker, monument, or medallion. The guidelines must include criteria for ranking the applications. The commission shall give priority to the markers, monuments, and medallions that relate to the statewide themes developed by the commission.

SECTION _____. Subsections (a), (b), and (c), Section 442.009, Government Code, are amended to read as follows:

(a) The commission shall maintain a system to promptly and

efficiently act on complaints filed with the commission. The commission shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition [~~prepare information of public interest describing the functions of the commission and the procedures by which complaints are filed with and resolved by the commission. The commission shall make the information available to the public and appropriate state agencies~~].

(b) The commission [~~by rule~~] shall make information available describing its procedures for complaint investigation and resolution [~~establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission~~].

(c) The commission shall periodically notify the complaint parties of the status of the complaint until final disposition [~~keep information about each complaint filed with the commission. The information shall include:~~

- ~~[(1) the date the complaint is received,~~
- ~~[(2) the name of the complainant,~~
- ~~[(3) the subject matter of the complaint,~~
- ~~[(4) a record of all persons contacted in relation to the complaint,~~
- ~~[(5) a summary of the results of the review or investigation of the complaint, and~~
- ~~[(6) for complaints for which the agency took no action, an explanation of the reason the complaint was closed without action].~~

SECTION _____. Subchapter A, Chapter 442, Government Code, is amended by adding Sections 442.022 and 442.023 to read as follows:

Sec. 442.022. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 442.023. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE PROCEDURES. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

SECTION _____. Subsection (c), Section 442.0022, and Subsection (d), Section 442.009, Government Code, are repealed.

SECTION _____. Not later than February 1, 2008, the Texas Historical Commission shall adopt the rules required by Section 442.0055 and Subsection (h), Section 442.006, Government Code, as added by this Act.

SECTION _____. (a) The changes in law made by this Act in the prohibitions or qualifications applying to a member of the Texas Historical Commission do not affect the entitlement of a member serving on the Texas Historical Commission immediately before September 1, 2007, to continue to serve and function as a member of the Texas Historical Commission for the remainder of the member's term. Those changes in law apply only to a member appointed on or after September 1, 2007.

(b) The changes in law made by this Act to Section 442.009,

Government Code, relating to the investigation of a complaint filed with the Texas Historical Commission apply only to a complaint filed on or after September 1, 2007. A complaint filed with the commission before September 1, 2007, is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.