

By: Geren

H.B. No. 4181

Substitute the following for H.B. No. 4181:

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C.S.H.B. No. 4181

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the organization and efficient operation of the  
3 legislative branch of state government.

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

5 SECTION 1. Sections 301.001, 301.002, 301.003, 301.004, and  
6 301.005, Government Code, are amended to read as follows:

7 Sec. 301.001. TIME AND PLACE OF MEETING. The legislature  
8 shall convene at the seat of government in regular session at 12  
9 noon on the second Tuesday in January of each odd-numbered year.

10 Sec. 301.002. WHO MAY ORGANIZE. (a) The following  
11 individuals [~~persons~~] only may organize the senate [~~and house of~~  
12 ~~representatives~~]:

13 (1) senators who have not completed their terms of  
14 office; and

15 (2) individuals who have received certification of  
16 election to the [~~house of representatives or~~] senate.

17 (b) Only the individuals who have received certification of  
18 election to the house of representatives may organize the house of  
19 representatives.

20 Sec. 301.003. [~~SECRETARY OF STATE AS~~] PRESIDING OFFICERS  
21 [~~OFFICER~~]. (a) The secretary of state shall attend and [~~the~~  
22 ~~convening of each regular legislative session and shall~~] preside at  
23 the organization of the house of representatives.

24 (b) If there is no secretary of state or if the secretary of

1 state is absent or unable to attend, the attorney general shall  
2 attend and preside at the organization of the house of  
3 representatives.

4 (c) The lieutenant governor shall attend and preside at the  
5 organization of the senate. If the lieutenant governor is absent or  
6 unable to attend, the lieutenant governor may designate a member of  
7 the senate who is entitled to organize the senate under Section  
8 301.002(a)(1) to preside [~~The secretary of state shall appoint a~~  
9 ~~clerk to take the minutes of the proceedings. If the chief clerk of~~  
10 ~~the house of representatives for the previous session is present,~~  
11 ~~the secretary of state shall appoint that person to act as clerk].~~

12 (d) If there is no lieutenant governor, the senator with the  
13 greatest number of years of cumulative service as a member of the  
14 senate who is entitled to organize the senate under Section  
15 301.002(a)(1) shall preside.

16 Sec. 301.004. TEMPORARY OFFICERS; DUTIES [~~OF CLERK~~]. (a)  
17 If the secretary of the senate for the previous session is present,  
18 that individual shall act as temporary secretary of the senate. If  
19 the chief clerk of the house of representatives for the previous  
20 session is present, the secretary of state shall appoint that  
21 individual to act as temporary chief clerk. The presiding officer  
22 of each house of the legislature shall appoint any temporary  
23 officers necessary to ensure the organization of the legislature.

24 (b) Under the direction of the presiding officer [~~secretary~~  
25 ~~of state~~], the secretary of the senate or chief clerk shall call the  
26 districts of the appropriate house [~~counties~~] in numerical  
27 [~~alphabetical~~] order regardless of whether the secretary of state

1 has received the election returns for each district [~~county~~].

2 (c) [~~(b)~~] If an individual appears at the call and presents  
3 proper evidence of the individual's [~~his~~] election, the individual  
4 shall be admitted or qualified as if the individual's election  
5 returns had been made to the secretary of state.

6 (d) [~~(c)~~] After the secretary of the senate has called the  
7 districts and the senators-elect have appeared and presented their  
8 credentials, the official oath shall be administered to each  
9 senator-elect by an officer authorized by law to administer oaths.

10 (e) After the chief clerk has called the districts  
11 [~~counties~~] and the members-elect of the house of representatives  
12 have appeared and presented their credentials, the chief clerk  
13 shall administer the official oath to each member-elect.

14 (f) The presiding officer of each house shall ensure that a  
15 journal of the proceedings of that house is kept.

16 Sec. 301.005. LACK OF QUORUM. If a quorum is not present in  
17 a house of the legislature on the day the legislature is to convene,  
18 the presiding officer of that house [~~secretary of state~~] and the  
19 secretary of the senate or chief clerk, as appropriate, shall  
20 attend each day until a quorum appears and is qualified.

21 SECTION 2. Section 301.006, Government Code, is amended by  
22 adding Subsection (c) to read as follows:

23 (c) After the senators-elect have taken the official oath,  
24 the senate shall choose necessary officers, and the lieutenant  
25 governor or an officer authorized by law to administer oaths shall  
26 administer the official oath to those officers.

27 SECTION 3. The heading to Subchapter B, Chapter 301,

1 Government Code, is amended to read as follows:

2 SUBCHAPTER B. COMMITTEES AND COMMITTEE PROCEDURE [~~LEGISLATIVE~~  
3 ~~REORGANIZATION ACT~~]

4 SECTION 4. Section 301.014, Government Code, is amended to  
5 read as follows:

6 Sec. 301.014. POWERS AND DUTIES OF STANDING COMMITTEES.

7 (a) Each standing committee shall:

8 (1) conduct a continuing study of any matter within  
9 its jurisdiction and of the instrumentalities of government  
10 administering or executing the matter;

11 (2) examine the administration and execution of all  
12 laws relating to matters within its jurisdiction;

13 (3) conduct investigations to collect adequate  
14 information and materials necessary to perform its duties; and

15 (4) [~~formulate legislative programs, and~~  
16 [~~(5) initiate, draft, and~~] recommend to the  
17 appropriate house any legislation the committee believes is  
18 necessary and desirable.

19 (b) [~~The chair of each standing committee shall introduce or~~  
20 ~~cause to be introduced the legislative programs developed by the~~  
21 ~~committee and shall mobilize committee efforts to secure the~~  
22 ~~enactment into law of committee proposals.~~

23 [~~(c)~~] Each committee may inspect the records, documents, and  
24 files of each state department, agency, or office as necessary to  
25 perform the committee's duties.

26 (c) [~~(d)~~] A standing committee is not limited in its  
27 legislative endeavors to considering bills, resolutions, or other

1 proposals submitted by individual legislators. Each committee  
2 shall search for problems within its jurisdiction and develop,  
3 formulate, [~~initiate,~~] and recommend [~~secure~~] passage of any  
4 legislative solution the committee believes is desirable.

5 SECTION 5. Section 301.015(b), Government Code, is amended  
6 to read as follows:

7 (b) When the legislature is not in session, each standing  
8 committee shall meet as necessary to transact the committee's  
9 business. Each committee shall meet in Austin, except that if  
10 authorized by rule or resolution of the house creating the  
11 committee, the committee may meet in any location in this state that  
12 the committee determines necessary. To the extent authorized by  
13 rule or resolution, each committee may determine its meeting times.

14 SECTION 6. Sections 301.016 and 301.017, Government Code,  
15 are amended to read as follows:

16 Sec. 301.016. SPECIAL COMMITTEES. (a) By rule or  
17 resolution, each house acting individually or the two houses acting  
18 jointly may create special committees.

19 (b) A special committee shall perform the duties and  
20 functions and exercise the powers prescribed by the rule or  
21 resolution creating the committee.

22 (c) Except as limited by the rule or resolution creating the  
23 special committee, a special committee shall have and exercise the  
24 powers granted under this subchapter to a standing committee. A  
25 special committee also has any other powers delegated to it by the  
26 rule or resolution creating the committee, subject to the  
27 limitations of law.

1           Sec. 301.017. GENERAL INVESTIGATING COMMITTEES. (a) By  
2 rule or resolution, each house may create a general investigating  
3 committee.

4           (b) The senate general investigating committee must consist  
5 of five senators appointed by the president of the senate. The  
6 president of the senate shall designate one [~~a~~] committee member as  
7 chairman and one committee member as vice chairman.

8           (c) The house general investigating committee must consist  
9 of not fewer than five house members appointed by the speaker. The  
10 speaker shall designate one [~~a~~] committee member as chairman and  
11 one committee member as vice chairman.

12           (d) Each member serves a term beginning on the date of the  
13 member's appointment and ending with the convening of the next  
14 regular session following the date of appointment.

15           (e) If a vacancy occurs on a general investigating  
16 committee, the appropriate appointing authority shall appoint a  
17 person to fill the vacancy in the same manner as the original  
18 appointment.

19           (f) [~~Each general investigating committee shall select a~~  
20 ~~vice-chairman and secretary from among its members.~~

21           [~~(g)~~] Members of a general investigating committee are  
22 entitled to reimbursement for actual and necessary expenses  
23 incurred in attending committee meetings and engaging in committee  
24 work.

25           (g) [~~(h)~~] All expenses of a general investigating  
26 committee, including compensation of the committee's employees and  
27 expenses incurred by members, shall be paid out of any

1 appropriation to the legislature under Section 301.029 [~~for~~  
2 ~~mileage, per diem, and contingent expenses~~].

3 SECTION 7. Section 301.018(e), Government Code, is amended  
4 to read as follows:

5 (e) If the general investigating committees decide not to  
6 conduct joint hearings as provided by Section 301.019, the  
7 committees shall establish a liaison to fully inform each other  
8 [~~the chairman of the inactive committee~~] of the nature and progress  
9 of committee inquiries [~~any inquiry by the other committee~~].

10 SECTION 8. Section 301.019(c), Government Code, is amended  
11 to read as follows:

12 (c) A majority of the [~~Seven~~] members from each house's  
13 committee constitutes [~~of a joint general investigating committee~~  
14 ~~constitute~~] a quorum of a joint general investigating committee.

15 SECTION 9. Section 301.020(e), Government Code, is amended  
16 to read as follows:

17 (e) Information held by a general investigating committee  
18 [~~that if held by a law enforcement agency or prosecutor would be~~  
19 ~~excepted from the requirements of Section 552.021 under Section~~  
20 ~~552.108~~] is confidential and not subject to public disclosure  
21 except as provided by the rules of the house establishing the  
22 committee.

23 SECTION 10. Section 301.032, Government Code, is amended by  
24 amending Subsections (b) and (c) and adding Subsection (d) to read  
25 as follows:

26 (b) Subject to Subsection (c), a [A] committee created by  
27 resolution may accept gifts, grants, and donations for purposes of

1 funding the committee's activities unless the resolution prohibits  
2 the acceptance.

3 (c) The acceptance of a gift, grant, or donation under  
4 Subsection (b) is not effective until the committee on  
5 administration for the appropriate house, or the committees on  
6 administration for both houses in the case of acceptance by a joint  
7 committee, approves the acceptance.

8 (d) All gifts, grants, and donations must be accepted in an  
9 open meeting by a majority of the voting members of the appropriate  
10 body and reported in the public record of the accepting body with  
11 the name of the donor and purpose of the gift, grant, or donation.

12 SECTION 11. Section 301.041, Government Code, is  
13 transferred to Subchapter B, Chapter 301, Government Code,  
14 redesignated as Section 301.033, Government Code, and amended to  
15 read as follows:

16 Sec. 301.033 [~~301.041~~]. TERMINATION OF MEMBERSHIP ON  
17 INTERIM COMMITTEE. (a) A duly appointed senator's or  
18 representative's membership on the Legislative Budget Board,  
19 Legislative Library Board, Legislative Audit Committee, Texas  
20 Legislative Council, or any other interim committee terminates if  
21 the member:

- 22 (1) resigns the membership;
- 23 (2) ceases membership in the legislature for any  
24 reason; or
- 25 (3) fails to be nominated or elected to the  
26 legislature for the next term.

27 (b) A vacancy created under this section shall be



1 immediately filled by appointment for the unexpired term in the  
2 same manner as the original appointment.

3 (c) If a member serves on the Legislative Budget Board,  
4 Legislative Library Board, or Legislative Audit Committee because  
5 of the member's position as chairman of a standing committee, this  
6 section does not affect the member's position as chairman of that  
7 standing committee.

8 (d) In filling a vacancy created under this section, the  
9 lieutenant governor or the speaker may appoint a senator or  
10 representative, as appropriate, other than a committee chairman  
11 designated by law to serve as a member of the Legislative Budget  
12 Board, Legislative Library Board, Legislative Audit Committee,  
13 Texas Legislative Council, or any other interim committee. An  
14 appointment made under this subsection does not constitute an  
15 appointment to any position other than that of a member of a board,  
16 council, or committee covered by this section.

17 SECTION 12. The heading to Subchapter C, Chapter 301,  
18 Government Code, is amended to read as follows:

19 SUBCHAPTER C. LEGISLATIVE OFFICERS AND EMPLOYEES [~~MEMBERSHIP ON~~  
20 ~~INTERIM COMMITTEES~~]

21 SECTION 13. Subchapter C, Chapter 301, Government Code, is  
22 amended by adding Section 301.041 to read as follows:

23 Sec. 301.041. COMMUNICATIONS WITH PARLIAMENTARIANS. (a)  
24 Communications, including conversations, correspondence, and  
25 electronic communications, between a member, officer, or employee  
26 of the legislative branch and a parliamentarian appointed by the  
27 presiding officer of either house that relate to a request by the

1 member, officer, or employee for information, advice, or opinions  
2 from a parliamentarian are confidential and subject to legislative  
3 privilege. Information, advice, and opinions given privately by a  
4 parliamentarian to a member, officer, or employee of the  
5 legislative branch, acting in the member's, officer's, or  
6 employee's official capacity, are confidential and subject to  
7 legislative privilege. However, the member, officer, or employee of  
8 the legislative branch may choose to disclose all or a part of the  
9 communications, information, advice, or opinions to which this  
10 section applies, and such disclosure does not violate the law of  
11 this state.

12 (b) Records relating to requests made of a parliamentarian  
13 appointed under Subsection (a) for assistance, information,  
14 advice, or opinion are not public information and are not subject to  
15 Chapter 552.

16 (c) In this section:

17 (1) "Member, officer, or employee of the legislative  
18 branch" includes:

19 (A) a member, member-elect, or officer of either  
20 house of the legislature or of a legislative committee;

21 (B) an employee of the legislature, including an  
22 employee of a legislative agency, office, or committee; and

23 (C) the lieutenant governor.

24 (2) "Parliamentarian" includes an employee of a  
25 parliamentarian.

26 SECTION 14. Section 301.007, Government Code, is  
27 transferred to Subchapter D, Chapter 301, Government Code, and

1 redesignated as Section 301.052, Government Code, to read as  
2 follows:

3       Sec. 301.052 [~~301.007~~]. DISTRIBUTION OF JOURNALS. (a) The  
4 lieutenant governor and speaker shall each appoint an employee to  
5 distribute the journal of the respective houses.

6       (b) The employee shall distribute a copy of the journal to:

- 7           (1) the governor;  
8           (2) each member of the legislature; and  
9           (3) heads of departments, if requested.

10       SECTION 15. Chapter 301, Government Code, is amended by  
11 adding Subchapter F, and a subchapter heading is added to read as  
12 follows:

13                           SUBCHAPTER F. MISCELLANEOUS PROVISIONS

14       SECTION 16. Section 301.034, Government Code, is  
15 transferred to Subchapter F, Chapter 301, Government Code, as added  
16 by this Act, and redesignated as Section 301.071, Government Code,  
17 to read as follows:

18       Sec. 301.071 [~~301.034~~]. SALE OF TEXAS FLAGS AND SIMILAR  
19 ITEMS. Either house of the legislature may acquire and provide for  
20 the sale of Texas flags and other items carrying symbols of the  
21 State of Texas.

22       SECTION 17. Section 301.033, Government Code, is  
23 transferred to Subchapter F, Chapter 301, Government Code, as added  
24 by this Act, redesignated as Section 301.072, Government Code, and  
25 amended to read as follows:

26       Sec. 301.072 [~~301.033~~]. ROBERT E. JOHNSON SR. [~~ALLOCATION~~  
27 ~~OF SPACE IN~~] LEGISLATIVE OFFICE [~~SERVICES~~] BUILDING. (a) The space

1 in the legislative services office building and parking facilities  
2 authorized by Chapter 168, Acts of the 74th Legislature, Regular  
3 Session, 1995, is allocated to the legislature and legislative  
4 agencies for their use. The presiding officers of each house of the  
5 legislature shall jointly decide the following with regard to  
6 [allocation of the space in] the building and facilities, including  
7 the grounds used by the occupants of the building:

8 (1) the use and allocation of space;

9 (2) security and building access for the legislative  
10 offices and agencies occupying the building;

11 (3) the manner in which a legislative office or agency  
12 contracts for construction and remodeling projects affecting the  
13 space assigned to the office or agency occupying the building; and

14 (4) the timing and logistics of maintenance and  
15 construction on the building, facilities, or grounds that affect  
16 the legislative offices and agencies occupying the building.

17 (b) The presiding officers may delegate their authority  
18 under Subsection (a) to a legislative office or agency occupying  
19 the building.

20 (c) The building shall be known as the Robert E. Johnson Sr.  
21 Legislative Office Building.

22 SECTION 18. Section 303.003(c), Government Code, is amended  
23 to read as follows:

24 (c) Contributions from a contributor to the speaker's  
25 reunion day ceremony may not exceed an aggregate of \$1,000 [~~\$500~~]  
26 cash or an aggregate value of more than \$1,000 [~~\$500~~].

27 SECTION 19. Chapter 306, Government Code, is amended by

1 adding Sections 306.008 and 306.009 to read as follows:

2 Sec. 306.008. LEGISLATIVE PRIVILEGE. (a) To protect the  
3 public's interest in the proper performance of the deliberative and  
4 policymaking responsibilities of the legislature and to preserve  
5 the legislative branch's independence under the fundamental  
6 principle of separation of powers, as guaranteed by Article II and  
7 Section 21, Article III, Texas Constitution, a communication is  
8 confidential and subject to legislative privilege if the  
9 communication:

- 10 (1) is given privately;  
11 (2) concerns a legislative activity or function; and  
12 (3) is among or between any of the following:  
13 (A) a member of the house or senate;  
14 (B) the lieutenant governor;  
15 (C) an officer of the house or senate;  
16 (D) a member of the governing body of a  
17 legislative agency; or  
18 (E) a legislative employee.

19 (b) A communication described by Subsection (a) is subject  
20 to attorney-client privilege if:

- 21 (1) one of the parties to the communication is a  
22 legislative attorney or a legislative employee working at the  
23 direction of a legislative attorney; and  
24 (2) the communication is made in connection with the  
25 legislative attorney's provision of legal advice or other legal  
26 services.

27 (c) A member of the house or senate, the lieutenant

1 governor, or an officer of the house or senate may choose to  
2 disclose all or part of a communication to which Subsection (a) or  
3 (b) applies and to which the individual or a legislative employee  
4 acting on behalf of the individual was a party.

5 (d) In this section:

6 (1) "Legislative agency" means a board, commission,  
7 committee, council, department, office, or any other agency in the  
8 legislative branch of state government. The term does not include  
9 the Texas Ethics Commission.

10 (2) "Legislative attorney" means an attorney employed  
11 or engaged by the house, the senate, a member of the house or  
12 senate, the lieutenant governor, an officer of the house or senate,  
13 a house or senate committee, a joint committee, or a legislative  
14 agency.

15 (3) "Legislative employee" means an employee of,  
16 assistant or consultant to, or intern for any part of the  
17 legislative branch of state government, including the house, the  
18 senate, a member of the house or senate, the lieutenant governor, an  
19 officer of the house or senate, a house or senate committee, a joint  
20 committee, or a legislative agency.

21 Sec. 306.009. CUSTODIAN OF CERTAIN LEGISLATIVE RECORDS.

22 (a) A member of the legislature, the lieutenant governor, an  
23 officer of the house or senate, or a legislative agency, office, or  
24 committee that stores records with or transfers records to the  
25 Legislative Reference Library or the Texas State Library and  
26 Archives Commission:

27 (1) possesses, maintains, or controls the records for

1 purposes of litigation; and

2 (2) is the custodian of the records for purposes of  
3 Chapter 552.

4 (b) Subsection (a) does not apply to a member of the  
5 legislature or the lieutenant governor after the individual's  
6 service as a member or lieutenant governor ends.

7 SECTION 20. Section 323.006(a), Government Code, is amended  
8 to read as follows:

9 (a) The council shall:

10 (1) study and investigate the functions and problems  
11 of state departments, agencies, and officers;

12 (2) conduct investigations and studies and make  
13 reports that may be considered useful to the legislative branch of  
14 state government;

15 (3) gather and disseminate information for the  
16 legislature's use;

17 (4) meet and perform council functions during the  
18 legislative interim;

19 (5) make periodic reports to all members of the  
20 legislature and keep the legislature fully informed of all issues  
21 that may come before the council, any action taken on an issue, and  
22 the progress made on an issue;

23 (6) report council recommendations to the legislature  
24 and, if appropriate, provide drafts of legislation with the report;

25 (7) assist the legislature in drafting proposed  
26 legislation; ~~and~~

27 (8) provide legal advice and other legal services to

1 the legislature; and

2           (9) provide data-processing services to aid members  
3 and legislative committees in accomplishing their legislative  
4 duties.

5           SECTION 21. Sections 323.017 and 323.018, Government Code,  
6 are amended to read as follows:

7           Sec. 323.017. CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS.

8 (a) Communications, including conversations, correspondence, and  
9 electronic communications, between a member of the legislature or  
10 the lieutenant governor, an officer of the house or senate, a  
11 legislative agency, office, or committee, or a member of the staff  
12 of any of those officers or entities and an assistant or employee of  
13 the council that relate to a request by the officer or entity  
14 ~~[official]~~ for information, advice, or opinions from an assistant  
15 or employee of the council are confidential and subject to  
16 legislative privilege.

17           (b) A communication described by Subsection (a) is subject  
18 to attorney-client privilege if:

19                   (1) the assistant or employee of the council who is a  
20 party to the communication is a council attorney or is working at  
21 the direction of a council attorney;

22                   (2) the communication is given privately; and

23                   (3) the communication is made in connection with the  
24 council attorney's provision of legal advice or other legal  
25 services.

26           (c) Information, advice, and opinions given privately by an  
27 assistant or employee of the council to a member of the



1 legislature~~[7]~~ or the lieutenant governor, an officer of the house  
2 or senate, a legislative agency, office, or committee, or a member  
3 of the staff of any of those officers or entities, when acting in  
4 the person's official capacity, are confidential and subject to  
5 legislative privilege.

6 (d) The [~~However, the~~] member of the legislature, [or]  
7 lieutenant governor, house or senate officer, or legislative  
8 agency, office, or committee may choose to disclose all or a part of  
9 the communications, information, advice, or opinions to which this  
10 section applies~~[7]~~ and to which the individual or entity was a party  
11 [~~such a disclosure does not violate the law of this state~~].

12 Sec. 323.018. RECORDS OF DRAFTING AND OTHER REQUESTS.  
13 Records relating to requests of council staff for the drafting of  
14 proposed legislation or for assistance, information, advice, or  
15 opinion are:

- 16 (1) subject to legislative privilege; and  
17 (2) not public information and not subject to Chapter  
18 552.

19 SECTION 22. Chapter 323, Government Code, is amended by  
20 adding Section 323.021 to read as follows:

21 Sec. 323.021. LEGISLATIVE OFFICE RECORDS. A member of the  
22 legislature, the lieutenant governor, an officer of the house or  
23 senate, or a legislative agency, office, or committee that uses a  
24 system made available by the council to transmit, store, or  
25 maintain records:

- 26 (1) possesses, maintains, or controls the records for  
27 purposes of litigation; and

1           (2) is the custodian of the records for purposes of  
2 Chapter 552.

3           SECTION 23. Chapter 324, Government Code, is amended by  
4 adding Sections 324.0085 and 324.0086 to read as follows:

5           Sec. 324.0085. LEGISLATIVE RECORDS. (a) The library is  
6 the depository for any record created or received by the office of a  
7 member of the legislature or the lieutenant governor during that  
8 official's term of office.

9           (b) The legislative entity that transferred records to the  
10 library retains ownership and legal custody of those records,  
11 including records placed in a depository outside the library. The  
12 legislative entity may retrieve the records for the legislature's  
13 use. The director and library employees shall assist the  
14 legislative entity with retrieval of the records and shall return  
15 the records to the library following the legislature's use.

16           (c) The director shall protect privileged or confidential  
17 legislative records held by the library from public disclosure at  
18 the direction of the legislative entity that transferred the  
19 records to the library.

20           (d) The director shall receive requests under Chapter 552  
21 for legislative records held by the library and respond as directed  
22 by the officer for public information of the legislative entity  
23 that transferred the records to the library. The director shall  
24 notify the appropriate officer for public information as soon as  
25 practicable after receiving a request described by this subsection.

26           Sec. 324.0086. PLACEMENT IN OTHER DEPOSITORY. (a) A  
27 member of the legislature may apply to the board to place records

1 that were created or received by the member's office during the  
2 member's term in a depository other than the library.

3 (b) The board shall:

4 (1) create a list of preapproved depositories in which  
5 members of the legislature may place records of their legislative  
6 offices; and

7 (2) by rule adopt policies and procedures to approve  
8 additional depositories.

9 (c) The director is responsible for the preservation of  
10 records described by Subsection (a) placed in a depository other  
11 than the library. Ownership and legal custody of the records remain  
12 with the legislature as provided by Section 324.0085. The records  
13 may not be intermingled with other holdings of the institution that  
14 serves as a depository.

15 SECTION 24. Section 441.180, Government Code, is amended by  
16 adding Subdivision (6-a) and amending Subdivisions (9) and (11) to  
17 read as follows:

18 (6-a) "Legislative record" means any record created or  
19 received by the office of a member of the legislature or the  
20 lieutenant governor during the official's term of office.

21 (9) "State agency" means:

22 (A) any department, commission, board, office,  
23 or other agency in the executive, legislative, or judicial branch  
24 of state government created by the constitution or a statute of this  
25 state and includes~~[, including]~~ an eleemosynary institution but  
26 does not include the office of a member of the legislature or the  
27 lieutenant governor;

1 (B) any university system and its components and  
2 any institution of higher education as defined by Section 61.003,  
3 Education Code, except a public junior college, not governed by a  
4 university system board;

5 (C) the Texas Municipal Retirement System and the  
6 Texas County and District Retirement System; and

7 (D) any public nonprofit corporation created by  
8 the legislature whose responsibilities and authority are not  
9 limited to a geographical area less than that of the state.

10 (11) "State record" means any written, photographic,  
11 machine-readable, or other recorded information created or  
12 received by or on behalf of a state agency or an elected state  
13 official that documents activities in the conduct of state business  
14 or use of public resources. The term includes any recorded  
15 information created or received by a Texas government official in  
16 the conduct of official business, including officials from periods  
17 in which Texas was a province, colony, republic, or state. The term  
18 does not include:

19 (A) library or museum material made or acquired  
20 and maintained solely for reference or exhibition purposes;

21 (B) an extra copy of recorded information  
22 maintained only for reference; ~~or~~

23 (C) a stock of publications or blank forms; or

24 (D) a legislative record.

25 SECTION 25. Section 602.002, Government Code, is amended to  
26 read as follows:

27 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this

1 state may be administered and a certificate of the fact given by:

2 (1) a judge, retired judge, or clerk of a municipal  
3 court;

4 (2) a judge, retired judge, senior judge, clerk, or  
5 commissioner of a court of record;

6 (3) a justice of the peace or a clerk of a justice  
7 court;

8 (4) an associate judge, magistrate, master, referee,  
9 or criminal law hearing officer;

10 (5) a notary public;

11 (6) a member of a board or commission created by a law  
12 of this state, in a matter pertaining to a duty of the board or  
13 commission;

14 (7) a person employed by the Texas Ethics Commission  
15 who has a duty related to a report required by Title 15, Election  
16 Code, in a matter pertaining to that duty;

17 (8) a county tax assessor-collector or an employee of  
18 the county tax assessor-collector if the oath relates to a document  
19 that is required or authorized to be filed in the office of the  
20 county tax assessor-collector;

21 (9) the secretary of state or a former secretary of  
22 state;

23 (10) an employee of a personal bond office, or an  
24 employee of a county, who is employed to obtain information  
25 required to be obtained under oath if the oath is required or  
26 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of  
27 Criminal Procedure;

1           (11) the lieutenant governor or a former lieutenant  
2 governor;

3           (12) the speaker of the house of representatives or a  
4 former speaker of the house of representatives;

5           (13) the governor or a former governor;

6           (14) a legislator or retired legislator;

7           (14-a) the secretary of the senate or the chief clerk  
8 of the house of representatives;

9           (15) the attorney general or a former attorney  
10 general;

11           (16) the secretary or clerk of a municipality in a  
12 matter pertaining to the official business of the municipality;

13           (17) a peace officer described by Article 2.12, Code  
14 of Criminal Procedure, if:

15                   (A) the oath is administered when the officer is  
16 engaged in the performance of the officer's duties; and

17                   (B) the administration of the oath relates to the  
18 officer's duties; or

19           (18) a county treasurer.

20           SECTION 26. Records described by Section 301.041(b),  
21 Government Code, as added by this Act, or Section 323.018,  
22 Government Code, as amended by this Act, are not subject to request,  
23 inspection, or duplication under Chapter 552, Government Code. A  
24 governmental body may withhold the records without the necessity of  
25 requesting a decision from the attorney general under Subchapter G,  
26 Chapter 552, Government Code.

27           SECTION 27. This Act takes effect immediately if it

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1 receives a vote of two-thirds of all the members elected to each  
2 house, as provided by Section 39, Article III, Texas Constitution.  
3 If this Act does not receive the vote necessary for immediate  
4 effect, this Act takes effect September 1, 2019.