

By: Geren

H.B. No. 4181

A BILL TO BE ENTITLED

AN ACT

relating to the organization and efficient operation of the legislative branch of state government.

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

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

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

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

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

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

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

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

(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 or chief clerk shall call the districts of
26 the appropriate house [~~counties~~] in numerical [~~alphabetical~~] order
27 regardless of whether the secretary of state has received the

1 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 has called the districts and
7 the senators-elect have appeared and presented their credentials,
8 the official oath shall be administered to each senator-elect by an
9 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 or chief clerk, as appropriate, shall attend each day
20 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 them.

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 its 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 [~~of a joint general investigating committee~~] constitute a
14 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 301.041, Government Code, is
24 transferred to Subchapter B, Chapter 301, Government Code, as
25 amended by this Act, redesignated as Section 301.033, Government
26 Code, and amended to read as follows:

27 Sec. 301.033 [~~301.041~~]. TERMINATION OF MEMBERSHIP ON

1 INTERIM COMMITTEE. (a) A duly appointed senator's or
2 representative's membership on the Legislative Budget Board,
3 Legislative Library Board, Legislative Audit Committee, Texas
4 Legislative Council, or any other interim committee terminates if
5 the member:

6 (1) resigns the membership;

7 (2) ceases membership in the legislature for any
8 reason; or

9 (3) fails to be nominated or elected to the
10 legislature for the next term.

11 (b) A vacancy created under this section shall be
12 immediately filled by appointment for the unexpired term in the
13 same manner as the original appointment.

14 (c) If a member serves on the Legislative Budget Board,
15 Legislative Library Board, or Legislative Audit Committee because
16 of the member's position as chairman of a standing committee, this
17 section does not affect the member's position as chairman of that
18 standing committee.

19 (d) In filling a vacancy created under this section, the
20 lieutenant governor or the speaker may appoint a senator or
21 representative, as appropriate, other than a committee chairman
22 designated by law to serve as a member of the Legislative Budget
23 Board, Legislative Library Board, Legislative Audit Committee,
24 Texas Legislative Council, or any other interim committee. An
25 appointment made under this subsection does not constitute an
26 appointment to any position other than that of a member of a board,
27 council, or committee covered by this section.

1 SECTION 11. The heading to Subchapter C, Chapter 301,
2 Government Code, is amended to read as follows:

3 SUBCHAPTER C. LEGISLATIVE OFFICERS AND EMPLOYEES [~~MEMBERSHIP ON~~
4 ~~INTERIM COMMITTEES~~]

5 SECTION 12. Subchapter C, Chapter 301, Government Code, is
6 amended by adding Section 301.041 to read as follows:

7 Sec. 301.041. COMMUNICATIONS WITH PARLIAMENTARIANS. (a)
8 Communications, including conversations, correspondence, and
9 electronic communications, between a member of the legislative
10 branch and a parliamentarian appointed by the presiding officer of
11 either house that relate to a request by the member for information,
12 advice, or opinions from a parliamentarian are confidential.
13 Information, advice, and opinions given privately by a
14 parliamentarian to a member of the legislative branch, acting in
15 the person's official capacity, are confidential. However, the
16 member of the legislative branch may choose to disclose all or a
17 part of the communications, information, advice, or opinions to
18 which this section applies, and such disclosure does not violate
19 the law of this state.

20 (b) Records relating to requests made of a parliamentarian
21 appointed under subsection (c) for assistance, information,
22 advice, or opinion are not public information.

23 (c) As used in this section:

24 (1) "member of the legislative branch" means a member,
25 member-elect, or officer of the legislature or of a legislative
26 committee, or an employee of the legislature, and includes the
27 lieutenant governor.

1 (2) "parliamentarian" includes an employee of a
2 parliamentarian.

3 SECTION 13. Section 301.007, Government Code, is
4 transferred to Subchapter D, Chapter 301, Government Code,
5 redesignated as Section 301.052, Government Code, and amended to
6 read as follows:

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

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

- 11 (1) the governor;
- 12 (2) each member of the legislature; and
- 13 (3) heads of departments, if requested.

14 SECTION 14. Chapter 301, Government Code, is amended by
15 adding Subchapter F with a chapter heading as follows:

16 SUBCHAPTER F. MISCELLANEOUS PROVISIONS

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

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

25 SECTION 16. Section 301.033, Government Code, is
26 transferred to Subchapter F, Chapter 301, Government Code, as added
27 by this Act, redesignated as Section 301.072, and amended to read as

1 follows:

2 Sec. 301.072 [~~301.033~~]. ALLOCATION OF SPACE IN LEGISLATIVE
3 SERVICES BUILDING. (a) The space in the legislative services
4 office building and parking facilities authorized by Chapter 168,
5 Acts of the 74th Legislature, Regular Session, 1995, is allocated
6 to the legislature and legislative agencies for their use. The
7 presiding officers of each house of the legislature shall jointly
8 decide the allocation of the space in the building and facilities.

9 (b) The building shall be known as the Robert E. Johnson
10 Building.

11 SECTION 17. Chapter 306, Government Code, is amended by
12 adding Section 306.008 to read as follows:

13 Sec. 306.008. LEGISLATIVE PRIVILEGE. (a) A communication
14 is confidential and subject to legislative privilege if the
15 communication:

16 (1) is between a legislative assistant or employee and
17 a member of the legislature, an officer of the legislature,
18 legislative staff, or the lieutenant governor;

19 (2) is given privately; and

20 (3) constitutes legislative business.

21 (b) A communication is confidential and subject to
22 attorney-client privilege if the communication:

23 (1) is between a legislative attorney or a legislative
24 employee working at the direction of a legislative attorney and a
25 member of the legislature, an officer of the legislature,
26 legislative staff, or the lieutenant governor;

27 (2) is given privately; and

1 (3) constitutes legal advice or legal services.

2 (c) A member of the legislature, an officer of the
3 legislature, or the lieutenant governor may choose to disclose all
4 or a part of a communication to which Subsection (a) or (b) applies.

5 SECTION 18. Chapter 323, Government Code, is amended by
6 adding Section 323.021 to read as follows:

7 Sec. 323.021. LEGISLATIVE OFFICE RECORDS. A member of the
8 legislature, the lieutenant governor, the office of a member or the
9 lieutenant governor, an officer of the legislature, or a
10 legislative agency that uses a mechanism made available by the
11 council to transmit, store, or maintain records:

12 (1) possesses, maintains, or controls the records for
13 purposes of litigation; and

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

16 SECTION 19. Section 602.002, Government Code, is amended by
17 to read as follows:

18 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
19 state may be administered and a certificate of the fact given by:

20 (1) a judge, retired judge, or clerk of a municipal
21 court;

22 (2) a judge, retired judge, senior judge, clerk, or
23 commissioner of a court of record;

24 (3) a justice of the peace or a clerk of a justice
25 court;

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

- 1 (5) a notary public;
- 2 (6) a member of a board or commission created by a law
3 of this state, in a matter pertaining to a duty of the board or
4 commission;
- 5 (7) a person employed by the Texas Ethics Commission
6 who has a duty related to a report required by Title 15, Election
7 Code, in a matter pertaining to that duty;
- 8 (8) a county tax assessor-collector or an employee of
9 the county tax assessor-collector if the oath relates to a document
10 that is required or authorized to be filed in the office of the
11 county tax assessor-collector;
- 12 (9) the secretary of state or a former secretary of
13 state;
- 14 (10) an employee of a personal bond office, or an
15 employee of a county, who is employed to obtain information
16 required to be obtained under oath if the oath is required or
17 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
18 Criminal Procedure;
- 19 (11) the lieutenant governor or a former lieutenant
20 governor;
- 21 (12) the speaker of the house of representatives or a
22 former speaker of the house of representatives;
- 23 (13) the governor or a former governor;
- 24 (14) a legislator or retired legislator;
- 25 (14-a) the secretary of the senate or the chief clerk
26 of the house of representatives;
- 27 (15) the attorney general or a former attorney

1 general;

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

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

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

8 (B) the administration of the oath relates to the
9 officer's duties; or

10 (18) a county treasurer.

11 SECTION 20. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2019.