

1-1 By: Geren (Senate Sponsor - Hancock) H.B. No. 4181
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 10, 2019, read first time and referred to Committee on Business
 1-4 & Commerce; May 20, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;
 1-6 May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hancock	X			
1-9 Nichols	X			
1-10 Campbell	X			
1-11 Creighton			X	
1-12 Menéndez	X			
1-13 Paxton		X		
1-14 Schwertner	X			
1-15 Whitmire	X			
1-16 Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4181 By: Hancock

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the organization and efficient operation of the
 1-22 legislative branch of state government.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Sections 301.001, 301.002, 301.003, 301.004, and
 1-25 301.005, Government Code, are amended to read as follows:

1-26 Sec. 301.001. TIME AND PLACE OF MEETING. The legislature
 1-27 shall convene at the seat of government in regular session at 12
 1-28 noon on the second Tuesday in January of each odd-numbered year.

1-29 Sec. 301.002. WHO MAY ORGANIZE. (a) The following
 1-30 individuals [persons] only may organize the senate [and house of
 1-31 representatives]:

1-32 (1) senators who have not completed their terms of
 1-33 office; and

1-34 (2) individuals who have received certification of
 1-35 election to the [house of representatives or] senate.

1-36 (b) Only the individuals who have received certification of
 1-37 election to the house of representatives may organize the house of
 1-38 representatives.

1-39 Sec. 301.003. [SECRETARY OF STATE AS] PRESIDING OFFICERS
 1-40 [OFFICER]. (a) The secretary of state shall attend and [the
 1-41 convening of each regular legislative session and shall] preside at
 1-42 the organization of the house of representatives.

1-43 (b) If there is no secretary of state or if the secretary of
 1-44 state is absent or unable to attend, the attorney general shall
 1-45 attend and preside at the organization of the house of
 1-46 representatives.

1-47 (c) The lieutenant governor shall attend and preside at the
 1-48 organization of the senate. If the lieutenant governor is absent or
 1-49 unable to attend, the lieutenant governor may designate a member of
 1-50 the senate who is entitled to organize the senate under Section
 1-51 301.002(a)(1) to preside [The secretary of state shall appoint a
 1-52 clerk to take the minutes of the proceedings. If the chief clerk of
 1-53 the house of representatives for the previous session is present,
 1-54 the secretary of state shall appoint that person to act as clerk].

1-55 (d) If there is no lieutenant governor, the senator with the
 1-56 greatest number of years of cumulative service as a member of the
 1-57 senate who is entitled to organize the senate under Section
 1-58 301.002(a)(1) shall preside.

1-59 Sec. 301.004. TEMPORARY OFFICERS; DUTIES [OF CLERK]. (a)
 1-60 If the secretary of the senate for the previous session is present,

2-1 that individual shall act as temporary secretary of the senate. If
 2-2 the chief clerk of the house of representatives for the previous
 2-3 session is present, the secretary of state shall appoint that
 2-4 individual to act as temporary chief clerk. The presiding officer
 2-5 of each house of the legislature shall appoint any temporary
 2-6 officers necessary to ensure the organization of the legislature.

2-7 (b) Under the direction of the presiding officer ~~[secretary~~
 2-8 ~~of state]~~, the secretary of the senate or chief clerk shall call the
 2-9 districts of the appropriate house ~~[counties]~~ in numerical
 2-10 ~~[alphabetical]~~ order regardless of whether the secretary of state
 2-11 has received the election returns for each district ~~[county]~~.

2-12 (c) ~~[(b)]~~ If an individual appears at the call and presents
 2-13 proper evidence of the individual's ~~[his]~~ election, the individual
 2-14 shall be admitted or qualified as if the individual's election
 2-15 returns had been made to the secretary of state.

2-16 (d) ~~[(c)]~~ After the secretary of the senate has called the
 2-17 districts and the senators-elect have appeared and presented their
 2-18 credentials, the official oath shall be administered to each
 2-19 senator-elect by an officer authorized by law to administer oaths.

2-20 (e) After the chief clerk has called the districts
 2-21 ~~[counties]~~ and the members-elect of the house of representatives
 2-22 have appeared and presented their credentials, the chief clerk
 2-23 shall administer the official oath to each member-elect.

2-24 (f) The presiding officer of each house shall ensure that a
 2-25 journal of the proceedings of that house is kept.

2-26 Sec. 301.005. LACK OF QUORUM. If a quorum is not present in
 2-27 a house of the legislature on the day the legislature is to convene,
 2-28 the presiding officer of that house ~~[secretary of state]~~ and the
 2-29 secretary of the senate or chief clerk, as appropriate, shall
 2-30 attend each day until a quorum appears and is qualified.

2-31 SECTION 2. Section 301.006, Government Code, is amended by
 2-32 adding Subsection (c) to read as follows:

2-33 (c) After the senators-elect have taken the official oath,
 2-34 the senate shall choose necessary officers, and the lieutenant
 2-35 governor or an officer authorized by law to administer oaths shall
 2-36 administer the official oath to those officers.

2-37 SECTION 3. The heading to Subchapter B, Chapter 301,
 2-38 Government Code, is amended to read as follows:

2-39 SUBCHAPTER B. COMMITTEES AND COMMITTEE PROCEDURE ~~[LEGISLATIVE~~
 2-40 ~~REORGANIZATION ACT]~~

2-41 SECTION 4. Section 301.014, Government Code, is amended to
 2-42 read as follows:

2-43 Sec. 301.014. POWERS AND DUTIES OF STANDING COMMITTEES.

2-44 (a) Each standing committee shall:

2-45 (1) conduct a continuing study of any matter within
 2-46 its jurisdiction and of the instrumentalities of government
 2-47 administering or executing the matter;

2-48 (2) examine the administration and execution of all
 2-49 laws relating to matters within its jurisdiction;

2-50 (3) conduct investigations to collect adequate
 2-51 information and materials necessary to perform its duties; and

2-52 (4) ~~[formulate legislative programs, and~~
 2-53 ~~[(5) initiate, draft, and]~~ recommend to the
 2-54 appropriate house any legislation the committee believes is
 2-55 necessary and desirable.

2-56 (b) ~~[The chair of each standing committee shall introduce or~~
 2-57 ~~cause to be introduced the legislative programs developed by the~~
 2-58 ~~committee and shall mobilize committee efforts to secure the~~
 2-59 ~~enactment into law of committee proposals.~~

2-60 ~~[(c)]~~ Each committee may inspect the records, documents, and
 2-61 files of each state department, agency, or office as necessary to
 2-62 perform the committee's duties.

2-63 (c) ~~[(d)]~~ A standing committee is not limited in its
 2-64 legislative endeavors to considering bills, resolutions, or other
 2-65 proposals submitted by individual legislators. Each committee
 2-66 shall search for problems within its jurisdiction and develop,
 2-67 formulate, ~~[initiate,]~~ and recommend ~~[secure]~~ passage of any
 2-68 legislative solution the committee believes is desirable.

2-69 SECTION 5. Section 301.015(b), Government Code, is amended

3-1 to read as follows:

3-2 (b) When the legislature is not in session, each standing
3-3 committee shall meet as necessary to transact the committee's
3-4 business. Each committee shall meet in Austin, except that if
3-5 authorized by rule or resolution of the house creating the
3-6 committee, the committee may meet in any location in this state that
3-7 the committee determines necessary. To the extent authorized by
3-8 rule or resolution, each committee may determine its meeting times.

3-9 SECTION 6. Sections 301.016 and 301.017, Government Code,
3-10 are amended to read as follows:

3-11 Sec. 301.016. SPECIAL COMMITTEES. (a) By rule or
3-12 resolution, each house acting individually or the two houses acting
3-13 jointly may create special committees.

3-14 (b) A special committee shall perform the duties and
3-15 functions and exercise the powers prescribed by the rule or
3-16 resolution creating the committee.

3-17 (c) Except as limited by the rule or resolution creating the
3-18 special committee, a special committee shall have and exercise the
3-19 powers granted under this subchapter to a standing committee. A
3-20 special committee also has any other powers delegated to it by the
3-21 rule or resolution creating the committee, subject to the
3-22 limitations of law.

3-23 Sec. 301.017. GENERAL INVESTIGATING COMMITTEES. (a) By
3-24 rule or resolution, each house may create a general investigating
3-25 committee.

3-26 (b) The senate general investigating committee must consist
3-27 of five senators appointed by the president of the senate. The
3-28 president of the senate shall designate one [a] committee member as
3-29 chairman and one committee member as vice chairman.

3-30 (c) The house general investigating committee must consist
3-31 of not fewer than five house members appointed by the speaker. The
3-32 speaker shall designate one [a] committee member as chairman and
3-33 one committee member as vice chairman.

3-34 (d) Each member serves a term beginning on the date of the
3-35 member's appointment and ending with the convening of the next
3-36 regular session following the date of appointment.

3-37 (e) If a vacancy occurs on a general investigating
3-38 committee, the appropriate appointing authority shall appoint a
3-39 person to fill the vacancy in the same manner as the original
3-40 appointment.

3-41 (f) ~~[Each general investigating committee shall select a~~
3-42 ~~vice-chairman and secretary from among its members.]~~

3-43 ~~[(g)]~~ Members of a general investigating committee are
3-44 entitled to reimbursement for actual and necessary expenses
3-45 incurred in attending committee meetings and engaging in committee
3-46 work.

3-47 (g) ~~[(h)]~~ All expenses of a general investigating
3-48 committee, including compensation of the committee's employees and
3-49 expenses incurred by members, shall be paid out of any
3-50 appropriation to the legislature under Section 301.029 ~~[for~~
3-51 ~~mileage, per diem, and contingent expenses].~~

3-52 SECTION 7. Section 301.018(e), Government Code, is amended
3-53 to read as follows:

3-54 (e) If the general investigating committees decide not to
3-55 conduct joint hearings as provided by Section 301.019, the
3-56 committees shall establish a liaison to fully inform each other
3-57 ~~[the chairman of the inactive committee]~~ of the nature and progress
3-58 of committee inquiries ~~[any inquiry by the other committee].~~

3-59 SECTION 8. Section 301.019(c), Government Code, is amended
3-60 to read as follows:

3-61 (c) A majority of the [Seven] members from each house's
3-62 committee constitutes [of a joint general investigating committee
3-63 constitute] a quorum of a joint general investigating committee.

3-64 SECTION 9. Section 301.020(e), Government Code, is amended
3-65 to read as follows:

3-66 (e) Information held by a general investigating committee
3-67 ~~[that if held by a law enforcement agency or prosecutor would be~~
3-68 ~~excepted from the requirements of Section 552.021 under Section~~
3-69 ~~552.108]~~ is confidential and not subject to public disclosure

4-1 except as provided by the rules of the house establishing the
 4-2 committee.

4-3 SECTION 10. Section 301.032, Government Code, is amended by
 4-4 amending Subsections (b) and (c) and adding Subsection (d) to read
 4-5 as follows:

4-6 (b) Subject to Subsection (c), a [A] committee created by
 4-7 rule or resolution may accept gifts, grants, and donations for
 4-8 purposes of funding the committee's activities unless the rule or
 4-9 resolution prohibits the acceptance.

4-10 (c) The acceptance of a gift, grant, or donation under
 4-11 Subsection (b) is not effective until the committee on
 4-12 administration for the appropriate house, or the committees on
 4-13 administration for both houses in the case of acceptance by a joint
 4-14 committee, approves the acceptance.

4-15 (d) All gifts, grants, and donations must be accepted in an
 4-16 open meeting by a majority of the voting members of the appropriate
 4-17 body and reported in the public record of the accepting body with
 4-18 the name of the donor and purpose of the gift, grant, or donation.

4-19 SECTION 11. Section 301.041, Government Code, is
 4-20 transferred to Subchapter B, Chapter 301, Government Code,
 4-21 redesignated as Section 301.033, Government Code, and amended to
 4-22 read as follows:

4-23 Sec. 301.033 [~~301.041~~]. TERMINATION OF MEMBERSHIP ON
 4-24 INTERIM COMMITTEE. (a) A duly appointed senator's or
 4-25 representative's membership on the Legislative Budget Board,
 4-26 Legislative Library Board, Legislative Audit Committee, Texas
 4-27 Legislative Council, or any other interim committee terminates if
 4-28 the member:

4-29 (1) resigns the membership;
 4-30 (2) ceases membership in the legislature for any
 4-31 reason; or
 4-32 (3) fails to be nominated or elected to the
 4-33 legislature for the next term.

4-34 (b) A vacancy created under this section shall be
 4-35 immediately filled by appointment for the unexpired term in the
 4-36 same manner as the original appointment.

4-37 (c) If a member serves on the Legislative Budget Board,
 4-38 Legislative Library Board, or Legislative Audit Committee because
 4-39 of the member's position as chairman of a standing committee, this
 4-40 section does not affect the member's position as chairman of that
 4-41 standing committee.

4-42 (d) In filling a vacancy created under this section, the
 4-43 lieutenant governor or the speaker may appoint a senator or
 4-44 representative, as appropriate, other than a committee chairman
 4-45 designated by law to serve as a member of the Legislative Budget
 4-46 Board, Legislative Library Board, Legislative Audit Committee,
 4-47 Texas Legislative Council, or any other interim committee. An
 4-48 appointment made under this subsection does not constitute an
 4-49 appointment to any position other than that of a member of a board,
 4-50 council, or committee covered by this section.

4-51 SECTION 12. The heading to Subchapter C, Chapter 301,
 4-52 Government Code, is amended to read as follows:

4-53 SUBCHAPTER C. LEGISLATIVE OFFICERS AND EMPLOYEES [~~MEMBERSHIP ON~~
 4-54 ~~INTERIM COMMITTEES~~]

4-55 SECTION 13. Subchapter C, Chapter 301, Government Code, is
 4-56 amended by adding Sections 301.041, 301.042, and 301.043 to read as
 4-57 follows:

4-58 Sec. 301.041. COMMUNICATIONS WITH PARLIAMENTARIANS. (a)
 4-59 Communications, including conversations, correspondence, and
 4-60 electronic communications, between a member, officer, or employee
 4-61 of the legislative branch and a parliamentarian appointed by the
 4-62 presiding officer of either house that relate to a request by the
 4-63 member, officer, or employee for information, advice, or opinions
 4-64 from a parliamentarian are confidential and subject to legislative
 4-65 privilege. Information, advice, and opinions given privately by a
 4-66 parliamentarian to a member, officer, or employee of the
 4-67 legislative branch, acting in the member's, officer's, or
 4-68 employee's official capacity, are confidential and subject to
 4-69 legislative privilege. However, the member, officer, or employee of

5-1 the legislative branch may choose to disclose all or a part of the
5-2 communications, information, advice, or opinions to which this
5-3 section applies, and such disclosure does not violate the law of
5-4 this state.

5-5 (b) Records relating to requests made of a parliamentarian
5-6 appointed under Subsection (a) for assistance, information,
5-7 advice, or opinion are not public information and are not subject to
5-8 Chapter 552.

5-9 (c) In this section:

5-10 (1) "Member, officer, or employee of the legislative
5-11 branch" includes:

5-12 (A) a member, member-elect, or officer of either
5-13 house of the legislature or of a legislative committee;

5-14 (B) an employee of the legislature, including an
5-15 employee of a legislative agency, office, or committee; and

5-16 (C) the lieutenant governor.

5-17 (2) "Parliamentarian" includes an employee of a
5-18 parliamentarian.

5-19 Sec. 301.042. COMMUNICATIONS WITH ENGROSSING AND ENROLLING
5-20 DEPARTMENT. (a) In this section, "department" means an engrossing
5-21 and enrolling department maintained by either house of the
5-22 legislature.

5-23 (b) Communications, including conversations,
5-24 correspondence, and electronic communications, between a member of
5-25 the legislature or the lieutenant governor, an officer of the house
5-26 or senate, a legislative agency, office, or committee, or a member
5-27 of the staff of any of those officers or entities and an assistant
5-28 or employee of a department that relate to a request by the officer
5-29 or entity for information, advice, or opinions from an assistant or
5-30 employee of the department are confidential and subject to
5-31 legislative privilege.

5-32 (c) A communication described by Subsection (b) is subject
5-33 to attorney-client privilege if:

5-34 (1) the assistant or employee of the department who is
5-35 a party to the communication is a department attorney or is working
5-36 at the direction of a department attorney;

5-37 (2) the communication is given privately; and

5-38 (3) the communication is made in connection with the
5-39 department attorney's provision of legal advice or other legal
5-40 services.

5-41 (d) Information, advice, and opinions given privately by an
5-42 assistant or employee of a department to a member of the legislature
5-43 or the lieutenant governor, an officer of the house or senate, a
5-44 legislative agency, office, or committee, or a member of the staff
5-45 of any of those officers or entities, when acting in the person's
5-46 official capacity, are confidential and subject to legislative
5-47 privilege.

5-48 (e) The member of the legislature, lieutenant governor,
5-49 house or senate officer, or legislative agency, office, or
5-50 committee may choose to disclose all or a part of the
5-51 communications, information, advice, or opinions to which this
5-52 section applies and to which the individual or entity was a party.

5-53 (f) This section does not affect the authority of a court to
5-54 analyze and apply attorney-client privilege under the applicable
5-55 rules of evidence governing a judicial proceeding.

5-56 Sec. 301.043. ENGROSSING AND ENROLLING DEPARTMENT RECORDS
5-57 OF DRAFTING AND OTHER REQUESTS. (a) In this section, "department"
5-58 has the meaning assigned by Section 301.042(a).

5-59 (b) Records relating to requests of department staff for the
5-60 drafting of proposed legislation or for assistance, information,
5-61 advice, or opinion are:

5-62 (1) subject to legislative privilege; and

5-63 (2) not public information and not subject to Chapter
5-64 552.

5-65 SECTION 14. Section 301.007, Government Code, is
5-66 transferred to Subchapter D, Chapter 301, Government Code, and
5-67 redesignated as Section 301.052, Government Code, to read as
5-68 follows:

5-69 Sec. 301.052 [301.007]. DISTRIBUTION OF JOURNALS. (a) The

6-1 lieutenant governor and speaker shall each appoint an employee to
6-2 distribute the journal of the respective houses.

6-3 (b) The employee shall distribute a copy of the journal to:

- 6-4 (1) the governor;
- 6-5 (2) each member of the legislature; and
- 6-6 (3) heads of departments, if requested.

6-7 SECTION 15. Chapter 301, Government Code, is amended by
6-8 adding Subchapter F, and a subchapter heading is added to read as
6-9 follows:

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

6-10 SECTION 16. Section 301.034, Government Code, is
6-11 transferred to Subchapter F, Chapter 301, Government Code, as added
6-12 by this Act, and redesignated as Section 301.071, Government Code,
6-13 to read as follows:

6-14 Sec. 301.071 [~~301.034~~]. SALE OF TEXAS FLAGS AND SIMILAR
6-15 ITEMS. Either house of the legislature may acquire and provide for
6-16 the sale of Texas flags and other items carrying symbols of the
6-17 State of Texas.

6-18 SECTION 17. Section 303.003(c), Government Code, is amended
6-19 to read as follows:

6-20 (c) Contributions from a contributor to the speaker's
6-21 reunion day ceremony may not exceed an aggregate of \$1,000 [~~\$500~~]
6-22 cash or an aggregate value of more than \$1,000 [~~\$500~~].

6-23 SECTION 18. Chapter 306, Government Code, is amended by
6-24 adding Sections 306.008 and 306.009 to read as follows:

6-25 Sec. 306.008. LEGISLATIVE PRIVILEGE. (a) To protect the
6-26 public's interest in the proper performance of the deliberative and
6-27 policymaking responsibilities of the legislature and to preserve
6-28 the legislative branch's independence under the fundamental
6-29 principle of separation of powers, as guaranteed by Article II and
6-30 Section 21, Article III, Texas Constitution, a communication is
6-31 confidential and subject to legislative privilege if the
6-32 communication:

- 6-33 (1) is given privately;
- 6-34 (2) concerns a legislative activity or function; and
- 6-35 (3) is among or between any of the following:
 - 6-36 (A) a member of the house or senate;
 - 6-37 (B) the lieutenant governor;
 - 6-38 (C) an officer of the house or senate;
 - 6-39 (D) a member of the governing body of a
 - 6-40 legislative agency; or
 - 6-41 (E) a legislative employee.

6-42 (b) A communication described by Subsection (a) is subject
6-43 to attorney-client privilege if:

- 6-44 (1) one of the parties to the communication is a
6-45 legislative attorney or a legislative employee working at the
6-46 direction of a legislative attorney; and
- 6-47 (2) the communication is made in connection with the
6-48 legislative attorney's provision of legal advice or other legal
6-49 services.

6-50 (c) A member of the house or senate, the lieutenant
6-51 governor, or an officer of the house or senate may choose to
6-52 disclose all or part of a communication to which Subsection (a) or
6-53 (b) applies and to which the individual or a legislative employee
6-54 acting on behalf of the individual was a party.

6-55 (d) This section does not affect the authority of a court to
6-56 analyze and apply legislative or attorney-client privileges under
6-57 the applicable rules of evidence governing a judicial proceeding.

6-58 (e) In this section:

6-59 (1) "Legislative agency" means a board, commission,
6-60 committee, council, department, office, or any other agency in the
6-61 legislative branch of state government. The term does not include
6-62 the Texas Ethics Commission.

6-63 (2) "Legislative attorney" means an attorney employed
6-64 or engaged by the house, the senate, a member of the house or
6-65 senate, the lieutenant governor, an officer of the house or senate,
6-66 a house or senate committee, a joint committee, or a legislative
6-67 agency.

6-68 (3) "Legislative employee" means an employee of,
6-69

7-1 assistant or a person performing services under a contract entered
 7-2 into with either house of the legislature, a committee of either
 7-3 house, or a legislative agency, or credentialed intern for any part
 7-4 of the legislative branch of state government, including the house,
 7-5 the senate, a member of the house or senate, the lieutenant
 7-6 governor, an officer of the house or senate, a house or senate
 7-7 committee, a joint committee, or a legislative agency.

7-8 Sec. 306.009. CUSTODIAN OF CERTAIN LEGISLATIVE RECORDS.

7-9 (a) A member of the legislature, the lieutenant governor, an
 7-10 officer of the house or senate, or a legislative agency, office, or
 7-11 committee that stores records with or transfers records to the
 7-12 Legislative Reference Library or the Texas State Library and
 7-13 Archives Commission:

7-14 (1) possesses, maintains, or controls the records for
 7-15 purposes of litigation; and

7-16 (2) is the custodian of the records for purposes of
 7-17 Chapter 552.

7-18 (b) Subsection (a) does not apply to a member of the
 7-19 legislature or the lieutenant governor after the individual's
 7-20 service as a member or lieutenant governor ends.

7-21 SECTION 19. Sections 314.003(a) and (b), Government Code,
 7-22 are amended to read as follows:

7-23 (a) If a fiscal note is required on a bill or resolution, it
 7-24 must be attached to the bill or resolution as provided by the rules
 7-25 of the appropriate house of the legislature [~~before a committee~~
 7-26 ~~hearing on the bill or resolution may be conducted~~].

7-27 (b) The fiscal note must be printed as part of [~~on the first~~
 7-28 ~~page of~~] the committee report of the bill or resolution and as part
 7-29 [~~on the first page~~] of all subsequent printings, as provided by the
 7-30 rules of the appropriate house of the legislature.

7-31 SECTION 20. Section 323.006(a), Government Code, is amended
 7-32 to read as follows:

7-33 (a) The council shall:

7-34 (1) study and investigate the functions and problems
 7-35 of state departments, agencies, and officers;

7-36 (2) conduct investigations and studies and make
 7-37 reports that may be considered useful to the legislative branch of
 7-38 state government;

7-39 (3) gather and disseminate information for the
 7-40 legislature's use;

7-41 (4) meet and perform council functions during the
 7-42 legislative interim;

7-43 (5) make periodic reports to all members of the
 7-44 legislature and keep the legislature fully informed of all issues
 7-45 that may come before the council, any action taken on an issue, and
 7-46 the progress made on an issue;

7-47 (6) report council recommendations to the legislature
 7-48 and, if appropriate, provide drafts of legislation with the report;

7-49 (7) assist the legislature in drafting proposed
 7-50 legislation; [~~and~~]

7-51 (8) provide legal advice and other legal services to
 7-52 the legislature; and

7-53 (9) provide data-processing services to aid members
 7-54 and legislative committees in accomplishing their legislative
 7-55 duties.

7-56 SECTION 21. Sections 323.017 and 323.018, Government Code,
 7-57 are amended to read as follows:

7-58 Sec. 323.017. CONFIDENTIAL AND PRIVILEGED COMMUNICATIONS.

7-59 (a) Communications, including conversations, correspondence, and
 7-60 electronic communications, between a member of the legislature or
 7-61 the lieutenant governor, an officer of the house or senate, a
 7-62 legislative agency, office, or committee, or a member of the staff
 7-63 of any of those officers or entities and an assistant or employee of
 7-64 the council that relate to a request by the officer or entity
 7-65 [~~official~~] for information, advice, or opinions from an assistant
 7-66 or employee of the council are confidential and subject to
 7-67 legislative privilege.

7-68 (b) A communication described by Subsection (a) is subject
 7-69 to attorney-client privilege if:

8-1 (1) the assistant or employee of the council who is a
 8-2 party to the communication is a council attorney or is working at
 8-3 the direction of a council attorney;

8-4 (2) the communication is given privately; and

8-5 (3) the communication is made in connection with the
 8-6 council attorney's provision of legal advice or other legal
 8-7 services.

8-8 (c) Information, advice, and opinions given privately by an
 8-9 assistant or employee of the council to a member of the
 8-10 legislature[7] or the lieutenant governor, an officer of the house
 8-11 or senate, a legislative agency, office, or committee, or a member
 8-12 of the staff of any of those officers or entities, when acting in
 8-13 the person's official capacity, are confidential and subject to
 8-14 legislative privilege.

8-15 (d) The [However, the] member of the legislature, [or]
 8-16 lieutenant governor, house or senate officer, or legislative
 8-17 agency, office, or committee may choose to disclose all or a part of
 8-18 the communications, information, advice, or opinions to which this
 8-19 section applies[7] and to which the individual or entity was a party
 8-20 [such a disclosure does not violate the law of this state].

8-21 (e) This section does not affect the authority of a court to
 8-22 analyze and apply attorney-client privilege under the applicable
 8-23 rules of evidence governing a judicial proceeding.

8-24 Sec. 323.018. RECORDS OF DRAFTING AND OTHER REQUESTS.
 8-25 Records relating to requests of council staff for the drafting of
 8-26 proposed legislation or for assistance, information, advice, or
 8-27 opinion are:

8-28 (1) subject to legislative privilege; and

8-29 (2) not public information and not subject to Chapter
 8-30 552.

8-31 SECTION 22. Chapter 323, Government Code, is amended by
 8-32 adding Section 323.021 to read as follows:

8-33 Sec. 323.021. LEGISLATIVE OFFICE RECORDS. A member of the
 8-34 legislature, the lieutenant governor, an officer of the house or
 8-35 senate, or a legislative agency, office, or committee that uses a
 8-36 system made available by the council to transmit, store, or
 8-37 maintain records:

8-38 (1) possesses, maintains, or controls the records for
 8-39 purposes of litigation; and

8-40 (2) is the custodian of the records for purposes of
 8-41 Chapter 552.

8-42 SECTION 23. Section 324.001, Government Code, is amended by
 8-43 adding Subdivisions (4), (5), and (6) to read as follows:

8-44 (4) "Legislative entity" means a member of the
 8-45 legislature, the lieutenant governor, an officer of the house or
 8-46 senate, or a legislative committee, department, or office, but does
 8-47 not include a legislative agency created by Subtitle C, Title 3.

8-48 (5) "Legislative record" means a record, including a
 8-49 state record or archival state record, created by a legislative
 8-50 entity. The term includes records described by Section 324.008(b).

8-51 (6) "State record" and "archival state record" have
 8-52 the meanings assigned by Section 441.180.

8-53 SECTION 24. Sections 324.007(b) and (c), Government Code,
 8-54 are amended to read as follows:

8-55 (b) The library shall contain, as may best be made available
 8-56 for legislative use, the following items:

8-57 (1) checklists and catalogues of current legislation
 8-58 in this and other states;

8-59 (2) catalogues of bills and resolutions presented in
 8-60 either house of the legislature;

8-61 (3) checklists of public documents in each state;

8-62 (4) checklists of all reports issued by each
 8-63 department, agency, board, or commission of this state; [and]

8-64 (5) digests of public laws of this and other states;

8-65 (6) legislative records; and

8-66 (7) other items designated by the board or the
 8-67 director.

8-68 (c) The director and library employees shall provide any
 8-69 assistance requested by a member of the legislature in researching,

9-1 analyzing, evaluating, and preparing bills and resolutions.

9-2 SECTION 25. The heading to Section 324.008, Government
9-3 Code, is amended to read as follows:

9-4 Sec. 324.008. DEPOSIT AND MANAGEMENT [~~DISPOSITION~~] OF
9-5 DOCUMENTS.

9-6 SECTION 26. Sections 324.008(a) and (c), Government Code,
9-7 are amended to read as follows:

9-8 (a) The library is a depository library as defined by
9-9 Section 441.101 [~~Section 1, Chapter 438, Acts of the 58th~~
9-10 ~~Legislature, 1963 (Article 5442a, Vernon's Texas Civil Statutes),~~
9-11 and shall receive state documents and publications from other
9-12 states distributed by the Texas State Library.

9-13 (c) At the close of each legislative session, each daily
9-14 legislative journal, bill, or resolution possessed by the senate or
9-15 house sergeant at arms shall be delivered to the library to be
9-16 managed as a legislative record under Section 324.0085 [~~disposed of~~
9-17 ~~at the discretion of the director~~].

9-18 SECTION 27. Chapter 324, Government Code, is amended by
9-19 adding Sections 324.0085 and 324.0086 to read as follows:

9-20 Sec. 324.0085. LEGISLATIVE RECORDS. (a) In this section:

9-21 (1) "Commission," "records management officer," and
9-22 "state records administrator" have the meanings assigned by Section
9-23 441.180.

9-24 (2) "Director and librarian of the commission" means
9-25 the chief executive and administrative officer of the Texas State
9-26 Library and Archives Commission.

9-27 (b) The library is the depository for legislative records.

9-28 (c) Except as otherwise provided by this chapter, a
9-29 legislative record must be managed by the director in the same
9-30 manner that a state record is managed under Subchapter L, Chapter
9-31 441. For a legislative record, with regard to the requirements of
9-32 Subchapter L, Chapter 441:

9-33 (1) the board shall perform the functions and duties
9-34 of the commission; and

9-35 (2) the director shall perform the functions and
9-36 duties of:

9-37 (A) the director and librarian of the commission;

9-38 (B) the state records administrator; and

9-39 (C) the records management officer.

9-40 (d) Legislative records shall be transferred to the library
9-41 or a depository outside the library under Section 324.0086, in
9-42 accordance with any applicable records retention schedule approved
9-43 by the director under this section.

9-44 (e) A legislative entity may retrieve, for temporary use,
9-45 records transferred by the legislative entity to the library or a
9-46 depository outside the library. The director and library employees
9-47 shall assist the legislative entity with retrieval of the records,
9-48 and the legislative entity shall return the records to the library
9-49 following the legislative entity's use.

9-50 (f) Under the direction of the legislative entity that
9-51 created the records transferred to the library, or of the public
9-52 information officer of the appropriate house of the legislature in
9-53 the case of a former legislative entity, the director shall protect
9-54 privileged or confidential legislative records held by the library
9-55 or a depository outside the library from public disclosure.

9-56 (g) Under the direction of the public information officer of
9-57 the legislative entity that transferred a legislative record to the
9-58 library or an authorized depository outside the library, or of the
9-59 public information officer of the appropriate house of the
9-60 legislature in the case of a former legislative entity, the
9-61 director shall respond to requests received under Chapter 552 for
9-62 the legislative record. The director shall notify the public
9-63 information officer responsible for the legislative record as soon
9-64 as practicable after receiving a request described by this
9-65 subsection.

9-66 (h) The director may:

9-67 (1) transfer legislative records to the Texas State
9-68 Library and Archives Commission for management under Subchapter L,
9-69 Chapter 441; and

10-1 (2) request the Texas State Library and Archives
10-2 Commission to return to the library, without charge to the library,
10-3 legislative records held by the commission.

10-4 (i) To the extent of any conflict, this section prevails
10-5 over Chapter 441 or any other state law relating to the management
10-6 of legislative records.

10-7 Sec. 324.0086. PLACEMENT IN OTHER DEPOSITORY. (a) A
10-8 member of the legislature may apply to the board to place records
10-9 that were created or received by the member's office during the
10-10 member's term in a depository other than the library.

10-11 (b) The board shall:

10-12 (1) create a list of preapproved depositories in which
10-13 members of the legislature may place records of their legislative
10-14 offices; and

10-15 (2) by rule adopt policies and procedures to approve
10-16 additional depositories.

10-17 (c) The director is responsible for the preservation of
10-18 records described by Subsection (a) placed in a depository other
10-19 than the library. Ownership and legal custody of the records remain
10-20 with the legislature as provided by Section 324.0085. The records
10-21 may not be intermingled with other holdings of the institution that
10-22 serves as a depository.

10-23 SECTION 28. Subchapter L, Chapter 441, Government Code, is
10-24 amended by adding Section 441.1821 to read as follows:

10-25 Sec. 441.1821. LEGISLATIVE RECORDS MANAGEMENT. (a) As
10-26 used in this section, "legislative record" has the meaning assigned
10-27 by Section 324.001.

10-28 (b) Upon receipt of a request from the Legislative Reference
10-29 Library for the return of a legislative record in the custody of the
10-30 commission, the commission shall immediately return the
10-31 legislative record to the library, at no cost to the library.

10-32 (c) Notwithstanding any other law, the Legislative
10-33 Reference Library shall manage legislative records under Chapter
10-34 324. To the extent of any conflict, Chapter 324 prevails over this
10-35 chapter or any other state law relating to the management of state
10-36 records that are legislative records.

10-37 SECTION 29. Section 602.002, Government Code, is amended to
10-38 read as follows:

10-39 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
10-40 state may be administered and a certificate of the fact given by:

10-41 (1) a judge, retired judge, or clerk of a municipal
10-42 court;

10-43 (2) a judge, retired judge, senior judge, clerk, or
10-44 commissioner of a court of record;

10-45 (3) a justice of the peace or a clerk of a justice
10-46 court;

10-47 (4) an associate judge, magistrate, master, referee,
10-48 or criminal law hearing officer;

10-49 (5) a notary public;

10-50 (6) a member of a board or commission created by a law
10-51 of this state, in a matter pertaining to a duty of the board or
10-52 commission;

10-53 (7) a person employed by the Texas Ethics Commission
10-54 who has a duty related to a report required by Title 15, Election
10-55 Code, in a matter pertaining to that duty;

10-56 (8) a county tax assessor-collector or an employee of
10-57 the county tax assessor-collector if the oath relates to a document
10-58 that is required or authorized to be filed in the office of the
10-59 county tax assessor-collector;

10-60 (9) the secretary of state or a former secretary of
10-61 state;

10-62 (10) an employee of a personal bond office, or an
10-63 employee of a county, who is employed to obtain information
10-64 required to be obtained under oath if the oath is required or
10-65 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
10-66 Criminal Procedure;

10-67 (11) the lieutenant governor or a former lieutenant
10-68 governor;

10-69 (12) the speaker of the house of representatives or a

- 11-1 former speaker of the house of representatives;
- 11-2 (13) the governor or a former governor;
- 11-3 (14) a legislator or retired legislator;
- 11-4 (14-a) the secretary of the senate or the chief clerk
- 11-5 of the house of representatives;
- 11-6 (15) the attorney general or a former attorney
- 11-7 general;
- 11-8 (16) the secretary or clerk of a municipality in a
- 11-9 matter pertaining to the official business of the municipality;
- 11-10 (17) a peace officer described by Article 2.12, Code
- 11-11 of Criminal Procedure, if:
- 11-12 (A) the oath is administered when the officer is
- 11-13 engaged in the performance of the officer's duties; and
- 11-14 (B) the administration of the oath relates to the
- 11-15 officer's duties; or
- 11-16 (18) a county treasurer.

11-17 SECTION 30. Records described by Section 301.041(b) or
 11-18 301.043, Government Code, as added by this Act, or Section 323.018,
 11-19 Government Code, as amended by this Act, are not subject to request,
 11-20 inspection, or duplication under Chapter 552, Government Code. A
 11-21 governmental body may withhold the records without the necessity of
 11-22 requesting a decision from the attorney general under Subchapter G,
 11-23 Chapter 552, Government Code.

11-24 SECTION 31. This Act takes effect immediately if it
 11-25 receives a vote of two-thirds of all the members elected to each
 11-26 house, as provided by Section 39, Article III, Texas Constitution.
 11-27 If this Act does not receive the vote necessary for immediate
 11-28 effect, this Act takes effect September 1, 2019.

11-29 * * * * *