

## **BILL ANALYSIS**

C.S.H.B. 4294  
By: Metcalf  
House Administration  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Since 1961, the Texas Legislature has established a statutory framework to permit legislators and legislative committees to conduct activities on a full-time basis to achieve efficiency and continuity in performing the duties assigned to the legislative branch. As part of this framework, the legislature has authorized a number of joint entities, including joint committees and legislative service agencies, to enable the legislature to efficiently and effectively meet the demands of modern lawmaking. To ensure that these entities are able to perform their roles of aiding the legislative process, current law needs updating. C.S.H.B. 4294 seeks to revise certain organizational structures and procedures related to joint entities to enhance the legislature's ability to legislate for an engaged citizenry as envisioned by the framers of the Texas Constitution.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4294 amends the Government Code to require that per diem and travel expenses paid to a member of a joint committee established by statute be paid by the house to which the member belongs unless a statute expressly provides otherwise. Per diem and travel expenses for a public member of such a joint committee are to be paid by the office of the appointing entity.

C.S.H.B. 4294 provides that, if the joint chairs or the chairman and vice-chairman of the legislative audit committee, the Texas Legislative Council (TLC), the legislative library board, or the Sunset Advisory Commission, as applicable, are physically present at a meeting of the body in Austin during a disaster that has been declared for the first time after the date of final adjournment of the most recent regular session of the legislature and that is currently in effect in Texas as the result of a declaration by the U.S. president under federal law or a declaration or determination by a public officer, governing body, or authority under state law, including the Texas Constitution, any of the remaining members may attend and participate in the meeting remotely using telephone conference call, video conference call, or other similar means of telecommunication, regardless of the subject of the meeting or the topics considered by members. A member who participates in a meeting remotely is considered present for purposes of determining whether a quorum is present, for purposes of voting, and for any other purpose that allows a member to otherwise fully participate in the meeting.

C.S.H.B. 4294 provides the following with respect to such a meeting held by use of telephone conference call, video conference call, or other similar means of telecommunication:

- the meeting is subject to applicable notice requirements;
- the meeting notice must specify the location in Austin of the meeting at which the joint chairs or the chairman and vice-chairman, as applicable, will be physically present;
- the meeting must be open to the public and must be audible to the public at that specified location;
- must provide two-way audio communication between all members of the applicable board, committee, council, or commission attending the meeting during the entire meeting; and
- if the two-way audio communication link with any member attending the meeting is disrupted at any time, the meeting may not continue until the audio communication link is reestablished.

C.S.H.B. 4294 excludes the Texas Ethics Commission from consideration as a legislative agency for purposes of provisions governing the cooperation between such agencies. The bill authorizes TLC to transfer money to another legislative agency to cover the other agency's expenses that the executive director of TLC determines to be necessary to further a purpose of TLC.

C.S.H.B. 4294 transfers Government Code provisions relating to the Commission on Uniform State Laws to Subtitle C, Title 3, Government Code, governing legislative agencies and oversight committees. The bill expands the composition of the commission to include the following additional members:

- two members appointed by the lieutenant governor, who are members or officers of the senate and serve at the lieutenant governor's pleasure;
- two members appointed by the speaker of the house of representatives, who are members or officers of the house of representatives and serve at the speaker's pleasure; and
- the chairs of the standing legislative committees with primary jurisdiction over uniform state laws.

The bill specifies that to be eligible for service on the commission a person must be a licensed attorney.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4294 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a specification not included in the original that the provisions authorizing certain meetings to be held remotely as prescribed apply only if an applicable disaster declaration or determination is made for the first time after the date of final adjournment of the most recent regular session of the legislature.

The substitute includes a provision not in the original authorizing TLC to transfer money to another legislative agency for certain purposes on determination of the executive director of TLC.

The substitute revises provisions relating to the Commission on Uniform State Laws, whereas the original did not.