By:  Metcalf (Senate Sponsor - Hancock) H.B. No. 4294

(In the Senate - Received from the House May 10, 2021; May 14, 2021, read first time and referred to Committee on Business & Commerce; May 21, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; May 21, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

COMMITTEE SUBSTITUTE FOR H.B. No. 4294 By:  Hancock

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Subchapter B, Chapter 301, Government Code, is amended by adding Section 301.035 to read as follows:

Sec. 301.035.  JOINT INTERIM COMMITTEE PER DIEM AND TRAVEL EXPENSES. Unless a statute expressly provides otherwise, per diem and travel expenses paid to a member of a joint committee established by statute shall be paid by the house to which the member belongs. The per diem and travel expenses paid to a public member of the committee shall be paid by the office of the appointing entity.

SECTION 2.  Section 326.001, Government Code, is amended to read as follows:

Sec. 326.001.  DEFINITION. In this chapter, "legislative agency":

(1)  means:

(A) [~~(1)~~]  the senate;

(B) [~~(2)~~]  the house of representatives;

(C) [~~(3)~~]  a committee, division, department, or office of the senate or house;

(D) [~~(4)~~]  the Texas Legislative Council;

(E) [~~(5)~~]  the Legislative Budget Board;

(F) [~~(6)~~]  the Legislative Reference Library;

(G) [~~(7)~~]  the office of the State Auditor; or

(H) [~~(8)~~]  any other agency in the legislative branch of state government; and

(2)  does not include the Texas Ethics Commission.

SECTION 3.  Section 326.002, Government Code, is amended by adding Subsection (c) to read as follows:

(c)  The Texas Legislative Council may transfer money to another legislative agency to cover expenses of the other agency that the executive director of the council determines to be necessary to further a purpose of the council.

SECTION 4.  Chapter 762, Government Code, is transferred to Subtitle C, Title 3, Government Code, redesignated as Chapter 329, Government Code, and amended to read as follows:

CHAPTER 329 [~~762~~]. COMMISSION ON UNIFORM STATE LAWS

Sec. 329.001 [~~762.001~~].  DEFINITIONS. In this chapter:

(1)  "Commission" means the Commission on Uniform State Laws.

(2)  "National conference" means the National Conference of Commissioners on Uniform State Laws.

Sec. 329.002 [~~762.002~~].  DUTIES OF COMMISSION. (a) The commission shall:

(1)  promote the uniform judicial interpretation of all uniform laws; and

(2)  before January 1 of each odd-numbered year, submit a biennial report to the legislature that contains an account of the commission's transactions and its advice and recommendations for legislation.

(b)  The commission may supplement the report.

Sec. 329.003  [~~762.003~~].  COMPOSITION OF COMMISSION; TERMS. (a) The commission is composed of:

(1)  nine members appointed by the governor;

(2)  two members appointed by the lieutenant governor, who are members or officers of the senate;

(3)  two members appointed by the speaker of the house of representatives, who are members or officers of the house of representatives;

(4)  the chair of the standing committee of the senate with primary jurisdiction over uniform state laws;

(5)  the chair of the standing committee of the house of representatives with primary jurisdiction over uniform state laws;

(6)  the executive director of the Texas Legislative Council or a person designated by the executive director; and

(7) [~~(3)~~]  in addition to the persons described by Subdivisions (1) through (6) [~~and (2)~~], residents of this state who have long service in the cause of uniformity in state legislation as shown by:

(A)  at least 20 years of service representing the state as an associate member of the national conference;

(B)  election as a life member of the national conference; or

(C)  at least 15 years of service as a member of the commission and at least five years of combined service as a judge or justice of a trial or appellate court of this state.

(b)  Appointments to the commission shall be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c)  Members appointed by the governor under Subsection (a)(1) [~~Appointed members~~] serve staggered six-year terms, with the terms of three members expiring September 30 of each even-numbered year.

(d)  Members appointed by the lieutenant governor under Subsection (a)(2) serve at the pleasure of the lieutenant governor.

(e)  Members appointed by the speaker of the house of representatives under Subsection (a)(3) serve at the pleasure of the speaker.

Sec. 329.004 [~~762.004~~].  ELIGIBILITY [~~FOR APPOINTMENT~~]; LOBBYIST RESTRICTION. (a) To be eligible for appointment to or service on the commission, a person must be an attorney licensed to practice law.

(b)  At least one of the commissioners, at the time of that commissioner's appointment, must be a state judge.

(c)  At least one of the commissioners, at the time of that commissioner's appointment, must be a legal educator.

(d)  A person required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a commissioner or act as general counsel to the commission.

Sec. 329.005 [~~762.005~~].  DUTIES OF COMMISSIONERS. Each commissioner shall:

(1)  promote uniformity in state laws in subject areas in which uniformity is desirable and practicable; and

(2)  attend national conference meetings.

Sec. 329.006 [~~762.006~~].  VACANCY; EXPIRATION OF TERM. (a) This section applies only to a commissioner appointed by the governor.

(b)  The office of an appointed commissioner becomes vacant on the death, resignation, failure or refusal to serve, or removal of the commissioner.

(c) [~~(b)~~]  The governor shall fill a vacancy by appointing a person to the commission for the unexpired term of the commissioner vacating the office.

(d) [~~(c)~~]  On the vacancy or expiration of the term of office of an appointed commissioner, the governor shall appoint a state judge or legal educator if the appointment is required by Section 329.004(b) [~~762.004(b)~~] or (c).

Sec. 329.007 [~~762.008~~].  GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission if a member:

(1)  did not have, at the time of appointment or election, the qualifications required by Section 329.004 [~~762.004~~];

(2)  does not maintain the qualifications required by Section 329.004 [~~762.004~~];

(3)  is prohibited from serving as a commissioner under Section 329.004(d) [~~762.004(d)~~]; or

(4)  is ineligible to participate in activities of the national conference.

(b)  The validity of an action of the commission is not affected because it is taken when a member is subject to removal.

Sec. 329.008 [~~762.009~~].  MEETING AND ELECTION OF OFFICERS. (a) The commission shall meet at least once every two years.

(b)  The commissioners shall elect a chair [~~chairman~~] and secretary, who shall each hold office for a term of two years.

Sec. 329.009 [~~762.010~~].  COMPENSATION. A commissioner serves without compensation but is entitled to be reimbursed for reasonable expenses incurred in the performance of the commissioner's duties.

Sec. 329.010 [~~762.011~~].  SUPPORT SERVICES. The Texas Legislative Council shall provide accounting, clerical, and other support services necessary for the commission to carry out its duties.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

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