

By: Metcalf

H.B. No. 4294

Substitute the following for H.B. No. 4294:

By: Metcalf

C.S.H.B. No. 4294

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 321.002, Government Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) Notwithstanding Chapter 551 or other law, if the joint chairs of the committee are physically present at a meeting of the committee located in Austin, then any number of the other members of the committee may attend and participate in the meeting remotely by use of telephone conference call, video conference call, or other similar means of telecommunication. A member of the committee who participates in a meeting remotely as provided by this subsection is considered present for purposes of determining whether a quorum is present, for purposes of voting, and for any other purpose that

1 allows a member of the committee to otherwise fully participate in a  
2 meeting of the committee. This subsection applies:

3 (1) only if a disaster has been declared for the first  
4 time after the date of final adjournment of the most recent regular  
5 session of the legislature and is currently in effect in this state  
6 as the result of:

7 (A) a declaration by the president of the United  
8 States under federal law; or

9 (B) a declaration or determination by a public  
10 officer, governing body, or authority under Chapter 418 of this  
11 code, Chapter 81, Health and Safety Code, or other law including the  
12 Texas Constitution; and

13 (2) regardless of the subject of the meeting or the  
14 topics considered by the members.

15 (g) A meeting held under Subsection (f) by use of telephone  
16 conference call, video conference call, or other similar means of  
17 telecommunication:

18 (1) is subject to the notice requirements applicable  
19 to other meetings of the committee;

20 (2) must specify in the notice of the meeting the  
21 location in Austin of the meeting at which the joint chairs will be  
22 physically present;

23 (3) must be open to the public and shall be audible to  
24 the public at the location in Austin specified in the notice of the  
25 meeting as the location of the meeting at which the joint chairs  
26 will be physically present;

27 (4) must provide two-way audio communication between

1 all members of the committee attending the meeting during the  
2 entire meeting; and

3 (5) if the two-way audio communication link with any  
4 member attending the meeting is disrupted at any time, may not  
5 continue until the two-way audio communication link is  
6 reestablished.

7 SECTION 3. Section 323.003, Government Code, is amended by  
8 adding Subsections (e) and (f) to read as follows:

9 (e) Notwithstanding Chapter 551 or other law, if the joint  
10 chairs of the council are physically present at a meeting of the  
11 council located in Austin, then any number of the other members of  
12 the council may attend and participate in the meeting remotely by  
13 use of telephone conference call, video conference call, or other  
14 similar means of telecommunication. A member of the council who  
15 participates in a meeting remotely as provided by this subsection  
16 is considered present for purposes of determining whether a quorum  
17 is present, for purposes of voting, and for any other purpose that  
18 allows a member of the council to otherwise fully participate in a  
19 meeting of the council. This subsection applies:

20 (1) only if a disaster has been declared for the first  
21 time after the date of final adjournment of the most recent regular  
22 session of the legislature and is currently in effect in this state  
23 as the result of:

24 (A) a declaration by the president of the United  
25 States under federal law; or

26 (B) a declaration or determination by a public  
27 officer, governing body, or authority under Chapter 418 of this

1 code, Chapter 81, Health and Safety Code, or other law including the  
2 Texas Constitution; and

3 (2) regardless of the subject of the meeting or the  
4 topics considered by the members.

5 (f) A meeting held under Subsection (e) by use of telephone  
6 conference call, video conference call, or other similar means of  
7 telecommunication:

8 (1) is subject to the notice requirements applicable  
9 to other meetings of the council;

10 (2) must specify in the notice of the meeting the  
11 location in Austin of the meeting at which the joint chairs will be  
12 physically present;

13 (3) must be open to the public and shall be audible to  
14 the public at the location in Austin specified in the notice of the  
15 meeting as the location of the meeting at which the joint chairs  
16 will be physically present;

17 (4) must provide two-way audio communication between  
18 all members of the council attending the meeting during the entire  
19 meeting; and

20 (5) if the two-way audio communication link with any  
21 member attending the meeting is disrupted at any time, may not  
22 continue until the two-way audio communication link is  
23 reestablished.

24 SECTION 4. Section 324.004, Government Code, is amended by  
25 adding Subsections (e) and (f) to read as follows:

26 (e) Notwithstanding Chapter 551 or other law, if the joint  
27 chairs of the board are physically present at a meeting of the board

1 located in Austin, then any number of the other members of the board  
2 may attend and participate in the meeting remotely by use of  
3 telephone conference call, video conference call, or other similar  
4 means of telecommunication. A member of the board who participates  
5 in a meeting remotely as provided by this subsection is considered  
6 present for purposes of determining whether a quorum is present,  
7 for purposes of voting, and for any other purpose that allows a  
8 member of the board to otherwise fully participate in a meeting of  
9 the board. This subsection applies:

10 (1) only if a disaster has been declared for the first  
11 time after the date of final adjournment of the most recent regular  
12 session of the legislature and is currently in effect in this state  
13 as the result of:

14 (A) a declaration by the president of the United  
15 States under federal law; or

16 (B) a declaration or determination by a public  
17 officer, governing body, or authority under Chapter 418 of this  
18 code, Chapter 81, Health and Safety Code, or other law including the  
19 Texas Constitution; and

20 (2) regardless of the subject of the meeting or the  
21 topics considered by the members.

22 (f) A meeting held under Subsection (e) by use of telephone  
23 conference call, video conference call, or other similar means of  
24 telecommunication:

25 (1) is subject to the notice requirements applicable  
26 to other meetings of the board;

27 (2) must specify in the notice of the meeting the

1 location in Austin of the meeting at which the joint chairs will be  
2 physically present;

3 (3) must be open to the public and shall be audible to  
4 the public at the location in Austin specified in the notice of the  
5 meeting as the location of the meeting at which the joint chairs  
6 will be physically present;

7 (4) must provide two-way audio communication between  
8 all members of the board attending the meeting during the entire  
9 meeting; and

10 (5) if the two-way audio communication link with any  
11 member attending the meeting is disrupted at any time, may not  
12 continue until the two-way audio communication link is  
13 reestablished.

14 SECTION 5. Section 325.003, Government Code, is amended by  
15 adding Subsections (l) and (m) to read as follows:

16 (l) Notwithstanding Chapter 551 or other law, if the  
17 chairman and vice-chairman of the commission are physically present  
18 at a meeting of the commission located in Austin, then any number of  
19 the other members of the commission may attend and participate in  
20 the meeting remotely by use of telephone conference call, video  
21 conference call, or other similar means of telecommunication. A  
22 member of the commission who participates in a meeting remotely as  
23 provided by this subsection is considered present for purposes of  
24 determining whether a quorum is present, for purposes of voting,  
25 and for any other purpose that allows a member of the commission to  
26 otherwise fully participate in a meeting of the commission. This  
27 subsection applies:

1           (1) only if a disaster has been declared for the first  
2 time after the date of final adjournment of the most recent regular  
3 session of the legislature and is currently in effect in this state  
4 as the result of:

5                   (A) a declaration by the president of the United  
6 States under federal law; or

7                   (B) a declaration or determination by a public  
8 officer, governing body, or authority under Chapter 418 of this  
9 code, Chapter 81, Health and Safety Code, or other law including the  
10 Texas Constitution; and

11           (2) regardless of the subject of the meeting or the  
12 topics considered by the members.

13           (m) A meeting held under Subsection (1) by use of telephone  
14 conference call, video conference call, or other similar means of  
15 telecommunication:

16                   (1) is subject to the notice requirements applicable  
17 to other meetings of the commission;

18                   (2) must specify in the notice of the meeting the  
19 location in Austin of the meeting at which the chairman and  
20 vice-chairman will be physically present;

21                   (3) must be open to the public and shall be audible to  
22 the public at the location in Austin specified in the notice of the  
23 meeting as the location of the meeting at which the chairman and  
24 vice-chairman will be physically present;

25                   (4) must provide two-way audio communication between  
26 all members of the commission attending the meeting during the  
27 entire meeting; and

1           (5) if the two-way audio communication link with any  
2 member attending the meeting is disrupted at any time, may not  
3 continue until the two-way audio communication link is  
4 reestablished.

5           SECTION 6. Section 326.001, Government Code, is amended to  
6 read as follows:

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

9           (1) means:

- 10                   (A) [~~(1)~~] the senate;  
11                   (B) [~~(2)~~] the house of representatives;  
12                   (C) [~~(3)~~] a committee, division, department, or  
13 office of the senate or house;  
14                   (D) [~~(4)~~] the Texas Legislative Council;  
15                   (E) [~~(5)~~] the Legislative Budget Board;  
16                   (F) [~~(6)~~] the Legislative Reference Library;  
17                   (G) [~~(7)~~] the office of the State Auditor; or  
18                   (H) [~~(8)~~] any other agency in the legislative  
19 branch of state government; and

20           (2) does not include the Texas Ethics Commission.

21           SECTION 7. Section 326.002, Government Code, is amended by  
22 adding Subsection (c) to read as follows:

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

27           SECTION 8. Chapter 762, Government Code, is transferred to

1 Subtitle C, Title 3, Government Code, redesignated as Chapter 329,  
2 Government Code, and amended to read as follows:

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

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

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

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

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

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

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

17 (b) The commission may supplement the report.

18 Sec. 329.003 [~~762.003~~]. COMPOSITION OF COMMISSION; TERMS.

19 (a) The commission is composed of:

20 (1) nine members appointed by the governor;

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

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

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

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

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

5           (7) [~~(3)~~] in addition to the persons described by  
6 Subdivisions (1) through (6) [~~and (2)~~], residents of this state who  
7 have long service in the cause of uniformity in state legislation as  
8 shown by:

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

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

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

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

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

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

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

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

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

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

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

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

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

18           (2) attend national conference meetings.

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

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

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

1            (d) [~~(e)~~] On the vacancy or expiration of the term of office  
2 of an appointed commissioner, the governor shall appoint a state  
3 judge or legal educator if the appointment is required by Section  
4 329.004(b) [~~762.004(b)~~] or (c).

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

7            (1) did not have, at the time of appointment or  
8 election, the qualifications required by Section 329.004  
9 [~~762.004~~];

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

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

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

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

18           Sec. 329.008 [~~762.009~~]. MEETING AND ELECTION OF OFFICERS.

19           (a) The commission shall meet at least once every two years.

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

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

26           Sec. 329.010 [~~762.011~~]. SUPPORT SERVICES. The Texas  
27 Legislative Council shall provide accounting, clerical, and other

1 support services necessary for the commission to carry out its  
2 duties.

3         SECTION 9. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2021.