

BILL ANALYSIS

Senate Research Center

H.B. 5125
By: Metcalf (Hancock)
Administration
5/21/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 5125 amends current law relating to the organization and operation of the legislative branch of state government.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 301, Government Code, by adding Sections 301.0161, 301.0291, 301.0321, and 301.036, as follows:

Sec. 301.0161. ADMINISTRATION COMMITTEES. (a) Authorizes each house, by rule or resolution, to establish an administration committee.

(b) Requires the senate administration committee to perform the duties and functions assigned to the committee by rule or resolution.

(c) Requires the house administration committee to:

(1) adopt policies and determine guidelines for the effective and efficient operation of the house, including the appointment and discharge of employees and the use of state property and facilities; and

(2) not later than the 60th day after the convening of a regular session, prepare and distribute to all members a manual of policy statements to include, but not be limited to, policies pertaining to members as a class.

Sec. 301.0291. ADMINISTRATIVE HEAD OF AGENCY. (a) Requires the senate by resolution, for purposes of any law applicable to the legislature that requires an action by an administrative head of agency, to designate the administrative head of agency for the senate.

(b) Authorizes the senate to delegate all or part of the authority granted under Subsection (a) to a senate committee or legislative officer as provided by law, rule, resolution, or policy.

(c) Provides that for purposes of any law applicable to the legislature that requires an action by an administrative head of agency and unless otherwise directed by resolution, the speaker is the administrative head of agency for the house of representatives.

(d) Authorizes the speaker, as administrative head of the house of representatives, to make any expenditures or transfers, including expenditures and transfers necessary to discharge properly the duties and responsibilities of the office of

speaker, and perform any function deemed necessary for the effective and efficient operation of the house of representatives.

(e) Authorizes the speaker to delegate all or part of the authority granted under Subsections (c) and (d) to a house committee or legislative officer as provided by law, rule, resolution, or policy.

Sec. 301.0321. **INTERNS.** Authorizes a member, officer, committee, or division of a house of the legislature or the lieutenant governor, notwithstanding Section 301.032 (Gifts and Grants) or any other law, to accept uncompensated service from an individual participating in a bona fide internship program approved by the committee on administration of the respective house or for which the student receives academic credit.

Sec. 301.036. **COMMITTEES WITH LEGISLATIVE APPOINTEES.** (a) Provides that this section applies to any committee, council, board, commission, or other body created or authorized by state law:

(1) that includes members appointed by the lieutenant governor or the speaker; or

(2) for which the lieutenant governor or the speaker designates the presiding officer.

(b) Requires that the per diem and travel expenses paid to a member of the entity, for an entity described by Subsection (a), be paid by the state agency providing administrative support to the entity or as otherwise directed by rider in the general appropriations act.

(c) Provides that an entity described by Subsection (a) is abolished on the date of the sine die adjournment of the second regular session of the legislature that begins after the date the entity is created or authorized.

(d) Provides that this section prevails to the extent of any conflict with any other law. Authorizes the application of this section to an entity described by Subsection (a) to be altered only by an amendment to this section.

(e) Provides that Subsection (c) does not apply to an entity that is a state agency.

(f) Defines "state agency."

SECTION 2. Section 301.035, Government Code, as follows:

Sec. 301.035. New heading: **INTERIM COMMITTEE PER DIEM AND TRAVEL EXPENSES.** Requires that per diem and travel expenses paid to a member of a joint committee established by statute or an interim committee of a house created by rule or resolution be paid by the house to which the member belongs, unless a statute expressly provides otherwise.

SECTION 3. Amends Section 301.072, Government Code, by adding Subsection (c), as follows:

(c) Requires a state agency with charge and control of a state building to, as soon as practicable, notify each legislative office or agency occupying the building of any planned or anticipated activity described by Subsection (b)(4) (relating to the timing and logistics of a maintenance or construction activity involving the building, facilities, or grounds that affects a legislative office or agency) that is conducted, directed, or authorized by the state agency, including an interruption in utilities, a maintenance or construction activity likely to cause prolonged noise or vibration perceptible in the space occupied by a legislative office or agency, a major excavation project within 1,000 feet of any outer wall of the building, or a change to or closure of a street or sidewalk adjacent to the building or affecting vehicle or pedestrian access to the building.

SECTION 4. Amends Subchapter F, Chapter 301, Government Code, by adding Sections 301.073 and 301.074, as follows:

Sec. 301.073. FACILITIES MANAGEMENT SERVICES FOR SPACE OCCUPIED BY LEGISLATURE. (a) Defines "facilities management services."

(b) Provides that notwithstanding Section 2165.007 (State Buildings, Grounds, and Property) or other law and except as otherwise provided by this section, the State Preservation Board (SPB) is responsible for providing:

(1) for the Sam Houston Building, the facilities management services designated by the administrative head of the senate;

(2) for the John H. Reagan Building, the facilities management services designated by the administrative head of the house; and

(3) for the Robert E. Johnson Building and the attached parking facility known as state parking garage P, the facilities management services designated by the administrative head of the Texas Legislative Council (TLC) in consultation with the other affected legislative agencies occupying space in the building.

(c) Requires the Texas Facilities Commission (TFC) to:

(1) provide any facilities management service for a facility listed in Subsection (b) that has not been designated to be performed by SPB;

(2) operate and maintain the central utility plant in the Sam Houston Building;

(3) subject to Subdivision (4), operate and maintain the chiller utility plant attached to the Robert E. Johnson Building; and

(4) as part of phase 2 construction of the Capitol Complex master plan developed under Section 2166.105 (Capitol Complex Master Plan):

(A) connect the Robert E. Johnson Building to the centralized chilled water distribution system described by that plan; and

(B) subsequently decommission the chiller utility plant attached to the Robert E. Johnson Building, except for portions of the plant needed to provide backup chilled water for the building's data center or other critical infrastructure identified by the administrative head of TLC.

(d) Requires TFC to transfer to SPB an amount of money sufficient to reimburse SPB for the costs incurred by SPB to perform the services described by Subsection (b).

(e) Provides that this section does not, and is prohibited from being construed to, specifically commit the control of any public buildings or grounds to SPB for purposes of Section 2165.002 (Exceptions to Commission Charge and Control) or any other law.

(f) Requires the administrative head of agency for the appropriate house, for the chamber and committee rooms occupied by the house and senate in the Capitol, Capitol Extension, and any legislative office building, to specify the scope, manner, and performance of all work related to audiovisual systems, including sound systems.

Sec. 301.074. LEGISLATIVE AGENCY ADMINISTRATIVE FUNCTIONS. (a) Defines "financial system" and "legislative agency."

(b) Requires the administrative head of a legislative agency to oversee the agency's central business and administrative functions and other matters vested in or delegated to the administrative head.

(c) Provides that the director or other highest ranking employee, or that person's designee, is the administrative head of a legislative agency other than the senate or house of representatives.

(d) Authorizes a legislative agency to use an internal financial system selected by the administrative head of the agency.

(e) Requires the Comptroller of Public Accounts of the State of Texas (comptroller) to provide an application programming interface or other means mutually acceptable to the administrative head of a legislative agency and the comptroller for the legislative agency's internal financial system to exchange the requisite financial and other data with the financial system of record for this state necessary for the comptroller to pay each agency's expenses from that agency's funds as held by the comptroller.

(f) Authorizes a legislative agency to use all or any part of a financial system provided by the comptroller under Chapter 2101 (Accounting Procedures) or other law as mutually agreed to by the administrative head of the agency and the comptroller.

(g) Provides that this section prevails to the extent of a conflict between this section and Chapter 2101.

SECTION 5. Amends Section 323.006(b), Government Code, to authorize TLC, by agreement with either house of the legislature or a legislative agency, to perform administrative, accounting, purchasing, facilities management, or other services or functions for or on behalf of the house or agency.

SECTION 6. Amends Section 323.009(a), Government Code, as follows:

(a) Authorizes TLC to reimburse members-elect of the legislature for travel expenses incurred in attending an orientation program, rather than an orientation program conducted by TLC, between the date of the general election and the convening of the regular legislative session.

SECTION 7. Amends Section 325.003(a-1), Government Code, as follows:

(a-1) Provides that a public member acts on behalf of the legislature when participating on the Sunset Advisory Commission in furtherance of the legislature's duty to provide oversight of state agencies implementation of legislative priorities, rather than executive branch agencies' implementation of legislative priorities.

SECTION 8. Amends Section 468.003(b), Government Code, to authorize, rather than require, TLC to provide office space and other support in Austin necessary for the state demographer to perform the demographer's duties for the legislature.

SECTION 9. Amends Section 2052.205(a), Government Code, to require a state agency to send to the Legislative Reference Library three physical copies and one electronic copy of each publication that it distributes, rather than five copies of each publication that it distributes.

SECTION 10. Amends Section 6, Article 38.01, Code of Criminal Procedure, as follows:

Sec. 6. ASSISTANCE. Deletes existing text requiring TLC and the Legislative Budget Board to assist the Texas Forensic Science Commission (commission) in performing the commission's duties.

SECTION 11. Amends Section 31, Chapter 1250 (H.B. 4181), Acts of the 86th Legislature, Regular Session, 2019, as follows:

Sec. 31. Provides that records described by certain sections, including Section 301.020(e) Government Code, as amended by this Act, are not subject to request, inspection, or duplication under Chapter 552 (Public Information), Government Code.

SECTION 12. Repealer: Section 2053.004 (Legislation), Government Code.

Repealer: Chapter 2060 (Interagency Data Transparency Commission), Government Code.

Repealer: Section 2206.101(e) (relating to requiring TLC to prepare for consideration by the 84th Legislature, Regular Session, a nonsubstantive revision of the statutes of this state as necessary to reflect the state of the law after the expiration of an entity's eminent domain authority), Government Code.

SECTION 13. Makes application of Section 301.036(c), Government Code, as added by this Act, prospective.

SECTION 14. Effective date: upon passage or September 1, 2023.