

## **BILL ANALYSIS**

Senate Research Center  
88R32104 BEF-F

C.S.H.B. 5125  
By: Metcalf (Hancock)  
Administration  
5/22/2023  
Committee Report (Substituted)

### **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 HOUSE OF REPRESENTATIVES. (a) 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.

(b) 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.

(c) Authorizes the speaker to delegate all or part of the authority granted under Subsections (a) and (b) 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. Provides that this subsection does not apply to an entity that is created before September 1, 2023.

(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 Section 301.074, as follows:

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 administrative head of the senate, for purposes of this section, is the highest ranking officer or employee of the senate with responsibility for the senate's financial functions.

(d) 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.

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

(f) 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.

(g) 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.

(h) 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 the Texas Legislative Council (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 (sunset 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 325.004(a), Government Code, as follows:

(a) Requires the sunset commission to employ an individual selected by the lieutenant governor and the speaker of the house of representatives as executive director of the sunset commission. Provides that the executive director acts as the executive head of the sunset commission. Makes a nonsubstantive change.

SECTION 9. Amends Section 325.012(c), Government Code, as follows:

(c) Authorizes the sunset commission to include in legislation prepared for the sunset commission that continues a state agency or advisory committee only those recommendations that relate to the efficient functioning of or procedural changes in the day-to-day administration, management, or operation of the state agency or advisory committee. Authorizes the sunset commission to include any recommendation authorized by Chapter 325 (Sunset Law) in legislation prepared for the sunset commission that does not continue a state agency or advisory committee.

SECTION 10. 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 11. 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 12. 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 13. 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) (relating to providing that information held by a general investigating committee is confidential), Government Code, as amended by this Act, are not subject to request, inspection, or duplication under Chapter 552 (Public Information), Government Code.

SECTION 14. Repealers: Sections 325.019(b) (relating to authorizing the sunset commission to attend any meetings and proceedings of any state agency and to inspect the records, documents, and files of any state agency) and (c) (relating to providing that it is the intent of the legislature to allow the sunset commission to have access to all meetings or proceedings of a state agency being reviewed by the sunset commission under this chapter and to all records, documents, and files of that agency), Government Code.

Repealer: Section 325.022 (Review of Proposed Legislation Creating an Agency), Government Code.

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 15. Effective date: upon passage or September 1, 2023.