H. S. R. No. 89 By: Hale

~~HOUSE SIMPLE~~ RESOLUTION

Creating the House General Investigating Committee and defining its authority.

WHEREAS, It has been the custom of the House of Representatives and the Senate, respectively, to set up general investigating committees to function during legislative sessions and throughout the interim between regular sessions of the Legislature, such committees having been given the power to investigate any and all matters coming to their attention which they deem of importance to the Legislature and the people of Texas; and

WHEREAS, Such committees, by continued vigilance, inspire faith and confidence of the people in State government, and are essential to the preservation of democratic processes; and

WHEREAS, the Members of the House of Representatives desire to be informed fully and accurately on operations of the various governmental units of the State of Texas, its political subdivisions, and the activities of persons therein; and

WHEREAS, the best interest of the people requires that the House of Representatives of the State of Texas now create such a committee with powers as provided by law and as hereinafter set forth, to make available to the ~~Sixty-Second~~ 62nd Legislature, as warranted, and to the ~~Sixty-Third~~ 63rd Legislature, when it convenes, full information on such matters as should rightfully be brought to the attention of the Texas Legislature; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 62ND LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The General Investigating Committee of the House of Representatives is hereby created and authorized, to consist of five (5) members to be appointed by the Speaker of the House of Representatives. The Speaker shall name the Chairman and the Vice-Chairman of said committee, and the Committee shall elect a secretary from its members. Immediately upon its appointment, said Committee shall meet, organize and promulgate the rules and procedures by which it shall function. It shall have full freedom to determine the times and places it shall meet, both during the Regular Session and all Called Sessions, and during all interim periods between the adjournment of the Regular Session of the Sixtieth-Second Legislature and the convening of the Sixty-Third Legislature.

Section 2. The Committee shall have full authority to initiate and continue inquiries and hearings into any and all matters pertaining to State Government, including the various departments, agencies and units thereof, and any and all political subdivisions of government within the State of Texas. It shall have power to examine into the expenditure of public funds at any and all levels of government within the state, and all other matters and things considered by said committee to be needed for the information of the Legislature and for the welfare and protection of the citizens of this State.

Section 3. Any vacancy on said Committee shall be filled by appointment by the Speaker of the House of Representatives.

Section 4. The Rules of Procedure of the House of Representatives, the rules of evidence and procedure in civil and criminal cases, so far as considered applicable, and such other

rules and regulations as may be adopted by the Committee, shall govern the hearings and affairs of the Committee.

Section 5. The Committee shall keep a record of its proceedings, shall have the power to hold such meetings as it may deem necessary, open or executive, at any place in the State.

Section 6. The Committee shall also have power to issue process to witnesses, at any place in this state, to compel their attendance, and the production of all books, records, and instruments, to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by either the sergeant-at-arms appointed by the said Committee or by any peace officer of this State; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it in the manner provided by General Law. The Chairman of the Committee shall issue, in the name of the Committee, such subpoenas as a majority of the Committee may direct. In the event the Chairman is absent, the Vice-Chairman or any designee of the Chairman is authorized to issue subpoenas or any other process in the same manner as the Chairman.

Section 7. The Committee is authorized to request the assistance of the State Auditor's Department, the Texas Legislative Council, the Department of Public Safety, the Attorney General's Department and all other State agencies and officers, and it shall be the duty of said departments, agencies, and officers to assist the Committee when requested to do so.

Section 8. The Committee shall have the power to inspect the records, documents, and files of every State department, agency, and officer, and of all municipal, county, or other political subdivisions of the State, and to examine into their duties, responsibilities and activities.

Section 9. Witnesses attending proceedings of said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State, to be paid out of any appropriation for expenses of the Legislature. Their testimony shall be under oath and subject to the privileges of Article 1289, Vernon's Penal Code of the State of Texas.

Section 10. Three (3) or more members of the Committee shall constitute a quorum for the transaction of business and the Chairman or other presiding officer of the Committee shall have power to administer oaths and affirmations.

Section 11. The Committee shall have authority to employ and fix the compensation of persons to assist in any investigation, to assist in any audits, and to assist in any legal matters, when for any reason it is necessary to obtain such services in addition to those services furnished by the State Auditor, the Texas Legislative Council, and the Attorney General's Department; and it may employ and compensate clerks, stenographers, and other employees to aid in the conduct of its investigations and hearings and to make proper records thereof.

Section 12. The Committee shall make such reports to the Members of the ~~Sixty-Second~~ 63rd Legislature and to the ~~Sixty-Third~~ 63rd Legislature as it may deem necessary and appropriate.

Section 13. The Committee shall have and exercise all power and authority authorized to General Investigating Committees by Acts 1961, 57th Legislature, Regular Session, page 654, Chapter 303, known and cited as the Legislative Reorganization Act of 1961.

Section 14. Members of the Committee shall be reimbursed

for their actual and necessary expenses incurred while engaged in the work of the Committee and while traveling between their places of residence and the places where meetings of the Committee are held. Compensation of the Committee's employees, expenses incurred by the Members of the Committee, and all other expenses of the Committee, shall be paid out of the appropriation for mileage and per diem and contingent expenses of the ~~Sixty-Second~~ 62nd Legislature. All payrolls and traveling expense vouchers shall be approved by the Chairman of the Committee and the Speaker of the House of Representatives before payment.

FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date 3-29-91,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on Rules, to whom was referred HSR No. 89, have had the same under consideration and beg to report back with recommendation that it do pass, as amended, and be NOT printed.

Jim Rogers
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

(2) Insert (1)

Hale - Cavness - Doran - Floyd

Committee Amendment No. 1

Amend H.S.R. 89 by striking all below the resolving clause and substituting in lieu thereof the following:

Section 1. The General Investigating Committee of the House of Representatives is hereby created and authorized, to consist of five (5) members to be appointed by the Speaker of the House of Representatives. The Speaker shall name the Chairman of said committee, and the Committee shall elect a Vice-Chairman and a secretary from its members. Immediately upon its appointment, said Committee shall meet, organize and promulgate the rules and procedures by which it shall function, It shall have full freedom to determine the times and places it shall meet, both during the Regular Session and all Called Sessions, and during all interim periods between the adjournment of the Regular Session of the 62nd ~~Sixtieth-Second~~ Legislature and the convening of the 63rd ~~Sixty-Third~~ Legislature.

Sec~~tion~~ 2. The Committee shall have full authority to initiate and continue inquiries and hearings into any and all matters pertaining to State Government, including the various departments, agencies and units thereof, and any and all political subdivisions of government within the State of Texas. It shall have power to examine into the expenditure of public funds at any and all levels of government within the state, and all other matters and things considered by said committee to be needed for the information of the Legislature and for the welfare and protection of the citizens of this State.

Sec~~tion~~ 3. Any vacancy on said Committee shall be filled by appointment by the Speaker of the House of Representatives.

Sec~~tion~~ 4. The Rules of Procedure of the House of Representatives, the rules of evidence and procedure in civil and criminal cases, so far as considered applicable, and such other rules and regulations as may be adopted by the Committee, shall govern the hearings and affairs of the Committee.

Sec~~tion~~ 5. The Committee shall keep a record of its proceedings, shall have the power to hold such meetings as it may deem necessary, open or executive, at any place in the State.

Sec~~tion~~ 6. The Committee shall also have power to issue process to witnesses, at any place in this state, to compel their attendance, and the production of all books, records, and instruments, to issue attachments where necessary to obtain compliance with subpoenas or other process, which may be addressed to and served by either the sergeant-at-arms appointed by the said Committee or by any peace officer of this State; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by it in the manner provided by General Law. The Chairman of the Committee shall issue, in the name of the Committee, such subpoenas as a majority of the Committee may direct. In the event the Chairman is absent, the Vice-Chairman or any designee of the Chairman is authorized to issue subpoenas or any other process in the same manner as the Chairman.

Sec~~tion~~ 7. The Committee is authorized to request the assistance of the State Auditor's Department, the Texas Legislative Council, the Department of Public Safety, the Attorney General's Department and all other State agencies and officers, and it shall be the duty of said departments, agencies, and officers to assist the Committee when requested to do so.

Sec~~tion~~ 8. The Committee shall have the power to inspect the records, documents, and files of every State department, agency, and officer, and of all municipal, county, or other political subdivisions of the State, and to examine into their duties, responsibilities and activities.

Sec~~tion~~ 9. Witnesses attending proceedings of said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses before any grand jury in this State, to be paid out of any appropriation for expenses of the Legislature. Their testimony shall be under oath and subject to the privileges of Article 1289, Vernon's Penal Code of the State of Texas.

Sec~~tion~~ 10. Three (3) or more members of the Committee shall constitute a quorum for the transaction of business and the Chairman or other presiding officer of the Committee shall have power to administer oaths and affirmations.

Sec~~tion~~ 11. The Committee shall have authority to employ and fix the compensation of persons to assist in any investigation, to assist in any audits, and to assist in any legal matters, when for any reason it is necessary to obtain such services in addition to those services furnished by the State Auditor, the Texas Legislative Council, and the Attorney General's Department; and it may employ and compensate clerks, stenographers, and other employees to aid in the conduct of its investigations and hearings and to make proper records thereof.

Sec~~tion~~ 12. The Committee shall make such reports to the Members of the ~~Sixty-Second~~ 62nd Legislature and to the ~~Sixty-Third~~ 63rd Legislature as it may deem necessary and appropriate.

Sec~~tion~~ 13. The Committee shall have and exercise all power and authority authorized to General Investigating Committees by Acts 1961, 57th Legislature, Regular Session, page 654, Chapter 303, known and cited as the Legislative Reorganization Act of 1961.

Sec~~tion~~ 14. Members of the Committee shall be reimbursed for their actual and necessary expenses incurred while engaged in the work of the Committee and while traveling between their places of residence and the places where meetings of the Committee are held. Compensation of the Committee's employees, expenses incurred by the Members of the Committee, and all other expenses of the Committee, shall be paid out of the appropriation for expenses of the ~~Sixty-Second~~ 62nd Legislature.

MAR 29 1971

DATE

READ AND ADOPTED

Dorothy Hallman

CHIEF CLERK
HOUSE OF REPRESENTATIVES

PBH
DATE

FORM B

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date .....,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on ....., to whom was

referred ..... No. ....., have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be ..... printed.

.....
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

FORM E

(For favorable reports on bills where committee amendments other than "committee substitutes" are recommended; and for resolutions where committee amendments, including complete substitutes, are recommended.)

COMMITTEE REPORT

Date ..... 2-1-11 .....,

HON. G. F. (GUS) MUTSCHER

Speaker of the House of Representatives.

Sir:

We, your Committee on ..... Rules ....., to whom was

referred ..... HB ..... No. ..... 89 ....., have had the same under consideration

and beg to report back with recommendation that it do pass, as amended, and be ..... NOT ..... printed.

.....
Chairman.

(In the case of simple and concurrent resolutions the words "and be printed" should be stricken out since resolutions are printed in the Journal when they are first introduced.

The word "not" should be inserted before "printed" only in case of a local bill reported favorably with amendments and ordered not printed, which is customary for local bills.)

H.S.R. No. C89 By: Hall

HOUSE SIMPLE RESOLUTION

Creating the House General Investigating Committee and defining its authority.

FEB 9 1971

READ 1st TIME
AND REFERRED TO COMMITTEE ON
Rules

Dorothy Hallman
Chief Clerk, House of Representatives

MAR 29 1971
DATE

READ AND ADOPTED as amended by record vote of 143 ayes, 0 nos, present not voting.

Dorothy Hallman
CHIEF CLERK
HOUSE OF REPRESENTATIVES

MAR 29 1971

MOTION TO RECONSIDER THE VOTE BY WHICH H.S.R. No. 89 as amended WAS ADOPTED ~~PASSED~~ AND TO TABLE THE MOTION TO RECONSIDER ~~DISPOSED~~ ~~PASSED~~ BY A non-record VOTE

Dorothy Hallman
CHIEF CLERK HOUSE OF REPRESENTATIVES

MAR 29 1971 SENT TO ENROLLING CLERK