

SUBJECT: Increasing membership on the House General Investigating Committee

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 12 ayes — Wolens, S. Turner, Bailey, Brimer, Counts, Craddick, Danburg,
Hunter, Longoria, McCall, McClendon, Merritt

0 nays

1 present, not voting — Marchant

2 absent — Hilbert, D. Jones

WITNESSES: For — None

Against — None

On — *Registered but did not testify*: David Anderson, Texas Education Agency; Mary Ann Courter, Texas Department of Public Safety

DIGEST: CSHB 1056 would amend Government Code, ch. 301 to require the House General Investigating Committee to consist of at least five members appointed by the speaker, rather than exactly five members as in current law. It would specify that a majority of the members, rather than three members, would constitute a quorum.

Information held by the committee that would interfere with an investigation if released, that dealt with the investigation of a crime only in relation to an investigation that did not result in a conviction or deferred adjudication, or that was prepared by an attorney representing the state for criminal litigation or that reflected the legal reasoning of an attorney for the state would be confidential and not subject to public disclosure.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

CSHB 1056 would allow more than five members to serve on the House General Investigating Committee. Increasing membership on this committee would make it easier to appoint a subcommittee to investigate a specific issue. Also, with only five members to draw from, it often is difficult for the committee to have a quorum present. The bill would allow more members to serve on the committee so that the absence of a few members would not prevent a quorum.

The bill would allow the committee to keep confidential certain information necessary to an investigation that, if held by a law enforcement agency or prosecutor, also would be exempt from public disclosure. The committee often needs information of a sensitive nature in its investigations. Current law could compromise an investigation by subjecting that information to public disclosure.

**OPPONENTS
SAY:**

CSHB 1056 would grant the committee too much authority to except information from public disclosure requirements. The committee acts only in an investigatory capacity and should not have the same exemptions from public disclosure as law enforcement agencies or prosecutors have.

NOTES:

The committee substitute differs from the original version by allowing for more than five members to serve on the committee, rather than requiring nine. The substitute also would relate the committee's public-disclosure exceptions to those for a law enforcement agency or prosecutor. In addition, the substitute eliminated provisions in the original bill that would have suspended public notice requirements for the appearance of a governmental body before the committee.