

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 4294  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since 1961, the Texas Legislature has established a statutory framework to permit legislators and legislative committees to conduct activities on a full-time basis to achieve efficiency and continuity in performing the duties assigned to the legislative branch.

As part of this framework, the legislature has authorized a number of joint entities, including joint committees and legislative service agencies, to enable the legislature to efficiently and effectively meet the demands of modern lawmaking.

To ensure that these entities are able to perform their roles of aiding the legislative process, current law needs updating. H.B. 4294 seeks to revise certain organizational structures and procedures related to joint entities to enhance the legislature's ability to legislate for an engaged citizenry as envisioned by the framers of the Texas Constitution.

#### **Bill Provisions**

Section 1 specifies that per diem and travel expenses paid to a member of a joint committee are paid by the house to which the member belongs. Public members would be paid by the office of the appointing entity.

Section 2 allows members of the legislative audit joint committee to participate electronically during a declared disaster if the joint chairs are physically present. This section also specifies that the meeting must be open to the public and is subject to notice requirements.

Section 3 allows members of the Texas Legislative Council (TLC) to participate electronically during a declared disaster if the joint chairs are physically present. This section also specifies that the meeting must be open to the public and is subject to notice requirements.

Section 4 allows members of the Legislative Library Board to participate electronically during a declared disaster if the joint chairs are physically present. This section also specifies that the meeting must be open to the public and is subject to notice requirements.

Section 5 allows members of the Texas Sunset Advisory Commission to participate electronically during a declared disaster if the chair and vice chair are physically present. This section also specifies that the meeting must be open to the public and is subject to notice requirements.

Section 6 cleans up definitions of "legislative agency."

Section 7 allows TLC to transfer money to another agency to cover expenses if the executive director determines it is necessary.

Section 8 updates the Commission of Uniform State Laws and adds six additional members.

Section 9 is the effective clause.

H.B. 4294 amends current law relating to the organization and efficient operation of the legislative branch of state government through joint entities.

## **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 Section 301.035, as follows:

Sec. 301.035. JOINT 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, unless a statute expressly provides otherwise, to be paid by the house to which the member belongs. Requires that the per diem and travel expenses paid to a public member of the committee be paid by the office of the appointing entity.

SECTION 2. Amends Section 321.002, Government Code, by adding Subsections (f) and (g), as follows:

(f) Authorizes any number of the other members of the legislative audit committee (committee), notwithstanding Chapter 551 (Open Meetings) or other law, if the joint chairs of the committee are physically present at a meeting of the committee located in Austin, to attend and participate in the meeting remotely by use of telephone conference call, video conference call, or other similar means of telecommunication. Provides that 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 allows a member of the committee to otherwise fully participate in a meeting of the committee. Provides that this subsection applies:

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

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

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

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

(g) Provides that a meeting held under Subsection (f) by use of telephone conference call, video conference call, or other similar means of telecommunication:

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

(2) is required to specify in the notice of the meeting the location in Austin of the meeting at which the joint chairs will be physically present;

(3) is required to be open to the public and to be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the joint chairs will be physically present;

(4) is required to provide two-way audio communication between all members of the committee attending the meeting during the entire meeting; and

(5) if the two-way audio communication link with any member attending the meeting is disrupted at any time, is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 3. Amends Section 323.003, Government Code, by adding Subsections (e) and (f), as follows:

(e) Authorizes any number of the other members of the Texas Legislative Council (TLC), notwithstanding Chapter 551 or other law, if the joint chairs of TLC are physically present at a meeting of TLC located in Austin, to attend and participate in the meeting remotely by use of telephone conference call, video conference call, or other similar means of telecommunication. Provides that a member of TLC 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 allows a member of TLC to otherwise fully participate in a meeting of TLC. Provides that this subsection applies:

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

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

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

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

(f) Provides that a meeting held under Subsection (e) by use of telephone conference call, video conference call, or other similar means of telecommunication:

(1) is subject to the notice requirements applicable to other meetings of TLC;

(2) is required to specify in the notice of the meeting the location in Austin of the meeting at which the joint chairs will be physically present;

(3) is required to be open to the public and to be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the joint chairs will be physically present;

(4) is required to provide two-way audio communication between all members of TLC attending the meeting during the entire meeting; and

(5) if the two-way audio communication link with any member attending the meeting is disrupted at any time, is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 4. Amends Section 324.004, Government Code, by adding Subsections (e) and (f), as follows:

(e) Authorizes any number of the other members of the Legislative Library Board (library board), notwithstanding Chapter 551 or other law, if the joint chairs of the library board are physically present at a meeting of the board located in Austin, to attend and participate in the meeting remotely by use of telephone conference call, video conference

call, or other similar means of telecommunication. Provides that a member of the library board 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 allows a member of the library board to otherwise fully participate in a meeting of the board. Provides that this subsection applies:

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

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

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

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

(f) Provides that a meeting held under Subsection (e) by use of telephone conference call, video conference call, or other similar means of telecommunication:

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

(2) is required to specify in the notice of the meeting the location in Austin of the meeting at which the joint chairs will be physically present;

(3) is required to be open to the public and to be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the joint chairs will be physically present;

(4) is required to provide two-way audio communication between all members of the library board attending the meeting during the entire meeting; and

(5) if the two-way audio communication link with any member attending the meeting is disrupted at any time, is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 5. Amends Section 325.003, Government Code, by adding Subsections (l) and (m), as follows:

(l) Authorizes any number of the other members of the Texas Sunset Advisory Commission (Sunset), notwithstanding Chapter 551 or other law, if the chairman and vice-chairman of Sunset are physically present at a meeting of Sunset located in Austin, to attend and participate in the meeting remotely by use of telephone conference call, video conference call, or other similar means of telecommunication. Provides that a member of Sunset 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 allows a member of Sunset to otherwise fully participate in a meeting of Sunset. Provides that this subsection applies:

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

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

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

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

(m) Provides that a meeting held under Subsection (l) by use of telephone conference call, video conference call, or other similar means of telecommunication:

(1) is subject to the notice requirements applicable to other meetings of Sunset;

(2) is required to specify in the notice of the meeting the location in Austin of the meeting at which the chairman and vice-chairman will be physically present;

(3) is required to be open to the public and to be audible to the public at the location in Austin specified in the notice of the meeting as the location of the meeting at which the chairman and vice-chairman will be physically present;

(4) is required to provide two-way audio communication between all members of Sunset attending the meeting during the entire meeting; and

(5) if the two-way audio communication link with any member attending the meeting is disrupted at any time, is prohibited from continuing until the two-way audio communication link is reestablished.

SECTION 6. Amends Section 326.001, Government Code, as follows:

Sec. 326.001. DEFINITION. Redefines "legislative agency" for purposes of Chapter 326 (Cooperation Between Legislative Agencies) to provide that the term does not include the Texas Ethics Commission. Makes nonsubstantive changes.

SECTION 7. Amends Section 326.002, Government Code, by adding Subsection (c), to authorize TLC to transfer money to another legislative agency to cover expenses of the other agency that the executive director of TLC determines to be necessary to further a purpose of TLC.

SECTION 8. Transfers Chapter 762, Government Code, to Subtitle C, Title 3, Government Code, redesignates it as Chapter 329, Government Code, and amends it, as follows:

#### CHAPTER 329. COMMISSION ON UNIFORM STATE LAWS

Sec. 329.001. DEFINITIONS. Defines "commission" and "national conference."

Sec. 329.002. DUTIES OF COMMISSION. (a) Requires the Commission on Uniform State Laws (CUSL) to:

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

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

(b) Authorizes CUSL to supplement the report.

Sec. 329.003. COMPOSITION OF COMMISSION; TERMS. (a) Provides that CUSL is composed of:

(1) makes no changes to this subdivision;

- (2) two members appointed by the lieutenant governor, who are members or officers of the Texas Senate (senate);
- (3) two members appointed by the speaker of the Texas House of Representatives (house), who are members or officers of the house;
- (4) the chair of the standing committee of the senate with primary jurisdiction over uniform state laws;
- (5) the chair of the standing committee of the house with primary jurisdiction over uniform state laws;
- (6) creates this subdivision from existing text and makes no further changes; and
- (7) creates this subdivision from existing text and makes conforming changes.

(b) Requires that appointments to CUSL be made without regard to the race, creed, sex, religion, or national origin of the appointees.

(c) Provides that members appointed by the governor under Subsection (a)(1), rather than appointed members, serve staggered six-year terms, with the terms of three members expiring September 30 of each even-numbered year.

(d) Provides that members appointed by the lieutenant governor under Subsection (a)(2) serve at the pleasure of the lieutenant governor.

(e) Provides that members appointed by the speaker of the house under Subsection (a)(3) serve at the pleasure of the speaker.

Sec. 329.004. New heading: ELIGIBILITY; LOBBYIST RESTRICTION. (a) Requires a person, to be eligible for appointment to or service on CUSL, to be an attorney licensed to practice law.

(b) Requires at least one of the commissioners, at the time of that commissioner's appointment, to be a state judge.

(c) Requires at least one of the commissioners, at the time of that commissioner's appointment, to be a legal educator.

(d) Prohibits a person required to register as a lobbyist under Chapter 305 because of the person's activities for compensation in or on behalf of a profession related to the operation of CUSL from serving as a commissioner or act as general counsel to CUSL.

Sec. 329.005. DUTIES OF COMMISSIONERS. Requires each commissioner to promote uniformity in state laws in subject areas in which uniformity is desirable and practicable, and attend national conference meetings.

Sec. 329.006. VACANCY; EXPIRATION OF TERM. (a) Provides that this section applies only to a commissioner appointed by the governor.

(b) Creates this subsection from existing text and makes no further changes.

(c) Redesignates existing Subsection (b) as this subsection and makes no further changes.

(d) Redesignates existing Subsection (c) as this subsection and makes a conforming change.

Sec. 329.007. GROUNDS FOR REMOVAL. (a) Makes conforming changes to this subsection.

(b) Makes no changes to this subsection.

Sec. 329.008. MEETING AND ELECTION OF OFFICERS. (a) Makes no changes to this subsection.

(b) Requires the commissioners to elect a chair, rather than a chairman, and secretary, who are required to each hold office for a term of two years.

Sec. 329.009. COMPENSATION. Provides that a commissioner serves without compensation but is entitled to be reimbursed for reasonable expenses incurred in the performance of the commissioner's duties.

Sec. 329.010. SUPPORT SERVICES. Requires TLC to provide accounting, clerical, and other support services necessary for the commission to carry out its duties.

SECTION 9. Effective date: upon passage or September 1, 2021.