

SUBJECT: Reorganizing legislative service agency governing boards

COMMITTEE: Government Reform — favorable, without amendment

VOTE: 5 ayes — Swinford, Callegari, Casteel, T. Smith

1 nay — Gallego

2 absent — Allen, R. Cook

WITNESSES: None

BACKGROUND: Under Government Code, ch. 321, the Legislative Audit Committee includes the lieutenant governor, the House speaker, and the chairs of the Senate State Affairs and Finance committees and of the House Appropriations and Ways and Means committees. The committee elects one member to serve as chair and one to serve as secretary. The committee must appoint a state auditor to direct and control the expenditure of any money appropriated to the State Auditor's Office and to oversee the office in other ways.

The Legislative Budget Board (LBB) develops recommendations for legislative appropriations, evaluates agency programs, and estimates the probable cost of legislation. Composition of the 10-member board is established under Government Code, ch. 322. The chair is the lieutenant governor, the vice-chair is the House speaker, and four ex-officio members are the chairs of the House Appropriations, House Ways and Means, Senate Finance, and Senate State Affairs committees. Two other House members are appointed to the board by the speaker, and two senators are appointed by the lieutenant governor. The chairman or a majority of the board members from each house may call a board meeting.

The Texas Legislative Council's duties include helping legislators draft proposed legislation, providing data-processing services to legislators, studying and investigating the functions and problems of state agencies, conducting studies for the Legislature, gathering and disseminating information for the Legislature, and performing other services by agreement with either legislative house or with a legislative agency. Under Government

Code, ch. 323, the council includes the lieutenant governor, House speaker, chair of the House Administration Committee, five senators appointed by the president of the Senate, and nine House members appointed by the speaker. The lieutenant governor is the chair of the council, and the speaker is the vice-chair. Twelve members constitute a quorum.

The Sunset Advisory Commission guides the sunset process, the Legislature's regular assessment of the continuing need for a state agency to exist. Under Government Code, ch. 325, the 10-member commission includes four senators, four House members, a public member appointed by the lieutenant governor, and a public member appointed by the speaker. The offices of chair and vice-chair of the commission alternate every two years between the Senate and the House, with the lieutenant governor appointing the chair from among the senators and the speaker appointing a chair from among the House members. The chair and vice-chair may not be from the same chamber of the Legislature.

DIGEST:

HB 12 would amend the Government Code to make the lieutenant governor and the House speaker joint chairs of the Legislative Audit Committee, LBB, and Texas Legislative Council. It would add an additional senator and an additional House member to the Sunset Advisory Commission.

The bill would take effect December 1, 2003.

Legislative Audit Committee. HB 12 would make the lieutenant governor and the House speaker joint chairs of the Legislative Audit Committee, rather than requiring the committee to elect its chair.

Subpoenas issued at the request of the state auditor or on the committee's own motion could be signed by either of the joint chairs, and either of the joint chairs could make a request to have the subpoenas served.

LBB. The lieutenant governor and House speaker also would be joint chairs of the LBB. A majority of the members from each house would constitute a quorum, as under current law. If a quorum were present, the board could act on any matter by a majority vote. Meetings could be held at any time at the request of either of the joint chairs. Either of the joint chairs could approve

expenses of board members, sign subpoenas, and, with board approval, appoint inspection committees.

Texas Legislative Council. The lieutenant governor and House speaker would serve as joint chairs of the council. The bill would reduce the speaker's appointments to the council from nine to four House members, in addition to the House Administration Committee chair. If more than four members of the House were serving on the council on HB 12's effective date, those members' terms would expire, and the speaker would have to appoint four House members to the council as soon as possible.

Council meetings could be held at any time at the request of either of the joint chairs. A majority of the members from each house, rather than 12 council members, would constitute a quorum. Either of the joint chairs could approve payment of expenses, appoint statutory revision advisory committees, sign subpoenas, or request attorney general's opinions.

Sunset Advisory Commission. HB 12 would increase the commission's membership to 12, including five senators and five House members, rather than four of each. Seven members of the commission, rather than six, would constitute a quorum. The lieutenant governor and the speaker would have to appoint the additional members of the commission as soon as possible after HB 12's effective date.

**SUPPORTERS
SAY:**

HB 12 would change the chairmanships of legislative service agencies so that both chambers of the Legislature would be represented fairly and adequately on the agency boards. The bill would allow either of the joint chairs to call a meeting, so the business of the governing bodies could be conducted even in the unlikely event of a conflict between the chairs. Also, the bill would authorize either of the joint chairs to perform other specific functions to ensure that business could be conducted.

Reducing the number of House members on the Texas Legislative Council to six (including the speaker) would bring the House's representation on the council into line with the Senate's representation. Whatever the original reasons for the disparity, representation should now be equal because the council serves both the House and the Senate.

Increasing the membership of the Sunset Advisory Commission would allow more legislators to be involved in this important agency review process. This change would allow more members with special knowledge or expertise to participate in the process and would give the speaker and the lieutenant governor more flexibility in their appointments. Legislators who serve on the Sunset Advisory Commission frequently are the authors of the Sunset bills for the agencies under review, so increasing the membership from four to five from each house would help spread the workload.

**OPPONENTS
SAY:**

Having joint chairs of legislative service agency boards would be unnecessary and possibly unworkable. It is unclear how joint chairs would operate, especially if a conflict arose between the chairs over whether to call a meeting and what the agenda should be.

There is no need to increase the membership of the Sunset Advisory Commission. The commission works well with 10 members, and the current structure allows each chamber to have equal partisan representation.

**OTHER
OPPONENTS
SAY:**

The bill should not reduce the House's representation on the Legislative Council because the current structure better protects the House's interests. If the Legislative Council should need to decide any issue between the houses, the House's larger representation on the council would give its members an advantage.

NOTES:

Art. 14 of SB 22 by Ellis, a government reorganization bill passed by the Senate during the first called session, contained elements of HB 12 pertaining to the number of representatives from the House on the Legislative Council and the number of members from each house on the Sunset Advisory Commission. Unlike HB 12, SB 22 would not have established joint chairs for the legislative service agency boards, but either the chair or vice-chair of the LBB or the Legislative Council could have called a meeting. On the Legislative Council, the speaker would have been the chair and the lieutenant governor the vice-chair. SB 22 also would have required approval by a majority vote of the members of each house to appoint the LBB director and the Legislative Council executive director. SB 22 died in the House Government Reform Committee.