

(d) The Texas Council on Offenders with Mental Impairments and the Texas Department of Human Services shall jointly request proposals from public or private vendors to provide under contract services for inmates released on medically recommended intensive supervision. A request for proposals under this subsection may require that the services be provided in a medical care facility located in an urban area. For the purposes of this subsection, "urban area" means the area in this state within a metropolitan statistical area, according to the standards of the United States Bureau of the Census.

SECTION 2. In issuing requests for proposals on or after the effective date of this Act, the council and the department shall give consideration to the efficient use of capacity made available to serve releasees pursuant to requests for proposals issued before the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2001.

Passed by the House on April 5, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 772 on May 22, 2001, by a non-record vote; passed by the Senate, with amendments, on May 8, 2001, by a viva-voce vote.

Approved June 17, 2001.

Effective September 1, 2001.

CHAPTER 1436

H.B. No. 792

AN ACT

relating to certain procedures regarding state bar disciplinary proceedings.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 81.072, Government Code, is amended by adding Subsections (h)-(o) to read as follows:

(h) The state bar or a court may not require an attorney against whom a disciplinary action has been brought to disclose information protected by the attorney-client privilege if the client did not initiate the complaint that is the subject of the action.

(i) A panel of a district grievance committee of the state bar that votes on a grievance matter shall disclose to the complainant and the respondent in the matter the number of members of the panel:

- (1) voting for a finding of just cause;*
- (2) voting against a finding of just cause; and*
- (3) abstaining from voting on the matter.*

(j) A quorum of a panel of a district grievance committee of the state bar must include one public member for each two attorney members.

(k) A member of a panel of a district grievance committee of the state bar may vote on a grievance matter to which the panel was assigned only if the member is present at the hearing at which the vote takes place.

(l) A person may be appointed to serve on a panel of a district grievance committee of the state bar only if the person is a member of the district grievance committee from which the panel was assigned and the person was appointed to serve on the committee in strict accordance with the Texas Rules of Disciplinary Procedure.

(m) A panel of a district grievance committee of the state bar may not be changed in size for the purpose of obtaining a quorum on the panel without the approval of the complainant and the respondent in the grievance matter to which the panel was assigned.

(n) A member of a panel of a district grievance committee of the state bar may not be substituted with another member of the district grievance committee on the day of the hearing for which the panel was assigned without the approval of the complainant and the respondent in the grievance matter.

(o) Whenever a grievance is either dismissed as an inquiry or dismissed as a complaint after an investigatory hearing in accordance with the Texas Rules of Disciplinary Procedure and that dismissal has become final, the respondent attorney may thereafter deny that a grievance was pursued. In any disciplinary action which is tried to verdict before an evidentiary panel or a district court and there is a take-nothing judgment entered which becomes final, the respondent attorney may file a motion with the tribunal seeking expunction of the tribunal's file on the matter. In the event an expunction is granted, the evidentiary panel or district court shall order that all records be destroyed other than statistical or identifying information maintained by the chief disciplinary counsel pertaining to any grievance which formed the basis of the disciplinary action and the respondent attorney may thereafter deny any grievance which formed the basis of the disciplinary action was filed.

SECTION 2. Not later than September 1, 2002, the State Bar of Texas shall:

(1) study the state bar rules governing attorney disciplinary and disability procedure and the Texas Rules of Disciplinary Procedure to determine the extent to which the rules conform to the requirements of state law governing attorney disciplinary and disability procedure; and

(2) submit to the lieutenant governor and the speaker of the house of representatives a report of the study, including recommendations for revisions to the state bar rules and the Texas Rules of Disciplinary Procedure that conflict with the requirements of state law.

SECTION 3. This Act takes effect September 1, 2001.

Passed by the House on May 11, 2001, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 792 on May 25, 2001, by a non-record vote; passed by the Senate, with amendments, on May 18, 2001, by a viva-voce vote.

Approved June 17, 2001.

Effective September 1, 2001.

CHAPTER 1437

H.B. No. 819

AN ACT

relating to transfer of the Office of Rural Affairs to the Department of Agriculture.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 481.0067, Government Code, is transferred to Chapter 12, Agriculture Code, and redesignated as Section 12.038, Agriculture Code, to read as follows:

Sec. 12.038 [~~481.0067~~]. OFFICE OF RURAL AFFAIRS. (a) The department shall establish and maintain an Office of Rural Affairs. The office shall be headed by a rural affairs director. To be eligible to serve as the rural affairs director, a person must have demonstrated a strong commitment to and involvement in economic development activities in rural areas.

(b) The Office of Rural Affairs shall:

(1) develop a rural resource guide and provide the information to rural areas through print and electronic media and through use of the Texas Business and Community Economic Development Clearinghouse;

(2) provide information to state agencies on the effects of proposed policies or actions that affect rural areas;