

By: Swinford

H.B. No. 25

A BILL TO BE ENTITLED

AN ACT

relating to various information, meetings, and operations of certain state entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. PUBLIC INFORMATION AND BUDGETARY

WORKING PAPERS

SECTION 1.01. Subchapter C, Chapter 401, Government Code, is amended by adding Section 401.0446 to read as follows:

Sec. 401.0446. BUDGETARY WORKING PAPERS. (a) In this section "budgetary working paper" means information, other than a uniform budget estimate form, that is created, received, considered, or otherwise used by a governmental body in estimating revenues or in considering or preparing a draft or final biennial state fiscal budget, including a draft, a working paper, supporting material, research material, or an internal or external communication relating to that budget.

(b) A budgetary working paper that is collected, assembled, or maintained by the governor, lieutenant governor, comptroller, speaker of the house of representatives, Legislative Budget Board, senate finance committee, senate state affairs committee, house appropriations committee, or house ways and means committee, is excepted from required public disclosure under Chapter 552 or any other law of this state. Section 552.022 does not apply to information excepted from required public disclosure by this

1 section.

2 ARTICLE 2. TELECONFERENCE MEETING OF THE LEGISLATIVE BUDGET  
3 BOARD

4 SECTION 2.01. Section 322.003, Government Code, is amended  
5 by adding Subsections (d) and (e) to read as follows:

6 (d) As an exception to Chapter 551 and other law, if the  
7 chairman and vice-chairman of the board are physically present at a  
8 meeting, then any number of the other members of the board may  
9 attend a meeting of the board by use of telephone conference call,  
10 video conference call, or other similar telecommunication device.  
11 This subsection applies for purposes of constituting a quorum, for  
12 purposes of voting, and for any other purpose allowing a member of  
13 the board to otherwise fully participate in any meeting of the  
14 board. This subsection applies without exception with regard to  
15 the subject of the meeting or topics considered by the members.

16 (e) A meeting held by use of telephone conference call,  
17 video conference call, or other similar telecommunication device:

18 (1) is subject to the notice requirements applicable  
19 to other meetings;

20 (2) must specify in the notice of the meeting the  
21 location of the meeting;

22 (3) must be open to the public and shall be audible to  
23 the public at the location specified in the notice of the meeting as  
24 the location of the meeting; and

25 (4) must provide two-way audio communication between  
26 all parties attending the meeting during the entire meeting.

27 ARTICLE 3. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION

1 SECTION 3.01. Subchapter C, Chapter 61, Education Code, is  
2 amended by adding Section 61.0515 to read as follows:

3 Sec. 61.0515. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION.

4 (a) The board shall perform a review of the organization and  
5 operations of each university system office to:

6 (1) identify appropriate organizational structures  
7 for university systems and system offices;

8 (2) identify and quantify workforce and other  
9 resources at each system office used to provide services and  
10 functions common to each system office; and

11 (3) determine the extent to which system  
12 administration employees are performing services and functions  
13 that are also provided by employees of individual component  
14 institutions of each university system.

15 (b) In the review, the board shall identify the number and  
16 types of administrative and executive positions in the  
17 administration of each university system, and shall examine each  
18 major function, service, or activity performed by university system  
19 offices, including:

20 (1) central administration;

21 (2) academic affairs coordination and support;

22 (3) general counsel and other legal services;

23 (4) budgeting, accounting, and data reporting;

24 (5) fiscal management;

25 (6) facilities planning and construction;

26 (7) governmental relations;

27 (8) audit services;

- 1           (9) real estate management;
- 2           (10) information technology services; and
- 3           (11) aircraft operation and usage.

4           (c) Not later than November 1, 2004, the board shall prepare  
5 a report of the review and deliver the report to the governor,  
6 lieutenant governor, speaker of the house of representatives,  
7 Legislative Budget Board, and chair of the standing committee of  
8 each house of the legislature with primary jurisdiction over higher  
9 education. In the report, the board shall state its findings and  
10 identify opportunities for legislative and administrative action  
11 relating to:

- 12           (1) the reorganization of university system offices  
13 and functions;
- 14           (2) the consolidation or reorganization of university  
15 systems; and
- 16           (3) the consolidation or centralization of functions,  
17 services, or activities of university system offices.

18           (d) In the report, the board shall identify potential  
19 reductions in personnel and other cost savings associated with each  
20 legislative or administrative action the board identifies under  
21 Subsection (c).

22           (e) This section expires September 1, 2005.

23           ARTICLE 4. PRISON PRIVATIZATION STUDY

24           SECTION 4.01. CREATION. The select committee on prison  
25 privatization is created.

26           SECTION 4.02. COMPOSITION. (a) The select committee is  
27 composed of:

1 (1) one member appointed by the governor;

2 (2) three members appointed by the lieutenant  
3 governor;

4 (3) three members appointed by the speaker of the  
5 house of representatives;

6 (4) one member employed by the Legislative Budget  
7 Board and appointed by the executive director of that board;

8 (5) one member employed by and appointed by the  
9 comptroller;

10 (6) one member employed by and appointed by the state  
11 auditor; and

12 (7) one member employed by the Criminal Justice Policy  
13 Council and appointed by the executive director of that council.

14 (b) Each individual required to make an appointment under  
15 Subsection (a) shall make the appointment as soon as possible after  
16 the effective date of this Act, but not later than October 1, 2003.

17 SECTION 4.03. DUTIES. (a) The select committee shall  
18 prepare a report that, for the purposes of comparing  
19 cost-effectiveness and program effectiveness of prison facilities  
20 operated by the Texas Department of Criminal Justice and prison  
21 facilities operated by or potentially operated by private  
22 contractors, analyzes the following issues:

23 (1) the best possible methods and processes for  
24 administering and monitoring contracts for prison privatization;

25 (2) whether an existing agency of the state or a new  
26 agency should administer future prison privatization contracts;

27 (3) the probable cost savings to the state if prison

1 privatization is increased;

2 (4) the standards that should be used to compare  
3 program effectiveness and the best methods for comparing costs for  
4 provision of programs by the departments and costs for provision of  
5 programs by contractors;

6 (5) the history of prison privatization efforts in  
7 this state and in other populous states, with special emphasis on  
8 subissues related to program effectiveness, performance records,  
9 cost savings, ethical concerns, and impact on relevant communities;

10 (6) as to potential contractors, the backgrounds and  
11 past achievements of those contractors;

12 (7) which facilities or services currently primarily  
13 provided by the Texas Department of Criminal Justice could best be  
14 performed by a contractor; and

15 (8) whether ethical standards could be adopted to  
16 protect the state from corruption or ethical conflicts.

17 (b) In addition to the issues described by Subsection (a) of  
18 this section, the report must analyze the impact that the  
19 privatization of a Texas Department of Criminal Justice facility or  
20 function would have on the community in which the function is  
21 performed or the facility is located, including economic impact,  
22 workforce impact, impact caused by higher employee turnover rates,  
23 and impact on community facilities and services.

24 (c) In addition to the information required by Subsections  
25 (a) and (b) of this section, the report must contain a qualitative  
26 and quantitative comparison of the performance of vendors operating  
27 facilities under this subtitle and the performance of facilities

1 operated by the department that provide the same level of programs  
2 and services. The comparison must provide information on the  
3 operations of each vendor and comparable department programs and  
4 facilities, including information about treatment programs  
5 implemented, numbers of escapes, major disciplinary events, and  
6 other matters determined to be important by the select committee.

7 (d) The select committee shall present copies of the report  
8 not later than November 1, 2004, to the governor, the lieutenant  
9 governor, and the speaker of the house of representatives.

10 SECTION 4.04. HEARINGS. The select committee, for the  
11 purpose of gathering information necessary for the preparation of  
12 the report required by Section 4.03 of this article, shall hold at  
13 least four public hearings. At least one of the hearings must be  
14 held in a municipality with a population greater than one million  
15 and at least two of the hearings must be held in a municipality or  
16 county in which more than one division of the Texas Department of  
17 Criminal Justice operates a facility or performs a function.

18 SECTION 4.05. FUNDS TRANSFER. The Texas Department of  
19 Criminal Justice shall enter into a memorandum of understanding  
20 with the select committee to provide the committee with not less  
21 than \$200,000 from the department's budget for the biennium ending  
22 August 31, 2005. The select committee shall use funds received from  
23 the department under this section to hire technical assistance that  
24 is professional and unbiased and that will assist the committee in  
25 performing its duties under this article. The department and the  
26 select committee shall enter into the memorandum of understanding  
27 not later than October 1, 2003. The memorandum must specify that

1 the funds will be transferred to the select committee according to a  
2 schedule established by the select committee.

3 SECTION 4.06. EXPIRATION. The select committee is  
4 abolished and this article expires November 30, 2004.

5 ARTICLE 5. EFFECTIVE DATE

6 SECTION 5.01. This Act takes effect November 1, 2003.