

## **BILL ANALYSIS**

C.S.H.B. 2753  
By: Pitts  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Some aspects of current law regarding the powers, duties, and functions of the Legislative Budget Board (LBB) are outdated, unnecessary, or inefficient mechanisms within current statutes. In order to improve the agency's ability to efficiently serve the fiscal policy and analysis needs of the Texas Legislature changes and deletions are necessary in several areas.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Amends Article 60.03, Code of Criminal Procedure, as follows:

Grants the LBB the ability to access, but not alter, the databases of the Department of Public Safety, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice.

Allows the LBB to submit requests for data files and exempts them from the agency director approval requirement for data file requests other than the annual request.

Prevents the LBB from disclosing to the public an individual's protected criminal history record.

Amends Section 42.007(a), Education Code, striking language referring to Subsection (c) of this Section, which is deleted by Section 7 of this bill, to eliminate the requirement that specific funding elements be included in the LBB's report on equalized funding elements.

Amends Sections 322.003, Government Code, adding the requirement that a board meeting be in Austin to the requirement that the Lieutenant Governor and the Speaker of the House be in attendance at a Board meeting for the teleconferencing provisions to be effective.

Amends Section 322.005, Government Code, eliminating board approval for the director to employ personnel necessary to perform functions of the board and changing the authority for setting salaries from the board to the director so that the statute reflects current practice.

Amends Section 322.017, Government Code, clarifying that the efficiency reviews are audits and the working papers are not subject to public disclosure.

Amends Chapter 322, Government Code, establishing that communications between employees of the LBB and the Legislature or the Lieutenant Governor are not subject to public disclosure. Clarifies that the LBB may hold public budget hearings on agencies' appropriations requests. Establishes the ability for the LBB to conduct criminal justice policy analysis which is consistent with the responsibilities that were added during the interim.

Repeals various statutory provisions as follows:

Repeals Section 109.0015, Civil Practices and Remedies Code, to remove unnecessary reporting requirements that pertain to subjects that the Legislative Budget Board is rarely asked about.

Repeals Section 42.007(c), Education Code, to eliminate the requirement that specific funding elements be included in the Legislative Budget Board's report on the equalized funding elements so that they have discretion to determine which funding elements to study each interim.

Repeals the subchapter headings to Subchapter B, Chapter 319, Government Code and to Subchapter A, Chapter 322, Government Code, as technical corrections to reflect the new statutory formulations in these chapters.

Repeals Subchapter A, Chapter 319, Government Code, to eliminate the requirement of producing judicial system impact notes which are never requested by committees.

Repeals Sections 322.006, 656.105, 668.002, and 2152.064, Government Code, to remove old statutory requirements which are now unnecessary. The repeal of Section 322.006, Government Code, removes the requirement of approval of the joint chairs for Legislative Budget Board expenditures. The repeal of Section 656.105, Government Code, removes the requirement that agencies submit to the Legislative Budget Board an annual report detailing expenses related to job training for the preceding fiscal year. The repeal of Section 668.002, Government Code, removes the requirement that state agencies submit a report to the Legislative Budget Board detailing any membership dues that the agency pays to an organization. The repeal of Section 2152.064, Government Code, removes the requirement of state agencies to submit to the Legislative Budget Board a report that details the identities and activities of any non-Texas resident bidders on state contracts above a certain level.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 2753 differs from the Introduced version in Section 7, Subsection (b) of the bill by repealing Section 42.007(d), Education Code, in addition to Section 42.007(c), Education Code. This additional change tracks current practice in which the Legislative Budget Board determines which of the Foundation School Program funding elements to study each interim as opposed to doing a study on all of the funding elements.