

AN ACT

relating to the powers, duties, and functions of the Legislative Budget Board.

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

SECTION 1. Article 60.03, Code of Criminal Procedure, is amended to read as follows:

Art. 60.03. INTERAGENCY COOPERATION; CONFIDENTIALITY. (a) Criminal justice agencies, the Legislative Budget Board, and the council are entitled to access to the data bases of the Department of Public Safety, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice in accordance with applicable state or federal law or regulations. The access granted by this subsection does not grant an agency, the Legislative Budget Board, or the council the right to add, delete, or alter data maintained by another agency.

(b) The council or the Legislative Budget Board may submit to the Department of Public Safety, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice an annual request for a data file containing data elements from the departments' systems. The Department of Public Safety, the Texas Juvenile Probation Commission, the Texas Youth Commission, and the Texas Department of Criminal Justice shall provide the council and the Legislative Budget Board with that data file for the period requested, in accordance with state and federal

1 law and regulations. If the council submits data file requests  
2 other than the annual data file request, the director of the agency  
3 maintaining the requested records must approve the request. The  
4 Legislative Budget Board may submit data file requests other than  
5 the annual data file request without the approval of the director of  
6 the agency maintaining the requested records.

7 (c) Neither a criminal justice agency, ~~nor~~ the council,  
8 nor the Legislative Budget Board may disclose to the public  
9 information in an individual's criminal history record if the  
10 record is protected by state or federal law or regulation.

11 SECTION 2. Section 42.007(b), Education Code, is amended to  
12 read as follows:

13 (b) Before each regular session of the legislature, the  
14 board shall, as determined by the board, report the equalized  
15 funding elements to the commissioner and the legislature.

16 SECTION 3. Sections 322.003(d) and (e), Government Code,  
17 are amended to read as follows:

18 (d) As an exception to Chapter 551 and other law, if a  
19 meeting is located in Austin and the joint chairs of the board are  
20 physically present at the ~~a~~ meeting, then any number of the other  
21 members of the board may attend the ~~a~~ meeting ~~[of the board]~~ by  
22 use of telephone conference call, video conference call, or other  
23 similar telecommunication device. This subsection applies for  
24 purposes of constituting a quorum, for purposes of voting, and for  
25 any other purpose allowing a member of the board to otherwise fully  
26 participate in any meeting of the board. This subsection applies  
27 without exception with regard to the subject of the meeting or

1 topics considered by the members.

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

4 (1) is subject to the notice requirements applicable  
5 to other meetings;

6 (2) must specify in the notice of the meeting the  
7 location in Austin of the meeting at which the joint chairs will be  
8 physically present;

9 (3) must be open to the public and shall be audible to  
10 the public at the location in Austin specified in the notice of the  
11 meeting as the location of the meeting at which the joint chairs  
12 will be physically present; and

13 (4) must provide two-way audio communication between  
14 all members of the board attending the meeting during the entire  
15 meeting, and if the two-way audio communication link with any  
16 member attending the meeting is disrupted at any time, the meeting  
17 may not continue until the two-way audio communication link is  
18 reestablished.

19 SECTION 4. Section 322.005, Government Code, is amended to  
20 read as follows:

21 Sec. 322.005. PERSONNEL. (a) The director [~~with the~~  
22 ~~approval of the board,~~] may employ [~~necessary clerical and~~  
23 ~~stenographic~~] personnel as necessary to perform the functions of  
24 the board.

25 (b) The director [~~board~~] shall set the salaries of the  
26 personnel employed by the director.

27 SECTION 5. Section 322.016, Government Code, is amended by

1 adding Subsection (d) to read as follows:

2 (d) Until the board has completed a review under this  
3 section, all information, documentary or otherwise, prepared or  
4 maintained in conducting the review or preparing the review report,  
5 including intra-agency and interagency communications and drafts  
6 of the review report or portions of those drafts, is excepted from  
7 required public disclosure as audit working papers under Section  
8 552.116. This subsection does not affect whether information  
9 described by this subsection is confidential or excepted from  
10 required public disclosure under a law other than Section 552.116.

11 SECTION 6. Section 322.0165, Government Code, is amended by  
12 adding Subsection (g) to read as follows:

13 (g) Until the board has completed a review under this  
14 section, all information, documentary or otherwise, prepared or  
15 maintained in conducting the review or preparing the review report,  
16 including intra-agency and interagency communications and drafts  
17 of the review report or portions of those drafts, is excepted from  
18 required public disclosure as audit working papers under Section  
19 552.116. This subsection does not affect whether information  
20 described by this subsection is confidential or excepted from  
21 required public disclosure under a law other than Section 552.116.

22 SECTION 7. Section 322.017, Government Code, is amended by  
23 adding Subsection (e) to read as follows:

24 (e) Until the board has completed a review and analysis  
25 under this section, all information, documentary or otherwise,  
26 prepared or maintained in conducting the review and analysis or  
27 preparing the review report, including intra-agency and

1 interagency communications and drafts of the review report or  
2 portions of those drafts, is excepted from required public  
3 disclosure as audit working papers under Section 552.116. This  
4 subsection does not affect whether information described by this  
5 subsection is confidential or excepted from required public  
6 disclosure under a law other than Section 552.116.

7 SECTION 8. Chapter 322, Government Code, is amended by  
8 adding Section 322.019 to read as follows:

9 Sec. 322.019. CRIMINAL JUSTICE POLICY ANALYSIS. (a) The  
10 board may develop and perform functions to promote a more effective  
11 and cohesive state criminal justice system.

12 (b) The board may serve as the statistical analysis center  
13 for the state and as the liaison for the state to the United States  
14 Department of Justice on criminal justice issues of interest to the  
15 state and federal government relating to data, information systems,  
16 and research if an executive branch agency or institution of higher  
17 education is not designated by the governor to perform those  
18 functions.

19 (c) The director may consult the lieutenant governor, the  
20 speaker of the house of representatives, and the presiding officer  
21 of each standing committee of the senate and house of  
22 representatives having primary jurisdiction over matters relating  
23 to criminal justice and state finance or appropriations from the  
24 state treasury.

25 (d) The Department of Public Safety, the Texas Department of  
26 Criminal Justice, the Texas Juvenile Probation Commission, and the  
27 Texas Youth Commission shall provide the board with data relating

1 to a criminal justice policy analysis under this section in the  
2 manner requested.

3 SECTION 9. Subchapter C, Chapter 552, Government Code, is  
4 amended by adding Section 552.146 to read as follows:

5 Sec. 552.146. EXCEPTION: CERTAIN COMMUNICATIONS WITH  
6 ASSISTANT OR EMPLOYEE OF LEGISLATIVE BUDGET BOARD. (a) All written  
7 or otherwise recorded communications, including conversations,  
8 correspondence, and electronic communications, between a member of  
9 the legislature or the lieutenant governor and an assistant or  
10 employee of the Legislative Budget Board are excepted from the  
11 requirements of Section 552.021.

12 (b) Memoranda of a communication between a member of the  
13 legislature or the lieutenant governor and an assistant or employee  
14 of the Legislative Budget Board are excepted from the requirements  
15 of Section 552.021 without regard to the method used to store or  
16 maintain the memoranda.

17 (c) This section does not except from required disclosure a  
18 record or memoranda of a communication that occurs in public during  
19 an open meeting or public hearing conducted by the Legislative  
20 Budget Board.

21 SECTION 10. (a) Section 109.0015, Civil Practice and  
22 Remedies Code, is repealed.

23 (b) Section 42.007(d), Education Code, is repealed.

24 (c) The subchapter headings to Subchapter B, Chapter 319,  
25 Government Code, and to Subchapter A, Chapter 322, Government Code,  
26 are repealed.

27 (d) Subchapter A, Chapter 319, Government Code, is

1 repealed.

2 (e) Sections 322.006, 656.105, 668.002, and 2152.064,  
3 Government Code, are repealed.

4 SECTION 11. This Act takes effect immediately if it  
5 receives a vote of two-thirds of all the members elected to each  
6 house, as provided by Section 39, Article III, Texas Constitution.  
7 If this Act does not receive the vote necessary for immediate  
8 effect, this Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2753 was passed by the House on May 5, 2005, by the following vote: Yeas 140, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2753 on May 26, 2005, by the following vote: Yeas 131, Nays 7, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2753 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor