

By: Pitts

H.B. No. 2753

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the powers, duties, and functions of the Legislative  
3 Budget Board.

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

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

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

16 (b) The council or the Legislative Budget Board may submit  
17 to the Department of Public Safety, the Texas Juvenile Probation  
18 Commission, the Texas Youth Commission, and the Texas Department of  
19 Criminal Justice an annual request for a data file containing data  
20 elements from the departments' systems. The Department of Public  
21 Safety, the Texas Juvenile Probation Commission, the Texas Youth  
22 Commission, and the Texas Department of Criminal Justice shall  
23 provide the council and the Legislative Budget Board with that data  
24 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(a), Education Code, is amended to  
12 read as follows:

13 (a) The Legislative Budget Board shall adopt rules, subject  
14 to appropriate notice and opportunity for public comment, for the  
15 calculation for each year of a biennium of the qualified funding  
16 elements~~[, in accordance with Subsection (c),]~~ necessary to achieve  
17 the state policy under Section 42.001.

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

20 (d) As an exception to Chapter 551 and other law, if a  
21 meeting is located in Austin and the joint chairs of the board are  
22 physically present at the ~~a~~ meeting, then any number of the other  
23 members of the board may attend a meeting of the board by use of  
24 telephone conference call, video conference call, or other similar  
25 telecommunication device. This subsection applies for purposes of  
26 constituting a quorum, for purposes of voting, and for any other  
27 purpose allowing a member of the board to otherwise fully

1 participate in any meeting of the board. This subsection applies  
2 without exception with regard to the subject of the meeting or  
3 topics considered by the members.

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

6 (1) is subject to the notice requirements applicable  
7 to other meetings;

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

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

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

21 SECTION 4. Section 322.005, Government Code, is amended to  
22 read as follows:

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

27 (b) The director [~~board~~] shall set the salaries of the

1 personnel employed by the director.

2 SECTION 5. Section 322.017, Government Code, is amended by  
3 adding Subsection (e) to read as follows:

4 (e) All information, documentary or otherwise, prepared or  
5 maintained in conducting an efficiency review under this section or  
6 preparing a report of the findings of an efficiency review under  
7 this section, including intra-agency and interagency  
8 communications and drafts of the efficiency review report or  
9 portions of those drafts, are excepted from required public  
10 disclosure as audit working papers under Section 552.116.

11 SECTION 6. Chapter 322, Government Code, is amended by  
12 adding Sections 322.019-322.021 to read as follows:

13 Sec. 322.019. CONFIDENTIAL COMMUNICATIONS.  
14 Communications, including conversations, correspondence, and  
15 electronic communications, between a member of the legislature or  
16 the lieutenant governor and an assistant or employee of the board  
17 that relate to a request by the official for information, advice, or  
18 opinions from an assistant or employee of the board are  
19 confidential. Information, advice, and opinions given privately by  
20 an assistant or employee of the board to a member of the  
21 legislature, or the lieutenant governor, acting in the person's  
22 official capacity, are confidential. However, the member or  
23 lieutenant governor may choose to disclose all or a part of the  
24 communications, information, advice, or opinions to which this  
25 section applies, and such a disclosure does not violate the law of  
26 this state.

27 Sec. 322.020. BUDGET HEARINGS. (a) In this section,

1 "state agency" means a board, commission, department, or other  
2 agency in the executive or judicial branch of state government.

3 (b) The board may hold one or more public hearings  
4 concerning the appropriation request of any state agency. The  
5 board may delegate the authority to hold a hearing to a committee of  
6 the board or to board staff.

7 (c) The head of a state agency that is seeking  
8 appropriations is entitled to speak at a hearing under this section  
9 at which the appropriation request is considered. The board may  
10 require the head or any employee of a state agency seeking  
11 appropriations to appear at the hearing and present information  
12 about the appropriations. A taxpayer is entitled to participate in  
13 the discussion at a hearing under this section of any item proposed  
14 to be included in the budget under consideration.

15 Sec. 322.021. CRIMINAL JUSTICE POLICY ANALYSIS. (a) The  
16 board may develop and perform functions to promote a more effective  
17 and cohesive state criminal justice system.

18 (b) The board may serve as the statistical analysis center  
19 for the state and as the liaison for the state to the United States  
20 Department of Justice on criminal justice issues of interest to the  
21 state and federal government relating to data, information systems,  
22 and research, if the Criminal Justice Policy Council is unable to  
23 perform those functions.

24 (c) The director may consult the lieutenant governor, the  
25 speaker of the house of representatives, and the presiding officer  
26 of each standing committee of the senate and house of  
27 representatives having primary jurisdiction over matters relating

1 to criminal justice and state finance or appropriations from the  
2 state treasury.

3 (d) The Department of Public Safety, the Texas Department of  
4 Criminal Justice, the Texas Juvenile Probation Commission, and the  
5 Texas Youth Commission shall provide the board with data relating  
6 to a criminal justice policy analysis under this section in the  
7 manner requested.

8 SECTION 7. (a) Section 109.0015, Civil Practice and  
9 Remedies Code, is repealed.

10 (b) Section 42.007(c), Education Code, is repealed.

11 (c) The subchapter headings to Subchapter B, Chapter 319,  
12 Government Code, and to Subchapter A, Chapter 322, Government Code,  
13 are repealed.

14 (d) Subchapter A, Chapter 319, Government Code, is  
15 repealed.

16 (e) Sections 322.006, 656.105, 668.002, and 2152.064,  
17 Government Code, are repealed.

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