

1-1 By: Pitts (Senate Sponsor - Ogden) H.B. No. 2753
1-2 (In the Senate - Received from the House May 6, 2005;
1-3 May 12, 2005, read first time and referred to Committee on Finance;
1-4 May 23, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; May 23, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2753 By: Ogden

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the powers, duties, and functions of the Legislative
1-11 Budget Board.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 60.03, Code of Criminal Procedure, is
1-14 amended to read as follows:

1-15 Art. 60.03. INTERAGENCY COOPERATION; CONFIDENTIALITY. (a)
1-16 Criminal justice agencies, the Legislative Budget Board, and the
1-17 council are entitled to access to the data bases of the Department
1-18 of Public Safety, the Texas Juvenile Probation Commission, the
1-19 Texas Youth Commission, and the Texas Department of Criminal
1-20 Justice in accordance with applicable state or federal law or
1-21 regulations. The access granted by this subsection does not grant
1-22 an agency, the Legislative Budget Board, or the council the right to
1-23 add, delete, or alter data maintained by another agency.

1-24 (b) The council or the Legislative Budget Board may submit
1-25 to the Department of Public Safety, the Texas Juvenile Probation
1-26 Commission, the Texas Youth Commission, and the Texas Department of
1-27 Criminal Justice an annual request for a data file containing data
1-28 elements from the departments' systems. The Department of Public
1-29 Safety, the Texas Juvenile Probation Commission, the Texas Youth
1-30 Commission, and the Texas Department of Criminal Justice shall
1-31 provide the council and the Legislative Budget Board with that data
1-32 file for the period requested, in accordance with state and federal
1-33 law and regulations. If the council submits data file requests
1-34 other than the annual data file request, the director of the agency
1-35 maintaining the requested records must approve the request. The
1-36 Legislative Budget Board may submit data file requests other than
1-37 the annual data file request without the approval of the director of
1-38 the agency maintaining the requested records.

1-39 (c) Neither a criminal justice agency, ~~nor~~ the council,
1-40 nor the Legislative Budget Board may disclose to the public
1-41 information in an individual's criminal history record if the
1-42 record is protected by state or federal law or regulation.

1-43 SECTION 2. Section 42.007(b), Education Code, is amended to
1-44 read as follows:

1-45 (b) Before each regular session of the legislature, the
1-46 board shall, as determined by the board, report the equalized
1-47 funding elements to the commissioner and the legislature.

1-48 SECTION 3. Sections 322.003(d) and (e), Government Code,
1-49 are amended to read as follows:

1-50 (d) As an exception to Chapter 551 and other law, if a
1-51 meeting is located in Austin and the joint chairs of the board are
1-52 physically present at the [a] meeting, then any number of the other
1-53 members of the board may attend the [a] meeting [of the board] by
1-54 use of telephone conference call, video conference call, or other
1-55 similar telecommunication device. This subsection applies for
1-56 purposes of constituting a quorum, for purposes of voting, and for
1-57 any other purpose allowing a member of the board to otherwise fully
1-58 participate in any meeting of the board. This subsection applies
1-59 without exception with regard to the subject of the meeting or
1-60 topics considered by the members.

1-61 (e) A meeting held by use of telephone conference call,
1-62 video conference call, or other similar telecommunication device:

1-63 (1) is subject to the notice requirements applicable

2-1 to other meetings;

2-2 (2) must specify in the notice of the meeting the
2-3 location in Austin of the meeting at which the joint chairs will be
2-4 physically present;

2-5 (3) must be open to the public and shall be audible to
2-6 the public at the location in Austin specified in the notice of the
2-7 meeting as the location of the meeting at which the joint chairs
2-8 will be physically present; and

2-9 (4) must provide two-way audio communication between
2-10 all members of the board attending the meeting during the entire
2-11 meeting, and if the two-way audio communication link with any
2-12 member attending the meeting is disrupted at any time, the meeting
2-13 may not continue until the two-way audio communication link is
2-14 reestablished.

2-15 SECTION 4. Section 322.005, Government Code, is amended to
2-16 read as follows:

2-17 Sec. 322.005. PERSONNEL. (a) The director [~~with the~~
2-18 ~~approval of the board,~~] may employ [necessary clerical and
2-19 stenographic] personnel as necessary to perform the functions of
2-20 the board.

2-21 (b) The director [board] shall set the salaries of the
2-22 personnel employed by the director.

2-23 SECTION 5. Section 322.016, Government Code, is amended by
2-24 adding Subsection (d) to read as follows:

2-25 (d) Until the board has completed a review under this
2-26 section, all information, documentary or otherwise, prepared or
2-27 maintained in conducting the review or preparing the review report,
2-28 including intra-agency and interagency communications and drafts
2-29 of the review report or portions of those drafts, is excepted from
2-30 required public disclosure as audit working papers under Section
2-31 552.116. This subsection does not affect whether information
2-32 described by this subsection is confidential or excepted from
2-33 required public disclosure under a law other than Section 552.116.

2-34 SECTION 6. Section 322.0165, Government Code, is amended by
2-35 adding Subsection (g) to read as follows:

2-36 (g) Until the board has completed a review under this
2-37 section, all information, documentary or otherwise, prepared or
2-38 maintained in conducting the review or preparing the review report,
2-39 including intra-agency and interagency communications and drafts
2-40 of the review report or portions of those drafts, is excepted from
2-41 required public disclosure as audit working papers under Section
2-42 552.116. This subsection does not affect whether information
2-43 described by this subsection is confidential or excepted from
2-44 required public disclosure under a law other than Section 552.116.

2-45 SECTION 7. Section 322.017, Government Code, is amended by
2-46 adding Subsection (e) to read as follows:

2-47 (e) Until the board has completed a review and analysis
2-48 under this section, all information, documentary or otherwise,
2-49 prepared or maintained in conducting the review and analysis or
2-50 preparing the review report, including intra-agency and
2-51 interagency communications and drafts of the review report or
2-52 portions of those drafts, is excepted from required public
2-53 disclosure as audit working papers under Section 552.116. This
2-54 subsection does not affect whether information described by this
2-55 subsection is confidential or excepted from required public
2-56 disclosure under a law other than Section 552.116.

2-57 SECTION 8. Chapter 322, Government Code, is amended by
2-58 adding Section 322.019 to read as follows:

2-59 Sec. 322.019. CRIMINAL JUSTICE POLICY ANALYSIS. (a) The
2-60 board may develop and perform functions to promote a more effective
2-61 and cohesive state criminal justice system.

2-62 (b) The board may serve as the statistical analysis center
2-63 for the state and as the liaison for the state to the United States
2-64 Department of Justice on criminal justice issues of interest to the
2-65 state and federal government relating to data, information systems,
2-66 and research if an executive branch agency or institution of higher
2-67 education is not designated by the governor to perform those
2-68 functions.

2-69 (c) The director may consult the lieutenant governor, the

3-1 speaker of the house of representatives, and the presiding officer
3-2 of each standing committee of the senate and house of
3-3 representatives having primary jurisdiction over matters relating
3-4 to criminal justice and state finance or appropriations from the
3-5 state treasury.

3-6 (d) The Department of Public Safety, the Texas Department of
3-7 Criminal Justice, the Texas Juvenile Probation Commission, and the
3-8 Texas Youth Commission shall provide the board with data relating
3-9 to a criminal justice policy analysis under this section in the
3-10 manner requested.

3-11 SECTION 9. Subchapter C, Chapter 552, Government Code, is
3-12 amended by adding Section 552.146 to read as follows:

3-13 Sec. 552.146. EXCEPTION: CERTAIN COMMUNICATIONS WITH
3-14 ASSISTANT OR EMPLOYEE OF LEGISLATIVE BUDGET BOARD. (a) All written
3-15 or otherwise recorded communications, including conversations,
3-16 correspondence, and electronic communications, between a member of
3-17 the legislature or the lieutenant governor and an assistant or
3-18 employee of the Legislative Budget Board are excepted from the
3-19 requirements of Section 552.021.

3-20 (b) Memoranda of a communication between a member of the
3-21 legislature or the lieutenant governor and an assistant or employee
3-22 of the Legislative Budget Board are excepted from the requirements
3-23 of Section 552.021 without regard to the method used to store or
3-24 maintain the memoranda.

3-25 (c) This section does not except from required disclosure a
3-26 record or memoranda of a communication that occurs in public during
3-27 an open meeting or public hearing conducted by the Legislative
3-28 Budget Board.

3-29 SECTION 10. (a) Section 109.0015, Civil Practice and
3-30 Remedies Code, is repealed.

3-31 (b) Section 42.007(d), Education Code, is repealed.

3-32 (c) The subchapter headings to Subchapter B, Chapter 319,
3-33 Government Code, and to Subchapter A, Chapter 322, Government Code,
3-34 are repealed.

3-35 (d) Subchapter A, Chapter 319, Government Code, is
3-36 repealed.

3-37 (e) Sections 322.006, 656.105, 668.002, and 2152.064,
3-38 Government Code, are repealed.

3-39 SECTION 11. This Act takes effect immediately if it
3-40 receives a vote of two-thirds of all the members elected to each
3-41 house, as provided by Section 39, Article III, Texas Constitution.
3-42 If this Act does not receive the vote necessary for immediate
3-43 effect, this Act takes effect September 1, 2005.

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