

1-1 By: Ogden S.B. No. 1617
1-2 (In the Senate - Filed March 11, 2005; March 23, 2005, read
1-3 first time and referred to Committee on Finance; April 25, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 11, Nays 0, 1 present not voting;
1-6 April 25, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1617 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.

1-16 (a) Criminal justice agencies, the Legislative Budget Board, and
1-17 the council are entitled to access to the data bases of the
1-18 Department of Public Safety, the Texas Juvenile Probation
1-19 Commission, the Texas Youth Commission, and the Texas Department of
1-20 Criminal Justice in accordance with applicable state or federal law
1-21 or regulations. The access granted by this subsection does not
1-22 grant an agency, the Legislative Budget Board, or the council the
1-23 right to 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. Subsection (a), Section 42.007, Education Code,
1-44 is amended to read as follows:

1-45 (a) The Legislative Budget Board shall adopt rules, subject
1-46 to appropriate notice and opportunity for public comment, for the
1-47 calculation for each year of a biennium of the qualified funding
1-48 elements ~~[, in accordance with Subsection (c),]~~ necessary to achieve
1-49 the state policy under Section 42.001.

1-50 SECTION 3. Subsections (d) and (e), Section 322.003,
1-51 Government Code, are amended to read as follows:

1-52 (d) As an exception to Chapter 551 and other law, if a
1-53 meeting is located in Austin and the joint chairs of the board are
1-54 physically present at the [a] meeting, then any number of the other
1-55 members of the board may attend the [a] meeting [of the board] by
1-56 use of telephone conference call, video conference call, or other
1-57 similar telecommunication device. This subsection applies for
1-58 purposes of constituting a quorum, for purposes of voting, and for
1-59 any other purpose allowing a member of the board to otherwise fully
1-60 participate in any meeting of the board. This subsection applies
1-61 without exception with regard to the subject of the meeting or
1-62 topics considered by the members.

1-63 (e) A meeting held by use of telephone conference call,

video conference call, or other similar telecommunication device:

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8. Chapter 322, Government Code, is amended by adding Sections 322.019, 322.020, 322.0205, and 322.021 to read as follows:

Sec. 322.019. CONFIDENTIAL COMMUNICATIONS. Communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor and an assistant or employee of the board that relate to a request by the official for information, advice, or opinions from an assistant or employee of the board are

3-1 confidential. Information, advice, and opinions given privately by
 3-2 an assistant or employee of the board to a member of the
 3-3 legislature, or the lieutenant governor, acting in the person's
 3-4 official capacity, are confidential. However, the member or
 3-5 lieutenant governor may choose to disclose all or a part of the
 3-6 communications, information, advice, or opinions to which this
 3-7 section applies, and such a disclosure does not violate the law of
 3-8 this state.

3-9 Sec. 322.020. BUDGET HEARINGS. (a) In this section,
 3-10 "state agency" means a board, commission, department, or other
 3-11 agency in the executive or judicial branch of state government.

3-12 (b) The board may hold one or more public hearings
 3-13 concerning the appropriation request of any state agency. The
 3-14 board may delegate the authority to hold a hearing to a committee of
 3-15 the board or to board staff.

3-16 (c) The head of a state agency that is seeking
 3-17 appropriations is entitled to speak at a hearing under this section
 3-18 at which the appropriation request is considered. The board may
 3-19 require the head or any employee of a state agency seeking
 3-20 appropriations to appear at the hearing and present information
 3-21 about the appropriations. A taxpayer is entitled to participate in
 3-22 the discussion at a hearing under this section of any item proposed
 3-23 to be included in the budget under consideration.

3-24 Sec. 322.0205. COOPERATION WITH OFFICE OF THE GOVERNOR.
 3-25 (a) The Legislative Budget Board and the office of the governor
 3-26 may cooperate, exchange information, and hold joint public hearings
 3-27 on the biennial appropriation budget.

3-28 (b) At a joint hearing under this section, the governor
 3-29 shall preside, or, if the governor is unable to preside:

3-30 (1) the lieutenant governor shall preside; or

3-31 (2) a person appointed by the governor and the
 3-32 lieutenant governor shall preside.

3-33 Sec. 322.021. CRIMINAL JUSTICE POLICY ANALYSIS. (a) The
 3-34 board may develop and perform functions to promote a more effective
 3-35 and cohesive state criminal justice system.

3-36 (b) The board may serve as the statistical analysis center
 3-37 for the state and as the liaison for the state to the United States
 3-38 Department of Justice on criminal justice issues of interest to the
 3-39 state and federal government relating to data, information systems,
 3-40 and research, if the Criminal Justice Policy Council is unable to
 3-41 perform those functions.

3-42 (c) The director may consult the lieutenant governor, the
 3-43 speaker of the house of representatives, and the presiding officer
 3-44 of each standing committee of the senate and house of
 3-45 representatives having primary jurisdiction over matters relating
 3-46 to criminal justice and state finance or appropriations from the
 3-47 state treasury.

3-48 (d) The Department of Public Safety, the Texas Department of
 3-49 Criminal Justice, the Texas Juvenile Probation Commission, and the
 3-50 Texas Youth Commission shall provide the board with data relating
 3-51 to a criminal justice policy analysis under this section in the
 3-52 manner requested.

3-53 SECTION 9. (a) Section 109.0015, Civil Practice and
 3-54 Remedies Code, is repealed.

3-55 (b) Subsections (c) and (d), Section 42.007, Education
 3-56 Code, are repealed.

3-57 (c) The subchapter headings to Subchapter B, Chapter 319,
 3-58 Government Code, and to Subchapter A, Chapter 322, Government Code,
 3-59 are repealed.

3-60 (d) Subchapter A, Chapter 319, Government Code, is
 3-61 repealed.

3-62 (e) Sections 322.006, 656.105, 668.002, and 2152.064,
 3-63 Government Code, are repealed.

3-64 SECTION 10. This Act takes effect immediately if it
 3-65 receives a vote of two-thirds of all the members elected to each
 3-66 house, as provided by Section 39, Article III, Texas Constitution.
 3-67 If this Act does not receive the vote necessary for immediate
 3-68 effect, this Act takes effect September 1, 2005.

