

By: Watson

S.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to transferring the Legislative Budget Board's performance review duties to the comptroller.

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

SECTION 1. Sections 322.015, 322.016, 322.0165, 322.017, and 322.018, Government Code, are transferred to Chapter 403, Government Code, redesignated as Subchapter O, Chapter 403, Government Code, and amended with the addition of a subchapter heading to read as follows:

SUBCHAPTER O. PERFORMANCE REVIEWS

Sec. 403.351 [~~322.015~~]. REVIEW OF INTERSCHOLASTIC COMPETITION. The comptroller [~~board~~] may periodically review and analyze the effectiveness and efficiency of the policies, management, fiscal affairs, and operations of an organization that is a component or part of a state agency or institution and that sanctions or conducts interscholastic competition. The comptroller [~~board~~] shall report the findings to the governor and the legislature. The legislature may consider the comptroller's [~~board's~~] reports in connection with the legislative appropriations process.

Sec. 403.352 [~~322.016~~]. PERFORMANCE REVIEW OF SCHOOL DISTRICTS. (a) The comptroller [~~board~~] may periodically review the effectiveness and efficiency of the operations of school districts, including the district's expenditures for its officers'

1 and employees' travel services. A review of a school district may
2 be initiated by the comptroller [~~board~~] at the comptroller's [~~its~~]
3 discretion or on the request of the school district. A review may
4 be initiated by a school district only by resolution adopted by a
5 majority of the members of the board of trustees of the district.

6 (b) If a review is initiated on the request of the school
7 district, the district shall pay 25 percent of the cost incurred in
8 conducting the review.

9 (c) The comptroller [~~board~~] shall:

10 (1) prepare a report showing the results of each
11 review conducted under this section;

12 (2) file the report with the school district, the
13 governor, the lieutenant governor, the speaker of the house of
14 representatives, the chairs of the standing committees of the
15 senate and the house of representatives with jurisdiction over
16 public education, and the commissioner of education; and

17 (3) make the entire report and a summary of the report
18 available to the public on the Internet.

19 (d) Until the comptroller [~~board~~] has completed a review
20 under this section, all information, documentary or otherwise,
21 prepared or maintained in conducting the review or preparing the
22 review report, including intra-agency and interagency
23 communications and drafts of the review report or portions of those
24 drafts, is excepted from required public disclosure as audit
25 working papers under Section 552.116. This subsection does not
26 affect whether information described by this subsection is
27 confidential or excepted from required public disclosure under a

1 law other than Section 552.116.

2 Sec. 403.353 [~~322.0165~~]. PERFORMANCE REVIEW OF
3 INSTITUTIONS OF HIGHER EDUCATION. (a) In this section, "public
4 junior college" and "general academic teaching institution" have
5 the meanings assigned by Section 61.003, Education Code.

6 (b) The comptroller [~~board~~] may periodically review the
7 effectiveness and efficiency of the budgets and operations of:

- 8 (1) public junior colleges; and
- 9 (2) general academic teaching institutions.

10 (c) A review under this section may be initiated by the
11 comptroller [~~board~~] or at the request of:

- 12 (1) the governor; or
- 13 (2) the public junior college or general academic
14 teaching institution.

15 (d) A review may be initiated by a public junior college or
16 general academic teaching institution only at the request of the
17 president of the college or institution or by a resolution adopted
18 by a majority of the governing body of the college or institution.

19 (e) If a review is initiated by a public junior college or
20 general academic teaching institution, the college or institution
21 shall pay 25 percent of the cost incurred in conducting the review.

22 (f) The comptroller [~~board~~] shall:

23 (1) prepare a report showing the results of each
24 review conducted under this section;

25 (2) file the report with:

26 (A) the chief executive officer of the public
27 junior college or general academic teaching institution that is the

1 subject of the report; and

2 (B) the governor, the lieutenant governor, the
3 speaker of the house of representatives, the chairs of the standing
4 committees of the senate and of the house of representatives with
5 primary jurisdiction over higher education, and the commissioner of
6 higher education; and

7 (3) make the entire report and a summary of the report
8 available to the public on the Internet.

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

19 Sec. 403.354 [~~322.017~~]. EFFICIENCY REVIEW OF STATE
20 AGENCIES. (a) In this section, "state agency" has the meaning
21 assigned by Section 2056.001.

22 (b) The comptroller [~~board~~] periodically may review and
23 analyze the effectiveness and efficiency of the policies,
24 management, fiscal affairs, and operations of state agencies.

25 (c) The comptroller [~~board~~] shall report the findings of the
26 review and analysis to the governor and the legislature.

27 (d) The legislature may consider the comptroller's

1 [~~board's~~] reports in connection with the legislative
2 appropriations process.

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

13 Sec. 403.355 [~~322.018~~]. RECORDS MANAGEMENT REVIEW.

14 (a) In this section, "state agency" has the meaning assigned by
15 Section 2056.001.

16 (b) The comptroller [~~board~~] may periodically review and
17 analyze the effectiveness and efficiency of the policies and
18 management of a state governmental committee or state agency that
19 is involved in:

20 (1) analyzing and recommending improvements to the
21 state's system of records management; and

22 (2) preserving the essential records of this state,
23 including records relating to financial management information.

24 SECTION 2. (a) In this section, "performance review" means
25 a function performed by the Legislative Budget Board before the
26 effective date of this Act under Section 322.015, 322.016,
27 322.0165, 322.017, or 322.018, Government Code.

1 (b) On the effective date of this Act, the following are
2 transferred from the Legislative Budget Board to the comptroller of
3 public accounts:

4 (1) all employees whose primary duties involved
5 performing or supporting the performance of performance reviews;

6 (2) all records and equipment primarily used by the
7 board in connection with performance reviews; and

8 (3) all appropriations for the state fiscal biennium
9 beginning September 1, 2009, made to or budgeted by the board
10 specifically for performance reviews.

11 (c) If the Legislative Budget Board does not receive
12 appropriations specifically designated for performance review
13 purposes for the state fiscal biennium beginning September 1, 2009,
14 and has not specifically budgeted amounts for performance review
15 purposes for that biennium, an amount equal to the amount of
16 appropriations specifically designated for or budgeted by the
17 Legislative Budget Board for performance review purposes for the
18 state fiscal biennium beginning September 1, 2007, is transferred
19 from appropriations made to the Legislative Budget Board for the
20 state fiscal biennium beginning September 1, 2009, to the
21 comptroller of public accounts for that biennium.

22 SECTION 3. This Act takes effect September 1, 2009.