

BILL ANALYSIS

Senate Research Center
79R18461 KEG-D

C.S.H.B. 2753
By: Pitts (Ogden)
Finance
5/21/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, various entities are required to report certain information to the Legislative Budget Board (LBB). C.S.H.B 2753 eliminates and amends some of the existing reporting requirements in order to improve the efficiency of the LBB.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 60.03, Code of Criminal Procedure, to provide that criminal justice agencies, the Legislative Budget Board (LBB), and the Criminal Justice Policy Council (council) are entitled to access to the databases of the Department of Public Safety (DPS), the Texas Juvenile Probation Commission (commission), the Texas Youth Commission (TYC), and the Texas Department of Criminal Justice (TDCJ) in accordance with applicable state or federal law or regulations. Authorizes the LBB to submit data file requests other than the annual data file request without the approval of the director of the agency maintaining the requested records. Makes conforming changes.

SECTION 2. Amends Section 42.007(b), Education Code, to require the state board of education (SBOE), before each regular session of the legislature to, as determined by the SBOE, report the equalized funding elements to the commissioner of education and the legislature.

SECTION 3. Amends Sections 322.003(d) and (e), Government Code, to provide that this section applies to a meeting that is located in Austin and make conforming changes.

SECTION 4. Amends Section 322.005, Government Code, to authorize the director of the LBB (director) to employ personnel as necessary to perform the functions of the LBB, rather than to authorize the director of the LBB, with the approval of the LBB, to employ necessary clerical and stenographic personnel. Requires the director, rather than the LBB, to set the salaries of the personnel employed by the board.

SECTION 5. Amends Section 322.016, Government Code, by adding Subsection (d), to provide that until the board has completed a review under this section, all information, documentary or otherwise, prepared or maintained in conducting a review under this section or preparing a report of the findings of a review under this section, including intra-agency and interagency communications and drafts of the review report or portions of those drafts, are excepted from required public disclosure as audit working papers under Section 552.116 (Exception: Audit Working Papers), Government Code. Provides that this section does not affect whether information described by this subsection is confidential or excepted from required public disclosure under disclosure under a law other than Section 552.116.

SECTION 6. Amends Section 322.0165, Government Code, by adding Subsection (g), to make conforming changes.

SECTION 7. Amends Section 322.017, Government Code, by adding Subsection (e), to make conforming changes.

SECTION 8. Amends Chapter 322, Government Code, by adding Section 322.019, as follows:

Sec. 322.019. **CRIMINAL JUSTICE POLICY ANALYSIS.** Authorizes the LBB to develop and perform functions to promote a more effective and cohesive state criminal justice system and to serve as the statistical analysis center for the state and as the liaison for the state to the United States Department of Justice on criminal justice issues of interest to the state and federal government relating to data, information systems, and research, if an executive branch agency or institution of higher education is not designated to perform those functions. Authorizes the director to consult the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each standing committee of the senate and house of representatives having primary jurisdiction over matters relating to criminal justice and state finance or appropriations from state treasury. Requires DPS, TDCJ, the commission, and TYC to provide the LBB with data relating to a criminal justice policy analysis under this section in the manner requested.

SECTION 9. Amends Subchapter C, Chapter 552, Government Code, by adding Section 552.146, as follows:

Sec. 552.146. **EXCEPTION: CERTAIN COMMUNICATIONS WITH ASSISTANT OR EMPLOYEE OF LEGISLATIVE BUDGET BOARD.** Provides that all written or otherwise recorded communications, including conversations, correspondence, and electronic communications, between a member of the legislature or the lieutenant governor and an assistant or employee of the LBB are excepted from the requirements of Section 552.021(Availability of Public Information).

(b) Excepts memoranda of a communication between a member of the legislature and the lieutenant governor or an assistant or employee of the LBB from the requirements of Section 552.021 without regard to the method used to store or maintain the memoranda.

(c) Provides that this section does not except from required disclosure a record or memoranda of a communication that occurs in public during an open meeting or public hearing conducted by the LBB.

SECTION 10. (a) Repealer: Section 109.0015 (Notice of Certain Lawsuits), Civil Practice and Remedies Code.

(b) Repealer: Section 42.007 (d), (Equalized Funding Elements), Education Code.

(c) Repealer: The subchapter headings to Subchapter B, Chapter 319 (Legislation Relating to Court Costs) and Subchapter A, Chapter 322 (General Provisions), Government Code.

(d) Repealer: Subchapter A, Chapter 319 (Judicial System Impact Notes), Government Code.

(e) Repealer: Sections 322.006 (Approval of Expenses), 656.105 (Report), 668.002 (Reporting of Membership Dues), and 2152.064 (Reports on Nonresident Bidders), Government Code.

SECTION 11. Effective date: upon passage or September 1, 2005.