

BILL ANALYSIS

Senate Research Center
79R13972 KEG-F

C.S.S.B. 1617
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Finance
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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), and the director of the LBB must have the approval of the joint LBB chairs for LBB expenditures and to employ personnel.

C.S.S.B. 1617 eliminates and amends some of the existing reporting requirements in order to improve the efficiency of the LBB. C.S.S.B. 1617 also eliminates the existing provisions which require the director of the LBB to have certain approval for LBB expenditures and to employ personnel, in order to conform to the practices in effect with most other state agencies.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Legislative Budget Board is modified in SECTION 2 (Section 42.007, Education Code) of this bill.

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(a), Education Code, to delete existing text requiring rules adopted with the LBB under this subsection to be in accordance with Subsection (c).

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 LBB 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 report, including interagency and intra-agency 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. Provides that 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 (Exception: Audit Working Papers).

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 Sections 322.019, 322.020, 322.0205, and 322.021, as follows:

Sec. 322.019. CONFIDENTIAL COMMUNICATIONS. Provides that 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 that relate to a request by the official for information, advice, or opinions from an assistant or employee of the LBB are confidential. Provides that information, advice, or opinion given privately by an assistant or employee of the LBB to a member of the legislature, or the lieutenant governor, acting in the person's official capacity are confidential. Authorizes the member or lieutenant governor to choose to disclose all or part of the communications, information, advice, or opinions to which this section applies, and provides that such a disclosure does not violate the law of this state.

Sec. 322.020. BUDGET HEARINGS. Defines "state agency." Authorizes the LBB to hold one or more public hearings concerning the appropriation request of any state agency. Authorizes the LBB to delegate the authority to hold a hearing to a committee of the LBB or LBB staff. Entitles the head of a state agency that is seeking appropriations to speak at a hearing under this section at which the appropriation request is considered. Authorizes the LBB to require the head or any employee of a state agency seeking appropriations to appear at the hearing and present information about the appropriations. Entitles a taxpayer to participate in the discussion at a hearing under this section of any item proposed to be included in the budget under consideration.

Sec. 322.0205. COOPERATION WITH OFFICE OF THE GOVERNOR. Authorizes the LBB and the office of the governor to cooperate, exchange information, and hold joint public hearings on the biennial appropriation budget. Requires the governor to preside at a joint hearing under this section and, if the governor is unable to preside, requires the lieutenant governor or a person appointed by the governor and the lieutenant governor to preside.

Sec. 322.021. 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 the council is unable 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. (a) Repealer: Section 109.0015 (Notice of Certain Lawsuits), Civil Practice and Remedies Code.

(b) Repealer: Sections 42.007(c) and (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 10. Effective date: upon passage or September 1, 2005.