

BILL ANALYSIS

Senate Research Center
78S10094 MTB-F

S.B. 19
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Government Organization
7/7/2003
As Filed

DIGEST AND PURPOSE

As proposed, S.B. 19 seeks to improve the efficiency and effectiveness of state government by eliminating the Texas Board of Pardons and Paroles (TBPP) Policy Board and folding its duties into TBPP and eliminating the State Aircraft Pooling Board and transferring its duties and responsibilities to the Texas Department of Public Safety. This bill also establishes the select committee on prison privatization and abolishes the Texas Commission on Private Security. S.B. 19 abolishes the Texas Legislative Council, creates the Legislative Information Services Board, transfers responsibility for financial audits from the state auditor to the Legislative Budget Board, and creates a Performance Review Commission to take the place of the Sunset Advisory Commission.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the office of the governor in SECTION 3.02 (Section 391.009, Local Government Code) of this bill.

Rulemaking authority is expressly granted to the Texas Board of Pardons and Paroles (TBPP) in SECTION 8.05 (Section 508.036, Government Code) of this bill.

Rulemaking authority is transferred to TBPP from TBPP's Policy Board in SECTION 8.10 (Section 508.0441, Government Code) and SECTION 8.22 of this bill.

Rulemaking authority is transferred to the office of the governor from the Office of State-Federal Relations in SECTION 11.19 of this bill.

Rulemaking authority is transferred to the Texas Department of Public Safety from TBPP in SECTION 12.07 (Section 2205.038, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TELECONFERENCE MEETING OF LEGISLATIVE BUDGET BOARD

SECTION 1.01. Amends Section 322.003, Government Code, by adding Subsections (d) and (e), as follows:

(d) Authorizes any number of the other members of the Legislative Budget Board (LBB), as an exception to Chapter 551 and other law, if the LBB chairman and vice-chairman of LBB are physically present at a meeting, to attend an LBB meeting by use of telephone conference call, video conference call, or other similar telecommunication device. Provides that this subsection applies for purposes of constituting a quorum, for purposes of voting, and for any other purpose allowing a member of LBB to otherwise fully participate in any meeting of LBB. Provides that this subsection applies without exception with regard to the subject of the meeting or topics considered by the members.

(e) Sets forth the requirements of a meeting held by use of telephone conference call, video conference call, or other similar telecommunication device.

ARTICLE 2. GOVERNOR'S BUDGET AUTHORITY

SECTION 2.01. Amends Section 401.046(a), Government Code, to require the governor to deliver a copy of the governor's budget to each member of the legislature before the governor gives the message to the legislature required by Section 9, Article IV, Texas Constitution, at the commencement of each regular legislative session. Deletes text requiring the delivery to be made by the sixth day of the regular session.

Section 2.02. Repealer: Section 401.047 (Penalty), Government Code.

ARTICLE 3. OVERSIGHT OF REGIONAL PLANNING COMMISSIONS

SECTION 3.01. Amends the heading to Section 391.009, Local Government Code, to read as follows:

Sec. 391.009. **ROLE OF STATE AUDITOR, GOVERNOR, AND STATE AGENCIES.**

SECTION 3.02. Amends Section 391.009, Local Government Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Authorizes the governor, with the technical assistance of the state auditor, to protect the public interest and, rather than or, promote the efficient use of public funds, to adopt certain rules and guidelines.

(a-1) Authorizes the governor to draft and adopt rule under Subsection (a) using negotiated rulemaking procedures under Chapter 2008, Government Code.

(a-2) Requires the state auditor's office, based on a risk assessment performed by the state auditor and subject to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code, to assist the governor as provided by Subsection (a).

SECTION 3.03. Amends Section 391.0095, Local Government Code, as amended by S.B. 19, Acts of the 78th Legislature, Regular Session, as follows:

Sec. 391.0095. **AUDIT AND REPORTING REQUIREMENTS.** (a) Requires a regional planning commission (commission) to report certain information to the state auditor, rather than to the governor.

(b) Authorizes the annual audit of a commission to be commissioned by the commission or at the direction of the governor's office, as determined by the governor's office.

(c) Makes a conforming change.

(d) Requires the state auditor to report a failure to comply with a rule, requirement, or guideline under Section 391.009 to the governor's office.

(e) Includes the governor in the list of required recipients of a commission's report and audit. Requires the state auditor, if the state auditor reviews the audit or the report, to be given access to working papers and other supporting documentation that the state auditor determines is necessary to perform the review.

SECTION 3.04. Amends Section 391.0117(e), Local Government Code, to require the state auditor, if the state auditor, subject to the legislative audit committee's approval for inclusion in the audit plan under Section 321.013, Government Code, has recommendations to improve a commission's salary schedule or a portions of the schedule, to report the recommendations to the governor's office. Prohibits the governor's office from allowing the portions of the schedule for which the state auditor has recommendations to go into effect until revisions or explanations are given that are satisfactory to the governor based on recommendations from the state auditor.

Deletes text referring to the governor approving portions of the schedule. Makes a conforming change.

SECTION 3.05. Provides that on the effective date of this article, a rule, requirement, or guideline adopted by the governor relating to the oversight of commissions remains in effect until amended or repealed by the governor.

ARTICLE 4. ABANDONMENT OF PROCEEDS ON DEMUTUALIZATION

SECTION 4.01. Amends Section 72.101, Property Code, by adding Subsections (c) and (d), as follows:

(c) Provides that property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company is presumed abandoned on the first anniversary of the date the property becomes distributable if, on that date, the last known address of the owner according to the records of the holder of the property is known to be incorrect or the distribution or statements related to the distribution are returned by the post office as undeliverable and the owner has not taken certain actions.

(d) Provides that property distributable in the course of a demutualization, rehabilitation, or related reorganization of an insurance company that is not subject to Subsection (c) is presumed abandoned as otherwise provided by this section.

SECTION 4.02. Amends Section 74.301, Property Code, amending Subsection (a) and adding Subsection (d), as amended by H.B. 826, Acts of the 78th Legislature, Regular Session, as follows:

(a) Makes a conforming change.

(d) Requires the holder, if the property subject to delivery under Subsection (a) is proceeds from the demutualization, rehabilitation, or related reorganization of an insurance company, to deliver the property and required report to the comptroller on or before the following August 1.

SECTION 4.03. Effective date of Article 4: September 1, 2003, or November 1, 2003.

ARTICLE 5. MEMBERS OF TEXAS VETERANS COMMISSION

SECTION 5.01. Amends Section 434.003(c), Government Code, to delete text referring to the restriction that not more than one member may be from a senatorial district composed of a single county.

ARTICLE 6. COMMISSIONER OF INSURANCE

SECTION 6.01. Amends Section 31.023, Insurance Code, to delete the requirement that the commissioner of insurance have at least five years of insurance and insurance regulation experience.

SECTION 6.02. Makes application of this article prospective.

ARTICLE 7. MEMBERS OF THE PARKS AND WILDLIFE COMMISSION

SECTION 7.01. Amends Section 11.012(d), Parks and Wildlife Code, to require the governor to attempt to include persons with expertise in diverse fields, including fields such as historic preservation, conservation, and outdoor recreation and to consider certain aspects of the commission's composition, and authorizes the governor to include persons who have an interest in and knowledge of hunting, fishing, wildlife, environmental concerns, land or water use issues, or water quality issues.

SECTION 7.02. (a) Requires the governor, as soon as possible on or after November 1, 2003, the governor to appoint nine members to the Parks and Wildlife Commission under Section 11.012, Parks and Wildlife Code, as amended by this article. Requires the governor to designate three members, including one public member, for terms expiring February 1, 2005; three members, including one public member, for terms expiring February 1, 2007; and three members, including one public member, for terms expiring February 1, 2009.

(b) Authorizes the governor to reappoint a person who served as a member of the Parks and Wildlife Commission before November 1, 2003.

(c) Provides that the position of a member of the Parks and Wildlife Commission serving immediately before November 1, 2003, is abolished at the time five or more of the newly appointed directors qualify for office. Provides that until the abolition of the members' positions occurs under this section, the members serving immediately before November 1, 2003, have the same powers and duties that the members had immediately before that date and the commission continues to be composed in the way it was composed before that date, and the former law is continued in effect for that purpose.

ARTICLE 8. PARDONS AND PAROLES

SECTION 8.01. Amends Section 508.001, Government Code, by amending Subdivision (8) and adding Subdivision (10), as follows:

(8) Defines "parole commissioner" and deletes the definition of "policy board."

(10) Defines "presiding officer."

SECTION 8.02. Amends Section 508.031(a), Government Code, to decrease the number of members on the Texas Board of Pardons and Paroles (TBPP) from 18 to seven.

SECTION 8.03. Amends Section 508.034, Government Code, as follows:

Sec. 508.034. GROUND FOR REMOVAL. (a) Provides that it is a ground for removal from TBPP that a member is absent from more than half of the regularly scheduled TBPP or panel meetings that the member is eligible to attend during each calendar year, except when the absence is excused by the presiding officer, rather than by majority vote of TBPP.

(b) Deletes text referring to grounds for removal from the policy board. Redesignates Subsection (c) as Subsection (b) and deletes a reference to members of the policy board.

(c) Redesignates this subsection from Subsection (d). Makes a conforming change.

(d) Redesignates this subsection from Subsection (e).

(e) Redesignates this subsection from Subsection (f).

SECTION 8.04. Amends Section 508.035, Government Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Makes a conforming change.

(d) Sets forth the authorized duties of the presiding officer.

SECTION 8.05. Amends Section 508.036, Government Code, as amended by Section 31.01, S.B. 287, Acts of the 78th Legislature, Regular Session, as follows:

Sec. 508.036. New heading: GENERAL ADMINISTRATIVE DUTIES. (a) Sets forth the required duties of the presiding officer. Deletes text referring to the Texas Board of Pardons and Paroles Policy Board.

(b) Sets forth the required duties of TBPP, including rulemaking.

(c) Requires TBPP's administrator to prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to TBPP's programs and services.

(d) Provides that TBPP, in performing its duties, is subject to the open meetings law, Chapter 551 (Open Meetings), and the administrative procedure law, Chapter 2001 (Administrative Procedure). Provides that this subsection does not affect the provisions of Section 2001.223 (Exceptions From Declaratory Judgement, Court Enforcement, and Contested Case Provisions) exempting hearings and interviews conducted by the board or the division from Section 2001.038 (Declaratory Judgement) and Subchapters C-H, Chapter 2001 (Administrative Procedure).

SECTION 8.06. Amends Section 508.0362, Government Code, as follows:

Sec. 508.0362. TRAINING REQUIRED. (a)(1) Creates this subdivision from existing text. Makes conforming changes.

(2) Prohibits a parole commissioner employed by TBPP from voting or deliberating on a matter described by Section 508.0441 until the person completes at least one course of a training program that complies with this section.

(b) Deletes from the list of required information provided by a training program, information about the TBPP's policy board and includes in the required information regarding the role and functions of parole commissioners.

(c) Makes a conforming change.

SECTION 8.07. Amends Section 508.040(a), Government Code, to provide that the presiding officer is responsible for the employment and supervision of parole commissioners and for personnel to assist in clemency and hearing matters. Makes conforming and nonsubstantive changes.

SECTION 8.08. Amends Section 508.041, Government Code, is amended to read as follows:

Sec. 508.041. DESIGNEE TRAINING; HANDBOOK. (a) Sets forth the programs TBPP, rather than the policy board, is required to develop and implement.

(b) and (c) Make conforming changes.

SECTION 8.09. Amends Section 508.042, Government Code, as follows:

Sec. 508.042. New heading: TRAINING PROGRAM FOR MEMBERS AND PAROLE COMMISSIONERS. (a) Requires TBPP to develop for TBPP members and parole commissioners a comprehensive training and education program on the criminal justice system, with special emphasis on the parole process.

(b)(1) Creates this subdivision from existing text. Makes a conforming change.

(2) Prohibits a new parole commissioner from participating in a vote of a panel until the commissioner completes the program. Provides that this subdivision does not apply to a new parole commissioner who as a TBPP member completed the program.

SECTION 8.10. Amends Subchapter B, Chapter 508, Government Code, by amending Section 508.044 and adding Section 508.0441, as follows:

Sec. 508.044. **POWERS AND DUTIES OF BOARD.** Requires a TBPP member to give full time to the duties of the member's office, including duties imposed on the board by the Texas Constitution and other law.

Sec. 508.0441. **RELEASE AND REVOCATION DUTIES.** (a) Sets forth the determinations required to be made by TBPP members and parole commissioners.

(b) Redesignates this subsection from Subsection (c). Requires TBPP to develop and implement a policy that clearly defines circumstances under which a TBPP member or parole commissioner should disqualify himself or herself from voting on a parole decision or a decision to revoke parole or mandatory supervision.

(c) Redesignates this subsection from Subsection (d). Makes conforming changes.

(d) Redesignates this subsection from Subsection (e). Authorizes the presiding officer to provide a written plan for the administrative review of actions taken by a parole panel by a review panel, rather than the entire membership or by a subset of the entire membership of TBPP. Makes a conforming change.

(e) Redesignates this subsection from Subsection (f). Requires TBPP members and parole commissioners to, at the direction of the presiding officer, file activity reports on duties performed under this chapter.

SECTION 8.11. Amends Sections 508.045(a) and (b), Government Code, as follows:

(a) Requires TBPP members and parole commissioners, except as provided by Section 508.046, to act in panels composed of three in matters of release on parole, release to mandatory supervision, and revocation of parole or mandatory supervision.

(b) Requires the presiding officer to designate the composition of each panel, and authorizes the presiding officer to designate panels composed only of TBPP members, composed only of parole commissioners, or composed of any combination of TBPP members and parole commissioners.

SECTION 8.12. Amends Section 508.047(a), Government Code, to make a conforming change.

SECTION 8.13. Amends Section 508.049, Government Code, to make conforming changes.

SECTION 8.14. Amends Section 508.082, Government Code, to make a conforming change. Adds a parole commissioner to the list of persons for whom TBPP is required to adopt certain rules.

SECTION 8.15. Amends Section 508.141(g), Government Code, as added by S.B. 917, Acts of the 78th Legislature, Regular Session, 2003, to make a conforming change.

SECTION 8.16. Amends Section 508.144(b), Government Code, to require the member or parole commissioner, if a board member or parole commissioner deviates from the parole guidelines in voting on a parole decision, to take certain actions.

SECTION 8.17. Amends Section 508.153(b), Government Code, to make conforming changes.

SECTION 8.18. Amends Section 508.281(a), Government Code, to make a conforming change.

SECTION 8.19. Amends Section 508.313(c), Government Code, as amended by Section 3, S.B. 519, Acts of the 78th Legislature, Regular Session, 2003, to make a conforming change.

SECTION 8.20. Amends Section 492.0131, Government Code, to require the Texas Board of Criminal Justice and the presiding officer of TBPP to jointly review all rules, policies, and procedures of the Texas Department of Criminal Justice and TBPP that relate to or affect the operation of the parole process. Makes conforming changes.

SECTION 8.21. Repealer: Section 508.0361 (Policy Board: General Administrative Properties), Government Code.

SECTION 8.22. (a) Requires the governor to appoint new members to TBPP on or before January 1, 2004, and provides that the terms of members serving on December 31, 2003, expire on the appointment of the new members. Authorizes but does not require the governor to appoint as new members persons who served on TBPP before January 1, 2004.

(b) Requires the governor, of the new members of TBPP, to appoint two to serve terms expiring February 1, 2005, two to serve terms expiring February 1, 2007, and three to serve terms expiring February 1, 2009. Provides that on the expiration of the terms of the initial members of the new TBPP, the term of a member appointed by the governor is six years.

(c) Provides that on November 1, 2003, a rule of the Board of Pardons and Paroles Policy Board is a rule of TBPP.

ARTICLE 9. ADMINISTRATION OF TEXAS BUILDING AND PROCUREMENT COMMISSION

SECTION 9.01. Amends Section 2152.051, Government Code, as follows:

(a) Provides that the Texas Building and Procurement Commission (TBPC) consists of five members appointed by the governor.

(b) Provides that Subsection (a) governs the composition of TBPC after January 31, 2007. Provides that on or before that date, this subsection governs the composition of TBPC. Provides that TBPC consists of seven members who meet certain conditions. Deletes existing Subsection (b) relating to the governor rejecting certain nominees.

SECTION 9.02. Amends Section 2152.052(b), to delete the lieutenant governor as a person making appointments under this section.

SECTION 9.03. Amends Section 2152.057, Government Code, to provide that TBPC members serve staggered six-year terms with one or two, rather than three, members' terms expiring January 31 of each odd-numbered year.

ARTICLE 10. DESIGNATION OF PRESIDING OFFICERS

SECTION 10.01. Amends Chapter 651, Government Code, by adding Section 651.010, as follows:

Sec. 651.010. APPOINTMENT OF PRESIDING OFFICERS BY GOVERNOR. (a) Defines "state agency."

(b) Authorizes the governor, notwithstanding other law, to designate a member of the governing body of each state agency as the presiding officer of that governing body to serve in that capacity at the pleasure of the governor.

ARTICLE 11. OFFICE OF STATE-FEDERAL RELATIONS

SECTION 11.01. Amends the heading to Chapter 751, Government Code, to read as follows:

CHAPTER 751. STATE-FEDERAL RELATIONS

SECTION 11.02. Amends the heading to Subchapter A, Chapter 751, Government Code, to read as follows:

SUBCHAPTER A. OFFICE OF STATE-FEDERAL RELATIONS

SECTION 11.03. Amends Sections 751.001(1) and (4), Government Code, to redefine “board” and “state agency.”

SECTION 11.04. Amends Section 751.002(a), Government Code, to provide that the Office of State-Federal Relations is established in the office of the governor, rather than being an agency of the state and operated within the executive department.

SECTION 11.05. Amends the heading to Section 751.004, Government Code, to read as follows:

Sec. 751.004. APPOINTMENT OF DIRECTOR

SECTION 11.06. Amends Section 751.004(a), Government Code, to delete existing text relating to the advice and consent of the senate regarding the governor’s appointment of a director of the office.

SECTION 11.07. Amends Section 751.005(b), Government Code, to require the director to take certain actions. Deletes text requiring the director to annually prepare a report accounting for all funds received and disbursed by the office during the preceding fiscal year.

SECTION 11.08. Amends the heading to Section 751.006, Government Code, to read as follows:

Sec. 751.006. STAFF.

SECTION 11.09. Amends Section 751.006(a), Government Code, to delete existing text relating to certain persons providing certain information to office employees.

SECTION 11.10. Amends the heading to Section 751.010, Government Code, to read as follows:

Sec. 751.010. STATE-FEDERAL RELATIONS ADVISORY BOARD.

SECTION 11.11. Amends Section 751.010, Government Code, by amending Subsections (a), (e), and (f) and adding Subsection (g), as follows:

(a) Authorizes the governor to appoint members to an advisory board (board) to assist in the administration of this chapter. Deletes existing text relating to the Office of State-Federal Relations Advisory Policy Board consisting of certain persons.

(e) Authorizes, rather than requires, the board to meet before the beginning of each congressional session and at the call of the director, rather than the presiding officer.

(f) Authorizes, rather than requires, the board to work with the director to hold periodic meetings to discuss upcoming federal activities and issues with state agency representatives. Deletes existing text relating to the board meeting in the city of Austin at times determined by the presiding officer.

(g) Provides that a member of the board serves without compensation, but is entitled to reimbursement to the member’s necessary and actual expenses incurred in performing duties under this chapter.

SECTION 11.12. Amends Section 751.012(c), Government Code, as amended by S.B. 19, Acts of the 78th Legislature, Regular Session, 2003, to require a contract under this section to include

provisions under which staff of the other state agency meet certain requirements.

SECTION 11.13. Amends Section 751.012(e), Government Code, to require a state agency identified by the Legislative Budget Board or the governor's office of budget, planning, and policy as receiving significant federal funding or being significantly affected by federal policy decisions, other than a state agency that is headed by a statewide-elected official, to take certain actions.

SECTION 11.14. Amends Subchapter A, Chapter 751, Government Code, by adding Section 751.015, as follows:

Sec. 751.015. AGENCY COMMUNICATIONS. Requires a state agency, to the extent practicable, to contact the office before the agency provides information to a federal agency or to the United States Congress about state policy or conditions. Provides that this section does not apply to a state agency that is headed by statewide-elected official.

SECTION 11.15. Amends Section 751.022, Government Code, to make conforming changes.

SECTION 11.16. Amends Sections 751.024(a) and (b), Government Code, as follows:

(a) Requires each agency and each institution of higher education to report certain information to certain entities.

(b) Makes a conforming change. Deletes existing text relating to the Legislative Budget Board consulting with the director.

SECTION 11.17. Amends Section 322.004, Government Code, by adding Subsection (e) to authorize the director to maintain office space at locations chosen by the director, including at locations outside of the state.

SECTION 11.18. Repealer: Sections 751.002(b) (Office of State-Federal Relations), 751.003 (Sunset Provision), 751.005(d) (General Powers and Duties of Director), 751.006(b)-(f) (Staff; Personnel Policies), 751.008 (Public Information and Complaints), 751.010(b)-(d) (Office of State-Federal Relations Advisory Policy Board), 751.011(Board Duties), 751.012(b) (Interagency Contracts), and 751.023 (Agency Communications), Government Code.

SECTION 11.19. Provides that certain actions and responsibilities of the Office of State-Federal Relations are transferred to the office of the governor on November 1, 2003.

ARTICLE 12. STATE AIRCRAFT POOLING BOARD

SECTION 12.01. Amends the heading to Chapter 2205, Government Code, to read as follows:

CHAPTER 2205. STATE-OPERATED AIRCRAFT

SECTION 12.02. Amends Subchapter B, Chapter 2205, Government Code, by adding Section 2205.0315, as follows:

Sec. 2205.0315. DEFINITION. Defines "department."

SECTION 12.03. Amends Section 2205.032, Government Code, as follows:

Sec. 2205.032. New heading: TRANSPORTATION AND MAINTENANCE. Deletes existing text from heading relating to custody, control, and operation.

(a) Requires the Department of Public Safety of the State of Texas (DPS) to maintain all aircraft owned or leased by the state. Deletes existing language relating to operating a pool for the custody, control, operation, and maintenance of certain aircraft.

(b) Authorizes DPS to provide aircraft transportation under Section 2205.036. Deletes existing text relating to authorizing the State Aircraft Pooling Board (SAPB) to purchase aircraft with funds appropriated for that purpose. Deletes existing Subsection (c) relating to a long-range plan for pooling certain aircraft.

SECTION 12.04. Amends Section 2205.034, Government Code, to make conforming changes.

SECTION 12.05. Amends Section 2205.036, Government Code, as follows:

(a) Authorizes DPS, rather than require SAPB, to provide aircraft transportation, to the extent that its aircraft are available, to certain persons.

(b)-(c) Make conforming changes.

(d) Requires DPS to monitor and ensure compliance with the requirements of this section.

SECTION 12.06. Amends Subchapter B, Chapter 2205, Government Code, by adding Section 2205.0365, as follows:

Sec. 2205.0365. CONTRACTS. (a) Authorizes DPS to negotiate contracts with private charter aircraft providers to obtain the most cost-effective rates possible for transportation of state officers and employees traveling on official business.

(b) Authorizes DPS to contract with a flight safety consultant in developing safety guidelines for charter aircraft providers.

(c) Authorizes a contract described by Subsection (a) to provide certain conditions relating to the use of charter services.

SECTION 12.07. Amends Section 2205.038, Government Code, as follows:

(a)-(c) Make conforming changes.

(d) Authorizes DPS, by rule, to require appropriate advance, rather than a 12-hour, notice by the officer to obtain the priority in scheduling. Makes a conforming change.

SECTION 12.08. Amends Section 2205.039, Government Code, as follows:

(a)-(c) Make conforming changes.

(d) Requires DPS to monitor and ensure compliance by state agencies with the requirements of this section.

(e) Requires DPS to annually report to the Legislative Budget Board on air travel information received under this section.

SECTION 12.09. Amends Section 2205.040, Government Code, as follows:

Sec. 2205.040. RATES AND BILLING PROCEDURES. (a) Requires DPS, rather than State Aircraft Pooling Board (SAPB), to adopt rates for interagency aircraft services that are sufficient to recover, in the aggregate and to the extent possible, all direct and indirect costs for the services provided.

(b) Makes a conforming change.

SECTION 12.10. Amends Section 2205.041(a), Government Code, to make a conforming change.

SECTION 12.11. Amends Section 2205.043(b), Government Code, to replace the reference to

Article 6139f, Revised Statutes, with Subtitle A, Title 11. Makes a conforming change.

SECTION 12.12. Amends Section 2205.044, Government Code, to make a conforming change.

SECTION 12.13. Amends Section 2205.045(a), Government Code, to require DPS to negotiate, rather than SAPB to purchase, insurance contracts to protect the state, rather than SAPB, from loss caused by damage, loss, theft, or destruction of aircraft owned or leased by the state and to negotiate, rather than purchase, liability insurance contracts to protect the officers and employees of each state agency from loss arising from the operation of state-owned aircraft.

SECTION 12.14. Amends Section 2205.047, Government Code, to make conforming changes.

SECTION 12.15 Repealer: Subchapter A (State Aircraft Pooling Board; General Provisions), Chapter 2205 (Aircraft Pooling), Section 2205.035 (Aircraft Leases), Section 2205.042 (Pilots), and Section 2205.046 (Aircraft for Flight Training Programs), Government Code.

SECTION 12.16. (a) Requires DPS, the State Aircraft Pooling Board, and the Texas Public Finance Authority, in consultation with TBPC and the General Land Office, to establish a transition team to oversee the transition from the State Aircraft Board to DPS. Requires the team to perform certain functions.

(b) Provides that the transition team and the State Aircraft Pooling Board are abolished on April 1, 2004.

SECTION 12.17. (a) Requires TBPC, in consultation with DPS, to sell certain state aircraft and equipment by a certain date. Requires the proceeds of the sale to be used to pay off any bonds issued in connection with acquiring or maintaining the aircraft or equipment.

(b) Requires the General Land Office, in consultation with the Texas Public Finance Authority, to sell certain State Aircraft Pooling Board facilities located at the Austin-Bergstrom International Airport by a certain date and for a certain amount. Requires the proceeds of the sale to be used to pay off any bonds issued in connection with the purchase, maintenance, or construction of the Austin-Bergstrom facilities. Authorizes the General Land Office, at the discretion of the commissioner of the General Land Office, to offer the facilities for sale by competitive bid or to negotiate a direct sale of the facilities to certain individuals or entities.

(c) Requires the General Land Office to sell State Aircraft Pooling Board facilities located at the site of the former Robert Mueller Municipal Airport for a certain amount. Requires the proceeds of the sale to be used to pay off any bonds issued in connection with acquiring or maintaining the facilities. Authorizes the General Land Office, at the discretion of the commissioner of the General Land Office, to offer the facilities for sale by competitive bid or to negotiate a direct sale of the facilities to certain individuals or entities.

ARTICLE 13. PRISON PRIVATIZATION STUDY

SECTION 13.01. CREATION. Creates the select committee on prison privatization.

SECTION 13.02. COMPOSITION. (a) Provides the composition of the select committee.

(b) Requires appointments to be made by a certain date.

SECTION 13.03 DUTIES. (a) Requires the select committee to prepare a report analyzing certain issues.

(b) Requires the report to analyze the impact that the privatization of a Texas Department of Criminal Justice facility or function would have on the community in which the function is performed or the facility is located.

(c) Requires the report to contain a qualitative and quantitative comparison of the performance of vendors operating facilities under this subtitle and the performance of facilities operated by DPS that provide the same level of programs and services. Requires the comparison to provide certain information.

(d) Requires the select committee to present copies of the report to the governor, the lieutenant governor, and the speaker of the house of representatives, not later than November 1, 2004.

SECTION 13.04. HEARINGS. Requires the select committee to hold at least four public hearings. Requires the hearings to be held in certain locations.

SECTION 13.05. FUNDS TRANSFER. Requires the Texas Department of Criminal Justice (TDCJ) to enter into a memorandum of understanding with the select committee to provide the committee with certain funds. Requires the select committee to use the funds in a certain manner. Requires the memorandum of understanding to be entered into no later than October 1, 2003. Requires the memorandum to specify that the funds will be transferred to the select committee according to a certain schedule.

SECTION 13.06. EXPIRATION. Provides that the select committee is abolished and this article expires November 30, 2004.

ARTICLE 14. ABOLITION OF TEXAS COMMISSION ON PRIVATE SECURITY

SECTION 14.01. Amends Subchapter A, Chapter 1702, Occupations Code, by adding Section 1702.005, as follows:

Sec. 1702.005. COMMISSION ABOLISHED AND FUNCTIONS TRANSFERRED.

(a) Provides that the Texas Commission on Private Security (commission) is abolished, and all powers, duties, personnel, property, assets, and obligations of the commission are transferred to DPS. Provides that the validity of a prior action of the commission is not affected by the abolishment.

(b) Provides that all rules of the commission relating to a transferred power or duty remain in effect as rules of DPS until amended or repealed by DPS.

(c) Provides that a reference in this chapter or another law to the commission means DPS.

ARTICLE 15. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION

SECTION 15.01. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0515, as follows:

Sec. 61.0515. REVIEW OF UNIVERSITY SYSTEM ADMINISTRATION.

(a) Requires the Texas Higher Education Coordinating Board (THECB) to perform a review of the organization and operations of each university system office.

(b) Requires THECB to identify certain information in the review.

(c) Requires THECB to prepare a report of the review and deliver the report to certain individuals, not later than November 1, 2004. Requires THECB to state its findings and identify opportunities for legislative and administrative action relating to certain areas.

(d) Requires THECB to identify certain issues in the report.

(e) Provides that this section expires September 1, 2005.

ARTICLE 16. REPORTS

SECTION 16.01. Amends Section 363.064(a), Health and Safety Code, to require a regional or local solid waste management plan to follow certain guidelines.

SECTION 16.02. Amends the heading to Section 5.178, Water Code, to read as follows:

Sec. 5.178. ANNUAL REPORTS; BIENNIAL APPENDICES.

SECTION 16.03. Amends Section 5.178(b), Water Code, to require the report due by December 1 of an even-numbered year to include certain information.

SECTION 16.04. (a) Repealer: Sections 361.020, 361.0201, 361.0232, 361.0233, 361.0234, 361.040(d), 361.0871(c), 361.510, 371.063, and 382.141, Health and Safety Code.

(b) Repealer: Section 5.178(c), Water Code.

ARTICLE 17. PERMITS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SECTION 17.01. Provides that it is the policy of this state to be effective and efficient with public funds, to provide for effective and efficient management of natural resources, and to serve the people of Texas by making the government more visible, accessible, coherent, consistent, and accountable to the people of Texas. Provides that the legislature finds the Texas Commission on Environmental Quality's (TCEQ) procedures for processing permits are cumbersome, confusing, lengthy, and inefficient.

(b) Provides that TCEQ's permitting processes warrant, and the legislature directs, an in-depth evaluation. Requires the evaluation to solicit and consider input from all stakeholders. Requires the solutions identified in the final assessment to ensure certain items.

(c) Requires a seven-member study committee to conduct the evaluation and final assessment required by Subsection (b) of this committee. Requires the study committee to consist of certain members.

(d) Provides that is the intent of the legislature to effectuate the appropriate solutions through legislation at the earliest opportunity subsequent to receipt of the study committee's final assessment.

ARTICLE 18. ORGANIZATION OF CERTAIN STATE AGENCIES; TRANSFER OF CERTAIN FUNCTIONS

PART 1. CREATION OF LEGISLATIVE INFORMATION SERVICES BOARD; ABOLITION OF TEXAS LEGISLATIVE COUNCIL AND TRANSFER OF ITS FUNCTIONS

SECTION 18.01. Amends Subtitle C, Title 3, Government Code, by adding Chapter 327, as follows:

CHAPTER 327. LEGISLATIVE INFORMATION SERVICES BOARD

Sec. 327.001. DEFINITIONS. Defines "board" and "director."

Sec. 327.002. CREATION. Provides that the Legislative Information Services Board (board) is an agency of the legislative branch of state government.

Sec. 327.003. LEGISLATIVE INFORMATION SERVICES BOARD. (a) Sets forth the members of the board.

(b) Provides that the lieutenant governor and the speaker of the house of representatives serve alternate terms as the chairman and vice chairman of the board. Provides the terms.

(c) Provides the terms of compensation and reimbursement of expenses for board members.

(d) Provides that actual and necessary expenses are paid from funds appropriated to the board.

Sec. 327.004. DIRECTOR. (a) Requires the board to appoint a director to serve at the pleasure of the board.

(b) Requires the board to set the salary of the director.

Sec. 327.005. PERSONNEL. (a) Authorizes the director, with the approval of the board, to employ professional and clerical personnel.

(b) Requires the board to set the salaries of the personnel employed by the director.

Sec. 327.006. GIFTS AND GRANTS. (a) Authorizes the board to accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, for the purposes of funding any activity under this chapter.

(b) Requires all gifts, grants, and donations to be accepted in an open meeting by a majority of the voting members of the board and reported in the public record of the board with the name of the donor and purpose of the gift, grant, or donation.

Sec. 327.007. DUTIES. Requires the board to provide certain computer support services to the legislative branch of state government.

Sec. 327.008. ELECTRONIC AVAILABILITY OF LEGISLATIVE INFORMATION THROUGH THE INTERNET. (a) Defines "Internet" and "legislative information."

(b) Authorizes the board to make legislative information available to the public through the Internet.

(c) Authorizes the board to make available to the public through the Internet any documentation that describes the electronic digital formats of legislative information.

(d) Provides that the access to legislative information provided for under this section is in addition to the public's access to the information through other electronic or print distribution of the information; does not alter, diminish, or relinquish any copyright or other proprietary interest or entitlement of the State of Texas or a private entity under contract with the state; and is subject to Section 327.009.

Sec. 327.009. COMPUTER ACCESS, INFORMATION, AND USE. (a) Requires the board to consider each application for direct access to a computer under its control in which confidential information is stored or processed or that is connected with another computer in which confidential information is stored or processed and solely to determine whether or not to permit direct access by the applicant. Prohibits permitting direct access to such a computer unless protection of confidential information is ensured.

(b) Provides that if public information of the board is stored in a computer-readable form, the board has exclusive authority to determine the form in which the information will be reproduced for the requestor of the information.

(c) Provides that, notwithstanding Subchapter F, Chapter 552, the board has exclusive authority to determine the charge for direct access to a computer under its control and the charge for information reproduced for a requestor.

(d) Authorizes the board to consider the needs of persons with disabilities when making decisions regarding the formats in which information is made available under this chapter.

Sec. 327.010. **COMPUTER SECURITY; PENALTY.** (a) Provides that a person commits an offense if the person intentionally or knowingly gains access to information stored or maintained by a computer under the control of the board and the person is not authorized by the board to have access to that information.

(b) Provides that a person commits an offense if the person intentionally, knowingly, or recklessly damages, destroys, deletes, or alters or impairs access to or use of information stored or maintained by a computer under the control of the board and the person is not authorized by the board to do so.

(c) Provides that Subsection (b) does not apply to an interruption of utility service or other service that causes the damage, destruction, deletion, or alteration of or impairment of access to or use of the information unless the interruption was intended to have that result.

(d) Provides that an offense under this section is a Class A misdemeanor.

SECTION 18.02. Repealers:

- (1) Section 276.008 (Information Provided to Texas Legislative Council), Election Code;
- (2) Chapter 323 (Texas Legislative Council), Government Code;
- (3) Section 2053.004 (Legislation), Government Code;
- (4) Section 6.14 (Information Provided to Texas Legislative Council), Tax Code.

PART 2. TRANSFER OF FINANCIAL AUDIT FUNCTIONS FROM STATE AUDITOR TO LEGISLATIVE BUDGET BOARD

SECTION 18.03. Amends Chapter 322, Government Code, by adding Section 322.002, as follows:

Sec. 322.002. **DEFINITIONS.** Defines “board” and “department.”

SECTION 18.04. Amends Chapter 322, Government Code, by adding Sections 322.0155 through 322.026, as follows:

Sec. 322.0155. **FINANCIAL AND COMPLIANCE AUDITS: POWERS AND DUTIES.** (a) Requires the Legislative Budget Board (LBB) to conduct financial audits of all departments, including institutions of higher education, as specified in the audit plan required under Subsection (c). Authorizes LBB to conduct an audit or investigation of any entity receiving funds from the state.

(b) Requires LBB to conduct the audits in accordance with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants, the Governmental Accounting Standards Boards, the United States General Accounting Office, or other professionally recognized entities that prescribe auditing standards.

(c) Requires LBB to devise an audit plan for the state for each fiscal year. Requires LBB, in the plan, to consider recommendations concerning coordination of agency functions made by representatives of the Performance Review Commission. Requires LBB to also consider the extent to which a department has

received a significant increase in appropriations, including a significant increase in federal or other money passed through to the department, and to review procurement activities for compliance with Section 2161.123. Requires the plan to provide for the auditing of federal programs at least once in each fiscal biennium and to ensure that audit requirements of all bond covenants and other credit or financial agreements are satisfied.

(d) Authorizes LBB, at any time during an audit or investigation, to require the assistance of the administrative head, official, auditor, accountant, or other employees of the entity being audited or investigated.

(e) Entitles LBB to access to all of the books, accounts, confidential or nonconfidential reports, vouchers, or other records of information in any department or entity subject to audit, including access to all electronic data.

(f) Provides that LBB has access to information and data the release of which is restricted under federal law only with the approval of the appropriate federal administrative agency. Requires LBB to have access to copyrighted or restricted information obtained by the office of the comptroller under subscription agreements and used in the preparation of economic estimates only for audit purposes.

(g) Authorizes LBB to conduct compliance and financial audits as defined by Sections 322.016 and 322.017 and specified in the audit plan.

(h) Requires LBB, to the extent that the performance of the powers and duties of LBB under law is not impeded, to make reasonable efforts to coordinate requests for employee assistance under Subsection (d) or requests for access to books, accounts, vouchers, records, or data under Subsection (e) or (f) so as not to hinder the daily operations of the audited entity.

(i) Prohibits LBB from conducting audits of private entities concerning collection or remittance of taxes or fees to the state if the entity is subject to audit by another state agency for the taxes or fees.

(j) Requires LBB, if it determines that a change in an accounting system is necessary, to consider the present system of books, records, accounts, and reports to ensure that the transition will be gradual and that the past and present records will be coordinated into the new system.

Sec. 322.016. COMPLIANCE AUDIT. Defines a compliance audit.

Sec. 322.017. FINANCIAL AUDIT. Defines a financial audit.

Sec. 322.018. FINANCIAL AND COMPLIANCE AUDIT REPORTS. (a) Requires LBB to prepare a written report for each financial or compliance audit conducted by LBB.

(b) Requires the written report to include certain information.

(c) Requires LBB to file a copy of each report with certain officials.

(d) Requires LBB to maintain a complete file containing certain information.

(e) Requires LBB to maintain the files required by Subsection (d) for at least eight years.

(f) Requires each audited department or entity to report on the manner in which the department or entity addressed the findings and recommendations that are included in a report prepared by LBB under this section. Requires LBB to

prescribe the form and schedule for a report by the department or entity under this subsection.

- (g) Requires a department or entity that does not implement a change recommended by LBB to file a report with the persons specified by Subsection (c).
- (c). Requires the report to include certain information.

Sec. 322.019. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS. (a) Requires LBB, if in the course of an audit it finds evidence of improper practices of financial administration, inadequate fiscal records, or uneconomical use of resources, after consulting with the head of the department being audited, to immediately report the evidence to certain persons.

(b) Requires LBB, if in the course of an audit it finds evidence of an illegal transaction, after consulting with the head of the department, to immediately report the transaction to the governor and the appropriate legal authority.

(c) Requires LBB, immediately after receiving a report alleging improper practices of financial administration or uneconomical use of resources, to review the report and to consult with and, if desired, hold hearings with, the administrative head and the chairman of the governing body of the affected department regarding the report.

(d) Requires LBB, if the administrative head or the governing body of the affected department refuses to make the changes recommended by LBB at a hearing under Subsection (c) or refuses to provide any additional information or reports requested, to report the refusal to the legislature.

Sec. 322.020. REVIEW AND OVERSIGHT OF FUNDS AND ACCOUNTS RECEIVING COURT COSTS. (a) Authorizes LBB to review each fund and account into which money collected as a court cost is directed by law to be deposited to determine whether the money is being used for the purpose for which the money is collected, and whether the amount of the court cost is appropriate, considering the purpose for which the cost is collected.

(b) Authorizes LBB to perform reviews under this section as specified in the audit plan developed under Section 322.0155.

(c) Requires LBB to make the findings of a review performed under this section available to the public and to report the findings to the governor, the chief justice of the supreme court, and the presiding judge of the court of criminal appeals. Authorizes the report to include LBB's recommendations for legislation or policy changes.

Sec. 322.021. SUBPOENAS. (a) Authorizes LBB to subpoena witnesses or any books, records, or other documents reasonably necessary to conduct an examination under this chapter.

(b) Requires each subpoena to be signed by the chairman or the secretary of LBB.

(c) Requires the sergeant at arms or an assistant sergeant at arms of either house of the legislature or any peace officer, on the request of the chairman or the secretary of LBB, to serve the subpoena in the manner prescribed for service of a district court subpoena.

(d) Authorizes LBB to bring suit in district court to enforce a subpoena if the person to whom a subpoena is directed fails to comply.

(e) Authorizes LBB to provide for the compensation of subpoenaed witnesses.

Prohibits the amount of compensation from exceeding the amount paid to a witness subpoenaed by a district court in a civil proceeding.

Sec. 322.022. INTERFERENCE WITH AUDIT OR INVESTIGATION. (a) Sets forth the circumstances under which an officer or employee of this state or of an entity subject to audit or investigation by LBB commits an offense.

(b) Provides that an offense under this section is a Class A misdemeanor.

Sec. 322.023. COORDINATION OF CERTAIN AUDITS. (a) Authorizes a state agency or a corporation that is dedicated to the benefit of a state agency and meets certain criteria to employ a private auditor to audit the state agency or corporation only under certain circumstances.

(b) Requires LBB, at the joint direction of the lieutenant governor and the speaker of the house of representatives to provide contract management services to the agency or corporation for an audit described by this section.

Sec. 322.024. GIFTS AND GRANTS. (a) Authorizes LBB to accept gifts, grants, and donations from any organization described in Section 501(c)(3), Internal Revenue Code of 1986, for the purpose of funding any activity under this chapter.

(b) Requires all gifts, grants, and donations to be accepted in an open meeting by a majority of the voting members of LBB and reported in the public record of the committee with the name of the donor and purpose of the gift, grant, or donation.

Sec. 322.025. COORDINATION OF INVESTIGATIONS. (a) Requires the administrative head of a department or entity that is subject to audit by LBB, if the administrative head has reasonable cause to believe that money received from the state by the department or entity or by a client or contractor of the department or entity may have been lost, misappropriated, or misused or that other fraudulent or unlawful conduct has occurred in relation to the operation of the department or entity, to report the reason and basis for the belief to LBB. Authorizes LBB to investigate the report or to monitor any investigation conducted by the department or entity.

(b) Requires LBB, in consultation with state agencies and institutions, to prescribe the form, content, and timing of a report required by this section.

(c) Provides that all records of a communication by or to LBB relating to a report to LBB under Subsection (a) are audit working papers of the board.

(d) Defines "audit working papers."

Sec. 322.026. SEAL. Requires LBB to obtain a seal with "Legislative Budget Board, State of Texas" engraved around the margin and a five-pointed star in the center to be used to authenticate official documents issued by LBB.

SECTION 18.05. Repealer: Chapter 321 (State Auditor), Government Code.

**PART 3. CREATION OF PERFORMANCE REVIEW COMMISSION; ABOLITION OF
SUNSET ADVISORY COMMISSION AND TRANSFER OF FUNCTIONS TO
PERFORMANCE REVIEW COMMISSION**

SECTION 18.06. Amends Section 325.002, Government Code, to redefine "commission" as the Performance Review Commission (PRC), rather than the Sunset Advisory Commission (SAC) and to define "department" and "state agency."

SECTION 18.07. Amends Section 325.003, Government Code, by amending the heading and Subsections (a), (d), and (i), as follows:

Sec. 325.003. PERFORMANCE REVIEW COMMISSION. (a) Provides that PRC consists of the lieutenant governor and three other members of the senate, the speaker of the house of representatives and three other house members, and two public members. Deletes a provision authorizing each appointing authority to designate himself as one of the legislative appointees.

(d) Provides that legislative members other than the lieutenant governor and the speaker of the house of representatives serve four-year terms. Provides that the lieutenant governor and speaker serve on PRC until resignation from PRC or the lieutenant governor or speaker ceases to hold the office.

(i) Makes the speaker of the house chair of PRC. Deletes text regarding the presiding officers of PRC.

SECTION 18.08. Amends Section 325.008(a), Government Code, to delete a reference to the state auditor.

SECTION 18.09. Amends Chapter 325, Government Code, by adding Sections 325.0081 through 325.0086, as follows:

Sec. 325.0081. OTHER POWERS AND DUTIES. (a) Requires PRC to conduct performance audits of all departments, including institutions of higher education, as specified in the audit plan developed under Subsection (c).

(b) Requires PRC to conduct the audits in accordance with generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants, the Governmental Accounting Standards Board, the United States General Accounting Office, or other professionally recognized entities that prescribe auditing standards.

(c) Requires PRC to develop and approve an audit plan for the state for each fiscal year. Requires PRC, in devising the plan, to consider recommendations concerning coordination of agency functions made jointly by representatives of PRC and LBB.

(d) Authorizes PRC, at any time during an audit, to require the assistance of the administrative head, official, auditor, accountant, or other employees of the entity being audited or investigated.

(e) Entitles PRC to access all of the books, accounts, confidential or nonconfidential reports, vouchers, or other records of information in any department or entity subject to audit, including access to all electronic data except as provided by Subsection (f).

(f) Provides that PRC has access to information and data the release of which is restricted under federal law only with the approval of the appropriate federal administrative agency. Requires PRC to have access to copyrighted or restricted information obtained by the office of the comptroller under subscription agreements and used in the preparation of economic estimates only for audit purposes.

(g) Authorizes PRC to conduct economy and efficiency audits and effectiveness audits as defined by this chapter and specified in the audit plan.

(h) Requires PRC, to the extent that the performance of the powers and duties of PRC under law is not impeded, to make reasonable efforts to coordinate requests for employee assistance under Subsection (d) or requests for access to books, accounts, vouchers, records, or data under Subsection (e) or (f) so as not to hinder the daily operations of the audited entity.

Sec. 325.0082. ECONOMY AND EFFICIENCY AUDIT. Defines “economy and efficiency audit.”

Sec. 325.0083. EFFECTIVENESS AUDIT. Defines “effectiveness audit.”

Sec. 325.0084. IMPROPER PRACTICES AND ILLEGAL TRANSACTIONS. (a) Requires PRC, if in the course of an audit it finds evidence of uneconomical use of resources or ineffective program performance, after consulting with the head of the department, to immediately report the evidence to certain persons.

(b) Requires PRC, if in the course of an audit it finds evidence of an illegal transaction, after consulting with the head of the department, to immediately report the transaction to the governor and appropriate legal authority.

(c) Requires PRC, immediately after receiving a report alleging uneconomical use of resources or ineffective program performance, to review the report. Requires PRC to consult with, and authorizes PRC to hold hearings with, the administrative head and the chairman of the governing body of the affected department regarding the report.

(d) Requires PRC, if the administrative head or the governing body of the affected department refuses to make the changes recommended by PRC at a hearing under Subsection (c) or refuses to provide any additional information or reports requested, to report the refusal to the legislature.

Sec. 325.0085. REVIEW OF INTERSCHOLASTIC COMPETITION. Authorizes PRC to 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. Requires PRC to report the findings to certain persons. Authorizes the legislature to consider PRC’s reports in connection with the legislative appropriations process.

Sec. 325.0086. RECORDS MANAGEMENT REVIEW. (a) Authorizes PRC to periodically review and analyze the effectiveness and efficiency of the policies and management of a state governmental committee or agency that is involved in certain processes.

(b) Defines “state agency.”

SECTION 18.10. Repealer: Section 403.0205 (Review by Comptroller -- Interscholastic Competition), Government Code.

PART 4. POWERS AND FUNCTIONS OF THE STATE PRESERVATION BOARD

SECTION 18.11. Amends Section 443.007, Government Code, by adding Subsection (e), to authorize the State Preservation Board to adopt any management or oversight method or procedure reasonably necessary to ensure that the requirements under Subsection (a) are met in the most economical and efficient manner.

SECTION 18.12. Amends Chapter 443, Government Code, by adding Section 443.0232, as follows:

Sec. 443.0232. CONSULTATION WITH THE LEGISLATIVE INFORMATION SERVICES BOARD. (a) Requires the State Preservation Board to consult with the Legislative Information Services Board regarding the installation of information technology equipment in certain buildings and their grounds. Requires the interest of preservation to be balanced against the need of the legislative branch of state government for computer hardware and other types of office machinery and communication tools.

- (b) Requires certain analyses to be included in the consultation under Subsection (a).

PART 5. CONFORMING AMENDMENTS

SECTION 18.13. Amends Section 81.113(a), Government Code, to make conforming changes.

SECTION 18.14. Amends Section 301.021(a), Government Code, to make conforming changes.

SECTION 18.15. Amends Section 301.028(a), Government Code, to make conforming changes.

SECTION 18.16. Amends Sections 301.041(a) and (d), Government Code, to make conforming changes.

SECTION 18.17. Amends Section 302.032, Government Code, to make conforming changes.

SECTION 18.18. Amends Section 302.033, Government Code, to make a conforming change.

SECTION 18.19. Amends Section 306.007, Government Code, to make a conforming change.

SECTION 18.20. Amends Section 326.001, Government Code, to redefine “legislative agency.”

SECTION 18.21. Amends Sections 326.003(a) and (b), Government Code, as follows:

- (a) Makes conforming changes.

- (b) Requires the director of the Legislative Budget Board, rather than the State Auditor, to call each meeting.

SECTION 18.22. Amends Section 468.003(b), Government Code, to make a conforming change.

SECTION 18.23. Amends Section 531.203(d), Government Code, to delete text authorizing the committee to use the State Auditor and the Legislative Council in carrying out its responsibilities.

SECTION 18.24. Amends Section 572.002, Subdivision (11), Government Code, to redefine “state employee.”

SECTION 18.25. Amends Section 660.203(a), Government Code, to delete text providing that the executive director of the Texas Legislative Council is entitled to be reimbursed for the actual expense of meals and lodging incurred while performing the duties of employment. Makes conforming changes.

SECTION 18.26. Amends Section 660.206, Government Code, to make conforming changes.

SECTION 18.27. Amends Section 762.003(a), Government Code, to provide that the Commission on Uniform State Laws (CUSL) is composed of nine members appointed by the governor in addition to the persons described in Subdivision (1), rather than Subdivisions (1) and (2). Deletes text providing that the executive director of the Texas Legislative Council or a person designated by the executive director is a member of CUSL.

SECTION 18.28. Amends Section 762.011, Government Code, to make a conforming change.

SECTION 18.29. Amends Section 2052.0021(c), Government Code, to make a conforming change.

SECTION 18.30. Amends Section 2056.002(d), Government Code, to make a conforming change.

SECTION 18.31. Amends Section 2056.010, Government Code, to require the Performance Review Commission, the Legislative Budget Board, or another state agency that conducts performance audits of state agency to consider in the evaluation of an agency the extent to which the agency conforms to the agency's strategic plan. Deletes text requiring the comptroller of public accounts and the Sunset Advisory Commission to consider in the evaluation of an agency the extent to which the agency conforms to the agency's strategic plan.

SECTION 18.32. Amends Section 2102.009, Government Code, to require that the Legislative Budget Board prescribe the form and content of the report. Deletes text requiring the State auditor to prescribe the form and content of the report, subject to the approval of the legislative audit committee. Makes conforming changes.

SECTION 18.33. Amends Section 2102.0091(a) and (c), Government Code, as follows:

(a) Makes a conforming change.

(c) Deletes text requiring the state auditor to file with the budget division of the governor's office and the LBB any action plan or other response issued by the state agency's governing board or the administrator of the state agency if the state agency does not have a governing board in response to the report of the state agency internal auditor.

SECTION 18.34. Amends Section 2155.203, Government Code, to make conforming changes.

SECTION 18.35. Amends Section 2158.065, Government Code, to delete text requiring the secretary of state to distribute 10 printed copies of enrolled legislation to the Texas Legislative Council. Makes conforming changes.

SECTION 18.36. Amends Section 201.403(c), Transportation Code, to make a conforming change.

SECTION 18.37. Amends Section 41.060(c), Utilities Code, to make a conforming change.

SECTION 18.38. Amends Section 12(a), Chapter 357, Acts of the 64th Legislature, Regular Session, 1975 (Article 4413(32e), V.T.C.S.), to delete text requiring the Texas Legislative Council and the Legislative Audit Committee to furnish staff assistance to the committee upon request.

SECTION 18.39. Amends Section 11(a), Chapter 672, Acts of the 65th Legislature, Regular Session, 1977 (Article 4413(42a), V.T.C.S.) to make a conforming change.

PART 6. TRANSITION

SECTION 18.40. (a) Provides that the Texas Legislative Council is abolished effective November 1, 2003.

(b) Provides that on November 1, 2003, all functions and activities assigned to or performed by the information systems division of the Texas Legislative Council immediately before that date are transferred to the Legislative Information Services Board; all funds, obligations, contracts, property and records of the Texas Legislative Council relating to the services performed by the information systems division of the Texas Legislative Council are transferred to the Legislative Information Services Board; all employees of the information systems division of the Texas Legislative Council become employees of the Legislative Information Services Board; all of the property and records of the Texas Legislative Council relating to the services performed by the legal and research divisions of the Texas Legislative Council are transferred to either the senate or the house of representatives, as determined by the lieutenant governor and the speaker of the house of representatives; all employees of the legal and research divisions of the Texas Legislative Council become employees of either the senate or house of representative, as determined by the lieutenant governor and the speaker of the house of

representatives; and a reference in law to the Texas Legislative Council that relates to the services performed by the information system divisions of the Texas Legislative Council means the Legislative Information Services Board.

SECTION 18.41. (a) Provides that the office of state auditor and the legislative audit committee are abolished but continue in effect until December 1, 2003, for the sole purpose of transferring to the Legislative Budget Board and the Performance Review Commission all the rights, powers, duties, and functions exercised by the state auditor and the legislative audit committee immediately before the effective date of this Act. Requires the transfer to be completed not later than December 1, 2003.

(b) Provides that all the funds, contracts, property, personnel and records of the office of the state auditor and the legislative audit committee are transferred to the Legislative Budget Board and the Performance Review Commission, as determined by the lieutenant governor and the speaker of the house of representatives, for the purpose of performing the audit functions that the state auditor was authorized or required to perform immediately before the effective date of this Act.

(c) Provides that a reference in law or in an administrative rule to the state auditor or the office of the state auditor or the legislative audit committee means the Legislative Budget Board or the Performance Review Commission for the purposes of administering Chapter 325, Government Code (Texas Sunset Act), as amended by this Act.

(d) Establishes that a reference in law to a financial or compliance audit under Chapter 321, Government Code, as repealed by this Act, means an audit under Chapter 322, Government Code, as amended by this Act.

(e) Provides that a reference in law to an efficiency audit, an economy audit, or a program audit under Chapter 321, Government Code, as repealed by this Act, means an audit under Chapter 325, Government Code (Texas Sunset Act), as amended by this Act.

SECTION 18.42. (a) Provides that the Sunset Advisory Commission is abolished and the offices of the members of the commission serving on the effective date of this Act are abolished. Provides that members of the commission serving immediately prior to the effective date of this Act are eligible for reappointment to the Performance Review Commission. Prohibits prior service on the Sunset Advisory Commission from disqualifying a member of the legislature or a member of the public from appointment to the Performance Review Commission. Requires the lieutenant governor and the speaker of the house of representatives, in making initial appointments to the Performance Review Commission, to comply with Chapter 325, Government Code (Texas Sunset Act), as amended by this Act, to stagger the appointments of legislative members by specifying two-year and four-year terms for those members. Requires the chairman of the Performance Review Commission to be designated by the speaker of the house of representatives, and the vice chairman of the commission to be designated by the lieutenant governor.

(b) Provides that the validity of an action taken by the Sunset Advisory Commission before it is abolished under Subsection (a) of this section is not affected by the abolishment.

SECTION 18.43. Provides that on November 1, 2003, a rule, standard, or form adopted by the Sunset Advisory Commission is a rule, standard, or form of the Performance Review Commission and remains in effect until changed by the Performance Review Commission; a reference in law to the Sunset Advisory Commission means the Performance Review Commission; all money, contracts, leases, rights, and obligations of the Sunset Advisory Commission are transferred to the Performance Review Commission; all property, including records, in the custody of the Sunset Advisory Commission becomes the property of the of the Performance Review Commission; all employees of the Sunset Advisory Commission becomes employees of the Performance Review Commission; requires the executive director of the Sunset Advisory Commission to serve as the executive director of the Performance Review Commission

until such time as the commission convenes to either continue the employment of that executive director or appoint another executive director; and all funds appropriated by the legislature to the Sunset Advisory Commission are transferred to the Performance Review Commission.

SECTION 18.44. Requires the lieutenant governor, on November 1, 2003, to assume the chairmanship of the Legislative Information Services Board and requires the speaker of the house of representatives to assume the vice chairmanship of the Legislative Information Services Board. Provides that the initial terms of the lieutenant governor and the speaker of the house of representatives expires February, 2005.

ARTICLE 19. EFFECTIVE DATE

SECTION 19.01. Effective date: November, 1, 2003, except as otherwise provided by this Act.