

Amend CSSB 103 (House committee printing) as follows:

(1) Immediately following SECTION 2 of the bill, amending Article 104.003(a), Code of Criminal Procedure (page 5, between lines 26 and 27), insert the following appropriately numbered SECTION:

SECTION _____. Section 37.203(a), Education Code, is amended to read as follows:

(a) The center is advised by a board of directors composed of:

(1) the attorney general, or the attorney general's designee;

(2) the commissioner, or the commissioner's designee;

(3) the executive director of the Texas Juvenile Probation Commission, or the executive director's designee;

(4) the executive commissioner [~~director~~] of the Texas Youth Commission, or the executive commissioner's [~~director's~~] designee;

(5) the commissioner of the Texas Department of Mental Health and Mental Retardation, or the commissioner's designee; and

(6) the following members appointed by the governor with the advice and consent of the senate:

(A) a juvenile court judge;

(B) a member of a school district's board of trustees;

(C) an administrator of a public primary school;

(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

(F) a teacher from a public primary or secondary school;

(G) a public school superintendent who is a member of the Texas Association of School Administrators;

(H) a school district police officer or a peace officer whose primary duty consists of working in a public school; and

(I) two members of the public.

(2) Immediately following SECTION 11 of the bill, adding Section 493.026, Government Code (page 19, between lines 4 and 5), insert the following appropriately numbered SECTION:

SECTION _____. Section 497.052(b), Government Code, is amended to read as follows:

(b) The following individuals shall serve as ex officio members of the authority:

(1) a member of the house of representatives designated by the speaker of the house;

(2) a member of the senate designated by the lieutenant governor;

(3) the executive director of the Texas Department of Criminal Justice or the designee of the executive director;

(4) the executive director of the Texas Workforce Commission or the designee of the executive director; and

(5) the executive commissioner [~~director~~] of the Texas Youth Commission or the designee of the executive commissioner [~~director~~].

(3) Immediately following SECTION 15 of the bill, amending Section 815.505, Government Code (page 20, between lines 21 and 22), insert the following appropriately numbered SECTION:

SECTION _____. Section 551.008(a), Health and Safety Code, is amended to read as follows:

(a) The department may transfer the South Campus of the Vernon State Hospital to the Texas Youth Commission contingent upon the agreement of the governing board of the department and the executive commissioner [~~governing board~~] of the Texas Youth Commission.

(4) Strike SECTION 16 of the bill, amending Section 61.001, Human Resources Code (page 20, lines 22 through 25), and substitute the following appropriately numbered SECTION:

SECTION ____. Section 61.001, Human Resources Code, is amended by amending Subdivisions (2) and (4) and adding Subdivision (7) to read as follows:

(2) "Advisory board" [~~"Board"~~] means the advisory [~~governing~~] board of the commission.

(4) "Executive commissioner [~~director~~]" means the

executive commissioner [~~director~~] of the commission.

(7) "Office of inspector general" means the office of inspector general established under Section 61.0451.

(5) Strike SECTION 17 of the bill, amending Section 61.012(b), Human Resources Code (page 20, line 26, through page 21, line 9), and substitute the following appropriately numbered SECTIONS:

SECTION _____. Sections 61.012 and 61.0121, Human Resources Code, are amended to read as follows:

Sec. 61.012. EXECUTIVE COMMISSIONER [~~MEMBERS OF THE GOVERNING BOARD~~]. (a) The [~~governing board of the~~] Texas Youth Commission is governed by an executive commissioner [~~consists of seven members~~] appointed by the governor with the consent of the senate. The appointment of the executive commissioner [~~Appointments to the board~~] shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee [~~appointees~~].

(b) [~~Members of the board must be citizens who are recognized within their communities for their interest in youth.~~

[~~(c)~~] The executive commissioner holds [~~board members hold~~] office for a term of not more than two years expiring February 1 of odd-numbered [~~staggered terms of six years, with the terms of two or three members expiring every two~~] years.

(c) The executive commissioner [~~(d) A member~~] is eligible for reappointment with the consent of the senate.

(d) The executive commissioner is a full-time state officer who is entitled to a salary and reimbursement for actual expenses incurred while on commission business.

Sec. 61.0121. QUALIFICATIONS FOR EXECUTIVE COMMISSIONER, ADVISORY BOARD MEMBERS, AND EMPLOYEES. (a) A person is not eligible for appointment as executive commissioner or as a member of [~~to~~] the advisory board if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other

organization receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law [~~for board membership, attendance, or expenses~~].

(b) An officer, employee, or paid consultant of a Texas trade association in the field of criminal or juvenile justice may not be the executive commissioner, a member of the advisory board, or an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(c) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of criminal justice or juvenile justice may not be the executive commissioner, a member of the advisory board, or [~~and may not be~~] an employee of the commission who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(d) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(e) A person may not be appointed as executive commissioner, serve as a member of the advisory board, or act as the general counsel to the executive commissioner, the advisory board, or the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

SECTION _____. Subchapter B, Chapter 61, Human Resources Code, is amended by adding Section 61.0123 to read as follows:

Sec. 61.0123. REMOVAL OF EXECUTIVE COMMISSIONER FROM OFFICE. (a) It is a ground for removal from office as executive

commissioner if the executive commissioner:

(1) does not have at the time of appointment the qualifications required by Section 61.0121(a) for appointment;

(2) does not maintain while serving as executive commissioner the qualifications required by Section 61.0121(a) for appointment; or

(3) violates a prohibition established by Section 61.0121(b) or (c).

(b) The validity of an action of the executive commissioner is not affected by the fact that it was taken when a ground for removal existed.

(c) If the advisory board has knowledge that a potential ground for removal exists under this section, the chairman of the advisory board shall notify the executive commissioner, the governor, and the attorney general of the potential ground for removal.

SECTION _____. Section 61.013, Human Resources Code, is amended to read as follows:

Sec. 61.013. ADVISORY BOARD [~~PRESIDING OFFICER; MEETINGS~~].

(a) An advisory board for the commission is established to:

(1) advise the executive commissioner on matters concerning the commission; and

(2) assist the executive commissioner in the performance of the executive commissioner's duties. [~~The governor shall designate a member of the board as the chairman of the board to serve in that capacity at the pleasure of the governor.~~]

(b) The advisory board is composed of nine members appointed by the governor. The governor shall designate a member of the advisory board as the chairman of the advisory board to serve in that capacity at the pleasure of the governor. [~~The board shall meet at least four times each year.~~]

(c) The appointment of a member of the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee [~~A meeting shall be held on the call of the chairman or on the request of four members at the time and place designated by the chairman~~].

(d) Members of the advisory board must be citizens who are recognized within their communities for their interest in youth. The board shall be composed of at least one physician, an experienced member of a victims advocacy organization, a mental health professional, and a current or former prosecutor or judge. A majority of the members of the advisory board must be qualified, by experience or education, in the development and administration of programs for the rehabilitation and reestablishment in society of children in the custody of agencies similar in mission and scope to the commission.

(e) The advisory board shall meet at least four times each year. A meeting shall be held at the call of the chairman or on the request of five members at a time and place designated by the chairman.

(f) Advisory board members are entitled to receive a per diem in the amount provided in the General Appropriations Act for not more than 90 days in any fiscal year, plus reimbursement for actual expenses incurred while on advisory board business.

(g) A member of the advisory board serves at the pleasure of the governor.

(6) In SECTION 18 of the bill, strike amended Section 61.019, Human Resources Code (page 21, lines 12 through 17), and substitute the following:

Sec. 61.019. DELEGATION OF POWERS AND DUTIES. (a) Any power, duty, or function of the commission that is not assigned by statute to the chief inspector general of the office of inspector general [or of the board] may be exercised and performed by the executive commissioner.

(b) The executive commissioner may delegate to [director or] any [member or] employee designated or assigned by the [board or by the] executive commissioner a power, duty, or function of the executive commissioner or the commission that is not already assigned by statute to the chief inspector general of the office of inspector general [director].

(7) Immediately following SECTION 18 of the bill, amending Sections 61.019 and 61.0191, Human Resources Code (page 22, between lines 17 and 18), insert the following appropriately numbered

SECTION:

SECTION _____. Section 61.022, Human Resources Code, is amended to read as follows:

Sec. 61.022. ACCESSIBILITY TO PROGRAMS AND FACILITIES. The commission shall comply with federal and state laws related to program and facility accessibility. The executive commissioner [~~director~~] shall also prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the commission's programs and services.

(8) Immediately following SECTION 21 of the bill, adding Sections 61.0331, 61.0332, and 61.0345, Human Resources Code (page 24, immediately following line 27), insert the following appropriately numbered SECTION:

SECTION _____. Section 61.034, Human Resources Code, is amended to read as follows:

Sec. 61.034. POLICIES AND RULES. (a) The executive commissioner [~~The commission~~] is responsible for the adoption of all policies and shall make rules appropriate to the proper accomplishment of the commission's [~~its~~] functions.

(b) The executive commissioner [~~commission~~] shall adopt rules for the government of the schools, facilities, and programs under the commission's [~~its~~] authority and shall see that the schools, facilities, and programs are conducted according to law and to the executive commissioner's [~~commission's~~] rules. The purpose of the rules and of all education, work, training, discipline, recreation, and other activities in the schools, facilities, and programs is to restore and increase the self-respect and self-reliance of the youth under the authority of the commission and to qualify them for good citizenship and honorable employment.

(9) Immediately following SECTION 22 of the bill, amending Section 61.035, Human Resources Code (page 25, between lines 15 and 16), insert the following appropriately numbered SECTIONS:

SECTION _____. Sections 61.0351, 61.0352, and 61.0354, Human Resources Code, are amended to read as follows:

Sec. 61.0351. PROFESSIONAL INFORMATION FOR ADVISORY BOARD MEMBERS AND EMPLOYEES. The executive commissioner [~~director or the~~

~~executive director's designee~~] shall provide to members of the advisory board and to commission employees, as often as is necessary, information regarding their qualification for office or employment under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 61.0352. DIVISION OF RESPONSIBILITY. The executive commissioner [~~board~~] shall develop and implement policies that clearly separate the policymaking responsibilities of the executive commissioner [~~board~~] and the management responsibilities of the [~~executive director and the~~] staff of the commission.

Sec. 61.0354. JOB PERFORMANCE EVALUATIONS. The executive commissioner [~~director or the executive director's designee~~] shall develop a system of annual performance evaluations that are based on documented employee performance. All merit pay for commission employees must be based on the system established under this section.

SECTION _____. Section 61.0355(a), Human Resources Code, is amended to read as follows:

(a) The executive commissioner [~~director or the executive director's designee~~] shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement shall include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel that are in compliance with requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the commission's work force that meets federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and regulations;

(3) procedures by which a determination can be made about the extent of underuse in the commission's work force of all persons of whom federal or state laws, rules, and regulations and instructions promulgated directly from those laws, rules, and

regulations encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of underuse.

(10) In SECTION 23 of the bill, in added Section 61.0357, Human Resources Code (page 28, lines 14 through 15 and 26 through 27, and page 29, line 6), strike "executive director or the executive director's designee" each place it appears and substitute "executive commissioner".

(11) In SECTION 23 of the bill, in added Section 61.0451(b)(1), Human Resources Code (page 30, line 22), strike "director" and substitute "commissioner".

(12) In SECTION 23 of the bill, in added Section 61.0451(b)(2), Human Resources Code (page 30, line 23), between "the" and "board", insert "advisory".

(13) In SECTION 23 of the bill, in added Section 61.0451(f), Human Resources Code (page 32, line 1), strike "board" and substitute "executive commissioner".

(14) In SECTION 23 of the bill, in added Section 61.0451(g)(1), Human Resources Code (page 32, line 8), strike "director" and substitute "commissioner".

(15) In SECTION 23 of the bill, in added Section 61.0451(g)(2), Human Resources Code (page 32, line 9), between "the" and "board", insert "advisory".

(16) In SECTION 23 of the bill, in added Section 61.0451(i), Human Resources Code (page 33, line 6), strike "director, the board" and substitute "commissioner, the advisory board".

(17) In SECTION 23 of the bill, in added Section 61.0451(i), Human Resources Code (page 33, line 9), strike "board" and substitute "executive commissioner".

(18) Immediately following SECTION 23 of the bill, adding Sections 61.0356, 61.0357, 61.0386, 61.0451, 61.0452, 61.0461, 61.061, 61.062, and 61.0651, Human Resources Code (page 36, between lines 6 and 7), insert the following appropriately numbered SECTION:

SECTION _____. Sections 61.0423 and 61.044, Human Resources Code, are amended to read as follows:

Sec. 61.0423. PUBLIC HEARINGS. The executive commissioner

~~[board]~~ shall develop and implement policies that provide the public with a reasonable opportunity to appear before the executive commissioner or the executive commissioner's designee ~~[board]~~ and to speak on any issue under the jurisdiction of the commission.

Sec. 61.044. BIENNIAL BUDGET. ~~[DUTIES OF EXECUTIVE DIRECTOR. (a) The executive director shall perform the duties assigned by the commission.~~

~~[(b)]~~ The executive commissioner ~~[director]~~ shall prepare ~~[and submit to the commission for its approval]~~ a biennial budget of all funds necessary to be appropriated by the legislature to the commission to carry out the purposes of this chapter. The budget shall be submitted and filed by the executive commissioner ~~[commission]~~ in the form and manner and within the time prescribed by law.

(19) In SECTION 30 of the bill, in added Section 61.0815(c), Human Resources Code (page 43, lines 22 and 25, and page 44, line 1), strike "board" each place it appears and substitute "executive commissioner".

(20) Immediately following SECTION 32 of the bill, amending Section 61.0841, Human Resources Code (page 49, between lines 8 and 9), insert the following appropriately numbered SECTION:

SECTION _____. Section 61.093(a), Human Resources Code, is amended to read as follows:

(a) If a child who has been committed to the commission and placed by it in any institution or facility has escaped or has been released under supervision and broken the conditions of release:

(1) a sheriff, deputy sheriff, constable, or police officer may, without a warrant, arrest the child; or

(2) a ~~[parole officer or other]~~ commission employee designated by the executive commissioner ~~[director]~~ may, without a warrant or other order, take the child into the custody of the commission.

(21) In SECTION 33 of the bill, in added Section 61.099, Human Resources Code (page 51, lines 8 and 10), strike "director" each place it appears and substitute "commissioner".

(22) Immediately following SECTION 34 of the bill, adding Chapter 64, Human Resources Code (page 59, between lines 4 and 5),

insert the following appropriately numbered SECTIONS:

SECTION _____. Section 141.022(a), Human Resources Code, is amended to read as follows:

(a) The advisory council on juvenile services consists of:

(1) two juvenile court judges, appointed by the commission;

(2) three juvenile probation officers, appointed by the commission;

(3) two citizens who are knowledgeable of juvenile services, appointed by the commission;

(4) the executive commissioner [~~director~~] of the Texas Youth Commission or the commissioner's [~~director's~~] designee;

(5) the commissioner of education or the commissioner's designee; and

(6) the commissioner of human services or the commissioner's designee.

SECTION _____. Section 141.047(b), Human Resources Code, is amended to read as follows:

(b) The director, the executive commissioner [~~director~~] of the Texas Youth Commission, and the commissioners of education, mental health and mental retardation, and human services shall meet in Austin at least quarterly to:

(1) discuss mutual problems;

(2) resolve conflicts in providing services to juveniles; and

(3) make recommendations to the governor and legislature.

SECTION _____. Section 141.0471(c), Human Resources Code, is amended to read as follows:

(c) The governing board of the Texas Juvenile Probation Commission and the executive commissioner of the Texas Youth Commission [~~each agency~~] shall adopt the coordinated strategic plan on or before December 1st of each odd-numbered year, or before the adoption of the agency's individual strategic plan, whichever is earlier.

(23) In SECTION 38 of the bill, in Subdivision (3) of that SECTION (page 60, line 18), strike "Section 61.084(f)," and

substitute "Sections 61.001(3), 61.0122, 61.014, 61.015, 61.0151, 61.017, and 61.084(f)",

(24) Strike SECTION 44 of bill (page 62, lines 9 through 13) and substitute the following appropriately numbered SECTIONS:

SECTION _____. As soon as practicable after the effective date of this Act, the governor shall appoint:

(1) the executive commissioner of the Texas Youth Commission, as required by Section 61.012, Human Resources Code, as amended by this Act, with a term of office expiring February 1, 2009;

(2) members of the advisory board of the Texas Youth Commission, as required by Section 61.013, Human Resources Code, as amended by this Act; and

(3) the independent ombudsman of the Texas Youth Commission, as required by Section 64.051, Human Resources Code, as added by this Act, with a term of office expiring February 1, 2009.

SECTION _____. A rule adopted by the Texas Youth Commission before the effective date of this Act is a rule of the executive commissioner of the Texas Youth Commission until superseded, modified, or repealed by the executive commissioner.

(25) Renumber the SECTIONS of the bill appropriately.