

**TITLE 37
PART 6
CHAPTER 151
RULE § 151.3**

**PUBLIC SAFETY AND CORRECTIONS
TEXAS DEPARTMENT OF CRIMINAL JUSTICE
GENERAL PROVISIONS
Texas Board of Criminal Justice Operating Procedures**

Proposed Amendments Preamble

The Texas Board of Criminal Justice (board) proposes amendments to § 151.3, concerning Texas Board of Criminal Justice Operating Procedures. The proposed amendments make minor grammatical updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely make minor grammatical updates.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely make minor grammatical updates. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §§ 492.005–.007, which establishes general duties for the board, § 492.013, which authorizes the board to adopt rules; and Chapter 551, which establishes general provisions for open meetings.

Cross Reference to Statutes: None.

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(a) General. This section establishes operating procedures for the Texas Board of Criminal Justice (TBCJ) to conduct business.

(b) Organization.

(1) The TBCJ is a nine-member body appointed by the governor to oversee the Texas Department of Criminal Justice (TDCJ). The TBCJ chairman is designated by and serves at the request of the governor pursuant to Texas Government Code § 492.005.

(2) The TBCJ shall elect a vice-chairman and a secretary each odd-numbered year. The vice-chairman shall preside over meetings in the chairman's absence, and either the chairman or the secretary shall execute any necessary documents.

(3) The chairman, on behalf of the TBCJ, is empowered to appoint members of the TBCJ to be members or chairs of standing or limited-purpose committees, or to serve as liaisons to the TBCJ on particular subject areas or divisions within the TDCJ's jurisdiction, or both. The purpose of a committee, if appointed, is to have certain members become particularly familiar with various issues and to facilitate discussion and recommend potential strategies as appropriate.

(4) The TBCJ chairman may appoint non-members to sit on a committee in an advisory capacity; however, advisory members are non-voting members and cannot be reimbursed for expenses incurred in this capacity.

(c) Meetings.

(1) The TBCJ shall attempt to hold a regular meeting at least every other month of the year, but shall meet at least once each quarter of the calendar year pursuant to Texas Government Code § 492.006. Special called meetings can be held at the discretion of the TBCJ chairman.

(2) TBCJ meetings shall be held at a location in Texas as determined by the TBCJ chairman. If the TBCJ uses video conference technology to convene a meeting, at least one conference site must be located in Huntsville or Austin, Texas. To convene a video conference meeting, a quorum of the TBCJ must be present at one of the video conference sites. The other members may convene using the technology from remote sites.

(A) During a TBCJ meeting convened as a video conference meeting, any member shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected.

(B) The TBCJ may continue the meeting only if a quorum remains present at the meeting location.

(3) The agenda and date for the TBCJ meetings shall be set by the TBCJ chairman in consultation with the TDCJ executive director.

(4) The agenda for committee meetings shall be set by the TBCJ chairman in consultation with the committee's chairman and the TDCJ executive director. If the TBCJ committee uses video conference technology to convene a meeting, at least one conference site must be located in Huntsville or Austin. To convene a video conference meeting, a quorum of the committee must be present at one of the video conference sites. The other member(s) may convene using the technology from remote sites.

(5) A majority of the TBCJ, or of a committee of the TBCJ, constitutes a quorum for the convening of and transaction of business at any meeting. A quorum of a committee with two members consists of both members.

(6) A quorum of a committee does not include its advisory member.

(7) Meetings of the TBCJ and its committees shall be conducted according to standard parliamentary procedures.

(8) TBCJ meetings are governed by the *Texas Open Meetings Act*, Texas Government Code §§ 551.001–.146.

(9) The TDCJ executive director shall ensure members are provided the materials necessary to conduct the business of the TBCJ and its committees well in advance of the meetings.

(10) The TDCJ executive director shall ensure the minutes of each meeting are prepared, retained, and filed with the Legislative Reference Library, and made available to the public. The minutes shall state the subject matter of each deliberation and shall indicate each vote, order, decision, or other action taken by the TBCJ.

(11) Requests by the public to make presentations or comments to the TBCJ are governed by 37 Texas Administrative Code § 151.4, pursuant to Texas Government Code §§ 492.007 and 551.042.

(12) The TBCJ shall approve meeting minutes for any committees deleted, renamed, or for which their limited-purpose has concluded.

(13) Prior to each regularly scheduled meeting, the TBCJ shall offer the opportunity for:

(A) The presiding officer of the Board of Pardons and Paroles or a designee of the presiding officer to present any item relating to the operation of the parole system and other matters of mutual interest determined by the presiding officer to require the TBCJ's consideration, pursuant to Texas Government Code § 492.006;

(B) The chairman of the Judicial Advisory Council (JAC) to the Community Justice Assistance Division and the TBCJ to present any item relating to the operation of the community justice

system and other matters of mutual interest determined by the JAC chairman to require the TBCJ's consideration, pursuant to Texas Government Code § 492.006;

(C) The TDCJ executive director to present any item relating to the TDCJ as determined by the executive director or the TBCJ chairman;

(D) The TBCJ chairman to present any item relating to the TBCJ or the TDCJ as determined by the TBCJ chairman in consultation with the TDCJ executive director;

(E) The chairman or designee of the Correctional Managed Health Care Committee (CMHCC) to present on the CMHCC's policy decisions, the financial status of the correctional health care system, and corrective actions taken by or required of the TDCJ or the health care providers; and

(F) The chairman of the Advisory Committee on Offenders with Medical or Mental Impairments (ACOOMMI) or a designee of the ACOOMMI chairman to present any item related to offenders with medical or mental impairments.