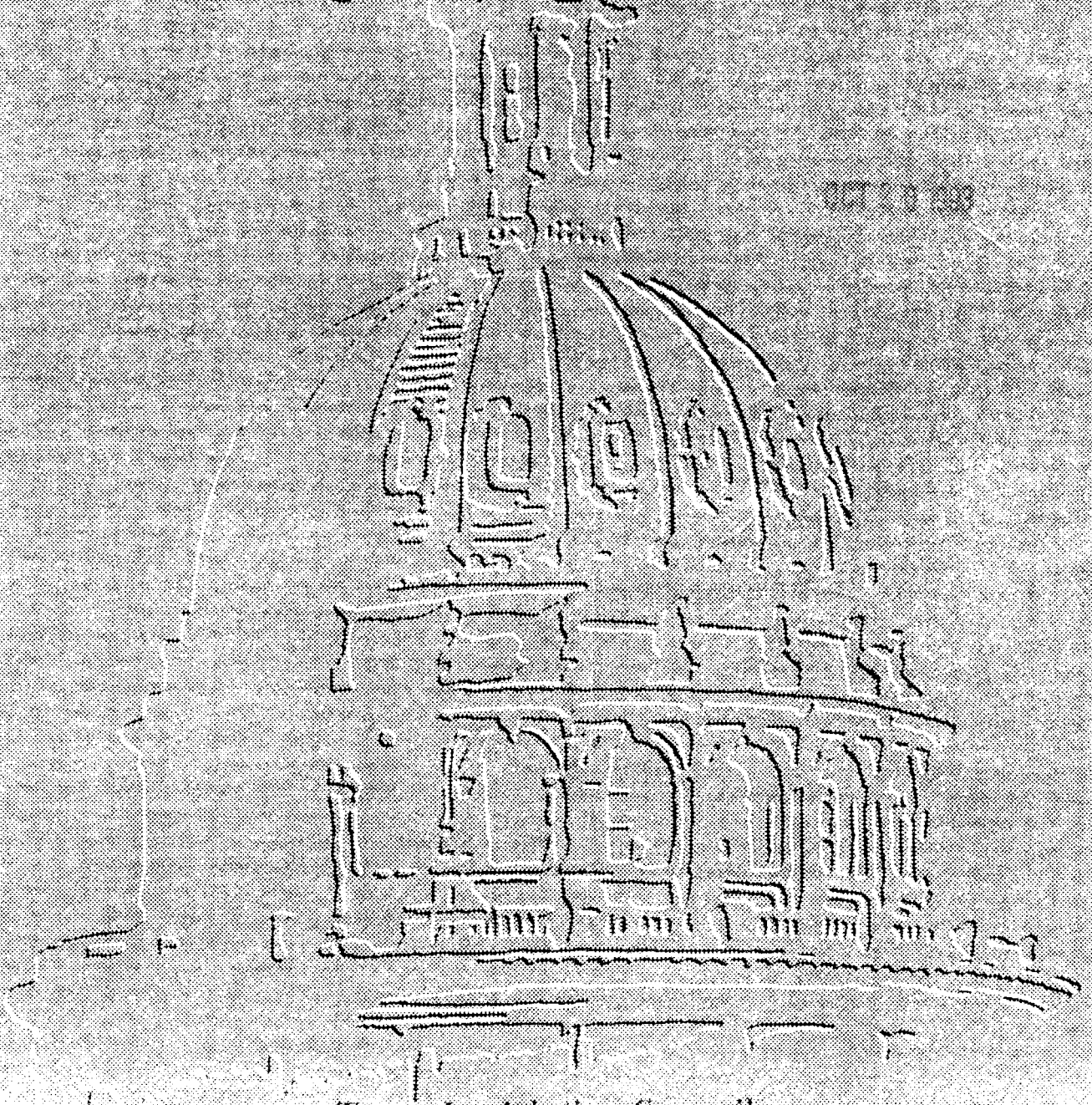
Summary of Enactments 73rd Legislature

Regular Session 1993



Texas Legislative Council
October 1993

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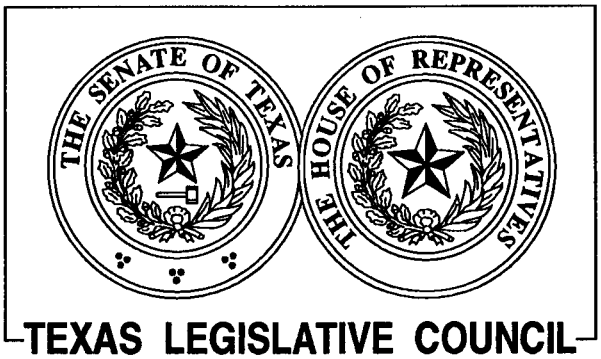

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FOREWORD

The Summary of Enactments of the 73rd Legislature provides synopses of all bills enacted during the 1993 Regular Session. Summaries of joint resolutions passed by the legislature proposing amendments to the Texas Constitution and the governor's veto proclamations are also included.

This publication is intended to be a convenient reference for the main features of enacted measures within particular subject areas. A summary of an act should not be considered a comprehensive or legal analysis or used as a source of authority for legal interpretation.

Copies of enrolled bills and resolutions from the 73rd Legislature may be obtained from house and senate document distribution offices until November 1994. House measures are available from the House Document Distribution Office, located in room 500 in the John H. Reagan State Office Building (P.O. Box 12128, Austin, Texas 78711; (512) 463-1155). Senate measures are available from the Senate Document Distribution Office, located in the Trinity Building at 311 East 14th Street, room 201 (P.O. Box 12068, Austin, Texas 78711; (512) 463-0252).

The public may also access copies of all enrolled bills and resolutions from the Legislative Reference Library. The library is presently located in room 260 of the State Board of Insurance Building, (512) 463-1252, but will move to its permanent location in the Capitol in the spring of 1994. Due to the ongoing Capitol restoration project, many state offices and agencies will move during 1993 and 1994. While the phone numbers listed in this publication are expected to remain in effect throughout this period, persons are encouraged to call for the current location of offices.

INTRODUCTION

The Regular Session of the 73rd Legislature convened on January 12, 1993, and adjourned sine die on May 31, 1993, after enacting 1,075 bills. Of this number, which was an increase of 12 percent from the previous regular session, 24 bills were subsequently vetoed by Governor Ann W. Richards.

Lawmakers also considered 180 joint resolutions proposing amendments to the Texas Constitution. Of these, 18 joint resolutions proposing 19 amendments were passed and three amendments were submitted to Texas voters in the May 1, 1993, election. All three constitutional amendments failed to gain voter approval, and the remaining 16 propositions will be offered for ratification on the November 2, 1993, election ballot.

	Filed	Passed	Vetoed*	Defeated by Voters
Bills	4,380	1,075	24	—
Joint Resolutions	180	18	0	2†

* The governor also vetoed two house concurrent resolutions and several items of appropriation in Senate Bill 5, the General Appropriations Act.

† One joint resolution proposed two constitutional amendments.

CHAPTER 1

ENACTMENTS OF THE 73RD LEGISLATURE

AGRICULTURE

HOUSE BILL 288 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 288 amends the Penal Code to provide that, for purposes of the criminal trespass statute, a person has notice that entry on land is forbidden if there is visibly present on the property a crop grown for human consumption that is under cultivation, being harvested, or is marketable if harvested at the time of entry.

HOUSE BILL 334 **HOUSE AUTHOR:** Glaze, et al.
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Haley

House Bill 334 amends the Agriculture Code to include a nursery stock weather protection unit as an implement of plant husbandry and to require inspection of these units.

HOUSE BILL 345 **HOUSE AUTHOR:** Gutierrez, Munoz
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 345 amends the Agriculture Code to make clear that a marketing association organized for either production, cultivation, and care of citrus groves or processing and marketing of citrus products may deal in nonmember products and supplies following a natural disaster. It also increases from five years to 10 years the time during which an association may do so.

HOUSE BILL 608 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 608 brings exotic livestock and exotic fowl under the protection of the state's estray and theft laws. It amends the Agriculture Code and Penal Code to include exotic livestock and exotic fowl, providing them protections similar to those provided for domestic livestock. The act also amends the Tax Code, relating to the appraisal of agricultural land, to include exotic fowl in the definition of "exotic animal."

HOUSE BILL 842 **HOUSE AUTHOR:** Black, Denton
EFFECTIVE: 5-19-93 **SENATE SPONSOR:** Sims

House Bill 842 amends the Education Code to establish a statewide fire contingency account in the General Revenue Fund to pay for use of Texas Forest Service resources and local fire-fighting forces in responding to wildfire emergencies in Texas or in other states. The act also names the Texas Forest Service as the lead agency in the state for wildfire training and establishes a statewide fire coordination center and regional wildfire coordinators.

HOUSE BILL 1287
EFFECTIVE: 8-30-93

HOUSE AUTHOR: P. Patterson, et al.
SENATE SPONSOR: Sims

House Bill 1287 amends the Agriculture Code to replace the young farmer endowment program with the young farmer loan guarantee program. The act provides guidelines for the loan guarantee program, sets a voluntary $5 fee on farm license tags, and authorizes the use of these fees in the young farmer loan guarantee account.

HOUSE BILL 1302
EFFECTIVE: 8-30-93

HOUSE AUTHOR: Swinford
SENATE SPONSOR: O. H. Harris

House Bill 1302 repeals a provision of the Agriculture Code relating to the period of time in which bonds can be issued by the Texas Agricultural Finance Authority.

HOUSE BILL 1309
EFFECTIVE: See below

HOUSE AUTHOR: Counts
SENATE SPONSOR: Carriker

House Bill 1309 amends the Agriculture Code to increase from four to seven the number of members the governor appoints to the Texas Agricultural Finance Authority Board and sets forth the composition, qualifications, and terms of board members. The act also imposes a $2 million cap on the loan amount for each eligible agriculture business and provides an option for the authority to exceed the cap up to $5 million with a two-thirds vote of the board.

House Bill 1309 also directs the authority to give loan preference to value-added agricultural businesses and allows it the discretion to decline loan requests from businesses attempting to establish or expand conventional agricultural production.

Provisions relating to board members take effect January 1, 1994. The other provisions take effect August 30, 1993.

HOUSE BILL 1622
EFFECTIVE: 8-30-93

HOUSE AUTHOR: Gutierrez
SENATE SPONSOR: O. H. Harris

House Bill 1622 amends the Agriculture Code to expand the linked deposit program to specifically include loans for crops the production of which has declined due to natural disaster and loans for water conservation equipment. It also makes the interest rate on time deposits more flexible and raises limits on program loan amounts.

HOUSE BILL 1638
EFFECTIVE: 9-1-93

HOUSE AUTHOR: Kubiak
SENATE SPONSOR: Armbrister

House Bill 1638 amends the Agriculture Code to authorize the Texas Department of Agriculture to inspect records of out-of-state licensees selling eggs in Texas to ensure these licensees pay inspection fees equal to the percentage of out-of-state eggs sold in Texas. The act also repeals the $25 retailer's license fee and provides that labeling on egg containers be legible and in accordance with department rules.

HOUSE BILL 1652
EFFECTIVE: 8-30-93

HOUSE AUTHOR: B. Turner, Black
SENATE SPONSOR: Sims

House Bill 1652 amends the Agriculture Code to reduce from three to two the number of representatives of the general public on the Texas Animal Health Commission and requires one commission representative involved with the exotic livestock or exotic fowl industry.

The act also increases the number of members whose terms expire every other year and requires the governor to appoint a representative of the exotic livestock or exotic fowl industry to the first vacancy in a place reserved for a member of the general public.

HOUSE BILL 1659 **HOUSE AUTHOR:** R. Cuellar
EFFECTIVE: See below **SENATE SPONSOR:** Brown

House Bill 1659 amends the Parks and Wildlife Code to convert and standardize provisions relating to issuance, expiration, and transfer of licenses, tags, and permits for game breeding, game bird breeding, commercial fishing, freshwater and saltwater fishing vessels, and taking of oyster, clam, and shrimp. The act also eliminates the requirement for presenting boat registration or documentation papers for licenses being renewed, deletes the requirement for the boat name to appear on a license unless the boat is registered with the U.S. Coast Guard, and clarifies reporting for game breeders and game bird breeders.

House Bill 1659 also establishes a license requirement for captains of commercial oyster boats and eliminates the requirement for the captain and each crew member of commercial shrimping boats to hold individual general commercial fisherman's licenses. The act also allows more than one license per commercial shrimp boat, clarifies transferability of other commercial and business licenses, and raises certain licensing fees.

Most sections of the act take effect September 1, 1993, but some provisions take effect May 31, 1993, and an increase in the commercial bay shrimp boat license fee takes effect December 16, 1993.

HOUSE BILL 1679 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

House Bill 1679 amends provisions of the Agriculture Code providing for arbitration of seed claims and counterclaims resulting from the failure of purchased seed to produce or perform as represented by the labeler. The act extends these provisions to all seed claims rather than only vegetable seed claims as previously provided.

HOUSE BILL 1684 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 1684 amends the Agriculture Code to transfer most responsibilities for the farm and ranch finance program from the Veterans Land Board to the Texas Agricultural Finance Authority. The board continues to administer the farm and ranch finance program fund in the state treasury.

The act sets out definitions, duties, and provisions relating to the issuance and sale of bonds by the Texas Agricultural Finance Authority and specifies the types of investments the authority can make with unobligated money in the fund. The act also establishes a loan cap of $150,000 and requires the farmer or rancher to make a down payment of at least five percent of the purchase price of land bought with financial assistance under the program.

HOUSE BILL 1687 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** O. H. Harris

House Bill 1687 amends the Agriculture Code to increase the maximum amount of grants for business assistance and research and innovation from $30,000 to $50,000 and to transfer to the board of the Texas Agricultural Finance Authority the responsibilities of the Agricultural Diversification Board, which is abolished by the act.

HOUSE BILL 1878 **HOUSE AUTHOR:** Junell
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 1878 amends the Agriculture Code by increasing from $25 million to $100 million the amount of general obligation bonds the Texas Agricultural Finance Authority is authorized to issue. It also requires the authority to make efforts to support minority and women-owned businesses.

The act takes effect on adoption of the constitutional amendment proposed by Senate Joint Resolution 44.

HOUSE BILL 1933 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 1933 amends the Agriculture Code to authorize the Texas Department of Agriculture to establish uniform planting dates for host plants of the pink bollworm and adopt rules governing the control of the pink bollworm.

The act also grants the department authority to take action to destroy host plants or host plant products, and to collect reimbursement for such action from the farm owner or operator for 1-1/2 times the cost required for destruction.

HOUSE BILL 2009 **HOUSE AUTHOR:** Hightower, Stiles
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 2009 reduces various offenses under the Agriculture Code from Class B to Class C misdemeanors, provides that venue for an injunction requested by the Texas Animal Health Commission is in Travis County, and authorizes the commission to determine the compensation to be paid to owners of swine exposed to brucellosis. It also authorizes compensatory per diem in addition to travel expenses for members of the commission.

HOUSE BILL 2105 **HOUSE AUTHOR:** R. Cuellar
EFFECTIVE: 5-20-93 **SENATE SPONSOR:** Lucio

House Bill 2105 amends the Agriculture Code to hold the owner of affected citrus plants, products, or substances responsible for the treatment or destruction of a citrus plant, product, or substance that is infected with disease or pests. The act establishes procedures for the Texas Department of Agriculture to notify the owner and seize and destroy the affected plants and produce. The act also establishes owner liability to the Texas Department of Agriculture for the expenses associated with the destruction or treatment of affected plants and produce if the owner fails to take immediate action upon notification by the department.

HOUSE BILL 2220 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shelley

House Bill 2220 amends the Agriculture Code to authorize the Texas Department of Agriculture to sell certain publications and information concerning agriculture, horticulture, or related industries and collect royalties on published department-owned materials.

HOUSE BILL 2446 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

House Bill 2446 amends the Agriculture Code to establish an organic standards and certification program that would require the Texas Department of Agriculture to certify and regulate producers, processors, distributors, and retailers who label, market, advertise, or represent products as organic. The act authorizes the department to establish a certification program to review and accredit private

or third-party certifiers operating within the state and in accordance with the National Organic Food Act. In addition, the act authorizes the department to charge annual fees for each applicant certified as a producer, distributor, or retailer, and provides penalties for violations of the act.

HOUSE BILL 2493 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sibley

House Bill 2493 repeals a requirement in the Agriculture Code that the Texas Department of Agriculture publish in newspapers proposed actions and rules pertaining to the inspection, labeling, and sale of agricultural or vegetable seed. The act also increases the penalty for late seed-inspection quarterly reports from $10 to $25.

HOUSE BILL 2501 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 2501 amends laws relating to the regulation of warehouses and certain cotton buyers. The act provides for confidentiality of certain warehouse inventory reports and financial information, delineates the obligations and liability of warehousemen, and provides for recovery of court costs and posting of storage rates or tariffs.

The act also clarifies the expiration date of a Texas commodity warehouse receipt, defines nonagricultural public warehouses, and assigns the Texas Department of Licensing and Regulation authority to license and regulate these warehouses. In addition, the act exempts public warehouses owned by motor carriers and repeals the requirement for the registration of forward contract cotton buyers.

SENATE BILL 30 **SENATE AUTHOR:** Sims
EFFECTIVE: See below **HOUSE SPONSOR:** P. Patterson

Senate Bill 30 establishes methods and procedures for development of a boll weevil eradication foundation and board to implement programs to eliminate cotton boll weevils. The act authorizes the agriculture commissioner to develop and adopt rules to oversee and certify the formation of the foundation and board and promulgate rules to protect livestock, people, honey bee colonies, and wildlife in an eradication zone.

Senate Bill 30 also authorizes the Texas Department of Agriculture or the foundation to impose quarantines, inspect fields, regulate cotton imports, assess penalties, destroy cotton not in compliance, and promulgate rules concerning lands treated for boll weevil eradication. The foundation is authorized to receive, collect, hold in trust, and disburse all fees collected from growers to finance its operations. The act also establishes guidelines to conduct referenda to establish eradication zones and sets out the powers, duties, and composition of the board.

The act takes effect June 1, 1993, except that the department may not destroy or treat cotton before June 1, 1994.

SENATE BILL 196 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Kubiak

Senate Bill 196 amends the Agriculture Code to provide that a county public weigher need not reside in the county for which he or she is appointed. The act also requires a public weigher to include certain information on each certificate of weight or measure and clarifies that a copy of each certificate must be kept in a bound book for inspection purposes.

SENATE BILL 231 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Junell

Senate Bill 231 amends the Agriculture Code to deactivate the Southern Rolling Plains Cotton Producers Board until it is reactivated by the agriculture commissioner. It also prohibits the board from exercising any powers after the end of the board's 1993 fiscal year other than preparing and submitting the required fiscal year 1993 report.

SENATE BILL 976 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Junell

Senate Bill 976 amends the Agriculture Code to permit the Department of Agriculture to issue a license authorizing a business or individual to inspect or test ranch scales on satisfaction of the requirements for licensure and payment of a $200 nonrefundable application and license fee. The act establishes the requirements for licensure; provides for disciplinary and hearings procedures; establishes the powers, duties, and rules governing sealers; requires reporting of incorrect weights or measures; and provides penalties.

SENATE BILL 1089 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 6-17-93 **HOUSE SPONSOR:** Johnson

Senate Bill 1089 amends the Agriculture Code to authorize the agriculture commissioner to use income from the farm and ranch loan security fund to support the Department of Agriculture's farm and ranch finance program, the young farmer loan guarantee program, the Texas-Israel Semi-Arid Fund, the produce recovery fund, a program to reduce the use of pesticides in the production of agricultural crops, and the agriculture research program to promote marketing of new crops.

The act also deletes the statutory references to the fund's interest and sinking fund and a requirement that the commissioner transfer the interest and sinking fund to the farm and ranch loan security fund after bonds have been paid.

SENATE BILL 1208 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** P. Patterson

Senate Bill 1208 amends the Agriculture Code to clarify provisions relating to the cooperative agreement for agricultural inspections between the Texas Department of Agriculture and the United States Department of Agriculture. The act authorizes the Texas Department of Agriculture to supervise the operation of a joint state-federal inspection service for horticultural products and sets forth provisions relating to hiring of personnel and funding for the cooperative inspection service.

SENATE JOINT RESOLUTION 44 **SENATE AUTHOR:** O. H. Harris, Lucio
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** P. Patterson

Senate Joint Resolution 44 proposes a constitutional amendment that would authorize the Texas Agricultural Finance Authority to issue notes for the purpose of providing money to the Texas agricultural fund and the rural microenterprise development fund. It also provides a $100 million limit on the total principal amount of bonds and notes that may be issued. The constitution currently has a $25 million limit on the amount of bonds that may be outstanding at one time.

APPROPRIATIONS

HOUSE BILL 640 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 4-24-93 **SENATE SPONSOR:** Haley

House Bill 640 provides for an emergency fiscal year 1993 appropriation of $200,000 from the general revenue fund to the Texas Forest Service for the restoration of a maintenance shop and accessories that were destroyed by fire.

HOUSE BILL 1719 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1719 appropriates approximately $11.4 million for the payment of itemized claims and judgments against the State of Texas. The act requires that each claim be verified by the administrator of the special fund or account against which the claim is charged and have the approval of the attorney general and comptroller before warrants are issued in payment.

HOUSE BILL 2115 **HOUSE AUTHOR:** Junell
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Montford

House Bill 2115 authorizes the governor's office to transfer 1992-1993 appropriations internally from one program to another as necessary. From previously appropriated funds, it appropriates various sums to the Texas Department of Housing and Community Affairs for fiscal 1993 for specified housing programs and transfers $3 million from the governor's office to the Central Education Agency to implement new school finance legislation (Senate Bill 7). The act appropriates $345,000 to the Texas Employment Commission to implement the Smart Jobs program (Senate Bill 130). It makes an emergency appropriation of $21,000 for fiscal 1993 to the Office of Court Administration for the travel expenses of appeals court justices.

SENATE BILL 5 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Junell

Senate Bill 5, the General Appropriations Act, provides for $70.12 billion in state government expenditures for the 1994-1995 fiscal biennium. This amount represents an increase of 11.4 percent over the sum of 1992 expended and 1993 budgeted amounts. Appropriations from general revenue equal approximately $38.84 billion, or 55.4 percent of the total.

Item vetoes by the governor were confined almost entirely to contingent expenditures authorized by appropriations rider and not reflected in the preceding totals. Many of these riders were dependent on other legislation that ultimately failed. The only nonrider veto was an appropriation of $491,390 to the Texas Alcoholic Beverage Commission relating to recordkeeping by commission licensees.

The fiscal picture for the biennium was improved by almost $3.82 billion worth of enactments resulting from recommendations of the comptroller's Texas Performance Review. That review, authorized by the legislature in 1991, included a number of proposals to delay certain payments, accelerate state revenue collections, obtain increased federal funding, and achieve cost savings. The 73rd Legislature did not raise tax rates.

About $2.51 billion, or two-thirds of the Texas Performance Review fiscal gain, was reflected in Senate Bill 5 itself, with the remainder scattered among 39 other bills. The largest impacts within Senate Bill 5 came from replacing Medicaid Disproportionate Share Hospital programs ($1.19 billion), reducing the state's contributions to the major retirement systems ($0.37 billion), and deferring the

last fiscal year 1995 quarterly payment to the Teacher Retirement System ($0.25 billion), an action authorized by Senate Bill 81 in combination with a General Appropriations Act rider. Outside the act, the largest fiscal impacts came from Senate Bill 380 delays in foundation school program and higher education payments ($0.59 billion) and Senate Bill 82 delays in the allocation of motor fuels taxes ($0.30 billion).

The Texas Performance Review measures enabled the legislature to satisfy the constitutional "pay-as-you-go" requirement. The comptroller's revenue estimate would have limited the legislature to about $2 billion less in general revenue spending than resulted eventually. Senate Bill 5 appropriations also were beneath a second constitutionally imposed ceiling, the requirement that appropriation increases not exceed the projected growth of the state's economy. Based on the Legislative Budget Board's estimate of a 13.4 percent economic growth rate, the 1994-1995 appropriations met that requirement with almost $0.43 billion to spare.

The following table breaks the budget down by major functional categories of expenditures and shows the percentage increases compared to the preceding biennium. The category amounts do not always equal the totals because of rounding.

Category	Appropriations (billions of dollars)			Percent Change from Preceding Biennium
	FY1994	FY1995	Total Biennium	
Education	$13.31	$12.82	$26.14	+5.8%
Health & Human Services	$11.58	$12.06	$23.64	+22.5%
Transportation	$3.17	$3.09	$6.26	+11.6%
Corrections	$2.13	$1.56	$3.68	+15.9%
Other	$5.29	$5.11	$10.40	+11.9%
Total	$35.48	$34.63	$70.12	+11.4%

Education expenditures include $17.58 billion in spending for primary and secondary education and $8.56 billion in spending for higher education. The decrease from 1994 to 1995 results from the Senate Bill 380 expenditure delays. State primary and secondary school aid per pupil dips $19 in 1994 and then returns to the 1993 level in 1995. Higher education spending includes a $112 million initiative to enhance and inaugurate programs at institutions in South Texas and the border area.

Federal funds support almost 60 percent of health and human services spending. Senate Bill 5 continues the current level of service provided to Medicaid recipients but takes into account anticipated growth in the number of recipients, projected to reach 2.3 million in 1995. Present eligibility criteria for Aid to Families with Dependent Children (AFDC) remain in place, and the average AFDC grant stays constant at about $58. The Texas Department of Mental Health and Mental Retardation receives 1.8 percent less than in the preceding biennium because of nonrecurring construction appropriations in its 1992-1993 budget.

The budget for transportation increases by 11.6 percent. The increase derives largely from federal funding, particularly that resulting from the federal Intermodal Surface Transportation Efficiency Act of 1991. Highway construction funding experiences a 2.9 percent increase over the preceding biennium.

Spending for corrections increases by 13.7 percent. Senate Bill 5 provides for the incarceration of more than 20,000 new state inmates and the supervision of 3,200 additional parolees by 1995. The appropriations include $0.29 billion to eliminate and prevent backlogs of state prisoners held by county jails.

Remaining appropriations include $1.24 billion for natural resources agencies, $0.59 billion for law enforcement and public safety agencies, and $0.36 billion for regulatory agencies. The governor, legislature, and judiciary combined receive $0.56 billion, and all other areas of general government receive $2.38 billion. Social Security contributions, retirement system payments, and other employee benefits total $5.39 billion. These include teacher retirement benefits and higher education group insurance uncounted in the table's figures for education spending.

SENATE BILL 278 **SENATE AUTHOR:** Montford
EFFECTIVE: 3-25-93 **HOUSE SPONSOR:** Stiles, Eckels

Senate Bill 278 provides for an emergency appropriation of $2,928,000 from the clean air fund to the Texas Air Control Board to conduct field and emission inventory studies relating to ozone pollution.

BANKING AND FINANCE

HOUSE BILL 474 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 474 amends currency exchange law to allow eligible retailers, wholesalers, and service providers who accept foreign currency as payment for goods or services to apply for an exemption from certain licensing requirements applicable to persons who engage in currency exchange or transmission as a principal line of business. The act also amends technical aspects of the law regarding the surety bond posted by a person licensed to conduct a currency exchange or transmission business and the authority of the banking commissioner of Texas and of the attorney general in the regulation of persons engaged in this business.

HOUSE BILL 606 **HOUSE AUTHOR:** Heflin, Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** O. H. Harris

House Bill 606 amends the consumer credit law to extend the payment grace period on most retail installment contracts from 10 to 15 days and allow delinquency charges greater than $5.

HOUSE BILL 813 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 4-30-93 **SENATE SPONSOR:** Parker

House Bill 813 amends several provisions of the consumer credit law relating to motor vehicle installment sales. The act redefines the term "cash price" to mean the sum a creditor would accept in cash for the property or service being sold and allows the term to include, at the creditor's option, the price of accessories, services related to the sale, service contracts, and taxes and fees for license, title, and registration. The act specifically excludes finance charges from the definition.

Other provisions of the act raise the maximum amount that may be charged for processing sales-related documents from $25 to $50, allow the buyer and seller to include theft protection plans and other forms of insurance in the sales contract, allow dealers to participate in factory incentive programs offered by manufacturers, and raise the annual fee that a creditor must pay to the Office of Consumer Credit Commissioner for each location at which the person conducts credit transactions dealing with motor vehicle installment sales contracts.

The act also changes the limits on a lender's liability to a borrower for failure to perform, so that a dealer is liable to a consumer for a penalty of up to three times the actual economic loss suffered by the consumer plus reasonable attorney's fees unless the dealer corrects the violation within a prescribed period of time, in which case the dealer is liable for a penalty up to an amount equal to the actual economic loss plus attorney's fees.

HOUSE BILL 840 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Rosson

House Bill 840 amends the Texas Credit Union Act to allow a credit union member to modify a multiparty account by providing written notice to the credit union. The act also authorizes a credit union to issue shares or receive deposits in revocable and irrevocable trusts under certain conditions and imposes requirements on the opening and closing of and payment from trust accounts.

HOUSE BILL 1076 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 1076 amends The Texas Banking Code to absolve a disinterested director or officer of an insured depository institution from personal liability in a legal action brought by a federal banking regulatory agency except in cases in which damages arise from gross negligence or wilful misconduct of the director or officer.

HOUSE BILL 1170 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 1170 repeals the section of The Texas Banking Code requiring state banks to close on certain holidays.

HOUSE BILL 1173 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 5-23-93 **SENATE SPONSOR:** Montford

House Bill 1173 amends The Texas Banking Code to conditionally designate Travis County as the venue for actions relating to trust company liquidations. It also expands regulatory exemptions for trust companies not doing business with the general public. The act allows the banking commissioner to grant such a trust company an exemption from all of the provisions of the banking code except those relating to obtaining a charter, changing the company's domicile, and the transfer of stock.

HOUSE BILL 1212 **HOUSE AUTHOR:** Carona
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 1212 amends The Texas Banking Code to allow state banks to form limited banking associations. The act replaces those provisions that previously governed the incorporation and amendment of articles of association of state banks with provisions that apply to the organization of state banks as either banking associations or limited banking associations.

HOUSE BILL 1441 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 1441 amends the Property Code to allow a bank or trust company to invest in an open-end or closed-end management investment company or registered investment trust even if the bank or trust company provides services to those entities, provided that any such relationship is properly disclosed in a prospectus, account statement, or other instrument.

HOUSE BILL 1598 **HOUSE AUTHOR:** D. Jones
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** O. H. Harris

House Bill 1598 amends the consumer credit law governing installment and regulated loans to prohibit lenders from requiring borrowers to provide credit life and credit health and accident insurance. A lender may offer, but may not require, those types of insurance as well as involuntary unemployment insurance. The act also adds provisions to the consumer credit law to regulate the procurement of collateral protection insurance as a condition of a loan or other credit transaction.

HOUSE BILL 1772 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Montford

House Bill 1772 amends The Texas Banking Code to exclude trust companies from regulation under the law governing the priority of payment distribution in liquidation proceedings arising from the closing of a state or private bank. The act adds provisions to the code to govern the priority of claims against a trust company on its liquidation.

HOUSE BILL 1790 **HOUSE AUTHOR:** Romo
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 1790 amends The Texas Banking Code and the Texas Savings and Loan Act to allow cross-industry mergers, reorganizations, and conversion involving state or federal savings banks, state or federal savings and loan associations, and state banks.

The act adds provisions that allow a state bank to pursue any of the following changes: merger with a state or federal savings and loan association or state or federal savings bank; reorganization of a state or federal savings and loan association or state or federal savings bank, with the approval of the banking commissioner; purchase of all or part of the assets of a state or federal savings bank or of a state or federal savings and loan association; and conversion into a state or federal savings bank or a state or federal savings and loan association, with the commissioner's approval, or the conversion from any of those institutions into a state bank. The act similarly allows a state savings and loan association to convert into or be converted from a state or national bank or state or federal savings bank or to merge with, reorganize, or consolidate with any such financial institution or with a foreign association.

The act deletes provisions prohibiting the acquisition of a state bank by out-of-state bank holding companies whose in-state holdings already include certain types of financial institutions and adds a provision regulating the home mortgage investment portfolio holdings of financial institutions that have undergone any of the transformations listed above.

HOUSE BILL 2005 **HOUSE AUTHOR:** Smithee
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 2005 amends the consumer credit law to allow a person who has violated certain credit laws to avoid liability to an obligor by promptly taking necessary corrective actions to remedy the violation.

HOUSE BILL 2194 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

The Texas Banking Code requires a state bank to have not less than five nor more than 25 directors, the majority of whom must be Texas residents. In cases in which a bank is owned or controlled by an out-of-state bank holding company, the code previously prohibited counting as a Texas resident any director who also served as an employee or officer of either the bank or the holding company or who was a spouse of such an employee or officer. House Bill 2194 amends the code to remove this prohibition when the director is an employee or officer of the bank only or is the spouse of such an employee or officer.

HOUSE BILL 2747 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 2747 amends consumer protection law governing debt collection to add the definition of "credit bureau" and to provide a civil remedy of at least $100 per violation of this law, which shall be awarded to a successful claimant against a credit bureau. The act also requires credit bureaus to furnish a complete personal credit report to a consumer within 45 days of receiving the consumer's request for such information on his or her credit history.

SENATE BILL 238 **SENATE AUTHOR:** Carriker
EFFECTIVE: 3-25-93 **HOUSE SPONSOR:** P. Patterson

Senate Bill 238 amends The Texas Banking Code to make claims against a state bank arising from the liquidation of a state or private bank or from the purchase of certain assets or assumption of liabilities of a state bank subject to the same priority that applies to similar claims against a national bank under federal law.

SENATE BILL 396 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Oliveira

Previously, Texas law authorized the creation of state-chartered savings and loan associations but made no similar provision for state-chartered savings banks. Senate Bill 396 enacts the Texas Savings Bank Act to provide for the organization, regulation, and operation of state savings banks. In its general provisions, the Texas Savings Bank Act states that its purpose is to facilitate the delivery of credit for home ownership and family and community purposes, to increase the savings base of the state, to provide local control of the means of finance and the accumulation of capital through the state chartering of depository institutions known as savings banks, and to provide savings bank regulation that is readily responsive to changes in local economic conditions.

The act includes provisions for the incorporation and organization of a state savings bank, the conversion of an existing financial institution into a state savings bank on a majority vote of the institution's members or stockholders, the reorganization, merger, or consolidation of a savings bank with another financial institution, the voluntary liquidation of a state savings bank, and other corporate changes. Regulatory authority over state savings banks and their subsidiary corporations is vested in the Savings and Loan Department of Texas and in the savings and loan commissioner, who also is given certain enforcement powers to carry out the provisions of the act.

The commissioner, in addition to being required periodically to examine the affairs of each savings bank and its subsidiaries and the transactions of any holding company related to the holding company's savings bank subsidiaries, is authorized to intervene in the affairs of a savings bank when there is a finding of unsafe and unsound practice in the management of the savings bank, a violation of the bank's articles of incorporation, a violation of any law applicable to savings banks, a fraudulent or criminal act leading to insolvency or threatening irreparable harm to the general public or to the bank or its customers, a breach of fiduciary duty leading to substantial financial losses, insolvency or immediate danger of insolvency, and other deleterious conditions. The commissioner also is authorized to close a savings bank or to order its liquidation if, after a hearing, it is determined that the savings bank cannot be rehabilitated.

The act includes specific provisions relating to a savings bank's governing board, its administration, its corporate powers, its operation, and other miscellany. The act makes conforming changes in The Texas Banking Code and the Penal Code to include references to savings banks in those provisions that previously were applicable only to state savings and loan associations.

SENATE BILL 551 **SENATE AUTHOR:** Sibley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Marchant

Senate Bill 551 amends the state's usury laws, which govern interest rates as they apply to loans or credit transactions, to exclude certain sums from the definition of "interest." The sums excluded are those paid or passed through as a result of the issuance or sale of securities backed by a pool of financial assets that convert into cash within a fixed period of time.

SENATE BILL 1075 **SENATE AUTHOR:** Parker
EFFECTIVE: 5-20-93 **HOUSE SPONSOR:** T. Hunter

Senate Bill 1075 amends the state's consumer credit law to allow a person who has or who obtains a license or registration from the Office of Consumer Credit Commissioner after the time during which the license or registration was required for the person to do business as an authorized lender to pay any previously unpaid license and registration fees plus any late fees and to be deemed to have had the required license or registration during that period for which the fees have been paid.

BUSINESS RELATIONS AND OCCUPATIONAL REGULATION

HOUSE BILL 5 **HOUSE AUTHOR:** Carona
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 5 amends several provisions of the Air Conditioning and Refrigeration Contractor License Law. It expands the definition of air conditioning and refrigeration maintenance work to include work performed on process cooling or heating systems and commercial refrigeration systems or equipment. Air conditioning and refrigeration contractors are required to be licensed unless specifically exempted. The act exempts those who service certain portable refrigeration units or perform air conditioning service only on motor vehicles. Also exempted are registered manufacturers, retailers, and installers who install or provide free warranty services for equipment in manufactured homes.

House Bill 5 authorizes the Texas Department of Licensing and Regulation to contract with political subdivisions of the state or state agencies to enforce the Air Conditioning and Refrigeration Contractor License Law and the department's rules adopted under the law.

HOUSE BILL 7 **HOUSE AUTHOR:** Carona
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 7 amends Business & Commerce Code provisions relating to covenants not to compete. Such a covenant is enforceable if it is part of or ancillary to another enforceable agreement at the time the agreement is made. A court shall modify a covenant that contains unreasonable or overly restrictive limitations on the time, area, and scope of activity in which competition is to be restrained.

Provisions added or amended by House Bill 7 preempt other law when determining the enforceability of covenants not to compete.

HOUSE BILL 154 **HOUSE AUTHOR:** Yarbrough, Eckels
EFFECTIVE: See below **SENATE SPONSOR:** Moncrief

This act requires the commissioner of licensing and regulation to establish an annual inspection and certification program for elevators, escalators, and related equipment no later than January 1, 1994. The commissioner shall adopt minimum safety standards for equipment located in buildings open to the general public. Equipment constructed or installed on or after September 1, 1993, must achieve standards different from those applicable to equipment in place before that date. Property owners are given until March 1, 1994, to comply with safety, inspection, and certification requirements.

House Bill 154 provides for inspector certification and allows the commissioner to authorize inspectors to waive or delay compliance with the standards in certain circumstances. It also creates a nine-member elevator advisory board, to be appointed by the commissioner of licensing and regulation no later than October 1, 1993, for the purpose of identifying and correcting potential safety hazards.

The act takes effect September 1, 1993.

HOUSE BILL 161 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shelley

House Bill 161 adds three new exemptions from the requirements of the Private Investigators and Private Security Agencies Act. That act no longer applies to certain nonprofit business or civic organizations that employ peace officers as patrolmen or guards for member or community protection nor to nonprofit charities that maintain records to help locate missing children. Also exempted are businesses that conduct psychological tests or interviews for preemployment purposes.

House Bill 161 also limits the exemption granted to registered professional engineers so that the exemption applies only to engineers who do not conduct investigations, contract for security services, or install or service security devices.

HOUSE BILL 273 **HOUSE AUTHOR:** Wolens
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 273 enacts the Texas Revised Partnership Act (TRPA) to replace the Texas Uniform Partnership Act (TUPA) January 1, 1999. The TRPA applies to limited partnerships created on or after January 1, 1994. Limited partnerships formed before January 1, 1994, may elect to use the TRPA as their governing law, rather than the TUPA, until December 31, 1998. On January 1, 1999, however, all partnerships will be subject to the provisions of the TRPA, regardless of the date of their formation.

The TRPA revises the ways in which partnerships can be created or changed, the relationships between partners, and partnerships' liabilities to third parties.

House Bill 273 also amends the Texas Revised Limited Partnership Act to provide for the filing of periodic reports, as well as the cancellation and reinstatement of a partnership's certificate or registration. It also allows racetrack partnerships to be transferred to limited partnerships created before January 31, 1993. This latter provision takes effect June 19, 1993.

HOUSE BILL 362 **HOUSE AUTHOR:** Clemons
EFFECTIVE: See below **SENATE SPONSOR:** Haley

House Bill 362 amends the Texas Timeshare Act, under which the Texas Real Estate Commission regulates the timeshare real estate industry. The amendments require timeshare managers to include certain information in a timeshare declaration, disclosure statement, and contract, as well as to make available an annual timeshare fee and expense statement to each owner. A timeshare purchaser may cancel the contract within six days of receiving a copy of the contract. The act allows the Texas Real Estate Commission to grant extensions for distributing annual statements, creates a civil penalty for the late filing of the annual fee and expense statement, and authorizes the attorney general to seek injunctions and civil penalties against noncompliant timeshare managers.

Timeshare managers must begin distributing annual fee and expense statements to owners after January 1, 1995. The other provisions of this act take effect September 1, 1993.

HOUSE BILL 364 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 364 enacts new law to regulate the telephone solicitation industry. It requires telephone solicitors to obtain a certificate of registration in order to conduct business from a location in Texas, or to solicit business from a purchaser in Texas. Telephone solicitors also must file a $10,000 surety bond, an irrevocable letter of credit, or a certificate of deposit with the secretary of state to indemnify any persons who suffer damage due to the illegal acts of the solicitor. They must disclose certain information to potential purchasers before a business transaction is completed.

This act applies to a limited number of solicitors. Many agents who conduct telephone sales are exempted from regulation, including security brokers, financial agents, insurance agents, utility representatives, nonprofit solicitors, food salespeople, persons selling recycling products, and subscription agents for newspapers, magazines, cable television, and catalogs. Also exempted are those who have conducted telemarketing for other businesses for more than three years under the same business name.

In addition, House Bill 364 creates civil and criminal penalties for violations of this act.

HOUSE BILL 395 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 395 amends provisions of the Agriculture Code and Health and Safety Code governing the business of slaughtering. The definition of "slaughterer" is expanded to include persons who sell livestock for slaughter on premises they own or operate, if those premises are located in a county with a population of one million or more. The act requires the health commissioner to inspect and adopt sanitation rules for such facilities.

HOUSE BILL 409 **HOUSE AUTHOR:** Kamel
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** O. H. Harris

House Bill 409 creates a new private club registration permit authorizing the storage and service of wine, beer, and malt liquor belonging to club members. The fee for this new limited permit, and subsequent renewals, is set at $1,500.

HOUSE BILL 466 **HOUSE AUTHOR:** D. Jones
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 466 amends previous law regarding the operation of the Texas Funeral Service Commission. The commission is authorized to issue subpoenas, appoint advisory committees, and institute legal action to enforce laws it administers. House Bill 466 also clarifies what constitutes a violation of these laws and requires funeral establishments to be inspected annually rather than biennially.

The act replaces the commission's apprenticeship program with a provisional license program, and sets forth new provisions for educational requirements, examinations, and issuance, renewal, and revocation of licenses. An individual serving as an apprentice will be granted a provisional license September 1, 1993; the license will be canceled September 1, 1994, unless the individual has passed the appropriate examination or enrolled in an accredited school.

HOUSE BILL 563 **HOUSE AUTHOR:** Seidlits, Nieto
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 563 amends several provisions of the Texas Manufactured Housing Standards Act. It alters the regulation and taxation of manufactured housing, sets new limits on consumer claims, and requires manufactured home creditors to register with the Office of Consumer Credit Commissioner.

HOUSE BILL 670 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 670 requires utility companies, on request of elderly customers, to delay for 25 days, without penalty, the payment date of utility bills for those customers. This act applies only to utility bills issued on or after August 30, 1993.

HOUSE BILL 712 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

Under previous law, persons who solicited donations in the name of public safety organizations were required to file minimal information about themselves with the attorney general's office. House Bill 712 repeals this law and enacts new law that requires solicitors to furnish more complete information with the secretary of state and sets up a solicitation information hotline for the public.

To solicit donations, public safety organizations, public safety publications, and certain independent solicitors must register with the secretary of state. Independent solicitors are further required to post a $10,000 surety bond with the secretary of state. The registration procedure and fee structure are specified. House Bill 712 supersedes any related local ordinance.

HOUSE BILL 740 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: See below **SENATE SPONSOR:** Brown

House Bill 740 amends The Plumbing License Law to create an examination and license endorsement for individuals who inspect and install medical gas piping. This endorsement must be obtained in accordance with Texas Department of Health regulations by February 1, 1994. Other provisions of House Bill 740 take effect September 1, 1993, including the deletion of the specific limits on fees charged by the State Board of Plumbing Examiners.

HOUSE BILL 908 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 908 amends provisions of the Alcoholic Beverage Code relating to extended hours for sales in certain counties. Raising the previous population threshold from 300,000, the act provides that, in counties with a population of 500,000 or more, licensed late-hour retailers may sell beer and mixed beverages between midnight and 2 a.m. Extended hours may be allowed in counties having a population of less than 500,000 if county or city permission is specifically granted.

HOUSE BILL 991 **HOUSE AUTHOR:** Stiles
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 991 amends provisions of The Real Estate License Act regarding the regulation of real estate brokers, salespeople, and inspectors and limited liability companies by the Texas Real Estate Commission and the Texas Real Estate Inspection Committee.

In addition to authorizing the commission to employ its own legal staff, the bill deletes disclosure requirements concerning AIDS and HIV-related illnesses of current or former property occupants and provides that licensees need not disclose information on natural or accidental deaths that have occurred on a property. A provision relating to educational requirements for salespeople takes effect September 1, 1994. The remainder of the act takes effect September 1, 1993.

HOUSE BILL 1081 **HOUSE AUTHOR:** Brimer, Hartnett
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Brown

House Bill 1081 amends the Property Code to require, with certain exceptions, that the seller of a single dwelling unit provide to the purchaser a detailed written notice regarding the property's condition that must be delivered to the purchaser on or before the effective date of the contract. If the disclosure notice is provided to the purchaser after the contract has been entered into, the purchaser has seven days to terminate the contract.

HOUSE BILL 1113 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 1113 amends the Business & Commerce Code to enact two new chapters of the Uniform Commercial Code. These chapters create a comprehensive framework governing electronic funds transfers and leases of goods.

House Bill 1113 also repeals certain provisions of the Business & Commerce Code relating to bulk transfers, fraudulent transfers of tangible personal property, and construction or repair contracts for real property improvements.

HOUSE BILL 1213 **HOUSE AUTHOR:** Gutierrez, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 1213 amends provisions of the Health and Safety Code relating to cemeteries, perpetual care cemeteries, and cemetery organizations.

This act includes a form by which individuals may leave written directions for the disposition of their remains. Disputes over the disposition of remains may be resolved in court. In certain cases, cemetery organizations are allowed to petition the court to remove the cemetery's dedication.

House Bill 1213 enacts expanded guidelines for the disposal of cremated remains by crematories. The act creates penalties for offenders who desecrate cemeteries and exempts cemeteries from paying public improvement fees.

Provisions relating to the location of a cemetery are amended to exempt from location requirements cemeteries in operation before September 1, 1995, in counties with a population of 217,250 to 217,450 that border the Gulf of Mexico. Cemeteries that begin initial operations on or after September 1, 1993, must be operated as perpetual care cemeteries.

In addition, this act authorizes proceedings against a neglected cemetery by the attorney general, the banking commissioner, and a cemetery plot owner. Effective March 1, 1994, corporations are required to post notification of perpetual care status and include this information in all sales contracts. The remaining provisions of this act take effect September 1, 1993.

HOUSE BILL 1217 **HOUSE AUTHOR:** Delisi
EFFECTIVE: See below **SENATE SPONSOR:** Zaffirini

House Bill 1217 adds to the Health and Safety Code provisions governing the operation of tattoo parlors. It requires tattoo parlors to be licensed and inspected by the Texas Department of Health beginning January 1, 1994.

Effective September 1, 1993, tattoo parlors are required to practice certain sterilization techniques and to maintain sanitary conditions to prevent the spread of infection. House Bill 1217 continues the current prohibition against tattooing persons under 21 years of age and adds a prohibition against tattooing persons thought to be under the influence of drugs or alcohol. Permanent records must be kept and made available for inspection by the health department on request.

HOUSE BILL 1239 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** O. H. Harris

House Bill 1239 makes numerous amendments and additions to the Business & Commerce Code, the Texas Limited Liability Company Act, the Texas Business Corporation Act, and the Texas Professional Association Act to revise provisions relating to the organization, regulation, and operation of certain business entities that provide for limited liability.

The act specifies the terms of managers of limited liability companies (LLCs) and prohibits committees of managers from distributing company cash, property, or stocks to company members. The act also specifies what constitutes an agent of an LLC for the purpose of its business. It amends voting and dissolution procedures, provides for the expulsion of company members, and requires profits and losses to be allocated in accordance with the percentage of shares held by each member, unless otherwise provided by company regulations.

House Bill 1239 redefines the applicability of state laws to limited liability companies, alters filing fees and effective dates for the approval of company mergers and other company actions, specifies new articles of merger requirements, and provides for mergers of both foreign and domestic companies. In addition, it creates a procedure for the registration and operation of professional LLCs, entities that provide services that require licensing, registration, or other legal authorization. These professional LLCs are exempted from all Texas securities laws.

House Bill 1239 also amends the Texas Business Corporation Act to permit a director to examine corporate books and records for official purposes and allow for a court-ordered opening of corporate records. Provisions relating to reorganization under a federal statute are also amended, as are provisions relating to the rights of members who dissent from a planned merger.

HOUSE BILL 1262 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 1262 amends several provisions of the Texas Structural Pest Control Act. It requires the executive director of the Texas Structural Pest Control Board to employ legal counsel for enforcement of the act and makes other administrative changes. A new category of license is created for pest control technicians, and employees of political subdivisions who engage in structural pesticide application other than in an incidental use situation are required to be licensed. Registered beekeepers are exempted from compliance with the act.

HOUSE BILL 1425 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Rosson

House Bill 1425 amends the Alcoholic Beverage Code to establish a brewpub license and provide for the operation of brewpubs that may manufacture, package, and sell beer, ale, and malt liquor for consumption on or off the brewpub premises.

HOUSE BILL 1429 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 1429 amends the Property Code to require prompt payment to contractors and subcontractors who perform improvement or construction work on real property. Subject to certain exceptions, payment to a contractor is required within 45 days of the contractor's request for payment, and payment to a subcontractor is required within seven days of the contractor's receipt of the owner's payment.

HOUSE BILL 1445 **HOUSE AUTHOR:** Wilson
EFFECTIVE: See below **SENATE SPONSOR:** Carriker

House Bill 1445 continues the Texas Alcoholic Beverage Commission (TABC) and sets September 1, 2005, as its next sunset date. The act implements many of the changes recommended by the Sunset Advisory Commission and modifies and adds various provisions dealing with TABC funding and administration, licensing requirements and fees, alcoholic beverage marketing, and the protection of public safety.

With regard to funding and administration, House Bill 1445 requires the commission to assess surcharges on current fees to cover the costs of regulating the alcoholic beverage industry. Certain fines also are increased.

The mixed beverage tax, which was previously collected and audited by the TABC, is to be administered by the state comptroller beginning September 1, 1993. On January 1, 1994, all employees, records, and equipment related to the administration of this tax are to be transferred from the TABC to the comptroller's office. Mixed beverage permit requirements also are amended.

The act sets forth new hiring, conduct, employment, and ethics requirements for the commission. A new human resources division is created to supervise hiring practices and improve minority employment opportunity. The TABC must provide to the public information relating to the commission's functions and complaint procedures.

House Bill 1445 makes substantial changes to permit and license requirements, particularly to those relating to permit applications and hearings. In-state licensees need demonstrate only one year of Texas citizenship rather than three, as previously required. The act imposes more stringent requirements for out-of-state residents, requiring those who seek a Texas permit or license to pass a criminal history background check and meet other criteria.

A license hearing must be held in the county in which the applicant's premises are located. The TABC is required to hold a local hearing before granting or denying a permit to a sexually oriented business if it is petitioned to do so, and new guidelines for suspension hearings are included.

The act requires a permit holder to file a $5,000 surety bond with the TABC. Permit holders are required to conform premises where alcoholic beverages may be sold or served with Title III of the Americans with Disabilities Act of 1990, and new location requirements are imposed for permit holders who operate in municipalities with a population of 1.5 million or more.

The act modernizes the regulation of the wine industry, creating and amending provisions relating to wine production, distribution, promotion, and sales. Brewpubs are now allowed to operate within the state, and specific provisions for their licensing and regulation are included as well.

Other changes affect specific permits, such as caterers' permits, warehouse licenses, private club registration permits, package store tasting permits, and temporary permits for charitable events. The TABC is required to adopt rules relaxing restrictions on charitable events not later than September 1, 1993.

House Bill 1445 allows Texans to participate in national sweepstakes sponsored by the alcoholic beverage industry. It also allows the alcoholic beverage industry to distribute certain types of promotional gifts and to advertise at racetracks and professional sports facilities. The industry may not, however, distribute promotional coupons to Texas consumers.

The act includes a number of provisions relating to the sale, possession, and consumption of alcohol by minors, local control over alcoholic beverages, and the sale, possession, and consumption of alcohol near schools and other publicly attended institutions.

House Bill 1445 allows city governments to pass laws restricting possession of open containers and public consumption of alcohol within central business districts. The act also prohibits open-container possession and public consumption of alcohol within 600 feet of a public or private school.

Most provisions of this act take effect September 1, 1993. Some, including those relating to summary suspensions, private club registration permits, mixed beverage permits and taxes, and changes in corporate ownership, take effect January 1, 1994.

HOUSE BILL 1494 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** O. H. Harris

House Bill 1494 revises the Texas Non-Profit Corporation Act. Technical changes and new procedures for incorporation, dissolution, and change of address are contained. The act also provides that directors of nonprofit corporations are not liable for actions performed or investments authorized in good faith and with ordinary care.

HOUSE BILL 1808 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

House Bill 1808 amends the Private Investigators and Private Security Agencies Act. It exempts from compliance certain nonprofit charitable organizations that maintain records to help locate missing children. It also authorizes the Board of Private Investigators and Private Security Agencies to require alarm systems installers or security salespeople to complete training requirements, examinations, and continuing education courses before obtaining or renewing certification.

HOUSE BILL 1862 **HOUSE AUTHOR:** Saunders
EFFECTIVE: Vetoed **SENATE SPONSOR:** Armbrister

House Bill 1862 requires state agencies that issue licenses to renew an expired license if the applicant has met renewal requirements and paid required fees. The act prohibits the requirement of an examination for renewal of a license, but the act's provisions do not apply to applicants whose licenses have been expired for more than two years, revoked, or suspended.

HOUSE BILL 1899 **HOUSE AUTHOR:** Willis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Rosson

House Bill 1899 requires veterans organizations to register and post bond with the secretary of state before soliciting donations from members of the public. Individuals hired to solicit donations in behalf of these organizations also are required to register and post a surety bond with the secretary of state.

House Bill 1899 also creates a toll-free solicitation information hotline. The act prohibits misleading solicitation practices and enacts penalties for violations of the act. In addition, it requires certain solicitors and veterans organizations to file reports with the secretary of state.

HOUSE BILL 2088 **HOUSE AUTHOR:** D. Jones
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 2088 adds a new section to the Alcoholic Beverage Code to authorize Texas wineries to distribute free bottles of wine for promotional purposes at convention and civic centers.

HOUSE BILL 2116 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 2116 regulates the hours that a motor vehicle salvage yard may operate in a county having a population of 2.8 million or more.

HOUSE BILL 2218 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 2218 amends existing law that allows vendors of motorcycles, mopeds, and all-terrain vehicles to charge a documentary fee of $25 or less to cover document handling costs. The act permits vendors of boats, boat motors, boat trailers, and towable recreational vehicles to do the same and raises the maximum allowable fee to $50.

HOUSE BILL 2243 **HOUSE AUTHOR:** Giddings
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** R. West

House Bill 2243 revises the Health Spa Act, which governs businesses that provide physical exercise programs or facilities for spa members. It requires businesses in the state to obtain a valid health spa operator's certificate of registration. Before obtaining this certification, certain health spas are required to post a $20,000 surety bond or other security to cover members' losses in the event the spa closes. House Bill 2243 also makes new provisions for contract financing and cancellation and limits contracts paid by installment to five years.

HOUSE BILL 2289 **HOUSE AUTHOR:** Gallegos
EFFECTIVE: See below **SENATE SPONSOR:** Henderson

Under previous law, individuals who had practiced interior design for six years or more before September 1991 were allowed to register without examination if they completed all registration requirements before September 1, 1992. House Bill 2289 extends the deadline for completing requirements to September 1, 1994.

The act has two conflicting effective date provisions, one providing that the act take effect September 1, 1993, and the other providing for immediate effect. House Bill 2289 was signed by the governor May 17, 1993.

HOUSE BILL 2410 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

Before 1989, driver training schools could conduct driver safety and education courses both at main and branch locations. In 1989, the Texas Education Agency required these schools to either close branch locations or register each branch as a main school location and post a $10,000 bond for each of the branch locations.

House Bill 2410 amends the Texas Driver and Traffic Safety Education Act to allow these schools to offer courses at branch locations if each main and branch location obtains a separate license. The act sets forth new licensing fees. In addition, $10,000 bonds are required for main locations and $5,000 bonds are required for each branch location.

HOUSE BILL 2480 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

Auto rental companies may exclude certain types of damage from loss damage waivers, limiting companies' losses resulting from renter negligence or misuse. House Bill 2480 allows companies to further limit liability. Renters may now be held liable for leaving the keys in an unattended car that is subsequently stolen.

HOUSE BILL 2499 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford, Carriker

House Bill 2499 substantially amends previous law relating to funeral services and merchandise to modify administrative provisions and regulate the sale of prepaid funeral services and merchandise.

The act requires vendors of prepaid funeral benefits or merchandise to obtain permits. The Banking Department of Texas must approve prepaid service contracts and is authorized to issue, cancel, renew, or suspend these nontransferable permits. Vendors are prohibited from using prepaid funds to purchase or invest in vendor-owned assets without the prior written approval of the banking commissioner. New provisions permit consumers to cancel contracts in certain cases, and the act specifies procedures a vendor must follow to obtain funeral benefits from insurance policies or trust funds.

HOUSE BILL 2564 **HOUSE AUTHOR:** Campbell
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Sims

House Bill 2564 provides for the regulation of motor vehicle repair facilities located in counties with a population of more than 50,000. Repair shops must register annually with the Texas Water Commission, include registration numbers in their advertisements, and maintain records of all motor vehicles they examine or repair. Provisions relating to the registration procedure, fees, expiration, renewal, revocation, and surrender are included.

HOUSE BILL 2644 **HOUSE AUTHOR:** Counts
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 2644 amends the Texas Appraiser Licensing and Certification Act to expand the powers of the Texas Appraiser Licensing and Certification Board and alter the board's composition and operation. It changes requirements for appraiser certification and sets up formal complaint, investigation, negotiation, and disciplinary procedures to be followed by the board.

HOUSE BILL 2771 **HOUSE AUTHOR:** Cain, Maxey
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 2771 transfers the regulation of bingo from the Texas Alcoholic Beverage Commission to the newly created Texas Lottery Commission and authorizes the commission to appoint a nine-member Bingo Advisory Committee.

In addition, House Bill 2771 revises several provisions of the Tax Code and the Bingo Enabling Act. It changes requirements and procedures for obtaining a bingo license, modifies the bingo fee and tax structure, increases the maximum prize that may be awarded in an instant bingo series, requires bingo halls to display the gambling hotline phone number, and implements new administrative penalties for noncompliant licensees. Effective October 1, 1993, the commission may not require different tax and fee reporting schedules and procedures for licensees based on gross receipt totals. The remaining provisions of House Bill 2771 take effect September 1, 1993.

HOUSE BILL 2833 **HOUSE AUTHOR:** D. Jones
EFFECTIVE: 6-2-93 **SENATE SPONSOR:** Montford

This act authorizes the Texas Racing Commission to allow a racetrack licensee to change the location of a racetrack. The commission also is authorized, in certain cases, to convert a reinstated license to a perpetual license.

HOUSE JOINT RESOLUTION 57 **HOUSE AUTHOR:** Mowery
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** O. H. Harris

House Joint Resolution 57 proposes the repeal of Article XII, Section 6, of the Texas Constitution, which prohibits corporations from issuing stocks or bonds except for money paid, labor done, or property actually received.

SENATE BILL 27 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 5-16-93 **HOUSE SPONSOR:** Goodman, Allen

Senate Bill 27 allows the Texas Alcoholic Beverage Commission or its administrator to cancel the permit of a wine and beer retailer or the on-premise license of a retail dealer if a chief of police or sheriff submits a sworn statement alleging that the retailer's or dealer's business endangers, and will continue to endanger, the general welfare, health, peace, morals, or safety of the surrounding community. The commission or administrator must hold a hearing in the county in which the business is located and make findings confirming the allegations before canceling the permit or license.

SENATE BILL 55 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Nieto

Senate Bill 55 amends the Alcoholic Beverage Code to allow the Texas Alcoholic Beverage Commission to suspend or cancel the license of an individual who sells an alcoholic beverage to a minor if the licensee does so with "criminal negligence" as defined by the Penal Code. Previous law required that the licensee have acted "knowingly."

SENATE BILL 87 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Junell

In 1987 the Texas Legislature began to regulate sports agents who seek to represent this state's amateur college athletes. Senate Bill 87 substantially amends these provisions to limit regulation to those agents seeking to represent Texas college athletes who play football or basketball, who have never signed a contract with a professional team, and who are eligible to play in amateur intercollegiate competition.

Senate Bill 87 adds new registration procedures and exempts certain financial service providers from having to register as sports agents. It also specifies new standards for agent-athlete contact, requires colleges to designate compliance coordinators, and authorizes the secretary of state to investigate and prosecute noncompliance. A college is permitted to sue sports agents whose actions lead to the school's suspension or disqualification from sports competition.

SENATE BILL 135 **SENATE AUTHOR:** Lucio
EFFECTIVE: 4-16-93 **HOUSE SPONSOR:** Gallegos

Senate Bill 135 amends the Alcoholic Beverage Code to authorize the Texas Alcoholic Beverage Commission or its administrator to appoint an honorably retired commissioned inspector or representative to the post of special inspector or representative.

SENATE BILL 137 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 137 amends The Plumbing License Law to require licensed plumbers to complete each license year six or more hours of continuing education, three hours of which must be in the areas of health protection, water conservation, and energy conservation. The Board of Plumbing Examiners may exempt certain licensees if doing so is in the public interest.

SENATE BILL 162 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 162 amends the Public Utility Regulatory Act to require a telecommunications utility providing operator service to ensure that callers are able to contact live operators through an understandable and accessible method at the beginning of all live or mechanized operator-assisted calls.

SENATE BILL 314 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 314 amends provisions of The Real Estate License Act relating to circumstances under which a real estate licensee may represent more than one party to a transaction. The amendments prohibit a broker from doing so unless the parties give written consent, written agreements set forth the source of expected compensation to the broker, and the broker provides the parties with an agency disclosure form. A broker who does represent more than one party must be impartial and follow specific requirements for broker conduct.

SENATE BILL 398 **SENATE AUTHOR:** Madla
EFFECTIVE: 6-2-93 **HOUSE SPONSOR:** Van de Putte

Senate Bill 398 amends the Alcoholic Beverage Code to authorize the issuance of a temporary wine and beer retailer's permit to a nonprofit historic preservation organization that is at least 30 years old. The act also increases from two to 10 the number of temporary mixed beverage permits that may be issued in each calendar year to a person who does not hold a mixed beverage permit.

SENATE BILL 400 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Brimer

Senate Bill 400 requires a debt collector to promptly correct an individual's credit file containing inaccurate information. The debt collector must immediately send notice of this correction, and a corrected report, to each person who has received an incorrect report.

To conduct business in Texas, a debt collector is required to post a $10,000 surety bond with the secretary of state. Claims may be filed against the bond by individuals who have suffered damages caused by unlawful collection practices.

SENATE BILL 813 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** D. Jones

Senate Bill 813 amends The Plumbing License Law to provide for the endorsement of "water supply protection specialist" to be issued by the Texas State Board of Plumbing Examiners to a licensed master or journeyman plumber who has completed the approved coursework, passed the required examinations, and paid the applicable fees. A fee structure is established for the examination, license endorsement, and endorsement renewal of water supply protection specialists.

SENATE BILL 815 **SENATE AUTHOR:** Truan
EFFECTIVE: 5-7-93 **HOUSE SPONSOR:** Kubiak

Senate Bill 815 amends The Plumbing License Law to require the Texas State Board of Plumbing Examiners to adopt the Uniform Plumbing Code, the Southern Standard Plumbing Code, and the National Standard Plumbing Code. Cities and utility owners may adopt standards that are not substantially different from state law.

SENATE BILL 842 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Kubiak

Senate Bill 842 amends numerous statutes to authorize 10 licensing agencies to issue subpoenas, summoning either witnesses or records, as part of their enforcement powers. These agencies are the Texas Appraiser Licensing and Certification Board, the Texas Cosmetology Commission, the State Board of Dental Examiners, the State Board of Registration for Professional Engineers, the Texas Structural Pest Control Board, the Texas Board of Physical Therapy Examiners, the Texas State Board of Plumbing Examiners, the Texas Real Estate Commission, the Board of Tax Professional Examiners, and the State Board of Veterinary Medical Examiners.

SENATE BILL 1227 **SENATE AUTHOR:** Henderson, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Wolens

Senate Bill 1227 amends the Penal Code, the Government Code, the Local Government Code, and the Uniform Act Regulating Traffic on Highways to redefine the offense of barratry and otherwise regulate the solicitation of legal services. Individuals are prohibited from instituting unauthorized suits and claims, soliciting employment in person or by telephone, and soliciting employment by offering anything of value to prospective clients, clients' family members, or other persons. Individuals licensed by health care regulatory agencies, as well as attorneys, are further prohibited from knowingly financing activities relating to barratry and from contacting potential clients who have not requested legal representation. Individuals convicted of barratry may not be licensed by the Commission on Law Enforcement Officer Standards and Education or employed as officers or county jailers.

The act also requires accident forms to include a section in which persons involved in an accident may state whether they wish to be contacted by legal representatives. An individual's response on the form may not be used as evidence in a civil trial.

Falsely holding oneself out as a lawyer is made a criminal offense punishable as a third degree felony. The act defines and prohibits specific actions that constitute the unauthorized practice of law. Provisions for the revocation and suspension of occupational licenses are also included.

The State Bar of Texas is required to adopt rules governing lawyer advertising and written solicitation not later than June 1, 1994.

SENATE BILL 1362 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-19-93 **HOUSE SPONSOR:** Kubiak

The Texas Board of Accountancy previously prohibited enrolled agents who are licensed to practice before the Internal Revenue Service from using the designation "EA" on business cards and stationery without also specifying that they are enrolled agents rather than licensed public accountants. Senate Bill 1362 amends the Public Accountancy Act of 1991 to allow enrolled agents in Texas to use this designation.

CIVIL REMEDIES AND PROCEDURES

HOUSE BILL 49 **HOUSE AUTHOR:** Uher, Hirschi
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 49 amends the Civil Practice and Remedies Code to require that a judgment debtor attempting to obtain a release of lien from a judgment creditor who cannot be located provide notice to the creditor's attorney.

HOUSE BILL 674 **HOUSE AUTHOR:** Bomer
EFFECTIVE: Vetoed **SENATE SPONSOR:** J. Turner

House Bill 674 amends the Civil Practice and Remedies Code to prohibit a court from referring a case to alternative dispute resolution if a motion for transfer of venue or a motion for special appearance is pending.

HOUSE BILL 898 **HOUSE AUTHOR:** Jackson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

This act extends the statute of limitations for various types of lawsuits by navigation districts, port authorities, and certain incorporated cities and towns that own and operate harbor and port facilities.

HOUSE BILL 1395 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 1395 amends several provisions of the Property Code relating to the liability of, and actions against, contractors for construction defects. The act also expands the list of causes of damage for which a contractor is not liable, extends the number of days a contractor has to inspect the property to determine the nature and cause of a defect and to make a written settlement offer, and requires a plaintiff to prove that damages were proximately caused by a construction defect.

HOUSE BILL 1447 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ratliff

House Bill 1447 amends the Civil Practice and Remedies Code by prescribing a form of affidavit concerning cost and necessity of services in certain civil actions.

HOUSE BILL 2271 **HOUSE AUTHOR:** Martin
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 2271 amends the Water Code to authorize the Texas Water Development Board to obtain liability insurance and to exempt board members and employees from personal liability for actions undertaken relating to board business.

SENATE BILL 2 **SENATE AUTHOR:** Montford, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Junell

Senate Bill 2 amends the Civil Practice and Remedies Code to authorize Texas courts to use the doctrine of forum non conveniens to stay or dismiss certain personal injury and wrongful death suits in favor of trial of those suits in courts of another jurisdiction.

The act takes effect August 30, 1993, but applies to causes of action filed on or after September 1, 1993.

SENATE BILL 4 **SENATE AUTHOR:** Parker, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 4 adds to the Civil Practice and Remedies Code a chapter relating to products liability. The act requires a manufacturer to indemnify a seller against a loss arising out of a products liability action, with certain exceptions. Sellers are entitled to recover court costs, attorney fees, and other reasonable expenses and damages.

Manufacturers or sellers are not to be held liable for damages caused by common consumer products that are intended for personal consumption, are inherently unsafe, and are known to be unsafe by the ordinary consumer who consumes the product.

A claimant alleging a design defect has the burden of proving that there was a safer alternative design and that the defect was a producing cause of the personal injury, property damage, or death that resulted. Actions based on toxic or environmental torts or a drug or device as defined in the federal Food, Drug, and Cosmetic Act are exempted from this provision.

The act prohibits manufacturers and sellers of firearms and ammunition from being held liable for design defects in these products unless the claimant proves that the actual design was defective, causing the product to function in a way not expected by the ordinary consumer and that the defective design was a producing cause of the personal injury, property damage, or death. Claimants are prohibited from proving the existence of a defective design by comparing the firearm or ammunition's benefits against its risks.

In suits involving manufacturing equipment, plaintiffs are required to bring products liability actions within 15 years after the date of sale or within the useful life of the product as represented by the manufacturer.

SENATE BILL 76 **SENATE AUTHOR:** J. Turner, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 76 amends the Civil Practice and Remedies Code to provide that a person may appeal from an interlocutory order that denies a motion for summary judgment in a suit involving a member of the electronic or print media or a person whose communication appears in or is published by the media, if the suit involves libel, free speech, or free press claims.

If the order appealed from is affirmed, the appellant is required to pay all costs and reasonable attorney's fees of the appeal. Otherwise each party is liable for its own costs of appeal.

SENATE BILL 170 **SENATE AUTHOR:** Madla
EFFECTIVE: See below **HOUSE SPONSOR:** Marchant

Senate Bill 170 amends the Local Government Code to authorize municipalities to establish minimum standards for swimming pool fences and enclosures.

A chapter is added to the Health and Safety Code to require the owners of multiunit rental complexes and property owners associations that own, control, or maintain pools to completely enclose pool yards with pool yard enclosures. The act sets standards for the enclosures and for doors and windows opening onto pool yards. The act provides for the inspection, repair, and maintenance of pool yards, provides for enforcement for noncompliance, and authorizes the Texas Board of Health to adopt rules requiring standards for design and construction of pool yard enclosures that exceed those set by this act.

The provision authorizing municipalities to establish standards takes effect on September 1, 1993, while the remainder of the act takes effect on January 1, 1994.

SENATE BILL 386 **SENATE AUTHOR:** Shelley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Junell

Senate Bill 386 clarifies provisions of the Civil Practice and Remedies Code relating to immunity from liability for acts performed in medical emergencies in a health care facility or medical transport vehicle.

SENATE BILL 820 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Place

This act amends the Civil Practice and Remedies Code to provide that a transcript of the statement of facts for appeal be provided free to an indigent person if the appeal is not frivolous and the statement of facts is necessary for the appeal.

SENATE BILL 1023 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 1023 adds a chapter to the Health and Safety Code to outline the duties and liabilities of operators of roller-skating centers and roller skaters and spectators at the centers.

SENATE BILL 1409 **SENATE AUTHOR:** Parker, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Martin

This act continues the Medical Liability and Insurance Improvement Act of Texas until August 31, 2009.

Senate Bill 1409 requires the plaintiff in a health care liability suit, within 90 days of the commencement of the action, to file a supporting affidavit based on expert opinion or to post a $2,000 security bond.

The act also directs the chief justice of the supreme court to appoint a Health Care Liability Discovery Panel to promulgate a standard set of interrogatories, requests for production of documents, and other documents appropriate for each of the categories of plaintiffs and defendants usually involved in health care liability claims. The supreme court is required to review these standards and to take action on them by January 1, 1994, and the standard sets of documents are to be published no later than February 1, 1994.

Senate Bill 1409 prohibits a health care provider from requesting that a patient sign an agreement to arbitrate a medical malpractice claim unless the agreement contains a boldface written notice stating that the agreement is invalid unless it is also signed by the patient's attorney. Health care providers who violate this provision are subject to sanctions.

In addition, requests for the medical records of a deceased person or a person deemed incompetent are to be considered valid if accompanied by written authorization by certain persons. The records of a medical organization or university medical center or health science center made or maintained in the regular course of business are subject to subpoena and are not confidential under the Medical Practice Act.

The provisions extending the expiration date of the Medical Liability and Insurance Improvement Act of Texas and retaining other laws associated with that act take effect June 10, 1993. The remainder of Senate Bill 1409 takes effect September 1, 1993.

CORRECTIONS

HOUSE BILL 119 **HOUSE AUTHOR:** Brimer, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 119 creates a new sentencing option for probationers convicted of family violence. A court is authorized to require the probationer to attend, at the direction of the probation officer, qualified counseling sessions for the elimination of violent behavior or a battering intervention and prevention program. The court must require the probationer to begin attendance within 60 days after probation is granted and must notify the probation officer. The probationer is required to pay for counseling if financially able to do so and may also be required to pay counseling costs incurred by the victim for up to one year. If the probationer is unable to pay for counseling, the court imposing counseling as a condition of probation is required to make it available without cost.

HOUSE BILL 294 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Turner

House Bill 294 adds employees of the Texas Department of Criminal Justice to the list of persons exempt from liability for damages incurred in connection with court-ordered community service or other activities performed by an inmate.

A juvenile probation officer is likewise exempted from liability for damages incurred in connection with manual labor of a child who has been placed on informal adjustment.

HOUSE BILL 537 **HOUSE AUTHOR:** Place, et al.
EFFECTIVE: 6-6-93 **SENATE SPONSOR:** Whitmire

House Bill 537 authorizes the Board of Pardons and Paroles to grant parole to a person convicted of a capital felony only on a two-thirds vote of the entire membership of the board.

HOUSE BILL 637 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 637 authorizes the Council on Sex Offender Treatment to receive information from a law enforcement agency concerning the criminal history of a person who applies for registration or a renewal of registration as a provider of rehabilitation services for sex offenders. A law enforcement agency is required to provide criminal history information to the council only if the information is relevant to the proposed registration and was collected in accordance with the act.

Release of information received by the council is authorized only on court order or with the consent of the person being investigated, and the council is required to establish a method to collect and destroy criminal history information within one year after deciding on the eligibility of an applicant. An offense is created for releasing criminal history information received by the council.

The council is authorized to deny registration to an applicant if the council determines an applicant's criminal history makes the applicant unsuitable or if the applicant fails to provide required information.

The act also amends the Code of Criminal Procedure to provide that the council may consider the fact that an applicant has been dismissed and discharged from probation without an adjudication of guilt when issuing, renewing, denying, or revoking a license or registration.

HOUSE BILL 722 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

This act amends the Human Resources Code to authorize a law enforcement officer in Hidalgo County to refer certain juvenile offenders to the county juvenile probation program's court conference committee.

HOUSE BILL 810 **HOUSE AUTHOR:** Stiles, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

The Health and Human Services Commission oversees and coordinates the activities of several state agencies to promote administrative efficiency in the delivery of client services. House Bill 810 removes the Texas Youth Commission from the oversight of the Health and Human Services Commission.

HOUSE BILL 819 **HOUSE AUTHOR:** Stiles, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 819 makes employees of the Texas Youth Commission (TYC) eligible to receive hazardous duty pay if they have routine direct contact with youths who are in a residential facility or are paroled from TYC. Receipt of hazardous duty pay does not entitle the recipient to certain retirement benefits.

HOUSE BILL 864 **HOUSE AUTHOR:** Johnson, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 864 authorizes a sheriff to accept an inmate awaiting transfer to prison as a volunteer in any work program, provided that the inmate was not convicted of a violent offense. A sheriff and certain other employees of a county are granted immunity from charges arising from their actions in connection with labor performed by an inmate if their act or failure to act was not intentional, wilfully negligent, or reckless. The director of the institutional division of the Texas Department of Criminal Justice is required to award good conduct time to a defendant who participates in a work program operated by a sheriff.

HOUSE BILL 966 **HOUSE AUTHOR:** H. Cuellar, Nieto
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

Under previous law, the Webb County Juvenile Board was authorized to remove or suspend employees, but the chief juvenile probation officer did not have this authority. House Bill 966 amends the Human Resources Code to authorize the chief juvenile probation officer, with board permission, to remove an employee whom the officer supervises.

HOUSE BILL 1056 **HOUSE AUTHOR:** Delco, et al.
EFFECTIVE: 6-11-93 **SENATE SPONSOR:** Barrientos

This act amends the Local Government Code to authorize a commissioners court to establish a county jail industries program, and it authorizes the sheriff to allow inmates to work in the program or on maintenance projects of the county. Articles produced under the program may be distributed to political subdivisions of the county or to nonprofit organizations, and any revenues may be used to reimburse the county for the costs of an inmate's incarceration. A person convicted of a felony is required to work in a county jail industries program or to do manual labor. The act clarifies that an inmate does not have a right to work in a jail program and county officials are exempted from liability for failing to provide such a program.

HOUSE BILL 1116 **HOUSE AUTHOR:** Stiles, et al.
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Whitmire

House Bill 1116 amends the Government Code to authorize the institutional division of the Texas Department of Criminal Justice to house inmates in tents or tent-like structures unless prohibited by federal law or court order.

HOUSE BILL 1208 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1208 amends the Human Resources Code to clarify several provisions relating to the juvenile boards of Cochran and Hockley counties. The act specifies who is to serve as chair and vice-chair of the respective boards and requires a regular meeting schedule. New provisions are enacted governing salaries and reimbursement of board members and personnel, including a provision to reimburse board members of both boards for the cost of training. In both counties, the county auditor is required to serve as the board's fiscal officer.

HOUSE BILL 1493 **HOUSE AUTHOR:** Place
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** J. Turner

House Bill 1493 removes from the Family Code a requirement that a child be 18 years of age or older before transfer from the Texas Youth Commission and acceptance by the institutional division of the Texas Department of Criminal Justice.

HOUSE BILL 1503 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 1503 authorizes the Texas Youth Commission to reimburse children committed to the commission for personal property that is lost or damaged as a result of negligence by the staff of the commission.

HOUSE BILL 1718 **HOUSE AUTHOR:** Allen
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shelley

House Bill 1718 amends the Tax Code to establish a franchise tax credit for employers of inmates and former inmates and broadens the scope of the prison industries program. If certain conditions of employment are met, a corporation is made eligible for a tax credit equal to 10 percent of the portion of the wages that would have been given to the state by the institutional division as incarceration reimbursement if the employee had still been an inmate. Limits are imposed on the amount and period for which a credit may be claimed, and the institutional division is required to issue a certification of eligibility for the credit upon request by a corporation.

The Government Code is amended to authorize the prison industries office to enter into a contract with a private business only if the contract specifies that the parties will comply with federal law, and the prison industries program is authorized to sell products to a private person or for the use of governmental entities.

HOUSE BILL 1731 **HOUSE AUTHOR:** Granoff
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

This act establishes procedures concerning placement of children and youth in treatment and residential facilities. The Family Code is amended to prohibit a court from placing a child on probation outside the child's home without a finding that the child cannot be provided the level of support and supervision at home to meet the conditions of probation. Also, a court is required to order persons

who receive child support to assign those payments to the institution in which a child is placed. The Human Resources Code is amended to authorize the Texas Youth Commission to establish a children's crisis intervention and assessment center and to contract with other entities for the provision or use of services at the center. The Texas Juvenile Probation Commission, the Texas Youth Commission, and the Department of Protective and Regulatory Services are required to maintain a joint memorandum of understanding relating to abused and neglected children, and the required contents of the memorandum are set forth. The act repeals a provision of the Human Resources Code that allowed a court to set a child at liberty while the child was awaiting commitment.

HOUSE BILL 2111 **HOUSE AUTHOR:** Gray
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire, et al.

This act amends the Government Code to require the director of the institutional division of the Texas Department of Criminal Justice, on notification by a court, to withdraw money from an inmate's trust fund and make payments to a court or to a party specified in the court order. The director and the institutional division are exempted from liability for making such withdrawals, and a schedule of payment priorities is set forth.

HOUSE BILL 2535 **HOUSE AUTHOR:** Campbell
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

This act amends the Code of Criminal Procedure to authorize a community supervision and corrections (probation) department and the pardons and paroles division of the Texas Department of Criminal Justice to contract for telephone reporting, automated caseload management, and collections services. A commissioners court is also authorized to contract for the provision of collection services for court costs. A telephone company providing intrastate "1-900" service for reporting by a probationer or parolee is authorized to charge a fee to the defendant using the service only with the consent of the contracting agency.

HOUSE BILL 2845 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

Under previous law, Castro, Hale, and Swisher counties were served by a single juvenile board. House Bill 2845 creates a new juvenile board for Hale County and reorganizes the existing board to serve Castro and Swisher counties.

SENATE BILL 171 **SENATE AUTHOR:** Montford, Whitmire
EFFECTIVE: 2-23-93 **HOUSE SPONSOR:** Hightower

Senate Bill 171 requires the Public Finance Authority to issue $125 million in previously authorized bonds and appropriates bond proceeds to the Texas Department of Criminal Justice for the purpose of building new prisons and paying start-up expenses incurred in opening other prison units. An additional appropriation of $125.8 million is made from the economic stabilization fund to the department to cover costs incurred by jail overcrowding. The act requires the department to make a good faith effort to include minority-owned businesses in the bond issuance and award of construction contracts.

SENATE BILL 175 **SENATE AUTHOR:** Parker
EFFECTIVE: 5-15-93 **HOUSE SPONSOR:** Stiles

Senate Bill 175 amends the Local Government Code to authorize a county to place prisoners in a tent or other temporary facility instead of in a county jail. The Commission on Jail Standards is required to adopt certain rules governing the temporary housing of prisoners, and the rules must be consistent with other jail standards whenever practicable. The commission is authorized to adopt different housing standards for specific correctional programs such as boot camps.

SENATE BILL 252 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hightower

Senate Bill 252 requires the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, and representatives of local mental health or mental retardation authorities appointed by the commissioner of the Texas Department of Mental Health and Mental Retardation to adopt a memorandum of understanding (MOU) that establishes their respective responsibilities to institute a continuity of care and service program for offenders with mental impairments. The Texas Council on Offenders with Mental Impairments (council) is required to coordinate and monitor the development and implementation of the MOU.

The Texas Department of Criminal Justice, the Texas Department of Human Services, and the Texas Department on Aging are required to adopt an MOU that establishes their respective responsibilities to institute a continuity of care and service program for elderly offenders. The council is required to coordinate and monitor the development and implementation of the MOU.

The Texas Department of Criminal Justice, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Commission for the Deaf and Hearing Impaired, the Texas Department of Health, and the Texas Department of Human Services are required to adopt an MOU that establishes their respective responsibilities to institute a continuity of care and service program for offenders who are physically disabled, terminally ill, or significantly ill. The council is required to coordinate and monitor the development and implementation of the MOU.

The council, the Commission on Law Enforcement Officer Standards and Education, and the Commission on Jail Standards are required to adopt an MOU that establishes their respective responsibilities to institute a continuity of care and service program for offenders who are mentally impaired, elderly, physically disabled, terminally ill, or significantly ill.

The council is required to include in its biennial report to the governor and presiding officers of the legislature a report on the development and implementation of the continuity of care and service programs established under the act.

SENATE BILL 338 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Senate Bill 338 amends the Code of Criminal Procedure to authorize a parole panel to require that a parolee attend counseling sessions or participate in a substance abuse treatment program if the offense involved controlled substances or use of controlled substances by the offender.

SENATE BILL 378 **SENATE AUTHOR:** Whitmire
EFFECTIVE: See below **HOUSE SPONSOR:** Hightower

Senate Bill 378 revises or requires review of various procedures within the Texas Department of Criminal Justice to maximize the availability of federal funds to the department and to promote the efficient operation of the institutional division. The Texas Board of Criminal Justice is required to include representatives of all divisions on the federal funds committee and to give the committee specific charges designed to maximize the availability of federal funding for the department. The department is required to review its policies on rental of state-owned housing to employees and to adjust the number of employees eligible for housing or to adjust the rent to reflect the market value of the housing. This provision would apply only after the comptroller certifies that state law requires all state agencies to make the same review.

The institutional division is required to assess its long-term administrative segregation and maximum security needs at least once every three years and to report the results within one year to the Legislative Criminal Justice Board. Items to be included in the assessment are set forth, and the first assessment is to be completed by December 31, 1993. The director of the institutional division is required to evaluate the efficiency of the maintenance staff of each prison unit and standards for the allocation of maintenance staff are set forth.

The department is required to establish an automated inventory and maintenance system for each prison unit as funds are appropriated and to study the underutilization of computers by the institutional division. The Department of Information Resources is required to develop strategies for enhanced computer use by the division and to complete its study by September 1, 1994, and the Texas Board of Criminal Justice is directed to request legislation or appropriations necessary to implement the strategies.

In addition, the amount of money paid to inmates upon release is reduced and the department is required to pay all or part of an inmate's transportation costs. A Managed Health Care Advisory Committee is created to develop a health care plan for inmates that uses the public medical schools of the state or contracts for services by private providers. The health care plan will go into effect only if it costs the state less than what is presently provided. The act takes effect May 22, 1993, except that provisions relating to the automated inventory and maintenance system take effect January 1, 1994, and provisions relating to inmate discharge money and transportation costs take effect September 1, 1993.

SENATE BILL 532 **SENATE AUTHOR:** Whitmire, Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hightower

Senate Bill 532 amends the Government Code to create a state jail division of the Texas Department of Criminal Justice, authorizes the use of transfer facilities to house inmates waiting for assignment to a prison, and makes an appropriation of $72 million from the economic stabilization fund to the department. In addition, the Code of Criminal Procedure is amended to make numerous changes in the community supervision and corrections (probation) departments.

The state jail division of the department is created to confine defendants convicted of an offense classified as a state jail felony. The division is authorized to finance and manage the facilities itself and to contract with the institutional division of the department, a private vendor, a community supervision and corrections department, or a commissioners court for the construction and operation of a facility. The Texas Board of Criminal Justice is required to designate at least nine regions in the state and to allocate facilities among the regions and facilities and beds within a region. The board is authorized to designate and use any facility under its control as a state jail facility, and may also designate any community corrections facility that is an intermediate sanction facility as a state jail, with the consent of the department operating the facility.

The institutional division of the department is authorized to operate transfer facilities to house for up to 12 months inmates who would otherwise be confined in a county jail awaiting transfer to prison. The facilities may also be constructed and operated by a private vendor or a county commissioners court.

The act amends the Code of Criminal Procedure to provide a per capita per diem funding mechanism for each felony defendant under community supervision and to set a 182-day limit on per capita per diem payments for nonfelony defendants. State aid is to be provided to local departments on a biennial basis. A department, with the assistance of public educational institutions, is authorized to establish a program for defendants to provide remedial education and vocational training, and the Texas Department of Commerce is required to provide information to departments and educational institutions for obtaining financial assistance through the Texas Job-Training Partnership Act and other programs.

Senate Bill 532 amends the Government Code to establish a procedure for removing a participant in a program at a substance abuse felony punishment facility who is not complying with the program rules or is unsuitable for the program, and the department is required to separate participants in a substance abuse program from other inmates. The Texas Commission on Alcohol and Drug Abuse is required to contract for transportation of a participant who successfully completes a program to an appropriate continuum of care program and to assist the Criminal Justice Policy Council in developing methods to evaluate the success of such programs.

The act removes the requirement that substance abuse programs in prison last either three months or six months and instead allows programs of indeterminate length, not to exceed 12 months. The institutional division of the department is required to separate an inmate who successfully completes a program from other inmates until the participant is discharged or released on parole, and the parole panel must require as a condition of parole that the inmate participate in a continuum of care treatment program to be developed by the Texas Commission on Alcohol and Drug Abuse.

The Board of Pardons and Paroles is authorized to grant parole to a person convicted of a capital felony only on a two-thirds vote of the entire membership of the board. The Criminal Justice Policy Council is required to report at least annually to the Legislative Criminal Justice Board, the Texas Board of Criminal Justice, and the Board of Pardons and Paroles on the use of parole guidelines by each member of the board in making parole decisions. New procedures are imposed on those representing an inmate before the board, including registration with the Texas Ethics Commission and filing of a fee affidavit. An offense is created for failing to abide by the prescribed procedures.

A parole panel must require as a condition of parole or release to mandatory supervision that the defendant reside in the county in which the offense was committed or in which sentence was imposed, unless certain conditions are met. The Criminal Justice Policy Council is required to report monthly and annually certain statistics regarding the number of inmates released on parole or to mandatory supervision, and the board is required to review the information to make an equitable distribution of inmates to each county.

A person serving as a member or employee of the Board of Pardons and Paroles, the Texas Board of Criminal Justice, or the Texas Department of Criminal Justice is prohibited from representing a person before the parole board or a panel of the board for a period of 10 years after terminating service or employment. Such persons are specifically prohibited from receiving compensation for services relating to a matter that directly concerned them during their period of service or employment, and an offense is created for violating these provisions.

SENATE BILL 541 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 5-22-93 **HOUSE SPONSOR:** Kubiak

This act reorganizes and sets forth the powers and duties of the juvenile board of Washington County. Board composition is changed by including the judges of each county court at law and by providing for an elected chair. The compensation limit for board members is removed, and the county is required to share certain agreed-upon expenses with the board. The board is authorized to accept gifts and grants from other political subdivisions and to operate together with one or more adjacent counties.

SENATE BILL 588 **SENATE AUTHOR:** Carriker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Finnell

According to a recent attorney general's opinion, no statute fixes any responsibility on any person or entity for the transportation of juvenile defendants. Senate Bill 588 assigns responsibility for the transporting of a juvenile offender to the law enforcement officer who has taken a child into custody or in certain instances to a sheriff.

SENATE BILL 1069 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 4-22-93 **HOUSE SPONSOR:** Hightower

Senate Bill 1069 creates an exemption from the requirement for legislative approval of leased corrections facilities when the facility is a 400-bed intermediate sanction facility in Harris County. In addition, the requirement that certain correctional facilities be accredited by the American Correctional Association is eliminated.

SENATE BILL 1130 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga, Danburg

Under previous law, the Interagency Council on Sex Offender Treatment was composed of 13 members, including three public members and representatives of various state agencies. Senate Bill 1130 replaces the interagency council with a Council on Sex Offender Treatment composed of three public members appointed by the governor and an interagency advisory committee composed of 11 members. The act sets forth duties of the council, including a requirement that the council set standards, conduct continuing education programs, and develop registration requirements and procedures for treatment providers. The council also is authorized to charge and collect certain fees. An offense is created for falsely claiming to be a sex offender treatment provider, and provision is made for judicial review when a person is excluded from the registry of approved treatment providers.

SENATE BILL 1329 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Under previous law, the sheriff of a county with a population under one million was authorized to operate or contract for a commissary for the use of prisoners committed to the county jail. Senate Bill 1329 amends the Local Government Code to remove the population restriction and extend the provision to include sheriffs in all counties.

COURTS—GENERAL

HOUSE BILL 36 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Turner

Chapter 51 of the Government Code requires district clerks in counties participating in the state judicial fund to collect a $40 filing fee and county clerks to collect a $20 filing fee for deposit into the fund. In some counties in which the county court at law and the district court have concurrent jurisdiction, all cases are filed with the district clerk, which results in the state's receiving $40 per case, even if the case is heard in the county court at law.

The 72nd Legislature established a minimum salary for county court at law judges in counties that contribute to the fund. This law superseded other statutes that set salaries for county court at law judges in specified counties at a level lower than the new minimum. The law expressly did not affect other statutes that set county court at law judges' salaries at a level higher than the new minimum. It was silent as to its effect on other statutes that set salaries at an amount equal to the new minimum.

House Bill 36 amends the Government Code to require district clerks to report to the comptroller the amount of fees collected for cases assigned to a county court at law and requires the comptroller to credit one-half of the fees to the fund for cases assigned to the county courts at law. The act also provides that the law enacted by the 72nd Legislature does not affect statutes setting a salary minimum that is equal to the amount specified by that law.

HOUSE BILL 66 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

Under previous law, official district court reporters were prohibited from receiving salaries more than 10 percent greater than salaries received during the preceding budget year without the approval of the commissioners court of each county in the judicial district.

House Bill 66 amends the Government Code to exempt from this prohibition official district court reporters who are serving in counties of one million or more. The act applies a new prohibition to those district court reporters who are serving in counties of this size to prohibit them from receiving a percentage increase in salary in a fiscal year that is greater than the average percentage increase in compensation given in that fiscal year to all other county employees.

HOUSE BILL 86 **HOUSE AUTHOR:** Kamel
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shapiro

House Bill 86 excludes juror payments as a property right. This exempts unclaimed juror checks from the requirement that they be remitted to the state treasurer. The act provides that a check that is not redeemed within 90 days of issuance is considered forfeited and may be deposited in the county jury fund, the county general fund, or any other eligible fund.

HOUSE BILL 109 **HOUSE AUTHOR:** Puente
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** G. Luna

Chapter 24 of the Government Code contained provisions that would allow lawyers practicing in a court to elect a special judge during the absence or inability or refusal of the regular judge to hold court. House Bill 109 repeals these provisions.

HOUSE BILL 171 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-95 **SENATE SPONSOR:** Bivins

House Bill 171 creates the 385th Judicial District composed of Midland County.

HOUSE BILL 198 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

Under previous law, a party initiating a condemnation proceeding in a county with a county court at law was required to file the petition with the judge of that court or, if there was more than one county court at law with jurisdiction, with the county clerk. For a proceeding initiated in a county not having a county court at law with jurisdiction, the petition was required to be filed with the district judge or district clerk.

House Bill 198 amends the Property Code to allow a party to file a petition with any clerk authorized to handle the filings for the court or courts. The act also requires the filing fee to be paid at the time of filing.

HOUSE BILL 208 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** G. Luna

House Bill 208 requires the 73rd District Court (Bexar County) to give preference to civil and juvenile cases.

HOUSE BILL 238 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

Current law directs the supreme court to provide judicial training relating to the problems of family violence, sexual assault, and child abuse.

House Bill 238 amends the Government Code to direct the supreme court to adopt rules requiring judges to complete at least eight hours of judicial training within their first term of office, at least six hours of which must be dedicated to acquiring information regarding available community and state resources for counseling and other aid to victims and to offenders, gender bias in the judicial process, and the dynamics and effects of being a victim of family violence, sexual assault, or child abuse. A judge who does not hear any cases involving these areas may be exempted from the training by filing an affidavit with the Office of Court Administration. A nonexempt judge who is in office on December 31, 1993, must complete the training before August 31, 1996.

HOUSE BILL 253 **HOUSE AUTHOR:** Place, Greenberg
EFFECTIVE: See below **SENATE SPONSOR:** Barrientos, C. Harris

House Bill 253 adds a new subchapter to the Government Code to direct the State Bar of Texas to publish and annually update a uniform jury handbook for distribution to each of the state's trial courts. The act stipulates the contents of the handbook, provides for its distribution, and states that any charge or instruction issued by a trial judge that is in conflict with a provision in the handbook supersedes the handbook. The act calls for the formation of a legislative oversight committee to jointly develop the handbook with the state bar and provides for the presiding officers of the legislature to appoint the committee no later than October 1, 1993. The act takes effect on September 1, 1993, except that the handbook is to be published and distributed by January 1, 1994.

HOUSE BILL 392 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 392 allows constables to summon prospective jurors in justice court and to provide for justice court juries to be composed of six people.

HOUSE BILL 393 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 393 amends the Government Code and the Local Government Code to exempt the United States Immigration and Naturalization Service from fees charged by district and county clerks for documents relating to an individual's criminal history, regardless of whether the document is certified.

HOUSE BILL 424 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 424 removes the professional prosecutor status of the district attorney of the 83rd Judicial District and of the county attorney performing the duties of district attorney in Fayette County.

HOUSE BILL 567 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 6-9-93 **SENATE SPONSOR:** Parker

House Bill 567 authorizes judges of the district and county courts at law in Jefferson County to appoint more than one criminal law master at a time, provides for the masters' compensation, and prohibits a master from the practice of law before the court in which the master served for two years after service has ended. The act also amends the Code of Criminal Procedure to include in the definition of "magistrate" masters that give preference to criminal cases in Jefferson County.

HOUSE BILL 680 **HOUSE AUTHOR:** Kubiak
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 680 amends the Government Code to extend professional prosecutor status to the district attorney of the 23rd Judicial District and to the county attorney performing the duties of district attorney in Lee County.

HOUSE BILL 753 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

House Bill 753 deletes from the Government Code a requirement that the district attorney of the 31st Judicial District represent the state in all criminal cases before the County Court of Roberts County.

HOUSE BILL 887 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Brown

House Bill 887 amends the Civil Practice and Remedies Code to increase from $1 to $10 the daily fee paid to witnesses in civil lawsuits and to eliminate mileage reimbursement for witnesses. The act requires the party who summoned the witness to pay the witness fee for one day at the time the subpoena is served. It also establishes a maximum distance of 150 miles from the county where a suit is pending within which a witness may be subpoenaed and decreases the time during which a witness is privileged from arrest for certain offenses while traveling to or from the courthouse from one day per 25 miles to one day per 150 miles.

HOUSE BILL 953 **HOUSE AUTHOR:** B. Hunter, et al.
EFFECTIVE: 5-2-93 **SENATE SPONSOR:** Sims

House Bill 953 amends the Government Code to expand the jurisdiction of the County Court of Taylor County to include juvenile cases.

HOUSE BILL 965 **HOUSE AUTHOR:** H. Cuellar, Nieto
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 965 adds a new subchapter to the Government Code to authorize the judges of the district courts in Webb County to jointly appoint the number of criminal law magistrates set by the commissioners court. The act includes provisions regarding the magistrate's qualifications, compensation, judicial immunity, powers, and responsibilities and the judicial action that may be taken by the referring court on actions taken by the magistrate. The act also amends the Code of Criminal Procedure to include the magistrates appointed by the district judges of Webb County in the definition of "magistrate."

HOUSE BILL 974 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 974 expands the jurisdiction of a county court at law in Kerr County to include concurrent jurisdiction with the district court in proceedings under the Family Code and, concurrent with the county court, the jurisdiction of a probate court in proceedings relating to the commitment and treatment of persons alleged to be chemically dependent or mentally ill. The act also sets specified dates for the term of court of the county court at law and repeals certain provisions of the Government Code to conform to the court's new jurisdiction and eliminate requirements relating to salaries and administrative matters.

HOUSE BILL 1031 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1031 amends the Government Code to add the court reporter for the 112th Judicial District to the list of court reporters eligible to receive travel expense allowances at rates applicable to state employees.

HOUSE BILL 1108 **HOUSE AUTHOR:** Cook
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Nelson

House Bill 1108 amends the Government Code to allow the judge of the 355th District Court to appoint a bailiff and makes conforming changes to reflect this amendment.

HOUSE BILL 1138 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Montford

House Bill 1138 amends the Government Code to provide that a municipal court judge who has not been reappointed by the 91st day following the expiration of a term of office shall, absent action by the appointing authority, continue to serve for another term that begins on the date the previous term expired.

HOUSE BILL 1180 **HOUSE AUTHOR:** H. Cuellar, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

Previous law authorized attorneys filing civil suits in Webb County to choose the district court in which the case would be heard. House Bill 1180 amends the Government Code to require the district clerk to assign both civil and criminal cases, except tax suits, at random to district courts in Webb County.

HOUSE BILL 1224 **HOUSE AUTHOR:** Finnell
EFFECTIVE: See below **SENATE SPONSOR:** Carriker

House Bill 1224 adds new provisions to the Government Code relating to the creation, jurisdiction, and administration of the County Court at Law of Wilbarger County. The court is created effective January 1, 1994, or on an earlier date determined by the commissioners court.

HOUSE BILL 1252 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

House Bill 1252 amends the Government Code to require district court bailiffs in Midland County to be certified peace officers.

HOUSE BILL 1357 **HOUSE AUTHOR:** Siebert, Duncan
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 1357 amends the Government Code to entitle a complainant to appear before the State Commission on Judicial Conduct at any formal proceedings to give testimony regarding the matters being investigated. The act also requires the commission to notify a complainant if it determines that no further proceedings are warranted.

HOUSE BILL 1403 **HOUSE AUTHOR:** H. Cuellar, Nieto
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

Under previous law, the judge of the 341st District Court was authorized to set the salary of the bailiff of the court at a level not to exceed the salary of a full-time deputy sheriff of Webb County. House Bill 1403 amends the Government Code to delete this provision and instead authorize the judge to set a salary that is commensurate with that paid the bailiffs of other courts with similar duties.

HOUSE BILL 1444 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

Under previous law, a retired statutory probate court judge who served as an assigned judge received as daily compensation 1/365th of the annual salary of a statutory probate court judge in the county in which the assigned judge served immediately before retirement. House Bill 1444 amends the Government Code to set the daily compensation of a retired judge serving as an assigned probate judge at an amount equal to the daily compensation rate of a sitting county probate judge in the county in which the visiting judge is assigned. The act applies only to the assignment of a judge made on or after September 1, 1993.

HOUSE BILL 1498 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 1498 adds a new section to the Government Code to enable county, district, and criminal district attorneys and their assistants to provide pro bono legal services to the indigent if doing so would not interfere with the prosecutor's official duties or regularly compensated hours of employment.

HOUSE BILL 1779 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 1779 requires the 225th District Court (Bexar County) to give preference to proceedings that relate to cases of abuse, neglect, and children in need of supervision.

HOUSE BILL 1926 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1926 repeals the existing lawyer referral service law and establishes the Texas Lawyer Referral Service Quality Assurance Act. The act requires lawyer referral services to be certified by the State Bar of Texas, authorizes the state bar to adopt reasonable fees for the issuance and renewal of certificates, sets out certification requirements, and establishes other criteria designed to enhance the quality of lawyer referral services. Lawyer referral services are not required to obtain certification until December 1, 1993.

HOUSE BILL 2073 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 2073 amends the Government Code to clarify that the terms "shorthand reporter" and "court reporter" may be used interchangeably and to prohibit a person from assuming either of these titles unless the person is certified as a shorthand reporter by the supreme court. The act requires all depositions conducted in this state, with certain exceptions, to be recorded by a certified shorthand reporter and authorizes the Court Reporters Certification Board to seek an injunction or file a complaint against noncertified reporters. The act also amends the Civil Practice and Remedies Code to provide that a clerk of a district court, a judge or clerk of a county court, or a notary public may take a deposition only on written questions of a witness.

HOUSE BILL 2113 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 2113 adds a new subchapter to the Government Code to provide for the appointment of criminal law hearing officers in counties having a population of two million or more. The act provides for the appointment of such officers only in Harris County by a board comprising certain judges in Harris County. The act establishes the qualifications, compensation, criminal and mental health jurisdiction, duties and powers, and judicial immunity of criminal law hearing officers and amends the Code of Criminal Procedure to include such officers in its definition of "magistrate."

HOUSE BILL 2237 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 2237 amends the Civil Practice and Remedies Code to grant qualified immunity from civil liability for certain impartial third parties who conduct or facilitate alternative dispute resolution procedures. The act does not apply to or enlarge or diminish any rights or immunities of an arbitrator participating in a binding arbitration.

HOUSE BILL 2259 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** O. H. Harris

House Bill 2259 amends the Government Code to provide that a municipal court of record in Addison may record trials on a good quality electronic recording device without a transcriber being present at the trial to certify the statement of facts. Proceedings that are appealed are required to be transcribed from the recording by an official court reporter, clerk of court, deputy clerk of court, or a notary public. The act also amends provisions relating to the contents of a statement of facts in the record on appeal.

HOUSE BILL 2821 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

House Bill 2821 creates the County Court at Law No. 3 of Fort Bend County on January 1, 1995. The qualified voters of the county will elect the initial judge of the newly created court at the general election in 1994 for a four-year term.

HOUSE BILL 2825 **HOUSE AUTHOR:** Tallas
EFFECTIVE: Vetoed **SENATE SPONSOR:** Brown

House Bill 2825 authorizes the judges of the district courts and county courts at law having jurisdiction in Fort Bend County to each appoint a bailiff. The act also requires the local administrative district judge in the county to appoint an additional bailiff to serve as supervising bailiff of all the bailiffs in the county.

HOUSE BILL 2826 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 6-12-93 **SENATE SPONSOR:** Brown

House Bill 2826 adds a new subchapter to the Government Code to provide for the establishment of a court administrator system in Fort Bend County.

HOUSE BILL 2827 **HOUSE AUTHOR:** McDonald
EFFECTIVE: See below **SENATE SPONSOR:** Rosson

House Bill 2827 amends the Human Resources Code to change the composition of the juvenile board of El Paso County to include the county judge, each family district court judge, each juvenile court judge, and up to five judges on the "El Paso Council of Judges" to be elected by a majority vote of the council. The act deletes provisions of the Human Resources Code that relate to the payment of compensation to district court judges for service on the board and the payment of salaries and expenses of juvenile probation personnel and restores the applicability of general provisions in the code that relate to the operation of juvenile boards. These provisions of the act take effect September 1, 1993.

The Government Code also is amended to designate the 65th District Court in El Paso County instead of the 327th District Court as the family district court. These provisions take effect September 1, 1996.

HOUSE BILL 2831 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ratliff

House Bill 2831 amends the Government Code to provide that a county court at law in Panola County has concurrent jurisdiction with the district court in addition to the standard jurisdiction of a statutory county court.

HOUSE BILL 2844 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ratliff

House Bill 2844 designates the district clerk as the clerk of the county courts at law in Rusk County in matters of concurrent jurisdiction with the district court.

HOUSE BILL 2851 **HOUSE AUTHOR:** Horn
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

House Bill 2851 adds a new subchapter to the Government Code to provide that the governing body of the city of Denton may by ordinance create municipal courts of record. The act includes provisions relating to the jurisdiction, powers, judge and other personnel, and operations of the court.

HOUSE BILL 2856 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Henderson

House Bill 2856 creates the County Criminal Court at Law No. 15 of Harris County on January 1, 1995. The initial judge of the court will be elected by the qualified voters of Harris County in the primary and general elections in 1994 for a four-year term.

HOUSE BILL 2871 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 2871 amends the Government Code to change the name of the County Court of Angelina County to the County Court at Law No. 1 of Angelina County.

SENATE BILL 243 **SENATE AUTHOR:** Leedom, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** J. Jones, Solis

Senate Bill 243 amends the Code of Criminal Procedure to require defendants who are convicted of felony offenses to pay a $5 security fee and those convicted of misdemeanor offenses to pay a $3 security fee as costs of court for deposit into a county fund to be known as the courthouse security fund. The fund will be used to provide security for buildings housing a district or county court and will be administered by the county commissioners court.

The act also amends the Local Government Code to provide that counties may set a security fee of up to $5 on each civil case filed in a county court, county court at law, or district court. In cases successfully brought by the state in a county in which a security fee is imposed on civil cases, the fee would be assessed on the nonprevailing party. If a security fee is set by a commissioners court, the county and district clerks shall collect a fee of $1 for filing any document not subject to the fee. All such fees collected are to be deposited in the courthouse security fund.

SENATE BILL 315 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Kubiak

Senate Bill 315 amends the Government Code to apply professional prosecutor status to the district attorneys for the 18th, 35th, 53rd, and 235th judicial districts and to the county attorneys performing the duties of district attorneys in the counties of Lee and Webb.

SENATE BILL 477 **SENATE AUTHOR:** Rosson
EFFECTIVE: 10-1-93 **HOUSE SPONSOR:** McDonald

The district attorney for the 34th Judicial District previously represented the state in all criminal cases before the district courts having jurisdiction in El Paso County. Senate Bill 477 amends the Government Code to expand the duties of the district attorney to include representation of the state in all criminal cases in the inferior courts having jurisdiction in El Paso County. The act also adds a new section to the Government Code to define the powers and duties of the county attorney in El Paso County.

SENATE BILL 572 **SENATE AUTHOR:** O. H. Harris, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Park

Senate Bill 572 adds a new subchapter to the Government Code to provide that the governing body of the city of Hurst may create municipal courts of record by ordinance. The act includes provisions relating to the administration, powers and duties, and personnel of such courts.

SENATE BILL 667 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 667 amends the Code of Criminal Procedure to include magistrates appointed by the district judges of Travis County who give preference to criminal cases among those officials who are considered magistrates within the meaning of the code. The act provides that these magistrates have jurisdiction in criminal cases and deletes a provision from the Government Code that required a referring judge to give initial, but not final, approval before a judge was authorized to refer to a magistrate any criminal case involving a negotiated plea of guilty and sentencing.

SENATE BILL 867 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Duncan

Under previous law, a justice of the peace court could not be conducted in a building located outside the court's precinct except in counties with a population of less than 30,000, in which case the justice of the peace could hold court in the county courthouse.

Senate Bill 867 amends the Local Government Code to grant another exception to this prohibition to allow a justice of the peace court to be situated in the courthouse in a county with a population of 220,000 to 230,000. The act also provides that a justice of the peace in a county with a population of less than 30,000 may hold court in another facility provided by the county that is outside the county seat.

SENATE BILL 947 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Gallego

Under previous law, the judicial and court personnel training fund was administered by the supreme court. Senate Bill 947 places the Court of Criminal Appeals in charge of administration of the fund. The Court of Criminal Appeals is to provide for continuing legal education, technical assistance, and other support programs for prosecuting attorneys and their personnel, criminal defense attorneys who regularly represent indigent defendants in criminal matters, and justices of the peace and their court personnel. The act authorizes the court of criminal appeals to adopt rules for programs relating to education and training and provides that an entity receiving a grant from the court may not use grant funds to pay any costs of the entity that are not related to approved grant activities.

SENATE BILL 1236 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Brady

Under previous law, the 9th Judicial District, composed of Montgomery and Waller counties, was served by one district attorney, with Waller County residents also being served by a county attorney.

Senate Bill 1236 amends the Government Code to establish the office of criminal district attorney of Waller County and apply professional prosecutor status to the new position, to abolish the office of the Waller County Attorney, and to make conforming changes to the law to provide that the district attorney for the 9th Judicial District serves only Montgomery County.

SENATE BILL 1276 **SENATE AUTHOR:** Truan, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Earley

Senate Bill 1276 adjusts the terms of court in each of the five counties of the 36th Judicial District.

SENATE BILL 1310 **SENATE AUTHOR:** O. H. Harris, et al.
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Campbell

Senate Bill 1310 adds a new subchapter to the Government Code to provide that the governing body of the city of Carrollton may create municipal courts of record by ordinance. The act includes provisions relating to the administration, powers and duties, and personnel of municipal courts of record.

SENATE BILL 1328 **SENATE AUTHOR:** Nelson
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Campbell

Senate Bill 1328 amends the Government Code to expand the jurisdiction of the County Court at Law No. 3 of Denton County and to provide for the transfer of certain causes of action to the court with the consent of the judge of the court from which the cause of action is being transferred. The act repeals a subsection of the Government Code that prohibited the county courts at law of Denton County from giving preference to any cases unless otherwise authorized by statute or local rule. In addition, Senate Bill 1328 ratifies all actions taken and orders entered by a judge of a court of record in Denton County in any probate matter in the county from October 1, 1991 through March 15, 1992.

SENATE BILL 1361 **SENATE AUTHOR:** Shapiro
EFFECTIVE: 1-1-95 **HOUSE SPONSOR:** Oakley

Senate Bill 1361 creates the County Court at Law of Kaufman County on January 1, 1995. The act includes provisions relating to the jurisdiction, administration, and personnel of the court.

SENATE BILL 1385 **SENATE AUTHOR:** O. H. Harris, C. Harris
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Park

Senate Bill 1385 amends the Government Code to provide that the governing body of the city of Euless may by ordinance create municipal courts of record. The act includes provisions relating to the administration, personnel, and powers and duties of municipal courts of record.

SENATE BILL 1398 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 1-1-95 **HOUSE SPONSOR:** Goodman

Senate Bill 1398 abolishes the County Criminal Court No. 5 of Tarrant County and creates the Tarrant County Criminal Court of Appeals. The act includes provisions relating to the court's jurisdiction, powers and duties, qualifications of the judge, compensation of the official court reporter, and terms of court.

SENATE BILL 1482 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Goodman

Senate Bill 1482 adds a new subchapter to the Government Code to provide that the governing body of the city of Arlington may by ordinance create municipal courts of record. The act includes provisions relating to the operation of the court and its judge and other personnel.

COURTS—GUARDIANSHIP AND PROBATE

HOUSE BILL 245 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 245 amends the Probate Code to allow a title to a homestead that is the only real property in a decedent's estate to be transferred on affidavit and requires the affidavit to be recorded in the deed records of the county in which the homestead is located. The act exempts county clerks of counties that have adopted microfilm or microphotographic processes from having to record affidavits by other means and adds provisions relating to the rights of purchasers and heirs that have not been disclosed in recorded affidavits.

HOUSE BILL 791 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire

House Bill 791 amends the Probate Code to explicitly provide that a court may not prevent a person from executing a new will or a codicil to an existing will.

HOUSE BILL 1107 **HOUSE AUTHOR:** Cook
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 1107 amends the Probate Code to disqualify a nonresident person from being named the guardian of a resident ward unless the person names a resident agent to accept service of process.

HOUSE BILL 1200 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire

House Bill 1200 amends various provisions of the Probate Code, the Business & Commerce Code, and the Property Code relating to decedents' estates, multiple-party accounts, and trusts.

The act makes disclaimers by beneficiaries of decedents effective from the date of death and exempts property from being subject to claims of a disclaimant's creditors, sets deadlines for notice of disclaimers, and provides that a surviving spouse's disclaimer of a particular transfer made by a decedent does not apply to any other transfer of property or interest.

The act includes guidelines regarding advancements against the intestate share of the estate of a decedent who died intestate. It also provides that a legacy of personal property does not include any contents of the property unless explicitly provided for in the will.

Testators are authorized to devise or bequeath property by will to trustees of trusts that have been established under certain conditions. A devise or bequest is not invalid because a trust is amendable or revocable and, unless otherwise provided, property devised or bequeathed to a trust in the manner stated in the act is not held under a testamentary trust of the testator.

House Bill 1200 entitles pretermitted children to a portion of a testator's estate under certain conditions, entitles the descendants of a deceased devisee who survived the testator by 120 hours to the devised property unless the testator's will provides otherwise, and clarifies what may and may not be devised with regard to securities.

The act authorizes a court to hear evidence and include in an order probating a will as a muniment of title a declaratory judgment determining those persons who are entitled to receive property under the will and the persons' shares or interests in the estate.

The act requires the fees and expenses of an appointed guardian ad litem to be taxed as costs of a litigation proceeding and authorizes a person who has been disqualified from guardianship because of a litigation conflict but who is otherwise qualified to be appointed as a successor guardian if the conflict is resolved.

A surviving spouse who submits an affidavit to a person who owes wages to the community estate is entitled to receive the deceased spouse's final wages, and the person making the final payment is released from liability. The act outlines procedures for having exempt property set apart and having the court fix a family allowance before the approval of an inventory, appraisement, and list of claims.

The act provides the court with factors for consideration in determining whether to sell an asset, sets out the type of investments that may be made by a guardian of an estate with and without a court order, and adds new sections to the Probate Code relating to convenience accounts and to the allocation of income and expenses during administration of decedents' estates.

Other significant features of the act include provisions identifying the powers of trustees with regard to environmental laws, a potential trustee's right to reimbursement from trust principal or income, and the determination of the inventory value of a deferred payment right if one is included in the principal of a trust.

The Probate Code also is amended to enable a deceased spouse who has a descendant who is not the child of the surviving spouse to leave one-half of the community estate to the surviving spouse and one-half to the descendant of the deceased spouse. The act also adds a provision to the Property Code regarding the duties of a life tenant of a legal life estate.

HOUSE BILL 1285 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** G. Luna

House Bill 1285 adds a section to the Probate Code to create a new class of financial accounts to be known as convenience accounts. The accounts are created for the convenience of account holders and convey no right of survivorship or ownership by cosigners of the account. The act also provides a model uniform single-party or multiple-party account selection form that may be used by financial institutions.

HOUSE BILL 1987 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

This act allows personal representatives of estates with court approval to enter into contingency fee contracts with attorneys that exceed one-third of the property sought to be recovered. The act provides factors for the court to consider in approving such contracts and entitles personal representatives to reimbursement for all necessary and reasonable expenses incurred if satisfactory proof accompanies the request for reimbursement.

House Bill 1987 amends a provision of the Probate Code that limits court approval of previous expenditures made by a guardian out of the income of a ward's estate to $5,000 to clarify that the limitation is $5,000 per ward. The act also prohibits the guardian of a ward who is 17 years of age or younger from using the income or corpus of the estate of a ward for the ward's support, maintenance, or education unless it can be proven that the ward's parents are unable to pay for all of the ward's expenses without unreasonable hardship.

HOUSE BILL 2685 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson, Moncrief

House Bill 2685 adds Chapter XIII to the Probate Code, creating a separate chapter redefining guardianship. Previous law had commingled many provisions relating to guardianship with provisions relating to the administration of decedents' estates. The act combines the numerous types of guardianships that previously existed into a two-type guardianship approach, authorizing the court to appoint temporary or permanent guardians.

Significant features of the act include new definitions of attorney ad litem, guardian ad litem, guardianship program, incapacitated person, missing person, and private professional guardian, and the establishment of a state policy that encourages guardianship appointments to be designed in a manner that encourages the development and maintenance of maximum self-reliance and independence in incapacitated persons.

Notice and citation requirements following an application for guardianship are expanded, and courts are authorized to consider motions or applications relating to existing guardianships under certain conditions. The act requires a guardian ad litem to protect an incapacitated person in a manner that will enable the court to determine what action will be in the person's best interests, and attorneys ad litem are required to be supplied with and have access to all the current records in a case and to have successfully completed a course of study in guardianship law and procedure sponsored by the state bar and have been certified. Certificates are made subject to renewal every two years if the course has changed substantially, and the duties of attorneys ad litem are explicitly provided.

House Bill 2685 implements a court visitor program to assess the conditions of wards and proposed wards and provides for an annual determination as to whether a guardianship should be continued, modified, or terminated. A written letter or certificate is required from a physician before the court may consider granting an application for guardianship of an incapacitated person and, if necessary, the court may appoint the physicians needed to complete a report and make it available to the person's attorney ad litem.

In addition, the act authorizes the court to appoint private professional guardians if they have registered with the county clerk of the county having venue, provided certain information to the clerk, and paid an annual certification fee. The clerk of the county is required to have a criminal history record check of the person conducted by the Department of Public Safety or the Federal Bureau of Investigation. The information obtained is confidential and to be used only by the court in determining whether to appoint or remove a private professional guardian. The clerk is authorized to assess a fee for conducting the background search, and the improper disclosure of the confidential information is made a Class A misdemeanor.

HOUSE BILL 2849 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** O. H. Harris

House Bill 2849 amends the Government Code to authorize certain fees to be used by Dallas County for staff and other court-related purposes for the statutory probate courts.

SENATE BILL 176 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** S. Thompson

Senate Bill 176 repeals previous provisions relating to durable powers of attorney and adopts the Durable Power of Attorney Act as a new chapter in the Probate Code to bring Texas law into conformity with model legislation drafted by the National Conference of Commissioners on Uniform State Laws.

SENATE BILL 236 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 236 sets forth provisions relating to the regulation of guardianships for incapacitated persons.

Significant features of the act include provisions requiring judicial and attorney instruction on guardianship issues and the appointment of court investigators by statutory probate court judges. In addition to their other duties, court investigators are charged with the supervision of court visitor programs required by the act to provide for assessing the condition of wards and proposed wards. The Texas Department of Mental Health and Mental Retardation, the Texas Department of Health, and the Texas Department of Human Services are charged with adopting a joint memorandum of understanding on a uniform assessment tool to evaluate the need for guardianship of clients in facilities operated or regulated by those agencies.

The act adopts new definitions of guardianship program, incapacitated person, missing person, person, proposed ward, and private professional guardian, and establishes a state policy that requires courts to make guardianship appointments in a manner that will encourage the development and maintenance of maximum self-reliance and independence in incapacitated persons.

Senate Bill 236 generally makes the laws and rules governing estates of decedents applicable to guardianships and sets out procedures relating to guardianship applications and hearings. The court is required to appoint an attorney ad litem for the appointment of a guardian for persons other than missing persons. Notice and citation requirements following an application for guardianship are expanded, and attorneys ad litem are required to be supplied with and have access to all the current records in a case and to have successfully completed a course of study in guardianship law and procedure sponsored by the state bar and have been certified. Certificates are made subject to renewal every two years if the course has changed substantially, and the duties of attorneys ad litem are explicitly provided.

A written letter or certificate is required from a physician before the court may consider granting an application for guardianship of an incapacitated person and, if necessary, the court may appoint the physicians needed to complete a report and make it available to the person's attorney ad litem.

The act includes subparts relating to the selection of guardians, their powers and duties, and the termination, modification, removal, or resignation of guardians. A determination on whether guardianship should be continued, modified, or terminated is required to be made annually, and provisions are included relating to the removal of guardianship to another county.

In addition, the act authorizes the court to appoint private professional guardians if they have registered with the county clerk of the county having venue, provided certain information to the clerk, and paid an annual certification fee. The clerk of the county is required to have a criminal history record check of the person conducted by the Department of Public Safety or the Federal Bureau of Investigation. The information obtained is confidential and to be used only by the court in determining whether to appoint or remove a private professional guardian. The clerk is authorized to assess a fee for conducting the background search, and the improper disclosure of the confidential information is made a Class A misdemeanor.

The act requires the renewal of letters of guardianship that expire one year and 120 days after the date of issuance without renewal and authorizes the court to approve compensation for certain guardians from the ward's estate, setting a limit on the amount that may be received. Guardians also are required to submit to the court an annual report by sworn affidavit.

Senate Bill 236 also provides for the expiration of letters of guardianship issued before the effective date of the act, unless renewed by the act, and requires a private professional guardian who is serving as the guardian of a ward on the effective date of the act to apply for certification not later than October 1, 1993.

SENATE BILL 479 **SENATE AUTHOR:** Shelley, C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** S. Thompson

Senate Bill 479 amends the Probate Code to establish a procedure for the appointment of a temporary guardian of the estate of a missing person if there is good cause, as evidenced by the report or testimony of law enforcement officers, to believe that the missing person is a victim of violence. The act requires temporary guardians appointed under these circumstances to post a bond and provides that the guardianship continues until certain conditions are met.

The act amends a provision of the code that authorized a spouse of a person who has been judicially declared incompetent to have full power to manage the entire community estate without administration or guardianship of the estate. Senate Bill 479 qualifies this authorization to be applicable only to those cases in which the court finds that it is in the best interest of the incompetent spouse not to require administration or guardianship of the estate and that the competent spouse is not disqualified to serve as guardian.

The act expands the information required to be submitted by personal representatives of the estates of decedents and wards being administered under order of the court in the annual report listing claims against the estate and in any verified account submitted for final settlement.

Senate Bill 479 adds to the conditions under which the administration of the estates of decedents and guardianships of the persons and estates of wards may be settled and closed. The act also establishes procedures for the informal probate of wills with and without the issuance of letters testamentary and for emergency intervention proceedings for the payment of funeral and burial expenses and for the protection and storage of personal property owned by the decedent that was located in rented accommodations on the date of death.

SENATE BILL 831 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Hartnett

Under previous law, a guardian of a ward could expend under certain conditions up to $5,000 from the corpus of the ward's estate for the ward's support and maintenance without prior court approval.

Senate Bill 831 amends the Probate Code to clarify that up to $5,000 may be expended for each ward.

SENATE BILL 1015 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Johnson

Senate Bill 1015 amends the Probate Code to authorize the court under certain conditions to remove an estate from the court's active docket or close an estate without a final accounting and without appointing a successor personal representative.

CRIMINAL JUSTICE AND PROCEDURE

HOUSE BILL 24 **HOUSE AUTHOR:** De La Garza, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** R. West

House Bill 24 creates a new offense for soliciting a child to commit a felony. The offense is a felony of the same degree as the most serious offense solicited, unless the offense is the solicitation of capital murder, which is a felony of the first degree. The act also allows a person to be convicted on the uncorroborated testimony of the person allegedly solicited.

HOUSE BILL 247 **HOUSE AUTHOR:** De La Garza, et al.
EFFECTIVE: 5-23-93 **SENATE SPONSOR:** Whitmire

House Bill 247 amends the Family Code to provide that law enforcement files of a juvenile may be transferred to the Texas and national crime information centers if the juvenile flees the jurisdiction of a court and is subject to a bench warrant or felony arrest warrant.

HOUSE BILL 261 **HOUSE AUTHOR:** Place, Greenberg
EFFECTIVE: 5-19-93 **SENATE SPONSOR:** Wentworth

House Bill 261 establishes new standards for the uncorroborated testimony of a victim of a sexual offense by extending the time in which reporting of the offense must occur from six months to one year and raising the age of persons exempted from application of this time limit from 14 to 18.

HOUSE BILL 323 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 323 amends the Family Code to expand the definition of delinquent conduct to include conduct that violates a penal law of the United States.

HOUSE BILL 354 **HOUSE AUTHOR:** H. Cuellar, Nieto
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire

House Bill 354 amends the Penal Code to create a felony offense of money laundering and adds the offense to the list of offenses that may be enhanced when the actor was engaged in organized criminal activity. The act also provides that persons or financial institutions required by the federal government to file reports on transactions involving foreign currency or sums greater than $10,000 must send duplicate copies of these reports to the attorney general. Offenses are created for failure to comply with reporting requirements and for the improper notification of a target of a criminal investigation. The act also establishes the attorney general law enforcement account, and the attorney general is authorized to use the gifts, grants, and forfeited assets deposited in this account for law enforcement duties of the office.

HOUSE BILL 521 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 5-9-93 **SENATE SPONSOR:** Brown

House Bill 521 amends the Code of Criminal Procedure to authorize a justice of the peace to enter a conviction and forfeit a cash bond posted in satisfaction of a fine and costs if the defendant has entered a plea of nolo contendere, waived a jury trial, and failed to appear according to the terms of his release.

HOUSE BILL 536 **HOUSE AUTHOR:** Place
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 536 broadens the application of the law under which the operator of a motor vehicle is deemed to have consented to the taking of breath or blood samples for the analysis of blood-alcohol levels. Under previous law, such consent was implied if the vehicle was operated on a public highway or public beach. This act provides that consent is implied if the vehicle is operated in a public place.

HOUSE BILL 605 **HOUSE AUTHOR:** Finnell, Allen
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 605 authorizes the attorney general to place all funds generated by a defendant or convict through any reenactment or retelling of a violent crime in an escrow account for satisfaction of court judgments in favor of the victim. After five years, all unpaid money in the account must be transferred to the compensation to victims of crime fund.

HOUSE BILL 665 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 665 establishes procedures for the disposition of certain exhibits in a criminal case that are not firearms or contraband, have not been ordered returned to their owner, and are not exhibits in another pending criminal action. Before disposing of such items, the clerk of a district or county court must hold the item for a designated period, give notice if the court is in a county with a population of less than 1.7 million, or return the exhibit to the owner.

HOUSE BILL 697 **HOUSE AUTHOR:** Cain, Allen
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 697 amends the Civil Practice and Remedies Code to provide additional civil remedies to counter the actions of criminal gangs. A district, county, or city attorney, the attorney general, or a resident of the state is authorized to file suit against a landlord who maintains a gang's meeting place or against a gang member. A court is authorized to provide injunctive relief and to impose a fine or jail time for violation of the order. The person subject to the injunction is entitled to a hearing or a trial within 90 days.

HOUSE BILL 772 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-28-93 **SENATE SPONSOR:** Whitmire

House Bill 772 establishes a new procedure for the disposition of abandoned or unclaimed property related to a criminal case. If the property has a fair market value less than $500, it may be sold or donated without public notice. For items of greater value, the notification period is reduced from six to three months prior to sale. Municipalities are authorized to appoint a person to dispose of such property.

HOUSE BILL 798 **HOUSE AUTHOR:** Gallego, Schechter
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Turner

House Bill 798 amends capital felony sentencing procedures for offenses committed before September 1, 1991. In a case in which the death penalty is sought, the jury is required to consider specific questions relating to the defendant's intention, continuing threat to society, response to provocation, and, if applicable, to mitigating circumstances.

If the jurors unanimously agree that the defendant acted deliberately, would constitute a continuing threat to society, and acted unreasonably in response to provocation, they are to determine whether mitigating circumstances warrant a sentence of life imprisonment. If they unanimously agree that a life sentence is not warranted, the court is to impose a sentence of death.

If 10 or more jurors agree on a determination favorable to the defendant on any of these questions, or if the required number of jurors is unable to agree on any question, the court is to impose a sentence of life imprisonment.

HOUSE BILL 930 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 5-27-93 **SENATE SPONSOR:** Whitmire

House Bill 930 authorizes a municipal judge or justice of the peace to require community service in place of a fine or payment of costs. All work must be done for either a governmental entity or nonprofit organization that serves the community. In the absence of intent, wilful negligence, indifference, or recklessness, no public official or employee associated with this work may be held liable for damages that arise from the defendant's manual labor. The act also exempts counties with populations of 2 million or more from certain justice court venue restrictions.

HOUSE BILL 1275 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 1275 amends the Government Code to grant the city of Fort Worth the right to appeal a judgment of a municipal court in a criminal matter. The appeal will be prosecuted by the city attorney in the county court with criminal appellate jurisdiction.

HOUSE BILL 1319 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 1319 makes numerous changes in laws relating to application for, and suspension or revocation of, a driver's license. Many of these changes make technical corrections to conform or clarify certain provisions and repeal others that are obsolete.

The act also amends provisions of the Code of Criminal Procedure to require a license suspension when probation for DWI is revoked and to allow a court to extend the time for completion of educational programs required as a condition of probation. It also clarifies the authority of the Department of Public Safety to revoke a license of a probationer who fails to complete such a course when required.

Among the changes to traffic laws are the redefinition of the terms "revocation" and "suspension," provision of additional authority for the director of the department to revoke a license, and establishment of minimum and maximum terms for probation of a license suspension.

The act also authorizes a court having entered an order for an essential need license to issue an order revoking the license for good cause.

HOUSE BILL 2178 **HOUSE AUTHOR:** Black, Solis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire, Nelson

House Bill 2178 authorizes the attorney general's office to accept gifts, grants, and donations for the compensation of crime victims and requires the office to report annually to the governor and presiding officers of the legislature regarding receipts and disbursements of donated funds. Proceeds from third-party litigation and proceeds from a life insurance contract are added to the list of benefits and advantages that would disqualify a crime victim from reimbursement from a state fund, and the

health care fee guidelines established by the Texas Workers' Compensation Act are to be used in determining the pecuniary loss sustained by a victim. A limit is imposed on the amount that the attorney general is authorized to pay the attorney for a claimant, and a claimant is prohibited from settling an action without the written consent of the attorney general. Third parties and their agents are prohibited from participating in a settlement under certain conditions, and an offense is created for third parties who fail to comply with the requirements of the act.

The act also increases the amounts to be paid in court costs for the victims of crime fund and establishes the sexual assault program fund, imposes new fees to be paid by sex offenders, and dedicates the proceeds to fund sexual assault programs administered by the Texas Department of Health.

HOUSE BILL 2179 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire, Nelson

House Bill 2179 authorizes a court to require restitution to a crime victim in lieu of or in addition to a fine authorized by law and sets forth specific conditions and means of restitution. An order of restitution may be enforced by the state or a victim in the same manner as a judgment in a civil action.

HOUSE BILL 2650 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 2650 amends a provision of the Code of Criminal Procedure that authorizes a court to require a person indicted or convicted of a crime involving sexual contact to undergo examination for sexually transmitted diseases. The act clarifies the authority to order such examinations if a defendant waives indictment and subsequent examination after conviction. The results of these tests are to be made available to the defendant. The victim is entitled to request counseling on acquired immune deficiency syndrome and human immunodeficiency virus infection.

The act also amends the Family Code to authorize similar procedures for juveniles adjudged to have engaged in delinquent conduct involving sexual contact.

HOUSE BILL 2766 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** R. West

House Bill 2766 requires that law enforcement agencies and state attorneys in criminal proceedings include seized proceeds and property in the annual audit performed by a commissioners court or municipal authority. The audit must be delivered to the criminal justice division of the governor's office.

HOUSE JOINT RESOLUTION 23 **HOUSE AUTHOR:** Grusendorf, Oakley
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Nelson

House Joint Resolution 23 proposes a constitutional amendment that would authorize the denial of bail to persons accused of committing violent or sexual offenses while under the supervision of a state criminal justice agency or a political subdivision of the state for a prior felony.

SENATE BILL 1 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 1-1-95 **HOUSE SPONSOR:** Wolens

Senate Bill 1 establishes procedures for an administrative driver's license suspension. The act provides for the suspension of the driver's license and privileges of a person who fails or refuses to submit to a blood alcohol test. The suspension takes effect 40 days after the required notice of

suspension has been delivered and remains in effect from 60 to 180 days depending on the person's driving record. Once notice of suspension is received, the person may request a hearing before an administrative law judge, whose decision may be appealed to a county court. Appeal is on the record and governed by the substantial evidence rule.

Occupational driving privileges to meet an essential need after a person's license is suspended may be granted if the person shows need and has no prior suspensions for alcohol- or drug-related offenses. If there has been a prior suspension for an alcohol-related offense, the suspension remains in effect for 90 to 180 days before an occupational license may be issued. The person also must enter a court-approved rehabilitative program for alcohol dependency. Failure to attend the rehabilitative program may result in the revocation of the occupational license. License and privilege suspension of a person who refuses to provide samples for blood-alcohol levels is lengthened from 90 days to one year depending on the person's driving record. The act also establishes minimum consecutive periods of detention in jail or community service as conditions for probation of a conviction for an alcohol-related offense.

SENATE BILL 12 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Combs

Senate Bill 12 restricts access to personal information on a juror in a criminal trial to parties and members of the news media who show good cause for obtaining such information.

SENATE BILL 13 **SENATE AUTHOR:** Brown, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Combs

Senate Bill 13 amends the Penal Code to establish the murder of a child under six years of age as a capital offense.

SENATE BILL 16 **SENATE AUTHOR:** Brown, Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hill

Senate Bill 16 amends the Health and Safety Code and the Code of Criminal Procedure to increase punishments for drug-related offenses committed in drug-free zones as defined by the act. The concept of a drug-free zone is developed to include schools and other areas where young people congregate, and the act allows a map reproduced by a municipal or county engineer to be introduced in court as prima facie evidence of the location and boundaries of drug-free zones. The minimum term of confinement is doubled for such offenses, and releases on parole and mandatory supervision are restricted. The act also increases punishments for weapons offenses committed on school premises.

SENATE BILL 25 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 3-19-93 **HOUSE SPONSOR:** McCall, et al.

Senate Bill 25 amends the Penal Code to include stalking within the offense of harassment and provides conditions of release on bond, probation, and parole for those accused or convicted of this offense that are intended to preclude stalking. It also requires the Texas Department of Criminal Justice to provide notice to victims and local law enforcement agencies when a prisoner convicted of this offense escapes or is released from incarceration.

SENATE BILL 46 **SENATE AUTHOR:** Sibley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Place

Senate Bill 46 specifies conditions for reversal of a conviction in a criminal case because of the service of certain disqualified jurors. The defendant must either raise the disqualification before the verdict is entered or, if the disqualification is not discovered until after the verdict has been entered, show significant harm by the service of the disqualified juror.

SENATE BILL 109 **SENATE AUTHOR:** Brown, R. West
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Place

Senate Bill 109 allows a judge discretion in ordering a presentence report in a felony case in certain instances. If a presentence report is not prepared, a postsentence report containing the same information as a presentence report is to be prepared.

SENATE BILL 145 **SENATE AUTHOR:** R. West
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 145 establishes a new offense for the reckless discharge of firearms in cities with populations of 100,000 or more. Maintaining a place where persons habitually go for the purpose of recklessly discharging a firearm is made a common nuisance.

SENATE BILL 146 **SENATE AUTHOR:** Sibley
EFFECTIVE: 2-25-93 **HOUSE SPONSOR:** Puente

Under prior law, failure or omission to act was an offense only in cases in which a statute created a duty to act or made the failure to act an offense. Senate Bill 146 broadens the basis for an offense to include, in addition to a statute, a written opinion of a court, a municipal ordinance, an order of a county commissioners court, or a rule authorized under a statute.

SENATE BILL 191 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Eckels

Senate Bill 191 revises procedures for the disposition of abandoned or unclaimed property related to a criminal case, including money and prohibited weapons. Municipalities are authorized to appoint a person to assume this responsibility, and the time requirements for storing the property and providing notice of sale are shortened.

SENATE BILL 209 **SENATE AUTHOR:** C. Harris, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Vowell, Naishtat

Senate Bill 209 amends the Crime Victims Compensation Act to strengthen the procedures and penalties relating to the fraudulent use of the Compensation to Victims of Crime Fund. The attorney general is authorized to review claims for losses relating to psychological, psychiatric, or other mental health services and to issue a public letter of reprimand to a person who files a false claim for benefits. The act also establishes civil and administrative penalties for knowingly submitting a false claim.

SENATE BILL 256 **SENATE AUTHOR:** Shelley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Schechter

Senate Bill 256 authorizes a defendant charged with a misdemeanor for which the maximum punishment is by fine only to deliver a plea of "guilty" or "nolo contendere" in person to the court.

SENATE BILL 324 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Siebert

Senate Bill 324 requires that a court consider the future safety of the community when determining the amount of bail.

SENATE BILL 371 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Place

Senate Bill 371 requires a court to impose as a condition of probation for certain multiple DWI offenders that a deep-lung breath analysis mechanism, which renders the vehicle inoperative when alcohol is detected, be installed on the offender's vehicle. The offender must pay the full cost for this mechanism unless the court determines otherwise. The fee for reinstatement of a suspended or revoked license is raised to $50, and the definition of the term "intoxicated" is expanded to include the abuse of abusable glues, aerosol paints, and volatile chemicals.

SENATE BILL 387 **SENATE AUTHOR:** Bivins
EFFECTIVE: 6-15-93 **HOUSE SPONSOR:** Place, Stiles

Traffic laws governing suspension of driver's licenses previously imposed a minimum suspension period of 90 days on conviction of driving while intoxicated, including driving while under the influence of a drug or controlled substance, and a period of 180 days on conviction of a felony drug offense. Senate Bill 387 amends these laws to apply the 180-day suspension period to conviction of any drug offense, including a misdemeanor or DWI, if the DWI offense resulted from the introduction of a controlled substance into the body.

SENATE BILL 456 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hochberg, Danburg

Senate Bill 456 increases penalties for offenses motivated by bias or prejudice if a court makes an affirmative finding on bias or prejudice. For offenses other than a first degree felony, the punishment prescribed is the punishment for the next highest category of offense. If a court grants community supervision for such an offense, a period of confinement is also required, and a court is prohibited from granting community supervision if the offense was murder or was a repeat offense. If community service is ordered or parole is granted, the defendant may be required to perform service at a project that primarily serves the person or group that was the target of the defendant.

SENATE BILL 475 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** S. Thompson

Senate Bill 475 amends the Government Code to provide that the records of a local crime stoppers program may be subpoenaed by a criminal defendant, provided that the material confirms the innocence of the defendant and preserves the anonymity of the person who provided the evidence. It also provides that, to receive repayments of rewards or payments from a probationer, a crime stoppers program is required to make application and be certified by the Crime Stoppers Advisory Council.

SENATE BILL 522 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Place

Senate Bill 522 narrows the definition of "gambling device" to exclude games that are played solely for amusement purposes. Such games may not provide cash prizes or noncash prizes greater in value than $5 or 10 times the playing price, whichever is less.

SENATE BILL 590 **SENATE AUTHOR:** Shelley, Lucio
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bailey

Senate Bill 590 amends provisions of the Code of Criminal Procedure governing justice, county, statutory county, and district court disposition of stolen property. An officer of the law is authorized to release a recovered motor vehicle to the owner listed on the title without a court order. When no trial is pending, a court may conduct a hearing and order property returned to the person with superior right of possession with or without the condition that the property be made available in a subsequent prosecution. An appeal from an order awarding possession must be by an interested party who appeared at the hearing.

SENATE BILL 599 **SENATE AUTHOR:** Lucio
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Place

Senate Bill 599 exonerates a defendant and his sureties from liability after forfeiture of bail if a court fails to issue a capias or warrant within a reasonable time after declaring the forfeiture and a written motion to issue a warrant has been made by the surety.

SENATE BILL 749 **SENATE AUTHOR:** Montford
EFFECTIVE: 6-6-93 **HOUSE SPONSOR:** G. West

Senate Bill 749 authorizes the substitution of community service for fines and costs imposed by a municipal court, regardless of whether the court is a court of record.

SENATE BILL 818 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Place

A person incarcerated in a penal institution commits the offense of capital murder if the person murders an employee of the institution. Senate Bill 818 adds two circumstances under which such a person commits capital murder if the person murders any person: if he does so as part of organized criminal activity or while serving a sentence of imprisonment for life or 99 years for having committed certain violent offenses that restrict eligibility for parole.

SENATE BILL 1067 **SENATE AUTHOR:** Whitmire, Lucio
EFFECTIVE: See below **HOUSE SPONSOR:** Place

Senate Bill 1067 substantially amends the Penal Code, the Texas Controlled Substances Act, and the Code of Criminal Procedure. Although numerous changes are made to prior law, especially to the Code of Criminal Procedure, the most significant changes include the creation of a new punishment classification of "state jail felony," the revision of probation law to incorporate special sentencing provisions for state jail felons, and a significant increase in the mandatory minimum time that must be served by violent offenders before being eligible for parole.

The state jail felony offense is created as punishment for numerous offenses under the Penal Code that are primarily, although not exclusively, property and morals offenses. Punishments for crimes against property that are based on the value of the property concerned are modified to incorporate the state jail felony as punishment for lesser offenses. Similarly, punishments for possession or manufacture of controlled substances that reflect specific amounts of the substance involved are modified to incorporate the state jail felony as punishments for lesser amounts. A state jail felony is punishable by confinement in a state jail facility for a term of six months to two years and a fine of up to $10,000. Provision is made for upgrading a state jail felony to a third degree felony if the offense

involved use of a deadly weapon or the offender was previously convicted of an aggravated offense. A previous conviction for a state jail felony also may be used for enhancement purposes if the offense was upgraded to a third degree felony.

On conviction of a state jail felony, a judge is required to suspend the imposition of confinement and place the defendant on community supervision for a period of two to five years. However, a judge is authorized to impose confinement for 30 to 60 days in a county jail or two to six months in a state jail felony facility as a condition of community supervision and, on revocation of community supervision, may sentence a defendant to confinement in a state jail facility.

Driving While Intoxicated and related offenses are moved from the civil statutes to the Penal Code to bring those offenses within the application of code provisions.

Senate Bill 1067 makes significant changes in parole law by increasing the actual time that must be served in prison as punishment for violent crimes. The list of offenses that disqualify a defendant for community supervision is expanded to include murder and indecency with a child. In addition, the period of confinement that must be served before an inmate is eligible for parole is doubled for aggravated offenses, from one-fourth to one-half of the maximum sentence or 30 years, whichever is less, and the mandatory time to be served for capital murder if the death penalty is not imposed is increased to 40 years.

Senate Bill 1067 also rewrites adult probation law to eliminate references to "probation" and substitute "community supervision." Most changes made to probation law are non-substantive.

This act further provides that any other amendment made by an act of the 73rd Legislature to the Penal Code, to a provision of Article 6701l-1, Revised Statutes, relating to intoxication offenses, or to a provision of the Health and Safety Code also amended by this act will continue in effect only for the limited purpose of prosecuting an offense committed before September 1, 1994, and then will have no further effect. The only exceptions to this provision of Senate Bill 1067 are House Bill 354 relating to money laundering and Senate Bill 456 relating to hate crimes.

Most of the act's revisions of the Penal Code take effect September 1, 1994, although certain provisions take effect September 1, 1993. Revisions of controlled substances laws take effect September 1, 1994, as do changes in DWI and related laws. Revisions of the Code of Criminal Procedure take effect September 1, 1993, except for some, including provisions relating to community supervision for state jail felony offenses, that take effect September 1, 1994.

SENATE BILL 1197 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Senate Bill 1197 conforms state law to federal law by exempting several classes of chemicals from Schedules I through IV of the Texas Controlled Substances Act. Chemical substances intended for research or educational use, some nonnarcotic prescription substances, and sufficiently dilute anabolic steroids are affected.

ECONOMIC DEVELOPMENT

HOUSE BILL 259 **HOUSE AUTHOR:** Giddings, Solis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** R. West

House Bill 259 adds a subchapter to the Government Code to establish a linked deposit program to encourage commercial lending for the development of small businesses in distressed communities and historically underutilized businesses.

HOUSE BILL 326 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Zaffirini

House Bill 326 amends the Government Code to include a representative of Sul Ross State University on the Texas Department of Commerce's electronic data base advisory committee. The committee was established in 1991 to administer a data base disseminating international trade information over appropriate state, federal, and international communication networks.

HOUSE BILL 1077 **HOUSE AUTHOR:** Place
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 1077 amends the Development Corporation Act of 1979 to limit a development corporation's spending for promotional purposes to 25 percent of corporate revenues for corporations created by certain cities.

HOUSE BILL 1453 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

House Bill 1453 amends the Tax Code to authorize taxing entity governing boards of cities with a population of more than 230,000 that border Mexico to determine their level of ad valorem tax abatement for reinvestment zones.

HOUSE BILL 1766 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 1766 adds five members to the composition of the governing board of the Texas Partnership for Economic Development. The additional members are the commissioner of education, the commissioner of public education, and three members appointed by the chairman of the board.

HOUSE BILL 1872 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 1872 amends the Texas Enterprise Zone Act to make creation of housing opportunities for residents of distressed areas a purpose of the act. The act specifies qualifications for builders proposing projects for residential housing construction and provides that local effort on the part of a public entity may include low-interest loans for new construction; the provision of land for residential, commercial, or industrial development; and exemptions from certain fees. In addition, the act allows neighborhood enterprise associations to enter into state contracts and joint ventures and to receive money without governing body approval.

HOUSE BILL 1948 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 1948 allows the Texas Partnership for Economic Development to organize as a nonprofit corporation.

HOUSE BILL 2103 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

House Bill 2103 increases from seven to 15 years the allowable length of contracts between municipalities and owners of land in industrial districts regarding the extraterritorial status of the district and its immunity from annexation. The act also clarifies that contracts with landowners in industrial districts must be lawful, reasonable, and not unduly restrictive of business activities. Contracts may be renewed for successive 15-year periods but a renewal offer given to one landowner must be extended to all landowners.

HOUSE BILL 2297 **HOUSE AUTHOR:** Ramsay
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ratliff

House Bill 2297 amends the Development Corporation Act of 1979 to include an agency of the federal government within the meaning of "user" as defined by the act. The act broadens the types of projects that may be funded by an industrial development corporation, imposes a deadline by which a governing body must order an election to be held on the dissolution of a corporation if requested to do so by a petition of 10 percent or more of the registered voters of a city, and provides that revenue from an expired tax be used to pay a municipality's bonded indebtedness. The act also prohibits a corporation from assuming or paying on debt incurred before the date the corporation was established and establishes requirements and procedures relating to the dedication of revenues from sales and use taxes.

House Bill 2297 increases the population requirement for certain eligible cities that may form industrial development corporations to 400,000; broadens the use of industrial development funds to include projects that promote or develop new or expanded businesses, including various public projects and related activities; and specifies when elections must be held before a corporation may undertake a new project or use the proceeds of taxes to pay the maintenance and operating costs of projects in certain municipalities. In addition, the act specifies allowable tax rates and requires at least one public hearing on a proposed project.

SENATE BILL 124 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 3-25-93 **HOUSE SPONSOR:** Erickson

Senate Bill 124 amends the Development Corporation Act of 1979 to allow certain municipalities located in more than one county to create industrial development corporations, levy sales and use taxes, and issue bonds. The act also modifies the composition of a corporation's board of directors, specifies the effective date for any new sales tax levied by an industrial development corporation, allows certain cities to form industrial development corporations for authorized purposes, specifies that the passage of a resolution to approve bonds is an adequate demonstration to ensure compliance with financial assurance requirements, and allows voters to vote on propositions that would dedicate taxes for specific projects.

SENATE BILL 405 **SENATE AUTHOR:** Carriker
EFFECTIVE: See below **HOUSE SPONSOR:** A. Smith

Senate Bill 405 amends the Government Code to continue the Texas Department of Commerce through September 1, 2001. The act modifies the composition of the agency's policy board to designate one seat to a representative of rural communities and expands conflict-of-interest provisions relating to grounds for removal from the board. The board is required to adopt rules for the administration of the department's programs and must adopt or repeal policy issuances of the department regarding the job-training program under the Job-Training Partnership Act by September 1, 1994.

The department is authorized to hold patents, copyrights, and trademarks; to receive royalties from third parties; and to sell advertisements. The act deletes from the code statutory references to specific geographic locations for regional offices of the department and requires that the offices be located as provided in the General Appropriations Act. The department is required to enter into a memorandum of understanding with other state agencies involved in economic development, to recover costs of providing assistance to businesses and communities when practical, and to maintain an office of rural affairs.

Senate Bill 405 authorizes the department to guarantee loans in an amount that exceeds the amount available in the rural economic development fund beginning January 1, 1994, based on a guarantee-to-reserve ratio to be set by the policy board. The department is to establish business finance programs to assist small and historically underutilized businesses and to attempt to award at least 50 percent of grants under the smart jobs program to small businesses.

The act establishes a legislative review committee to review reports by the executive director concerning the smart jobs program and requires the department to prepare an annual cost-benefit analysis of the enterprise zone program by December 1 of each year for submission to the state auditor for review and comment. The act limits the number of enterprise project jobs available for the 1994-1995 biennium to 8,000 new permanent jobs or retained jobs.

The subsection of this act that amends the Tax Code to modify the structure of the special account in the general revenue fund in which the dedicated portion of the hotel/motel tax is deposited takes effect October 1, 1994. The remainder of the act takes effect September 1, 1993.

SENATE BILL 750 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Martin

Senate Bill 750 amends the Government Code to require the business permit office of the Texas Department of Commerce to request the state auditor to initiate a business permit reengineering review process involving all state agencies. The act also provides deadlines for the implementation of the review process and recommendations for statutory changes and requires the office to work with the Natural Resource Conservation Commission to study and help streamline that commission's permit-issuing process.

SENATE BILL 1272 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Oliveira

Senate Bill 1272 amends previous law regarding private activity bonds to deny tax-exempt pool reservations for qualified mortgage or small issue bonds only for the year that such bonds do not qualify as tax-exempt. The act also includes in the definition of "qualified small issue bond" any bond authorized subsequent to March 1, 1993, for economic development purposes, which requires an allocation of state ceiling.

SENATE JOINT RESOLUTION 9 **SENATE AUTHOR:** Lucio, et al.
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Romo

Senate Joint Resolution 9 proposes a constitutional amendment authorizing the legislature to issue up to $50 million in general obligation bonds for a capital growth and start-up fund for historically underutilized businesses.

EDUCATION—ELEMENTARY AND SECONDARY

HOUSE BILL 45 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 45 amends the Education Code to allow the State Board of Education to approve innovative foreign language education programs, with priority given to elementary and middle school programs. The act adds foreign language education to the list of areas in which model programs developed by school campuses may be approved by the board, notwithstanding lack of compliance with other statutory requirements, to demonstrate innovative educational practices.

HOUSE BILL 183 **HOUSE AUTHOR:** A. Smith, Finnell
EFFECTIVE: 5-23-93 **SENATE SPONSOR:** Armbrister

House Bill 183 provides for the development and promotion of educational technology by the Central Education Agency through the establishment of pilot, model, or demonstration projects. Under this act the agency is required to establish one or more such projects, in one or more school districts or individual schools, as the agency deems appropriate, to test the effectiveness or feasibility of educational technologies not currently in general use in Texas school districts. The act lists educational needs or concerns that the agency may address when designing projects if it determines that these areas may be served by the educational technologies to be demonstrated. The agency's project designs must encourage participation by the private sector, government agencies, and colleges and universities, and projects may be designed to qualify for public or private grants or other support. The act also requires the agency to study the effectiveness and feasibility of educational technologies used in these projects and to make an annual report on the results of its studies to the legislature.

HOUSE BILL 603 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

House Bill 603 allows foreign exchange students placed with host families in Texas by a nationally recognized foreign exchange program to attend public schools in any school district in the state without having to pay tuition, beginning with the 1993-1994 school year. Admission of such students is required except in cases in which the school district has applied for and received a waiver by the commissioner of education because of the hardship that the student's tuition-free enrollment would cause the district.

HOUSE BILL 681 **HOUSE AUTHOR:** Hill, Shields
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 681 amends the Family Code to authorize a juvenile court to waive its jurisdiction in all cases of truancy and for such cases to be referred to a justice court. A waiver of jurisdiction is effective for a period of one year, and the jurisdiction of a justice court is not dependent on whether the justice of the peace is an attorney or whether six-person jury trials are conducted by the court. The court is granted the power to order additional consequences for a finding of guilt in a truancy case, and violation of an order of the justice court is made punishable by contempt. The justice court shall require the parent or guardian of a child to appear personally at a hearing, and failure to attend the hearing is made a Class C misdemeanor.

A new section is added to the Education Code to designate the failure to attend school as a Class C misdemeanor, to grant a truant officer the authority to file a complaint against a student for this offense and to refer the child to a justice court if the juvenile court has waived jurisdiction, and makes provisions for a person convicted of one violation of truancy as a minor to have the record expunged after attaining the age of 18.

HOUSE BILL 800 **HOUSE AUTHOR:** Gallego, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 800 amends the Education Code to prohibit school district sponsored or sanctioned extracurricular activities, including athletic events and team practices, from taking place at an athletic club located in the United States that denies anyone the full use of its equipment or facilities on the basis of race, color, religion, creed, national origin, or sex. The act defines an athletic club as any entity that provides sports or exercise equipment or facilities to customers, members, or their guests.

HOUSE BILL 872 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 872 transfers the administration of two child care grant programs, the federal Dependent Care Development Grant program and the state school child care services fund, from the Texas Department of Housing and Community Affairs to the Work and Family Policies Clearinghouse in the Texas Employment Commission. The act achieves the interagency transfer of responsibility by amending the Education Code to substitute references to the clearinghouse for references to the department where applicable. The act also transfers records, personnel, and property directly relating to the administration of the state school child care services fund, as well as any appropriations made for the purpose of administering the fund during the biennium ending August 31, 1995, from the Texas Department of Housing and Community Affairs to the Work and Family Policies Clearinghouse.

HOUSE BILL 986 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 986 amends the Education Code so that salary schedules and funding at the Texas School for the Deaf are set in the same manner and at the same levels as salaries and funding at the Texas School for the Blind and Visually Impaired are set. The act gives the superintendent of the Texas School for the Deaf the same authority to adopt salary schedules as is given to the superintendent of the Texas School for the Blind and Visually Impaired. The amended statute gives both superintendents the authority to adopt at their respective schools salary structures comparable to those of neighboring independent school districts and equivalent to that of the Austin Independent School District.

HOUSE BILL 1019 **HOUSE AUTHOR:** Eckels
EFFECTIVE: Vetoed **SENATE SPONSOR:** Shelley

House Bill 1019 amends the Education Code to exempt from the state's compulsory school attendance law any person under the age of 17 who has either graduated from high school or received a high school equivalency diploma. The act also allows a child who attains the age of six between September 1 and January 1 of a school year to enter first grade that school year on written request of the child's parent or guardian if approved by the school district's board of trustees and allows a child reaching the age of five between September 1 and January 1 of a school year to enter kindergarten that same school year under similar conditions.

HOUSE BILL 1029 **HOUSE AUTHOR:** Finnell, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1029 creates a Texas interactive multimedia communications fund as an account in the general revenue fund and establishes a demonstration program using the technology for interactive multimedia communications—defined in the act as real-time, two-way, interactive voice, video, and data transmission over long-distance networks—to provide substantially equal access to high quality instruction and teaching and management tools for students, teachers, and administrators throughout the state.

The act requires the Central Education Agency to administer the fund and to award grants to school districts that apply to the agency for funds to acquire multimedia communications services or equipment. The State Board of Education is required to adopt rules, guidelines, and procedures for administering the fund, for services and equipment purchased with grants from the fund, and for the awarding of grants to school districts.

The act also amends the Public Utility Regulatory Act to allow the appropriate adjustment of rates, according to sound rate-making principles and subject to approval of the Public Utility Commission, by local exchange companies providing interactive multimedia communications services.

HOUSE BILL 1261 **HOUSE AUTHOR:** Alonzo, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 1261 establishes the Texas partnership and scholarship program to provide financial assistance to institutions of higher education, school districts, and nonprofit organizations that operate programs serving at-risk students and to award four-year college scholarships to participating students who meet the program's criteria.

The act gives administrative authority over the program to the Texas Higher Education Coordinating Board, creates an advisory council to assist the board, and requires the Central Education Agency and the commissioner of education to work with the board in administering the program. The act requires financial assistance to institutions, school districts, and nonprofit organizations providing support services to at-risk students to be awarded on a competitive basis and lists criteria that such entities must meet to be eligible for such assistance. The act also provides for the awarding of scholarships to students who qualify by participating in the program, receiving a certificate of completion, and subsequently enrolling at an institution of higher education. Beginning not later than September 1, 1995, the board is required to make an annual report to the governor and the legislature evaluating each partnership program and making recommendations regarding the effectiveness of the overall program in meeting its objectives.

HOUSE BILL 1372 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 1372 amends the Education Code to allow attendance officers to file complaints against a school-age child's parent or guardian, for failure to comply with the state's compulsory school attendance law, in a municipal or justice court in any municipality or justice of the peace precinct in which the school district is located.

HOUSE BILL 1467 **HOUSE AUTHOR:** Ogden
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1467 amends the Education Code to allow private schools to obtain criminal history record information on employees and prospective employees in the same manner as public schools are required to do. A private school may obtain such information from the Texas Department of Public Safety, the Texas Department of Criminal Justice, the Federal Bureau of Investigation, or any other law enforcement agency. If the employee or person applying for employment holds a teaching certificate issued by the State Board of Education and the information obtained by the school reveals a felony conviction or conviction of a misdemeanor involving a child, the act requires the school to notify the commissioner of education of that fact. Criminal history record information is privileged information to be used only by the private school and the Central Education Agency, and any unauthorized disclosure to a third party is a Class A misdemeanor.

HOUSE BILL 1686 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shapiro

House Bill 1686 provides for the establishment of a pilot program to include students with disabilities in regular classrooms and allow such students to receive an education in the least restrictive environment. The act requires the Central Education Agency to establish procedures and criteria for allocating the funds appropriated for the pilot program among those school districts selected to participate in the program. The act stipulates that funding for the pilot program will be derived from the total amount appropriated for special education programs in the General Appropriations Act, but the amount specified for this program may not exceed $2 million for the 1994-1995 biennium.

HOUSE BILL 2203 **HOUSE AUTHOR:** McCoulskey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 2203 replaces all references in the Education Code to handicapped students, visually handicapped children, and handicaps with references to students with disabilities, children with visual impairments, and either disabilities or impairments and makes other similar changes where appropriate. The act also simplifies the language defining criteria for participation in special education programs for students with disabilities but maintains all of the previous classifications of disability.

Other provisions of the act specify the number of members on the continuing advisory committee on special education and increase the length of terms from two years to four years, delete the Central Education Agency's exemption from the state-paid share of contract costs for residential placement services, and allow the agency to determine the appropriate schedule for its inspection of school districts to monitor compliance with federal and state laws relating to special education programs.

HOUSE BILL 2315 **HOUSE AUTHOR:** McCoulskey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 2315 amends the Education Code provisions for the alternative certification of teachers to provide an exemption from the requirement to take an examination on pedagogical methods, history of education, or child psychology for persons who have not received formal educational training for a course in those areas.

HOUSE BILL 2332 **HOUSE AUTHOR:** Johnson
EFFECTIVE: See below **SENATE SPONSOR:** Haley

House Bill 2332 authorizes the State Board of Education to establish special purpose schools or school districts for the purpose of educating students whose educational needs are not adequately met by regular school districts. The board may establish such a school or district only on the recommendation of the commissioner of education and after consulting with the local school districts involved and obtaining the approval of a majority of those districts in each affected county in which a school is located and may impose duties and limitations on the school or district as necessary to achieve the school's or district's purpose.

The act requires the regular school district that is responsible for the education of a student who is enrolled in a special purpose school or school district to share the costs of the student's education in the same manner as it shares the cost of educating students it refers to the Texas School for the Blind and Visually Impaired and the Texas School for the Deaf unless the board finds that the student's education in a particular special purpose school or district should not be the responsibility of that district.

The act takes effect June 19, 1993, and its application begins with the 1993-1994 school year.

HOUSE BILL 2333 **HOUSE AUTHOR:** Johnson
EFFECTIVE: Vetoed **SENATE SPONSOR:** Sibley

House Bill 2333 amends the Education Code to clarify the language exempting school districts and individual school campuses that meet the criteria for an exemplary rating according to academic excellence standards adopted by the State Board of Education from requirements and prohibitions imposed under the code. The act allows the commissioner of education to exempt a campus in an exemplary-rated district from elementary class size limits if the campus submits a written plan showing steps it will take to ensure that the exemption does not adversely affect the students' academic performance. The act also deletes references to school campuses that implied that individual campuses were rated for accreditation purposes when only school districts are required to be accredited.

HOUSE BILL 2364 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** G. Luna

House Bill 2364 amends the Education Code to allow a school district to select the appropriate educational setting for a student who previously has been expelled for certain criminal offenses if a court orders the student's readmittance and attendance in school as a condition of probation.

HOUSE BILL 2369 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: 6-3-93 **SENATE SPONSOR:** G. Luna

Under previous law, when the Central Education Agency's director of school audits determined that a deliberate falsification of records or other violation of Education Code provisions relating to the Foundation School Program had resulted in an overallocation of state funds to a school district, the agency was required to withhold an amount equal to the overallocation from subsequent allocations of state funds to the district. House Bill 2369 repeals that law and amends the Education Code to require the agency to recover such funds either by withholding that amount from subsequent allocations or by requesting a refund of state funds received by a school district through overallocation, without regard to the reason for the overallocation.

HOUSE BILL 2415 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 2415 amends the Education Code to authorize the suspension without pay of a teacher for the same reasons that previously were grounds only for permanent discharge. The act gives a school district the option of suspending a teacher without pay for a period not to extend beyond the school year, either pending discharge of the teacher or in lieu of discharging the teacher. Before the teacher may be suspended without pay, the teacher must be notified in writing by the board of trustees of the proposed action and of the grounds for it. The teacher has the right to appeal the action to the commissioner of education, provided notice of the appeal is filed with the board of trustees and a copy mailed to the commissioner within 15 days after receipt of the written notice of the proposed suspension. The teacher also may challenge the proposed action by bringing suit in the appropriate district court within 30 days after receipt of the notice of the proposed action.

HOUSE BILL 2585 **HOUSE AUTHOR:** Hernandez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** G. Luna

House Bill 2585 amends the Education Code to give the commissioner of education the authority to appoint as many advisory committees as necessary to advise the commissioner in performing the agency's duties and carrying out its mission. The creation of such committees is subject to confirmation by the State Board of Education. The act adds a subchapter to the code that provides norms for the creation of advisory committees and for determining the composition of such committees, the reimbursement of committee members, the statement of a committee's purpose, and the duration of such committees. The new subchapter also calls for the reestablishment of all federally mandated advisory committees and provides for the reestablishment of any other committee abolished by the act. The act also abolishes all of the agency's existing advisory bodies, repeals those sections in the code applicable to the abolished entities, and provides for the transfer of certain committees' functions to the commissioner.

SENATE BILL 7 **SENATE AUTHOR:** Ratliff, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Linebarger, et al.

Senate Bill 7 contains numerous provisions relating to public school financing, the redistribution of state and local revenues to achieve a more equitable system of funding the state's public schools in accordance with the Texas Constitution, and other public school reforms.

Major new funding provisions are contained in Article 1 of the act, which adds a chapter to the Education Code on procedures to equalize wealth levels among school districts. The act imposes a limit of $280,000 on school districts' wealth per student, defined as the taxable value of property in the district divided by the number of weighted students in average daily attendance. The act gives districts whose property wealth exceeds that limit five options for reducing their wealth to the required level: voluntary consolidation with poor districts; voluntary transfer of taxable commercial property to poor districts' tax rolls; purchasing attendance credits to lower their average wealth per student, which would entail sending revenue to the state's Foundation School Program (FSP) to educate students in poor districts; contracting directly with other districts to educate those districts' students; or consolidation of tax bases with those of property-poor districts. The choice is to be made by the district's board of trustees, but exercising one of the last three options would require local voter approval. If a property-wealthy district fails to exercise any of the five options by October 19, 1993, the act requires the commissioner of education to transfer commercial property from that

district to one or more poor districts' tax rolls, and if that action is insufficient to lower the district's property wealth to the required $280,000 per student level, the commissioner is directed to consolidate wealthy and poor districts to alleviate the disparity.

Article 1 also prohibits the creation of county-unit systems after May 1, 1993, but does not affect those units created before that date, and it repeals several provisions in the code relating to the holding of an election in any county with a population of 350,000 or more to decide whether a county property tax shall be levied to create an equalization fund for that county's public schools.

Article 2 reenacts and amends the Education Code chapter relating to the Foundation School Program (FSP), whose purpose is to provide school districts substantially equal access to similar revenue per student at similar tax effort, considering all state and local tax revenue available to each district. The changes made in this chapter include a revision of the definition of the average daily attendance used in calculating allotments to districts from the FSP fund to account for state-funded extended year programs provided by school districts for students at risk of being retained in grade, establishment of guidelines for the teacher development programs required for school district accreditation, and elimination of the teacher career ladder salary supplement for teachers not currently receiving a career ladder supplement.

Under the amended FSP chapter, a school district is entitled to a basic allotment of $2,300 for each student in average daily attendance, and the cost of education adjustment, which is used to adjust each district's allotment to reflect regional cost variations, for the 1993-1994 and 1994-1995 school years is determined by the cost of education index and formula adopted in 1990 by the foundation school fund budget committee. The small district and sparsity adjustments, which were scheduled to expire September 1, 1993, both are continued by this act. The chapter includes a revised system of weights to determine each district's share of the FSP allotment for special education programs for students with disabilities in instructional arrangements other than a mainstream learning environment and a simplified weight adjustment for each student whose special education needs are met in a mainstream learning environment. Compensatory education allotment provisions are amended to allow the commissioner of education to provide relief to school districts that incur unanticipated expenses because of significant increases in the enrollment of nonhandicapped students in residential placement facilities. The act eliminates teacher career ladder salary supplements but provides a teacher compensation allotment to continue compensation for teachers already on the career ladder. The basic allotment and the various special allotments (for special, compensatory, bilingual, and vocational education programs and other educational purposes) constitute tier 1 of the two-tiered FSP.

The act eliminates the requirement for several biennial school finance studies previously conducted by the Legislative Education Board and the Legislative Budget Board and instead adds provisions to limit school district administrative costs. Under these provisions the commissioner of education is required to determine annually the administrative cost ratio, or the ratio of administrative costs to instructional costs, for school districts in five different size classifications based on student populations. The commissioner may adjust a district's ratio to allow for additional costs resulting from the district's sparsity or the number of students with special educational needs. After determining an adjusted group standard, the commissioner then must identify individual districts that exceed the applicable standard and notify them of the need to reduce their administrative costs for the following year. Each district notified that it has excessive administrative costs must respond either by submitting a description of its plan to comply with the standard the following year or by requesting a waiver, explaining why it cannot comply. If a district that does not receive a waiver fails to reduce its administrative costs, the commissioner is required to deduct from that district's subsequent tier 1

allotment an amount equal to the amount by which the district's administrative costs exceeded the amount permitted by the ratio. If the school does not receive a tier 1 allotment, it must remit an amount equal to the excess to the comptroller for deposit in the foundation school fund. By February 1 of each year, the commissioner must notify each district of the requirements and standards for the following year.

The amended FSP chapter includes a procedure to reduce or eliminate proration of state funds when enrollment growth or underfunding results in less state aid for school districts than provided by full formula funding. The commissioner of education determines a sum-certain FSP allocation to each school district for a given year, based on projections of student enrollment, local tax rates, and the total taxable property in the state provided by the Central Education Agency and the comptroller. As data becomes available, the commissioner may make adjustments in the allocation to individual school districts during that year or the following year to reflect changes in property values, tax rates, and student enrollment figures computed as weighted students in average daily attendance. It also requires the Central Education Agency to provide the foundation school fund budget committee and the legislature biennial projections of average daily attendance and tax rate figures and requires the comptroller to provide similar projections regarding the total taxable value of all property in the state.

The second tier of the FSP is a guaranteed yield system of financing that provides each school district an opportunity to supplement its basic program with an enrichment program at a level of its own choice and with access to additional funds for facilities. This act provides a guaranteed yield of $20.55 per weighted pupil in state and local funds for each cent of tax effort over that required for the district's local fund assignment, with the state's share determined by a formula that takes into account the guaranteed level, the weighted average daily attendance, the district's local tax rate, and local revenue. The district's tax rate in this formula, for tier 2 enrichment purposes, is capped at $0.64 per $100 of property valuation. Article 2 also specifies an allotment to each district from the state's technology fund of $30 per student or a greater amount provided by appropriation.

Article 2 amends other provisions of the Education Code to prohibit total school district property tax rates from exceeding $1.50 per $100 valuation without local voter approval and, except in certain circumstances, to make a rollback election mandatory if a school district adopts a rate increase of more than $0.06 per $100 valuation.

Article 3 contains several provisions relating to compulsory attendance in extended year programs (summer school) for students identified as at risk of being retained for an additional year in the same grade. The principal provisions of Article 3 also are enacted by other legislation summarized in this chapter (see Senate Bill 679).

Article 4 amends other sections of the Education Code, Government Code, and Tax Code to make conforming changes, primarily regarding the appraisal and taxation of property in taxing units affected by the provisions of the chapters added or amended by Articles 1 and 2, and repeals the Education Code provisions on county education districts.

Article 5 amends the Education Code to allow school districts to hire as a classroom teacher a person otherwise employed by a private business, provided that the loaned teacher's salary and employee benefits continue to be paid by the business and the loaned teacher's classroom activities are supervised by the district. The State Board of Education may provide the loaned teacher a one-year exemption from teacher certification requirements and also may specify minimum standards and educational experience necessary to qualify for an exemption.

Article 6 amends the compulsory school attendance provisions in the Education Code relating to the number of unexcused absences a student may be allowed and doubles the amount of the fines that may be assessed by a court for each violation of the compulsory attendance law. Half of each fine collected is to be deposited in the operating fund of the school district in which the child attends school and the other half deposited in the general fund of either the county or the municipality, depending on the court in which the complaint was filed. Article 6 also amends the Family Code to require a juvenile probation officer to monitor the school attendance of a child who is placed on probation for an offense if school attendance is made a condition of probation.

Article 7 amends the Education Code by adding a chapter on accountability measures in the state's public school system. The chapter lists seven public education goals for the state: equal access for all students to high-quality education; closing of the achievement gap between educationally disadvantaged students and other student populations and attainment of a 95 percent graduation rate for students entering seventh grade; high performance by Texas students relative to national and international standards; delivery of well-balanced and appropriate curricula; recruitment and retention of qualified and effective personnel, with assurance of commensurate levels of pay; productive, effective, and accountable management and organization of the public school system; and an emphasis on research into creative and effective methods to improve teaching and administration.

The State Board of Education is directed to determine the skills and knowledge each student must acquire to achieve the state goals and to create and implement a statewide performance-based testing program to ensure school accountability for the levels of student achievement required to meet those goals. The state testing program must provide for a comparison of statewide results to national results on similar criterion-referenced tests for each subject area and grade level. The board is required to make a biennial report to the legislature evaluating the correlation between student grades and student performance on the tests administered under the chapter.

Under the chapter the board also is directed to adopt a set of academic excellence indicators and establish state standards for performance on those indicators, against which the quality of learning on individual campuses and in school districts will be evaluated. These indicators must include student performance on various state and national tests, school dropout rates, student attendance rates, graduation rates, and other indicators adopted by the board. The commissioner of education is required to define what constitutes exemplary, recognized, and unacceptable performance on each academic excellence indicator and project the standards for each level of performance for the following year. Each school district's board of trustees is to publish and make available to the public an annual report describing the district's overall educational performance and that of each school in the district. The report must include campus performance objectives, progress toward achievement of those objectives, campus and district performance ratings, and a comparison of each campus's and district's performance to previous performance and to state-established standards. The act requires that, on publication of this annual report, the board of trustees hold a public hearing on the report, with all of the district's property owners and parents being notified of the hearing. The new chapter also requires the Central Education Agency to prepare and distribute to each district a report card on each school in the district, comparing each school's performance to its and the district's previous performance, current district performance, state-established standards, and comparable campus group performance.

The new chapter also includes provisions relating to school district accreditation, expanding provisions previously found elsewhere in the code, and states that the academic excellence indicators described above are to be the main consideration in the rating of districts by the Central Education Agency. Additional criteria in the accreditation process are those used under previous code provisions for accreditation.

The new chapter also creates the Texas Successful Schools Awards System to recognize and reward schools and districts that demonstrate progress and success in achieving the education goals of the state, provides for additional awards to recognize and reward schools and districts that achieve top ratings in the accreditation system, and contains expanded procedures for the imposition of accreditation sanctions for districts that fail to satisfy accreditation criteria.

Article 7 repeals earlier sections in the code relating to academic excellence indicators, performance objectives, and school district accreditation, investigations, sanctions, and exemptions. Many of the provisions in the repealed sections are revised, expanded, and incorporated in the chapter added by the article. The article also creates the Select Committee to Conduct a Comprehensive Review of the Central Education Agency, focusing its study on the agency's mission, organization, size, and effectiveness.

Article 8 eliminates several mandates imposed by state law, amending numerous miscellaneous provisions in the code to reduce state reporting requirements, eliminate the teacher career ladder and provide for a simplified teacher appraisal process, defer a state requirement to convert all school buses to run on natural gas, remove obstacles to consolidation of noncontiguous school districts, and achieve several other objectives.

Article 8 also repeals all of Title 1 and most of Title 2 of the Education Code, which titles govern the Central Education Agency, effective September 1, 1995, and it gives the commissioner of education until June 1, 1994, to submit to the legislature a proposed revision of those repealed Title 1 and Title 2 provisions. Article 8 also abolishes the Central Education Agency, effective September 1, 1995.

Except as otherwise provided, the act takes effect May 31, 1993. The application of Articles 3, 4, and 7 begins with the 1993-1994 school year. Articles 6 and 8 take effect September 1, 1993.

SENATE BILL 213 **SENATE AUTHOR:** R. West
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Delco

Senate Bill 213 requires the State Board of Education to develop and distribute by January 1, 1994, a model safe school checklist that school districts may use to assess a school's safety strengths and weaknesses, providing a means toward standardized collection of data relating to public school safety needs. The act also specifies items that must be included in this model checklist.

SENATE BILL 297 **SENATE AUTHOR:** Barrientos, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Berlanga

Senate Bill 297 increases the amount of compensatory education allotment funds under the Foundation School Program that are set aside for comprehensive guidance and counseling programs in public schools from $5 million to $7.5 million or a greater amount as determined in the General Appropriations Act. The act further requires that a school district that has received funds for such a program for the previous school year be given preference in the distribution of such funds. The act takes effect August 30, 1993, but states that its application begins with the 1993-1994 school year.

SENATE BILL 393 **SENATE AUTHOR:** Barrientos
EFFECTIVE: See below **HOUSE SPONSOR:** Linebarger

Senate Bill 393 amends several provisions of the Education Code to authorize financial assistance to school districts for programs designed to improve student achievement and to serve students who are at risk of dropping out because of pregnancy or teenage parenthood.

The act creates an investment capital fund, with $1 million transferred from the compensatory education allotment, from which the commissioner may make grants of up to $25,000 per school year to eligible schools committed to campus deregulation and to restructuring educational practice and conditions to improve student achievement and increase parental and community involvement.

The act also allows the commissioner to set aside $10 million or more from the compensatory education allotment, the amount to be determined by the commissioner and the Legislative Education Board, for parenting programs for students who are pregnant or have become parents and requires that a school district that previously received funds for such a program be given preference in the distribution of these funds. The act allows any school district to provide such parenting programs by deleting the requirement that at least 30 percent of the district's students be economically disadvantaged, and it includes pregnant students and student parents in the definition of at-risk students for compensatory and remedial instruction purposes.

The act amends the Health and Safety Code to require the Texas Department of Health to submit a quarterly report to the commissioner of education documenting each birth to a school-age person.

The act takes effect June 19, 1993, and applies beginning with the 1993-1994 school year.

SENATE BILL 454 **SENATE AUTHOR:** Barrientos, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

The Communities in Schools program provides funding to nonprofit community-based organizations for intervention and prevention services for at-risk students, is funded through the Foundation School Program compensatory education allotment, and is administered by the Texas Employment Commission.

Senate Bill 454 amends the Texas Unemployment Compensation Act to expand the program to additional elementary and secondary school campuses. Participation in the program is mandatory in some cases if the school meets certain student enrollment criteria and it is located either in a county or city in which the program is in effect on September 1, 1993, or in any of the additional counties or cities to be designated by September 1, 1995, and is designated by the program's state coordinator. The act requires the coordinator not only to designate the original campuses for continuance in the program but also to designate for mandatory participation up to 135 additional elementary and secondary schools in those counties or cities with established programs and additional campuses in the additional cities or counties to be designated. Mandatory participation in designated schools must begin not later than September 1, 1995.

The act stipulates that general revenue funding for expansion of the program is contingent on adoption of new revenue measures to provide a sufficient state budget surplus; if such measures are not adopted, the expansion will be funded through set-asides from the compensatory education allotment.

SENATE BILL 493 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Rudd

Senate Bill 493 amends the Education Code to change state-mandated school purchasing policies relating to personal property valued between $10,000 and $25,000. Previous law required contracts proposed by public school boards for the purchase of property valued at $10,000 or more to be submitted to competitive bidding. This act raises the floor for the value of property that must be purchased through competitive bidding, except produce and vehicle fuel, to $25,000, in the aggregate, for each 12-month period and requires such contracts to be submitted for each 12-month period.

For purchases of produce and fuel and of personal property valued between $10,000 and $25,000, in the aggregate, for a 12-month period, the act prescribes procedures for the school districts either to purchase the property or to submit a contract for the purchase of those items to competitive bidding.

SENATE BILL 617 **SENATE AUTHOR:** Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

This act amends the Government Code and Education Code to abolish the Legislative Education Board and divide its duties between the Legislative Budget Board (LBB) and the standing committees of the senate and house of representatives with primary jurisdiction over the public school system. The act gives the legislative standing committees, assisted by the LBB, the general responsibility to oversee and review the implementation of legislative education policies, including fiscal matters, academic expectations, and the evaluation of program cost-effectiveness. The act directs the Committee on Student Learning to submit its progress reports to the standing committees on a biennial basis, at least 30 days in advance of the regular legislative session.

SENATE BILL 654 **SENATE AUTHOR:** Parker, Lucio
EFFECTIVE: 9-1-94 **HOUSE SPONSOR:** Linebarger

Senate Bill 654 establishes the Texas Advanced Placement Incentive Program to recognize and reward students, teachers, and schools for their success in achieving the state's educational goals. Subject to legislative appropriations and to rules promulgated by the commissioner of education, participating schools may receive one-time $3,000 equipment grants for providing college-level advanced placement courses and $100 for each student who achieves a score of three or higher on an advanced placement test. Teachers of advanced placement courses may receive subsidized teacher training, not to exceed $450 per teacher, a one-time award of $250 for teaching an advanced placement course for the first time, and a proportional share of the school's teacher bonus pool, which is created by the deposit of $50 for each student enrolled in the school who scores a three or better on an advanced placement test. Students who attain such scores may receive reimbursement of up to $65 of each advanced placement test fee.

The act requires that awards of equipment grants to schools or of test fee reimbursements to students be made on the basis of demonstrated need as determined by the commissioner of education according to guidelines adopted by the State Board of Education and consistent with the College Board and Educational Testing Service's definition of financial need. It also prescribes an application procedure for the awards available under the program, which is to be funded by gifts, grants, and legislative appropriation.

SENATE BILL 679 **SENATE AUTHOR:** G. Luna, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Ogden

Senate Bill 679 amends the Education Code to provide for extended year programs for students performing below grade level to improve their academic performance and enhance their opportunities for promotion to the next grade. School districts may apply to the commissioner of education for approval and funding of extended year programs for students in kindergarten through grade eight who are identified as likely to be retained in the same grade for another year. The act limits the class size in these programs to 12 students and requires that they be taught by teachers who have completed an appropriate training program. Except under certain conditions, students attending at least 85 percent of the program's days must be promoted to the next level by the beginning of the next school year.

Approval and funding is limited to pilot programs for students in first grade in the 1993-1994 school year and to programs for first and second grade students the following year. The act authorizes approval of optional programs for students in kindergarten through grade eight who would otherwise be retained but does not provide state funding for those programs. Funding for such programs may be derived by shortening the regular school term by up to five days with the commissioner's approval. Attendance in an extended year program is mandatory for students identified as likely to be retained, and a school district is required to provide those students transportation services during the program if it is required to provide such services during the regular term. The act also adjusts the formula for determining school district average daily attendance to account for students attending extended school year programs.

The act takes effect on August 30, 1993, and applies beginning with the 1993-1994 school year.

SENATE BILL 705 **SENATE AUTHOR:** Haley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Linebarger, A. Smith

Under previous law, public school curricula were designed for two-semester years, and retention of students who failed to perform at grade level was based on the availability of space in the incoming class rather than on the student's mastery of the curriculum. Also, a student who was held back had to repeat the entire school year's curriculum in that grade instead of repeating only the portions not mastered. Senate Bill 705 directs the State Board of Education to establish, by May 31, 1995, a curriculum mastery plan that allows each student to advance through the required curriculum in the minimum amount of time necessary for the student to master the curriculum elements. The plan must include provisions for accelerated instruction of students as needed to allow each student to maintain constant progress in mastery of the curriculum elements but may not include a student's age as a factor in determining whether to allow a student to advance to additional elements of the curriculum.

The act requires that the plan be implemented at each campus in a district according to the district's site-based decision-making process and includes a district's efforts in this regard as a factor in the Central Education Agency's rating of the district for accreditation purposes.

SENATE BILL 807 **SENATE AUTHOR:** R. West
EFFECTIVE: 6-8-93 **HOUSE SPONSOR:** Johnson

Previous law required governmental agencies concerned with children in a school district to cooperate with the school-community guidance centers in the district on the request of the district superintendent and to appoint a liaison to work with a center in identifying and addressing problems affecting the community's school-age children. Senate Bill 807 amends the Education Code to

authorize a county, juvenile board, or other governmental agency to establish or finance a school-community guidance center jointly with the school district according to terms approved by the governing body of each entity participating in the joint venture.

SENATE BILL 826 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Grusendorf, Linebarger

Previous law allowed school districts and other governmental entities to finance the purchase of certain personal property, such as appliances, equipment, or furnishings, through contractual arrangements such as lease-purchase agreements. Senate Bill 826 amends the Local Government Code to allow districts to use similar financial transactions to acquire real property as well.

The act requires a school board proposing to enter into such a contract to post notice of its intent in a general circulation newspaper in the district 60 days in advance, allowing the district's voters an opportunity to request a referendum on the matter in accordance with applicable Election Code provisions. A contract is a special obligation of the school district if ad valorem taxes are not pledged to pay the contract. If a contract provides that payments are to be made from previously approved maintenance taxes and are subject to annual appropriation, or are paid from a source other than ad valorem taxes, they are not to be considered payment of indebtedness. Lease-purchase agreements signed by school districts are subject to approval by the attorney general and, if approved, must be registered by the comptroller of public accounts.

The act makes conforming changes to authorize the use of local school funds for the acquisition of school houses and sites through lease-purchase agreements.

SENATE BILL 936 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Eckels

The Education Code entitles a school district employee assaulted while on regular duty to collect up to two years of assault leave with pay, which is not deducted from the employee's accrued sick leave. Senate Bill 936 amends the code to require a district, on request of the employee, to immediately assign the employee to assault leave. After an investigation of the claim, the district may change the employee's assault leave status and charge the leave against the employee's accrued sick leave or, in the case of insufficient accrued sick leave, against the employee's pay. It also requires that benefits due an employee under both assault leave policy and workers' compensation be coordinated so that the total benefits amount to 100 percent of the employee's regular rate of pay.

SENATE BILL 997 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Johnson

Senate Bill 997 amends the Education Code to allow school district employees to use up to two days of sick leave per school year for personal business instead of one per semester as previously authorized.

SENATE BILL 1255 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: See below **HOUSE SPONSOR:** Johnson

Senate Bill 1255 establishes a standard deadline before which a teacher employed under a term contract may resign without penalty from a school district. The act amends the Education Code to allow a teacher employed by a school district under a term contract to leave the position at the end of any school year without penalty by filing a written resignation with the district's board of trustees not later than 45 days before the first day of the following school year. A resignation mailed by

certified or registered mail is considered filed at the time of mailing. The act also allows a teacher holding a term contract to resign, with the consent of the board, at any time mutually agreeable to the teacher and the board.

The act takes effect June 13, 1993, and applies beginning with the 1993-1994 school year.

SENATE BILL 1342 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Johnson

Senate Bill 1342 amends the Education Code to prohibit a school district trustee from applying for or soliciting employment with the district until the trustee's current term has expired or until the trustee has resigned and a successor has been named to fill the vacancy. The act also prohibits a school district board of trustees from entering into contracts with a trustee, a trustee's spouse, or a business in which the trustee or trustee's spouse has a significant interest until the trustee's term has expired or the trustee has resigned and been replaced on the board.

The act further amends the code to require the State Board of Education to adopt statewide standards for the duties of a school board member and deletes language relating to the advisory committee previously charged with developing these standards. The standards adopted by the State Board of Education are to be used as criteria in the development of school board member training.

SENATE BILL 1363 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Naishtat

The Education Code requires textbook publishers to provide the Central Education Agency, on the request of the State Board of Education, with computerized textbook files on diskette for the production of Braille versions of textbooks adopted by the board. Senate Bill 1363 amends the code to allow publishers the option of using any of several board-specified formats.

The act also amends the code to allow the reimbursement of public members of a commission that is assisting the agency in implementing the exchange of diskettes for expenses incurred during their participation in the commission's activities, provided that those members are not employed by publishing companies under contract to the agency. Reimbursement is contingent on the availability of funds received in the form of gifts and grants for such purpose. That commission is continued in existence for two more years, until September 1, 1995.

The act also authorizes the State Board of Education to produce in Braille ancillary and supplementary instructional materials that accompany state textbooks, but the publishers are not required to provide electronic files for such materials.

SENATE JOINT RESOLUTION 4 **SENATE AUTHOR:** Bivins
DEFEATED AT ELECTION: 5-1-93 **HOUSE SPONSOR:** Swinford, et al.

Senate Joint Resolution 4 proposed an amendment to the Texas Constitution to authorize the issuance of $750 million in state general obligation bonds to assist school districts in financing facilities. The proposition, appearing on the ballot as Amendment No. 3, was defeated at an election on May 1, 1993.

SENATE JOINT RESOLUTION 7 **SENATE AUTHOR:** Ratliff
DEFEATED AT ELECTION: 5-1-93 **HOUSE SPONSOR:** Linebarger

Senate Joint Resolution 7 proposed two amendments to the Texas Constitution relating to the state funding of public schools.

The first proposition, appearing on the ballot as Amendment No. 1, authorized the legislature to redistribute the property taxes levied and collected in a school district among other districts in the state, a procedure commonly called "recapture." Other provisions authorized the creation of county education districts with the power to levy property taxes, authorized the legislature to set the tax rate for school districts or county education districts, limited county education district taxes to a rate not to exceed $1 per $100 valuation of taxable property, and limited the amount of recapture to an amount not to exceed 2.75 percent of the total state and local revenue in the public school system, not including funds for free textbooks or teacher retirement system contributions.

The second proposition, appearing on the ballot as Amendment No. 2, exempted school districts from compliance with state mandates enacted after December 31, 1993, that would require the expenditure of state funds except in instances in which the obligations were fully funded, were imposed in compliance with the Texas Constitution or federal law, or were enacted by a vote of at least two-thirds of the members elected to each house of the state legislature.

Both propositions were defeated at an election on May 1, 1993.

EDUCATION—POST-SECONDARY, TECHNICAL, AND VOCATIONAL

HOUSE BILL 447 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 447 amends the Education Code to allow homeless individuals to qualify for in-district or in-state tuition rates when registering for vocational education courses at public junior colleges. Such individuals would be required to establish residence in the state for a 12-month period prior to registration, but they would not be required to demonstrate a permanent address.

HOUSE BILL 515 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Rosson

House Bill 515 requires the Texas Higher Education Coordinating Board to conduct an annual review of child development training programs at vocational schools and institutions of higher education. The review is to identify those programs that have agreed to align lower and upper division courses and allow for the transfer of course credits from one program to another.

HOUSE BILL 691 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

House Bill 691 amends the Education Code to clarify the provisions relating to the amount of tuition and fees that a state university, medical school, or dental school may retain after a student drops a course. Previously, students who dropped classes at the beginning of the semester and who later withdrew from the institution entirely could be charged for those dropped courses. This act limits the amount of tuition and fees that may be charged by the institution according to certain prescribed timetables for dropping classes in the fall, spring, and summer sessions.

HOUSE BILL 982 **HOUSE AUTHOR:** Alonzo, Solis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** R. West

House Bill 982 amends the Education Code provisions relating to the composition and uses of the student deposit fund. Institutions of higher education are required to collect a deposit from each student to insure the institution against loss, damage, and breakage in libraries and laboratories. Students may request a refund of this deposit after they leave the institution, and unclaimed deposits are forfeited to the student deposit fund. This act dedicates that funding solely to providing scholarships to needy and deserving students, a use that previously was one of several options for allocating the fund.

The act also sets a cap on the amount of revenue that a university can retain from this fund. Those institutions that have a balance in their student deposit fund that exceeds 150 percent of the total deposits to the fund during that year must remit the excess funds to the Texas Higher Education Coordinating Board, which is to distribute the money among those institutions that do not have excess funds.

HOUSE BILL 1165 **HOUSE AUTHOR:** Denton
EFFECTIVE: 6-6-93 **SENATE SPONSOR:** Barrientos

The Education Code requires students at state universities to take the Texas Academic Skills Program (TASP) standardized test to determine their general level of reading, writing, and math proficiency. Because students who are either deaf or blind encounter unique difficulties in taking

standardized tests, these individuals were exempted from this requirement until 1991, when it was believed that the state would offer appropriate test formats for deaf or blind students. Those tests were never implemented, however, and many blind, deaf, and hearing impaired students have been prevented from entering postsecondary programs because of poor performances on the TASP test.

House Bill 1165 exempts blind and deaf individuals from the required TASP test until September 1, 1995. At that time, blind students are to be offered a large print, braille, or audio cassette version of the TASP, while deaf and hearing impaired students are to take the Stanford Achievement Test nationally normed on the hearing-impaired population by Gallaudet University.

This act also creates a 10-member advisory committee to assist the Texas Higher Education Coordinating Board and the State Board of Education in setting performance standards for the Stanford Achievement Test and developing remedial course work requirements for those students who fail the test.

HOUSE BILL 1207 **HOUSE AUTHOR:** Rudd, Duncan
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

The Higher Education Assistance Fund (HEAF) was created in 1985 to provide funding for capital acquisition, construction, and improvements at the state's public higher education institutions not eligible for assistance from the Permanent University Fund. Since that time, the fund has consisted of an annual $100 million appropriation specified by the constitution. Because the HEAF consists only of this appropriation and does not generate income, the fund has not increased to keep pace with inflation and higher enrollments.

House Bill 1207 increases the amount of the annual HEAF constitutional appropriation to $175 million and also requires the creation of an interest-earning source of income to supplement the appropriation. The act specifies that each fiscal year the state comptroller deposit the first $50 million of unallocated revenue into a new higher education fund, which will be administered and invested by the state treasurer. When this fund reaches $2 billion, the annual deposits are to cease and the treasurer is to distribute annually the interest, dividends, and investment income of the fund to the universities receiving funds from the HEAF appropriation.

HOUSE BILL 1356 **HOUSE AUTHOR:** Delco
EFFECTIVE: See below **SENATE SPONSOR:** Shelley

House Bill 1356 amends the Education Code provisions relating to exemptions from tuition and fees at state institutions of higher learning for certain military personnel. In addition to requiring that all individuals seeking exemptions under this section prove financial need, the act extends exemptions to children of members of the armed forces who are killed or reported missing in action, who die while in service, or whose death is caused by an illness or injury connected with their service in the armed forces. It also exempts certain individuals who are in foster care or residential care under the auspices of the Texas Department of Protective and Regulatory Services.

The act takes effect June 6, 1993, and applies beginning with the fall semester of 1993.

HOUSE BILL 1666 **HOUSE AUTHOR:** Telford
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ratliff

East Texas State University at Texarkana (ETSU-Texarkana) was created in 1971 as a two-year, upper-level center under the auspices of East Texas State University in Commerce. House Bill 1666 gives statutory standing to ETSU-Texarkana as a separate university governed by the board of regents of East Texas State University.

HOUSE BILL 1705 **HOUSE AUTHOR:** Delco
EFFECTIVE: See below **SENATE SPONSOR:** Barrientos

Proprietary schools are regulated by several different state agencies and boards, and they also must comply with certain federal regulations. House Bill 1705 eases regulations for small proprietary schools by authorizing the State Board of Education to exempt these institutions from current state requirements. With the consent of the Proprietary School Advisory Commission, the State Board of Education may waive or reduce licensing fees, release a school from bonding and reporting requirements, exempt the school from paying into the tuition protection fund, relax refund policy provisions, and issue a three-year license to the school rather than a one-year license. The act further outlines specific refund policies and licensing procedures that the schools must follow and prescribes penalties for schools that do not comply with state regulations.

This act takes effect August 30, 1993, and applies beginning with the 1993-1994 school year.

HOUSE BILL 2058 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan, Montford

House Bill 2058 authorizes several state universities and university systems to issue tuition revenue bonds for infrastructure enhancement. The act requires that those schools issuing bonds make a good-faith effort to award a percentage of bond-related contracts to minority-owned and women-owned businesses, and it further stipulates the amount of money that each university may raise through bond sales and specifies how the money is to be allocated.

HOUSE BILL 2249 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

The Texas Higher Education Coordinating Board receives $60 million each biennium to fund research and technological development projects at universities across the state. House Bill 2249 adds water conservation and related disciplines to the list of research areas that may be funded with this money.

SENATE BILL 6 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: See below **HOUSE SPONSOR:** H. Cuellar

Senate Bill 6 changes the name of Laredo State University to Texas A&M University International. This change takes effect September 1, 1993. Effective September 1, 1995, the act also converts the university from an upper-level institution to a four-year university offering freshman and sophomore level courses and authorizes the university to award doctoral degrees as well as bachelor's and master's degrees. It provides for interim funding for the university during its transition from funding under the formula for upper-level institutions to funding under the formula for four-year general academic teaching institutions.

SENATE BILL 34 **SENATE AUTHOR:** Ratliff
EFFECTIVE: See below **HOUSE SPONSOR:** Sadler

Senate Bill 34 exempts from nonresident tuition fees Arkansas and Louisiana residents attending Texas State Technical Institute—Marshall and Oklahoma and New Mexico residents attending Texas State Technical Institute—Amarillo, provided that the students' home states allow Texas residents to attend similar public institutions in those states without having to pay out-of-state tuition fees.

The act takes effect August 30, 1993, and applies to tuition for the fall semester of 1993 and thereafter.

SENATE BILL 95 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Linebarger

Senate Bill 95 allows the commissioner of education to coordinate and administer a comprehensive teacher recruitment program to identify the need for teachers in specific subject areas and geographic regions and to encourage members of minority groups to seek careers in education. The act allows the commissioner to work with Texas high school principals on a plan to identify talented high school students and to attract them, with the help of a volunteer teacher recruiting officer in each school, to the teaching profession and directs the commissioner to encourage the support and cooperation of the business community and of major education associations in local and statewide teacher recruitment efforts.

The act also provides for greater assistance from the Texas Higher Education Coordinating Board in the repayment of student loans for teachers who apply and qualify for the assistance, allowing repayments to apply to interest that accrues on the loan as well as to the principal of the loan.

SENATE BILL 142 **SENATE AUTHOR:** Madla
EFFECTIVE: 6-2-93 **HOUSE SPONSOR:** Hernandez

Senate Bill 142 authorizes the board of trustees of a public junior college to establish an endowment fund and to make such investments from the fund as it deems prudent. The act allows the board to collect funds and accepts gifts and grants for endowment fund purposes. It prohibits the board from spending any of the money deposited in the fund in the form of gifts, grants, or collected funds but allows the board to spend any income derived from endowment fund investments for operation or maintenance expenses.

SENATE BILL 150 **SENATE AUTHOR:** Nelson
EFFECTIVE: See below **HOUSE SPONSOR:** Place

Senate Bill 150 amends the Education Code to place Tarleton State University on the same statutory footing as other general academic institutions regarding the university's general use fee by deleting a provision that previously allowed The Texas A&M University board of regents to set the student use fee for Tarleton State University.

The act takes effect May 29, 1993, and applies to fees due with the fall semester of 1993 and thereafter.

SENATE BILL 163 **SENATE AUTHOR:** Carriker, Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** B. Hunter

Senate Bill 163 amends several provisions of the Education Code relating to the authority of private institutions of higher education. Amendments to the subchapter on regulation of private institutions of higher education substitute the term "postsecondary educational institution" for several previous references to "private institutions of higher education" and redefine a private institution of higher education as a private or independent college or university that is organized under the Texas Non-Profit Corporation Act, is exempt from taxation under certain provisions of the Texas Constitution and the Internal Revenue Code, and is accredited by a recognized accrediting agency. These changes and others restrict the authority to employ and commission security officers and to obtain criminal history information about employees and clarify the application of certain regulatory provisions.

SENATE BILL 183 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 183 amends the Education Code to facilitate the exemption of visually and hearing impaired individuals from tuition and fees at Texas public institutions of higher education. The act simplifies both the definitions of persons who are blind or deaf and the procedure for obtaining the exemption, which requires certification by the Texas Rehabilitation Commission, the Texas Commission for the Blind, or the Texas Commission for the Deaf and Hearing Impaired, as appropriate.

Such certification for tuition exemption purposes previously was valid for one semester at a time and had to be renewed by the blind or deaf student each time the student registered for classes. The act allows the student to present the certification along with other required materials at the time the student first enrolls at a public higher education institution and provides that the certification is valid for each semester the student enrolls at that institution.

SENATE BILL 201 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Jackson, Wolens

Senate Bill 201 allows the Texas Higher Education Coordinating Board to contract with Texas Chiropractic College and Parker College of Chiropractic for the preparation or instruction of Texas resident undergraduate chiropractic students for careers in chiropractic medicine, but prohibits the board from entering into such contracts if a public school of chiropractic is established.

SENATE BILL 233 **SENATE AUTHOR:** Truan
EFFECTIVE: 5-4-93 **HOUSE SPONSOR:** Delco, Rangel

Senate Bill 233 provides for the establishment and administration of a minority doctoral incentive program to provide loans to minority students who are either pursuing doctoral degrees or pursuing master's degrees with a commitment to pursue a subsequent doctoral degree and to increase minority representation among the faculty and administration of institutions in the colleges and universities in this state. The act sets out eligibility requirements for a loan made under this program and includes provisions for the disbursement of a loan, determination of the loan's terms, and the forgiveness or suspension of a loan.

The act also directs the Texas Higher Education Coordinating Board, which is responsible for the establishment and administration of the loan program, to adopt and distribute rules for the administration of the program not later than January 1, 1994, and to begin making loans to eligible students for use beginning with the fall semester in 1994.

SENATE BILL 239 **SENATE AUTHOR:** Truan, Montford
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Berlanga, T. Hunter

Senate Bill 239 amends the Education Code to provide for interim funding for Texas A&M University—Corpus Christi and The University of Texas of the Permian Basin during their transition from upper-level institutions to four-year universities. The act provides for a combination of the two types of formula funding during the transition, with four-year formula funding applicable to all lower division courses while upper-level formula funding remains in effect for all upper-level courses during the first two fiscal years the university begins offering lower division courses. Beginning in the third fiscal year after the university begins offering lower division courses, the funding formula applied to upper-level courses will be the four-year formula modified on a yearly basis to provide additional funding until the funding formula is in line with the formula for other four-year general academic teaching institutions in the state.

SENATE BILL 251 **SENATE AUTHOR:** Lucio, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Gutierrez

Senate Bill 251 converts the Texas State Technical College extension center at McAllen to a new joint-county junior college, South Texas Community College, with a territory comprising Hidalgo and Starr counties. The act establishes a temporary governing board for the junior college consisting of seven members appointed by the governor and requires this appointed board of trustees to call for and hold an election within those two counties not later than January 1, 1996, for the purpose of confirming the creation of the college, providing for the election of a board of trustees from single member districts drawn by the appointed board of trustees, and authorizing the issuance of bonds and the imposition of taxes. If the creation of South Texas Community College is not confirmed before August 31, 2000, the college is abolished on that date.

The act also provides for the transfer of records, contracts, obligations, unexpended and obligated funds, and property from the Texas State Technical College extension center to South Texas Community College within 30 days of the date that a quorum of the initial board of trustees of the new junior college has qualified for office. The act takes effect August 30, 1993, except that provisions transferring records, obligations, funds, and property and making conforming amendments take effect on the date a quorum of the initial board has qualified.

SENATE BILL 330 **SENATE AUTHOR:** Haley, Shapiro
EFFECTIVE: 5-23-93 **HOUSE SPONSOR:** Earley

Senate Bill 330 amends the Education Code to include workforce development programs, adult literacy, and other basic skills programs among those items that a public community college is required to provide in fulfilling its purpose.

SENATE BILL 335 **SENATE AUTHOR:** Shapiro
EFFECTIVE: See below **HOUSE SPONSOR:** Oakley

The Education Code allows the East Texas State University board of regents to collect a student union fee for the purpose of financing, constructing, operating, maintaining, and improving the university's student union building. Senate Bill 335 amends the code to allow the board to raise the student union fee from $15 to as much as $40 for each regular semester and from $7.50 to as much as $20 for each summer session. The act takes effect June 3, 1993, but applies beginning with the fall semester of 1993.

SENATE BILL 336 **SENATE AUTHOR:** Parker, Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Senate Bill 336 prohibits a retail store owned or operated by an institution of higher education from extending the credit of the state, except in instances in which the credit may be offset against undistributed grant or loan funds that are held by the institution for a student customer or that the institution is entitled to receive on behalf of the student.

SENATE BILL 346 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Carter, Berlanga

Senate Bill 346 amends the Education Code to rename the Texas College of Osteopathic Medicine as the University of North Texas Health Science Center at Fort Worth, which is to consist of the college of osteopathic medicine. The act also authorizes the board of regents of the University of

North Texas, with the approval of the Texas Higher Education Coordinating Board, to prescribe courses at the health science center leading to customary degrees, diplomas, or certificates, but may not include an M.D. degree.

SENATE BILL 362 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Holzheauser

Since 1983, when it was authorized to award degrees, the University of Houston—Victoria had been defined as a center in the Education Code. Senate Bill 362 amends the Education Code to change the university's designation from center to institution and changes references to the university throughout the code to reflect more accurately its status as an institution.

SENATE BILL 374 **SENATE AUTHOR:** Brown
EFFECTIVE: 4-29-93 **HOUSE SPONSOR:** Hochberg

The Education Code was amended in 1971 to allow The University of Texas Graduate School of Biomedical Sciences at Houston to acquire the Houston Speech and Hearing Center, which then was renamed the Division of Communicative Disorders. The division was closed effective October 31, 1992, and Senate Bill 374 formalizes the closing by repealing the provisions in the code that applied to the division.

SENATE BILL 403 **SENATE AUTHOR:** Shapiro
EFFECTIVE: See below **HOUSE SPONSOR:** Goolsby

The Education Code allows The University of Texas System board of regents to collect a student union fee from each student at The University of Texas at Dallas for the purpose of financing, constructing, operating, maintaining, and improving the university's student union building. Senate Bill 403 amends the code to raise the maximum student union fee that the board of regents may levy at the university from $25 to a maximum of $60 for each regular semester and from $12.50 to a maximum of $40 for each summer session term, but it provides that any increase in the student union fees above $40 for the regular term and above $26.67 for a summer session term must be approved by a majority of the students voting on the increase in an election held for that purpose. The act also allows the board to pledge the student union fees levied to pay obligations issued pursuant to The University of Texas System's revenue financing system.

The act takes effect August 30, 1993, and applies beginning with the fall semester of 1993.

SENATE BILL 419 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Horn

Senate Bill 419 amends the Education Code to prescribe more specifically the powers and duties of the University of North Texas board of regents and to delete the previous provision that had given the board the same powers and duties as those conferred on boards of regents in the former State Senior College System. The act delineates the board's general powers and duties with regard to the administration of the university and its specific authority to prescribe courses and award degrees and to limit enrollment in any course, department, school, college, or program; to exercise the power of eminent domain; to manage university funds and accounts; to acquire, manage, and control real and personal property; and to enter into contracts.

SENATE BILL 426 **SENATE AUTHOR:** Sibley, Lucio
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** R. Cuellar

To encourage physicians to enter primary care fields that currently are experiencing a shortage of health care providers, the Texas Higher Education Coordinating Board has approved and funded family practice residency programs operated by medical schools, hospitals, and nonprofit corporations throughout the state. These programs currently provide practical graduate medical education for family practice physicians in residency training clinics and at the same time offer primary health care for indigent or uninsured Texans. Senate Bill 426 directs the Family Practice Residency Advisory Committee and a statewide advisory committee established by the Texas Department of Health to work together to enhance approved family residency programs and to establish three pilot programs, each in an area that reflects the state's diverse population, to provide a major source of indigent health care and also to train family practice resident physicians.

An approved family practice residency program desiring to participate in or sponsor a pilot program under this act is required to submit a proposal to the advisory committees, which shall review all proposals and make recommendations to the Texas Higher Education Coordinating Board. The board is directed to select participating or sponsoring programs on the basis of each program's commitment to indigent health care and to training family practice resident physicians. The act also requires the advisory committees to make an annual assessment of the financial feasibility and performance of the programs to provide the assessments to the comptroller of public accounts and the state auditor.

SENATE BILL 485 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Senate Bill 485 requires the Texas Higher Education Coordinating Board to establish a training program for members of governing boards of institutions of higher education and requires each governing board member to attend at least one training program seminar during the member's first two years of service on the governing board. The act specifies that the required training program must include an annual two-day seminar in Austin conducted by staff from the offices of the attorney general, the comptroller of public accounts, the state auditor, and the Texas Ethics Commission and other training personnel the board deems necessary. The act further states that the seminar's content must focus on the official role and duties of governing board members and must provide training in the areas of budgeting, policy development, and governance specified by the act.

SENATE BILL 487 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 487 establishes the Texas Academy of Foreign Languages and Culture to promote the study of foreign languages and cultures in Texas and to promote educational and cultural exchange between the state and current and prospective trade partners. The act provides no appropriation for the academy, but authorizes the Texas Higher Education Coordinating Board to receive gifts and grants to pay salaries of administrative personnel and directs the academy to contract with a recipient of a grant from the National Endowment for the Humanities to provide and administer scholarship and financial aid programs on its behalf.

The grant recipient is to provide scholarships to college and university juniors and seniors majoring in a foreign language and preparing for teaching careers and financial support to selected teachers and scholars conducting lectures and research projects abroad and to foreign teachers and scholars similarly engaged in this state. The grant recipient also is to provide financial support to selected

institutions and organizations for cultural exchange programs, summer programs in foreign language and culture studies for foreign language teachers, programs of one or two weeks duration for interested and eligible high school students, and intensive foreign language instruction to members of the business and professional communities doing or planning to do business with current or prospective trade partners.

The act also authorizes the board to establish an interagency task force on international studies and cultural exchange under the direction of the academy to develop long-range goals for enhancing foreign language and international studies and expanding educational and cultural exchange.

SENATE BILL 511 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Naishtat

The 72nd Legislature eliminated general revenue funding for the administration of the Hinson-Hazlewood College Student Loan Program effective September 1, 1992, and directed that the program be administered solely through earnings from the program. Senate Bill 511 amends the Education Code to allow the Texas Higher Education Coordinating Board to use interest earnings on student loans and investments from the program to help pay for personnel and other administrative expenses. The act authorizes the board to establish various types of accounts in the state treasury and to enter into agreements necessary for the operation of the student loan program. It also allows the board to prescribe variable, floating, or adjustable interest rates for bonds issued under this program and to arrange for the periodic determination of interest rates.

SENATE BILL 579 **SENATE AUTHOR:** Lucio
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** De La Garza

Senate Bill 579 allows the board of regents of The University of Texas System to levy a student union fee at The University of Texas—Pan American for the purpose of financing, constructing, operating, maintaining, and improving a student union building at the university. The act provides that the fee may not exceed $30 per student for each regular semester or $15 for each summer session term and that the fee may not be either levied or increased without the approval of the majority of those students voting in an election held for that purpose.

The act authorizes the board to pledge the student fees to pay obligations issued pursuant to the revenue financing system of The University of Texas System. The act also states that the fees are under the control of a student union advisory committee, which is required annually to submit an itemized budget to the university president. The president is required to submit this budget to the board of regents as part of the institution's overall budget.

SENATE BILL 591 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Rodriguez

Senate Bill 591 prohibits a public junior college board of trustees from employing or contracting with a former member of the board during the first year after the member's departure from the board.

SENATE BILL 615 **SENATE AUTHOR:** Rosson
EFFECTIVE: See below **HOUSE SPONSOR:** Moreno

Senate Bill 615 allows the board of regents of The University of Texas System to charge each student at The University of Texas at El Paso a recreational facilities fee for the purpose of financing, constructing, operating, maintaining, and improving new and existing recreational sports facilities

and programs at the university. The act provides that the fee may not exceed $12 per student for each regular semester or summer session and that the fee may not be levied without the approval of the majority of those students voting in an election held for that purpose.

The act authorizes the board to pledge the student fees to pay obligations issued pursuant to the revenue financing system of The University of Texas System.

The act takes effect April 29, 1993, but applies beginning with the fall semester of 1993.

SENATE BILL 637 **SENATE AUTHOR:** Armbrister, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Junell

Senate Bill 637 allows the boards of regents of The Texas A&M University System, the Texas State University System, and The University of Texas System to charge students at component institutions of their respective systems a medical services fee. The act specifies the maximum amount that may be charged students in each system for regular and summer session terms and states that a medical services fee levied and collected at each institution is to be used only to provide medical services to students registered at that institution.

The act also requires the boards of regents of the Texas State University System and The University of Texas System to give students and administrators in their respective systems an opportunity to offer recommendations regarding the type and scope of medical services that should be provided before charging the proposed fee.

The act takes effect June 19, 1993, but applies beginning with the fall semester of 1993.

SENATE BILL 709 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-22-93 **HOUSE SPONSOR:** A. Smith

Senate Bill 709 amends the Property Code to allow public institutions of higher education to appropriate for current expenditure the realized capital gains on investments. The act also amends the Education Code to permit institutions of higher education to invest in cash management funds and fixed income funds held by certain organizations exempt from federal taxation. If the governing board of an institution controls at least $25 million in book value of endowment funds, it may invest all funds under its control under prudent person standards.

SENATE BILL 728 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 5-22-93 **HOUSE SPONSOR:** Earley

Senate Bill 728 amends the Education Code to designate the Texas Engineering Extension Service as the recognized statewide fire and rescue training agency liaison between the National Fire Academy and associations, fire departments, state agencies, and institutions of higher education in this state.

SENATE BILL 832 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: See below **HOUSE SPONSOR:** Corte

Senate Bill 832 permits The University of Texas System board of regents to charge students at The University of Texas at San Antonio a recreational facility fee of up to $30 per semester. The fees are to be used to finance the construction or improvement of student recreational facilities at the university. The fee may be levied only if approved by a majority of those students voting in an election on that question. The act allows the board of regents to permit nonstudent use of a recreational facility if doing so would not materially interfere with student use, would not materially increase the potential liability of the university, and the university charges a fee that is not less than the student fee and covers the cost of the services provided.

The act takes effect August 30, 1993, and applies beginning with the fall semester of 1993.

SENATE BILL 846 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-20-93 **HOUSE SPONSOR:** Gutierrez

Senate Bill 846 permits institutions of higher education to participate in the national student exchange program to provide reciprocal educational opportunities for undergraduate college and university students in the United States. The act permits a nonresident exchange student participating in the program to be charged resident tuition.

SENATE BILL 954 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Gallego

Senate Bill 954 amends the Government Code to authorize the Court Reporters Certification Board to approve a proprietary school's court reporting curriculum and a technical institute or community college's court reporting program. The act also amends the Education Code to require a proprietary school to obtain certification board approval before conducting a course of instruction in court reporting. A technical institute or public community college also will have to obtain approval in order to receive program certification from the Texas Higher Education Coordinating Board.

SENATE BILL 1184 **SENATE AUTHOR:** Haley, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Glaze, Kamel

Previous law permitted the governing boards of a public community or junior college and an upper-level university or center to enter into a partnership agreement to improve educational programs and services only if they shared a common campus. Senate Bill 1184 amends the Education Code to allow such partnerships if the two institutions are located in the same state uniform service region.

SENATE BILL 1302 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-22-93 **HOUSE SPONSOR:** Delco

Senate Bill 1302 authorizes The University of Texas System board of regents to charge students at The University of Texas at Austin a fee of up to $1.90 per credit hour per semester or 12-week summer session or $0.95 per credit hour per six-week summer session for renovating Gregory Gymnasium. The fee may not be collected until the first semester in which the gymnasium has been substantially renovated and the first phase of the renovated facility has been opened.

SENATE BILL 1321 **SENATE AUTHOR:** Barrientos
EFFECTIVE: See below **HOUSE SPONSOR:** Earley

Senate Bill 1321 allows an applicant for admission to a public institution of higher education to elect to have the institution disregard academic course credit or grades earned by the applicant more than 10 years prior to the semester in which the applicant seeks to enroll. An applicant who is admitted under the act may not receive any course credit for courses taken 10 or more years prior to enrollment. Additionally, the act requires an institution evaluating the grades of an applicant to a postgraduate program to consider only the grades the applicant earned after enrollment under the provisions of this act.

The act takes effect August 30, 1993, and applies beginning with the fall semester of 1993.

SENATE BILL 1324 **SENATE AUTHOR:** Bivins
EFFECTIVE: See below **HOUSE SPONSOR:** Delco

Senate Bill 1324 amends the Education Code to exempt a student from the Texas Academic Skills Program (TASP) test if the student performed at or above a level set by the Texas Higher Education Coordinating Board on the Texas Assessment of Academic Skills (TAAS) test. The

exemption also applies to a student entering or transferring to a public institution of higher education who achieves a score set by the board on either the SAT or the ACT. A person seeking admission into an approved teacher education program is exempt from the basic competency examination if the person has a composite score on the SAT, ACT, or a similar examination that is at or above a percentage set by the State Board of Education.

The act takes effect May 24, 1993, but the exemptions may not be implemented until the beginning of the fall semester of 1993.

SENATE BILL 1388 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 5-23-93 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 1388 adds to the Education Code a requirement for the Texas Higher Education Coordinating Board to establish a student exchange program with Canada. An exemption from foreign student tuition applicable to Mexican exchange students applies to Canadian exchange students beginning with the fall semester of 1993.

SENATE JOINT RESOLUTION 13 **SENATE AUTHOR:** Lucio, et al.
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Counts, Denton

Senate Joint Resolution 13 proposes an amendment to the Texas Constitution to make several changes to the scope and operation of the Higher Education Assistance Fund (HEAF). It would add the Texas State Technical College System to the list of institutions eligible to receive HEAF appropriations beginning September 1, 1995. The amendment would allow HEAF appropriations to be used to pay for buildings or facilities used jointly for educational and general activities and for auxiliary enterprises to the extent that they are used for educational and general activities. It also would prohibit the legislature from decreasing the amount of the appropriation to the HEAF.

ELECTIONS

HOUSE BILL 74 **HOUSE AUTHOR:** Danburg, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 74 amends a number of provisions in the Election Code relating to voter registration. The act allows a voter to vote in the voter's former precinct for up to a year after moving to a new precinct if the election is countywide and the voter still resides in the same county. Previous law allowed such voting for up to 90 days after moving. If the election is less than countywide, the voter must also reside in the political subdivision holding the election.

The act requires the voter registrar's office to remain open for information during extended or weekend hours of early voting by personal appearance. It clarifies that for elections covering more than one county, affidavits regarding illegal voting by an unregistered voter are to be forwarded both to the appropriate local prosecuting attorney and to the attorney general. The act changes previous law to provide that a voter registrar's substantial compliance with the secretary of state's registration requirements is sufficient to avoid loss of state funding for voter registration in the county.

Under the Election Code, a county can contract for computer services related to registration lists only with the secretary of state's approval. House Bill 74 allows the secretary to rescind approval at any time and provides that the contract is nullified to the extent it is affected by that action. The contracting business may not modify the materials used under the contract unless the changes are approved by the secretary. A violation of this prohibition is a Class A misdemeanor.

The act also deals with the delivery of registered voter lists to the secretary of state, procedural eligibility requirements for convicted felons, the training of deputy voter registrars, and optional contents of voter registration cards.

HOUSE BILL 75 **HOUSE AUTHOR:** Danburg, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 75 amends the Election Code to revise various practices and requirements relating to voting procedures, voting systems, ballot counting and canvassing, candidate eligibility, political party matters, election scheduling, and petition procedures.

The act requires that voters who have no registration card and are not on the registration list be allowed to vote if the election officer determines from the voter registrar that the voter is registered or the voter executes one of the acceptable affidavits. For runoff primaries, the act requires the registrar to note on the registration list the preceding primary in which each voter appears to have participated and allows an election officer to challenge a runoff voter on that basis if the voter appears to be switching between political parties. For all elections, however, the election officer must inform a voter whose eligibility has been challenged of the voter's right to vote under applicable challenge procedures. Other voting changes render a person ineligible to serve as an election judge or clerk if that person is a campaign manager for a candidate in the election and prevent poll watchers from possessing any mechanical or electronic means of recording election sounds or images. The act expands opportunities to vote late due to a death in the family and abolishes a misdemeanor prohibition against hiring voter transport to the polls.

Under the act, any local government or county party executive committee that has adopted a voting system must file an annual report with the secretary of state identifying that system. The act creates misdemeanor offenses for the contractual selling or leasing of a voting system or equipment that has not received the secretary of state's approval. A voting system contract not incorporating required approval documentation is void.

House Bill 75 establishes criteria to be used in manual counting or recounting of punch card ballots to clarify when an incompletely punched hole is to be construed as a vote. The act clarifies procedures for tabulating ballots with more than one straight-party vote, establishing that such votes are to be ignored and only votes for individual candidates are to be counted. With respect to the legislature's canvassing of votes for governor and lieutenant governor, the act authorizes the legislature to seek county returns either from the secretary of state or the county at the legislature's option.

The act requires prompt review of challenges to a candidate's eligibility but clarifies that the only Election Code deadline relating to the declaration of a candidate's ineligibility is that requiring a declaration before the 30th day preceding the election, adjusted for weekends and weekend holidays. Other deadlines applicable to review of candidate applications for ballot inclusion are irrelevant to ineligibility determinations. The act restricts write-in candidates to seeking only one office.

House Bill 75 requires each political party intending to make nominations for the general state and county elections to register with the secretary of state by January 2 of the election year. It establishes a pre-filing schedule for state payment of start-up primary funds to county party chairs submitting a primary election expense estimate. The start-up payment equals 10 percent of the amount spent by county party officials in the preceding general primary. The act provides that a party's state executive committee may require candidates for county chair to have the signed support of at least 10 percent of the incumbent precinct chairs.

New provisions clarify the scheduling of the initial election for offices newly created by the legislature. The act offers political subdivisions other than counties a one-time opportunity to reschedule their general election dates, giving them until the end of 1993 to pick new dates from among the available uniform election dates. Another provision enables a political subdivision to postpone its runoff election to avoid weekends or weekend holidays or to permit the holding of a joint runoff election with another political subdivision. For these purposes, the runoff deadline is extended to the 45th day following the date of the final canvass for the main election.

House Bill 75 modifies procedures for various election petitions that are authorized or required outside the Election Code. Generally, these changes affect petitions to put issues before the voters as opposed to petitions relating to political candidacies. Among other changes, the act invalidates signatures affixed more than 180 days before the petition is filed, sets criteria for the withdrawal of signatures, and limits the circumstances in which supplementary petitions may be filed. The act makes these petition procedures, as amended, applicable to property tax rollback elections and to elections to limit school taxes.

HOUSE BILL 76 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

The Election Code requires that polling places be accessible to elderly and physically handicapped voters but previously allowed exceptions for temporary polling places, polls in nonpublic buildings, and circumstances in which no accessible site was available. House Bill 76 removes these exemptions by requiring that all polling places be accessible to the elderly and physically handicapped. The act requires precinct convention sites to meet the same accessibility requirements as polling places unless a political party's state executive committee issues an order overriding the requirement at least 30 days before the precinct convention date.

HOUSE BILL 162 **HOUSE AUTHOR:** Park
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

House Bill 162 authorizes a county commissioners court to issue an order prohibiting electioneering during early voting at a courthouse, subcourthouse, or courthouse annex containing a polling place, either within the building or within 30 feet of an entrance door to the building. The order must be recorded in the commissioners court's minutes at least 10 days before the date early voting will begin in the building.

HOUSE BILL 565 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** G. Luna

House Bill 565 permits an election to recall an officer of a political subdivision to be held on a date other than a uniform election date set by the Election Code.

HOUSE BILL 638 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 5-19-93 **SENATE SPONSOR:** Carriker

House Bill 638 amends the Election Code to allow the combining of county election precincts to save on election costs, where redistricting has produced a precinct of less than 500 registered voters. Minority voting rights must not be adversely affected by the action, and maximum precinct size limitations still apply. Authority to combine precincts rests with the county commissioners court in the case of a general or special election and with the political party's county executive committee in the case of a party primary.

HOUSE BILL 790 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

Previous law required county executive committees to convene to canvass primary election returns the first Friday after election day. House Bill 790 requires such committees to convene no earlier than 6 p.m. the first Thursday and no later than 6 p.m. the first Friday following election day.

HOUSE BILL 961 **HOUSE AUTHOR:** Madden
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shapiro

House Bill 961 allows consolidation of county election precincts in any special election. Previous law did not permit consolidation in such elections for offices or measures voted on in only one county.

HOUSE BILL 1776 **HOUSE AUTHOR:** Wilson, et al.
EFFECTIVE: Vetoed **SENATE SPONSOR:** J. Patterson

House Bill 1776 orders a nonbinding statewide referendum on whether to authorize the Department of Public Safety to adopt rules for licensing and training citizens to carry handguns for self-protection.

HOUSE BILL 2468 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 2468 amends Election Code provisions relating to election contests and recounts. For legislative elections, it shortens the deadlines for the contestant and contestee to file their respective contest papers and requires the contestant to post security of $5,000 value toward the costs of the contest or to plead an inability to pay such costs. The act makes mandatory, rather than discretionary, the appointment of the contest master who supervises the discovery of evidence. The master may

issue a determination that a contestant's challenge is frivolous or groundless, and in such cases the election contest committee may refuse to hear direct evidence or testimony on the contest. For gubernatorial elections, the act requires a similar posting of security by the contestant in an amount approved jointly by the presiding officers of the senate and house.

For elections generally, existing law enables a recount committee member to seek a new recount on grounds that legal votes were not counted. House Bill 2468 expands such grounds to include a recount committee member's allegation of the counting of illegal votes. For elections involving state, statewide, and federal offices, the act requires a new canvass whenever a recount alters the vote, in contrast to previous law that required a new canvass only if the recount changed the election outcome.

SENATE BILL 830 **SENATE AUTHOR:** G. Luna
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Marchant, Goodman

Senate Bill 830 authorizes each political subdivision holding its 1993 general election on May 1 to hold any resulting runoff election on the June 5 date ordered by the governor for the runoff in the special election to fill a vacancy in the United States Senate.

SENATE BILL 1196 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 1196 authorizes a political committee to accept contributions or make expenditures of up to $500 each without having to file a campaign treasurer appointment. The act also provides that the waiting periods on campaign expenditures applicable to general-purpose political committees do not apply to a political party's county executive committee that has satisfied applicable requirements related to campaign reporting and campaign treasurer appointment. A principal political committee of a party or a political committee established by a party's county executive committee is no longer required to give notice to an officeholder or candidate if the committee accepts contributions or makes political expenditures for the candidate or officeholder. Previously, failure to give notice was a Class A misdemeanor.

ENERGY

HOUSE BILL 923 **HOUSE AUTHOR:** Earley
EFFECTIVE: See below **SENATE SPONSOR:** Montford

House Bill 923 creates the Texas Energy Coordination Council, a state agency designed to develop and coordinate statewide energy policy and research in public and private postsecondary educational institutions and nonprofit research organizations. The act also creates the Texas Committee on Energy Policy and an energy account in the general revenue fund.

This act takes effect August 30, 1993. Appointments to the Texas Energy Coordination Council are to be made not later than January 1, 1994, and appointments to the Texas Committee on Energy Policy are to be made not later than February 1, 1994.

HOUSE BILL 1432 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

This act permits a river authority engaged in the distribution and sale of electric energy to the public to create a nonprofit corporation to acquire, develop, and sell fuel, fuel reserves, and mineral interests. The corporation also can enter into oil, gas, and electric hedging contracts to protect against loss due to price fluctuations as well as issue bonds on behalf of the Lower Colorado River Authority, with the approval of the attorney general.

The property of the corporation is not exempt from taxes imposed by the state or a county, city, or school district, and the act does not limit the authority of the Public Utility Commission to determine the recoverability of cost from ratepayers.

HOUSE BILL 2007 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 2007 modifies the licensing and regulation of liquefied petroleum gas (LPG). The act authorizes the Railroad Commission of Texas to establish reasonable conditions for licensing and licensing exemptions for a state agency or institution, county, municipality, school district, or other governmental subdivision and to waive licensing requirements for manufacturers of new motor vehicles powered by LPG and their subcontractors. The number of days the commission has to notify licensees of their license expiration dates is reduced from 30 to 15, and the annual registration fees and standard transfer fees for LPG cargo trailers, semitrailers, and bobtail and cylinder delivery units are set. A new subchapter is added to the Agriculture Code providing for the inspection and testing of liquefied petroleum gas meters by the Department of Agriculture.

The act expands the testing activities of LPG test laboratories to include motor fuel and mobile fuel systems, transfer systems, and transport systems and authorizes LPG labs to install, repair, reconnect, and test these systems.

House Bill 2007 exempts licensees covered under the Natural Resources Code from carrying workers' compensation insurance if they carry comparable coverage for their employees under another type of insurance policy. The commission is authorized to exempt or provide reasonable alternatives to insurance coverage for state agencies or institutions, counties, municipalities, school districts, and other governmental subdivisions.

HOUSE BILL 2484 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 2484 clarifies owner responsibility for well plugging, including wells producing geothermal energy and associated resources. The act specifies that a person who purchases or obtains the right to operate an unplugged well that is not operating but is in compliance with Railroad Commission of Texas rules at the time of the sale is considered an operator for the purpose of plugging. Plugging obligations apply to new well owners once they have met specific criteria authorized by the commission.

HOUSE BILL 2622 **HOUSE AUTHOR:** Earley
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 2622 authorizes the Railroad Commission of Texas to regulate natural gas underground storage facilities and surface and subsurface equipment and facilities. The commission is empowered to inspect a storage facility and its records, adopt rules establishing safety standards and emergency notification procedures, and assess administrative penalties for noncompliance. The act also establishes violation notification procedures for the commission and judicial review procedures for the alleged violator.

HOUSE BILL 2705 **HOUSE AUTHOR:** Cook
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Sims

House Bill 2705 modifies the procedures used by the Railroad Commission of Texas regarding the salvage and disposal of oil and gas well-site and facility equipment or hydrocarbons in cases in which the commission has ordered a well to be plugged or leaks to be remedied. The act revises or eliminates notification requirements and establishes procedures for state liens on delinquent inactive wells, disposition of equipment, claims against disposition, and judicial review.

HOUSE BILL 2723 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** O. H. Harris

House Bill 2723 expands the definition of high-cost gas to include coproduction projects in which water is permanently removed from oil or gas or an oil or gas reservoir to enhance field production. The act also authorizes the Railroad Commission of Texas to extend the tax exemption and enhanced recovery oil tax reduction to oil and gas produced by withdrawing large volumes of water.

HOUSE BILL 2822 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 2822 authorizes the Railroad Commission of Texas to establish a consumer rebate program and use up to 25 percent of its alternative fuel funds to provide consumer rebates for purchasing appliances or equipment that uses an alternative fuel.

SENATE BILL 141 **SENATE AUTHOR:** Sims
EFFECTIVE: 5-24-93 **HOUSE SPONSOR:** Raymond

Senate Bill 141 requires the Railroad Commission of Texas to hold a statewide hearing to determine the demand for and volume of gas that can be produced without waste. The act also changes the deadline for determining the demand for and volume of gas from the 20th to the 25th day of each month.

SENATE BILL 172 **SENATE AUTHOR:** Sims
EFFECTIVE: 1-1-94 **HOUSE SPONSOR:** B. Turner

This act adds a section to the Natural Resources Code providing that a pipeline easement created through grant or power of eminent domain for the benefit of a single common carrier or successor before January 1, 1994, is presumed to extend for a width of 50 feet. Senate Bill 172 does not apply to common carrier pipeline easements granted under mineral lease terms or for construction of gathering lines.

SENATE BILL 271 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Cook

Senate Bill 271 authorizes the Railroad Commission of Texas to implement alternative fuels conservation and distribution plans and expands the commission's authority to adopt necessary rules relating to alternative fuels research and education.

SENATE BILL 420 **SENATE AUTHOR:** Carriker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Cook

This act authorizes the Railroad Commission of Texas to order a gas utility to refund, with interest, any compensation received in violation of the equality of rates and service section of the Gas Utility Regulatory Act.

SENATE BILL 421 **SENATE AUTHOR:** Carriker
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Cook

Senate Bill 421 authorizes the Railroad Commission of Texas to order gas utilities to issue refunds of amounts collected under temporary rates and extends the time period by which the commission must issue a final order on rate appeals. The act also requires utilities to provide written notification of the proposed rate increase to all affected utility customers by mail or bill insert and in newspaper publications.

The bill also requires that tax benefits related to a utility's expense or investment be included in determining the rate base. Conversely, if the commission disallows an expense or if an investment is not included in determining utility rates, the subsequent tax benefit to the utility may not be included when determining the rate base. This provision expires September 1, 1995.

SENATE BILL 467 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** G. West

Senate Bill 467 increases from $10,000 to $25,000 the maximum penalty for each violation of safety standards for transportation of gas, for gas pipelines, and for hazardous liquid pipelines.

SENATE BILL 576 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Kuempel

Senate Bill 576 amends several provisions of the Natural Resources Code to clarify the authority of the Railroad Commission of Texas to regulate the production, storage, sale, dispensing, transfer, use, transportation, consumption, and disposal of compressed natural gas and liquefied natural gas.

SENATE BILL 680 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Earley

Senate Bill 680 grants the rights and powers of eminent domain to limited partnerships operating as common carriers in the pipeline business for transporting oil, oil products, gas, and other mineral solutions.

SENATE BILL 737 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Earley, Holzheauser

Senate Bill 737 creates the Alternative Fuels Council and an alternative fuels conversion fund for the issuance of loans, grants, or other disbursements and obligations to promote alternative fuels projects. The act also authorizes the Railroad Commission of Texas to appoint one or more advisory committees to consult with and advise the commission on opportunities and methods to expand the use of liquefied petroleum gas and other environmentally beneficial alternative fuels.

SENATE BILL 779 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Earley

Senate Bill 779 adds a section to the Natural Resources Code limiting the liability of licensed installers or servicers of liquefied petroleum gas systems in cases in which damage is caused solely by a malfunction or improper operation of the system.

SENATE BILL 966 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Black

Senate Bill 966 requires the owner of a common carrier pipeline, upon written request, to disclose to residents or owners of the land through which the pipeline crosses the material data safety sheets concerning the commodities transported. The information provided by the common carrier must be in writing and must be mailed to the requestor within 30 days.

The act also requires the Railroad Commission of Texas to establish a procedure for residents and landowners to register their names and mailing addresses and to require common carriers to mail copies of spill or leak reports to affected residents and landowners who have registered.

FAMILY LAW

HOUSE BILL 196 **HOUSE AUTHOR:** Conley
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 196 amends the Family Code and the Human Resources Code to prohibit the race or ethnicity of a child, foster family, or prospective adoptive parents from being the basis for a decision regarding adoption or foster care.

HOUSE BILL 360 **HOUSE AUTHOR:** Averitt, Schechter
EFFECTIVE: Vetoed **SENATE SPONSOR:** Sibley

The Family Code provides that a person may bring an original suit affecting the parent-child relationship if the person has had actual possession and control of a child for at least six months immediately preceding the filing of the petition.

House Bill 360 amends the Family Code to require a foster parent of a child who has been voluntarily placed by a parent with an authorized agency to have had actual possession of the child for at least 12 months before the filing of the petition.

HOUSE BILL 475 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

The Probate Code previously permitted a minor at least 14 years old to choose a guardian or to select a guardian other than the one appointed. House Bill 475 amends the code to allow a minor who is at least 12 years old to choose a guardian if the court finds that the choice is in the best interest of the minor. The court also is required to consider whether the appointment of a person selected by a minor for guardianship after the child has turned 14 is in the best interest of the minor.

HOUSE BILL 546 **HOUSE AUTHOR:** Schechter
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

The Family Code requires that a court must be satisfied that certain conditions exist before issuing an emergency order without a full adversary hearing in a suit affecting the parent-child relationship.

House Bill 546 amends the code to add to the factors the court may consider whether the person who has possession of the child has sexually abused another child.

HOUSE BILL 600 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

A commissioners court may authorize a domestic relations office to collect a monthly charge from managing and possessory conservators. House Bill 600 amends the Human Resources Code to raise the maximum charge from one dollar to two dollars and to remove the requirement that the person charged be one to whom the office provides services.

HOUSE BILL 724 **HOUSE AUTHOR:** Goodman, Danburg
EFFECTIVE: See below **SENATE SPONSOR:** Rosson

House Bill 724 makes numerous amendments to the Family Code to delete outdated language and to reflect improved technology in the field of paternity testing that can now exclude 99 percent of the male population from the possibility of being a child's father. Paternity test results offered at a pretrial conference or at the trial are admissible as evidence without regard to whether the tests

were performed before or after filing suit and may be used to grant temporary child support and in making an order for child support retroactive to the birth of the child. If paternity tests show the possibility of the alleged father's paternity during pretrial proceedings, the burden of proof shifts to the party opposing the establishment of paternity.

The act includes guidelines for consideration in ordering retroactive support of a child and adds a new subchapter to the Family Code that authorizes the establishment of a child support review process by child support agencies through September 1, 1997, to provide an opportunity to resolve support actions through negotiation and agreement of the parties.

The sections of this act relating to paternity proceedings and retroactive support of a child take effect on September 1, 1993. Those sections relating to the child support review process take effect on January 1, 1994.

HOUSE BILL 757 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 757 requires that a father whose identity is unknown be given service of citation in a suit affecting the parent-child relationship. The act also provides that if the petition seeks to establish, modify, or enforce any support right assigned to the attorney general, notice shall be given to the attorney general in a manner provided by Rule 21a of the Texas Rules of Civil Procedure, rather than by service of citation.

HOUSE BILL 758 **HOUSE AUTHOR:** Goodman, Danburg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

Under previous law, interest accrued on an unpaid child support obligation prior to judgment at the rate of 10 percent a year computed monthly on payments overdue by more than 30 days.

House Bill 758 amends the Family Code to instead authorize interest to accrue on "delinquent" child support at the rate of 12 percent simple interest per year from the date the support is delinquent until the date the support is paid. The act defines "delinquent" and requires the court to include all prior arrears and the amount of interest owed in confirming the amount of support in arrears. The act also includes provisions relating to the collection of interest owed and the application of funds collected in excess of current support, and exempts accrued interest on delinquent child support from a provision of the Revised Statutes that addresses interest on judgments.

HOUSE BILL 793 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 793 amends the Family Code to expand the list of persons who may bring an original suit affecting the parent-child relationship to include a person with whom the child and the child's parent, guardian, or conservator have resided for at least six months immediately before filing the petition if the parent, conservator, or guardian is deceased at the time of filing. The act amends the standard of endangerment to allow grandparents to seek managing conservatorship of a child if they can prove to the court that the child's present environment presents a serious question concerning the child's physical health or welfare.

The act also sets up a procedure by which a juvenile who has a right to a trial before a juvenile court that has a judge who is not an attorney may elect to be tried before the alternative juvenile court, which is required to have a judge who is a licensed attorney. The act deletes a provision that enabled the action taken by a juvenile judge who is not an attorney to be subject to a trial de novo and restricts appeals to those that would be heard by a court of appeals and would meet certain conditions.

HOUSE BILL 831 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 831 amends the Family Code to replace the Revised Uniform Reciprocal Enforcement of Support Act with the Uniform Interstate Family Support Act to promote interstate cooperation in the enforcement of child and spousal support orders.

The act allows Texas courts to exercise personal jurisdiction over nonresidents in support or parentage determination proceedings. Previously, the court of another state that registered an existing order could modify the order. House Bill 831 changes this to provide that a court that issues a support order has continuing, exclusive jurisdiction over the order as long as a person owing or receiving support under the order remains a resident of the state. The act also contains rules for determining which order to recognize among multiple orders.

The act makes additional changes to improve efficiency in interstate proceedings. New provisions allow the interstate transfer of evidence by electronic means and testimony to be given by telephone. The act also requires tribunals to assist in the discovery process for use in a tribunal in another state. The act requires that documents used in interstate proceedings conform to federally mandated standards to reduce the administrative costs of enforcing interstate support orders.

The act also addresses the process of enforcing a support order. An income-withholding order may be enforced in another state directly with the employer of the person owing support. The act permits direct administrative enforcement of an order in another state without resorting to a tribunal. Under the provisions of House Bill 831, the process of registering a support order in another state is similar to previous law, but is more comprehensive.

The act also clarifies previous law by expressly permitting interstate determinations of parentage.

HOUSE BILL 957 **HOUSE AUTHOR:** McDonald, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** G. Luna

House Bill 957 amends the Family Code to require the Department of Protective and Regulatory Services or other agency named managing conservator of a child to prepare a service plan for a child in the care of the agency as a result of a temporary court order. The act specifies the contents of the plan and provides for a review of the plan by the court at a status hearing. The act sets a deadline by which an initial review hearing shall be held, outlines procedures for review hearings, and changes the periods within which subsequent review hearings are to be held. The act requires the department to file with the court a status report at least 10 days before the review hearing, and a response to a status report must be filed no later than three days before the hearing. In addition, the act outlines factors to be considered by the court, the department, and other agencies in determining whether the child's parents are willing and able to provide the child a safe environment.

HOUSE BILL 979 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

The Family Code authorizes the presiding judge of each administrative judicial region to appoint full or part-time judicial masters as needed to hear Title IV-D child support cases brought by the attorney general within a specified time.

House Bill 979 requires Title IV-D cases to be referred to masters by a general order and prohibits referrals to a master on an individual or case-by-case basis. The act prohibits masters from being designated as associate judges, requires the presiding judges of the administrative judicial regions by majority vote to determine the master's host county, and provides that a master need not reside in

the host county. The act removes a number of decisions from the purview of a presiding judge of a judicial district and commissioners courts and instead requires the presiding judges of the administrative judicial regions to make such determinations by majority vote.

The referring court is given a 30-day deadline by which to act on a master's report after it has been filed with the court unless a written notice of appeal has been filed, and a requirement that the court assess certain costs against the nonprevailing party is deleted.

House Bill 979 also provides that the office of court administration may contract with the attorney general for available state and federal funds and employ additional personnel as needed to implement and administer the law, and that a master and other personnel so employed are state employees for all purposes including accrual of leave time, insurance benefits, retirement benefits, and travel regulations. The presiding judges of the administrative judicial regions and state agencies also are authorized to contract with the attorney general for available federal funds to reimburse costs and salaries associated with masters and related personnel.

HOUSE BILL 1166 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** G. Luna

House Bill 1166 authorizes the Texas Department of Public Safety to release an individual's social security number that is listed on a driver's license application to the child support enforcement division of the attorney general's office or another state entity responsible for enforcing the payment of child support.

HOUSE BILL 1274 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 1274 provides that the remedies and defenses listed in the Family Code as grounds for nonenforcement of premarital agreements, marital partition agreements, and marital exchange agreements are the exclusive remedies or defenses, including common law remedies or defenses, that are available to litigants.

HOUSE BILL 1297 **HOUSE AUTHOR:** Schechter
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

Under a subchapter of the Family Code scheduled to expire on September 1, 1993, a court may appoint an individual to serve as a friend of the court after a final order for child support or possession of or access to a child had been entered.

House Bill 1297 removes the expiration date of this subchapter and adds a provision to make clear that the duty of a friend of the court is to represent the court to ensure compliance with the court's order.

HOUSE BILL 1433 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: See below **SENATE SPONSOR:** C. Harris, Rosson

House Bill 1433 amends numerous provisions of the Family Code relating to the enforcement, collection, and withholding of income for child support. The act defines "local registries" and provides that they are to receive and forward child support payments, which may include payments by electronic funds transfer. Beginning January 1, 1994, all court orders relating to child support are to order payment through a local registry or the attorney general, unless the parties agree otherwise.

The act amends previous statutory guidelines for child support payments based on the monthly net resources of the obligor, requires the court to perform a computation in applying guidelines for an obligor who has children in more than one household, and provides an alternative method of computing support for children in more than one household.

House Bill 1433 directs the attorney general to establish a registry to receive and distribute child support payments in cases brought under Part D of Title IV of the federal Social Security Act. It deletes provisions that authorized a court to order payments as reimbursement for public assistance and replaces these provisions with authorization to order retroactive child support in certain cases.

The definitions of "earnings" and "employer" are expanded to include periodic workers' compensation payments by insurance carriers, and the Texas Workers' Compensation Commission is authorized to release information about a claim for the purpose of assessing ability to pay child support.

An order to an employer to withhold income for the purpose of child support is made binding on the employer even though the employee resides or works in another state.

The act provides that its changes in previous law constitute sufficient material and substantial change in circumstance to warrant modification of a child support order.

The act takes effect September 1, 1993, except for the provision relating to payment through a local registry or the attorney general.

HOUSE BILL 1630 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

Under previous law, parents who were named sole managing conservators of children generally retained all the rights, privileges, duties, and powers of a parent, subject to court-imposed restrictions. House Bill 1630 amends the Family Code to require the court to specify the rights that are to be retained by both parents and those that are to be exercised individually if both parents are appointed as conservators of a child. It also adds the developmental status of a child to the list of factors to be considered by the court when determining the terms of possession of a child.

The act provides for parents to share certain rights during their periods of possession of the child unless the court determines doing so would not be in the best interest of the child. The act outlines those rights that are exclusive to the sole managing conservator and adds the power to consent to psychological and dental care to the rights of a managing conservator who is not the parent of a child. Possessory conservators are given the power to consent to dental treatment and access to psychological records to the same extent as managing conservators.

Each conservator is required to provide notice of an intent to change a place of residence on or before the 60th day before moving.

The act authorizes conservators who meet certain requirements to have their periods of possession begin no earlier than the day after the child's school is dismissed and end no later than seven days before school resumes at the end of summer. It also adds to the terms and conditions of possession of a child that apply irrespective of the distance between the residence of the parent and the child, applies alternative possession times to certain periods of holiday possession, and requires the court to consider the year-round school schedule of a child, if applicable, when rendering an order of possession.

The act requires the court to allocate nonreimbursable health care expenses of a child between the parties and amends guidelines to be used in determining child support and retroactive support.

HOUSE BILL 1639 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 1639 amends sections of the Family Code relating to petitions for the termination of a parent-child relationship with respect to a parent who is not the petitioner. The act provides that a petition filed after the court has denied a previous petition to terminate the parent-child relationship may be granted only under certain conditions. Such a petition may be granted when there is evidence that the parent committed an act listed in the code as a justification to grant a termination of the relationship and that termination is in the best interest of the child, or when there is evidence that the circumstances of any of the involved parties that affected the previous petition have changed substantially. The court is also allowed to consider evidence from a previous hearing during the hearing on the new petition.

HOUSE BILL 1662 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: See below **SENATE SPONSOR:** Zaffirini

House Bill 1662 transfers the court-appointed volunteer advocate programs for abused or neglected children from the Office of Court Administration to the attorney general's office. Relevant portions of the Government Code are transferred to the Family Code. The act provides for the coordination of the transfer of office functions relevant to the volunteer advocate programs, including all assets, duties, powers, real and personal property, employees, files, contracts, liabilities, funds, and obligations, to the attorney general's office. Forms, rules, or procedures generated by the Office of Court Administration will remain in effect unless they are superseded by the attorney general. Appropriations made to the Office of Court Administration for the specified programs become appropriations to the attorney general's office.

The transfer is effective October 1, 1993. Provisions relating to coordination of the transfer take effect August 30, 1993.

HOUSE BILL 1691 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 1691 relates to the name change of an adult. The Family Code is amended to delete the requirement that a petitioner provide a certified copy of any docket sheet, warrant, charging instrument, complaint, motion to dismiss, plea, verdict, judgment, sentence, probation order, and fingerprint card with the petition to obtain a name change. Sections of the Family Code involving the Department of Public Safety's responsibility to provide criminal history records and to update records when a petition is granted are repealed.

HOUSE BILL 2185 **HOUSE AUTHOR:** Rangel
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 2185 amends a section of the Family Code relating to findings in child support orders. The act clarifies the circumstances under which findings of fact and conclusions of law, when requested by a party to the case, must be entered by the court. Under previous law, these were required only when an order to pay child support was entered. Under this act, findings are also required when the amount of child support is modified.

SENATE BILL 84 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Goodman

This act amends the Human Resources Code and the Family Code to establish procedures for enforcing child support and medical support orders when a parent-obligor is delinquent in providing that support. Insurers are required to assist the state in identifying policyholders who are medical assistance recipients and to provide the state with information on these persons. The act provides regulations for requesting and providing this information, that agreements for exchanging this information may not conflict with any law relating to the confidentiality of personal or medical information, that insurers will be reimbursed for expenses incurred in the process of providing this information, and that the information will be limited to that which is necessary to determine if health benefits have or should have been claimed and paid.

The act defines a court order requiring that health insurance be provided for a child as a change in family circumstances equivalent to the birth or adoption of a child. When an employer receives such a medical support order, the child is automatically enrolled for 31 days, during which time the policyholder must apply for coverage for the child. If an employer does not comply with an order or writ, the amount the obligor is required to pay for health insurance is included in the liability of the employer to the child. The maximum fine for a noncompliant employer is increased from $50 to $200 for each occurrence in which the employer fails to withhold.

Senate Bill 84 also amends the Insurance Code to require all health insurers, health maintenance organizations, and any state-regulated self-funded or self-insured welfare or benefit plan to insure a child that a policyholder is required to support under a court order.

Delinquent obligors and businesses in which an owner, partner, or majority shareholder is a delinquent obligor, are not eligible to enter into a contract with the state or to receive state-funded grants or loans. The attorney general and the General Services Commission may adopt rules and prescribe forms to implement these provisions. A delinquent obligor in a case handled by the attorney general is in debt to the state. This debt is to be paid to the attorney general and may be eliminated by a resolution approved by the attorney general. Workers' compensation benefits may be withheld from a person in debt to the state, although the amount withheld may not exceed 50 percent of the weekly benefits. The act specifies that the comptroller may not issue a warrant to a state officer or employee who is in debt to the state.

The act clarifies that a state agency designated to administer a statewide plan for child support is entitled to obtain information from government and private entities that is necessary to carry out the provisions of the act unless state or federal law specifically prohibits the disclosure of that information. The act also includes insurance awards as personal property to which a lien may be attached.

The act also directs the attorney general to report to the legislature each biennium on the effectiveness of child support enforcement activity, estimates of the costs and benefits of the program, and the effect of the program on appropriations for public assistance. This report must also include information and analysis of child support enforcement issues. The act requires certain entities to provide information to the attorney general for use in this study.

SENATE BILL 123 **SENATE AUTHOR:** C. Harris
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Goodman

Senate Bill 123 amends the effective date and savings provision of House Bill 1274 relating to certain remedies and defenses in the Family Code.

SENATE BILL 277 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Rodriguez

Senate Bill 277 amends the Health and Safety Code and the Family Code to require that, on judicial determination of paternity, the clerk of the court in which the decree was granted must prepare a declaration of paternity. The clerk must provide the information to the state registrar of vital statistics on a monthly basis on a form prescribed by the Texas Board of Health and is no longer required to submit a copy of the paternity decree.

This act also provides that, on the birth of a child, the mother be provided information regarding the benefits of having the child's paternity established and an application for child support.

SENATE BILL 291 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** S. Thompson

This act amends provisions of the Human Resources Code and the Family Code relating to state enforcement of child support obligations by the attorney general. The act authorizes the attorney general to assist in the judicial determination of the paternity of any child, to take action regarding a judgment or lien for child support, and to pay expenses incurred in securing evidence for specified proceedings and in taking testimony. Child support payments for a child whose support rights have been assigned to the attorney general must be paid to the attorney general.

Under previous law, all files and records concerning parents and children were confidential, and communications made by a recipient of financial assistance or by an applicant or recipient of described services were privileged. This act expands the information that may be used or released by the attorney general for purposes directly connected with the administration of child support, paternity determination, parent location, or aid to families with dependent children programs.

Attorneys employed by the attorney general are authorized to represent this or another state in an action brought under relevant state or federal law. Certain attorneys, including those employed by the attorney general, represent only the interest of the state. The attorney general's office must inform applicants for child support services that such attorneys cannot provide legal representation for an applicant.

The attorney general is directed to develop an Employer New Hire Reporting program to provide a means for employers to assist the state in locating parents who owe child support.

SENATE BILL 311 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Uher

Senate Bill 311 relates to investigations regarding the possibility of removing a child from the custody of the child's parent or guardian. The act amends the Family Code to require government agencies to make a reasonable effort to contact parents or guardians within 24 hours after an interview or examination of a child during a preliminary investigation.

SENATE BILL 512 **SENATE AUTHOR:** Ellis
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Naishtat

This act amends the Family Code to establish legal familial relationships in cases of egg or embryo donation. A child born to a woman who has a donor egg fertilized with her husband's sperm placed in her uterus is the legitimate child of that couple, and not of the egg donor. A child born to a woman from a donated embryo implanted in her uterus is the legitimate child of that woman and her husband, and not of the donors of the embryo.

SENATE BILL 857 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Goodman

Senate Bill 857 relates to court fees and costs that the attorney general is responsible for paying or reimbursing to counties in certain family law actions. The Human Resources Code is amended to increase from $35 to $45 the fee for service of process in certain suits affecting the parent-child relationship, to require the attorney general to reimburse mileage costs of sheriffs or constables when they must travel outside their counties to execute an outstanding warrant or capias, and to make conforming changes in various provisions regarding fees. The act authorizes the attorney general to pay the costs of the services of a court reporter for the preparation of statements of facts and the costs for the publication of a citation served by publication.

The Family Code is amended to add the filing of a notice of delinquency and of a motion to transfer as occasions when, in a suit affecting the parent-child relationship, a $15 fee will be collected. The act prohibits collection of any other filing fees for the listed motions or for a notice of delinquency. The Family Code also is amended to allow the clerk of the court to charge a reasonable fee, in an amount not to exceed $15, for writs issued and delivered to an employer by mail.

SENATE BILL 1022 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Puente

The Human Resources Code provides that fees may be collected in Bexar County for filing certain divorce petitions and related actions. Senate Bill 1022 clarifies certain issues regarding this provision, including the permissible uses of fees collected.

GOVERNMENT—CITY

HOUSE BILL 78 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

The open meetings law requires that meetings of governmental bodies, with certain exceptions, be open to the public. House Bill 78 amends the Local Government Code to subject certain boards, commissions, and committees that assist a municipality in developing an initial comprehensive zoning plan or initial zoning regulations to the open meetings law. The act applies to those bodies with advisory power, as well as those with rulemaking or quasi-judicial powers.

HOUSE BILL 104 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Leedom

House Bill 104 amends the Library Systems Act to allow libraries in cities that have a council-manager form of government and a population of one million or more to charge fees for conducting in-depth research for or providing research support to private, for-profit businesses.

HOUSE BILL 333 **HOUSE AUTHOR:** Gallegos
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Whitmire

State law grants cities the power to require the repair, removal, evacuation, and securement of buildings that pose a threat to public health and safety and to hold hearings on such buildings. Cities may also appoint a building and standards commission to hear these cases.

House Bill 333 facilitates municipal regulation of substandard property by expanding the definition of substandard buildings and by enhancing certain powers a city or a building and standards commission may exercise with regard to these buildings. The act revises provisions regarding notice of city proceedings to an owner of a building declared substandard and establishes deadlines for bringing the property into compliance. In addition, the act provides for building and standards commissions of one or more five-member panels.

The act also establishes procedures for judicial review of city decisions by the district court and revises certain provisions relating to the review process, including eliminating express language authorizing the district court to grant restraining orders and injunctions and limiting appeals to review under the substantial evidence rule. Costs incurred in these proceedings may not be assessed against the commission panel.

HOUSE BILL 384 **HOUSE AUTHOR:** Campbell
EFFECTIVE: 5-28-93 **SENATE SPONSOR:** Carriker

Certain cities located within the boundaries of a regional transportation authority are not permitted to levy an additional sales and use tax authorized by the Tax Code. House Bill 384 amends the Municipal Sales and Use Tax Act to allow a city to levy this tax if the city is included within the boundaries of a regional transportation authority created by a city with a population of 400,000 or more that is located in more than one county. In addition, a city completely or partly located in a county with territory in a regional transportation authority created by a city with a population of more than 800,000 may levy the tax if it is not, and on January 1, 1993, was not, included within the boundaries of the authority.

HOUSE BILL 496 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Rosson

This act amends provisions of the Local Government Code relating to the regulation of subdivisions. It clarifies plat requirements for laying out subdivisions, lots, or public or common areas, and exempts from the requirement a division of land into parts greater than five acres that meet certain other criteria.

The act also adds replats to the items a municipal authority with jurisdiction in this area is required to approve and more explicitly defines which property owners must be notified of public hearings on replats. Proposed replats requiring a majority approval of the municipal authority are further defined as those requiring a variance. In addition, the minimum affirmative vote required for such approval is changed from three-fourths of the authority's membership to three-fourths of the members present.

Finally, the act extends provisions of the Local Government Code relating to the authority to regulate property development to all municipalities whose governing bodies choose or have chosen by ordinance to be covered by this law.

HOUSE BILL 647 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

This act amends the Local Government Code to authorize the governing body of a municipality to sell real property by public auction, as well as by sealed bid. Specific guidelines are established regarding public notice of such a sale.

HOUSE BILL 663 **HOUSE AUTHOR:** S. Turner, Gallegos
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 663 amends the Local Government Code to require a special election to fill a vacancy that occurs in the governing body of a municipality with a population of 1.5 million or more if more than 270 days remain in the term before the next general election. Previously, a special election was required to fill a vacancy occurring with more than one year remaining in the term.

HOUSE BILL 684 **HOUSE AUTHOR:** Counts
EFFECTIVE: 5-2-93 **SENATE SPONSOR:** Sims

This act amends the Local Government Code to authorize the governing bodies of general-law municipalities to determine their fiscal year by ordinance. Previously, these municipalities were required to obtain permission from the legislature to change their fiscal year.

HOUSE BILL 696 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 696 amends Local Government Code provisions governing depositories for municipal funds to allow municipalities to use certain depositories domiciled in Texas but outside the municipality. The act more specifically defines those entities eligible to provide depository services and makes conforming changes in the application procedures to be used in selecting depository services to allow for the selection of a depository outside the municipality. The act also makes conforming changes in the Public Funds Collateral Act and the Education Code.

HOUSE BILL 728 **HOUSE AUTHOR:** Hilbert, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 728 amends the Local Government Code to require a city with a population of 1.5 million or more to provide full municipal services to an annexed area no later than 4-1/2 years after the annexation. In addition, the act requires that the city provide police protection and solid waste collection immediately and establishes deadlines of 30 days and 60 days for the provision of other services. The city may contract with service providers to furnish the required services. The deadline for the provision of fire protection and emergency medical service varies depending on whether the city or a service provider furnishes the services.

In addition, the act permits a city of this size to provide that the annexation of an area take effect on any date within 90 days after the adoption of an ordinance authorizing the annexation.

HOUSE BILL 811 **HOUSE AUTHOR:** Stiles, Munoz
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

The Local Government Code authorizes general-law municipalities that are ineligible to adopt a home-rule charter to annex adjacent territory without the consent of area residents, voters, or landowners if certain conditions are met. House Bill 811 amends the law by relaxing a former provision that required that the municipality already be providing water and sewer service to the area to be annexed. These municipalities are now required to be providing only water or sewer service.

HOUSE BILL 822 **HOUSE AUTHOR:** Gallegos
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 822 validates the acts and proceedings of a municipality that voted to adopt a civil service system governing fire fighters and police officers at an election held before January 1, 1993, and at which time the municipality did not have a paid fire or police department. The act is not applicable to matters held invalid as a result of litigation occurring on or before the effective date of the act.

HOUSE BILL 825 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

This act amends the Health and Safety Code to permit a municipality to remedy without notice a violation of a sanitation ordinance at a property owner's expense if the owner commits the violation within one year after receiving notice of a previous violation and that notice informed the owner of this provision.

HOUSE BILL 832 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Madla

To comply with regulations of the Environmental Protection Agency, cities are required to regulate wastewater discharged into public sewer systems. This act amends the Local Government Code to authorize a city to bring a civil action to enforce an ordinance pertaining to limitations on certain effluents and the discharge of certain pollutants into a city sewer system, including a sanitary or storm water system. The civil penalty that may be imposed for violation of such an ordinance is not to exceed $5,000 a day.

HOUSE BILL 1091 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 1091 authorizes a municipality with a population of 250,000 or less to sell at fair market value rather than by competitive bid leased land within 5,000 feet of where the shoreline of a lake would be if the lake were filled to capacity. The municipality may not sell the leased parcel to any person other than the lessee.

HOUSE BILL 1103 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 1103 amends the Local Government Code to authorize overtime work by, and compensation of, certain fire fighters and members of certain fire departments in situations other than emergencies. The act also extends these overtime provisions to members of fire departments who do not directly fight fires or provide emergency medical services. These provisions apply to fire departments in cities with a population of more than 10,000.

HOUSE BILL 1122 **HOUSE AUTHOR:** Haggerty
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1122 amends the Tax Code to prohibit a city with a population of less than 35,000 from imposing a municipal hotel occupancy tax in its extraterritorial jurisdiction (ETJ) if, as a result, the combined rate of state, county, and municipal hotel occupancy taxes in the ETJ exceeds 15 percent of the price paid for a hotel room. The act also adds visitor information centers to the list of facilities and purposes for which revenue from the hotel tax may be used and requires compliance with applicable sections of the Tax Code as a condition of municipal use of hotel tax revenue for the acquisition and construction of convention centers or visitor information centers.

The act also limits the expenditure of hotel tax revenue for administrative costs to certain promotion and servicing activities and changes the frequency of required reports on revenue expenditures from annually to quarterly.

HOUSE BILL 1232 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

This act increases the limit on the percentage of hotel occupancy tax revenue that a city with a population of more than 1.6 million may use to promote the arts to 19.30 percent or the amount of tax received by the city at the rate of one percent of the cost of a room, whichever is greater.

HOUSE BILL 1264 **HOUSE AUTHOR:** Rodriguez, Van de Putte
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 1264 amends the Tax Code to authorize certain cities with a population of more than 850,000 to increase the maximum municipal hotel occupancy tax rate from seven to nine percent. The additional revenue, and interest derived from it, may be used only for expanding an existing convention center and pledging payment of bonds issued for the expansion.

The act includes a provision requiring such cities to attempt to include minority-owned businesses in a specific percentage of the value of bonds and fees associated with the expansion.

HOUSE BILL 1312 **HOUSE AUTHOR:** Combs
EFFECTIVE: 5-17-93 **SENATE SPONSOR:** Barrientos

House Bill 1312 amends the Local Government Code to allow qualified voters residing within the extraterritorial jurisdiction (ETJ) of certain cities to vote in city elections involving the adoption or change of an ordinance or charter provision that applies to the city's ETJ. The bill also would allow these residents to vote on nonbinding referendums that, if binding, would apply to the ETJ. The bill applies to a city that has disannexed territory previously annexed for limited purposes and has extended rules to the city's ETJ.

The bill does not affect the validity of an ordinance or charter provision adopted before the bill's effective date, except for an ordinance dealing with the eligibility of voters to vote in municipal elections.

HOUSE BILL 1408 **HOUSE AUTHOR:** Puente
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 1408 authorizes cities with a population of more than 5,000 to enter into contracts for the sale, lease, marketing, or other distribution of automated information systems software developed by the city independently or in conjunction with any person.

The act requires that the city receive appropriate compensation for developing the software.

HOUSE BILL 1450 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 5-24-93 **SENATE SPONSOR:** Sibley

This act validates a municipal sales and use tax increase of two percent or less adopted at an election held before January 18, 1993, in certain municipalities with a population of 17,900 or more, and validates acts performed by the municipality associated with the election and authorized by the passage of the tax. The act is not applicable to matters held invalid as a result of litigation occurring on or before the effective date of the act.

HOUSE BILL 1696 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

State law prohibits the interring of human remains in a cemetery in or within four miles of a city whose population is between 100,000 and 200,000. House Bill 1696 creates an exception which authorizes a person to file an application with the governing body of a city with a population of 100,000 or more in a county of less than 120,000 to establish or use a cemetery located inside city boundaries. The application must be made by September 1, 1994. The city may by ordinance grant the request if it finds that establishment or use of the cemetery will not adversely affect public health, safety, and welfare.

HOUSE BILL 1780 **HOUSE AUTHOR:** Puente
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla, Wentworth

House Bill 1780 authorizes certain home-rule municipalities to transfer by ordinance the management and control of two or more water, wastewater, storm water, or drainage systems to a board of trustees. Details governing the composition and powers of the board must be specified by the ordinance.

The act also validates certain acts taken prior to the passage of this act by a governing body or a board of trustees, as described in the act, relating to the creation of a board of trustees, the powers of the trustees, or the issuance of certain bonds and notes. The act is not applicable to matters held invalid as a result of litigation occurring on or before the effective date of the act.

HOUSE BILL 1803 **HOUSE AUTHOR:** Brady
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

House Bill 1803 restricts municipal authority to regulate on-premises signs in specific areas and extends to certain counties the authority to regulate on-premises signs in unincorporated areas of the county. A county may relinquish this authority in unincorporated areas to the Texas Transportation Commission.

The act establishes an administrative penalty for failure to comply with on-premises sign regulations and details notification, hearing, and appeal procedures for persons charged with violations. Penalties recovered through this process are credited to the county's general fund. A provision prohibiting the imposition of fees related to this type of regulation is repealed.

HOUSE BILL 1826 **HOUSE AUTHOR:** Gallegos
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

Previous law prohibited persons licensed to perform asbestos inspections or surveys, write management plans, or design abatement specifications for an asbestos abatement project from also engaging in the removal of asbestos from the building or facility concerned. House Bill 1826 amends the Texas Asbestos Health Protection Act to allow such persons to engage in the removal of asbestos if retained for that purpose by a municipality.

HOUSE BILL 2050 **HOUSE AUTHOR:** Crabb
EFFECTIVE: See below **SENATE SPONSOR:** Shelley

A city may bring suit against a person responsible for collecting municipal hotel occupancy taxes for failure to file a tax report or to pay the tax when due. House Bill 2050 amends the Tax Code to provide that the person is liable to the city for attorney's fees and a penalty of 15 percent of the total tax owed in addition to the unpaid taxes.

The act also provides that state law limiting the time allowed to assess taxes and bring suit to collect taxes does not apply to the hotel occupancy tax and resulting lawsuits. Cities also are authorized to establish by ordinance misdemeanor punishment for violations of the law governing this tax.

This act takes effect on the first day of the first calendar quarter beginning on or after the date this act becomes law.

HOUSE BILL 2067 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

House Bill 2067 amends the Local Government Code to allow cities having a population of 1.5 million or more that have not adopted The Fire and Police Employee Relations Act to adopt an alternate police promotional system.

HOUSE BILL 2083 **HOUSE AUTHOR:** McCoulskey, Tallas
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Armbrister

House Bill 2083 validates annexations and extensions of extraterritorial jurisdiction prior to December 15, 1992, by certain municipalities having a population of 10,000 or less. This act does not apply to matters held invalid as a result of litigation occurring on or before the effective date of the act.

HOUSE BILL 2282 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Henderson

House Bill 2282 amends the Tax Code to authorize expenditure of hotel occupancy tax revenue in a city with a population of 1.5 million or more for projects relating to hotels located within 1,000 feet and historic hotels located within one mile of a convention center that are owned by the city or a municipally sponsored local government corporation. These hotels also are added to the list of properties a city may acquire and improve with sale of revenue bonds.

The act also amends the law governing enterprise zones to designate a qualified hotel project, as defined in the act, as a business that qualifies for incentives for investment. The act permits an agreement by a governing body to reimburse certain eligible taxable proceeds to the owner of a qualified hotel project. Eligible taxable proceeds associated with the project include hotel occupancy taxes, ad valorem taxes, sales and use taxes, and mixed beverage taxes. A city with a population of 1.5 million or more also may agree to guarantee bonds and obligations of certain nonprofit corporations from hotel occupancy taxes that were issued in association with a qualified hotel project.

In addition, the owner of a qualified hotel project is entitled to full reimbursement of state sales and use taxes, paid or collected, and state hotel occupancy taxes paid, during the first seven years of its operation. The act also provides that a qualified hotel project may be designated as an enterprise project before or after August 31, 1993, and that certain jobs created by the project may not be considered in determining the number of enterprise projects that may be approved.

The act makes legislative recommendations concerning goals for contracting with minorities and women.

HOUSE BILL 2323 **HOUSE AUTHOR:** Kubiak
EFFECTIVE: 6-8-93 **SENATE SPONSOR:** Armbrister

This act extends to general-law municipalities with populations between 4,540 and 4,545 limited authority to annex a street, highway, road, or alley adjacent to the city and requires the establishment of a service plan to provide municipal services and to address drainage issues in the annexed area. The act states that, to the extent its provisions apply to a municipality in Austin County, they permit the annexation of land bordering Interstate Highway 10 only and expire December 31, 1993.

HOUSE BILL 2671 **HOUSE AUTHOR:** Culberson, Eckels
EFFECTIVE: 5-17-93 **SENATE SPONSOR:** Henderson

This act allows municipalities having a population of more than one million to bypass election requirements for the sale of municipal parkland that encompasses two acres or less and is no longer considered functional and usable for its original purpose or a conveyance involving an exchange of two parks that total 1.5 acres or less and are no longer considered functional and usable for their original purpose.

A petition containing particular information from at least 1,500 registered voters and that is received by the municipal governing body within 60 days of a public hearing may initiate an election on this issue.

HOUSE BILL 2714 **HOUSE AUTHOR:** Bailey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 2714 amends provisions of the Water Code applicable to water and sewer service to annexed areas of a municipality with a population of more than 1.5 million. It extends the deadline by which such a city is required to provide municipal water and sewer service in certain annexed areas before incurring a penalty. The new deadline is March 1, 1998, for areas annexed before January 1, 1993, and 4-1/2 years after the effective date of annexation for areas annexed on or after January 1, 1993.

The act also adds to the Local Government Code provisions governing the extension of basic municipal services to annexed areas. The added provisions require a city with a population of 1.5 million or more to develop a service plan for developed tracts in annexed areas without water or sewer service according to a timetable based on a priority system that takes into account a variety of factors, including potential health hazards and population density. The service plan must include a capital improvements plan that commits the necessary financing. The plan may release the city from its duty to provide service if a majority of residents petition against receiving service and also may require property owners to connect to area service lines.

HOUSE BILL 2740 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** Wentworth

Under the Municipal Drainage Utility Systems Act, a city may establish a municipal drainage system for the drainage of surface water in its service area. House Bill 2740 permits a city with a population of more than 900,000 located in one or more counties with a population of less than 1.5 million to extend its service area into another municipality or the unincorporated area of its extraterritorial jurisdiction if water from these areas regularly drains into the city's drainage system. The city must provide for such an extension with an interlocal agreement which may include provisions for drainage system operation and charges.

HOUSE BILL 2854 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Henderson

House Bill 2854 adds to the statutory authority of home-rule cities the power to regulate and restrict access to city streets, avenues, alleys, and boulevards on which a residence of a former president of the United States is located.

SENATE BILL 88 **SENATE AUTHOR:** Henderson
EFFECTIVE: 3-8-93 **HOUSE SPONSOR:** Edwards

Senate Bill 88 validates governmental acts and proceedings by an incorporated city, town, or village regarding the adoption of a home-rule charter, incorporation proceedings, and certain extensions of extraterritorial jurisdiction and annexations. The act does not validate any municipal ordinance or regulation violating state law relating to alcoholic beverage sales or any matter held invalid as a result of litigation occurring on or before the effective date of the act.

The act also validates the governmental acts and proceedings of a city with a population of 1.5 million or more with regard to a bond election held before December 1, 1991, that was approved by more than 60 percent of voters voting on the proposition. Restrictions are established regarding the expenditure of the bonds. In addition, the act makes legislative recommendations concerning goals for contracting with minorities and women.

SENATE BILL 249 **SENATE AUTHOR:** Haley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Alexander

Senate Bill 249 amends the Local Government Code to extend to all municipalities the authority to furnish sanitary sewer systems and to require property owners to connect to those systems. Under previous law, only home-rule municipalities had this authority.

SENATE BILL 505 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Gallegos

Senate Bill 505 amends the Local Government Code by extending regulation of property development and development plats to a zoned municipality with a population of more than 1.5 million if the governing body of the municipality chooses, or has chosen, to be covered by this law. The previous law applied only to unzoned municipalities of this size.

SENATE BILL 506 **SENATE AUTHOR:** Henderson
EFFECTIVE: See below **HOUSE SPONSOR:** Eckels, S. Thompson

State law authorizes cities to appoint a board of adjustment to decide on exceptions, variances, and appeals to zoning regulations. Senate Bill 506 amends the Local Government Code to require that a board of adjustment in cities with a population of one million or more consist of one or more panels with the same powers and responsibilities as a board of adjustment and establishes general procedures for the operation of the panels.

In addition, the act authorizes the voters of a home-rule city to repeal the city's zoning regulations or to decide on the adoption of initial zoning regulations. The act also provides for the adoption, repeal, modification, or amendment of a zoning ordinance by a governing body, but does not authorize repeal of an ordinance approving land-use regulations adopted by the board of certain reinvestment zones.

Provisions of the act relating to its effective date conflict, with one providing for a September 1, 1993, effective date and another providing for immediate effect. The act received the required number of votes in each house to enable it to take effect immediately. It was signed by the governor on May 11, 1993.

SENATE BILL 631 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Gray, Martin

Prior law authorized certain general-law municipalities to require the removal or demolition, at the owner's expense, of structures considered by the city to be dangerous. Senate Bill 631 extends this authority to all municipalities and adds bulkheads and other protective shoreline structures to the list of structures over which cities may exercise this power. This act also adds property repair to the options a city may exercise with regard to these structures.

SENATE BILL 719 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bailey

This act amends the Local Government Code to require that records regarding unsustained complaints and overturned disciplinary actions against fire fighters or police officers in certain cities be expunged from individual personnel files. The act does not apply to cases in which discipline was merely lessened or in situations in which charges regarding excessive force resulting in death or injury are being investigated by a law enforcement agency other than the employing department.

Documents relating to withdrawn disciplinary actions or any unsustained charge of misconduct may be maintained in a separate file for departmental use only and may not be released to any agency or person except another law enforcement agency or fire department. The act's provisions are retroactive.

SENATE BILL 851 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Delco

Senate Bill 851 amends the open meetings law by exempting the board of a municipal hospital or municipal hospital authority from conducting open meetings in which specific information is discussed that might put these hospitals at a competitive disadvantage.

SENATE BILL 866 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Schechter

Police departments are authorized, subject to certain exceptions, to use abandoned vehicles they have taken into custody and that have not been reclaimed. Prior to enactment of Senate Bill 866, one exception was that police departments in a county with a population of 2.4 million or more did not have this authority. Senate Bill 866 grants such departments authority to use an abandoned vehicle unless it has been removed to a privately owned storage facility.

SENATE BILL 952 **SENATE AUTHOR:** Wentworth
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Krusee

This bill authorizes a home-rule city meeting certain requirements to adopt as part of its extraterritorial jurisdiction (ETJ) land in another home-rule city's ETJ under certain conditions.

SENATE BILL 1364 **SENATE AUTHOR:** Shelley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Bailey

Senate Bill 1364 authorizes fire fighters in cities with a population of 1.5 million or more to collectively bargain on certain employment conditions through a recognized fire fighters association unless the city has adopted The Fire and Police Employee Relations Act. If no agreement is reached by the city and the association, the application of existing state and local law and civil service rules is not affected.

A written agreement between the city and the association is binding and controls over certain other laws and rules regarding employment conditions if the city's governing body and the members of the association approve it by majority vote. Voters may reject the agreement through a petition and, if necessary, a referendum election.

In addition, the act requires a city of 1.5 million or more to fill a vacancy in the fire or police department within 95 days when there is no list of eligible candidates. The Fire Fighters' and Police Officers' Civil Service Commission is required to furnish the eligibility list. The act repeals a provision relating to lateral crossover and eligibility for fire department promotional exams.

The act also adds provisions entitling disabled former fire fighters and police officers and beneficiaries of deceased fire fighters and police officers in certain cities to a lump-sum payment of the employee's vacation and holiday leave.

SENATE BILL 1445 **SENATE AUTHOR:** Rosson
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Vowell

This act authorizes a municipality with a population of more than 500,000 in a county that borders the Republic of Mexico to establish its fiscal year by ordinance. A fiscal year established under this provision by ordinance overrides a fiscal year provision in the city charter.

GOVERNMENT—COUNTY

HOUSE BILL 126 **HOUSE AUTHOR:** Kamel
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

A county is permitted to establish a county library or to contract with an established library for library privileges. House Bill 126 removes a provision of the Local Government Code that required a petition of a majority of a county's voters before the county could contract for library privileges. The act also changes a provision that authorized a commissioners court to pay an agreed amount to the established library annually from the county free library fund. The act stipulates that the county general fund be used for this purpose.

HOUSE BILL 132 **HOUSE AUTHOR:** Uher
EFFECTIVE: 5-29-93 **SENATE SPONSOR:** Armbrister

Previous law required a commissioners court to provide annual written notice of fees charged for the services of a sheriff or constable to the commissioners court of each county in the state, certain associations requesting the information, and the state bar. This act amends the Local Government Code to require a commissioners court to send this information to the state comptroller and the comptroller to provide the information to the groups mentioned above.

HOUSE BILL 199 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 5-19-93 **SENATE SPONSOR:** Bivins

House Bill 199 repeals a provision of the Local Government Code that required a district or county clerk who does not reside at the county seat to appoint a resident deputy clerk.

HOUSE BILL 687 **HOUSE AUTHOR:** J. Jones, Kamel
EFFECTIVE: 6-3-93 **SENATE SPONSOR:** Moncrief

This act amends the Local Government Code to permit a commissioners court to authorize the disposal of original paper records from which optical image records have been made if the county clerk certifies that the optical image meets Texas State Library and Archives Commission standards.

HOUSE BILL 716 **HOUSE AUTHOR:** Holzheauser, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

Previous law authorized counties to pay bounties, not to exceed $5, for killing cougars, bobcats, jaguars, ocelots, jaguarondis, gray wolves, red wolves, Florida wolves, coyotes, javelinas, and rattlesnakes. Several of those animals are on the federal endangered species list or the state list of threatened species. This act amends the Health and Safety Code to remove the specific list of animals and specifies that bounties may be paid for predatory animals not listed on a state or federal protected species list. In addition, the act authorizes counties to determine the amount of the bounty and requires that bounties exceeding $20 have the approval of the Texas Parks and Wildlife Commission.

HOUSE BILL 744 **HOUSE AUTHOR:** Telford
EFFECTIVE: 4-2-93 **SENATE SPONSOR:** Ratliff

A Texas county and a municipality in that county may contract with an adjoining county in another state and a municipality in that county to operate a justice center on the state line. House Bill 744 adds "jail annex" to the list of facilities such a justice center may contain and for which operations the sheriffs of the two counties are responsible.

HOUSE BILL 871 **HOUSE AUTHOR:** Horn, Gutierrez
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister, Nelson

Limited service deputy tax assessor-collectors are eligible for reimbursement of up to $1.90 for each motor vehicle registration license receipt they issue. House Bill 871 amends the County Road and Bridge Act to authorize a commissioners court to grant those deputies permission to collect and retain an additional fee in an amount not to exceed $1 for each receipt.

HOUSE BILL 891 **HOUSE AUTHOR:** T. Hunter
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 891 amends the Tax Code to allow a county that borders the Gulf of Mexico and that is authorized to assess a hotel occupancy tax to use up to 50 percent of that revenue for tourism promotion.

HOUSE BILL 989 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

Commissioners courts are permitted to impose an automobile registration fee of up to $10 per vehicle in addition to the state registration fee. Previous law required that any notice of the additional fee state that the fee is imposed by the county but prohibited the notice from stating a reason for the extra fee. House Bill 989 repeals both the requirement and the prohibition.

HOUSE BILL 1039 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

This act amends the Agriculture Code to authorize a commissioners court to order an election for the purpose of abolishing the office of elected county public weigher. It also establishes election procedures and provides for the transfer of documents if voters choose to abolish the position.

HOUSE BILL 1123 **HOUSE AUTHOR:** Haggerty
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1123 amends the Tax Code by revising certain provisions relating to county hotel occupancy taxes to mirror provisions relating to municipal hotel occupancy taxes. The act authorizes a commissioners court to contract with a person, governmental entity, or private organization for the purpose of managing county hotel occupancy tax revenues. This manager is responsible for financial records, periodic reports, and the maintenance of a separate account dedicated exclusively to this revenue source.

The act also restricts the expenditure of the occupancy tax revenue to certain activities related to tourism and expands the spending authority of counties bordering the Gulf of Mexico.

HOUSE BILL 1377 **HOUSE AUTHOR:** Zbranek, Nieto
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

This act provides that a check or warrant issued by a county in settlement of a claim that is not presented for payment within one year following issuance is nonnegotiable. The amount of the check or warrant is to be credited as county revenue if delivery was attempted or occurred within a reasonable time.

HOUSE BILL 1595 **HOUSE AUTHOR:** Erickson
EFFECTIVE: 9-1-95 **SENATE SPONSOR:** Montford

Electric cooperatives are required to remit to the state's unclaimed money fund any money for which the rightful owner has been neither identified nor located. This act amends the Property Code to require that certain funds remitted by an electric cooperative in a county be transferred to that county upon request for the purpose of carrying out economic development programs.

HOUSE BILL 1756 **HOUSE AUTHOR:** Marchant
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Leedom

House Bill 1756 requires that certain transfers of county supplies by a county purchasing agent be approved by the commissioners court.

HOUSE BILL 1967 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 1967 amends the Local Government Code to allow the commissioners court of a county with a population of less than 40,000 to order a nonbinding referendum on matters affecting county property.

HOUSE BILL 2087 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

House Bill 2087 amends the Local Government Code to authorize the commissioners court of a county to donate surplus or salvage property that it is unable to sell by competitive bid or auction to a civic or charitable organization located in the county.

HOUSE BILL 2663 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 2663 transfers from the Revised Statutes to the Local Government Code several provisions that designate the powers and duties of a commissioners court and repeals much of the previous law. In addition, the act permits the establishment of a least cost review program to compare county and private sector costs for certain public improvement projects and authorizes the state auditor and comptroller to develop a cost accounting form for that purpose.

HOUSE BILL 2680 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

Previous provisions of the Local Government Code authorized Ellis County to impose zoning restrictions in the unincorporated area within 10 miles of the superconducting super collider. This act repeals those zoning provisions and instead prohibits blasting, rock quarry operations, and other activities that cause ground motion exceeding certain levels measured at an interaction region of the super collider, as defined in the act.

HOUSE BILL 2749 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Madla

House Bill 2749 amends the Local Government Code by authorizing fees for issuance of noncertified papers, deleting the notary appointment fee, and making other changes in the schedule of fees charged by clerks of county courts.

HOUSE BILL 2750 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

The Local Government Code establishes certain requirements for legal papers submitted to a county clerk for filing and doubles the filing fee or recording fee for each page that fails to meet those requirements. This act adds a requirement that such papers are to be printed in no smaller than eight-point type but provides that failure to comply with that requirement does not result in an increased fee and does not alter, impair, or invalidate such papers, which, once recorded, are considered to be in full compliance with the law regarding recordation.

HOUSE BILL 2751 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Madla

This act amends provisions of the Local Government Code specifying the services for which certain fees are charged by a county clerk or clerk of the county court. Fees for certified papers, raised from $1 to $5 by the act, cover the cost of copying and imprinting the county clerk's certificate on each full or partial page, while the fee for issuing a document covers the cost of an original document and one copy as well as the expense of recording the document's return. Fees for certified papers are no longer required to be paid in cash.

HOUSE JOINT RESOLUTION 21 **HOUSE AUTHOR:** Holzheauser
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Armbrister

House Joint Resolution 21 proposes an amendment to the Texas Constitution that abolishes the office of county surveyor in Jackson County and transfers the powers and duties of that office to a county officer or employee selected by the commissioners court.

HOUSE JOINT RESOLUTION 22 **HOUSE AUTHOR:** Averitt
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Sibley

This resolution proposes a constitutional amendment that authorizes the holding of an election in McLennan County on the question of abolishing the office of county surveyor in that county.

HOUSE JOINT RESOLUTION 37 **HOUSE AUTHOR:** Glaze
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Ratliff

House Joint Resolution 37 proposes an amendment to the Texas Constitution that authorizes a commissioners court to call an election for the purpose of abolishing the office of county surveyor. If approved by a majority of the voters in the county, the office is discontinued and its records transferred to a county officer or employee selected by the commissioners court.

SENATE BILL 21 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Longoria

This act amends the Local Government Code to eliminate the current $5,000 limit on petty cash funds available to a county sheriff's department and authorize commissioners courts to establish the fund amounts.

SENATE BILL 22 **SENATE AUTHOR:** Moncrief, Ellis
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Giddings

A provision of the Local Government Code requires a bidder on a county contract to furnish a performance bond to the county for the full amount of the contract if the amount exceeds $50,000. The provision previously required the bond to be furnished within 10 days of signing the contract or

the issuance of a purchase order following the acceptance of a bid. Senate Bill 22 amends this provision to make the requirement optional at the discretion of the county and extends the deadline for submitting the performance bond to 30 days. The act also states that this provision does not apply to performance bonds required by provisions of the Revised Statutes applicable to contractors.

SENATE BILL 24 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Hamric

Senate Bill 24 authorizes a county tax assessor-collector to electronically transfer or invest ad valorem taxes collected on behalf of the county as well as under a contract with other taxing units.

SENATE BILL 92 **SENATE AUTHOR:** Haley
EFFECTIVE: 4-6-93 **HOUSE SPONSOR:** Johnson

Senate Bill 92 authorizes a county with a population of 10,000 or less and that borders the Toledo Bend Reservoir to impose a county hotel occupancy tax on hotels not subject to a municipal hotel occupancy tax.

SENATE BILL 126 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Brimer

Previous law authorized counties with a population of 1.18 million or more to regulate sight distances on county roads outside the incorporated limits of a municipality. Senate Bill 126 amends the County Road and Bridge Act to extend this authority to all counties.

SENATE BILL 269 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Kuempel

This act amends the Local Government Code to authorize a commissioners court to regulate hunting with bows and arrows on lots 10 acres or smaller in the unincorporated area of a county in a subdivision.

SENATE BILL 341 **SENATE AUTHOR:** Henderson
EFFECTIVE: 4-6-93 **HOUSE SPONSOR:** Hamric

Senate Bill 341 amends the County Road and Bridge Act to allow a commissioners court to permit the temporary use of county roads for various civic events.

SENATE BILL 342 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Hamric

Senate Bill 342 allows a commissioners court to authorize an employee to approve a change order of $15,000 or less in a county purchasing contract when an increase of more than 25 percent in the original contract price is necessary to comply with federal or state law or judicial decision enacted, adopted, or rendered after the contract was made.

SENATE BILL 508 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Kuempel

Senate Bill 508 authorizes a commissioners court to consider the pickup and delivery locations of bidders and the cost to the county of delivering or hauling the material purchased in determining the lowest bid for a contract for the purchase of road construction material. The act also allows the court to award contracts for the purchase of road construction material to more than one bidder if each submits the lowest and best bid for a location or type of material.

SENATE BILL 610 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-4-93 **HOUSE SPONSOR:** Hilbert

Senate Bill 610 adds the county treasurer or the treasurer's designee to the list of persons who compose a county bail bond board. In counties that do not have the office of county treasurer, the commissioners court may designate the person who serves in the same capacity to the board.

SENATE BILL 670 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-4-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 670 amends the County Road and Bridge Act to exempt the commissioners court of a county with a population of more than 500,000 from the requirement of holding a public hearing on proposed changes to traffic regulations, unless a written request is received from a county resident.

The bill also allows the commissioners court to delegate certain duties to the county engineer or other qualified persons, but the court may not delegate the duty to hold a hearing if one is requested.

SENATE BILL 686 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Hamric

Counties are authorized to transfer funds electronically from the county treasury in certain instances enumerated in the Local Government Code. Senate Bill 686 amends the code to expand the authority of a county to transfer electronically any authorized transfer of funds from the county treasury and repeals a provision requiring an authorized payee to request in writing to participate in an electronic funds transfer system operated by the county.

SENATE BILL 784 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Yarbrough

Senate Bill 784 amends provisions of the Local Government Code governing a civil service system of a sheriff's department. The act authorizes the sheriff of a county having a population of 2.8 million or more to temporarily suspend an employee who has been indicted for a felony or charged with a Class A or Class B misdemeanor and requires the sheriff to notify the employee of the suspension. An employee found not guilty may seek back pay through an appeal to the sheriff's department civil service commission.

The act also sets out provisions limiting the amount of time an employee who also has been charged with certain civil service rule violations may delay a civil service hearing. Acquittal or dismissal of an indictment or complaint does not remove current or contemplated charges by the sheriff against an employee for a violation of a civil service rule. Conviction of a felony is cause for dismissal, and conviction of a Class A or Class B misdemeanor may result in disciplinary action or dismissal.

At least three members of the civil service commission are required to preside and vote on a final decision in cases involving termination, demotion, or recovery of back pay.

SENATE BILL 1093 **SENATE AUTHOR:** Madla, Zaffirini
EFFECTIVE: 6-6-93 **HOUSE SPONSOR:** Rangel

Previous law allowed counties with a population of 1,500 or less to sell bonds to finance county water and wastewater utilities. Senate Bill 1093 amends the law by raising the population cap to include counties with a population of 10,000 or less and by adding a provision that authorizes those

counties to create a county utility system board. The board is responsible for the operation and management of the utilities, and its powers include the ability to set fees for utility service, extend and improve service, and purchase certain private utility systems.

The act also adds solid waste systems to the items the board oversees and details requirements regarding the board's composition, duties, and compensation. Certain provisions relating to bonds are established, including the authorization of the affected counties to issue bonds payable from ad valorem taxes.

The act also validates certain acts by the counties, or on behalf of the counties, relating to utility systems.

SENATE BILL 1140 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Goodman

Senate Bill 1140 authorizes a commissioners court to establish a voluntary county sick leave pool that can be drawn on by eligible employees. The act establishes general procedures for the pool governing such matters as the donation and withdrawal of leave and eligibility for the use of pooled leave and authorizes the court to adopt other administrative measures relating to the operation of the pool.

SENATE BILL 1380 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 6-11-93 **HOUSE SPONSOR:** Martin

Previous law required the county auditor to assume the county budget officer's duties in a county that abolished the position of budget officer. This act requires the county auditor to do so only in counties with a population of more than 225,000. The county judge assumes those duties in counties with a population of 225,000 or less.

GOVERNMENT—GENERAL

HOUSE BILL 31 **HOUSE AUTHOR:** R. Cuellar, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** R. West

House Bill 31 requires the execution of a performance bond for a government public works contract in excess of $100,000, and of a payment bond for a contract in excess of $25,000. For state and nonmunicipal contracts, the previous threshold for both types of bonds was $25,000.

HOUSE BILL 859 **HOUSE AUTHOR:** Greenberg, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Rosson

House Bill 859 provides that, with certain exceptions, a government-operated utility may not disclose personal information in a customer's account records if the customer has requested in writing that the information be kept confidential. The act allows the utility to charge the customer a fee to comply with the confidentiality request. It confers immunity from civil liability for disclosures in violation of a confidentiality request.

HOUSE BILL 901 **HOUSE AUTHOR:** Hamric
EFFECTIVE: 5-7-93 **SENATE SPONSOR:** J. Patterson

House Bill 901 amends the Local Government Code to authorize a county commissioners court to increase a contract price by more than 25 percent if necessary to comply with a federal or state law, regulation, or judicial decision that arises after execution of the contract. The act also provides that a contractual commitment by a local government to acquire property is a commitment of current revenues only if the local government retains the right to terminate the contract at the end of each budget period or if the contract is conditioned on the local government's best efforts to secure necessary funding.

HOUSE BILL 1009 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

This act directs the General Services Commission to study the costs of providing copies of state government records and to adopt rules to guide agencies in setting copy charges so as to fully recover those costs. Each agency must analyze its charges, report on its processes for providing access to its records, and adopt its copy charges by rule. The act sets deadlines for the agency and General Services Commission reports. Beginning September 1, 1993, and until an agency's rule adoption, the act provides for across-the-board temporary surcharges for all copies of state government mailing lists and other records. The act authorizes the comptroller to direct surcharge revenue to the general revenue fund.

The act also amends the Government Code to give the Legislative Reference Library exclusive authority to determine what it shall charge for reproduction of its records. The act amends House Bill 1408 to clarify that the recovery of software development costs by a city of 5,000 or more pertains only to contracts to distribute that software. Record duplication by means of such software continues to be governed by copy-charge requirements set forth in the state's open records law.

HOUSE BILL 1185 **HOUSE AUTHOR:** McCall
EFFECTIVE: Vetoed **SENATE SPONSOR:** Shelley

House Bill 1185 amends the Local Government Code to allow political subdivisions to participate in cooperative purchasing programs with other local governments or local cooperative organizations. The act increases to $15,000 the threshold above which contracts require competitive bidding, and extends this threshold uniformly to all cities, counties, school districts, hospital districts, hospital authorities, and housing authorities. It amends city purchasing statutes to create new exceptions to competitive bidding requirements and to allow a city to follow certain statutory purchasing provisions rather than a conflicting city charter. The act amends county purchasing statutes to authorize competitive proposal procedures for certain special services, to create an exception to competitive bidding for surplus or salvage sold to another county, and to delegate to county employees the approval of contract changes not exceeding $50,000.

The act amends the Texas Engineering Practice Act to revise requirements for state or local government use of professional engineers, and amends the Local Government Code to prohibit and render void certain engineering contract provisions relating to indemnification for negligence.

HOUSE BILL 1273 **HOUSE AUTHOR:** Goodman, Allen
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** O. H. Harris

House Bill 1273 authorizes home-rule municipalities with a population of 90,000 or more and certain other governmental entities to use credit financing to fund capital projects for which bonds have been authorized by voters but not issued. Also eligible under the provisions of this act are projects for which authorized revenue bonds are secured in whole or in part by revenue derived from or related to student loans. Affected governmental entities include navigation districts, river authorities created by the legislature, conservation and reclamation districts containing two or more incorporated cities, joint powers agencies, certain transit authorities, hospital authorities in counties with a population of more than two million, state agencies, and nonprofit corporations organized to exercise the powers of higher education authorities.

HOUSE BILL 1589 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

Under this act, libraries operated by public school districts, institutions of higher education, and units of local government are given the option of membership in a regional library system provided they meet accreditation standards and their membership is permitted by the system's bylaws or contractual provisions.

HOUSE BILL 1651 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1651 amends various laws relating to expenditures to raise to $15,000 the threshold above which competitive bidding is required. The change affects cities, counties, appraisal districts, various kinds of special districts and local-government entities, and the Texas Low-Level Radioactive Waste Disposal Authority. For certain kinds of public works contracts and for contracts subject to the Certificate of Obligation Act, the change also affects conservation and reclamation districts, hospital districts, hospital authorities, and housing authorities.

For school districts, House Bill 1651 raises the threshold to $15,000 for certain kinds of public works contracts. It raises to $25,000 the threshold for other school district purchases, excluding produce and vehicle fuel, and ties that amount to a 12-month period. For a purchase of $25,000 or more, valued in the aggregate over the 12-month period, a school district must submit the purchase annually to competitive bidding.

HOUSE BILL 1745 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Sibley

House Bill 1745 permits eligible cities and counties to issue certificates of obligation, supported by ad valorem taxes, to acquire, construct, and improve land, buildings, or other permanent improvements for use by local institutions of higher education. Eligible local governments include any home-rule city with a population of at least 25,000 and containing a general academic teaching institution, or any county including such a city. The act authorizes a city fitting these specifications to allow the use of acquired land and buildings by a four-year state institution of higher education.

HOUSE BILL 1815 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1815 extends from 30 to 45 days the deadline for paying contractors for political subdivisions whose governing bodies meet only once a month. The act also renders the 30-day or 45-day deadline inapplicable where a bona fide dispute between the political subdivision and a vendor, contractor, subcontractor, or supplier has delayed payment. New contracts after the act's effective date no longer may contain contrary deadline specifications.

HOUSE BILL 1821 **HOUSE AUTHOR:** Allen
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Moncrief

House Bill 1821 amends the Public Funds Investment Act of 1987 to provide express authority for various types of governmental entities to invest in a public funds investment pool. Affected entities include municipalities, counties, school districts, hospital districts, certain types of water districts, and institutions of higher education. The new law specifies a hierarchy of investment objectives for such a pool, with the safety of the principal being of highest priority, followed by liquidity and production of income. It also requires the establishment of an advisory board composed of pool participants and other qualified advisors and lists items of pool information that the pool must disclose to participants in order to receive and maintain investment authority.

HOUSE BILL 1843 **HOUSE AUTHOR:** Price
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Leedom

Previous law authorized a program to place reading devices in public and college libraries to enable the conversion of print into synthetic speech as an aid to visually impaired persons. House Bill 1843 replaces that authorization with a new one applicable only to public libraries but expanding the scope to include equipment capable of enlarging or magnifying standard print or electronically converting print to a spoken, recorded, or tactile format. Public libraries may furnish the equipment themselves, or the Texas State Library, using gifts and grants but not general revenue, may lend equipment to public libraries and pay for maintenance or repair. If the Texas State Library does not have funds available for maintenance and repair, the public library may pay the cost or return the device.

HOUSE BILL 2310 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** R. West

This act establishes new requirements for disadvantaged businesses seeking to take advantage of state and local purchasing programs for increased participation in the public contracting process. The act requires that minority or women owners of such businesses participate in actual control, operation, and management proportionate to their majority share of ownership. It prohibits bidders on state and local government contracts from claiming disadvantaged business status unless they meet this and other existing qualifying criteria. False claims of such status are subject to new civil penalties. A disadvantaged business selected as prime contractor for a project may subcontract no more than 75 percent of the project value and must itself perform all work in the trade in which it specializes.

SENATE BILL 63 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Marchant

Senate Bill 63 provides for the issuance of tax, revenue, and bond anticipation notes by counties and cities. Notes with a one-year maturation schedule may be issued to fund cumulative cash flow deficits or to pay a portion of operating or current expenses. Notes of up to seven years may be issued to pay contractual obligations for public works, land, buildings, rights-of-way, materials, supplies, equipment, machinery, and professional services. The act provides that if anticipation notes are to be payable from bonds secured by property taxes, county or city voters must approve the bonds. For counties and for cities having a population of 80,000 or more, the act removes a prohibition against pledging property taxes to repay short-term public utility obligations for certain energy, transportation, and port projects.

SENATE BILL 83 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Williamson

Senate Bill 83 amends the Water Code, the Gas Utility Regulatory Act, and related statutes to prohibit water and gas utilities from charging state government customers a gross receipts or regulatory assessment or prebilling them for water or gas services. It also prohibits gas utilities from refusing service to state agencies if sufficient pipeline capacity is available to provide the service. The legislation provides for the establishment by the Railroad Commission of Texas of gas transportation rates covering gas deliveries from gas utilities to state agencies.

New provisions require state agencies, school districts, and state institutions of higher education to perform audits of their gas, water, electric, and telephone utility billing at least once every four years unless preliminary analysis determines that audit savings would be less than the audit costs. The act requires the Railroad Commission of Texas and Public Utility Commission of Texas, in conjunction with the attorney general, to develop systems to monitor gas, electric, and telephone rates charged state agencies.

The act also amends the Public Utility Regulatory Act to revise the 1995-1997 deadlines for the payment of gross receipts assessments by electric and telephone public utilities. It amends the State Purchasing and General Services Act to require the transfer of excess balances in the revolving fund account used to pay state telecommunications bills. The excess goes to a statewide network applications account created under the Information Resources Management Act and intended for computer-related appropriations to state agencies.

SENATE BILL 226 **SENATE AUTHOR:** R. West, Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Dutton, Goodman

This act changes the thresholds above which competitive bidding is required for municipal contracts and establishes new notice requirements for public opening and reading of bids. The new thresholds are $5,000 for insurance contracts and $15,000 for other contracts, both thresholds applicable to all cities. The $15,000 threshold revision also affects construction contracts by counties, school districts, water districts, hospital districts and authorities, and housing authorities. The act adds to the list of exempted municipal contracts services performed by blind or severely disabled persons to be solicited without competitive bidding.

The act also provides that, in making expenditures of between $3,000 and $15,000, a city must contact at least two disadvantaged businesses unless the state's Office of Small Business Assistance fails to identify any such businesses within the city's county. The act requires the Office of Small Business Assistance semiannually to distribute copies of its directory of disadvantaged businesses to incorporated cities.

SENATE BILL 360 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Schechter

Senate Bill 360 amends the state's open records law to protect from disclosure records of public libraries that would serve to identify an individual user of particular library materials. Exceptions include disclosures to the user or the user's agent, disclosures to law enforcement agencies or prosecutors pursuant to a court order or subpoena, and disclosures of otherwise nonconfidential records if reasonably necessary to library operations.

SENATE BILL 450 **SENATE AUTHOR:** Sibley, Ellis
EFFECTIVE: 6-18-93 **HOUSE SPONSOR:** Wolens

Senate Bill 450 authorizes state government entities, including institutions of higher education, to invest assets in bonds issued, assumed, or guaranteed by the State of Israel. Such authority also extends to counties, incorporated cities, school districts, hospital districts, various types of water districts, the Texas Municipal Retirement System, and the Texas County and District Retirement System.

SENATE BILL 529 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Goolsby

Senate Bill 529 amends the Public Funds Investment Act by adding federally issued and guaranteed collateralized mortgage obligations to the list of authorized investments for cities, counties, school districts, hospital districts, institutions of higher education, and other political subdivisions and entities subject to that act.

SENATE BILL 540 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

This act amends previous law concerning the elimination of architectural barriers in certain public buildings and publicly frequented private buildings. It eliminates required state inspection of buildings and state review of building plans and specifications for facilities costing less than $50,000, and allows waiver or modification of architectural barrier construction standards on proof that compliance is impracticable. The act allows the Texas Department of Licensing and Regulation in certain circumstances to contract with cities for the review and inspection of privately owned buildings not used by the state.

SENATE BILL 701 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Wolens

Senate Bill 701 amends the Interlocal Cooperation Act to include comprehensive health care and hospital services among the governmental functions for which local governments may contract with each other. A local government authorized to provide health care and hospital services may contract to provide those services to another local government's officers and employees and their dependents.

SENATE BILL 1029 **SENATE AUTHOR:** Armbrister
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Campbell

Senate Bill 1029 relates to state and local review of regulatory permit applications. Under the act's provisions, preliminary plans, subdivision plans, site plans, and site development permits for a project are construed as part of a single project, and hence controlled by the permit requirements in effect when the first permit application was filed.

Additional, more detailed provisions affect project permit requirements applicable to certain defined home-rule cities.

SENATE BILL 1058 **SENATE AUTHOR:** Armbrister
EFFECTIVE: See below **HOUSE SPONSOR:** Saunders

This act sets county fees of $5 for the filing of a civil or probate case, and a fee of $10 for defendants convicted by a county court, county court at law, or district court. These and various other fees relating to county handling of court and non-court records go to newly authorized county funds to support records management and preservation. The act also authorizes the Texas Department of Health to assess fees for certificates issued under the Texas Food, Drug, and Cosmetic Act. Those provisions take effect September 1, 1993. The act provides also, effective January 1, 1994, that safety inspection fees at go-cart tracks be assessed on a per-track rather than per-cart basis. Another provision of the act clarifies fees for real estate broker licenses and takes effect August 30, 1993.

SENATE BILL 1271 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 1271 allows a city, county, or hospital district to enter into an agreement with the Bond Review Board to provide that, if the entity fails to make required debt service payments in connection with its issuance of obligations, the comptroller may intercept certain state tax revenue normally destined for the entity and instead divert that revenue to the debt service.

SENATE BILL 1273 **SENATE AUTHOR:** Montford
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Carona

This act amends previous law relating to the issuance of obligations and execution of credit agreements by public entities to fund utility projects relating to energy, public transportation, and ports. The act allows the execution of a credit agreement without regard to whether a credit agreement was contemplated or authorized at the time obligations were issued. It expands the definition of credit agreements to include interest rate swap agreements, adds nonprofit higher education authorities to the list of entities that may issue obligations and execute credit agreements, and expands the list of eligible projects beyond utility projects to include any projects financed by revenue bonds and secured by revenues derived from or related to student loans.

GOVERNMENT—SPECIAL DISTRICTS

HOUSE BILL 22 **HOUSE AUTHOR:** De La Garza, et al.
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** Barrientos

Previous law allowed a county containing a population of more than 750,000 and more than 35 incorporated municipalities to establish a crime control and prevention district. House Bill 22 authorizes any county with a population of more than 130,000 and a city partly or completely located in a county with a population of more than one million to establish such districts.

The act also revises provisions relating to district boundaries, administration, powers, elections, taxing authority, and financing and requires coordination with local criminal justice entities and officials. Clarifying and conforming changes are made to applicable provisions in the Tax Code.

HOUSE BILL 200 **HOUSE AUTHOR:** Rudd
EFFECTIVE: 5-11-93 **SENATE SPONSOR:** Zaffirini

House Bill 200 deletes from previous law the filing deadline for election to the Reeves County Hospital District board of directors and requires that the election comply with the applicable state law governing elections.

HOUSE BILL 284 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 284 requires that a person appointed to the board of fire commissioners of certain rural fire prevention districts be a resident of the district.

HOUSE BILL 285 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

This act amends the Health and Safety Code to permit the commissioners court of a county in which a fire prevention district is located or in certain counties where a district is partially located to require the assistant treasurer of the district to execute and file a bond with the county clerk. The county judge must determine the amount and sufficiency of the bond before it is filed.

HOUSE BILL 298 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

Lipscomb County has five hospital districts that under former law had no provision for filling vacancies on their boards of directors. House Bill 298 provides a procedure for filling vacancies on the board of directors of Booker Hospital, Darrouzet Hospital, Higgins Hospital, Lipscomb Hospital, and Follet Hospital.

HOUSE BILL 315 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

This act abolishes city population requirements in the Water Code to enable any navigation district to allocate income to a fund for the advertisement and promotion of district ports and other facilities.

HOUSE BILL 318 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

This act establishes at-large by place elections for the Board of Navigation and Canal Commissioners of the Brownsville Navigation District of Cameron County and certain filing procedures for persons who wish to be candidates.

HOUSE BILL 795 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

This act requires hospital district boards in counties having populations of 190,000 or more to encourage and promote participation by small, minority-owned, and women-owned businesses in the contracting process.

HOUSE BILL 823 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 823 amends the Health and Safety Code by increasing from two to four years the length of time a depository selected by a hospital district in a county with a population of 190,000 or more must serve that district.

HOUSE BILL 1074 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan

This act amends the Water Code to allow a navigation district or port authority to require that a surety company used to execute bid bonds and performance bonds for certain contracts be listed on the United States Department of Treasury List of Approved Sureties.

HOUSE BILL 1211 **HOUSE AUTHOR:** Place
EFFECTIVE: 5-24-93 **SENATE SPONSOR:** Nelson

House Bill 1211 authorizes the board of directors of the Comanche County Hospital District to order an election to determine whether to lower the district's maximum tax rate from 75 cents to 35 cents per $100 valuation on taxable property. If the board receives a petition signed by at least 50 registered voters of the district, it must order the election.

HOUSE BILL 1547 **HOUSE AUTHOR:** Naishtat, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Ellis

House Bill 1547 amends provisions of the Local Government Code regarding the appointment of municipal, county, and regional housing authority commissioners. It provides that an appointed commissioner may not be an officer or employee of the city or county and that, in municipalities and counties meeting certain criteria, at least one tenant of a public housing project must be appointed to serve as a commissioner for each type of housing authority.

The act also limits a tenant commissioner's participation in certain matters and provides for the continuation or termination of the commissioner's term in the event of a change in residence or lack of attendance at regular meetings.

This act takes effect September 1, 1993. Any authority created before this date may be governed by commissioners appointed under previous law until July 1, 1994, by which time a tenant commissioner must be appointed.

HOUSE BILL 1703 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 5-7-93 **SENATE SPONSOR:** Bivins

This act authorizes the Midland County Hospital District to contract with other medical services entities or political subdivisions located outside its boundaries to provide for the hospitalization and treatment of sick, diseased, or injured persons.

HOUSE BILL 1824 **HOUSE AUTHOR:** Greenberg, Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

This act amends the Health and Safety Code to authorize a rural fire prevention district to convert to an emergency services district. It establishes conditions for conversion and requirements relating to elections, petitions, ballots, date of conversion, and responsibilities of an emergency services district and repeals provisions in the previous law regarding such a conversion.

The act also provides that the boundaries and territory of districts previously converted conform to the boundaries and territory of the former rural fire prevention districts and validates actions of emergency services districts taken before the effective date of this act.

HOUSE BILL 1942 **HOUSE AUTHOR:** Cain
EFFECTIVE: 6-9-93 **SENATE SPONSOR:** Moncrief

House Bill 1942 revises the allocation and distribution of public transportation funds in urban areas with populations of 50,000 or more.

HOUSE BILL 2133 **HOUSE AUTHOR:** Holzheauser
EFFECTIVE: 5-15-93 **SENATE SPONSOR:** Armbrister

House Bill 2133 expands the authority of the Lavaca Hospital District to select a depository for district funds by allowing the district to invest a portion of these funds in a local government investment pool established in the Texas Treasury Safekeeping Trust Company.

HOUSE BILL 2500 **HOUSE AUTHOR:** Swinford
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** Bivins

House Bill 2500 provides for the expansion of the City of Amarillo Hospital District beyond the city limits and establishes procedures for an election on expansion.

In addition, the act updates and clarifies provisions regarding the composition of the district's board of managers and certain bond provisions. The act also expands the board of managers' power with regard to insurance purchasing, price determination, and staff education and requires the board to adopt annual eligibility standards for patients.

HOUSE BILL 2509 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Wentworth

House Bill 2509 amends provisions of the Local Government Code governing park districts in counties with frontage on the Guadalupe and Comal rivers. The act revises and clarifies specific provisions describing the duties and responsibilities of the board of directors of a district and expands board authority in certain areas including adoption of ordinances, acceptance of gifts, use of revenue, contracting, and taxing authority.

The act provides for the punishment of persons who violate board ordinances and allows the board to seek damages and attorney's fees for some types of violations.

In addition, the act requires the board to develop a three-year master plan and submit an annual budget to the county commissioners court.

HOUSE BILL 2641 **HOUSE AUTHOR:** Counts
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 2641 revises certain powers of the board of directors of the Lynn County Hospital District. The act allows the board to use district funds to recruit medical personnel, to provide specific employee benefits, and to provide additional health care services in the community. The act also expands the board's contracting authority and revises provisions governing debt assumption and bond authority. Voter approval of certain bond issues that was required under previous law is now required only under specific circumstances.

In addition, the act clarifies the board's authority to impose property taxes in the district in an amount approved by voters not to exceed 75 cents on each $100 valuation of property and sets forth guidelines and rules governing the use of such taxes. The act also updates certain provisions regarding the composition and duties of the board.

HOUSE BILL 2795 **HOUSE AUTHOR:** G. West
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

This act requires that suits against any division of the Ector County Hospital District be brought in Ector County. It also clarifies the revenues that may be pledged as security for bond payments and specifies that ad valorem tax revenue may not be used for this purpose.

HOUSE BILL 2800 **HOUSE AUTHOR:** Marchant, Cain
EFFECTIVE: See below **SENATE SPONSOR:** Shapiro, et al.

House Bill 2800 modifies the composition of subregional boards of regional transportation authorities representing cities with a population in excess of 800,000 and provides for the reorganization of such boards. Certain powers regarding financing, service plans, and agreements are restricted, and the authority to create committees is extended. A board also is required to periodically evaluate the transportation services the authority provides and consider alternative providers.

The act also validates an agreement made before May 1, 1993, by an authority regarding the distribution of revenue and clarifies powers of an authority's executive committee.

The provisions of the act relating to board composition and reorganization take effect July 1, 1993. The remainder of the act takes effect June 16, 1993.

SENATE BILL 154 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Danburg

Senate Bill 154 allows certain metropolitan mass transit authorities to build and maintain sidewalks, trails, and streetlights. The act also restricts the amount of revenue that may be spent on these items and grants the power to limit such expenditures to voters in the authority. The act also modifies board composition requirements for certain authorities. Legislative recommendations regarding goals for contracts with minorities and women are included.

SENATE BILL 221 **SENATE AUTHOR:** Sibley
EFFECTIVE: 3-9-93 **HOUSE SPONSOR:** Denton

Senate Bill 221 authorizes the creation of the West Community Hospital District, comprising parts of the West Independent School District and the Gholson Independent School District in McLennan County.

SENATE BILL 394 **SENATE AUTHOR:** Parker
EFFECTIVE: 4-6-93 **HOUSE SPONSOR:** Oliveira

This act amends the Water Code to extend the period that navigation districts may lease their land from five years to 10 years. The act also conforms requirements relating to public notice, bid security, and deeds and leases to reflect the extended period.

SENATE BILL 501 **SENATE AUTHOR:** Haley
EFFECTIVE: 3-17-93 **HOUSE SPONSOR:** Hightower

Senate Bill 501 authorizes the creation of the Polk County Hospital District, comprising all of Polk County.

SENATE BILL 530 **SENATE AUTHOR:** Shelley, Whitmire
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bosse, Talton

Senate Bill 530 allows certain cities not currently part of a metropolitan rapid transit authority to create an authority. The act also amends previous law to reduce the minimum number of signatures required on a petition for the creation of an authority from 5,000 to 500.

SENATE BILL 695 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 6-11-93 **HOUSE SPONSOR:** Delco

Senate Bill 695 relates to certain lease agreements between a municipality and a hospital authority in counties with populations of at least 350,000 in which no hospital district exists.

A municipality is authorized to lease to an authority all or part of the health facilities owned by the municipality and may retain control of governance and operational matters including director appointments, funding of health care services, reduction or elimination of services, subletting of facilities, and issuance of general obligation bonds.

SENATE BILL 702 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Wolens

Senate Bill 702 amends the Health and Safety Code to authorize hospital districts in counties with a population of 190,000 or more to establish a health maintenance organization.

SENATE BILL 968 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Cook

Senate Bill 968 authorizes the creation and re-creation of rural rail transportation districts. The act defines district powers and duties, revises provisions governing the boards of such districts, and clarifies procedures relating to bonds and other types of financing. The act validates certain actions taken to create a district and requires that district boards file a copy of the orders creating the district with the Railroad Commission of Texas within 90 days of the effective date of this act.

SENATE BILL 1229 **SENATE AUTHOR:** Henderson
EFFECTIVE: See below **HOUSE SPONSOR:** Hamric

Senate Bill 1229 details the information that must be included in the annual reports required by the Health and Safety Code to be submitted to a commissioners court by certain rural fire prevention and emergency services districts. The act also requires these districts to file an audit with their commissioners court at least 120 days before the end of the district's fiscal year and establishes provisions governing the audit.

In addition, the act allows for the conversion of a rural fire prevention district to an emergency services district through a petition and election process. Provisions in previous law regarding such a conversion are repealed. The act also provides that the boundaries and territory of districts previously converted conform to the boundaries and territory of the former rural fire prevention districts and validates actions of emergency services districts taken before the effective date of this act.

This act is effective September 1, 1993. An audit required by the act is to be conducted beginning with the district's first fiscal year that ends on or after that date.

SENATE BILL 1326 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Zbranek

Senate Bill 1326 creates the Chambers County Improvement District No. 1 and provides for the district's boundaries, powers, and administration.

SENATE BILL 1373 **SENATE AUTHOR:** Parker
EFFECTIVE: 5-26-93 **HOUSE SPONSOR:** Brady

This act creates the Town Center Improvement District of Montgomery County, specifically defines the district's powers and boundaries, and provides for its administration.

SENATE BILL 1379 **SENATE AUTHOR:** Haley
EFFECTIVE: 5-24-93 **HOUSE SPONSOR:** Brady

Senate Bill 1379 authorizes the Montgomery County Hospital District to operate and negotiate contracts for the funding of a health care system in addition to existing services. The district may also create a nonstock, nonmember corporation to be operated in compliance with the Texas Non-Profit Corporation Act to provide certain health care services. Such a corporation would be able to invest funds as authorized by the Public Funds Investment Act of 1987.

In addition, this act permits the district to sell or exchange a hospital and any real property, according to regulations outlined in the Health and Safety Code.

SENATE BILL 1429 **SENATE AUTHOR:** Nelson
EFFECTIVE: 6-16-93 **HOUSE SPONSOR:** Marchant

Senate Bill 1429 authorizes the Denton County Reclamation and Road District to exercise all the powers and perform the functions of public improvement districts conferred in the Local Government Code.

SENATE BILL 1472 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Duncan

This act authorizes the Lubbock County Hospital District, contingent on the approval of the Lubbock County Commissioners Court, to provide primary care, emergency services, preventative medicine services, and other health related services outside the district, provided that these activities are consistent with the purpose of the district.

GOVERNMENT—STATE

HOUSE BILL 37 **HOUSE AUTHOR:** R. Cuellar
EFFECTIVE: 6-2-93 **SENATE SPONSOR:** Barrientos

House Bill 37 authorizes the attorney general to accept gifts and grants on behalf of the state for purposes related to public educational opportunities or to duties performed by the attorney general. Monetary gifts for investigating or prosecuting a matter remain prohibited.

HOUSE BILL 158 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: Vetoed **SENATE SPONSOR:** Rosson

House Bill 158 amends a provision of the Administrative Procedure and Texas Register Act (APTRA) authorizing adoption of emergency rules to satisfy a requirement of state law. The amendment narrows the scope of this provision to limit its application to situations in which a statute refers specifically to the emergency rule procedures of APTRA and expressly requires an agency to adopt an emergency rule.

HOUSE BILL 211 **HOUSE AUTHOR:** McCall
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 211 directs state agencies, excluding colleges and universities, to report annually to the attorney general any technological innovations they have developed that have importance for commercial purposes and are proprietary or could be considered intellectual property. The reports, due by January 31, cover innovations developed during the preceding calendar year and any other previously unreported innovations.

HOUSE BILL 653 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 653 directs the Public Utility Commission of Texas to require dominant carriers to file tariffs with reduced rates for certain distance learning hookups conducted by educational institutions. It defines "distance learning" as instruction, learning, or training transmitted from one site to another by means of telecommunications services. Until cost determination rules are developed to ensure cost recovery, the reduced rate is to be 75 percent of the otherwise applicable rate. The legislation applies to activities of accredited primary schools and institutions of higher education, both public and private, the Central Education Agency and its regional service centers, and the Texas Higher Education Coordinating Board.

HOUSE BILL 783 **HOUSE AUTHOR:** Counts
EFFECTIVE: 4-29-93 **SENATE SPONSOR:** Lucio

In 1991 the legislature established the Automobile Theft Protection Authority in the governor's office to combat auto theft. The law provided for a 1995 assessment of the authority's success, requiring a comparison of the original and resultant auto theft rates and automatically abolishing the authority if the rate goes up rather than down. House Bill 783 postpones this theft rate comparison to 1997.

HOUSE BILL 829 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 6-16-93 **SENATE SPONSOR:** Sibley

House Bill 829 requires state agencies covered by the State Purchasing and General Services Act to report semiannually to the legislature on agency contracts or subcontracts of $25,000 or more awarded to nonresidents. The act requires contractors to inform agencies of nonresident subcontractors on subcontracts at or above the $25,000 threshold.

HOUSE BILL 984 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Moncrief

House Bill 984 authorizes state agencies that operate habilitative or rehabilitative work programs for the mentally ill or developmentally disabled to purchase associated liability insurance if the contractor employing those individuals will not accept as sufficient the state's indemnification provisions. The agencies may purchase insurance with proceeds from the programs.

HOUSE BILL 1011 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

Under the Texas Racing Act, the Texas Racing Commission receives various licensing and other fees, as well as undistributed fractions of pari-mutuel pools. These funds go toward commission administration. As a start-up measure, however, the legislature appropriated general revenue to the commission for the 1988-1989 and 1990-1991 fiscal bienniums. The appropriations must be repaid from commission receipts, with interest. House Bill 1011 lowers the interest rate from 12 percent to 6-3/4 percent after August 31, 1993, and provides that repayments to general revenue first go toward the interest before being applied to the principal.

HOUSE BILL 1013 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1013 amends the State Lottery Act to abolish the lottery stabilization fund. It directs the comptroller to transfer the balance of the fund to general revenue.

HOUSE BILL 1193 **HOUSE AUTHOR:** Combs
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1193 adds a chapter to the Civil Practice and Remedies Code relating to legislative appropriations to pay tort claims against state agencies. The act applies to appropriations made on or after the beginning of fiscal year 1994, exempting appropriations for certain malpractice, law enforcement, corrections, higher education, medical school, and teaching hospital claims. It requires that legislative appropriations to pay other claims come from appropriate agency special funds or accounts, if available. If such sources are insufficient or nonexistent, the legislature may make a special appropriation from general revenue. The comptroller, under the new system, then deducts this amount from the agency's annual appropriations, up to a maximum deduction of $5,000 per claim and up to five percent of the agency's annual appropriations for all claims in the aggregate. The comptroller must advise the agency of each claim payment from its special fund or account or from general revenue. The agency in turn must submit a summary of all such payments in its next annual report to the budget staff of the governor and the Legislative Budget Board.

HOUSE BILL 1220 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

The Government Code directs that most statutorily dedicated funds be abolished on August 31, 1995. House Bill 1220 amends the code to exempt from this directive the industrial revolving fund of the institutional division of the Texas Department of Criminal Justice, thereby authorizing the fund's continued dedication to the prison-made goods program.

HOUSE BILL 1320 **HOUSE AUTHOR:** P. Patterson
EFFECTIVE: 5-2-93 **SENATE SPONSOR:** Shelley

House Bill 1320 amends the Agriculture Code to permit the State Seed and Plant Board to hold meetings by telephone conference call when immediate action is required and a meeting at one location is inconvenient for any member of the board.

HOUSE BILL 1463 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 1463 revises various laws relating to the state flag, state seal, and state song. It prescribes detailed procedures for proper handling and display of the state flag and puts into the statutes the pledge of allegiance to the flag, a full description of the state seal, and the words to the state song. The act authorizes the governor to adopt a flag for the governor's official use.

HOUSE BILL 1587 **HOUSE AUTHOR:** Wilson
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 1587 transfers the administration of the state lottery from the comptroller of public accounts to a newly created Texas Lottery Commission, governed by three appointed part-time commissioners. Applicable effective dates of August 31, 1993, and September 1, 1993, accomplish the transfer in the course of transition from fiscal year 1993 to fiscal year 1994. The comptroller retains a limited involvement under a directive to conduct an annual review of lottery management and operations and to report findings to the governor and legislative presiding officers.

The act relaxes certain restrictions affecting who may participate as a lottery sales agent or sales agent employee. It establishes new misdemeanor offenses applicable to lottery ticket sellers, prohibiting acceptance of food stamps, credit cards, or debit cards and prohibiting telephone and mail-order sales. The act eliminates corresponding offenses applicable to ticket buyers, except for the use of food stamps. The act prohibits group-purchase arrangements in which pooled money goes to any purpose other than the purchase of tickets or in which an award share is allocated as compensation for promoting the pool. Promotion of pools or group purchases in violation of the prohibition is a felony offense. The act clarifies venue for lottery-related prosecutions.

The act allows lottery tickets to be awarded as prizes in charitable raffles and authorizes deductions from lottery winnings to repay loan defaults under the guaranteed student loan program.

HOUSE BILL 1608 **HOUSE AUTHOR:** A. Smith
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 1608 amends various technical requirements and restrictions of the Government Code applicable to the investment and deposit of state funds by the state treasurer and State Depository Board. It authorizes the treasurer to enter into credit agreements or similar agreements to provide liquidity for obligations issued by state agencies, provided such agreements do not conflict with the liquidity needs of the treasury. The legislation limits state investments in companies doing business in Northern Ireland to those that practice fair employment and nondiscrimination. It repeals sections

of the code allowing the treasurer to establish tax-exempt mutual funds for state employees. House Bill 1608 also amends the Public School Facilities Funding Act by expanding Bond Review Board aid to school districts to include assistance with cash management and short-term borrowing for maintenance. It changes the mechanism for state aid from loans to the purchase of bonds and obligations.

HOUSE BILL 1773 **HOUSE AUTHOR:** Grusendorf
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 1773 amends the Government Code to allow the Banking Department of Texas to be represented by in-house legal counsel rather than the attorney general's office.

HOUSE BILL 1793 **HOUSE AUTHOR:** Price
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

The Government Code requires banks and other financial institutions designated as depositories for state funds to pledge securities or post depository bonds to secure state deposits. The code allows the Federal Reserve Bank of Dallas, the Texas Treasury Safekeeping Trust Company, and certain other larger banks to act as custodians of pledged securities. House Bill 1793 amends the code to authorize the Federal Home Loan Bank of Dallas also to serve as a custodian of those securities.

HOUSE BILL 1897 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** G. Luna

The State Purchasing and General Services Act prohibits a printer contracting with the state from reproducing, printing, preparing, or selling extra copies of a document unless approved by the General Services Commission, governor, and attorney general. House Bill 1897 provides that the prohibition does not apply to the printing and sale of legislative session laws by the contractual printer.

HOUSE BILL 1898 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 6-17-93 **SENATE SPONSOR:** G. Luna

House Bill 1898 amends the State Purchasing and General Services Act to require a contract stipulation that the printer of each legislature's session laws correct in the first volume errors in or omissions from earlier session laws. The printer, however, may not be required to include corrections for legislative sessions that ended more than five years before the call date for bids for the current printing contract.

HOUSE BILL 1952 **HOUSE AUTHOR:** H. Cuellar
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1952 makes numerous changes to previous law to refine the uniform statewide accounting system and facilitate improved management of state funds. The act expands state government use of electronic accounting transactions and expands state agency use of credit cards beyond official travel to include other uses authorized by the comptroller. The act authorizes state agency acceptance of credit cards for payment of taxes and fees, if authorized by the comptroller and state treasurer. A surcharge may be added for payments to the state made by credit card.

The act amends the comptroller's rulemaking authority regarding the uniform statewide accounting system and authorizes new rulemaking concerning payroll deductions and compensation calculations. The legislation allows the comptroller to periodically review the efficiency and effectiveness of the

state's records management programs and the performance of the University Interscholastic League (UIL). Results of any UIL reviews are to be reported to the governor and legislative presiding officers.

House Bill 1952 modifies the content of the annual financial report issued by the comptroller and authorizes related deadlines for financial reports submitted by institutions of higher education. The act includes provisions in response to the federal Cash Management Improvement Act of 1990, enabling the comptroller and treasurer to better manage and track the interest the state earns on federal funds.

The act relieves the comptroller of certain functions relating to the public's ordering of state agency publications. It revises travel reimbursement entitlements for certain witnesses who are subpoenaed or summoned to appear before a state agency or in an administrative hearing or criminal court proceeding.

HOUSE BILL 2042 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Henderson

House Bill 2042 amends the Administrative Procedure and Texas Register Act to prohibit a state agency from modifying its findings or its decision in a case while the case is under judicial review, except when a court has accepted new evidence and has directed the agency to consider such evidence.

HOUSE BILL 2219 **HOUSE AUTHOR:** Eckels, Hochberg
EFFECTIVE: 5-18-93 **SENATE SPONSOR:** O. H. Harris

House Bill 2219 amends the Agriculture Code to reorganize the former Texas-Israel Semi-Arid Fund Board as the Texas-Israel Exchange Fund Board and expand its duties beyond agricultural research to include the development of trade and business between Texas and Israel. The act revises the appointive membership of the board and adds the comptroller or his designee as a nonvoting member. The sunset date for the new board is 2001.

HOUSE BILL 2223 **HOUSE AUTHOR:** Junell, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 2223 amends the Government Code to create two funds under the auspices of the Texas Commission on the Arts. The first, the Texas cultural endowment fund, is a dedicated trust fund outside the state treasury. It consists of a $2.2 million appropriation in this act, donations to the endowment fund, all interest or income earned before September 1, 1994, and some of the interest or income earned before September 1, 2005. The legislation authorizes the commission by contract to appoint qualified investment managers for the endowment fund. It directs the lieutenant governor and speaker of the house of representatives to appoint a joint legislative interim committee to further study the endowment fund and related options for dedicated funding sources.

The second fund, the Texas Commission on the Arts operating fund, is in the treasury and supports the commission in the exercise of its powers and duties. The operating fund receives some of the interest or income earned on the endowment fund on or after September 1, 1994, and all of the interest or income earned on or after September 1, 2005. Transfers of interest or income occur following the close of the fiscal year. The operating fund also receives 80 percent of the revenue derived from special Texas Commission on the Arts license plates. The annual surcharge for such plates, as authorized by House Bill 2223, is $25.

HOUSE BILL 2270 **HOUSE AUTHOR:** Martin
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 2270 amends the Property Code to give the state treasurer sole responsibility for reviewing and ruling on claims to abandoned property, thereby removing the attorney general from the process.

HOUSE BILL 2281 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Rosson

House Bill 2281 adds a subchapter to the Government Code authorizing the governor to accept gifts, grants, and donations on behalf of the state for lawful public purposes related to the office. Unsolicited benefits prohibited under the Penal Code may be donated to a charitable organization or, if legally allowable, to a governmental entity.

HOUSE BILL 2306 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

House Bill 2306 amends the Government Code to eliminate the specification of fee amounts to be charged by the state treasurer for handling public entities' deposits supporting bonds to be refunded. The amendments instead allow the treasurer to charge reasonable fees and expenses.

HOUSE BILL 2511 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: Vetoed **SENATE SPONSOR:** Henderson

House Bill 2511 amends the Administrative Procedure and Texas Register Act to limit judicial appeal of an administrative hearing decision to parties who have participated in the hearing and claim to have been harmed in a capacity other than as a member of the general public.

HOUSE BILL 2512 **HOUSE AUTHOR:** Hilbert
EFFECTIVE: Vetoed **SENATE SPONSOR:** Henderson

House Bill 2512 authorizes a business or activity to continue to operate under a license issued under a defective state agency order on or after January 1, 1989, if the defect is subject to correction by the issuing authority or the licensee acts to correct the defect. The act does not apply to cases in which the public health, safety, or environment may be adversely affected.

HOUSE BILL 2524 **HOUSE AUTHOR:** Johnson, Kubiak
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 2524 creates the Stephen F. Austin Bicentennial Celebration Commission to coordinate the state's commemoration of the 200th anniversary of the birth of Stephen F. Austin. The commission is abolished December 31, 1993.

HOUSE BILL 2626 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** O. H. Harris, R. West

House Bill 2626, the sunset review act for the General Services Commission, extends the life of that agency to 2001. It transfers commission responsibilities for fire protection and inspection in state office buildings to the Texas Commission on Fire Protection and the state fire marshal. It transfers to the commission the former functions of the Texas Department of Commerce relating to historically underutilized businesses. The act increases the target for state contracting with such businesses from 10 percent to 30 percent, establishes a legislative committee to monitor progress

toward the goal, and provides for an associated study by the comptroller. It establishes a small contractor participation assistance program applicable to large public works projects undertaken by the commission.

The act creates the State Council on Competitive Government to study opportunities for increased interagency competition and private-sector involvement in the provision of state services and directs the council to identify by December 1993 savings of at least $3 million to be used to reduce appropriations for the 1994-1995 fiscal biennium.

House Bill 2626 revises state purchasing procedures in several ways. It allows the General Services Commission to solicit competitive sealed proposals for routine services costing at least $100,000 and supplies, materials, or equipment costing at least $1 million and allows medical and dental schools to use competitive sealed proposals in the acquisition of advanced medical equipment. Institutions of higher education may join in group purchasing programs, and state agencies may buy or lease automated information systems directly through catalogue vendors approved by the commission. Interagency contracts no longer need commission approval unless the amount involved is at least $50,000, an increase from the former threshold of $2,500. For purchases using competitive bidding, House Bill 2626 consolidates various bidder lists maintained by different state agencies into a centralized master bidder list maintained by the commission. For vehicle purchases, it eliminates size limitations when the acquired vehicles use compressed natural gas or alternative fuels.

The act transfers two office buildings in the Capitol complex to the legislature. It sets a per-employee limit of 153 square feet for office space used by executive branch agencies, excluding educational entities, and requires a study by the commission of agency space use. The act requires an evaluation of energy alternatives for certain building projects and modifies interview procedures for architects and engineers for projects of an emergency nature. It revises the composition of a committee that periodically reviews standard provisions of state building construction contracts and applies arbitration provisions on a pilot basis to certain contracts awarded before September 1, 1995. The comptroller is to review the performance of these dispute resolution provisions and report findings to the legislature in 1997.

Miscellaneous provisions modify state telecommunications planning and authorize bonds for specified renovation projects. The act requires that the equal employment opportunity policy statement of the General Services Commission be reviewed by the Commission on Human Rights. The act also gives the Texas Youth Commission authority to negotiate care and treatment services for its wards.

SENATE BILL 73 **SENATE AUTHOR:** Bivins, Rosson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

Caller identification services enable the receiver of a call to determine the telephone number of the caller or the identity of the utility customer having that number. In Texas, caller identification applications historically have been illegal except when supported by a court order. Senate Bill 73 amends the Code of Criminal Procedure and the Public Utility Regulatory Act to allow the Public Utility Commission of Texas (PUC) to authorize the provision of caller identification services.

Authorization is unnecessary for certain interoffice communications, public 9-1-1 or other emergency numbers, certain telecommunications billing or installation transactions, provision of legally required information, and identifications used with "700," "800," and "900" lines. Authorization in other situations is subject to a prohibition that the caller identification service may not be used to compile and sell local call information without the caller's consent and approval.

The act requires that a caller identification service provider offer per-call blocking at no charge to telephone customers in the provider's service area to enable a caller to prevent the tracing of the originating number by the receiver's caller identification service. If a customer demonstrates a compelling need to the PUC, a provider may be required to offer per-line blocking at no charge to that customer. Per-line blocking prevents the tracing of the originating number on all calls unless the caller overrides the feature.

SENATE BILL 113 **SENATE AUTHOR:** Brown
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Holzheauser

The State Purchasing and General Services Act provides for the periodic review of standard conditions in state building construction contracts. The review is undertaken by a committee appointed by the General Services Commission. Senate Bill 113 amends the composition of the committee, enlarging it from 9 to 11 members and reallocating the membership originating from various trade association nominations.

SENATE BILL 118 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Wolens

Senate Bill 118 amends the Government Code to allow the State Securities Board to be represented by in-house legal counsel rather than the attorney general's office.

SENATE BILL 121 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 4-6-93 **HOUSE SPONSOR:** Goodman

Previous law limited purchases and leases of passenger vehicles by state agencies to automobiles of intermediate size. The limitation precluded purchases of certain models manufactured in Texas or readily adaptable to alternative fuels. Senate Bill 121 amends the State Purchasing and General Services Act to raise from 113 inches to 116 inches the maximum allowable wheel base and from 160 to 280 the maximum allowable SAE net horsepower.

SENATE BILL 127 **SENATE AUTHOR:** Leedom
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Grusendorf

Senate Bill 127 applies to the permanent school fund, permanent university fund, trust fund of the Teacher Retirement System of Texas, and trust accounts administered by the Employees Retirement System of Texas. It requires the managers of those funds to submit reports to the governor, legislative presiding officers, and State Pension Review Board on a semiannual basis. The reports are to include the number of beneficiaries covered by the trust fund, identify who administers the fund and the investment latitude given that individual, state the investment objectives of the fund, ascertain the current market value and book value of the fund, itemize the names and amounts of the 10 largest stock holdings of the fund and the investment performance of such holdings over the past year, describe how fund assets are allocated by type of investment, and describe fund participation in investments in Texas businesses and entities.

SENATE BILL 128 **SENATE AUTHOR:** Leedom
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Combs

The Texas Incentive and Productivity Commission provides awards and bonuses to state employees who offer ways to reduce state expenditures, increase state revenues, increase state agency productivity, or improve the quality of state services. Senate Bill 128 amends the qualifying criteria for productivity bonuses and clarifies how awards and bonuses due more than one employee are to be allocated.

SENATE BILL 155 **SENATE AUTHOR:** J. Turner, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Hightower

Senate Bill 155 adds a temporary chapter to the Human Resources Code creating a two-year Texas Commission on Children and Youth to make comprehensive proposals for improving and coordinating public programs for children in the areas of education, health care, juvenile justice, and family services. The commission consists of 18 members, six each to be appointed by the governor, lieutenant governor, and speaker of the house of representatives, plus ex officio members from various state agencies. The commission's proposals are due by December 1, 1994.

SENATE BILL 202 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Marchant

The Government Code directs that all statutorily dedicated funds be abolished on August 31, 1995, unless rededicated by legislative enactment. Senate Bill 202 amends the code to rededicate the State Pension Review Board fund as a special account within the state treasury, thereby authorizing its continued dedication to training and providing information to local pension systems.

SENATE BILL 301 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-6-93 **HOUSE SPONSOR:** Alexander

Texas' game, fish, and water safety fund receives proceeds from hunting licenses, fishing licenses, motor boat registration fees, and other fees and permits, as well as federal matching funds. Interest on the fund previously was diverted to general revenue, but recent U.S. Fish and Wildlife Service requirements necessitate that interest on license revenues and corresponding federal money be retained in the original fund as a condition of the federal contribution. Senate Bill 301 amends the Government Code to credit interest on fund deposits to the game, fish, and water safety fund. The change applies retroactively to interest earned since May 17, 1992.

SENATE BILL 377 **SENATE AUTHOR:** Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 377 amends the Public Utility Regulatory Act to effectively end special regulation of AT&T as a dominant statewide long-distance telecommunications carrier. The legislation abolishes certain procedures by which the Public Utility Commission of Texas (PUC) identifies such carriers and redefines "dominant carrier" to exclude long-distance carriers that are not also certified as local exchanges. Under the act, the PUC's authority to conduct investigations into competition in the telecommunications industry and to identify dominant carriers is limited normally to local exchanges and to long-distance service within the same local access and transport areas. However, if on complaint from a long-distance carrier the commission finds that another long-distance carrier has engaged in predatory pricing, the PUC may assert full regulatory authority. The legislation preserves the stipulations and agreements of a specified 1990 PUC docket relating to long-distance access.

SENATE BILL 380 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 4-13-93 **HOUSE SPONSOR:** Junell

Senate Bill 380 amends the Education Code to reduce or delay certain appropriations for education. It excludes doctoral students who have more than 130 semester credit hours from consideration in determining formula funding for institutions of higher education. The change affects formula funding beginning with fiscal year 1994. Any resultant savings to the general revenue fund are allocated to retire tuition revenue bonds used for capital improvement projects as part of South Texas and border region higher education initiatives. The act enables institutions of higher education to recoup losses from the formula funding change by charging Texas-resident doctoral students with more than 130 hours the same tuition rates as are charged nonresident doctoral students. Such tuition increases may begin with the 1993-1994 academic year.

The act delays until the beginning of fiscal year 1996 (September 1, 1995) the transfer of occupation tax revenue to the foundation school fund that normally would occur in August 1995. It delays similarly all August 1995 payments from the foundation school fund to school districts, except where the delay would cause an individual school district extreme hardship. The act also delays until the beginning of fiscal year 1996 about five percent of appropriations, other than appropriations from the constitutional higher education assistance fund, that would normally go to public universities, colleges, and junior colleges during fiscal year 1995.

SENATE BILL 381 **SENATE AUTHOR:** Haley
EFFECTIVE: See below **HOUSE SPONSOR:** Eckels, S. Turner

Senate Bill 381, incorporating various effective dates, amends numerous state laws applicable to the General Services Commission. It directs the commission to analyze the competitive sealed proposal process established by House Bill 2626 and to report its assessment to the governor and legislative presiding officers by January 1, 1995. Senate Bill 381 provides for the establishment and implementation by the commission and state agencies of a uniform Texas Identification Number system for vendors who do business with the state. It directs the commission and comptroller to study and design a central automated purchasing system consistent with the uniform statewide accounting system and to report their recommendations to the legislature by January 1, 1995.

The new law requires the commission and state agencies as part of their strategic planning to prepare written plans for the increased use of historically underutilized businesses in purchasing and contracting and to document progress toward that goal in annual reports to be filed with the governor and legislative presiding officers by the end of each calendar year. Senate Bill 381 transfers from the Texas Department of Commerce to the General Services Commission certain duties aimed at promoting small business participation in state purchasing and contracting. It authorizes the commission or an agency, in circumstances advantageous to the state, to furnish all or some of the bond or insurance required of contractors and subcontractors.

Senate Bill 381 revises provisions of the Information Resources Management Act relating to the preparation by state agencies of biennial operating plans for use of information resources technology. The new law requires agencies contemplating an interagency contract for the provision of such technologies to first solicit outside bids or proposals as a potential alternative. The Department of Information Resources by rule may define circumstances in which this requirement is waived. The act eliminates certain agency assistance provided by the department's Computer Services Center. Amendments to the State Purchasing and General Services Act require the department, the General Services Commission, and the comptroller in consultation with other state agencies and the state's

two major universities to develop a plan for a state telecommunications network for voice, video, and computer communications. They are to submit a summary of the plan to the governor and legislature by September 1, 1994.

Senate Bill 381 abolishes the Texas Surplus Property Agency and transfers to the General Services Commission that agency's previous responsibilities relating to the disposal of surplus federal property. The legislation amends statutes relating to state employee travel, prohibiting the purchase or reimbursement of commercial airline or rental-car transportation at costs exceeding the contractual fares or rates of the commission's central travel office. The act directs the commission to study the first-class outgoing mail practices of state agencies located in Travis County and to take a greater role in managing such mailings to achieve maximum discounts. A report to the legislature on new mail practices is due by February 1, 1995.

SENATE BILL 383 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Greenberg

Senate Bill 383 abolishes 19 state agency advisory committees and provides for the scheduled abolition of most other advisory committees except when continued by vote of an agency's governing body. It directs the governor and the Legislative Budget Board, as part of the appropriation and budget execution process, to jointly identify advisory committees for potential abolition. The comptroller also may make recommendations.

Advisory committees are limited to a maximum of 24 members and must reflect a balanced representation of business and consumer interests. Their members are to be reimbursed as provided by the General Appropriations Act or by the budget execution process, but only if the agency has requested and has justified reimbursement. Certain retirement system advisory committees are exempt from these reimbursement restrictions.

Senate Bill 383 requires agencies to adopt rules on the purpose and task of each advisory committee and the manner in which it is to forward recommendations. Agencies annually must evaluate each advisory committee and report biennially to the Legislative Budget Board related findings, including the cost of the advisory committee and the agency staff time spent supporting it. Advisory committees may select their own chairs unless a different procedure for selecting a chair is prescribed by other law.

SENATE BILL 384 **SENATE AUTHOR:** J. Turner
EFFECTIVE: See below **HOUSE SPONSOR:** Junell

Senate Bill 384 requires the State Board of Pharmacy, the Texas State Board of Medical Examiners, and the Advisory Commission on State Emergency Communications to place their revenue in accounts in the general revenue fund, rather than in separate funds outside the state treasury. The act also requires the advisory commission to implement strategic planning and submit appropriation requests in the same manner as other agencies. Additionally, the legislation directs the Funds Review Advisory Committee to review funds remaining outside the treasury and to make recommendations to the 74th Legislature on the disposition of such funds. The three fund transfers take effect August 31, 1994. The other two provisions take effect April 19, 1993.

The act amends the Property Code to clarify the time periods and circumstances applicable to a presumption of abandonment of stock, bank accounts, and safe deposit boxes. It authorizes the treasurer to sell marketable securities in the unclaimed money fund, invest the proceeds in accordance with the prudent person rule, sell advertisements in unclaimed property publications, charge a handling

fee to a person successfully claiming property worth $50 or more, and act without the attorney general in considering the validity of an unclaimed property claim. These provisions take effect September 1, 1993.

The act requires the Texas Public Finance Authority to provide to the Legislative Budget Board and Governor's Office of Budget and Planning a biennial estimate of interest and sinking fund balances available for payment of debt service on general obligation bonds. This provision takes effect April 19, 1993, and subsequent estimates are due by January 1 of each odd-numbered year.

SENATE BILL 465 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-16-93 **HOUSE SPONSOR:** Dutton

Senate Bill 465 changes the name of the Interagency Council for Services for the Homeless to the Texas Interagency Council for the Homeless and relocates its statutory authority in the enabling act for the Texas Department of Housing and Community Affairs. Senate Bill 465 adds 10 members to the commission and enlarges its duties to include technical assistance to the department on housing needs assessment, the establishment of a central resource and information center for the homeless, and the development of a strategic plan to address the needs of the homeless. The strategic plan is to be undertaken in conjunction with the department and the Health and Human Services Commission.

SENATE BILL 498 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 498 changes from 1993 to 1995 the sunset dates for the Public Utility Commission of Texas and the Office of Public Utility Counsel.

SENATE BILL 526 **SENATE AUTHOR:** Brown
EFFECTIVE: 5-28-93 **HOUSE SPONSOR:** A. Smith

Senate Bill 526 changes the name of the Texas Space Commission to the Texas Aerospace Commission.

SENATE BILL 544 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Martin

Under the Civil Practice and Remedies Code, the courts may rule as a common nuisance a place of habitual gambling, prostitution, or drug trafficking and may order the property closed for a year or order the posting of a $10,000 surety bond to keep it open on the condition that the activity cease. If the conditions of the bond or order are violated, a city, county, or district attorney may bring suit for bond forfeiture. Senate Bill 544 amends the code to authorize bond forfeiture suits to be brought also by the attorney general. If forfeited, the bond amount in the case of a suit brought by the attorney general is retained by the state as a penalty. Additionally, the act authorizes the attorney general or other party bringing a forfeiture suit to recover reasonable expenses associated with its prosecution.

SENATE BILL 596 **SENATE AUTHOR:** Henderson, Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** S. Thompson

The chief justice of the supreme court is required to give a state of the judiciary message to the legislature each regular session, a message traditionally delivered orally. Senate Bill 596 amends the Government Code to allow either a written or an oral message.

SENATE BILL 632 **SENATE AUTHOR:** Carriker, Shapiro
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Uher

Senate Bill 632 amends the Public Utility Regulatory Act to require the Public Utility Commission of Texas (PUC) to initiate a rulemaking proceeding on the expansion of toll-free telephone calling areas if specified petition and balloting requirements are satisfied. The act establishes factors to be considered by the PUC in evaluating the advisability of expanded service and sets parameters on the monthly fees to be charged customers to recover the costs of the expansion.

SENATE BILL 671 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** T. Hunter

The Government Code provides that all dedicated funds are to be abolished on August 31, 1995, unless rededicated by legislative enactment. Senate Bill 671 amends the Education Code to re-create the dedication to institutions of higher education of tuition revenue, special minerals revenue, and associated earned interest. These funds would be dedicated to the institutions that collected them.

SENATE BILL 706 **SENATE AUTHOR:** Haley
EFFECTIVE: 6-13-93 **HOUSE SPONSOR:** Black

Senate Bill 706 amends the Government Code to permit the State Preservation Board to collect fees for the public use of the General Land Office building and the rental of Capitol space by the news media. It allows the fee for Capitol vendors to be based on gross or net sales as an alternative to a flat rate. The act sets aside fee revenues for specific purposes related to the management of the Capitol complex. It authorizes the board to purchase insurance for buildings and contents to cover risks arising from construction or preservation projects. The act adds provisions regulating alcoholic beverages in the complex. It requires a report to the legislature every 10 years by the State Preservation Board, beginning in 2003.

SENATE BILL 729 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 6-8-93 **HOUSE SPONSOR:** Ogden

Senate Bill 729 amends the Government Code and Education Code to transfer responsibility for the federal-state census cooperative programs from the Texas Department of Commerce to the Texas Agricultural Experiment Station.

SENATE BILL 819 **SENATE AUTHOR:** J. Turner
EFFECTIVE: See below **HOUSE SPONSOR:** Counts

Senate Bill 819 serves in part as the enabling legislation for the constitutional amendment proposed by Senate Joint Resolution 34. That amendment would authorize a new Veterans' Housing Assistance Fund II, supported by new bond issuance authority, in addition to the existing Veterans' Housing Assistance Fund and Veterans' Land Fund. The Veterans' Land Board, the administrator of these current and proposed funds, purchases land for resale to veterans and makes loans to veterans to buy homes.

Senate Bill 819 makes numerous technical changes to bring the land and housing programs into greater uniformity. Changes referencing all three funds are contingent on voter adoption of the proposed amendment. New provisions allowing temporary transfers between the funds are similarly contingent. Other provisions described below take effect August 30, 1993, whether the proposed amendment is adopted or not.

Senate Bill 819 enacts a new Natural Resources Code chapter to create a veterans' financial assistance program covering both land and housing. The new program, unlike the existing land and housing programs, may be supported by the issuance of revenue bonds, constitutional authority for which currently exists. The legislation standardizes certain provisions for all three programs. Among other changes, it extends eligibility to spouses of military personnel who are missing in action, authorizes the board to enter into bond enhancement agreements, and exempts the board from applicability of the State Purchasing and General Services Act. With respect to existing bond issuance authority, Senate Bill 819 eliminates a preferential right of bond purchase by administrators of major state funds, abolishes a six percent limit on the weighted average annual interest rate for bonds, and adds provisions to increase the amount of bond-related contracts to be awarded to minority-owned and women-owned businesses.

SENATE BILL 835 **SENATE AUTHOR:** G. Luna
EFFECTIVE: See below **HOUSE SPONSOR:** Oliveira

Senate Bill 835 amends the Public Utility Regulatory Act to require a pay telephone service provider to display on each pay telephone that cannot receive a call a notice to that effect and to prohibit a service provider from displaying a telephone number on such a telephone. The act authorizes new rulemaking by the Public Utility Commission of Texas to enforce these provisions. For newly installed pay telephones, the act takes effect September 1, 1993. For telephones in service before that date, the act takes effect January 1, 1994.

SENATE BILL 877 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Junell, Seidlits

Senate Bill 877 amends the Government Code to permit the legislature to employ counsel or use legislative agency counsel to file suits, intervene in pending litigation, or otherwise represent the legislature in federal or state courts, excluding the Texas Supreme Court. Such representation may be authorized either by written approval of the speaker of the house and president of the senate or by concurrent resolution of both houses. Members of the legislature are made immune from civil liability resulting from such participation in litigation.

The act repeals a section of the Government Code that consolidated in the attorney general's office the provision of legal services for most executive branch agencies. It exempts the Texas Turnpike Authority from a requirement to obtain the attorney general's approval to use outside legal counsel. The act takes effect June 17, 1993, except for the repeal relating to consolidation of legal services, which takes effect September 1, 1993.

SENATE BILL 959 **SENATE AUTHOR:** Ellis, Moncrief
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Junell

Senate Bill 959 amends the Oil Overcharge Restitutionary Act to transfer oversight of the oil overcharge program from the governor to the Legislative Budget Board (LBB), transfer the governor's energy office to the General Services Commission, change certain competitive grants to direct grants, reassign supervision of certain programs to different agencies, and authorize the LBB to reallocate amounts appropriated for direct grant purposes among any federally approved oil overcharge programs. Amendments to the State Purchasing and General Services Act establish a Texas energy efficiency and conservation program, supported by a state revolving fund and administered jointly by the General Services Commission and the Texas Public Finance Authority.

SENATE BILL 977 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Marchant

Senate Bill 977 amends the Texas Public Finance Authority Act to allow the acquisition or construction of a building or the purchase or lease of equipment to begin upon certification by the Texas Public Finance Authority that obligations sufficient to pay the cost of the project have been authorized for issuance.

SENATE BILL 1068 **SENATE AUTHOR:** Whitmire, Lucio
EFFECTIVE: See below **HOUSE SPONSOR:** Hightower

Senate Bill 1068, the enabling legislation for the constitutional amendment proposed by Senate Joint Resolution 45, authorizes the Texas Public Finance Authority to issue up to $1 billion in general obligation bonds and distribute the proceeds to appropriate state agencies for correctional, youth correctional, and mental health and mental retardation facilities. The legislation requires efforts by the authority to use historically underutilized businesses to assist in the issuance of at least 30 percent of the value of the bonds. The authority must report to the legislature and the governor on the level of historically underutilized business participation. Senate Bill 1068 takes effect if and when the proposed constitutional amendment is approved by voters and becomes effective.

SENATE BILL 1212 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-19-93 **HOUSE SPONSOR:** Gutierrez

Senate Bill 1212 amends the open meetings law to clarify that the Finance Commission of Texas and State Banking Board need not deliberate in open meetings regarding matters made confidential by law.

SENATE BILL 1243 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 1243 amends the Government Code to authorize the comptroller to make temporary cash transfers from the general revenue fund to the petroleum storage tank remediation fund during the 1994-1995 biennium to pay reimbursement claims against that fund. The act allows a maximum transfer of $120 million. Fees collected to support cleanup of leaks and spills are diverted to the credit of the general revenue fund until the amount deposited there equals the amount of the temporary cash transfer. The act amends the Water Code to require the Texas Natural Resource Conservation Commission to conduct annual audits of claims for payment from the fund. It raises from three to five the maximum percent of fund receipts that may be used to pay administrative expenses associated with remediation and reserves the extra increment to pay for the costs of the annual audits. The commission may establish priorities for remediation payments, or may suspend payments, to make efficient use of available funds. Senate Bill 1243 prohibits payment of interest on remediation claims.

SENATE BILL 1332 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bomer

Senate Bill 1332 revises the system of state agency strategic planning established by the legislature in 1991. It clarifies the applicability of strategic planning requirements to statutory and constitutional executive branch entities with statewide authority, including colleges and universities other than community and junior colleges. It requires the Texas Higher Education Coordinating Board to develop a consolidated plan for community and junior colleges.

The act incorporates capital improvement planning, formerly a separate process, into strategic planning and eliminates the related role of the Bond Review Board. It changes strategic planning from a six-year to a five-year basis and revises the schedules for agency plan and consolidated plan submission. The final compiled long-range plan is now due by the seventh working day of each legislative regular session.

Another deadline change requires the comptroller's office to issue its long-term state economic forecast by March 1 of each even-numbered year. Previously, the deadline was September 1 of each odd-numbered year. The act gives the Legislative Budget Board (LBB) full flexibility to determine the agencies or programs to be included in biennial performance evaluations. It requires the LBB to study methodologies to evaluate spending interrelationships among different state government functional areas and to report to the 74th Legislature on feasible methodologies and their potential applications to strategic planning, budgeting, and legislative processes.

SENATE BILL 1356 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Dutton

Senate Bill 1356 makes numerous technical and substantive changes relating to the authority of the Texas Department of Housing and Community Affairs. These changes include a requirement that the department prepare and submit annually to the governor and legislature an integrated low income housing plan for the upcoming year.

The act expands the purposes of the department's enabling statute to include the development and diversification of the economy, the expansion of commerce, and the elimination of unemployment or underemployment. It creates a nonprofit Texas Housing Corporation for the accomplishment of statutory public purposes relating to housing. The new entity has all powers conferred by the Texas Non-Profit Corporation Act, including the authority to issue bonds. The act clarifies income criteria for housing program clientele, amends funds management provisions applicable to the department, gives the department responsibility for the Home Energy Assistance Program, and removes the department's authority to establish and operate multipurpose human resource centers.

SENATE JOINT RESOLUTION 34 **SENATE AUTHOR:** J. Turner
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Counts

Senate Joint Resolution 34 proposes an amendment to the Texas Constitution authorizing the Veterans' Land Board to issue up to $750 million in additional state general obligation bonds to provide financial assistance to veterans. Of the total, $250 million would be available to the Veterans' Land Fund and $500 million to a Veterans' Housing Assistance Fund II, newly created as a supplement to the existing Veterans' Housing Assistance Fund. The amendment redefines the components of the three funds and authorizes the board in certain circumstances to transfer assets between funds.

SENATE JOINT RESOLUTION 45 **SENATE AUTHOR:** Whitmire
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Hightower

Senate Joint Resolution 45 proposes a constitutional amendment to authorize the legislature to issue up to $1 billion in general obligation bonds and use the proceeds to acquire, construct, or equip new corrections facilities or to repair or renovate existing facilities.

HEALTH

HOUSE BILL 63 **HOUSE AUTHOR:** Hamric, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shapiro, et al.

House Bill 63 establishes a system of certification to ensure quality control of personnel, equipment, and procedures employed in the performance of mammographic procedures and interpretation of data, as required by federal law in the Mammography Quality Standard Act of 1992. It grants the Texas Board of Health rulemaking authority to enforce the provisions of this act.

HOUSE BILL 81 **HOUSE AUTHOR:** Glaze
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shapiro

House Bill 81 amends the Health and Safety Code to authorize the Texas Department of Health to transfer the title of surplus or salvage property exempt from the statewide personal property accounting system or in the possession of certain entities providing emergency medical services.

HOUSE BILL 241 **HOUSE AUTHOR:** Kubiak
EFFECTIVE: 5-23-93 **SENATE SPONSOR:** Zaffirini

House Bill 241 amends the Health and Safety Code to include continuing education programs and examinations of emergency services personnel among the services for which the Texas Board of Health is required to establish minimum standards. It also establishes fees for recertification of any emergency medical technician-paramedic, emergency medical technician-intermediate, emergency medical technician, or emergency care attendant. In addition, it removes the requirement of an examination from the license recertification process of emergency medical services personnel.

HOUSE BILL 343 **HOUSE AUTHOR:** Glaze
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 343 amends the Health and Safety Code by adding provisions relating to injury prevention and control. It authorizes the Texas Department of Health and the Texas Board of Health to implement a reporting system for spinal cord and submersion injuries, to investigate the causes and prevention of these injuries, and to provide for the confidential handling of patient information. It authorizes the board to adopt rules to administer the act and to appoint a technical advisory committee on injury reporting. It also provides for coordination between the department of health and the Texas Workers' Compensation Commission regarding injury data.

HOUSE BILL 502 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 502 requires the Department of Public Safety to print on the reverse side of a driver's license a notice of the filing of a health care directive to a physician and a line for insertion of a telephone number at the location at which the directive has been filed.

HOUSE BILL 756 **HOUSE AUTHOR:** McDonald
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 756 amends provisions relating to the regulation of the practice of professional nursing. It requires the Board of Nurse Examiners to adopt rules governing the reporting of certain activities, including chemical dependency impairment, and defines minor incidents. It amends the definition of

"professional nursing peer review committee" and requires a professional nursing peer review committee to comply with certain standards set forth in the act. In addition, the act requires any registered nurse employed by a temporary agency to be subject to peer review.

The act authorizes the Board of Nurse Examiners to issue temporary permits, investigate complaints filed against registered nurses, conduct disciplinary proceedings, and impose penalties and other sanctions. It provides for the rights of registered nurses and sets forth requirements and procedures for the initiation of formal charges against a registered nurse by the board. It requires the board to adopt rules permitting a nurse on inactive status who is 65 years or older to use the title "Registered Nurse Retired." It also authorizes the board to charge fees necessary to produce and disseminate information required under the act to its licensees.

HOUSE BILL 781 **HOUSE AUTHOR:** Erickson, Rabuck
EFFECTIVE: 5-19-93 **SENATE SPONSOR:** Ellis, Sibley

House Bill 781 amends the Health and Safety Code to set forth requirements for persons who inspect medical, podiatric medical, dental, veterinary, and chiropractic electronic products under the Texas Radiation Control Act. It grants rulemaking authority to the Texas Board of Health.

HOUSE BILL 933 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 6-9-93 **SENATE SPONSOR:** Armbrister

House Bill 933 requires a dentist to label a removable dental prosthesis for identification purposes under rules adopted by the State Board of Dental Examiners.

HOUSE BILL 944 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Rosson

House Bill 944 amends the Texas Special Care Facility Licensing Act to exempt from the special care facility licensing requirement certain facilities for children under the conservatorship of the Department of Protective and Regulatory Services who are in foster care or other residential care.

HOUSE BILL 1206 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 1206 clarifies certain provisions of the Texas Anatomical Gift Act regarding procedures used when it is unclear whether a decedent is or is not an organ donor. The act also clarifies that a copy of the decedent's written directive serves as consent for organ or tissue removal and as evidence that the decedent is a donor.

HOUSE BILL 1226 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** Sims

Previous law exempted from animal sterilization requirements animal shelters in cities with a population of 25,000 or less. House Bill 1226 changes the exemption to make it applicable to an animal shelter in a county with a population of 20,000 or less or in a city with a population of 10,000 or less.

HOUSE BILL 1298 **HOUSE AUTHOR:** Puente
EFFECTIVE: 12-1-93 **SENATE SPONSOR:** Madla

The Texas Department of Licensing and Regulation rules require that boxers in a boxing match wear eight-ounce boxing gloves unless the department approves the use of six-ounce gloves. House Bill 1298 amends the Texas Boxing and Wrestling Act to require boxers to wear eight-ounce gloves unless the commissioner of the department by rule requires or permits boxers to wear heavier gloves.

HOUSE BILL 1345 **HOUSE AUTHOR:** McCall
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Moncrief, Zaffirini

House Bill 1345 amends the Adult Day Care Act to require all adult day care facilities, rather than only those centers that receive state funds, to be licensed and inspected by the Texas Department of Health and the Texas Department of Human Services.

HOUSE BILL 1462 **HOUSE AUTHOR:** Van de Putte
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Wentworth

The records of a mental health facility that identify a patient are confidential. House Bill 1462 amends the Health and Safety Code to provide an exception to that confidentiality when the treating physician determines that it is in the best interest of the patient to disclose the information to a law enforcement officer or the patient's authorized representative. However, such a disclosure may not be made if the patient gives contrary written instructions to the physician.

HOUSE BILL 1479 **HOUSE AUTHOR:** Cain, Berlanga
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 1479 amends the Texas Optometry Act and continues the Texas Optometry Board until September 1, 2005. The act requires board member training, provision of information relating to board member and employee standards of conduct, annual preparation of an equal opportunity policy statement, and development of information for the public describing functions of the board and the procedures by which complaints can be filed, including the publication of a toll-free number for filing complaints. A complaint procedure and information file on each complaint are required, as well as a complaint investigation and disposition procedure. The board also must develop policies designed to improve public participation at board meetings and accessibility to the board's programs for persons who do not speak English.

Provisions involving licensees include requirements that the board provide for the monitoring of a license holder's compliance with the requirements of the act. The act provides for issuing a provisional license to persons licensed in other states and a limited license to full-time faculty members who teach optometry in schools of higher education. In addition, the number of hours of continuing education required for license renewal is increased from 12 to 16 hours per year, and conditions are specified under which a license may not be renewed. The act requires the board to follow Texas Department of Health guidelines when implementing the prohibition against practicing while suffering from a contagious disease.

The board is prohibited from restricting advertising by optometrists, with exceptions for false, misleading, or deceptive practices, and discrimination against optometrists is prohibited in programs funded in whole or in part by the government. The Insurance Code is amended to require "managed

care plans" that include benefits for vision or medical eye care services to include optometrists and ophthalmologists and to also prohibit discrimination against health care practitioners because they are optometrists, therapeutic optometrists, or ophthalmologists.

The act clarifies that all prescription files, patient records, and business records are the sole property of the optometrist, with the provision that a patient may obtain a copy of the patient's records.

HOUSE BILL 1551 **HOUSE AUTHOR:** McDonald, Naishtat
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini, Madla

House Bill 1551 amends provisions of the Health and Safety Code governing the licensing of persons and health care agencies or facilities providing home health, hospice, and personal assistance services. The act requires the Texas Department of Health and other state agencies under the Health and Human Services Commission that contract with licensed home and community support services agencies to execute a memorandum of understanding establishing procedures to reduce duplication of standards or conflicts in regard to licensing, certification, compliance surveys, and complaint investigations. The Board of Nurse Examiners and the Texas Department of Health are required to appoint an advisory committee to help develop a memorandum of understanding between the two agencies governing the circumstances under which the provision of health-related tasks or services would not constitute the practice of professional nursing.

The act provides that a qualified hospice be issued an alternate delivery site license, which can include a residential unit. It also amends the Texas Special Care Facility Licensing Act to require the Texas Board of Health to adopt standards for the designation of certain special care facilities as residential AIDS hospices whose purpose is to provide palliative care, bereavement services, and family support services.

HOUSE BILL 1713 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Rosson

House Bill 1713 amends the Health and Safety Code to require the Texas Department of Mental Health and Mental Retardation to provide an antipsychotic drug treatment plan or an appropriate alternative to state hospital patients for whom such medication is medically feasible. If patients are released following a positive reaction to this treatment plan, the act authorizes the department to provide various services to assist patients in reentering the community.

HOUSE BILL 1835 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Madla

A perfusionist is an allied health professional trained and educated specifically as a member of an open-heart surgical team responsible for the selection, set-up, and operation of a heart-lung machine. Perfusionists are accredited nationally by the American Medical Association's Committee on Allied Health Education Accreditation and receive national certification from the American Board of Cardiovascular Perfusion but have not been regulated in Texas.

House Bill 1835 enacts the Licensed Perfusionists Act and creates the Texas State Board of Examiners of Perfusionists in the Texas Department of Health. The board is charged with authority for rulemaking, establishing the qualifications for applicants for licensure, approving and administering a competency examination, and disciplining licensees. The act allows provisional licenses to be issued to persons who have satisfied the educational requirements but have not completed the

competency examination. Examination requirements are waived for applicants who are licensed in other states or who hold certificates from the American Board of Cardiovascular Perfusion prior to January 1, 1994.

HOUSE BILL 1884 **HOUSE AUTHOR:** Wolens
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 1884 amends the Health and Safety Code to allow hospitals to enter into cooperative agreements in order to share health care equipment, facilities, personnel, or services. Parties to a cooperative agreement may apply to the Texas Department of Health for a certification of public advantage governing the cooperative agreement. Copies of the application must be submitted to the department and the attorney general. The department is required to review the application in accordance with prescribed standards and to grant a certification of public advantage if it determines that benefits of the agreement outweigh any disadvantages attributable to a reduction in competition that may result. The attorney general is authorized to investigate whether an agreement satisfies the prescribed standards and to bring an action to rescind an agreement.

HOUSE BILL 1951 **HOUSE AUTHOR:** Solis, Parra
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan

House Bill 1951 amends the Health and Safety Code to extend the prohibitions and penalties regarding the illegal dumping and disposal of litter to include the dumping of other solid waste. A municipality or county is authorized to offer a reward of $50 for reporting a violation of this law, and an exception is provided for a person who disposes or stores solid waste on the person's own property.

HOUSE BILL 1972 **HOUSE AUTHOR:** McDonald, Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

House Bill 1972 amends the Medical Practice Act to enable clinics operated by nonprofit hospitals or organizations that primarily serve financially indigent patients to contract with physicians to provide health care services.

HOUSE BILL 2180 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

House Bill 2180 provides for the continuation of the Board of Nurse Examiners, sets the next sunset review for 2005, and amends provisions in the Nursing Practice Act relating to the board and its duties, licensing, board complaint procedures, discipline, penalties, and other matters.

The act imposes conflict of interest restrictions on both board members and employees, prohibits registered lobbyists from board membership, and describes grounds for removal from the board. A training program is required for board members and must include standards of conduct information. The board must prepare information of public interest describing the functions of the board and the procedures by which complaints about health professionals are filed and resolved. Policies and plans regarding public participation in board hearings and program accessibility must be developed.

The act authorizes the board to adopt rules establishing a licensing system under which licenses expire on various dates during the year. The board is required to develop a system for monitoring the compliance of licensees with this act. License holders from other states may qualify for a temporary license to practice as a registered nurse by endorsement. Temporary permits are to be issued to graduates of approved educational programs pending the results of the licensing examination.

The board is required to provide rules for an immediate temporary suspension of the license in cases where a registered nurse becomes an imminent threat to the public welfare. Administrative penalties are established for licensed nurses who violate the requirements of this act, and the board is required to adopt procedures governing the informal disposition of contested cases. The board is required to develop a memorandum of understanding with state agencies that license, register, or certify facilities that are required to have a registered nurse peer review committee. The memorandum is intended to clarify board and agency actions to be taken to encourage compliance with the requirement to have a registered nurse peer review committee.

HOUSE BILL 2241 **HOUSE AUTHOR:** B. Turner, Nieto
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 2241 establishes the health careers promotion and education program under the administration of the Center for Rural Health Initiatives with the goal of increasing the number of health care professionals in medically underserved areas.

The act sets forth eligibility criteria for students and communities with regard to program participation and outlines the contractual responsibilities of loan recipients to qualify for loan forgiveness.

House Bill 2241 also creates the health careers education fund in the state treasury and provides for reporting, monitoring, and promotion of the program.

HOUSE BILL 2385 **HOUSE AUTHOR:** Van de Putte, V. Luna
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

This act establishes the Emergency Medical Services for Children Program as part of the Texas Department of Health, including a seven-member advisory committee appointed by the commissioner of health or the commissioner's designee. The act defines the board's powers and duties with regard to the adoption and implementation of standards for a pediatric emergency medical services system.

HOUSE BILL 2389 **HOUSE AUTHOR:** Hirschi, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

House Bill 2389 amends provisions of the Texas Continuing Care Facility Disclosure and Rehabilitation Act regarding financing for continuing care facilities to allow a provider to solicit reservations and reservation deposits from prospective residents before obtaining a certificate of authority from the State Board of Insurance.

This act applies only to a continuing care contract or reservation agreement entered into after August 31, 1993.

HOUSE BILL 2498 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: See below **SENATE SPONSOR:** Carriker

House Bill 2498 enacts the Physician Assistant Licensing Act and requires physician assistants to be licensed by the state in order to legally practice in Texas. The act establishes the Physician Assistant Advisory Council as an advisory board to the Texas State Board of Medical Examiners. The council is required to promulgate rules regarding licensing, setting fees, and rules and procedures for disciplinary actions. Council rules are subject to board approval. The act defines the parameters within which a physician assistant may provide services and sets out qualifications and requirements for the supervising physician.

The council is required to use a portion of the annual licensing fees to provide student loan reimbursement for graduates who practice in rural health professional shortage areas as identified by the Texas Department of Health. The Center for Rural Health Initiatives is required to administer the loan program.

House Bill 2498 becomes effective September 1, 1993, but licensing is not required until September 1, 1994.

HOUSE BILL 2790 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 2790 amends the Health and Safety Code to authorize counties to establish procedures to minimize fraud in cases in which the county has provided uncompensated indigent health care.

The act allows counties to establish an employment services program and to require those receiving such county health care to register for work with the Texas Employment Commission.

The act also authorizes counties to require that individuals receiving free health services subrogate any claims from personal insurance or other sources to pay for the cost of their care.

SENATE BILL 28 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Glaze

Senate Bill 28 amends the Health and Safety Code to require the Texas Board of Health to adopt the edition of the Life Safety Code of the National Fire Protection Association designated by federal law and regulations in establishing life safety requirements for long-term care facilities. The board may not require fire safety standards more stringent than those demanded by federal law, and existing facilities may have their occupancy continued if they comply with standards in force as of the effective date of this act.

The act also establishes an advisory committee to propose rules concerning the applicability of municipal ordinances and regulations in the remodeling and renovation of existing long-term care facilities. Municipalities are authorized to create more stringent standards for facilities whose construction begins after the act's effective date.

SENATE BILL 29 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Delisi

Senate Bill 29 authorizes the Texas Department of Health to collect and evaluate data on the quality of care in nursing homes and changes the licensing period and licensing fee for such facilities.

The act also requires that all actions involving the involuntary appointment of a trustee of a nursing home must be brought in Travis County.

SENATE BILL 57 **SENATE AUTHOR:** Moncrief
EFFECTIVE: See below **HOUSE SPONSOR:** Hirschi

Senate Bill 57 amends the Health and Safety Code and the Government Code to require tuberculosis screening and treatment for employees, volunteers, and inmates in county jails and other correctional facilities.

Employees or volunteers at correctional facilities are required to submit proof of tuberculosis testing to the county commissioners court or judicial district, as applicable, and an employee or volunteer determined to have tuberculosis is subject to termination for failure to seek treatment. Medical expenses are the responsibility of the volunteer or employee.

The Texas Department of Health is authorized to require the county commissioners court or judicial district to provide tuberculosis screening at the department's discretion. Inmates determined to have tuberculosis or who have been exposed are to be furnished with adequate treatment.

The act also allows a commissioners court or judicial district to establish more stringent standards than those required by this legislation.

The expense of providing screening and treatment required by this act is to be shared by the Texas Department of Health, the Texas Department of Criminal Justice, and the county. A county is not required to provide more than 33 percent of the cost.

Senate Bill 57 takes effect on September 1, 1993, and required screening must be implemented by each county commissioners court and the governing body of a judicial district no later than March 15, 1994.

SENATE BILL 79 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hilderbran

Senate Bill 79 amends the Human Resources Code to require the Texas Department of Health to develop a system of selective contracting with health care providers to provide Medicaid recipients with nonemergency in-patient hospital care. Input is to be sought from both consumer and hospital representatives in establishing contracts, and the circumstances of hospitals that serve a disproportionate number of Medicaid patients are to be given special consideration. Information supplied by hospitals in the bidding process is confidential until contracts are awarded.

Implementation of this act may be delayed if the Health and Human Services Commission determines that a waiver or authorization from the federal government is necessary.

SENATE BILL 86 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 86 amends various provisions of the Health and Safety Code relating to hospitals. The act creates a program through the Texas Department of Health for temporary licensing of hospitals, requires the Texas Board of Health to adopt a temporary initial license fee to cover licensing expense, and increases the annual hospital licensing fee. It also expands the department's authority to deny, suspend, or revoke a hospital's license, and grants the department increased authority to inspect hospitals.

Additional authority is given to the commissioner of health to issue emergency orders, to seek civil penalties for violations, and to impose administrative penalties, within guidelines set forth in the law.

The act also requires the board of health to adopt rules for patient transfer between hospitals.

SENATE BILL 89 **SENATE AUTHOR:** Truan, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Berlanga, Brady

Senate Bill 89 authorizes the Texas Board of Health to establish a birth defects registry program as part of the Texas Department of Health. The program's responsibilities include identification and investigation of certain birth defects in children and the creation and maintenance of a central registry of reported cases.

The act also provides that the commissioner or the commissioner's designee has the same authority to enter, inspect, investigate, and take samples as provided under the Communicable Disease Act. Information gathered under the provisions of this act are not public information and may not be released except as provided by law.

Senate Bill 89 takes effect September 1, 1993. The Texas Department of Health must adopt rules under the provision of the Health and Safety Code by October 15, 1993, and begin collecting information by January 1, 1994.

SENATE BILL 90 **SENATE AUTHOR:** Truan, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 90 requires the Texas Department of Health to conduct epidemiological and toxicological investigations into human illnesses or conditions and environmental exposures that may be harmful to the public health, and gives the department the same parameters of authority to enter, investigate, and sample as are provided in the Communicable Disease Act. The results of the investigations are to be reported to the Texas Natural Resource Conservation Commission, with the two agencies sharing joint responsibility for formulating corrective measures.

The act ensures confidentiality to those who provide information and exempts them from liability.

SENATE BILL 184 **SENATE AUTHOR:** Barrientos
EFFECTIVE: See below **HOUSE SPONSOR:** Maxey

Senate Bill 184 amends the Health and Safety Code to require licensure by the Texas Department of Health of fixed wing aircraft and staff that provide emergency medical transport and advertise as an air ambulance service.

This act takes effect September 1, 1993, but a license is not required until January 1, 1994.

SENATE BILL 212 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell, Naishtat

Senate Bill 212 requires the Texas Board of Health to license hospitals that provide in-patient comprehensive medical rehabilitative care and to establish standards for such care.

SENATE BILL 218 **SENATE AUTHOR:** Sibley, et al.
EFFECTIVE: 6-11-93 **HOUSE SPONSOR:** R. Cuellar

Senate Bill 218 broadens the eligibility criteria for physician loan repayment assistance to include those physicians who have completed at least one year at an approved family practice residency training program. It also authorizes the Family Practice Residency Advisory Committee to establish priorities among eligible physicians and places limits on the total amount of repayment assistance.

SENATE BILL 266 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** McDonald

Senate Bill 266 amends the Health and Safety Code to require immunizations for all children under the age of 18 against vaccine preventable diseases in accordance with an immunization schedule adopted by the Texas Board of Health and regardless of their ability to pay. The act provides an exception for children whose medical condition or religious beliefs preclude such action. The act also defines the responsibility of the Texas Board of Health, medical facilities, and physicians with regard to compliance and excuses persons from liability should the parent, guardian, or managing conservator prevent a child from being immunized.

SENATE BILL 267 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Rodriguez

Senate Bill 267 amends the Health and Safety Code to allow hospital administrators, birthing center administrators, or their designees to file a birth certificate with the local registrar. The act also repeals the law requiring the reporting of syphilis testing on a birth or fetal death certificate.

SENATE BILL 270 **SENATE AUTHOR:** Rosson
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Vowell

Senate Bill 270 amends the Medical Practice Act to allow providers of medical records to release copies, summaries, or narratives of a patient's medical records in a medium acceptable to both the provider and requestor.

SENATE BILL 274 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** McDonald

This act amends the Health and Safety Code to require facilities where the public congregates to be equipped with sufficient restrooms to meet the needs of the public at peak hours.

The State Board of Health is required to adopt rules to ensure that a ratio of 2:1 women's to men's restrooms, or minimum standards as defined by the Texas State Board of Plumbing Examiners for gender-designated restrooms, are met.

Senate Bill 274 applies to a facility on which construction is begun on or after January 1, 1994, or on which alterations to more than 50 percent of the facility are undertaken on or after that date. The requirements of this act do not apply to hotels, churches, restaurants, bowling centers, public or private elementary or secondary schools, or historic buildings.

SENATE BILL 281 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Hernandez

Senate Bill 281 amends the Health and Safety Code to exempt from licensing under the Personal Care Facility Licensing Act a personal care facility conducted by or for the adherents of the Church of Christ, Scientist, or certain qualified religious societies if the facility complies with local safety, sanitation, and quarantine ordinances and regulations.

SENATE BILL 286 **SENATE AUTHOR:** Ellis, Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Danburg

Senate Bill 286 establishes the HIV/AIDS Interagency Coordinating Council to assist in the communication among state agencies concerning HIV/AIDS policies. The act prescribes the composition of the council and sets forth its duties. The act also designates the Texas Department of Health as the lead agency for AIDS and HIV policy for the state.

SENATE BILL 310 **SENATE AUTHOR:** Madla
EFFECTIVE: 4-2-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 310 amends the Texas Pharmacy Act to allow home health agencies or their employees who are registered nurses or licensed nurses to purchase, store, or transport sterile water, sterile saline, and heparin flush kits to care for their home health patients according to a physician's orders.

SENATE BILL 332 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hirschi

Senate Bill 332 enacts the Consent to Medical Treatment Act allowing a spouse or other surrogate decision maker to authorize medical treatment for an individual who is comatose, incapacitated, or otherwise mentally or physically incapable of communication. The act also provides that financial liability for treatment authorized under such circumstances is the same as if the patient had consented and exempts the surrogate decision maker from civil or criminal liability if the consent is made in good faith.

SENATE BILL 372 **SENATE AUTHOR:** Bivins
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Maxey

Senate Bill 372 reverses the effects of legislation passed during the 72nd Legislature, 1st Called Session, which would have changed the names of the Texas Department of Health and the Texas Board of Health to the Texas Department of Public Health and the Board of Public Health.

SENATE BILL 376 **SENATE AUTHOR:** Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 376 amends the Insurance Code to prevent a health maintenance organization or preferred provider organization from refusing to contract with a hospital because that facility is an osteopathic hospital. Such organizations are required to provide osteopathic hospital benefits in a service area where allopathic hospital benefits are granted if there is an osteopathic hospital within the service area that will provide services at a similar cost. This legislation applies only to contracts made or renewed after December 31, 1993.

SENATE BILL 427 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Maxey

Senate Bill 427 amends the Health and Safety Code and the Tax Code to require nonprofit hospitals to provide certain specified community benefits in order to maintain tax-exempt status. The act defines community benefits as the unreimbursed cost of providing charity care, government-sponsored indigent health care, donations, education, research, and subsidized health services.

Under the provisions of this act, nonprofit hospitals are required to prepare an annual report of their community benefits plan and submit the plan to the Bureau of State Health Data and Policy Analysis of the Texas Department of Health. The department is authorized to assess penalties against a nonprofit hospital that fails to provide its community benefits plan.

If a nonprofit hospital fails to meet qualifying standards for tax exemption through unintended miscalculation, it may retain its tax-exempt status by meeting existing standards and providing an additional amount of charity care equal to the shortfall from the previous year. A hospital may apply this provision once every five years.

SENATE BILL 472 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Van de Putte

Senate Bill 472 amends the Texas Pharmacy Act and provisions of the Health and Safety Code relating to the practice of pharmacy. The act updates practice requirements relating to patient care and counseling, administration of medications, brand name and dosage substitutions, and other pharmacy practice matters. The law is also amended to address issues relating to Class E pharmacies, licensing examinations, confidentiality of board investigation information, and pharmacist impairment.

The act authorizes pharmacists to provide emergency refills for drugs other than controlled substances. Partial filling of a controlled substance prescription is permitted only in circumstances in which the pharmacist is unable to supply the full amount of the written prescription and can provide the remaining amount of the prescription within 72 hours. The act also allows pharmacists to dispense a dosage form of a drug product different from that prescribed, such as tablets instead of capsules.

The act authorizes the State Board of Pharmacy to regulate out-of-state pharmacies that provide prescription drugs or devices through a delivery service to persons residing in this state. The board is also authorized to specify conditions under which pharmacists may administer medications and is responsible for establishing minimum standards for drug storage, prescription records, procedures for delivery, and dispensing drugs or devices and for promulgating standards relating to monitoring drug therapy and counseling patients on the use of prescription drugs.

Senate Bill 472 creates a new pharmacy class, Class F, and requires it to be under the continuous supervision of a pharmacist.

SENATE BILL 558 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Coleman

Senate Bill 558 amends provisions of the Texas Food, Drug, and Cosmetic Act regarding food labeling requirements to conform them to federal law. The act also authorizes the commissioner of health, the commissioner's agent, or the attorney general to file suit on behalf of the state in cases in which a violation has occurred and provides for certain constraints if a lawsuit is already in progress. Specific requirements and exceptions for food labeling are defined with regard to misbranding.

SENATE BILL 560 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Coleman

Senate Bill 560 revises the Texas Food, Drug, and Cosmetic Act by replacing an outdated reference to the United States Bureau of Animal Industry.

SENATE BILL 561 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-2-93 **HOUSE SPONSOR:** Glaze

Senate Bill 561 amends provisions of the Health and Safety Code to conform them to the federal Prescription Drug Marketing Act of 1987 by exempting from licensing requirements certain persons who engage in wholesale distribution of prescription drugs.

SENATE BILL 562 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Coleman

Senate Bill 562 amends the Texas Food, Drug, Device, and Cosmetic Salvage Act to provide for the assessment of civil, criminal, and administrative penalties to salvagers of drugs, devices, and cosmetics. This act authorizes the commissioner of health to request the attorney general or a district, county, or municipal attorney to institute a civil suit against violators and authorizes the commissioner to issue an emergency order concerning sale or distribution of distressed foods, drugs, devices, or cosmetics.

SENATE BILL 564 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Glaze

Senate Bill 564 amends the Texas Food, Drug, and Cosmetic Act to require licensing of wholesale device distributors by the Texas Department of Health. License application procedures and minimum standards are defined, as are the obligations of a licensed distributor if the business changes location. The act requires the department to collect fees for licensing and inspection and authorizes the commissioner of health to deny, suspend, or revoke a license for noncompliance. The commissioner also is authorized to license out-of-state distributors under the same standards and requirements as in-state distributors.

SENATE BILL 565 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Glaze

Senate Bill 565 amends the Health and Safety Code to require food manufacturers and food wholesalers to be licensed by the Texas Department of Health. The act also prescribes the information necessary to complete a license application, makes provisions with regard to fees, and specifies the responsibilities of food manufacturers and food wholesalers if their businesses change location.

SENATE BILL 621 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Black

Senate Bill 621 continues the State Board of Pharmacy until 2005.

The act changes the composition of the nine-member board to six licensed pharmacists and three representatives of the general public, prohibits a registered lobbyist from serving as a board member or acting as general counsel, and changes qualifications for board membership and grounds for removal. The board is required to develop and implement policies that clearly define the responsibilities of the board and staff.

The board is authorized to make its rules applicable to pharmacies licensed by the board that are located in another state and to issue a temporary license or, in the case of a pharmacy licensed by another state, a provisional license. A provisional license is valid until the application for a full license is approved or denied. To be eligible for license renewal, pharmacists must meet continuing education requirements.

The act requires the board to make available to the public information regarding complaints and to give the public a reasonable opportunity to address the board regarding matters under the board's jurisdiction. Records of complaints must be maintained and kept current, and complaints must be acted on by the board in a timely manner. If a majority of the board, or a three-member committee of the board, determines that a pharmacist by continuation of practice is a threat to the public welfare, it may impose a temporary license suspension. The board is required to develop a system of monitoring a license holder's compliance with licensure requirements.

The act authorizes the board to impose administrative and civil penalties, repeals the existing fee structure, and requires the board to establish reasonable and necessary fees sufficient to cover the cost of administering the licensing law.

SENATE BILL 623 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Black

Senate Bill 623 amends The Veterinary Licensing Act to continue the State Board of Veterinary Medical Examiners for 12 years. The act redefines the practice of veterinary medicine and the nature of the veterinarian-client-patient relationship, and authorizes the board to set and adjust fees

to cover the cost of regulation, issue temporary licenses, place a licensee on inactive status, temporarily suspend licenses pending a hearing to determine permanent action against a licensee, increase administrative penalties, use written reprimands, and establish rules for nonveterinarians who perform alternative therapies on animals.

The act changes the requirement for a quorum of the board and deletes the prohibition against appointing a member of the faculty of a college of veterinary medicine to the board.

The act also amends the Health and Safety Code to exempt from labeling provisions a dangerous drug prescribed or dispensed to be used for food production animals in an agricultural operation.

SENATE BILL 672 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat

This act amends the Health and Safety Code to increase the term of appointed members of the Texas Council on Alzheimer's Disease and Related Disorders from two-year terms to one six-year term. Council members, other than those serving immediately before September 1, 1993, are not eligible for reappointment.

SENATE BILL 674 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga, Cain

Senate Bill 674 creates the Health Professions Council and prescribes its membership to include representatives of health professional boards and the governor's office. The council is required to establish a toll-free line for complaints about health professionals regulated by the state and must also institute training programs and guidelines for members of state boards and commissions that regulate health professions.

The act also creates the Texas Board of Nursing Facility Administrators as part of the Texas Department of Health to license nursing facility administrators. The act prescribes the composition of the nine-member board, as well as the qualifications for board membership and grounds for removal. The board is required to establish licensing procedures, including mandatory continuing education, for license renewal. The board must provide for complaint procedures and the maintenance of complaint files and is authorized to assess penalties, issue written reprimands, or revoke an administrator's license. The board is required to establish a fee schedule that will cover the cost of carrying out its responsibilities.

Senate Bill 674 also abolishes the Texas Board of Licensure for Nursing Home Administrators as of September 1, 1993.

SENATE BILL 690 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 690 modifies and continues the existence of the Texas Board of Physical Therapy Examiners and the Texas Advisory Board of Occupational Therapy until 2005. The act also creates the Executive Council of Physical Therapy and Occupational Therapy Examiners. The council is required to perform the administrative functions of the two boards, including data processing, personnel matters, licensing, budget preparation, and setting of licensing fees.

The act establishes certain new restrictions for qualification for service on the Texas Board of Physical Therapy Examiners. It expands the board's licensing authority to include provisional licenses, provides for exemptions, and requires continuing education as a condition for license renewal. The

board must also adopt registration and renewal requirements for physical therapy facilities and maintain complaint case files. The board is authorized to revoke or suspend a license, or otherwise sanction a licensee. The board is authorized to recommend a fee structure to the council.

The act changes the name of the Texas Advisory Board of Occupational Therapy to the Texas Board of Occupational Therapy Examiners, separates it from the Texas Rehabilitation Commission, and imposes new restrictions with regard to board membership. The board's licensing authority is expanded to include provisional licenses, and mandatory continuing education is required for license renewal. The board must maintain a complaint file and provide for the disposition of complaints. The board may deny or refuse to renew a license, may suspend or revoke a license, may reprimand a licensee, or may impose probationary conditions after a hearing by the State Office of Administrative Hearings. This act defines the limits of board authority with regard to advertising by an occupational therapist and requires the board to adopt requirements for the registration and renewal of an occupational therapy facility. The board is authorized to recommend a fee structure to the council.

SENATE BILL 771 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 771 amends the Medical Practice Act to allow medical records 100 years old or older to be inspected when requested for historical research purposes.

SENATE BILL 773 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Van de Putte

Senate Bill 773 amends the Health and Safety Code to designate six regional poison control centers to coordinate poison control activities within designated health and human services regions and to establish a 15-member coordinating committee. The centers are required to provide specific services, including community education and maintenance of a 24-hour toll-free referral and information service. The Texas Department of Health and the Advisory Commission on State Emergency Communications are authorized to provide grants from funds collected through the imposition of an equalization surcharge on intrastate long-distance service. The department and commission are also required to assist the regional centers in providing information on poison prevention to parents of newborns. The act repeals previous law regarding poison control centers.

SENATE BILL 812 **SENATE AUTHOR:** Truan
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Yarbrough

Senate Bill 812 prohibits the sale of plumbing fixtures, pipes, and pipe fittings that contain more than eight percent lead and solder or flux that contains more than two-tenths percent lead if those materials are for use in a public drinking water system or are connected to a public drinking water system. The act also provides for administrative and criminal penalties and authorizes the Texas State Board of Plumbing Examiners to issue citations to violators.

SENATE BILL 839 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Black

Senate Bill 839 continues the Board of Vocational Nurse Examiners until 2005. The act expands the number of board members from 12 to 15, and five board members must be selected from the general public. The act adds standard sunset provisions regarding board qualifications, removal, and responsibilities and duties. Demonstration of continuing education is required for license renewal. The nursing school education requirement to obtain a license as a vocational nurse is changed from two years to an acceptable level of education, with the level of acceptability to be determined by the

board. The previous fee structure is removed and the board is required to establish a new fee structure. The board is authorized to establish a separate fee for the survey of approved programs. The act also makes provision for administrative and civil penalties and other sanctions.

SENATE BILL 953 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Erickson

Senate Bill 953 abolishes the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids and creates the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments as part of the Texas Department of Health. The nine-member committee is appointed by the governor. The committee's duties include administering examinations and issuing licenses to providers of hearing instruments. Provisions are made for reciprocal agreements, temporary permits, and apprentice permits. Yearly continuing education, unless otherwise specified by law, is required. The act defines which advertising practices are considered to be false, misleading, or deceptive. Licensed providers of hearing instruments are required to verify the hearing of a prospective candidate for a hearing instrument using certain techniques and the act specifies certain requirements regarding the sale of a hearing instrument to a person under 18 years of age. The act specifies the grounds for disciplinary action by the committee, and the committee is authorized to discipline violators and assess administrative penalties. This act also raises fees for permits and licenses and requires a licensee to file a bond, a surety in place of a bond, or a cash deposit in the amount of $10,000 with the committee.

SENATE BILL 981 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 6-6-93 **HOUSE SPONSOR:** McDonald

Senate Bill 981 amends the Health and Safety Code to provide that the Texas Department of Health is not required to approve certain laboratories that conduct serological tests during pregnancy if those laboratories are certified by the federal Health Care Financing Administration. The department also is not required to provide county clerks with information regarding such laboratories.

SENATE BILL 1061 **SENATE AUTHOR:** Parker, Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 1061 continues the Texas Board of Chiropractic Examiners until 2005. The act includes new provisions regarding qualifications for board membership and requires the board to develop and implement policies that define the responsibilities of the board and its staff. Practicing chiropractors are no longer required to reregister but are required to renew their licenses annually. The board is required to adopt a program of continuing education for practitioners and is authorized to issue temporary or provisional licenses to those who qualify. The board also is required to adopt rules for licensing and regulating chiropractic facilities and to develop a system for monitoring practitioner compliance. The board is required to establish an enforcement committee to investigate complaints, and complaints must be disposed of in a timely manner. The board is authorized to take disciplinary action or assess administrative penalties against violators. The board also is to establish reasonable and necessary fees.

SENATE BILL 1062 **SENATE AUTHOR:** Parker, Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 1062 amends the Medical Practice Act to continue the Texas State Board of Medical Examiners until 2005.

The act revises the eligibility qualifications for membership on the Texas State Board of Medical Examiners and the criteria for removal from the board. It requires the board to adopt employment policies to provide for equal employment opportunity. The act standardizes the enforcement process, requires continuing education as a prerequisite for license renewal, authorizes a full range of licensing options, and requires the board to create a fee structure necessary to cover the cost of regulation. The act also requires the board to institute a process for the timely disposition of complaints and to develop a monitoring system for licensees and authorizes the board to discipline or levy administrative penalties against violators.

The act also creates the Texas State Board of Acupuncture Examiners and prescribes the composition of the nine-member board to include four acupuncturists with at least five years' experience, two physicians experienced in acupuncture, and three members of the general public. Members are to be appointed by the governor by January 1, 1994. The powers and duties of the board, which has no independent rulemaking authority and whose actions are subject to the advice and approval of the board of medical examiners, are delineated. They include establishing qualifications for acupuncturist practice and requirements for licensure, administering an examination that is validated by independent testing professionals, establishing a procedure for the reporting and processing of complaints, and recommending other rules as necessary. A license is required to practice acupuncture in this state. The board of medical examiners is required to establish a fee structure to cover the cost of this portion of the act.

SENATE BILL 1077 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 1077 continues the State Committee of Examiners for Speech-Language Pathology until 2005, and renames it as the State Board of Examiners for Speech-Language Pathology and Audiology.

Under the act, board members are appointed for six-year staggered terms and are required to comply with training requirements that are established by any other state agency that is given authority to establish the requirements for the board.

The definition of the practice of speech-language pathology is expanded to include communication, oral pharyngeal function, or cognitive processes. Speech-language pathologists are allowed to perform aural rehabilitation services. The definition of audiology is expanded to include the fitting, dispensing, and sale of hearing aids, and specific requirements are set for licensure as an audiologist. The act establishes conditions under which the fitting and dispensing of hearing aids may be performed by providers licensed under this law.

Other levels of licensure are established including an intern license, a provisional license to persons licensed by other states, and a temporary license, and the requirements for those forms of licensure are prescribed. Applicants for licensure must pass a validated examination approved by the board. Mandatory continuing education is required for license renewal.

The board must develop a system to monitor licensee compliance, and procedures for the investigation and timely disposition of complaints must be instituted. Sanctions that may be levied by the board against violators are prescribed. The board is required to develop a fee schedule to provide sufficient funds to cover the cost of regulation.

SENATE BILL 1080 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga, Black

Senate Bill 1080 continues the Texas State Board of Podiatry Examiners until 2005. Licensing provisions include the authority to grant provisional licenses and temporary licenses. The board is required to develop a continuing education program as a qualification for license renewal and also must develop a system to monitor provider compliance. The board is authorized to assess administrative penalties.

The act requires peer review committees to evaluate the competence and quality of services by podiatrists. The board is required to create a complaint file and must process complaints in a timely manner. Rules regarding licensing and examination fees must be established. Board personnel policies are required to provide for equal employment opportunity.

SENATE BILL 1094 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hernandez

Senate Bill 1094 requires the Texas Cosmetology Commission to establish rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology and to assess fees on those persons or entities licensed or regulated by the commission.

SENATE BILL 1144 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Coleman

Senate Bill 1144 amends the Health and Safety Code to change the minimum eligibility age for blood donors from 18 to 17 years of age, but donors under 18 years of age may not receive compensation for their blood or blood components.

SENATE BILL 1285 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Wilson

Senate Bill 1285 amends the Code of Criminal Procedure to allow cities having a population of 250,000 to seize certain property of individuals who have been convicted twice of littering. This act also amends the Health and Safety Code to authorize a commissioners court in a county having a population of more than one million to adopt regulations to control the disposal and removal of litter as necessary to promote public health and safety. The commissioners court is also authorized to require violators to pay for the cost of litter removal if, after 30 days' notice, the litter has not been removed. A district attorney, a county attorney, or the attorney general may bring suit against the offender to recover the cost of removal.

SENATE BILL 1311 **SENATE AUTHOR:** Brown
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Hochberg

Senate Bill 1311 clarifies the powers of health-related cooperative associations so that they may create recourse or nonrecourse debt, refund existing debt or obligations as allowed by the provisions of the act, or encumber, mortgage, pledge, or grant security in any property of the cooperative association.

SENATE BILL 1410 **SENATE AUTHOR:** Parker, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Martin

Previous law established an indemnification program to cover up to $100,000 of malpractice liability for certain health care professionals who provide charity care or services and allowed discounted insurance premiums to health care professionals who complete certain continuing education requirements and devote 10 percent or more of their practice to charity care or services. Some provisions of this law were scheduled to expire September 1, 1995.

Senate Bill 1410 amends provisions of the Insurance Code to expand the coverage of the insurance premium discount program to include health clinics. Expiration of these provisions of the Insurance Code is rescheduled for September 1, 1997.

The act also amends provisions of the Civil Practice and Remedies Code. Expiration of provisions relating to indemnification is rescheduled to expire September 1, 1997. The definition of charity care or services is expanded to include services provided by a health clinic and under a family practice residency program, an indigent health care program, or the auspices of a county correctional institution.

Senate Bill 1410 takes effect September 1, 1993, except that provisions regarding qualification for insurance premium discounts take effect January 1, 1994.

SENATE BILL 1421 **SENATE AUTHOR:** Armbrister
EFFECTIVE: See below **HOUSE SPONSOR:** Junell, Naishtat

Senate Bill 1421 amends the Health and Safety Code to prohibit a person from operating a food service establishment, retail food store, mobile food unit, or temporary food service establishment located in an area where the county or public health district does not require a permit or conduct inspections unless the person has obtained an annual permit from the Texas Department of Health. The act authorizes the Texas Board of Health to adopt enforcement rules and requires the board to establish minimum standards for obtaining a permit. It also requires the board to collect fees to recover at least 50 percent of the cost of permitting and inspecting. The act provides for criminal and administrative penalties for violators.

Senate Bill 1421 takes effect September 1, 1993, except that those provisions regarding the permit requirement and civil and administrative penalties take effect January 1, 1994.

SENATE BILL 1433 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Maxey

Senate Bill 1433 amends the Texas Midwifery Act to continue the Midwifery Board until 2005.

The act changes the composition of the board by reducing the number of members from 12 to nine. Eligibility criteria for board membership is prescribed, as are grounds for dismissal from the board, and conflict of interest restrictions are added. The board, subject to approval by the Texas Department of Health, is required to establish a fee structure sufficient to cover the costs of regulation.

The board is to maintain complaint files and to make information regarding complaints readily available to the public and appropriate state agencies. The act requires the board to develop and implement policies that clearly define the responsibilities of the board and its staff and must allow the public reasonable opportunity to address the board regarding issues under its jurisdiction.

The act requires that the written portion of the licensing examination for midwives be validated by an independent testing professional and requires that a minimum number of hours of continuing education be established for renewed documentation.

SENATE BILL 1434 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Uher

Senate Bill 1434 amends the Licensed Dietitian Act to continue the Texas State Board of Examiners of Dietitians until 2005.

The definitions section of the law is amended to add nutrition services, nutrition assessment, and nutrition counseling to activities covered by the act.

Eligibility criteria for board membership is modified, as are the grounds for removal from the board. Board responsibility regarding information of public interest is delineated and provision is made to assure implementation of a program of equal employment opportunity.

Under the act, the board may place a licensee on inactive status within certain time constraints. The board must establish a continuing education requirement for license renewal and may issue a temporary license under circumstances prescribed by the act. A complaint file must be created and maintained and the board is required to implement procedures for the timely investigation and disposition of complaints. The board also is required to develop a system for monitoring licensee compliance and to establish a fee structure to cover the expense of regulation.

SENATE BILL 1467 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 1467 validates certain acts of hospital development corporations created under the Health Facilities Development Act that occurred before January 1, 1993, except in cases in which the corporation knowingly violated the law. The act does not apply to matters held invalid in litigation on or before the effective date of the act. Senate Bill 1467 also allows refunding of valid bonds.

HUMAN SERVICES/MENTAL HEALTH AND MENTAL RETARDATION

HOUSE BILL 54 **HOUSE AUTHOR:** McCall, Vowell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 54 requires the Texas Department of Human Services to establish a parental responsibility pilot program modeled after the Wisconsin parental and family responsibility initiative for teenage parents who receive Aid for Families with Dependent Children grants. The purpose of the program is to discourage teenage pregnancy, encourage teenage parents to marry, and improve through education, job training, and support services the work and parenting skills of teenage parents. The department is required to establish the program in three counties, each with a population of at least 200,000, by January 1, 1994, and to submit a report on the effectiveness of the program to the governor and the 75th Legislature by January 1, 1997.

HOUSE BILL 367 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

The Texas Mental Health Code allows clients of the Texas Department of Mental Health and Mental Retardation (TDMHMR) who become the beneficiaries of a trust an exemption of up to $50,000 that cannot be used by the state for the client's support. Any portion of the trust exceeding $50,000 is liable for the client's support. This provision was generally construed to apply only to patients in TDMHMR state hospitals. House Bill 367 amends the Health and Safety Code to clarify that this provision applies to clients of TDMHMR community centers as well as to patients in state facilities.

HOUSE BILL 616 **HOUSE AUTHOR:** Schechter
EFFECTIVE: 6-9-93 **SENATE SPONSOR:** Truan

State law sets standards to be met by persons who provide career counseling services. Certain persons, services, and organizations are exempt from the requirements, but licensed psychologists previously were not exempted. House Bill 616 extends the exemption to licensed psychologists practicing within the scope of their license.

HOUSE BILL 771 **HOUSE AUTHOR:** Naishtat, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Madla

House Bill 771 amends the Persons with Mental Retardation Act to streamline and expedite the assessment process for people seeking services. A determination of mental retardation is necessary to obtain mental retardation services, except in emergencies or when respite care is urgently needed. For nonresidential services, the act permits physicians or psychologists to make the determination of mental retardation based on an interview with the person and a professional assessment, and deletes the requirement for a comprehensive diagnosis and evaluation. Residential services require the recommendation of an interdisciplinary team, in addition to the determination of mental retardation. The act also amends the Government Code to provide for the training, testing, and certification of special officers for mental health assignment.

HOUSE BILL 779 **HOUSE AUTHOR:** H. Cuellar, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 779 amends the Human Resources Code to require the Department of Human Services to initiate a community work experience program for certain recipients of Aid to Families with Dependent Children (AFDC) as part of the job opportunities and basic skills (JOBS) training program in accordance with federal law. In order to implement the community work program, the department is required to establish nonfinancial cooperative agreements with entities that receive funds under the federal Head Start program and other state agencies and entities that employ at least 250 people.

This legislation also requires the department to provide AFDC to two-parent families if the primary wage-earner parent is registered with the JOBS program or with the Texas Employment Commission. In addition, the department is required to provide AFDC to minor caretakers on behalf of their dependent children, even if they live with an adult family member who receives AFDC. The department is further required to cooperate with the Central Education Agency in developing a parenting skills training program for recipients of AFDC. The department also is required to conduct a study regarding the use of time-limited receipt of AFDC benefits as a mechanism for moving AFDC recipients toward self-sufficiency and to submit a report to the 74th Legislature.

HOUSE BILL 847 **HOUSE AUTHOR:** Schechter, Hilderbran
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Patterson

State law allows the Department of Protective and Regulatory Services (DPRS) to obtain criminal history information regarding owners and employees of child-care facilities, family and foster homes, and certain agency employees and volunteers who are directly involved in work with children.

House Bill 847 authorizes DPRS to obtain criminal history information records on relatives applying to provide in-home care for a child, other adults living with relatives or foster parents, and persons who are the subject of a report received by DPRS alleging abuse or neglect of a child, an elderly person, or a person with a disability. The act also adds elderly persons and persons with disabilities to the list of persons receiving protective services whose caretakers may be investigated under this law.

HOUSE BILL 1114 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shapiro

House Bill 1114 amends the Human Resources Code to require child care facilities licensed by the Department of Protective and Regulatory Services to maintain liability insurance coverage of $300,000 for each occurrence of negligence. If a licensed facility is unable to secure the insurance required, the license holder is required to notify the parent or guardian and the department.

HOUSE BILL 1510 **HOUSE AUTHOR:** Vowell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1510 reorganizes several health and human service programs. The act adds the Department of Protective and Regulatory Services (DPRS) to the agencies under the oversight of the Health and Human Services Commission, removes the Texas Youth Commission from oversight, and transfers a program for services for runaways and at-risk youth from the Department of Human Services to DPRS. In addition, the act creates the office of minority health in place of the Council on Minority Health Affairs under the Texas Department of Health (TDH), transfers the regulation of maternity homes from TDH to DPRS, and requires TDH to transmit the list of employees in direct contact with consumers in licensed facilities to the Department of Public Safety for a criminal history

record check. House Bill 1510 also provides that the Interagency Council on Early Childhood Intervention Services is responsible for employing its personnel, abolishes the Office of Youth Care Investigations in the attorney general's office and transfers its functions to DPRS, and abolishes the School Age Pregnancy Interagency Coordinating Council.

HOUSE BILL 1596 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 1596 amends the Texas Mental Health Code to clarify that court costs and other fees related to mental health commitment proceedings for a patient receiving services in a Texas Department of Mental Health and Mental Retardation facility are the responsibility of the patient unless the services are to be provided in a private mental hospital or the person charged with the costs is a person or estate liable for the patient's support in a department facility.

HOUSE BILL 1626 **HOUSE AUTHOR:** Coleman
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1626 amends the Health and Safety Code to require the Texas Commission on Alcohol and Drug Abuse to plan, develop, coordinate, evaluate, and implement constructive methods and programs to provide healthy alternatives for youth at risk of selling controlled substances.

HOUSE BILL 2109 **HOUSE AUTHOR:** Vowell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 2109 amends the Human Resources Code to require that a schedule adopted by the Texas Commission for the Deaf and Hearing Impaired for hourly fees to be paid to interpreters for the deaf be adopted by other state agencies.

HOUSE BILL 2255 **HOUSE AUTHOR:** Hilderbran, Munoz
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 2255 requires the Texas Department of Human Services to enter into contracts with metropolitan, regional, and municipal mass transit authorities to provide transportation services to persons receiving Aid to Families with Dependent Children grants if they participate in the job opportunities and basic skills training program and live in the service area of the transportation authority.

HOUSE BILL 2264 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

House Bill 2264 amends the Human Resources Code to require that an employee or volunteer representing the office of the state long-term care ombudsman, as well as the ombudsman, be represented by the attorney general if any legal action is brought in connection with the person's performance of the official duties of the office. Neither the ombudsman nor a representative of the ombudsman may be held liable for civil damages or subject to criminal prosecution for performing official duties unless the person acts in bad faith or with malicious intent.

HOUSE BILL 2394 **HOUSE AUTHOR:** Brady
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 2394 requires the immediate closure of a child care facility violating standards of the Human Resources Code if the violation creates an immediate threat to the health and safety of the residents. The closure order is valid for 10 days. The act also clarifies that the denial or revocation

of a license to operate a child care facility or an appeal from that action, as well as an order for the emergency closing of a facility, is governed by the procedure for a contested case hearing under the Administrative Procedure and Texas Register Act. The act prohibits a person whose child care facility license or certification has been revoked from reapplying sooner than two years after the revocation.

HOUSE BILL 2458 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Moncrief

House Bill 2458 amends the Human Resources Code to authorize the Department of Protective and Regulatory Services and other state agencies to gain access to any records or documents needed to investigate cases involving abuse or neglect of elderly or disabled persons and the provision of services to these persons. The act authorizes a state agency to petition a court having probate jurisdiction to order a person withholding a document to provide it to the agency.

HOUSE BILL 2557 **HOUSE AUTHOR:** Vowell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

The Texas Department of Human Services is converting the food stamp program from a system based on paper coupons to an electronic benefit transfer (EBT) system that uses plastic electronic benefit cards. House Bill 2557 updates language in the Human Resources Code relating to fraud in the food stamp program. The act substitutes the words "food stamp benefit permits" for "food stamp coupons or authorization cards" to cover the wrongful use of EBT cards. Food stamp benefit permits include food stamp coupons, EBT cards, and authorizations to participate in the food stamp program.

HOUSE BILL 2741 **HOUSE AUTHOR:** Rodriguez
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 2741 amends the Licensed Professional Counselor Act, reauthorizes the Texas State Board of Examiners of Professional Counselors, and schedules the board's next sunset review for 2005. Changes to the act include adding couples and families to the list of persons a licensed professional counselor (LPC) can serve and removing research activities from the list of practices an LPC is authorized to perform. Licensed marriage and family therapists, licensed chemical dependency counselors, physicians assistants, and persons owning, operating, or employed by a certified career counseling service are added to the list of persons to whom this act does not apply.

This act makes a number of amendments to the board's governing law, including clarification of eligibility to serve on the board, authorization for the governor to designate one member of the board as chairman of the board, and a requirement that the board establish methods by which public complaints can be made to the board.

The act specifies that applicants for certification must have a master's or doctoral degree in counseling or a related field and have passed the required examination. Additional requirements for license renewal are imposed, including mandatory continuing education. The board is authorized to temporarily suspend a license pending a formal hearing, and a procedure is established for investigating and disposing of complaints against a licensee. A procedure is established for issuing a provisional license to a person licensed in another state.

SENATE BILL 160 **SENATE AUTHOR:** Moncrief
EFFECTIVE: See below **HOUSE SPONSOR:** Naishtat

Senate Bill 160 amends the Health and Safety Code to update several provisions relating to the Texas Department of Mental Health and Mental Retardation. The act requires that the department make available to community centers the employment records of department employees or former employees who apply for employment. Community centers are authorized to purchase or lease-purchase property only after an independent appraisal and for an amount less than or equal to the appraised value, unless certain conditions are met. In addition, the department is required to make reasonable efforts to ensure the safety of community home residents and neighborhood residents near a community home.

The act requires the department to develop a long-range plan that contains required provisions for coordinated strategic plans for health and human services. The plan for long-term care for persons with mental retardation (formerly ICF-MR facilities) is required to be biennial rather than annual, with possible modification by the Health and Human Services Commission to ensure a sufficient appropriation for the number of ICF-MR beds licensed or approved under the home and community-based services waiver.

The agency's board is required to establish a uniform procedure to notify consumers in writing of the denial, involuntary reduction, or termination of services, and of the right of consumers to appeal those decisions. The facility administrator or a designee is given the right of access to patients who have been discharged, and to the records of patients who request continuing care services. The act abolishes the single portal review committee and the Interagency Council on ICF-MR facilities.

Senate Bill 160 takes effect August 30, 1993, except for a provision relating to notification requirements for acquisition of certain property by a community center, which takes effect September 1, 1993.

SENATE BILL 205 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Naishtat, Vowell

This act amends the Health and Safety Code to require the Texas Board of Mental Health and Mental Retardation (TBMHMR), the Texas Board of Health, and the Texas Commission on Alcohol and Drug Abuse (TCADA) to adopt a patient's bill of rights. The act also requires the Board of Protective and Regulatory Services to adopt a children's bill of rights for minors receiving treatment in a child care facility for an emotional, mental health, or chemical dependency problem. Penalties are imposed for violation of these rights.

Senate Bill 205 establishes the Treatment Facilities Marketing Practices Act to encourage fair dealing by mental health facilities and chemical dependency treatment facilities. It sets forth standards for marketing and advertising activities and for qualified mental health referral services. The act prohibits the use by a treatment facility of specified methods of soliciting and contracting with certain referral sources and operation of intervention and assessment services by certain treatment facilities. The act provides administrative, civil, and criminal penalties to be imposed on mental health, chemical dependency, or rehabilitation services for a violation of the act.

Procedures for the discharge of a patient on the patient's request from certain mental health facilities are modified. Also, the TBMHMR is required to adopt rules governing the voluntary admission and assessment of patients to an inpatient mental health facility, and TCADA is required to adopt similar rules for voluntary admission of patients to treatment facilities. The TBMHMR is required to adopt rules regarding the transfer or referral of a patient from a private mental hospital to an inpatient mental health facility. The Education Code is amended to require the commissioner

of education to adopt rules governing the relationship between a school district and outside counselors to whom students may be referred for care or treatment of emotional, psychological, or chemical dependency conditions.

Senate Bill 205 establishes standards for use of electroconvulsive and other therapies, requiring written consent for their use. Hospitals providing mental health or chemical dependency services are required to submit specified data regarding inpatient and outpatient services to the Texas Department of Mental Health and Mental Retardation.

Provisions pertaining to the age of a person on whom electroconvulsive therapy may be used and the requirement that only a physician may administer this therapy, take effect August 30, 1993. Other provisions take effect September 1, 1993.

SENATE BILL 207 **SENATE AUTHOR:** C. Harris, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Vowell, Naishtat

Senate Bill 207 amends the Health and Safety Code to strengthen the rights of patients in Texas Department of Mental Health and Mental Retardation facilities and treatment facilities for the chemically dependent. The act requires the department's board to establish rules governing the provision of prescription medication information to patients and establishes standards for the administration of psychoactive medications. It grants patients the right to refuse medication, with exceptions, and it allows patients receiving inpatient mental health services to obtain an independent psychological or medical examination. In addition, Senate Bill 207 revises the conditions under which an application for commitment may be filed against a voluntary patient, grants a patient access to the patient's medical records, with exceptions, and establishes procedures that a professional must follow when denying access. Under the act, patient consent provisions in chemical dependency treatment facilities are required to be similar to those required in mental health facilities.

The act also requires hospitals to provide itemized billing statements to third-party payors and provide for the auditing of billings for services which may have been improper, unreasonable, or unnecessary. Additionally, the department's board is required to appoint an advisory task force on prescription medications.

The act takes effect August 30, 1993, except for provisions requiring facilities to provide certain information about prescription medication to patients and their families. These provisions take effect May 1, 1994.

SENATE BILL 210 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell, et al.

Senate Bill 210 amends the Health and Safety Code to require health professionals, employees, and volunteers to report suspected neglect and abuse of patients in mental health facilities, chemically dependent treatment facilities, or hospitals providing comprehensive medical rehabilitation. Retaliation against employees and nonemployees who report neglect or abuse is prohibited.

The act requires the adoption of a memorandum of understanding among the Texas Board of Mental Health and Mental Retardation, the Texas Board of Health, and the Texas Commission on Alcohol and Drug Abuse to require each inpatient mental health facility, treatment facility, or hospital providing comprehensive medical rehabilitation services to annually provide as a condition of continued licensure a minimum of eight hours of inservice training regarding patient abuse and neglect, and illegal, unprofessional, or unethical conduct by or in a facility. It also requires the Texas Board of

Mental Health and Mental Retardation to appoint a treatment methods advisory committee to recommend certain treatment methods that should be prohibited. The committee would also consider reports and complaints related to treatment methods.

Senate Bill 210 amends the Civil Practice and Remedies Code to establish sexual exploitation of a patient by a mental health services provider as a cause of action. It also amends the Penal Code to establish sexual exploitation by a mental health services provider as a felony offense, and provides that a conviction can be grounds for revocation or suspension of the license of a provider or facility.

The Health and Safety Code is amended to provide that inpatient mental health facilities be licensed by the Texas Department of Health instead of the Texas Department of Mental Health and Mental Retardation. Remuneration for referrals to inpatient mental health facilities or chemical dependency facilities is prohibited, but an exception is made for certain health care information services. The attorney general or a county or district attorney is authorized to seek injunctive relief and the imposition of a civil penalty for violations.

SENATE BILL 211 **SENATE AUTHOR:** Zaffirini, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Vowell, Naishtat

Senate Bill 211 amends the Health and Safety Code to expand the application of the prohibition on illegal remuneration to specifically cover a referral to inpatient mental health facilities or chemical dependency treatment facilities that involves remuneration for the referral. The act provides for injunctions and civil penalties for a violation of this law. It also specifies health care information services that are exempt from these provisions.

SENATE BILL 284 **SENATE AUTHOR:** Shelley
EFFECTIVE: 6-2-93 **HOUSE SPONSOR:** McCall

Senate Bill 284 amends the Human Resources Code to conform the definition of a dependent child to federal law for purposes of determining eligibility for Aid to Families with Dependent Children. The act changes from 20 to 18 the maximum age for a dependent child who is a student and requires that the child be a full-time student in a secondary school or at the equivalent level of vocational or technical training and reasonably expected to complete school before the child's 19th birthday.

SENATE BILL 407 **SENATE AUTHOR:** Ellis
EFFECTIVE: 5-17-93 **HOUSE SPONSOR:** B. Hunter

The federal Americans with Disabilities Act and the federal Rehabilitation Act Amendments of 1992 have affected the statutes relating to the Texas Rehabilitation Commission. Senate Bill 407 amends the Human Resources Code to bring state law into compliance with federal law. The commission is authorized to exchange client and other information with other state agencies and to contract with public or private agencies, including alternative sheltered employment or community integrated employment, for rehabilitative services under the extended rehabilitation services program. Additionally, the act requires the commissioner to appoint a general counsel for the commission. The commission is authorized to obtain criminal history records of persons working for or applying for employment at the commission or for clients of the commission. The act also requires that court costs that have been remitted to the comptroller and deposited in the comprehensive rehabilitation fund in the state treasury be dedicated to the commission. The Consumer Advisory Committee is replaced by the Rehabilitation Advisory Council.

SENATE BILL 714 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Vowell

Senate Bill 714 amends the Health and Safety Code to require any entity that contracts with the Supplemental Food Program for Women, Infants and Children under the Texas Department of Health to provide services during evening hours or on Saturdays, with exceptions. The act also requires the Texas Department of Human Services (DHS) and the Central Education Agency to develop a plan to ensure that, by June 15, 1997, children residing in school districts in which 60 percent or more of the children are eligible for free or reduced-price meals will have access to the Summer Food Service Program. The act requires DHS to develop and implement a plan of operation to provide nutrition education and outreach to persons eligible for food stamps and submit a plan to the Food and Nutrition Service of the U.S. Department of Agriculture for approval in order to make the department eligible for reimbursement for 50 percent of the cost of the informational activities.

SENATE BILL 834 **SENATE AUTHOR:** Zaffirini, Barrientos
EFFECTIVE: 6-15-93 **HOUSE SPONSOR:** Coleman

Senate Bill 834 amends the Health and Safety Code to expand the definition of "treatment facility" for chemically dependent persons to include a facility operated by the Texas Department of Mental Health and Mental Retardation that has been designated by the Texas Commission on Alcohol and Drug Abuse to provide chemical dependency treatment. The act also requires the commission to submit to the federal government reports and strategies necessary to comply with the federal Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act.

SENATE BILL 982 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell

Senate Bill 982 amends the Human Resources Code to authorize the Texas Department of Human Services to include in its contracts for the delivery of Medicaid assistance by a home or community care provider a provision for monetary penalties to be assessed for violations of program requirements, as required by federal law. The act requires the department to develop rules governing the application of civil monetary penalties that ensure standard and consistent application of the penalties throughout the state. The rules are required to minimize the time between the identification of a violation and the imposition of a penalty and to assure that the penalty assessed is appropriate to the violation.

SENATE BILL 1101 **SENATE AUTHOR:** Nelson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** McCall

Senate Bill 1101 amends the Human Resources Code to require parents and other persons applying for benefits under the Aid to Families with Dependent Children program on behalf of a child to provide the name and last known address of the mother or alleged father of the child. In addition, the act requires the Texas Department of Human Services to forward this information to the attorney general and authorizes the department to waive the reporting requirements of this act in certain circumstances.

SENATE BILL 1117 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell

Senate Bill 1117 amends the Human Resources Code to require the Texas Commission for the Deaf and Hearing Impaired to compensate evaluators of interpreters for the deaf for each certification evaluation on the basis of the level of interpreting skill being evaluated.

SENATE BILL 1118 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell

Previous law restricted the Board for Evaluation of Interpreters to conducting examinations of interpreters for the deaf and hearing impaired at facilities owned or leased by the state that were available free of charge. Senate Bill 1118 amends the Human Resources Code to expand the locations at which the board may offer these examinations to any Texas city in which space can be used free of charge.

SENATE BILL 1142 **SENATE AUTHOR:** Moncrief, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Naishtat

This act amends the Health and Safety Code to establish a surrogate consent committee to make specific medical treatment decisions on behalf of clients of state intermediate care facilities serving persons with mental retardation who have no guardian or surrogate decision-maker as defined in the act. The act details the application and hearing procedures the committee and the facility must follow in making such decisions and establishes provisions governing the committee's composition and responsibilities. The responsibilities of the intermediate care facilities also are set forth and include requiring the facility to assess each client without a legal guardian to determine the client's ability to make treatment decisions.

SENATE BILL 1322 **SENATE AUTHOR:** Bivins
EFFECTIVE: 5-16-93 **HOUSE SPONSOR:** Vowell

Community centers that provide mental health and mental retardation services are authorizied to acquire and make improvements to property. This act amends the Health and Safety Code to allow these centers to also refinance an acquisition or improvement. In addition, the act clarifies certain provisions relating to the bonding and contracting authority of a community center.

SENATE BILL 1424 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 1424 amends the Psychologists' Certification and Licensing Act to continue the Texas State Board of Examiners of Psychologists and sets 2005 as the year of its next sunset review. The act expands the definition of the practice of psychology and creates the Psychological Associate Advisory Committee charged with making recommendations to the board on the licensing of psychological associates.

With certain exceptions, the act prohibits the practice of psychology without a license, requires the board to monitor licensees, and allows the board to grant provisional licenses and to temporarily suspend licenses and certificates. The authority of the board to hear cases involving licensing is transferred to the State Office of Administrative Hearings. Continuing education is made mandatory for all licensees.

Civil, criminal, and administrative penalties and other disciplinary actions are established for certain violations and misconduct by persons regulated by the board. Procedures regarding the handling of complaints are detailed.

The act also revises provisions relating to the board's composition, duties, and funds, and requires the board to establish a training program for board members. The board is required to implement an equal employment opportunity policy and to provide access to programs to non-English speakers.

SENATE BILL 1425 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 1425 continues the Texas State Board of Examiners of Marriage and Family Therapists and sets 2005 as the year of its next sunset review. The act requires the board to adopt rules meeting specific criteria that govern the investigation and disposition of complaints against marriage and family therapists.

The board is authorized to grant temporary and provisional licenses and is required to monitor licensees and identify those that pose a risk to the public. The board is required to establish a training program for board members, and continuing education for licensees is made mandatory. Civil penalties are established for violations of the act, and the list of sanctions that may be imposed against violators is expanded.

The act clarifies provisions regarding conflict of interest and the appointment of board officers and requires a plan for providing access to board programs by non-English speakers. The board's power concerning competitive bidding and advertising is restricted. An earlier provision directing fees received by the board to the general revenue fund is revised to include all money paid to the board.

SENATE BILL 1426 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat, Schechter

Senate Bill 1426 creates the Texas State Board of Social Worker Examiners to replace the Council for Social Work Certification. The board has rulemaking authority and is administratively attached to the department of health. The board's sunset review is set for the year 2005.

The act replaces a former certification requirement for social workers with a licensing requirement and, with certain exceptions, prohibits the practice of social work without a license. The board is granted wide authority with regard to the licensing of social workers. Other duties of the board include establishing a training program for board members, developing a plan to provide access to programs for non-English speakers, and adopting a broad schedule of sanctions for violations of the act. Persons charged with violations are entitled to a hearing by the State Office of Administrative Hearings. Procedures governing complaints, informal proceedings, and hearings are outlined.

The act revises the qualifications and titles of social workers and more clearly defines terms in the profession. The board is required to establish the specialty of "Advanced Clinical Practitioner" for persons qualified to practice clinical social work. Continuing education is made mandatory for all licensees.

The act also details provisions governing the board's composition, administration, and funds, and broadens the board's authority to set fees.

SENATE BILL 1470 **SENATE AUTHOR:** Madla
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hilderbran

Senate Bill 1470 amends the Human Resources Code to require the Texas Department on Aging and the Texas Department of Human Services to work to achieve consistency in service standards in the provision of the same or similar services to the elderly.

In addition, the act extends to an area agency on aging the authority to jointly contract with a service provider that is under contract with the department of human services to provide services in a community care program. Area agencies also may use the billing and audit procedures of the department to ensure efficiency. Also, the act limits the authority of these agencies to directly provide specific home services to the elderly to circumstances in which all other options have been exhausted.

INSURANCE

HOUSE BILL 431 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

House Bill 431 provides for the regulation of viatical settlements by the State Board of Insurance. It defines viatical settlements as contracts that transfer life insurance benefits from an insured individual with a terminal illness to another person or entity and gives the State Board of Insurance exclusive jurisdiction over their regulation.

HOUSE BILL 958 **HOUSE AUTHOR:** Duncan, Counts
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 958 amends the Insurance Code to clarify the distinction between unauthorized insurers and eligible surplus lines insurers and modifies the tax rate and requirements for reporting of independently procured insurance.

HOUSE BILL 1461 **HOUSE AUTHOR:** Counts, Carter
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 1461 continues the Texas Department of Insurance and the office of public insurance counsel and sets a sunset date of September 1, 2005.

Article 1 of the act relates to the organization of the Texas Department of Insurance. The governing entity of the department is changed from a full-time three-member board to a single commissioner appointed by the governor. The commissioner is authorized to adopt rules and regulations for the conduct and execution of the duties and functions of the department only as authorized by statute.

The act transfers responsibility for receiving workers' compensation coverage notices from the department to the Texas Workers' Compensation Commission.

The act imposes a new requirement on estimates of the fiscal impact of department rules. If either the fiscal note or the public benefit-cost note, as required by the Administrative Procedure and Texas Register Act, underestimates the reasonable actual costs by 25 percent or more, the rule is void.

The act also adds standard sunset provisions for the operation and duties of the department.

Article 2 transfers certain functions to the State Office of Administrative Hearings, which will conduct all administrative hearings for the department. The act also requires the commissioner to adopt rules governing hearings and other proceedings necessary for the promulgation or approval of rates or the promulgation of policy forms or endorsements.

Article 3 transfers to the comptroller the duties of the department and commissioner relating to the collection, reporting, and administration of taxes and certain fees and assessments imposed under the Insurance Code.

The act also provides that farm mutual insurers, local mutual aid associations, and burial associations are not subject to the franchise tax.

Article 4 provides that the appeal of any rule, regulation, order, decision, or finding under the Insurance Code be reviewed under the substantial evidence rule, and Article 5 establishes guidelines for administrative penalties that may be imposed by the commissioner.

Provisions of Article 6 require the department to study, and authorize the commissioner to adopt and implement, procedures for streamlining insurance rate proceedings. A select committee on rate and policy form regulation is established to study and report on specified issues relating to insurance rate and policy form regulation, including an assessment of the effects of changes made in insurance regulation by the 72nd Legislature.

Each health insurer is required to submit to the department information relating to the insurer's loss experience, overhead, and operating expenses. A trade association that represents small or medium-sized insurers may present data and make recommendations at a rate-making hearing. Medical professional liability insurance and commercial casualty insurance rates are regulated under a file and use system.

Article 7 relates to financial supervision of entities regulated by the department. Every life insurance company is required to submit the opinion of a qualified actuary relating to the computation of the insurer's reserves. Information relating to financial solvency obtained by the department's early warning system is confidential and not subject to the open records act.

The act increases minimum capital and surplus requirements for surplus lines to $15 million and allows the commissioner to exempt certain insurers under certain conditions. The act authorizes insurance companies to invest in bonds and other obligations of business entities other than corporations, modifies investment limits in equipment trust obligations and money market funds, defines standards for investments in first lien mortgages, and authorizes limited foreign investment. It exempts certain reinsurance agreements and related trust accounts from the Asset Protection Act and authorizes insurance companies to invest in securities kept under custodial agreement with certain federal home loan banks. The act requires the commissioner to adopt rules authorizing a domestic insurance company to demonstrate ownership in an uncertified security consistent with common practices of securities exchanges and markets.

Provisions of Article 8 address consolidation, liquidation, rehabilitation, reorganization, and conservation of insurers, as well as matters relating to guaranty associations. The act clarifies offset rights of reinsurance creditors in insurance insolvency proceedings, establishes a procedure for early distribution to certain guaranty associations, extends the maximum period of supervision from 60 to 180 days, and requires that information and proceedings related to supervision and conservation be kept confidential until the termination of supervision.

The act also requires that the department use employees of the insurer being rehabilitated to the extent possible in order to minimize the expense of rehabilitation, and allows the insurer to employ an attorney, actuary, and accountant.

Additional matters relating to various guaranty associations are addressed in Articles 9 through 11. The act clarifies the intent of legislation passed during the 72nd Legislature regarding the Texas Property and Casualty Insurance Guaranty Association. It adds a section to the law authorizing the board of directors of the association to hold an open meeting by telephone conference call in certain circumstances and amends the law to prohibit a director of the association or any member company from receiving any compensation for certain insurance transactions.

It also allows the association to assess the workers' compensation line of business during a calendar year up to three percent of each insurer's net direct written premium for the preceding calendar year for assessments made on or before December 31, 1995.

The act prohibits a director of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association or any member company from receiving any compensation for certain insurance transactions. It also clarifies the intent of legislation passed during the 72nd Legislature regarding

the Title Insurance Guaranty Association and conforms it to other guaranty association acts. It allows the board of directors of the association to hold an open meeting by telephone conference call in certain circumstances.

Article 12 sets out general provisions applicable to the licensing and regulation of license holders. It prohibits a fraternal benefit society from employing a person to solicit business if that person has had a license revoked under the insurance laws of the state. The act increases the maximum amount of life insurance an agent may write without passing a written exam from $5,000 to $7,500. It adds rebating insurance premiums or commissions to the list of acts for which the commissioner may discipline or deny an application of an agent.

Article 13 adds health maintenance organizations to the list of insurers who are authorized to reinsure a solvent assuming insurer if both are authorized to assume. It defines stop-loss or excess loss insurance issued to a health maintenance organization as reinsurance and allows reinsurance agreements to contain a provision allowing the offset of mutual debts and credits between the ceding insurer and the assuming insurer.

Articles 14 through 16 deal with specific issues relating to motor vehicle insurance, workers' compensation insurance, and title insurance. The act establishes criminal penalties for the use of an unauthorized motor vehicle proof of liability insurance form. It adds the requirement that liability insurance policies that are issued for less than 30 days must state that the policy cannot be used to meet mandatory insurance laws to obtain an inspection certificate or a driver's license and that the consumer receive notice of this prior to purchase.

The act establishes the Texas Automobile Insurance Plan Association to provide motor vehicle insurance for certain persons and provides for the transfer of all assets and obligations of the Texas automobile insurance plan established under the Texas Motor Vehicle Safety-Responsibility Act to the association.

The act adds a safety consultation to the criteria required of a policyholder in the Texas workers' compensation insurance facility who is insured under the rejected risk fund. The act also requires the Texas Workers' Compensation Insurance Fund, as an insurer of last resort, to decline to insure a risk that is not in good faith entitled to insurance through the fund.

Amendments to the Texas Title Insurance Act include provisions authorizing the leasing of title plants and allowing title plants to insure titles in countries other than the United States. The act provides for biennial rate hearings and authorizes the office of public insurance counsel to request a rate change hearing. It prohibits the department from adopting regulations relating to abstracts of title and prohibits an insurance company from insuring against loss or damage by reason of unmarketability of title. The act authorizes certain investments for title insurance companies and establishes limits on investment in foreign securities.

Article 17 amends various provisions of the Insurance Code governing the Texas catastrophic property insurance pool, including definitions and those relating to regulations and programs regarding noncommercial or commercial windstorm and hail damage insurance, uniformity of rates throughout the seacoast territory of the state, and the payment of losses through assessments of member insurers, and a new reinsurance program or the reserve fund.

The act deletes the requirement that the Texas Catastrophe Property Insurance Association be represented by the attorney general and requires the association to establish a plan for legal representation that eliminates conflicts of interests.

Articles 18 and 19 address matters relating to life, health, and accident insurance and provide for the regulation of alien insurers in Texas. The term "alien company" is defined as any life, accident, or health insurance company organized under the laws of any foreign country. The act amends

previous law relating to health care providers and the regulations and conditions that govern their services. It adds licensed hearing aid fitters and dispensers to the list of health practitioners who must be paid by insurers if the policy covers those services.

The act creates an interim select committee to study and report on the impact of requiring a health insurance policy or health maintenance organization to allow any qualified provider who is a physician, physician's assistant, advanced nurse practitioner, or other class of provider to participate as a contracting provider for such policy or plan.

A variety of provisions are included in Article 20 of the act. It prohibits the commissioner from adopting rules restricting competitive bidding or advertising by a person regulated by the department except to prohibit false, misleading, or deceptive practices.

It also authorizes crop growing insurance, provided the insurance is reinsured by the Federal Crop Insurance Corporation or certain property and casualty companies, and establishes certain licensing requirements for this coverage.

The act prohibits an insurer from canceling a liability insurance policy more than 60 days after initiation or renewal and provides that, if an insurer fails to notify an insured when a policy may not be renewed because of excessive claims, the insurer may not refuse to renew the policy because of losses.

The act authorizes a file and use system for mortgage guaranty insurance and requires that the commissioner prescribe an endorsement form that insurers may use to limit certain damage, including water damage, to foundations or slabs of a dwelling that is more than 10 years old.

Article 21 provides standard sunset provisions for the operation and duties of the office of public insurance counsel (OPIC). The act allows the public insurance counsel to appear before the commissioner or department as a party or intervene on behalf of small commercial insurance consumers as a class in matters involving rates, rules, and forms affecting commercial insurance consumers as a class in all proceedings where it is deemed by the public counsel that small commercial consumers are in need of representation.

The act also clarifies the law by providing that OPIC may not intervene in proceedings or hearings relating to certain individual insurers or agents.

Articles 22 and 23 make technical numbering changes to the Insurance Code and other statutes affected by the act and provide that the application of laws regarding consolidation of funds, the abolition and use of designated funds, and the permissible uses of revenue or fund balances are not affected by this act.

Article 24 addresses issues regarding the manner in which certain information relating to rates is provided to the department. The act requires that the audit of advisory organizations providing such information be conducted annually and provides that, except for company information, an audit is public information. Such an advisory organization is required to establish a subsidiary domiciled in this state and to place an ex officio member, appointed by the commissioner, on its governing board. At the request of the commissioner, advisory organizations must provide a summary of the actuarial assumptions, trend factors, economic factors, and other criteria used in trending data for companies doing business in this state. Each insurer relying on prospective loss costs must justify its need for that information and an insurer may not receive from an advisory organization prospective loss costs for personal auto, homeowners, or dwelling fire insurance. The select committee on rate and form regulation created by this act is required to appoint an independent consulting firm to evaluate the activities of advisory organizations in this state.

The act requires the commissioner to contract with one statistical entity for each line of insurance to compile and maintain historical premium and loss data pursuant to adopted statistical plans. The select committee on rate and form regulation is required to appoint an independent consulting firm to evaluate the costs and benefits of each data collection system and make recommendations for future data collection.

The act provides for a general effective date of September 1, 1993, and later effective dates for several specific provisions.

HOUSE BILL 1540 **HOUSE AUTHOR:** Shields, J. Harris
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 1540 gives the State Board of Insurance regulatory authority over multiple employer welfare arrangements (MEWAs) as defined under federal law. In a MEWA, two or more employers join to provide employee health care insurance and other benefits. The act requires that a certificate be issued by the commissioner of insurance in order for a MEWA to be established or maintained and authorizes the board to prescribe application forms, adopt rules, and take enforcement actions. This act takes effect September 1, 1993, and makes provisions for its application to MEWAs in existence as of June 1, 1993.

HOUSE BILL 2055 **HOUSE AUTHOR:** Martin, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Parker

House Bill 2055 adds the Small Employer Health Insurance Availability Act to the Insurance Code and requires the State Board of Insurance to adopt rules to implement the act. A small employer is defined as a person actively engaged in business employing at least three but not more than 50 eligible employees.

The act requires each small employer insurance carrier to provide small employer health benefit plans without regard to claim experience, health status, or medical history, provides that coverage is not available unless the small employer pays at least 75 percent of the insurance premium, and sets out other requirements and regulations with regard to small employer carriers.

Three basic health benefit plans are established: an in-hospital benefit plan, a preventive and primary care plan, and a standard health benefit plan. Insurance carriers selling health plans to small employers are required to offer these three plans.

The act requires each small employer insurance carrier to actively market the small employer health plan. It also authorizes the State Board of Insurance to adopt rules setting forth additional standards to provide for the marketing and availability of small employer health benefit plans.

The act also creates the Texas Health Reinsurance System as a nonprofit entity to allow small employer insurance carriers to reinsure risks under the small employer health benefit plans. The system will be administered by a nine-member board of directors appointed by and subject to the supervision of the commissioner of insurance.

The Texas Department of Insurance is required to initiate a comprehensive study of the future solvency of the reinsurance system, to develop a complete actuarial model of the system, and to report its findings to the governor, lieutenant governor, and speaker of the house of representatives not later than January 1, 1995.

The act establishes the Texas Health Benefits Purchasing Cooperative as a nonprofit organization to make health care coverage available to small employers and establishes duties and membership of the cooperative. It also authorizes two or more small employers to form a private purchasing cooperative for the purchase and administration of health benefit plans.

In addition, the act establishes a mandated benefit review panel to review and report on proposed legislation regarding health care costs, access, and quality.

The act requires a committee to conduct a comprehensive health insurance access study on behalf of the legislature and requires the study be prepared and copies filed with the Legislative Reference Library, the governor's office, the secretary of state, the chief clerk of the house of representatives, the Texas Department of Insurance, and the Office of Public Insurance Counsel by January 1, 1995.

The act requires each health carrier subject to this act to file a report with the commissioner of insurance not later than November 1, 1993, stating the carrier's gross premiums derived from health benefit plans delivered, issued for delivery, or renewed to small employers in 1992, and requires delivery of an update of the report not later than November 1, 1994.

Under this act, a small employer insurance carrier must notify the commissioner of insurance, not later than July 1, 1995, of its initial election to operate as a risk-assuming or reinsured carrier.

The act sets forth the procedure for making initial appointments to the board of trustees of the Texas Health Benefits Purchasing Cooperative.

The effective date of this act is September 1, 1993, except:

(1) a health carrier is not required to offer, deliver, or issue for delivery a small employer health benefit plan before January 1, 1994;

(2) the Texas Health Reinsurance System may not reinsure a risk under this act before September 1, 1995;

(3) the uniform claim billing form required under this act takes effect after January 1, 1994;

(4) the conversion policy section amended by this act applies only to conversion of a policy delivered, issued for delivery, or renewed on or after January 1, 1994; and

(5) the section of the act requiring each small employer insurance carrier to provide the small employer health benefit plans without regard to certain conditions is effective September 1, 1995.

HOUSE BILL 2662 **HOUSE AUTHOR:** Driver
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Leedom

House Bill 2662 amends provisions of the Insurance Code governing minimum standards for long-term care insurance. It permits the State Board of Insurance to: establish standard claim forms; authorize coverage for skilled and intermediate nursing care, custodial care, and home health care; require coverage for home health care benefits; prohibit increases in premium rates for covered individuals unless the increase is made for all members of a class; require an insurer to pay for covered services rendered by any institution licensed to provide the services; and require coverage for skilled nursing care, intermediate nursing care, and custodial care to facilitate comparison among long-term care insurance providers.

HOUSE BILL 2858 **HOUSE AUTHOR:** Counts, et al.
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 2858 amends provisions of the Insurance Code governing the Texas Workers' Compensation Insurance Fund and the Texas workers' compensation insurance facility established by the 72nd Legislature in 1991 to issue workers' compensation insurance.

In addition to clarifying the legal status of the facility and certain procedural matters, the act authorizes the executive director of the facility to solicit proposals for servicing contracts and authorizes the governing committee of the facility to reject and solicit proposals, negotiate terms, and award new servicing company contracts.

The act also provides that a decision of the board of directors of the fund to deny, cancel, or refuse to renew a policy or risk is subject to review by the commissioner of insurance. The fund is prohibited from adopting any rules that would unfairly discriminate against applicants based on the amount of premium paid for workers' compensation insurance.

The act authorizes the fund and the facility to exchange information relating to actual or suspected fraud with respect to policies or applications for coverage and provides that this information is not subject to the open records act. The provision permitting the fund and the facility to exchange confidential information regarding actual or suspected fraud takes effect January 1, 1994, and the remainder of the bill takes effect September 1, 1993.

SENATE BILL 26 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 26 amends the Insurance Code to require, rather than authorize, an insurance company that issues state comprehensive insurance coverage to grant a discount for vehicles with antitheft devices. The insured must furnish written verification that the insured motor vehicle or motorbicycle is equipped with a qualifying antitheft device.

SENATE BILL 208 **SENATE AUTHOR:** C. Harris, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Vowell, Naishtat

Senate Bill 208 amends the Penal Code by adding the offense of insurance claim fraud. The bill provides a legal definition of insurance claim fraud and sets out different classes of criminal penalties based on the amount of the value of the claim. The criminal penalties are greater if the actor is a health care practitioner.

SENATE BILL 444 **SENATE AUTHOR:** Wentworth
EFFECTIVE: See below **HOUSE SPONSOR:** Corte

Senate Bill 444 allows the State Board of Insurance to provide for an extension of time for an agent, adjuster, or licensee to comply with continuing education requirements, or for an exemption from some or all of the requirements, for a licensing period because of illness, medical disability, or other extenuating circumstance beyond the control of the agent, adjuster, or licensee. This act takes effect September 1, 1993, and applies only to continuing education requirements for a licensing period ending on or after January 1, 1994. Continuing education requirements for a licensing period ending before January 1, 1994, are governed by the law in effect before the effective date of this act.

SENATE BILL 555 **SENATE AUTHOR:** J. Patterson
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Siebert

Senate Bill 555 amends the Texas Health Maintenance Organization Act to include a plan that provides only mental health services and substance abuse services within the definition of a single health care service plan. It also allows a health maintenance organization (HMO) to furnish or arrange mental health services and substance abuse services through contract with a single health maintenance organization. The act amends other provisions of the Insurance Code relating to the provision of mandated benefits by allowing insurers, HMOs, and self-funded plans to satisfy their requirement to provide mental health services through a contract with a single service health maintenance organization.

LABOR AND EMPLOYMENT

HOUSE BILL 456 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: See below **SENATE SPONSOR:** O. H. Harris

House Bill 456 provides for the regulation of staff leasing services by requiring persons offering these services to be licensed by the Texas Department of Licensing and Regulation. Applicants must meet net worth requirements of $50,000 if employing fewer than 250 persons, $75,000 if employing between 250 and 750, and $100,000 if employing more than 750. Net worth must include reserves for taxes and insurance and be established not earlier than six months before application is made. The department is required to issue limited licenses to persons who primarily offer staff leasing services in other states. Licenses are valid for one year.

A licensee is required to establish in a written contract with its client company that the licensee reserves the right to direct, hire, fire, and reassign employees and assumes responsibility for paying wages and administering payroll taxes. The contract also must specify that licensees will retain control over employment and safety policies and the filing of workers' compensation claims. Licensees may provide health benefits to employees but must disclose the type of coverage, names of insurers, and terms of the policy to the department, its client companies, and its assigned employees. A licensee and its client company are considered to be co-employers for the purposes of workers' compensation insurance. A licensee is considered to be the employer of assigned employees for unemployment compensation purposes.

An offense is created for certain violations of the licensing provisions, and the department is authorized to take disciplinary action against a licensee including denial, probation, or revocation of a license and imposition of an administrative penalty of up to $50,000. The act takes effect September 1, 1993, but licenses are not required until March 1, 1994.

HOUSE BILL 520 **HOUSE AUTHOR:** Tallas
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

House Bill 520 amends the Texas Unemployment Compensation Act by excluding from the definition of "employment" services performed for a private for-profit person or entity by a landman if those services include negotiating for mineral rights or business agreements relating to minerals, payment was for contracted services and not for the number of hours worked, and a written contract provides that the individual is an independent contractor.

HOUSE BILL 560 **HOUSE AUTHOR:** Martin
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

A public entity awarding a contract for public work is required to specify the prevailing rate of wages for each type of worker needed, and a contractor is prohibited from paying a lesser rate. House Bill 560 relieves a contractor from liability when the entity fails to specify a wage rate and increases the penalty imposed for a violation by a contractor. A dispute between a worker and a contractor is made subject to binding arbitration after the public entity determines that there is reason to believe that a violation occurred.

HOUSE BILL 860 **HOUSE AUTHOR:** Delco, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 860 amends the Commission on Human Rights Act and expands its purpose to include executing policies of the Americans with Disabilities Act of 1990. Commission powers are expanded to provide outreach activities to individuals who have historically been victims of employment discrimination and to require public agencies and institutions of higher education to adopt personnel policies that comply with the act. The commission is required to establish an office of alternative dispute resolution to which matters may be referred at any time after a complaint is received.

Prohibitions against discrimination are extended to personal staff and certain appointees and advisors employed by an elected official. In addition, employers are authorized to adopt a policy prohibiting employment of individuals illegally using controlled substances and to develop work force diversity programs. The act clarifies the burden of proof required to establish unlawful disparate impact, expands an employee's right to challenge a discriminatory seniority system, and requires employers to make a good faith effort to accommodate disabled employees. Discriminatory use of employment test scores is prohibited, and the prohibition against unlawful employment practices involving race, color, sex, national origin, or disabilities is clarified. The time limit for bringing an action is extended from one to two years after filing a complaint, and a court is authorized to award compensatory and punitive damages upon a finding of intentional discrimination.

HOUSE BILL 937 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Haley

House Bill 937 prohibits employers from discharging or discriminating against employees who leave their place of employment to participate in a general public evacuation under an emergency evacuation order.

HOUSE BILL 1335 **HOUSE AUTHOR:** Oliveira, Solis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

The Texas Unemployment Compensation Act directs the state treasurer and comptroller to transfer certain funds from the Advance Interest Trust Fund to the Unemployment Compensation Special Administration Fund. House Bill 1335 provides for the transfer of income earned by the trust fund after April 1, 1983, and such other funds as may be appropriated.

HOUSE BILL 1387 **HOUSE AUTHOR:** Oliveira, Solis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 1387 amends the Texas Unemployment Compensation Act to authorize the Texas Employment Commission to freeze and place a levy on the assets of a person who is delinquent in making payments and contributions required by that act. Notice may be sent to a financial institution at any time after an amount becomes delinquent, and the institution is prohibited from transferring or disposing of the funds for 60 days following receipt of notice. If the institution violates this provision, it becomes liable for the amount in question. The act also clarifies that an individual is eligible to file a valid claim for unemployment when either totally or partially unemployed.

HOUSE BILL 1388 **HOUSE AUTHOR:** Oliveira, Solis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 1388 amends the Texas Unemployment Compensation Act to clarify the definition of "benefit year."

SENATE BILL 130 **SENATE AUTHOR:** Montford, Ellis
EFFECTIVE: See below **HOUSE SPONSOR:** Oliveira

Senate Bill 130 creates the smart jobs fund program. This work force training incentive program is to be administered by the Texas Department of Commerce and is intended to improve the skills of workers for well-paying, high-technology, and high-demand jobs. The program is funded from gifts, donations, and legislative appropriations and by effectively replacing 0.1 percent of the state unemployment compensation tax with a 0.1 percent employment training investment assessment on taxable wages to be placed in the smart jobs fund.

Recipients of grants from the fund generally must match state funds, not reduce their own spending on training, and keep administrative costs within 10 percent of program expenditures. They must pay the greater of 75 percent of the state average weekly wage or a wage 10 percent greater than current pay for jobs in the program and pay at least two-thirds of the average weekly wage for newly created jobs. They also must demonstrate that a job opening will exist at the end of the project for which the grant is sought and must fill that position with a program participant. Twenty percent of grants is earmarked for minority employers, and at least 60 percent is to be spent on existing employers.

The act takes effect September 1, 1993, except that under unfavorable financial conditions, provisions regarding program funding take effect January 1, 1995, and only wages paid on or after January 1, 1994, are subject to assessments imposed under certain provisions of the Texas Unemployment Compensation Act. The program expires December 31, 1999.

SENATE BILL 367 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** A. Smith

Senate Bill 367 establishes a work force development initiative to improve the transition of youths from school to employment. Two pilot programs are created in the Texas Department of Commerce to provide supervised learning opportunities for high school students in the workplace and to assist students in making the transition from school to employment. The programs are funded through state revenues, local matching funds, and funds received by the department for use in the programs. The Committee on the Design of Apprenticeship and Career Pathways Programs for Youth is established to advise the department on the initiative. Provisions establishing the work force development initiative expire on August 31, 1995.

SENATE BILL 418 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Oliveira

Senate Bill 418 expands the authority of the Texas Employment Commission to enforce certain employee claims for payment of wages by authorizing the commission to bring an action in the name of the state and attorney general or to serve notice of assessment to a defaulting party. Provision is made for judicial review of an assessment by the commission, and assessments not contested or upheld after review are required to be enforced as if they were the final judgment of a district court.

The commission is further authorized to enter into reciprocal collection arrangements with appropriate agencies of the United States and its territories and to freeze and place a levy on assets of a person delinquent in making required payments. The commission is authorized to require reports, conduct investigations, take depositions, and issue subpoenas as necessary to administer the act.

SENATE BILL 490 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Bailey

A sheriff's department civil service commission is required to adopt, publish, and enforce rules regarding hiring, promotion, layoffs, and other policy matters relating to personnel. Senate Bill 490 amends the Local Government Code to require that these commissions have the same duties with respect to rules regarding the rights of employees during internal investigations.

SENATE BILL 642 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** A. Smith, et al.

Senate Bill 642 creates the Council on Workforce and Economic Competitiveness. This human resource investment council assumes responsibilities formerly undertaken by numerous state agencies in an attempt to reduce waste, avoid duplication, and more efficiently develop a highly skilled and educated work force through literacy, basic education, apprenticeship, and other training programs. The council is composed of the commissioners of education, higher education, and health and human services; the director of the Texas Department of Commerce; the administrator of the Texas Employment Commission; and representatives of public and vocational education, business, organized labor, and other related areas. Funding for the operation of the council is derived from the federal government and from state agencies represented on the council.

The governor is required to designate local work force development areas, and the chief elected officials in an area are authorized to form local work force development boards that are responsible for the planning and oversight of all work force training and services in the designated area. These boards are to establish work force development centers that provide access to information and services available in the work force development area, including labor market information, job openings, and local training opportunities.

SENATE BILL 781 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Yarbrough

Senate Bill 781 amends the Local Government Code to prohibit disciplinary action against a deputy sheriff in a county with a population of at least 2.8 million who refuses to take a polygraph test. An exception is provided when the deputy is the subject of a complaint and the complainant passes a polygraph test.

SENATE BILL 939 **SENATE AUTHOR:** Ellis
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 939 amends the child labor laws by providing for administrative penalties against violators and by increasing the criminal penalty from a Class C to a Class B misdemeanor. The Texas Employment Commission is authorized to impose a penalty of up to $10,000, and provision is made for an administrative hearing and judicial review. The attorney general is authorized to seek injunctive relief against an employer who repeatedly violates the act.

SENATE BILL 1251 **SENATE AUTHOR:** Lucio
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Moffat

Senate Bill 1251 amends the Texas Unemployment Compensation Act by requiring that a temporary employee of a temporary help firm contact the firm for reassignment on completion of an assignment or be disqualified from receiving unemployment benefits. If the firm does not give notice of this requirement to the employee, the employee is not disqualified from receiving benefits.

SENATE BILL 1340 **SENATE AUTHOR:** Bivins
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Smithee

Senate Bill 1340 amends the Texas Unemployment Compensation Act to authorize electronic transfer methods for unemployment compensation insurance purposes.

LAW ENFORCEMENT AND PUBLIC SAFETY

HOUSE BILL 23 **HOUSE AUTHOR:** De La Garza, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley, R. West

House Bill 23 amends the Code of Criminal Procedure to require law enforcement agencies and school officials to communicate with one another regarding students involved in certain criminal activities. A law enforcement agency, prosecuting attorney's office, or a parole or probation office that handles a case involving a student in primary or secondary school is required to notify school officials orally and in writing regarding the case. If certain conditions are met, a school official receiving the notification is authorized to forward the information to an employee of the school who directly supervises the student. A school official is authorized to act on this information by taking precautions to prevent further criminal activity by the student but is prohibited from penalizing the student solely on the basis of this notification. An offense is created for unauthorized disclosure of information.

The Education Code is amended to require a school official who believes that certain criminal offenses occur in a school to notify the appropriate law enforcement agency, and a person who makes such a report in good faith is exempted from civil liability. A school district is prohibited from attaching information received from a law enforcement agency to the permanent record of a student and is required to destroy such information at the end of the academic year in which the report was filed.

HOUSE BILL 116 **HOUSE AUTHOR:** De La Garza
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Lucio

House Bill 116 authorizes the Department of Public Safety in conjunction with local law enforcement authorities to establish checkpoints to prevent stolen vehicles and heavy equipment from entering Mexico. Restrictions are imposed on where an authorized checkpoint may be located, and the department is required to establish procedures to ensure that intrusion upon drivers stopped at a checkpoint is minimized. The type of identification that a driver must supply on demand at a checkpoint is set forth.

HOUSE BILL 181 **HOUSE AUTHOR:** Hill
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

This act extends the application of the sexual offender registration program to require the registration of persons convicted of sexual performance by a child or possession or promotion of child pornography, and of persons granted deferred adjudication of a sexual offense. If the registrant was granted a deferred adjudication, the duty to register ends when the case is dismissed or the person discharges parole or probation.

HOUSE BILL 272 **HOUSE AUTHOR:** Goodman, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

House Bill 272 prohibits the release of information contained in an accident report for a period of six months after the date of the accident, except to specified persons including state and federal officials, persons who were involved in the accident or their representatives, and members of the press.

HOUSE BILL 370 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 370 amends the Health and Safety Code to authorize the use of warning signs that conform to the requirements adopted by the Occupational Safety and Health Administration when the signs concern the operation of certain equipment near high voltage lines.

HOUSE BILL 372 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: Vetoed **SENATE SPONSOR:** Carriker

House Bill 372 authorizes a hospital located in a city with a population of 50,000 or more to employ and commission a peace officer to protect the hospital. The act describes the primary jurisdiction of a peace officer employed by a hospital and the powers and duties of the officer within that jurisdiction. Outside that jurisdiction, the officer is vested with all the powers of a peace officer and may make arrests when assisting a law enforcement agency.

HOUSE BILL 633 **HOUSE AUTHOR:** Hernandez, et al.
EFFECTIVE: 5-11-93 **SENATE SPONSOR:** Whitmire

House Bill 633 authorizes the board of trustees of a school district to commission and determine the jurisdiction of peace officers. An officer is required to perform duties specified by the board of trustees of the school district, and those duties must include the duty to protect persons and property in the jurisdiction. School district police officers are specifically authorized to take a child into custody. The board of trustees is required to determine the scope of law enforcement activities of its officers and is required to authorize in writing any off-duty enforcement activities.

A school district peace officer is authorized to assist another law enforcement agency, and the district is authorized to contract with a political subdivision to expand an officer's jurisdiction to include all territory in the subdivision. A school district police department and other law enforcement agencies with overlapping jurisdictions are required to enter into a memorandum of understanding to coordinate their efforts.

The act repeals a previous requirement that a school district peace officer meet the minimum standards set by the Commission on Law Enforcement Officer Standards and Education within one year of his or her commission.

HOUSE BILL 634 **HOUSE AUTHOR:** Hernandez, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 634 requires that security personnel authorized to carry weapons by the governing board of a school district must be commissioned peace officers.

HOUSE BILL 635 **HOUSE AUTHOR:** Hernandez, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 635 adds school district peace officers to the list of persons recognized to be peace officers under the Code of Criminal Procedure.

HOUSE BILL 977 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

Under previous law, the Law Enforcement Management Institute of Texas was governed by a nine-member board of directors, with members appointed by the Commission on Law Enforcement Officer Standards and Education. House Bill 977 changes the name of the institute to the "Bill

Blackwood Law Enforcement Management Institute of Texas" and specifies the headquarters, supervision, and direction of the institute. An advisory board is created and the manner of appointment, term length, and qualifications of board members are set forth.

HOUSE BILL 1182 **HOUSE AUTHOR:** Carter
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Moncrief

House Bill 1182 amends the Code of Criminal Procedure to grant search and seizure and arrest powers to a special policeman of the General Services Administration. However, the policeman is not recognized as a state peace officer.

HOUSE BILL 1544 **HOUSE AUTHOR:** Carter
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

Telephone service to large apartment complexes is often provided through the use of a private branch exchange system that can result in serious degradation of 9-1-1 emergency service. House Bill 1544 amends the Health and Safety Code to require a business that provides such telephone service to provide the same level of 9-1-1 service as the local telephone company provides to other users in the same area. Users who receive the service are to be charged the 9-1-1 service fee, which the business is required to collect and transmit monthly to the entity designated to receive the payments. A business to which the act applies is required to provide this service by September 1, 1994.

HOUSE BILL 1674 **HOUSE AUTHOR:** Carter
EFFECTIVE: 6-16-93 **SENATE SPONSOR:** Carriker

House Bill 1674 amends the Health and Safety Code to include appraisal districts in the definition of "public agency" for purposes of emergency services laws.

HOUSE BILL 2456 **HOUSE AUTHOR:** Ramsay, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 2456 amends the Government Code to require the Crime Stoppers Advisory Council to establish and operate a toll-free telephone service for areas of the state not served by a local crime stoppers program. Required hours of service are set forth, and the council is further required to forward information received through the program to the appropriate law enforcement agency. The Code of Criminal Procedure is amended to authorize the criminal justice division of the governor's office to use a portion of the funds from the crime stoppers assistance account for the operation of the toll-free telephone service.

HOUSE BILL 2590 **HOUSE AUTHOR:** Carter, Telford
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 2590 amends the Local Government Code to authorize a municipality to grant educational leave to a police officer who enrolls in college to study law enforcement or public safety. Provision is made to extend certain employee benefits and seniority credit to an officer on educational leave.

HOUSE BILL 2761 **HOUSE AUTHOR:** Hochberg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 2761 amends the Code of Criminal Procedure to require certain agencies that license health care providers to exchange computerized information with the Department of Public Safety so that the licensing agency can take appropriate administrative action when a licensee is convicted

of an offense. In addition, the department is required to develop the capability to receive certain electronic fingerprint information from another law enforcement agency and to develop, along with the Texas Department of Criminal Justice, the capability to send information electronically to local entities regarding subsequent arrests of a person under the supervision of the entity. The clerk of a court in which a physician is convicted of certain offenses is also required to transmit information to the department.

SENATE BILL 149 **SENATE AUTHOR:** Leedom
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Yost

Senate Bill 149 amends the Local Government Code to authorize a municipality in which a housing authority is operated to employ peace officers to protect persons and property at the projects.

SENATE BILL 339 **SENATE AUTHOR:** Parker
EFFECTIVE: See below **HOUSE SPONSOR:** Stiles

The Texas Constitution currently governs qualifications of sheriffs. Senate Bill 339 extends the licensing authority of the Commission on Law Enforcement Officer Standards and Education to include the licensing of sheriffs and sets forth the qualifications of a person eligible to serve as sheriff. This act is contingent on the adoption of the constitutional amendment proposed by Senate Joint Resolution 18, set for election on November 2, 1993. The act takes effect on the date the constitutional amendment is adopted.

SENATE BILL 473 **SENATE AUTHOR:** R. West
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Dutton

Senate Bill 473 amends the Government Code to require the Commission on Law Enforcement Officer Standards and Education to establish a statewide comprehensive training program on civil rights, racial sensitivity, and cultural diversity as part of the minimum curriculum requirements for officers and county jailers. The act directs the commission to require governmental entities to provide a training program for certain officers every 24 months. The required program must include training in racial sensitivity and recognition of cases involving family violence and sexual assault. A peace officer appointed for the first time to a supervisory position is also required to receive training in supervision within 24 months after the appointment.

SENATE BILL 510 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 510 continues the Department of Public Safety until September 1, 2005, and adds other standard Sunset Advisory Commission recommendations for the agency's operations, including the establishment of an equal opportunity program, prohibition of lobbyists serving as commission members or general counsel, and inclusion of the agency in the state's competitive cost review program. In addition, the governor is required to designate a chairman of the Public Safety Commission, and grounds for removal of a commission member are set forth.

The Texas Rangers are established as a major division of the department with the highest ranking officer reporting directly to the department's director, and qualifications for commission and promotion as a Ranger are set forth.

The commission is required to provide members of the public with the opportunity to be heard on any issue under the commission's jurisdiction, and the department is required to prepare and make information available to the public regarding the procedures for filing and resolving complaints.

The department also is required by September 1, 1995, to reduce to 25 the number of commissioned peace officers assigned to administer the motor vehicle inspection and maintenance program.

The department and the criminal justice division of the office of the governor are required to adopt a joint memorandum of understanding on coordinating their drug law enforcement efforts. The required provisions of the memorandum are set forth. In addition, the director of the department is authorized to probate the denial of an application for registration to manufacture or do research on controlled substances.

Senate Bill 510 incorporates the provisions of the Driver's License Compact of 1993, under which the department is required to report the conviction of nonresidents to the licensing authority of the driver's home state and that authority is required to treat certain driving convictions as if they had occurred in the driver's home state for the purposes of limiting a person's driving privileges. Member states would likewise report convictions to the department. Certain limitations are imposed on applicants for a new license based on their driving record in another state, and the department is authorized to suspend a driver's license for violating provisions of the compact.

If a person younger than 21 is found to be driving while intoxicated, the department is authorized to suspend the person's license to drive for one year. If a person refuses to submit to a breath test or drives without a license, the person may not be licensed to drive for 90 days if the person is 21 or older or for not more than one year if the person is younger than 21. The fee for reinstating a suspended license is increased to $50. The department is prohibited from releasing information on a person from its driver's license record files if the person executes a statement, provides a valid address to which public access is not restricted, and pays a fee.

Standards are set forth for the dissemination and use of criminal history record information, and an offense is created for unauthorized obtaining, use, or disclosure of such information. The department is required to adopt a uniform method for disseminating information and to develop policies to guard against the unauthorized release of information. The department is authorized to charge certain fees for processing inquiries. Specific agencies and persons are granted access to criminal history information when certain conditions are met. Senate Bill 510 incorporates the provisions of House Bill 2761, also summarized in this chapter.

SENATE BILL 536 **SENATE AUTHOR:** Montford, R. West
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 536 authorizes an employer to obtain certain criminal history information from the Department of Public Safety regarding an applicant for employment at a residential dwelling project who would have access to private dwellings in the project. The employer may obtain the information only with the authorization of the applicant and in compliance with the provisions of this act. The department is authorized to adopt rules requiring certain information from the employer making the request, and an offense is created for unauthorized disclosure of criminal history information by an employer or agent of the employer. An employer is authorized to terminate an employee if the employee submits false criminal history information.

SENATE BILL 563 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Rodriguez

Senate Bill 563 authorizes the Texas Department of Health to employ a peace officer provided that certain conditions of employment and qualification are met. The person employed is vested with all the powers of a peace officer while carrying out official duties under the act, and conforming changes are made to the Code of Criminal Procedure to add an officer employed by the department to the list of persons recognized as peace officers under the code.

SENATE BILL 841 **SENATE AUTHOR:** Moncrief
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Goodman

This act amends the Government Code to authorize the supreme court, the court of criminal appeals, and each of the courts of appeals to employ a peace officer to protect the court. The qualifications, powers, and duties of the officer are set forth.

SENATE BILL 1110 **SENATE AUTHOR:** Carriker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Uher

Senate Bill 1110 amends the Government Code to revise the powers and duties of the Texas Commission on Fire Protection, provide for increased state regulation of fire fighters, and enhance the authority of the fire marshal.

The commission is no longer required to establish and maintain fire protection training programs or schools for fire fighters but is instead authorized to develop educational programs for the public and to provide staff or educational materials to fire departments. Term limits are imposed on members of the volunteer fire fighter advisory committee as established by the commission. The regulatory authority of the commission is expanded to include for-profit organizations and their personnel who provide fire protection under contract to a local government.

Provision is made for regulation and certification of persons who are appointed by a local government to be head of a fire department but are not yet certified by the commission. The commission is required to create a separate certification class for part-time fire protection employees, and qualifications of these employees are set forth and limitations are imposed on their employment. Each fire department is required to adopt standardized job titles for persons employed by the department and is prohibited from compensating volunteer fire fighters except within limits established by the act. Various conditions are set forth under which the commission may waive requirements for a new certificate, recognize the prior certification of a volunteer fire fighter, and certify fire protection personnel. Elected state officials are brought within special provisions for maintaining certification by the commission.

The commission is authorized rather than required to adopt rules to guide the fire marshal and others in their investigations and duties. The fire marshal is authorized to commission peace officers to act as investigators and perform other law enforcement duties assigned to the commission. The commission is authorized to adopt rules under which a fire marshal can enter and inspect a building and require remedial action to remove a fire hazard. Such rules would be subordinated to fire protection ordinances of a local jurisdiction. The sanctions that the state fire marshal may impose on a violator are broadened to include a cease and desist order, fines, and an order to make restitution to third parties.

SENATE JOINT RESOLUTION 18 **SENATE AUTHOR:** Parker
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Stiles

This resolution proposes a constitutional amendment that would authorize the legislature to prescribe the qualifications of sheriffs.

NATURAL RESOURCES AND ENVIRONMENT

HOUSE BILL 130 **HOUSE AUTHOR:** Kamel, Yost
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ratliff

House Bill 130 requires a county licensed or state permitted owner or operator of solid waste landfill facilities contracting with a municipality to pre-certify that the landfill has sufficient capacity to accept the volume of waste proposed in the contract. An annual certification and report, if requested by the municipality, must include the remaining capacity of the landfill, the contractually committed volumes of waste accepted, and an assurance that the landfill can fulfill its disposal commitments to the city.

The act also prohibits a solid waste landfill facility with a municipal contract from entering into a contract for waste generated outside the municipality's extraterritorial jurisdiction in an amount that would reduce the projected life of the landfill to less than the remainder of the duration of the contract with the city.

HOUSE BILL 227 **HOUSE AUTHOR:** Martin, Gray
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Patterson

House Bill 227 establishes the Center for Texas Beaches and Shores as a component of Texas A&M University and outlines its responsibilities.

HOUSE BILL 346 **HOUSE AUTHOR:** Maxey
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

House Bill 346 amends the Water Code and the Health and Safety Code to redefine "greywater" to mean certain wastewater that is not produced by food preparation or the disposal of hazardous or toxic ingredients. The act also directs the Texas Board of Health and the Texas State Board of Plumbing Examiners to adopt rules and implement minimum standards for the use and reuse of greywater.

HOUSE BILL 383 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 5-15-93 **SENATE SPONSOR:** Parker

House Bill 383 authorizes the board of commissioners of Jefferson County Drainage District Number 6 to lease its property and permits the lessee to alter or modify the property if doing so does not interfere with the concurrent use of the property for drainage and flood control purposes.

HOUSE BILL 564 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 564 amends the Water Code to establish write-in voting procedures for election of board members of water control and improvement districts, underground water conservation districts, fresh water supply districts, and municipal utility districts. The act directs the secretary of state to adopt rules to implement the procedures.

HOUSE BILL 690 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Shelley

This act authorizes water and sewer service corporations to collect voluntary contributions for certain emergency services as a part of their billing process. The act establishes customer notification procedures and allows corporations to keep a portion, not to exceed five percent of the contributions, to cover administrative expenses.

HOUSE BILL 865 **HOUSE AUTHOR:** Yost
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

This act dissolves four inactive water districts created by special law and 20 inactive districts created by general law and provides that assets from the dissolved districts shall escheat to the state.

HOUSE BILL 997 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

House Bill 997 amends the Water Code to provide for gifts and grants from federal, local, or regional governments or other sources to be deposited in the water assistance fund and in the economically distressed areas account of the water development fund to enhance the economic development of economically distressed areas and border counties.

The act expands the definition of economically distressed area to include the federal definition for the purpose of using federal colonia funds, encourages the use of cost-effective water supply and wastewater systems, expands the criteria for Texas Water Development Board consideration of a financial assistance application, and increases the cap on assistance to economically distressed areas from state-issued bonds from 75 percent to 90 percent of the total principal amount of certain water development bonds authorized by the Texas Constitution plus outstanding interest.

HOUSE BILL 1021 **HOUSE AUTHOR:** Eckels
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

This act sets forth the minimum information required on an individual's application for a waste discharge permit.

HOUSE BILL 1153 **HOUSE AUTHOR:** Bailey, Kamel
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 1153 amends the Water Code to provide that a hearing in response to protest of a utility rate change must be held in a county with a population of more than 2.5 million if more than half of the affected ratepayers receive service in that county.

HOUSE BILL 1210 **HOUSE AUTHOR:** Place
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

This act authorizes the board of directors of the Coryell City Water Supply District to be compensated in accordance with provisions of the Water Code.

HOUSE BILL 1269 **HOUSE AUTHOR:** Yost
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 1269 amends provisions of the Water Code relating to the powers and duties of the Texas Water Development Board and the executive administrator of the board. The act removes restrictions and clarifies provisions in the Water Code to enhance the ability of the board to invest funds and provide financial assistance to political subdivisions for water pollution control, flood

control, water supply, and water quality enhancement projects. The act also transfers responsibility for the review and approval of plans and specifications for sewerage system projects that require financial assistance to the board from the Texas Water Commission, but requires the board to adhere to commission design criteria and permit requirements.

HOUSE BILL 1431 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan

House Bill 1431 amends the Health and Safety Code to update state worker right-to-know and community right-to-know provisions and conform them to federal law. The act clarifies that state worker right-to-know provisions apply only to public employees and requires that public employers comply with expanded training and recordkeeping provisions regarding worker right-to-know issues. The act provides guidelines for training of employees regarding hazardous chemicals and reporting by employers of accidents involving chemical exposure. In addition, the act authorizes the director of the Texas Department of Health to assess administrative penalties. It also authorizes the Texas Board of Health to appoint an advisory committee to implement right-to-know policies.

House Bill 1431 also provides for citizen access to copies of workplace chemical lists directly from certain facilities. The act also permits on-site inspections of reportable chemicals by the fire department for the purpose of emergency planning and allows the Texas Board of Health to collect annual filing fees from facility operators.

HOUSE BILL 1491 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

This act authorizes the creation of the Llano Uplift Underground Water Conservation District, comprising a portion of Llano County.

HOUSE BILL 1550 **HOUSE AUTHOR:** McDonald, Parra
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1550 amends the Health and Safety Code to create an offense for violation of an on-site sewage disposal rule adopted by the Texas Natural Resource Conservation Commission or an order adopted by an authorized local governmental entity in a county contiguous to an international border.

The act also provides that an emergency sewage disposal repair performed without a permit is not an offense if a written statement describing the need for the repair is submitted to the commission not later than 72 hours after the repair is begun.

HOUSE BILL 1680 **HOUSE AUTHOR:** Martin
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Parker

House Bill 1680 amends the Texas Asbestos Health Protection Act to authorize the Texas Department of Health to adopt and enforce rules regarding demolition and renovation activities to protect the public from emissions of asbestos. The act authorizes department employees and agents to enter any facility to inspect and investigate for compliance. The act also directs the department to develop a memorandum of understanding with the Texas Natural Resource Conservation Commission concerning inspection of solid waste facilities receiving asbestos.

HOUSE BILL 1818 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 5-20-93 **SENATE SPONSOR:** Wentworth

House Bill 1818 amends provisions relating to the operation and management of the Canyon Regional Water Authority. The act authorizes the board of trustees to limit future membership to one appointed trustee for each governing body and increases trustee tenure to five consecutive terms. The act also limits the bond review authority of the Texas Natural Resource Conservation Commission to review of the issuance of general obligation or revenue bonds.

HOUSE BILL 1853 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 5-27-93 **SENATE SPONSOR:** Shelley

This act requires directors of underground water conservation districts to file a statement of number of days worked and expenses with the district to receive fees of office and reimbursement of expenses. The act caps fees of office at $6,000 per year and allows reimbursement of all reasonable and necessary expenses incurred while conducting duties on behalf of the district.

HOUSE BILL 1854 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

This act amends the Water Code to require a director of an underground water conservation district to execute a $10,000 bond, payable to the district, prior to beginning the duties of office.

HOUSE BILL 1937 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

This act sets forth provisions governing the appeal to the Texas Natural Resource Conservation Commission of a municipal utility district board's decision regarding the cost, purchase, or use of facilities constructed for the district. The act authorizes the commission to collect a deposit at the time the petition is filed to cover the costs of giving notice and of holding the hearing, and prescribes the criteria the commission must use in rendering its decision. The act applies to board decisions occurring before, on, or after the effective date of the act.

HOUSE BILL 1938 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 1938 changes the name of the Underground Storage Tank Advisory Committee to the Petroleum Storage Tank Advisory Committee and amends provisions regarding committee membership and duties. The act also removes a provision entitling committee members to receive a compensatory per diem and reimbursement of expenses incurred while performing the duties of the committee.

HOUSE BILL 1962 **HOUSE AUTHOR:** Combs
EFFECTIVE: 6-20-93 **SENATE SPONSOR:** Barrientos

This act adds to the Water Code provisions regarding annexation of certain land by a municipal utility district on petition of landowners. These provisions supersede other code provisions and actions by a municipality relating to consent to creation of and inclusion of land within a district.

HOUSE BILL 1968 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Armbrister

House Bill 1968 amends the Texas Aggregate Quarry and Pit Safety Act to clarify requirements for pit distances from roadways, establish new barrier standards, require safety certificates for certain pits, and provide waivers for safety certificates and barrier requirements in certain instances.

House Bill 1968 also limits the amount of a fee the Railroad Commission of Texas may set to cover the cost of enforcement. In addition, the act authorizes counties with a population of 2.4 million or more to adopt regulations in the unincorporated areas of the county requiring the placement of signs or barriers on aggregate quarries and pits not already regulated by the commission.

HOUSE BILL 1969 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

House Bill 1969 amends statutes regarding motor vehicle registration to conform them to the federal Clean Air Act requirements for enforcement of the motor vehicle emissions system inspection and maintenance program. It increases penalties for noncompliance with vehicle registration laws in counties that are covered by a vehicle emissions inspection and maintenance program and creates penalties in counties covered by a vehicle emissions inspection and maintenance program for outdated, fictitious, or unclean plates or seals. It provides for vehicles in counties covered by emissions inspection to be registered as required by law and creates penalties for using improper registration or inspection stickers. In addition, the act requires a county tax assessor-collector to require an applicant for registration in a county that is not covered by a vehicle emissions inspection program to provide evidence of residence in that county.

HOUSE BILL 2016 **HOUSE AUTHOR:** Earley
EFFECTIVE: See below **SENATE SPONSOR:** J. Turner

House Bill 2016 amends the Natural Resources Code by adding provisions relating to the storage of hazardous liquids in salt dome storage facilities. The act authorizes the Railroad Commission of Texas to regulate all salt dome storage of hazardous liquids and salt dome storage facilities. The act requires the commission to adopt rules for safety standards and practices and provides guidelines for maintaining storage facility records and reports.

House Bill 2016 authorizes the commission to inspect and examine the property and any records located on the property of a hazardous liquid salt dome storage facility. The act also authorizes the commission to impose administrative penalties. Except for the provisions relating to imposition of penalties, which take effect January 1, 1994, this act takes effect September 1, 1993.

HOUSE BILL 2043 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 6-18-93 **SENATE SPONSOR:** Armbrister

This act requires the Texas Water Commission and the Texas Natural Resource Conservation Commission to adopt rules as provided by the Administrative Procedure and Texas Register Act when adopting, repealing, or amending an agency statement that interprets or prescribes law or policy or describes agency procedures or requirements. The act also amends provisions of the Water Code governing the permit process for waste injection wells to make conclusive in that process a finding by the Railroad Commission of Texas that drilling or using a disposal well will not endanger any known oil or gas reservoir.

House Bill 2043 also amends the Health and Safety Code to establish requirements for public meetings concerning permit applications for new municipal solid waste facilities and authorizes the exemptions from permit requirements for certain municipal solid waste management facilities. The act also sets forth provisions for consideration of state or federal agency testimony in determining land use compatibility in the permit process.

HOUSE BILL 2049 **HOUSE AUTHOR:** Saunders
EFFECTIVE: See below **SENATE SPONSOR:** Ellis

House Bill 2049 amends the Texas Clean Air Act to authorize the Texas Air Control Board to implement mandates of the federal Clean Air Act. Except for provisions relating to appropriation of certain fees, which take effect September 1, 1993, this act takes effect June 9, 1993.

HOUSE BILL 2052 **HOUSE AUTHOR:** Yost
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

House Bill 2052 amends the Parks and Wildlife Code to require a license for the taking of mussels, clams, or their shells for commercial purposes and a shell buyer's license for the purchase of mussel or clam shells for commercial purposes. The act authorizes the Parks and Wildlife Commission to set license and export fees and issue proclamations regulating the taking, possession, purchase, and sale of mussels and clams. The act also exempts certain persons from the licensing requirement and provides penalties for violations.

HOUSE BILL 2079 **HOUSE AUTHOR:** H. Cuellar, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 2079 amends the Health and Safety Code to allow local prosecutors to request assistance from the attorney general to prosecute, bring civil suit for injunctive relief, and assess and recover civil penalties for environmental violations. The act also amends the Local Government Code to provide local prosecutors the full range of enforcement authority, including the recovery of damages, attorney's fees, and civil and criminal penalties. The state is entitled to civil penalties recovered in a suit instituted by the attorney general.

House Bill 2079 also amends the Water Code to require that model rules provide criteria for drinking water and sewage facilities in residential subdivisions which were not platted or recorded prior to September 1, 1989.

HOUSE BILL 2176 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

This act changes the name of the Brush Country Underground Water Conservation District to the Live Oak Underground Water Conservation District. It also validates all actions of the district not involved in litigation on the effective date of the act.

HOUSE BILL 2177 **HOUSE AUTHOR:** Martin
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Patterson

House Bill 2177 modifies the composition, terms, and appointment process of the board of directors of the Gulf Coast Water Authority.

HOUSE BILL 2182 **HOUSE AUTHOR:** Lewis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

House Bill 2182 amends the Water Code to exempt water control and improvement districts from the requirement of municipal consent to annexation if the land to be annexed is contiguous to the district and is not within the municipality's water and sewer service area or corporate limits, and sets forth provisions governing annexation of land within a municipality's extraterritorial jurisdiction. The act also exempts irrigable land within the boundaries of a district primarily engaged in providing irrigation services to lands within its boundaries.

HOUSE BILL 2199 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

House Bill 2199 amends the Water Code to require consideration of the terms of any wholesale water or sewer service agreement between municipalities in an appellate rate proceeding for water rates.

HOUSE BILL 2209 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

House Bill 2209 creates the Harris-Galveston Coastal Subsidence District, comprising all of the area within Harris and Galveston counties. The act authorizes the district to administer and enforce regulation of the withdrawal of groundwater for the purpose of ending subsidence within the district.

HOUSE BILL 2242 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 2242 amends the Agriculture Code to regulate the distribution, use, and transportation of certain herbicides to prevent a hazard to desirable vegetation. The act authorizes the Texas Department of Agriculture to adopt a list of regulated herbicides for the state or for one or more designated areas of the state. It also requires a dealer's license from the department to distribute regulated herbicides for each distribution location and requires the licensee to submit a record of distribution. The department may also exempt a county, a nurseryman licensed by the department in turf weed control, or an applicator licensed by the Texas Structural Pest Control Board from a regulated herbicide application permit requirement.

House Bill 2242 requires commercial applicators to obtain a permit before application of a regulated herbicide in certain counties or portions of counties but removes a provision of previous law that required notification of intent to spray or submission of a record of spraying. The act provides that persons claiming adverse effects from application of a regulated herbicide may file a written complaint with the department within 31 days of the alleged application. It also requires commercial applicators to submit proof of financial responsibility for property damage or personal injury and sets minimum coverage amounts. The act provides that at the request of the commissioners court of a county to which the permit requirement applies and upon a departmental declaration of emergency, the department may suspend county regulations concerning dates of application.

HOUSE BILL 2318 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 2318 amends provisions of the Health and Safety Code relating to the Texas Low-Level Radioactive Waste Disposal Authority and the transportation of radioactive materials and waste. The act requires the board of the authority to conduct annual meetings in the host county in accordance with the open meetings law and prohibits an elected county official or county employee from being

appointed to represent local interests on the board. The act strengthens the citizens advisory committee oversight functions, alters the appointment process, and shortens terms. The act also requires that a health surveillance survey be developed for the population in the vicinity of the disposal site and requires the authority to submit a biennial report to the legislature which includes information regarding funds held, disbursed, or expended by the host county.

House Bill 2318 also authorizes the authority to lease for agricultural, ranching, or grazing purposes surplus land that is not required for disposal activities. It also allows the authority to construct facilities and provide equipment for fire, police, and emergency medical services to support the disposal site and requires these services to be in operation before the disposal site begins operation.

The act requires the authority to transfer a portion of the money in the low-level waste fund generated from planning and implementation fee surcharges to the host county commissioners court to be used to fund local public projects and exempts such funds from review by a regional planning commission. The act also authorizes the board to establish a planning and implementation fee sufficient to recover present and future costs of carrying out this act and to reimburse the general revenue fund for expenses already incurred. The act requires the board to adopt rules that provide for the transportation and routing of radioactive material and waste in the state and requires the responsible shipper or transporter to reimburse the perpetual care fund for accidents involving radioactive waste.

HOUSE BILL 2429 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 6-8-93 **SENATE SPONSOR:** Parker

House Bill 2429 authorizes the Texas Natural Resource Conservation Commission to consider the willingness of a respondent to contribute to supplemental environmental projects when determining the appropriate civil penalty for violations of Chapter 26 of the Water Code, the Texas Clean Air Act, or the Solid Waste Disposal Act. The act directs that preference should be given to supplemental environmental projects undertaken in the community that suffered harm.

The act applies to enforcement matters brought on or after the effective date of the act or in which a decision is pending on the effective date of the act.

HOUSE BILL 2432 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 6-8-93 **SENATE SPONSOR:** Parker

House Bill 2432 amends provisions of the Health and Safety Code relating to cost recovery by the state under the Solid Waste Disposal Act. The act increases the maximum monetary amount the state may seek as a civil penalty for noncompliance from double to triple the state's costs, if a responsible party's defenses are found to be unreasonable, frivolous, or without foundation. The act also increases the maximum amount in damages the court may assess against a party bringing an appeal or against a third party in a third party claim from double to triple the cost to the state, if the appeal or claim is found to be unreasonable, frivolous, or without foundation.

HOUSE BILL 2434 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 5-17-93 **SENATE SPONSOR:** Carriker

House Bill 2434 amends the Health and Safety Code to permit ex parte communication between a hearings examiner of the Texas Natural Resource Conservation Commission and commission employees who are employees of the office of hearings examiners.

HOUSE BILL 2460 **HOUSE AUTHOR:** Nieto
EFFECTIVE: 5-31-93 **SENATE SPONSOR:** Zaffirini

House Bill 2460 authorizes the Bexar-Medina-Atascosa Counties Water Control and Improvement District Number 1 to exclude nonirrigated or nonirrigable property from the district. The act also sets forth provisions concerning exclusion notification, hearings, appeals, and substitution for excluded property.

HOUSE BILL 2492 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

This act relates to the election and tenure of the board of directors of the Real-Edwards Conservation and Reclamation District and validates all acts of the board of directors prior to the effective date of the act other than a matter in litigation before or on the effective date that has been or is ultimately held to be invalid.

HOUSE BILL 2537 **HOUSE AUTHOR:** Gray
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 2537 adds a subchapter to the Health and Safety Code relating to the development and use of land over a closed municipal solid waste landfill unit. The act requires the Texas Natural Resource Conservation Commission to issue a permit before an owner or lessee of land located over any part of a closed municipal solid waste landfill may develop the land and authorizes the commission to charge an applicant for a permit the actual cost of reviewing the application. It provides requirements for development permit applications and authorizes the commission to impose conditions on a permit to prevent a threat to public health or the environment.

House Bill 2537 also establishes requirements for existing structures on closed municipal solid waste landfill facilities and restricts leasing of land unless the land is in compliance or lessees are notified of the requirements for compliance with this act. In addition, this act requires developers to conduct soil tests under supervision of a registered professional engineer prior to development and requires notification if a landfill is found. It requires the owner of land overlying a landfill to prepare a written notice of the restrictions on development and file such notice in the real property records and to notify any lessee or occupants of the existence of a former landfill. The act imposes civil penalties and requires that local or regional solid waste management plans include an inventory of closed landfill sites and their current use.

HOUSE BILL 2605 **HOUSE AUTHOR:** Alexander
EFFECTIVE: See below **SENATE SPONSOR:** Armbrister

House Bill 2605 amends provisions of the Water Code relating to permit application fees and assessments and Texas Natural Resource Conservation Commission cost recovery. The act authorizes the executive director of the commission to charge and collect all fees and penalties prescribed by law and to establish due dates, schedules, and procedures for assessment, collection, and remittance of fees due. The act also increases caps on certain permit application fees.

House Bill 2605 also establishes the Texas Natural Resource Conservation Commission operating fund and authorizes the comptroller to transfer appropriations to the fund. In addition, the act broadens the types of expenses covered under the Texas spill response fund to include response and investigation of spills and discharges and assessment of damages to state land and aquatic resources.

Provisions relating to abolition and creation of certain funds and collection of certain assessments take effect on September 1, 1993. The remainder of the act takes effect August 30, 1993.

HOUSE BILL 2612 **HOUSE AUTHOR:** Tallas
EFFECTIVE: Vetoed **SENATE SPONSOR:** J. Patterson, Lucio

House Bill 2612 amends the Natural Resources Code to add the commissioner of agriculture and a member of the Texas Transportation Commission to the Coastal Coordination Council.

HOUSE BILL 2620 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

The Water Code directs the Texas Water Commission to recover costs of conducting regional water quality assessments. House Bill 2620 requires adoption of rules providing for recovery of not more than $5 million annually for fiscal years 1994 and 1995.

HOUSE BILL 2623 **HOUSE AUTHOR:** Earley
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 2623 amends the Health and Safety Code to include naturally occurring radioactive material (NORM) waste and oil and gas NORM waste in the definition of radioactive waste. The act provides sole authority to the Texas Railroad Commission to regulate the disposal of oil and gas NORM waste. It directs the commission to consult with the Texas Department of Health and the Texas Natural Resource Conservation Commission regarding administration of the program and promulgation of rules to preserve the state's Agreement Status with the U.S. Nuclear Regulatory Commission and to protect public health and safety and the environment.

HOUSE BILL 2634 **HOUSE AUTHOR:** Chisum, Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

House Bill 2634 authorizes the Texas Natural Resource Conservation Commission to adopt rules to prohibit the discharge of agricultural waste from a concentrated animal feeding operation into a playa or the use of a playa as a wastewater retention facility for agricultural waste. The act authorizes the continuation of discharge into a playa or the use of a playa for operations already authorized to do so prior to adoption of rules under this act but requires such operations to collect a water sample annually from each well providing water for the facility and to provide copies of the water analyses to the commission.

HOUSE BILL 2677 **HOUSE AUTHOR:** Yost
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Truan

House Bill 2677 authorizes the Texas Natural Resource Conservation Commission to adopt rules to permit a municipality or a utility or water supply corporation with less than 15 potential connections to operate without a certificate of public convenience and necessity, provided that the municipality has given notice of its intention to provide retail water service to an area or that the utility is not located in the certificated area of another retail public utility. The act allows such public utilities to operate under separate rules and to increase their rates if they are just and reasonable and the service is safe, adequate, efficient, and reasonable.

House Bill 2677 also prohibits a utility or water supply corporation with less than 15 potential connections from discontinuing or reducing retail water or sewer service to a customer except for nonpayment of charges, nonuse, or other reasons considered normal business practice. The act also authorizes the commission to cancel the certificate of a utility or water supply corporation permitted to operate without a certificate of public convenience and necessity at the request of the certificate holder.

HOUSE BILL 2814 **HOUSE AUTHOR:** Madden
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shapiro

This act amends provisions governing the election and tenure of the board of directors of the Seis Lagos Utility District to provide that elections be held annually and that directors serve staggered two-year terms.

HOUSE BILL 2815 **HOUSE AUTHOR:** Rabuck
EFFECTIVE: 6-16-93 **SENATE SPONSOR:** Parker

This act authorizes, subject to voter approval, the creation of the Chateau Woods Municipal Utility District, composed of all the territory within the city of Chateau Woods, and the abolition of the city of Chateau Woods.

HOUSE BILL 2817 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 6-6-93 **SENATE SPONSOR:** Zaffirini

This act authorizes the creation of the Presidio County Underground Water Conservation District, composed of all the territory in Presidio County.

HOUSE BILL 2820 **HOUSE AUTHOR:** Junell, Counts
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Sims

This act authorizes the creation of the Rolling Plains Underground Water Conservation District, composed of Borden, Mitchell, and Scurry counties.

HOUSE BILL 2828 **HOUSE AUTHOR:** Uher
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Armbrister

This act authorizes the creation of the Beach Road Municipal Utility District, comprising a portion of Matagorda County.

HOUSE BILL 2829 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 6-12-93 **SENATE SPONSOR:** J. Turner

This act authorizes the Elkins Lake Municipal Utility District, upon voter approval, to transfer up to $500,000 from its municipal utility district operating fund to its road utility district operating fund.

HOUSE BILL 2830 **HOUSE AUTHOR:** Combs
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

This act authorizes the Travis County Water Control and Improvement District Number 17 to exclude certain territory from the district.

HOUSE BILL 2842 **HOUSE AUTHOR:** Brady
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Parker

House Bill 2842 authorizes the creation of the Montgomery County Municipal Utility District Number 87, comprising a portion of Montgomery County.

HOUSE BILL 2862 **HOUSE AUTHOR:** Counts
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

This act authorizes the creation of the Haskell/Knox County Underground Water Conservation District, comprising all the territory within Haskell and Knox counties.

HOUSE BILL 2866 **HOUSE AUTHOR:** Gallego
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

This act authorizes the creation of the Jeff Davis County Underground Water Conservation District, comprising all the territory in Jeff Davis County.

HOUSE BILL 2869 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Patterson

This act amends provisions governing the election and tenure of the board of directors of the Brazoria County Conservation and Reclamation District Number Three.

HOUSE BILL 2870 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Patterson

This act adds to the Water Code a provision relating to direct or indirect interest in district contracts to allow the Brazoria County Fresh Water Supply District Number 1 to accept certain construction bids, provided that provisions under the Local Government Code concerning regulation of conflicts of interest of local public officials are not violated.

SENATE BILL 399 **SENATE AUTHOR:** Madla, Zaffirini
EFFECTIVE: 5-19-93 **HOUSE SPONSOR:** Rangel

This act validates the creation of the Siesta Shores Water Control and Improvement District.

SENATE BILL 428 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 5-7-93 **HOUSE SPONSOR:** Oakley

Senate Bill 428 authorizes the Texas Natural Resource Conservation Commission to approve the use of another nationally or internationally recognized label coding system for special-purpose plastic bottles or rigid plastic containers which are components of motor vehicles in place of the symbols currently used to indicate basic material.

SENATE BILL 468 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** G. West

Senate Bill 468 amends the Natural Resources Code to grant the Railroad Commission of Texas regulatory authority over pipeline transportation of carbon dioxide and carbon dioxide pipeline facilities.

SENATE BILL 469 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Counts

Senate Bill 469 amends the Water Code to alter the composition of the Texas Groundwater Protection Committee. The act adds the director of the Texas Agricultural Experiment Station and the director of the Bureau of Economic Geology at The University of Texas at Austin to the committee membership and changes the position held by a representative selected by the Texas Groundwater Conservation Districts Association to one held by a representative selected by the Texas Alliance of Groundwater Districts.

SENATE BILL 502 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts

Senate Bill 502 amends the Water Code to require regional agricultural and silvicultural nonpoint source pollution assessments to be coordinated through the State Soil and Water Conservation Board with local soil and water conservation districts. The act transfers to the board the authority to

coordinate and administer all programs to abate agricultural and silvicultural nonpoint source pollution and specifies that the Texas Agricultural Extension Service and the Texas Agricultural Experiment Station retain their authority to conduct educational programs and research concerning nonpoint source pollution.

SENATE BILL 503 **SENATE AUTHOR:** Sims
EFFECTIVE: 4-29-93 **HOUSE SPONSOR:** Counts

Senate Bill 503 designates the State Soil and Water Conservation Board as the lead agency in the state for agricultural and silvicultural nonpoint source pollution (NPS) abatement and directs other state agencies to coordinate their abatement activities with the board. The act authorizes the board to represent the state before federal agencies on matters concerning agricultural and silvicultural NPS.

Senate Bill 503 also requires the board to establish water quality management plan certification programs in areas targeted as having or having the potential to develop agricultural or silvicultural NPS or in an area designated as a coastal zone. Local soil and conservation districts are directed to develop, implement, and maintain the plans under rules adopted by the board and in compliance with state water quality standards set by the Texas Natural Resource Conservation Commission, and the board is authorized to investigate complaints concerning violations of a plan or any rule or law under its jurisdiction. In addition, the act establishes a cost-share assistance program for soil and water conservation land improvement measures to control erosion, conserve water, and protect water quality and authorizes the board to reimburse up to 75 percent of the cost of improvement measures to owners or operators of agricultural land with approved conservation plans.

SENATE BILL 504 **SENATE AUTHOR:** Sims
EFFECTIVE: 4-29-93 **HOUSE SPONSOR:** Black

Senate Bill 504 authorizes the Lower Colorado River Authority to use, distribute, and sell the waters of the Colorado River and its tributaries within the boundaries of the watershed that contributes inflow to the river below the intersection of Coleman, Brown, and McCulloch counties.

SENATE BILL 513 **SENATE AUTHOR:** Ellis, Parker
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Eckels, Stiles

Senate Bill 513 amends the Health and Safety Code to authorize a regional council of governments whose jurisdiction contains a nonattainment area to form a regional emission reduction credit organization for the purpose of acquiring or transferring emission reduction credits to promote air quality improvements in conjunction with economic development in the nonattainment area.

SENATE BILL 570 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 5-16-93 **HOUSE SPONSOR:** Hamric

Under the current federal superfund statute and previous state law strict liability could be imposed not only on a person owning or operating a site at the time an environmental hazard is created, but also on subsequent owners who were not responsible for the environmental hazard. Senate Bill 570 amends the Health and Safety Code to provide for instances in which a political subdivision or an officer or employee of the political subdivision is not responsible for solid waste released or threatened to be released from a facility or site.

SENATE BILL 586 **SENATE AUTHOR:** Shelley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bosse

This act authorizes the Harris County Flood Control District to provide for or participate in the development, operation, or maintenance of certain recreational and environmental improvements in connection with flood control facilities and projects.

SENATE BILL 587 **SENATE AUTHOR:** Shelley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bosse

This act authorizes the Harris County Flood Control District to engage in wetlands mitigation programs and storm water quality control and improvement programs.

SENATE BILL 609 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 5-7-93 **HOUSE SPONSOR:** Swinford

Senate Bill 609 amends the Agriculture Code and the Structural Pest Control Act to prohibit cities, towns, counties, and political subdivisions from adopting ordinances, rules, or regulations regarding pesticide use or sale, with certain exceptions.

SENATE BILL 639 **SENATE AUTHOR:** Sims
EFFECTIVE: 6-20-93 **HOUSE SPONSOR:** Kuempel

Senate Bill 639 amends the Health and Safety Code to provide that, once a solid waste facility permit application is determined to be technically and administratively complete, the Texas Natural Resource Conservation Commission may not revoke that determination. The act also authorizes the commission to request certain additional information from the applicant without rendering the application incomplete or assessing an additional application fee, unless the application is withdrawn. Substantial compliance with direct mail notice requirements is sufficient for the commission to exercise jurisdiction over an application.

Senate Bill 639 also requires the commission to hold a public meeting on an application for a new municipal solid waste management facility in the county in which the proposed facility is to be located.

SENATE BILL 664 **SENATE AUTHOR:** Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hightower

This act prohibits permanent anchorage of barges, boats, and other fishing platforms in a certain area of the Trinity River downstream from the Livingston Dam and provides that such property left unattended in the area may be impounded.

SENATE BILL 814 **SENATE AUTHOR:** Truan, Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hirschi

Senate Bill 814 amends the State Purchasing and General Services Act and other law to require the use of xeriscape on state property associated with state-owned buildings on which construction begins on or after January 1, 1994. The General Services Commission is required to develop a five-year program for phasing in the use of xeriscape at existing state-owned buildings and facilities.

The act also requires the Texas Department of Transportation to use and require the use of xeriscape practices in the construction and maintenance of roadside parks acquired, or on which construction begins, on or after January 1, 1994, and to develop a five-year phased-in xeriscape program for existing roadside parks.

Senate Bill 814 also authorizes counties and municipalities to enact ordinances which require the use of xeriscape. The act also requires the Texas Water Development Board to provide counties and municipalities with technical assistance and education programs and publications to promote xeriscape practices.

SENATE BILL 885 **SENATE AUTHOR:** Montford
EFFECTIVE: 5-19-93 **HOUSE SPONSOR:** Counts

Senate Bill 885 authorizes the Texas Water Development Board to establish additional state revolving funds to provide assistance to political subdivisions for public works and provides that the additional funds shall be administered in accordance with the federal requirements under which each fund was established. The act also requires the board to adopt rules on the use and administration of the additional revolving funds and authorizes the board to direct the comptroller to transfer bond proceeds from the water supply account, the flood control account, and the economically distressed areas account to the additional revolving funds.

SENATE BILL 914 **SENATE AUTHOR:** Lucio
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** R. Cuellar

This act authorizes the Texas Water Commission and the Texas Natural Resource Conservation Commission to appoint the board of directors of the Valley Acres Water District and establishes qualifications and term limits.

SENATE BILL 962 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Earley

Senate Bill 962 makes technical changes to provisions in the Natural Resources Code regarding the sale, lease, and development of minerals on certain state-owned land. The act authorizes the School Land Board to offer land for sale, lease, or development. Purchasers or bidders must pay special sales fees on land sales and mineral leases.

Senate Bill 962 also amends the law regarding oil and gas leasing on state lands and sets a 10-year maximum primary term for sealed bid oil and gas leases. The act requires a royalty of at least one-eighth of the gross production or market value of the oil and gas produced. The act sets forth provisions for drilling and reworking operations to allow continuous drilling during a secondary term when initial operations result in a dry hole. In addition, provisions are set out relating to the suspension of certain oil and gas leases.

The act requires that unit agreements be approved by the board and executed by the commissioner of the General Land Office and specifies the contents of a unit agreement.

Senate Bill 962 amends the law regarding leasing for other minerals on state lands and authorizes the commissioner to determine the contents of an application for a prospecting permit or lease, the annual rental, and the bonus. The act conforms the law regarding ratification, unitization, assignment, penalty and interest on delinquent royalties, disposition of in-kind royalties, and relinquishment of hard mineral leases to that for oil and gas leases. The bill sets a 20-year maximum primary term for a lease of coal, lignite, sulphur, salt, and potash and authorizes the board to set a royalty rate of at least one-eighth of the gross production or the market value of the sulphur produced and at least one-sixteenth of the gross production or the market value of the coal, lignite, salt, and potash produced.

SENATE BILL 963 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

Senate Bill 963 amends the Health and Safety Code to authorize the Texas Natural Resource Conservation Commission to use solid waste revenue fees to conduct demonstration projects and studies to help local governments determine the cost of providing waste management services, and to mitigate the economic and environmental impacts of lead-acid battery recycling activities. Certain restrictions are imposed on local governments and political subdivisions relating to the regulation of solid waste.

The act requires the commission to develop a strategic plan for the state for the reduction of solid waste and sets out guidelines for its development.

The act also establishes the Office of Waste Exchange to encourage recycling, composting, and reuse by the exchange of materials among persons and requires the commission to develop a public awareness program. Senate Bill 963 also authorizes the commission to exempt certain municipal solid waste management facilities from permit requirements.

SENATE BILL 965 **SENATE AUTHOR:** Sims
EFFECTIVE: Vetoed **HOUSE SPONSOR:** Hilderbran

Senate Bill 965 authorizes the Upper Guadalupe River Authority to obtain a permit from the Texas Natural Resource Conservation Commission to appropriate state water to recharge underground freshwater-bearing sands and aquifers within the district's boundaries and to make contracts with municipalities and other entities located in Kerr County for the sale of that water. The act provides that state water used for this purpose loses its character as state water and becomes percolating groundwater.

SENATE BILL 987 **SENATE AUTHOR:** J. Turner, Wentworth
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Chisum, Krusee

The Local Government Code restricts the extension of a municipal drainage utility system's service area to the boundaries of the municipality's current extraterritorial jurisdiction and prohibits the service area of one municipality from extending into the boundaries of another. Senate Bill 987 authorizes a municipality located over or within the Edwards Aquifer recharge or transition zone to extend the service area for a municipal drainage utility system outside of its municipal boundaries. The act also authorizes municipalities to exempt from drainage charges property owned by a religious organization that is exempt from taxation pursuant to provisions in the Tax Code.

SENATE BILL 1018 **SENATE AUTHOR:** Wentworth
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Combs

Senate Bill 1018 amends the Water Code to authorize the board of directors of certain water control and improvement districts to transfer the district from the extraterritorial jurisdiction of one home-rule municipality to the extraterritorial jurisdiction of another home-rule municipality provided that certain conditions are met.

SENATE BILL 1030 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Counts

Senate Bill 1030 authorizes the Texas Water Development Board to establish the Texas Water Bank to facilitate the transfer of water as necessary to provide adequate water supplies for use within the state. The act creates a water bank account in the water assistance fund for the administration and operation of the bank, sets forth provisions concerning the operation of the bank, authorizes the assessment of fees, and provides for certain fee exemptions.

SENATE BILL 1041 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

Senate Bill 1041 amends the Health and Safety Code to authorize the Texas Natural Resource Conservation Commission to assess fees against a person who owns, operates, or maintains a public drinking water supply system to pay for commission services performed pursuant to requirements of the Health and Safety Code and the federal Safe Drinking Water Act.

The act also authorizes the commission to seek criminal penalties and civil enforcement orders and assess administrative penalties for noncompliance with state and federal drinking water standards.

SENATE BILL 1042 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Yost

Senate Bill 1042 amends the Health and Safety Code to require an examination and written certification by the Texas Natural Resource Conservation Commission for qualification as a designated representative authorized to inspect on-site disposal systems. The act also authorizes the commission to assess a fee to administer the training and certification program for designated representatives and to establish and assess administrative penalties for noncompliance.

SENATE BILL 1043 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

Senate Bill 1043 amends the Health and Safety Code to transfer regulatory authority for radioactive source material recovery and processing operations, including the disposal of by-product material, from the Department of Health to the Texas Natural Resource Conservation Commission.

The act also authorizes the commission to assess fees for licenses for the disposal of radioactive substances and to issue emergency orders to any person responsible for a present or past activity concerning recovery or processing of source material or the disposal of by-product material if it presents an imminent and substantial danger to public health and safety or the environment.

SENATE BILL 1049 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Under the Oil Spill Prevention and Response Act of 1991, the legislature limited liability for damage to property of third parties and for cleanup costs, but not for damages to natural resources attributed to an oil spill. Senate Bill 1049 amends this law to limit natural resource damage liability, establish procedures to assess oil spill damage to natural resources, and develop an oil spill prevention education program that targets small spills from commercial fishing vessels, ferries, and marinas.

The act also authorizes the expenditure of up to $6 million from the coastal protection fund to develop by September 1, 1995, an inventory that identifies the physical locations, seasonal resource variations in location, and the current conditions of coastal natural resources.

SENATE BILL 1051 **SENATE AUTHOR:** Parker
EFFECTIVE: See below **HOUSE SPONSOR:** Saunders

Senate Bill 1051 is intended to reduce solid waste by creating markets for recycled materials and promoting recycling and municipal solid waste management. The act authorizes the Texas Department of Commerce, on application of an enterprise zone, to designate the zone as a recycling market development zone and to make a loan or grant to fund recycling activities in the zone. State agencies are required to purchase recycled materials and to report annually to the governor, the Legislative Budget Board, and the presiding officers of the legislature regarding such purchases. The schedule of fees charged for disposal of solid waste is revised and incentives are provided to encourage composting at municipal solid waste facilities. The act also creates the Recycling Market Development Board to provide information to the public on market opportunities in recycling and to assist communities and individuals in securing grants pertaining to recycling and solid waste management. The Office of Waste Exchange is created in the Texas Natural Resource Conservation Commission to facilitate the exchange of waste between persons that generate the waste and persons that recycle or reuse it.

The schedule of waste tire recycling fees is revised and its application is extended to include the storage or use of new tires. A registration fee is imposed on waste tire storage facilities and fixed and mobile tire processors. New provisions are enacted governing payments to waste tire processors, and additional sanctions are authorized if a processor violates the provisions of the Health and Safety Code or a rule of the commission. In addition, the commission is required to reimburse the operator of a public used oil collection center for costs associated with the collection center's disposal of hazardous or contaminated oil.

The act takes effect October 1, 1993, except that provisions relating to reimbursement of an oil collection center take effect September 1, 1993.

SENATE BILL 1201 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Alexander

Senate Bill 1201 amends the Health and Safety Code to provide that hazardous and solid waste fees apply to the commercial disposal of industrial solid waste. Management fees for the commercial disposal of nonhazardous industrial solid waste are capped at 20 percent of the fee imposed on hazardous waste that is disposed of by the same method. Caps on industrial solid waste and hazardous waste generation fees are raised to $50,000 and $10,000 for hazardous and nonhazardous waste, respectively. The cap on waste management fees for waste generated in the state that is landfilled is increased to $40 per ton.

The act removes restrictions on the amount of generation and facility fees that could be deposited in the hazardous and solid waste fees fund and provides that any unobligated balance in the fund at the end of the state fiscal year may, at the discretion of the commission, be transferred to the hazardous and solid waste remediation fee fund. The act also provides that funds for the investigation, cleanup, or removal of a spill or hazardous substance release may be deposited in the hazardous and solid waste remediation fee fund. Sealed lead-acid batteries that meet certain size and amperage requirements are exempted from the fees and the act also provides that rates on penalty and interest payments must not exceed statutory limits established for delinquent payment of state taxes.

SENATE BILL 1206 **SENATE AUTHOR:** Sims
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Alexander

The federal Low-Level Radioactive Waste Policy Act of 1980 requires all states that generate low-level radioactive waste to dispose of their waste either by constructing a disposal facility or by entering into a compact for disposal in other states. Texas currently ships its low-level radioactive waste to South Carolina, which will close its facility in 1994.

Senate Bill 1206 establishes the Texas Low-Level Radioactive Waste Disposal Compact comprised of Texas, Maine, and Vermont and provides that the compact becomes effective if ratified by the host state of Texas and either party state of Maine or Vermont. The act provides for the entry of additional states and requires that new entrants abide by volume limitations and other conditions set by the host state. A state may withdraw from the compact by repealing its enactment. The act also establishes the Texas Low-Level Radioactive Waste Disposal Compact Commission, composed of six members from Texas and one member each from Maine and Vermont.

Senate Bill 1206 commits the State of Texas to develop a facility to manage low-level radioactive waste generated by the party states and provides that Texas has administrative control over the facility's development, management, and operation. The act authorizes unlimited use of the waste disposal facility by the State of Texas and charges the commission with establishing the total volume of low-level radioactive waste that the state will dispose of from 1995 to 2045. Waste from other states in the compact cannot exceed 20 percent of Texas' volume for the 50-year period, or an average of 20,000 cubic feet per year.

The act allows disposal fees to be established under provisions of the Health and Safety Code governing waste disposal fees and provides that the same fees must be charged to Texas as to the other states. The State of Texas must ensure the protection of the environment and public health and safety in the siting, design, development, operation, and closure of the facility.

The act directs party states to maintain a registry of all low-level radioactive waste generators and provides that the states must require generators to minimize their waste. Maine and Vermont must contribute $25 million each to Texas, $2.5 million of which is earmarked for community assistance projects in Hudspeth County.

The act also sets forth provisions for arbitration of disputes and provides for penalties. In addition, the act provides that any party state that fails to comply with the terms of the compact may have its membership revoked by a vote of the commission.

SENATE BILL 1234 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 6-11-93 **HOUSE SPONSOR:** Alexander

Senate Bill 1234 amends the Water Code to abolish the waste treatment facility inspection fund and provides that fees previously deposited in the fund and user fees collected from water and wastewater permit holders are to be deposited in the water quality fund. Application fees are to be credited to the water utility fund. The bill also abolishes the toxic chemical release reporting fund and reroutes its fees to the hazardous and solid waste fee fund.

Senate Bill 1234 also continues 14 environmentally related funds and authorizes the comptroller, with the concurrence of the state treasurer, to establish any of these funds as dedicated accounts in the general revenue fund.

SENATE BILL 1334 **SENATE AUTHOR:** Bivins, Carriker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Counts

Senate Bill 1334 amends a provision of the Water Code regarding the authority of the Texas Water Commission to make and enforce rules relating to underground water. The act makes exercise of this authority permissive rather than mandatory.

SENATE BILL 1372 **SENATE AUTHOR:** Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Stiles

This act provides that purchases and contracts of Jefferson County Drainage District Number 7 must be made in accordance with provisions of the Water Code relating to competitive bidding procedures for the awarding of contracts. The act also provides for the hiring of a district manager.

SENATE BILL 1392 **SENATE AUTHOR:** Truan, Parker
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** T. Hunter

This act establishes the Texas Coastal Observation Network as a cooperative project of Texas A&M University--Corpus Christi, Lamar University, the Texas Water Development Board, and the General Land Office and charges the network with responsibility for collecting coastal management data.

SENATE BILL 1403 **SENATE AUTHOR:** Haley
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Johnson

This act authorizes the creation of the Brookeland Municipal Utility District, comprising a portion of Jasper County.

SENATE BILL 1477 **SENATE AUTHOR:** Armbrister, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Lewis

Senate Bill 1477 provides for a comprehensive plan to manage the water resources of the Edwards Aquifer. The act creates a new regulatory authority, the Edwards Aquifer Authority, which comprises all or parts of Atascosa, Bexar, Caldwell, Comal, Guadalupe, Hays, Medina, and Uvalde counties and is governed by a nine-member board of directors. The authority is granted all the powers necessary to manage, preserve, and protect the aquifer but is prohibited from levying a property tax.

The act also creates advisory and oversight committees for the authority and defines the authority's relation to existing water districts in the area. The South Central Texas Water Advisory Committee is created to advise the authority on all downstream water rights and issues and consists of members appointed by the governing bodies of 20 counties and municipalities specified in the act. The committee is authorized to request the board of directors of the authority to review any action it considers prejudicial to downstream interests and to appeal a board decision to the Texas Natural Resource Conservation Commission. The Edwards Aquifer Legislative Oversight Committee is created to report on the effectiveness of state and local governmental entities in meeting the purposes of the authority. The act authorizes the continued creation of underground water conservation districts and provides that districts may retain their right to manage and control water from the aquifer as long as their activities do not conflict or duplicate those of the authority. The Edwards Underground Water District is abolished and the creation of the Uvalde County Underground Water Conservation District is validated.

The authority is required to undertake extensive planning, including implementation of a program by June 1, 1994, that will ensure that, not later than December 31, 2012, the continuous minimum springflows of the Comal Springs and the San Marcos Springs are maintained to protect endangered

and threatened species to the extent required by federal law. The act further requires the authority to develop and begin implementing by September 1, 1995, a comprehensive management plan that includes conservation, future supply, and demand management plans. In conjunction with the Texas Water Development Board, underground water conservation districts within the authority's boundaries, and the South Central Texas Water Advisory Committee, the authority is required to develop a 20-year plan for providing alternative water supplies to the region, and it must also prepare and coordinate the implementation of a critical period management plan by September 1, 1995.

A primary function of the authority is to limit and apportion the withdrawal of water from the aquifer. To this end, no new wells are to be drilled after June 1, 1993, unless additional supplies become available in the aquifer. Well owners withdrawing more than a specified amount are required to install measuring devices, to file yearly reports on water use, and may be required to develop conservation and reuse plans with the assistance of the authority.

Current users also are required to receive a permit that limits future withdrawals to the level of beneficial use during a specified historical period. The act provides for the issue of regular, term, and emergency permits. Existing irrigators will receive a regular permit for at least two acre-feet per year for each acre of land irrigated, and users who have operated a well for at least three years during the historical period are permitted at least the average amount of water withdrawn annually during the historical period.

The act also imposes limits on future withdrawals from the aquifer and provides that, for the period ending December 31, 2007, withdrawals must be reduced from current levels to a specified target amount and must be further reduced beginning January 1, 2008. The cost of reducing withdrawals to the level required by the year 2007 must be borne solely by aquifer users, while additional costs for the reduction required by the year 2008 are to be borne equally by aquifer users and downstream holders of water rights.

The act takes effect September 1, 1993, except that provisions prohibiting a violation of rules of the authority or terms of a permit take effect March 1, 1994.

SENATE BILL 1488 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Counts, et al.

Senate Bill 1488 prohibits the Texas Natural Resource Conservation Commission from adopting rules regarding the installation and repair of water well pumps and equipment on private property by the property owner or an agent of the owner. The bill also prohibits the commission from adopting rules to require well owners to complete, repair, or retrofit their wells to standards other than those in effect at the time the well was originally completed, unless the well poses a threat to public health and safety or water quality.

PARKS AND WILDLIFE

HOUSE BILL 578 **HOUSE AUTHOR:** Danburg, Denton
EFFECTIVE: See below **SENATE SPONSOR:** Lucio

House Bill 578 authorizes the Parks and Wildlife Commission to lower or waive certain hunting, archery, and fishing fees or license requirements for residents under the age of 17 and clarifies expiration and validity dates for temporary and lifetime licenses. The act takes effect on September 1, 1993, except for certain sections that take effect on July 15, 1993.

HOUSE BILL 607 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 607 provides that a turkey or deer tag is properly executed only when the month and date of the kill are cut out and the location of the kill is marked.

HOUSE BILL 1146 **HOUSE AUTHOR:** Erickson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 1146 authorizes the Parks and Wildlife Department to prescribe the methods used to gather statistical information on aquatic products and to produce and distribute any applicable report forms. The act also authorizes the department to modify reporting requirements for certain aquatic products dealers.

HOUSE BILL 1417 **HOUSE AUTHOR:** Bomer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

This act authorizes the Parks and Wildlife Department to conduct public drawings for hunting privileges on public land and modifies limits on hunting licenses for nonresidents and restrictions on hunting of some fur-bearing animals. House Bill 1417 also authorizes the department to designate certain contiguous tracts of land as wildlife management association areas and enables landowners of these areas to apply for hunting lease licenses. Landowners operating under an approved wildlife management plan are exempt from deer hunting tag requirements.

HOUSE BILL 1455 **HOUSE AUTHOR:** Johnson
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan

House Bill 1455 authorizes the Parks and Wildlife Commission to establish a procedure to allow volunteer hunter education instructors to retain an amount collected from student fees to cover the instructor's actual and necessary out-of-pocket expenses.

HOUSE BILL 1704 **HOUSE AUTHOR:** Johnson, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Zaffirini

House Bill 1704 authorizes the Parks and Wildlife Department to lease grazing rights on any state park and harvest or sell any timber, hay, or other product grown on state park land, subject to certain restrictions. The act also authorizes the department to charge a fee for payments by credit card and to accept materials, supplies, or services instead of money as payment for a sale or lease.

HOUSE BILL 1945 **HOUSE AUTHOR:** Hightower
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker

House Bill 1945 clarifies the definition of personal watercraft and establishes limitations and guidelines for operation of personal watercraft.

HOUSE BILL 1970 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1970 amends the Parks and Wildlife Code to change vessel titling, numbering, and dealer-sale requirements. The act replaces the words "boat" and "motorboat" with "vessel" and requires that all vessels, regardless of size or horsepower and including sailboats and other windblown vessels, be registered, numbered, and titled.

HOUSE BILL 2024 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-11-93 **SENATE SPONSOR:** Sims

The Sportsman's Rights Act prohibits intentional interference with a person lawfully engaged in hunting or catching wildlife. House Bill 2024 creates an affirmative defense to prosecution for violations of that act when the defendant's conduct is protected by the right to freedom of speech under the Texas and United States constitutions.

SENATE BILL 179 **SENATE AUTHOR:** Parker, Lucio
EFFECTIVE: 5-18-93 **HOUSE SPONSOR:** Hightower

Senate Bill 179 authorizes the Parks and Wildlife Commission to establish open seasons for recreational hunting in state parks or forts or on state sites where size, location, and other physical conditions permit hunting after August 31, 1995, and after it has established a classification system to categorize these areas as game management areas, recreational areas, natural areas, or historical areas.

SENATE BILL 440 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hightower

Senate Bill 440 requires all courts to remit to the Parks and Wildlife Department a portion of fines paid for failure to appear in court for a Parks and Wildlife Code violation. The act also requires that all the proceeds from the sale of confiscated shrimp, alligator, and aquatic life confiscated from persons who plead guilty or nolo contendere or are placed on deferred adjudication go to the department. If no bids for sale of confiscated aquatic life can be obtained, the department is authorized to donate the goods to charity. The act also provides that department and enforcement officials are not liable in a civil action for the seizure, sale, or donation of aquatic life, a game bird, other fowl, animal, or game fish or for the return of oysters to a public reef and allows alligator eggs to be seized by game wardens or peace officers.

SENATE BILL 441 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Hightower

Senate Bill 441 authorizes the Parks and Wildlife Commission to issue and establish fees for saltwater finfish tags and duplicate tags. The act also requires retail fish dealers to provide written notification to the department of their intention to purchase aquatic products from the holder of a general commercial fisherman's license.

SENATE BILL 521 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

This act authorizes the Parks and Wildlife Department to issue a muzzleloader stamp and set a fee of $10 or more. Senate Bill 521 also requires that a person must possess a hunting license in addition to the muzzleloader stamp to hunt wild deer, turkey, or javelina during an open season when only muzzleloaders can be used.

SENATE BILL 556 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Stiles

Senate Bill 556 revises provisions of the Health and Safety Code concerning the taking of crab, molluscan shellfish, and other aquatic life. The act authorizes the Texas Department of Health to issue an emergency order mandating or prohibiting the taking, processing, or sale of molluscan shellfish or crabmeat if an immediate threat is posed to human health and if other procedures to remedy or prevent the threat would result in unreasonable delay. The department may also detain or embargo molluscan shellfish or crabmeat if it believes the article is adulterated or misbranded so as to be dangerous or fraudulent and provides that embargoed or detained articles must be tagged. The act also provides for the condemnation, destruction, or relabeling of products and civil and criminal penalties.

Senate Bill 556 also sets forth provisions regarding the declaration of prohibited areas and directs the department to classify growing areas for molluscan shellfish using federal standards. In addition, the act establishes provisions for depuration of molluscan shellfish taken from restricted or conditionally restricted areas and establishes a $1 per barrel fee for oysters processed by certified shellfish dealers. The act establishes general administrative provisions, requires a molluscan shellfish or crabmeat processor license or certificate, and authorizes the Texas Board of Health to institute licensing standards.

SENATE BILL 901 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** James

Senate Bill 901 amends the Parks and Wildlife Code and the Tax Code to empower the Parks and Wildlife Department to authorize a dealer who holds a dealer's or manufacturer's number to act as the department's agent for the issuance of certificates of number and collection of fees and taxes for boats sold by that dealer. The act also requires authorized agents to remit all fees and taxes to the department within 20 days after a number is issued and the fee or tax collected and execute a surety bond to ensure against loss of revenues to the department.

SENATE BILL 971 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Bomer

Senate Bill 971 authorizes the Parks and Wildlife Department to designate certain land as wildlife management association areas and establish hunting lease licenses for owners of the tracts of land included in the areas. The act also sets fees for the hunting lease license.

SENATE BILL 1073 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** James

Senate Bill 1073 prohibits towing a person behind a vessel for the purpose of waterskiing, aquaplaning, surfboarding, or similar activities in the period between one-half hour after sunset and one-half hour before sunrise.

SENATE BILL 1074 **SENATE AUTHOR:** Parker
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** James

Senate Bill 1074 requires vessels or motorboats operating on Texas public water to be equipped and use lights and sound-producing devices required by the commandant of the Coast Guard.

SENATE BILL 1132 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Saunders

Senate Bill 1132 authorizes the Operation Game Thief Committee to make death benefit payments to families of peace officers employed by the Parks and Wildlife Department who are killed in the line of duty.

PROPERTY INTERESTS

HOUSE BILL 113 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 113 establishes a procedure for disbursement of insurance claim payments for damaged residential real property that is subject to lien. If the insurance payment is made to the lender, the lender must within 10 days notify the insured of the payment's receipt and the requirements for release of the funds. For funds not released within 10 days, the lender is required to pay interest to the insured at the rate of 10 percent a year.

HOUSE BILL 156 **HOUSE AUTHOR:** Eckels, et al.
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** C. Harris

House Bill 156 establishes the Uniform Condominium Act. The act applies to all condominiums with a declaration recorded on or after January 1, 1994. For condominiums with declarations recorded before January 1, 1994, the act applies to the extent that the declaration allows.

In addition to forbidding local ordinances that discriminate against condominiums, House Bill 156 provides guidelines for recording declarations and management by associations, sets up rules for taxation, describes an owner's obligations and rights regarding upkeep and improvements, and establishes a procedure for condemnation and foreclosure on a lien. The act allows any suit over rights and obligations of a condominium association to be filed in any county in which part of the condominium is located.

The purchaser is entitled to specific protection under the act, and if information associated with purchase of the condominium is not stated clearly at purchase, the contract may be canceled.

HOUSE BILL 452 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

House Bill 452 amends Property Code requirements for a late payment notice sent by a lender to a homeowner. The act requires that, in addition to stating a due date for the payment, the notice must itemize the delinquent amount into principal and interest and specify any late fees claimed and the period to which delinquency and late charges apply. Prima facie evidence of notice is expanded to include an affidavit by a person with knowledge that notice was made.

HOUSE BILL 575 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** G. Luna

House Bill 575 amends the Property Code to set new conditions for taking possession under a worker's lien. The act requires that, for possession to be lawful, the person obligated by the contract must have signed a form that clearly indicates the possibility of this action, and the form itself must be either separate from the contract or printed on the contract in a conspicuous manner. If a worker takes possession of an article, the reasonable costs of repossession may be included with the other costs to be paid by the person obligated under the contract. If a check for repair services is returned because of insufficient funds, a worker may not sell that check to a person who performs repossession services.

HOUSE BILL 1143 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 1143 amends provisions of the Civil Practice and Remedies Code relating to recovery of real property that has been conveyed by a technically flawed instrument. The time limit for a suit to be brought is reduced from 10 years to four years, and the list of technical errors covered by the period of limitation is modified.

HOUSE BILL 1144 **HOUSE AUTHOR:** Pitts
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 1144 amends the Property Code by adding a section that authorizes the use of a title insurance company affidavit as a release of lien on a one-to-four family residential property. The act provides that if a mortgagee does not deliver a release of mortgage within 60 days of a mortgage payoff, an authorized officer of the title insurance company may execute an affidavit that will serve as a release of mortgage for the mortgagor or mortgagor's designated agent. Requirements for the execution and filing of the affidavit are provided.

HOUSE BILL 1149 **HOUSE AUTHOR:** Uher
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 1149 amends the Property Code to establish a procedure for recording certain business transactions of a failed depository institution that is in receivership. For these institutions, an affidavit or memorandum will serve as record of a sale, transfer, purchase, or acquisition agreement and, if the transaction involves real property, the affidavit or memorandum may serve as constructive notice of the transfer or sale. Nonissuance of such an affidavit, or its failure to include language of conveyance, does not create a defect in title to the land or lien.

HOUSE BILL 1218 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

House Bill 1218 amends the Property Code to establish payment of delinquent rent as a condition for a tenant to obtain a key for a lock that has been changed by the landlord for failure to pay rent.

HOUSE BILL 1300 **HOUSE AUTHOR:** Duncan
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Brown

House Bill 1300 makes several technical and clarifying corrections to the Property Code. It clarifies duplicative and inconsistent provisions of previous law relating to conditions for placing an encumbrance on homestead property for work and materials. The act requires that the designation of property as a homestead contain the name of the current record title holder rather than that of the original grantee and clarifies the method of computing time periods relating to the 20-day notice of default and the 21-day notice of sale. For the establishment of a judgment lien, it requires that the judgment not be dormant. A landlord's representative is authorized to seek a distress warrant and various provisions relating to actions by a guest of a tenant are amended to include actions by an invitee.

HOUSE BILL 1368 **HOUSE AUTHOR:** Naishtat, et al.
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford, R. West

House Bill 1368 amends the Property Code as it relates to security devices for certain rental properties. The act requires that some security devices, such as window latches, be supplied and others, such as a keyed dead bolt on an exterior door, be installed at the tenant's request under

certain conditions. The landlord must install the devices within a defined amount of time, and responsibility for payment for materials and labor depends on the nature of the work done. If the landlord fails to install or rekey certain security devices, the tenant is given specific legal remedies. The landlord's and management company's defense to liability under the provision is also detailed.

HOUSE BILL 1564 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 1564 amends the Property Code to establish maximum occupancy limits for certain rental properties. A rental property's maximum number of occupants is three times its number of bedrooms. Exemptions from this limit exist if a greater occupancy rate is required for compliance with fair housing law or if an occupant is seeking sanctuary from family violence. Provisions are made for civil remedies against a landlord who commits a violation.

HOUSE BILL 1565 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 1565 amends the Property Code to require a landlord to accept cash rental payments unless the lease specifies otherwise. When cash is taken in payment of rent, the landlord must issue a receipt and enter the amount in a record book. Provisions are made for civil remedies against a landlord who commits a violation.

HOUSE BILL 1828 **HOUSE AUTHOR:** Place
EFFECTIVE: 5-17-93 **SENATE SPONSOR:** Armbrister

House Bill 1828 amends the Property Code to provide that certain liens and security interests encumbering personal property may not be avoided on the ground that the property is exempt.

HOUSE BILL 1876 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** C. Harris

House Bill 1876 provides that judgments and judgment liens against real property that are recorded on or after September 1, 1993, are canceled without further court action if the debt has been discharged in bankruptcy and the property was owned by the debtor before the bankruptcy petition was filed.

HOUSE BILL 2018 **HOUSE AUTHOR:** Cook
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Turner

House Bill 2018 amends the Property Code to delete the requirement that the original grantee of a property be included in the designation of the property as a homestead.

SENATE BILL 17 **SENATE AUTHOR:** Carriker, Rosson
EFFECTIVE: 5-7-93 **HOUSE SPONSOR:** Kubiak

Senate Bill 17 amends the Property Code to exempt all Texas property from attachment, execution, and seizure for the satisfaction of another state's income taxes on benefits received from a pension or other retirement plan.

SENATE BILL 792 **SENATE AUTHOR:** Brown
EFFECTIVE: 5-12-93 **HOUSE SPONSOR:** Bailey

Senate Bill 792 amends the Property Code to establish requirements for recording an abstract of judgment after September 1, 1993. A mailing address for each plaintiff or judgment creditor must appear on the abstract, or a penalty filing fee of $25 or twice the statutory recording fee, whichever is greater, must be paid.

PROPERTY TAXATION

HOUSE BILL 71 **HOUSE AUTHOR:** Goolsby
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shelley

House Bill 71 provides that if a taxpayer eligible to receive a refund is delinquent on taxes owed on other property, and if the taxpayer was the sole owner of such property when the unpaid taxes were assessed, the taxing unit may subtract from the refund the amount of the delinquency. Prior law required the taxing unit to make a full refund and then separately seek payment of the delinquent taxes.

The act also reduces from 10 years to five years the time period during which certain erroneously allowed exemptions may be corrected.

HOUSE BILL 155 **HOUSE AUTHOR:** Junell
EFFECTIVE: 5-4-93 **SENATE SPONSOR:** Sims

State law requires detailed newspaper public notice, followed by a public hearing, whenever a taxing unit proposes a tax rate increase above a specified amount. House Bill 155 allows a simplified tax notice for small taxing units that propose a tax rate greater than 103 percent of the effective tax rate. Simplified notice applies if the unit's proposed rate is five cents or less per $100 valuation and results in total taxes of $150,000 or less. The taxing unit need not hold a public hearing separate from the meeting at which it considers adoption of the proposed tax rate.

HOUSE BILL 203 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Montford

House Bill 203 repeals the tax imposed by the Property Tax Code on the intangible value of property owned by railroads, toll roads, toll bridges, ferries, and oil pipelines.

HOUSE BILL 301 **HOUSE AUTHOR:** D. Smith
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

Previous law required a property owner appealing a decision of an appraisal review board to do so in a district court in the county in which the appraisal review board is located. House Bill 301 allows the property owner alternatively to obtain venue in the county in which the property is located. It also establishes procedures for consolidating and transferring appeals relating to oil and gas pipelines that pass through more than one county.

HOUSE BILL 361 **HOUSE AUTHOR:** Lewis, Greenberg
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Parker

House Bill 361 amends the definition of new property value as it applies to the formula for calculating effective and rollback tax rates. The definition adds property value that has been reincluded in the tax base following the expiration of a tax abatement agreement between a taxing unit and property owners in a reinvestment zone.

HOUSE BILL 366 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

The Tax Code provides for refunds to taxpayers when a successful rollback election reduces their taxes. House Bill 366 eliminates the requirement of a refund for amounts less than a dollar, unless a taxpayer requests it. Refund applications for amounts less than a dollar must be made within 90 days after the refund becomes due, or the right to such refund is forfeited.

HOUSE BILL 394 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 394 affects an emergency services district that overlaps with a rural fire prevention district and has a maximum authorized tax rate of two cents per $100 of property value. It authorizes the district to hold an election to increase the maximum allowable rate to three cents per $100 of value.

HOUSE BILL 737 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Truan

House Bill 737 applies to property in counties with a population of 50,000 or less and allows a property owner to pay delinquent taxes by transferring the property to the taxing units owed those taxes, subject to the approval of their governing boards. Title goes to the taxing unit owed the largest amount of combined taxes, penalties, and interest, or can be reconveyed to another taxing unit as agreed by the taxing units involved. The taxing unit acquiring the property holds title to it on behalf of the others. If the property is sold within six months of acquisition, sale proceeds are divided proportionately among the taxing units based on their share of total taxes, penalties, and interest owed, up to the amount each is owed. Excess sale proceeds are refunded to the property owner, but if the proceeds are less than the total owed, the former property owner is still liable for payment of the remainder. If the property is not sold by the six-month deadline and the deadline is not extended by unanimous consent of the involved taxing units, then the taxing unit holding title must pay to the other taxing units proportionate shares of the property's appraised value minus encumbrances.

HOUSE BILL 835 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Ellis

Until 1992, the Tax Code allowed a religious organization to file a late application for a property tax exemption, provided the application was filed no later than December 31 of the sixth year following the year the tax was imposed. House Bill 835 renews this authorization of late exemption applications for religious organizations and changes the application deadline to the 12th year following the year of tax imposition, with the qualification that all applications must be filed before January 1, 1995. Authorization for such applications expires on January 1, 1996.

HOUSE BILL 925 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

This act pertains to the appraisal of interests in oil and gas. It provides that if the appraisal method considers the future income stream from the sale of the oil and gas, the price used in the calculation shall be the average daily price for the year preceding the year of taxation. If the same appraisal is used for a succeeding tax year, the price may be adjusted upward or downward as market conditions warrant. If the price is adjusted upward, however, the annual adjustment can be no higher than the percentage increase used by the comptroller for revenue estimating purposes, and in no case can the adjusted price exceed 150 percent of the original average daily price used in the appraisal.

HOUSE BILL 1016 **HOUSE AUTHOR:** Driver
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Leedom

The Tax Code requires, in certain cases, the filing of rendition statements and property reports, which the chief appraiser must receive by April 1. On written request of a property owner, this deadline is extended automatically to April 30, and for good cause the chief appraiser has discretion to extend the deadline further to May 15. House Bill 1016 reschedules the original deadline as April 15. It preserves the two extension deadlines for properties regulated by the Public Utility Commission of Texas or the Railroad Commission of Texas. All other properties are limited to a single extension to April 30, at the discretion of the chief appraiser and on a written showing of good cause by the property owner.

HOUSE BILL 1096 **HOUSE AUTHOR:** Ogden
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** J. Turner

This act establishes a property tax exemption for qualifying charitable organizations that own property in the course of building or repairing housing for nonprofit sale to low-income individuals. The organization must satisfy certain requirements and must apply for the exemption not later than the 30th day following the date of the property's acquisition. Property may not be exempted beyond the third anniversary of its acquisition by the charitable organization. If the organization sells the property to someone other than the intended recipients, both the organization and buyer are liable for back taxes and interest. The act also exempts buildings or property owned and used by the organization in the conduct of its charitable activities.

HOUSE BILL 1158 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Henderson

House Bill 1158 provides for a waiver of penalties and interest on delinquent taxes in certain cases when a taxing unit or its agent has erred in sending the tax bill to the wrong address. The waiver applies if the taxing unit is at fault and, on receiving an undelivered bill, fails to send a new tax bill to the correct address at least three weeks before the delinquency date. The taxpayer in order to receive the waiver must apply for it within six months of the delinquency date. The legislation establishes criteria for determining that fault lies with the taxing unit or its agent, rather than with the taxpayer. It requires all property tax bill envelopes to contain an "ADDRESS CORRECTION REQUESTED" statement.

HOUSE BILL 1270 **HOUSE AUTHOR:** Yost, Kubiak
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ratliff

The Tax Code authorizes individuals 65 and older to pay property taxes on homesteads in installments, provided that they pay at least one-fourth the amount before the delinquency date. House Bill 1270 imposes new requirements to qualify for installment payment, necessitating that the individual claim an elderly homestead exemption before the delinquency date and also include with the initial payment a notice stating that the remainder will be paid in installments.

HOUSE BILL 1374 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

A tax collector who issues a consolidated bill covering several taxing units may accept separate payments segregated by taxing unit. When the collector disallows such separate payments on a consolidated bill, taxpayers have been forced to pay the entire bill earlier than required in order to receive early-payment discounts from only one or a few of the taxing units. House Bill 1374

standardizes payment practices on consolidated bills, granting the taxpayer a right to separate early payment for portions of the bill for which discounts are obtainable. It continues the collector's discretion to allow or disallow separate payments under other circumstances. The act also voids certain restrictions or conditions that taxpayers attempt to place on checks when those restrictions or conditions are inconsistent with the Tax Code.

HOUSE BILL 1735 **HOUSE AUTHOR:** Earley
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

This act requires that a chief appraiser, in appraising property, must consider the reduction in value associated with the cost to the owner of required environmental remedial action.

HOUSE BILL 1920 **HOUSE AUTHOR:** Stiles, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Armbrister

House Bill 1920 implements the property tax exemption on pollution reduction property proposed by House Joint Resolution 86. This portion of House Bill 1920 takes effect on January 1, 1994, contingent on voter approval of the constitutional amendment proposed by that joint resolution. As detailed in the implementing legislation, the exemption applies to land, structures, buildings, excavations, machinery, equipment, or devices that serve to reduce pollution and satisfy or exceed federal, state, or local environmental protection regulations, and to attachments, additions, reconstructions, replacements, or improvements affecting the property. The exemption applies only to users of pollution reduction equipment and not to manufacturers of such equipment. In no case does it apply to motor vehicles, residential property, or property of recreational, park, or scenic value.

Receipt of a property tax exemption is tied to the environmental permitting process administered as of September 1991 by the Texas Natural Resource Conservation Commission. Applicants for environmental permits or environmental permit exemptions must present specified information to the commission identifying the environmental purpose of the property proposed to be exempted, including financial data showing the proportion of the property's value that contributes to that environmental purpose. The commission must notify the chief appraiser of the application and, if it determines that all or portions of the property should be exempt, forwards to the appraiser a letter making that determination. The letter serves as conclusive evidence that the property is used wholly or partly for pollution reduction.

House Bill 1920 also affects local government taxing units that incur costs themselves to purchase pollution reduction property. This portion of the legislation is not dependent on adoption of the constitutional amendment and takes effect August 30, 1993. It enables an adjustment of the taxing unit's rollback tax rate to take account of the cost of the purchase. The Texas Natural Resource Conservation Commission renders determinations on the use and value of the pollution reduction property, following procedures similar to those for property tax exemption determinations.

HOUSE BILL 2165 **HOUSE AUTHOR:** J. Harris
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Brown

This act exempts taxing units from paying arbitration or mediation fees in connection with delinquent property tax litigation.

HOUSE BILL 2716 **HOUSE AUTHOR:** Heflin
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Ellis

House Bill 2716 pertains to the form designed by the comptroller to be used by a taxpayer to designate an agent to represent the taxpayer on matters relating to single-family residential property. The new law requires that the form include a suggestion that the taxpayer, before designating an agent, contact the appraisal district or taxing unit to find out what assistance the appraisal district or taxing unit can provide free of charge.

HOUSE BILL 2813 **HOUSE AUTHOR:** Hartnett
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Wentworth

This act affects county and school district homestead tax limitations and tax exemptions in situations in which a trustor conveys a residential property interest to a trust but continues to occupy the residence. The act provides that tax-freeze and tax-increase restrictions applicable to an elderly trustor continue in effect notwithstanding the trustor's conveyance of the property interest. Qualification of the property for the various county and school district homestead exemptions also continues. The act, however, makes trustors and trusts both liable for payment of taxes on the trust's property interest.

HOUSE JOINT RESOLUTION 86 **HOUSE AUTHOR:** Stiles, et al.
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Armbrister

House Joint Resolution 86 proposes a constitutional amendment authorizing the legislature to exempt from property taxation property that is used, constructed, acquired, or installed to reduce pollution and satisfy or exceed federal, state, or local environmental protection regulations. The proposed exemption applies only to property that otherwise would be taxable for the first time on or after January 1, 1994, and does not apply to property on which a tax abatement agreement was executed before that date.

SENATE BILL 355 **SENATE AUTHOR:** Ellis, Leedom
EFFECTIVE: See below **HOUSE SPONSOR:** Eckels

Senate Bill 355 is the implementing legislation for the constitutional amendment proposed by Senate Joint Resolution 19. The six-month redemption amount applicable to nonhomestead, nonagricultural properties is the amount bid on the property by the purchaser, the amount of the deed recording fee, and the amount paid by the purchaser as taxes, penalties, interest, and costs on the property, plus 25 percent of the aggregate total. Senate Bill 355 takes effect January 1, 1994, contingent on voter approval of the constitutional amendment proposed by Senate Joint Resolution 19.

SENATE BILL 548 **SENATE AUTHOR:** Henderson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Craddick

This act establishes procedures for judicial review of appraisal review board decisions regarding oil and gas pipelines and electric transmission and distribution lines that pass through more than one county and attached properties and related easements. It allows the property owner to appeal to district court in any county in which a portion of the pipeline or electric line is located if the appeal applies to that portion. The owner's petition must include a list identifying each appraisal district in which the pipeline or electric line is appraised. The bill requires the court to consolidate all appeals relating to a single pipeline or electric line and gives the court discretion to consolidate appeals of other pipelines or electric lines included in the petitioner's list.

Appraisal districts that are defendants in a consolidated suit may move jointly or separately to have a suit transferred to a specified county from whose appraisal review board decision one of the appeals has been taken. On motion or motions of 60 percent of such districts, the court shall honor the request and transfer the suit. If a single appeal of an appraisal review board is pending in a county other than the county in which the appraisal review board is located, either party to the appeal may move to have the suit transferred to the county containing the appraisal review board. In the absence of a showing that additional appeals affecting a pipeline or electric line are anticipated, the court shall honor the request and transfer the suit.

SENATE BILL 668 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Greenberg

Senate Bill 668 provides for adjustments in rollback tax rate calculations when one taxing unit discontinues a governmental function and transfers that function by contract to another taxing unit. Maintenance and operations costs, a part of the rollback tax rate formula, are subtracted from the calculation for the first taxing unit so that it no longer gets credit for them in measuring the percentage of any tax rate increases that it proposes. Such costs are added to the rollback tax rate calculation for the second taxing unit so that it is not penalized for tax rate increases resulting from assumption of the new function. The legislation amends public notice requirements relating to the rollback tax rate to require explicit notice to taxpayers of the transfer of function.

SENATE BILL 878 **SENATE AUTHOR:** Montford
EFFECTIVE: 1-1-94 **HOUSE SPONSOR:** Oliveira

Senate Bill 878 changes the method of appraisal of motor vehicle inventories of automobile dealers. Currently, the appraisal value is defined as the wholesale price the vehicles would bring if sold as a lot to another dealer. The inventory for a particular tax year is appraised as of January 1 or, at the dealer's discretion, as of the preceding September 1.

Senate Bill 878 sets up two categories of vehicles. The "excluded" inventory consists of heavy duty trucks and vehicles set aside for sale to fleet purchasers or to other dealers. These are appraised in the same manner as before. Remaining vehicles are referred to as the "special" inventory and are appraised on January 1 at the retail value of total annual sales of special-inventory vehicles in the preceding year, divided by 12. Dealers no longer pay tax bills all at once, but convert to a system whereby taxes on the special inventory are prepaid into an escrow account once monthly throughout the year based on sales during the preceding month.

SENATE BILL 1295 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** P. Patterson

This act changes the interest rate paid on property tax refunds when a taxpayer has won an appeal. Interest is to be calculated at an annual rate equal to the market rate of three-month U.S. treasury bills for the week the taxes became delinquent. The annual interest rate, however, may not exceed 10 percent for refunds resulting from the appeal of a denied religious exemption and may not exceed eight percent in all other cases.

SENATE BILL 1487 **SENATE AUTHOR:** Sims
EFFECTIVE: 1-1-94 **HOUSE SPONSOR:** D. Jones

This act modifies the "freeport" exemption on certain goods that reside in the state for less than 175 days for purposes of storage, assembly, manufacturing, processing, or fabrication and then are shipped elsewhere. The act clarifies that the exemption applies even if ownership changes hands between the January 1 appraisal date and the date of shipment.

The act also extends the exemption to all cotton stored in a warehouse prior to shipment and authorizes the warehouse operator to seek the exemption on behalf of the various owners of the cotton. The act creates a legal presumption that cotton stored in and shipped from an exempted warehouse has been shipped on a timely basis. A cotton warehouse exemption, once allowed, need not be claimed in subsequent years, except where the chief appraiser requires the warehouse operator to file a new application reconfirming the cotton's qualification for the exemption. The act relieves the warehouse operator of otherwise applicable rendition and reporting requirements.

SENATE JOINT RESOLUTION 19 **SENATE AUTHOR:** Ellis, Leedom
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Eckels

The Texas Constitution provides for the forced sale of an owner's property to recover unpaid property taxes, but grants a right of redemption by which the former owner may reacquire the property by paying specified monetary amounts to the new owner within two years of the deed exchange. The specified amount increases from the first year to the second. Senate Joint Resolution 19 proposes a constitutional amendment that would limit the two-year redemption period to residence homesteads and land designated for agricultural use. For other properties, the redemption period would be only six months. The proposed amendment lifts a one dollar ceiling on the tax deed recording fee, a minor component of the specified redemption amount. Otherwise, the six-month redemption amount would be the same as the one-year redemption amount previously, and the one- and two-year redemption amounts for homestead and agricultural properties would remain at the same levels. If approved by voters, the amendment takes effect January 1, 1994.

PUBLIC LANDS

HOUSE BILL 824 **HOUSE AUTHOR:** Dutton
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ellis

Prior to enactment of House Bill 824, political subdivisions conveying certain land were required to do so for the fair market value as determined by an appraisal. House Bill 824 amends the Local Government Code to allow home-rule cities to sell property at public auction with the auction price constituting the fair market value of the property. Notice of the auction must be published in accordance with existing law and must include a description of the land and its location and the auction's date, time, location, and required procedures.

HOUSE BILL 866 **HOUSE AUTHOR:** Raymond
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 866 requires the Parks and Wildlife Department to convey to the U.S. Department of the Interior, for administration by the National Park Service, the site of the ruins of Rancho de las Cabras, an 18th-century Spanish colonial mission and settlement in Wilson County. The conveyance, to be completed no later than 60 days after a written request from the federal government, must provide for a prohibition on the development of underlying minerals. Conveyance is also contingent on an agreement that the Parks and Wildlife Department have first right of refusal should the federal government decide to dispose of the property.

HOUSE BILL 1619 **HOUSE AUTHOR:** Solis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 1619 authorizes the Texas Employment Commission to sell certain state-owned property in Harlingen by competitive bid.

HOUSE BILL 1844 **HOUSE AUTHOR:** B. Hunter
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Wentworth

House Bill 1844 authorizes and directs the General Land Office to sell certain state-owned property in Travis County. The act appropriates the proceeds to the Texas State Library and Archives Commission to construct an additional stack floor at the Texas State Library Records Center in Austin.

HOUSE BILL 1858 **HOUSE AUTHOR:** D. Jones
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Montford

This act authorizes a political subdivision to dispose of a property interest for less than fair market value when the conveyance is to an abutting property owner who owns the underlying fee simple.

HOUSE BILL 2125 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

The Texas Department of Housing and Community Affairs, using federal funds, awards grants to political subdivisions to purchase or make improvements in properties to enable specific enterprises to establish operations contributing to community development. Under the program, begun in 1991, the political subdivision leases the property to the enterprise for a monthly fee, figured as the grant amount amortized over 20 years. After five years, the enterprise may purchase the property for the

residual balance of the grant. House Bill 2125 frees such leases and purchases from the normal requirements of competitive bidding, provided that the political subdivision adopts a resolution stating the conditions, circumstances, and public purpose of the lease or purchase.

HOUSE BILL 2265 **HOUSE AUTHOR:** Flores
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 2265 authorizes the Texas Employment Commission to sell certain state-owned property in Harris County by competitive bid.

HOUSE BILL 2515 **HOUSE AUTHOR:** Sadler
EFFECTIVE: 5-17-93 **SENATE SPONSOR:** Ratliff

House Bill 2515 authorizes The Texas A&M University System to return to the Texas Utilities Mining Company a former Texas Forest Service lookout tower site in Panola County previously donated by the company to the system.

HOUSE BILL 2647 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 2647 provides that when the comptroller's office vacates its Kerrville training center, the building and grounds are transferred to the Railroad Commission of Texas.

HOUSE JOINT RESOLUTION 3 **HOUSE AUTHOR:** Saunders, et al.
FOR ELECTION: 11-2-93 **SENATE SPONSOR:** Armbrister

House Joint Resolution 3 proposes a constitutional amendment to relinquish all claim to state ownership of an interest in a tract of land in Fort Bend and Austin counties, commonly known as the Shelby, Frazier, and McCormick League. The relinquishment would include associated mineral interests.

SENATE BILL 120 **SENATE AUTHOR:** Sims
EFFECTIVE: 4-6-93 **HOUSE SPONSOR:** Hilderbran

Senate Bill 120 directs the Kerrville State Hospital to name the hospital's new patient building the Luther W. Ross Building in honor of the hospital's recently retired superintendent.

SENATE BILL 246 **SENATE AUTHOR:** Truan
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Rangel

This act authorizes a county to sell county property to the Texas A&I University Foundation, Inc., for any fair consideration approved by the county commissioners court. The property must be used for higher education purposes. The act enables the transfer of a Kleberg County building to Texas A&M University--Kingsville for use as a research center.

SENATE BILL 327 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Brimer

The Texas Peace Officers' Memorial Advisory Committee, created in 1989, is assigned to fund, design, and construct a memorial on the grounds of the Capitol Complex to Texas peace officers who have died in the line of duty. This act changes the composition of the committee and the terms of its members. It extends the life of the committee beyond the dedication of the memorial and assigns it the task of maintaining, managing, and updating the memorial, including the periodic addition of peace officer names. The act requires the advisory committee to meet at least once

annually following dedication and empowers it to establish guidelines for future memorial services at the memorial. The act creates a new dedicated fund in the state treasury that replaces the account previously used to finance memorial activities.

SENATE BILL 640 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Gallego

This act affects oil and gas leases on Permanent University Fund lands administered by the four-member Board for Lease of University Lands. The act standardizes at $30 the filing fee for a lessee's assignment of oil and gas rights to another party. Penalties apply if filing occurs more than 90 days after the assignment. It allows two board members, rather than a majority of three, to award leases if in accordance with procedures and forms approved by a board majority.

SENATE BILL 931 **SENATE AUTHOR:** Sibley
EFFECTIVE: 5-17-93 **HOUSE SPONSOR:** Alexander

Senate Bill 931 authorizes the General Land Office to sell, lease, or convey certain state-owned lands in Navarro County, reserving mineral and mineral exploration rights. Parcels sold from such lands must be at least five acres in size and may not be sold for less than fair market value. Sale and lease proceeds are appropriated to the Texas Youth Commission for improvements to buildings at the Corsicana State Home.

SENATE BILL 964 **SENATE AUTHOR:** Sims
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Gallego

This act makes numerous amendments to the Natural Resources Code relating to Permanent School Fund lands administered by the School Land Board and General Land Office. It requires political subdivisions and state agencies--excluding public universities and colleges, the Railroad Commission of Texas, and the Texas Department of Transportation--to give advance notice to the board of any contemplated actions affecting those lands. Also, whenever private property bordering on the state's tidally influenced waters changes hands, the seller must give the purchaser advance notice that natural changes may shift the boundary between private and state property. Specified language for the required notice includes advice to consult an attorney on property boundary issues. Failure of a seller to provide such notice constitutes a deceptive business practice.

The act authorizes the School Land Board in certain circumstances to attach a lien to adjacent private property to secure payment of administrative penalties for the placement of an unauthorized facility or structure on state land. In lieu of such penalties, the land commissioner may take steps to accept state ownership of the fixture. The act directs receipts from stream and riverbed easements granted by the state to a special account to fund the removal of unauthorized facilities or structures.

The bulk of the act pertains to miscellaneous tracts within the state's Permanent School Fund, particularly vacancies, which consist of certain unsurveyed public school lands. The act elaborates new procedures for identifying, selling, and leasing vacancies and increases related surveying fees. It provides in certain cases for mediation of the price for sales of vacancies.

Other provisions affect the sale of surrounded state tracts to adjacent owners and give state agencies first opportunity to acquire or lease lands deeded or donated to the state and used historically by such agencies. The act provides that special districts leasing public school lands for renewable energy generation may sell resultant electricity within or beyond district boundaries, but the amount sold outside the district is limited to the portion generated on the public lands.

SENATE BILL 1072 **SENATE AUTHOR:** Parker
EFFECTIVE: 6-19-93 **HOUSE SPONSOR:** Stiles

This act relinquishes state interests in certain Jefferson County real property and authorizes conveyances to the city of Port Arthur by the General Land Office, reserving mineral and mineral exploration rights. Fair market value, and the terms and conditions of the sale, are to be determined following an appraisal and the consideration of prior improvements to the property already undertaken by the city of Port Arthur. Completion of the transaction affects earlier conveyances to the city, removing certain restrictions and encumbrances. Proceeds from the new conveyance go to the Permanent School Fund.

SENATE BILL 1160 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 5-19-93 **HOUSE SPONSOR:** Naishtat

Senate Bill 1160 amends the Education Code to permit the Texas School for the Blind and Visually Impaired to lease available real property on the school's campus to a private, nonprofit corporation that provides print-handicapped persons with auditory materials. The lease is to be negotiated by the asset management division of the General Land Office on behalf of the school.

PUBLIC OFFICIALS AND EMPLOYEES

HOUSE BILL 535 **HOUSE AUTHOR:** Place
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Nelson

House Bill 535 grants an exemption from the nepotism law to an officer of the state or a political subdivision who by reason of physical infirmity is required to have a personal attendant. The act authorizes the officer to employ a relative as a personal attendant.

HOUSE BILL 610 **HOUSE AUTHOR:** Goodman
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 610 amends the Property Taxation Professional Certification Act to exempt a tax assessor-collector of a county with a population of one million or more from registration with the Board of Tax Professional Examiners. During each full term of office, however, the tax assessor-collector of such a county must complete at least 64 hours of accredited continuing education courses relating to the duties of the office.

HOUSE BILL 903 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

House Bill 903 allows state employees, including those employed by institutions of higher education, to authorize payroll deductions to a credit union account.

The act also allows state employees to make voluntary, confidential payroll deductions to be contributed to certain charitable organizations, funds, and federations. The act sets forth eligibility requirements for participating charities and limits the use of payroll deduction contributions to the provision of health and human services. It provides for an annual charity campaign each autumn to be coordinated by a state employee charitable campaign policy committee with the assistance of an advisory committee and several local committees.

HOUSE BILL 1873 **HOUSE AUTHOR:** Mowery, Craddick
EFFECTIVE: Vetoed **SENATE SPONSOR:** Bivins

Under the federal social security program, a state employee is responsible for a contribution equal to 7.65 percent of the first $57,600 of the employee's social security wages. State law, however, obliges the state to pay a portion of the state employee's contribution equal to 5.85 percent of the first $16,500 of such wages. House Bill 1873 eliminates this partial state payment of the employee's contribution and substitutes, for each employee on the state payroll as of August 31, 1993, a salary supplement equal to the amount of the former state payment plus the amount of extra state retirement contribution required of the employee as a result of the salary supplement.

SENATE BILL 97 **SENATE AUTHOR:** Lucio, Whitmire
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Blackwood

Senate Bill 97 increases from $20,000 to $50,000 the death benefit paid to survivors of peace officers and certain other public servants who are killed in the line of duty and allows such survivors to continue health insurance coverage. The act also provides that survivors in certain cases are entitled to receive the deceased person's service weapon, badge, and uniform.

SENATE BILL 798 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Campbell

State law authorizes local governments to obtain liability coverage by means of a self-insurance fund or risk retention group to insure their officials and employees against mistakes in the performance of official duties. Counties may establish a county government liability insurance pool for this same purpose. Senate Bill 798 amends the Government Code and Local Government Code to allow a district attorney to obtain liability coverage by any of these means and to allow a political subdivision other than a county to participate in its county pool. The act authorizes district and county clerks to insure themselves and deputy clerks against official errors or omissions either by means of a separate policy, as allowed previously, or by joining in a county pool. Any policy or coverage they share with other county officials, however, must contain at least $1 million coverage. The act clarifies that county government liability insurance pools, self-insurance funds, and risk retention groups are not subject to regulation by the Texas Department of Insurance.

RETIREMENT SYSTEMS AND BENEFITS

HOUSE BILL 391 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** J. Turner

House Bill 391 requires the employees and teacher retirement systems to pay as an annuity a percentage of a member's benefits to the former spouse of the member if the former spouse elects such payment in lieu of another interest awarded by an order in a divorce. This provision applies to members who have not retired but who are at least 62 years old or are eligible to retire.

HOUSE BILL 458 **HOUSE AUTHOR:** Puente
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Madla

House Bill 458 authorizes certain surviving spouses of deceased beneficiaries to receive benefits from the Teacher Retirement System of Texas if the spouse was previously disqualified from receiving benefits because of remarriage.

HOUSE BILL 721 **HOUSE AUTHOR:** Greenberg
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Barrientos

House Bill 721 amends eligibility requirements for receiving benefits from the city of Austin fire fighters relief and retirement fund. The age requirement is decreased from 53 to 52 years with 10 years of service and the service requirement is decreased from 28 to 27 years regardless of age. Persons may receive reduced benefits if they retire at age 50 with 10 years of service or after 25 years of service regardless of age. The act also adds interest to severance payments made to employees terminating service prior to retirement and deletes an eligibility requirement based on a spouse's age when calculating survivor benefits.

HOUSE BILL 1198 **HOUSE AUTHOR:** S. Thompson
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Whitmire

House Bill 1198 adds two optional benefit eligibility plans to the Texas County and District Retirement System. Eligibility under each plan is based on age and length of credited service with a subdivision that has adopted the plan.

HOUSE BILL 1278 **HOUSE AUTHOR:** Yarbrough
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Whitmire

House Bill 1278 requires persons elected as employee and retiree members of a municipal pension board in cities having a population of 1.5 million or more to serve staggered four-year terms. The board is required to adopt an annual budget but is no longer required to submit the budget to the governing body of the city.

HOUSE BILL 1476 **HOUSE AUTHOR:** Price
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Montford

House Bill 1476 amends various provisions of the Texas Local Fire Fighters Retirement Act and Texas Statewide Volunteer Fire Fighters Retirement Act. These amendments include technical corrective and substantive changes and additions to provisions relating to system membership, service credit, eligibility for and changes in benefits, member and system contributions, system administration, and investments.

HOUSE BILL 1581 **HOUSE AUTHOR:** Linebarger
EFFECTIVE: 5-9-93 **SENATE SPONSOR:** Armbrister

House Bill 1581 allows disability retirees in the Teacher Retirement System of Texas to receive retirement benefits when working in a Texas public educational institution other than as a substitute teacher if they work on no more than a half-time basis and for no longer than 90 days of the school year.

HOUSE BILL 1765 **HOUSE AUTHOR:** Kuempel
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Montford

House Bill 1765 amends provisions of the Government Code relating to the Texas County and District Retirement System. Changes include a mandatory retirement process for members reaching the age of 70-1/2 years and a requirement that no retiree receive more than $112,221 a year as adjusted by the secretary of the treasury or 100 percent of the retiree's highest average yearly salary. The act also authorizes political subdivisions to allow a member to purchase credit in the system for service performed prior to membership if the person was previously ineligible because of age. Retirees are permitted to resume employment with a participating subdivision but existing benefits would be suspended during employment. The employee retains credit for all previous service and acquires credit for subsequent service. Regulations to be followed in the division of retirement benefits in a qualified domestic relations order are outlined. The system's investment vehicles are expanded to include U.S. government mortgage-backed bonds.

HOUSE BILL 1944 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Leedom

House Bill 1944 restates and amends provisions of former law governing the pension funds for police officers and fire fighters in Dallas. The purpose of the act is to permit the consolidation of certain pension plans to reflect their joint administration. These provisions are consistent with all terms and conditions relating to benefits in the previous plan and do not intend to remove or reduce any benefits contained under prior law.

HOUSE BILL 2118 **HOUSE AUTHOR:** Ogden
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ratliff

House Bill 2118 allows a former member of the armed forces who is not receiving federal military retirement benefits and is employed as a teacher to establish service credit in the Teacher Retirement System of Texas for active military service that terminated with an honorable discharge. Eligible members may not qualify for insurance coverage under the Texas Public School Retired Employees Group Insurance Act unless the member retires with at least 10 years of service in public schools. The act expires on September 1, 2001, or on the effective date of a federal law that permits military retirement credit for state or local governmental service, whichever is earlier.

HOUSE BILL 2308 **HOUSE AUTHOR:** S. Turner
EFFECTIVE: 7-1-93 **SENATE SPONSOR:** Whitmire

House Bill 2308 amends technical aspects of law governing police officer pension systems of municipalities having a population of 1.2 million or more. New provisions affect age and service requirements for members, benefit calculations and payments, board membership and duties, and service credit for military service.

HOUSE BILL 2711 **HOUSE AUTHOR:** Johnson
EFFECTIVE: See below **SENATE SPONSOR:** Barrientos

House Bill 2711 amends the Government Code to make changes in the terms and conditions of retirement plans administered by the Teacher Retirement System of Texas. The amount of time required to establish service credit is reduced from 10 to five years and a maximum amount of service credit a member may establish is specified. The requirements necessary to reinstate service credit are reduced and retirees are authorized to change annuity or disability payment plans after retirement. The act also amends the Education Code to require that a school district's group health insurance coverage include major medical treatment and amends the Texas Public School Retired Employees Group Insurance Act to allow for the establishment of a coordinated care network.

The act prohibits certain persons from serving on the system board because of conflict of interest. Provision is made for removal of trustees from the board, and an ethics policy is established for the retirement system. Certain employment policies are required and made subject to review by the Commission on Human Rights. The board is made subject to sunset review when agencies abolished in 1995 are reviewed.

The act takes effect September 1, 1993, except for provisions governing the coordinated care network and provisions allowing certain state agencies to transfer employee membership in the Teacher Retirement System of Texas to the Employees Retirement System of Texas. These provisions take effect June 18, 1993.

HOUSE BILL 2799 **HOUSE AUTHOR:** Greenberg, Naishtat
EFFECTIVE: 7-1-93 **SENATE SPONSOR:** Barrientos

House Bill 2799 amends numerous provisions of the law governing the City of Austin Employees Retirement System. Amendments include provisions authorizing the mayor and members of the city council to be members of the system, changing the definition of "current service annuity" to increase the retirement multiplier from 2.1 to 2.2 percent, and changing the definition of "normal retirement date" to lower from 30 to 25 the number of creditable service years required for a person to be eligible for retirement regardless of age. Cost of living adjustments are provided for those who retire prior to September 1, 1993. The cap on yearly ad hoc cost of living adjustments is increased from four to six percent, but the Consumer Price Index is removed from the calculation.

HOUSE BILL 2835 **HOUSE AUTHOR:** Marchant, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 2835 provides an increase in certain retirement benefit payments to members and beneficiaries of the Teacher Retirement System of Texas.

SENATE BILL 81 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 4-22-93 **HOUSE SPONSOR:** Junell

Senate Bill 81 amends the Government Code to provide an incentive for early retirement to members of the Employees Retirement System of Texas and the law enforcement and custodial officer supplemental retirement fund who retire between September 30, 1993, and September 1, 1995. General revenue appropriations to state agencies are required to be reduced by over $40 million by 1995 as a result of early retirements or across-the-board cuts. Provision is made to delay payments to the Teacher Retirement System of Texas and the Employees Retirement System of Texas from the last quarter of fiscal 1995 to the next fiscal budget period.

SENATE BILL 129 **SENATE AUTHOR:** Leedom
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Marchant

Senate Bill 129 requires the governing body of a public retirement system to develop, adopt, and continue to update an investment policy. A copy of the policy must be maintained for public review and be filed with the State Pension Review Board.

SENATE BILL 264 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Eckels

Senate Bill 264 applies to police officer pension systems in cities having a population of 1.2 million or more. The act provides that a person may not receive pension payments from the system if the person holds a classified position in the police department of the city or is appointed head of the department. A person who has retired from the department but who holds other municipal employment becomes an active member of the police pension system if the person is transferred to a classified position in the police department. Provisions are made for resumption of suspended pension payments and for establishing new credit for subsequent service.

SENATE BILL 404 **SENATE AUTHOR:** Truan, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Martin

Senate Bill 404 amends the Local Government Code to authorize certain county and municipal employees to purchase continued health coverage upon retirement and requires employers to give notice of this option. Municipalities and counties retain the right to change health coverage plans and deduct the cost of coverage from pension checks. Entities that do not provide health coverage are exempted from this provision if unable to find a provider for the coverage. The Texas Municipal Retirement System, the Texas Municipal League, and municipal employee associations are authorized to conduct a study of the feasibility of creating a statewide municipal retiree health benefits risk pool and report their findings to the legislature.

SENATE BILL 593 **SENATE AUTHOR:** J. Turner
EFFECTIVE: 1-1-94 **HOUSE SPONSOR:** Kuempel

Senate Bill 593 amends provisions of the Government Code relating to the Texas Municipal Retirement System. Changes include a mandatory retirement process for members reaching the age of 70-1/2 years and a prohibition of benefits greater than $115,641 a year as adjusted by the secretary of the treasury or 100 percent of the retiree's highest average yearly salary.

The act also authorizes an employee to transfer retirement contributions to a qualified retirement plan, and provision is made for the division of an annuity as provided by a domestic relations order. Retiree supplemental death benefits are increased from $2,500 to $5,000. Trustee entitlements are expanded, restrictions on system depositories are eased, and optional contribution rates are provided to municipalities unable to finance their obligations.

SENATE BILL 594 **SENATE AUTHOR:** Whitmire
EFFECTIVE: 5-23-93 **HOUSE SPONSOR:** S. Turner

Senate Bill 594 amends law governing the fireman relief and retirement fund of municipalities with a population of 1.2 million or more. Amendments include authorizing the board of directors to indemnify employees of the board and to provide a self-insurance fund to pay for resulting claims. The act also provides disability benefits to a member unable to perform customary duties of the position that are equal to the greater of 50 percent of the average monthly salary or the benefit the member would have received if the member had retired on the effective date of the disability retirement.

If the member is unable to perform any gainful activity, the member is entitled to receive the greater of 75 percent of the average monthly salary or the benefit the member would have received if the member had retired on the date of disability retirement.

SENATE BILL 817 **SENATE AUTHOR:** Madla
EFFECTIVE: 10-1-93 **HOUSE SPONSOR:** Conley

The San Antonio firemen and policemen pension fund law was first enacted in 1941 and has been subject to periodic update and revision. Senate Bill 817 restates this prior law in its entirety.

SENATE BILL 1169 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 7-1-93 **HOUSE SPONSOR:** Greenberg, Naishtat

Senate Bill 1169 amends the Health and Safety Code to require a hospital authority created by a municipality within a population bracket currently including Austin to provide retirement benefits for its employees.

SENATE BILL 1181 **SENATE AUTHOR:** Barrientos, Lucio
EFFECTIVE: See below **HOUSE SPONSOR:** Marchant

Senate Bill 1181 amends numerous provisions of the Government Code and other law relating to the Employees Retirement System of Texas and the systems it administers, including the Judicial Retirement System and the Texas Employees Uniform Group Insurance Program. The act authorizes the transfer of service credit between the teachers retirement and employees retirement systems to provide employees full credit for their combined public service. This provision takes effect June 18, 1993. The time required for certain judges to retire is reduced from 25 to 20 years and their retirement benefits are increased. The annuity of a retiring judge is set at 50 percent of the current salary for judges of the same classification.

The act also permits members of the Employees Retirement System to reestablish service credit that was previously canceled in another system. It allows members to establish or reestablish service credit through payroll deductions rather than a lump-sum payment. Certain retirees will receive a one-time supplemental annuity payment equal to 10 percent of one month's annuity times the number of years that the person has been retired prior to September 1, 1993. System members are allowed to establish credit for county child welfare board service performed before September 1, 1980. This provision expires October 1, 1994. Other amendments include those relating to the composition and duties of the system board, system employment practices, and investment of system funds. Provisions relating to law enforcement and custodial officer retirement take effect September 1, 1995.

Except as otherwise provided, the act takes effect September 1, 1993.

SENATE JOINT RESOLUTION 31 **SENATE AUTHOR:** Whitmire
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Haggerty, et al.

Senate Joint Resolution 31 proposes a constitutional amendment that would require trustees of local retirement systems to administer system benefits and hold system assets exclusively for the provision of member benefits. Trustees would also be required to pay reasonable administrative costs, select an actuary and legal counsel, and adopt sound actuarial assumptions to be used by the system.

STATE TAXES AND TAX ADMINISTRATION

HOUSE BILL 85 **HOUSE AUTHOR:** Kamel
EFFECTIVE: 10-1-93 **SENATE SPONSOR:** Ratliff

House Bill 85 amends the Tax Code to expand a sales tax exemption previously applicable to materials that a contractor incorporates into or uses to improve realty owned by a school district or nonprofit hospital. The new law applies the exemption to purchases of materials and services used to improve realty owned by state and federal entities, counties, cities, special districts, and other political subdivisions, and to religious, educational, and public service organizations. Tangible property that is purchased and physically incorporated into the realty is exempt from the sales tax. Tangible property that is essential to contract performance and that is purchased and completely consumed in the course of making realty improvements is also exempt, except for machinery, equipment, related accessories, and related parts. A service that is purchased and used in the performance of a realty improvement contract is exempt if the service is integral to contract performance and the contract expressly requires the contractor to purchase or provide the service.

HOUSE BILL 365 **HOUSE AUTHOR:** Clemons
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

House Bill 365 amends the Tax Code to authorize the comptroller to freeze and seize as assets the contents of safe deposit boxes for nonpayment of the controlled substances tax. The act requires the comptroller to issue rules specifying procedures for accomplishing the seizure.

HOUSE BILL 706 **HOUSE AUTHOR:** Oliveira, et al.
EFFECTIVE: See below **SENATE SPONSOR:** Montford

House Bill 706 converts various funds of the Parks and Wildlife Department to accounts within the general revenue fund. It repeals the department's allocation of cigarette tax revenue and substitutes an allocation from sales tax revenue. For fiscal years 1994 and 1995, the department receives from sales taxes the same amount as it would have received from cigarette taxes. Beginning in fiscal year 1996, it receives up to $32 million annually in sales tax revenue derived from the sale of sporting goods.

The first $27 million of the $32 million allotment is divided equally between the former state parks fund, now the state parks account, and the former Texas local parks, recreation, and open space fund, now the Texas recreation and parks account. These accounts each receive 40 percent (up to $2 million) of the remaining $5 million allocation. The other 20 percent (up to $1 million) goes to a newly created Texas parks and wildlife capital account. The new account funds the acquisition and development of parks, wildlife, and fisheries projects approved individually by the commission, with preference to hunting, fishing, and outdoor recreation projects. The act sets aside a percentage of the recreation and parks account for grants to local governments contributing to indoor public recreation facilities and reserves the remainder for other types of grants to local governments.

Effective September 1, 1995, the law allows the various parks and wildlife accounts to retain interest earned from those accounts. All other provisions of the act take effect September 1, 1993.

HOUSE BILL 895 **HOUSE AUTHOR:** Solis
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 895 applies to a vehicle used exclusively as an emergency services vehicle by a nonprofit emergency medical services provider or a similar provider created and operated by a city, county, or combination of cities and counties. The act exempts the vehicle from vehicle registration fees and motor vehicle sales taxes, provided the vehicle is authorized under an emergency medical services provider license issued by the Texas Department of Health.

HOUSE BILL 995 **HOUSE AUTHOR:** Berlanga
EFFECTIVE: 10-1-93 **SENATE SPONSOR:** Armbrister

House Bill 995 amends the Tax Code to establish new procedures for the payment and collection of motor vehicle sales taxes on retail sales financed by the vehicle dealer. The tax is added to the price of the vehicle, and as the buyer makes installment payments on the purchase, the dealer separates the tax portions of the payment and forwards them to the comptroller. The dealer within 60 days of the sale must execute required registration, title, and other paperwork with the county tax assessor-collector's office. Otherwise, the dealer is liable for payment of the full tax. If the dealer at any time sells or transfers the buyer's debt on a vehicle to a third party, all remaining taxes must be paid. Counties remain entitled to five percent of the tax revenue, but the revenue goes initially to the comptroller rather than being collected directly by the county tax assessor-collector.

HOUSE BILL 1641 **HOUSE AUTHOR:** Moffat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Wentworth

House Bill 1641 amends the Health and Safety Code to authorize the Texas Department of Health to design, promote, and sell heirloom birth certificates. The maximum fee for such a certificate under the act is $30. Fee proceeds are to be deposited in the general revenue fund.

HOUSE BILL 1660 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Armbrister

House Bill 1660 amends the Tax Code to increase from one to two the number of tax-free sales or auctions that a religious, educational, or charitable organization may hold during a calendar year.

HOUSE BILL 1702 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Haley

School districts are exempt from motor vehicle registration fees and from motor fuel taxes including gasoline taxes, diesel fuel taxes, and liquefied petroleum gas taxes. House Bill 1702 amends the Tax Code and vehicle registration law to extend the same exemptions to a commercial transportation company for vehicles or fuel used exclusively to provide public school transportation services to a school district.

HOUSE BILL 1892 **HOUSE AUTHOR:** Oliveira
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Montford

House Bill 1892 makes technical corrections to Tax Code provisions relating to the application and administration of the franchise tax. In addition, it amends the calculation of taxable earned surplus, primarily in response to a 1992 court decision affecting the allocation to Texas of income from corporations not domiciled in the state. The act modifies reporting and tax payment deadlines,

providing for forfeiture of corporate privileges if a corporation fails to file a required report or pay delinquent taxes within 45 days of the comptroller's mailing of a forfeiture notice. It eliminates tax deposits by foreign corporations applying to do business in the state.

HOUSE BILL 1974 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker, Bivins

House Bill 1974 amends the Tax Code to provide severance tax credits for new oil or gas field discoveries resulting from drilling during calendar year 1994. Credits are contingent on a determination by the Railroad Commission of Texas that 521 new fields have been discovered as a result of wells spudded during that period. The tax credit, set at $10,000 per discovery well, increases to $25,000 if the number of new fields reaches 721. If the number reaches 842, the act provides for further tax credits of $25,000 each for additional development wells that begin producing in the 1984 fields within 10 years of the spud date of the discovery well. Earned tax credits are fully transferable and may be applied against either oil or gas severance taxes regardless of the type of field from which they originate. The act establishes deadlines for taking the credits and sets penalties for falsification of related applications, reports, and other documents.

HOUSE BILL 1975 **HOUSE AUTHOR:** Craddick
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Carriker, Bivins

House Bill 1975 amends the Tax Code to create a 10-year severance tax exemption for oil or gas produced from a well returned to productivity after three years of inactivity. Applications for certification of three-year inactive wells must be submitted to the Railroad Commission of Texas before August 31, 1995, and no certification may be made after February 29, 1996. The act gives credit for taxes paid before the approval of an application for certification. It provides for revocation of certification and sets penalties for falsification of related applications, reports, and other documents.

HOUSE BILL 2413 **HOUSE AUTHOR:** Gutierrez
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Truan

House Bill 2413 amends Tax Code provisions relating to the sales tax exemption for items purchased in Texas and exported outside the United States. It authorizes the comptroller to license the customs brokers who certify exports and exemptions. The act requires brokers to post bond or security, subjects their books and records to inspection, provides for five-cent stamps to be attached to export documentation, and requires export identification cards for foreign exporters who reside in Texas. The act allows customs brokers to contract with others for export certification only if authorized by written contract and approved by the comptroller. Contractor authority does not extend to the actual certification of sales tax exemptions. The act establishes civil penalties for unauthorized or false certification of exports or for the furnishing of false information to a customs broker.

Other provisions clarify the applicability of sales tax export exemptions to purchases of electronic audio equipment. House Bill 2413 provides that if the equipment is destined for use outside American borders, it qualifies for the exemption even if it is installed in Texas.

HOUSE BILL 2516 **HOUSE AUTHOR:** Horn
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Brown

Sellers of motor fuels containing ethanol or methanol must display a sign on the pump alerting the purchaser to the mixture. The comptroller regulates and enforces this labeling requirement, and may inspect motor fuels to determine the presence of fuel and alcohol mixtures. The comptroller

may charge fees for individual inspections or regulatory actions and may levy additional fees on motor fuel distributors, suppliers, wholesalers, and jobbers. House Bill 2516 allows the comptroller to apply these latter fees to all sellers of motor fuels, regardless of whether their fuel contains or is found to contain methanol or ethanol. The act limits additional fee collections, however, to the costs of administration and enforcement or to an annual aggregate of $500,000, whichever is less.

HOUSE BILL 2637 **HOUSE AUTHOR:** Wilson
EFFECTIVE: 10-1-93 **SENATE SPONSOR:** Montford

House Bill 2637 amends the Tax Code to provide a sales and use tax exemption for machinery and equipment rented or leased for the production of commercial motion pictures, video recordings, or audio recordings.

SENATE BILL 82 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Junell, Romo

Senate Bill 82 makes numerous amendments to the Tax Code, Human Resources Code, and other state law relating to the application, allocation, enforcement, collection, and administration of various fees and taxes.

The act offers a one-year partial tax refund to employers who hire Texas residents receiving financial assistance from Aid to Families with Dependent Children. The legislation authorizes the Texas Department of Human Resources to issue a tax refund voucher equal to 20 percent of the employee's first year of wages, up to a maximum of $10,000. The voucher may be applied to any state tax owed by the employer for the calendar year for which the voucher is issued. Eligibility requirements necessitate that the employer provide the employee major health insurance coverage meeting specified criteria. Tax refund voucher provisions take effect January 1, 1994.

The act includes a temporary Tax Code provision that delays until early September 1995 the monthly allocations of motor fuels taxes for June, July, and August of that year. The schedule change affects allocations to both the highway fund and the available school fund. The temporary provision takes effect September 1, 1993, and expires October 1, 1995.

Senate Bill 82 increases penalties relating to regulation of coin-operated machines, increases penalties for deceptive use of sales tax resale and exemption certificates, and imposes additional penalties for sales tax permit holders who fail to file timely reports. The act also grants the comptroller additional tax collection enforcement powers. It shortens the period the comptroller must wait before freezing or seizing assets of delinquent taxpayers, allows the comptroller to require cashier's checks or money orders from habitual bad check writers, and authorizes summary suspension of motor fuels tax permits and sanctions for violators of state laws relating to coin-operated machines. These penalty and enforcement provisions take effect September 1, 1993.

Senate Bill 82 provides that taxes paid under protest go to the fund to which they are normally allocated rather than to a suspense account pending protest settlement. It replaces the quarterly system of insurance premium tax prepayment with a semiannual system. The act clarifies a sales tax exemption for underground irrigation system components purchased by farmers and ranchers and requires the payment of a use tax by a sales tax permit holder who purchases an item from a tax-exempt retail seller limited to occasional sales. These amendments take effect September 1, 1993.

Effective October 1, 1994, for taxpayers owing more than specified minimum amounts, the act replaces the quarterly reporting period for hotel occupancy taxes with a monthly reporting period. Effective September 1, 1994, the act authorizes an extension period for corporate payers of the franchise tax who meet specified criteria. Effective from September 1, 1994, until January 1, 1996,

it requires early payment of sales and use taxes for the first half of August, applicable to taxpayers who make monthly remittances by electronic funds transfer. The comptroller, however, may waive this requirement uniformly for all affected taxpayers.

SENATE BILL 466 **SENATE AUTHOR:** Sims, Carriker
EFFECTIVE: 1-1-94 **HOUSE SPONSOR:** Earley

Severance tax provisions of the Tax Code authorize reduced tax rates for new or expanded projects for the enhanced recovery of oil. Applications for approval of such projects must be filed with the Railroad Commission of Texas by the end of calendar year 1993 to qualify for the reduced rate. Senate Bill 466 extends the application deadline to the end of calendar year 1997 but requires a producer applying after the former deadline to pay the full tax rather than the reduced tax for oil produced between January 1, 1994, and August 31, 1995. Following that interval, the producer may obtain a tax credit for the difference.

SENATE BILL 892 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Berlanga

Senate Bill 892 enacts various amendments, primarily to the Tax Code, relating to the application, administration, and collection of various state taxes. Among other changes, the act authorizes the comptroller to require that a report or document submitted by an accountant, attorney, or other representative on behalf of a taxpayer be accompanied by the taxpayer's express written authorization. The new law also allows the comptroller to informally review a claim for refund and to grant or deny it in whole or in part, while preserving the taxpayer's right to a hearing. These two changes and certain other amendments clarifying the Tax Code take effect September 1, 1993.

The act amends the code to stipulate that a use tax added to a sales price becomes part of the sales price, is a debt of the purchaser to the retailer until paid, and, if unpaid, is recoverable at law. Amendments affecting sales and use tax exemptions create an exemption for certain property repairs on presidentially declared disaster areas, eliminates an exemption for certain wrapping and packaging supplies used in manufacturing, and exempts certain products sold to a common carrier for shipment outside Texas as well as certain vehicle replacement parts acquired elsewhere but stored or used by a common carrier within Texas. These changes, along with one affecting gross receipts tax permits, take effect October 1, 1993.

Senate Bill 892 contains several Tax Code amendments relating to taxes on the sale of motor vehicles, aircraft, boats, and boat motors. The act makes the purchaser of a motor vehicle severally liable for unpaid taxes if the joint statement filed by the seller and purchaser regarding the transaction is found to report the tax liability incorrectly. It establishes new recordkeeping requirements for dealers who sell motor vehicles, boats, and boat motors, and creates new penalties for falsification of the joint affidavit that is filed as a part of a boat or boat motor sale transaction. The act provides a tax exemption for aircraft purchased in Texas but not used in Texas except for pilot training and transport for use outside the state. Qualification for the exemption requires completion of a sales and use tax exemption certificate. The act establishes a new motor vehicle sales tax exemption certificate for motor vehicles destined for use outside Texas. Amendments to the Parks and Wildlife Code affect boat dealer's and manufacturer's numbers. These and other Tax Code amendments affecting vehicles, plus amendments clarifying the tax liability for sales of mobile offices, take effect October 1, 1993.

The act deletes requirements that interest on delinquent utility and other state taxes be compounded monthly. It requires oil producers to obtain a taxpayer identification number for severance tax purposes and amends reporting requirements applicable to such producers. These amendments to the Tax Code take effect January 1, 1994.

SENATE BILL 893 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Berlanga

Senate Bill 893 makes various technical and corrective amendments to laws affecting sales and use taxes, property taxes, inheritance taxes, and controlled substance taxes. The legislation clarifies the inapplicability of sales and use taxes to industrial discharge removal services. It also clarifies matters relating to property tax lien attachments, property tax lien foreclosures, and appraisal review board powers and responsibilities.

Amendments affecting property taxes make an agreement between a chief appraiser and property owner final, without referral for approval by the appraisal review board, for matters involving appraisal value protests and appraisal roll corrections. The legislation allows a person who has purchased property after the January 1 appraisal date to file a timely motion for appraisal roll correction or to proceed with a motion filed by the previous owner. Senate Bill 893 allows binding arbitration on the appeal of an appraisal review board decision only if agreed to by the property owner and the appraisal district. Under the previous law, a property owner acting alone could initiate binding arbitration, but under Senate Bill 893 the owner acting unilaterally can initiate only nonbinding arbitration. The legislation changes the preceding period for which the chief appraiser may check for an erroneous agricultural use valuation, reducing that period from 10 to five years. It authorizes recovery of lis pendens notice costs in delinquent tax suits.

Senate Bill 893 amends the Development Corporation Act of 1979 to authorize eligible cities in counties with a population of 750,000 or more to adopt a sales and use tax at a rate of one-eighth, one-quarter, three-eighths, or one-half cent per dollar. Previously that act allowed only the one-half cent rate. Another amendment, applicable to certain other multicounty cities, removes the one-half cent ceiling on the sum of the Development Corporation Act sales and use tax and the additional municipal sales and use tax authorized by the Tax Code.

SENATE BILL 894 **SENATE AUTHOR:** Montford
EFFECTIVE: See below **HOUSE SPONSOR:** Berlanga

Senate Bill 894 amends motor fuel tax provisions of the Tax Code to bring the state into conformity with the International Fuel Tax Agreement. The act modifies vehicle specifications applicable to the definition of interstate truckers, requires separate permits for gasoline and diesel fuel jobbers, and subjects jobbers to various legal requirements including many currently applicable to suppliers, distributors, dealers, interstate truckers, or users. The act revises the fee for trip permits used in lieu of interstate trucker's permits, setting the fee at $50 per trip per vehicle entering Texas. The act takes effect September 1, 1993, except for certain provisions that take effect July 1, 1995. Those provisions affect reporting exemptions applicable to certain interstate truckers, and also to suppliers and distributors who operate as interstate truckers without a separate permit.

SENATE BILL 906 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 7-1-93 **HOUSE SPONSOR:** Telford

Senate Bill 906 amends the Tax Code to exempt bordering states and their governmental units from the Texas sales and use tax if Texas governmental entities enjoy a reciprocal exemption.

SENATE BILL 1293 **SENATE AUTHOR:** Bivins
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Craddick

The Tax Code allows tax-free purchases of diesel fuel in limited amounts if the fuel is not to be used in a motor vehicle, none of it is to be resold, and the purchaser does not operate any diesel-powered motor vehicles on public highways. Senate Bill 1293 amends the code to increase from 2,000 to 3,000 gallons the maximum quantity of tax-free diesel fuel that a person may purchase in a single transaction.

SENATE JOINT RESOLUTION 49 **SENATE AUTHOR:** Montford, et al.
FOR ELECTION: 11-2-93 **HOUSE SPONSOR:** Stiles

Senate Joint Resolution 49 proposes an amendment to the Texas Constitution that would make the effectiveness of legislation establishing a personal income tax contingent on voter approval in a statewide referendum. The referendum would have to specify the rate of the tax to be adopted.

Any subsequent legislation increasing the combined personal income tax liability of all persons subject to the tax would also require referendum approval. Such a referendum would have to specify how the legislation would increase taxes, whether by a tax rate increase or some other change. The legislature would not have to obtain voter approval to repeal income tax legislation, or to amend it in a manner not producing a tax increase. If the legislature repealed the tax, it could reenact the tax within one year without voter approval, but any subsequent reenactment would be subject to the same referendum requirement as the original enactment.

The proposed amendment would reserve two-thirds of income tax revenue, less refunds and collection expenses, to the reduction of property tax rates for public education. The amendment would reduce a school district's maximum allowable property tax rate by one cent per $100 valuation for each cent per $100 of property tax relief provided by the two-thirds income tax dedication. A school district could increase this revised maximum property tax rate, but only on approval by voters in a school district holding an election for that purpose. The other one-third of income tax revenue would be reserved for the support of education as appropriated, allocated, and directed by the legislature.

STATUTORY REVISION

HOUSE BILL 752 **HOUSE AUTHOR:** Saunders
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

House Bill 752 adopts the Labor Code, a nonsubstantive revision of laws covering labor and employment, including labor relations, nondiscrimination, hours and wages, employee benefits, unemployment compensation, and workers' compensation.

HOUSE BILL 947 **HOUSE AUTHOR:** Stiles
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Ratliff

House Bill 947 comprises nonsubstantive amendments, additions, and corrections to existing codes, including the codification of various laws to conform to changes enacted by the 72nd Legislature. Amended by the legislation are the Code of Criminal Procedure and the Education, Election, Government, Health and Safety, Human Resources, Local Government, Natural Resources, Parks and Wildlife, Penal, and Tax codes.

SENATE BILL 248 **SENATE AUTHOR:** Haley
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Earley

Senate Bill 248 is a nonsubstantive revision of Texas laws in areas of government that affect or involve both state and local entities. It adopts three new Government Code titles relating to open government and ethics, public officers and employees, and general government.

SENATE BILL 777 **SENATE AUTHOR:** Henderson
EFFECTIVE: 5-11-93 **HOUSE SPONSOR:** Seidlits

Senate Bill 777 amends the Code Construction Act and other portions of the Government Code that standardize the legal interpretation to be given to common statutory phrasing. The amendments provide that a reference in a code to a title, chapter, or section without further identification is a reference to a title, chapter, or section of that same code. A reference to a subtitle, subchapter, subsection, paragraph, or other numbered or lettered unit without further identification is a reference to a unit of the next larger unit of the code in which the reference appears. A reference in the civil statutes to a statute, rule, or regulation incorporates all subsequent reenactments, revisions, or amendments of that statute, rule, or regulation, unless expressly provided otherwise. A population reference in the civil statutes refers to the population as given in the most recent federal census.

TRANSPORTATION, HIGHWAYS, AND MOTOR VEHICLES

HOUSE BILL 70 **HOUSE AUTHOR:** Goolsby, et al.
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Madla

House Bill 70 expands the list of persons eligible for issuance of special license plates to include members of the Marine Corps League or its auxiliary and veterans of World War II and the Korean conflict.

HOUSE BILL 84 **HOUSE AUTHOR:** Kamel, Hartnett
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Shapiro

House Bill 84 requires authorized emergency vehicles to be stripped of all identification, equipment, and markings identifying the vehicle as an authorized emergency vehicle before it may be sold.

HOUSE BILL 167 **HOUSE AUTHOR:** Brimer
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** C. Harris

House Bill 167 amends the Uniform Act Regulating Traffic on Highways to require that safety chains be used when a passenger vehicle is towing a trailer or house trailer on a public highway.

HOUSE BILL 176 **HOUSE AUTHOR:** Willis, et al.
EFFECTIVE: 5-2-93 **SENATE SPONSOR:** Nelson

House Bill 176 provides that surviving spouses of survivors of the attack on Pearl Harbor are exempt from motor vehicle registration fees.

HOUSE BILL 187 **HOUSE AUTHOR:** Craddick, et al.
EFFECTIVE: Vetoed **SENATE SPONSOR:** Sibley

House Bill 187 amends the Uniform Act Regulating Traffic on Highways to prohibit the Department of Public Safety from divulging information relating to a violation of a speed limit imposed solely in response to federal law.

HOUSE BILL 467 **HOUSE AUTHOR:** Chisum
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Bivins

House Bill 467 sets a fee limit for signs erected and maintained by a nonprofit organization along highways in or near a municipality for the purpose of promoting the municipality.

HOUSE BILL 476 **HOUSE AUTHOR:** Junell
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sims

House Bill 476 removes the requirement of showing proof of financial responsibility when registering a trailer or semitrailer.

HOUSE BILL 478 **HOUSE AUTHOR:** Junell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sims

House Bill 478 amends the Uniform Act Regulating Traffic on Highways to make it unlawful to travel faster than 15 miles per hour on an alley.

HOUSE BILL 479 **HOUSE AUTHOR:** Delisi
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Wentworth

House Bill 479 amends the Uniform Act Regulating Traffic on Highways to require nonresidents traveling within the boundaries of the state to secure a young child in a safety seat system.

HOUSE BILL 629 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Carriker

House Bill 629 amends the Uniform Act Regulating Traffic on Highways to permit bicycle traffic on roadway shoulders.

HOUSE BILL 630 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Barrientos

House Bill 630 amends the Uniform Act Regulating Traffic on Highways to permit bicycle operators to signal from the right side of the vehicle with hand and arm extended horizontally for a right turn.

HOUSE BILL 641 **HOUSE AUTHOR:** Bomer
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** J. Turner

House Bill 641 provides that a surviving spouse of a prisoner of war is authorized to register one car or light truck with special prisoner of war license plates and be exempt from the motor vehicle registration fees.

HOUSE BILL 644 **HOUSE AUTHOR:** B. Turner
EFFECTIVE: 6-8-93 **SENATE SPONSOR:** Lucio

House Bill 644 increases the maximum gross weight for farm trailers and semitrailers that operate temporarily on public highways and are exempted from registration requirements. It also requires the Texas Department of Transportation to provide special license plates for forestry vehicles.

HOUSE BILL 698 **HOUSE AUTHOR:** Cain
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Lucio

House Bill 698 exempts from liability persons acting on behalf of a vehicle owner for purposes of obtaining registration to a vehicle.

HOUSE BILL 699 **HOUSE AUTHOR:** Cain
EFFECTIVE: 4-14-93 **SENATE SPONSOR:** Lucio

House Bill 699 makes technical corrections to the law governing motor vehicle dealer and manufacturer license plates and tags.

HOUSE BILL 709 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 709 allows vehicle storage facilities to charge a daily storage fee for a vehicle stored less than 24 hours of a day.

HOUSE BILL 710 **HOUSE AUTHOR:** Blackwood
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 710 amends the Vehicle Storage Facility Act to make its provisions applicable to a facility owned by a governmental entity.

HOUSE BILL 941 **HOUSE AUTHOR:** Cain
EFFECTIVE: 4-29-93 **SENATE SPONSOR:** Henderson

House Bill 941 adds to the Texas Motor Vehicle Commission Code several provisions prohibiting or limiting certain types of conduct by manufacturers and distributors of motor vehicles in their relationships with dealer franchisees.

HOUSE BILL 945 **HOUSE AUTHOR:** Oakley
EFFECTIVE: 5-4-93 **SENATE SPONSOR:** Armbrister

House Bill 945 requires the Public Safety Commission to establish an inspection program for commercial motor vehicles that meets requirements of federal safety regulations.

HOUSE BILL 1047 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 1047 exempts vehicles making deliveries of liquefied petroleum gas from weight limits established by the Texas Transportation Commission. Such vehicles remain subject to maximum weight limits provided by law and lesser limits established by commissioners courts for operation on county roads.

HOUSE BILL 1084 **HOUSE AUTHOR:** Denton, Solis
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 1084 increases the fine for overtaking and passing a school bus to an amount not less than $200 nor more than $1,000. Subsequent offenses may result in a suspension of the person's driver's license. If a person fails to pay a fine or costs or has insufficient income to pay a fine or costs, the court may order the person to perform community service.

HOUSE BILL 1135 **HOUSE AUTHOR:** Danburg
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Wentworth

House Bill 1135 amends the law relating to the removal of unauthorized vehicles from parking facilities or public highways. It specifies the circumstances under which a vehicle may be removed and stored and requires that the owner or operator of a towed vehicle have notice of where the vehicle can be located. A storage facility accepting a towed vehicle is required to provide a description of the vehicle to a local law enforcement agency. The act also lowers the penalty for violation from a Class B misdemeanor to a fine of not less than $200 and not more than $500.

HOUSE BILL 1156 **HOUSE AUTHOR:** Seidlits
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Bivins

House Bill 1156 authorizes freight charges of motor carriers other than specialized carriers to deviate from the railroad commission-prescribed base rate by as much as 40 percent for shipments in excess of 25,000 pounds or constituting a capacity load under tariffs, rules, or regulations adopted by the commission.

HOUSE BILL 1502 **HOUSE AUTHOR:** Naishtat
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Zaffirini

House Bill 1502 authorizes the Texas Department of Health to establish a program to distribute donated new or used child passenger safety seats to indigent persons.

HOUSE BILL 1590 **HOUSE AUTHOR:** Alexander
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Ellis

House Bill 1590 directs the railroad commission to participate in the single state registration system under federal law.

HOUSE BILL 1656 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

House Bill 1656 requires counties and municipalities to use Texas Department of Transportation standards in applying pavement markings and stop bars at grade crossings if the cost of the markings or stop bars is paid entirely or partly from state or federal funds.

HOUSE BILL 1657 **HOUSE AUTHOR:** Finnell
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Moncrief

House Bill 1657 establishes requirements that must be met before a warning signal at a grade crossing may be dismantled.

HOUSE BILL 1852 **HOUSE AUTHOR:** Bosse
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Rosson

House Bill 1852 authorizes the Texas Department of Transportation to initiate enforcement actions for the removal of illegal outdoor advertising signs and raises the penalty for maintaining or erecting an illegal sign.

HOUSE BILL 1895 **HOUSE AUTHOR:** Black
EFFECTIVE: 8-30-93 **SENATE SPONSOR:** Sibley

House Bill 1895 authorizes the Texas Department of Transportation to establish escrow accounts for the prepayment of fees required for permits authorizing transportation of a vehicle and its load or a combination of vehicles and load that exceeds legal size and weight limitations.

HOUSE BILL 1896 **HOUSE AUTHOR:** Black
EFFECTIVE: 9-1-93 **SENATE SPONSOR:** Sibley

House Bill 1896 authorizes the Texas Transportation Commission to enter into agreements with other states to provide for the issuance of permits authorizing the transportation of vehicles that exceed legal size or weight limitations.

HOUSE BILL 1932 **HOUSE AUTHOR:** Hilderbran
EFFECTIVE: 6-19-93 **SENATE SPONSOR:** Nelson

House Bill 1932 limits the liability of the surety of a motor vehicle dealer or wholesale auction. Liability is limited to the face amount of the bond for damages arising from an act or omission on which the bond is conditioned, plus reasonable attorney's fees incurred in the recovery of a judgment. The surety is not liable for successive claims in excess of the bond amount.

HOUSE BILL 1978 **HOUSE AUTHOR:** Hirschi
EFFECTIVE: 1-1-94 **SENATE SPONSOR:** Barrientos

House Bill 1978 amends the Health and Safety Code to allow the Department of Public Safety to establish and administer a statewide bicycle safety education program.

SENATE BILL 33 **SENATE AUTHOR:** Ratliff, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Telford

Senate Bill 33 allows the Texas Department of Transportation to maintain 25 district offices and exempts the department from provisions of other law requiring its districts to conform to other service regions.

SENATE BILL 112 **SENATE AUTHOR:** Brown
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** J. Harris

Senate Bill 112 grants the Texas Department of Transportation the authority to regulate outdoor signs in unincorporated areas along State Highway 288.

SENATE BILL 242 **SENATE AUTHOR:** Ellis, et al.
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Bosse, Talton

Senate Bill 242 authorizes the Texas Turnpike Authority to lease, sell, or convey a turnpike project to a county or a local government corporation created under the Texas Transportation Corporation Act and provides for the administration of a transferred project. It also authorizes the creation of a revolving fund and specifies circumstances under which revenues of certain projects may be used for other purposes.

SENATE BILL 323 **SENATE AUTHOR:** Wentworth, Shelley
EFFECTIVE: 8-30-93 **HOUSE SPONSOR:** Siebert

Senate Bill 323 removes the requirement that motorcycles must have sidecars that have been modified by the manufacturer to be operated by disabled persons in order to receive special license plates for vehicles operated by or for the transportation of disabled persons.

SENATE BILL 348 **SENATE AUTHOR:** O. H. Harris
EFFECTIVE: 5-6-93 **HOUSE SPONSOR:** Brimer, Cain

Senate Bill 348 amends the Municipal Airports Act to provide that a joint airport board created by home-rule municipalities with populations of more than 400,000 has complete authority to zone and control the property within airport boundaries regardless of whether all or part of the property is located within the territorial limits of the municipalities that created the airport. It also restricts the amount of real property that the joint board can acquire for the airport and limits the location of certain kinds of activities that can be carried on inside the boundaries of the airport.

SENATE BILL 452 **SENATE AUTHOR:** Rosson
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Bosse, Goodman

Senate Bill 452 transfers duties related to the regulation and operation of tow trucks and vehicle storage facilities under the Vehicle Storage Facility Act from the Texas Department of Licensing and Regulation to the Railroad Commission of Texas and excludes certain tow trucks and operators from state and local registration and licensing requirements.

SENATE BILL 614 **SENATE AUTHOR:** Montford
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Carter

Senate Bill 614 amends the Texas Commercial Driver's License Act to incorporate provisions of federal law. It also excludes from the definition of "commercial motor vehicle" a vehicle operated only on the premises of an airport and allows the Department of Public Safety to issue a restricted commercial driver's license to an employee of a farm-related service industry.

SENATE BILL 738 **SENATE AUTHOR:** Rosson, et al.
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Oakley

Senate Bill 738 authorizes motorcycles to use preferential traffic lanes and prohibits tolls on motorcycles that are greater than those imposed on passenger cars. It also requires the Department of Public Safety to include motorcycle and bicycle awareness information in editions of the Texas driver's handbook and requires the Central Education Agency to include information relating to motorcycle and bicycle awareness in the curriculum of driver education or driver safety courses governed by the agency.

SENATE BILL 907 **SENATE AUTHOR:** Ratliff
EFFECTIVE: 5-29-93 **HOUSE SPONSOR:** Telford

Senate Bill 907 provides that the Texas Department of Transportation is required to provide a legislator notice of the location and completion of highway projects in his or her district only if the legislator desires such notice.

SENATE BILL 926 **SENATE AUTHOR:** Armbrister
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Cain

Senate Bill 926 amends the Uniform Act Regulating Traffic on Highways to provide that previously unregistered cars and light trucks of the current or preceding model year at the time of sale are subject to an initial inspection that expires at the end of two years. The act establishes an inspection fee of $19.75 and allocates portions of the fee.

SENATE BILL 958 **SENATE AUTHOR:** C. Harris
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Dutton

Senate Bill 958 transfers duties related to the regulation and registration of tow trucks from the Texas Department of Licensing and Regulation to the Railroad Commission of Texas.

SENATE BILL 1128 **SENATE AUTHOR:** Zaffirini
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** H. Cuellar

Senate Bill 1128 reduces from 300,000 to 100,000 the minimum population requirement for a city in which a peace officer may enforce state and federal hazardous materials regulations and state and federal motor carrier safety regulations. The act further prescribes the relationship of municipalities and the Department of Public Safety regarding such enforcement.

SENATE BILL 1313 **SENATE AUTHOR:** Bivins, et al.
EFFECTIVE: See below **HOUSE SPONSOR:** Seidlits

Senate Bill 1313 amends laws governing the regulation of motor carriers to ease entry into the motor carrier market and increase rate flexibility. It also expedites the railroad commision certification and permitting process and modifies penalties for violations of the Motor Carrier Act.

The act provides that commercial zones in which certificates and permits are not required must comprise one or more whole counties. It reduces restrictions on the permitting of contract carriers by establishing a separate permit for transporting general commodities in truckload quantities. It allows certain specialized motor carriers to "backhaul" any permitted commodity without additional authority under certain restrictions.

The act sets up a "fitness only" standard of proof in certificate of authority applications for disadvantaged businesses and provides that an application by a disadvantaged business take precedence over all other applications of certification.

The act allows rate deviation of 40 percent by contract carriers transporting general commodities in truckload quantities and expands the minimum deviation range for common carriers transporting at least 10,000 pounds from 15 percent to 25 percent.

The act provides criminal and civil penalties for persons who fail to permit inspections and directs the railroad commission to set administrative penalties consistent with federal law and deposit money collected as penalties to the Motor Carrier Act enforcement fund in the general revenue fund.

It limits administrative penalties to $10,000 per case unless there is a finding that the respondent has knowingly committed multiple violations, in which case the fine is capped at $25,000.

The provisions of this act take effect September 1, 1993, except that provisions authorizing permits for contract carriers of general commodities in truckload quantities take effect January 1, 1994.

SENATE BILL 1355 **SENATE AUTHOR:** Barrientos
EFFECTIVE: 9-1-93 **HOUSE SPONSOR:** Alonzo

Senate Bill 1355 requires the Texas Department of Transportation to issue special license plates to members of any requesting nonprofit organization with at least 7,500 members that has provided the department with a $15,000 deposit.

CHAPTER 2

PROPOSED CONSTITUTIONAL AMENDMENTS

In the 1993 Regular Session, the 73rd Legislature passed 18 joint resolutions proposing 19 amendments to the state constitution. Three of the proposed amendments appeared on the May 1, 1993, election ballot, with all three measures failing to receive ratification. The remaining 16 propositions will be offered for ratification on the November 2, 1993, election ballot.

Listed below are the 18 joint resolutions proposing amendments to the state constitution passed by the 73rd Legislature. An asterisk (*) indicates a proposed amendment that was not approved. A dagger (†) indicates a resolution that proposes two amendments.

For May 1, 1993, Election

SENATE JOINT RESOLUTION 4*

SENATE AUTHOR: Bivins
HOUSE SPONSOR: Swinford, et al.

Proposing a constitutional amendment authorizing the issuance of $750 million in state general obligation bonds to assist school districts in financing facilities and repealing the authorization for $750 million in state revenue bonds guaranteed by the permanent school fund.

SENATE JOINT RESOLUTION 7*†

SENATE AUTHOR: Ratliff
HOUSE SPONSOR: Linebarger

Proposing a constitutional amendment relating to the support and maintenance of public schools.

For November 2, 1993, Election

HOUSE JOINT RESOLUTION 3

HOUSE AUTHOR: Saunders, et al.
SENATE SPONSOR: Armbrister

Proposing a constitutional amendment clearing land titles by relinquishing and releasing any claim of sovereign ownership or title to a fractional interest in the Shelby, Frazier, and McCormick League (now located in Fort Bend and Austin counties) arising out of the voiding of a certain interest under a Mexican land grant.

HOUSE JOINT RESOLUTION 21

HOUSE AUTHOR: Holzheauser
SENATE SPONSOR: Armbrister

Proposing a constitutional amendment to abolish the office of county surveyor in Jackson County.

HOUSE JOINT RESOLUTION 22

HOUSE AUTHOR: Averitt
SENATE SPONSOR: Sibley

Proposing a constitutional amendment to abolish the office of county surveyor in McLennan County.

HOUSE JOINT RESOLUTION 23

HOUSE AUTHOR: Grusendorf, Oakley
SENATE SPONSOR: Nelson

Proposing a constitutional amendment relating to the denial of bail to certain persons charged with certain violent or sexual offenses.

HOUSE JOINT RESOLUTION 37

HOUSE AUTHOR: Glaze
SENATE SPONSOR: Ratliff

Proposing a constitutional amendment to provide for the abolition of the office of county surveyor.

HOUSE JOINT RESOLUTION 57

HOUSE AUTHOR: Mowery
SENATE SPONSOR: O. H. Harris

Proposing a constitutional amendment repealing the constitutional provision limiting the consideration for which stock and bonds of a corporation may be issued.

HOUSE JOINT RESOLUTION 86

HOUSE AUTHOR: Stiles, et al.
SENATE SPONSOR: Armbrister

Proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution.

SENATE JOINT RESOLUTION 9

SENATE AUTHOR: Lucio, et al.
HOUSE SPONSOR: Romo

Proposing a constitutional amendment authorizing the legislature to provide for the issuance of bonds for the state financing of start-up costs for historically underutilized businesses.

SENATE JOINT RESOLUTION 13

SENATE AUTHOR: Lucio, et al.
HOUSE SPONSOR: Counts, Denton

Proposing a constitutional amendment relating to the amount and expenditure of certain constitutionally dedicated funding for public institutions of higher education.

SENATE JOINT RESOLUTION 18

SENATE AUTHOR: Parker
HOUSE SPONSOR: Stiles

Proposing a constitutional amendment authorizing the legislature to prescribe the qualifications of sheriffs.

SENATE JOINT RESOLUTION 19

SENATE AUTHOR: Ellis, Leedom
HOUSE SPONSOR: Eckels

Proposing a constitutional amendment to modify the provisions for the redemption of real property sold at a tax sale.

SENATE JOINT RESOLUTION 31

SENATE AUTHOR: Whitmire
HOUSE SPONSOR: Haggerty, et al.

Proposing a constitutional amendment relating to local public retirement systems.

SENATE JOINT RESOLUTION 34

SENATE AUTHOR: J. Turner
HOUSE SPONSOR: Counts

Proposing a constitutional amendment relating to bonds issued to augment the Veterans' Land Fund and the Veterans' Housing Assistance Fund, to fund the Veterans' Housing Assistance Fund II, and to provide financial assistance to veterans of the state.

SENATE JOINT RESOLUTION 44

SENATE AUTHOR: O. H. Harris, Lucio
HOUSE SPONSOR: P. Patterson

Proposing a constitutional amendment relating to the total principal amount of bonds and notes authorized to be issued or sold for the support of the Texas agricultural fund.

SENATE JOINT RESOLUTION 45

SENATE AUTHOR: Whitmire
HOUSE SPONSOR: Hightower

Proposing a constitutional amendment providing for the issuance of general obligation bonds for acquiring, constructing, or equipping corrections institutions, including youth corrections institutions, and mental health and mental retardation institutions and for major repair or renovation of existing facilities of those corrections institutions.

SENATE JOINT RESOLUTION 49

SENATE AUTHOR: Montford, et al.
HOUSE SPONSOR: Stiles

Proposing a constitutional amendment prohibiting a personal income tax without voter approval and dedicating the proceeds of the tax, if enacted, to education and property tax relief.

CHAPTER 3

STATE AGENCIES, GOVERNING BODIES, AND ADVISORY BOARDS, ABOLISHED AND CREATED

Termination dates are given in the table below for new and continued entities, if applicable, and for abolished entities for which termination is delayed beyond 1993. "Other" termination dates include expiration dates that do not involve sunset review. Abolished entities for which no termination date is given expire in 1993. An "N" in the **Sunset** column indicates no termination date specified in the bill or implied by sunset law. Codes entered in the **Change** column are as follows:

X Abolished
C Created
CT Continued by postponement of termination date
RX Replaced by a new agency, board, commission, advisory board, or other entity
RC Replaces a previous agency, board, commission, advisory board, or other entity

Bill	Change	Agency	Termination	
			Sunset	Other
HB 154	C	Elevator Advisory Board (Commissioner of Licensing and Regulation)	N	
HB 253	C	Uniform Jury Handbook Legislative Oversight Committee		1994
HB 783	CT	Automobile Theft Prevention Authority		1997
HB 903	C	State Employee Charitable Campaign Advisory Committee	N	
	C	State Employee Charitable Campaign Policy Committee	N	
HB 923	C	Texas Committee on Energy Policy	N	
	C	Texas Energy Coordination Council	N	
HB 977	RX	Law Enforcement Management Institute Board of Directors		
	RC	Bill Blackwood Law Enforcement Management Institute of Texas Advisory Board	N	
HB 1165	C	Deaf Testing Committee (State Board of Education/Texas Higher Education Coordinating Board)	N	
HB 1261	C	Texas Partnership and Scholarship Program Advisory Council (Texas Higher Education Coordinating Board)	N	
HB 1461	X	State Board of Insurance		1994
	C	Interim Select Committee on Health Insurance		1994
	C	Select Committee on Rate and Policy Form Regulation		1994
	C	Texas Automobile Insurance Plan Association	N	
	C	Texas Automobile Insurance Plan Association Governing Committee	N	

Bill	Change	Agency	Termination	
			Sunset	Other
HB 1510	X	Office of Youth Care Investigations		
	C	Office of Minority Health (Texas Department of Health)	N	
HB 1551	RX	Home Health Services Advisory Council		
	RC	Home and Community Support Services Advisory Council (Texas Department of Health)	N	
HB 1587	RX	Lottery Division (Office of the Comptroller of Public Accounts)		
	RC	Lottery Division (Texas Lottery Commission)	2003	
	C	Bingo Division (Texas Lottery Commission)	2003	
	C	Texas Lottery Commission	2003	
HB 1835	C	Texas State Board of Examiners of Perfusionists	2005	
HB 1938	RX	Underground Storage Tank Advisory Committee		
	RC	Petroleum Storage Tank Advisory Committee (Texas Water Commission)	N	
HB 2055	C	Texas Health Benefits Purchasing Cooperative Board of Trustees	N	
	C	Texas Health Reinsurance System Board of Directors	N	
	C	Mandated Benefit Review Panel (Commissioner of Insurance)	N	
	C	Committee to Study Guaranteed Issue of Health Benefit Plans		1995
HB 2219	RX	Texas-Israel Semi-Arid Fund Board		
	RC	Texas-Israel Exchange Fund Board (Department of Agriculture)	2001	
HB 2223	C	Joint Interim Committee on the Texas Cultural Endowment Fund		1995
HB 2385	C	Pediatric Emergency Medical Services Advisory Committee (Texas Department of Health)	N	
HB 2498	RX	Physician Assistants Advisory Committee		
	RC	Physician Assistant Advisory Council (Texas State Board of Medical Examiners)	2005	
HB 2524	C	Stephen F. Austin Bicentennial Celebration Commission		1993
HB 2585	X	Advisory Committee for Administrator Appraisal		
	X	Advisory Committee for Budgeting, Accounting, and Auditing		
	X	Advisory Committee on Environmental Education		
	X	Advisory Committee on Site-Based Decision Making		

Bill	Change	Agency	Termination	
			Sunset	Other
HB 2585	X	Advisory Committee on Student Assessment		
(cont.)	X	Advisory Committee on Technology Standards		
	X	Advisory Task Force on the Education of Homeless Children and Youth		
	X	Apprenticeship and Training Advisory Committee		
	X	Chapter 2 Advisory Committee		
	X	Commission on Braille Textbook Production		
	X	Commission on Standards for the Teaching Profession		
	X	Commissioner's Advisory Committee on the Long-Range Plan for Technology		
	X	Commissioner's Advisory Panel of Superintendents		
	X	Commissioner's Cabinet for Regional Services		
	X	Commissioner's Task Force for School Health Services and Staffing of the School Health Services Program		
	X	Committee of Practitioners—Chapter 1		
	X	Committee of Practitioners for Vocational Education		
	X	Committee on State Graduation Credit Options		
	X	Computer Software Advisory Group		
	X	Continuing Advisory Committee for Special Education		
	X	Driver Training School Advisory Commission		
	X	Fine Arts Task Force		
	X	Health Education Framework Advisory Committee		
	X	HIV Education Program Review Panel		
	X	Investment Advisory Committee on the Permanent School Fund		
	X	Long-Range Advisory Committee		
	X	Master Teacher Appraisal Advisory Committee		
	X	Mathematics Curriculum/Assessment Advisory Committee		
	X	Minority Recruitment Advisory Committee		
	X	Parent Involvement Advisory Committee		
	X	Policy Committee on Public Education		
	X	Proprietary School Advisory Commission		
	X	Roundtable on School Safety and Violence Prevention		

Bill	Change	Agency	Termination	
			Sunset	Other
HB 2585	X	School Facilities Advisory Committee		
(cont.)	X	Special Education Cost Study Advisory Board		
	X	State Advisory Board on National and Community Service		
	X	State Parent Advisory Council for Migrant Education		
	X	State Textbook Committee		
	X	Statewide Advisory Commission on Educational Service Centers		
	X	Statewide Media Task Force on Dropout Prevention		
	X	Task Force for Review and Revision of Social Studies		
	X	Task Force on Early Childhood to Elementary Education		
	X	Task Force on Professional Preparation and Development		
	X	Task Force on Various State Agencies that Regulate Proprietary Schools		
	X	Teachers' Professional Practices Commission of Texas		
	X	Team Member Committee		
	X	Technical Committee to the Texas High School Education Task Force		
	X	Texas Committee on Student Learning		
	X	Texas Council on Vocational Education		
	X	Texas High School Education Task Force		
	X	Texas Successful School Awards System Advisory Committee		
	X	Texas Vocational and Applied Technology Education Committee of Practitioners		
	X	Textbook Proclamation Advisory Committees		
	X	Tri-Agency Task Force to Update the Master Plan for Vocational and Technical Education		
	X	Youth Suicide Prevention Advisory Committee		
HB 2626	C	State Council on Competitive Government	N	
	C	Joint Committee to Monitor Progress on Goals Relating to Historically Underutilized Businesses	N	
SB 6	RX	Laredo State University		
	RC	Texas A&M International University	N	

Bill	Change	Agency	Termination	
			Sunset	Other
SB 7	X	Central Education Agency		1995
	X	State Board of Education		1995[1]
	X	Office of the Commissioner of Education		1995[1]
	C	Select Committee to Conduct a Comprehensive Review of the Central Education Agency		1995
SB 28	C	Advisory Committee on the Applicability of Municipal Fire Safety Ordinances and Regulations to Remodeled or Renovated Health Care Facilities (Texas Department of Health)	N	
SB 155	C	Texas Commission on Children and Youth		1995
SB 163	RX	Advisory Council on Private Degree-Granting Institutions of Higher Education		
	RC	Advisory Council on Private Postsecondary Educational Institutions (Texas Higher Education Coordinating Board)	N	
SB 207	C	Advisory Task Force on Prescription Medications (Texas Board of Mental Health and Mental Retardation)		1994
SB 236	C	Advisory Committee on Development of a Uniform Assessment Tool (Commissioner of Health and Human Services)		1994
SB 251	RX	McAllen Extension Center, Texas State Technical College System		
	RC	South Texas Community College		
	C	South Texas Community College Board of Trustees (temporary, appointed)		2000[2]
SB 286	C	HIV/AIDS Interagency Coordinating Council (Texas Department of Health)	N	
SB 346	RX	Texas College of Osteopathic Medicine		
	RC	University of North Texas Health Science Center at Fort Worth	N	
SB 367	C	Committee on the Design of Apprenticeship and Career Pathways Programs for Youth (Texas Department of Commerce)		1995
SB 378	C	Managed Health Care Advisory Committee (Texas Department of Criminal Justice)	N	

[1] SB 7 repeals Title 1 and most of Title 2, effective September 1, 1995. The repeal of these provisions effectively will abolish this entity.

[2] Or the date on which an election is held in which the majority of voters in Starr and Hidalgo counties confirm the creation of the college and authorize the election of a board of trustees from single-member districts, whichever date comes first.

Bill	Change	Agency	Termination	
			Sunset	Other
SB 381	X	Texas Surplus Property Agency		
	C	Surplus and Salvage Property Division (General Services Commission)	N	
SB 383	X	Advisory Committee to the Motorcycle Operator Training and Safety Program		
	X	Campaign Finance Reform Task Force		
	X	Committee on State Revenue Estimates		
	X	Committee on Water Resources		
	X	Criminal Justice Education Project Advisory Committee		
	X	Dairy Advisory Board (Department of Agriculture)		
	X	Design Advisory Panel (General Services Commission)		
	X	Family Farm and Ranch Advisory Council (Department of Agriculture)		
	X	FIRST Committee		
	X	Governor's Welfare Reform Task Force		
	X	Health Maintenance Organization Advisory Committee (Texas Department of Health)		
	X	Joint Interim Committee on Proprietary Schools		
	X	Paperwork Reduction Advisory Committee (Central Education Agency)		
	X	State Complete Count Census Committee		
	X	Task Force on Public Utility Regulation		
	X	Task Force on Waste Management Policy		
	X	Texas Science and Technology Council		
	X	Texas Summit Committee (Texas Commission on Alcohol and Drug Abuse)		
	X	Transportation Audit Committee		
SB 405	C	Office of Rural Affairs (Texas Department of Commerce)	N	
	C	Smart Jobs Fund Program Legislative Review Committee		1999
SB 407	RX	Consumer Advisory Committee		
	RC	Rehabilitation Advisory Council (Texas Rehabilitation Commission)	N	
SB 465	RX	Interagency Council for Services to the Homeless		
	RC	Texas Interagency Council for the Homeless	1999	

Bill	Change	Agency	Termination	
			Sunset	Other
SB 498	CT	Public Utility Commission of Texas	1995	
	CT	Office of Public Utility Counsel	1995	
SB 526	RX	Texas Space Commission		
	RC	Texas Aerospace Commission	2003	
SB 532	C	State Jail Division (Texas Department of Criminal Justice)	N	
SB 617	X	Legislative Education Board		
SB 642	C	Council on Workforce and Economic Competitiveness	2001	
	X	Apprenticeship and Training Advisory Committee		
	X	State Job Training Coordinating Council		
	X	Technical Advisory Committee to the State Occupational Information Coordinating Council		
	X	Texas Council on Vocational Education		
	X	Texas Literacy Council		
SB 673	X	Texas State Board of Dental Examiners[3]		
SB 674	C	Health Professions Council	N	
	RX	Texas Board of Licensure for Nursing Home Administrators		
	RC	Texas Board of Nursing Facility Administrators (Texas Department of Health)	2005	
SB 690	C	Executive Council of Physical Therapy and Occupational Therapy Examiners	2005	
	RX	Texas Advisory Board of Occupational Therapy		
	RC	Texas Board of Occupational Therapy Examiners	2005	
SB 737	C	Alternative Fuels Council	N	
SB 773	C	Coordinating Committee on Poison Control	N	
SB 814	C	Industry Advisory Committee (General Services Commission)	N	
SB 953	RX	Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids		
	RC	State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments (Texas Department of Health)	2005	
SB 1051	C	Recycling Market Development Board	N	
	C	Office of Waste Exchange (Texas Natural Resource Conservation Commission)	N	

[3] The board was reviewed in accordance with Chapter 325, Government Code (Texas Sunset Act), which provides for the review and automatic abolition of state agencies unless they are continued in existence by an act of the legislature. Because SB 673, which would have continued the board, was not passed by the 73rd Legislature, the board was abolished as scheduled in 1993.

Bill	Change	Agency	Termination	
			Sunset	Other
SB 1062	C	Texas State Board of Acupuncture Examiners	1997	
SB 1077	RX	State Committee of Examiners for Speech-Language Pathology and Audiology		
	RC	State Board of Examiners for Speech-Language Pathology and Audiology (Texas Department of Health)	2005	
SB 1130	RX	Interagency Council on Sex Offender Treatment		
	RC	Council on Sex Offender Treatment	1997	
SB 1206	C	Texas Low-Level Radioactive Waste Disposal Compact Commission	N	
SB 1424	C	Psychological Associate Advisory Committee (Texas State Board of Examiners of Psychologists)	N	
SB 1426	RX	Council for Social Work Certification		
	RC	Texas State Board of Social Worker Examiners (Texas Department of Health)	2005	
SB 1477	RX	Edwards Underground Water District		
	RC	Edwards Aquifer Authority	N	
	C	Edwards Aquifer Authority Board of Directors	N[4]	
	C	Edwards Aquifer Legislative Oversight Committee	N	
	C	South Central Texas Water Advisory Committee	N	

[4] The board is subject to review under Chapter 325, Government Code (Texas Sunset Act), but may not be abolished under that act. The review will be conducted as if the board were scheduled to be abolished September 1, 2005. Unless individual members of the board are continued in office after the review, their membership expires September 1, 2005, when a new board will be appointed.

CHAPTER 4

LIST OF VETOED LEGISLATION

Of the legislation passed during the 1993 Regular Session, Governor Ann W. Richards vetoed 24 bills and two concurrent resolutions. The vetoed measures included 15 house bills, two house concurrent resolutions, and nine senate bills. The governor also vetoed various line-item appropriations in Senate Bill 5, the General Appropriations Act.

HOUSE BILL 158

HOUSE AUTHOR: Hochberg
SENATE SPONSOR: Rosson

Relating to the adoption of certain emergency rules under the Administrative Procedure and Texas Register Act.

HOUSE BILL 187

HOUSE AUTHOR: Craddick, et al.
SENATE SPONSOR: Sibley

Relating to violation of speed limits required by federal law.

HOUSE BILL 360

HOUSE AUTHOR: Averitt, Schechter
SENATE SPONSOR: Sibley

Relating to persons who may bring an original suit affecting the parent-child relationship.

HOUSE BILL 372

HOUSE AUTHOR: B. Hunter
SENATE SPONSOR: Carriker

Relating to peace officers of hospitals in certain municipalities.

HOUSE BILL 674

HOUSE AUTHOR: Bomer
SENATE SPONSOR: J. Turner

Relating to the authority of a court to refer a case to alternative dispute resolution.

HOUSE BILL 1019

HOUSE AUTHOR: Eckels
SENATE SPONSOR: Shelley

Relating to the age at which persons are required or permitted to attend public school.

HOUSE BILL 1185

HOUSE AUTHOR: McCall
SENATE SPONSOR: Shelley

Relating to purchasing by local governments.

HOUSE BILL 1776

HOUSE AUTHOR: Wilson, et al.
SENATE SPONSOR: J. Patterson

Relating to a referendum on rules for the issuance of a license to carry a handgun.

HOUSE BILL 1862

HOUSE AUTHOR: Saunders
SENATE SPONSOR: Armbrister

Relating to the renewal of certain business, occupational, and professional licenses.

HOUSE BILL 1873 **HOUSE AUTHOR:** Mowery, Craddick
SENATE SPONSOR: Bivins

Relating to state employee contributions to the federal old age and survivors insurance program.

HOUSE BILL 2333 **HOUSE AUTHOR:** Johnson
SENATE SPONSOR: Sibley

Relating to evaluating the performance of public schools.

HOUSE BILL 2511 **HOUSE AUTHOR:** Hilbert
SENATE SPONSOR: Henderson

Relating to administrative hearings and appeals.

HOUSE BILL 2512 **HOUSE AUTHOR:** Hilbert
SENATE SPONSOR: Henderson

Relating to continued operation under a license after judicial review of a contested case.

HOUSE BILL 2612 **HOUSE AUTHOR:** Tallas
SENATE SPONSOR: J. Patterson, Lucio

Relating to the membership of the Coastal Coordination Council.

HOUSE BILL 2825 **HOUSE AUTHOR:** Tallas
SENATE SPONSOR: Brown

Relating to the appointment of bailiffs of the district courts and county courts at law in Fort Bend County.

HOUSE CONCURRENT RESOLUTION 119 **HOUSE AUTHOR:** Grusendorf
SENATE SPONSOR: C. Harris

Declaring the Texas State Museum of History in Arlington to be the official state history museum of Texas.

HOUSE CONCURRENT RESOLUTION 135 **HOUSE AUTHOR:** S. Thompson
SENATE SPONSOR: Haley

Granting Green International permission to sue the State of Texas and the Texas Department of Criminal Justice.

SENATE BILL 123 **SENATE AUTHOR:** C. Harris
HOUSE SPONSOR: Goodman

Relating to the enforcement of certain agreements between the parties to a marriage.

SENATE BILL 149 **SENATE AUTHOR:** Leedom
HOUSE SPONSOR: Yost

Relating to commissioning peace officers to protect persons and property at housing authorities.

SENATE BILL 421 **SENATE AUTHOR:** Carriker
HOUSE SPONSOR: Cook

Relating to the requirement of notice of requests by gas utilities for rate increases and to the statutory procedures for approval and refund of temporary rates in gas utility rate cases.

SENATE BILL 555 **SENATE AUTHOR:** J. Patterson
HOUSE SPONSOR: Siebert

Relating to provision of certain mental health and substance abuse services through single service health maintenance organizations.

SENATE BILL 599 **SENATE AUTHOR:** Lucio
HOUSE SPONSOR: Place

Relating to the exoneration and forfeiture of bail.

SENATE BILL 952 **SENATE AUTHOR:** Wentworth
HOUSE SPONSOR: Krusee

Relating to the transfer of extraterritorial jurisdiction between certain municipalities.

SENATE BILL 959 **SENATE AUTHOR:** Ellis, Moncrief
HOUSE SPONSOR: Junell

Relating to state energy efficiency and conservation programs; granting the authority to issue revenue bonds.

SENATE BILL 965 **SENATE AUTHOR:** Sims
HOUSE SPONSOR: Hilderbran

Relating to the authority of the Upper Guadalupe River Authority to appropriate state water for recharging certain underground fresh water bearing sands and aquifers.

SENATE BILL 1029 **SENATE AUTHOR:** Armbrister
HOUSE SPONSOR: Campbell

Relating to the review and approval of certain permits by the state, a municipality, and other local governmental entities.

CHAPTER 5
GOVERNOR'S VETO PROCLAMATIONS

PROCLAMATION

BY THE

Governor of the State of Texas

41-2571

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 158 because of the following objections:

> This bill prohibits the adoption of emergency rules by state agencies except under specifically enumerated circumstances. State agencies routinely need to adopt rules on an emergency basis in order to properly discharge the duties and responsibilities delegated to such agencies by the legislature. Inappropriate or improper use of emergency rules may be adequately challenged through final rule making process or the courts.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2572

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 187 because of the following objections:

This bill would prohibit the Department of Public Safety from giving the names of speeders to other law enforcement agencies or insurance companies unless the speeders were driving at speeds greater than 70 miles per hour. The effect of this bill would be to abolish speed limits between 55 and 70 miles per hour, causing an increase in traffic accidents, injuries, and deaths. It would also lead to escalating auto insurance costs.

Because Texas is near the 50 percent limit for compliance with national speed limits, any further reduction in compliance will lead to the transfer of federal highway construction funds to safety programs. This bill would also be an administrative nightmare for the Department of Public Safety, since it would have to establish two sets of records for speeding violations.

The 55 miles per hour speed limit has contributed to an almost 50 percent drop in auto fatalities since 1981. The savings in lives alone is sufficient reason to veto this bill.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 360 because of the following objections:

> This bill would allow a foster parent who has had actual possession of a child for a period of one year and, in the case of a court-ordered placement, as little as six months, to bring a suit to terminate the rights of the natural parents and adopt the child. According to an interpretation from the United States Department of Health and Human Services, a state statute that allows foster parents to petition for termination of parental rights would be contrary to the intent of the Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272). Therefore, this bill becoming law would result in the loss of a significant amount of federal funds for Texas.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 28 day of May, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
OF TEXAS

MAY 28 1993

John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2560

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 372 because of the following objections:

> This bill would allow hospitals in cities over 50,000 population to commission peace officers for the protection of the hospital. The bill would allow both public and private hospitals of any size to commission peace officers, and does not specify whether the governing board, management, or what entity would be responsible for commissioning the officers. In addition, the public safety would be better served if these hospitals would coordinate their efforts with local law enforcement agencies rather than commissioning peace officers themselves.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 11 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:30 p.m. O'CLOCK
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2573

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 674 because of the following objections:

> This bill would prohibit courts from submitting cases to alternative dispute resolution where a motion to transfer venue or a motion for special appearance has been filed. In fact, the bill would not allow the court to make this referral even if the parties were willing to submit the dispute to ADR. While these motions must be filed at the beginning of a lawsuit, this period is often the best time for the parties to attempt to resolve the suit. To limit the availability of the process at that time could slow the resolution and further clog our overcrowded courts.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2574

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 1019 because of the following objections:

This bill amends the Texas Education Code to allow children 6 years of age after September 1 and before January 1 of the same school year to enroll in the first grade upon request of the parents and consent of the district; further, it allows children 5 years of age after September 1 and before January 1 of the same school year to enroll in kindergarten upon request of the parents and consent of the district. It also exempts high school students younger than 17 years of age from compulsory school attendance if they have received a diploma or a GED certificate.

Although the original intent of the bill was to clean up the compulsory school attendance law as it relates to graduation, a floor amendment added the problematic language affecting entrance requirements. This amendment places an undue administrative and financial burden on local school districts. Districts will have to determine which children are ready to attend first grade and will then have to raise the additional funds to educate them. Given the escalating costs of providing a basic education for the current population of school age children in the state, it is not in the best interest of schools to create an unexpected increase in their student population by changing the age requirements.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE

10:10 p.m. O'CLOCK

JUN 20 1993

John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2561

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 1185 because of the following objections:

> This bill makes a variety of changes to the law controlling local government bidding practices, including exempting insurance from the requirement of competitive bidding. Fortunately many of the other provisions of this bill are contained in other bills. The conference committee added insurance to the list of purchases for which no competitive bidding is required, in spite of the fact that neither the House nor the Senate version of the bill exempted insurance from the competitive bidding requirement. Insurance should be subject to the requirement for competitive bidding.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

SECRETARY OF STATE
7:30 p.m.
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2556

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 1776 because of the following objections:

> This bill would spend 60,000 taxpayer dollars to do a public opinion poll for gun interests. There are plenty of private pollsters that can be hired for that purpose. It is a bill that promotes violence on our streets and in our neighborhoods. I cannot in good conscience waste taxpayer money to conduct a public opinion poll that will accomplish nothing and diverts our attention from real issues of crime such as drug abuse and prison overcrowding.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this third day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:41 p.m. O'CLOCK
JUN 03 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2562

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 1862 because of the following objections:

> This bill would prohibit any requirement that an individual pass an examination to renew a license to practice a business, occupation, or profession. It would also allow a person to renew an expired license without an examination if it had been expired for less than two years.
>
> This bill was originally intended to change licensing renewal requirements for two licensing agencies. It is now so broad that it changes requirements for most professional licensing acts. These laws and regulations have been adopted by the Texas Legislature or by the licensing boards after much careful examination and study. The sweeping range of the changes in this bill were neither debated by the Legislature nor recommended by the Sunset Commission for the numerous licensing acts renewed by the 73rd Legislature.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:30 p.m. O'CLOCK
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2575

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 1873 because of the following objections:

> The state salary schedule is designed to assure employees that compensation will be equal among pay grades for specific job classifications. This bill would convert the present state-paid social security for state employees into a salary supplement for current state employees only. In effect, this bill would create two classes of employees, with one group paid more for the same work than others. This action is not necessary to balance the state budget and it creates serious problems for the state salary and classification system.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

SECRETARY OF STATE
10:10 p.m.
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2576

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2333 because of the following objections:

> This bill amends the Texas Education Code by repealing the authority of the Commissioner of Education to exempt exemplary schools from state regulations. The bill would require the entire school district to be rated as exemplary for schools in the district to receive waivers from state regulations. Because of the importance of local control and community involvement in improving schools, the Commissioner should have the authority to recognize excellence in individual schools. This bill would be a disincentive for innovation in education. It is not in the best interest of the schools of Texas to allow this bill to become law.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m.
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2563

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2511 because of the following objections:

> This bill would amend the Administrative Procedure and Texas Register Act to limit persons who have standing in administrative hearings and judicial appeals of those hearings. State agencies could be a party in hearings only if required or permitted to participate. On appeal, a person would be required to "allege and demonstrate that he has suffered specific, adverse injury or damage other than merely as a member of the general public."
>
> The second limitation is more troubling. The effect is to deny the participation of citizen groups and public interest advocates in the judicial process. In addition, the bill appears to require a showing of injury already suffered in the past as a basis of establishing a justiciable interest. Since many licensing and permitting actions deal with the question of possible future harm if the license or permit is granted, this provision would virtually eliminate appeals in many administrative hearings.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

SECRETARY OF STATE
7:30 p.m.
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2577

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2512 because of the following objections:

This bill would allow a business to continue to operate even though a court reverses the agency action granting the operating license if the reversal is because of "procedural or clerical defects" and returns the case to the agency or lower court. It would also limit review by the lower court or agency to the particular defect found by the court. If the business states that it will correct the defect within 90 days, the agency must accept the statement and allow the business to continue operating.

This bill does not define procedural or clerical defect. It ignores the fact that a procedural irregularity may affect the substance of a hearing. A licensee could use this bill to perpetually continue operations even though a court has determined that the licensing decision was flawed.

Further, this bill would apply retroactively to all licenses issued after January 1, 1989. This could impact the rights of current challengers to licensing decisions in violation of the constitutional prohibition against retroactive laws.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2612 because of the following objections:

This bill would add a member of the Texas Transportation Commission and the Commissioner of Agriculture to the Coastal Coordination Council. Adding new members at this time risks slowing the process of developing the Coastal Management Program and revisiting fundamental decisions that the Council has already made. After months of effort, the agencies involved in Coastal Management Program planning have recently recommended that the Council approve an extensive policy development process. This process will begin in the fall. Adding new members to the Council could subject this process to reexamination and revision and could jeopardize the goal of producing a program that can be approved by the Council in February 1994.

The two members that would be added by this bill do not have as their primary mission the management of the state's natural resources. However, both the Transportation Commission and the Department of Agriculture, along with other natural resource agencies such as the Texas Water Development Board and State Soil and Water Conservation Service, have been active participants in the development of the program since 1991. They currently work closely and productively with the Council through a state agency task force and several work groups devoted to specific issues. Their continued involvement will help shape the Coastal Management Program and will be critical to its success.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 25 day of May, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9:50 p.m. O'CLOCK

MAY 25 1993

John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2564

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 2825 because of the following objections:

> This bill would require that the district and county court-at-law judges in Fort Bend County each appoint a bailiff who would work for the judge but would be peace officers commissioned by the sheriff of the county. This would remove the sheriff's authority over the bailiffs while leaving him with full responsibility for their actions.
>
> Existing state law does not determine how a county provides bailiffs for its courts. It has remained a local matter. This bill would dictate to Fort Bend County how these bailiffs would be employed. I believe this is best left to the judgment of the local officials involved.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

Secretary of State
7:30 p.m. o'clock
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2579

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.C.R. 119 because of the following objections:

> This concurrent resolution would declare the Texas State Museum of History in Arlington the official state museum of history. There is no privilege that goes with the resolution except the title. While the museum in Arlington is surely deserving of respect, it would cause dissension within the museum community over the designation. There is no reason to name any museum as the "official state museum of history" because there are a number that would be well-qualified to serve in such a capacity. It is really not appropriate to favor one over another.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2578

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.C.R. 135 because of the following objections:

> This concurrent resolution would grant Green International permission to sue the State of Texas concerning construction contracts with the Texas Department of Criminal Justice. Due to the questionable nature of this lawsuit and the lack of appropriation to pay a judgment that might result from it, this resolution should be vetoed.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK

JUN 20 1993

John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2558

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Senate Bill 5, the General Appropriations Bill, has reached my desk for action, having been duly certified by the Comptroller of Public Accounts, pursuant to Article III, Section 491 of the Texas Constitution. It authorizes the expenditure of $70.1 billion in total funds for 1994-95. This represents a two-year increase of 11.4 percent, the lowest growth in the state budget in over a generation. The last time the Legislature passed a budget with so little increase, Dwight Eisenhower was President, television screens were round, and there were only 49 states in the union.

This budget is remarkable for both its austerity and its achievement. As important as what we did, is what we did not do. ***We did not raise taxes.*** This budget meets the basic needs of the people of Texas ***with no new taxes***.

In January, I presented the Legislature with a fair proposal, ***Working for Texas***, that maintained critically needed services, made new investments where needed, and balanced the budget without new taxes. Over $250 million of the money-saving initiatives from ***Working for Texas***, over and above those of the Texas Performance Review and Senate Bill 5 as introduced, have been incorporated into this budget. In addition, to set an example for others, I asked the Legislature to reduce the budget for the Office of the Governor by over $1 million below the general revenue amounts the Legislative Budget Office recommended for 1994-95.

While not all of my recommendations are reflected in this final document, and in particular, the loss of our proposed teacher pay raise pains me, this budget truly stands as a remarkable effort of cooperation and compromise between both houses of the Legislature and the executive branch.

Taxpayers owe a special debt of gratitude to Lieutenant Governor Bob Bullock and House Speaker Pete Laney. Their commitment and consistent direction in both houses provided the focus on keeping spending within available revenues. Senator John Montford, author of Senate Bill 5, and House sponsor Rob Junell, in particular, are to be commended for their efforts in crafting this bill. With limited growth in state revenues colliding with court orders and federal mandates, the budget decisions were difficult, and oftentimes painful. In the face of these pressures, John Montford and Rob Junell rolled up their sleeves and went to work--writing this bill in what was the most open and thoughtful budget-writing process in the history of the state.

A special thank you is due State Comptroller John Sharp. Combining his budget craftiness with just plain hard work, he showed us many cost-cutting measures that have helped us cut spending while providing better quality services for the people of this state.

Through the enhanced efforts of our Office of State-Federal Relations and other key state agencies, we will bring down a record $19.8 billion in federal funds--up over $4 billion from the record level projected with passage of the 1992-93 budget. These dollars will allow us to provide better care and services for our elderly and disabled and our disadvantaged citizens, expanded job training for our workers, and better roads for the people and the businesses in this state.

For the first time in the history of the state, we will have the necessary funds to immunize every child in Texas against preventable diseases. Not only will our children be healthier, but by investing in prevention we will save money over the coming years, and reduce human suffering and high health care costs.

Our communities will be made safer by building 22,000 new state jail beds and 1,000 new prison beds so we may keep violent offenders off our streets. But even more important than the bricks we lay is the investment we make in treatment and rehabilitation. Over 7,000 prison beds will be available to provide treatment for substance abusers. Funds are also included to provide the follow-up aftercare so critical for successful rehabilitation. This budget expands the Treatment Alternatives to Incarceration Program so we may rehabilitate non-violent offenders rather than incarcerate them.

This budget funds new initiatives to provide long overdue improvements for higher educational opportunity in South Texas. We provide a total of $96.4 million for new program development and $288.0 million for new classrooms, research and laboratory facilities, and equipment.

Senate Bill 5 will bring a successful resolution to the hospital lawsuit which could have cost the state several hundred million dollars. As a result of the good faith negotiations and the funding levels provided in this budget, the parties in Texas Hospital Association, et al. v. National Heritage Insurance Company, et al., agree to drop their pending lawsuit against the state's Medicaid reimbursement rates.

Our retired teachers and state employees will receive a benefits increase. At the same time this budget preserves the current state contribution levels to the employees' and teachers' pension systems.

This bill also reflects a change in the way we budget the public's dollars. For the first time, the state budget includes specific performance targets for the services we expect agencies should provide to the public. We will be able to scrutinize not only the bottom line of the budget over the next two years, but also the level and the quality of services state government provides for the benefit of the people of this state.

Crafting a budget for an enterprise as large and as complex as the State of Texas is a daunting task; mistakes and disagreements are inevitable. The vetoes that follow are not a criticism of the Legislature. In many instances these vetoes are corrective--adjusting appropriations for legislation that failed to pass and become law. In several instances these vetoes are regrettable since the failed legislation had merit. Other items reflect a careful reappraisal--allowing us to fine-tune the priorities of state government in the New Texas.

Under the authority granted the Governor under Article IV, Section 14 of the Texas Constitution, we present the following vetoes, which will save the tax and fee payers of the state a total of $17.3 million over the coming two years:

ARTICLE I - EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS AND AGENCIES

Texas Alcoholic Beverage Commission **Page I-18**

	For the Years Ending August 31, 1994	August 31, 1995
B.1.1. Strategy: EDUCATE ON RECORDKEEPING	$ 245,695	$245,695

With the passage of House Bill 1445, sunset legislation for the Commission, the tax collecting functions of the Commission are to be transferred to the Comptroller, who can administer these responsibilities much more cheaply and efficiently than the Commission. Rider 10 transfers the budget amounts the Comptroller requires, but leaves the Commission with excess funds. Vetoing this item corrects for any duplication of funding.

Texas Alcoholic Beverage Commission Page I-22

9. *Forfeited Property and Money. Notwithstanding the appropriations above, property and money, and all proceeds from forfeited contraband directed to the commission by a federal agency, or by effect of state or federal law, in an amount not to exceed a value of $25,000 per fiscal year, shall be deposited to the account of the Alcoholic Beverage Commission and are hereby appropriated to the commission solely for law enforcement purposes. Any funds unexpended at the close of each fiscal year are reappropriated for the same purpose the following fiscal year.*

This rider, which would allow the Commission to keep assets seized in drug raids, was vetoed last session. While the rider now is capped at $25,000, the basic conditions which resulted in a veto last session have not changed. The basic mission of the Commission is to enforce the laws and regulations of this state concerning alcoholic beverages. The responsibility to enforce laws concerning illegal drugs falls with the Department of Public Safety and other federal and local law enforcement agencies. These funds are more appropriately directed there.

Comptroller of Public Accounts Page I-64

22. *Insurance Tax Collection Function Transfer. Contingent upon the adoption of House Bill 1461 or similar legislation transferring the insurance tax collection and enforcement duties of the State Board of Insurance to the Comptroller of Public Accounts, there is hereby appropriated to the Comptroller of Public Accounts out of the General Revenue Fund No. 001, $1,334,446 for the fiscal year ending August 31, 1994 and $806,172 for the fiscal year ending 1995. Any unexpended balances remaining as of August 31, 1994 are hereby reappropriated for the fiscal year ending August 31, 1995. The amounts appropriated may be transferred into the Comptroller's Operating Fund No. 062 and the line-itemed appropriation determined by the Comptroller.*

House Bill 1461 already provides sufficient authority and procedures for transferring the collection of the insurance tax to the Comptroller of Public Accounts. The Comptroller agrees that this rider should be eliminated.

Comptroller of Public Accounts Page I-64

24. *Contingent Legislation. Contingent upon enactment of the following bills or similar legislation, there is hereby appropriated out of the General Revenue Fund to the Comptroller of Public Accounts the following amounts. All amounts shall be transferred into the Comptroller's Operating Fund No. 062 and may be allocated into the line-itemed appropriation determined by the Comptroller. Such funds are for the purpose of administering the functions and duties of the Acts.*

	1994	*1995*
House Bill 2766	*$250,408*	*$233,008 & U.B.*

While House Bill 2766 passed the Legislature, the initial provisions which increased responsibilities of the Comptroller were no longer included. The Comptroller agrees that this appropriation is unnecessary. This veto applies only to the rider provisions concerning House Bill 2766.

Board of Dental Examiners Page I-98

6. *Contingency Appropriation for Senate Bill 673. Contingent upon the enactment of Senate Bill 673, Seventy-Third Legislature, Regular Session, or similar legislation, the Board of Dental Examiners is hereby appropriated the additional fee revenue collected pursuant to the provisions of that bill in an amount not to exceed $118,614 for fiscal year 1994 and $103,994 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Board of Dental Examiners is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

Senate Bill 673 was the sunset legislation for the Board of Dental Examiners. While this bill would have increased the duties of the board, it failed passage, and the board will cease to exist as of September 1, 1994. This additional appropriation is unnecessary.

Department of Licensing and Regulation Page I-210

11. *Contingency Appropriation for Senate Bill 357. Contingent upon the enactment of Senate Bill 357, Seventy-Third Legislature, Regular Session, or similar legislation, the Department of Licensing and Regulation is hereby appropriated the additional fee revenue collected pursuant to the provisions of that bill in an amount not to exceed $779,018 for fiscal year 1994 and $535,168 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Department of Licensing and Regulation is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Board of Medical Examiners Page I-213

4. *Licensing Fund. The funds deposited in the medical licensing fund, including any interest earned by those funds, only may be used to pay for expenses of the Texas State Board of Medical Examiners as set by an annual budget established by the board. Any funds deposited in the medical licensing fund are part of the board's appropriation and are appropriated for its use.*

This rider provides appropriation authority from the licensing fund in excess of the amounts in the line-items. In the event the Board needs additional funds, these may be made available through the Governor's emergency/deficiency grant authority.

Natural Resources Conservation Commission Page I-225

29. *Contingency Appropriation for House Bill 1266. Contingent upon enactment of House Bill 1266, Seventy-Third Legislature, Regular Session, or similar legislation, the Commission is hereby appropriated the additional fee revenue collected pursuant to that bill in an amount not to exceed $60,827 for fiscal year 1994 and $53,057 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Natural Resources Conservation Commission **Page I-225**

30. *Contingency Appropriation for House Bill 1307. Contingent upon the enactment of House Bill 1307, Seventy-Third Legislature, Regular Session, or similar legislation, the Commission is hereby appropriated the additional fee revenue collected pursuant to the provisions of that bill in an amount not to exceed $128,569 for fiscal year 1994 and $128,569 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Natural Resources Conservation Commission **Page I-226**

36. *Contingency Appropriation for Senate Bill 471. Contingent upon the enactment of Senate Bill 471, Seventy-Third Legislature, Regular Session, or similar legislation, the Commission is hereby appropriated the additional fees collected pursuant to the provisions of that bill in an amount not to exceed $78,801 for fiscal year 1994 and $67,148 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Natural Resources Conservation Commission **Page I-227**

40. *Contingency Appropriation for Senate Bill 1058. Contingent upon the enactment of Senate Bill 1058, Seventy-Third Legislature, Regular session, or similar legislation, the Commission is hereby appropriated the additional fee revenue collected pursuant to the provisions of that bill for the purpose of implementing the provisions of that Act. The Commission is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on fee revenue collected under the provisions of Senate Bill 1058. The fee portion of that legislation pertaining to the Natural Resources Conservation Commission was removed from that bill, eliminating the need for this rider.

Board of Vocational Nurse Examiners **Page I-232**

5. *Survey Fee Contingency Appropriation. Contingent upon enactment of House Bill 1693, the Board of Vocational Nurse Examiners is authorized to collect a fee of seventy-five dollars ($75.00) from any institution which conducts an approved course in vocational nursing for on-site surveys of the vocational nursing program. With the exception of the pre-approval on-site survey, any surveys conducted by a qualified representative of the Board in accordance with Article 4528c, sections 5 and 12, and the rules and procedures of the Board shall be subject to the survey fee. Any such fees collected shall be appropriated to Strategy A.2.1., Accreditation, for the purpose of conducting surveys of vocational nursing programs.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill

Racing Commission Page I-264

2. *Contingency Appropriation for New Horse Racetracks. In addition to the amounts appropriated, the Racing Commission is hereby appropriated an additional amount from Racing Commission Fund No. 597 in each year of the biennium for each track that begins operation for the first time during the biennium as follows: Class I tracks, $182,840; Class II tracks, $130,550; Class III tracks, $24,650; and Class IV tracks, $21,200.*

This rider provides appropriations to regulate new racetracks, by class, as they open. However, the amounts are for full year funding, regardless of when the tracks open during the year. Under the Governor's authority to provide emergency/deficiency grants, additional funds may be provided as needs are identified.

Department of Public Safety Page I-291

32. *Contingency Appropriation for House Bill 1776. Contingent upon the enactment of House Bill 1776, Seventy-Third Legislature, Regular Session, or similar legislation, the Department of Public Safety is hereby appropriated the fee revenue collected pursuant to the provisions of that Act in an amount not to exceed $5,017,390 out of the Handgun License Account in the General Revenue Fund No. 001 for fiscal year 1994 and $2,938,942 out of the Handgun License Account in the General Revenue Fund No. 001 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Department of Public Safety is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was based on handgun legislation which I have vetoed. The fees that bill would have provided are unnecessary. A veto eliminates this provision from the budget bill.

Secretary of State Page I-296

16. *Contingency Appropriation for Senate Bill 87. Contingent upon the enactment of Senate Bill 87, Seventy-Third Legislature, Regular Session, or similar legislation, the Secretary of State is hereby appropriated the additional fee revenue collected pursuant to the provisions of that bill in an amount not to exceed $26,301 for fiscal year 1994 and $26,232 for fiscal year 1995 for the purpose of implementing the provisions of that Act. The Secretary of State is hereby authorized to transfer the appropriation made pursuant to this provision to the appropriate strategies listed above.*

This rider is unnecessary since Rider 6 for the Secretary of State, on page I-295, makes an appropriation for the same purpose.

Securities Board Page I-298

1. *Contingency Appropriation, Senate Bill 77. Contingent upon enactment of Senate Bill 77, Seventy-Third Legislature, Regular Session, or similar legislation, there is hereby appropriated, in addition to the amounts appropriated above, to the State Securities Board the following amounts from the General Revenue Fund.*

Strategy	*1994*	*1995*
A.1.1. Enforcement	*$11,432*	*$11,748*
A.2.1. Securities Registration	*11,855*	*12,865*
A.3.1. Dealer Registration	*61,527*	*63,201*
A.4.1. Dealer Inspection	*63,105*	*63,105*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Treasury Department Page I-320

12. *Contingency Appropriation, Senate Bill 373. Contingent on passage of Senate Bill 373, Seventy-Third Legislature, Regular Session, or similar legislation, there is hereby appropriated to the Treasury $2.2 million for the 1994-95 biennium for the administration and enforcement of the Children's Tobacco Prevention and Enforcement Act. Such amount may be transferred into the Treasury Fiscal Agency No. 100 from the General Revenue Fund for the purpose of administering the functions and duties of the Act.*

This rider was contingent on proposed legislation which would have enhanced the ability of the state to ensure that minors could not purchase tobacco products. This legislation would have ensured that Texas would not be at risk of losing federal funds for substance abuse programs. While the failure of the bill concerns us, this rider appropriation has no legal basis.

Veterans Commission Page I-331

1. *State Residential Care Facilities for Disabled Veterans. Contingent upon passage of H.B. 836, or similar legislation, there is hereby appropriated out of the General Revenue Fund to the Texas Veterans Commission, $53,000 in Fiscal Year 1994 and $50,000 in Fiscal Year 1995 for the purposes of conducting a feasibility study on the establishment of a system of residential care facilities for disabled veterans in Texas.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

ARTICLE III - AGENCIES OF PUBLIC EDUCATION

Central Education Agency Page III-19

65. *Contingency Appropriation for Senate Bill 1116--Environmental Education Program. Contingent upon enactment of Senate Bill 1116, Seventy-Third Legislature, Regular Session, or similar legislation, the Texas Education Agency is hereby appropriated the fee revenue collected pursuant to the provisions of that bill for the purpose of implementing the bill's provisions. The Texas Education Agency is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate agencies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Central Education Agency Page III-19

66. *Contingency Appropriation for Senate Bill 993--Community Education Development Projects. Contingent upon enactment of Senate Bill 993, Seventy-Third Legislature, Regular Session, or similar legislation, the Texas Education Agency is hereby appropriated all revenue received pursuant to the provisions of that bill for the purpose of implementing the bill's provisions. The Texas Education Agency is hereby authorized to transfer the appropriations made pursuant to this provision to the appropriate strategies listed above.*

This rider was contingent on proposed legislation which did not pass. A veto eliminates this provision from the budget bill.

Stephen F. Austin State University Page III-210

3. *Transfer Stone Fort Museum. Funds identified for the Stone Fort Museum are hereby transferred to the Historical Commission for the operation, maintenance, and control of the museum.*

This veto is a technical correction to reflect legislative intent.

Special Provisions Relating Only to State Agencies of Higher Education Page III-262

Sec. 7. Salary and Benefits Provisions

5. *Merit Increase for Employees of Institutions and Agencies of Higher Education. Notwithstanding any other provisions of this act, salary increases for employees of institutions and agencies of higher education shall be awarded on the basis of merit and performance in accepted activities. This shall not be interpreted so as to preclude salary adjustments designed to avoid salary inequities. If a salary increase is granted to state employees and officials including employees of institutions of higher education by other provisions of this bill, there is hereby appropriated to each institution and agency of higher education an amount equal to the rate of the authorized salary increase times the total of salaries of the institutions and agencies which are paid from appropriated funds. The amount of salary increase funds appropriated may be used only to grant merit increases pursuant to this subsection.*

A veto of this rider allows institutions of higher education to provide either across-the-board salary increases, or to provide increases based on merit. Institutions should have this flexibility.

ARTICLE V - GENERAL PROVISIONS

General Provisions Page V-59

Sec 29. Reimbursements and Payments

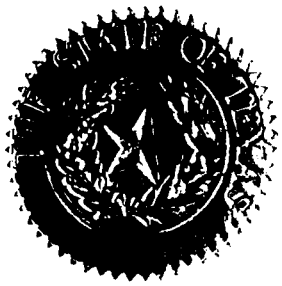
2. *Forfeited money, proceeds from the sale of forfeited property or similar monetary awards related to the agency's participation in the seizure of controlled substances or other contraband are appropriated to the receiving state agency, unless distribution is otherwise provided by statute.*

Removing this rider is necessary to provide for the veto of Rider 9 for the Alcoholic Beverage Commission.

Senate Bill 5 was received by the Governor's Office less than ten days prior to the adjournment of the Regular Session of the Seventy-Third Legislature. I have signed Senate Bill 5, which shall be filed with the Secretary of State, together with this Proclamation stating my objections to individual items of appropriation therein. In accordance with Article IV, Section 14 of the Texas Constitution, individual items of appropriation objected to shall be of no force or effect. The remaining portion of the bill shall be effective according to its terms.

The Secretary of State shall take notice of this action and notify the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the seal of the State to be affixed hereto at Austin, this 17th day of June, 1993.



Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
6:00 p.m. O'CLOCK
JUN 18 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2559

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 123 because of the following objections:

> S.B. 123 amends H.B. 1274 enacted this session. H.B. 1274 established exclusive statutory defenses to an action to enforce a prenuptual agreement. As adopted, H.B. 1274 applied only to agreements executed on or after the effective date of the act. This bill would change H.B. 1274 to apply to all prenuptial agreements in an "action pending on or brought after" the effective date of the act. The changes made by H.B. 1274 should not be applied to agreements made previous to the effective date.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
7:30 p.m. O'CLOCK
JUN 19 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 149 because of the following objections:

> This bill would authorize cities to commission peace officers to protect persons and property at housing projects operated by a housing authority within the city. Cities currently have the power to commission peace officers for their city police departments and may assign them to housing projects or any other location in the city. This bill would accomplish nothing that cannot be accomplished under existing law.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 29 day of May, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:48 P. O'CLOCK
MAY 29 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2565

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 421 because of the following objections:

This bill allows gas utility companies to include in the rate base federal income taxes that the companies may never actually pay. This rate base is used by the Railroad Commission to determine the prices the utilities may charge to their customers for natural gas. Current law leaves the decision of whether or not to include these taxes in the rate base to the Railroad Commission. A potential effect of this bill would be to increase the cost of gas to consumers.

A similar provision was considered in another bill for electric and telephone utility companies. The legislature decided to defer a decision on this complex issue until an interim study can be conducted. Gas utility companies should be included in that same study.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2566

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 555 because of the following objections:

This bill allows the creation of a single health care service plan that covers only substance abuse and mental health treatment. By law, a single health care service plan can include coverage for only one health care need. Substance abuse and mental health are not a single health care need. Collapsing these two different health conditions into a single category for the purpose of insurance could result in inappropriate diagnosis and treatment.

S.B. 555 may cause employers or individuals to have to buy two separate health insurance policies - one to cover substance abuse and mental health services and a second to cover all other health needs.

This bill also allows group model health maintenance organizations affiliated with a state medical school to decide what health services they will cover and to ignore mandated coverages required for all other health insurance plans in Texas. People insured through such HMO's would not be assured of the same range of insurance coverage guaranteed to people enrolled in other health insurance plans.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 17 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2567

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 599 because of the following objections:

> This bill would exonerate a bail bondsman from having the bond forfeited under the following circumstances: (1) the defendant failed to appear and a declaration of forfeiture had been issued; (2) the bondsman presents a written motion for a warrant or capias to be issued for the defendant; and (3) the court fails to issue the warrant or capias within a reasonable time. The issuance by the court of the warrant or capias has nothing to do with the responsibility of the defendant to appear and the bail bondsman to insure that appearance. The bondsman agrees to insure the appearance of the defendant; if the defendant does not appear, the bondsman should not be able to recover the amount posted as bond.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2568

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 952 because of the following objections:

> This bill would move 8,000 acres from the City of Austin's extraterritorial jurisdiction and transfer it to the ETJ of the City of Cedar Park. By removing the land from Austin's sewage treatment system, the location of the final discharge for sewage treatment would change to a location in the Edward's Aquifer recharge zone, possibly resulting in degradation of underground water. Since the City of Austin has already expended in excess of $7 million toward serving this area, efficient and equitable development of this region demands continued control by the City of Austin.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2569

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 959 because of the following objections:

This bill would do the following: (1) move the Energy Management Division of the Office of the Governor to the General Services Commission; (2) transfer the authority of the Governor to finance and monitor programs of the oil overcharge restitutionary fund to the Legislative Budget Board; and (3) establish the Texas Energy Efficiency and Conservation Fund. Parts of this bill are worthwhile and even laudable, such as the bond program for low income home energy assistance. I regret that the veto includes what could have been a good benefit. Other provisions require this bill to be vetoed.

The federal court decisions and regulations of the Department of Energy require the involvement of the Governor in the process of receiving oil overcharge funds and directing their use. The federal law provides:

> (b) As soon as practicable, the Secretary of Energy shall disburse designated petroleum violation escrow funds to the Governors of the States in accordance with the formula set forth in subsection (d).
> (c) Amounts disbursed to the Governor of any state shall be used by the Governor as if such funds were received under one or more energy conservation programs. The Governor shall identify to the Secretary within one year after the time of disbursement the energy conservation programs or programs to which the funds are or will be applied.

An unauthorized change in the administration of the funds could jeopardize the entire program. The bill would limit the role of the Governor to final approval of actions of the LBB. Further, the constitutional separation of powers provision requires that this should be an executive function and not a legislative one.

The bill transfers the employees who currently administer this program to the General Services Commission without transferring the appropriations to

pay them. Without other action to provide funds to pay these employees, the General Services Commission would be required to move funds from other programs or lay off the employees.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 20 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2570

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 965 because of the following objections:

This bill gives the Upper Guadalupe River Authority the right to obtain a permit from the Texas Natural Resource Conservation Commission to appropriate state water from stream flows for the purpose of recharging underground aquifers within the boundaries of the Authority. Current law is unclear on the use of the water and the authority is currently in a contested case, now pending before the Texas Water Commission.

Under this bill, state water loses its character as state water and becomes groundwater subject to being pumped by any private user.

The questions involved in this dispute are more properly resolved by the Commission in its hearing process, where all of the issues and interests may be considered.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 19 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:10 p.m. O'CLOCK
JUN 20 1993
John Hannah Jr
Secretary of State

PROCLAMATION

BY THE

Governor of the State of Texas

41-2557

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto S.B. 1029 because of the following objections:

Although this bill may have been intended to ensure that government entities do not unfairly change the rules that apply to permitting decisions, the bill extends this sound concept to an unacceptable degree. It would prevent local governments from applying rules or standards to a development project that were not in place when the original application was filed for the subdivision -- even though the build-out period for the project might exceed 20 years and involve numerous changes in ownership. In addition, S.B. 1029 would apply retroactively to September 1, 1987. This situation would create chaos for local governments forced to determine on a case-by-case basis which rules could be applied to specific projects, and would nullify rules and ordinances enacted for many projects.

This bill would allow most development in the Barton Creek watershed in Travis County to escape regulation under the City of Austin's water quality ordinances. It would undermine the results of the 1992 local election in which voters overwhelmingly approved a new water quality ordinance.

In addition, the bill applies to all "orders, regulations, ordinances, rules, or other requirements" imposed by a governing agency. Consequently, it could significantly restrict the ability of local governments to prevent further development of colonias, to preserve historic districts, to control flooding, to address new or increasing pollution problems, to create economic development districts, and to encourage development of affordable housing.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 5 day of June, 1993.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE SECRETARY OF STATE
11:17 a.m. O'CLOCK
JUN 05 1993
John Hannah Jr
Secretary of State